

Chelsea, Massachusetts December 7, 2020

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 Zobot, Garcia, Taylor, Recupero, Robinson, Brown, Vega-Maldonado, Rodriguez, Avellaneda, and Lopez. Councilor Vidot was absent. Council President Avellaneda presided over the meeting. The meeting opened at 7:00 p.m.

**Approval of the Minutes:**

The minutes of the City Council meeting dated November 30, 2020 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 adopt under suspension was adopted.

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

Re: Housing Stability Ordinance

Dear Councilors:

I am writing to request the adoption of a new Housing Stability Ordinance, a measure that will provide tenants and former homeowners who are facing eviction with housing resources.

As you know, over the last month, the expiration of the state eviction moratorium has led to an increase in evictions, even as the impacts of COVID-19 persist. In response, the Department of Housing & Community Development has convened an Eviction Task Force to respond to evictions and develop tools to serve residents. One tool that other communities have enacted to address evictions and foreclosures is a Housing Stability Ordinance. A proposed draft is attached.

If adopted, the Ordinance would work as follows. When a property owner begins the eviction process, a Notice to Quit is issued to the tenant or former homeowner. The Notice to Quit spells out the timeframe in which the tenant or former homeowner has to pay any rent owed or move out of the dwelling unit before the eviction is started in the court system. Because Notice to Quit are not actually filed in court as part of the eviction case they are notoriously hard to track. Often, this presents municipal and nonprofit agencies from providing needed services to the affected residents. However, under the proposed Ordinance, when a property owner issues a Notice to Quit or other notices ending a tenancy, the property owner would be required to issue a copy of Notice to Quit to the Department of Housing &

Community Development. At the same time, the property owner would be required to provide the tenant or former homeowner with a housing rights and resources guide. The purpose of the guide is to raise awareness of the rights possessed by tenants and former homeowners, as well as the various organizations that offer legal aid, housing counseling, rental assistance and other resources.

Compliance with this Ordinance would be enforced by the Inspectional Service Department and Chelsea Police Department. In line with other local housing regulations the Ordinance proposes a fine for non-compliance. Eviction notices would be maintained in a database of eviction activity, monitored by the Department of Housing & Community Development. As eviction notices are submitted, the Department of Housing & Community Development and community based partners will coordinate the necessary housing resources for the tenants or former homeowners, in conjunction with the law Department, Inspectional Services Department and my office.

Given the critical nature of this eviction crisis, I strongly support the adoption of this Housing Stability Ordinance. Although this imposes an extra step on property owners seeking evictions, it comes at no additional cost and, with technology, can be completed relatively quickly. Accordingly, I respectfully request your approval.

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: Federal CARES Act Reimbursement

Dear Councilors:

Late last month, the City received from the Massachusetts Department of Revenue its second round of funding from the Federal CARES Act. The total amount delivered to the City was \$4,029,261, which includes the additional \$3 million above our initial allotment as promised by Governor Baker.

As was true in the first round, this money is intended as a grant which must be accepted by the City Council. The money will be utilized by the City to cover all of the costs it has incurred since July 1, 2020 in addressing both food insecurity and housing insecurity in the City, including but not limited to certain of the costs of the Chelsea Legal Aid clinic, our second round of rental assistance, our daily food pantries and our Chelsea Eats Food Debit Card Program.

A draft of the Order to accept this grant is attached.

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: Approval of Donation of PPE from Mascon Medical

Dear Councilors:

Pursuant to M.G.L. c. 44, &53A1/2, I am writing to request that the City Council formally approve the donation of PPE supplies to the City of Chelsea by Mascon Medical of Woburn, Massachusetts. (A copy of the letter from CEO John R. Chen is attached) Last week, Mascon donated to the City an enormous amount of masks, gowns, hand wipes and other cleaning supplies. We will be distributing these materials to residents and non-profits over the course of the next few months.

Sincerely,  
Thomas G. Ambrosino  
City Manager

The following order 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: Council Order Requesting Associate Member of ZBA to Vote

Dear Councilors:

I am writing in response to the request that I consider changing the Administrative Code to allow for the ZBA associate member to take part in all votes. Unfortunately, state law does not authorize the City to make such a change.

Please note that the composition of the City's Zoning Board of Appeals is governed initially by state law. That law, M.G.L. c. 40A, &12, provides that a Zoning Board of Appeals can have no more than 5 members. That is the maximum voting membership. The City of Chelsea has the maximum 5 members on its ZBA.

That same state law allows for “associate members” of the ZBA if that is provided in the local ordinance or by law. Our Zoning Ordinance does indeed allow for associate members. See Chapter 34, Section 34-213(a). But, as expressly provide by state law, that associate member can only take part in board decisions “in case of absence, inability to act or conflict of interest on the part of any member... or in the event of a vacancy on the board...” M.G.L. c. 40A, &12. The law does not allow the associate member to vote in any other circumstances. And, in no cases may more than 5 persons vote on any matter pending before the ZBA.

