

Chelsea City Council
Regular Meeting
October 2nd, 2023

ACCEPTED AND PASSED

SUSPENSION

A regular meeting of the Chelsea City Council was held on October 2nd, 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 7:03 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	Late	7:10 PM
Councilor Brian Hatleberg	At Large	Present	
Councilor Melinda Vega	Two	Present	
Councilor Todd Taylor	One	Present	

MEMORIUMS AND CELEBRATORY RESOLUTIONS:

ID#: 24R04 – The following Resolution was introduced by Council President Robinson and all members of the Council. A motion to adopt unanimously under suspension was made by Councilor J. Garcia and was approved without objection.

RESOLUTION

Breast Cancer Awareness Month

WHEREAS, National Breast Cancer Awareness Month began as a week-long awareness event by the American Cancer Society in 1985, eventually expanding into a month-long observation; and

WHEREAS, National Breast Cancer Awareness Month educates women about the risk factors for breast cancer, stresses the importance of early detection and regular screening, and supports people diagnosed with breast cancer; and

WHEREAS, One in eight women will be diagnosed with breast cancer in their lifetimes, including an estimated 290,000 this year; and

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WHEREAS, The Pink Ribbon, a universal symbol for breast cancer awareness, began as joint effort between *Self* magazine Editor-in-Chief Alexandra Pinney and Estee Lauder’s Senior Corporate Vice-President Evelyn Lauder – a breast cancer survivor herself; and

WHEREAS, In 2021, President Biden designated the week of October 17 – October 24 as Men’s Breast Cancer Awareness Week, to bring awareness to and break down the stigma surrounding breast cancer in men;

WHEREAS, As we observe National Breast Cancer Awareness Month, we pause to remember all those who are fighting this disease – and their families and friends – along with advocates, researchers, and health care providers, as well as those who have lost their lives to breast cancer;

NOW THEREFORE BE IT RESOLVED, that we, the Members of the Chelsea City Council, recognize October 2023 as “Breast Cancer Awareness Month” in the City of Chelsea, acknowledge the importance of raising awareness of breast cancer in our community as we work to support survivors, those currently battling breast cancer, and those who might detect it in its early stages.

ID#: 24R05 – The following Resolution was introduced by Council President Robinson and all members of the Council. A motion to adopt unanimously under suspension was made by Councilor Taylor and was approved without objection.

RESOLUTION

Domestic Violence Awareness and Prevention Month

WHEREAS, Domestic Violence Awareness Month provides an opportunity for people to recognize the important roles of the public and private sectors, non-profit organizations, communities, and individuals in helping to prevent and address domestic violence and create a culture that refuses to tolerate abuse; and

WHEREAS, Domestic violence affects millions of people in the United States, causes significant harm to the physical and mental health of survivors and their families, undermines their economic stability and overall well-being, and is a stain on the conscience of our country; and

WHEREAS, One in 4 women and 1 in 10 men have experienced sexual violence, physical violence, or stalking by an intimate partner during their lifetime; and

WHEREAS, Children who grow up in homes where domestic violence occurs are subjected to abuse and neglect at a rate significantly higher than the national average; and

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WHEREAS, Domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, Founded in 1998, HarborCOV provides free safety and support services, along with housing and economic opportunities that promote long-term stability for people affected by violence and abuse, specializing in serving survivors who face additional barriers, such as language, culture and economic, by working to create connections to the supports survivors need to rebuild their lives through a continuum of options;

NOW THEREFORE BE IT RESOLVED that the Chelsea City Council hereby declares October 2023 “Domestic Violence Awareness Month” in the City of Chelsea, and acknowledges the tireless efforts of Harbor COV and its representatives in the Chelsea community for advocating and educating of behalf of all victims of domestic violence

ID#: 24R06 – The following Resolution was introduced by Council President Robinson and all members of the Council. A motion to adopt unanimously under suspension was made by Councilor Recupero and was approved without objection.

