

ACCEPTED AND FILED  
SUSPENSION

6-a

E/K

Chelsea, Massachusetts April 22, 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 Vidot, Avellaneda, Rodriguez, Lopez, Brown, Tejada, Robinson, Bishop, and Recupero. Councilor Garcia arrived at 7:05 p.m. and Councilor Perlatonda arrived at 7:06 p.m. Council President Vidot presided over the meeting. The meeting opened at 7:00 p.m.

**Memoriums and celebratory resolutions:**

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

RESOLUTION

WHEREAS, Richie Smith, after 45 years of service at E-911, will be retiring; and

WHEREAS, Richie Smith grew up in Chelsea on Addison Street, and started as a fire alarm operator while still attending Chelsea High, and

WHEREAS, Since January 21, 1974, Richie Smith has served as fire alarm operator, auxiliary firefighter, chief fire alarm operator, 911 Director and Lead Dispatcher; and

WHEREAS, Richie Smith now lives in Revere with his daughter Noelle, he is an expert in the history of Chelsea and he is an avid collector of Chelsea memorabilia and Chelsea Clocks; now therefore BE IT

RESOLVED, that we the members of the Chelsea City Council wish you, Richie Smith, a happy and healthy retirement and we thank you for your professionalism at E-911 during your 45 years of service.

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, Earth Day was first celebrated on April 22, 1970;

WHEREAS, the late Senator Gaylord Nelson, the founder of Earth Day, called on the people of the United States to hold elected officials accountable for failing to adequately protect the health of people and the natural environment;

- WHEREAS, after witnessing years of environmental neglect, millions of Americans of all ages, walks of life, and political affiliations gathered in cities across the Nation on the first Earth Day to demand basic protections for our planet and to commit to leaving behind a healthier world for the next generation;
- WHEREAS, Earth Day unites people who had been fighting against oil spills, polluting factories and power plants, raw sewage and toxic dumps, the loss of wildlife, and other environmental ills;
- WHEREAS, Earth Day is an annual event created to promote environmental citizenship and action year-round;
- WHEREAS, the first celebration of Earth Day was the largest environmental grassroots event ever held at that time and is widely credited with launching the modern environmental movement;
- WHEREAS, the voices of inaugural Earth Day participants galvanized an unparalleled period of legislative and grassroots activity that changed the way we interact with the environment, leading to the creation of the Environmental Protection Agency, and passage of legislation such as the Clean Water Act, the Clean Air Act, and the Endangered Species Act;
- WHEREAS, by 1990, Earth Day was celebrated globally, with 200,000,000 people in 141 countries participating in Earth Day events;
- WHEREAS, new and continuing challenges, including climate change, polluted oceans and waterways, loss of forest, wetlands, and other wildlife habitats, reinforce the need for adequate protections for the air we breathe, the water we drink, the land we inhabit, and the animals we live alongside;
- WHEREAS, the American Public Health Association declared 2017 the year of climate change and health, because changes to our climate are harming Americans health and safety, including respiratory allergies and asthma;
- WHEREAS, Earth Day reaffirms our national responsibility in the global effort to combat climate change and protect our planet;
- WHEREAS, Earth Day reminds us of the need to expand environmental and climate literacy not only to strengthen environmental and climate protections but also to accelerate development of green technologies and creation of green jobs; now therefore, BE IT
- RESOLVED, that we, the Members of the Chelsea City Council, wish to go on record so as to recognize April 22, 2019 as “Earth Day” in Chelsea and would like to encourage our residents to participate in the community programs offered, so as to make Chelsea a better place to live in.

**Public Speaking:**

No one came forward to speak, and the public speaking portion closed at 7:12 p.m.

The minutes of the City Council Meeting dated April 8, 2019 were approved at the request of Councilor Brown, to adopt under suspension.

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: *Home Rule Petition for Affordable Housing*

Dear Councilors:

I am writing to request that the City Council approve a new Home Rule Petition that will assist the City in meeting its affordable housing goals.

We are all well aware that the City has a shortage of affordable housing. Further, it has been our shared goal to increase, not only affordable housing, but affordable home ownership in the City. One way to meet these goals is to create affordable home ownership opportunities on parcels of land, whether vacant or with existing residential structures, that come into the possession of the City by means of tax title foreclosures.

Unfortunately, right now, under current law, it is impossible for the City to ensure that parcels it acquires by tax title can be utilized solely for affordable housing. By statute, any properties taken by the City must be sold at public auction, a process that leaves the City lacking any control over the price or the buyer. It is rare for affordable housing developers, or low income buyers, to prevail in such auctions.

To remedy this problem, I am proposing to the City Council, with the full support of the Planning Department and the Affordable Housing Trust Fund Board, a Home Rule Petition that would grant the City the option to transfer ownership of appropriate tax title properties directly to the Affordable Housing Trust Fund Board. The AHTFB could then issue a Request for Proposals to either sell directly to a low income homebuyer or to an affordable housing developer, depending upon the circumstances of the property.

The proposed Home Rule Petition is attached. I will be available, along with members of the Planning Department and the AHTFB, to answer any questions from the Council at an appropriate subcommittee meeting.

