

Chelsea, Massachusetts May 23, 2022

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 T. Garcia, Robinson, Taylor, Lopez, Vega Maldonado, Avellaneda, Brown, Vidot, De Jesus, and J. Garcia. Councilor Recuperero arrived at 7:05 p.m. Council President Avellaneda presided over the meeting. The meeting opened at 7:00 p.m.

PUBLIC SPEAKING:

- Leslie Roque, school age student, spoke regarding the right to a safe and affordable housing
- Eilin Mendoza, school age student, spoke regarding the right to a safe and affordable housing
- Magda Herrera, 161 Pearl Street, spoke regarding safe housing conditions
- Carlos Crus Alvarez, 125 Arlington Street, spoke regarding retaliation of housing complaints
- Maria Bandeira, 67 Webster Avenue, pest infestation and housing conditions
- Roz Canelas, 161 Pearl Street, spoke about housing conditions as a human right

APPROVAL OF MINUTES:

The minutes of the City Council meeting dated May 9, 2022 were approved at the request of Councilor Brown under suspension.

COMMUNICATIONS FROM THE 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

DIV

SUSPENSION
Accept & File

Re: Request for Conflict of Interest Law Exemption

Dear Councilors:

The Department of Housing & Community Development wishes to hire Mr. Jonathan Gomez Pereira, 68 Carroll St. Chelsea as a Community Development Fellow a part-time Summer internship position. (A resume is attached). Because Mr. Gomez-Perira is a member of the Community Preservation Act Committee and thus considered a municipal employee for the purpose of the State Ethics Law, he needs an exemption vote by the City Council in order to accept this internship.

I respectfully request that the City Council approve this exemption. Mr. Gomez-Pereira meets all the statutory requirements for the grant of an exemption. M.G.L. c. 268A, & 20.

Thank you for your attention to this matter.

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: 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 Mr. Gabriel Millan, 162 Arlington Street, Brighton, Massachusetts for the position of Library Community Services Technician and to grant him a waiver from the residence requirement set forth in the Administrative Code, Part IV, Section 1.12.01. Mr. Millan has worked for the Chelsea Public Library for more than 8 years in various other positions. A copy of Mr. Millan'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 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: Acceptance of Grant from Metropolitan Area Planning Council

Dear Councilors:

The City recently received notice that it has been awarded a \$40,000 grant from the Metropolitan Area Planning Council to implement COVID-safe cooling strategies. Similar to last year, this

grant will be used to provide air conditioning units and assistance on utility bills to low income residents.

In accordance with M.G.L. c. 44 &53(A), I am requesting that the City Council formally approve the acceptance of this grant. A draft Order 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: PEG Access and Community Preservation Act FY23 Budgets

Dear Councilors:

I am writing to request approval of both the PEG Access Budget and the Community Preservation Act Budget for Fiscal Year 2023.

PEG Access FY23 Budget

Pursuant to M.G.L. c. 44, Section 53F3/4, all Comcast payments required by the 10 year Comcast Renewal License are paid into our PEG Access and Cable Related Fund. In order to expend monies from this Fund on behalf of the three entities that rely upon this source (Chelsea Community Cable Television 62.22%, the School Department 22.22% and the City 15.56% the City Council must approve an annual budget for each of these entities.

I am writing now to request approval of the FY23 Budgets for each of these three entities. The requested FY23 Budgets are: Chelsea Community Cable Television \$227,986; School Department \$95,000; and City \$130,000. Details on these budgets are attached. The City will utilize its funding for translation services, internet and telecommunications access to City hall services and improvements to the City's fiber network.

Community Preservation Act FY23 Budget

Each year, the City Council also must approve the Community Preservation Act budget as adopted by the Chelsea Community Preservation Act Committee. The FY23 Budget proposed by the Community Preservation Act Committee is attached.

As you will see the proposed CPA FY23 Budget reserves for appropriation 95% of the estimated revenues, with 10% allocated to each of the three statutory reserve accounts and the remaining 65% being allocated to the Budgeted Reserve Account. All of these accounts are subject to future appropriation by the City Council based upon recommendations from the Community Preservation act Committee to fund specific projects.

For the remaining 5% of the estimated revenues, the Committee is requesting an appropriation for administrative expenses, which are expressly allowed by statute. The CPA Committee expects to utilize the majority of these funds to continue to pay for its part-time administrator. In addition, the Committee will use some funds to pay dues to the Community Preservation Coalition and to create outreach materials to inform residents about the fund and the use of their tax dollars.

