

J/G

ACCEPTED AND FILED SUSPENSION

Chelsea, Massachusetts, April 9, 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 members were present: Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Tejada, Avellaneda, Robinson, Perlatonda, and Recupero. Councilor Garcia was absent. Council President Vidot presided over the meeting. The meeting opened at 7:00 p.m.

Memoriums and celebratory resolutions.

The following Resolution was introduced by Councilor Robinson and all members of the City Council. A motion from Councilor Robinson to adopt under suspension was adopted.

RESOLUTION

- WHEREAS;** MIT Women’s Basketball Team reached some milestones this season; and
- WHEREAS;** MIT Women’s Basketball Team was coached by Sonia Raman (10th year), Chelsea’s own Lucia Robinson Griggs (7th year), Meghan O’Connell (1st year), and ML Dixon (2nd year); and
- WHEREAS;** MIT started as the 5th seed in the Conference Tournament and won their first playoff game since 2003; and
- WHEREAS;** NEWMAC playoff MIT had a quarterfinal game beating Springfield and was awarded the First Place Team Smith College, which MIT won 64-51. MIT moved on to the Championship round, playing the number two team WPI, which they defeated 54-50, the first NEWMAC in women’s basketball program history; and
- WHEREAS;** MIT, the NEWMAC Champions, reached division three NCAA Tournament to play Marymount in their first ever berth, playing the number seventeenth team in the country, with an outcome of Marymount 58, MIT 54; and
- WHEREAS;** MIT had the All-Conference Rookie of the Year, one first team player, two second team players, and one player on the All-Conference Sportsmanship Team (5 conference awards is a program record), and they also collected a league high 8 NEWMAC Academic All-Conference Awards; and
- WHEREAS;** New England Women’s Basketball Association MIT ranked 8th in NCAA Regional rankings, ranked 25 in NCAA scoring defense D3 hoops, all region honors Kara Holinski, COSIDA Academic All District Kara Holinski, NEWBA All-Region Team

Taylor V'Dovec, Kara Holinski and NEWBA All Rookie Team Kylie Gallagher, now therefore, BE IT

RESOLVED; That on behalf of the Citizens of Chelsea, We, the Members of the Chelsea City Council, hereby wish to extend our congratulations to the coaches and women of the team for this extraordinary achievement, and for representing MIT with excellence and vigor.

Public Speaking:

The public speaking portion of the meeting opened at 7:09 p.m.

The following came forward to speak:

Paul Koolian 45 Jones Avenue Chelsea, spoke on behalf of the 911 Workers in a response to an article in the Chelsea Record.

Maureen Cauly 150 Captains Row, spoke about the lead paint problem three years ago and the need for the Painters of the Bridge Project to ensure that it is properly sealed to avoid paint chips on the ground. Also the need for an ordinance for control of nips being sold in the package stores.

Juan Gallego 39 Franklin Avenue, spoke in support of one side parking on the street.

Marsha Wise Franklin Street, supported the one side parking on Franklin Street

The public speaking portion closed at 7:20 p.m.

The minutes of the City Council Meeting dated March 26, 2018 were approved at the request of Councilor Tejada under suspension.

Communications from the 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: *Free Cash Transfers*

Dear Councilors:

I am writing to request some significant Free Cash appropriations, all of which have been previously discussed, and in some cases expressly requested, by the City Council. The specifics follow.

Transfers to Stabilization Accounts -- \$20,000,000

At the past few City Council meetings, Councilors have expressed a desire to transfer a total of \$20 million from our existing Free Cash reserves to Stabilization Funds. To meet that request, I propose

to appropriate \$15 million in Free Cash to the City's General Stabilization Fund. This Fund can be utilized by the City for any future needs. I also propose appropriating \$5 million to the School Capital Stabilization Fund. This Fund's purpose is limited to expenditures for School Department capital projects. We have numerous upcoming school capital projects in our Five Year Capital Improvement Plan that will absorb these funds, including the rehabilitation of Carter Field and the rehabilitation of all the play areas at the Mary C. Burke Complex.

In addition to these two appropriations, I also request that we consolidate our five outstanding Stabilization Accounts into just the two Stabilization Accounts mentioned above: General Stabilization and School Capital Stabilization. This will make our accounting of Stabilization Funds much simpler. To accomplish this, I propose transferring all the remaining sums in the three remaining Stabilization accounts into the General Stabilization Fund.

