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Chelsea, Massachusetts January 23, 2023

ACCEPTED AND FILED

A Regular meeting of the Chelsea City Council was held. The meeting was held at the Chelsea City Council Chambers locate at 500 Broadway Chelsea, Massachusetts 02150. The following Councilors were present: Councilors Brown, Lopez, Robinson, DeJesus, Hatleberg, and Taylor. Absent were Councilors J. Garcia, T Garcia, Recupero, Vidot, and Vega. Council President Robinson presided over the meeting. The meeting opened at 7:30 p.m.

SUSPENSION

Public Speaking

The public speaking portion opened at 7:30 p.m. The following came forward to speak:

John Vainch 50 Rogers Street, Cambridge, spoke in favor of the appropriation money from C.P.A.

Patricia Ebanks 14 Bloomingdale Street spoke in favor of the CPA appropriation request.

Suyapa Perez 59 Cherry Street, spoke in favor of CPA appropriation request.

The public speaking portion closed at 7:42 p.m.

The minutes of the City Council dated January 9, 2023 were approved at the request of Councilor Brown under suspension.

Communication and petitions to the Council:

ID#23C13- A copy of a communication was received from the Community Preservation Act. Chairperson Juan Vega with regards to the four recommendations for grants from the CPA. A motion from Councilor Hatleberg to accept and file was adopted under suspension.

Unfinished Business:

ID#2301.-The following order was introduced by Councilor Robinson. Councilor Hatleberg moved that it be voted on. Councilor Brown amended the order to send to conference under suspension.

January 9, 2023

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

WHEREAS, the City desires to create a more efficient means for permitting special events in the City that is convenient for applicants;

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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:

Amendment 1

That Chapter 1, Section 1-8 be amended by replacing the existing entry for “Licensing: Chapter 14” with the following:

<p>Licensing, <u>chapter 14</u></p> <p>Penalties may be imposed for failure to obtain or maintain a license or for violation of the terms of the license.</p>	<p>Limited Special Event (Section 14-461)</p> <p>\$25.00 first offense</p> <p>\$50.00 second offense</p>	<p>Licensing Administrator Police officers Building inspectors, code enforcement inspectors</p>
	<p>Hawkers and Peddlers (Section 14-82)</p> <p>Warning first offense</p>	
	<p>\$100.00 second offense.</p>	
	<p>\$200.00 third offense</p>	
	<p>Hawkers and Peddlers (Section 14-83)</p> <p>Warning first offense</p> <p>\$20.00 Second offense</p>	
	<p>Transient Vendors and Businesses</p> <p>\$50.00 first offense</p>	

	\$150.00 second offense	
	\$300.00 third offense	

Amendment 2

That Chapter 14, Article III, Section 14-55 be amended by striking the existing language in its entirety and replacing with the following:

Hawker or peddler means and includes any person who goes from place to place either on foot or on or from any animal or any vehicle carrying, exhibiting, bartering, or selling any goods, wares or merchandise.

Amendment 3

That Chapter 14, Article III, Section 14-57 be amended by striking the existing language in its entirety and replacing with the following:

Sec. 14-57. – Exemptions and Interpretation of article.

(a) This article shall not apply to temporary or transient businesses or transient vendors permitted under another section of the Ordinances of the City of Chelsea or permitted under a special event or limited special event permit or exempt from permitting under Article XII.

(b) In the event of a conflict between this article and any license duly issued under state law, the requirements of state law shall apply.

Amendment 4

That Chapter 14, Article III, Section 14-59 be amended by amending the existing language as follows:

Sec. 14-59. - Times restricted for street sales.

a) Any person who cries such person's wares or makes any loud or disturbing noise selling or buying goods in any street or public place between the hours of 7:00 p.m. and 8:00 a.m. shall be subject to a criminal fine of not more than \$300.00, and shall in all other respects be subject to the provisions of section 1-8.

(b) Any person holding the license to do so who allows more than one person at a time to cry such person's wares shall be subject to a criminal fine of not more than \$300.00, and shall in all other respects be subject to the provisions of section 1-8.