Please note that administrative funds can be used only in the fiscal year for which they are appropriated. At the end of the fiscal year, any unspent administrative funds will be transferred to the Budgeted Reserve Account and available in the following year for funding of specific projects.

I respectfully request your approval of both the PEG Access and CPA Budgets. The necessary Budget Orders are attached.

Sincerely,
Thomas G Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Recuperero moved the communication request to the Sub-Committee on Conference under suspension.

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

Re: FY23 Water, Sewer and Trash Rates

Dear Councilors:

I am writing to provide you with advance notice of the anticipated Water, Sewer and Trash rates for FY23. The proposed new rates are as follows.

Water Rate

The new water rates are \$5.88 per hundred cubic feet (HCF) for Tier 1 (1-1,000 per month in cubic feet), \$7.18 for Tier 2 (1,001-2,500 monthly cubic feet) and \$9.32 for Tier 3 (over 2,500 monthly cubic feet). The increase is 2.5% for Tiers 1 and 2 and a 3% increase for Tier 3.

Sewer Rate

The new sewer rates are \$9.80 per hundred cubic feet (HCF) for Tier 1 (1-1,000 per month in cubic feet), \$10.69 for Tier 2 (1,001-2,500 monthly cubic feet) and \$13.59 for Tier 3 (over 2,500 monthly cubic feet). The increase is 2.5% for Tiers 1 and 2 and 6% for Tier 3.

Combined Rate

For residential customers who use under 1,000 cubic feet per month and pay Tier 1 rates, the combined water and sewer rate will be \$15.68, and increase of less than 2.5%. Please note that the MWRA charges to the City for FY23 increased by a total of 3.1%.

Trash Rate

The City proposes to increase trash fees by 6%. This is a slightly lower increase than we have had in the past few years. The new FY23 trash rate will be \$38.65 monthly for residential property and \$182.33 monthly for commercial units in mixed buildings. Owner occupied units remain exempt from this fee.

The required recommendation from DPW and the new rates sheets for FY23 are attached. I will be happy to attend a subcommittee to talk further about these rates. The public hearing will occur in early July.

Sincerely,
Thomas G. Ambrosino
City Manager

COMMITTEE REPORTS:

A committee report was received from Chairperson Roy Avellaneda regarding Special Subcommittee on Chelsea City Council Clerk search. A motion from Councilor J. Garcia sent the communication to the sub-committee on conference under suspension.

SECOND READINGS:

The following Appointments to the Youth Commission was read for the second time. A motion from Councilor Robinson to affirm the appointments by roll call passed 10-0-1-0. Voting yes were Councilors Recupero, T. Garcia, Robinson, Taylor, Lopez, Vega Maldonado, Avellaneda, Vidot, De Jesus, and J. Garcia. Councilor Brown was absent.

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, Resumes are attached.

The following order was introduced by Councilor Avellaneda and read for the second time. A motion from Councilor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Recupero, T. Garcia, Robinson, Taylor, Lopez, Vega Maldonado, Avellaneda, Vidot, DeJesus, and GJ. Garcia. Councilor Brown was absent.

Ordered, that the Chelsea City Council authorize the appropriation of funds in the amount of \$31,000 from Free Cash to 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 and read for the second time. A motion from Councilor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Recupero, T. Garcia, Robinson, Taylor, Lopez, Vega Maldonado, Avellaneda, Vidot, De Jesus, and J. Garcia. Councilor Brown was absent.

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 following order was introduced by Councilor Avellaneda and read for the second time. A motion from Councilor Robinson to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Recupero, T. Garcia, Robinson, Taylor, Lopez, Vega Maldonado, Avellaneda, Brown, Vidot, De Jesus, and J. Garcia.

Ordered, that pursuant to Section 4-3(1) of the Chelsea City Charter, the Chelsea City Council approve the cost items set forth in the collective bargaining agreement negotiated with the Teamsters Local 25 representing E-911 Supervisors for the period July 1,2022 through June 30,2024 dated April 27.2022.

The following order was introduced by Councilor Brown and read for the second time. A motion from Councilor Avellaneda to adopt by roll call passed 11-0-0-0. Voting yes were Councilor Recupero, T. Garcia, Robinson, Taylor, Lopez, Vega Maldonado, Avellaneda, Brown, Vidot, De Jesus, and J. Garcia.

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 #0142258-587000 for construction activity to restore the Quiet Zone in Chelsea.