RESOLUTION

Italian-American Heritage and Culture Month

WHEREAS, Italian-American Heritage and Culture Month - first observed in 1989- commemorated in October across the United States, acknowledging the contributions made to our Nation by Italian immigrants and their descendants; and

WHEREAS, More than five million Italians immigrated to the United States between 1820 and 2000, with over 26 million Americans of Italian descent currently residing in the United States; and

WHEREAS, For generations, Italian immigrants harnessed the courage to leave so much behind – driven by their faith in the American dream – to build new lives of hope and possibility here in the United States; and

WHEREAS, The legacy of those intrepid immigrants is found in the millions of American men, women and children of Italian descent who enrich our nation, with many Italian Americans operating thriving businesses, serving at all levels of our government, defending our Nation by serving in the Armed Services, teaching our children and succeeding in a myriad of other occupations; and

WHEREAS, Despite their faith in the American Dream and myriad of contributions to our Nation, many Italian Immigrants faced racial, social and religious discrimination, including a mass lynching of 11 Italian Americans and Italian immigrants in New Orleans, Louisiana on March 14, 1891; and

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WHEREAS, Through it all, Italian Americans have persevered with hard work and faith in the American Dream;

NOW THEREFORE BE IT RESOLVED, that we, the Members of the Chelsea City Council, hereby declare October 2023 as “Italian American Heritage and Culture Month” in the City of Chelsea, honoring the long history and vast contributions of Italian Americans to our Nation.

PUBLIC SPEAKING:

The public speaking portion opened at 7:15 PM.

The following members of the Public spoke:

- Karl Allen, City Employee – City Manager hiring
- Anthony Bongiovanni, 46 Gillooly Road – No trucking signs
- Lucia Henriquez, 165 Winnisimmet Street – City Manager hiring
- Armando Rivera, 7 Prescott Avenue – City Manager hiring
- Lisa Santagate, 221 Shurtleff Street – Passing of Catherine Matos
- Manuel Teshe, 180 Broadway – City Manager hiring
- Edward Hernandez, 13A Garfield Avenue – Arts in Chelsea
- Katherine Vargas, 176 Chestnut Street – City Manager hiring
- Kelly Garcia, 135 Washington Avenue – City Manager hiring

The public speaking portion closed at 7:35 PM.

Councilor Hatleberg made a motion to take the vote for City Manager out of order. Councilor Brown objected.

APPROVAL OF MINUTES:

ID#: 24M03 - The Minutes of the City Council Regular Meeting dated September 18th, 2023 were approved at the request of Councilor Vidot under suspension.

ID#: 24M04 - The Minutes of the City Council Special Meeting dated September 20th, 2023 were approved at the request of Councilor Vidot under suspension.

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COMMUNICATIONS FROM THE CITY MANAGER:

ID#: 24CM12 - 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.

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

Re: Request for Conflict of Interest Law Exemption

Dear Councilors:

I am writing to request Council approval for several Conflict of Interest Law Exemptions.

Chelsea Public Schools would like to hire a current DPW employee, Mr. Alejandro Arroyo, as the part-time employee for the Girls Head Softball Coach for Middle Schools.

Additionally, I am respectfully requesting that Ms. Ammi Velez gets compensated for her work as a part-time Summer Paraprofessional this past summer. The hiring staff was not aware that Ms. Velez was a current Recreational and Cultural Affairs Employee until after her work had been completed.

Because Mr. Arroyo is an existing municipal employee with a financial interest in this separate matter, he needs an exemption vote by the City Council from the statutory conflict of interest laws. In addition, because Ms. Velez was, at the time, an existing municipal employee with a financial interest in this separate matter, she needs an exemption vote by the City Council from the statutory conflict of interest laws.

I, respectfully, request that the City Council approve these exemptions. All work performed by Mr. Arroyo and Ms. Velez was and will be outside of their normal hours as employees. See M.G.L. c.268A, s. 20.

Sincerely,
Ned Keefe
City Manager

ID#: 24CM13 - 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.

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

Re: *Commuter Rail Quiet Zone Update*

Dear Councilors:

In response to the order of the City Council on September 11, 2023, this update on the restoration of the Commuter Rail Quiet Zone is provided:

A Quiet Zone is established through an agreement between a municipality and the Federal Railroad Administration (FRA). However, in Chelsea, most of the site and signal improvements required to establish a Quiet Zone will take place on the railway property and necessarily require coordination and support with the railway owner. The MBTA has experienced significant turnover in the past year, at both the highest level and among our direct contacts, but with the assistance of our consulting engineers at VHB, we have been working to establish relationships with the new personnel in order to keep the project moving forward.

