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ACCEPTED AND FILED
SUSPENSION

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

Memoriums and Celebratory Resolutions:

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

FOUNDER'S DAY RESOLUTION

WHEREAS, the Walnut Street Synagogue, home of Congregation Agudas Sholom, is a living Jewish historic landmark that has been serving the Chelsea community for 110 years at the corner of Walnut and Fourth Streets, and

WHEREAS, Jews from Eastern Europe began to arrive in Chelsea in the late 1800s to escape persecution and find a better home for themselves and their offspring in America, and

WHEREAS, their first prayer group was organized in 1887 and eventually evolved to form Congregation Agudas Sholom. Their nearly completed synagogue was consumed by the Great Fire of 1908, and

Whereas, the Walnut Street Synagogue was added to the National Register of Historic Places in 1993, and

Whereas, in a special tribute bridging the history and future of this iconic immigrant city, we will honor the Chelsea Jewish pioneers and their descendants who are building for the future by establishing the Chelsea Jewish Museum and Cultural Center, now therefore be it

RESOLVED, that we the Members of the Chelsea City Council, do hereby recognize September 15th, 2019 as Founders Day and wish to thank the Walnut Street Synagogue for being part of our community for 110 years.

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

RESOLUTION

WHEREAS, During National Hispanic Heritage Month (September 15 to October 15) the Chelsea City Council recognizes the contributions made and the important presence of Hispanic and Latino Americans to the United States and celebrates their heritage and culture; and

WHEREAS, Hispanics have had a profound and positive influence on our country through their strong commitment to family, faith, hard work, and service. They have enhanced and shaped our national character with centuries-old traditions that reflect the multi-ethnic and multicultural customs of their community; and

WHEREAS, there are more than 4,700,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and contributing more than \$600,000,000,000 in revenue to the economy of the United States; and

WHEREAS, an estimated 200,000 Hispanics were mobilized for World War I and approximately 500,000 Hispanics served in World War II; and

WHEREAS, more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for the United States in the conflict, even though Hispanics comprised only 4.5 percent of the population of the United States during the Vietnam War; and

WHEREAS, approximately 148,000 Hispanic soldiers served in the Korean War, including the 65th Infantry Regiment of the Commonwealth of Puerto Rico, known as the "Borinqueneers" the only active duty, segregated Latino military unit in the United States history; and

WHEREAS, Hispanic Americans are dedicated public servants, holding posts at the highest levels of the Government of the United States; NOW THEREFORE, BE IT

RESOLVED, that the Chelsea City Council does hereby support September 15 to October 15, 2019 as Hispanic Heritage Month and encourage participation in this special annual tribute by learning and celebrating the generations of Hispanic Americans who have positively influenced and enriched our nation and society.

Public Hearings:

A Public Hearing on the Off-Street Parking Requirements of Specific Uses was held.

The Hearing opened at 7:14 p.m. and closed at 7:15 p.m. no one came forward to speak.

The Public Hearing on the proposed zoning amendments on Inclusionary Housing opened at 7:16 p.m.

Speaking on the matter was Susan Baxtrom 260 Clark Avenue, expressed her concerns.

City Manager Thomas Ambrosino spoke in favor of the proposal. A second resident of 260 Clark Ave gave his concerns as well.

The Public Hearing closed at 7:23.

Public Speaking:

The public speaking portion of the meeting opened at 7:24 p.m.

The following came forward;

Roman Pucco Lynfield Street, Mass. Spoke about City Hall doors locked when entry is required to City Hall prior to a meeting.

The Public Speaking portion closed at 7:27 p.m.

The minutes of the City Council Meeting dated June 17, 2019 were approved at the request of Councilor Garcia under suspension.

Communications from the City Manager:

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

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

Re: *Requested Approval for Increase in School Dept. FY20 Budget*

Dear Councilors:

As has been the case the past few years, the final FY20 State Budget approved by the Legislature and signed by the Governor included a significant increase in Chapter 70 funds for the Chelsea School Department *over and above the amount originally recommended by the Governor that formed the basis for the School Department's original budget.* The increase to the School Department's Budget supported by these new state funds is \$1,303,790, for a revised School Department FY20 Budget of \$96,695,574.

Because all of this increase to the School Department's Budget is fully funded by Chapter 70 aid to the City, there is no adverse impact on the municipal side of the City's budget. For this reason, I respectfully ask that the City Council approve the full \$96,695,574 revised budget approved by the School Committee on August 23, 2019.

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: Notice of Waiver Intent

Dear Councilors:

Pursuant to the Administrative Code Section 1.12.02, I am writing to notify you of my intention to hire Mr. Anthony Collins, 137 West Adams Street, Somerville, Massachusetts for the part-time position of Tennis Instructor and to grant him a waiver from the residency requirement set forth in the Administrative Code, Part IV, Section 1.12.01. There were no other candidates for this position. A copy of Mr. Collins resume is attached.

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

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: ISD Overtime

Dear Councilors:

I am writing in response to the recent City Council Order requesting information on overtime in the Inspectional Services Department.

There are basically three types of overtime that occur in ISD. The first is Friday afternoon overtime, mostly paid through the Community Development Block Grant funding, for inspectors to investigate code and sanitary violations in the CDBG Target Area. The second is Saturday morning overtime to ensure that there is some oversight of building and housing work on weekends. And, finally, there is overtime that is unanticipated due to some after-hours emergency that requires the presence of an inspector (such as a problem in a restaurant, a special event, a fire, a crash that impacts the structural integrity of a building, etc...).

Both the Friday afternoon and Saturday morning overtime shifts are rotated so that all union employees are given an equal opportunity to work. When a union employee is not available for his/her rotation, they may swap or have another union employee perform the work. As for the emergency work, the type of emergency will dictate who is called to respond.

Both the Friday afternoon and Saturday morning overtime shifts are rotated so that all union employees are given an equal opportunity to work. When a union employee is not available for his/her rotation, they may swap or have another union employee perform the work. As for the emergency work, the type of emergency will dictate who is called to respond.

I have attached a list of overtime pay earned by ISD union employees thus far during Fiscal Year 2019. Please keep in mind that not all employees earn the same hourly rate. Also, pursuant to their union contract, ISD employees sometime opt for compensation time in lieu of overtime pay.

Please let me know if you require any further information on this issue.

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: Raising of Chickens

Dear Councilors:

I am writing in response to the City Council Order requesting that I ask Board of Health to allow families to raise chickens without any permission.

