

# SUSPENSION

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Chelsea, Massachusetts May 9, 2022

ACCEPTED AND FILED

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

## MEMORIUMS & CELEBRATORY RESOLUTIONS:

The following Resolution was introduced by Councilor Avellaneda. A motion from Councilor Brown to accept and file was adopted under suspension.

### RESOLUTION

#### **Celebrating May as Asian American and Pacific Islander Month**

WHEREAS, The Asian American and Pacific Islander (AAPI) community has made great contributions to our city and country, and generations of our AAPI residents have enriched all aspects of our city and nation's history; and

WHEREAS, According to the 2021 population estimates from the Census Bureau, 7.2% of the Massachusetts population identify as Asian Americans and the Asian American population is the fastest growing racial or ethnic group in the country; and

WHEREAS; The AAPI community is incredibly diverse, as it comprised of over 45 district ethnicities, and over 100 language dialects; and

WHEREAS, The stories of the AAPI community are part of the story of the United States, and their experiences reflect the ups and downs in our nation's history; and

WHEREAS, AAPIs contributed to the building of this nation, with the examples of Chinese immigrants being essential in the building of the transcontinental railroad, and such as Hawaii and California; and

WHEREAS, Despite their achievements and contributions, AAPIs have faced strong institutional discrimination and racism, with the Chinese Exclusion Act prohibiting immigration from China, and Japanese internment during World War II being two of the most prominent examples; and

WHEREAS, Due to the COVID-19 pandemic, there has been a significant increase of racist incidents and hate crimes against AAPI residents, as the incident of an elderly Asian lady in NYC in April and increased reports of physical and verbal assaults against AAPI residents illustrate just how malicious anti-Asian hate can be, and how we need to continue to support our AAPI residents and

2022 MAY 9 PM 3:02

WHEREAS, AAPIs are an integral part of our society, as they are our neighbors, frontline healthcare workers, teachers, business owners, policy makers military members, youth sports coaches, among many others and many AAPIs are leaders in our community in Chelsea, helping to move our city forward; and

WHEREAS, May is officially designated as Asian/Pacific American Heritage Month in the United States Code under section 102 of title 36, and it requests that there is an annual proclamation from the President calling on the people in the U.S. to celebrate the AAPI community during May; and

NOW, THEREFORE, BE IT RESOLVED, That the Chelsea City Council honors and recognizes the continues and achievements of our AAPI residents during Asian Pacific American Heritage Month in May, and continues to support our AAPI community by speaking up to condemn discrimination and racism.

### **PUBLIC SPEAKING:**

Gary DeYoung, 165 Winnissimett St, spoke regarding issues related to Low Income Development.

City Manager Thomas G. Ambrosino, spoke about the asbestos dumped by the DOT off Rt 16 and the clean up effort.

### **APPROVAL OF MINUTES**

The minutes of the City Council meeting dated April 25,2022 were approved at the request of Councilor Robinson under suspension.

### **COMMUNICATIONS FROM THE CITY MANAGER**

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

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

Re: Notice of Residency Waiver

Dear Councilors:

Pursuant to the Administrative Code Section 1.12.02, I am writing to notify you of my intention to hire Attorney Peter Christopher Esq. from Winthrop as Assistant City Solicitor and to grant

him a waiver from the residency requirement set forth in the Administrative Code Part IV Section 1.12.01. Attorney Christopher's start date is expected to be Mon. May 16,2022. There were no Chelsea candidates for this position. A copy of Attorney Christopher's resume is attached.

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

Sincerely,  
Thomas G. Ambrosino  
City Manager

The following communication was received 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

Request for Approval of Union Contract with E-911 Supervisors

Dear Councilors:

Pursuant to Section 4-3(1) of the Chelsea City Charter, I am writing to request City Council approval for the cost items of the new collective bargaining agreement negotiated with the E-911 Supervisors. This is a two-year contract covering the period from July 1,2022 through June 30,2024. This contract length will create consistency with E-911 Dispatchers, who are likewise under contract until the end of Fiscal Year 2024. A copy of the Memorandum of Agreement is attached.

