

C/B

ACCEPTED AND FILED

SUSPENSION

Chelsea, Massachusetts November 18, 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, Brown, Tejada, Robinson, Bishop, and Recupero. Councilor Perlatonda was absent. Council President Vidot presided over the meeting. The meeting opened at 7:00 p.m.

Public speaking:

The public speaking portion opened at 7:03 p.m. The following came forward to speak:

Roman Pucko 191 Lynnfield Street Peabody Mass. Spoke about doors being opened when a meeting is scheduled. The Handicap entrance is important for handicap people who want to use the ramp.

The public speaking portion closed at 7:07 p.m.

The minutes of the City Council Meeting dated October 21, 2019 were approved at the request of Councilor Brown under suspension.

Communications from City Manager:

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

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 it is my intention to hire Ms. Nancy Gifford, 15 Cedarview Street, Salem, Massachusetts to the position of Appraiser in the Assessor's Department and to grant her a waiver from the residency requirement set forth in the Administrative Code, Part IV, Section 1.12.01. Ms. Gifford's resume is attached. There were only two Chelsea applicants for this position. Neither candidate met the minimum qualifications for the position.

In accordance with Section 1.12.02, I request that you provide me 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 Brown to accept and file was adopted under suspension.

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

Re: Notice of Waiver Intent

Dear Councilors:

Pursuant to the Administrative Code Section 1.12.02, I am writing to notify you that it my intention to promote Mr. Hector Ortiz, 1 Maryvale Lane, Peabody, Massachusetts to the position of Jr. Water Operator for the DPW and to grant him a waiver from the residency requirement sent forth in the Administrative Code, Part IV Section 1.12.02. Mr. Ortiz has been employed with the Chelsea DPW since 2012.

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 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:

Pursuant to the Administrative Code Section 1.12.02, I am writing to notify you that it is my intention to hire Ms. Shavaun Callahan 68 Olive Avenue, Malden, Massachusetts to the position of Water, Sewer & Drain Compliance Manager and to grant her a waiver from the residency requirement set forth in the Administrative Code, Part IV Section 1.12.01. Ms. Callahan's resume is attached. There were no Chelsea applicants for this position, which required a valid Massachusetts D3 Drinking Water Operator license.

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 Robinson to accept and file was adopted under suspension.

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

Re: List of Zoning Relief

Dear Councilors:

In response to the Council Order requesting on information on Variances issued during the past two years, I have attached a report which detail on both Variances and Special Permits issued since January 1, 2018. I hope this information is helpful.

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: *Zoning Ordinance Change to Accommodate 5G Installations*

Dear Councilors:

Recently, the Federal Communications Commission approved new regulations that make it easier for wireless communications companies to implement 5G cellular technology. These regulations significantly limit the control that municipalities may exercise over small wireless installations and demand that municipalities shorten the time frames for review of installation requests.

In order to ensure that our local laws comply with these new federal regulations, we need to make some changes to our existing Wireless Communications Overlay District. The proposed zoning change replaces the existing section on this topic with an entirely new section that should allow full compliance with the new federal rules.

I respectfully request that the City Council refer this proposed zoning change to the Planning Board for its recommendation and schedule a public hearing. The City Solicitor and I will be available to answer any questions on the new provision.

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 FY20 PARC Grant – Voke Park

Dear Councilors:

I am writing to you with an update on the City's pending PARC Grant submission for the renovation of Voke Park and a request that the City Council approve the necessary funding for this project.

Recently, the City was notified by the Executive Office of Energy and Environmental Affairs ("EEA") that the PARC grant has been tentatively awarded, pending execution of the state grant contract and fulfillment of all pre-award program requirements. For this grant, the proposed renovations of Voke Park include replacement of the playground's rubber surfacing, introduction of new playground equipment, installation of a new water feature and splash pad, installation of new site furniture and lighting and reconstruction of all site utilities. Additionally, these renovations include new landscaping, such as shrubs and trees, and the renovation of the public walkway that provides for access to the different sections of Voke Park. Once completed, the modernized playground will better serve our city's youth and increase the quality of life for residents, a goal highlighted in the City's 2017 *Open Space and Recreation Plan*.

The City will complete its design of these improvements by June 30, 2020. The design process will include coordination with park users, neighborhood residents and other stakeholders. Already, an initial public meeting has been convened. We anticipate holding two additional public meetings to gather resident input on design features and park amenities during the Winter and Spring of 2020. Reconstruction of the playground will occur during Fiscal Year 2021 and hopefully be completed by June 30, 2021. Prior to the commencement of construction, a public informational meeting will be held to inform residents about construction.

