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K/L

ACCEPTED AND FILED

Chelsea, Massachusetts, September 10, 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, and Recupero. Councilor Garcia was absent. Councilor Perlatonda arrived at 7:14 pm. Council President Vidot presided over the meeting. The meeting opened at 7:00 p.m.

Memoriums and celebratory resolution:

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

RESOLUTION

WHEREAS, on August 14th through the 16th of 2018, the City of Chelsea held its first annual “Food Truck Festival”; and

WHEREAS, not only were the food trucks part of this event, but the presence of the Chelsea Police Department “Copsicle” added to the enjoyment; and

WHEREAS, the many residents, City employees, and workers throughout the City desire food trucks and showed their support by attending the event; now therefore, BE IT

RESOLVED, that we the members of the Chelsea City Council, on behalf of the Citizens of Chelsea, wish to go on record to thank the Food Truck Team, consisting of Cheryl Watson Fisher, Jenny Builes, Mike McAteer Richie Zullo, Pamela Johnson, Nancy Slater, Katherine Cabral, Fidel Maltez, Frank Henry, and the Police “Copsicle” Team –Sergeant Nofle, Officer O’Brien, and Officer Mojica, the Williams School Staff, and the D.P.W. summer youth workers, for putting together such a successful Food Truck Festival.

Public Speaking:

The public speaking portion opened at 7:07 p.m. The following came forward to speak.

Roman Pucko, PAV., Request that item 7A and 7B on the agenda be approved.

Pop Warner Coach, spoke about no lights to practice.

Chelsea Resident Shirly McLane, spoke about Traffic and Parking.

John Balaparni Melrose Rep. for Gas Workers Union, spoke about the strike.

Member of Green Roots, spoke in favor of the Resolution.

Director of Public Works, spoke on item #11-F ON THE AGENDA. Supports it but would like some movement to address it.

Ms. Richards Hooper Street, spoke about traffic pattern and Eastern Ave. and Clinton Street lights.

Ray Bell Chelsea Resident, spoke on agenda item 10-A National Grid.

Paul Murphy, Chelsea Resident, spoke in support of the National Grid Resolution.

Joseph Iraheta Chelsea Resident, spoke about youth programs.

Elizabeth Santagate Chelsea Resident, opposed to the two way plan for Business District.

Thomas Ambrosino City Manager, spoke about traffic commission proposal and explained it in detail.

Gerald August Chelsea Resident, Spoke about Pop Warner Champions.

Maureen Cauly Admirals Hill Resident, spoke about the Traffic pattern.

The public speaking portion closed at 7:45 p.m.

The minutes of the June 25, 2018 and Special meeting August 20, 2018 were approved at the request of Councilor Brown under suspension.

Communications from 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 Conference under suspension.

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

Re: Rate Increases

Dear Councilors:

I am writing to inform you of Water, Sewer and Trash rate increases that were approved this week following a public hearing. The rates are effective as of July 1, 2018. The new fee schedules are attached.

Water Rate

The new water rates are \$5.42 per hundred cubic feet ("HCF") for Tier 1 (1-1,000 per month in cubic feet), \$6.60 for Tier 2 (1,001-2,500 monthly cubic feet), and \$7.90 for Tier 3 (over 2,500 monthly cubic feet). These water rates represent a 6% increase over current rates.

Sewer Rate

The new sewer rates are \$9.38 per hundred cubic feet (“HCF”) FOR Tier 1 (1-1,000 per month in cubic feet), \$10.23 for Tier 2 (1,001-2,500 monthly cubic feet), and \$11.74 for Tier 3 (over 2,500 monthly cubic feet). These new sewer water rates represent an increase of 9%.

Combined Rate

For residential customers who use under 1,000 cubic feet per month and pay Tier 1 rates, the new combined water and sewer rate is \$14.80, an increase of 7.95%. With this increase, the average water and sewer bill in Chelsea for FY19 (assuming annual usage of 120 HCF) will be \$1,776.00

As has been true the past few years, we have set these rates to generate sufficient money to cover the costs of operating our water and sewer systems and avoid annual deficits in those accounts.

