

**REGULAR MEETING OF THE COMMON COUNCIL, MONDAY, AUGUST 16, 2010,  
7:00 PM, CITY COUNCIL CHAMBERS, CITY HALL, 3RD FL., EVERETT, MASS**

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

**Order**

Accept donation of \$10,000.00 from Eastern Bank and Eastern Insurance Group to the Mayor's Office of Community Development for the Concession Stand at Florence Street Park.

**1. C0118-10 Order/s/Councilor Rosa DiFlorio, as President**

Be it

Ordered: To accept the donation of \$10,000.00 from Eastern Bank and Eastern Insurance Group to the Mayor's Office of Community Development for the Concession Stand at the Florence Street Park Account Number 28-3590-LC.

This donation will be used by Community Development to support the construction of a concession stand at Florence Street Park.

**PASSED SENT UP FOR CONCURRENCE**

**Motion: Favorable Action Councilor Sierra, Seconded. Passed: 14 Yeas 0 Nays. Send letter of thanks.**

**Order**

Donation to Everett Police Department

**2. C0119-10 Order/s/Councilor Rosa DiFlorio, as President**

Be it

Ordered: To accept the donation of \$500.00 from Target to the Everett Police Department Donation Account 28.3590.LN.

This donation will be used by the Everett Police Department to supplement their donation account.

**PASSED SENT UP FOR CONCURRENCE**

**Motion; Favorable Action Councilor Sarnie, Seconded. Passed: 12 Yeas 0 Nays. Send letter of thanks.**

**Order**

Donation to the Department of Veteran Services

**3. C0120-10 Order/s/Councilor Rosa DiFlorio, as President**

Be it

Ordered: To accept the donation of \$1,000.00 from Cheryl Dulock in memory of her Husband, Steve Dulock, to the Department of Veteran Services Gift Account 28.3590.YC.

This donation will be used by the Veteran's Department to supplement their gift account.

**PASSED SENT UP FOR CONCURRENCE**

**Motion: Favorable Action Councilor Smith, Seconded. Passed: 13 Yeas 0 Nays. Send letter of thanks.**

**Order**

To raise and appropriate from the Fiscal year 2011 tax levy, the sum of \$250,000.00 for the replacement and refurbishment of the City's Fire Hydrants.

**4. C0125-10 Order/s/Councilor Rosa DiFlorio, as President**

Be it

Ordered: To raise and appropriate from the Fiscal Year 2011 tax levy, the sum of \$250,000.00 for the replacement and refurbishment of the City's fire hydrants, to Account 01-490-11-450-5533.

**REFERRED TO THE FINANCE COMMITTEE**

**Motion: Refer to Finance Committee Councilor Sarnie, Seconded. Passed: Voice Vote.**

**Order**

Donation to  
Veteran's  
Department

**5. C0126-10 Order/s/Councilor Rosa DiFlorio, as President**

Be it  
Ordered:

To accept the donation of \$100.00 from the Vietnam Veteran Association and Iron Worker's Local 7 to the Veteran's Department Gift Account 28-3590-YC.

**PASSED SENT UP FOR CONCURRENCE**

**Motion: Favorable Action Councilor Wm. Cardello, Seconded. Passed: 14 Yeas 0 Nays. Send letter of thanks.**

**Order**

Donation to the  
Everett Police  
Department from  
Target

**6. C0127-10 Order/s/Councilor Rosa DiFlorio, as President**

Be it  
Ordered:

To accept the donation of \$500.00 from Target into the Everett Police Department Donation Account 28-3590-LN, which will be used to help support National Night Out 2010.