NEW BUSINESS:

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

Ordered, that the City Manager instruct DPW to place speed tracker on Dudley Street.

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

Ordered, that the City Manager instruct DPW to refill dog waste bags and look into more dog waste station in District 3.

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

Ordered, that the City Manager to look into creating a crosswalk on the Broadway and Eastern Avenue that is ADA accessible.

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

Ordered, that the City Manager instruct DPW to re-paint STOP on the Willow Street of the intersection of Willow, Marlborough, and Grove Street.

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

Ordered, that the City Manager instruct DPW to paint DO NOT ENTER on Marlborough Street going into the intersection of Willow, Grove, and Marlborough Street.

The following order was introduced by Councilors Lopez and Recupero. Councilor Lopez amended the order to refer it to the Traffic and Parking and that the Traffic and Parking issue permits to the Councilors while doing business at City Hall.

Ordered, that the City Manager issue parking permit placards to the City Council, while doing City business and have these placards be valid within City hall premises including meter parking.

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

Ordered, that the City Manager provide the City Council with a list of all special permits that have been approved in the last 5 years.

The following order was introduced by Councilor Recupero. It was ruled out of order by Council President Avellaneda. Councilor Recupero challenged the Ruling. On roll call the Chairmans ruling was upheld on a 11-0-0-0. Voting yes to rule out of order Councilors Recupero, T. Garcia, Robinson, Taylor, Lopez, Vega Maldonado, Avellaneda, Brown, Vidot, De Jesus, and J. Garcia.
Ordered, that the City Manager implement paid FMLA to employees of the city for all expecting mothers and their significant others effective immediately.

The following order was introduced by Councilor Avellaneda. Councilor Brown moved to adopt by roll call. The roll call passed 11-0-0-0. Voting yes were Councilors Recupero, T. Garcia, Robinson, Taylor, Lopez, Vega Maldonado, Avellaneda, Brown, Vidot, De Jesus, and J. Garcia.
Ordered, that the Chelsea City Council hereby approves a Conflict of Interest Exemption pursuant to Massachusetts General Law Chapter 268A, Section 20

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

Request, that the City Manager provide an update on Market Basket Property and the status of their liquor License.

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

Request, that the City Solicitor provide a legal opinion on Section 2.6 of the City Charter.

The following order was introduced by Councilors De Jesus, Robinson, Avellaneda, Vidot, Brown, Vega Maldonado, Recupero, J. Garcia, and T Garcia. A motion from Councilor De Jesus to approve by roll call passed 10-1-0-0. Voting yes were Councilors Recupero, T. Garcia, Robinson, Lopez, Vega Maldonado, Avellaneda, Brown, Vidot, De Jesus, and J. Garcia. Voting no was Councilor Taylor.

RESOLUTION:

**URGING THE MASSACHUSETTS LEGISLATURE TO OPPOSE H.1234 AND THE
PROPOSED 2022 STATE BALLOT INITIATIVE**

- WHEREAS,** In 2019, the California legislature passed AB5, a simple test for determining who is an employee and who is an independent contractor, which determined that Uber and Lyft ride-hail drivers, DoorDash, Instacart, and Postmates food-delivery workers are employees; and
- WHEREAS,** App-based companies such as Uber, Lyft, and DoorDash responded by spending \$224 million on Proposition 22, a ballot initiative meant to exclude ride-hail and food-delivery app-based workers from employee rights under state law, including the right to a minimum wage, time-and-a-half for overtime, expenses reimbursement, and benefits such as unemployment compensation and state workers' compensation; and
- WHEREAS,** California Superior Court Judge Frank Roesch found that the ballot initiative infringed on the power explicitly granted to the California Legislature to regulate workers' compensation and was therefore unconstitutional and unenforceable; and
- WHEREAS,** In 2020, Uber's CEO stated that "*Going forward, you'll see us more loudly advocating for laws like Prop 22,*" and other Big Tech CEOs have joined them in their promise to bring laws that depress wages, violate civil rights, and put consumers at risk to states across the country; and
- WHEREAS,** Massachusetts Attorney General Maura Healey is suing Uber and Lyft for failing to follow Massachusetts law by misclassifying employees as independent contractors; and
- WHEREAS,** In an attempt to escape these violations and avoid paying into Social Security, avoid paying taxes, and harm workers and consumers; the companies are slated to spend \$100 million in support of House Bill 1234 and a 2022 state ballot referendum question asking Massachusetts legislators and voters to grant them special exemptions from our labor, civil rights, and consumer protection laws; and
- WHEREAS,** H.1234, sponsored by Big Tech, exempts these "gig economy" businesses from paying into Social Security and unemployment, costing Massachusetts taxpayers hundreds of millions of dollars, weakening these programs for everyone, and shielding these businesses from liability and financial responsibility if customers or members of the public are injured; and