As a reminder, the PARC grant program operates as follows. The Commonwealth pays 70% of the costs of the park improvements, up to a maximum state share of \$400,000. However, the PARC grant is a reimbursement grant. This means that the City expends the funds for the project and then requests reimbursement from the Commonwealth. Per PARC Grant guidelines, the City is required to appropriate the full project cost in advance in order to execute a contract with EEA.

Based upon the City's estimates, the total cost of the Voke Park improvements will be \$750,000. To date, the City Council has appropriated \$350,000 through the FY20 Capital Improvement Program, leaving this balance of \$400,000, which we expect to be fully reimbursed by the Commonwealth. In the event that this park ultimately costs more than the estimate, which is not uncommon, I may return to the Council for a further appropriation.

For all the reasons set forth above, I respectfully request that the City Council approve this appropriation. I have attached a draft Resolution and Order. Because this PARC grant requires an appropriation vote no later than December 31, 2019, the only funds available are Stabilization Funds. Free Cash will likely not be certified until early 2020.

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: *Eden Park Renovations -- Additional Appropriation Request*

Dear Councilors:

This is the second letter this week involving a PARC Grant. This one relates to the grant secured last year for Eden Park.

As you may recall, the City set aside a total of \$750,000 for this project -- \$250,000 appropriated in the FY19 Capital Improvement Plan and the \$500,000 initially appropriated from Stabilization Funds last December, which will eventually be repaid in part via the reimbursable grant from the Commonwealth.

Unfortunately, the total costs for this project are now expected to exceed \$750,000. The City recently received construction bids for this project, and the lowest responsible bidder was Sciaba Construction Corp., with a proposed price of \$672,200. With approximately \$40,000 already expended for design and engineering costs, another \$20,000 required for contract administration during construction, and the need to set aside at least 15% for construction contingencies, we estimate that we will need an additional \$90,000 to complete the project.

In order to proceed with the project as designed by the City and supported by the neighborhood, I respectfully request that the City Council approve this additional appropriation of \$90,000. A draft Order is attached. Again, because of the need to secure these funds quickly, we cannot await the certification of Free Cash. The only available source is the General Stabilization Fund.

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: Transfer Requests for the Signalization Upgrade Project - Williams Street Corridor

Dear Councilors:

I am writing to request that the City Council approve financial transfers that will allow the Department of Planning & Development to advance the first phase of traffic signal improvements on Williams Street. This is a situation that does not involve any appropriation of *new* funds. The monies requested were previously authorized for capital projects that are completed, and this request is to repurpose them for this signalization project. The total amount of the requested transfers is \$279,532.24.

In both the FY19 and FY20 Capital Improvement Plans, the City set aside funds for Signalization Upgrades. The goal of this comprehensive Signalization Upgrade Project is to install, in various locations throughout the City, intelligent traffic signals that respond to real-time traffic conditions. Once implemented, these intelligent traffic signals allow the City to more effectively manage congestion, monitor traffic conditions and improve public safety for drivers and pedestrians.

Thus far, with these capital funds, the City has completed the signal upgrade at the Broadway and Eastern Avenue intersection and has set aside some funding for the traffic signals at the Spruce Street/Second Street intersection. In addition to these locations, we have also prioritized the signals along the Williams Street corridor due to the poor level of service rating, high vehicle to pedestrian conflicts and rising congestion. The first phase of the Williams Street Corridor Project includes the traffic lights at Williams/Chestnut and the lights at Williams/Broadway. The second phase will involve the traffic signals at Williams/Marginal Street.

At this point, the City has completed the design for the Williams/Chestnut and Williams/Broadway intersections. Unfortunately, based upon the City's estimated cost of this full design, we do not have sufficient funding to proceed with issuance of a bid package. Currently, the City has only \$540,000 available for this project. Because of the high cost of the steel traffic signal mast arms, we believe we may need an additional \$250,000.

We do have a total of \$279,532.24 available in two completed capital projects to cover this cost: in the FY17 Hawthorne Street Roadway Project (\$34,753.61); and in the FY18 Congress Avenue Sidewalk Project (\$244,778.63). Any excess funds in this project would be set aside for future intelligent traffic signal upgrades.

