

J/G

ACCEPTED AND FILED
SUSPENSION

Chelsea, Massachusetts June 17, 2019

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 Councilor were present: Councilors Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero. Councilor Garcia arrived at 7:15 p.m. 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 Lopez and all members of the City Council. A motion from Councilor Lopez to adopt under suspension was adopted.

RESOLUTION

WHEREAS, the Chelsea Soldier's Home Honor Guard was first formed in late 2007 and early 2008 by Soldier' Home Commandant Mike Resca, and

WHEREAS, Tom McDonough was assigned as the First Honor Guard Coordinator and Don Kingsbury the first Honor Guard Commandant: and

WHEREAS, Members of the Honor Guard participated on Memorial Day, Veteran's Day, Vietnam Memorial Wall, UMASS Upward Bound Graduation, and many parades throughout the Commonwealth; and

WHEREAS, the most important duty of the Honor Guard is the first Sunday memorial Service held in St. Michael the Archangel Chapel on the First Sunday of each month, 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 recognize the devotion and commitment of these dedicated individuals, those that started the Honor Guard and current members Tom Miller, Charles Lewis, Tom Estrada, Tim Reichert, Gertrude Rivers, Robert Blouin, and Willie MacNeil; your service to this Country and the respect you have shown to your fellow service members goes above and beyond the call of duty. Thank you.

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

RESOLUTION

WHEREAS, Deb Antonelli started working at the Chelsea Soldiers Home making sandwiches in the canteen while attending Chelsea High School; and

WHEREAS, Deb Antonelli would go on to work at the Chelsea Soldiers Home as a part time Certified Nurse Assistant. Her career progressed as she attended nursing school and became a Registered Nurse, received her Master of Public Administration at Suffolk University; and

WHEREAS, Deb Antonelli comes from a long time Chelsea Family whose parents are Robert Sr., and Palma Belanger, is sister to James and Robert Jr. married to Francis "Chip" Antonelli and mother to Anthony Antonelli; and

WHEREAS, Deb Antonelli was placed in charge of staff development, named Assistant Director of Nursing and for the last 10 years served with distinction as Director of Nursing at the Chelsea Soldiers Home; and

WHEREAS, Deb Antonelli will serve her last day and retire on June 30th, and

WHEREAS, Deb Antonelli has undoubtedly ensured that all Veterans are cared for with dignity, honor and respect, and has touched the lives of Veterans, their families and staff at the Chelsea Soldiers Home, now therefore, let it be,

RESOLVED, that in honor of the thirty years of service and dedication to the Veteran men and women residing and treated at the Chelsea Soldier's Home, that the Chelsea City Council respectfully and warm heartedly gives gratitude to Deb Antonelli and wishes her a happy retirement.

Public Speaking:

The public speaking portion of the meeting opened at 7:15 p.m. The following came forward to speak:

Deb Antonelli Everett Mass., thanked the City Council for the Resolution.

Resident of Broadway Chelsea, Mass., spoke about the problems of parking.

The public speaking portion closed at 7:17 p.m.

Approval of Minutes:

Approval of the City Council Meeting dated June 3, 2019 were approved at the request of Councilor Garcia under suspension.

Communication from 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 conference under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway

Chelsea, Massachusetts 02150

Re: *Salvation Army RFP*

Dear Councilors:

Attached you will find a draft of an RFP for redevelopment of the Salvation Army site that the City hopes to advertise sometime in the next few months. We would like to discuss this RFP with the City Council at a subcommittee meeting at your convenience.

Before advertising the RFP, the City believes it would be prudent to seek in advance from the Zoning Board of Appeals a Special Permit that would grant zoning relief to allow for development of up to 16 residential units on the site. This will reduce the cost and risk to those bidding on the project, and it should increase interest from developers. Of course, any bidder could seek greater density, but such additional density would require further zoning relief accomplished at the developer's own risk.

I suggest that we hold a subcommittee meeting to gather the City Council's thoughts on this RFP before the City proceeds. Keep in mind that, because the City owns this property, any land disposition to a winning bidder will require approval by 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 refer it to the sub-committee on conference was adopted under suspension.

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

Re: *Parking Recommendations*

Dear Councilors:

Earlier this Spring, in lieu of moving forward with a contract for a comprehensive and expensive parking study, the City Council requested that we evaluate our parking program internally and come back to the City Council with some recommendations for improvements. Since that time, we have been meeting internally to consider ideas for improving our current parking program. At this point, we have consensus on the attached group of proposals.

Please understand that each of these proposed changes would require a formal vote by the Traffic & Parking Commission to amend the existing Parking Regulations. But, before presenting these to the Commission, we wish to determine if any have support of the City Council. We feel all would bring some measure of relief to the current parking congestion that exists in our neighborhoods, although they each have impacts that not all residents will find positive. Of course, if we implement some or all of these measures and parking problems persist, we can consider more drastic changes, including extended hours of enforcement and/or expansion of 24/7 Resident Sticker Parking areas.

At this point, I suggest that the City Council schedule another subcommittee meeting so that we can discuss the pros and cons of each proposal. Then, we can together make some decisions about how best to move forward.

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: *Short-Term Rental Local Option Community Impact Fee*

Dear Councilors:

I am writing with a clarification on the ability of the City to impose an additional local option tax of 3% on the short-term rentals that we are considering in the City – units solely in owner-occupied condominiums or single, two and three-family homes.

As we've previously discussed, because the City of Chelsea already voted to adopt the local option room tax of 6% in 2010, that tax will automatically apply to all short-term rentals in the City occurring on or after July 1, 2019. However, in addition to this room excise tax collected on the City's behalf by the Commonwealth, the new state law allows for the adoption of an additional 3% community impact fee on certain rentals. The new law further provides that at least 35% of these community impact fees must be used solely for affordable housing or local infrastructure projects, but I am recommending that the entire amount be dedicated to support affordable housing.

However, there is one wrinkle in this new law regarding this additional 3% community impact fee. In order to adopt the local option in M.G.L. c. 64G, §3D(b) for an additional 3% community impact fee on short-term rentals located within an owner-occupied two or three family dwelling (the law doesn't apply the fee to units rented within an owner-occupied single family unit), a municipality must first adopt the local option community impact fee in M.G.L. c. 64G, §3D(a) for "professionally managed units." "Professionally managed units" are defined in the law as "1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family or three-family dwelling that includes the operator's primary residence." See M.G.L. c. 64G, §1. As you know, our proposed Short-Term Rental Regulations do **not** allow these kinds of rentals of "professionally managed units." Nonetheless, if we want to collect the community impact fee on short term rentals in owner-occupied two and three family homes, we need to adopt this additional section of the law to impose of fee on these rentals *which would only be collected if someday the City decides to allow for these types of rentals.*

To accomplish this goal, I have revised the Order for the local option on the community impact fee for short-term rentals. The revised Order is attached. It includes adoption of both Section 3D(a) and 3D(b). I recommend adoption.

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
500 Broadway
Chelsea, Massachusetts 02150

Re: *Surrounding Community Agreement with Encore Casino*

Dear Councilors:

I am writing in follow-up to my April 18, 2019 letter regarding the City's Surrounding Community Agreement with Encore Casino. I wish to follow-up on the two requests that I made in that letter and ask for Council votes. My original April 18, 2019 letter is attached for your convenience.

First, I had requested that we set aside some funds for workforce development. I still believe that workforce development is an important and unmet need in the City. This casino mitigation agreement provides an opportunity to set aside a modest annual amount for that purpose. The source would be a portion of funds set aside in the existing Agreement for roadway improvements, a program which the City already adequately supports through other available revenues. I respectfully request that the Council authorize me to attempt to renegotiate the Surrounding Community Agreement with Encore to include workforce development funds secured in the manner discussed above.

Second, I had requested some direction from the City Council on the makeup of the Committee required to disburse the annual \$100,000 in funds for Arts/Cultural Activities. At the subcommittee meeting held subsequent to my letter, the Council seemed inclined to allow the existing Chelsea Cultural Council to serve as the awarding authority. Based upon that discussion, I have drafted an Order that would accomplish that goal.

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: *Ordinance Changes*

Dear Councilors:

I am submitting for your review and approval the final versions of the following Ordinances and related documents.

1. New Sign Ordinance Chapter 34, Section 34-109;
2. Miscellaneous Zoning Ordinance Amendments;
3. New Ordinance for Outdoor Café & Dining Areas;
4. Zoning Ordinance for Short-Term Rentals;
5. New Ordinance for regulating Short-Term Rentals;
6. Order for local option on taxation of Short-Term Rentals; and
7. New Vacant Building Ordinance.

I believe I have included all of the changes that we have discussed at the two subcommittee meetings.

The only document that is not included here is the proposal for amendments to the Inclusionary Zoning Ordinance. As discussed last evening, those proposed amendments, because they differ so substantively from what was originally submitted, must be returned to the Planning Board for a further public hearing and recommendation.

I respectfully request approval of all of the proposed documents.

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: *Request for Conflict of Interest Law Exemption*

Dear Councilors:

After a competitive bidding process, the procurement officer has awarded the City of Chelsea's contract for repairs and maintenance on the City's fire alarm system to two firms, one of which is Delco Utilities, Inc. of Peabody, Massachusetts. The Emergency Management Department is charged with overseeing the services provided for the contract.

This matter is before you because the owners of Delco Utilities, Inc. are two Chelsea Firefighters, David Delaney and Albert Peters. Because these owners are each municipal employees with a financial interest in this contract, they must seek an exemption by the City Council from the statutory conflict of interest

laws and file a disclosure form with the City Clerk. Both of the owners have filed their required disclosures with the City Clerk.

I believe an exemption is warranted under these circumstances. Neither Mr. Delaney nor Mr. Peters work for the department responsible for the contract. Neither will be compensated for more than 500 hours each under the contract. And all work performed pursuant to the contract will be outside their normal hours as firefighters. Accordingly, they each meet the statutory requirements for the grant of an exemption. See M.G.L. c. 268A § 20.

I respectfully request that the Council grant Mr. Delaney and Mr. Peters the requested exemption.

Very truly yours
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: *Water & Sewer Rates*

Dear Councilors:

With the approval of the FY20 Budget, including the FY20 Budgets for the Water & Sewer Enterprise Systems, the DPW is prepared to move forward with the setting of rates for FY20. The approved expenditures that must be covered by the new FY20 rates are as follows: Water \$8,709,470; and Sewer \$13,326,503.

