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ACCEPTED AND FILED

# SUSPENSION

Chelsea, Massachusetts, September 26, 2016

A Regular meeting of the Chelsea City Council was held. The meeting was held at the Chelsea City Hall located at 500 Broadway Chelsea, Massachusetts. The following Councilors were present: Councilors Frank, Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Council President Cortell presided over the meeting. The meeting opened at 7:00 p.m.

## Memoriums and celebratory resolutions:

The following Resolution was introduced by Councillor Robinson, and all members of the Chelsea City Council. A motion from Councillor Robinson to adopt under suspension was adopted.

## RESOLUTION

**WHEREAS,** During National Hispanic Heritage Month (September 15 to October 15) the Chelsea City Council recognizes the contributions made and the important presence of Hispanic and Latino Americans to the United States and celebrates their heritage and culture; and

**WHEREAS,** Hispanics have had a profound and positive influence on our country through their strong commitment to family, faith, hard work, and service. They have enhanced and shaped our national character with centuries-old traditions that reflect the multi-ethnic and multi-cultural customs of their community; and

**WHEREAS,** We also recognize the contributions from Chief Justice Robert Ronquillo, Jr. of the Boston Municipal Court, Pastor Tony Aguilar, Gladys Valentin, and all Chelsea Employees and Residents, while making Chelsea Stronger; and

**WHEREAS,** Hispanic Heritage Month, whose roots go back to 1968, begins each year on September 15, the anniversary of independence of LATIN American countries, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. Mexico, Chile and Belize also celebrate their independence days during this period and Columbus Day (Dia de la Raza) is October 12.

**NOW THEREFORE, BE IT RESOLVED** that the Chelsea City Council does hereby support September 15 to October 15, 2016 as Hispanic Heritage Month and encourages participation in this special annual tribute by learning and celebrating the generations of Hispanic Americans who have positively influenced and enriched our nation and society.

**Public Hearing:**

The public hearing on the Zoning Ordinance Amendments opened at 7:05 p.m.

The following came forward to speak:

Resident of 73 Essex Street, The Neighborhood Development supports the proposal for Affordable Housing.

The public hearing was continued by City Council President Cortell to November 21,2016.

Public Speaking:

The public speaking portion of the meeting opened at 7:10 p.m.

The following came forward to speak:

Joseph Espada 22 Cottage Street, spoke about the use of Highland Park and the rules for permits.

John Valenta 13 Cheever Street, spoke about the need for affordable housing.

Jay Valenzona 1 Franklin Avenue, crime in the neighborhood.

U-Jean Valenzona 1 Franklin Avenue, spoke about crime in the neighborhood.

Barbara Richards 7 Hooper, speeding on Eastern Avenue

The public speaking closed at 7:30 p.m.

*The minutes of the City Council meeting dated September 12, 2016 were approved at the request of Councillor Murphy under suspension.*

**Communications from City Manager:**

*The following communication was read from City Manager Thomas G Ambrosino. A motion from Councillor Murphy to refer the communication to a second reading under suspension.*

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

Re: Appointment to Planning Board

Dear Councilors:

Pursuant to Section 4-2 of the Charter of the City of Chelsea, I am writing to recommend for appointment to the Planning Board, Mr. Oliver del Melle, 60 Dudley Street, Chelsea to fill the unexpired term of Mr. John Matosky ending on October 6, 2017. MR. Matosky has resigned. A copy of Mr. del Melle's resume is attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

*The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councillor Robinson to accept and file was adopted under suspension.*

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

Re: *Request for Appointment of Overlay Surplus to Assessing Department*

Dear Councilors:

I am writing to request that the City Council approve a transfer of funds from the Overlay Surplus Account to the Assessor's Office for use in litigation preparation for anticipated Appellate Tax Board (ATB) cases.

The Board of Assessors has determined that it has at least \$40,000 in surplus in its Overlay reserve Account. For your information, The Overlay Reserve Account is the account from which the Assessors pay, among other items, tax exemptions and tax refunds resulting from overvaluations. The Assessors currently have more money in the Overlay Reserve Account (FY2015) than is required for these payments. Pursuant to MK.G.L. c. 59, Section 25, the Board of Assessors has authorized the transfer of \$40,000 for the Overlay Reserve Account to an Overlay Surplus Account. The Assessors are seeking to utilize the excess money to prepare a legal and valuation strategy for 201 Maple Street and other key commercial properties that may be the subject of ATB litigation.