**PASSED SENT UP FOR CONCURRENCE**

**Motion: Favorable Action Councilor Bruno, Seconded. Passed: 14 Yeas 0 Nays. Send letter of thanks.**

**Order**

Donations to the  
Mayor's Office of  
Human Services

**7. C0128-10 Order/s/Councilor Rosa DiFlorio, as President**

Be it  
Ordered:

To accept the following donations to the Mayor's Office of Human Services: The first donation is from the Everett Auxiliary Police in the amount of \$1,874.17 and will be used to support the Office of Human Services Emergendy Services Account 27-3590-EA. The next donation is from the Eagle Bank in the amount of \$500.00 and will be used to support the Everett Literacy Gift Account 28-3590-GH.

**PASSED SENT UP FOR CONCURRENCE**

**Motion: Favorable Action Councilor Sarnie, Seconded. Passed: 13 Yeas 0 Nays. Send letter of thanks.**

**PAPERS FROM THE BOARD OF ALDERMEN**

**Ordinance**

Adult Entertainment  
Land Use

**8. 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

theses 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 IN CONCURRENCE**

**Motion: Favorable Action Councilor Wm. Cardello, Seconded. Passed: 14 Yeas 0 Nays. Ordained in Concurrence.**

**COMMUNICATIONS**

**Order**

To dedicate a square in the vicinity of Winter Street in honor of Charles V. Apruzzese, a WWII Veteran.

**9. C0110-10 Order/s/Councilor Lou Sierra, Alderman Michael Mangan, Madam Alderman Millie Cardello and Councilor Kenneth Giannelli**

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 in the vicinity of Winter Street in honor of Charles V. Apruzzese, 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 to name a location in the vicinity of Winter Street; and

Be it

Further

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

**COMMUNICATION ACCEPTED, ORDER PASSED SENT UP FOR CONCURRENCE**

**Motion: Accept Communications place on file and Favorable Action Councilor: Wm. Cardello, Seconded. Passed: 14 Yeas 0 Nays. Send down for concurrence**

**UNFINISHED BUSINESS**

**Resolution**

That Fire Chief David Butler appear this meeting

**10. C0090-10 Resolution/s/Councilors Rosa DiFlorio, Kenneth Giannelli and Adam Ragucci**

Be it

Resolved:

Monday, June 7th at 7:00 p.m. relative to a discussion and explanation on fire hydrant maintenance.

That Fire Chief David Butler appear this meeting Monday, June 7th at 7:00 p.m. relative to a discussion and explanation on fire hydrant maintenance.

**CHIEF BUTLER AND GLEN DOHERTY APPEARED.  
REFERRED TO PURCHASING AGENT WITH A REQUEST  
FOR RESPONSE NOVEMBER 1ST MEETING ON HOW BID  
PROCESS WENT.**

Chief Butler and Glen Doherty from the Water Dept. appeared. Motion: Refer to Purchasing Agent requesting a response for first meeting in November. Councilor Giannelli, Seconded. Passed: Voice Vote.

**Resolution**

That we as a City form a plan to deal with off loading of ship's at the LNG and Natural Gas Facility's in Everett to make sure that they are safe and no threat to Everett and the surrounding City's or Towns.

**11. C0008-10 Resolution/s/Councilor John Leo McKinnon**

Be it Resolved:

That we as a City form a plan to deal with off loading of ship's at the LNG and Natural Gas Facility's in Everett to make sure that they are safe and no threat to Everett and surrounding cities.

**REFERRED TO NEXT MEETING SEPTEMBER 7TH.**

**NEW BUSINESS**

**Resolution**

That the Mayor ascertain that the City of Everett has received the equitable amount of Meal's Tax due to some confusion in other cities.

**12. C0117-10 Resolution/s/Councilor Anthony F. Ranieri**

Be it Resolved: That the Mayor ascertain that the City of Everett has received the equitable amount of Meal's Tax due to some confusion in other cities.

**REFERRED TO MAYOR'S OFFICE WITH A REQUEST FOR  
A RESPONSE 1ST MEETING IN OCTOBER.**

Motion: Refer to Mayor requesting a report for first meeting in October. Councilor: Wm. Cardello, Seconded. Passed: Voice Vote.