For all the above reasons, I ask that the City Council approve the transfer of these funds for the first phase of the Williams Street Corridor Project. The recommended Orders for these transfers are attached.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Bishop 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: *Free Cash Certification*

Dear Councilors:

I am writing with some good news!

Late Friday, the City received an unexpectedly early determination from the Massachusetts Department of Revenue on Free Cash. The numbers are very positive. We closed Fiscal Year 2019 with General Fund Free Cash of \$12,275,913. We also have Enterprise Fund Retained Earnings of: Water -- \$3,215,836; Sewer -- \$3,159,704. A copy of the DOR Certification is attached.

With Free Cash certified, I am requesting that the two previous PARC Grant funding requests that I submitted last week be sourced from this newly available Free Cash as opposed to the General Stabilization Fund. I have attached revised Orders to implement this change.

I do have certain other investments in the community that I wish to propose to the Council given this level of available Free Cash. However, I am still working on the specifics of some of these requests. I expect to be coming to the City Council with these additional Free Cash funding proposals in the early part of 2020.

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: Appointments to Boards and Commissions

Dear Councilors:

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

For appointment to the Traffic & Parking Commission, Mr. Aaron Kraemer, 27 John Street # 1, Chelsea to serve the remainder of the term of Mr. Jorge Pazos, who has been removed for non-attendance. This term expires on December 15,2020.

For appointment to the Human Rights Commission, Ms. C. Nicole Barrett, 325 Commandants Way, Chelsea, to serve the remainder of the term of Rev. Sandra Whitley, who has resigned. This term expires on June 30,2021.

For appointment to the Tree Board, Mr. Nicholas Boatwright, 6 Pembroke St. Apt. 1 Chelsea, for a three year term expiring in 2020.

For re-appointment to the Community Schools Advisory Board, Dr. Alice Murillo, 175 Cottage Street, Chelsea, for a new three year term expiring on September 25,2022.

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

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: *Fiscal Year 2020 Tax Rates*

Dear Councilors:

In follow-up to my October 28, 2019 presentation on taxes and valuations, I am re-submitting for your consideration the document showing the impact of the six options presented for the residential exemption. The options range from remaining at the current 30% to increasing the exemption to the maximum allowed 35%.

I recommend that, at its upcoming hearing on November 25, 2019, the City Council increase the residential exemption to 31%. In that case, and assuming adoption of the 175% commercial and industrial property tax shift, the residential tax rate will likely be \$13.40 (pending DOR approval), and the commercial rate will be approximately \$27.18. This will result in a *reduction* of the average tax bill for owner-occupied single family and three family homes, and modest average tax increases of varying amounts to other owner-occupied parcels. By selecting the 31% residential exemption amount, the City Council will have the opportunity to spread the benefit of the 35% exemption limit over future fiscal years.

I have attached drafts of the appropriate Council Orders necessary to accomplish what I propose.

Sincerely,
Thomas G. Ambrosino
City Manager

Communications and Petitions to the Council:

A copy of a communication was received from the Chelsea Retirement Board regarding C. 55 OF THE Acts of 2006 to permit Boards by local option to increase the dependent payable to accidental death recipients to be equal to that paid to accidental disability recipients. A motion from Councilor Garcia to accept and file was adopted under suspension.

A copy of a communication was received from Jessica Kahlberg, ROCA Director of Strategy and External Affairs, regarding scheduling a formal presentation to update the Council on their work to reduce recidivism and decreasing violence. A motion from Councilor Robinson to accept and file was adopted under suspension.

A copy of a communication was received from Jeannette Cintron White regarding the actions approved at the November 12, 2019 Traffic and Parking Commission meeting. A motion from Councilor Lopez to accept and file was adopted under suspension.

New Business:

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

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 \$260,000 was appropriated under the Fiscal Year 2017 Capital Improvement Plan for roadway improvements – Hawthorn Street - Free Cash – Project Account No. 55401723-584500, and a balance remains after the completion of the project for which the fund was authorized which is no longer needed to complete that project, and therefore that balance of \$34,753.61 is hereby transferred for roadway infrastructure improvements to the FY20 Signalization Upgrades at Select Locations Project, Project Account No. 55402019-584500.

