

Chelsea, Massachusetts March 20, 2023

A Special meeting of the Chelsea City Council was held. The meeting was held at the Chelsea City Hall located at 500 Broadway Chelsea Massachusetts 02150 Room #306. The following Councilors were present: Councilors Brown, J. Garcia, T. Garcia, Robinson, Recupero, Vidot, DeJesus, Hatleberg, Vega, and Taylor. Councilor Lopez was absent. Council President Robinson presided over the meeting. The meeting opened at 7:00 p.m.

Memoriums and Celebratory Resolutions:

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

RESOLUTION

ID#23R13-Women's History Month

- WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and
 - WHEREAS, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by consisting a significant portion of the labor force working inside and outside of the home; and
 - WHEREAS, American women have played a unique role throughout the history of the Nation providing the majority of the volunteer labor force of the Nation; and
 - WHEREAS, American women were particularly important in the established of early charitable, philanthropic, and cultural institutions in our Nation; and
 - WHEREAS, American women of every race, class and ethnic background served as early leaders in the forefront of every major progressive social change movement; and
 - WHEREAS, American women have served our country courageously in the military; and
 - WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement the emancipation movement, the industrial labor movement, the civil rights movement and other movements, especially the peace movement, which creates a more fair and just society for all; and
 - WHEREAS, despite these contributions the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history;
- NOW, THEREFORE, BE IT RESOLVED, that the Chelsea City Council hereby recognize March as "Women's History Month."

RECEIVED
 CITY CLERK'S OFFICE
 CHELSEA, MA
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 C/B

ACCEPTED AND FILED
 SUSPENSION

Public Hearing

The public hearing with regards to the Capital Improvements Plan FY24-FY28 was conducted. No one came forward to speak and it closed.

Public Speaking The public speaking portion opened for public comment. No one came forward and it closed.

Approval of Minutes:

ID#23M15- The minutes of the City Council Meeting held on February 27, 2023 were approved at the request of Councilor Brown under suspension.

Communications from Acting City manager Ned Keefe:

The following communication was read from Acting City Manager Ned Keefe. A motion from Councilor Brown to accept and file was adopted under suspension.

ID#-23CM48

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

Re: Notice of Waiver Intent

Dear Councilors:

Pursuant to Administrative Code Section 1.12.02, I am writing to notify you that it is my intention to appoint Mr. Andrew Martel, 31 Mayfair Street, Lynn MA, to the Assessing Department Assistant Assessor position for the City of Chelsea and to grant him a waiver from the residency requirement set forth in the Administration Code, Part IV, Section 1.12.01. Mr. Martel brings 20-years work experience as a residential real estate appraiser and is Mass Certified Real Estate Appraiser. A copy of his resume is attached. There were no qualified Chelsea candidates.

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

Sincerely,
Ned Keefe
Acting City Manager

The following communication was read from Acting City Manager Ned Keefe. A motion from Councilor Hatleberg to accept and file was adopted under suspension.

ID#-23CM49

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

Re: Amend to delete Community Improvement Trust Fund Zoning S. 34-111

Dear Councilors:

I am writing to request that the City Council approve amending the City of Chelsea Zoning Ordinance to delete Section 34-111, Community Improvement Trust Fund Ordinance.

Recently, the Council adopted the Community Impact Linkage that imposes a new fee schedule on developers of residential and commercial properties. This renders duplicative the fees imposed on developers by the Community Impact Trust Fund, and therefore it is recommended to delete this particular zoning provision.

As you will recall, the Council successfully petitioned the State Legislature to secure a Home Rule Petition to impose a linkage fee on developers and then adopted the Community Impact Linkage ordinance. This action established a stronger legal basis for imposing a development impact fee on developers, and so renders duplicative the older system of developer fees under the Community Improvement Trust Fund.

I respectfully request that the City Council approve the order attached to achieve the elimination of the Community Improvement Trust Fund Ordinance. This will provide the City with a single fee system for developers under the newly adopted Community Impact Linkage ordinance.