The contract includes new annual percentage raises as follows: FY23-3.50%; and FY24-3.5%. These raises are identical to what the City Council approved for E-911 Dispatchers for these same fiscal years.

As was the case with E-911 Dispatchers contract, the new contract with E-911 Supervisors includes a residency provision recognizing for the first time, that the provisions of the City's Administrative Code regarding residency shall apply to E-911 Supervisors.

I respectfully ask that the City Council approve the cost items of the proposed contract. A Draft Order is attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

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

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

Re: FY23-FY27 Financial Projections

Dear Councilors:

As you know, the City Charter requires that, each and every year, I prepare a long-term financial forecast of City revenues, expenditures and the general financial condition of the City. I did include with my FY22 Budget submission a Five Year Financial Projection. I have included with this letter a Power Point presentation providing a bit more detail on this long term financial forecast.

Although not required by the Charter, I am happy to work with the City Council to select an evening to make a public presentation on this five-year financial projection prior to the end of the fiscal year.

Sincerely,  
Thomas G. Ambrosino  
City Manager

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

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

Re: Building Energy Reporting and Disclosure Ordinance

Dear Councilors:

I am writing to request that the City Council approve a new Ordinance that would require certain property owners to report annual building energy use to the City. This energy benchmarking policy aims to address our mandate to comply with the Commonwealth's new Climate Roadmap Law (Acts of 2021, Chapter 8) and achieve net-zero emissions by the year 2050. The City of Chelsea, alongside the City of Revere and Town of Winthrop, is currently working on a Zero Carbon Action Plan led by the North Suffolk Office of Resilience & Sustainability to create a pathway to achieve this statutory mandate.

## **Understanding our Emissions**

A key aspect of being able to reduce emissions and provide information to state agencies on emission reduction progress is to understand energy consumption patterns within Chelsea. The City is currently expecting approval of its municipal aggregation plan (DPU Docket #21-27), making it possible to provide cleaner electricity to our residents and homeowners. In terms of emissions reductions the municipal aggregation plan will cover a significant portion of our residential building energy use. To compliment this action the proposed Ordinance would focus on a significant portion of the remaining larger buildings in the City.

Benchmarking policies use gross floor area as a key criterion to understand how intensely buildings consume energy. In Chelsea's case we estimate that this Ordinance would allow us to better understand nearly half (48%) of the gross floor area for the whole City. With this information we can conduct outreach and education efforts to promote energy efficiency for traditionally-excluded building types in coordinated manner.

## **Who Needs to Report and When**

The proposed Ordinance sets gross floor area and dwelling unit thresholds for residential and non-residential buildings excluding parking as part of the gross floor area for calculation. All non-residential buildings with at least 20,000 square feet are required to report annual energy use; for residential buildings with at least 20,000 square feet, an additional threshold of 20 dwellings units is required before reporting is mandated. The building sizes required to report energy use are concentrated on Chelsea's larger building stock. Owners of the typical triple-decker commercial spaces and homeowners are excluded from reporting requirement due to the square footage and dwelling unit thresholds.

The reporting schedule has been developed to require the largest buildings, as well as municipal and Chelsea Housing Authority buildings, to commence reporting by June 30, 2023, approximately one year from now. Medium and smaller sized buildings will be required to report the following year by June 30, 2024. Keep in mind that owners and facility managers of our largest buildings are likely already benchmarking their energy consumption, making it a simple process to share this information. The City will provide technical assistance on gathering and reporting the required information for all building owners, but we will focus most of our efforts on the medium and small sized buildings required to report in 2024.

## **Timing and Next Steps**

The reporting deadlines in the proposed Ordinance are set for June 30 each year for two main reasons"

This is a best practice found throughout New England municipalities; and  
The proposed deadline will allow staff to create the necessary annual reports on a fiscal year basis, making it possible to include such information on relevant state or federal grant reports such as the Green Communities program managed by the Massachusetts Department of Energy Resources.

