

J/G

ACCEPTED AND FILED  
SUSPENSION

Chelsea, Massachusetts March 25, 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, Perlatonda, Tejada, Robinson and Recupero Councilor Bishop 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 Vidot and all members of the City Council. A motion from Councilor Robinson to accept and file was adopted under suspension. All members of the City Council took the pledge to help end domestic violence.

**RESOLUTION**

**WHEREAS;** The International White Ribbon Campaign is an effort to urge men to speak out in opposition to violence against women as a remembrance of the Montreal Massacre, a 1991 tragedy when one man murdered 14 women in Montreal, Canada; and

**WHEREAS;** Jane Doe, Inc. launched Massachusetts White Ribbon Day in 2008 to engage men to help end violence against women, men and children; and

**WHEREAS;** This year's Massachusetts White Ribbon Day aims to strengthen the Massachusetts foundation for responding to the needs of victims regardless of gender identity or sexual orientation and recognizes that victims of sexual assault and domestic violence may be LGBTQ, elderly, disabled, or male; and

**WHEREAS;** This year's White Ribbon Day was commemorated with the gathering of male leaders in surrounding communities including Chelsea to have meaningful conversations about masculinity that foster respect, safety and equality; and

**WHEREAS;** The White Ribbon Day pledge states, "From this day forward, I promise to be part of the solution in ending violence against women and any gender based violence"; and

**WHEREAS;** our municipality wishes to join with HarborCov and other municipalities across the Commonwealth to raise awareness of White Ribbon Day and to support survivors of violence; now therefore, BE IT

**RESOLVED;** the Chelsea City Council, in our representative capacity of the residents of Chelsea, recognize all days in March as White Ribbon Day, and do hereby pledge from this day forward to actively participate in the campaign to end domestic violence.

**Public speaking:**

The public speaking opened at 7:15 p.m.

No one came forward and the public speaking closed at 7:16 p.m.

The minutes of the City Council meeting for March 11, 2019 were approved at the request of Councilor Garcia under suspension.

**Communications from City Manager:**

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Recupero moved the Communication to conference under suspension.

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

Re: *311 System*

Dear Councilors:

I am writing to notify you that it is my plan to proceed in FY20 with the adoption of a 311 System similar to constituent services systems operated in other nearby communities, including but not limited to Cambridge, Boston, Malden, Revere and Everett. The goal is to provide better and more prompt responsiveness to constituent complaints. Adoption of such a system will also allow us to phase out the problematic See Click Fix system.

The 311 System I have in mind will operate as follows. We will have two employees whose main function will be to field complaints from constituents, whether by way of telephone calls, emails text messages or direct submission to a new web-based issues reporting system. These employees will be housed within the new DPW under the supervision of Public Works Commissioner Fidel Maltez. These employees will be responsible for assigning the issue to the appropriate Department representative or directly accessing the relevant information in a City database, tracking progress on the issue and providing information on the resolution of the issue to the individual who reported it. We believe this will be a much more effective way of addressing constituent complaints, and hopefully it will be well-received by our residents.

The program outlined above does require financial resources, both for the software tracking system and the personnel. The total annual costs for this system are anticipated to be approximately \$162,000. A proposed budget is attached. We do have some existing funds available to help launch the

system in Year 1. This includes \$27,000 which was previously approved in the FY19 CIP for a DPW work order tracking system, and \$50,000 in a Community Compact Grant approved by the Commonwealth last year. The balance will come from appropriated funds.

At this point, I am not requesting any action by the City Council. The purpose of this letter is merely to provide information and to prepare the City Council for some additional personnel costs that will appear in the FY20 Budget pertaining to this 311 effort. I am hopeful the Council will see the benefit of this improved constituent services effort and approve the requested FY20 appropriations.

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: *Financial Accounts for the Community Preservation Act Funds*

Dear Councilors:

I am writing to request that the City Council establish the necessary financial structure to manage funds collected through the Community Preservation Act, which was adopted by the City in November of 2016. Funds have been collected since January of 2017. The financial structure for properly tracking such funds is bit complicated. And, because this is the first time we are creating these funds, and therefore we must account for the funds collected for the past three fiscal years, the initial vote required by the Council is quite detailed. I will do my best to explain.

Every year, the Community Preservation Committee (the "CPC") is required to prepare an annual CPA budget, which will then be voted on by the City Council. Because the CPC took a while to be created and to establish its footing, it has not yet submitted any budgets. However, a Budget for Fiscal Year 2020 (July 1, 2019 – June 30, 2020) is currently in the works by the CPC. Later this Spring, that Budget will be presented to the City Council, similar to the timeframe for the City's FY20 Budget.