(c) No hawker or peddler shall remain more than 20 minutes in one location, unless allowed by the license granted in accordance with this article. All hawkers and peddlers shall move at least 100 feet from the last location of sale. No hawker or peddler shall have exclusive right to any location on the public streets, or streets open to the public, nor shall any be permitted a stationary location, including private property, nor shall any be permitted to operate in a congested area

where the operations might impede or inconvenience the public unless allowed by the license granted in accordance with this article. For the purpose of this section, the judgment of all enforcing agents exercised in good faith shall be deemed conclusive as to whether the area is congested or whether the public is impeded or inconvenienced.

Amendment 5

That Chapter 14, Article III, Section 14-60 be amended by striking the existing language in its entirety and replacing with the following:

Sec. 14-60. - Sale of merchandise from vehicles standing in streets prohibited.

Any person who stands, parks or places any wagon, cart or other vehicle of whatever description for the purpose of selling goods, wares, or merchandise upon any street or public place without a license issued under this article or under Article VII, Article IX, Article X, or Article XII shall be subject to a criminal fine of not more than \$200.00, and shall in all other respects be treated in accordance with the provisions of section 1-8.

Amendment 6

That Chapter 14, Article III, Section 14-87 be amended by striking the existing language in its entirety and replacing with the following:

Sec. 14-87. - Bond or insurance required.

(a) Except as provided in subparagraphs (b) and (c) of this section, no hawker or peddler shall sell goods, wares or merchandise in the city unless such hawker or peddler has posted a bond with the city clerk in an amount to be determined by the city manager, sufficient to protect the city against any suit, action or proceeding in which the city may be a party as a result of any act or failure to act on the part of such transient vendor while operating within the territorial limits of the city. Said bond specified in this subsection shall be subject to the approval of the city manager and shall be in a form approved by the city solicitor.

(b) A liability insurance policy issued by an insurance company authorized to do business in the state and substantially conforming to the requirements of this section may be substituted for the bond described in subsection (a) of this section.

(c) The city manager or his/her/their designee may waive the requirement for a bond or insurance if the activities within the city are of short duration, or for charitable purposes, or the activities of the hawker or peddler are covered by a policy of insurance issued to the City.

Amendment 7

That Chapter 14, Article III, Section 14-90(a) be amended by adding the following two definitions:

Public Market, or Farmer's Market in fixed location or mobile shall mean means a market place located in the city with a valid license that operates or occurs more than once per year for the

primary purpose for farmers, from more than one farm, to vend food, crops and other farm related items that they have produced directly to the public or a public market or public market place used by farmers that is established by a municipality under M.G.L. c. 40, § 10, or operates on Department of Conservation and Recreation land by special permit under M.G.L. c. 132A, § 2F. Farmer's Market shall include community supported agriculture shares distributed in a manner consistent with the activities permitted hereunder.

Pop Up Food Pantry shall mean a temporary location for the distribution of free whole fruits or vegetables, and pre-packaged sauces or other canned food items, or bread products prepared and packaged by a duly licensed food production entity.

Amendment 8

That Chapter 14, Article III, Section 14-90(a) be amended by striking the current definition for "Mobile food operations" and replacing with the following:

Mobile food operations shall mean any food establishment as defined in 105 CMR 590.010(B) that is conducted in a mobile or temporary location licensed by the Licensing Commission.

Amendment 9

That Chapter 14, Article III, Section 14-90(a) be amended by adding at the end of the current definition for "Temporary food operation" the following clause:

"but shall not include food prepared for a special event authorized under Article XII of Section 14."

Amendment 10

That Chapter 14, Article III, Section 14-90(b) be amended by striking Subsection 14-90(b) (2) in its entirety and replacing with the following two subsections:

(2) The provisions of this section shall not apply to mobile food operations that receive a temporary permit from the licensing administrator for an event permitted under article 12 of this section 14 or an event sponsored by the City of Chelsea.

(3) The provisions of this section shall not apply to public markets or farmer markets selling (a) whole, uncut fresh fruits and vegetables; (b) unprocessed honey; (c) pure maple products; or (d) farm fresh eggs which are stored and maintained at 45°F (7.2°C) or less; or to pop up food pantries providing free fruits or vegetables, and pre-packaged sauces or bread products prepared and packaged by a duly licensed food production entity; provided that a food assistance pantry or a vendor at a public market or farmers market shall not sell or serve prepared food unless it has been approved to do so and has obtained a valid permit from the board of health.