Sincerely,  
Thomas G. Ambrosino  
City Manager

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

The Honorable Chelsea City Council

Chelsea City Hall  
500 Broadway  
Chelsea, Massachusetts 02150

Re: *Massport Soundproofing.*

Dear Councilors:

I am writing in response to the recent Council Order requesting that I attempt to negotiate with Massport for additional soundproofing in Chelsea.

Please note that I have been attempting to negotiate a new long-term Mitigation Agreement with Massport that would include some additional money for environmental impacts from Logan Airport since I arrived as City Manager in July of 2015. Thus far, I have had no success.

The Council should note that, prior to 2015 and going back to the City's Receivership in the early 1990s, the City had successive multi-year mitigation agreements with Massport, typically with 5 year terms. The agreements provided annual payments to the City, eventually reaching \$600,000 annually, funds always utilized by the City as general support for its budget. The last of these multi-year agreements expired on June 30, 2015.

Since that time, Massport has been unwilling to execute a long term agreement with the City, instead only agreeing to one year extensions, all of which have provide the annual payment to the City of \$600,000. Consistent with past history, we have used these funds for general budget support.

Each year, in attempting to negotiate a long term agreement with Massport, I have raised the issue of additional soundproofing funds. Massport has been adamant that it will not earmark funds for soundproofing, arguing that the City may utilize the \$600,000 annual payment for any purpose it desires, including soundproofing if it wishes. That has not been feasible given that we have historically relied upon this \$600,000 annual payment for general budget support.

Massport's position on soundproofing has been buttressed by the fact that no areas of the City not previously approved for soundproofing currently meet the FAA threshold for soundproofing, at least according to the FAA's sound modeling. The City has contemplated seeking an independent noise study to provide evidence to the contrary. However, thus far, engaging an expert to perform such an independent noise study has been challenging. 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 that independent noise testing would not necessarily be helpful to the City because soundproofing is a reimbursement program from the FAA, and the FAA will not accept independent noise testing as an alternative to their own noise modeling for purposes of the soundproofing program.

We are continuing to work with outside entities to see if there is a better approach for engaging Massport in this soundproofing discussion. And, we continue to press Massport for a long term mitigation package on terms favorable enough that they may warrant a decision by the City Council to forego any independent noise testing. Unfortunately, for the moment, I cannot report any progress on either front.

Sincerely,  
Thomas G. Ambrosino

City Manager

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

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

Re: *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 Apr. 1, 2018 through Mar. 31, 2019.

I will be available to answer any questions.

Yours truly,  
Thomas G. Ambrosino  
City Manager

The following communication was received 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 Requests*

Dear Councilors:

I am writing with my final group of proposed one-time expenditures from the available Free Cash certified by DOR in January. One request is to cover a large deficit. The other seven items are specific projects or initiatives.

This will be my last Free Cash request for specific projects. The only remaining Free Cash requests this fiscal year will be to cover end-of-year deficits (of which there are likely to be a few) and the use of some Free Cash (anticipated to be no more than \$1 million) to help balance the FY20 Budget, consistent with our use of Free Cash in the past. Of course, this assumes the Council does not recommend the use of Free Cash for any unanticipated projects between now and the end of FY19.

The total amount requested is \$1,719,328. The specifics follows.

**Deficit in Police Retroactive Pay -- \$545,000**

Last week, the City's Auditing Department finally completed the tedious and very time consuming task of precisely calculating all of the retroactive pay due to Police Patrol Officers and Police Superior Officers for the union contracts settled late last year. The retroactive pay covers a period of almost three full years, back to July 1, 2016.

Unfortunately, we were significantly short on our estimate of what this retroactive pay would cost. The total amount was in excess of \$1.3 million, significantly higher than the amount I had estimated back in November.

I take full responsibility for the error. Frankly, the calculations were complicated. And, there was a significant amount of unbudgeted grant fund payments, particularly overtime payments made on grants, that were not easy to quantify without significant work. But, reviewing my original analysis, I also recognized that I failed to account in Years 2 and 3 for the compounding effect of the salary increases, resulting in a mathematical error in my retro calculation. That error, and the grant issue, led to the flawed estimate. Again, the fault is mine alone.

Nonetheless, we are contractually obligated to make the union members whole for these three prior years covered by the new contracts. The additional cost is a one-time expense. And, it does not change the calculus for approving the agreements. This was a 4 year deal for a total of 12.5%, slightly over 3% per year. Although the total contractual increase was a bit higher than the Joint Labor Management Council might have awarded after a full blown hearing, the ultimate settlement did include the desired Residency Clause, which the JLMC would not have had authority to impose following a hearing.

To cover the Police Salary Deficit, I am requesting a further appropriation of \$545,000. The funds are available in Free Cash.

#### **Bunker Hill Scholarship Program for Chelsea High School Students -- \$225,000**

Last year, the City Council funded a pilot program to provide free tuition for certain Chelsea High School students who desired to pursue an Associate's Degree at Bunker Hill Community College. The purpose was to ensure that no Chelsea High student would be deprived of pursuing a college degree due solely to financial constraints.