I respectfully request that the City Council approve this proposed Ordinance in advance of the Summer break. This will give building owners a full calendar year to get acquainted with the reporting requirements and receive technical assistance. The period between approval and the first reporting deadline will also allow for the setup of the reporting platform (Energy Star's Portfolio Manager), development of bi-lingual educational materials and holding of educational activities and events.

Sincerely,  
Thomas G. Ambrosino  
City Manager

The following communication was received 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: Appropriation for Body Cameras

Dear Councilors:

I am writing to request an appropriation from Free Cash to allow the Police Department purchase body cameras for all of its public facing uniformed personnel.

As you may recall, the City negotiated the use of body cameras by the Police Department in the last round of collective bargaining agreements with both Police Patrol Officers and Police Superior Officers. Subsequent to execution of those agreements, the Police Chief and the Unions agreed upon a Body Camera Policy, and a pilot program was successfully implemented in the past month. With the pilot complete, the City is prepared to move forward with full implementation.

The purchase of body cameras and the storage requirements for footage are not inexpensive. The City estimates that the first year costs for all equipment acquisition software and storage will be approximately \$330,000. There will then be annual costs of approximately \$150,000. The annual costs will be included in the Police Department Budgets starting in FY24.

The City did receive a grant from the Commonwealth of \$107,400 to help with first year costs. To cover the balance, I am seeking an appropriation of \$225,000 from Free Cash. A draft Order attached. I respectfully ask for your approval so that the Police Department can move forward with this important initiative.

Yours truly,  
Thomas G. Ambrosino  
City Manager

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

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

Re: FY23 Budget

Dear Councilors:

Enclosed you will find my proposed Fiscal Year 2023 Budget. The Budget funds City expenditures as \$94,108,013 and School Department expenditures at \$118,236,617 for a total budget of \$212,344,630. The School Department Budget has increased by 8.9%, most of it paid from new Chapter 70 funding generated by the Student Opportunity Act. The City expenditures have increased by 5.62%.

Most of the City increases are reflected in Salary accounts. This is due mainly to raises required in collective bargaining agreements and to the addition of new position in the operating budget. These new positions, a total of thirteen are intended to improve the delivery of services to residents and allow

The implemented with ARPA funding. I have enclosed a listing and rational for the new positions, which we can discuss in further detail budget deliberations.

The City is able to absorb the increase in new personnel because of our very favorable financial position. This year, for the first time in my tenure, the City will not propose any reserves to support the budget. The FY23 Budget is fully balanced with anticipated revenues.

You will note that this year's Regional School expenditure has increased by \$252,384. That line item now includes the first modest payment on the debt for the new Northeast Regional Vocational High School, a total debt service payment of \$343,374. That debt service figure will rise gradually to approximately \$1.9 million annually starting in FY26.

I have included with this FY23 Budget a Five Year Financial Projection, which is also a Charter requirement. I am prepared to provide a short presentation to the City Council and School Committee regarding this financial outlook in the next few weeks at the City Council's convenience.

My staff and I look forward to meeting you in subcommittee.

Sincerely,  
Thomas G. Ambrosino  
City Manager

The following communication was received from City Manger Thomas G. Ambrosino. A motion from Councilor Robinson moved the appointments to a second reading.

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

Re: Appointments to Youth Commission

Dear Councilors:

Pursuant to section 4-2 of the Charter of the City of Chelsea, I am writing to recommend the following individuals for a one year appointment to the Youth Commission: Islam Allouane, 944 Broadway, Apt. 3 Chelsea Brandon Ossa, 317 Spruce Street, Chelsea; and Arianna Perdomo, 584 Washington Ave. Chelsea. Resume are 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: Appropriation for Quiet Zone Construction

Dear Councilors:

I am writing to request another appropriation from Free Cash to allow the City to proceed with construction of the new railroad gates and accompanying safety improvements required for institution of the Quiet Zone around our railroad crossings.

As you know, the City has been working for quite some time to restore the Quiet Zone at our railroad crossings. In late Winter the Federal Railroad Administration finally approved the design for the required safety improvements. The City bid the project in April and received two bids. The low bidder was Dadle Electrical. Unfortunately, Dagle's construction costs are significantly higher, by more than \$500,000, from what VHB, the City's engineer, originally estimated.