WHEREAS, According to a study by the University of California, Berkeley's Labor Center, under the proposed state ballot initiative, Massachusetts drivers may make as little as \$4.82 per hour, while those who qualify for a health care stipend may earn as little as \$6.74 per hour, which is significantly less than the Massachusetts minimum wage and roughly one-third of the required minimum pay for drivers under New York City and Seattle industry-specific pay standards; and

WHEREAS, H.1234, if passed, would create a permanent underclass of low-wage, mostly Black, Brown, and immigrant workers by allowing these companies to pay their workers less than minimum wage and provide few if any, benefits; and

WHEREAS, At a moment of racial reckoning in our country, the bill would exclude app-based workers from the robust protections against racial discrimination and sexual harassment under the Massachusetts Civil Rights Act, MGL c. 151B; and according to many leading voices, passing this bill would be among the biggest steps backward in the fight for equity and opportunity at work since the passage of the 1964 Civil Right Act; and

WHEREAS, The Chelsea City Council has a responsibility to prioritize workers over corporate profits, protect consumers, and oppose any measure that would facilitate wage theft and undermine the rights and benefits of the working-class people who keep our city running;

NOW, THEREFORE BE IT, RESOLVED, That the Chelsea City Council joins other city councils across the Greater Boston region, workers, consumers, community members, faith organizations, environmental and racial justice advocates, labor rights, civil rights, and union organizers to urge the Massachusetts Legislature to oppose House Bill 1234 and the proposed 2022 state ballot initiative;

AND BE IT FURTHER RESOLVED, that the Clerk of the City Council is respectfully Requested to transmit a suitably attested copy of this Resolution to the Chairs and Vice-Chairs of the Joint Committee on Financial Services, the Senate President, the Speaker of the House, the presenters of the proposed legislation Representatives Mark J. Cusack and Carlos González, and the local legislators to the General Court.

The following order was introduced by Councilor Avellaneda and all members of the City Council. A motion from Councilor Avellaneda moved it to a second reading and Public Hearing.

CHELSEA WAGE THEFT ORDINANCE

WHEREAS, the City of Chelsea annually spends hundreds of thousands of dollars purchasing goods and services; and

WHEREAS, the City of Chelsea, as a consumer intends to be cognizant of the impact that our consumption has on the workers that provide services throughout Chelsea; and

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

WHEREAS, a significant percentage of the population of the City of Chelsea are foreign born immigrants, speak a language other than English at home, and the population is vulnerable to exploitation; and

WHEREAS, the high cost of Wage Theft to the City, its business community, and its residents impedes the City's economic development and growth; and

WHEREAS, requiring City contractors, subcontractors and bidders to comply with applicable federal and state wage laws, strengthens the City's ability to hire vendors that treat their Employees fairly;

WHEREAS, the City Council hereby further finds and determines that, due to the pervasiveness of Wage Theft in the construction industry, significant financial incentives are necessary to motivate property owners and their general contractors to take steps sufficient to ensure that Wage Theft does not occur on their projects; and

WHEREAS, prohibiting the Purchasing Department from contracting with debarred vendors for the period of Debarment will help to ensure that City resources are not used to support vendors debarred for wage law violations; and

WHEREAS, the City desires to ensure that potential and current recipients of licenses issued under M.G.L. chapter 138 and chapter 140 comply with applicable wage laws;

WHEREAS, the City desires to ensure that potential and current recipients of building permits issued by the City of Chelsea comply with applicable federal and state wage laws;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chelsea that the City of Chelsea Ordinance Code as amended is hereby further amended and adopted as follows:

Sec. 2-284A. Wage theft.

1. Definitions

Administrative Citation – a civil citation issued by the attorney general pursuant to M.G.L c. 149 § 27C, a civil citation issued by the Department of Labor pursuant to 29 U.S.C. § 201 et seq. and/or 29 C.F.R. § 578, or any other civil citation for violation of M.G.L. c. 149 or c. 151 and/or 29 U.S.C. § 201 et seq., issued by any other federal, state or local administrative agency.

Application – an initial application or renewal of a license or permit.