Trash Rate

The new rate is \$30.09 monthly for residential property and \$141.96 monthly for commercial units in mixed buildings. Owner occupied units remain exempt from this fee. This new charge represents an increase of 10%. Residential owners will pay an additional \$32.88 annually as a result of this increase. I recognize that annual increases of 10% are painful. But, even with this increase, we will not cover the cost of our trash system with our fees.

I have mentioned for some time that the City should consider changes to our current rate structure for Solid Waste Disposal. Specifically, I suggest we start the discussion of at least some nominal fee for owner occupied units. Otherwise, 10% + increase will be the norm for the foreseeable future. But, I leave the final decision on that to the City Council.

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: Request for Conflict of Interest Law Exemption

Dear Councilors:

The Division of Recreation & Cultural Affairs recently hired a Chelsea School Teacher, Ms. Kali Sawyer, to a part-time position assisting in the Chelsea Community Schools Puppet Theater program. Because Ms. Sawyer is an existing municipal employee with a financial interest in this

separate matter, she needs an exemption vote by the City Council from the statutory conflict of interest laws.

I respectfully request that the City Council approve this exemption. All work performed by Ms. Sawyer for the Division of Recreation & Cultural Affairs will be outside of her normal hours as a teacher. She meets all the statutory requirements for the grant of an exemption. See M.G.L. c. 268A & 20.

Thank you for your attention to this matter.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson referred it to a second reading under suspension.

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

Re: *Appointments to Boards and Commissions*

Dear Councilors:

Pursuant to Section 4-2 of the Charter of the City of Chelsea, I am writing to recommend the following individuals to Boards and Commissions in the City.

For appointment as the City's Tree Warden, Asst. DPW Director Fidel Maltez, 13 Admirals Way, Chelsea, for a three year term expiring in 2021.

For appointment to the Chelsea Cultural Council, Ms. Angelina McCoy, 150 Heard St., Chelsea, for a new three year term expiring in 2021.

For appointment to the Chelsea Youth Commission, for new one-year terms expiring on June 30, 2019, the following nine members:

1. Cinthya Mancia, 145 Essex St., Chelsea (Chelsea High School – reappointment).
2. Deja Freeman, 64 Beacon St., Apt. 3, Chelsea (Excel Academy – reappointment).
3. Marcela Castillo, 110 Chestnut St., Chelsea (Chelsea High School – reappointment).
4. Adrianna Vega, 85 Blossom St., Chelsea (Excel Academy – reappointment)
5. Paulela Pierre, 56 Watts St., Chelsea (Chelsea High School – reappointment).
6. Alny Herrera, 68 Shawmut St., Apt. 1, Chelsea (Chelsea High School).
7. Alicia Smith, 154 Pearl St., Chelsea (Chelsea High School).

8. Saira Carreto, 834 Broadway, Chelsea (Chelsea High School).

9. Joseph Turuel, 149 Shurtleff St., Apt. 2, Chelsea (Chelsea High School).

For appointment to the Planning Board, Ms. Alejandrina Rodriguez, 43 Carmel Street, Chelsea, for a three year term expiring in 2021.

For appointment to the Planning Board, Mr. Robert Saenz, 174 Shurtleff St., Chelsea, for a three year term expiring in 2021.

For appointment to the Planning Board, Indira Alfaro, 75 Palmer St., Chelsea, for a three year term expiring in 2021.

For appointment to the Historical Commission, Ms. Allison E. Cuneo, 126 Washington Avenue, Unit 1, Chelsea, for a three year term expiring in 2021.

For re-appointment to the Chelsea Tree Board, Denise Ortega, 73 Essex St., Apt. 1, Chelsea, for a new expiring on September 24, 2021.

I respectfully request your approval of these appointments. Except for the youth, I have attached resumes for the persons not already working for or on existing boards of the City.