We have been reviewing proposed rates to cover these costs for the past few weeks. Based upon our best estimates, it appears that these costs can be covered under the current **three** tiered system with the following new rates per hundred cubic feet ("HCF"):

Water: Tier 1 \$5.58; Tier 2 \$6.80; Tier 3 \$8.30
Sewer: Tier 1 \$9.66; Tier 2 \$10.54; Tier 3 \$12.33

This represents identical increases in both Water and Sewer rates as follows: a 3% increase for Tiers 1 and 2; and a 5% increase for Tier 3. The detail is attached. With this increase, the average water and sewer bill in Chelsea (assuming annual usage of 120 HCF) will be \$1,828.80. That is a 2.97% increase.

At the Council's express request, we did consider a **two** tiered system that collapsed Tier 1 (0-1,000 cu. ft) and Tier 2 (1,001 – 2,501 cu. ft.) into a single Tier 1 (0- 2,501 cu. ft). This is also detailed in the attached rate analysis. However, as I mentioned in my original response to that Council Order, the impact of such a change is that those in Tier 1, who do the best job of conserving water, will pay more. In this scenario of a single Tier to combine Tiers 1 and 2, the Tier 1 rate would be \$6.13 for Water and \$10.00 for Sewer. Although this is a decrease compared to the current Tier 2 rate, it represents a 13% increase in the Tier 1 Water Rate and a 6.6% increase in the Tier 1 Sewer Rate. Further, the average

water and sewer bill would be \$1,935.60, an increase of almost 9%. Because of this impact on those who use the least amount of water, I am not recommending this approach.

Sometime in early July, the DPW will be holding a public hearing on the new proposed rates. As soon as the hearing date is set, I will notify the City Council.

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 the actions approved at the June 4, 2019 Traffic and Parking Commission meeting. A motion from Councilor Robinson to accept and file was adopted under suspension.

A copy of a letter was received from Cheryl Watson Fisher Legal Counsel, with an upgrade on the Marijuana Establishments. It was late and no objections were made. A motion from Councilor Robinson to accept and file was adopted under suspension.

Unfinished Business:

Councilor Robinson moved that all matters listed on the Agenda pertaining to unfinished business be acted upon. No objections were made.

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

WHEREAS, the Chelsea City Council has authority to adopt municipal zoning ordinances that encourage the most appropriate use of land throughout the City; and

WHEREAS, the City of Chelsea wishes to adopt new zoning rules to allow for signs and illumination in a controlled manner throughout the City.

NOW, THEREFORE, BE IT ORDAINED, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

AN ORDINANCE REVISING PART II CHAPTER 34 OF THE CHELSEA CODE OF ORDINANCES TO ADD THE FOLLOWING NEW SIGN ORDINANCE

Amendment I

That Chapter 34, Article V General and Supplemental Regulations be amended by striking the existing Section 34-109 entirely and replacing with the following new Section.

Sec. 34-109. - Signs and illumination

- (a) *Generally.* Any sign erected or painted on a structure after the adoption of the ordinance from which this chapter is derived shall conform to the applicable standards set forth herein.

- (1) *Permit required.* The erection of any sign with any these characteristics:

- In excess of six square feet
- Hanging or projecting signs
- Sidewalk signs

shall require a permit from the building inspector and the zoning enforcement officer who shall determine conformance of such signs with these provisions.

- (2) *Everett Avenue urban renewal area.* In the Everett Avenue urban renewal area, signage is subject to design review and design standards. See section 34-155(h) and (i).
- (3) *Materials.* Signs other than permitted temporary signs shall be constructed of durable and weather-resistant materials. The owner of any sign shall inspect annually such sign belonging to such owner and it shall be the duty of said owner to keep such signs in good repair and of neat appearance at all times.
- (4) *Existing Signs.* Any signs existing at the adoption of this Ordinance that were the subject of a valid building permit, or that otherwise have legal protection pursuant to M.G.L. c. 40A, Sections 6 or 7 shall be considered pre-existing non-conforming uses and shall be subject to all the protections for such uses under M.G.L. c. 40A.

- (b) *Signs in residential districts.* The following signs are permitted in R1, R2 and R3 districts:

- (1) One sign per occupant not exceeding two square feet in area may be placed either on each wall of a building facing a street or in each yard facing a street provided that, if freestanding, it shall not be higher than four feet and shall be set back at least three feet from the street line. Such signs shall be for identification purposes only, displaying the number or name of the occupant, except that they may include identification of any accessory professional office and other permitted accessory uses. A sandwich sign shall not be considered a freestanding sign, and therefore sandwich signs are not allowed.
- (2) One bulletin or announcement board or identification sign not exceeding ten square feet in area for each permitted nonresidential building or use provided that such sign, if freestanding, shall not be located nearer to a street line than one half of the depth of the required front yard. Churches, public educational and other institutional uses shall be permitted two such bulletin or identification signs on each building provided one does not exceed 20 square feet in area and the other ten square feet in area.
- (3) One temporary real estate sign advertising the sale or rent of the premises on which the sign is located not exceeding six square feet in area.
- (4) One temporary contractor's sign maintained on a building while work is actually in progress not exceeding 20 square feet in area.

- (c) *Signs in Retail Business (BR) Districts.* The following signs are permitted in BR and BR2 districts:

(1) *Upper story signage.*

Definition. Signage for businesses located on floors above the ground floor level. Signage may take the form of lettering, panels, or window graphics. Signs may be located between second and third story windows, or on window glass. One sign is allowed per establishment, except businesses with multiple frontages which are allowed one sign per frontage.

Size and proportion. Multiple signs along a single building facade shall all be identical in size and their location shall be considered in relationship to the overall building. Applicants shall strive not to obscure architectural features and to complement/highlight building details. The overall depth of signs shall be eight inches maximum. Signage on windows shall follow the guidelines outlined in Sec. 34-109(c)(6).

Materials and techniques. Signs shall be composed of durable and weather-resistant materials.

Lighting. Signage may be lit using down-lighting fixtures mounted to the building or sign panel. Halo-lit or backlighting of the letters is permitted. Exposed conduits should be minimized and painted to match the facade color.

(2) *Building name and address.*

Definition. Signs that display the name and address of a commercial property, such as residential or office building, and identify the main entry doorway. Signs may be lettering or plaques located above the main entry doors, next to the doors, or used in combination. In the case of multiple entries along one street frontage, the owner shall designate one entrance as primary, and one as secondary, with the secondary entrance utilizing minimal signage. Buildings with more than one street frontage may designate one entrance per frontage as a primary entrance. Plaques should be located at eye-level, between four and five feet to the center of the sign, in compliance with ADA requirements.

Size and proportion. Signage should be proportioned to the scale of the building entry and be sized to fit within natural zones on building facade, such as areas above doorways, or columns next to entries. Applicants shall strive not to obscure architectural features and to complement/highlight building details.

Materials and techniques. Signs shall be composed of durable and weather-resistant materials.

Lighting. Small down-lighting fixtures mounted to the building or sign panel, or halo-lit or backlighting of the letters is permitted. Exposed conduits shall be minimized and painted to match the facade color.

(3) *Sign band.*

Definition. A sign band is located on a building in the horizontal zone above storefront windows, or on upper floors below the windows or cornice. Signage may be composed of individual letters or contained in a single panel that is mounted parallel (flat) to the building facade. Corner businesses may have one sign in the sign band on each street frontage.

Size and proportion. The sign should fit within the sign band area outlined above and expose a portion of the building facade around all sides of the sign panel. Applicants shall strive not to obscure architectural features and to complement/highlight building details. The overall depth of signs should be 8 inches maximum.

Materials and techniques. Signs shall be composed of durable and weather-resistant materials.

Lighting. Signage is intended to be lit externally and may use multiple small down-lighting fixtures mounted to the building or sign panel. Halo-lit or back-lighting of the letters is permitted. Exposed conduits should be minimized and painted to match the facade color.

(4) *Awnings as signs.*

Definition. In addition to providing sun and weather protection, awnings can be used as signs when there is not a definite sign band available. Awnings may also supplement wall signs or projecting signs. Open-sided awnings are preferred, with the graphics restricted to the vertical surface.

Size and proportion. Awnings are permitted above each display window and building entrance. Each awning may not exceed the length of the correlating window or entrance to which it is associated. Awnings may be used on both street-facing sides of a corner storefront. Awnings should be sized appropriately to the store front and building facade. Awnings should not project more than 5 feet from the facade and be a minimum of 8 feet from the lowest point of the drop valance to the sidewalk. Nothing is permitted to be hung from awnings.

Materials and techniques. Signs shall be composed of durable and weather-resistant materials. Use high quality supports and minimize drilling and damage to building facade. Awnings must be mounted securely such that windy days do not cause excessive flapping or failure. Plastic awnings are prohibited.

Lighting. Awnings may be illuminated with building mounted down-lights. Awnings may not be internally illuminated. Lighting with the sole purpose of illuminating the sidewalk may be used.

(5) *Projecting sign.*

Definition. These signs project outward from the building facade, typically over the sidewalk. They should be securely mounted near the entrance to the business. The sign must have two identical sides. Projecting signs are also called blade, shingle and pendant signs. Corner businesses may have one projecting sign on each street frontage.

Size and proportion. Projecting signs shall be sized appropriately to the building façade. Applicants shall strive not to obscure architectural features and to complement/highlight building details. Vertical columns are ideal mounting locations. The bottom edge of the sign should not be lower than eight (8) feet above the sidewalk. Signage should project no more than thirty-six (36) inches from the face of the building (including brackets) and maintain a six (6) inches space between the sign and the building face.

Materials and techniques. Signs shall be composed of durable and weather-resistant materials. Use layering and depth to create visual interest. Minimize penetrations, drilling into, and damage to building facades or columns. Brackets may be expressive and decorative. Signs must be secured so that wind will not cause swinging or detachment.

Lighting. Signage may be lighted externally. Use small lighting fixtures mounted to the sign or building face. Exposed conduits are to be minimized and painted facade color.

(6) *Window and door graphic.*

Definition. These graphics typically display the business name and logo and may state the nature of the business. Signage typically is located on the main storefront display windows. Detailed information, such as telephone numbers and hours of operation, is preferred to be smaller scale and located on entry doors. Window graphics may be located on each main display window of the tenant space.

Size and proportion. Window graphics may not exceed 15% of the size of the window to which they are affixed. Retailers are encouraged to minimize additional signage and postings that may further obscure views into the space.

Materials & techniques. Individual letters and graphics are preferred. These may be cut vinyl, metal leaf, or hand-painted. White or light-colored letters are preferred to darker colors due to their increased visibility. Large decals are strongly discouraged.