Amendment 11

That Chapter 14, Article IX, Section 14-354 be amended by striking the current section in its entirety and replacing with the following:

As used in this article the following words and phrases have the meanings ascribed to them in this section:

Temporary or transient business means any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least 12 consecutive months; provided however, that the term "temporary or transient business" does not apply to a business operating under a written agreement with a licensed promoter or a business temporarily operating at a special event licensed under Article XII of this Chapter 14.

Transient vendor means any person who engages in a temporary or transient business selling goods, wares or merchandise, either in one locality or in traveling from place to place; provided, however, a transient vendor shall not include a person operating under a written agreement with a licensed promoter or to hawkers or peddlers as defined in Article III of Chapter 14 or to a person operating at a special event licensed under Article XII of this Chapter 14.

Amendment 12

That Chapter 14, Article IX, Section 14-392 be amended by striking the entire section and replacing with the following:

Sec. 14-392. - Bond or insurance required.

a. Except as provided in subparagraphs (b) and (c) of this section, no transient vendor shall sell goods, wares or merchandise in the city unless such transient vendor has posted a bond with the city clerk in an amount to be determined by the city manager, sufficient to protect the city against any suit, action or proceeding in which the city may be a party as a result of any act or failure to act on the part of such transient vendor while operating within the territorial limits of the city. Said bond specified in this subsection shall be subject to the approval of the city manager and shall be in a form approved by the city solicitor.

b. A liability insurance policy issued by an insurance company authorized to do business in the state and substantially conforming to the requirements of this section may be substituted for the bond described in subsection (a) of this section.

c. The city manager may waive the requirement for a bond or insurance if the activities within the city are of short duration, or for charitable purposes, or the activities of the transient vendor are covered by a policy of insurance issued to the City.

Amendment 13

That Chapter 14, Article X, Section 14-422 be amended by striking the current Subsection (b) and adding the following two new Subsections.

(b) The provisions of this article shall not apply to open air vendors operating pursuant to any special event licensed under Article XII of this Chapter 14.

(c) Persons found to be in violation of this section shall, in addition to any fines levied, be reported to the licensing commission.

Amendment 14

That Chapter 14, Article X, Section 14-423 be amended by adding a new Subsection (c) as follows:

(c) The city manager may waive the requirement for a bond or insurance if the activities are carried out in a special event that is licensed by the city pursuant to Article XII of this section 14 or the activities of the open air vendor are covered by a policy of insurance issued to the City.

Amendment 15

That Chapter 14 be amended by adding a new Article XII which reads as follows:

ARTICLE XII. – SPECIAL EVENTS

DIVISION 1. - GENERALLY

Purpose: The provisions of this article are intended to clarify and expedite special event permitting procedures in the City of Chelsea, while providing for adequate safety, public health and welfare of the community.

Sec. 14-461. - Definitions.

As used in this article the following words and phrases have the meanings ascribed to them in this section:

Commission shall mean this licensing commission established at section 6-2 of the Charter of the City of Chelsea.

Permitted Special Event shall mean a special event that is not in the ordinary course of a licensed business and takes place on public property or is open to the public on private property (i) which requires one or more permits or licenses from the City of Chelsea including a permit for street or sidewalk closure, temporary special event food operations, sale or distribution of alcoholic beverages, sound amplification, use of generators or other fuel or energy sources, open air vendors, hawkers and peddlers, temporary or transient business, or any other license or permit required under these Ordinances.

Limited Special Event shall mean a special event that is not in the ordinary course of a licensed business and is on public property or open to the public on private property (i) which does not require a permit or license from the City of Chelsea other than any permit required pursuant to section 16-99 for non-electrical sound amplification, and (ii) has a duration of less than five (5) hours.

Limited Street Performance shall mean a street performance involving five or fewer performers on public property or open to the public on private property (i) which does not require a permit

or license from the City of Chelsea other than any permit required pursuant to section 16-99 for non-electrical sound amplification, and (ii) is of a duration less than three hours.

Special Event shall mean a festival, parade, procession, street race, charity walk, religious event, block party, street market, sidewalk sale, concert, rally, demonstration, large party or celebration or other organized community gathering on public property or public event on private property

Street Performance shall mean one or more person performing music, dance, theatre, or visual arts on public property.