For these reasons, the City cannot provide for the ZBA associate member to vote in all cases.

Sincerely,  
Thomas G. Ambrosino  
City Manager

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

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

Re: Council Order Requesting \$1,000 Tax Reduction

Dear Councilors:

I am writing in response to the request that I consider reducing property taxes by \$1,000 for any owner-occupant having difficulty paying the property tax bill.

Although I am empathetic to the plight of homeowners faced with the rising property taxes in the midst of existing economic hardships caused by COVID, I do feel this specific approach is unwise. First, \$1,000 per owner is a very large and expensive sum. With 2,878 owner occupants, the cost of granting this full benefit to the entire group is almost \$2.9 million. Further, the average tax increase for owner-occupants in FY21 is just not that exorbitant. Although a small number of owner occupants will have increases far more modest.

As an alternative to this approach, I prefer my existing recommendation for assisting owner-occupants. Under the proposal now pending before the Council, \$750,000 would be added to the Homeowners Stabilization Program to assist homeowners struggling to meet any bills, not just property tax bills, due to the COVID pandemic. The proposal also contains an income limit, currently proposed at 100% of Area Median Income (\$119,000 annually for a family of four), to ensure that relief is provided to those most vulnerable to COVID impacts. If some qualified owner-occupant adversely impacted by COVID were facing a \$1,000 property tax increase, this program will provide assistance.

In sum, I believe my proposal provides more targeted and efficient relief than the Council motion.

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: Update on Hiring for Diversity, Equity and Inclusion Officer

Dear Councilors:

In response to your request, here is a brief update on the hiring for the Diversity, Equity and Inclusion Officer.

The City has advertised the DEI position. We believe that the job posting currently has broad circulation. We already have received many resumes. The deadline for application is Friday, December 18, 2020.

Once the application deadline closes, the City will review all the applications and identify those that meet the minimum qualifications for the position. I will then appoint an Interview Committee to evaluate these qualified applicants for the purpose of determining candidates it wishes to interview. I anticipate that the Interview Committee will consist of residents, members of my Administration and elected officials. I will ask that the Interview Committee identify 2-3 finalists for my final consideration. I will then conduct final interviews and make a decision on hiring.

Given the timing initial interviews will probably take place in early January. I hope to be able to make a final decision on a candidate in late January/early February.

Yours truly,  
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: Report on 2020 Census Activities

Dear Councilors:

Enclosed for your information and reviews is a brief report on the City's 2020 Census efforts. Unfortunately, due mainly to the impacts of the COVID-19 pandemic, our outreach efforts were substantially constrained. As a result the self-response rate in Chelsea was less than hoped for and worse than in 2020. Many dense urban areas around us experienced the same problem.

State level Census data is expected to be released by the Census Bureau in early 2021. We should have municipal level data sometime in the spring.

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: Report on Park Construction Expenditures

Dear Councilors:

In response to your recent request, I have enclosed a report outlining the City's major investments in parks and playgrounds over the past decade. Each project has a breakdown of total costs, funding sources and a brief description of the work.

Based upon the comments from the City Council at its November 16, 2020 meeting, we are planning to prioritize Quigley Park and Blossom Park for future investment.

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: Proposed Municipal Harbor Plan

Dear Councilors:

At long last, we have a proposed Municipal Harbor Plan and DPA Master Plan (the Plan) that includes provisions requested by the City and has Coastal Zone Management's initial approval. (A copy of the Plan is attached.) As you will see, the Plan is quite lengthy and, in many cases quite technical in detail. If finally approved by the Commonwealth, the Plan will act only as a guide for decision making by the City, but it also will create policy for state agency actions.

The Plan has some specific benefits to the City, its residents, businesses and land-owners along the waterfront. The Plan:

- Improves predictability in decision making by modifying certain state Chapter 91 standards to meet local planning objectives. Specifically, Chelsea's plan provides for needed flexibility in locating and developing commercial and supporting industrial uses in the Designated Port Area, mitigating flood inundation pathways, and improving public access.
- Helps to realize economic benefits by creating clear guidelines on land use standards, policies and trends which may lead to increased investments and job density along the waterfront.
- Creates social benefits by providing a framework for securing increased public access to the waterfront and funds to support public access boardwalks over the watersheet where it will not impact maritime activity.

