

VJT

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# ACCEPTED AND FILED SUSPENSION

Chelsea, Massachusetts, 02150 December 17, 2018

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, Lopez, Rodriguez, Brown, Bishop, Tejada, Avellaneda, Robinson, Perlatonda, Garcia, and Recupero. Council President Vidot presided over the meeting. The meeting opened at 7:00 p.m.

Prior to the start of the meeting City Clerk Jeannette Cintron White swore in Firefighter David Vielmann.

## **Public speaking:**

The public speaking portion of the meeting opened at 7:10 p.m. The following came forward to speak:

Manuel Teshe C. H. S. student, Thanked everyone for their support for the High School Field covering.

Jocelyn Poste Maverick Street, Thanked everyone for their support also.

Richard Maronski School Committee, thanked the students for their hard work on this project and the way they conducted themselves. Also thanked the City Council for support.

Student Castillo, thanked everyone involved.

Rosemarie Carlisle School Committee, thanked the students and the Council for their support.

Sandy Maynard 62 Chelsea Ave., supported the Plastic Bag Ordinance.

Lou Mammolette D.P.W., informed the Council of the completed orders.

Naime Zobot Spencer Ave., In favor of the Plastic Bag Ordinance.

Resident of Central Ave. Supported the Plastic Bag Ordinance.

The public hearing closed at 7:27 p.m.

The minutes of the City Council Meeting Dated December 3, 2018 was approved at the request of Councilor Bishop under suspension.

## **Communications from City Manager:**

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

The Honorable Chelsea City Council  
Chelsea City Hall

500 Broadway  
Chelsea, Massachusetts 02150

Re: Responses to Council for Expenditures

Dear Councilors:

I am writing in response to two recent Council Orders requesting certain infrastructure improvements. In both cases, the prices required for the work are likely more than the City Council anticipated, and so in each case I recommend against proceeding.

The first Council Order requested that I consider installation of a statue of John Ruiz for the Ruiz Park. In response to this order, the City contacted the individual who created the Red Auerbach statue for the City of Boston to gain a perspective about costs. The individual informed the City that, to create a public outdoor life-sized statue that would survive the Northeast climate, the cost would be approximately \$150,000. At this significant price, I do not recommend this park improvement.

The second Council Order requested that the DPW consider moving a hydrant and widening a curb cut on Washington Ave. to allow easier driveway access. The DPW has determined that the cost of moving the hydrant alone would be in excess of \$10,000. Because hydrant relocations are so expensive constituents who have made this request in the past have been advised that they must pay privately for this work. However, in this particular case the DPW informs me that a different and far less costly solution—a simple modification to the driveway divider—would accomplish the goal of easier driveway access. I would recommend that the owner be advised to pursue that solution rather than the costly hydrant relocation.

Please let me know if you wish me to consider any further action on these matters.

Sincerely,  
Thomas G. Ambrosino  
City Manager

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

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

Re: ISD Tickets

Dear Councilors:

Pursuant to your recent Council Order, I have attached for your review a hard copy of the list of all fines and tickets issued by the Inspectional Services Department during Calendar Year 2018.

Sincerely,  
Thomas G. Ambrosino  
City Manager

The following Communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Bishop referred the communication to the Sub-Committee on Finance under suspension.

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

Re: Approved for Departments to Pay Prior Year Expenses

Dear Councilors:

I am writing to request approval for three Departments of the City, the School Department the Emergency Management Department and the Information Technology Department, to make payments of prior year expenses from their respective FY19 budgets.

From time to time, municipal agencies are unable to effectuate payments to a vendor in the year that the goods or services are provided. When such instances occur, the City Council must approve the payments from the current year department budget for the prior year's obligations. Thus far this year, we have identified outstanding prior year's obligations. Thus far this year, we have identified outstanding prior year invoices that total \$9,294.68. The invoices are itemized in the attached table.

In each case, the respective Department has sufficient funds to meet the outstanding obligation. No new funds required. The only action necessary is Council approval to make the payments. Copies of the recommended Orders are also attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

The following communication was received from City Manager Thomas G. Ambrosino. A motion from Councilor Bishop referred the communication to the Sub-Committee on Finance under suspension.