City Contractor – an employer who holds or seeks to hold a contract for goods, services or labor with the City of Chelsea.

Debarment – A determination by appropriate state or federal authority that the vendor or business can no longer bid or otherwise participate in public contracts. These determinations are made pursuant to statutes including but not limited to, M.G.L. c.29, § 29F, M.G.L. c.30, § 39R, M.G.L. c.149, § 27C, M.G.L. c.149, § 44C, M.G.L. c.149, § 148B, M.G.L. c.152, § 25C, 29 U.S.C. §201 et seq. and 29 C.F.R. § 578.

Employ – including as used in the term “employment” means to suffer or permit to work.

Employer – any natural person or business, whether or not incorporated or unincorporated who suffers or permits another to work (1) in the city, (2) under contract to which the city or one of its Departments is signatory, or (3) who otherwise maintains a commercial presence in the city. This definition excludes the United States as a corporation wholly owned by the government of the United States; and the Commonwealth of Massachusetts, its subdivisions and corporate bodies.

Employee – a natural person who performs work for an Employer operating within the geographic boundaries of Chelsea.

Independent Contractor – As defined in G.L. c. 149, § 148B and any applicable regulations or advisory guidance

Minimum Wage – as defined in M.G.L. c. 151, § 1 as well as any other state or federal statute or regulation establishing a minimum fair wage for particular occupations or classes of Employees.

Overtime – as defined in M.G.L. c. 151, § 1A, 29 U.S.C. § 201 et seq.

Prevailing Wage – as defined in M.G.L. c. 149, §§ 26-27H.

Stop Work Order – as defined in M.G.L. c. 152, § 25C and 452 C.M.R. § 8.02.

TIF Agreement – a tax increment financing agreement, as such term is defined by M.G.L. c.23A, § 3A, c. 40, § 59, and 760 C.M.R. 22.00 et seq.

TIF Plan – a tax increment financing plan, as such term is defined by 760 C.M.R. 22.00 et seq.

Wage – as defined by M.G.L. c. 149, § 148.

Wage Theft – an action by an Employer, his or her officers, agents or employees causing an Employer not to make a timely and/or complete payment of Wages, not to pay the Minimum Wage or Prevailing Wage, or not to pay Overtime earned and owing to an Employee.

2. City Contract Requirements

The following section shall be incorporated into the City of Chelsea's Standard Contract General Conditions Form as of July 1, 2016 and amended June XX, 2022 apply to every new contract and every renewal term of a contract entered into after that date:

- 1) A City Contractor certifies that neither it nor any of its subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date of the contract; or certifies that it has provided copies of any and all of the above to the city prior to the date of the contract and any required wage bond or insurance; and certifies that while the contract is in effect, it will report any instance of the above to the city within five days of the City Contractor's receipt.
 - (a) The following provisions shall be included in any request for proposals, invitation for bids or request for qualifications issued by the city on or after July 1, 2016;
 - i. Prospective vendors must provide the following certifications or disclosures in writing to the purchasing agent with their bids or proposals. Failure to provide the following shall result in rejection of the bid or proposal;
 - ii. Prospective vendors must certify that neither they nor any of their subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date vendors submit their bids or proposals; or
 - iii. Prospective vendors must disclose any such criminal or civil judgments, administrative citation, final administrative determination, order or debarment and include copy(ies) with their bids or proposals.
 - iv. Prospective vendors are notified that they must report any such criminal or civil judgment, administrative citation, final administrative determination, order or debarment from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages while any of their bids or proposals to the purchasing agent official is pending and, if awarded a contract, during the term of the resulting contract, within five days of vendor's receipt.
 - v. Prospective vendors that are subject to a state or federal debarment for violation of the above laws, either voluntarily or involuntarily, or that have been prohibited from contracting with the Commonwealth or any of its agencies or subdivisions will be deemed not responsible and their bids or proposals shall be rejected. Such vendors shall be deemed not responsible for the entire term of debarment or other stated time period. During the term of a contract, upon a finding or order of such debarment or prohibition, the city may terminate the contract.
 - vi. Vendor(s) awarded a contract that have disclosed a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment

resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date they submit their bids or proposals, or vendor(s) awarded a Contract that receive a federal or state criminal or civil judgment, administrative citation, order or final administrative determination resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages during the term of the contract and that are not otherwise prohibited from public contracting may be required by the city to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of one year's gross wages for all employees, based on an average of its total labor costs for the past two years. Such bond must be maintained for the terms or extensions of any contract, and proof of such bond must be provided upon request by the city.

