

J) G

# ACCEPTED AND FILED SUSPENSION

Chelsea, Massachusetts, April 24, 2017

A Regular meeting of the Chelsea City Council was held. The meeting was held at the Chelsea City Hall located at 500 Broadway, Chelsea, Massachusetts 02150. The following Councilors were present: Councilors Vidot, Avellaneda, Tejada, Rodriguez, Recupero, Murphy, Lopez, Robinson, Frank, and Garcia. Councilor Cortell arrived at 7:10 p.m. Council President Robinson presided over the meeting. The meeting opened at 7:00 p.m.

Prior to the start of the meeting the following Firefighters were sworn in.

Jonathan Morel

Keith Cameron

Andrew Colon.

**The City Council was also informed by a communication, that H. Glenn Alberich, ESQ. which represents Phantom Ventures, LLC would be videotaping the meeting.**

### Public Hearings:

The Public Hearing regarding the proposed zoning amendment to the existing Adult Entertainment Ordinance opened at 7:20 p.m. the following came forward to speak:

1. H. Glenn Alberish, p.o. box 2132, Tisbury, Ma. 02568, spoke about the Adult Entertainment Ordinance and explained the Law with regards to the 1<sup>st</sup> amendment rights.
2. Tony Hernandez County Rd. Chelsea, spoke against the Adult Entertainment.
3. Ms. McCauly 150 Captains Row., spoke against the Adult Entertainment.

Due to the fact the City Council had not received a response from the zoning board, no action could be taken. Council President Robinson continued the Public Hearing until the **June 19<sup>th</sup> Meeting.**

The Public Hearing regarding the proposed zoning amendment to the use of Laundry, commercial or industrial and its definition was opened at 7:27 for public input. No one came forward to speak: Council President Robinson continued the Public Hearing until the June 19<sup>th</sup> Meeting.

The Public Hearing Regarding the Home Rule Petition to waive sections of the state procurement Laws as to the Innes Apartments redevelopment project for the Chelsea Housing Authority opened at 7:28 p.m. The following came forward to speak:

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| 1. Barbara Salsbury Housing Authority | spoke in favor of the project.        |
| 2. Richard Petti Willmington Resident | spoke against the Home Rule Petition. |

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| 3. E. Garcia 31 Marlboro Street       | spoke against the Home Rule Petition  |
| 4. Mr. Rerez Chelsea Resident,        | spoke against the Home Rule Petition  |
| 5. Mr. Figarola 7 Bell Street,        | spoke against the Home Rule Petition  |
| 6. Tony Hernandez County Rd.          | spoke against the Home Rule Petition. |
| 7. David Koplow 100 Bellingham Street | spoke against the Home Rule Petition. |
| 8. Ms. McCaully 150 Captains Row,     | spoke against the Home Rule Petition. |

The President of the Council continued the Conference until **May 22, 2017**.

**Public Speaking:**

The public speaking portion of the meeting opened at 8:14 p.m.  
The following came forward to speak:

David Koplow 100 Bellingham Street, spoke about when it snows, not enough sand on the ice.

The public speaking portion closed at 8:18 p.m.

The minutes of the City Council Meeting dated April 3, 2017 were approved at the request of Councilor Vidot under suspension.

**Communications from City Manager:**

The following communication was read from City Manager Thomas G. Ambrosino A motion from Councilor Recuperero moved the communication to a second reading under suspension.

The Honorable Chelsea City Council  
Chelsea City Hall  
500 Broadway  
Chelsea, Massachusetts 02150

Re: *Appointment to Chelsea Cultural Council*

Dear Councilors:

Pursuant to Section 4-2 of the Charter of the City of Chelsea, I am writing to recommend for appointment to an open seat on the Chelsea Cultural Council Mr. Hern Kim, 88 Gerrish Avenue, #307, Chelsea. This is a three year term expiring in 2020. A copy of Mr. Kim's resume is attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Garcia to accept and file was adopted under suspension.

The Honorable Chelsea City Council  
Chelsea City Hall  
500 Broadway  
Chelsea, Massachusetts 02150

Re: *New Comcast Agreement 2017-2027*

Dear Councilors:

I have attached for your information and review a copy of the Renewal License granted to Comcast Cable Communication Management, LLC for the ten year period from March 2017 through March 2027. There is no specific action required by the Council. The License is now in effect.

As was true of the last cable license, this License with Comcast is non-exclusive (Section 2.3). Nothing prevents the City from negotiating another cable license with a competitor of Comcast. In fact, the City would love to execute a license with another provider in order to create competition, but thus far no other provider has expressed any interest in coming to the City.