To accomplish this end, I respectfully ask that the City Council appropriate the \$40,000 in Overlay Surplus to the legal services appropriation line within the Assessors FY17 Budget. The proposed Order is attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

The following communication was read from City Manager Thomas G Ambrosino. A motion from Councillor Robinson to accept and file was adopted under suspension.

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

Re: *Request for Fire Vehicle Funding*

Dear Councilors:

I am writing with another funding request for FY17. This request is to purchase two staff vehicles for the Fire Department.

As you may recall, in the FY17 Capital Improvement Plan, the City Council approved General Obligation bond borrowing in the sum of \$1.3 million for the purpose of a new Fire Department ladder truck. The figure of \$1.3 million was based upon estimates we have previously received from vendors.

Since coming aboard, the Fire Chief has worked aggressively to reduce the cost of this piece of apparatus. Utilizing a purchasing consortium of which he was aware based upon his experience in North Providence, the Chief was able to reduce the cost of the vehicle by \$101,741 from the estimated existing older models. I support this effort.

It might seem logical that we could simply transfer the savings from bond funds for the ladder truck to a new account to purchase these different vehicles. But, municipal bond laws are complicated, and such a transfer is not easily accomplished. From a municipal finance perspective, the easier approach is to seek funds for this purchase from our Operating Stabilization Account and then, at some future time, assuming there is no other need for these excess funds, to reimburse the Operating Stabilization Fund from left over bond proceeds. In either case, the outcome is the same-no additional financial impact to the City resulting from this request.

On the basis of the above, I respectfully ask that the City Council approve the purchase of two staff vehicles for the Fire Department from Operating Stabilization in the amount of \$95,220.97. The proposed Order is attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

**Communications and petitions to the Council:**

A communication was received from Yahya Noor with regards to Food Trucks having the opportunity to come to Chelsea. A motion from Councillor Frank to accept and file was adopted under suspension.

**Unfinished Business:**

The following order was introduced by Councillor Recuperero and received late. Councillor Frank objected to the first reading.

ORDERED, that the City Manager schedule a meeting with Mass general regarding urgent care,  
which the City does not have. Mass General wants the City to rezone it so it can open up  
a counseling center but it does not want to open up urgent care for the residents. The City Manager should inquire why that is.

**Second Readings:**

The following orders were all introduced by Councillor Robinson Chairman of the Sub-Committee on Finance. A motion from Councillor Robinson to adopt all of the orders by one roll call was not objected to. The roll call passed 11-0-0-0. Voting yes were Councilors Frank, Vidot, Rodriguez, Recuperero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson.

ORDERED, that the Chelsea City Council authorize the appropriation of \$768,659.93 from Operating Stabilization Fund 7023 to supplement the Fiscal Year 2017 Employee Benefits-Health Insurance Account #0191051-51700.

ORDERED, that the Chelsea City Council authorize the appropriation of \$15,000.00 from Operating Stabilization Fund 7023 to supplement the Fiscal Year 2017-Withholding Payable Dental Insurance Account #GL01-216800.

ORDERED, that the Chelsea City Council authorize the appropriation of \$200,000.00 from Operating Stabilization Fund 7023 to supplement the Fiscal Year 2017 DPW Streets and Sidewalks Department-Capital-Road Improvements Account #0142258-583100.

ORDERED, that the Chelsea City Council authorize the appropriation of \$40,000.00 from Operating Stabilization Fund 7023 to supplement the Fiscal Year 2017 DPW Buildings and Grounds Department-Capital-Building Improvements Accounts #0147058-583000.

**ORDERED,** that the Chelsea City Council authorize the appropriation of \$56,637.00 from Operating Stabilization Fund 7023 to supplement the Fiscal Year 2017 City Clerk Department-Salaries Account 0116151-510200.

**ORDERED,** that the Chelsea City Council authorize the appropriation of \$65,000.00 from the Operating Stabilization Fund 7023 to supplement the Fiscal Year 2017 DPW Streets and Sidewalks Department-Street Signs Account #0142252-546500.

**ORDERED,** that an increase of the Fiscal Year 2017 School Department original appropriation from \$83,514,221.00 to \$84,080,668.00 for a net increase of \$566,147.00 attributed to an increase in Fiscal Year 2017 Chapter 70 State Aid.

