



CITY OF CHELSEA, MA
City Council

City Hall, 500 Broadway, Room 306 · Chelsea, MA 02150
Phone: 617.466.4060 · Fax: 617.466.4159 · Website: chelseama.gov

November 8, 2023

Ms. Jeannette Cintron White
City Clerk
500 Broadway
Chelsea, MA 02150


Dear Ms. Cintron White,

Please be advised that during the Regular Meeting of the Chelsea City Council held on Monday, November 6th, 2023, the City Council accepted and filed the following Minutes unanimously under suspension.

Please find the complete Minutes attached.

- a. **ID#: 24M07** - Minutes of October 16, 2023 - Regular Council Meeting

Sincerely,


Clifford Cunningham
Clerk, Chelsea City Council

CC/jc

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C/D

ACCEPTED AND FILED

Chelsea City Council
Regular Meeting
October 16th, 2023

SUSPENSION

A regular meeting of the Chelsea City Council was held on October 16th, 2023. The meeting was held in the City Council Chambers at Chelsea City Hall, 500 Broadway, Chelsea, Massachusetts 02150. Council President Robinson presided over the meeting. The meeting opened at 7:02 PM.

Councilor's Name	District	Status	Arrived
Councilor Calvin Brown	Eight	Present	
Councilor Judith Garcia	Five	Present	
Councilor Tanairi Garcia	Seven	Present	
Councilor Enio Lopez	Four	Present	
Councilor Leo Robinson	At Large	Present	
Councilor Giovanni Recupero	Six	Present	
Councilor Damali Vidot	At Large	Present	
Councilor Norieliz De Jesus	Three	Present	
Councilor Brian Hatleberg	At Large	Present	
Councilor Melinda Vega	Two	Present	
Councilor Todd Taylor	One	Present	

PUBLIC SPEAKING:

The public speaking portion opened at 7:03 PM.

The following members of the Public spoke: None

The public speaking portion closed at 7:03 PM.

APPROVAL OF MINUTES:

ID#: 24M05 - The Minutes of the City Council Special Meeting dated September 30th, 2023 were approved at the request of Councilor Vidot under suspension.

ID#: 24M06 - The Minutes of the City Council Regular Meeting dated October 2nd, 2023 were approved at the request of Councilor Vidot under suspension.

COMMUNICATIONS FROM THE CITY MANAGER:

ID#: 24CM17 - The following communication from City Manager Ned Keefe was read. A motion to accept and file the communication unanimously under suspension was made by Councilor Vidot and was approved without objection.

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The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
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Re: Requested Approval for Increase in Emergency Housing / Shelter Program

I am writing with my first request in FY24 for some supplemental funds. In this case, the funds are necessary to realize the continuing provision of emergency housing for families experiencing catastrophic loss of housing due to fire, flood and/or related other emergency events.

As you may recall, the City included in the FY24 Emergency Management Budget \$100,000 for emergency housing/shelter. The purpose of this emergency housing/shelter budget item is to provide safe short term housing to residents affected by catastrophic events.

The funds that the City identified in its FY24 Budget were intended to cover the immediate shelter needs of residents affected by these events. So far this year, there have been four events (two fires, one flood and one property deemed uninhabitable) that involved 38 family members where residents were left without a home. This emergency placement takes the form of temporary housing in area hotels, where the displaced residents receive housing case management support in the search for and placement for permanent housing. The tight housing market means that the typical duration is extended for the transition from temporary housing to a permanent housing solution, and so the funds have been depleted. Still, the City has successfully found new housing for most of these displaced families, with the final family placements this month.

Although this program expenditure has been at a faster pace than projected, our experience tells us that this emergency housing/shelter project is a critical and worthwhile effort. If we want to get residents who are impacted by emergency housing loss safely to new housing, the funding of this work is essential. Accordingly, I am asking that the City Council fund this additional \$100,000 operating expense. We have funds available for this purpose in our Operating Stabilization Account. The requested Order is attached.

Thank you for your attention and consideration of this important program.