The City has a signed contract with Dagle Electrical Corporation to construct the site and signal improvements. We are currently working on a minor site design modification and once that is complete and signed off by all parties, the work will take approximately four months to complete.

In addition to the work on the ground, the project also requires changes to the signal software that controls the crossing gates and communication with the trains. The MBTA is in the middle of its own upgrade to that software as part of the Positive Train Control (PTC) program and we are still discussing with the agency how the quiet zone changes will be incorporated with the PTC changes. PTC implementation on the Chelsea has been delayed a few times and the current program timeline is unknown to us. We must rely on the MBTA to provide updates as to when the implementation will take place and at what point afterwards modifications for the Quiet Zone can be executed. Once PTC is active, the Quiet Zone design will also have to be modified to account for the changes and I anticipate the need to request additional funding from Council to support that work.

Chelsea received a CRISI Grant from the FRA in December 2021 to fund \$1,130,000 of the construction cost. While the current expiration of the grant is December 31, 2023, we meet monthly with the FRA grant team and they have indicated that an extension can be approved. The grant amendment request will be submitted in early October.

Sincerely,
Cate Fox-Lent
Acting City Manager

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ID#: 24CM14 - 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.

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

Re: *New Zoning Amendment*

Dear Councilors:

I am writing to request that the City Council consider additional changes to the City's Zoning Ordinance. This change has been prompted by a recent proposal submitted to the City

The change seeks to revise the definition of *indoor commercial recreation* to include more types of recreational uses. The Council approved a minor change to this definition in 2017 to include an archery tag and mystery game recreation facility. The City has received a request from a property owner in the Shopping Center District to accommodate a tenant that operates an adventure park facility. The City believes the use is attractive, but the current definition of *Indoor commercial recreation* is too restrictive to allow it. This change will make the use permissible, and more broadly expand this definition to encompass related uses.

Also, the change seeks to introduce the definition of *Exhibit Hall* to capture exhibit uses such as the Apollo launch exhibit and related. This change will make the use permissible. And finally, the change seeks to modify the definition of *Health and Fitness Club* to include some uses formally named in Indoor commercial recreation.

I am specifically requesting that the Council move this proposed change to a hearing before the Planning Board, and schedule a Council public hearing for some time in December. With that schedule, the Planning Board can take up the matter at its November meeting and return a recommendation to the Council at that time.

Thank you for your consideration of these amendments.

Sincerely,
Ned Keefe
City Manager

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ID#: 24CM14 - The following communication from Acting City Manager Cate Fox-Lent was read. A motion to move to a Second Reading was made by Councilor Vidot and was approved without objection.

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

ID#: 24CM14 - 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 Recuperio and was approved without objection.

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

Re: *Streetlight Repair Update*

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Dear Councilors:

I am writing to you today in response to the order of the City Council on September 11, 2023 to look into hiring a new company to perform all streetlight repairs in the City of Chelsea.

The City of Chelsea has more than 2000 streetlights that are of several different styles and vintages. Although we have recently replaced many of the fixtures with LEDs, there are many other causes of failure including issues with the control mechanism, the above ground wiring and the below ground wiring. Our contractor is in Chelsea nearly every week to respond to requests, some of which are straightforward and some of which take more than one trip to diagnose and repair.

I understand that members of the Council and public are concerned about streetlight outages and the contractor's response time in repairing them. However, the DPW is also involved as we need to follow up on the reports from the public to gather more information before contacting the contractor. In my role as Commissioner of Public Works, I see opportunities to improve our internal processes for how we document outages and communicate them to the contractor. I believe focusing on internal improvements can alleviate much of the concern and I can assure you I will oversee this effort directly. I recommend that we pursue this process improvement first before looking into hiring a different contractor.

Sincerely,
Cate Fox-Lent
Acting City Manager

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COMMUNICATIONS AND PETITIONS TO THE COUNCIL;

ID#:24C07 – A copy of a communication was received from Chelsea resident Jeff Palencia. A motion to accept and file the communication unanimously under suspension was made by Councilor Hatleberg and was approved without objection.