My review of the City Ordinances leads me to conclude that this is a matter that rests exclusively with the City Council. The current Ordinance, approved by the City Council, prohibits any resident from owning or harboring a domestic farm animal, including a chicken, "without the permission of the board of health". Code of Ordinances, City of Chelsea, Massachusetts, Chapter 4, Section 4-9. The City Council can easily eliminate the requirement for Board of Health approval if it so desires. It would merely require an Ordinance change.

I do caution that, before making any such Ordinance change, the Council should review other Ordinances in nearby municipalities and confer with such municipalities about their experience allowing domestic chickens. I am aware that, in some communities, allowing residents to raise chickens, particularly in dense neighborhoods has generated complaints from abutters. And, in at least the neighboring municipalities of Revere, a previous Ordinance allowing chickens was rescinded, and now the ownership of domestic chickens is expressly prohibited. See Ordinances of the City of Revere, Chapter 6, Section 6.02.010, attached.

Finally, I would suggest also some discussion with the Board of Health as to how many requests are made to it for permission to raise chickens, and how often such requests are denied. It may be that the current regulatory structure of requiring Board of Health permission is working just fine and is not in need of any revision.

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: Quarterly Hiring Report

Dear Councilors:

Pursuant to Administrative Code Section 1.12.02, I have enclosed the required statistical quarterly report on hiring for the twelve month period from July 1,2018 through June 30,2019.

I will be available to answer any questions.

Yours truly,
Thomas G. Ambrosino
City Manager

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

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

Re: *FY20 Water, Sewer and Trash Rates*

Dear Councilors:

Following Tuesday night's public hearing, the DPW Public Works Commissioner and I discussed the concerns raised about rising water and sewer rates. Although rising rates are inevitable when the majority of the City's water and sewer costs are determined by charges from the MWRA, and those charges rise each and every year, we are cognizant of the City's need to try to keep rate increases moderate.

With that in mind, we carefully reviewed the rate setting formula we have been using to determine if there was any leeway to moderate the proposed rate increases. Our formula is based upon historic water usage, which has been declining over the past few years. However, while some of that is due to better water conservation by residents, we also believe that our system for capturing water usage has not been efficient. With changes instituted in this past year, including the start of the program to replace aging meters throughout the system and a better protocol for tracking water used by contractors, we have some confidence that we will be able to reduce non-billable usage.

Operating on the assumption that we may be able to capture more water usage for billing, we have revised the proposed rate increase for FY20. Specifically, for Tiers 1 and 2, we have reduced the increase to 1%, and for Tier 3, we have reduced the increase to approximately 4%. I caution that, with these changes to the original proposed rate increases, there is some risk that we may incur a deficit at the close of FY20. In that case, we will need to utilize reserves to cover the deficit.

There is a further point to make. The DPW Public Works Commissioner and I both believe that we can improve upon the process for rate-setting. And, we plan to do so starting next year. Specifically, sometime in the late Spring of 2020, we will schedule a sub-committee meeting with the City Council to present our recommendations for sewer and water rates for FY21. Following that sub-committee meeting, we will advertise the public hearing to present our final determinations for water and sewer rates. Of course, this rate setting hearing cannot take place until after the Water & Sewer Enterprise Fund Budgets are approved by City Council, but we commit to scheduling the hearing shortly after that budget approval. In the interim, I have committed to making a recommendation to the City Council sometime in FY20 for a more generous Senior Discount to be implemented in FY21.

The details of the rate increase, which will take effect for the July billing cycle, are as follows:

Water Rate

The new water rates are \$5.47 per hundred cubic feet ("HCF") for Tier 1 (1-1,000 per month in cubic feet), \$6.67 for Tier 2 (1,001-2,500 monthly cubic feet) and \$8.22 for Tier 3 (over 2,500 monthly cubic feet). Again, these rates represent a 1% increase over current rates for Tiers 1 and 2 and an approximately 4% increase for Tier 3.

Sewer Rate

The percentage increase for the new sewer rates are identical: 1% for Tiers 1 and 2 and 4% for Tier 3. The new sewer rates are \$9.47 per hundred cubic feet ("HCF") for Tier 1 (1-1,000 per month in cubic feet), \$10.33 for Tier 2 (1,001-2,500 monthly cubic feet) and \$12.21 for Tier 3 (over 2,500 monthly cubic feet).

Combined Rate

For residential customers who use under 1,000 cubic feet per month and pay Tier 1 rates, the new combined water and sewer rate is \$14.94, an increase of 1%. With this increase, the average water and sewer bill in Chelsea for FY20 (assuming annual usage of 120 HCF) will be \$1,792.80, an increase of \$16.80 over FY19.

Trash Rate

On Tuesday night, we also held a public hearing on the trash rate. As I mentioned, for the past several years, we have been running deficits in our trash accounting because the rate has not been sufficient to cover the true costs of solid waste collection and disposal in the City.

In an effort to eliminate this deficit, we are instituting another 10% increase in the trash rate, a similar increase to last year. The new FY20 trash rate is \$33.10 monthly for residential property and \$156.15 monthly for commercial units in mixed buildings. Owner occupied units remain exempt from this fee.

Unfortunately, with rising costs for recycling, I expect that 10+% increases in our trash fee may be the norm for the foreseeable future.

I am available to answer any questions the Council may have about these new rates.

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: *Appointments to Boards and Commissions*

Dear Councilors:

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

For re-appointment to the Community Preservation Act Committee, Mr. Yahya Noor, 60 Prescott Avenue, Chelsea, for a new three year term expiring in 2022.

For appointment to the Chelsea Historical Commission, Mr. Alex Balcarcel, 49 Cook Avenue, Chelsea, for a three year term expiring in 2022.

For appointment to the Chelsea Council of Elder Affairs, Ms. Rebecca Swope, 29 Tudor St., Chelsea, to serve the remainder of the term of Mr. Robert "Duke" Bradley, recently deceased. This term expires on February 28, 2021.

For appointment to the Chelsea Youth Commission, for a one year term expiring on June 30, 2020, the following youth:

1. Britney Alcazar, 135 Walnut St. – Northeast Metropolitan Vocational;
2. Fatima Mendoza, 18A Everett Ave. – Chelsea High School;
3. Carla Garcia, 31 Breakwater Drive – Northeast Metropolitan Vocational;
4. Fatima Prudencio, 58 Bellingham Street – Chelsea High School;
5. Wendy Figueroa, 173 Central Ave., #2 – Chelsea High School;
6. Erica Mendoza, 177 Webster Ave., #2—Chelsea High School.
7. Emily Menjivar, 17 Lawrence St. – Chelsea High School.
8. Salma Jabri, 59 Madison Ave. – Excel Academy

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

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: Notice of Waiver Intent

Dear Councilors:

Pursuant to the Administrative Code Section 1.12.02, I am writing to notify you of my intention to hire two non-residents for the positions of E-911 Supervisors-Anthony Fowler, 50 Centre Street, Apt. 204, Brocton, Massachusetts and Nicole Janey, 48B Lafayette Place, Salem, Massachusetts-and to grant each a waiver from the residency requirement set forth in the Administrative Code, Part IV, Section 1.12.01. Both Mr. Fowler and Ms Janey have considerable dispatching experience. Copies of their resumes are attached.