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: *Request for Funds from the General Stabilization Account*

Dear Councilors:

I am writing with my first request in FY19 for supplemental funds. In this case, I am seeking to accomplish two goals: to cover the costs of demolition of the burned out residential home at 80 Warren Avenue; and to replace the air conditioning unit for the City Council Chambers.

Demolition of 80 Warren Avenue

As you may recall, 80 Warren Avenue was the location of a tragic and dangerous incident in December of 2017 in which an individual barricaded himself in the home, set the home on fire, discharged his weapon repeatedly and was eventually killed by Police. Since that incident, the burned structure has remained, creating a public safety hazard and a significant eyesore for the community. The owner of the property is supportive of efforts to demolish the building. But, because of an ongoing dispute with the insurer of the property, which is now tied up in court, the owner has no available funds to

proceed with the demolition. Accordingly, in cooperation with the owner, the City has completed all the necessary statutory steps to legally demolish the property pursuant to M.G.L. c. 143, §§6-9.

Because the City has followed all statutory procedures, we will be able to place a lien on this property to recover the funds expended in this demolition. The City will likely be paid once the insurance case is resolved. However, because that may take a year or more, we would like to move forward now – with upfront funds from the City -- so as to eliminate expeditiously this dangerous eyesore.

Based upon quotes we have secured from demolition contractors, the City believes it can accomplish demolition and grading of the property at a cost of no more than \$25,000. Accordingly, I ask that the City appropriate such funds from the General Stabilization Account.

Air Conditioning for City Council Chambers

As the City Council is well-aware, the Council Chambers gets extremely hot during the Summer months. As a result, we attempt to avoid public meetings in the Chamber during the Summer. However, with limited options for larger meetings, sometimes we must utilize the Chamber, and when we do, residents and visitors often endure oppressive conditions.

This Summer, I asked the DPW to analyze the situation and recommend a solution. Upon investigation, the DPW determined that an air conditioning system did exist for the Council Chambers, but upon activating the system, the DPW realized it was defective. Fixing it requires full replacement of the existing rooftop unit. In addition, the DPW found that the roof in this area is in poor condition and needs to be addressed. The DPW recommends removing the current gravel on the roof and overlaying the roof with a new rubber membrane. Based upon available quotes, the DPW believes it can accomplish such repairs at a cost of approximately \$50,000. Again, I ask that this funding come from the General Stabilization Account.

Based upon the above, I respectfully ask that the City Council approve these appropriations from Stabilization Funds. The Requested Orders are attached.

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: Water & Sewer Discount for Owner Occupants Residing for 3 + Years

Dear Councilors:

I am writing in response to the recent City Council Order requesting that I analyze the feasibility of extending the 10% water and sewer senior discount to all owner occupants who have lived in their residence for 3 years or more.

As you may recall, I did a very similar analysis last year when the Council wanted to know the cost of extending this discount to all non-senior owner occupants. That analysis is set forth in my October 24, 2017 letter, a copy of which is attached.

This analysis is very similar. The difference is that instead of an attached 2,225 households (which was at that time the approximate number of all non-senior owner occupants), this proposed program would add approximately 1,175 households to the discount. This is based upon the analysis by Mary-Lou Ireland, our Directors of Assessing, of all owner occupants who have owned their home for 3 years or more; do not already qualify for the senior discount; and do not live in condominiums. Most condominiums can't qualify for this discount because they do not have separate meters.

Again, the math is relatively simple. The average annual water and sewer bill for a Chelsea household, based upon the new rates approved for July 1, 2018, is \$1,776.00. A 10% discount on this rate is \$177.60. Multiply that by 1,175 and the total cost of this extension of the discount may be as high as \$205,680. As noted in my October 2017 letter, the discount doesn't cost the City any money. Rather the cost is spread among all ratepayers, driving up the rates slightly higher than would exist without the discount.

