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Charter Review Meeting - August 19, 2020

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Charter Review Meeting

Chelsea, Massachusetts

August 19, 2020

The Chelsea council meeting took place. The members present were, Judith Garcia, Leo Robinson, Calvin Brown, Melinda Vega Maldonado, Todd Taylor, Rosemarie Carlisle, Alex Balcarcel, Mary Bourque, Jason Stocker, and Mimi Rancatore. Members absent are Henry Wilson, Yesenia Alfaro, Sharlene McLean. Council President Roy Avellaneda was also present as a member of the public.

Chairperson Judith Garcia read communications sent by members of the public.

Sarah Neville:

“My name is Sarah Neville and I live at 40 Eleanor St, Chelsea.

I would like to propose the attached change for the next Charter Review meeting. The amendment would implement ranked choice voting (RCV) in elections for city council and school committee.

The text comes from Easthampton's charter, which has passed but not yet implemented RCV. Other MA towns that have RCV are Cambridge and Amherst. This November, there will be [a statewide ballot question to implement RCV in state elections](#), but if passed, it will not affect municipal elections. If it's passed, MA will join Maine and New York in using RCV at the state level.

Some key benefits of RCV are that it:

Minimizes strategic voting by encouraging voters to choose their true favorite, without settling for the “lesser of two evils.” In our current system, if your favorite candidate is unlikely to win, you have two bad choices: you could cast a “safe” vote for one of the front-runners, to avoid electing the one you like least, or cast a principled but risky vote for your favorite candidate.

Promotes diverse candidates by encouraging more candidates to run for office without fear of vote-splitting and "stealing" votes from another candidate with whom they agree.

Curbs negative campaigning by rewarding candidates who reach beyond their base to find common ground with more voters. With RCV, candidates do best when they reach out positively to as many voters as possible, including those supporting their opponents.

Thank you for your consideration.

Best,

Sarah

Addition to Sec. 2-1. - Composition; eligibility; election and term.

Notwithstanding any general or special law to the contrary, elections for the office of district city councilor shall be conducted using ranked choice voting as defined in Section x of Article 1.

Addition to Sec. 3-1. - Composition; eligibility; election and term; powers and duties.

Notwithstanding any general or special law to the contrary, elections for the office of school committee shall be conducted using ranked choice voting as defined in Section x of Article 1.

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**Definition to be added to Article 1.**

**Ranked Choice Voting** - the words “ranked choice voting” shall mean an election system in which voters rank the candidates for an office in order of preference; provided, however, that

ranked choice voting shall only apply to a ballot on which there are not less than 2 candidates. Each voter shall cast a single vote by ranking candidates in order of preference, indicating the voter's first choice, second choice, third choice and continuing until the voter has assigned a single numerical ranking to each candidate on the ballot or until the voter chooses to stop ranking. If 1 candidate receives at least 50 per cent of the first choice votes cast for the office in the election, that candidate shall be declared the winner. If no candidate receives at least 50 per cent of the first choice votes cast in the first round, an instant runoff shall automatically occur. In an instant runoff, the candidate receiving the least number of votes in the prior round shall be deemed the withdrawn candidate and shall be withdrawn from the election. The highest ranked non-withdrawn candidate of each voter shall be the voter's first choice vote and such first choice vote shall be used in calculating the total number of votes for each remaining non-withdrawn candidate. The instant runoff process shall be repeated until a candidate shall have received at least 50 per cent of the total first choice votes cast for the office in the election and, at such time, the winner shall be declared. A ranked choice voting ballot shall not interfere with a voter's ability to rank at least 1 write-in candidate.

[OR add this text to Sec 2-1 and Sec 3-1.]”

Susan Backstrom:

“Could the Chelsea Disability Commission be added to the Charter and bylaws to codify the mandate? The best practices need to be established since I am hearing from people in the community who are disabled and need many accessibility tools. We were contacted when we launched the Chelsea ADA Resources Facebook Page. The page was part of the 30th ADA Day Anniversary meeting.

Alex recruited me to help with virtual meetings on Zoom. He wanted to meet to involve the Chelsea Disability Commission. Will all commissions fulfill the State of Massachusetts requirement for two meetings a year? Did the Covid-19 pandemic put that requirement on hold? He did assist a resident with many disabilities to make a decision in a positive direction regarding her living situation in Keen Studios on Stockton Street near us.

He stated to me earlier today that the only commission meeting was in February and two people who left and two people who have never responded to my emails or messages (even on Facebook) so quorum was not achieved during the planning meeting or the ADA celebration. Would lack of quorum necessitate a meeting in person with physical distancing in effect? Alex doesn't want to overstep his authority and his position by demanding meetings. It was just that an historic opportunity for the disabled community shouldn't be ignored. Since the Chelsea Disability Commission is without a budget and without resources do we as Chelsea residents need to generate revenue for this most important work?