**Resolution**

City find a little open space for a dog park.

**13. C0121-10 Resolution/s/Councilor Jason Marcus**

Be it Resolved:

That the City find a little open space for a dog park.

**AMENDED BY ADDING ENTIRE CITY COUNCIL AS  
SPONSORS, AND FURTHER AMENDED BY STRIKING OUT  
WORDS "A LITTLE", PASSED AS AMENDED, SENT UP  
FOR CONCURRENCE TO SEND TO MAYOR'S OFFICE.**

Jill Barringer from Purchasing appeared. Motion: Amend by adding entire Common Council except Councilor Hicks also Amend by Striking Out "Small". Refer to Mayor Councilor Marcus, Seconded., Passed: Voice Vote.

**Resolution**

That the owner or a

**14. C0122-10 Resolution/s/Councilor Peter A. Napolitano**

Be it

representative from Wood Waste appear at the next Public Safety Committee meeting to explain the source of the smells emanating from the site on Boston Street throughout the summer, as well as, provide a detailed update on the status of building an enclosed facility.

**Resolution**

That the City of Everett enact a moratorium to freeze all City of Everett employee salaries and hourly wages at their existing levels for one year, and that the Mayor enter into negotiations with the various Unions for voluntary compliance with the moratorium.

**Resolution**

That ECTV considers resuming the background music to channel 3 & 16 during the day and early evening hours due to requests by viewers.

**Resolution**

That the Mass Highway restore the Entering Everett signs on Route 99N or S on the Everett/Boston line, and on Route 16 East on the Everett/Medford line.

Resolved: That the owner or a representative from Wood Waste appear at the next Public Safety Committee meeting to explain the source of the smells emanating from the site on Boston Street throughout the summer, as well as, provide a detailed update on the status of building an enclosed facility.

**REFERRED TO COMMITTEE ON PUBLIC SAFETY. INVITE WOOD WASTE REPRESENTATIVE, BOARD OF HEALTH, COMMUNITY DEVELOPMENT, CITY SOLICITOR AND MAYOR'S OFFICE TO ATTEND.**

Motion: Refer to Public Safety and invite Health, Solicitor, Wood Waste, Community Development and Mayor. Councilor: Peter Napolitano, Seconded. Passed: Voice Vote.

**15. C0124-10 Resolution/s/Councilor Peter A. Napolitano**

Be it Resolved:

That the City of Everett enact a moratorium to freeze all City of Everett employee salaries and hourly wages for one year, at their existing levels, and that the Mayor enter into negotiations with the various Unions for voluntary compliance with the moratorium.

**REFERRED TO THE COMMITTEE ON FINANCES. INVITE CITY SOLICITOR, MAYOR, PERSONNEL DIRECTOR AND REPRESENTATIVE FROM THE SCHOOL COMMITTEE.**

Motion: Refer to Finance Committee and invite: Solicitor, Mayor, Personnel Director and a representative from the School Committee. Councilor: Napolitano, Seconded. Passed: Voice Vote.

**16. C0129-10 Resolution/s/Councilor Peter A. Napolitano**

Be it Resolved:

That ECTV considers resuming the background music to channel 3 & 16 during the day and early evening hours due to requests by viewers.

**REFERRED TO ECTV**

Motion: Refer to ECTV Councilor Peter Napolitano, Seconded. Passed: Voice Vote.

**17. C0130-10 Resolution/s/Councilor Peter A. Napolitano**

Be it Resolved:

That the Mass Highway restore the Entering Everett signs on Route 99N or S on the Everett/Boston line, and on Route 16 East on the Everett/Medford line.

**REFERRED TO THE MASS HIGHWAY SIGN DIVISION WITH A REQUEST FOR RESPONSE BACK IN 45 DAYS.**

Motion: Refer to Mass Hwy Dept. requesting a response in 45 days. Councilor: Peter Napolitano, Seconded. Passed: Voice Vote.

