

MIF 5
ACCEPTED AND FILED
SUSPENSION

Chelsea, Massachusetts April 4, 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 02150. The following Councilors were present: Councilors Frank, Vidot, Rodriguez, Murphy, Lopez, Garcia, Avellaneda, Cortell, and Robinson. Councilors Recupero and Tejada were absent. 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.

**NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK
RESOLUTION**

- WHEREAS,** emergencies can occur at any time that require police, fire or emergency medical services; and
- WHEREAS,** when an emergency occurs, the prompt response of police officers, firefighters and EMS is critical to the protection of life and preservation of property; and
- WHEREAS,** the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the City of Chelsea police-fire communications center; and
- WHEREAS,** Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and
- WHEREAS,** Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and
- WHEREAS,** Public Safety Telecommunicators of the Chelsea Office of Emergency Management have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and
- WHEREAS,** each dispatcher has contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Chelsea declares the week of April 10-April 16, 2016 to be in the City of Chelsea in honor of the men and woman whose diligence and professionalism keep our city and citizens safe.

Public Hearing with regards to the increase in Residential tax exemptions was opened to the public at 7:05 p.m. The following came forward to speak:

City Manager Thomas Ambrosino, spoke in favor of the exemption.

No one else came forward. The public hearing closed at 7:10 p.m.

Public speaking:

The public speaking portion opened at 7:11 p.m.

The following came forward to speak:

Gladys Vega, Collaborative, spoke about collaborative issues. Also would like the City Solicitor to be at the Licensing Board hearings.

Resident Central Avenue, spoke about problems at the Central Ave. area and shootings that recently took place.

Resident 103 Orange Street, a member of the Chelsea Collaborative stated that she supports the ordinance to be proposed on Wage Theft.

Resident of 12 High Street, also a member of the Collaborative, spoke in favor of the Wage Theft ordinance.

Resident of Broadway, spoke about people constantly hanging around the front of the place of business.

The public speaking portion of the meeting closed at 7:30 p.m.

The minutes of the City Council Meeting held on March 21, 2016 were approved at the request of Councillor Frank under suspension.

Communications from the City Manager:

The following communication was received from City Manager Thomas 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: CIP Transfer Request

Dear Councilors:

On behalf of the Capital Improvement Program (CIP) Committee, I am writing to request your approval to reprogram monies from two old CIP Projects with surplus funds to a newer CIP Project that is short of funds.

In this case, the DPW is seeking to supplement funds for the FY'12 Lower Broadway Water Improvement Project. This FY12 CIP Project is 95% complete. But, the available funding is exhausted due to an excess of sewer and resident engineer work required but not fully anticipated in the original scope of work. The amount of funds necessary to complete the project is \$85,974.29.

The two older CIP Projects that have available funds to close this gap are as follows:

- 1) FY10 CIP Jefferson Avenue Sewer Bond Project This is a completed/closed project that has a remaining balance of \$24,519.27, and
- 2) FY14 Forsyth Street. This project, not yet complete, has sufficient funds to transfer the balance of \$61,455.02. The bid for this project came in under the estimate. Even with this transfer, there will be adequate funds to complete the project.

I respectfully request that the City Council favorably consider this proposed reprogramming of funds to allow for completion of the Lower Broadway project. The specific Orders necessary to accomplish the required transfers are attached. I will be available to answer any questions which arise.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was received 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: Requests for Funding from Free Cash

Dear Councilors:

I am writing with a request to fund certain existing deficits from Free Cash. I expect there will be some additional deficits to address as we move toward the close of the fiscal year.