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

Ordered: That in accordance with Chapter 44, Section 20 of the General Laws, the sum of \$400,000 was appropriated under the Fiscal Year 2018 Capital Improvement Plan for roadway improvements – Congress Avenue - Free Cash – Project Account No. 55401822-584500, and a balance remains after the completion of the project for which the fund was authorized which is no longer needed to complete that project, and therefore a portion of that balance in the amount of \$244,778.63

is hereby transferred for roadway infrastructure improvements to the FY20 Signalization Upgrades at Select Locations Project, Project Account No. 55402019-584500.

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

- Whereas,** The renovation of multi-use playground facilities, such as Eden Park, are a priority detailed in the City's 2017 *Open Space and Recreation Plan*; and
- Whereas,** The proposed renovation of Eden Park calls for the replacement of playground equipment, installation of a water spray feature, replacement of rubber surfacing, reconstruction of the site's passive seating areas, reconstruction of site walls, replacement of site utilities, and introduction of new landscaping and trees; and
- Whereas,** The City has received funding from The Executive Office of Energy and Environmental Affairs (EEA) Parkland Acquisitions and Renovations for Communities (PARC) Program (301 CMR 5.00), which will provide for a reimbursable grant to the City; and
- Whereas,** The City has previously appropriated a total of \$750,000 to the Department of Planning and Development to cover the full project cost, per PARC grant guidelines, until reimbursement is received; and
- Whereas,** In order to carry out the successful renovation of Eden Park, \$90,000 in additional funding is required to satisfy the total construction amount of the lowest responsible bidder; therefore be it
- Ordered** By this vote, the Chelsea City Council appropriates a total of \$90,000 from Free Cash to PARC 23 Eden Park Renovations Project Account # 55161996-584500, certifies the City Manager's authority to enter into an agreement for the receipt of these funds, and directs the City Manager to take any and all necessary action to accomplish the project.

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

- Whereas,** The City owns open space known as Voke Park, which is located at 540 Washington Avenue and documented as Parcel ID 89-46 on the City's Assessors Maps; and
- Whereas,** Voke Park is preserved as open space in perpetuity, under Article 97 of the Massachusetts Constitution, as evidenced by the property's deed, which is catalogued under Book #9218 and Page #213 in the Suffolk Registry of Deeds; and
- Whereas,** The priorities detailed in the City's 2017 *Open Space and Recreation Plan* include the renovation of the City's most heavily used recreational facilities, such as Voke Park, to provide active recreational opportunities for all ages that take advantage of Chelsea's environmental, cultural, and scenic resources; and
- Whereas,** Voke Park is the heavily utilized and popular playground that is a vital recreational asset

for City residents, yet Voke Park's main playground and walkway has not been substantially renovated in over ten years, although it's existing condition warrants refurbishment; and

Whereas, The City, through the Department of Planning & Development, filed a grant application to the Executive Office of Energy and Environmental Affairs (EOEAA) PARC Grant Program and was awarded a \$400,000 PARC grant for the renovation of Voke Park; and

Whereas, The renovation of this facility is estimated to cost \$750,000, and the City will be reimbursed for 70% of the full project cost, up to \$400,000, under the PARC grant requirements; and

Whereas, Because the PARC grant reimburses the City for design and construction, the City is required by PARC grant requirements to set aside the full cost of the project and certify that full funding, including the State share, is available for the project prior to reimbursement; and

Whereas, the City has funded the remainder of the total project cost through a \$350,000 appropriation through the FY20 Capital Improvement Plan; and

Whereas, To ensure the successful implementation of this PARC grant funded project, the funds appropriated through this order for the renovations for Voke Park may be utilized for all of Voke Park's project costs in the event that the construction costs exceed the estimated costs, therefore it is

Ordered By this vote, the Chelsea City Council endorses this project for the receipt of PARC grant funds, appropriates a total of \$400,000 from Free Cash to Voke Park Renovations Project Account # 55162099, certifies the City Manager's authority to enter into an agreement for the receipt of these funds, and directs the City Manager to take any and all necessary action to accomplish the project.

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

WHEREAS, the City of Chelsea City Council on the recommendation of the Finance Director and City Manager in 2007, reviewed and discussed the acceptance of Chapter 55 and the Acts of 2006, which increased the dependent benefit payable to accidental death retirees; and

WHEREAS, the Chelsea Retirement Board now wishes to reaffirm the City Council's approval and acceptance of this local option;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Chelsea, as follows;

That the City Council of the City of Chelsea hereby accepts the provisions of Chapter 55 of the Acts of 2006; and

NOW THEREFORE BE IT FURTHER ORDERED by the City Council of the City of Chelsea, as follows:

That the acceptance of the local option is effective February 28, 2007.