Temporary special event food operation shall include any temporary food operation, canteen, food car or mobile food operations serving or selling food to the public, as further defined in section 14-90 of the Ordinances of the City of Chelsea or other food service that is conducted solely for a special event licensed under this section.

Section 14-462 Special Event Permit Required. A special event permit from the Commission shall be required for all Permitted Special Events. The Commission shall promulgate and publish regulations specifying the conditions, timelines, notice requirements, bond or insurance requirements and fees for special event permits.

Section 14-463 Special Event Permit Exceptions. No permit, bond or insurance shall be required for a Limited Special Event or for a Limited Street Performance, provided that the Limited Special Event or Limited Street Performance meets the conditions of section 14-464.

Section 14-464 Limited Special Event and Limited Street Performance Conditions:

- a. The person organizing or otherwise responsible for the Limited Special Event or Limited Street Performance shall apply for permission for the event on an application form provided by the Commission and shall include the proposed date, time, location, contact information and a description of the proposed activity in accordance with the requirements of the City's regulations. The Licensing Administrator for the Commission shall have authority to approve such applications.
- b. A Limited Special Event or Limited Street Performance may be located on a portion of a sidewalk provided that adequate and safe passage is maintained at all times.
- c. No Limited Special Event or Limited Street Performance shall close or obstruct a street or close or obstruct safe passage along a sidewalk.
- d. No Limited Special Event or Limited Street Performance shall allow the sale or distribution of alcoholic beverages, marijuana, or allow temporary special event food operations.
- e. Any non-electrical music or sound amplification shall comply with the requirements of section 16-99.

Section 14-465 Temporary License for Alcoholic Beverages. Notwithstanding any provision of Article III of the regulations, the Commission shall be authorized to issue temporary licenses to serve or sell alcoholic beverages during the hours of a Permitted Special Event.

Amendment 16

That Chapter 16, Section 16-99 be amended by adding to Subsection (c)(2) the following clause:

Except that a permit for a Special Event authorized under Article XII of Section 14 may include noise limits for the event.

Amendment 17

That Chapter 16, Section 16-99 be amended by adding to Subsection (n) after the word “bands” the term “Special Events”.

Second Readings:

IN#23F23- The following order was introduced by Councilor Robinson and read for the second time. A motion from Councilor Hatleberg to adopt by roll call passed 6-0-5-0. Voting yes were Councilors Brown, Lopez, Robinson, DeJesus, Hatleberg, and Taylor. Councilors J. Garcia, T. Garcia, Recupero, Vidot, and Vega were absent.

ORDERED, that in accordance with M.G.L. Ch. 44, Section 64 budget management procedure, whereby costs incurred in FY22 were not paid and are owed to the vendors, and to meet this obligation funds are required from the current year. FY23 budget, that the City Council authorize the expenditure of \$165.00 from the Human Resources Department expenditure lines to satisfy the following unpaid costs from the prior year. The Department has sufficient funds to meet all these outstanding obligations. Therefore, no new funds are required.

Mass Municipal HR-Job Posting for Council Clerk position \$75.00.

Kenneth Moore-Employee reimbursement for annual medical card \$90.00.

ID#23F24- The following order was introduced by Councilor Robinson and read for the second time. A motion from Councilor Hatleberg to adopt by roll call passed 6-0-5-0. Voting yes were Councilors Brown, Lopez, Robinson, DeJesus, Hatleberg, and Taylor. Councilors J. Garcia, T. Garcia, Recupero, Vidot, and Vega were absent.

ORDERED, that in accordance with M.G.L. Ch. 44, Section 65 budget manage procedure whereby costs incurred in FY22 were not paid and are owed to the vendor, and to meet this obligation funds are required from the current year FY23 budget, that the City Council authorize the expenditure of \$3,051.52 from the Chelsea Public Schools expenditure lines to satisfy the following unpaid costs from the prior year. The Chelsea Public Schools has sufficient funds to meet all these outstanding obligations. Therefore, no new funds are required. Boston Mutual Life Insurance Employer Premium Balance Due

\$923.11 Scholastic News-Subscription for Students \$557.62 Lazarus Pazos-School Transportation reimbursement fee \$1,570.79.