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

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: Dedication of Heard Spruce Park to Judith Dyer

Dear Councilors:

Earlier this Summer, I received a request from the Beautification Committee that the City dedicate the small park at the corner of Heard and Spruce Street to Judith Dyer. This small area would be henceforth known as the Judith Dyer Park and would be commemorated with a modest plaque or sign. Given Ms. Dyer's civic efforts in the City over the course of many years, this seems to me a meritorious request.

Accordingly, pursuant to the Chelsea Code of Ordinances, Chapter 2, Section 2.3, I am writing to recommend that the park at the corner of Heard and Spruce Street be forever designated as the Judith Dyer Park. In accordance with Chapter 2, Section 2.3, the City Council has 30 days to act upon this request.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson moved the communication to the sub-committee on conference under suspension.

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

Re: Requests to Appropriate Gaming Mitigation Funds

Dear Councilors:

During the course of the Summer, the City had discussion with the Massachusetts Department of Revenue regarding the appropriate manner for handling the anticipated annual revenues received from Encore Casino pursuant to our Surrounding Community Agreement. Mass DOR's official opinion is that, in order to utilize any of these funds, the funds must be directly appropriated by the City Council for the purposes outlined in the Agreement. In the absence of specific appropriation by the City Council, these revenues will be considered by DOR as General Revenue to the City's General Fund to support all City operations. Given that they will be surplus funds, they will eventually fall to the City's bottom line and surface as Free Cash in the following fiscal year.

Because this treatment of these gaming funds as General Revenue is inconsistent with the Council's desire, at least based upon the votes taken in June 17, 2019, I am requesting that the City Council directly appropriate certain of the funds which the City expects to receive from the Encore Casino in September. Specifically, I am requesting 4 appropriations: \$125,000 to the DPW Roadway line; \$100,000 to the Chelsea Cultural Council for arts and cultural events; \$75,000 to the Planning & Development for Business Development; and \$100,000 to Planning & Development for Workforce Development.

I am willing to meet in subcommittee to discuss these appropriations in more detail. But, a few comments are warranted. First, I did have discussion with Encore regarding the re-allocation of \$100,000 annually in roadway funds to workforce development. Encore agreed, and I expect to execute an appropriate amendment to the Surrounding Community Agreement shortly. Second, as promised, it is my intention to utilize the first appropriation of Workforce Development funds to secure the services of a consultant to prepare for the City a comprehensive workforce development plan, something which we currently lack. Finally, you will notice that I have not proposed to appropriate any of the public safety funds this year. Our current public safety line items are adequately funded for FY20. However, in the future, I do expect these funds will be fully appropriated.

I have attached draft Orders for these requested appropriations. I look forward to further discussion on these requests in subcommittee.

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: Approval for DPW to Pay Prior Year Expenses

Dear Councilors:

I am writing to request approval for the Department of Public Works to make certain payments of prior year expenses from its current budget. There are adequate funds in the DPW FY20 Budget to cover these payments.

From time to time, municipal agencies are unable to effectuate payments to a vendor in the year that the goods or services are provided. When such instances occur, the City Council must approve the payments from the current year department budget for the prior year's obligation.

In this case, The Department of Public Works needs to make payment to Grainger for three outstanding invoices from the Spring of 2018 for the purchase of steel trash barrels installed in the public ways. (The three invoices are attached.) Initially, Grainger took a long time to submit invoices. Some further confusion occurred because Grainger supplies other departments in the City with materials, and there was some uncertainty regarding who was responsible for payment of certain invoices. The matter is now fully resolved, and the DPW has confirmed that these bills remain outstanding. But, because the bills are now so dated, Council action is required for payment.

Accordingly, I respectfully request that the City Council approve payment of these three attached bills from the DPW's FY20 Budget. A copy of the proposed Order is attached.

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 to Appropriate Commonwealth Transportation Infrastructure Funds*

Dear Councilors:

I am writing to request that the City Council appropriate \$84,834.70 in available funds from the Commonwealth Transportation Infrastructure Fund to assist in our existing FY20 Street & Sidewalk Program. If approved, the appropriated funds would supplement our existing DPW road improvement line item and will be spent by the City before the close of FY20.

These extra funds available for appropriation come from the recent annual distribution to the City based upon rides originating in Chelsea from Transportation Network Companies ("TNCs") such as Uber and Lyft. As part of the new regulatory scheme, TNCs are required to pay the Commonwealth a \$0.20

per-ride assessment. One half of that assessment is distributed proportionately to each city and town in the Commonwealth based upon the number of rides that originate in the municipality. For Calendar Year 2018, the City of Chelsea's share of this assessment, based upon TNC company rides originating in Chelsea, was \$84,834.70.

The Massachusetts Department of Revenue has previously determined that local communities must specifically appropriate these TNC funds in order to be spent. Further, the funds must be utilized "to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure. . ." Accordingly, I am asking now that the \$84,834.70 available to Chelsea be appropriated to the DPW Streets & Sidewalks Capital Road Improvements line item to be used for remaining FY20 roadway work.

I have attached a draft Order to accomplish the requested Council action. I will be available to answer any questions from the Council.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Avellaneda was made to accept and file under suspension. An amendment by 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: *Request for Appropriation for Work on Logan Airport Noise*

Dear Councilors:

I am writing to provide you with an update on some Logan Airport noise related topics. I am also requesting an appropriation that will allow us to gather important information related to noise emanating from the Logan runways.

As you know, the City Council has been requesting noise monitoring of Logan Airport traffic for quite some time in an effort to convince Massport to expand its soundproofing program. But, as I've explained in the past, the City has had considerable difficulty getting any legitimate noise monitoring company to conduct for the City independent noise testing of runway traffic. First, many reputable firms with a specialty in airport-related noise have a conflict that prevents them from working in an adverse situation with Massport. Second, firms without such a conflict have cautioned against spending funds on independent noise testing because soundproofing is an FAA reimbursement program, and the FAA will not accept independent noise testing as an alternative to their own noise modeling for purposes of the soundproofing program.