(7) *Sidewalk sign.*

Definition. Sidewalk signs, also called sandwich boards or easel signs, allow merchants to display special menu items or store events. Signs must be placed directly in front of the business to which they pertain. They may not be placed

within five (5) feet of the property line nor within two (2) feet of the curb. Signs shall not interfere with pedestrians or create safety hazards. Signs may only be displayed during the hours of operation of the business. Sidewalk signs shall be limited to one (1) per business

Size and proportion. Overall dimensions shall be a maximum of thirty (30) inches wide by forty-two (42) inches tall. Plastic and banner-style sidewalk signs are not permitted.

Materials and techniques. Signs shall be composed of durable and weather-resistant materials. Signs shall not be chained to trees and other sidewalk elements. Use locking stays to keep signs in the open position. Secure signs so that wind will not blow signs over. Signs should not be displayed on excessively windy days.

- (d) *Signs in Highway Business (BH), Shopping Center (SC), Industrial (I) and Waterfront (W) Districts.* The following signs are permitted:

- (1) Two signs pertaining to each establishment or occupancy in a building, store or office the total area of which shall not exceed 200 square feet shall be permitted, provided that:
 - a. One of these signs may be freestanding, further provided that such sign shall not exceed 15 percent of the area of the building face or 60 square feet whichever is the smaller area.
 - b. In the case of an open-air use containing no building, one freestanding sign not exceeding 60 square feet shall be permitted for each 100 feet of lot frontage on the street on which the use had direct frontage.

- (e) *Signs in the Naval Hospital District-Commercial.* The following signs are permitted in the NHC district:

- (1) Each industrial building shall be permitted one sign on each wall facing a street on which the building has direct frontage, provided that such signs must be attached and parallel to the building.

- (f) *Off-premises signs.*

- (1) *Special permit.* Billboards or signs advertising a business, service or product at another location, hereinafter referred to as off-premises signs, shall not be erected except upon the issuance of a special permit by the zoning board of appeals.
- (2) *Nonconforming off-premises signs.* Notwithstanding the foregoing or any other provision of this chapter, any off-premises sign or billboard which was lawfully erected and maintained, and for which a permit was issued under the provisions of M.G.L. c. 93, was in compliance with the ordinances of the city and was otherwise lawful in all respects on the date when said permit was issued, shall be permitted to be used and maintained and may from time to time be repaired or replaced without the approval of said zoning board of appeals.

(g) *Design standards and restrictions.*

- (1) No hanging or projecting signs shall be permitted except within the BR and BR2 districts.
- (2) All signs or advertising devices shall be stationary, except time and temperature indicators, and may not contain any visible moving or movable parts.
- (3) No sign shall generate music or an audible message.
- (4) No sign, other than traffic control and route signs authorized by public agencies and temporary Sidewalk Signs per Sec. 34-109 (c)(7) shall be placed within a public right- of-way.
- (5) No sign shall be so designed, colored or placed, as to endanger, obscure, confuse, blind by glare or otherwise create a hazardous condition to motor vehicle traffic or pedestrians.
- (6) No sign painted or attached to a building shall project more than six inches from the wall or above its roof or parapet line except within the BR and BR2 Districts per Sec. 34-109 (c)(5)
- (7) No sign shall be placed in any side or rear yard adjoining a residential district.

(h) *Illumination.* The following standards shall apply:

- (1) Signs in residential districts may not be illuminated except for signs for places or businesses open to the public, and such signs may be lighted only indirectly and in a manner that will not permit direct light to shine onto any street or adjacent property.
- (2) Any lighting shall be continuous and non-flashing.
- (3) Exposed neon-type or exposed gas-illuminated signs shall be high-quality and in conformance with all other applicable sections of this Ordinance.
- (4) Internally illuminated sign boxes with translucent plastic faces are prohibited.
- (5) Lighting shall conform to the recommendations of the International Dark Sky Association (IDA).

(i) *Temporary signs.*

- (1) *Banners, flags, and pennants.* Banners, flags, and pennants associated with a temporary event, such as grand openings, sales or closings, are not allowed on any premises for more than four weeks in aggregate in any calendar year, except that a banner, flag or pennant for a seasonal event may exceed 4 weeks with the written permission of the Building Inspector.
- (2) *Removal.* Temporary signs relating to a business, service, product, or activity on the premises on which the sign is located shall be removed from public view within seven days after the activity advertised has ceased or after substantial damage to the sign, whichever comes first.
- (3) *Placement.* No temporary sign shall be placed or allowed to be placed or affixed to any public building, land, fence, utility pole or tree within the city.
- (4) *Mobile signs.* Mobile signs are prohibited in the city.
- (5) *Sidewalksign.* Sidewalk signs are prohibited in the city except in the BR and BR2 Districts per Sec. 34-109(c) (7).

(j) *Removal.*

- (1) *Change in occupancy causes sign to no longer apply.* Any sign erected after adoption of the ordinance from which this chapter is derived which, because of a change in occupancy, ceases to refer to a bona fide business conducted, or product sold on the premises, shall be removed by the owner within 30 days after written notification from the building inspector or within such longer period not exceeding one year as the

inspector and zoning officer may determine.

- (2) *Projecting sign.* Any projecting sign which, because of a change in occupancy or a change in use, ceases to refer to a bona fide business conducted, or product sold on the premises shall be removed by the owner within 30 days after written notification from the building inspector and zoning enforcement officer or within such longer period not exceeding one year as the inspector and zoning officer may determine.
- (3) *Nonconforming signs.* All nonconforming signs may continue to be used and maintained hereafter and may be replaced from time to time, unless ordered removed in accordance with this chapter or unless abandoned.

- (k) *Maintenance.* All signs shall be maintained by the owner of the property on which the sign is located in a safe, clean, sanitary and inoffensive condition. All superficial damage or graffiti shall be remediated by the owner within ten (10) days of the damage taking place. Signs deemed unsafe or structurally deficient by Inspectional Services shall be removed within seven (7) days or sooner at the discretion of the Building Inspector from the exterior of the property, and may not be reinstalled until the new or modified signage has been reviewed by the building inspector.

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

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 and the City Council intend to capture a wide range of zoning uses throughout the City.

WHEREAS, The City Administration and the City of Chelsea Planning Board both have made recommendations after a subcommittee and a public hearing, for the adoption of the 8 amendments to revision of the City of Chelsea Zoning Ordinance - Chapter 34 Various Amendments,

WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds:

- 1) That the amendment to Chapter 34- advances 8 amendments that are legitimate aspects of public interest;
- 2) That it further promotes the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
- 3) That it encourages the most appropriate use of land throughout the City of Chelsea;

NOW, THEREFORE, BE IT ORDAINED, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

AN ORDINANCE REVISING PART II CHAPTER 34 OF THE CHELSEA CODE OF ORDINANCES

TO ADD THE FOLLOWING ZONING PROVISIONS

Amendment 1

That Chapter 34, Article X Definitions be amended by adding to Section 34-241 – Definitions a new definition which shall read as follows:

Section 34-241. Definitions

Outdoor Cafe & Dining Area means a portion of an immobile retail food establishment located on a public right-of-way directly adjacent to an existing retail food establishment. No additional parking is required for an Outdoor Cafe & Dining Area due to its temporary nature.

Amendment 2

That Chapter 34, Article XIII The Table of Principal Use Regulations, Section 34-300 be amended by adding the following Use to the list of Residential Uses in Subsection A.

Principal Use	Districts													
	R1	R2	R3	BR	BR2	BH	B	SC	W	■	LI	LI2	NHR	NHC
Outdoor Cafe & Dining Area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Amendment 3

That Chapter 34, Article II Zoning Districts be amended by striking the existing Section 34-27, Subsection (f) and replacing with the following new Subsection.

Section 34-27(f). Specific Districts

(f) *Retail Business (BR) District.* The purpose of the BR district is to provide a downtown area with the range of business sales and services which generally constitute a central business district with the aim of promoting enhanced commercial identity, vibrancy, and pedestrian activity.

Amendment 4

That Chapter 34, Article III Use Regulations be amended by striking the existing Section 34-52 and replacing with the following new Section.

Section 34-52-Residential Units in Basement/Ground Floor in Retail Business Districts.

(a) Within the Retail Business (BR) and Retail Business 2 (BR2) Districts, residential units in the basement or on the ground floor shall only be allowed by Special Permit from the ZBA, except that no Special Permit shall be allowed or considered by the ZBA for a residential unit on the ground floor or basement floor in that portion of the Retail Business District on Broadway between City Hall Avenue and Williams Street if such residential unit abuts Broadway.

(b) *Materials.* The following materials should be avoided from use as exterior cladding for permanent buildings:

- (1) Vinyl Siding
- (2) Asphalt Panel Siding
- (3) Exterior Insulation Finishing System (EIFS)

Amendment 5

That Chapter 34, Article IV Dimensional Regulations be amended by striking the existing Section 34-78, Subsections (f), (i), G) and (n) and replacing with the following new Subsections (f), (i), G) and (n).

Sec. 34-78. - Special dimensional regulations

(f) *Side yards in BR and BH districts.* In the Retail Business District and the Highway Business District, side yards between buildings may be omitted, provided that:

- (1) The side yard does not adjoin a residential district or building used exclusively for residential purposes;
- (2) The access of emergency equipment to the rear yard of any building is not thereby obstructed;
- (3) No off-street parking or loading area is thereby rendered inaccessible.

(i) *Projections into required yards.* The following may project into required yards:

- (1) Open steps.
- (2) Terraces and porticos, but to a distance no greater than five feet into the required front yard (exclusive of the open steps).
- (3) Bay windows may project no more than two (2) feet into any required yards so long as the individual bays are a maximum of ten (10) feet wide, have a minimum of ten (10) feet clear between adjacent bays, provide a minimum of ten (10) feet of vertical clearance below if there are walkways beneath, and constitute no more than twenty-five (25) percent of the overall surface of the total facade they project from.

(4) Balconies may project no more than two (2) feet into any required yards so long as they are a maximum of ten (10) feet wide, have a minimum of ten (10) feet clear between adjacent balconies, provide a minimum of ten (10) feet of vertical clearance beneath them, and do not have solid or opaque railings.

(j) *Special height regulations.*

(I) Exceptions. The height regulations of the chapter shall not apply to the following:

- a. Erection of belfries and towers designed exclusively for ornamental purposes, flagstaffs, chimneys, flues, electric generating plants, passive solar devices, elevator shafts, water tanks, standpipes, bulkheads, headhouses for roof access, roof deck railings and mechanical equipment.
- b. Parapet walls or cornices extending not more than three feet above the height

limit.