Sincerely,
Ned Keefe
City Manager

ID#: 24CM18 - The following communication from Acting City Manager Cate Fox-Lent was read. A motion to accept and file the communication unanimously under suspension was made by Councilor Hatleberg and was approved without objection.

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

Re: *Approval for Departments to Pay Prior Year Expenses*

Dear Councilors:

I am writing to request approval for various City Departments to make payments of prior year expenses from their respective FY24 budgets.

From time to time, municipal agencies are unable to effectuate payments to a vendor in the year that the goods or services are provided. When such instances occur, the City Council must approve the payments from the current year department budget for the prior year's obligations. Thus far this year, as part of our fiscal year close, we have identified several outstanding prior year City obligations that total \$12,993.98

In each case, the respective Department has sufficient funds to meet the outstanding obligation. No new funds are required. The only action necessary is Council approval to make the payments. Copies of the recommended Orders are also attached.

Sincerely,
Ned Keefe
City Manager

ID#: 24CM19 - The following communication from City Manager Ned Keefe was read. A motion to accept and file the communication unanimously under suspension was made by Councilor Taylor and was approved without objection.

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

Re: Proposed Zoning Amendment: Transit Community Overlay District

Dear Councilors:

In 2021, the State passed the "MBTA Communities Act" which amended Section 3A of MGL, Chapter 40 to require MBTA communities to have at least one zoning district of reasonable size in which multi-family housing is permitted by right. The district must be located within ½ mile of a commuter rail station or bus station, must allow for development at a density of at least 15 units per acre, and must provide for housing suitable for families with children. Noncompliance with the law results in ineligibility for a number of State grants, including several that the City usually receives to provide affordable housing and to upgrade local infrastructure. The regulations require that the City pass the necessary zoning amendments to provide for compliance by December 31, 2023.

Attached is a draft amendment for Council review and action. The amendment establishes an overlay district that meets all of the requirements. To meet the State's deadline, it is hoped that the

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Council will accept the amendment at the October 16, 2023 meeting and move it to a public hearing by the Planning Board.

Enclosed is an order for your review. If you have any questions, feel free to contact me or John DePriest at 617-466-4182.

Sincerely,
Ned Keefe
City Manager

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COMMUNICATIONS AND PETITIONS TO THE COUNCIL:

ID#:24C10 – A copy of a communication was received from the Assistant Parking Clerk regarding the October 3rd, 2023 meeting of the Traffic and Parking Commission. A motion to accept and file the communication unanimously under suspension was made by Councilor Recupero and was approved without objection.

SECOND READINGS:

ID#: 24CM14 - The following communication from Acting City Manager Cate Fox-Lent was read for the second time.

RESULT	11-0-0-0 (Passed by Roll Call at request of Councilor Brown)
YES	Brown, J. Garcia, T. Garcia, Lopez, Robinson, Recupero, Vidot, De Jesus, Hatleberg, Vega, Taylor
NO	
ABSENT	
PRESENT	

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

Re: Chelsea Youth Commission Appointments

Dear Councilors:

Pursuant to Section 4-2 of the Charter of the City of Chelsea, I am writing to recommend for appointment to the Chelsea Youth Commission three new applicants: Ms. Yurie Lee, Mr. Josue Castellon and Mr. David Prudencio for the recently vacated one-year terms expiring on October 17, 2024. All appointees are high school students and have experience with Chelsea-based community outreach programs.

I am also recommending the re-appointment of four current members including Mr. Brandon Ossa, Ms. Tinsae Haile, Ms. Daniela Maldonado and Ms. Arianna Perdomo, all for new one-year terms expiring on October 17, 2024, as well. All re-appointees have expressed interest in continuing their involvement with the Chelsea Youth Commission.

I respectfully request your approval of these appointments. Copies of all the applicants' resumes are attached.

Sincerely,
Cate Fox-Lent
Acting City Manager

NEW BUSINESS:

ID#: 2421 – The following Order was introduced by Councilors Hatleberg and De Jesus. A motion to adopt unanimously under suspension was made by Councilor Hatleberg and was approved without objection.

