

**REGULAR MEETING OF THE BOARD OF ALDERMEN, MONDAY, JUNE 28, 2010,  
7:00 PM, PETER J. MCCARREN MEMORIAL CHAMBERS, EVERETT, MA**

**PUBLIC HEARINGS**

- Public Hearing for a Repair-Auto Body License for M & J Auto Body & Repair, 101 Paris Street, Everett, MA.
1. **A0177-10**  
Public Hearing  
To all persons interested in the Petition for a Repair-Auto Body License from M & J Auto Body & Repair at 101 Paris Street.  
**PUBLIC HEARING HELD, PETITION GRANTED WITH SAME RESTRICTIONS AND CONDITIONS AND THAT FORMER PETITIONER SURRENDER HIS LICENSE TO THE CITY CLERK.**  
Public Hearing held: No one spoke in favor; no one spoke in opposition.  
MOTION: Favorable action (Marchese); seconded. Motion passed 7 yeas; 0 nays.
- Public Hearing to all parties interested in the petition for Repair-Mechanical and Auto Body License from Brazil-USA Customs, 3 Charlton Street, Everett, MA.
2. **A0178-10**  
BY THE BOARD OF ALDERMEN OF THE CITY OF EVERETT, as follows:  
PUBLIC HEARING  
To all persons interest in the Petition for a Repair-Mechanical and Auto Body License from Brazil-USA Customs at 3 Charlton Street.  
**PUBLIC HEARING HELD, PETITION GRANTED CONTINGENT UPON SPRAY BOOTH BEING INSTALLED AND FIRE AND BUILDING DEPARTMENT INSPECTIONS.**  
MOTION: Favorable action (Marchese); seconded. Motion passed 7 yeas; 0 nays.

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

- Order**  
Re-appoint Bishop Robert G. Brown to serve as Chaplain of the Everett Police Department for one (1) year ending June 21, 2011. This is an unpaid appointment.
3. **A0179-10 Order/s/Aderman Robert J. Van Campen, as President**  
Be it  
Ordered: Subject to confirmation by the Honorable Board of Aldermen, I hereby appoint Bishop Robert G. Brown of the Zion Baptist Church, to serve as Chaplain of the Everett Police Department for one (1) year ending June 21, 2011. This is an unpaid appointment.  
**CONFIRMED**  
MOTION: Favorable action (Marchese); seconded. Motion passed 7 yeas; 0 nays.  
Oath administered by City Clerk
- Order**  
To appoint Leon Pizzano to the Planning Board for a term to end
4. **A0180-10 Order/s/Alderman Robert J. Van Campen, as President**  
Be it  
Ordered: Subject to confirmation by the Honorable Board of Aldermen, and in conformance with Section 2-192 of the

February 2013.

Revised Ordinances of the City of Everett, I hereby appoint Leon Pizzano to the Planning Board for a term to end February 2013.

**CONFIRMED**

**MOTION: Favorable action (Mangan); seconded. Motion passed 7 yeas; 0 nays.**

**Oath administered by City Clerk**

**PAPERS FROM THE COMMON COUNCIL**

**Order**

That \$10,000,000.00 is appropriated for the purpose of financing the construction of the following water pollution abatement facilities: rehabilitation and/or replacement of sewers, drains, culverts and appurtenances in the Behan and Beacham Street area, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$10,000,000.00 and issue bonds or not

**5. C0111-10 Order/s/Councilor Rosa DiFlorio, as President**

Be it Ordered:

That \$10,000,000.00 is appropriated for the purpose of financing the construction of the following water pollution abatement facilities: rehabilitation and/or replacement of sewers, drains, culverts and appurtenances in the Behan and Beacham Street area, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$10,000,000.00 and issue bonds or notes therefor under G.L. C.44 or any other enabling legislation and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor or Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

**ORDER FAILED TO PASS. (RECONSIDERATION FAILED)**

**MOTION: Favorable action (Mangan); seconded. Motion failed 3 yeas (Cardello, Mangan, Marchese); 4 nays (DiPerri, McGonagle, Sachetta, Van Campen).**

**Motion: Reconsideration (DiPerri); seconded. Motion failed 0 yeas; 7 nays.**

**Order**

Appropriate \$200,000.00 from Budgetary Fund Balance to the

**6. C0112-10 Order/s/Councilor Rosa DiFlorio, as President**

Be it Ordered:

That the sum of \$200,000.00 be appropriated from the General

Continuing Appropriation Account - Design Services Beacham Street to pay for design of the sewer lines on Beacham Street, as this design component of the project cannot be included in the loan.