Final Payment on New Clark Avenue School Project -- \$3,000,000

At this time, I would also like to appropriate from Free Cash the final cash payment for the New Clark Avenue Middle School Project.

The New Clark Avenue Middle School funding plan endorsed by the City Council in April, 2015 included the utilization of cash payments from Free Cash in each of the project years in order to reduce the total amount of long-term borrowing. This request of \$3 million from Free Cash represents the final payment for this project.

According to our most recent financial analysis of the project, a copy of which is attached, this final payment will be sufficient to cover costs through the completion of the project. At some point following project completion and final audit by the MSBA, and if our calculations are accurate, we expect a final reimbursement from the Commonwealth of approximately \$1.8 million. That reimbursement, which we hope would arrive before the end of FY19, should leave us with a balance of approximately \$1.9 million in this New Clark Avenue School Project Fund. At that point, we could transfer the balance to one of our Stabilization Funds.

I have attached the recommended Orders to effectuate these requests. I am available to discuss with the City Council in subcommittee at your convenience.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read 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: Notice of Waiver Intent

Dear Councilors:

Pursuant to the Administrative Code Section 1.12.02, I am writing to notify you that it is my intention to appoint Ms. Dragica Ivanis, 91 Veterans Road, #307, Winthrop, Massachusetts to the position of Assistant Procurement Officer/Business Manager and to grant her a waiver from the residency requirement set forth in the Administrative Code, Part IV Section 1.12.01. As most of you know, Buba has been employed by the City for more than sixteen years, working for the past decade as the Business Manager for the DPW.

In accordance with Section 1.12.02, I request that you provide me with any comments on the proposed waiver within seven days.

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: Donation of Surplus Chairs to Governor Bellingham Cary House Association

Dear Councilors:

At the specific request of the Council, and pursuant to M.G.L. c. 30B, &15(g), I am writing to ask that the City Council formally approve the donation of two surplus chairs to the Governor Bellingham Cary House Association, a charitable organization. A copy of the required Order is attached.

Sincerely,
Thomas G. Ambrosino
City Manager

Communications and petitions to the Council:

A copy of a communication was received from City/Parking Clerk Jeannette Cintron White regarding Councilor Avellaneda's request for reconsideration on the proposed zoning provisions on the marijuana establishment ordinance. A motion from Councilor Avellaneda to accept and file was adopted under suspension. Councilor Avellaneda explained why he decided not to pursue the reconsideration.

A copy of a Communication was received from City Solicitor Cheryl Watson Fisher regarding a New Ordinance-Chapter 14, Article XI Marijuana Establishments, Local Licensure of Marijuana

Establishments. A motion from Councilor A motion from Councilor Bishop to accept and file was adopted under suspension.

A copy of a communication was received form Council President Vidot regarding a zoning amendment to Code of Ordinances Chapter 34, Article V-Off Street Parking Requirements-Section 34-106 (j). A motion from Councilor Tejada 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 that were approved at the March 27, 2018 Traffic and Parking Commission meeting. A motion from Councilor Bishop to accept and file was adopted under suspension.

Second Reading:

The following order was introduced by Councilor Vidot and Avellaneda. And read for the second time. A motion from Councilor Avellaneda to adopt by roll call passed 8-2-1-0. Voting yes were Councilors Vidot, Rodriguez, Brown, Bishop, Tejada, Avellaneda, Robinson, and Perlatonda. Voting no were Councilors Lopez, and Recupero. Councilor Garcia was absent.

ORDERED, that the City hereby accepts the provisions of MGL. C. 60, &3C for the purpose of creating a municipal scholarship fund and operating such fund in full accordance with the statue.

The following order was introduced by Councilor Bishop and read for the second time. A motion from Councilor Bishop to adopt by roll call passed 8-2-1-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Brown, Tejada, Avellaneda, Robinson, and Perlatonda. Voting no were Councilors Bishop and Recupero. Councilor Garcia was absent.

ORDERED, that the Chelsea City Council authorize the appropriation of \$150,000.00 from Free Cash to a new Fund #7400-Bunker Hill Community College Scholarship Program to provide tuition funding for Chelsea High School graduates.

The following order was introduced by Councilor Bishop and read for the second time. A motion from Councilor Bishop to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Tejada, Avellaneda, Robinson, Perlatonda, and Recupero. Councilor Garcia was absent.