At this point, I am not requesting, nor is it required, that that the City Council express any approval of the Plan. Instead what is needed from the Council at this time is simply authorization for the City to submit the Plan to the Commonwealth for the commencement of the final regulatory review process. That process involves a required public notice period and public hearing, where members of the public, including the City Council, can weigh in with comments and concerns. Eventually, it will be for the Secretary of Energy and Environmental Affairs to issue a final approval of a Plan that meets the regulatory requirements, taking into account the comments received and following consultation with the City and the Harbor Planning Group. Finally, you should note that the zoning changes necessary to implement this Plan previously submitted to the Council, are an integral part of the process, and Council adoption of such zoning changes is likely to be an express condition of the Secretary's approval.

For the Council's convenience, I have attached a draft Order that will allow for the Municipal Harbor Plan to be forwarded to the Secretary.

## **Second Readings:**

The following order was introduced by Councilor Robinson and read for the second time. A motion from Councilor Robinson was made to adopt by roll call. Councilor Recuperero amended the order to send to Conference. On roll call the amendment failed 1-9-1-0. Voting yes was Councilor Recuperero. Voting no were Councilors Zabot, Garcia, Taylor, Robinson, Brown, Vega-Maldonado, Rodriguez, Avellaneda, and Lopez. Councilor Vidot was absent. The roll call requested by Councilor Robinson passed 10-0-1-0. Voting yes were Councilors Zabot, Garcia, Taylor, Recuperero, Robinson, Brown, Vega-Maldonado, Rodriguez, Avellaneda, and Lopez. Councilor Vidot was absent.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$750,000 for General Stabilization ACCOUNT #7020 TO THE Housing & Community Development Redevelopment Fund #3030, or such other Fund as the Auditor deems appropriate, for the purpose of assisting owner-occupants of residential property who have been adversely impacted financially by COVID-19, provided they earn no more than 100% of Area Median Income.

## **New Business:**

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

Ordered, that the City Manager provide the City Council an update about the streetlights that have been fixed in the city, and which were put to maximum setting.

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

Ordered, that a Subcommittee on Conference be held to discuss the organizational meeting for the next 2021 City Council year.

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

Ordered, that a Subcommittee on Conference be held to discuss ROCA request to brief City Council.

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

Ordered, that, pursuant to M.G.L. c. 44, &53A1/2 the Chelsea City Council accept the gift of PPE supplies from Mascon Medical of Woburn Massachusetts.



The following order was introduced by Councilor Avellaneda. A motion from Councilor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councilor Zobot, Garcia, Taylor, Recupero, Robinson, Brown, Vega-Maldonado, Rodriguez, Avellaneda, and Lopez. Councilor Vidot was absent.

Ordered, that, pursuant to 301 CMR 23.00 et seq., the Chelsea City Council hereby authorizes the City Manager to designate a planning representative and take any and all other steps, for the purpose of submitting to the Secretary of Energy and Environmental Affairs the proposed Municipal Harbor Plan for public comment, a public hearing and final determination by the Secretary.

The following order was introduced by Councilor Robinson. And Avellaneda. A motion from Councilor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Zobot, Garcia, Taylor, Recupero, Robinson, Brown, Vega-Maldonado, rodriguez, Avellaneda, and Lopez. Councilor Vidot was absent.

Ordered, that the Chelsea City Council hereby accepts the grant award from the Massachusetts Department of Revenue in the amount of \$4,029,261 for COVID-19 related expenditures, and allows for the City Auditor to post these funds to the GL consistent with guidance from MA DOR Division of Local Services.

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

Ordered, that a Subcommittee on Conference be held to discuss ROCA request to brief City Council.

The following Ordinance proposal was introduced by Councilor Avellaneda. A motion from Councilor Robinson to refer it to the Sub-Committee on Conference and a second reading was adopted 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 and to implement municipal policies;

**WHEREAS,** on March 10, 2020, the Governor through Executive Order No. 591 declared a State of Emergency because of the impacts of the COVID-19 Pandemic and, on March 18, 2020, the City Manager of the City of Chelsea declared a state of Emergency in the City of Chelsea;

**WHEREAS,** the Governor's Moratorium as to Evictions lifted on October 17, 2020; and

**WHEREAS,** the Chelsea City Council has determined that the effects on housing stability in Chelsea is severe;

**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:

By adding to Chapter 6, Article 1, a new Section 6 entitled "Housing Stability ordinance" as follows:

Section 6-6 Housing Stability Ordinance

6-6 (a) Purpose

The purpose of this Ordinance is to promote the housing stability of Chelsea residents.

## 6-6 (b) Definitions

**Applicable Laws-** means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders that have the effect of law, as well as all applicable final, non-appealable judicial opinions.

**Former Homeowner-**means any natural person or group of natural persons who, prior to foreclosure of a housing accommodation/residential unit, had been the title owner or owners of such housing accommodation/residential unit by dissolution of marriage, separation agreement, survivorship, devise, or intestate succession, and who at the time of foreclosure actually occupied such housing accommodation/residential unit as a resident or residents.