Budgetary Fund Balance to the Continuing Appropriation Account - Design Services Beacham Street Account Number 01-001-99-411-5380 in order to pay for the design of the sewer lines on Beacham Street This design component of the project cannot be included in the loan.

**PASSED IN CONCURRENCE**

**MOTION:** Favorable action (DiPerri); seconded. Motion passed 7 yeas; 0 nays.

**Order**

To appropriate the amount of \$95,000.00 from the General Fund's Budgetary Fund Balance to the Facility Maintenance Electricity and Gas Account due to the cost of keeping the old high school operational.

**7. C0113-10 Order/s/Councilor Rosa DiFlorio, as President**

Be it Ordered:

To appropriate the amount of \$95,000.00 from the General Fund's Budgetary Fund Balance to the Facility Maintenance Electricity and Gas Account 01-192-11-192-5210 due to the cost of keeping the old high school operational.

**PASSED IN CONCURRENCE**

**MOTION:** Favorable action (Marchese); seconded. Motion passed 7 yeas; 0 nays.

**Order**

In accordance with an agreement entered into on June 2, 2004 by former Mayor David Ragucci, that the sum of \$284,000.00 is hereby authorized and appropriated from the Budgetary Fund Balance to the Everett Public Schools Instructional Teacher Salaries Account for Medicaid Reimbursement funding.

**8. C0114-10 Order/s/Councilor Rosa DiFlorio, as President**

Be it Ordered:

That in accordance with an agreement entered into on June 2, 2004 by former Mayor David Ragucci, that the sum of \$284,000.00 is hereby authorized and appropriated from the Budgetary Fund Balance to the Everett Public Schools Instructional Teacher Salaries Account 01-300-10-320-5111 for Medicaid Reimbursement funding.

**PASSED IN CONCURRENCE**

**MOTION:** Favorable action (Mangan); seconded. Motion passed 5 yeas; 1 nays (Marchese). (DiPerri not recorded).

**Ordinance**

Adult Entertainment Land Use

**9. A0004-10 Ordinance/s/Alderman Michael K. Marchese**

Be it Ordained: BY THE CITY COUNCIL OF THE CITY OF EVERETT,

That Appendix A of the Zoning Ordinances of the City of Everett is hereby amended by adding new subsections to the Zoning Ordinances, Appendix A, Section 21A. Adult

Entertainment Land Use , (b) Definitions, by inserting the following: (6) Pawn Shops, (7) Piercing, (8) Check-cashing, (9) Tattoo Parlors and (10) Gun Shops; to restrict the locations of these establishments thereby promoting the safety and welfare of the City's inhabitants, and to enhance attractive business areas in the City.

"(6) Pawn Shops - Any natural person, partnership or corporation, either as principal, agent or employee thereof, within the County who loans money on deposits or pledge of personal property or other valuable thing; who deals in the purchasing of personal property or other valuable item on condition of selling that same item back again at a stipulated price; or who loans money secured by a mortgage on personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a business includes buying personal property previously used, rented or leased, or selling it on consignment, the provision of this section shall be applicable. Any bank, savings and loan association or credit union shall not be deemed a pawnbroker for purposes of this section.

(7) Body Piercing Studio. A business that as one of its principal uses implants, perforates, or pierces the skin or other body part to make a hole, mark or scar for a non-medical purpose. A Body Piercing Studio shall not include a Jewelry Store, Boutique, Beauty Parlor or similar establishment that uses a mechanized, pre-sterilized ear piercing system that penetrates the outer perimeter or lobe of the ear or both as an accessory use to a principal use;

(8) Check-Cashing Establishment - means a business engaged in cashing checks for the general public as an element of its operation, which exceeds 50% of its gross revenues and which is not licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union.

(9) Tattoo Studio. A business that marks the skin with any indelible design, letter, scroll figure, symbol or any other mark that is placed by the aid of needles or other instruments upon or under the skin with a substance that will leave color under the skin and that cannot be removed, repaired or reconstructed without a surgical procedure. A Tattoo Studio may or may not be operated in conjunction with a Body Piercing Studio. And

(10) Gun Shop - the premises of any federally licensed firearms dealer where the primary business or commercial enterprise conducted on the premises is the purchase or sale of firearms or firearm ammunition.