Because this proposal further raises rates, I wouldn't independently recommend its adoption. However, if this is something the Council wishes to do, I will implement following a Council directive to this effect once it returns to session in September. I simply ask that we not implement until next July. Otherwise, I will have to do a mid-year rate increase, which will likely not be well-received coming on the heels of the almost 8% increase in July.

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

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

Re: *Requested Approval for Increase in School Dept. FY19 Budget*

Dear Councilors:

I am writing to request an increase to the School Department's FY19 Budget. The increase will have no impact on the City's budget approved by the City Council in June. All of this new appropriation request is based upon *additional* Chapter 70 funding approved by the Legislature, and signed by the Governor, *after* my submission of the Budget in May. The total amount of the appropriation request is \$630,084.

The FY19 Budget which I submitted to the City Council on May 2, 2018 was based upon funding to the City approved by the House of Representatives in late April. That funding supported a final total municipal budget of \$174,074,177, with a School Department Budget component of \$91.2 million.

Subsequent to that submission, following heavy lobbying by education advocates, including Chelsea Superintendent Mary Bourque, the Senate made changes to the Chapter 70 formula to better account for the costs of educating English Language Learners. Those changes to the Chapter 70 formula resulted in additional new funds to the City of Chelsea specifically aimed at allowing for greater investment in such students. These changes adopted by the Senate were ultimately included in the final state budget approved by the Governor in late July. The total new Chapter 70 money proposed for the City of Chelsea as a result of these formula changes was over \$1 million, but with some required charter school adjustments, the net increase to the Chelsea School Department was \$630,084.

With this additional money, the Chelsea School Department has proposed new spending aimed at improving resources for English Language Learners and other areas of need for all Chelsea students. That spending includes, among other items, a restoration of a Librarian, funds for the Reach Program, intervention tutors and additional crossing guards. The Chelsea School Committee is expected to adopt the new budget on Thursday, September 6, 2018.

Assuming approval by the School Committee, I respectfully ask that the City Council vote to increase the School Department's FY19 Budget by precisely \$630,084, increasing funding from \$91.2 million to \$91,830,084. As noted above, there is no adverse impact on the municipal side of the City's budget. All of the increase is fully funded by the increased Chapter 70 aid to the City.

Sincerely,
Thomas G. Ambrosino
City Manager

Communications and petitions to the Council:

A copy of a communication was received from Parking Clerk Jeannette Cintron White regarding the actions that were approved at the July 24, 2018 Traffic and Parking Commission meeting. A motion from Councilor Vidot to accept and file under suspension was adopted.

A copy of a communication was received from Parking Clerk Jeannette Cintron White regarding the actions that were approved at the August 21, 2018 Traffic and Parking Commission meeting. A motion from Councilor Avellaneda referred it to the Sub-Committee meeting on Conference under suspension.

A copy of a communication was received from Co-Executive Directors of HarborCov, Kourou Pich and Lynn Peters, regarding domestic violence training. A motion from Councilor Vidot to accept and file was adopted under suspension.

Second Readings:

The following Resolve was introduced by Councilors Vidot, Recuperero, Avellaneda, and Brown and read for the second time. Councillor Bishop offered an amendment and moved roll call to adopt. The roll call passed 8-0-3-0. Voting yes were Councilors Vidot, Lopez, Brown, Bishop, Tejada, Avellaneda, Robinson, and Perlatonda. Councilors Rodriguez, Garcia, and Recuperero were absent. The amended version of the Resolve is as follows:

WHEREAS, National Grid serves more than 1.9 million gas and electric customers in 85 communities in Massachusetts, many of which are in the City of Chelsea; and

WHEREAS, Despite its 24% increase in yearly profit, National Grid's billion dollar company has been unable to reach a fair and equitable contract for its employees; and

WHEREAS, National Grid's failure to bargain in good faith has resulted in the loss of health benefits of 1250 workers of the United Steelworkers Union Local 12003 and Local 12012 having been locked out of their contracts since June 24th; and