**Foreclosing Owner-**means any natural person or entity that holds title in any capacity, directly or indirectly without limitation, whether in its own name, as trustee or as beneficiary, to a housing accommodation that has been foreclosed upon and either (1) held or owned a mortgage or other security interest in the housing accommodation at any point prior to the foreclosure of the housing accommodation, or is the subsidiary, parent, trustee, or agent thereof, or (2) is an institutional mortgage that acquires or holds title to the housing accommodation; or (3) is the Federal National Mortgage Association of the Federal Home Loan Mortgage Corporation.

**Landlord-**means owner of record, or lessor or sub-lessor of an owner of record, or any other person, project, housing development, or other entity entitled either to receive rent for the use and occupancy of any rental unit or to maintain an action for possession of a rental unit, or an agent, representative, successor, or assignee of any of the foregoing.

**Notice to quit-**means any written notice sent by a landlord or a foreclosure owner to a tenant or former homeowner of a residential rental unit or housing accommodation seeking to terminate the tenant's tenancy or the former homeowner's occupancy of such rental unit or housing accommodation.

**Owner-**means any person or entity that holds title to one or more dwelling units in any manner including but not limited to a partnership, corporation or trust. For purpose of this ordinance, the term "owner" shall include one who manages, controls, or customarily accepts rent on behalf of the owner.

**Rental Unit or Residential Unit** means a non-owner occupied room or group of related rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. "Tenancy" means occupation or use of a dwelling unit under an express or implied rental agreement.

**Tenant-**means any person who inhabits or is entitled to inhabit a dwelling unit under a rental agreement.

## 6-6 © Applicability

The provisions of this ordinance shall apply to all rental units and housing accommodations in the City of Chelsea, in whole or in part, where a notice to quit or other notice of lease nonrenewal or expiration has been served, or should have been served, on the tenant or former homeowner of any such rental unit or housing accommodation as of the effective date of this ordinance, but where any such rental unit or housing accommodation as of the effective date of this ordinance, but where any such rental unit or

housing accommodation has not yet been vacated or a final order of judgment for possession has not entered as of the effective date of this ordinance.

However, the provisions of this ordinance shall not apply to the following types of units;

- (1) Rental units in any hospital, skilled nursing facility or health facility; and
- (2) Rental units in a nonprofit facility that has the primary purpose of providing short term treatment assistance or therapy for alcohol, drug or other substance abuse. Short term treatment is treatment meant to last thirty or less days where such housing is included to the recovery program and where the client has been informed in writing of the short term, temporary or transitional nature of the housing at its inception.

#### 6-6 (d) Required Notice

When a landlord or foreclosing owner serves the tenant or former homeowners any notice to quit or notice of lease nonrenewal or expiration, such landlord or foreclosure owner shall at the same time, also do the following

- (1) Provide the tenant or former homeowner with a notice of basic housing rights and resources, including a list of organizations available to assist tenants and/or former homeowners with their contact information, on a form or forms prepared by the City of Chelsea's Housing and Community Development Department; and
- (2) Provide a copy of the notice of lease nonrenewal or expiration or Notice to Quit to the City of Chelsea's Housing and Community Development Department at least thirty days prior to commencing any summary process action against the tenant or former homeowner. Such notice shall be provided by email, webform, in-hand, or by certified mail to Housing and Community Development, Room 101, City Hall 500 Broadway, Chelsea, MA 02150

#### 6-6 © Invalidity

If any provisions of this Ordinance or application thereof is held to be invalid or in conflict with applicable laws, this invalidity or conflict shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or applications, and to this end, the provisions and applications of this ordinance are severable.

#### 6-6 (f) Enforcement

The provisions of this ordinance shall be enforced by the Chief of Police, the Director of Inspectional Service and their duly authorized agents officers and employees, by a noncriminal disposition pursuant to Massachusetts General Laws Chapter 40 Section 21D. Each failure to comply with the requirements set forth in this act with respect to an individual tenant a separate warning or fine. Unless otherwise provided, a person or entity violating any provisions of the Ordinance shall be punishable by a warning or fine in accordance with the provisions of Chelsea's Code of Ordinances Section 1-8.

#### 6-6 (g) Effective Date

This Ordinance shall become effective immediately after passage by the City Council.

BE IT FURTHER ORDAINED, by the City Council, that Section 1-8 of the Chelsea Code of Ordinances is amended by adding the following provisions:

Offense	Fine	Enforcement Personnel
Housing Stability Notification	1 <sup>st</sup> Offense-\$50.00 2 <sup>nd</sup> and subsequent offenses \$300.00	Police, Inspectional Services

The meeting adjourned at 7:55 p.m.

Respectfully submitted,



Paul G. Casino  
Clerk of the Chelsea City Council