The following order was introduced by Councillor Cortell and Avellaneda, read for the second time. A motion from Councillor Avellaneda to adopt by roll call passed 10-0-1-0. Voting yes were Councillors Frank, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councilor Vidot was absent.

#### **Adoption of M.G.L. C.59, Section 5, Clause 54**

**ORDERED,** that the City of Chelsea accept the provisions of General Law Chapter 59, Section 5, Clause 54 which authorizes the City to establish a minimum fair cash value required for personal property taxes and fix that minimum fair cash value at \$10,000 to be effective for the fiscal tax year beginning on or after July 1, 2016.

The following order was introduced by Councillor Robinson, and read for the second time.. A motion from Councillor Robinson was made to adopt by roll call. Councilor Avellaneda amended the order to refer it to the Sub-Committee on Housing and Development. On roll call the amendment was defeated 3-8-0-0. Voting yes were Councilors Vidot, Garcia, and Avellaneda. Voting no were Councilors Frank, Rodriguez, Recupero, Murphy, Lopez, Tejada, Cortell, and Robinson. The roll call on the order was adopted by a 8-3-0-0 vote. Voting yes were Councilors Frank, Rodriguez, Recupero, Murphy, Lopez, Tejada, Cortell and Robinson.

**WHEREAS,** the City of Chelsea (hereinafter referred to as the "City") and Broadway Hotel LLC (hereinafter referred to as "Broadway Hotel") have been in negotiation relative to the mutual desire of each party to secure the necessary assistance to make it economically feasible for Broadway Hotel to build and operate a hotel in Chelsea; and

**WHEREAS,** in return for participation in the State's Economic Development Incentive Program, Broadway Hotel will invest approximately \$29,564,000 in property acquisition, reconstruction and equipment acquisition at 1012-1018 Broadway (hereinafter referred to as the "Business Site"), and

**WHEREAS,** the Broadway Hotel project will result in the hire of 40 new full-time jobs over the next five years, with Broadway Hotel agreeing to conduct a local hiring search to backfill any jobs which may become available in subsequent years, and

**WHEREAS**, Broadway Hotel is seeking a Tax Increment Financing exemption from the City, in accordance with the Massachusetts Economic Development Incentive Program and Chapter 23 A of the Massachusetts General Laws, and the City has agreed to provide tax relief as outlined in the Tax Increment Financing Agreement agreed to by the parties, and

**WHEREAS**, the Broadway Hotel project is consistent with the City's overall economic development strategies of focusing investment in the Airport-Related and Downtown Boston Support sectors, two of six priority areas the City has identified for intensive investment support,

**NOW THEREFORE BE IT ORDERED**, that the City Council approves the Certified Project Application of Broadway Hotel and forwards said application for certification to the Massachusetts Economic Assistance Coordinating Council for its approval and endorsement; and

**BE IT FURTHER ORDERED**, that the City Council authorizes the City Manager to enter into a Tax Increment Financing Agreement between the City and Broadway Hotel, with said agreement providing Broadway Hotel an exemption on property taxes based on the growth portion of the assessed valuation of the property at the Business Site, and a concurrent exemption on personal property tax at a rate of 50% for Year 1, 40% for Year 2, 25% for Year 3, 25% for Year 4, and 25% for Year 5, beginning in FY 2019 according to the requirements and regulations established that govern the implementation of such Tax Increment Financing Agreements.

*The following order was introduced by Councillor Robinson and read for the second time. A motion from Councillor Robinson to adopt by roll call passed 8-3-0-0. Voting yes were Councilors Frank, Rodriguez, Recupero, Murphy, Lopez, Tejada, Cortell, and Robinson. Voting no were Councilors Vidot, Garcia, and Avellaneda.*

**WHEREAS**, the City of Chelsea (hereinafter referred to as the "City") and Rosev Dairy Foods, Inc. (hereinafter referred to as "Rosev") have been in negotiation relative to the mutual desire of each party to secure the necessary assistance to make it economically feasible for Rosev to retain and expand its dairy operations to Chelsea; and

**WHEREAS**, in return for participation in the State's Economic Development Incentive Program, Rosev will invest approximately \$6,500,000 in property acquisition, construction and equipment acquisition at 8 Griffin Way (hereinafter referred to as the "Business Site"), and

**WHEREAS**, the Rosev project will result in the retention of 37 new full-time jobs over the next five years, with Rosev agreeing to conduct a local hiring search to backfill any jobs which may become available in subsequent years, and