Lighting Improvements - \$39,000

By motion last year, the City Council requested that I survey the City to determine areas where lighting was deficient. DPW Director Joe Foti has been doing most of this survey work and making lighting improvements where necessary. However, during the Winter, the Police Chief and I joined Mr. Foti specifically to survey the lighting in the Broadway Business District and in certain areas with higher crime statistics. Together, we identified some specific lighting improvements in these areas, including areas where we wished to increase the light setting or install brighter heads, as well as areas where new light poles needed to be installed. A list of the lighting projects we identified is attached. Although the DPW has sufficient funds to complete much of this list, a few high cost items require funding. Those are: three (3) new poles with lights on Lynn St. Extension; a new flood light at the Stebbins Fountain; and new lighting fixtures for the parking lot area at Luther Place and Chestnut Street. The total cost is \$39,000.00

Because we believe these lighting improvements will enhance these neighborhoods and deter crime, I ask the Council to approve this funding request.

Supplemental Funding for DPW Accounts - \$146,062

At the same time as he was reviewing his lighting budget, I asked the DPW Director to analyze the remainder of his accounts to determine if any required supplemental funding prior to the end of the fiscal year. The Director has determined that his Streets & Sidewalks budget and his Building & Grounds budget both require some additional funds. The details on the reasons for these shortfalls is set forth in the attached analysis. The total amount requested is as follow: Streets & Sidewalks \$53,062; Building & Grounds \$93,000.

Supplemental Funding for Unemployment Benefits - \$30,860

The 2016 Budget appropriated \$30,000 to cover the weekly payments to employees who are terminated from City service and eligible for unemployment, typically 26 weeks of coverage. The Human Resources Department reports that this fund is depleted and a supplement of \$30,860 is required to meet the City's legal obligation through June 30, 2016.

I respectfully request that the City Council favorably consider these requests. I will be available to answer any questions which arise. The specific orders for approval of these requests are attached.

Sincerely,
Thomas G. Ambrosino
City Manager

Communications and petitions to the Council:

A copy of a communication was received from Melissa Stockbridge with regards to the noise and congestion brought forth by the school construction and track improvements for the Silver Line and Commuter Rail. A motion from Councillor Avellaneda to accept and file was adopted under suspension.

A copy of a communication was received from Bruce Black with regards to the re-appointment of Mr. Umemba to the Licensing Commission. A motion from Councillor Robinson to accept and file was adopted under suspension.

A late communication was received from Councillor Avellaneda, in response to the previous letter from Bruce Black. There were no objections and Councillor Avellaneda moved to accept and file under suspension, and it was adopted.

Committee Reports:

The minutes of the Subcommittee on Public Works meeting held on March 28, 2016 with regards to Department of Public Works and Traffic and Parking Commission updates on work orders was read. A motion from Councillor Avellaneda to accept and file was adopted under suspension.

SECOND READINGS:

The following communication from City Manager Thomas Ambrosino with regards to the Conservation Commission appointments were read for the second time. A motion from Councillor Robinson to affirm the appointments by roll call passed 9-0-2-0. Voting yes were Councilors Frank, Vidot, Rodriguez, Murphy, Lopez, Garcia, Avellaneda, Cortell, and Robinson. Councilors Recupero and Tejada were absent.

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

Re: Appointments to the Conservation Commission

Dear Councilors:

Pursuant to Section 4-2 of the Charter of the City of Chelsea, I am writing to recommend the appointment of the following individuals.

For appointment to the Conservation Commission, for a three year term ending in 2019, Mr. Dakeya Christmas, 67 Cook Avenue, Chelsea.

For appointment to the Conservation Commission, Robert A. Linch, Jr. Esq, 143 Shawmut Street, #3, Chelsea, to fill the unexpired term of Mr. Price Taggart, ending on December 15, 2017. Mr. Taggart is resigning.

I respectfully request your approval of these appointments. Resumes are attached.

Sincerely,
Thomas G. Ambrosino
City Manager

The following order was introduced by Councilors Frank, Garcia, Rodriguez, Cortell and Lopez and read for the second time. A motion from Councillor Avellaneda to adopt by roll call passed 9-0-2-0. Voting yes were Councilors Frank, Vidot, Rodriguez, Murphy, Lopez, Garcia, Avellaneda, Cortell and Robinson. Councilors Recupero and Tejada were absent.