ID#:24C08 – A copy of a communication was received from City Solicitor Cheryl Watson Fisher regarding the repeal of Section 34-158 (c)(2) of the Zoning Ordinance. A motion to accept and file the communication unanimously under suspension was made by Councilor Brown and was approved without objection.

ID#:24C09 – A copy of a communication was received from Chelsea resident Bruce Black. A motion to accept and file the communication unanimously under suspension was made by Councilor Vidot and was approved without objection.

UNFINISHED BUSINESS:

Councilor Hatleberg made a motion to bring forth the names of the four City Manager finalists – Michael McGovern, Fidel Maltez, Cheryl Watson Fisher and James Duggan – and authorize the Council President to enter into contract negotiations with the candidate selected as City manager.. Councilor Vidot seconded the motion.

Councilor Brown made a motion to postpone the vote until the next Council Meeting on October 16th. The motion was rejected.

RESULT	Rejected 4-7-0-0 (Motion by C/B to delay vote until next Council Meeting)
YES	Brown, Robinson, De Jesus, Taylor
NO	J. Garcia, T. Garcia, Lopez, Recupero, Vidot, Hatleberg, Vega
ABSENT	
PRESENT	

The names of all four finalists were presented to the Council. Each Councilor stated the name of the finalist they supported:

Maltez	Watson Fisher	McGovern	Duggan
Brown	Robinson		
J. Garcia			
T. Garcia			
Lopez			
Recupero			
Vidot			
De Jesus			
Hatleberg			
Vega			
Taylor			

Fidel Maltez received 10 votes, Cheryl Watson Fisher received 1 vote. Fidel Maltez was selected as the next City Manager. Council President Robinson made a motion to make the vote unanimous, which was approved without objection.

NEW BUSINESS:

ID#: 2415 – 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	

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ABSENT	
PRESENT	

Ordered, that pursuant to Massachusetts General Law Chapter 268A, Section 20 (b), the Chelsea City Council hereby approves a Conflict of Interest Exemption for Mr. Alejandro Arroyo to the part-time position of Girl's Head softball Coach for Middle Schools effective immediately.

ID#: 2416 – The following Order was introduced by Council President Robinson.

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

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Ordered, that pursuant to Massachusetts General Law Chapter 268A, Section 20 (b), the Chelsea City Council hereby approves a Conflict of Interest Exemption for Ms. Ammi Velez to the part-time temporary position of Summer Paraprofessional effective immediately.

ID#: 24Z1 – The following Zoning Amendment was introduced by Council President Robinson. Councilor Hatleberg made a motion to refer to the Planning Board and schedule a Public Hearing. There were no objections.

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 encourage the most appropriate use of land throughout the City of Chelsea; and

WHEREAS, the City Council is recognizing that the use of property for indoor recreational activities and other uses are beneficial to the residents, business and potential new economic development; and

WHEREAS, The amendment to Chapter 34, Article X, Definitions Section 34-241 – Commercial recreation, indoor of the City of Chelsea Zoning Ordinance is below;

NOW, THEREFORE BE IT ORDERED, That the following petition for the adoption of an amendment to Chapter 34, Article X, Section 34-241 – Definitions Commercial recreation,

indoor of the City of Chelsea Zoning Ordinance be reviewed and that a public hearing be scheduled on to discuss the proposed zoning amendments pursuant to Mass. Gen. Laws c. 40A.

1. Amend Section 34-241 Indoor commercial recreation to read as follows:

Commercial recreation, indoor means establishments providing amusement, recreation, entertainment and public play facilities typically occurring indoors for a fee or admission charge, such as, but not limited to: arcades containing coin-operated amusements and/or electronic games; bowling alleys; laser tag; paintball; archery tag; rock climbing; mini-golf; karting; e-sports; trampoline; adventure park; trapeze; rope courses; ninja courses; golf; mystery puzzle physical adventure games; ice skating and roller skating; indoor play center; dodgeball; martial arts studios; virtual reality; and other indoor activities now or in the future determined to be substantially similar to the above by the Zoning Enforcement Officer; together with uses customarily accessory thereto, including food and beverage service. Indoor commercial recreation does not include a dance floor, adult entertainment, or shooting ranges. All noise is to be confined to the building.