In addition to Dagle's cost, the City must also set aside funds for work along the railroad tracks that can only be performed by personnel from Keolis, the MBTA's commuter rail operator.



Keolis costs which they now estimate will be approximately \$500,000, are also far higher than the City originally anticipated.

In order both to award the contract to Dagle and to cover the Keolis expenses, the City must appropriate additional funds. To date, the City has appropriated \$2,350,000 for this project in previous Free Cash requests. Of that amount, \$2,043,500, was set aside for construction. We also have available a \$1,130,000 federal construction grant, giving us a total of \$3,173,500 in available construction funds. At this point, our best estimate is that total construction costs will be \$4,174,165. Accordingly, we have a construction shortfall of \$1,000,665.

The City does have available funds for this purpose in Free Cash. Given our shared desire to restore the Quiet Zone in the City as quickly as possible, I am respectfully requesting approval of an appropriation of \$1,000,665 from Free Cash to cover these final construction costs. I have attached a draft Order for your convenience.

Very 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: Appropriation for Eminent Domain Taking of Alleyway at 22-24 Cottage Street

Dear Councilors:

I am writing to request a Free Cash appropriation of \$31,000 for the acquisition by eminent domain of the small alleyway that exists between the properties at 22 and 24 Cottage Street. The area encompassing this alleyway was last transferred among private owners in 1873 and is now owned by the unknown heirs of Mr. Frank Dixon, the sole surviving son of the last record owner, Mr. Lorenzo Dixon, who died in 1917.

The purpose of this eminent domain taking is to get the property into ownership of the City which will then have the opportunity to sell the parcel to someone who will properly maintain it, likely one of the abutters. The property now is occasionally unsanitary and in a state of disrepair. Without any known owner there is no ability for the City to enforce any Code violations. To resolve the situation, the City is prepared to take the property by eminent domain for the public purpose of removing blight and a nuisance. Once ownership is secured, the City will put the property out for public bid.

In order to complete an eminent domain taking, the City Council must actually approve both an appropriation for the acquisition and an Order of Taking after a public hearing. Unfortunately,

the City does not yet have sufficient information to prepare the Order of Taking. In order to prepare a proper Order of Taking, a municipality must be able to describe the land with the precision required for a Deed. Unfortunately, all of the previous Deeds from the 1800s involve larger acquisitions of surrounding parcels and do not precisely describe the boundaries of the alleyway. To obtain such a description, the City must undertake a metes and bounds survey, which may take a few months.

At this point, I am respectfully asking for the City Council to appropriate funds for both the metes and bounds survey and the acquisition of the property. The City recently completed an appraisal of this alleyway, and the fair market value as of February 7, 2022 is \$24,000. In addition, the City anticipates the cost of a full metes and bounds survey will be approximately \$7,000. We have available Free Cash to fund both efforts. A copy of a draft Order is attached.

Once the metes and bounds survey is completed, I will return to the City Council with the actual Order of Taking and ask that you move that to the required public hearing.

### **COMMUNICATIONS & PETITIONS TO THE CITY COUNCIL:**

A copy of a communication was received from Parking Clerk Jeannette Cintron White regarding approved actions taken at Traffic and Parking Commission meeting held on May 3, 2022. A motion from Councilor Robinson to accept and file was adopted under suspension.

A copy of a communication was received from Tufts Environmental Engineering Students regarding their Capstone Project Equitable Engineering Designs for Families Experiencing Homelessness in Chelsea, Mass. A motion from Councilor Robinson to accept and file was adopted under suspension.