Whereas, the City of Chelsea City Council accepted Mass. General Laws c. 59 §5C and currently approves a 20% Residential tax exemption for resident property owners of the City of Chelsea;

Whereas, the City Council requested the City Administration to review the impact of increasing the Residential Tax Exemption to 30% or 35%;

Whereas, on February 2, 2016, the City Administration recommended increasing the Residential Tax Exemption to 35% after finding a significant benefit to the majority of resident homeowners of Chelsea;

Whereas, a petition to the Legislature is required to increase the current Residential Tax Exemption from 20% to 35%;

Whereas, the City Council of the City of Chelsea on April 4, 2016 held a Public Hearing regarding the petition to increase the Residential Tax Exemption to 35%;

NOW, THEREFORE BE IT ORDERED, by the City Council of the City of Chelsea, as follows: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Chelsea be filed with an attested copy of this order, be and herby is approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth

of Massachusetts, to the end that legislation be adopted revising the City Charter precisely as follows, except for clerical or editorial changes of form only:

HOME RULE PETITION

SECTION 1. Notwithstanding section 5C of chapter 59 of the General Laws, or any other general or special law to the contrary, with respect to each parcel of real property classified as Class One, residential, in the city of Chelsea as certified by the commissioner of revenue to be assessing all local property at its full and fair cash valuation and, at the option of the city manager and with the approval of the city council, there shall be an exemption equal to not more than 35 per cent of the average assessed value of all Class One, residential, parcels within the city of Chelsea; provided, however, that the exemption shall be applied only to the principal residence of the taxpayer as used by the taxpayer for income tax purposes. This exemption shall be in addition to any exemptions allowable under section 5 of said chapter 59; provided, however, that in no instance shall the taxable valuation of the property, after all applicable exemptions, be reduced to below 10 per cent of its full and fair cash valuation, except through the applicability of section 8A of chapter 58 of the General Laws and clause Eighteenth of said section 5 of said chapter 59. Where, pursuant to said section 5 of said chapter 59, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for the purposes of the preceding sentence shall be computed by dividing the amount of tax by the residential class tax rate of the city of Chelsea and multiplying the result by \$1,000. For the purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the board of assessors of the city in accordance with the deed for the property and shall include a condominium unit.

SECTION 2. A taxpayer aggrieved by the failure to receive the residential exemption authorized under this act may apply for the residential exemption to the board of assessors of the city of Chelsea in writing on a form approved by the board within 3 months after the date on which the bill or notice of assessment was sent.

For the purposes of this act, a timely application filed under this section shall be treated as a timely filed application pursuant to section 59 of chapter 59 of the General Laws.

SECTION 3. This act shall take effect as of July 1, 2016 and shall apply to taxes levied for fiscal years beginning on or after July 1, 2016.

NEW BUSINESS

The following order was introduced by Councilors Avellaneda, Vidot, Garcia, Murphy, Cortell, Frank, Rodriguez, and Lopez. A motion from Councillor Avellaneda moved the order to a second reading under suspension.

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea; and

WHEREAS, the practice commonly known as “wage theft”-improperly withholding payment from employees and failing to pay them according to required schedules-harms the well-being of employees, their families, and their communities; and

WHEREAS, low income, immigrant, and limited English proficient workers are most vulnerable to this practice; and

WHEREAS, workers in the hospitality service industry are also vulnerable to this practice; and

WHEREAS, the high cost of wage theft to the City, its business community, and its residents impedes the City’s economic development and growth; and

WHEREAS, requiring City vendors to certify to the City their compliance with federal and state wage law, or to report violations and provide a wage bond, strengthens the City’s ability to hire vendors that treat their employees fairly; and

WHEREAS, prohibiting City departments from contracting with debarred vendors for the period of debarment will help to ensure that City resources are not used to support house vendors debarred for wage law violations; and

WHEREAS, the City desires to ensure that potential and current recipients of licenses issued under G.L. chapter 138 and chapter 140 comply with applicable wage laws;