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

Re: *Request for Transfers for Capital Projects*

Dear Councilors:

I am writing with requests to transfer surplus capital funds to allow for the City to move forward with some pending capital projects that have funding shortfalls. None of these requests require any new funding from the City Council.

There are three previously approved projects that require more funds.

The first project is the full renovation of the Health & Human Services Department offices and workspace on the lower floor of City Hall. This is the next area of renovation following completion of the new offices for the City Clerk, Auditing and Purchasing. This HHS renovation work was one of many public building improvements intended to be completed with the \$800,000 Free Cash appropriation for Public Building Renovations in the approved FY19 Capital Improvement Plan.

Unfortunately, the low bid price for the HHS renovations is approximately \$150,000 higher than what our architect estimated. Nonetheless, we still wish to proceed with this renovation project in early 2019. There are unspent funds available in some old capital projects that we can transfer for this purpose. Specifically, funds are available in the FY11 Library Rotunda Replacement Project (\$91,900), the FY11 City Hall Skylight Project (\$44,033.16), the FY12 City Hall Door Security Project (\$5,344.73) and the FY15 Police Floor Replacement Project (\$14,253). The total amount of these transfers is \$155,530.89.

The second project is the replacement of the rooftop air conditioning unit for the Police Department. That was separately funded in the FY19 CIP with \$200,000 in Free Cash. Because of the long lead time, the new air conditioning unit was not available for this past Summer. Unfortunately, the old chiller had a catastrophic failure in June, resulting in the complete absence of any air conditioning for the station. That air conditioning is critical not just for comfort of employees and prisoners, but for the operation of IT systems. To maintain adequate temperatures in the building, the DPW was required to lease large, portable AC units throughout the season. To satisfy Auditing requirements, this money must be transferred from the general FY19 CIP Public Building Renovations line item to the specific Police HVAC Project line item.

Finally, the City's FY19 CIP included an \$18,000 line item for purchase of an additional City vehicle identified as a Ford Focus. Unfortunately, that vehicle has been discontinued. The next preferred model is a Ford Fusion, at an additional cost of \$3,100. This \$3,100 is available in the FY19 CIP CAT 420F2-IT Backhoe Loader line item, because that vehicle came in under budget.

Again, there is no need for any new funding for any of these requests. All can be accomplished via transfers. Drafts of the Orders necessary to accomplish the transfers are attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

**Communications and petitions to the Council:**

A copy of a communication was received from Council President Vidot regarding the City Manager Contract Renewal Subcommittee appointees. A motion from Councilor Robinson to accept and file adopted under suspension.

A copy of a communication was received from Chairwoman of the School Committee Ms. Jeannette Velez regarding her support for the Chelsea High School Senior Class of 2019 to have the opportunity to have their graduation in Veterans Field. A motion from Councilor Vidot to accept and file was adopted under suspension.

A copy of a communication was received from GreenRoots Executive Director Roseann Bongiovanni and GreenRoots members regarding the proposed Forbes Site. A motion from Councilor Bishop to accept and file was adopted under suspension.

A copy of a communication was received from City/Parking Clerk Jeannette Cintron White regarding the actions approved at the December 11, 2018 Traffic and Parking Commission meeting. A motion from Councilor Recupero to adopt all Items except item #3 On roll call it was approved 11-0-0-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Tejada, Avellaneda, Robinson, Perlatonda, Garcia, and Recupero. Councilor Robinson moved for a Conference on Item #3. On roll call the Conference was defeated 1-10-0-0. Voting yes was Councilor Robinson. Voting no were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Tejada, Avellaneda, Perlatonda, Garcia, and Recupero. Councilor Recupero moved roll call on item #3. It was defeated 1-10-0-0. Voting yes was Councilor Robinson. Voting no were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Tejada, Avellaneda, Perlatonda, Garcia, and Recupero.