### **UNFINISHED BUSINESS:**

The following order was introduced by Councilor Taylor. It was first introduced on January 10, 2022 moved to conference and now is to be acted upon under unfinished Business . Councilor Taylor moved to adopt by roll call. Councilor Recupero offered an amendment. Councilor Recupero moved roll call on the amendment. The roll call failed to pass the amendment 2-8-1-0. Voting yes were Councilors Recupero and Lopez. Voting no were Councilors T. Garcia, Robinson, Taylor, Avellaneda Brown, Vidot, DeJesus, and J. Garcia. Councilor Vega Maldonado was absent. The roll call on the original order passed 8-2-1-0. Voting yes were Councilors T. Garcia, Robinson, Taylor, Lopez, Avellaneda, Vidot, DeJesus, and Garcia. Voting no were Councilors Recupero, and Brown. Councilor Vega Maldonado was absent.

Amendment: to replace the annual salary to be of \$20,000 plus a C.O.L.A. each year instead of \$28,000.

(Defeated)

Ordinance:

WHEREAS, Pursuant to Section 2-10 of the City of Chelsea's Charter, the City Council has the authority to establish an annual salary for its members; and

NOW, THEREFORE, BE IT HEREBY ORDERED, by the City Council of the City of Chelsea that the Section 2-60(a) be amended of the Code of Ordinances City of Chelsea, Massachusetts by striking the current language and replacing with the following;

Effective upon the City Council term commencing January of the year Two Thousand and Twenty Four (2024), members of the City Council shall receive an annual salary of \$28,000.00. (passed )

**NEW BUSINESS:**

The following order was introduced by Councilor Avellaneda. A motion from Councilor Avellaneda referred it to a second reading, and conference under suspension..

**AN ORDINANCE ESTABLISHING BUILDING ENERGY REPORTING AND DISCLOSURE REQUIREMENTS BY AMENDING THE CODE OF ORDINANCES**

**Whereas**, the State of Massachusetts approved Chapter 8 of the Acts of 2021, an “Act creating a next-generation roadmap for Massachusetts climate policy”, where the State must reach net zero greenhouse gas emissions by 2050; and

**Whereas**, the City of Chelsea is in the process of developing and adopting a Zero Carbon Action Plan to create a roadmap to comply with expected provisions stemming from Chapter 8 of the Acts of 2021; and

**Whereas**, energy benchmarking assists building owners in making cost-effective energy efficiency investments, reducing greenhouse gas emissions and operating costs reduction, improving indoor comfort, and reducing air pollution from the burning of fossil fuels; and

**Whereas**, major cities in the United States have adopted building energy reporting and disclosure requirements; and

**Now**, therefore be it Ordained, that the Code of Ordinances is hereby amended as follows:

**Amendment 1**

That Part II, Chapter 6 – Building and Fire Prevention Regulation, Article II – Building and Related Codes, Section 6-34 – Reserved be amended by adding the following new Section 6-34.

Sec. 6-34. – Energy Reporting and Disclosure.

- (a) *Purpose*. The intent of this subsection is to reduce the emissions of air pollutants, including greenhouse gases, from energy production, encourage efficient use of energy and water, and develop further investment in building a more sustainable built

environment and economy by requiring the reporting and disclosure of annual energy and water use in all buildings in accordance with this section.

(b) *Definitions*. When used in this section 6-34, unless a contrary intention clearly appears, the following terms shall have the following meaning:

- (1) *City* means the City of Chelsea.
- (2) *Days* means consecutive calendar days.
- (3) *Department* means the Department of Housing and Community Development.
- (4) *Energy* means electricity, natural gas, fuel oil, steam, and any other sources of energy that the Department may designate.
- (5) *ENERGY STAR Portfolio Manager* means the U.S. Environmental Protection Agency's online tool for reporting and managing building energy data, used to create a U.S. EPA Energy Star Performance Rating.
- (6) *Emissions* or *greenhouse gas emissions* means the emission of greenhouse gases, measured in units of carbon dioxide equivalent (CO<sub>2</sub>e) associated with the generation and transmission of energy used by a building.
- (7) *Gross floor area* or *area* means the total number of square feet measured between the principal exterior surfaces of enclosing fixed walls.
- (8) *ISD* means the Inspectional Services Department.
- (9) *Owner* means the owner of record, or designated agent, provided that the "owner" shall be deemed to include:
  - a. the net lessee in the case of a building subject to a net lease with a term of at least forty-nine years, inclusive of all renewal options;
  - b. the association or organization of unit owners responsible for overall management in the case of a condominium;
  - c. the board of directors in the case of a cooperative apartment corporation.
- (10) *Tenant* means any tenant, tenant-stockholder of a cooperative apartment corporation, and condominium unit owner.
- (11) *Covered Properties* means, as it appears on the records of the Chelsea Assessor's Office, a parcel with one (1) or more buildings that equals or exceeds square feet in gross floor area or dwelling unit thresholds presented in the following table. Buildings owned by the City of Chelsea or the Chelsea Housing Authority are considered covered properties regardless of gross floor area or