Alex met with Francisco Toro to develop the plan for the ADA celebration activity with the veterans. The human rights commission was also supposed to meet with Alex and Fidel and that has not happened yet. I am so invested in this now. I hope this shows our involvement. I want this email read in city council please and thank you.”

Chairperson Judith Garcia allowed for Roy Avellaneda to read his communication:

Dear Charter members,

I suggest the following change in the Charter:

## **ZONING BOARD CHARTER AMENDMENT**

### **Sec. 6-4. - Zoning Board of Appeal**

(a)

There shall be a zoning board of appeals consisting of five members, all of whom shall be residents of the City of Chelsea. The board shall annually choose a chair from among its members. The city manager may appoint an associate member to serve when a regular member is absent. The director of planning and development, or his/her designee, shall serve as administrative assistant to the board to provide advice and guidance to the board on all matters that require a board vote.

(b)

The zoning board of appeals hears and decides individual cases brought by persons seeking relief from the requirements of the zoning ordinance, all as provided for by state legislation, and by the city zoning ordinance. Specifically, the board hears and decides cases which involve variances from the zoning ordinance. It also hears and decides applications for special permits and special permits for planned developments.

The zoning board of appeals is a regulatory multiple-member body of the city.

All Special Permits issued by the Zoning Board of Appeals shall become effective on the thirtieth day after the day on which notice of the special permit was filed with the city council, unless the city council votes within that period by super majority of the full city council to reject the issuance of the special permit or unless the city council sooner votes to affirm it. If the notice of the approved special permit is filed after the city council has recessed for longer than 30 days, then the special permit, if not acted upon, shall become effective the day after the next scheduled city council meeting.

Interrelationships.

City council. The zoning board of appeals interacts with the city council committee which addresses matters concerning planning and development policy in order to regularly apprise said committee on current activities and concerns of the zoning board of appeals.

City manager. The zoning board of appeals interacts with the city manager and the administrative organization primarily through the planning and development department, which provides administrative, technical and clerical staff support for the purpose to the board and coordinates interaction with the municipal inspections, public works, police and fire departments and the licensing and consumer affairs division.

Other boards. The zoning board of appeals interacts with the planning board, the conservation commission, the board of health, the economic development board, the traffic and parking commission and the licensing commission in order to accomplish the board's responsibilities.

Roy Avellaneda summarized the change by stating that the communication would allow for the Council to have a say in regards to the zoning board. The council listens to the residents but cannot mitigate within the zoning board. Councilor Avellaneda would like to retain an increased power when it comes to the special permit that the zoning would provide.

Chairperson Judith stated that there might be a conflict in regards for the public not to call favoritism if the council were to grant special permits? Councilor Avellaneda stated that other municipalities are doing what was proposed. This will not predict favoritism because this charter will last in the future regardless of who becomes councilor.

## Section 6

Chairperson Judith read a communication received from Jason Stocker in regards to Section 6:

“ In regards to Section 6-2: the director listed is of INSPECTIONAL services not of inspection services.

6-3(a): There is no director of community development. Should this be the director of planning and development?

6-3(b): The last sentence should state that the regulations need to also be posted via the internet.

General Question: Is there a reason that the charter only lists a process for resident petition and timeframe for effectiveness of proposal under the Traffic and Parking Commission and not also under the Licensing Commission, or really, just make the process general for all commissions created via this Charter or via order of the city manager?

Challenge: I would propose that this charter add in some existing commissions/boards that were created via administrative order that have an impact on decisions made within the city. In reviewing the list of about 16 on the city's website, I propose we add the following to the charter, they seem to have the largest in either allowing for residents to challenge ordinances or groups that helping to progress the city: Zoning Board of Appeals, Planning Board, Community Preservation Committee, and Economic Development Board.”

Chairperson Garcia read legal advice from the city solicitor in regards to the communications that were sent.

“The Traffic and Parking Commission's orders tend to affect the entire city. Licensing only affects individual licensees. The public can participate in all public hearings. T & P orders can not be changed by City Council only rejected so the public may ask for changes. The residents may also file zoning petitions under state law. All residents may challenge by attending public hearings and Ordinances are only adopted by the City Council.

Rules and Regulations are adopted after a public hearing and every board will take petitions from the residents for changes to the rules and regulations. The T&P and licensing are different because in the past the members were the elected official and corruption entailed. The Board of Health has statutory powers and will always consider a citizen's petition and has in the past.

No need to add ZBA, Planning Board, Econ or CPC all of those are governed by statute. Our Econ Development Board is basically our Urban Renewal Board.”

Chairperson Judith recognized Jason Stocker. Jason Stocker stated that even though the City Solicitor answered the question, by allowing these commissions to be on the Charter, these commissions can live longer without having a need for defense.

Meeting adjourned at 6:32PM.

Charter Review 2020

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