In the meantime, the City Council is required to adopt a Budget for each of the three years (FY17, FY18 and FY19) that CPA Funds were generated but the nascent CPC did not present a budget. In each of those years, and in all subsequent years moving forward, the CPA statute requires that the Budget allocate funds as follows:

- i) The required minimum set aside of at least **10%** of annual estimated revenues to each of the main three Community Preservation Act purposes in the following Category Reserve Accounts:
  - Historic Preservation, (10%)
  - Open Space (10%)

Community Housing (10%)

- ii) an Annual Budgeted Reserve Account for any unallocated money (no more than 70%)
- iii.) any administrative allocation (not more than 5%)

These five accounts comprise the required fiscal structure each year. They work as follows. The CPC requests its annual funding for the three Category Reserve accounts. It can tap into the Budgeted Reserve Account to recommend any type of project if one of its Category Reserve Accounts is depleted. And, it makes a request for administrative funds if necessary. Any balance is set aside in the Annual Budgeted Reserve. From these accounts, funds are later appropriated by the City Council *when the City Council approves a project recommended by the CPA.*

At the end of the fiscal year, if any money remains in a Category Reserve Account, whether because the CPA didn't propose sufficient projects or the City Council rejected a CPA recommendation, the money remaining stays in that Category Reserve Account *until it is appropriated in a subsequent year for a project within that category.* Funds in a Category Reserve Account are "restricted" funds, and they can only be used for that specific category.

Any unused balance at the end of the fiscal year that remains in the Annual Budgeted Reserve Account is automatically closed out by the City Auditor. That money then goes into a sixth and final account, the CPA Fund Balance account. The CPC can utilize funds from the CPA Fund Balance, in addition to the annual estimated tax revenues, in setting its annual budget.

Finally, as reflected above, the CPC has the option in any given year of requesting that the City Council appropriate up to 5% of annual CPA tax revenues for the CPC's administrative needs during the fiscal year. For FY19 only, the CPC is requesting an administrative allocation of 5% to cover the cost of the consultant who helped the CPC prepare the Community Preservation Plan (adopted by the CPC in February of 2019) and will provide guidance on the implementation of the Plan.

Once appropriated, administrative funds can be spent at the discretion of the CPC during the course of that fiscal year only. Like funds in the Annual Budgeted Reserve Account, funds remaining in the administrative account at the end of the fiscal year will be closed out automatically by the City Auditor and transferred to the CPA Fund Balance Account.

With that as explanation, I now need to have the City Council adopt an Order that will both create these required accounts and allocate the tax revenues thus far collected. The total of funds thus far collected for FY17 (actual), FY18 (actual) and FY19 (estimated) is a little more than \$2 million. The proposed allocation of those funds is as follows:

Historic Preservation Reserve (10% of total)	\$ 200,341.00
Open Space Reserve (10% of total)	\$ 200,341.00
Community Housing Reserve (10% of total)	\$ 200,341.00
CPA Budgeted Reserve (FY19 only)	\$ 518,134.00
Administrative (FY19)	\$ 39,856.00
CPA Fund Balance (for FY17/18)	\$ 914,330.00

A draft of the Order necessary to accomplish the creation of these Funds and the requested allocation is attached.

Moving forward, the CPC will be submitting annual budgets to the City Council, commencing with an FY20 Budget this Spring. Likewise, this Spring, the CPC will begin recommending projects to the City Council in accord with the priorities established in its Community Preservation Plan.

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: *Local Option Votes for Assessing*

Dear Councilors:

I am writing to request to new local option votes that pertain to property taxes. If adopted, both provisions would take effect for the FY20 tax year.

**Adoption of Chapter 653, Section 40 of the Acts of 1989**

First, I am requesting that the City Council adopt the provisions of Section 40 of Chapter 653 of the Acts of 1989. Adoption of this local option allows for the Assessors to pick up new growth that occurs between January 1 and June 30 on property that is being constructed or improved.

Typically, for local property tax purposes, property for any given tax year is assessed as of January 1 of the preceding fiscal year. However, for municipalities that adopt this section, the Assessors are allowed to assess any real property being improved as of June 30. Consequently, the municipality is able to increase its new growth figure for that tax year by gaining all of the new value created by improvements that occur between January 1 and June 30. For large construction projects, such as the Chelsea Clock site or the Forbes site, this can result in significant additional tax dollars.

It is a bit hard to understand why Chelsea has never adopted this provision in the past. Many cities around us, including Revere, Somerville, Malden, Saugus and Lynn, adopted it in the early 1990s. I didn't even realize until recently that Chelsea had never taken this step. Adoption will ensure that the City maximizes its taxes from new development.

**Adoption of the Blind Exemption in Clause 37A of Chapter 59, Section 5**

The second local option I am requesting the City Council adopt is M.G.L. c. 59, Section 5, Clause 37A. This clause allows for the City to increase the tax exemption for persons who are legally blind from \$437.50 annually to \$500.00 annually.