The pilot has been extremely successful. At this point, twenty (20) Chelsea High School students from the Class of 2018 are part of this first pilot group. The total cost incurred by the City thus far has been approximately \$94,000. Most of these students would not be matriculating in college if not for this program.

The City would like to maintain this program for at least a second year. We wish to continue supporting the 2018 Chelsea High School graduates into their second year of study at Bunker Hill, and we wish to offer the same tuition-free opportunity to the 2019 Chelsea High School graduating class. The total cost to continue this pilot into the second year is anticipated to be \$225,000. Funding is available from Free Cash. As long as the program remains successful, and funding is available, I will likely be requesting the maintenance of this program.

#### **Senior Transportation Pilot Program -- \$50,000**

A second pilot we commenced last year was the Senior Center Transportation Program. That program provides free transportation for seniors from six locations in the City to and from the Senior Center. The program has been well-received by seniors and has made the Senior Center more accessible

to our senior population. More than 200 rides have been provided to seniors since the commencement of the program in the Fall.

The City would like to continue this program into a second year with the goal of extending the offered services to include transportation to some other locations, perhaps including the Library and Market Basket. The cost of extending this program into a second year, with some opportunity for expansion, is \$50,000.

#### **O'Neil Playground -- \$410,328**

As you may recall, the City identified O'Neil Playground at the intersection of High St. and Beacon Street as the park renovation project for the 2018 PARC grant program. The City was awarded the \$400,000 grant at the end of 2017. Further, the City Council appropriated an additional \$175,000 for the work in the 2018 Capital Improvement Program, which is the required 30% grant match.

Unfortunately, the low bid for this work came in significantly higher than what the City had originally estimated for construction costs. The low bid is \$824,678 from Tasco Construction. Because of this cost, the project requires an additional appropriation of \$410,328 in order to proceed. (A copy of the O'Neil Playground Budget is attached.) Much of the cost increase is due to the fact that stabilization of the critical retaining wall that separates the park from the abutting residential property is much more complicated than originally anticipated. I am requesting the additional funding from Free Cash so that we can accept the Tasco Construction low bid and proceed with the renovation of O'Neil Playground. All the work should be completed this Summer.

The Council should note that the cost of renovations for all of our parks is becoming much more expensive as construction costs escalate throughout this region. If we wish to continue open space renovations with PARC funding, we will need to set aside far more than the 30% match (\$175,000) required by the Commonwealth. We have actually started to do this in the FY20 Capital Improvement Plan, which has \$350,000 identified as the City's match for the next PARC project.

#### **Miscellaneous Park Repairs -- \$82,000**

During its annual Spring inventory of park conditions, the DPW has identified several small but important improvement projects that are necessary to ensure full enjoyment of our parks during the play season. These are expenses that were not anticipated at the submission of the FY19 Budget. We would like to accomplish these repairs early in the season so that these parks can be used to their fullest potential. The list of specific requested repairs is attached. The total cost is \$82,000.

#### **Census Preparation -- \$100,000**

The 2020 Census will take place next April. However, there is significant preparation that must occur if we hope to count accurately the number of persons who actually reside in Chelsea. Given that we have a large population of foreign born residents (the largest in the Commonwealth), and given the anti-immigrant climate pervasive in parts of our nation, we are anticipating that achieving a high response rate to the 2020 Census by our residents will be challenging.

To meet this challenge, we wish to embark on an aggressive campaign to encourage participation. This is not just an exercise in civic engagement. An accurate count of Chelsea residents is essential for the City to ensure its fair access to government resources. Many significant federal and state support programs rely upon population counts for the distribution of funding. In fact, it has been estimated that

each additional resident counted generates approximately \$2,400 in federal funding, underscoring the financial importance of this effort.

Working with the Gaston Institute at UMASS, the City has developed a strategy for securing as accurate a count as possible. The budget for this effort, a copy of which is attached, is approximately \$100,000. While this may seem high, this will be money well spent if it generates, as we expect, a higher and more accurate count of Chelsea residents. I ask for your support in this effort.

**Plastic Bag Ban Marketing Funds -- \$7,000**

Last December, the City Council approved a new Ordinance that prohibits the use by retail establishments of plastic shopping bags. The Ordinance takes effect on December 17, 2019.

In order to properly prepare our retail establishments and residents for this significant change, we will be engaging in a significant marketing campaign starting this Summer. Part of that recommended effort involves distribution by the City of reusable bags to its residents so that they can avoid unexpected charges for such bags at the register. The cost of the entire marketing effort, including the acquisition of these reusable bags for distribution to residents, is a modest \$7,000. I ask that the City Council approve this expenditure from Free Cash.

**Transportation Study of the Park/Pearl/Congress Intersection--\$300,000**

Last month, the City Council met in subcommittee to discuss various parking and traffic problems in the City. It decided not to pursue an independent parking study, but to instead seek to develop in-house recommendations to improve the existing parking program in the City. That effort is now underway. However, in a second decision, the Council did agree to move forward with a comprehensive traffic study of the Park/Pearl/Congress intersection. The goal of that study will be to develop some concrete recommendations for improving traffic flow at this dangerous intersection, including perhaps specific plans for traffic signals and infrastructure changes.