- vii. Vendor(s) awarded a contract that have disclosed a federal or state criminal or civil judgment administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date they submit their bids or proposals and through the contract term shall furnish their monthly certified payrolls to the purchasing agent for all employees working on such contract.

3. Licensee and prospective licensee Requirements

- a) Any Application filed by an Employer to the Licensing Commission for any license issued pursuant to M.G.L. c. 138 or M.G.L. c. 140 may be denied if, during the five (5) year period prior to the date of the Application, the applicant Employer has been subject to a federal or state criminal or civil judgment, Administrative Citation, order, Debarment, or final determination resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 et seq., or any other state or federal laws regulating the payment of Wages. Each such applicant shall certify that she has not been found guilty, liable or responsible, in the past five (5) years, in any judicial or administrative proceeding, for any violation of any of the laws set forth above.
- b) Any license or permit issued by the Licensing Commission under M.G.L. c. 138 or M.G.L. c.140 to an Employer may be modified, suspended or revoked if, during the term of the license, the licensee Employer has been subject to a criminal or civil judgment, Administrative Citation, final administrative determination, order, or Debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 et seq., or any other state or federal laws regulating the payment of Wages. Upon notice of a violation as described herein, the City Solicitor shall request that the matter be placed on the next Licensing Committee agenda.
- c) Any Employer for whom there has been a final determination that the Employer is in violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 et seq., or any other state or federal laws regulating the payment of Wages shall post notice of such a violation. Using a form provided by the City and displaying it on-site, in a conspicuous and accessible location, and in English and the primary language of the Employee(s) at the particular workplace. The posting shall remain in place until any determination or judgement of Wage Theft is paid in full including all related fees and penalties. An Employer found in violation of an order to

post notice under this section shall be liable to a fine of not more than three hundred dollars (\$300.00). Each day during which a violation exists shall constitute a separate offense.

d) In order to facilitate compliance, the Licensing Commission, may provide a conciliation process for Employers who have been found in violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 et seq. or any other state or federal laws regulating the payment of Wages. In lieu of license revocation, the City Solicitor or designee will arrange a meeting within thirty (30) days at the request of the parties and during this period any revocation or suspension of a shall be held in abeyance. During the course of any conciliation process, the Employer will follow the posting requirements in Subsection C. If the Employer can demonstrate a compliance plan to satisfy any related penalty imposed by the AG's office, or a civil judgement, the Licensing Commission shall hold any action pursuant to Subsection B in abeyance.

e) Wage Bonds

i. Employers granted a License or Permit that have disclosed a criminal or civil judgment, administrative citation, final administrative determination, order, or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 et seq. or any other state or federal laws regulating the payment of wages within five (5) years prior to the date they submit their applications, or Employers granted a License or Permit who become subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order, or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, 29 U.S.C. § 201 et seq., or any other state or federal laws regulating the payment of wages during the term of the License or Permit, shall be required by the City to obtain a wage bond or other form of suitable insurance in an amount of no less than twenty-five thousand dollars (\$25,000) and up to a maximum aggregate of one year's gross wages for all employees, based on an average of its total labor costs for the past two years. Such bond must be maintained for the terms of any License or Permit, and proof of such bond must be provided upon request by the City. Failure to comply with this Subsection may constitute grounds for modification, suspension, and/or revocation of the license or permit pursuant to Paragraph 10.

ii. The bond shall be held by the City of Chelsea and shall be conditioned that the contract recipient shall fulfill the payment to its Employees of any final judgment, settlement agreement, or other decision ordering the payment of Wages. If, within fourteen (14) days after demand for the bond, the licensee fails to deposit the bond, the City of Chelsea License Commission may suspend, revoke, or deny such license until the bond has been properly deposited with the City of Chelsea.