The License is similar in most respects with the previous 10 year license. It retains the requirement to pay to the City annually 4.5% of Gross Annual Revenues (Section 7.2), which provides the necessary funding for the operation of the non-profit Chelsea Community Cable Television and the School Dept. studio. The definition of Gross Annual Revenues has been expanded in this License, which should increase those annual payments. Most importantly, this new License provides \$400,000 for cable related capital improvements, payable in annual installments of \$40,000 (Section 6.4). This should allow for both Chelsea Community Cable Television and the School Department to proceed with most of the needed capital investments that were identified during the public ascertainment hearing.

I will be happy to answer any questions about this License at a future City Council meeting.

Yours truly,  
Thomas G. Ambrosino  
City Manager.

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Murphy to accept and file was adopted under suspension.

The Honorable Chelsea City Council  
Chelsea City Hall  
500 Broadway  
Chelsea, Massachusetts 02150

Re: *Requests for Free Cash Appropriation*

Dear Councilors:

I am writing to request a single appropriation from Free Cash. I am compiling some additional Free Cash requests, and I expect to have those to you sometime in late May/early June. However, this particular request is time sensitive.

As you may know, the Purchasing Department manages a centralized account for office supplies and equipment for all of City Hall and the Fire Department. At the moment, due mostly to the need for office equipment for new employees, the Purchasing Department Office Supplies line item, originally budgeted at \$54,500.00, needs an additional \$15,000 to cover expenses for the remainder of the year. Without these funds, we will not have sufficient office furniture for our new hires.

I ask that the City Council approve this request for additional funds. The proposed Order is attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

**Communications and petitions to the Council:**

A late communication was received from Albert R. Ewing Executive Director Chelsea Housing Authority with regards to the Home Rule Petition to be put off to a later date in May. No objections to the late communication and Councilor Garcia moved to accept and file under suspension.

A late Binder with regards to the Adult Entertainment Uses was submitted for the record by City Solicitor Cheryl Watson Fisher. No objections, and Councilor Avellaneda moved to accept and file the Binder under suspension. The Binder is in the City Council office Chelsea City Hall for review.

**Second Readings:**

The following Home Rule Petition was introduced by Councilor Robinson and read for the second time. A motion from Councilor Garcia to L.O.T. by roll call was defeated 2-9-0-0. Voting yes were Councilors Robinson and Garcia. Voting no were Councilors Vidot, Avellaneda, Tejada, Rodriguez, Recupero, Cortell, Murphy, Lopez and Frank. A motion from Councilor Avellaneda to adopt by roll ccall was defeated 1-10-0-0. Voting yes was Councilor Robinson. Voting no were Councilors Vidot, Avellaneda, Tejada, Rodriguez, Recupero, Cortell, Murphy, Lopez, Frank and Garcia.

*WHEREAS,* The Chelsea Housing Authority seeks to participate in a redevelopment to revive the severely distressed Innes Apartment public housing development. This redevelopment necessitates certain clarifications or exemptions from the Commonwealth's contract procurement and award laws and prevailing wage laws; and

*WHEREAS,* Participating in the redevelopment will revitalize the development and surrounding community, furthering the aims of the Commonwealth's public housing initiatives; and

*WHEREAS,* The exemptions will not contravene the legislative intent behind the affected procurement and public contract laws because the additional regulation and public oversight that accompanies the Chelsea Housing Authority's funding sources minimizes the risk of unfair competition and misuse of taxpayer funds and because the proposed redevelopment will be owned and operated by a private entity procured by the Chelsea Housing Authority and intending to redevelop a privately-owned, mixed-use development in which replacement public housing units will be less than one-third of the total units.

***NOW THEREFORE BE IT ORDERED,***

That a petition to the General Court, accompanied by a bill for a special law relating to the City of Chelsea to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the

Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

**PETITION FOR A SPECIAL LAW RE:**

**AN ACT RELATIVE TO CERTAIN AFFORDABLE HOUSING  
IN THE CITY OF CHELSEA**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Construction and development activity related to redevelopment by the Chelsea Housing Authority of the state-funded Innes Apartments public housing project at Central Avenue, Watts and Willow Streets in the City of Chelsea, or any part thereof, shall not be subject to any general or special law related to the procurement and award of contracts for the planning, design, construction management, construction, reconstruction, installation, demolition, maintenance or repair of buildings by a public agency. Contracts for the construction, reconstruction, alteration, remodeling, or repair of any publicly-owned public works that service this project and that would otherwise be subject to section 39M of chapter 30 of the General Laws shall be subject to said section 39M of said chapter 30 if the redevelopment of the project is funded, in part, by a state or federal low-income housing tax credit, grant, or loan, or pursuant to the issuance of tax-exempt bonds authorized by law. A conveyance of the project, whether by leasehold or fee estate, shall be subject to chapter 30B of the General Laws to the extent that the project is conveyed to an entity that is not owned, controlled or managed by the Chelsea Housing Authority on the date of the conveyance. Subject to compliance with the requirements of chapter 30B, the project may be conveyed to and may be owned, maintained and operated by an entity that is not owned, controlled or managed by the Chelsea Housing Authority provided that such entity enters into a binding legal contract and land use restriction with the Chelsea Housing Authority and with the department of housing and community development that require such entity to preserve and/or construct public housing units equal in number to the units located at Innes Apartments on the date hereof and operate such units subject to compliance with chapter 121B of the General Laws and 760 CMR §§ 4.00 et seq., 5.00 et seq. and 6.00 et seq. in the same manner and to the same effect as if such entity were a housing authority, subject to such regulatory waivers given by the department of housing and community development as may be necessary to secure financing. Construction, reconstruction, installation, demolition, maintenance or repair activities by such entity shall not be subject to sections 26 to 27H, inclusive, of chapter 149 of the General Laws if such public housing units are part of a mixed-

income development in which such public housing units are one third or less of the total number of units.

SECTION 2. This act shall take effect upon its passage.

The following order was introduced by Councilor Murphy and read for the second time. A motion from Councilor Murphy to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Vidot, Avellaneda, Tejada, Rodriguez, Recupero, Cortell, Murphy, Lopez, Robinson, Frank, and Garcia.

ORDERED, that the Chelsea City Council authorize the transfer of funds in the amount of \$8,642.58 from the Salary Reserve Account #0199959-598000 to the FY2017 HHS - Administration Regular Salaries Account #0151051-510200.

The following order was introduced by Councilor Murphy and read for the second time. A motion from Councilor Murphy to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Vidot, Avellaneda, Tejada, Rodriguez, Recupero, Cortell, Murphy, Lopez, Robinson, and Frank.

ORDERED, that in accordance with M.G.L Ch. 44, Section 64, budget management procedures, whereby costs incurred in FY'16 were not paid and are owed to the vendors, and to meet this obligation funds are required from the current year FY'17 budget, that Council authorizes the expenditure of \$1,089.00 from the City Clerk Department expenditure lines to satisfy the unpaid balance from the prior year.

**New Business:**

The following order was introduced by Councilors Recupero, Vidot, Tejada, Lopez, Garcia, and Avellaneda. A motion from Councilor Recupero to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Vidot, Avellaneda, Tejada, Rodriguez, Recupero, Cortell, Murphy, Lopez, Robinson, Frank, and Garcia.

Ordered, that the City manager instruct the City Solicitor to write up a personnel hiring policy ordinance that would direct the city to have a strong Chelsea preference for new hires or allow those who do not live in Chelsea a one year window to move to Chelsea, with the exception of public safety, who would be exempt from the conditions of this Ordinance, starting in FY'2018.

The following order was introduced by Councilor Vidot. A motion from Councilor Vidot to adopt under suspension was adopted.

ORDERED, that the City Manager require all boards & commissions to provide a summary of their meetings to City Council.

The following order was introduced by Councilor Vidot. A motion from Councilor Vidot to adopt under suspension was adopted.

ORDERED, that the City Manager provide City Council a report that shows the percentage of residency waivers given to all new hires since his start date.

The following order was introduced by Councilor Vidot. A motion from Councilor Vidot to adopt under suspension was adopted.

ORDERED, that a Sub-Committee on Conference be held to discuss the implementation of the Food Truck Ordinance that was defeated in November.

The following order was introduced by Councilor Robinson. A motion from Councilor Murphy to adopt under suspension was adopted.

Ordered, that a Subcommittee on Conference be scheduled for May 9<sup>th</sup> with ROCA to discuss ROCA programs and budget.

The following order was introduced by Councilor Robinson. A motion from Councilor Murphy to adopt under suspension was adopted.

Ordered, that the City manager provide a list of all developments that are in the pipelines by name, location, and description.

The following order was introduced by Councilor Lopez. A motion from Councilor Lopez to adopt under suspension was adopted.

Ordered, that the City Manager, Chelsea policed, traffic enforcement and DPW look into a way to remove or to enforce rules of parking to all the scooters or mopeds that are parked and chained to poles and parking meters on sidewalks, as some of them don't even move at all.

The following order was introduced by Councilor Murphy. A motion from Councilor Murphy moved the order to a second reading under suspension.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$15,000.00 from Free Cash to the FY2017 Purchasing Department, Office Supplies Expense Account #0113852-542100.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Paul G. Casino  
Clerk of the Chelsea City Council