A late communication was received from Richard J Repici Jr. No objections. It expressed his views on the Central Ave project. A motion from Councilor Robinson to accept and file was adopted under suspension.

A late communication was received from Donna Repici. No objections. It expressed her views on the Central Ave project proposal. A motion from Councilor Robinson to accept and file was adopted under suspension.

**Unfinished Business:**

Councilor Lopez moved that the Ordinance pertaining to Trash Bags be removed from Conference to be acted upon. No objections. Councilor Lopez moved to adopt by roll call. Councilor Robinson moved to send back to Conference by roll call. Roll Call defeated 3-8-0-0. Voting yes were Councilors Brown, Robinson, and Perlatonda. Voting yes were Councilors Vidot, Lopez, Rodriguez, Bishop, Tejada, Avellaneda, Garcia and Recupero. On the original roll call it passed 10-1-0-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Bishop, Tejada, Avellaneda, Robinson, Perlatonda, Garcia, and Recupero. Voting no was Councilor Brown.

Whereas, the production, use and disposal of single-use plastic bags have significant adverse impacts on the environment and their light weight makes them particularly susceptible to air currents that land them in the streets, gutters, abandoned lots, and trees throughout the City; and

Whereas, the City of Chelsea, as an environmental justice community, desires to conserve resources, reduce greenhouse gas emissions, waste, and marine pollution and to protect the public health and welfare of its residents; and

Whereas, plastic bag consumers contribute to a significant burden on the City's solid waste disposal and single stream recycling systems.

**NOW THEREFORE, be it Ordained**, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended by adding a new Section 10-4 which shall read as follows:

**Section 10-4: Prohibition on Plastic Bags**

(a) *Purpose.* The reduction in the use of disposable plastic shopping bags by retail establishments in the City of Chelsea is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This Ordinance seeks to reduce the number of plastic bags that are being used, discarded and littered, and to promote the use of reusable checkout bags and recyclable paper bags by retail establishments located in Chelsea.

(b) *Definitions.* The following words shall have the following meanings, unless the context clearly requires otherwise:

*City* means the City of Chelsea and its legal limits and all rights of access and easements in and licenses to use land areas outside of its legal limits as to which it has the right or obligation to maintain.

*Checkout Bag* means a carryout bag provided by a store to a customer at the point of sale. Checkout Bags shall not include:

- (1) Bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a Retail Establishment; or
- (2) Laundry or dry-cleaner bags; or
- (3) Newspaper bags; or
- (4) Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.

*Compostable Plastic Bag* means a plastic bag that

- (1) conforms to the current ASTM D6400;
- (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and
- (3) must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.

*Recyclable Paper Bag* means a paper bag that is

- (1) 100 percent recyclable including the handles;
- (2) contains at least 40% post-consumer recycled paper content; and
- (3) displays the words "Recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.

*Retail Establishment* means any person, corporation, partnership, business venture, or vendor that sell or provide merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores;

however the term Retail Establishment does not include bazaars or festivals operated by nonprofit organizations or religious institutions.

*Reusable Bag* means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness.

*(c) Requirements.*

- (1) If any retail establishment provides a checkout bag to customers, the bag shall comply with the requirements of being a Compostable Plastic Bag, Recyclable Paper Bag or a Reusable Bag.
- (2) A store that sells any type of acceptable checkout bag as described in subsection (c)(1) above must provide a receipt to the customer at the time of sale which separately identifies the "checkout bag charge".

*(d) Penalties; Warnings; and Enforcement.*

- (1) *Penalties:* Each violation of this Ordinance shall be subject to a fine of \$100.00. Each use of a bag that violates this Ordinance shall constitute a separate offense.
- (2) *Warnings:* The first offense by a Retail Establishment shall result in a Warning only. Following such Warning, the Retail Establishment shall have 14 days to correct the violations. No fine shall issue prior to 14 days after the initial Warning.
- (3) *Enforcement:* This Ordinance shall be enforced by the Inspectional Services Department or the Health and Human Services Director.