Sincerely,
Ned Keefe
Acting City Manager

The following communication was read from Acting City Manager Ned Keefe. A motion from Councilor Recupero to accept and file was adopted under suspension.

ID#-CM50

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

Re: Air Quality Data at Highland Park

Dear Councilors:

I am writing in response to the Council Order requesting air quality data at Highland Park

The Massachusetts Department of Environmental Protection (MassDEP) operates an air quality monitor at Willow Street/Highland Park. This is one of 19 Federal Equivalent Method (FEM) continuous. Particulate matter (PM2.5) monitors that measure PM2.5 on an hourly basis in the Commonwealth.

The Massachusetts Department of Environmental Protection (MassDEP) is responsible for monitoring outdoor air quality in Massachusetts, and for developing plans and regulatory programs to reduce emissions of pollutants that adversely affect public health, welfare, and the environment.

MassDEP's MassAir Online website provides air quality information and allows users to click on a map of the state to find current air quality data from the MassDEP continuous air-monitoring network.

MassAir Online is found at www.mass.gov/eea/agencies/massdep/air/quality/

MassDEP submits ambient air quality data to the national Air Quality System (AQS) database that is administered by the U.S. Environmental Protection Agency (EPA) Continuous monitoring data is sent to the AirNow website,

<https://www.airnow.gov/>, which reports data from all U.S. monitoring station

EPA also makes historical AQS data for all U.S. monitoring stations available at <https://www.airnow.gov/outdoor-air-quality-data>

Additionally the 2021 MassDEP 2021 Air Quality Report may be found at <https://www.mass.gov/doc/2021-annual-air-quality-report/download>.

I have attached the 2021 Data Summary table from the above report to this document.

Sincerely
Ned Keefe
Acting City Manager

Communications to the Council:

ID#-23C17 A copy of a communication was received from City Solicitor Cheryl Watson Fisher regarding the amendment of the Linkage Fee Ordinance. A motion from Councilor Hatleberg to accept and file was adopted.under suspension.

ID#-23C18 A copy of a communication was received from City Solicitor Cheryl Watson Fisher explaining the Revocation of CPA. A motion from Councilor Recupero to accept and file was adopted under suspension.

ID#-23C19 A copy of a communication was received from Traffic and Parking Commission regarding item #6, #7 and #9 that was approved at the February 7th 2023 meeting of the Traffic and Parking. Councilor Recupero made a motion to accept item #7 and #9 and to reject #6 and send back to the Traffic and Parking by roll call. The roll call passed 9-0-1-1. Voting yes were Councilor Brown, J. Garcia, Robinson, Recupero, Vidot, DeJesus, Hatleberg, Vega, and Taylor. Councilor Lopez was absent and Councilor T. Garcia recused herself.

New Business:

The following order was introduced by Councilor Brown. Councilor Brown moved to adopt under suspension. Councilor Vidot moved roll call. The roll call passed 10-0-1-0. Voting yes were Councilors Brown, J. Garcia, T. Garcia, Robinson, Recupero, Vidot, DeJesus, Hatleberg, Vega, and Taylor. Councilor Lopez was absent.

ID#:2357 Order, requesting a conference to be held with the Inspectional Service Department (ISD) to discuss the formalities used for enforcement violations.

The following Resolution pertaining to the CIP FY'24-FY'28 was introduced by Councilor Robinson. Councilor Hatleberg moved it to a second reading under suspension.

ID#-2358 RESOLUTION

Capital Improvement Plan FY'24-FY'28

- WHEREAS,** The City Charter requires the annual adoption of a five year Capital Improvement Program; and
- WHEREAS,** A Capital Improvement Program in an integral component of the City's financial development necessary to expand our tax base and sustain the life of the community; and
- WHEREAS,** A Capital Improvement Program is necessary for the maintenance and improvement of the City's infrastructure, possible only in conjunction with long term financial planning; and
- WHEREAS,** A Capital Improvement Program reduces on-going maintenance costs and the high cost of emergency repair work; and
- WHEREAS,** In this year, 2023, We, the City Council of the City of Chelsea, have now before us the twenty-fifth such capital improvement program, and hereby accept the submission of this capital improvements program, as provided for in Section 5-4 of the City Charter, no other requirement being provided by ordinance; and