However, this past Summer, with the help of GreenRoots, the City was able to secure a pro bono proposal from the Community Noise Lab at the BU School of Public Health to do some noise monitoring in Chelsea. (A copy of the proposal is attached.) The Community Noise Lab is proposing to monitor

noise by placing 8 state of the art sound level meters in strategic locations throughout the City. They will also gather information about noise impacts from residents through a smartphone app called NoiseScore. Although this monitoring won't meet FAA standards, it may provide some helpful information regarding actual noise and its impact on Chelsea residents. And, of course, it is free to the City. An initial public information session about the project will take place at GreenRoots on Thurs. Sept. 13 at 6:00 p.m.

At the same time, I have continued my efforts to negotiate a long-term mitigation agreement with Massport that might provide additional funding to support a local soundproofing program. Those efforts have been stalled for the last few months due in large part to the leadership transition at Massport. But, with a new CEO selected, I am hopeful we can re-start those discussions.

Obviously, it will help our negotiating position if the City has more accurate information about Logan Airport's actual impacts on Chelsea. Toward that end, we have been discussing with a firm from Georgia that specializes in airport noise ways that it can assist us in gathering such information. The firm, ABCx2, LLC, has familiarity with Logan and comes highly recommended by other municipalities facing airport related impacts. ABCx2 has given the City the attached proposal for examining and evaluating past studies and existing conditions at Logan, including an assessment of airspace and flight procedures, annual operations, fleet mix and runway use. This kind of baseline assessment may help us in making our arguments to Massport for additional mitigation. (Because of procurement rules, we may need to go out to public bid for this work and could end up with a company different than ABCx2, although any competitor would need to be of similar stature in the industry.)

Unlike the Community Noise Lab at BU, ABCx2 and similar noise experts do not work for free. ABCx2's proposal for a baseline study is \$25,000, and we expect other proposals would be in this ballpark. Because we have not previously set aside funds for this purpose, we will need an appropriation from the City Council to move forward. And, at this point in the fiscal year, the only source for funding is the General Stabilization Fund. Free Cash is not yet available and is not expected to be certified by the Department of Revenue for at least a few more months.

I have attached a draft Order to use Stabilization funding if the Council so desires. However, I do realize that the use of the Stabilization Fund for discretionary expenditures early in the fiscal year has not been a preference of this Council. If the Council wishes to defer this until the Winter when Free Cash is available, or if the Council is not inclined to utilize the services of a company such as ABCx2, just let me know.

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: Notice of Waiver Intent

Dear Councilors:

Pursuant to the Administrative Code Section 1.12.02 I am writing to notify you of my intention to hire Ms. Jiayao ("Nancy") Shen, 15 Parkside Place, Apt. 223, Revere, Massachusetts for the part-time position of Music/Piano Instructor and to grant her a waiver from the residency requirement set forth in the Administrative Code, Part IV Section 1.12.01. There were no other candidates for this position. A copy of Ms. Shen's resume is attached.

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

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: Notice of Waiver Intent

Dear Councilors:

I am writing to notify you of my intention to grant a residency waiver to current DPW employee John Betancur. Mr. Betancur has moved from Chelsea to Lynn, where he has purchased a home for his family. Mr. Betancur is a valuable member of our DPW team, and we would like to keep him.

In accordance with the new Administrative Code, Part IV, Section 1.12.02, I request that you provide me with any comments on this proposed waiver within seven days.

Sincerely,
Thomas G. Ambrosino
City Manager

Communications and petitions to the Council:

A copy of a communication was received from Planner and Land Use Administrator Lad Dell regarding the Proposed Zoning Amendments to Chapter 34, Article V Off Street Parking Requirements-Section 34-106(j). A motion from Councilor Robinson moved to accept and file under suspension.

A copy of a communication was received from Planner and Land Use Administrator Lad Dell regarding the Proposed Zoning Amendments to Chapter 34, Article VII Section 34-156, Inclusionary Housing of the City of Chelsea Zoning Ordinance. A motion from Councilor Robinson moved to accept and file under suspension.

A copy of a communication was received from City/Parking Clerk Jeannette Cintron White regarding the warrant for the City Primary Election September 24,2019. A motion from Councilor Robinson to accept and file and attach to the Order under New Business was adopted under suspension.

A copy of a communication was read from City/Parking Clerk Jeannette Cintron White regarding the actions approved at the September 3,2019 Traffic and Parking Commission Meeting. A motion from Councilor Robinson to accept and file was adopted under suspension.

Unfinished Business:

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

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 Council has received numerous complaint from residents about the affordability standards in the inclusionary outlined in the City's zoning ordinance which doesn't allow most residents to live in new development; and

WHEREAS, The Amendment to Chapter 34, Article VII, Sec. 156-Inclusionary Housing of the City of Chelsea Zoning Ordinance applies affordability to Chelsea standards and not the metro Boston area; and

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 revision of the City of Chelsea Zoning Ordinance - Chapter 34 Article VIII, Section 156 – Inclusionary Housing,

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

- 1) That the amendment to Chapter 34-156 advances 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:

Now, therefore be it Ordained, that Chapter 34, Article VII of the Revised Code of Ordinances of the City of Chelsea as amended, be further amended by deleting Section 34-156 and replacing it as follows:

Sec. 34-156. - Inclusionary housing.

- (a) *Purpose and intent.* The purpose of this section is as follows:
- (1) To ensure that affordable housing is made available to eligible households on a non-discriminatory basis in accordance with the federal Fair Housing Act of 1968 and M.G.L. c. 151, as amended, and any regulations promulgated under federal and state law;
 - (2) To ensure that such housing remains affordable over the long term, and that to the extent allowed by law, preference is given to Chelsea residents;
 - (3) To increase the production of affordable housing units to meet existing and anticipated housing and employment needs within the city;
 - (4) To mitigate the impacts of commercial and residential development on the availability and cost of housing and especially housing affordable to low and moderate income households;
 - (5) To provide a mechanism by which an applicant can contribute in a direct way to increasing the supply of affordable housing through the creation of affordable housing units and fee-in lieu contributions from the application of this section.
- (b) *Definitions.* [The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Affordable housing restriction (AHR) means a deed rider, covenant, contract, mortgage agreement, and/ or other legal instrument, acceptable in form and substance to the city, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and that provides for the administration, monitoring, and/or enforcement of the restriction during the term of affordability. An AHR shall be placed on the land in perpetuity or for the maximum period that is legally permissible by Massachusetts General Laws (M.G.L.), and entered into as an agreement under the provisions of M.G.L. c. 184, §§ 31 to 33 or other equivalent state law.