(2) *Limitation of height due to Logan Airport.* Reference should be made to Federal Aviation Regulations, 14 CFR, Part 77, objects affecting navigable air space, or any amendments thereto, with regard to limitations on height of structures due to existing or planned approaches to Logan Airport. Notwithstanding any provision of this chapter, no structure shall be erected or maintained in any district to a height in excess of any limitation established by these regulations.

(n) *Siting of buildings.* For lots with a single frontage, permanent buildings shall be sited so that the primary building entrance and any ground-floor retail is oriented to face said frontage unless otherwise approved on a site plan. For lots with two or more frontages, permanent buildings shall be sited so any ground floor retail shall face the primary frontage, with entrances for living units or lobby entrances located on the secondary frontages. Vehicular entrances and loading shall not be located along the primary frontage of any permanent building with two or more frontages unless given site plan approval.

Amendment 6

That Chapter 34, Article V General and Supplemental Regulations be amended by striking the existing Section 34-106, Subsections (a), (d)(6) and (h)(l) and replacing with the following new Subsections (a), (d)(6) and (h)(l).

(a) *Generally.* Accessible off-street parking facilities for the parking of motor vehicles shall be provided in accordance with the standards set forth in this section and comply with the Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB).

(d) *Parking lot design.* The following regulations are applicable to parking lots with five or more spaces:

(6) *Lighting.* Any illumination for a parking area shall be arranged or designed so as to prevent glare and shall be shielded to prevent light from directly shining upon any adjoining building or property in residential use or adjacent streets. The lights are to be LEDs or an equally energy-efficient type of bulb. Light fixtures in the BR District that are publicly visible from Broadway shall be historical/period style fixtures. Lighting shall conform to the recommendations of the International Dark Sky Association (IDA).

(h) *Special district regulations.*

(1) Retail Business District. In the BR district:

(a) No owner shall as a result of a change of use or addition remove any existing off-street parking in order to expand the existing building unless said parking is replaced elsewhere on site.

(b) No off-street parking requirements shall be required for any change of use, new construction or addition that results in a new use, new construction or addition that is less than 5,000 gross square feet excluding unoccupied basements, cellars, and below grade parking areas.

(c) Any change of use, new construction, or addition that results in more than 5,000 gross

square feet of building area shall provide off-street parking at a rate consistent with section 34-283 for the amount of the resulting structure in excess of 5,000 square feet.

Amendment 7

That Chapter 34, Article V General and Supplemental Regulations be amended by striking the existing Section 34-110, Subsection (m) and replacing with the following new Subsection.

Sec. 34-110. - Performance Standards

(m) *Dish antennas.* For commercial or industrial districts, dish antennas may be located in either the rear yard or on a roof at the discretion of the zoning enforcement officer after consultation with the building inspector. Satellite dishes affixed to buildings such as those for residential use shall not be located facing a public right of way, and may not overhang any public sidewalk or street. Dishes must be removed within thirty (30) days of disuse.

Amendment 8

That Chapter 34, Article XI Table of Dimensional Regulations be amended, for the Retail Business (BR) District only, by striking the existing requirement in the BR District for side yard setback and replacing with the following new restriction for side yard setback:

Retail Business (BR)

Side yard setback: 10' only when abutting a zone other than the BR district

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

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea; and

WHEREAS, the City of Chelsea has successfully implemented a pilot program for outdoor café and dining in the City; and

WHEREAS, the City of Chelsea wishes to adopt permanent rules to properly regulate outdoor café and dining to enhance the downtown business districts.

NOW, therefore be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

AN ORDINANCE REVISING PART II CHAPTER 14 OF THE CHELSEA CODE OF ORDINANCES
TO ADD A NEW SECTION 14-91 ON OUTDOOR CAFE & DINING AREAS

Amendment 1

That Chapter 14 be amended by adding a new Section 14-91 which shall read as follows:

Section 14-91. Outdoor Café & Dining Areas

- a. *Generally.* An Outdoor Cafe & Dining Area means a portion of an immobile retail food establishment located on a public right-of-way directly adjacent to an existing retail food establishment. The following Rules and Regulations govern the operation of approved Outdoor Cafe & Dining Areas.
- b. *Licensing Authority.* The City of Chelsea Licensing Commission shall license all Outdoor Café & Dining Areas.
- c. *Permitting.* A permit issued by the Licensing Commission shall be required to operate the Outdoor Cafe & Dining Area. Permit applications and information about completing the application are available online at the City of Chelsea's Licensing Department website and at the Zoning offices at City Hall, 500 Broadway, Chelsea, MA 02150.
 1. A non-refundable application fee shall be paid with the submittal of the initial application by a business for a Sidewalk Café permit.
 2. The Outdoor Cafe & Dining Area permit shall only authorize food and beverage service. Regardless of what other activity may be permitted to take place inside the establishment that holds the Outdoor Cafe & Dining Area permit, such other activity except food and beverage service shall be prohibited.
 3. The permittee or the permittee's designee shall be required to post the original Outdoor Cafe & Dining Area permit, and any conditions that have been imposed upon such permit, on the premises of the affiliated franchise of the Sidewalk Café.
- d. *Location and dimensions.* An Outdoor Cafe and Dining Area is only permitted where authorized by the City's Zoning Ordinance. These areas can take on a variety of configurations but each must be limited in width to the frontage of the business with which it is associated. Outdoor Cafe and Dining Areas can be against the business facade, on the sidewalk along the curb, or, with additional permits, on the street in a former parking space or in an alley. The location and configuration of all Outdoor Cafe and Dining Areas shall be done in consultation with the Chelsea Planning and Development Department.
- e. *Operational conditions.*
 1. Outdoor Cafe & Dining Areas may operate during the establishment's general business hours.

2. All tables, chairs, umbrellas, planters, heaters or any other object associated with the Outdoor Cafe & Dining Area ("Outdoor Cafe & Dining Area Elements") shall be promptly stacked/set aside and secured immediately after the Outdoor Cafe & Dining Area discontinues its daily operation. Stacking or storing of any Outdoor Café & Dining Area Elements in the public right-of-way at any other time is prohibited.
3. Paper products and plastic cutlery for the consumption of food or beverages are not permitted at the Outdoor Café & Dining Area.
4. Outdoor Cafe & Dining Area patrons must wear shoes and shirts at all times.
5. All Outdoor Cafe & Dining Area employees shall be subject to and comply with all applicable requirements and standards for a retail food establishment.
6. The permittee shall be required to abide by all federal, state and local laws, rules and regulations applicable to the operation of the Outdoor Cafe & Dining Area in the City of Chelsea.

f. *Prohibited uses.*

1. The Outdoor Cafe & Dining Area may not be used for any purpose other than food and beverage service associated with the adjoining business.
2. Alcoholic beverages are not allowed within the Outdoor Café & Dining Area.
3. Outdoor storage or other uses are strictly prohibited.
4. Smoking and vaping are not allowed within the Outdoor Cafe & Dining Area.
5. Animals, with the exception of registered service animals, are not allowed within the Outdoor Cafe & Dining Area.

g. *Clear path of travel.* A minimum five (5) foot wide clear path of travel of the public right-of-way must be maintained at all times.

1. The width of the Clear Path of Travel is measured from the outside edge of the sidewalk café fencing or fence post base to the nearest adjacent building facade or curb.
2. A-frames, portable signs, or any other object are not allowed in the clear path of travel.
3. The clear path of travel should be straight and not involve sharp or jagged turns that would impair pedestrian circulation.

h. *Setbacks.* Setbacks are required from the following elements. These elements must be clearly identified on the required site plan in the permit application:

1. Five (5) feet from bus stops, handicapped parking, fire hydrants, crosswalks and commercial loading zones.

i. *Design and layout.*

1. The Outdoor Cafe & Dining Areas shall only be permitted where authorized by the City's Zoning Ordinance.
2. All services provided to patrons of the Outdoor Cafe & Dining Area and all patron activity shall occur within the designated Outdoor Cafe & Dining Area, and shall not impinge on the required clear distance for pedestrian passage at any time.

3. The Outdoor Cafe & Dining Area shall not interfere with any utilities or other facilities such as fire hydrants, parking meters, or mailboxes located on the sidewalk or public right-of-way.
4. The Outdoor Cafe & Dining Area shall be accessible to disabled patrons and employees, and buildings adjacent to these areas shall maintain building egress as defined by the current building code.
5. All Outdoor Cafe & Dining Area Elements shall be reviewed by the Planning and Development Department and Inspectional Services as part of the Outdoor Cafe & Dining Area permitting process.
6. The use of removable umbrellas may be permitted provided they do not interfere with street trees. No portion of the umbrella shall be less than seven feet above the sidewalk. Umbrellas and any type of overhead structure shall be designed to be secure during windy conditions and shall be weather resistant. No part of the umbrella shall be within twenty-five (25) feet of a stop sign or intersection.
7. No electrical wires are permitted to cross the Clear Path of Travel associated with the Outdoor Cafe & Dining Area.
8. Menus shall be restricted to a maximum size not to exceed nine inches wide and twelve inches long and shall be secured to tabletops or designed in order to prevent debris.
9. A sign posted in a visible location is required at the Outdoor Cafe & Dining Area which states, "It is unlawful to consume alcoholic beverages in the Outdoor Café & Dining Areas".

j. *Enclosure.* A physical perimeter to define the Outdoor Cafe & Dining Area from the clear path of travel is required. Different types of enclosures can be used such as fencing, bollards, free standing bases with ropes or chains, or elevated plant containers. The following design standards apply to enclosure:

1. Enclosure must be between 30" and 42" high.
2. Enclosure must be detectable by cane to warn visually impaired persons of potential hazards in the path of travel. It is the food service establishment's responsibility to comply with all regulations of the Americans with Disabilities Act (ADA).
3. The enclosure may either be attached to the sidewalk with bolts or utilize free-standing bases. When bolted fencing is removed, the bolts must be removed from the Outdoor Cafe & Dining Area, the holes must be filled, and the area must be restored to original or better condition.
4. Enclosure should be constructed with a railing, rope, or other horizontal element. Posts with pointed tops are not permitted. Avoid solid panels – fencing must have some level of transparency.
5. All seating and tables must be freestanding, matching and durable. Five percent of seating must be accessible to persons with disabilities. It is the food service establishment's responsibility to comply with all regulations of Title III of the ADA.