I concede that this additional \$62.50 annually is not a huge sum. But, for those with this hardship, it certainly can be helpful. And, given that we have tried hard to maximize other statutory tax exemptions through local options, particularly for seniors, there is no reason not to do the same for those who are legally blind. Accordingly, I ask for adoption of Clause 37A.

Drafts of both required Orders are attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

**Communications and petitions to the Council:**

*A copy of a communication was received from City/Parking Clerk Jeannette Cintron White regarding the actions approved at the March 5, 2019 Traffic and Parking Commission meeting. A motion from Councilor Recuperero moved that the communication be accepted and file under suspension.*

*A late communication was received from Cheryl Watson Fisher and Jeannette Cintron White regarding the notice received from School Committee Member Julio Hernandez who will be resigning his position on the School Committee as of April 29, 2019. No objections to the Late Communication. A motion from Councilor Brown to accept and file was adopted under suspension.*

**Unfinished Business:**

*The following Ordinance was proposed by Councilors Vidot and Avellaneda. A motion from Councilor Robinson moved the Order to the Sub-Committee on Conference under suspension.*

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

WHEREAS, the City of Chelsea wishes to allow residents to utilize dockless electric bikes in order to meet their transportation needs,

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

AN ORDINANCE REVISING PART II CHAPTER 16 SECTION 16-79 OF THE CHELSEA CODE OF ORDINANCES

Amendment 1

That Chapter 16, Section 16-79 of the Code of Ordinances, City of Chelsea, Massachusetts is hereby amended as follows:

- a. By adding at the end of the second full paragraph the words “or electric assisted bikes as long as the electric assistance does not exceed 15 m.p.h.”, and
- b. By adding at the end of the third full paragraph a new subparagraph (5) which reads:

“(5) electric assisted bikes as long as the electric assistance does not exceed 15 m.p.h. and the electric assistance is not utilized while the bike is on a sidewalk.”  
These changes shall take effect immediately.

**Second Readings:**

The following communication contained the appointments to Boards and Commissions proposed by the City Manager Thomas G. Ambrosino. Councilor Avellaneda moved to adopt all of the appointments by roll call. The roll call passed 10-0-1-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, and Recupero. Councilor Bishop was absent.

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 Schools Advisory Board, Mr. Kevin Sandoval, for a new three year expiring in 2022.

For re-appointment to the Conservation Commission Dakeya Christmas, for a new three year term expiring in 2022.

For appointment to the Planning Board, Ms. Sylvia Ramirez, 63 Reynolds Ave. Chelsea, to fill the unexpired term of Ms. Gladys Vega. This term expires on December 15, 2020.

I respectfully request your approval of these appointments. I have attached a resume for Ms. Ramirez.

Sincerely,  
Thomas G. Ambrosino  
City Manager

**New Business:**

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

Ordered, that a Sub-Committee on Conference be scheduled with the City Manager and union representatives to discuss group health insurance.

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

Ordered, that a Subcommittee on Conference be scheduled with Assistant Director pf Planning and Development Alex Train to discuss the Beacham Street project.

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

Ordered, that the City Manager provide an update on the Masterplan.

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

Ordered, that the City Manager provide an update on the Salvation Army Building.

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

Request that the City Manager look into renegotiating with Massport to try to bring back the window /soundproofing program in the City of Chelsea.

The following order was introduced by Councilor Recupero Councilor Recupero moved to adopt under suspension. Councilor Rodriguez objected to the first reading.

Ordered, that the City Manager look into hiring another animal control officer for the purpose of issuing fines to people that don't pick up after their dogs when they take them out.

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

VOTED, that the City of Chelsea accept the provisions of Chapter 59, Section 5, Clause 37A which provides that the exemption for persons who are legally blind shall be \$500 per year. This change shall be effective for any year beginning on or after July 1, 2019.

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

Voted, That the City of Chelsea accept the provisions of Chapter 653, Section 40 of the Acts of 1989 which provides that new buildings, structures, or other physical improvements added to real property during the period beginning on January second and ending on June thirtieth of the fiscal year preceding that to which the tax relates shall be deemed part of such real property as of January first. This change shall be effective for any fiscal year beginning on or after July 1, 2019.

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



City of Chelsea

ORDER 2019, 2018 and 2017

**APPROPRIATE THE FY2019 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET AND,**

**MOTION:** That the Council act on the report of the Community Preservation Committee on the FY2019 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, take the following actions with regard to the FY2018 Community Preservation budget and the FY2017 Community Preservation budget, in accordance with MGL Chapter 44B, Section 6:

That the Council reserve for appropriation the following amounts from estimated **FY2019** receipts as recommended by the Community Preservation Committee:

1. \$79,713.00, 10% of estimated revenues for the acquisition, creation and preservation of open space;
2. \$79,713.00, 10% of estimated revenues for the acquisition, preservation, rehabilitation and restoration of historic resources;
3. \$79,713.00, 10% of estimated revenues for the acquisition, creation, preservation and support of community housing;
4. \$518,134.00, 65% of estimated revenues to the Budgeted Reserve.