Be it

Further

Amended by: Replacing in all instances where it occurs the phrase "Adult Bookstores, Adult Clubs, Adult Theaters, Adult video Stores, Fortune Tellers and Adult Paraphernalia Stores" and replacing it with the phrase "Adult Bookstores, Adult Clubs, Adult Theaters, Adult Video Stores, Fortune Tellers, Adult

Paraphernalia Stores, Pawn Shops, Body Piercing Studios, Check Cashing Establishments, Tattoo Studios and Gun Shops.

The purpose of this amendment is to restrict the locations of these establishments thereby promoting the safety and welfare of the City's inhabitants, and to enhance attractive business areas in the City."

**ORDAINED SENT DOWN FOR ORDAINMENT**

**MOTION:** Favorable action (Marchese); seconded. Motion passed 7 yeas; 0 nays.

**PETITIONS AND LICENSES**

**Petition**

Petition for Antique/Second Hand/Collectibles Dealer for Red Light Communications at 608 Broadway from Samuel & Igor Saillant.

**10. A0181-10 Petition**

Be it Ordered: BY THE BOARD OF ALDERMEN OF THE CITY OF EVERETT:

To grant the Petition for Antique/Second Hand/Collectibles Dealer for Red Light Communications at 608 Broadway from Samuel & Igor Saillant.

**REFERRED TO THE COMMITTEE ON LICENSES**

**MOTION:** Refer to License Committee (Van Campen); seconded. Motion passed by voice vote.

**Petition**

Petition for a Dormitory at Pope John XXIII High School, 888 Broadway for one (1) floor consisting of 27 rooms.

**11. A0182-10 Petition**

Be it Ordered: BY THE BOARD OF ALDERMEN OF THE CITY OF EVERETT:

To grant the Petition for a Dormitory at Pope John XXIII High School, 888 Broadway for one (1) floor consisting of 27 rooms.

**GRANTED**

**MOTION:** Favorable action (Mangan); seconded. Motion passed 7 yeas; 0 nays.

**COMMITTEE REPORTS**

To appropriate the amount of \$135,000.00 from the General Fund's Budgetary Fund Balance to the Facility Maintenance Electricity and Gas Account due to the cost of keeping the

**12. A0140-10**

Be it Ordered:

To appropriate the amount of \$135,000.00 from the General Fund's Budgetary Fund Balance to the Facility Maintenance Electricity and Gas Account 01-192-11-192-5210. This is mainly due to the cost of keeping the old high school operational.

**COMMITTEE REPORT ACCEPTED, REFERRED BACK TO**

old high school  
operational.

**MAYOR, AT HIS REQUEST, SEE ITEM NUMBER 7.**

**MOTION:** Refer back to sponsor (DiPerri); seconded. Motion passed by voice vote.

Petition for  
Mechanical  
Repair/Body Shop  
License from Faissal  
Daaboul D/B/A Main  
St Auto Center, Inc.  
at 339 Main Street.

**13. A0125-10**

Be it

Ordered: BY THE BOARD OF ALDERMEN OF THE CITY OF  
EVERETT:

To grant the Petition for Mechanical Repair/Body Shop License  
from Faissal Daaboul D/B/A Main St Auto Center, Inc. at 339  
Main Street.

**COMMITTEE REPORT ACCEPTED, PETITION GRANTED.**

**MOTION:** Favorable action (Marchese); seconded. Motion passed 7 yeas; 0  
nays.

Committee on  
Licenses Report on  
Petition from Planet  
Tran, LLC for  
renewal and  
expansion of livery  
garage licenses to  
25-50 vehicles for  
Planet Tran's all-  
hybrid livery fleet at  
3 Charlton Place.

**14. A0163-10**

Be it

Ordered: BY THE BOARD OF ALDERMEN OF THE CITY OF  
EVERETT:

To grant the Petition from Planet Tran, LLC for renewal and  
expansion of livery garage licenses to 25-50 vehicles for Planet  
Tran's all-hybrid livery fleet at 3 Charlton Place.