2. Change the theater, concert halls, and cinema land use category (Section 34-262) to include exhibition halls, to read as follows:

Theaters, concert halls, cinemas, movie studios, museums, virtual reality, and exhibition halls

3. Add a definition of exhibition hall (Section 34-241) to read as follows:

Exhibition hall means an establishment at which pictures, art, exhibitions, multi-media, virtual reality, sculptures or other objects of interest are displayed for the purpose of amusement, entertainment, or education. An exhibition hall does not include adult entertainment. All noise is to be confined to the building.

4. Change the definition of Health and fitness club (Section 34-241) to read as follows:

Health and fitness club means a private facility for the purpose of providing physical fitness, exercise, therapy, rehabilitation, and health-related services, such as, but not limited to: gyms, tennis clubs, pickleball clubs, racquet clubs, and other indoor activities determined to be substantially similar to the above by the Zoning Enforcement Officer.

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#: 2417 – The following Order was introduced by Councilors Lopez and Recuperero. A motion to adopt unanimously under suspension was made by Councilor Lopez and approved without objection.

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Ordered, requesting the City Manager and DPW Commissioner send the electrical contractor to repair the ornamental lights on City Hall Avenue and in front of the E911 building on Washington Avenue.

ID#: 24Z2 – The following Zoning Amendment was introduced by Council President Robinson. Councilor Hatleberg made a motion to refer to the Planning Board and schedule a Public Hearing. There were no objections.

WHEREAS, The City of Chelsea has adopted an Ordinance as to the issuance of licenses to marijuana establishments; and

WHEREAS, The Chelsea Licensing Commission is authorized to regulate the use and hours of licensed establishments throughout Chelsea; and

WHEREAS, The City Council recognizes that the community is best served when the hours of operation of establishments is considered on a case-by-case basis as opposed to an across the board approach;

NOW, THEREFORE BE IT ORDERED, That the Revised Code of Ordinances of the City of Chelsea as amended, by repealing Chapter 34, Article XII, Section 34-158 (c)(2), which reads “Marijuana Retailers are prohibited from operating between the hours of 9 PM and 9 AM,” and that it be reviewed and that a public hearing be scheduled 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#: 2418 – 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 the City Manager instruct the Department of Housing and Community Development to remove the bicycle lane on Third Street, from Broadway to Chestnut Street, due to heavy traffic congestion in the area.

ID#: 2419 – The following Order was introduced by Councilors Lopez, Recupero and Vidot. A motion to adopt unanimously under suspension was made by Councilor Lopez and approved without objection.

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Ordered, that the City Manager, City Clerk, Traffic and Parking Commission and City Solicitor clarify the timeframe to have matters placed and listed on the Agenda for Traffic and Parking Commission meetings.

ID#: 24Z3 – The following Zoning Amendment was introduced by Councilor Recuperero. Councilor Hatleberg objected to unanimous consent and moved for a Roll Call vote. Councilor Taylor made a motion to refer to Sub-Committee on Conference.

RESULT	10-1-0-0 (Moved to Conference at the request of Councilor Taylor)
YES	Brown, J. Garcia, T. Garcia, Lopez, Robinson, Vidot, De Jesus, Hatleberg, Vega, Taylor
NO	Recuperero
ABSENT	
PRESENT	

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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 encourage the most appropriate use of land throughout the City of Chelsea; and

WHEREAS, The City Council desires to encourage housing development; and

WHEREAS, Amending Chapter 34, Article XI, Table of Dimensional Regulations and Article XIII, Table of Principal use regulations as outlined below enhances the City's goals of creating and preserving affordable housing;

NOW, THEREFORE BE IT ORDERED, That the following petition for the adoption of an amendment to Chapter 34, Article XI, Table of Dimensional Regulations and Article XIII, Table of Principal Use Regulations of the City of Chelsea Zoning Ordinance be reviewed and that a public hearing be scheduled on to discuss the proposed zoning amendments pursuant to Mass. Gen. Laws c. 40A.