WHEREAS, Chelsea's aging infrastructure requires the experience of well-trained employees performing services and line inspections on gas projects; and

WHEREAS, A prolonged lockout of National Grid gas workers raises legitimate safety concerns for the public and strains service to National Grid customers; and

WHEREAS, the public safety of the general public in Chelsea is our main priority; now

BE IT THEREFORE RESOLVED; That the City of Chelsea remain vigilant in monitoring all National Grid work being done during the lockout of National Grid's workers and that no new permits for gas construction projects shall be issued by the City of Chelsea, and that the City Manager personally monitor all permits and ensure that the best interest of all Chelsea residents are being met.

BE IT FURTHER RESOLVED; That the City of Chelsea encourages National Grid to put public safety before profits and end the lockout of its gas workers so that Chelsea's gas line inspections, serves and repairs may continue to be performed by qualified and properly trained employees.

New Business:

The following order was introduced by Councilor Vidot. A motion from Councilor Vidot to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Vidot, Lopez, Rodriguez, Brown, Bishop, Tejada, Avellaneda, Robinson, Perlatonda, and Recuperero. Councilor Garcia was absent.
NOW THEREFORE BE IT ORDERED

That the City Council of the City of Chelsea hereby approves a Conflict of Interest Exemption pursuant to Massachusetts General Law Chapter 286A, Section 20(B), for the part-time position of Puppet Theater Instructor in the Chelsea Community Schools Program to be by Kali Sawyer, effective July 9,2018.

The following order was introduced by Councilor Robinson. A motion from Councilor Robinson moved the order to the sub-committee on finance under suspension.

ORDERED, that the Chelsea City Council authorize the appropriation of \$25,000.00 from the General Stabilization Fund #7020 to supplement the Fiscal Year 2019 Inspectional Services Department Building/Emergency/Demolition line item-Account #0124052-538000.

The following order was introduced by Councilor Recupero. A motion was made by Councilor Recupero to adopt under suspension. Councilor Avellaneda objected to the First Reading.

Ordered, that the City Manager implement, commencing with bills for July 1, 2019 and thereafter, a 10% discount on water and sewer bills for all units in any owner-occupied single, two-family or three family homes or any owner-occupied condominium that has an individual water meter.

The following order was introduced by Councilors Recupero and Lopez. A motion was made from Councilor Lopez to adopt under suspension. Councilor Avellaneda amended it to refer to the sub-committee on Public Works. Under suspension and it was adopted.

Ordered, that the City Manager instruct all companies who do repair work in the City to take their equipment back with them when they are not being used, because they take up space, for extended periods of time, from residents to park.

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

Ordered, that a Subcommittee on Conference be held with HarborCOV to participate in a domestic violence training.

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

Ordered, that a Subcommittee on Conference be held with the independent auditor CliftonLarsonAllen LLP to discuss the Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2017, the GAO and OMB Reports, the Report on Chelsea Retirement System, and the Management Letter.

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

Request, that a Subcommittee on Conference be held with the City Manager, Planning and Development (Housing) and Chelsea Restoration to talk about first-time homebuys and what assistance we may explore.

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

Request, that the Traffic and Parking Commission have a discussion on possible parking meter solutions for hair salons where patrons are there for more than two hours.

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

Ordered, that the City Manager look into painting parking lines on residential streets to ensure enough parking for the residents.

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

Ordered, that the City Manager have DPW raise the lights to a higher setting on Central and Eastern Ave., opposite the parking garage for safety reasons.

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

Ordered, that the City Manager give the City Council an update on the traffic light situation on Broadway, Clinton and Eastern Ave.

The following Ordinance proposal was introduced by Councilors Vidot and Lopez.

A motion from Councilor Lopez referred it to the sub-committee on conference under suspension.

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.

The meeting adjourned at 8:50 p.m.

Respectfully submitted,



Paul G. Casino
Clerk of the Chelsea City Council