The City anticipates that a comprehensive traffic study of this area will require an expenditure of approximately \$300,000. I ask for a Free Cash appropriation for this purpose. If approved, the City is hopeful that a contract can be awarded, and a report completed, before the 2020 construction season. This may allow us to begin work on some improvements in 2020.

For the above reasons, I respectfully ask that the City Council approve these financial requests. The proposed Orders are attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

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

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

Re: *Surrounding Community Agreement with Encore Casino*



Dear Councilors:

As you know, the City has a Surrounding Community Agreement with the Encore Casino that provides for certain annual funding to the City, commencing 90 days after the Casino opening, now scheduled for late June. A copy of that Agreement is attached. This Agreement with Chelsea was imposed upon the City following an Arbitration proceeding. Because the City did not agree with the Arbitration decision, it never signed this Agreement. Nonetheless, by statute, the Agreement is binding upon the City.

As you will see, the Agreement provides for the City to receive annual payments from Encore of \$650,000. The payment are set aside in four categories: \$75,000 for Business Development; \$250,000 for Public Safety; \$100,000 for Arts/Cultural Activities; and \$225,000 for Roadway Work.

There are two requests that I have for the City Council with respect to this Agreement.

First, I am concerned that the Agreement contains no funding for “workforce development.” Training our workforce for casino jobs, and for the jobs in other industries that will need to be backfilled as existing employees leave for the casino, has been a major focus for the City over the past year. Working with the Chelsea 500 Coalition, we have spent considerable capital to prepare the workforce for the Encore opening. But, to continue, these efforts require funding.

My first request of the Council is to redirect some proposed annual casino funding to workforce development. Specifically, I propose that we redirect \$100,000 annually from the roadway work fund and utilize it for workforce development. We already have an existing source of annual funding for roadway work – our annual Chapter 90 allotment. But, we have no existing funds for workforce development. So, diverting \$100,000 would satisfy an unmet need, while still leaving \$125,000 in casino money to supplement our Chapter 90 funding.

To accomplish this goal, I would need assent from Encore Casino. The Agreement with Encore requires mutual approval for any amendments. I feel confident that Encore would consent to such an amendment, given its own strong interest in workforce development. However, I do not wish to proceed without Council approval. But, if the Council is amenable, I have prepared a draft Order that would direct me to proceed with negotiations with Encore on these terms.

The second request that I have pertains to the requirement in Article 7.2 of the Agreement that the City Manager establish a “committee” to disburse the annual \$100,000 in funding for arts/cultural activities. Specifically, the money is to be distributed to “qualified organizations” to support “cultural events, street fairs, art shows, festivals and related activities that promote the community’s heritage, quality of life, recreational and cultural activities.”

It seems to me there are two options here. The first is to simply utilize an existing committee to make these funding decisions. Specifically, the Chelsea Cultural Council is an existing 7 member resident board that already decides on the annual disbursement of funds provided by the Commonwealth for cultural enhancement, although the amount of annual funding anticipated from the Encore Casino is significantly greater than what this Cultural Council normally handles. The second option is to create an entirely new committee dedicated solely to disburse these casino funds. If we choose that option, I would recommend a small committee of no more than 5 residents, with some members chosen by the City Manager and some members selected by the City Council.

I think it would be appropriate to discuss both of these matters in a separate subcommittee and come to a resolution shortly in advance of the casino opening.

Sincerely,  
Thomas G. Ambrosino  
City Manager

**Unfinished Business:**

Councilor Avellaneda requested that the Green Bike Ordinance introduced by Councilor Vidot and Avellaneda in sub-committee be removed so that it could be acted upon. It was removed without objection. A motion from Councilor Avellaneda to adopt by roll call passed 9-2-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Tejada, Robinson, and Recupero. Voting no were Councilors Perlatonda and Bishop.

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.

**New Business:**

Councilor Bishop objected to Agenda items a through h all of which were of money associated matters. They will be brought forward at the next regular meeting of the City Council under Unfinished Business.

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

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

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

Ordered, that a Subcommittee on Conference be held with the Chelsea Bike and Pedestrian Committee to provide an update on their work.

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

Ordered, that a Subcommittee on Conference be held to discuss the Municipal Electric Aggregation.

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

Ordered, that a Subcommittee on Conference be held to discuss the integration of water and sewer services within Chelsea DPW.

The following order was introduced by Councilors Recupero, Tejada, Lopez, and Vidot. Councilor Rodriguez objected to the first reading and it will be brought up at the next Regular Meeting under Unfinished Business.

Ordered that all street cleanings should be limited to the same amount of time in every street. There should be no exceptions.

The following order was introduced by Councilor Robinson and Vidot. Councilor Robinson referred it to the Sub-Committee on Conference under suspension.

WHEREAS, the City of Chelsea's Comprehensive Housing Analysis and Strategic Plan of November 15, 2017 found that the City of Chelsea faces a need for more affordable housing;

WHEREAS, the City Council has undertaken efforts to increase the availability of affordable housing within the City including adopting an inclusionary zoning amendment;

WHEREAS, additional efforts are still necessary to improve affordable housing opportunities particularly opportunities for affordable home ownership; and,

WHEREAS, the City of Chelsea has established An Affordable Housing Trust Fund Board pursuant to Mass. G.L. c. 44, § 55C.