k. *Heating Elements.*

1. Heating elements are allowed within the footprint of the permitted Outdoor Café & Dining Area, but may not encroach on the Clear Path of Travel.
 2. Heating elements are not allowed to be within five (5) feet of streets trees or overhead wires.
 3. Heating elements must be reviewed by the City of Chelsea Fire Marshall and must be temporary in nature and easy to remove.
1. *Exiting and Occupancy Requirements.* Outdoor Cafe & Dining Areas will not require a change to the occupancy permit for the food service establishment, provided that the Outdoor Cafe & Dining Area exits directly to the public sidewalk. The exit must be free of obstructions, including all gates.
- m. *Enforcement*
1. Fine for Violation. Any permit holder operating an Outdoor Café & Dining Area in violation of any provision of this section or any rules and regulations promulgated by the Licensing Commission may be subject to a fine of three hundred (\$300.00) dollars per day. Each day of violation shall constitute a separate and distinct offense. The provisions of G.L. c. 40, s. 21D may be used to enforce this section
 2. Revocation, Suspension, Modification. Once a permit has been issued it may be revoked, suspended, modified, or not renewed by the Licensing Commission for failure to comply with the provisions of this section, any rules and regulations promulgated by the Licensing Commission, or any laws of the Commonwealth or the United States.
 3. No permit shall be revoked, suspended, modified, or not renewed without a hearing before the Commission, prior to which hearing the Commission shall give reasonable notice of the time and place of the hearing and the specific grounds of the proposed action. The decision resulting therefrom shall be final.
 4. The Licensing Commission or its designee may suspend a permit for no more than three (3) days without a notice or hearing, if the Commission or its designee specifically notifies the permit holder in writing that there is a probability of violation of public safety, health or order. In such a case, a hearing shall be held before the Commission within forty-eight (48) hours of the suspension in order to determine whether the public safety, health or order concern justified the suspension.
 5. The provisions of this section may be enforced jointly by the Chelsea Police Department and the Chelsea Inspectional Services Department.

This ordinance shall be effective immediately.

The following Ordinance was introduced by Councilor Vidot. A motion from Councilor Robinson to adopt by roll call passed 10-1-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Tejada, Robinson, Bishop, and Recupero. Voting no was Councilor Perlatonda.

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea;

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 of Chelsea wishes to adopt new zoning rules to properly regulate the new short term rental industry in order to ensure that this industry works to the benefit of the City's residents without adverse impacts;

WHEREAS, the City Administration and the City of Chelsea Planning Board both have made recommendations after a subcommittee and a public hearing, for the adoption of the amendments to the City of Chelsea Zoning Ordinance; and

WHEREAS, the Chelsea City Council, after due notice, public hearing and deliberation finds:

1. that the amendments to Chapter 34 advance legitimate aspects of the public interest;
2. that it further promotes the health, safety and general welfare of the inhabitants of the City of Chelsea; and
3. that it encourages the most appropriate use of land throughout the City of Chelsea;

NOW, therefore be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

AN ORDINANCE REVISING PART II CHAPTER 34 OF THE CHELSEA CODE OF ORDINANCES TO ADD ZONING PROVISIONS ON SHORT TERM RENTALS

Amendment 1

That Chapter 34, Article X Definitions be amended by adding to Section 34-241 – Definitions a new definition which shall read as follows:

Section 34-241. Definitions

Short-Term Rental(s) means the use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than thirty (30) consecutive calendar days for a fee, provided that such Residential Unit meets the definition of a Limited Share Unit or Owner-Adjacent Unit set forth in Chapter 6, Section 6-5 of this Code of Ordinances.

Amendment 2

That Chapter 34, Article XIII The Table of Principal Use Regulations, Section 34-300 be amended by adding the following Use to the list of Residential Uses in Subsection A.

Principal Use	Districts													
	R1	R2	R3	BR	BR2	BH	B	SC	W	I	LI	LI2	NHR	NHC

Short-Term Rentals	Y	Y	Y	Y	Y	N	N	N	Y	N	N	Y	Y	N
--------------------	---	---	---	---	---	---	---	---	---	---	---	---	---	---

The following Ordinance was proposed by Councilor Vidot. A motion from Councilor Robinson to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda Tejada, Robinson, Bishop, and Recupero.

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea;

WHEREAS, the City of Chelsea wishes to adopt rules to properly regulate the new short term rental industry in order to ensure that this industry works to the benefit of the City's residents without adverse impacts.

NOW, therefore be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

AN ORDINANCE REVISING PART II CHAPTER 6 OF THE CHELSEA CODE OF ORDINANCES TO ADD A NEW SECTION ON SHORT TERM RENTALS

Amendment 1

That Chapter 6 be amended by adding a new Section 6-5 Short Term Rentals, which shall read as follows:

Section 6-5. Short-Term Rentals

(a) Purpose and Intent

The purpose of this Section is to provide a process through which certain dwelling units may be registered with the City of Chelsea for use as short-term rental units under the terms and conditions set forth in this Section.

(b) Definitions

Limited Share Unit means a Residential Unit that is the owner-occupied unit of an Operator, a portion of which is offered as a Short-Term Rental, but only while the Operator is present. One bedroom must be reserved for the Operator. And, no more than 3 bedrooms may be utilized for the Short-term Rental.

Owner-Adjacent Unit means a Residential Unit in an owner-occupied two or three family residence that is not the Operator's residence but that is located within the same dwelling as the Operator's residence; provided that, for purposes of an owner-occupied three family residential dwelling, in addition to the unit in which the Operator resides and may use as a Limited Share Unit, the Operator of an Owner-Adjacent unit may only register and use one Owner-Adjacent Unit as a Short Term Rental; and provided further that the entire Owner-Adjacent Unit must be

rented only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.

Operator means the owner of the Residential Unit that the owner seeks to offer as a Short-Term Rental. Only one owner may be registered as an Operator on the Short-Term Rental Registry for a Residential Unit.

Residential Unit means a dwelling unit within a dwelling that is classified as residential use. For purposes of this Section, a Residential shall not include any units in a hotel, motel, licensed rooming house or licensed bed and breakfast.

Short-Term Rental(s) means the use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than thirty (30) consecutive calendar days for a fee.

Short-Term Rental Registry means the database maintained by ISD that includes information on Operators who are permitted to offer their Residential Units as Short-Term Rentals.

(c) Short Term Rentals Allowed in Chelsea

1. Short-Term Rentals shall be allowed only if they meet the definition of a Limited-Share Unit or an Owner-Adjacent Unit in an owner-occupied condominium or owner-occupied one, two or three family home.
2. A Short-Term Rental occupancy shall be limited to two persons per bedroom, although children under 12 related to, or the legal ward of, either bedroom occupant shall not be counted for purposes of this limit.

(d) Ineligible Residential Units

The following Residential Units are not eligible to be offered as Short-Term Rentals:

1. Residential Units that do not meet the definition of either a Limited Share Unit or an Owner-Adjacent Unit.
2. Residential Units designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state or federal law;
3. Residential Units subject to any requirement of local, state or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short-Term Rental.
4. Residential Units that are the subject of three (3) or more findings of violations of this Section within a one year period, or three (3) or more violations of any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct or other similar conduct within a one year period.
5. Residential Units previously rented to a Section 8 Certificate holder or that were previously subject to any affordability covenants, unless one year has expired since the expiration of the Section 8 tenancy or affordability restriction.

(e) Requirements for Rentals

In order to offer a Short-Term Rental, the Operator must comply with the following:

1. The Operator must certify at the time of registration that the Operator has permission to offer the Residential Unit as a Short-Term Rental, and that offering the Residential Unit as a Short-Term Rental complies with all applicable condominium documents, bylaws, or other governing documents.
2. When registering, an Operator must provide his or her name and contact information, and in the event the Operator is not present during the Short-Term Rental, the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the Short-Term Rental within two (2) hours of being notified. Contact information must include a telephone number that is active 24 hours per day to tenants, Short-Term Rental occupants, and public safety agencies. This phone number shall be included in the registration of the Short-Term Rental unit at the time of registration.
3. The Residential Unit offered as a Short-Term Rental shall not be subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders or other requirements, laws or regulations that prohibit the Operator from offering the Residential Unit as a Short-Term Rental. If a violation or other order is issued after the Residential Unit has been listed on the Short-Term Rental Registry, ISD shall suspend the Residential Unit's registration on the Short-Term Rental Registry until the violation has been cured or otherwise resolved.
4. The Operator shall retain and make available to ISD, upon written request, records to demonstrate compliance with this section. The Operator shall retain such records for a period of three years from the date the Residential Unit is registered with ISD.
5. The Operator shall, within thirty days of approved registration, provide notice to abutters of a Residential Unit that the Residential Unit has been registered as a Short-term Residential Rental. For the purposes of this section, an abutter shall be defined as any residential dwelling located within 300 feet of said Residential Unit.

(f) i. Short-Term Rental Registration Process and Fee

1. An Operator who wishes to offer a Residential Unit as a Short-Term Rental shall register with ISD on a form prescribed by ISD to be listed on the Short-Term Rental Registry. A registration shall be valid for a one-year term, from January 1 through December 31 of each year.
2. The annual registration fee shall be \$200.00 per Short-Term Rental Unit.
3. Prior to the annual registration as a Short-Term Rental, the Residential Unit shall be subject to an inspection by ISD for issuance of a Certificate of Occupancy. The fee for such Certificate of Occupancy shall be included as part of the annual registration fee. No registration shall occur until such time that the Certificate of Occupancy is issued.

4. A registration shall be tied to both the Residential Unit and the Operator and will not automatically transfer upon the sale of the unit. New Operators are responsible for ensuring that they re-register with ISD to obtain a new registration if they wish to continue to list the Residential Unit on of the Short-Term Rental Registry.

(g) Room Occupancy Excise Tax

A Residential Unit subject to the provisions of this Section shall pay all excise tax on Short-Term Rentals approved by the City Council pursuant to Sections 3A and 3D of Chapter 64G of the Massachusetts General Laws.

(h) Enforcement and Penalties

1. Any person who (i) offers a unit as a Short-Term Rental where such unit is not an eligible Residential Unit, (ii) offers an eligible Residential Unit as a Short-Term Rental without registering such Short-Term Rental Unit with ISD, or (iii) offers an eligible Residential Unit as a Short-Term Rental while the unit's registration on the Short-Term Rental Registry is suspended, shall be fined \$300.00 per violation per day. Each day's failure to comply with a notice of violation or any other Order shall constitute a separate violation. The City may, in addition to issuing fines, seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short-Term Rental.

2. The provisions of this Section shall be enforced in accordance with the provisions of M.G.L. c. 40U and, if applicable, by seeking to restrain a violation by injunction. Representatives from ISD, the Chelsea Police Department and the Chelsea Fire Department shall have authority to enforce this Section.