1. Amend Article XI – Table of Dimensional Regulations as follows:

Change the figure in the column titled "Residential R-1" and the row titled "Per Dwelling Unit" from 3,500 to 3,000 and change the figure in the same column but in the row titled "But not less than" from 7,500 to 5,000.

2. Amend Article XIII, Table of Principal use regulations as follows:

Change the designation in the columns titled "R1" and the row titled "Three-family dwelling" from N to SP.

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#: 2420 – The following Order was introduced by Council President Robinson.

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

**EMPLOYMENT AGREEMENT BETWEEN
THE CITY OF CHELSEA
AND EDWARD P. KEEFE**

This Agreement made and entered into this 26th day of June 2023, by and between the City of Chelsea, Commonwealth of Massachusetts, a municipal corporation, hereinafter called "Employer" or "City Council", with a place of business at 500 Broadway, Chelsea, Massachusetts 02150 and, Edward P. Keefe, an individual residing at 143 Whitcomb Avenue Boston, Massachusetts 02130 hereinafter called & "Employee" for mutual consideration, both parties agree as follows:

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WHEREAS, the parties agree that the employee will remain employed by the Employer until two months after the appointment of a new City Manager; and

WHEREAS, the Employer desires to employ the services of Employee, as City Manager of the City of Chelsea, as provided by Section 1-3 and Section 4-5 of the City of Chelsea Charter ("Charter"); and

WHEREAS, it is the desire of the Chelsea City Council to provide a salary and benefits, establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of the City Council to (1) secure and retain services of the Employee and to provide inducement for him to remain in such employment, (2) to make possible full work productivity by assuring Employee's morale and peace of mind with respect to future security, (3) to act as a deterrent against malfeasance or dishonesty for personal gain on the part of the Employee, and (4)

to provide a just means for terminating the Employee's services at such time as he may be unable to fully discharge his duties due to age or disability or when Employer may otherwise desire to terminate his employ; and

WHEREAS, Employee desires to accept employment as the City Manager of the City of Chelsea.

Now therefore in consideration of the mutual covenants contained herein the parties agree as follows:

Section I. DUTIES

This Agreement is entered into pursuant to the Order of Appointment adopted by vote of the Council of the City of Chelsea on January 9, 2023. Pursuant to the aforesaid Order, Mr. Edward P. Keefe shall possess all the powers, duties, rights and privileges vested in the Office of City Manager by the Chelsea Home Rule Charter. Employee shall exercise such powers, duties, rights and privileges in accordance with said Charter and the laws of the Commonwealth of

Massachusetts and the United States of America, and with the Revised Ordinances of the City of Chelsea and the Administrative Code of the City of Chelsea, and Employee shall perform all other legally permissible and proper duties as the City Manager.

Section II. TERM

- A. This Agreement shall commence June 26, 2023 and Mr. Keefe's role as City Manager shall terminate on the close of business December 3, 2023, two months after the appointment of a new City Manager.
- B. Nothing in this Agreement shall prevent, limit, or interfere with the right of the City Council to terminate the services of the Employee at any time subject to the provisions set forth of this Agreement.
- C. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Employee to resign at any time from his position as City Manager, subject only to the provisions set forth in this Agreement.

Section III. SALARY AND BENEFITS

- A. The Employer agrees to pay Employee for his services as City Manager rendered an Annual Base Salary of One Hundred Seventy Four Thousand Nine Hundred Dollars (\$174,900.00), payable in installments at the same time as other employees of the Employer are paid.

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- B. The Annual Base Salary is contingent upon the Employee performing his duties under this Agreement, provided the Employee does not voluntarily leave the employ of the City and provided the Employee is not terminated pursuant to Section 4 of this Agreement for conduct that is determined to be reckless, willful and wanton.
- C. The Parties have agreed to allot \$2,000.00 to Mr. Keefe for legal services for the review and advice of this Agreement.
- D. All vacation, sick leave, personal leave, and other benefits that the Employee currently has in his current position as City Manager shall carry over and remain in effect similar to all other non-union exempt employees of the City of Chelsea.
- E. The Employee shall receive the same rights and privileges as all other non-union exempt employees of the Employer on matters not specifically addressed in this Agreement. The City Manager shall enjoy all retirement, insurance and other benefit entitlements generally available to full-time non-union personnel of the Employer under the same terms and conditions unless specifically limited or expanded under this of this Agreement.
- F. Notwithstanding anything to the contrary contained herein, the Employee's current Health Insurance benefit shall be maintained at the Employer's expense for a period of three (3) months following the termination of his employment with the City of Chelsea, unless the Employee is sooner covered by another employer's health insurance benefit. The Employee shall promptly notify the City of Chelsea of the commencement date of any such health insurance coverage provided by another employer.