**COMMITTEE REPORT ACCEPTED, PETITION GRANTED.**

**MOTION:** Favorable action (Marchese); seconded. Motion passed 7 yeas; 0  
nays.

**UNFINISHED BUSINESS**

**Order**

To revoke constable  
license of Mr. Tracy  
Tinkham due to  
gross misconduct.

**15. A0174-10 Order/s/Alderman Robert J. Van Campen, as  
President**

Be it

Ordered: BY THE BOARD OF ALDERMEN OF THE CITY OF  
EVERETT, as follows:

In accordance with Massachusetts General Laws, Chapter 41,  
Section 91, the Mayor and the Police Chief recommend  
revocation of the constable license of Mr. Tracy Tinkham due  
to gross misconduct.

**PASSED**

Chief Mazzie appeared in informed the Board of Constable Tinkham's history  
of improper use of blue lights and informed the Board of the Constable's  
problems in the Town of Middleton where he lives and has had various  
problems with public display of fire arms and the aforementioned display of  
blue lights.

**MOTION:** Favorable action (DiPerri); seconded. Motion passed 7 yeas; 0 nays.

**Resolution**

To revisit issues in  
the vicinity of Corey  
Street, including

**16. A0119-10 Resolution/s/Alderman Joseph McGonagle and  
Alderman Robert Van Campen**

Be it

Resolved:

municipal parking lot, that is, speeding, barriers, fence and loud noises with summer coming and windows opened.

To revisit issues in the vicinity of Corey Street, including municipal parking lot, that is, speeding, barriers, fence and loud noises with summer coming and windows opened.

**REFERRED BACK TO SPONSOR**

**MOTION:** Refer back to sponsor (Van Campen); seconded. Motion passed by voice vote.

**Resolution**

That the Mayor appear to disclose and discuss the recent feasibility study/analysis of all city owned buildings under the care and control of the City of Everett.

**17. A0145-10 Resolution/s/Alderman Robert Van Campen**

Be it Resolved:

That the Mayor of the City of Everett appear this meeting of the Board of Aldermen to disclose and discuss the Administration's recent feasibility study/analysis of all City-owned buildings under the care and control of the City of Everett.

**REFERRED BACK TO SPONSOR**

**MOTION:** Refer back to sponsor (Van Campen); seconded. Motion passed by voice vote.

**NEW BUSINESS**

**Order**

That the MBTA remove the bus stop at 179-181 Elm Street and return it to 173 Elm Street.

**18. A0183-10 Order/s/Alderman Michael K. Marchese**

Be it Ordered: BY THE BOARD OF ALDERMEN OF THE CITY OF EVERETT:

That the MBTA remove the bus stop at 179-181 Elm Street and return it to 173 Elm Street.

**REFERRED BACK TO SPONSOR (RECONSIDERATION PASSED) AMENDED BY SENDING TO MBTA TO GRANT THE MOVING OF BUS STOP AT 173 ELM STREET TO 179-181 ELM STREET TO VALIDATE CHANGE.**

**MOTION:** Refer back to sponsor (Marchese); seconded. Motion passed by voice vote.

**Motion:** Reconsideration (Marchese); seconded. Motion passed by voice vote.

**Motion:** Amend by striking out in entirety and rephrasing to read "That the MBTA move the bus stop from 173 Elm Street to 179-181 Elm Street." (Marchese); seconded. Motion passed 7 yeas; 0 nays.

Worksheet

**19. A0184-10**

BOA Worksheet Monday, June 28, 2010

1.Sponsor: Aldermen Michael J. Mangan and Joseph McGonagle-That Spruce Street is done over between Jefferson Ave and Dartmouth Street. Amended by adding Arlington Street.

Referred to: City Services Director and Operations Manager, City Engineer, Community Development and Mayor Carlo DeMaria

2. Sponsor: Alderman Michael K. Marchese-To remove the

cars on City of Everett property located between the Glendale Gas Station and the parking lot which houses Walgreen's and other stores, as it is becoming an eyesore.

Referred to: Mayor DeMaria, Chief Mazzie and Brian Zaniboni.

**REFER TO RESPECTIVE DEPARTMENT HEADS**

**Motion:** Amend #1 to include Alderman McGonagle as co-sponsor and add Arlington Street. (Mangan); seconded. Motion passed by voice vote.