ORDERED, that the Chelsea City Council authorize the appropriation of \$50,000.00 from Free Cash to a new Fiscal Year 2018 Personnel Department Account 0115251-519200 Personnel Salaries-Tuition Reimbursement for employee tuition payments.

The following order was introduced by Councilor Bishop and read for the second time. A motion from Councilor Bishop to L.O.T. was adopted without objection.

WHEREAS, the Massachusetts Modernization Act (M.G.L. c. 40&5B) allows cities and towns to create special purpose stabilizations funds as a tool for effective planning;

WHEREAS, the public school buildings in Chelsea are now all approximately 25 years old, except the Clark Avenue School currently under construction, and will need major structural and infrastructure repairs in the near future;

NOW THEREFORE BE IT HEREBY ORDERED, that the City Council establish and create a new Special Purpose Stabilization Fund for major repairs to all Chelsea Public School buildings pursuant to Mass. General Laws Chapter 40B&5B, this fund shall be called the Public School Buildings Major Repair Stabilization Fund; and

BE IT FURTHER ORDERED, that the City Council hereby appropriates from Free Cash Three Million Dollars (\$3,000,000.00) into the Public School Buildings Major Repair Stabilization Fund.

The following appointments to Boards and Commissions by the City Manager Thomas G. Ambrosino were read for the second time. Councilor Lopez requested that a separate roll call to affirm the appointments be made.

For appointment to the Licensing Commission, Mr. Matthew Frank, 41 Gillooly Road. The roll call failed to affirm the appointment 1-7-2-1. Voting yes Councilor Bishop. Voting no were Councilors Vidot, Lopez, Rodriguez, Brown, Robinson, Perlatonda, and Recupero. Councilors Avellaneda and Garcia were absent. Councilor Tejada excused himself from the vote.

For appointment to the Planning Board Ms. Joan Cromwell, 38 Addison Street. The roll called affirmed the appointment 8-0-3-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Robinson, Perlatonda, and Recupero. Councilors Tejada, Avellaneda, and Garcia were absent.

For appointment to the Cultural Council MS. Juliana T. Borgiani Geiger 61 Boatswain Way. The roll call affirmed the appointment 8-0-3-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Robinson, Perlatonda, and Recupero. Councilors Tejada, Avellaneda, and Garcia were absent.

For appointment to the Chelsea Community School Advisory Board, Ms. Vanesa Mendoza Mercado, 318 Chestnut Street. The roll call affirmed the appointment 9-0-2-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Tejada, Robinson, Perlatonda, and Recupero. Councilors Avellaneda and Garcia were absent.

For appointment to Council on Elder Affairs Mr. Jerard Slater 77 Garfield Avenue. The roll call affirmed the appointment 9-0-2-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Tejada, Robinson, Perlatonda, and Recupero. Councilors Avellaneda and Garcia were absent.

New Business:

The following order was introduced by Councilors Bishop. Councilor Bishop moved the order to a second reading under suspension.

ORDERED, that the Chelsea City Council authorize the appropriation of \$15,000,000 from Free Cash to the General Stabilization Account Fund #7020.

The following Order was introduced by Councilor Bishop. Councilor Bishop moved the Order to a second reading under suspension.

Ordered, that the Chelsea City Council authorize the appropriation of \$5,000,000 from Free Cash to the School Capital Stabilization Account, Fund #7024.

The following order was introduced by Councilor Bishop. Councilor Bishop moved the order to a second reading under suspension.

Ordered, that the Chelsea City Council authorize the transfer of the full balance of \$179,251.09 from the Planning & Development Stabilization Account, Fund #7021 to the General Stabilization Account #7020.

The following order was introduced by Councilor Bishop. Councilor Bishop moved the order to a second reading under suspension.

Ordered, that the Chelsea City Council authorize the transfer of the full balance of \$62,845.88 from the Capital Stabilization Account Fund #7020, to the General Stabilization Account, Fund #7020.

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

Ordered, that the Chelsea City Council authorize the transfer of the full balance of the \$140,349.82 from the operating Stabilization Account, Fund #7023 to the General Stabilization Account, Fund #7020.

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

Ordered, that the Chelsea City Council authorize the appropriation of \$3,000,000 from Free Cash to the Clark Avenue Middle School Fund #5533 series.