Section IV. TERMINATION

- A. The Employee may be removed by an affirmative vote of seven (7) members of the City Council in accordance with the provision of the Chelsea City Charter in effect at the date of this Agreement.
- B. In the event that the Employee is terminated by the City Council before the expiration of the aforesaid provisions of employment, and during such time Employee is willing and able to perform his duties under this Agreement, then in that event Employer agrees to promptly pay Employee a lump sum cash payment equal to all salary which otherwise would have been payable under the provisions of this Agreement plus the value of all vacation and sick time accrued up to the date of such termination; provided, that in the event Employee is terminated because of conviction of any illegal act involving personal gain to him in the course of his duties, then, in that event, Employer shall have no obligation to pay the aggregate severance sum designated in this paragraph.

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- C. In the event Employer at any time during the term of this Agreement reduces the salary or other financial benefits of the Employee in a greater percentage than an applicable across-the-board reduction for all employees of Employer, or in the event Employer refuses, following written notice, to comply with any other provision benefiting Employee herein, or Employee following a suggestion, whether formal or informal, by the City Council that he resign, then, in that event, Employee may, at his option, be deemed to be terminated at the date of such reduction, or such refusal to comply, or such suggestion, within the meaning and context of the herein severance pay provision.
- D. In the event Employee voluntarily resigns his position with Employer before expiration of this Agreement, the Employee shall give written notice thirty (30) days in advance of said resignation, unless the parties otherwise agree.
- E. Except to the extent that the parties in this Agreement expressly agree to the contrary, nothing in this Agreement shall be construed to abrogate any legal rights Employer or Employee may have respecting termination or suspension from office.

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Section V. INDEMNIFICATION

The Employer shall defend, save harmless and indemnify the Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of his duties as Acting City Manager while acting in the scope of his employment even if said claim has been made or judgment rendered thereon. The Employee agrees to promptly notify the City Council of any such claim and to cooperate fully with the Office of the City Solicitor and any counsel designated by the City to handle such claims. The Employer may obtain insurance to cover its obligation hereunder as it deems appropriate.

Section VI. BONDING

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

Section VII. NO REDUCTION OF BENEFITS

The Employer shall not at any time during the terms of this Agreement reduce the salary, compensation or other financial benefits of the **Employee**, **except** to the degree of such reduction across-the-board for all other employees of the Employer.

Section VIII. NOTIFICATION

Notices pursuant to this Agreement shall be given by deposit on the custody of the United States Postal Services, postage prepaid, addressed as follows:

Employer: City Council of the City of Chelsea
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Employee: Edward P. Keefe
143 Whitcomb Avenue
Boston, Massachusetts 02130

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Alternatively, notices required pursuant to this Agreement may be made by personal service or to any forwarding address given by the City Manager. Notice shall be deemed as given as of the date of personal service or as of the date of deposit of such written notice in the course of the transmission in the United States Postal Service.

Section IX. GENERAL PROVISIONS

- A. The text herein shall constitute the entire Agreement between the parties.
- B. The Agreement shall be binding upon and to insure to the benefit of the heirs at law and executors of the City Manager.
- C. The Agreement shall become effective commencing as of June 26, 2023.
- D. If any provision, or portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, deemed severable, the remaining portions of the Agreement shall not be affected and shall remain in full force and effect.
- E. 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.

IN WITNESS THEREOF, the City of Chelsea, Massachusetts has caused this Agreement to be signed and executed in its behalf by a majority of 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

CITY MANAGER

ACTING BY AND THROUGH

THE CITY COUNCIL

The meeting adjourned at 9:25 PM.

Respectfully submitted,



Clifford Cunningham

Clerk, Chelsea City Council

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