Ordered, that a Sub-Committee on Conference be held with the Affordable Housing Trust Fund Board, Community Preservation Committee and Director of Housing and Community Development Alex Train to discuss the City's housing policy.

ID#: 2422 – The following Order was introduced by Council President Robinson. A motion to adopt unanimously under suspension was made by Councilor Brown and was approved without objection.

Ordered, that a joint Sub-Committee on Conference be held with the School Committee to discuss the vacancy on the Northeast Metro Regional Vocational School District Committee.

ID#: 2423 – The following Order was introduced by Councilor Lopez. A motion to adopt unanimously under suspension was made by Councilor Lopez and was approved without objection.

Ordered, that the City Manager and Chief of Police send a team to install a camera on light pole #VZ/16 by the garden on Marlborough Street.

ID#: 2424 – The following Order was introduced by Councilor Lopez. A motion to adopt unanimously under suspension was made by Councilor Lopez and was approved without objection.

Ordered, that the City Manager, Department of Public Works Commissioner and trash contactor review and revise the mattress pick-up policy within the City due to residents and the

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contractor not following proper protocol for disposal of mattresses, and additionally to ensure residents are properly wrapping mattresses in plastic for disposal.

ID#: 2425 – The following Order was introduced by Council President Robinson.

RESULT 11-0-0-0 (Passed by Roll Call at request of Councilor Brown)

YES	Brown, J. Garcia, T. Garcia, Lopez, Robinson, Recupero, Vidot, De Jesus, Hatleberg, Vega, Taylor
NO	
ABSENT	
PRESENT	

WHEREAS, On October 2, 2023, pursuant to Section 4-1 of the Charter of the City of Chelsea, the Chelsea City Council voted to approve Fidel Maltez as City Manager; and

WHEREAS, The Charter calls for the City Council to enter into an agreement with a City Manager; and

WHEREAS, On or about October 6, 2023, Council President Leo Robinson negotiated an agreement with Fidel Maltez and said agreement has been reviewed by the City Solicitor prior to submission to the full City Council;

NOW, THEREFORE BE IT ORDERED, that the Chelsea City Council execute the attached employment agreement between the City of Chelsea and Fidel Maltez.

EMPLOYMENT AGREEMENT BETWEEN THE CITY OF CHELSEA AND FIDEL MALTEZ

This Agreement is made this 6th day of October, 2023 by and between Fidel Maltez, (“Mr. Maltez” or “City Manager”) of 13 Admirals Way, Chelsea, Massachusetts and the City of Chelsea (“City” or “City Council”), 500 Broadway, Chelsea, Massachusetts 02150.

1. Employment of Mr. Maltez

The City, pursuant to the Charter of the City of Chelsea (Chapter 103 of the Acts of 1994) as amended, hereby employs Mr. Maltez as the City Manager of Chelsea effective January 1, 2024, and Mr. Maltez accepts such employment under the terms and conditions of this Agreement. Mr. Maltez shall devote his full working time to his duties as the City Manager and shall not engage in any business activity during the terms of this Agreement except with the advance written consent of the City Council.

2. Services

Mr. Maltez will exercise the full authority and perform all the functions duties and responsibilities of the City Manager as specified in Charter, the Revised Code of Ordinances and the Administrative Code and shall perform other legally permissible and proper duties and functions as the City Council may from time to time assign to him. The City acknowledges Mr. Maltez as the Chief Executive of the City of Chelsea.

3. Term

Mr. Maltez shall be employed as City Manager for a term of approximately 4 years from January 1, 2024 up to and including December 31, 2027.

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Parties agree to provide notice to the other party of an intent to enter into negotiations for a successor agreement on or before June 30, 2027.

4. Compensation

As compensation for his services, Mr. Maltez shall be paid an annual salary of \$247,500 for the period of January 1, 2024 through December 31, 2024. For each successive year of the contract, Mr. Maltez shall be entitled to a salary increase of 3%.