**WHEREAS**, Rosev is seeking a Tax Increment Financing exemption from the City, in accordance with the Massachusetts Economic Development Incentive Program and Chapter 23 A of the Massachusetts General Laws, and the City has agreed to provide tax relief as outlined in the Tax Increment Financing Agreement agreed to by the parties, and

**WHEREAS**, the Rosev project is consistent with the City's overall economic development strategies of focusing investment in the Food sector, one of six priority areas the City has identified for intensive investment support,

**NOW THEREFORE BE IT ORDERED**, that the City Council approves the Certified Project Application of Rosev and forwards said application for certification to the Massachusetts Economic Assistance Coordinating Council for its approval and endorsement; and

**BE IT FURTHER ORDERED**, that the City Council authorizes the City Manager to enter into a Tax Increment Financing Agreement between the City and Rosev, with said agreement providing Rosev an exemption on property taxes based on the growth portion of the assessed valuation of the property at the Business Site, and a concurrent exemption on personal property tax at a rate of 5% for Year 1, 5% for Year 2, 5% for Year 3, 5% for Year 4, and 5% for Year 5, beginning in FY 2018 according to the requirements and regulations established that govern the implementation of such Tax Increment Financing Agreements.

*The following order was introduced by Councillor Robinson and read for the second time. . A motion from Councillor Robinson to adopt by roll call passed 11-0-0-0. Voting yes were Councillors Frank, Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson.*

AN ORDER TRANSFERRING PROCEEDS OF A BORROWING THAT ARE NO LONGER NEEDED TO COMPLETE THE PROJECT FOR WHICH THEY WERE ORIGINALLY BORROWED, TO PAY COSTS OF AN ALTERNATIVE CAPITAL PROJECT, AS AUTHORIZED BY CHAPTER 44, SECTION 20 OF THE GENERAL LAWS.

Ordered, that in accordance with Chapter 44, Section 20 of the General Laws, the sum of \$50,000 representing the unexpected portion of the \$650,000.00 borrowed under the Fiscal Year 2014 Capital Improvement Plan for sewer infrastructure improvements – Gardner Sewer, Water Drain Project – Account 55451410-584503, but which is no longer needed to complete that project, is hereby transferred 1) in the amount of \$50,000.00 to fund sewer improvements for a NEW FY'17 Addison Street Sewer Connection Project – Account #554017 series.

*The following order was introduced by Councillor Robinson and read for the second time. Councillor Robinson moved to correct the increase in the order due to a typo error to read*

\$566,447.00. Councillor Robinson offered the correction as an amendment. Upon roll call the amendment passed 10-0-1-0. And the order was adopted. Voting yes were Councilors frank, Vidot, Rodriguez, Recupero, Murphy, Lopez, Garcia, Avellaneda, Cortell, and Robinson. Councillor Tejada was absent.

**ORDERED,** that an increase of the Fiscal Year 2017 School Department original appropriation from 483,514,221.00 to \$84,080,668.00 for a net increase of \$566,447.00 attributed to an increase in Fiscal Year 2017 Chapter 70 State Aid.

The following order was introduced by Councillor Recupero and read for the second time. A motion from Councillor Recupero to adopt under suspension was adopted. Councillor Cortell amended.

The order to have the City Manager have a conversation with Mass. General also adopted.

**ORDERED,** that the City Manager schedule a meeting with Mass General regarding urgent care which the City does not have. Mass General wants the City to rezone it so it can open up a counseling center but it does not want to open up urgent care for the residents. The City Manager should inquire why that is.

The following appointments from the City Manager were read for the second time. A motion from Councillor Robinson to affirm the appointments by roll call passed 11-0-0-0. Voting yes were Councillors Frank, Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson.

The Honorable Chelsea City Council  
500 Broadway  
Chelsea, Massachusetts 02150

Re: *Appointments to Boards and Commissions*

Dear Councilors:

Pursuant to Section 4-2 of the Charter of the City of Chelsea, I am writing to recommend the following individuals to Boards and Commissions in the City.

For appointment to the Chelsea Community Schools Advisory Board, for a three year term expiring in 2019, Mr. Daniel Padilla, 37 Springvale Ave., Chelsea.

For appointment to the Chelsea Community Schools Advisory Board, for a three year term expiring in 2019, Ms. Mathilde Noel Simon, 63 Clark Avenue, Chelsea.