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

That a petition to the General Court, accompanied by a bill for a special law relating to the City of Chelsea be filed with an attested copy of this order, be and hereby is approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical and editorial changes of form only:

#### HOME RULE PETITION

SECTION 1. Notwithstanding any general or special law to the contrary, and provided that one year has passed following the entry of an order of foreclosure of tax title, the City of Chelsea shall have the authority to dispose of property taken for non-payment of property taxes under Chapter 60 of the General Laws by transferring such property at no cost to its Affordable Housing Trust Fund Board, and such Board shall be required to dispose of all such property solely for the purpose of expanding the stock of affordable housing within the City of Chelsea by using the procedures specified in Chapter 30B, Section 16.

SECTION 2. This act shall take effect as of the date of its passage.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Paul G. Casino  
Clerk of the Chelsea City Council

Chelsea, Massachusetts April 22, 2019

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**Memoriums and celebratory resolutions:**

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

**RESOLUTION**

WHEREAS, Richie Smith, after 45 years of service at E-911, will be retiring; and

WHEREAS, Richie Smith grew up in Chelsea on Addison Street, and started as a fire alarm operator while still attending Chelsea High, and

WHEREAS, Since January 21,1974, Richie Smith has served as fire alarm operator, auxiliary firefighter, chief fire alarm operator, 911 Director and Lead Dispatcher; and

WHEREAS, Richie Smith now lives in Revere with his daughter Noelle, he is an expert in the history of Chelsea and he is an avid collector of Chelsea memorabilia and Chelsea Clocks; now therefore BE IT

RESOLVED, that we the members of the Chelsea City Council wish you, Richie Smith, a happy and healthy retirement and we thank you for your professionalism at E-911 during your 45 years of service.

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**RESOLUTION**

WHEREAS, Earth Day was first celebrated on April 22, 1970;

WHEREAS, the late Senator Gaylord Nelson, the founder of Earth Day, called on the people of the United States to hold elected officials accountable for failing to adequately protect the health of people and the natural environment;

- WHEREAS, after witnessing years of environmental neglect, millions of Americans of all ages, walks of life, and political affiliations gathered in cities across the Nation on the first Earth Day to demand basic protections for our planet and to commit to leaving behind a healthier world for the next generation;
- WHEREAS, Earth Day unites people who had been fighting against oil spills, polluting factories and power plants, raw sewage and toxic dumps, the loss of wildlife, and other environmental ills;
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- WHEREAS, by 1990, Earth Day was celebrated globally, with 200,000,000 people in 141 countries participating in Earth Day events;
- WHEREAS, new and continuing challenges, including climate change, polluted oceans and waterways, loss of forest, wetlands, and other wildlife habitats, reinforce the need for adequate protections for the air we breathe, the water we drink, the land we inhabit, and the animals we live alongside;
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- RESOLVED, that we, the Members of the Chelsea City Council, wish to go on record so as to recognize April 22, 2019 as “Earth Day” in Chelsea and would like to encourage our residents to participate in the community programs offered, so as to make Chelsea a better place to live in.

**Public Speaking:**

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Unfortunately, right now, under current law, it is impossible for the City to ensure that parcels it acquires by tax title can be utilized solely for affordable housing. By statute, any properties taken by the City must be sold at public auction, a process that leaves the City lacking any control over the price or the buyer. It is rare for affordable housing developers, or low income buyers, to prevail in such auctions.

To remedy this problem, I am proposing to the City Council, with the full support of the Planning Department and the Affordable Housing Trust Fund Board, a Home Rule Petition that would grant the City the option to transfer ownership of appropriate tax title properties directly to the Affordable Housing Trust Fund Board. The AHTFB could then issue a Request for Proposals to either sell directly to a low income homebuyer or to an affordable housing developer, depending upon the circumstances of the property.

The proposed Home Rule Petition is attached. I will be available, along with members of the Planning Department and the AHTFB, to answer any questions from the Council at an appropriate subcommittee meeting.

Sincerely,  
Thomas G. Ambrosino  
City Manager

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

The Honorable Chelsea City Council

Chelsea City Hall  
500 Broadway  
Chelsea, Massachusetts 02150

Re: *Massport Soundproofing.*

Dear Councilors:

I am writing in response to the recent Council Order requesting that I attempt to negotiate with Massport for additional soundproofing in Chelsea.

Please note that I have been attempting to negotiate a new long-term Mitigation Agreement with Massport that would include some additional money for environmental impacts from Logan Airport since I arrived as City Manager in July of 2015. Thus far, I have had no success.

The Council should note that, prior to 2015 and going back to the City's Receivership in the early 1990s, the City had successive multi-year mitigation agreements with Massport, typically with 5 year terms. The agreements provided annual payments to the City, eventually reaching \$600,000 annually, funds always utilized by the City as general support for its budget. The last of these multi-year agreements expired on June 30, 2015.