Affordable housing trust fund (AHTF) means the fund administered by the affordable housing trust fund board (AHTFB).

Affordable housing trust fund board (AHTFB) means pursuant to part II, section 18 of the City of Chelsea Code of Ordinances, the AHTFB shall serve as the municipal affordable housing trust fund organized under M.G.L. c. 44, § 55C. The AHTFB advises and assists in the creation of a new affordable housing and the preservation, rehabilitation and maintenance of existing affordable housing in the City of Chelsea. The AHTFB is authorized to receive and accept contributions to the AHTF. The board ensures the monies in the AHTF are used appropriately.

Affordable housing unit (AHU) means a residential unit that is restricted by deed in its sale, lease, and/or rental to a qualified income-eligible household at specific price limits not to exceed 30 percent of their income that may qualify such residential unit for inclusion in the DHCD subsidized housing inventory (SHI).

Area median income (AMI) means the median household income as defined by HUD pursuant to section 3 of the 42 U.S.C. 1437 (the Housing Act of 1937), as amended, adjusted for household size.

DHCD means the Massachusetts Department of Housing and Community Development and its successors, as established and currently existing pursuant to M.G.L. c. 23B and c. 6A.

HUD means the United States Department of Housing and Urban Development.

Inclusionary housing project means any new construction or substantial improvement of an existing structure(s) where the proposed development or redevelopment will result in ten or more dwelling units on one or more contiguous parcels, whether such units are proposed as-of-right, under a special permit process,

or proposed pursuant to "the Subdivision Control Law" M.G. L. c. 41, §§ 81K to 81GG inclusive, including divisions of land that do not require subdivision approval (ANR plans).

Local action unit (LAU) means affordable housing units that are created through local municipal action other than comprehensive permits; for example, through special permits, inclusionary zoning, conveyance of public land, utilization of Community Preservation Act (CPA) funds, etc.

Local initiative program (LIP) means state housing initiative administered by DHCD to encourage communities to produce affordable housing for low- and moderate-income households. The program provides technical and other non-financial assistance to cities or towns seeking to increase the supply of housing for households at or below 80 percent of the area median income. LIP-approved units are entered into the subsidized housing inventory (SHI) pursuant to chapter 40B. Low or moderate income housing means any units of housing for which a subsidizing agency provides a subsidy under any program to assist the construction or substantial rehabilitation of low or moderate income housing, as defined in the applicable federal or state statute or regulation, whether built or operated by any public agency or non-profit or limited dividend organization. If the applicable statute or regulation of the subsidizing agency does not define low or moderate income housing, then it shall be defined as units of housing whose occupancy is restricted to a household of one or more persons whose maximum income does not exceed 80 percent of AMI, or as otherwise established by the guidelines for the Subsidized Housing Inventory and 760 CMR 56.00, as amended.

Market-rate housing means a residential unit that is not restricted in its sale, lease, and/or rental at specific price limits.

Qualified income-eligible household means a household with combined incomes that do not exceed the following Area Median Income limits for the Boston-Cambridge-Quincy MA-NH HUD Metro FMR Area, published annually by the U.S. Department of Housing and Urban Development, in accordance with the following:

Rental Projects

Inclusionary housing units that will be available for rent shall be affordable to low- and moderate-income households, as defined below, adjusted to the applicable household size:

30% AMI Households are defined herein as households earning an annual household income that does not exceed thirty percent (30%) of the Area Median Income;

50% AMI Households are defined herein as households earning an annual household income that does not exceed fifty percent (50%) of the Area Median Income; and

80% AMI Households are defined herein as households earning an annual household income that does not exceed eighty percent (80%) of the Area Median Income.

Ownership Projects

Inclusionary housing units that will be available for purchase shall be affordable to low-moderate and moderate income households, as defined below, adjusted to the applicable household size:

80% AMI Households are defined herein as households earning an annual household income that does not exceed eighty percent (80%) of the Area Median Income.

Qualified purchaser means qualified income-eligible household that purchases and occupies an affordable housing unit as its principal residence.

Qualified renter or qualified tenant means a qualified income-eligible household that rents and occupies an affordable housing unit as its principal residence.

Subsidizing agency means any agency of state or federal government that provides a subsidy for the construction or substantial rehabilitation of low or moderate income housing. If the subsidizing agency is not an agency of state government, the DHCD may appoint a state agency to administer some or all of the responsibilities of the subsidizing agency with respect to 760 CMR 56.00.

Subsidy means assistance provided by a subsidizing agency to assist the construction or substantial rehabilitation of low or moderate income housing, including direct financial assistance; indirect financial assistance through insurance, guarantees, tax relief, or other means; and non-financial assistance, including in-kind assistance, technical assistance, and other supportive services. A leased housing, tenant-based rental assistance, or housing allowance program shall not be considered a Subsidy for the purposes of 760 CMR 56.00.

Subsidized housing inventory ("SHI") means a list compiled by the DHDC by city or town containing the count of low or moderate income housing units consistent with the provisions of 760 CMR 56.00.

SHI eligible housing means solely for the purposes of 760 CMR 56.03, (a) any unit of low or moderate income housing, (b) such other housing units in a project as may be so defined under the DHCD's guidelines, and (c) any other housing unit as may be allowed under the DHCD's guidelines, provided that such housing unit is subject to a use restriction and affirmative fair marketing plan, and regardless of whether or not such unit received a subsidy

Substantial improvement means any repair, reconstruction, modernization or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (1) before the improvement or repair is started; or (2) if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement is not defined as a project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that is solely necessary to assure safe living conditions. The market value of the structure shall be calculated by the applicant, and submitted to the department of planning and development for review and approval.

(c) *Applicability.* The provisions of this section shall apply to any new construction or substantial improvement of an existing structure(s) where the proposed development or redevelopment will result in ten or more dwelling units on one or more contiguous parcels, whether such units are proposed as-of-right, under a special permit process, or proposed pursuant to the Subdivision Control Law M.G.L. c. 41, §§ 81K to 81GG inclusive, including divisions of land that do not require subdivision approval (ANR plans). The following provisions shall be required for all inclusionary housing projects.

(1) In any development subject to this section, at least 15 percent of the dwelling units shall be affordable housing units (AHU). For ownership projects, AHUs within a development shall be affordable for 80% AMI Households, as defined above. For rental projects, developers or property owners shall provide a mix of AHUs within a development that shall be affordable for households, based on the above definition, and provided according to the following distribution:

The first AHU shall be affordable to a 30% AMI Household;

The second AHU shall be affordable to a 50% AMI Household;

The third AHU shall be affordable to a 80% AMI Household;

The fourth AHU shall be affordable to a 30% AMI Household;

The fifth AHU shall be affordable to a 50% AMI Household; and

The sixth AHU shall be affordable to a 80% AMI Household.