For appointment to the Chelsea Community Schools Advisory Board, for a three year term expiring in 2019, Dr. Alice Murillo, 175 Cottage Street, No. 210, Chelsea.

For appointment to the Council on Elder Affairs, Mr. Greg Walczak, 124 Chester Avenue, Chelsea, to fill the unexpired term of Mr. John Bayless ending on Feb. 28, 2018. Mr. Bayless passed away in April.

For re-appointment to the Chelsea Housing Authority, for a new five year term expiring in 2021, Mr. Thomas Standish, 36 Medford Street, Chelsea.

I respectfully request your approval of these appointments. I have attached resumes for the new appointees.

Sincerely,  
Thomas G. Ambrosino  
City Manager

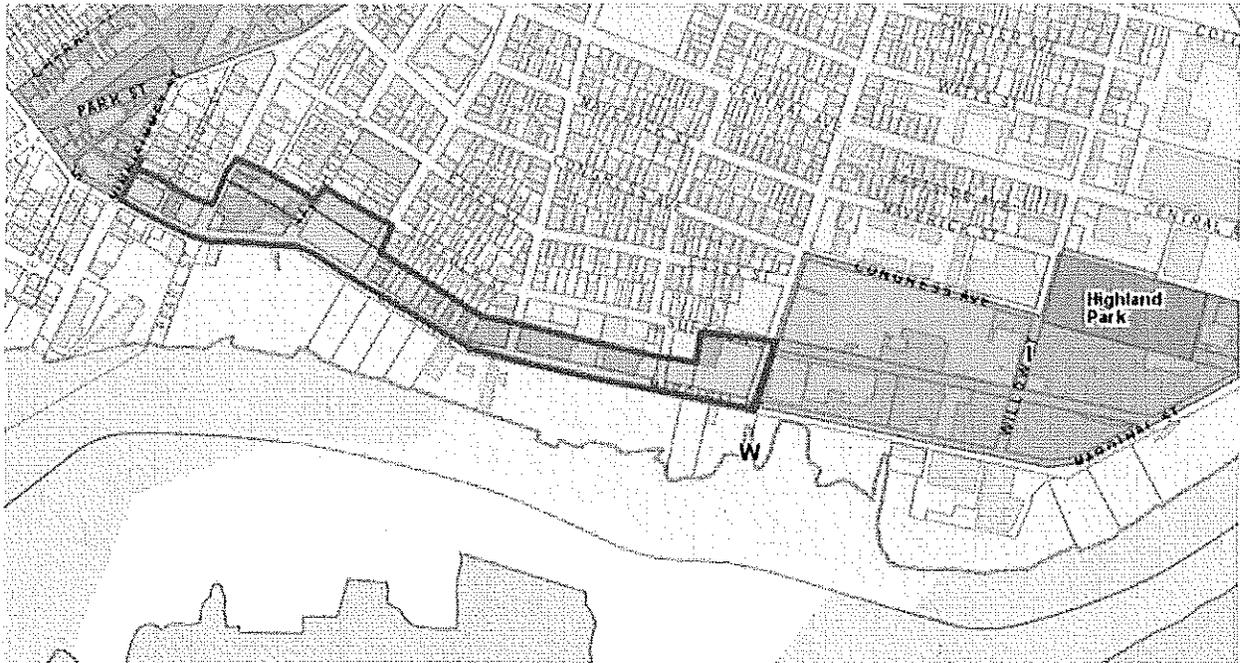
**New Business:**

*The following order was introduced by Councillor Avellaneda. Councilor Avellaneda moved the order to a second reading under suspension.*

**ORDERED,** that the City Council request the City Manager and the Planning Department to draft a zoning amendment for the City Council to review within 45 days.

Proposed amendment shall include the following:

Chapter 34, Section 28 by adding Waterfront Residential Commercial Overlay District (WRCOD), Article II Zoning Districts, Section 34-29 and the accompanying Zoning Map by including the following parcels in the WRCOD-TBA; 19-167, 11-52, 19-152, 19-151, 11-53, 11-53A, 11-53B, 11-53C, 11-54, 11-55, 11-56, 19-131, 11-63, 11-64, 11-65, 11-66, 11-67, 12-10, 12-14, 12-15, 12-16, 12-17, 12-18, 12-19, 12-20, 12-21, 12-22, 12-23, 12-24, 12-25, 12-26, 12-99, 13-3, 13-82, 13-83,



and add Section 34-186 Waterfront Residential Commercial Overlay District (WRCOD):

a. Scope and Purpose. This section applies to the Waterfront Residential Commercial Overlay District (WRCOD)