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

Request, that a mandatory meeting be held with all parties making decisions on storefront signs in Downtown Broadway. Stakeholders should be able to provide a clear timeline to participate businesses and this meeting is to be held in English and Spanish.

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

Ordered, that the city looking into allowing Chelsea residents with outstanding excise car tax bills to submit payments through a monthly payment plan.

The following order was introduced by Councilor Perlatonda. Councilor Robinson amended the order to read request and insert the word consider. Adopted under suspension.

Request, that the Traffic and Parking Commission consider 30minute meters starting at Chelsea Cleaners 467-471 Eastern Ave. for the local business.

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

Ordered, that the Traffic and Parking Commission look to put a loading zone sign by the side entrance door of the Chelsea Cleaners located on the corner of Eastern Ave. and Carroll Ave.

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

Ordered, that the City Manager instruct DPW to install two digital solar crosswalk indicators on Central Avenue and Shawmut St. one each way.

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

Ordered, that the City Manager and DPW Commissioner look into a way to replace street and sidewalks on Lynn St. from Central Avenue to Chester Avenue.

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

Request, that the Traffic and Parking Commission look into potentially putting a speed bump or some other concept that will force people to minimize their speed on Summit Ave.

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

Ordered, that the Traffic and Parking Commission look into improving the safety at the corner of Franklin and Jefferson on the Franklin side by removing some parking spaces that will allow for free flowing traffic with minimal congestion.

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

Requested, that any city money going to the Chelsea Collaborative cannot be used for voter registration.

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

Requested, that the Chelsea Collaborative provide the Council with the number of people they registered to vote.

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

Request, that the Traffic and Parking Commission recommend that a one-way sign between Essex, Shurtleff and Congress and also remove the one-way sign on Ellsworth St.

The following order was introduced by Councilor Robinson. A motion from Councilor Robinson to add request DPW and MWRA as an amendment was adopted under suspension.

Request, that the City Manager instruct DPW to provide the last three years of four calibrations per meter for all water and sewer.

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

Ordered, that the Chelsea City Council adopt the Minimum Residential Tax Factor for Fiscal Year 2020, with a 1.75 commercial industrial and personal property (CIP) shift factor.

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

Ordered, that the Chelsea City Council adopt a 3.1% Residential Exemption for Fiscal Year 2020.

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

Request, that a Subcommittee on Conference be held with ROCA and other non-profits that receive money from the city to report the status of their programs in a non-profit accountability series.

The following Ordinance amendment was introduced by Councilor Vidot. A motion from Councilor Bishop referred it to the Planning Board and schedule a Public Hearing. Adopted under suspension.

WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and

WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and

WHEREAS, Federal law has changed with the advent of 5G capabilities and the City Administration has determined that a new process for handling requests to install new 5G facilities requires a changed to the City Zoning Ordinance;

WHEREAS, The amendment to Chapter 34, Article VIII, Special Districts Section 34-182 - Wireless Communications Overlay District (WCOD) of the City of Chelsea Zoning Ordinance is attached to this Order;

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 VIII, Section 34-182 - Wireless Communications Overlay District (WCOD) of the City of Chelsea Zoning Ordinance be amended by striking the existing Section 34-182 and replacing with the following new Section:

Sec. 34-182. - Wireless Communications Overlay District (WCOD).

- (a) *Scope and purpose.* This section applies to the Wireless Communications Overlay District (WCOD). The purpose of this section is to regulate the deployment of small wireless facilities (as that term is defined at 47 CFR 1.6002 (l), as well as the structures (as that term is defined at 47 CFR 1.6002 (m)) on which small wireless facilities are affixed or may be sought to be attached, modified, or removed. The WCOD has been created:
- (1) To manage the public rights of way and preserve the City's significant investments in time and money in the acquisition and maintenance of public rights of way and other City-owned or controlled property on which, around which, and over which small wireless facilities and or structures are located;
 - (2) To preserve and advance universal wireless service, protect the public safety and welfare, ensure the continued quality of telecommunications services and safeguard the rights of consumers;
 - (3) To ensure that the City's businesses, residents and visitors have the best opportunity to reliably access the highest quality wireless networks and make use of advanced wireless services and applications;
 - (4) To not unreasonably discriminate among providers of functionally equivalent services and to not effectively prohibit the provision of personal wireless services all in compliance with all applicable laws, including 47 U.S.C. §332(c)(7)(B)(i),(iii);
 - (5) To reasonably avoid or remedy the intangible public harm of unsightly or out-of-character deployments of small wireless facilities and/or structures.
- (b) *Location.* The WCOD shall be located in all districts.
- (c) *Applicability.* The WCOD shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning shall remain in full force and effect, except as may be specifically superseded herein or except as otherwise unavailable options are provided herein.
- (d) *Installations that Do Not Require Special Permit – Not in Excess of 5 Feet Above Existing Structures*
- (1) Small wireless facilities, including equipment facilitating small wireless communications, such as antennas, small cells, dishes, fiber optic and power cables and connections, remote radioheads,