dwelling unit count.

Use	Type	Code	Square feet threshold	Dwelling unit threshold	First reporting deadline
Non-Residential	Large	NR-L	Greater than or equal to 50,000	N/A	June 30, 2023
	Medium	NR-M	Greater than or equal to 35,000 and less than 50,000		June 30, 2024
	Small	NR-S	Greater than or equal to 20,000 and less than 35,000		
Residential	Large	R-L	Greater than or equal to 50,000	Greater than or equal to 50	June 30, 2023
	Medium	R-M	Greater than or equal to 35,000 and less than 50,000	Greater than or equal to 35 and less than 50	June 30, 2024
	Small	R-S	Greater than or equal to 20,000 and less than 35,000	Greater than or equal to 20 and less than 35	
Municipal & Other	Housing Authority	MUN	All properties	N/A	June 30, 2023
	City of Chelsea		All properties		

- (c) *Energy and water disclosure for City buildings.* No later than June 30 of each year, the City shall publicly disclose the previous year's energy and water use of each City building. The Department shall coordinate the performance of this requirement.
- (d) *Energy and water reporting for covered properties.* No later than June 30 of each year, other than 2022, building owners of covered properties shall accurately report to the Department the previous calendar year's energy and water use of each building and other building characteristics necessary to evaluate absolute and relative energy use intensity. Energy and water use data shall not include its associated cost. Building owners shall report this information by using the Energy Star Portfolio Manager or such alternative as the Department may designate.
- (e) *Direct upload.* Building owners may authorize an energy or water utility or other third party to report building-specific data on their behalf to the Department. Such authorization shall not remove the obligation of building owners to comply with reporting requirements.
- (f) *Obligation to request and report information.* Where a unit or other space is occupied by a non-residential tenant and such unit or space is separately metered by a utility company, the owner of such building may request from such tenant information relating to such non-residential tenant's separately metered energy and water use, use of space, and operating hours, and other information required for Portfolio Manager reporting, for the

previous calendar year, and such non-residential tenant shall report such information to such owner. The Department may designate and make available a form to be used to request and report such information. Residential tenants shall have no obligation to report energy and water use to building owners.

- (1) Such owner may request information related to such tenant's metered energy and water use and other related information for the previous calendar year no earlier than January 1 and no later than January 31 of any year in which the owner is required to report such information.
  - (2) Upon receiving such request, a tenant shall report information relating to the tenant's separately metered energy and water use for the previous calendar year no later than February 28 of any year in which the owner is required to report such information.
  - (3) If a tenant vacates a unit or other space before the end of the calendar year without reporting metered energy and water use, such owner may immediately request such information for any period of occupancy relevant to such owner's obligation to report and the tenant shall respond within thirty (30) days.
  - (4) Failure of any tenant to report the information required in this subsection does not relieve such owner of the obligation to report pursuant to this article.
  - (5) Where an owner of a residential building is unable to obtain complete energy and water use due to the failure of any residential tenant to report the information required by this subsection, the owner shall use values or formulas established by the Department to estimate whole building energy and water use.
- (g) *Preservation of documents.* Owners reporting energy and water use shall maintain such records and for such time as the Department shall determine are necessary as set forth in regulations of the Department, and shall make such records available for inspection and audit by the Department upon request.
- (h) *Disclosure.* The Department shall make energy and water use information for covered properties available to the public on the City of Chelsea website no later than October 1 of every year, except for 2023 in which it shall make such information available to the public no later than December 1, 2023. Such disclosure shall include, at a minimum, building identification, energy intensity, greenhouse gas emissions per square foot, Energy Star rating, where available, and water consumption per square foot. Before any such disclosure, the Department shall subject all data to a quality- assurance/quality-control process. Notwithstanding the foregoing, the Department may choose to disclose more limited information in the first year of required reporting for each class of buildings.
- (1) At least thirty (30) days prior to disclosure, the Department shall provide building owners an opportunity to review the accuracy of information to be disclosed.