1. To promote economic development in the WRCOD.
2. To increase mixed use of combined residential and commercial.
3. To increase public access to the waterfront area within Chelsea Creek DPA.
4. Permitted Uses
  - Multifamily dwelling with four or more dwelling units
  - Dwellings containing six or fewer dwelling units
  - Multifamily dwelling at a minimum density of 12 units and a maximum density of 35 units per acre
  - Dwelling above the first floor of a building containing retail or office use
  - No residential dwelling on first floor
  - Retail or professional service business, or business or professional office, within a dwelling structure
  - Hotel/motel, extended stay lodging
  - Bakery, delicatessen, candy, fish, including accessory food service
  - Book, stationery, gift, clothing, dry goods, hardware, jewelry, or variety store
  - Convenience store with hours of operation exceeding 5:00 a.m. to 11 p.m. and/or with the sale of beer and/or wine
  - Convenience store with the sale of alcoholic beverages other than beer/wine
  - Supermarket with hours of operation exceeding 5:00 a.m. to 11:00 p.m., and/or with the sale of beer, wine and/or other alcohol
  - Supermarket and grocery store
  - Department store, discount house
  - Major commercial project

- Restaurant, drive-in or fast food
- Bank, financial agency
- Indoor commercial recreation
- Theaters, concert halls and cinemas

b. Underlying Uses.

1. Uses currently allowed in the underlying uses shall not be allowed except by special permit provided it does not total more than 10,000 square feet.
2. Uses currently allowed in the underlying uses by special permit shall not be allowed.

The following order was introduced by Councillor Robinson. A motion from Councillor Robinson referred the order to a second reading under suspension.

**ORDERED,** that the sum of \$40,000 be approved from Fund Balance Reserved for Overlay Surplus Account #01-322000 to the Assessor Department-Legal Services-Account #0114152-530100 to cover legal and related valuation services.

The following order was introduced by Councillor Robinson. A motion from Councillor Robinson referred the order to a second reading under suspension.

**ORDERED,** that the Chelsea City Council authorize the appropriation of \$95,220.97 from Operating Stabilization Fund #7023 to supplement the Fiscal Year 2017 Fire Department CAPITAL-Acquisition of Vehicles-Account #0122058-584000.

The following order was introduced by Councillor Frank. Councillor Recuperero objected to the first reading.

**REQUEST,** that the City Manager look into the current snow removal policy for large developments in all zones and across all zoning types. Look into instituting a temporary daily fine for every parking spot that is occupied by snow, debris or other structures without a permit from the City.

The following order was introduced by Councillor Tejada. A motion from Councillor Tejada to adopt under suspension. Send a copy to the Sub-Committee on Public Works, both were adopted.

**ORDERED,** that DPW look into improving the lighting on the block of Franklin Ave. between Spruce St. and Forsyth.

The following order was introduced by Councilors Frank and Avellaneda. A motion from Councillor Frank to adopt the order under suspension was adopted.

**REQUEST,** that the City Manager look into logistics of instituting a fee for developers that fail to meet minimum parking requirements that would be used for parking improvements. Specifically but not limited to the Downtown and surrounding districts.

The following order was introduced by Councillor Frank. A motion from Councillor Frank to adopt under suspension was adopted.

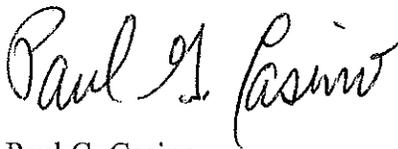
**REQUEST,** that the City Manager look into the language used for current parking requirements for developers. Look into altering the wording to institute a lack of parking fee if the required parking spots become unusable or are used for other purposes. Look into requiring by mandate that a certain percentage of parking spots per development be free with standard rent as opposed to available for an additional fee.

The following order was introduced by Councillor Frank. A motion from Councillor Frank to adopt under suspension was adopted.

**REQUEST,** that the City Manager look into the snow removal policy for all properties across the city. Look into ways to even the cost of lack of snow removal fines between small private residential properties and larger properties. Look into the possibility of charging fines based off a linear square foot basis than the current flat rate as a way to incentivize large developments into removing snow from sidewalks rather than paying the fine and not removing the snow.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,



Paul G. Casino  
Clerk of the Chelsea City Council