Since that time, Massport has been unwilling to execute a long term agreement with the City, instead only agreeing to one year extensions, all of which have provide the annual payment to the City of \$600,000. Consistent with past history, we have used these funds for general budget support.

Each year, in attempting to negotiate a long term agreement with Massport, I have raised the issue of additional soundproofing funds. Massport has been adamant that it will not earmark funds for soundproofing, arguing that the City may utilize the \$600,000 annual payment for any purpose it desires, including soundproofing if it wishes. That has not been feasible given that we have historically relied upon this \$600,000 annual payment for general budget support.

Massport's position on soundproofing has been buttressed by the fact that no areas of the City not previously approved for soundproofing currently meet the FAA threshold for soundproofing, at least according to the FAA's sound modeling. The City has contemplated seeking an independent noise study to provide evidence to the contrary. However, thus far, engaging an expert to perform such an independent noise study has been challenging. 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 that independent noise testing would not necessarily be helpful to the City because soundproofing is a reimbursement program from the FAA, and the FAA will not accept independent noise testing as an alternative to their own noise modeling for purposes of the soundproofing program.

We are continuing to work with outside entities to see if there is a better approach for engaging Massport in this soundproofing discussion. And, we continue to press Massport for a long term mitigation package on terms favorable enough that they may warrant a decision by the City Council to forego any independent noise testing. Unfortunately, for the moment, I cannot report any progress on either front.

Sincerely,  
Thomas G. Ambrosino



City Manager

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

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

Re: *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 Apr. 1, 2018 through Mar. 31, 2019.

I will be available to answer any questions.

Yours truly,  
Thomas G. Ambrosino  
City Manager

The following communication was received 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 Requests*

Dear Councilors:

I am writing with my final group of proposed one-time expenditures from the available Free Cash certified by DOR in January. One request is to cover a large deficit. The other seven items are specific projects or initiatives.

This will be my last Free Cash request for specific projects. The only remaining Free Cash requests this fiscal year will be to cover end-of-year deficits (of which there are likely to be a few) and the use of some Free Cash (anticipated to be no more than \$1 million) to help balance the FY20 Budget, consistent with our use of Free Cash in the past. Of course, this assumes the Council does not recommend the use of Free Cash for any unanticipated projects between now and the end of FY19.

The total amount requested is \$1,719,328. The specifics follows.

**Deficit in Police Retroactive Pay -- \$545,000**

Last week, the City's Auditing Department finally completed the tedious and very time consuming task of precisely calculating all of the retroactive pay due to Police Patrol Officers and Police Superior Officers for the union contracts settled late last year. The retroactive pay covers a period of almost three full years, back to July 1, 2016.

Unfortunately, we were significantly short on our estimate of what this retroactive pay would cost. The total amount was in excess of \$1.3 million, significantly higher than the amount I had estimated back in November.

I take full responsibility for the error. Frankly, the calculations were complicated. And, there was a significant amount of unbudgeted grant fund payments, particularly overtime payments made on grants, that were not easy to quantify without significant work. But, reviewing my original analysis, I also recognized that I failed to account in Years 2 and 3 for the compounding effect of the salary increases, resulting in a mathematical error in my retro calculation. That error, and the grant issue, led to the flawed estimate. Again, the fault is mine alone.

Nonetheless, we are contractually obligated to make the union members whole for these three prior years covered by the new contracts. The additional cost is a one-time expense. And, it does not change the calculus for approving the agreements. This was a 4 year deal for a total of 12.5%, slightly over 3% per year. Although the total contractual increase was a bit higher than the Joint Labor Management Council might have awarded after a full blown hearing, the ultimate settlement did include the desired Residency Clause, which the JLMC would not have had authority to impose following a hearing.

To cover the Police Salary Deficit, I am requesting a further appropriation of \$545,000. The funds are available in Free Cash.

#### **Bunker Hill Scholarship Program for Chelsea High School Students -- \$225,000**

Last year, the City Council funded a pilot program to provide free tuition for certain Chelsea High School students who desired to pursue an Associate's Degree at Bunker Hill Community College. The purpose was to ensure that no Chelsea High student would be deprived of pursuing a college degree due solely to financial constraints.

The pilot has been extremely successful. At this point, twenty (20) Chelsea High School students from the Class of 2018 are part of this first pilot group. The total cost incurred by the City thus far has been approximately \$94,000. Most of these students would not be matriculating in college if not for this program.

The City would like to maintain this program for at least a second year. We wish to continue supporting the 2018 Chelsea High School graduates into their second year of study at Bunker Hill, and we wish to offer the same tuition-free opportunity to the 2019 Chelsea High School graduating class. The total cost to continue this pilot into the second year is anticipated to be \$225,000. Funding is available from Free Cash. As long as the program remains successful, and funding is available, I will likely be requesting the maintenance of this program.

#### **Senior Transportation Pilot Program -- \$50,000**

A second pilot we commenced last year was the Senior Center Transportation Program. That program provides free transportation for seniors from six locations in the City to and from the Senior Center. The program has been well-received by seniors and has made the Senior Center more accessible

to our senior population. More than 200 rides have been provided to seniors since the commencement of the program in the Fall.