*(e) Exemption*

- (1) The City may exempt a retail establishment from the requirements of this chapter for a period of one year upon a finding by the Director of Municipal Inspections or the Health and Human Services Director that the requirements of this Ordinance would cause undue hardship to a Retail Establishment. An "undue hardship" shall be found only in:
  - a. Circumstances or situations unique to the particular Retail Establishment such that there are no reasonable alternatives to bags that are not Compostable Plastic Bags, Recyclable Paper Bags or Reusable Bags; or
  - b. Circumstances or situations unique to the Retail Establishment such that compliance with the requirements of this Ordinance would deprive a person of a legally protected right; or
  - c. Circumstances where a Retail Establishment requires additional time in order to draw down an existing inventory of single-use plastic check out bags. Any Retail

Establishment receiving an exemption under this subsection shall file with the City monthly reports on inventory reduction and remaining stocks.

- (2) Any Retail Establishment shall apply for an exemption to the City using forms provided by the Inspectional Services Department and shall allow the City access to all information supporting its application.
- (3) The City may approve the exemption request, in whole or in part, with or without conditions.
- (4) The City may establish a fee for exemption requests.

*(f) Effective Date*

- (1) This Ordinance shall take effect one year after approval by the City Council.

*(g) Severability*

The provisions of this Ordinance shall be severable, and if any section, part, or portion hereof shall be held invalid for any reason by any court, the decision of such court shall not affect or impair any remaining section, part or portion thereof.

**Second Readings:**

*The following Order was introduced by Councilor Avellaneda and read for the second time. A motion from Councilor Avellaneda referred it to the Sub-Committee on Conference under suspension.*

WHEREAS, the City of Chelsea has adopted an Ordinance as to the issuance of licenses to marijuana establishments;

WHEREAS, the Commonwealth has established a priority for applicants with its Social Equity Program that is designed to create sustainable pathways to the adult-use cannabis industry for people disproportionately harmed by marijuana prohibition; and,

WHEREAS, the City of Chelsea is considered a community that has been disproportionately harmed by the marijuana prohibition and desires to further create a pathway for our residents to enter into this new industry.

**NOW THEREFORE, be it Ordained,** that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended by adding a new paragraph at the end of the existing Section 14-458 and with the following language:



Within two years of the passage of this Ordinance, the Licensing Commission shall hold two (2) adult use recreational retail license for an applicant owned by a Chelsea resident(s) or entities with a majority (at least 60%) of its ownership made up of Chelsea residents. These licenses shall only be sold or transferred to another Chelsea resident(s) or entities with a majority (at least 60%) of its ownership made up of Chelsea residents.

The following order was introduced by Councilor Bishop and read for the second time. A motion from Councilor Bishop for roll call passed 9-0-2-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Tejada, Robinson, Perlatonda, and Recupero. Councilors Avellaneda and Garcia were absent.

**Whereas,** The City owns Eden Park located at the corner of Eden St. and Addison St.; and

**Whereas,** The renovation of multi-use playground facilities, such as Eden Park, are a priority detailed in the City's 2017 *Open Space and Recreation Plan*; and

**Whereas,** The proposed renovation of Eden Park calls for the replacement of playground equipment, installation of a water spray feature, replacement of rubber surfacing, reconstruction of the site's passive seating areas, reconstruction of site walls, replacement of site utilities, and introduction of new landscaping and trees; and

**Whereas,** The City has applied for funding from The Executive Office of Energy and Environmental Affairs (EEA) Parkland Acquisitions and Renovations for Communities (PARC) Program (301 CMR 5.00), a reimbursable grant that the City has applied for to finance the Eden Park renovations; and

**Whereas,** The renovation of Eden Park has an estimated cost of \$750,000, and the grant will reimburse the City 70%, up to \$400,000, of the total project cost; and

**Whereas,** the City is required by PARC grant guidelines to set aside the full amount of the project and certify that full funding, including the State share, is available for the project prior to reimbursement; and

**Whereas** An impending decision on funding will be made by the PARC Program by the end of the calendar year, yet the Program has requested that applicants certify the availability of full project funding, to be reimbursed, before December 31<sup>st</sup>, 2018; and