And appropriate from FY2019 estimated revenues:

5. \$39,856.00, 5% of estimated revenues for CPC Administrative Expenses;

And further, that the Council reserve for appropriation the following amounts from estimated **FY2018** receipts as recommended by the Community Preservation Committee

1. \$70,628.00, 10% for the acquisition, creation and preservation of open space;
2. \$70,628.00, 10% for the acquisition, preservation, rehabilitation and restoration of historic resources;
3. \$70,628.00, 10% for the acquisition, creation, preservation and support of community housing; and
4. \$494,398.00, 70% to the Budgeted Reserve.

And further, that the Council reserve for appropriation the following amounts from estimated **FY2017** receipts as recommended by the Community Preservation Committee

1. \$50,000.00, 10% for the acquisition, creation and preservation of open space;
2. \$50,000.00, 10% for the acquisition, preservation, rehabilitation and restoration of historic resources;
3. \$50,000.00, 10% for the acquisition, creation, preservation and support of community housing; and
4. \$350,000.00, 70% to the Budgeted Reserve.

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

*WHEREAS,* The Chelsea Housing Authority seeks to participate in a redevelopment to revive the severely distressed Innes Apartment public housing development. This redevelopment necessitates certain clarifications or exemptions from the Commonwealth's contract procurement and award laws; and

*WHEREAS,* The City of Chelsea City Council has found that participating in the redevelopment will revitalize the development and surrounding community, furthering the aims of the Commonwealth's and the City of Chelsea's public housing initiatives; and

*WHEREAS,* The City Council of the City of Chelsea further has found that the exemptions will not contravene the legislative intent behind the affected procurement and public contract laws because the additional regulation and public oversight that accompanies the Chelsea Housing Authority's funding sources minimizes the risk of unfair competition and misuse of taxpayer funds and because the proposed redevelopment will be owned and operated by a private entity procured by the Chelsea Housing Authority and intending to redevelop a privately-owned, mixed-use development in which replacement public housing units will be less than one-third of the total units.

*NOW THEREFORE BE IT ORDERED,*

That a petition to the General Court, accompanied by a bill for a special law relating to the City of Chelsea to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

**PETITION FOR A SPECIAL LAW  
AN ACT RELATIVE TO CERTAIN AFFORDABLE HOUSING  
IN THE CITY OF CHELSEA**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Construction and development activity related to redevelopment by the Chelsea Housing Authority of the state-funded Innes Apartments public housing project at Central Avenue, Watts and Willow Streets in the City of Chelsea, or any part thereof, shall not be subject to any general or special law related to the procurement and award of contracts for the planning, design, construction management, construction, reconstruction, installation, demolition, maintenance or repair of buildings by a public agency. Contracts for the construction, reconstruction, alteration, remodeling, or repair of any publicly-owned public works that service this project and that would otherwise be subject to section 39M of chapter 30 of the General Laws shall be subject to said

section 39M of said chapter 30 if the redevelopment of the project is funded, in part, by a state or federal low-income housing tax credit, grant, or loan, or pursuant to the issuance of tax-exempt bonds authorized by law. The redevelopment of the project may be conducted through one or more phases through one or more entities. All phases taken together shall preserve or construct public housing units equal in number to the public housing units located at Innes Apartments on the date hereof. Each individual phase will include such portion of the total public housing units as required by the Chelsea Housing Authority and the department of housing and community development. A conveyance of the project or any phase thereof, whether by leasehold or fee estate, shall be subject to chapter 30B of the General Laws to the extent that the project or any phase thereof is conveyed to an entity that is not owned, controlled or managed by the Chelsea Housing Authority on the date of the conveyance. Subject to compliance with the requirements of chapter 30B, the project or any phase thereof may be conveyed to and may be owned, maintained and operated by an entity that is not owned, controlled or managed by the Chelsea Housing Authority provided that such entity enters into a binding legal contract and land use restriction with the Chelsea Housing Authority and with the department of housing and community development that requires such entity to preserve or construct the required portion of public housing units for that phase and operate such units subject to compliance with chapter 121B of the General Laws and 760 CMR §§ 4.00 et seq., 5.00 et seq. and 6.00 et seq. in the same manner and to the same effect as if such entity were a housing authority, subject to such regulatory waivers given by the department of housing and community development as may be necessary to secure financing. Construction, reconstruction, installation or demolition activities by such entity shall be subject to sections 26 to 27H, inclusive, of chapter 149 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

*The meeting adjourned at 7:45 p.m.*

Sincerely,

A handwritten signature in cursive script that reads "Paul G. Casino".

Paul G. Casino  
Clerk of the Chelsea City Council