The City would like to continue this program into a second year with the goal of extending the offered services to include transportation to some other locations, perhaps including the Library and Market Basket. The cost of extending this program into a second year, with some opportunity for expansion, is \$50,000.

#### **O'Neil Playground -- \$410,328**

As you may recall, the City identified O'Neil Playground at the intersection of High St. and Beacon Street as the park renovation project for the 2018 PARC grant program. The City was awarded the \$400,000 grant at the end of 2017. Further, the City Council appropriated an additional \$175,000 for the work in the 2018 Capital Improvement Program, which is the required 30% grant match.

Unfortunately, the low bid for this work came in significantly higher than what the City had originally estimated for construction costs. The low bid is \$824,678 from Tasco Construction. Because of this cost, the project requires an additional appropriation of \$410,328 in order to proceed. (A copy of the O'Neil Playground Budget is attached.) Much of the cost increase is due to the fact that stabilization of the critical retaining wall that separates the park from the abutting residential property is much more complicated than originally anticipated. I am requesting the additional funding from Free Cash so that we can accept the Tasco Construction low bid and proceed with the renovation of O'Neil Playground. All the work should be completed this Summer.

The Council should note that the cost of renovations for all of our parks is becoming much more expensive as construction costs escalate throughout this region. If we wish to continue open space renovations with PARC funding, we will need to set aside far more than the 30% match (\$175,000) required by the Commonwealth. We have actually started to do this in the FY20 Capital Improvement Plan, which has \$350,000 identified as the City's match for the next PARC project.

#### **Miscellaneous Park Repairs -- \$82,000**

During its annual Spring inventory of park conditions, the DPW has identified several small but important improvement projects that are necessary to ensure full enjoyment of our parks during the play season. These are expenses that were not anticipated at the submission of the FY19 Budget. We would like to accomplish these repairs early in the season so that these parks can be used to their fullest potential. The list of specific requested repairs is attached. The total cost is \$82,000.

#### **Census Preparation -- \$100,000**

The 2020 Census will take place next April. However, there is significant preparation that must occur if we hope to count accurately the number of persons who actually reside in Chelsea. Given that we have a large population of foreign born residents (the largest in the Commonwealth), and given the anti-immigrant climate pervasive in parts of our nation, we are anticipating that achieving a high response rate to the 2020 Census by our residents will be challenging.

To meet this challenge, we wish to embark on an aggressive campaign to encourage participation. This is not just an exercise in civic engagement. An accurate count of Chelsea residents is essential for the City to ensure its fair access to government resources. Many significant federal and state support programs rely upon population counts for the distribution of funding. In fact, it has been estimated that

each additional resident counted generates approximately \$2,400 in federal funding, underscoring the financial importance of this effort.

Working with the Gaston Institute at UMASS, the City has developed a strategy for securing as accurate a count as possible. The budget for this effort, a copy of which is attached, is approximately \$100,000. While this may seem high, this will be money well spent if it generates, as we expect, a higher and more accurate count of Chelsea residents. I ask for your support in this effort.

**Plastic Bag Ban Marketing Funds -- \$7,000**

Last December, the City Council approved a new Ordinance that prohibits the use by retail establishments of plastic shopping bags. The Ordinance takes effect on December 17, 2019.

In order to properly prepare our retail establishments and residents for this significant change, we will be engaging in a significant marketing campaign starting this Summer. Part of that recommended effort involves distribution by the City of reusable bags to its residents so that they can avoid unexpected charges for such bags at the register. The cost of the entire marketing effort, including the acquisition of these reusable bags for distribution to residents, is a modest \$7,000. I ask that the City Council approve this expenditure from Free Cash.

**Transportation Study of the Park/Pearl/Congress Intersection--\$300,000**

Last month, the City Council met in subcommittee to discuss various parking and traffic problems in the City. It decided not to pursue an independent parking study, but to instead seek to develop in-house recommendations to improve the existing parking program in the City. That effort is now underway. However, in a second decision, the Council did agree to move forward with a comprehensive traffic study of the Park/Pearl/Congress intersection. The goal of that study will be to develop some concrete recommendations for improving traffic flow at this dangerous intersection, including perhaps specific plans for traffic signals and infrastructure changes.

The City anticipates that a comprehensive traffic study of this area will require an expenditure of approximately \$300,000. I ask for a Free Cash appropriation for this purpose. If approved, the City is hopeful that a contract can be awarded, and a report completed, before the 2020 construction season. This may allow us to begin work on some improvements in 2020.

For the above reasons, I respectfully ask that the City Council approve these financial requests. The proposed Orders are attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

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

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

Re: *Surrounding Community Agreement with Encore Casino*

Dear Councilors:

As you know, the City has a Surrounding Community Agreement with the Encore Casino that provides for certain annual funding to the City, commencing 90 days after the Casino opening, now scheduled for late June. A copy of that Agreement is attached. This Agreement with Chelsea was imposed upon the City following an Arbitration proceeding. Because the City did not agree with the Arbitration decision, it never signed this Agreement. Nonetheless, by statute, the Agreement is binding upon the City.