A mix of AHUs shall be provided, pursuant to the distribution above. When applicable, this distribution shall be equally applied and repeated for all subsequent AHUs, in excess of six AHUs. For example, in cases where two AHUs are required, there shall be one unit at the 30% AMI level and one unit at the 50% AMI level. In cases where five AHUs are required, there shall be two at the 30% AMI level, two at the 50% AMI level, and one at the 80% AMI level.

For inclusionary housing projects that require fractional units please see subsection (e)(4). Nothing in this section shall preclude an applicant from providing more AHUs than the number required.

- (2) Each AHU created under this section shall be sold or rented to a qualified income-eligible household, in accordance with subsection (c)(1).
 - (3) No occupancy permit shall be issued for any unit in the development until the director of inspectional services/zoning enforcement officer receives verification that the AHR has been approved the City of Chelsea Department of Planning and Development and has been recorded with the Suffolk County Registry of Deeds.
- (d) *Exemptions.*
- (1) This section shall not apply to the rehabilitation of any building or structure wholly or substantially destroyed or damaged by catastrophe, provided that no rehabilitation or repair shall increase the number of bedroom or dwelling units on the lot as existed prior to the damage or destruction thereof, except in conformance with this section.
 - (2) New construction or substantial improvement of an existing structure(s) where the proposed development or redevelopment will result in ten or more dwelling units, and the project includes a subsidy for at least 15 percent of the total units from a subsidy program which is considered by DHCD as eligible for the purposes of M.G.L. c.40B, §§ 20-30, 760 CMR 56.00, as may be modified. Evidence of funding commitments must be provided prior to the issuance of a building permit.
- (e) *Mandatory provision of affordable units.* The department of planning and development shall require that the applicant comply with the following provisions for inclusionary housing Projects.
- (1) *Siting.* Affordable housing units shall be dispersed and sited throughout a development so as not to be in less desirable locations than the development's market-rate units.
 - (2) *Design and construction.* Affordable housing units shall be comparable to and indistinguishable from market-rate units in interior and exterior building materials and finishes, windows, appliances, and other improvements related to the energy efficiency of the units.
 - (3) *Rights and privileges.* Owners and tenants of AHUs and market-rate units shall have equal rights and privileges to access and use of the development's amenities and facilities.
 - (4) *Fractional units.* Where the required number of AHUs results in a fraction the applicant shall round up to the nearest whole number or make a fee in lieu contribution equal to but not less than that fraction multiplied by the fee outlined in [subsection] (f)(2) of this section.
 - (5) *Phasing.* Affordable housing units shall not be the last units to be built in any development and/or redevelopment covered by this section.
 - (6) *Non-avoidance by phasing or segmentation.* A development shall not be phased or segmented in a manner to avoid compliance with this section. The zoning board of appeals or planning board shall not approve any application for new construction or substantial improvement to a structure(s) where the development or redevelopment results in ten or more dwelling units if the

land or parcels of land were held in common ownership (including ownership by related or jointly controlled persons or entities) and were subdivided or otherwise modified within the previous five years to avoid compliance without complying with this section. This section shall also be enforceable against purchasers of land previously held in common ownership with land that received, after the date of adoption of this section, approvals or permits for development, to the effect that units developed under such previous development shall be counted toward the calculation of number of units under this section.

(f) *Fees-in-lieu-of affordable housing units.*

- (1) As an alternative to the requirements of subsections (c) and (e) of this section, and at the sole discretion and majority vote of the city council upon a recommendation of the city manager, the developer or property owner shall contribute a fee to the city's AHTF in lieu of providing all or a portion of the required AHUs within the proposed development.
- (2) The fee in lieu of providing one or more AHUs shall be a minimum of \$400,000 per required AHU not provided within the development. This fee may be adjusted upward by a majority vote of the city council.
- (3) Any payment to the AHTF as an in lieu contribution for AHUs shall be made as follows: at least 50 percent of the total owed prior to the issuance of a building permit; and the remaining total owed prior to the issuance of an occupancy permit.

(g) *Restrictions.*

- (1) *Restrictive documents.* To ensure unit affordability, AHUs shall be rented or sold subject to applicable AHR, acceptable to the, or such additional programs as may be adopted by the commonwealth or its agencies, restricting the use and occupancy, rent level, and sales price of such AHUs. All restrictive documents shall include all rights and obligations stipulated in subsection (h) and subsection (i).
- (2) *Term of affordable housing restriction.* An AHR shall ensure that AHUs created under this section shall remain affordable in perpetuity or for the longest period of time as legally permissible. All AHRs, deed riders, and covenants shall be enforceable and renewable by the City pursuant to applicable law.
- (3) *Initial sale/lease.* The initial sales or lease period for AHU's shall not commence until the developer or property owner, and/or an appointed compliance agent, has prepared and furnished an Affirmative Fair Housing Marketing Plan, which is in conformance with all applicable local, state, and federal laws, and has been approved by the Department of Planning and Development. The Department of Planning and Development shall calculate the initial sales price or initial rent, in accordance with State and Federal guidelines, and pursuant to the AHR. Prior to the issuance of any occupancy permit, the developer or property owner shall fulfill all requirements under this subsection.
- (4) *Subsequent resale/lease.* An AHU shall be restricted in its initial and any subsequent sale, lease, and/or rental to a qualified income-eligible household at a specific price limit that will qualify such residential unit for inclusion in the DHCD SHI. The Department of Planning and Development shall calculate and verify the subsequent resale price or rent, in accordance with State and Federal guidelines, for all AHUs created under this ordinance.
- (5) *Selection of eligible tenants and homeowners.* The Applicant shall conduct a fair and reasonable procedure in compliance with fair housing laws for the selection of tenants for affordable rental units and for the selection of homeowners for affordable homeownership units. Current Chelsea residents, or former Chelsea residents recently displaced within 24 months, families with children

under 18, elderly populations above the age of 65 years old, and populations with disabilities shall be given a local preference for AHUs provided under this ordinance, to the maximum extent allowable under law. Prior to implementing such procedures, the applicant shall submit an Affirmative Fair Housing Marketing Plan, specifying the requirements of this subsection, to be reviewed and approved by the Department of Planning and Development.