4. Tax Increment Financing (TIF) Agreement Requirements

In addition to any other conditions that may be required in connection with tax increment financing or housing development exemption relief granted by the City of Chelsea, each Tax Increment Financing Agreement and each Housing Development Exemption Agreement entered into between the City of Chelsea and the recipient of such relief shall be subject to and shall include language to effect the following:

a) Any construction manager, general contractor or other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person that is engaged to perform the construction work during the term of the Agreement on the property that is the subject of the Agreement (hereinafter, collectively and individually, the

“contractor”) shall comply with the following qualifications and conditions at all times during their performance of work on the property:

- i. The contractor has not been debarred or suspended from performing construction work by any federal, state or local government agency or authority in the past five years;
 - ii. The contractor has not been found within the past five years by a court or governmental agency in violation of any law relating to providing workers compensation insurance coverage, misclassification of Employees as independent contractors, payment of Employer payroll taxes, Employee income tax withholding, earned sick time, wage and hour laws, prompt payment laws, or Prevailing Wage laws;
 - iii. The contractor must maintain appropriate industrial accident insurance sufficient to provide coverage for all the Employees on the project in accordance with M.G.L. c.152 and provide documentary proof of such coverage as part of the Application process, or prior to commencing any work to the Inspectional Services Department to be maintained as a public record;
 - iv. The contractor must properly classify employees as statutory employees rather than independent contractors and treat them accordingly for purposes of Minimum Wages and Overtime, workers compensation insurance coverage, social security taxes and state and federal income tax withholding. (M.G.L. c.149, §148B on employee classification);
 - v. The contractor must comply with M.G.L. c. 151, §1A and M.G.L. c. 149, § 148 with respect to the payment of Wages;
 - vi. The contractor must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth Health Insurance Connector Authority; and
 - vii. The property owner shall submit a list to the City of all the expected contractors to work on the project as part of its request for tax relief. The list shall include the name of the primary contact, the Contractor’s address and either a phone number or email address. The property owner will provide a final all-inclusive list to the City within thirty (30) days of the conclusion of the project.
- b) If any person or entity subject to the foregoing qualifications and conditions fails to comply with any of them with respect to work on the property, the parties agree that such an event materially frustrates the public purpose for which the Agreement and any certification by the state was intended to advance. In such an event, the City shall petition the appropriate state agency or body for revocation of the certification and, upon such revocation, the tax relief provided by this Agreement shall be terminated and the property owner shall pay to the City an amount equal to the value of the tax relief already received under the Agreement.
- c) In the event the owner of the property challenges the termination of the tax relief provided by the Agreement and/or the revocation by the state of any certification, the owner shall set aside in an escrow account an amount equal to the full amount of the tax savings that previously would have accrued under the Agreement while any such challenge remains pending. The owner of the property shall have a continuing obligation to contribute to the escrow account amounts equal to the additional tax savings that accrue under the Agreement while its challenge remains pending. The owner shall promptly provide to the City with documentation of its compliance with this obligation. The conditions of the escrow account shall provide that, in the event the owner is unsuccessful in its challenge, the funds in the account shall be paid to the City. The owner’s obligations under this Subsection shall be judicially enforceable. It will be established that the

residents of this municipality shall be considered third party beneficiaries of the agreement for the purposes of enforcing the above provisions in a civil proceeding brought by not less than ten (10) taxable inhabitants.

5. Major Building Permit Requirements

- a) In addition to any other conditions that may be required in connection with the issuance of building permits under M.G.L. c. 40A each building permit issued in connection with the construction, reconstruction, installation, demolition, maintenance or repair of any commercial building estimated to cost not less than ten million dollars (\$10,000,000) or in connection with a residential building with thirty (30) or more units shall be subject to and include the following set of mandatory conditions, "It shall be a material condition of this Permit that any construction manager, general contractor or other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person or entity that is engaged to perform the construction work on the property that is the subject of this Permit (hereinafter, collectively and individually, the "contractor") shall comply with the following qualifications and conditions at all times during their performance of work on the project :
- i. The contractor has not been debarred or suspended from performing construction work by any federal, state or local government agency or authority in the past five (5) years;
 - ii. The contractor has not been found within the past five (5) years by a court or governmental agency in violation of any law relating to providing workers compensation insurance coverage, misclassification of Employees as independent contractors, payment of Employer payroll taxes, Employee income tax withholding, wage and hour laws, prompt payment laws, or Prevailing Wage laws;
 - iii. The contractor must maintain appropriate industrial accident insurance sufficient to provide coverage for all the Employees on the project in accordance with M.G.L. c.152 and provide documentary proof of such coverage to the Inspectional Services Department to be maintained as a public record;
 - iv. The contractor must properly classify Employees as employees rather than independent contractors and treat them accordingly for purposes of Minimum Wages and Overtime, workers compensation insurance coverage, social security taxes and state and federal income tax withholding. (M.G.L. c.149, §148B on employ
 - v. ee classification);
 - vi. The contractor must comply with M.G.L. c. 151, §1A and M.G.L. c. 149, § 148 with respect to the payment of Wages; and
 - vii. The contractor must be in compliance with the health and hospitalization requirements of the Massachusetts Health Care Reform law established by Chapter 58 of the Acts of 2006, as amended, and regulations promulgated under that statute by the Commonwealth Health Insurance Connector Authority. If any person or entity that is subject to the foregoing fails to comply with any of the qualifications and conditions with respect to work on the project, this Permit shall be deemed temporarily suspended and all construction work on the entire project shall cease immediately upon issuance of a Stop Work Order by the Director of the Inspectional Services Department or his/her designee until further notice by him/her.