**MOTION:** Favorable action as amended (Mangan); seconded. Motion passed by voice vote.

**UNDER SUSPENSION**

**Resolution**

Due to a tremendous amount of complaints, that the Traffic Commission do a study to see if we can push back the stop line on Beecham Street heading in a westbound direction, and/or 99 in a northbound direction, at the intersection of 99 and Beacham Street.

**20. A0185-10 Resolution/s/Madam Alderman Millie J. Cardello**

Be it Resolved:

Due to a tremendous amount of complaints, that the Traffic Commission do a study to see if we can push back the stop line on Beecham Street heading in a westbound direction, and/or 99 in a northbound direction, at the intersection of 99 and Beacham Street.

**REFERRED TO THE TRAFFIC COMMISSION AND POLICE CHIEF MAZZIE.**

**MOTION:** Refer to Traffic Commission & Chief of Police (Cardello); seconded. Motion passed by voice vote.

**Resolution**

That Argus Construction and Gale Associates appear before the Board of Aldermen at the request of the Mayor to give an update on the stadium.

**21. A0186-10 Resolution/s/Alderman Robert J. Van Campen, as President**

Be it Resolved:

That Argus Construction and Gale Associates appear before the Board of Aldermen at the request of the Mayor to give an update on the stadium.

**POSTPONED TO NEXT MEETING AUGUST 23RD**

**MOTION:** Postpone until next meeting (Van Campen); seconded. Motion passed by voice vote.

**Order**

To dedicate a square at the intersection of Avon and Main Street in honor of Charles J. DiPerri, a WWII Veteran.

**22. A0187-10 Order/s/Alderman L. Charles DiPerri**

Be it Ordered: BY THE CITY COUNCIL OF THE CITY OF EVERETT, as follows:

In accordance with the provisions of Chapter 17, Section 17.1 (b) of the Revised Ordinances of the City of Everett, "Names & destinations; erection of signposts", to dedicate a square at the

intersection of Avon and Main Street, in honor of Charles J. DiPerri, a WWII Veteran.

Be it

Further

Ordered: That the matter be referred to the Director of Veteran's Services, pursuant to guidelines, for their approval and to set date for dedication; and

Be it

Further

Ordered: Once approved, that the City Services Commission has the appropriate pole, sign and marker placed on this intersection.

**REFERRED TO THE DIRECTOR OF VETERAN SERVICES**

**MOTION: Refer to Veterans' Agent (DiPerri); seconded. Motion passed by voice vote.**

**Order**

To dedicate a square at the intersection of Moody Avenue and Cedar Street, in honor of John M. DeAngelis, a WWII Veteran.

**23. A0188-10 Order/s/Alderman L. Charles DiPerri**

Be it

Ordered: BY THE CITY COUNCIL OF THE CITY OF EVERETT, as follows:

In accordance with the provisions of Chapter 17, Section 17.1 (b) of the Revised Ordinances of the City of Everett, "Names & destinations; erection of signposts", to dedicate a square at the intersection of Moody Avenue and Cedar Street, in honor of John M. DeAngelis, a WWII Veteran.

Be it

Further

Ordered: That the matter be referred to the Director of Veteran's Services, pursuant to guidelines, for their approval and to set date for dedication.

Be it

Further

Ordered: Once approved, that the City Services Commission has the appropriate pole, sign and marker placed on this intersection.

**REFERRED TO THE DIRECTOR OF VETERAN SERVICES**

**MOTION: Refer to Veterans' Agent (DiPerri); seconded. Motion passed by voice vote.**

**Order**

To send letter to Stacey Bester, Operations Manager for the M.B.T.A requesting an explanation as to

**24. A0189-10 Order/s/Madam Alderman Millie J. Cardello**

Be it

Ordered: BY THE BOARD OF ALDERMEN OF THE CITY OF EVERETT:

To send letter to Stacey Bester, Operations Manager for the M.B.T.A requesting an explanation as to why the bus stop that

why the bus stop that was on the corner of Oaks and Main Streets was moved to 129 Main Street. The bus stop is cutting across a private driveway and is upsetting the property owners. It is also a safety concern because of its current location.

was on the corner of Oaks and Main Streets was moved to 129 Main Street. The bus stop is cutting across a private driveway and is upsetting the property owners. It is also a safety concern because of its current location.

**PASSED**

**MOTION: Refer to MBTA (Cardello); seconded. Motion passed by voice vote.**