- (6) *Income and asset limits.* The applicant shall verify and provide evidence to the Department of Planning and Development that the income of prospective qualified income-eligible households shall not exceed the income limits set forth in subsection (c)(1), of AMI based on household size, as determined by HUD. A qualified purchaser or qualified renter shall also be required to demonstrate that total household assets, other than income, are not so high that a household has no substantial need of a rental unit with a reduced rent or of an ownership unit with a reduced purchase price.
 - (7) *Occupancy.* The AHR for AHUs shall require, whether the unit initially is sold or rented, that the occupant of that unit must be a qualified income-eligible household. This provision shall prohibit a unit initially designated as owner-occupied from being leased.
- (h) *Monitoring and enforcement.*
- (1) *Monitoring:* Affordable housing units shall be subject to an AHR that contains limitations on use, occupancy, resale price and rents, and provides for periodic monitoring to verify compliance with and enforce said restriction. The developer or property owner of rental developments, which include rental AHUs, must submit to the City of Chelsea Department of Planning and Development a statement characterizing the initial sales or rental period, followed by an annual statement of rent level, rental income, and verification of tenant income. The owner shall be responsible for funding the appropriate third-party compliance services, in order to fulfill all obligations set forth in subsection (g)(3). Prior to issuance of any occupancy permit, the developer or property owner shall execute an Inclusionary Housing Memorandum of Understanding (MOU), specifying the entity responsible for compliance, and memorializing all obligations set forth in this section.
 - (2) *Monitoring of AHUs for sale and for rent.* If the owner shall desire to sell, dispose of, rent, or otherwise convey a unit governed by an AHR, the Owner shall notify the City of Chelsea, c/o the Department of Planning and Development, prior to listing the property for-sale or for rent to ensure compliance with the AHR's resale provisions.
 - (3) *Eviction.* Nothing in this section shall be construed to permit eviction of a qualified purchaser or qualified tenant of an AHU due to a change of a household's income status or size during the time of ownership or term of lease or rental.
 - (4) *Transfer of AHU.* The restrictions governing an AHU shall remain upon resale, re-rental, and/or renewal of lease of the AHU. For owner-occupied units, the use restriction shall ensure that units may only be resold to qualified income-eligible household who are qualified purchasers consistent with the then applicable income qualifications process and approved by the department of planning and development.
 - (5) *All restrictions remain in effect.* Nothing in this section shall be construed to permit any AHR, deed rider, covenant, agreement, and/or other mechanism restricting such items as the use and occupancy, rent level, or resale price of AHUs, and the enforcement thereof to expire prior to any maximum limitations set forth by applicable state law. It is intended that the restrictions required herein shall survive, to the limit allowed by law, including, but not limited to, bankruptcy and foreclosure.

- (6) *Timing of commitments.* All AHRs required hereunder and any documents necessary to ensure compliance with this section shall be approved as to content by the City of Chelsea Department of Planning and Development and Chelsea City Solicitor prior to the issuance of any building permit.
 - (7) *Approval of form and content of legal documents.* The applicant shall be responsible for preparing any documentation required by DHCD in order to secure LIP approval of the AHU and ensure their eligibility for the DHCD SHI. Furthermore, the applicant shall prepare all AHR and/or legal instruments required to comply with this section, and such documents shall be in a form satisfactory to the Chelsea city solicitor. The applicant shall reimburse the city for reasonable legal expenses incurred by the Chelsea city solicitor.
 - (8) *Recording of restrictions.* All AHRs required pursuant to this section shall be recorded at the Suffolk County Registry of Deeds or filed with the registry district of the land court, as applicable, with evidence of recording transmitted to the Department of Planning and Development, prior to the issuance of any occupancy permit for the development.
- (i) *Right of first refusal and foreclosure.* The AHTFB reserves the right of first refusal or option to purchase all "affordable" for-sale AHUs at the point of original sale or any subsequent resale. This also applies to any subsequent sale of a rental property or units within a rental property. The purchase price shall be the lesser of the price that a household earning no more than 30 percent, 50 percent or 80 percent of the AMI could afford and pay no more than 30 percent of household income in housing costs, depending on the affordability level assigned to the unit at the time of sale, or 90 percent of the then documented appraised value at sale time. The appraisal shall be performed by the applicant after written review and approval by the Department of Planning and Development. In the event of a foreclosure, the property owner and the holder of record of any mortgage on an AHU subject to this section shall notify the Department of Planning and Development and Law Department, through a Foreclosure Notice, in the event of any default for which the Mortgagee intends to commence foreclosure proceedings or similar remedial actions pursuant to the mortgage, not less than one hundred and twenty (120) days prior to the foreclosure sale or the acceptance of a deed in lieu of foreclosure. The City retains a right of first refusal on AHUs subject to foreclosure and remedial actions, upon receipt of a Foreclosure Notice, within one hundred and twenty (120) days of receipt of such notice. All requirements promulgated in this subsection shall be included in any MOU and deed for AHUs subject to this section.
 - (j) *Needs assessment review.* The City of Chelsea Department of Planning and Development, in cooperation with appropriate boards and commissions, shall undertake a housing market assessment not less than every fifth calendar year from the date of enactment of this section. The purposes of said assessment shall be to assess the performance of the provisions herein in terms of resultant AHUs, to assess any need for improved rules and regulations regarding implementation, and to ascertain the need for revision of any provisions of this section relative to the provision of AHUs in the city.

Provisions subject to review shall include, at minimum: revisions to applicability requirements of this section, revisions to percentage requirements of AHUs in inclusionary housing developments, and revisions to methodologies for monetary payments or other in lieu of means of compliance with provision of on-site units.

Upon completing its assessment the City of Chelsea Department of Planning and Development, shall recommend to the city council any amendments to this section deemed necessary to improve the means of providing AHUs in the city.

Second Reading:

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

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;

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;

That Chapter 34, Article V-Off Street Parking Requirements-Section 34-106 (j) be amended as follows by adding:

1. Any relief from off-street parking requirements in this zoning ordinance shall disqualify that location from participating in the Residential Parking Sticker Program.
2. That the Zoning Board be required to notify the Traffic and Parking office of the relief so that location can be added to the list of those not eligible to participate.
3. As a condition of this relief, all leases for tenants shall specifically state that a tenant may not obtain or apply for a City of Chelsea residential sticker.
4. This amendment shall become effective January 1,2020.

New Business:

The following order was introduced by Councilor Tejada. A motion from Councilor Bishop sent it to conference under suspension.

ORDERED, that an increase of the Fiscal Year 2020 School Department original appropriation from \$95,391,784 to \$96,695,574 for a net increase of \$1,303,790 attributed to an increase in Fiscal Year 2020 Chapter 70 Aid.