As you will see, the Agreement provides for the City to receive annual payments from Encore of \$650,000. The payment are set aside in four categories: \$75,000 for Business Development; \$250,000 for Public Safety; \$100,000 for Arts/Cultural Activities; and \$225,000 for Roadway Work.

There are two requests that I have for the City Council with respect to this Agreement.

First, I am concerned that the Agreement contains no funding for “workforce development.” Training our workforce for casino jobs, and for the jobs in other industries that will need to be backfilled as existing employees leave for the casino, has been a major focus for the City over the past year. Working with the Chelsea 500 Coalition, we have spent considerable capital to prepare the workforce for the Encore opening. But, to continue, these efforts require funding.

My first request of the Council is to redirect some proposed annual casino funding to workforce development. Specifically, I propose that we redirect \$100,000 annually from the roadway work fund and utilize it for workforce development. We already have an existing source of annual funding for roadway work – our annual Chapter 90 allotment. But, we have no existing funds for workforce development. So, diverting \$100,000 would satisfy an unmet need, while still leaving \$125,000 in casino money to supplement our Chapter 90 funding.

To accomplish this goal, I would need assent from Encore Casino. The Agreement with Encore requires mutual approval for any amendments. I feel confident that Encore would consent to such an amendment, given its own strong interest in workforce development. However, I do not wish to proceed without Council approval. But, if the Council is amenable, I have prepared a draft Order that would direct me to proceed with negotiations with Encore on these terms.

The second request that I have pertains to the requirement in Article 7.2 of the Agreement that the City Manager establish a “committee” to disburse the annual \$100,000 in funding for arts/cultural activities. Specifically, the money is to be distributed to “qualified organizations” to support “cultural events, street fairs, art shows, festivals and related activities that promote the community’s heritage, quality of life, recreational and cultural activities.”

It seems to me there are two options here. The first is to simply utilize an existing committee to make these funding decisions. Specifically, the Chelsea Cultural Council is an existing 7 member resident board that already decides on the annual disbursement of funds provided by the Commonwealth for cultural enhancement, although the amount of annual funding anticipated from the Encore Casino is significantly greater than what this Cultural Council normally handles. The second option is to create an entirely new committee dedicated solely to disburse these casino funds. If we choose that option, I would recommend a small committee of no more than 5 residents, with some members chosen by the City Manager and some members selected by the City Council.

I think it would be appropriate to discuss both of these matters in a separate subcommittee and come to a resolution shortly in advance of the casino opening.

Sincerely,  
Thomas G. Ambrosino  
City Manager

**Unfinished Business:**

Councilor Avellaneda requested that the Green Bike Ordinance introduced by Councilor Vidot and Avellaneda in sub-committee be removed so that it could be acted upon. It was removed without objection. A motion from Councilor Avellaneda to adopt by roll call passed 9-2-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Tejada, Robinson, and Recupero. Voting no were Councilors Perlatonda and Bishop.

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.

**New Business:**

Councilor Bishop objected to Agenda items a through h all of which were of money associated matters. They will be brought forward at the next regular meeting of the City Council under Unfinished Business.

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

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

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

Ordered, that a Subcommittee on Conference be held with the Chelsea Bike and Pedestrian Committee to provide an update on their work.

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

Ordered, that a Subcommittee on Conference be held to discuss the Municipal Electric Aggregation.

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

Ordered, that a Subcommittee on Conference be held to discuss the integration of water and sewer services within Chelsea DPW.

The following order was introduced by Councilors Recupero, Tejada, Lopez, and Vidot. Councilor Rodriguez objected to the first reading and it will be brought up at the next Regular Meeting under Unfinished Business.

Ordered that all street cleanings should be limited to the same amount of time in every street. There should be no exceptions.

The following order was introduced by Councilor Robinson and Vidot. Councilor Robinson referred it to the Sub-Committee on Conference under suspension.

WHEREAS, the City of Chelsea's Comprehensive Housing Analysis and Strategic Plan of November 15, 2017 found that the City of Chelsea faces a need for more affordable housing;

WHEREAS, the City Council has undertaken efforts to increase the availability of affordable housing within the City including adopting an inclusionary zoning amendment;

WHEREAS, additional efforts are still necessary to improve affordable housing opportunities particularly opportunities for affordable home ownership; and,

WHEREAS, the City of Chelsea has established An Affordable Housing Trust Fund Board pursuant to Mass. G.L. c. 44, § 55C.

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

That a petition to the General Court, accompanied by a bill for a special law relating to the City of Chelsea be filed with an attested copy of this order, be and hereby is approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical and editorial changes of form only:

HOME RULE PETITION

SECTION 1. Notwithstanding any general or special law to the contrary, and provided that one year has passed following the entry of an order of foreclosure of tax title, the City of Chelsea shall have the authority to dispose of property taken for non-payment of property taxes under Chapter 60 of the General Laws by transferring such property at no cost to its Affordable Housing Trust Fund Board, and such Board shall be required to dispose of all such property solely for the purpose of expanding the stock of affordable housing within the City of Chelsea by using the procedures specified in Chapter 30B, Section 16.

SECTION 2. This act shall take effect as of the date of its passage.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

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

Paul G. Casino  
Clerk of the Chelsea City Council