NOW, THEREFORE, BE IT ORDAINED, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

SECTION 1

That Chapter 2, Article VI, be amended by adding a new Section 2-284A as follows:

Sec. 2-284A. Wage Theft Ordinance

- (a) The following section shall be incorporated into the City of Chelsea’s Standard Contract General Conditions Form as of July 1, 2016 and apply to every new contract and every renewal term of a contract entered into after that date:

The Contractor certifies that neither it nor any of its subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three (3) years prior to the date of the Contract; or certifies that it has provided copies of any and all of the above to the City prior to the date of the Contract and any required wage bond or insurance; and certifies that while the Contract is in effect, it will report any instance of the above to the City within five (5) days of the Contractor's receipt.

(b) The following provisions shall be included in any request for proposals, invitation for bids or request for qualifications issued by the City on or after July 1, 2016;

1. Prospective vendors must provide the following certifications or disclosures in writing to the Purchasing Agent with their bids or proposals. Failure to provide the following shall result in rejection of the bid or proposal:
2. Prospective vendors must certify that neither they nor any of their subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three (3) years prior to the date vendors submit their bids or proposals; or
3. Prospective vendors must disclose any such criminal or civil judgments, administrative citation, final administrative determination, order or debarment and include copy(ies) with their bids or proposals.
4. Prospective vendors are notified that they must report any such criminal or civil judgment, administrative citation, final administrative determination, order or debarment from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages while any of their bids or proposals to the Purchasing Agent Official is pending and, if awarded a Contract, during the term of the resulting Contract, within five (5) days of vendor's receipt.
5. Prospective vendors that are subject to a state or federal **debarment** for violation of the above laws, either voluntarily or involuntarily, or that have been prohibited from contracting with the Commonwealth or any of its agencies or subdivisions will be deemed not responsible and their bids or proposals shall be rejected. Such vendors shall be deemed not responsible for the entire term of debarment or other stated time period. During the term of a Contract, upon a finding or order of such debarment or prohibition, the City may terminate the contract.
6. Vendor(s) awarded a Contract that have disclosed a federal or state criminal or civil

judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three (3) years prior to the date they submit their bids or proposals, or Vendor(s) awarded a Contract that receive a federal or state criminal or civil judgment, administrative citation, order or final administrative determination resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages during the term of the Contract and that are not otherwise prohibited from public contracting may be required by the City to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of one year's gross wages for all employees, based on an average of its total labor costs for the past two years. Such bond must be maintained for the terms or extensions of any Contract, and proof of such bond must be provided upon request by the City.

7. Vendor(s) awarded a Contract that have disclosed a federal or state criminal or civil judgment administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three (3) years prior to the date they submit their bids or proposals and through the Contract term shall furnish their monthly certified payrolls to the Purchasing Agent for all employees working on such Contract.

SECTION 2

That Chapter 14, Article II be amended by adding a new Section 14-32A as follows:

Sec. 14-32A. Violations of Wage Laws by Licensees or Permittees.

- (a) Any application to the License Commission for any license issued pursuant to M.G.L. c. 138 or M.G.L. c. 140 may be denied if, during the three year period prior to the date of the application, the applicant has been subject to a federal or state criminal or civil judgment, administrative citation, order or final administrative determination resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages. Each applicant for a license shall certify that he has not been found guilty, liable or responsible, in the past three years, in any judicial or administrative proceeding, for any violation of any of the laws set forth above.
- (b) Any license or permit issued by the License Commission under M.G.L. c. 138 or M.G.L. c. 140 may be modified, suspended or revoked if, during the term of the license or permit, the licensee or permittee has been subject to a federal or state criminal or civil judgment, administrative citation, order or final administrative determination resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages.

The following order was introduced by Councillor Robinson. Councillor Robinson offered an amendment, to remove the words **and the status of those cases** from the order. The amended version was adopted under suspension.