5. Automobile

The City will provide Mr. Maltez with the use, including personal, of a City vehicle including insurance, fuel, maintenance and repair for his use during the time he serves as the City Manager.

6. Benefits

The City Manager shall be entitled to twenty (20) working days of vacation per calendar year, exclusive of legal holidays. Such vacation shall be awarded at the beginning of each calendar year. The City Manager may carryover up to four weeks (20 days) of unused vacation time from one calendar year to the next and may carry up to ten (10) days' vacation maximum at a time.

The City Manager shall be entitled to fifteen (15) days sick leave awarded at the beginning of each calendar year. Sick leave shall accumulate year to year without limit. The City Manager shall be entitled to any sick leave buyback program established by the City for other non-union exempt management employees.

The City Manager shall be entitled to five (5) days bereavement leave for the death of any immediate family member or such member's spouse or any person living in the same household as the City Manager. The City Manager shall be afforded all benefits that the non-union exempt employees receive during his term.

The City Manager shall be entitled to all medical, dental, hospital, life insurance, retirement savings plans, longevity and other benefits not otherwise covered by this agreement on the same terms and conditions as those offered to other non-union managerial personnel employed by the City. For purposes of all such benefits, the City Manager shall be considered an employee with years of service per time in the Chelsea Retirement system.

6. Removal

The City Manager may be suspended and/or removed as the City Manager, and this Agreement terminated for "Cause" by a vote of the City Council pursuant to the Charter. For the purposes of this Agreement, the term "Cause" shall mean: conviction of a felony; serious conduct unbecoming a City Manager; repeated inefficiency or incompetency in the performance of his duties as City Manager, provided the City Council has given written notice to Mr. Maltez of such inefficiency or incompetency and thirty (30) days to cure.

Mr. Maltez may be removed as City Manager, and this Agreement terminated at any time for any reason by a vote of the City Council pursuant to the Charter. If such termination is not for "Cause", and Mr. Maltez is willing and able to perform his duties under the Agreement, the City shall pay him, in addition to any other amounts lawfully due him, an early termination payment in a lump sum, minus withholding required by law, in the gross amount of 6 months' salary.

7. Indemnification

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To the fullest extent permitted by law, the City shall and subject to the terms and provisions of Mass. General Laws c. 258 §13: (1) defend, save harmless and indemnify the City Manager against any tort, professional liability, claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act of omission or commission occurring in the performance of his duties as City Manager, even if said claim has been made following his termination from employment, provided that the City Manager acted within the scope of his duties; and (2) shall pay the amount of any settlement or judgment rendered thereon. The City may compromise and settle any such claim or suit and will pay the amount of any settlement or judgment rendered thereon without recourse to the City Manager.

The City shall reimburse the City Manager for any attorneys' fees and cost incurred by the City Manager in connection with such claims or suits involving the City Manager in his professional capacity. This indemnification shall also apply to the City Manager after he leaves the employment of the City. Indemnification of the City Manager shall not apply to any proceeding to terminate his employment as the City Manager pursuant to statute, this Agreement or otherwise. Mr. Maltez agrees to cooperate fully with the City and the City's attorney in any claim, suit, or matter in which the City is indemnifying Mr. Maltez. This Section shall survive the termination of this Agreement.

8. Expenses

The City agrees that it shall provide the City Manager with a reasonable budget for the staffing and supplies for his office at a level commensurate with its importance to the City.

The City shall pay for the professional dues, membership fees and publications that enhance the ability of the City Manager to perform his duties. Such payments shall include, but are not limited to, membership fees in the Massachusetts Municipal Association, International City/County Management Association (ICMA) and the Mass Mayors' Coalition.

The City shall pay for registration fees and other appropriate expenses for the City Manager's attendance at professional meeting and educational seminars to permit his continued professional growth as City Manager, except that such amounts paid under this paragraph shall not exceed \$1,500.00 per calendar year.