The following order was introduced by Councilor Garcia. A motion from Councilor Bishop to adopt by roll call passed 9-0-2-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Tejada, Robinson, Perlatonda, and Recuperero. Councilors Avellaneda and Garcia were absent.

BE it ORDERED by the City Council of the City of Chelsea, as follows:

Pursuant to M.G.L. c. 30B, Section 15(g), the City Council hereby agrees to donate to the Governor Bellingham-Cary House Association, a charitable organization, two surplus chairs previously utilized in the City Council Conference Room.

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

Ordered, that the City Manager look into putting a camera between Highland and Essex and Suffolk St.

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

Ordered, that the Traffic and Parking Commission look into painting the crosswalk on Marginal Street, somewhere between Highland Street and Willow Street.

The following Ordinance proposal was introduced by Councilor Vidot. A motion from Councilor Robinson moved it to the Sub-Committee on Conference under suspension.

An Ordinance Promoting Economic Development and the Marijuana Industry in the City of Chelsea

WHEREAS A majority of Chelsea voters approved the 2016 ballot question entitled "The Regulation and Taxation of Marijuana Act"; and

WHEREAS The Massachusetts legislature enacted “An Act to Ensure Safe Access to Marijuana” on July 28, 2017; and

WHEREAS This statute authorizes municipalities to adopt ordinances imposing reasonable safeguards on the operations of marijuana establishments that are not unreasonably impracticable and not in conflict with the laws and regulations of the Commonwealth; and

WHEREAS Well-regulated marijuana businesses offer the residents of Chelsea economic development opportunities; NOW

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHELSEA, as follows, that the City of Chelsea’s Code of Ordinances be amended by adding the following ordinance:

The Chelsea Code of Ordinances Chapter 14, Article XI is hereby added as follows:

ARTICLE XI MARIJUANA ESTABLISHMENTS

14-456 LOCAL LICENSURE OF MARIJUANA ESTABLISHMENTS

14-457 Definitions.

When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

Marijuana establishment shall mean a marijuana establishment licensed by the Cannabis Control Commission of the Commonwealth of Massachusetts.

Marijuana retailer shall mean a holder of a holder of a marijuana retailer license from the Cannabis Control Commission of the Commonwealth.

14-458 Local Licensing Regulations.

The City of Chelsea Licensing Commission is authorized to establish regulations relative to the licensing and operation of marijuana establishments.

14-459 Local Licensure.

No person shall operate a marijuana establishment within the City of Chelsea without first obtaining a license to do so from the City of Chelsea Licensing Commission and obtaining a license from the Commonwealth’s Cannabis Control Commission.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHELSEA,

That the Code of Ordinances of the City of Chelsea is hereby amended by adding to the chart in Paragraph (c) of Section 1-8 the following:

| | | |
|--|----------------------|--|
| | \$50 first offense | Building inspectors, Code enforcement inspectors, |
| | \$150 second offense | |

| | | |
|-------------------------------------|-----------------------------------|--|
| Marijuana Establishment Regulations | \$300 third or subsequent offense | Police officers, Licensing Administrator |
|-------------------------------------|-----------------------------------|--|

The following Order was introduced by Councilor Vidot. A motion from Councilor Tejada to refer it to the Planning Board Schedule a Public Hearing and refer it to a Sub-Committee on Conference was adopted under suspension.

- WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
- WHEREAS, A specific objective of the City of Chelsea’s Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and
- WHEREAS, The City Administration has recommended an amendment to Chapter 34, Article V, Off-Street Parking Requirements, Section 34-106 j(5) of the City of Chelsea Zoning Ordinance which is an amendment to Off Street Parking Requirements outlined in the petition signed by the Council President Damali Vidot and filed on April 4, 2018 with the City Clerk;

NOW, THEREFORE BE IT ORDERED,

That the following petition for the adoption of an amendment to Chapter 34, Article V, Section 34-106 Off-Street Parking Requirements of Specific Uses of the City of Chelsea Zoning Ordinance be reviewed and that a public hearing be scheduled on to discuss the proposed zoning amendments pursuant to Mass. Gen. Laws c. 40A.

BE IT FURTHER ORDERED,

That the petition be forwarded to the Chelsea Planning Board for a recommendation of the Zoning Amendment pursuant to Mass. Gen. Laws c. 40A.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,



Paul G. Casino
Clerk of the Chelsea City Council