WHEREAS, Adoption of the Capital Improvement Program prior to submission of the operating budget assists the City Manager in carrying out his duties, as the impact of the capital budget expenditures for the on-coming fiscal year are reflected in the annual operating budget; and

WHEREAS, This Capital Improvement Program for fiscal years 2024-2028, includes projects for the maintenance and improvements of the City roadways, water, sewer and drainage systems, roadways and sidewalks, transportation, public buildings and facilities, parks and open space, public safety projects, and general equipment; and

WHEREAS, In accordance with Section 5-4 C of the City Charter a public hearing was held on March 13, 2023 prior public notice having been properly given.

NOW, THEREFORE, BE IT RESOLVED, The City Council having reviewed the Chelsea's Capital Improvement Program, 2024-2028, recognizes the hard work and continuing effort put into this document by City Officials, and does hereby adopt this Program.

The following Resolution pertaining to the C.I.P. FY'24-FY'28 was introduced by Councilor Robinson. a motion from Councilor Hatleberg sent it to a second reading under suspension.

ID#-2359 City of Chelsea, Massachusetts
Fiscal Year 2024
Capital Improvement Program Loan Order

BE IT ORDERED: That the various capital projects and equipment purchases shown under the heading of Grant Funding on the Schedule attached hereto (the "Schedule"), and consisting of Miscellaneous Grants (\$7,440,000), MWRA Sewer Grant (\$1,312,500), Chapter 90 (\$598,463) and ARPA Funding (\$3,300,000), for a total of \$12,650,963, shall be undertaken and financed by grants or other funds as shown on the Schedule, such grants to be expended under the direction of the City Manager and that the City Manager or his designee is hereby authorized to apply for, accept and expend any state or federal grants that are or may become available for these purposes; and

That the sum of \$300,000 be and hereby is appropriated to pay costs of water system improvements shown on the Schedule under the heading Water Fund Borrowing – MWRA Water Debt that are eligible for financial assistance through the Massachusetts Water Resource Authority's Local Water System Assistance Program (LWSAP), including the payment of any and all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the City Manager, is hereby authorized to borrow the sum of \$300,000 under and pursuant to Chapter 44, Sections 7 and 8, of the General Laws, as amended, Chapter 44A of the General Laws, as amended, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the City Manager and the City Treasurer are authorized to execute and deliver any and all documents as may be necessary in order for the City to borrow funds for this project through the Massachusetts Water Resources Authority's Local Water System Assistance Program; and

That the sum of \$437,500, be and hereby is appropriated to pay costs of sewer system improvements eligible for financial assistance through the Massachusetts Water Resource Authority's Community Infiltration/Inflow Local Financial Assistance Program, including the payment of any and all other costs incidental and related thereto; and that the Treasurer, with the approval of the City Manager, is hereby authorized to borrow the sum of \$437,500 under and pursuant to Chapter 44, Sections 7 and 8,

of the General Laws, as amended, Chapter 44A of the General Laws, as amended or pursuant to any other enabling authority and to issue bonds or notes of the City therefor; and

That the sum of \$11,438,459 be and hereby is appropriated from Free Cash to pay the costs of various capital projects shown on the Schedule under the heading Free Cash; and

That the sum of \$1,505,000 be and hereby is appropriated from the General Stabilization Fund to pay the costs of various capital projects shown on the Schedule under the heading General Stabilization; and

That the sum of \$275,000 be and hereby is appropriated from retained earnings in the Water Enterprise Fund to pay the costs of various water related capital projects shown on the Schedule under the heading Water Enterprise Fund; and

That the sum of \$275,000 be and hereby is appropriated from retained earnings in the Sewer Enterprise Fund to pay the costs of various sewer related capital projects shown on the Schedule under the heading Sewer Enterprise Fund.

FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

The following order was introduced by Councilor Robinson. A motion from Councilor Hatleberg moved it to a sub-committee on Conference Public Hearing and refer it to the Planning Board all under suspension.

**ID#-2360 Community Improvement Trust Fund Zoning S. 34-111
Amend to delete**

WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and

WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public and to encourage the most appropriate use of land throughout the City of Chelsea; and

WHEREAS, The City of Chelsea wishes to modify its zoning rules to properly regulate community impact of development in the City, and,

WHEREAS, the Section 34-111 - Community Improvement Trust Fund, is now outdated and unnecessary with the adoption of the City's new linkage ordinance and legislative approval creating the new Community Impact Linkage Fee Fund.

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:

AN ORDINANCE REVISING PART II CHAPTER 34, ARTICLE V OF THE CHELSEA CODE OF ORDINANCES TO ZONING PROVISIONS Be Amended as follows:

Section 34-111 Community Improvement Trust Fund be deleted. And Section 34-112 Waterfront improvement trust fund now be numbered as Section 34-111. And Sections 34-112 – 34-133 be reserved.

BE IT FURTHER ORDERED,

That the petition be forwarded to the Chelsea Planning Board for a recommendation of the Zoning Amendment pursuant to Mass. Gen. Laws c. 40A and that a public hearing be scheduled on to discuss the proposed zoning amendments pursuant to Mass. Gen. Laws c. 40A

The following order was introduced by Councilor Robinson. A motion from Councilor Hatleberg moved it to the Sub-Committee on Conference. If needed send to the Planning Board and schedule a public hearing adopted under suspension.

ID#-2361-Amendment to the Linkage Fee Ordinance

WHEREAS, the Commonwealth’s Legislature granted the City of Chelsea through a Home Rule Petition, the right to establish a Community Impact Linkage Fee and Fund;

WHEREAS, on February 27, 2023, the City of Chelsea City Council adopted a Linkage Ordinance establishing the Fee and Fund as Article XII Linkage Fees for Development;

WHEREAS, the Administration is seeking clarification as to the type of fund and other administrable duties;

NOW THEREFORE BE IT HEREBY ORDERED, that the following amendments are adopted by the City Council of the City of Chelsea as follows;

Delete Section 14-461 and replace with the following section:

Section 14-461 Fees for Commercial and Industrial Developments

Commercial and industrial developments subject to this section shall pay a Community Impact Fee.

Linkage Fee: The fee shall be to the Community Impact Linkage Fee Fund and subject to appropriation by the City Council. The fee for commercial and industrial developments shall be determined by multiplying the rate of \$12.50 per sq. ft. times the total number of square feet in the project over and above twenty-five thousand (25,000) gross square feet that are covered by the new Certificate of Occupancy.

Delete Section 14-462 and replace with the following:

Section 14-462 Fees for Residential or Mixed-Use Development

A residential development or mixed-use development subject to this section shall pay a Community Impact Linkage Fee. The fee shall be paid to the Community Impact Linkage Fee Fund and subject to appropriation by the City Council. The fee for residential and mixed use developments shall be determined by multiplying the rate of

\$10.00 per sq. ft. times the total number of square feet in the project over and above twenty-five (25,000) gross square feet that are covered by the new Certificate of Occupancy.

Amend Section 14-464 as follows:

Delete the word "Revolving".

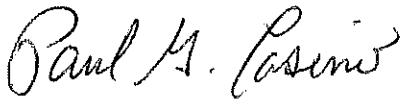
Amend Section 14-467 and as follows:

Section 14-467 Waiver or Reduction of Community Impact Linkage Fee

The City Manager may recommend to the City Council a waiver or reduction of the Community Impact Linkage Fee if the City Manager determines that other project development cost and concessions warrant such a waiver or reduction, but such waiver or reduction shall only occur if approved by majority vote of the City Council.

The meeting adjourned at 7:45

Respectfully submitted,



Paul G. Casino
Clerk of the Chelsea City Council

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CHELSEA, MA
2023 MAR 29 P 1:39