- (2) The Department shall invite building owners to submit contextual information related to energy and water use in their buildings, and shall disclose contextual information in such form as it shall determine.
  - (3) Notwithstanding the foregoing, in the first year of required reporting by non-City buildings, the Department shall disclose only information related to reporting compliance by individual buildings and shall not disclose individual energy and water use data. It may report summary statistical data on energy and water use of buildings.
  - (4) The Department shall also, from time to time, publicly report on implementation of, compliance with, and overall results from this ordinance; however, the first such report shall be issued no later than December 31, 2023.
- (i) *Enforcement and penalties.* The Department shall promulgate the enforcement method for non-compliance of covered properties. All fines and penalties under this subsection will be issued by ISD and enforced pursuant to noncriminal procedures under M.G.L. c. 40, s. 21D.
  - (j) *Power to suspend.* The Department may suspend all or part of the requirements of this subsection upon a written finding that a significant obstacle interferes with their implementation, and may lift such suspension upon a written finding that the obstacle has been removed. The Department shall suspend the requirements of this subsection as necessary to ensure that at least ninety (90) days passes between the promulgation of regulations and any reporting deadline.
  - (k) *Applicability.* If any provision of this subsection imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, by-law, order, or policy, then the provisions of this subsection control.
  - (l) *Severability.* If any provision of this subsection is held invalid by a court of competent jurisdiction, then such provision should be considered separately and apart from the remaining provisions, which shall remain in full force and effect.
  - (m) *Implementation.* The provisions of this subsection are effective immediately upon passage.
  - (n) *Notice.* Notification or attempted notification concerning reporting and disclosure procedures will be provided to all property owners subject to the requirements of this section.

## **Amendment 2**

That Part II, Chapter 1 – General Provisions, Section 1-8 – General penalty; criminal and non-criminal disposition, Subsection (c) be amended by inserting the following in the table of noncriminal violations:

Ordinance	Fine	Enforcing Personnel
Building energy reporting and disclosure, Chapter 6, Article II, Section 6-34	\$50.00 first offense	Building inspectors
	\$150.00 second offense	
	\$300.00 third offense	

The following order was introduced by Councilor Avellaneda. A motion from Councilor Avellaneda moved the order to the Planning Board, Public Hearing and Conference under suspension.

Ordered, that Section 24-106(j) of the Code of Ordinances, City of Chelsea, Massachusetts to read as: "Any relief from off-street parking requirements in this zoning ordinance shall disqualify that location from participating in the residential parking sticker program. Any relief from off-street parking requirements in this zoning ordinance will still allow that location's residents to participate in the visitor parking pass program.

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

Ordered, that the Chelsea City Council authorize the appropriation of funds in the amount of \$1,000.665 in Free Cash to the FY22 DPW Streets and Sidewalks Capital Account #0142258-527000 for construction activity to restore the Quiet Zone in Chelsea.

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

Ordered, that the Chelsea City Council authorize the appropriation of funds in the amount of \$31,000 from Free Cash to a new CIP FY22 Project titled "22-24 Cottage St. Alleyway Eminent Domain Acquisition for the metes and bounds survey and acquisition of the property between 22 and 24 Cottage Street.

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

Ordered, that the Chelsea City Council authorize the appropriation of funds in the amount of \$225,000 from Free Cash to a new CIP FY22 Project titled "Police Body Cameras" for the purchase of body cameras by the Police Department.

The meeting adjourned at 8:12 p.m.



Respectfully submitted,

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

Paul G. Casino  
Clerk of the Chelsea City Council

2012 MAR 25 PM 3:02