The following Ordinance proposal was introduced by Councilor Vidot. A motion from Councilor Robinson to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero.

WHEREAS, The Commonwealth of Massachusetts has enacted several new laws around the regulation of Short-Term Rentals in Massachusetts, specifically Chapter 337 of the Acts of 2018; and

WHEREAS, The Acts provide for the local taxation of the proceeds from such Short-Term Rentals; and

WHEREAS, The City of Chelsea City Council desires to capitalize and realize the benefits of these Acts;

NOW THEREFORE BE IT ORDERED,

That the City of Chelsea accepts the provisions of Subsection (b) of Section 3D of Chapter 64G of the Massachusetts General Laws and imposes upon an Operator of a Short-Term Rental an additional community impact fee of three percent (3%) of the total amount of rent for each transfer of occupancy in a Short-Term Rental Unit that is located within a two-family or three-family dwelling that includes the Operator's primary residence. All community impact fees collected pursuant to this Order shall be dedicated exclusively to affordable housing and deposited in the Affordable Housing Trust Fund.

The following order was introduced by Councilor Vidot. A motion from Councilor Robinson to adopt by roll call passed 10-1-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Tejada, Robinson, Bishop, and Recupero. Voting no was Councilor Perlatonda.

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea;

WHEREAS, the City of Chelsea wishes to address the problem of vacant commercial and residential properties that create public health problems, lower property values and adversely impact the quality of life in neighborhoods; and

WHEREAS, the following change to the City's Ordinances will help to accomplish this public purpose.

NOW, therefore be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended by striking the existing Section 6-1 of Chapter 6 and replacing with a new Section 6-1 as follows:

AN ORDINANCE ADDING A NEW SECTION 6-1 OF CHAPTER 6 TO THE CHELSEA CODE OF ORDINANCES

Sec. 6-1 Regulation of Vacant Buildings

(a) Purpose and Intent

The city has found that vacant buildings encourage temporary occupancy by transients, drug users and persons engaged in criminal activity; cause surrounding areas to suffer from stagnant or declining property values; and create significant costs to the city by virtue of the need for constant monitoring and occasional cleanup. Accordingly, the purpose of this chapter requiring the registration of all vacant buildings, both residential and commercial, is to assist the city government in protecting the public health, safety and welfare of its residents by encouraging the prompt rehabilitation and permanent occupancy of such abandoned structures.

(b) Definition

For purposes of this chapter, a "vacant building" means any commercial building in which no person or entity actually conducts a lawfully licensed business in such building; or any residential building in which no person lawfully resides in any part of the building; or a mixed-use building in which neither a licensed business nor a lawful residents exists. Further, any building in which more than one-half of the total exterior windows and doors are broken, boarded or open without a functioning lock shall be deemed "vacant" regardless of occupancy.

(c) Registration

Within thirty (30) days of a building becoming vacant, each owner of such vacant building shall register said building with the department of inspectional services by providing such department, on a form to be created by such department, with the name, address and telephone number of each owner of the building, the street address of the building, and the name and contact information of an individual who resides within the Commonwealth of Massachusetts and is authorized to accept service of process on behalf of the owners, and who shall be designated as a responsible local agent, both for purposes of notification in the event of any emergency and of service of any and all notices issued pursuant to this chapter. Such person must be able to respond in person to any issues or emergencies that arise within two (2) hours of being notified. Contact information must include a telephone number that is active 24 hours per day. The failure timely to register a vacant building shall be a violation of this chapter.

(d) Maintenance Requirements.

- (1) Properties subject to this Section must be maintained in accordance with the relevant sanitary codes, building codes, and City regulations concerning external and/or visible maintenance. The owner must designate and retain a local individual or local property management company responsible for the security and maintenance of the property. This person may be the same as the local agent identified in Subsection (c). Such local individual or local property management company must inspect and maintain the property on a bimonthly basis for the duration of the vacancy.
- (2) The property must contain a posting with the name and 24-hour contact phone number of the local individual or local property management company responsible for such maintenance. This sign must be posted on the front of the property so that it is clearly visible from the street.
- (3) In addition to maintaining the building to codes, the owner of a vacant building must also promptly repair all broken windows, doors and other openings. Boarding up of open or broken windows and doors is prohibited, unless ISD determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a determined period of time. Boards or coverings must be fitted to the opening size and colored to blend with the existing building color scheme.

(e) Registration Fees.

- (1) On or before November 15th of each calendar year, the owners of any vacant building shall pay to the department of inspection services a registration fee to cover the administrative cost of monitoring and ensuring the proper maintenance of such vacant buildings. The annual registration fee shall be based on the duration of the vacancy as of November 15th of such year according to the following schedule:

For properties vacant for less than one year:

Commercial -- \$500.00
Residential -- \$200.00

For properties vacant for one year or more but less than two years:

Commercial -- \$1,000.00.
Residential -- \$500.00

For properties vacant for two years or more but less than three years.

Commercial -- \$2,000.00
Residential -- \$1,000.00

For all properties vacant for more than three years.

Commercial -- \$3,000.00
Residential -- \$3,000.00

- (2) All registration fees collected pursuant to this Section shall be directed to the revolving account to cover personnel costs and the board-up fees pertaining to the City's enforcement of this Section.
- (3) A failure to pay the registration fee required by this Section shall be a violation of this Ordinance.
- (4) All registration fees shall be waived, and all time limits in this Section tolled, for any former owner-occupant of a residential building if such formerly owner-occupied residential building is now

vacant due to: (i) the illness or infirmity of the former owner-occupant; or (ii) a fire or other natural disaster rendering the property uninhabitable, provided that the former owner occupant is working expeditiously to rehabilitate the property.

(f) Billing Statement

On or before October 15th of each calendar year, the department of inspectional services shall send a billing statement, setting forth the required registration fee, to each owner of a vacant building. However, the registration fee set forth in Section 6-1(e)(1) shall be due and payable on November 15th of each year regardless of the delivery or receipt of such billing statement.

(g) Appeal

Any owner assessed a registration fee under this Section shall have the right to appeal the imposition of such fee to the Office of the City Solicitor upon the filing of an application in writing, no later than fifteen calendar days after mailing of the billing statement. The appeal request shall be accompanied by a fifty-dollar nonrefundable appeal cost. The appeal shall be limited solely to the issues of whether the building is vacant and how long the building has been vacant, except that, in circumstances of extraordinary hardship or merit, the City Solicitor may waive the fee. The owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome on appeal. If the decision is adverse to the owner, the payment shall be due within ten calendar days of the decision of the Office of the City Solicitor.

(h) Enforcement

Any person or entity violating this Section, by failing to register a vacant building, failing to pay the registration fee or otherwise, shall be subject to a fine of up to three hundred dollars (\$300.00) per offense. Each day that the owner is in violation shall constitute a separate offense. The department of inspectional services shall have the right to enforce this chapter pursuant to M.G.L. chapter 40U as accepted by the City of Chelsea. This Section may also be enforced according to the noncriminal disposition process of M.G.L. c. 40, Section 21D.

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

Voted, That the City of Chelsea accept the provisions of M.G.L. c. 32b, Section 20 to establish a Other Post-Employment Benefits Liability Trust Fund to meet the current and future liabilities of the City for group health insurance benefits for retirees and their dependents and to create a Declaration of Trust for such Fund with the Treasurer as the sole Trustee.

The following Order was introduced by Councilor Brown. A motion from Councilor Brown to adopt by roll call passed 8-3-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Tejada, and Robinson. Voting no were Councilors Perlatonda, Bishop, and Recupero.

Ordered, By this vote, the Chelsea City Council hereby authorizes the City Manager to renegotiate the existing Surrounding Community Agreement with Wynn, MA LLC by specifically seeking to redirect \$100,000 of the \$225,000 annual roadway payment set forth in Paragraph 5.2 B of the said Agreement and instead to use such \$100,000 annual funding for the purpose of workforce development to prepare Chelsea residents for work in the casino or to backfill jobs in other industries, such as the hospitality industry, that will be impacted by the casino.

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

VOTED, That, pursuant to M.G.L. c. 32B, Section 20(d), the Chelsea City Council accepts and approves the City of Chelsea Other Post-Employment Benefits ("OPEB") Trust Agreement dated April 24, 2019 executed by the City Treasurer.

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

ORDERED, That the City of Chelsea accepts the provisions of General Laws Chapter 44, Section 533/4 which establishes a special revenue fund known as the PEG Access and Cable Related Fund to reserve cable franchise fees and other cable-related revenues for appropriation to support cable-related purposes consistent with the franchise agreement, including but not limited to support of public, educational or governmental access cable television services and oversight and renewal of the cable franchise agreement, the Fund to begin operation for Fiscal Year 2020 which begins on July 1, 2019.

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

**City of Chelsea
ORDER 2020**

**APPROPRIATE THE FY2020 CABLE TELEVISION PUBLIC, EDUCATIONAL AND
GOVERNMENTAL ACCESS SPECIAL REVENUE FUNDS BUDGET**

MOTION: That the City Council appropriate the following amounts from the PEG Access and Cable Related Fund:

For Public Access via Chelsea Community Cable Television

Salaries: \$215,300.00

Operations: \$34,067.00

Capital: \$15,000.00

Total: \$264,367.00

For Educational Access via the Chelsea School Department

Salaries: \$76,000.00

Operations (Software): \$36,000.00

Capital: \$200,000.00

Total: \$312,000.00

For Governmental Access via the City Manager's Office:

Salaries: \$0

Operations: \$30,000.00 (for Translation Services)

Capital (Wireless Improvements at Central Fire Station Location): \$55,000.00

Total: \$85,000.00

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

City of Chelsea

ORDER 2020

APPROPRIATE THE FY2020 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET AND,

MOTION: That the Council act on the report of the Community Preservation Committee on the FY2020 Community Preservation budget, in accordance with MGL Chapter 44B, Section 6:

That the Council reserve for appropriation the following amounts from estimated **FY2020** receipts as recommended by the Community Preservation Committee:

1. \$88,482, 10% of estimated revenues for the acquisition, creation and preservation of open space;
2. \$88,482, 10% of estimated revenues for the acquisition, preservation, rehabilitation and restoration of historic resources;
3. \$88,482, 10% of estimated revenues for the acquisition, creation, preservation and support of community housing;
4. \$575,132, 65% of estimated revenues to the Budgeted Reserve.