The City shall bear the full cost of any surety or other bonds required of Mr. Maltez by reason of his employment as City Manager under the law or any ordinance.

9. Retirement

The City Manager may at his own choosing be a member of the Chelsea Retirement system and entitled to retirement benefits in accordance with Massachusetts law. The parties further agree that if the City Manager retires from the City of Chelsea while an active City employee he shall not be denied retiree health or dental insurance that are applicable at the time of his retirement. This Section shall survive the termination of this Agreement.

10. Performance and Evaluation

A. The City Council shall review and evaluate the City Manager's performance on or before April 1, 2025 and on or before April 1, 2026, and on or before April 1, 2027. Said review shall be in accordance with specific criteria developed jointly by Parties and shall include but not necessarily be limited to:

1. Finance
2. Economic Development
3. Neighborhood Enhancement
4. Community Development
5. Public Safety

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- 6. Government Philosophy
- 7. Personnel Administration
- 8. Policy Execution
- 9. Intergovernmental Relations
- 10. Community Leadership/Public Relations
- 11. Overall Effectiveness

B. The President of the City Council, or his designee, shall provide the City Manager with a written summary of the findings of the City Council and shall provide an adequate opportunity for the City Manager to discuss his evaluation with the City Council.

11. General Provisions

This Agreement constitutes the entire agreement between the City and Mr. Maltez regarding the subject matter herein and may be changed or modified only if mutually agreed to by the parties and set forth in a writing approved by a majority vote of the City Council and signed by Mr. Maltez.

This Agreement is governed by and shall be construed in accordance with the laws of the Commonwealth of Massachusetts and the City Charter.

The failure of a party to insist on strict compliance with a term or provision of this Agreement shall not constitute a waiver of any term or provision of this Agreement.

If any portion or provision of this Agreement is held unconstitutional, invalid, or unenforceable by any court of competent jurisdiction, the remainder of the Agreement will be considered severable, will not be affected, and will remain in full force and effect.

The language of all parts of this Agreement shall be construed as a whole, according to its fair meaning, and not strictly for or against either party. Subject to this Agreement, all of the general provisions of the City's ordinances, rules or policies relating to uniform benefits for non-union management employees shall also apply to the City Manager in addition to the benefits enumerate herein for the City Manager.

IN WITNESS THEREOF, the City of Chelsea, Massachusetts has caused this Agreement to be signed and executed in its behalf by its City Council and duly attested by its City Clerk, and the City Manager has signed and executed this Agreement both in duplicate, the day and years first above written.

CITY OF CHELSEA THE CITY MANAGER
 ACTING BY AND THROUGH
 IT'S CITY COUNCIL

ID#: 2426 – The following Order was introduced by Councilor Recupero. A motion to adopt unanimously under suspension was made by Councilor Recupero and was approved without objection.

Ordered, that a Sub-Committee on Conference be held with the City Manager and Police Chief to discuss public safety issues.

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ID#: 2427 – The following Order was introduced by Councilor Recupero. A motion to adopt unanimously under suspension was made by Councilor Recupero and approved without objection.

Ordered, that the City Manager ensure City Departments respond to, and provide information to, the City Council office in a timely manner and fully respect the policies, rules and regulations of the City Council and those adopted by the City Council office.

ID#: 24F06 – The following Order was introduced by Council President Robinson. Councilor Hatleberg moved the Order to a Second Reading.

Ordered, that the Chelsea City Council authorizes the appropriation of \$100,000.00 from Operating Stabilization Fund #7023 to supplement the Fiscal Year CIP 2024 – Emergency Management Department – Emergency Housing/Shelter Operations Account #0123052-538000.

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ID#: 24F07 – The following Order was introduced by Council President Robinson. Councilor Hatleberg moved the Order to a Second Reading.