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

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

Pursuant to the Code of Ordinances, City of Chelsea, Massachusetts, Section 2-3, the City Council hereby approves the dedication of the park at the corner of Spruce Street and Heard Street to Judith Dyer and such park shall be henceforth known as "Judith Dyer Park", and the dedication shall be memorialized with an appropriate plaque.

The following order was introduced by Councilor Tejada. A motion from Councilor Bishop referred it to a second reading under suspension.

ORDERED, that in accordance with M.G.L Ch. 44, Section 64, budget management procedures, whereby costs incurred in FY18 were not paid and are owed to the vendor, and to meet this obligation funds are required from the current year FY20 budget, that the City Council authorize the expenditure of

\$13,806 from the DPW Streets and Sidewalks expenditure lines to satisfy the unpaid costs for trash barrels to Grainger.

The following order was introduced by Councilor Tejada. Councilor Bishop referred it to a second reading under suspension.

ORDERED: that the Chelsea City Council authorize the appropriation of \$84,834.70 as a transfer from special revenue TNC Surcharge Distribution Fund # 5019 from funds distributed to Chelsea from the Commonwealth Transportation Infrastructure Fund – in order to supplement the Fiscal Year 2020 DPW Streets & Sidewalks Capital Road Improvements line item -- Account #0142258-583100 to be used for the purpose of roadway repair.

The following order was introduced by Councilor Tejada. A motion from Councilor Bishop sent it to the Sub-Committee on Conference under suspension.

ORDERED: that the Chelsea City Council authorize the appropriation of \$25,000 from the General Stabilization Fund #7020 to the Fiscal Year 2020 Planning & Development Contract Services line item – Account #0117552-530600 to be used for baseline assessment of the impact of airport-related noise in Chelsea.

The following order was introduced by Councilor Tejada. A motion from Councilor Bishop referred it to a second reading under suspension.

ORDERED: that the Chelsea City Council increases the Fiscal Year 2020 DPW Streets & Sidewalks Department original appropriation from \$3,074,668 to \$3,199,668, for an additional appropriation of \$125,000 to the DPW Streets & Sidewalks Capital Road Improvements Account #0142258-583100, from the annual payment received from the Encore Casino pursuant to the City's Surrounding Community Agreement, to be used for the purpose of roadway repair.

The following order was introduced by Councilor Tejada. A motion from Councilor Bishop referred it to a second reading under suspension.

ORDERED: that the Chelsea City Council increases the Fiscal Year 2020 Planning Department original appropriation from \$486,093 to \$661,093, for an additional appropriation of \$175,000 to the Planning & Development Contract Services Account #0117552-530600, from the annual payment received from the Encore Casino pursuant to the City's Surrounding Community Agreement, \$75,000 to be used to prepare local businesses to take advantage of opportunities provided by the Casino, and \$100,000 to be used for the purposes of workforce development in the City of Chelsea.

The following order was introduced by Councilor Tejada. A motion from Councilor Bishop referred it to a second reading under suspension.

ORDERED: that the Chelsea City Council increases the Fiscal Year 2020 HHS Recreational Division Program Department original appropriation from \$547,181 to \$647,181, for an additional appropriation of \$100,000 to the HHS Recreational Division Contract Services Account #0163052-530600, from the annual payment received

from the Encore Casino pursuant to the City's Surrounding Community Agreement, to be used for the purpose of cultural events, street fairs, art shows, festivals and related activities.

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

ORDERED, that the warrant for the September 24, 2019 City Preliminary Election be accepted.

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

ORDERED, that a Subcommittee on Conference be held to discuss the practicality/accessibility of our current marijuana zoning ordinance.

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

ORDERED, That a Sub-Committee on Conference be held to discuss Rock Chapel Marine LLC (a.k.a. Eastern Salt) real estate holdings and City of Chelsea waterfront zoning and plans.

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

ORDERED, that the City Manager look into giving all senior citizen homeowner occupants in the City a 30% discount on their water bills.

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

ORDERED, that the City Manager create a planning committee to facilitate traffic management during all construction projects.

The following Resolution was introduced by Councilors Vidot and Avellaneda. A motion from Councilor Avellaneda to adopt under suspension was adopted.

Resolution

Whereas, Over one million evictions have been filed in Massachusetts over the past thirty years; and WHEREAS, Tenants, who make up 73% of Chelsea residents, and 38% of Massachusetts residents, face increasing burdens to securing safe, stable housing accommodations for themselves and their families; and

WHEREAS, Once an eviction case is filed, it becomes part of that tenant's eviction record, which documents the tenant's history of ever having sued or been sued by a landlord; and

WHEREAS, In 2013, the Massachusetts Trial Court began placing eviction record information online, making a tenant's court record history easily accessible to the public as well as tenant screening companies; and

WHEREAS, Regardless of fault, outcome, or underlying basis for a court filing, possessing any record of an eviction filing can present a serious barrier to a tenant's ability to secure housing, and

WHEREAS, Children and minors named in eviction proceedings bear permanent records that impact their search for housing when they become adults; and

WHEREAS, Today, tenants who come to an agreement and settle with their landlord, correct errors in their record, or otherwise need support to alter the publicly available and permanently available record, lack the means to do so; and

WHEREAS, Many landlords who routinely file a notice to quit simply as a matter of course at the conclusion of a tenancy are unaware of the collateral consequences of eviction records or of the growing record of evictions they themselves are accumulating; and

WHEREAS, Legislation introduced in the Massachusetts legislature by Rep. Michael Moran and Sen. Joseph Boncore would protect tenants from being unfairly branded with an eviction record by selling records until a judgement is rendered and ensuring the accuracy of records; and

WHEREAS, Said legislation does not in any way alter the rights of landlords or property owners and allows all parties to exercise legal rights while moving on with their lives, NOW, THEREFORE, BE IT

RESOLVED, That the Chelsea City Council goes on record in support of S.824 and H.3566, An Act Promoting Housing Opportunity and Mobility Through Eviction Sealing.

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

REQUEST, that the City Manager provide an update on the Everett Ave. St. Project.

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

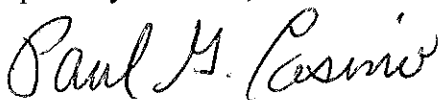
REQUEST, to name the Chelsea Community T.V. building after Robert Duke Bradley.

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

REQUEST, that a Subcommittee on Conference be held with the Law Department to talk about City contracts, their starting and ending dates, and penalties.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,



Paul G. Casino
Clerk of the Chelsea City Council