And appropriate from FY2020 estimated revenues:

5. \$44,241, 5% of estimated revenues for CPC Administrative Expenses;

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

APPROPRIATE FROM THE FY2019 COMMUNITY PRESERVATION FUND FOR CPA PROJECTS AND,

MOTION: That the Council act on the report of the Community Preservation Committee on the awarding of grant funding to FY2019 community preservation projects, in accordance with MGL Chapter 44B, Section 5(3)(d) and in accordance with the Revised Code of Ordinances of the City of Chelsea, Chapter 2, Article VII, Division 3, Section 2-330:

That the Council appropriate the following amounts from the Community Preservation Fund Budgeted Reserve as recommended by the Community Preservation Committee:

1. \$50,000 for Project CP19-01 Civil War Monument;
2. \$50,000 for Project CP19-02 Garden Cemetery;
3. \$9,980 for Project CP19-03 Marlborough Street Community Garden; and
4. \$50,000 for Project CP19-05 Governor Bellingham-Cary Envelope Repairs.

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

APPROPRIATE FROM THE FY2019 COMMUNITY PRESERVATION FUND FOR CPA PROJECTS AND,

MOTION: That the Council act on the report of the Community Preservation Committee on the awarding of grant funding to FY2019 community preservation projects, in accordance with MGL Chapter 44B, Section 5(3)(d) and in accordance with the Revised Code of Ordinances of the City of Chelsea, Chapter 2, Article VII, Division 3, Section 2-330:

That the Council appropriate the following amounts from the Community Preservation Fund Budgeted Reserve as recommended by the Community Preservation Committee:

1. \$50,000 for Project CP19-11 Congregation Agudath Sholom Building Envelope Repairs; and
2. \$50,000 for Project CP19-13 Affordable Housing Trust Fund Housing Specialist.

The Inclusionary Zoning Ordinance introduced by Councilor Robinson was referred back to the Planning Board for more changes at the request of Councilor Robinson under suspension. A public hearing will be set at a later date after the planning board sends back their recommendations.

Second Readings:

The following orders were introduced by Councilor Brown. A motion from Councilor Brown to adopt all of the orders with regards to Transfers from the Salary Reserve accounts by one roll call passed 11-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero.

ORDERED. That the Chelsea City Council authorizes the transfer of \$6,400.00 from the Salary Reserve Account #0199959-598000 to the FY2019 Legislative-Regular Salary Account #0111051-510200.

ORDERED, that the Chelsea City Council authorizes the transfer of \$2,000.00 from the Salary Reserve Account #0199959-598000 to the FY2019 Auditing Department-Overtime Account #0113551-510400.

ORDERED, that the Chelsea City Council authorizes the transfer of \$150.00 from the Salary Reserve Account #0199959-598000 to the FY2019 Procurement Department-Regular Salary Account #0113851-510200.

ORDERED, that the Chelsea City Council authorizes the transfer of \$1,500.00 from the Salary Reserve Account #0199959-598000 to the FY2019 Assessors Department-Overtime Account #0114151-510400.

ORDERED, that the Chelsea City Council authorizes the transfer of \$1,250.00 from the Salary Reserve Account #0199959-598000 to the FY2019 Treasurers Department-Regular Salary Account #0114551-510200.

ORDERED, that the Chelsea City Council authorizes the transfer of \$10,000.00 from the Salary Reserve Account #0199959-598000 to the FY2019 DPW Streets & Sidewalks Department-Overtime Account #0142251-510400.

ORDERED, that the Chelsea City Council authorizes the transfer of \$38,769.00 from the Salary Reserve Account #0199959-598000 to the FY2019 DPW Snow Removal Department-Overtime Account #0142351-510400.

ORDERED, that the Chelsea City Council authorizes the transfer of \$2,175.00 from the Salary Reserve Account #0199959-598000 to the FY2019 HHS Admin Department-Regular Salary Account #0151051-51020.

ORDERED, that the Chelsea City Council authorizes the transfer of \$22,756.00 from the Salary Reserve Account #0199959-598000 to the FY2019 Employee Benefit-Medicare Account #0191051-517600.

The following orders were introduced by Councilor Brown. Councilor Brown moved that all of the orders pertaining to Free Cash appropriation be adopted on one roll call. The roll call passed 9-0-1-1. Voting yes were Councilors Garcia, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero. Councilor Avellaneda was absent. Councilor Vidot recused herself from the vote.

ORDERED, that the Chelsea City Council authorize the appropriation of \$25,000.00 from Free Cash to the Fiscal Year 2019 Judgements-Claims/Judgements Account #0194152-521200.

ORDERED, that the Chelsea City Council authorize the appropriation of \$71,428.00 from Free Cash to the Fiscal Year 2019 DPW Snow Removal-Contract Services Account #0142352-530600, to provide supplemental funds for final snow and ice operations.

ORDERED, that the Chelsea City Council authorize the appropriation of \$75,276.00 from Free Cash to the Fiscal Year 2019 DPW Snow Removal-Salt Account #0142352-546300, to provide supplemental funds for final snow and ice operations.

ORDERED, that the Chelsea City Council authorizes the appropriation of \$31,244.00 from Free Cash to the FY2019 Employee Benefit-Medicare Account #0191051-517600.

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

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

Pursuant to Section 3-5 of the City of Chelsea Ordinances, and pursuant to Chapter 44 sec. 53A of the Massachusetts General Laws, the City Council hereby accepts the gift to the Chelsea Public Library to support the Library operations in the amount of \$1,000.00 from Janice R. Lourie.

The following Order was introduced by Councilor Brown. Councilor Brown moved to adopt by roll call. The roll call passed 11-0-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero.

WHEREAS, pursuant to M.G.L. c. 44, &53E1/2, the City has adopted a new Ordinance Section 2-200, authorizing six revolving funds; and

WHEREAS, each year, the Ordinance requires the City to annually vote on or before July 1 on the amount that may be spent from each of these revolving funds during the upcoming fiscal year;

Now, therefore, IT IS ORDERED;

Chelsea Community Schools (#4407);

Aggregate expenditures from the fund shall not exceed \$100,000 in a single fiscal year;

All money received after the fund has reached a balance of \$100,000 shall be credited to the General Fund;

Elder Affairs Revolving Fund (#3802)

Aggregate expenditures from the fund shall not exceed \$1,000 in a single fiscal year;

All money received after the fund has reached a balance of \$1,000 shall be credited to the General Fund.

Emergency Management Hazardous Material Revolving Fund (#4615)

Aggregate expenditures from the fund shall not exceed \$30,000 in a single fiscal year;

All money received after the fund has reached a balance of \$30,000 shall be credited to the General Fund;

Vacant, Unsafe Buildings and Nuisance Properties Revolving Fund (#4627)

Aggregate expenditures from the fund shall not exceed \$30,000 in a single fiscal year;

All money received after the fund has reached a balance of \$30,000 shall be credited to the General Fund;

Tax Title Foreclosure Properties Revolving Fund (#4631)

Aggregate expenditures from the fund shall not exceed \$100,000 in a single fiscal year;

All money received after the fund has reached a balance of \$100,000 shall be credited to the General Fund;

Chelsea Public Library Revolving Fund (#4201)

Aggregate expenditures from the fund shall not exceed \$20,000 in a single fiscal year;

All money received after the fund has reached a balance of \$20,000 shall be credited to the General Fund.

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

Authorization of a Revolving Account

For the School Department Non-Resident Student Tuition Revolving Fund

WHEREAS, Section 71F of Chapter 71 of the General Laws authorizes cities and towns to accept and establish departmental revolving funds subject to certain budgetary restrictions; and

WHEREAS, the City of Chelsea School Committee adopted and implemented a tuition fee to be charged to other public school systems wishing to use the Chelsea Public Schools special education program and further voted to establish a Non-Resident Student Tuition revolving fund for the receipt and disbursement of said tuition and fees collected by Chelsea public Schools.

THEREFORE, subject to the following conditions, the City Council hereby authorizes the establishment of a revolving fund for the School Department in accordance with the provisions of Section 71F of Chapter 71 of the General Laws, subject to the following conditions:

Only proceeds received by the City, pursuant to the provisions of M.G.L. C. 71 section 71F shall be credited to the fund.

Aggregate expenditures from the fund shall not exceed \$250,000 in a single fiscal year;

All proceeds received in a single year after the fund has reached a balance of \$250,000 shall be credited to the General Fund;

Expenditures from this fund shall be authorized by the School Committee or their designee and shall not exceed the available balance of the revolving fund;

Such funds shall be expended only for purpose directly associated provisions of M.G.L. c. 71 Section 71F;

No expenditure may be made from such revolving fund for the purposes of paying full or part-time employee's wages or salaries unless the revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid;

The School Department shall provide a report including all receipts and expenditures of this fund to the City Manager on a quarterly basis and to the City Council on an annual basis in accordance with the provisions of Section 53E1/2 of Chapter 44 of the General Laws;

This revolving fund requires authorization for each ensuing fiscal year, and

This fund is hereby authorized until June 30, 2020.

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

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 to the Zoning Board of Appeals as the Associate Member, Ms. Joan Cromwell, 38 Addison Street, Chelsea, to fill the unexpired term of Henry Wilson. This term expires on June 30, 2021.

For appointment to the Planning Board, Ms. Sharon Caulfield, 26 Breakwater Cove, Chelsea, to fill the unexpired term of Joan Cromwell. This term expires on February 25, 2022.

For appointment to the Planning Board, Mr. Eric Ian Asquith, 20 Willard Street, Chelsea to fill the unexpired term of Oliver del Melle, who resigned. This term expires on October 6, 2020.

For appointment to the Planning Board, Ms. Sara Arman, 50 Garfield Avenue, Chelsea, to fill the unexpired term of Indria Alfaro, who resigned. This term expires on September 23, 2021.

For appointment to the Human Rights Commission, Ms. Adele F. Schlotzhauer, 9 Admirals Way, Chelsea, for a new three year term commencing on July 1, 2019 and expiring in 2022.

For re-appointment to the Cultural Council, Mr. Dakeya Christmas, 67 Cook Avenue, Chelsea, for a new three year term expiring in 2022.

I respectfully request your approval of these appointments. I have attached resumes for all of the new appointments.

Sincerely,
Thomas G. Ambrosino
City Manager

The following orders were introduced by Councilor Brown. Councilor Brown moved that all of the orders be adopted under one roll call. No objections. The roll call passed 10-0-1-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero. Councilor Rodriguez was absent. The orders were for vendor payments.

ORDERED, in accordance with M.G.L. Ch. 44, Section 64, budget management procedures, whereby costs incurred in FY'16 were not paid and is owed to the vendor, and to meet this obligation funds are required from the current year FY'19 budget, that Council authorize the expenditure of \$2,414.34 from the School Department expenditure line to satisfy the unpaid Office Equipment Lease costs owed to Pitney Bowes.