Ordered, that in accordance with M.G.L Ch. 44, Section 64 budget management procedures, whereby costs incurred in FY21, FY22, and FY23 were not paid and are owed to the vendors, and to meet this obligation funds are required from the current year FY24 budgets respectively as noted, that the City Council authorize the following expenditures to satisfy the unpaid balances from prior years as follows:

Year	Dept	Amount	Vendor	Purpose
FY23	Clerk	\$44.00	RICOH Inc.	printer rental
FY23	DPW	\$109.25	United Rentals	industrial equipment purchase
FY23	DPW	\$500.00	Cooling and Heating Specialists	AC repair
FY23	Police	\$1,750.00	Paul D. Zeizel, Psy. D.	psychological evaluation
FY23	School	\$2,050.00	Research for Better Teaching	professional development
FY22	Clerk	\$44.00	RICOH Inc.	printer rental
FY22	School	\$711.20	Corolla Roofing	roof repair at Williams School
FY22	School	\$46.00	Julia McDonald	travel reimbursement
FY22	School	\$26.05	Julia McDonald	travel reimbursement
FY22	School	\$4,392.26	Mackin Educational Resources	book purchase for Complex Lib
FY22	Police	\$260.95	Seacoast Harley-Davidson	motorcycle repair
FY22	Police	\$312.49	W.B. Mason	office supplies
FY22	Police	\$294.17	W.B. Mason	swivel chair
FY21	Police	\$747.18	Seacoast Harley-Davidson	motorcycle parts
FY21	School	\$225.16	Jostens Inc.	diplomas and certificates
FY21	School	\$241.27	Jostens Inc.	diploma covers
FY21	DPW	\$1,200.00	GreenRoots Inc.	downtown beautification efforts
FY21	Council	\$40.00	Independent Newspaper Group	printing in Chelsea Record

ID#: 24Z4 – The following Zoning Amendment was introduced by Council President Robinson. Councilor Hatleberg made a motion to move to the Planning Board and a Public Hearing. There were no objections.

WHEREAS, the Commonwealth of Massachusetts passed the “MBTA Communities Act” in 2021; and

WHEREAS, said Act requires the City to establish zoning to allow multi-family as of right; and

WHEREAS, the Department of Housing and Community Development has developed a draft amendment and zoning map change;

NOW, THEREFORE BE IT ORDERED, that the Revised Code of Ordinances of the City of Chelsea as amended, by 1) amending Section 34-28 by adding “TCOD and Transit Community Overlay District” at the bottom of the table; by 2) inserting a new Section 34-188 titled “Transit Community Overlay District” with the wording attached to this Order; by 3) amending the official Zoning Map to include the map of the Transit Community Overlay District, a copy of which is attached; and by 4) revising the title of Section 34-216 to read as follows: “Design review procedures for the residential 3 (R3), Retail Business 2 (BR2), Light Industrial/Office 2 (LI2), and Transit Community Overlay District (TCOD) Districts”; and that said amendments be reviewed and that a public hearing be scheduled on to discuss the proposed zoning amendments pursuant to Mass. Gen. Laws c. 40A.

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.

ID#: 2428 – The following Order was introduced by Council President Robinson. Councilor Hatleberg moved to accept the Order late. There were no objections.

RESULT	10-0-1-0 (Passed by Roll Call at request of Councilor Hatleberg)
YES	Brown, T. Garcia, Lopez, Robinson, Recuperero, Vidot, De Jesus, Hatleberg, Vega, Taylor
NO	
ABSENT	J. Garcia
PRESENT	

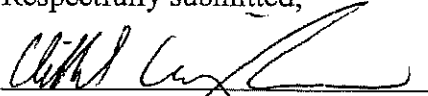
Ordered, that the Chelsea City Council approve the warrant for the City Election to be held on November 7th, 2023.

ID#: 24C11 – A Communication was received by Council President Robinson regarding the resignation of Administrative Assistant to the City Council Jessica Carmenatty and the appointment of a Special Committee on Hiring. A motion to accept and file the communication was made by Councilor Brown and was approved without objection.

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The meeting adjourned at 8:00 PM.

Respectfully submitted,



Clifford Cunningham
Clerk, Chelsea City Council

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