**Whereas,** the City has appropriated \$250,000 as part of the FY19 Capital Improvement Plan, to supplement anticipated PARC Program funds, based upon the City's positive historical performance in obtaining such funds; and

**Whereas,** the City Manager shall formally inform the City Council in the event that PARC Program funding is not awarded, rescinded, or unavailable; therefore

**Ordered** By this vote, the Chelsea City Council hereby endorses the project for the receipt of PARC funds, specifically appropriates the balance of the total project cost of \$500,000 from the General Stabilization Fund #7020, certifies the City Manager's authority to enter into an agreement for receipt of these funds, and directs the City Manager to take any and all action necessary to accomplish the project.

The following appointments to Boards and Commissions by the City Manager were read for the second time. A motion from Councilor Garcia to affirm by roll call passed 11-0-0-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Tejada, Avellaneda, Robinson, Perlatonda, Garcia, and Recupero.

For appointment to the Youth Commission Ms. Talia Lemerise, 127 Willow Street, Chelsea, for a term expiring on June 30, 2019. Ms. Lemerise is a senior at Chelsea High School.

For appointment to the Chelsea Community Schools Advisory Board, Ms. Jessica Henriquez, 33 Bellingham Street Chelsea, for a three year term expiring in 2021. A copy of Ms. Henriques's resume is attached.

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

ORDERED, that the Chelsea City Council authorize the appropriation of \$170,000 from the School Capital Stabilization Account Fund #7024 to FY19 Veterans Field Construction Account 55401916-584500

**New Business:**

The following order was introduced by Councilor Bishop. A motion from Councilor Bishop adopted the order under suspension.

Ordered, that the City Manager instruct DPW to repair the potholes on Jones Ave.

The following order was introduced by Councilor Robinson. A motion from Councilor Robinson to adopt under suspension and send a copy to the Traffic and Parking was adopted under suspension.

Ordered, that the Traffic and Parking Commission look into the possibility of residential parking all day opposite the Merit Club from Summit Ave. to Clark Ave.

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

Request, that signs be placed at the following locations around the City of Chelsea where Chelsea Police Officers have been killed in the line of duty over the past 150 years.

David Wilbur Jr. Shot by subject he previously arrested **Park St. @ Congress Ave.**

John McKenzie October 13, 1924 Struck by MV **Broadway @ Eleanor St.**

Thomas F. Gainard November 3, 1930. Struck by MV **Broadway @ Webster**

James E. Buckley February 2, 1970 Struck by MV **Second @ Spruce**

Sergeant Arthur Cashin July 20, 1980 Shot by suspect during MV Stop **407 Broadway**

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

ORDERED, that pursuant to Section 4-3(l) of the Chelsea City Charter, the Chelsea City Council hereby approves the cost items set forth in both the Stipulated Award dated November 8, 2018 in the matter of Local 93, New England Police Benevolent Association and City of Chelsea for the periods July 1, 2016 through June 30, 2017 and July 1, 2017 through June 30, 2020, and the Memorandum of Agreement dated November 2, 2018 by and between the New England Police Benevolent Association, Inc., Local 98 and the City of Chelsea for the periods July 1, 2016 through June 30, 2017 and July 1, 2017 through June 30, 2020.

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

ORDERED, that, to fund the collective bargaining agreements negotiated with the Police Superior Officers (the New England Police Benevolent Association, Inc., Local 98) and the Police Patrol Officers (New England Police Benevolent Association, Local 93) for Fiscal Years 2017, 2018 and 2019, the Chelsea City Council authorizes the transfer of \$700,000 from the Salary Reserve Account #0199959-598000 to the FY 2019 Police Department Salaries Account 0121051-510200, and further authorizes the appropriation of \$176,000 from the General Stabilization Account, Fund #7020 to the FY 2019 Police Department Salaries Account 0121051-510200.

The meeting adjourned at 8:06 p.m.

Respectfully submitted,



Paul G. Casino

Clerk of the Chelsea City Council