ORDERED, that in accordance with M.G.L. Ch. 44, Section 64, budget management procedures, whereby costs incurred in FY'17 and FY'18 were not paid and are owed to the vendor, and to meet this obligation funds are required from the current year FY'19 budget, that Council authorize the expenditure of \$1,317.25 from the School Department expenditure line to satisfy the unpaid special education tutoring service costs owed to Ei-US LLC.

ORDERED, that in accordance with M.G.L.Ch. 44, Section 64, budget management procedures, whereby costs incurred in FY'18 were not paid and are owed to the vendor, and to meet this obligation funds are required from the current year FY'19 budget, that Council authorize the following expenditures from the School Department expenditure line to satisfy the unpaid balance from the prior year, as follows;

Cooling & Heating Specialists	Cooling & Heating services	\$6,292.16
May Institute (The)	Special Ed Tuition	\$2,788.50
Patrick J. Kennedy & Sons. Inc.	Plumbing repairs	\$5,391.07
School Specialty	School Supply invoices	\$1,628.91
Shore Educational	Special Ed Tuition from	\$11,466.80

ORDERED, that in accordance with M.G.L. Ch. 44, Section 64, budget management procedures, whereby costs incurred in FY'18 were not paid and are owed to the vendor, and to meet this obligation funds are required from the current year FY'19 budget, that Council authorize the expenditure of \$262.45 from the Human Resources Department expenditure line to satisfy the unpaid copier lease costs owed to Ricoh USA, Inc.

The following orders were introduced by Councilor Brown. Councilor Brown moved that all of the orders be adopted by one roll call. No objections. The roll call passed 10-0-1-0. Voting yes were Councilors Garcia, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero. Councilor Vidot was absent.

AN ORDER TRANSFERRING PROCEEDS OF A BORROWING THAT ARE NO LONGER NEEDED TO COMPLETE THE PROJECT FOR WHICH THEY WERE ORIGINALLY BORROWED, TO PAY COSTS OF AN ALTERNATIVE CAPITAL PROJECT, AS AUTHORIZED BY CHAPTER 44, SECTION 20 OF THE GENERAL LAWS.

Ordered, That in accordance with Chapter 44, Section 20 of the General Laws, the sum of \$10,186.08 representing the unexpended portion of the \$400,000.00 borrowed under the Fiscal Year 2011 Capital Improvement Plan for sewer improvements-Webster Avenue Sewer Replacement Project 55401109-584503 but which is no longer needed to complete that project, is hereby transferred in the amount of \$10,186.08 to supplement sewer improvements for the FY19 Maverick Street Improvement Project-Account 55451929 series.

AN ORDER TRANSFERRING PROCEEDS OF A BORROWING THAT ARE NO LONGER NEEDED TO COMPLETE THE PROJECT FOR WHICH THEY WERE ORIGINALLY BORROWED, TO PAY COSTS OF AN ALTERNATIVE CAPITAL PROJECT, AS AUTHORIZED BY CHAPTER 44, SECTION 20 OF THE GENERAL LAWS.

Ordered, That in accordance with Chapter 44, Section 20 of the General Laws, the sum of \$9,989.90 representing the unexpended portion of the \$60,000.00 borrowed under the Fiscal Year 2011 Capital Improvement Plan for sewer and drainage improvements-Tide Gate CH004 Replacement Project 55451196-584503 but which is no longer needed to complete that proceed is hereby transferred in the amount of \$9,989.90 to supplement sewer improvements for the FY19 Maverick Street Improvement Project-Account 55451929 series.

AN ORDER TRANSFERRING PROCEEDS OF A BORROWING THAT ARE NO LONGER NEEDED TO COMPLETE THE PROJECT FOR WHICH THEY WERE NO LONGER NEEDED TO

COMPLETE THE PROJECT FOR WHICH THEY WERE ORIGINALLY BORROWED, TO PAY COSTS OF AN ALTERNATIVE CAPITAL PROJECT, AS AUTHORIZED BY CHAPTER 44, SECTION 20 OF THE GENERAL LAWS.

Ordered; That in accordance with Chapter 44, Section 20 of the General Laws, the sum of \$27,074.30 representing the unexpended portion of the \$311,000.00 borrowed under the Fiscal Year 2013 Capital Improvement Plan for sewer improvements-Lash Street Improvement Project 554511310-584503 but which is no longer needed to complete that project, is hereby transferred in the amount of \$27,074.30 to supplement sewer improvements for the FY19 Maverick Street Improvement Project-Account 55451929 series.

AN ORDER TRANSFERRING PROCEEDS OF A BORROWING THAT ARE NO LONGER NEEDED TO COMPLETE THE PROJECT FOR WHICH THEY WERE ORIGINALLY BORROWED TO PAY COSTS OF AN ALTERNATIVE CAPITAL PROJECT, AS AUTHORIZED BY CHAPTER 44, SECTION 20 OF THE GENERAL LAWS.

Ordered, That in accordance with Chapter 44, Section 20 of the General Laws, the sum of \$35,201.60 representing the unexpended portion of the \$650,000.00 borrowed under the Fiscal Year 2014 Capital Improvement Plan for sewer improvements-Gardner Street Improvement Project 554511410-584503 but which is no longer needed to complete that project, is hereby transferred in the amount of \$35,201.60 to supplement sewer improvements for the FY19 Maverick Street Improvement Project-Account 55451929 series.

AN ORDER TRANSFERRING PROCEEDS OF A BORROWING THAT ARE NO LONGER NEEDED TO COMPLETE THE PROJECT FOR WHICH THEY WERE ORIGINALLY BORROWED, TO PAY COSTS OF AN ALTERNATIVE CAPITAL PROJECT, AS AUTHORIZED BY CHAPTER 44, SECTION 20 OF THE GENERAL LAWS.

Ordered; That in accordance with Chapter 44, Section 20 of the General Laws, the sum of \$146,287.20 representing the unexpended portion of the \$550,000.00 borrowed under the Fiscal Year 2014 Capital Improvement Plan for sewer improvements-Forsyth Street Improvement Project 554511411-584503 but which is no longer needed to complete that project, is hereby transferred in the amount of \$146,287.20 to supplement sewer improvements for the FY19 Maverick Street Improvement Project-Account 5545129 series.

New Business:

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

Ordered, that the City Manager ask ISD to provide the Council with a list of overtime that they are doing who is doing it and why.

The following order was introduced by Councilor Lopez. A motion from Councilor Lopez referred it to the Traffic and Parking under suspension.

Ordered, that the City Manager instruct DPW, if it is feasible to install two removable rubber speed bumps during the summer at 125 Marlborough St. and at 70 Shawmut St. to avoid cars driving fast at these two areas where there are a lot of children playing.

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

Ordered, that the City Manager provide the Council with a list of all the city cars that are being taken home, how many and who is taking those cars home and why.

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

Ordered, by this vote, the Chelsea City Council hereby authorizes the Chelsea Cultural Council to serve as the Committee to determine disbursements of the \$100,000 annual payment for "cultural events, street fairs, art shows, festivals and related activities pursuant to Paragraph 7.2 of the Surrounding Community Agreement with Wynn, MA LLC.

The following order was introduced by Councilor Recuperero. A motion from Councilor Recuperero to adopt by roll call passed 7-4-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Lopez, Perlatonda, Tejada, and Recuperero. Voting no were Councilors Rodriguez, Brown, Robinson and Bishop.

Ordered, that the City Manager instruct the Board of Health to look into allowing families that wish to raise chickens to do so without a special permit.

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

Ordered, that the Traffic and Parking Commission look into making Adams ST. A ONE-WAY FROM Revere Beach Parkway to Garfield Ave. and hold a public hearing on the subject.

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

WHEREAS, The City of Chelsea's Administration has completed a public competitive bidding process on the contract for repairs and maintenance of the City's fire alarm systems and desires to award the contract to Delco Utilities Inc.;

WHEREAS, the Emergency Management Department is the city department overseeing the management of the services provided for in the contract and the owners of Delco Utilities, Inc. Alpert Peters and David Delaney, current city employees, do not work for the Emergency Management Department; and

WHEREAS, the owners of Delco Utilities Inc, Alpert Peters and David Delaney, are Chelsea Firefighters and have filed with the City Clerk and City Manager disclosures pursuant to Mass. General Laws c. 268A & 23; and

WHEREAS, pursuant to Mass General Laws c. 268A & 20 the Conflicts of Interest Law, requires the City Council to grant an exemption to city employees having a financial interest in a city contract;

NOW THEREFORE BE IT ORDERED that the Chelsea City Council hereby approve an exemption to the Massachusetts Conflict of Interest Laws, MGL c. 368A & 20 for David Delaney and Albert Peters with regard to their contract for repairs and maintenance on Chelsea's fire alarm system.

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

WHEREAS, The Commonwealth of Massachusetts has enacted several new laws around the regulation of Short Term Rentals in Massachusetts, specifically Chapter 337 of the Acts of 2018; and

WHEREAS, The Acts provide for the local taxation of the proceeds from such Short-Term Rentals; and

WHEREAS, The City of Chelsea City Council desires to capitalize and realize the benefits of these Acts;

NOW THEREFORE BE IT ORDERED,

That the City of Chelsea accepts the provisions of Subsection (a) of Section 3D of Chapter 64G of the Massachusetts General Law and imposes upon an Operator of a Short-Term Rental an additional community impact fee of three percent (3%) of the total amount of rent for each transfer of occupancy in a "professionally manager unit" which is defined as 1 of 2 or more short-term rental units that are located in Chelsea operated by the same Operator and are not located within a single-family, two-family or three-family dwelling that includes the Operator's primary residence. All community impact fees collected pursuant to this Order shall be dedicated exclusively to affordable housing and deposited in the Affordable Housing Trust Fund.

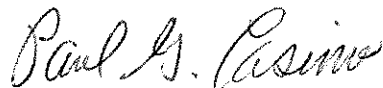
The following order was introduced by Councilor Recupero. Council Recupero moved roll call. Council President Vidot Ruled the order out of order.

Be it hereby adopted as a policy of the City Council the following:

The City Council will not vote to affirm the appointment of an individual to a multi-member board pursuant to Section 4-2 of the Charter, if that individual has already served two (2) consecutive terms and there are other residents willing to fill the vacancy. If there is no one willing to fill the vacancy then that board member will be affirmed for a new term.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,



Paul G. Casino
Clerk of the Chelsea City Council