REQUEST, for an update from Law Department on outside cost for legal work, the percentage increase from last fiscal year, and the number of outstanding cases.

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

REQUEST, for Planning and Development to give the Council an update on Everett Avenue Thibeault Development, LLC. And any other developments in the future.

The following order was introduced by Councillor Frank. A motion from Councillor Frank to adopt by roll call passed 9-0-2-0. Voting yes were Councilors Frank, Vidot, Rodriguez, Murphy, Lopez, Garcia, Avellaneda, Cortell, and Robinson. Councilors Recupero and Tejada were absent.

REQUEST, that the City Manager send the City Council a weekly email communication updating the Council on city activity from the prior week and anticipated events or activities of the upcoming week.

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

REQUEST, that the City Manager look into the operational status of the Chelsea curfew/fog horn and look into re-instituting a nightly horn blast.

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 lighting situation of the City hall clock tower and look into ways to improve the lighting of the tower through led spotlights that would be of a natural white spectrum the majority of the time but can be adjusted in color to convey snow emergencies or celebrate major events.

The following order was introduced by Councilors Vidot and Lopez. A motion from Councillor Vidot to adopt under suspension was adopted.

ORDERED, that the City manager work with the DPW to implement an extension of the recycle barrel pilot program for residents.

The following order was received late and introduced by Councilors Vidot, Lopez, Rodriguez, and Garcia. A motion from Councillor Vidot to adopt under suspension was adopted.

ORDERED, that the City Manager provide City Council with an inventory of all city-owned vehicles and records of any expense accounts associated with these automobiles.

The following order was introduced by Councilors Vidot, Lopez, Rodriguez, and Garcia. A motion from Councillor Vidot to adopt under suspension was adopted.

ORDERED, that the City Manager be and hereby is requested to confer with DPW to ensure the proper disposal of recyclables stored in solar powered trash receptacles around the city immediately.

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

ORDERED, that the Chelsea City Council authorize the appropriation of \$39,000.00 from Free Cash to supplement the Fiscal Year 2016 Department of Public Works-Streets and Sidewalks Division-Maintenance City-Wide-0142252-524600.

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

ORDERED, that the Chelsea City Council authorize the appropriation of \$53,062.00 from Free Cash to supplement the Fiscal Year 2016 Department of Public Works-Streets and Sidewalks Division-Maintenance City-Wide-0142252-524600.

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

ORDERED, that the Chelsea City Council authorize the appropriation of \$93,000.00 from Free Cash to supplement the Fiscal Year 2016 Department of Public Works-Buildings and Grounds Division-Maintenance City -Wide-0147052-524100.

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

ORDERED, that the Chelsea City Council authorize the appropriation of \$30,860.00 from Free Cash to supplement the Fiscal Year 2016 Employee Benefits – Unemployment-0191051-517700.

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

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 \$61,455.02 representing the unexpended portion of the \$550,000.00 borrowed under the Fiscal Year 2014 Capital Improvement Plan for sewer infrastructure improvements-Forsyth Street Utility Improvement Project 55451411-584503 but which is no longer needed to complete that project, is hereby transferred in the amount of \$61,455.02 for sewer infrastructure improvement to the FY'12 Lower Broadway Infrastructure Project-Account 55451210-584503.

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

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 \$24,519.27 representing the unexpended portion of the \$430,000.00 borrowed under the Fiscal Year 2010 Capital Improvement Plan for sewer infrastructure improvements-Jefferson Avenue Utility Improvement Project-Sewer Bond-Account 55301007-584500, but which is no longer needed to complete that project, is hereby transferred in the amount of \$24,519.27 for sewer improvements to the FY'12 Lower Broadway Infrastructure Project-Account 55451210-584503.

The meeting adjourned at 8:55 p.m.

Sincerely,

A handwritten signature in cursive script that reads "Paul G. Casino". The signature is written in black ink and is positioned above the typed name.

Paul G. Casino
Clerk of the Chelsea City Council