brackets, devices, junction boxes, conduits, meters and all other related equipment, that do **not** exceed five feet above the height of an **existing** structure to which it is attached, shall be allowed by right but subject to Grant of Location.

(2) In all cases, modifications to small wireless facilities shall be subject to subsection (d)(1) of this section.

(3) To the maximum extent feasible, small wireless facilities and structures shall minimize adverse visual effects on the environment. In addition, equipment mounted on structures that are poles shall not be located less than ten (10) feet above the mean finished ground elevation at the base of the pole. The inspector of buildings may impose reasonable conditions to ensure this result, including, but not limited to, screening and/or color, materials and texture of exterior equipment as well as measures to address noise and/or light impacts.

(e) *Installations That Require a Special Permit and Site Plan Review*

(i) of a structure (as that term is defined at 47 CFR 1.6002 (m)) that is located anywhere other than the location of an existing structure; or

(ii) that involves replacement of a structure with a new structure that is not of the same kind and quality or that involves a "substantial change" as provided in 47 CFR 1.6100 (7); or

(iii) that exceeds five feet above the height of an existing structure to which it is attached

shall require a Special Permit issued by the zoning board of appeals and Site Plan Review by the planning board upon a finding that the proposed new structure or modification to an existing structure or height will not cause substantial detriment to the city or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of all of the following:

- (i) Communications needs served by the facility;
- (ii) Traffic flow and safety, including parking and loading;
- (iii) Adequacy of utilities and other public services;
- (iv) Impacts on neighborhood character, including aesthetics;
- (v) Impacts on the natural environment, including visual impacts; and
- (vi) The protection of public safety and welfare;
- (vii) The continued quality of telecommunications services;
- (viii) The rights of consumers; and
- (ix) Management of the public rights of way.

(2) Requirements in General

(i) To the extent feasible, service providers shall collocate (attach) small wireless facilities on a single structure. New structures shall be designed to accommodate foreseeable users (within a ten-year period) where technically practicable.

(ii) New structures that are poles shall be limited in design to single-poles, hereinafter referred to as "monopoles." No three-legged poles, or lattice towers with or without guy-wires, shall be permitted. Monopole height shall not exceed 100 feet above mean finished ground elevation at the base of the mounting structure; provided, however, that a monopole may be erected higher than 100 feet where collocation is approved or proposed, not to exceed a height of 140 feet above mean finished ground elevation at the base of the mounting structure.

(iii) New structures that are monopoles shall be considered only upon a finding that existing or approved monopoles or other structures cannot accommodate the equipment planned for the proposed monopole.

(iv) All structures associated with small wireless facilities shall be removed within one year of cessation of use.

(v) Fencing may be required to control unauthorized entry to small cell facilities and or structures.

(vi) The setback of small cell facilities and structures from the property line shall not be less than 50 feet.

(3) Submittal requirements.

As part of any application for a special permit, applicants shall submit, at a minimum, the information required for site plan approval, as set forth herein at sections 34-214-215. Applicants shall also describe the capacity of the structure, including the number and types of antennas that it can accommodate and the basis for the calculation of capacity.

(f) *Requirement for Grant of Location and Licensing.*

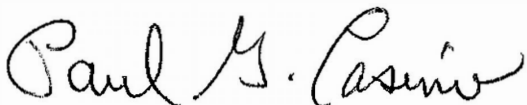
All small wireless facilities and structures allowed pursuant to this Overlay District shall require Grant of Location review and approval by the Department of Public Works as well as a Licensing Agreement with the Law Department before any building permit may issue for installation.

BE IT FURTHER ORDERED,

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

The meeting adjourned at 8:05 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Paul G. Casino".

Paul G Casino
Clerk of the Chelsea City Council