- b) **Remedies:** In the event the permit is granted, the applicant for the permit shall be responsible for ensuring that all contractors performing construction work on the property comply with the Minimum Mandatory Conditions required by Subsection A for the duration of work on the project. If any person or entity that is subject to those Minimum Mandatory Conditions fails to comply with any of the qualifications and conditions with respect to work on the project, and in addition to any other penalties or consequences provided by law, the Director of the Inspectional Services Department or his/her designee shall issue a Stop Work Order with respect to all construction work on the entire project until the violation is remedied. Once the Director of the Inspectional Services Department or his/her designee determines that the violation has been remedied, he/she shall withdraw the Stop Work Order and construction on the project may proceed.
- c) **Appeals.** Any person aggrieved by a Stop Work Order issued by the Director of the Inspectional Services Department or his/her designee shall have the appeal rights through the office of the City Solicitor.

6. Wage Theft Complaint Process

Any City Department upon notification of a wage theft complaint about a City Contractor, a TIF Holder, or Major Building Permit Holder shall forward said complaint immediately to the City Solicitor. The City Solicitor shall notify the City of Chelsea Purchasing Agent, the Chelsea Licensing Commission, the Chelsea City Council, and the Attorney General's Office of the complaint. If the complaint pertains to work performed at any property subject to a TIF Agreement, the City Solicitor shall also send a copy to the City Manager & Assessor.

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

Request, that the City Manager consider setting aside some modest money from the current certified free cash for the purpose of setting up a new grant program for youth sports, setting aside an equal amount available for each of those major sports (basketball, football, soccer, baseball, softball and maybe tennis). This grant should be open to all Chelsea non-profits running sporting programming in these sporting categories, provided that a majority of the participants are Chelsea youth.

The following order was introduced by Councilor Avellaneda. A motion from Councilor Brown to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Recupero, T. Garcia, Robinson, Taylor, Lopez, Vega Maldonado, Avellaneda, Brown, Vidot, De Jesus, and J. Garcia..

Ordered, that the Chelsea City Council hereby approves a Conflict of Interest Exemption pursuant to Massachusetts General Law Chapter 268A, Section 20(b) for the the interim position in the Department of Housing & Community Development to be held by Mr. Johnathan Gomez-Pereira, effective immediately.

The following order was introduced by Councilor Avellaneda. A motion from Councilor Brown to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Recupero, T. Garcia, Robinson, Taylor, Lopez, Vega Maldonado, Avellaneda, Brown, Vidot, De Jesus, and J. Garcia.

Ordered, that the City Council hereby accepts and approves the grant from Metropolitan Area Planning Council Board in the amount of \$40,000 to implement COVID safe cooling strategies to low-income residents.

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

Ordered, that, pursuant to M.G.L. c. 44, Section 53F3/4, the City Council approve the FY23 PEG Access Budget as follows:
\$227,986 for Chelsea Cable Television
\$95,000 for Chelsea Public Schools; and
\$130,000 for the City of Chelsea

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

Appropriate: The FY2023 Community Preservation Committee Operating Budget and,

Motion: That the Council act on the report of the Community Preservation Committee on the FY2023 Community Preservation budget, in accordance with MGL Chapter 44B, Section 6:

That the Council reserve for appropriation the following amounts from estimated FY2023 receipts as

\$93,981- 10% of estimated revenues for the acquisition, creation and preservation of open space;
\$93,981-10% of estimated revenues for the acquisition preservation, rehabilitation and restoration of historic resources;
\$93981-10% of estimated revenues for the acquisition, creation, preservation and support of community housing;
\$610,879-65% of estimated revenues to the Budgeted Reserve.

And appropriate from FY2023 estimated revenues:

\$46,990-5% of estimated revenues for CPC Administrative Expenses.

The meeting adjourned at 8:26 p.m.

Respectfully submitted,



Paul G. Casino
Clerk of the Chelsea City Council

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