ID#23F25- The following order was introduced by Councilor Robinson. A motion made by Councilor Hatleberg to adopt by roll call passed 6-0-5-0. Voting yes were Councilors Brown, Lopez, Robinson, DeJesus, Hatleberg, and Taylor. Councilors J. Garcia, T. Garcia, Recupero, Vidot, and Vega were absent.

- ORDERED, that the sum of \$5,000,000.00 appropriated from ARPA Funds under the Fiscal Year 2023 Capital Improvement Plan for the Cary Avenue Water Sewer and Roadway Reconstruction Project Account 3506422-584500 which has not yet been undertaken and will be deferred for later funding and for which no liabilities have been incurred, is hereby transferred in the amount of \$5,000,000.00 to a New ARPA Downtown Broadway Revitalization Project Account No. 3506 series.

New Business:

ID#2336- The following order was introduced by Councilor Robinson. A motion from Councilor Hatleberg to adopt by roll passed 6-0-5-0. Voting yes were Councilors Brown, Lopez, Robinson, DeJesus, Hatleberg and Taylor. Councilors J. Garcia, T. Garcia, Recupero, Vidot, and Vega were absent.

WHEREAS, the City Council on January 17,2023, in a City Council Subcommittee to discuss the position of City Council Clerk;

NOW THEREFORE BE IT HEREBY ORDERED, that the City Council of the City of Chelsea will re-issue the job description for the position of Clerk of the City Council as a full time position up to 35 hours with a flexible schedule.

ID#2337- The following order was introduced by Councilor Robinson. A motion from Councilor Hatleberg to table until the next scheduled meeting was adopted.

WHEREAS, the City Council has received notice of Thomas G. Ambrosino's pending resignation from the position of City Manager;

WHEREAS, the City Charter on January 9, 2023 pursuant to Section 4-5 appointed Edward Keefe Acting (Interim) City manager;

WHEREAS, the City Council on January 17, 2023, in a subcommittee with Mr. Keefe in attendance reviewed and discussed the terms and conditions of his appointment and employment as Acting City Manager;

NOW THEREFORE BE IT HEREBY ORDERED, that the City Council of the City of Chelsea pursuant to the Charter Sections 1-3 and 4-5 hereby authorize City Council President enter into an employment agreement similar to the Terms and Conditions outlined in the attached Agreement.

ID#2338- The following Order was introduced by Councilor Robinson. A motion from Councilor to adopt by roll call passed 6-0-5-0. Voting yes were Councilors Brown, Lopez, Robinson, DeJesus, Hatleberg, and Taylor. Councilors J. Garcia, T Garcia, Recupero, Vidot, and Vega were absent.

WHEREAS, the City Council has received notice of Thomas G. Ambrosino's pending resignation from the position of City Manager;

WHEREAS, the City Council on January 17, 2023, in a City Council Subcommittee to discuss hiring a consultant to assist with the City Manager Search;

NOW THEREFORE BE IT HEREBY ORDERED, that the City Council of the City of Chelsea engage the Collins Center to consult and assist the City Council in the City Manager Search process and the City Council President is authorized to execute an agreement.

ID#2339- The following Order was introduced by Councilor Robinson. A motion from Councilor moved the order to a second reading under suspension.

ORDER, That the Council act on the report of the Community Preservation Committee on the awarding of grant funding to FY2022 community preservation projects in accordance with M.G.L. Chapter 44B, Section 5(3)(d) and in accordance with the Revised Code of Ordinances of the City of Chelsea, Chapter 2, Article VII, Division 3, Section 2-330:

That the Council appropriate the following amounts from the Community Preservation Act Budgetary Reserve (4904) as recommended by the Community preservation Committee:

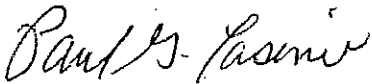
1. \$100,000 for Chelsea Restoration Corporation (CP23-01);
2. \$30,000 for Comunidades/Community land Trust (CP23-02);
3. \$100,000 for Housing Families (CP23-03); and
4. \$246,000 for Temple Emmanuel.

ID#2340- the following order was introduced by Councilor Vidot. A motion from Councilor Taylor to adopt the order under suspension was adopted.

Order, that a Sub-Committee on Conference be held on Monday, January 30th, 2023 at 6:00 p.m. to discuss the Rules and Regulations for the Fiscal Year 2023.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,



Paul G. Casino

Clerk of the Chelsea City Council.