

Chelsea, Massachusetts, May 4, 2015

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 Robinson, Hatleberg, Murphy, Cataldo, Cunningham, Recupero, Brown, Frank, Barton, and Cortell. Councillor Perlatonda arrived at 7:05 p.m. Councillor Barton was absent. Council President Robinson 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 City Council.

RESOLUTION

WHEREAS, Toni-Chanelle Suncar, a fifth grader at the Brown Middle School, met with President Obama in Washington DC to present a Science Fair Project, and

WHEREAS, Toni-Chanelle, the daughter of Wanda Barrios, sister of Erica Maria Tapia and Stephanie Rivera all of wich encouraged and supported her, and

WHEREAS, Toni-Chanelle, was chosen for a computer coding project she did through the Brown Middle School partnership with Citizen Schools and the Boston technology firm Digitas now therefore be it

WHEREAS, That we the members of the Chelsea City Council wish to extend to you, Toni-Chanelle Suncar, our congratulations and best wishes on your future endeavors in the World of Science and for having your project selected among many others.

Public Hearing:

A Public Hearing was held for the proposed discontinuance of the portion of Spencer Avenue. No one came forward to speak.

A Public Hearing was held for the Residential Planned Overlay District (RPOD). No one came forward to speak.

The final Public Hearing was held for medical clinics as accessory to medical center use by Special Permit approved by the Zoning Board of Appeals. No one came forwards to speak.

The Public Hearings were then closed by President of the City Council Leo Robinson.

Public speaking:

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

The following came forward to speak:

Resident of 154 Pearl Street spoke about the crime in the area and asked what is being done about it.

The public speaking closed at 7:13 p.m.

Communications from City Manager:

The following communication was received from Acting City Manager Ned Keefe. A motion from Councillor Hatleberg to accept and file was adopted under suspension.

The Honorable City Council
City Hall
Chelsea MA 02150

Re: Request to Appropriate Free Cash to the Clark Avenue Middle School Project

Dear Honorable City Council:

I submit for Council consideration and approval a request to appropriate Free Cash for the Clark Avenue Middle School Project in the amount of \$2,000,000.

This request represents the 1st installment of Free Cash to finance the Clark Avenue Middle School Project.

Please refer to the City Treasurer communication on Fund Balance Policy for the financing approach for the Clark Avenue School.

As an appropriation order, this matter requires two readings and a two-thirds vote of the Council.

Thank you for your consideration of this request.

Sincerely,
Ned Keefe
Acting City Manager

The following communication was received from Acting City Manager Ned Keefe. A motion from Councillor Hatleberg to accept and file was adopted under suspension.

The Honorable City Council
City Hall
Chelsea MA 02150

Re: Request to Appropriate Free Cash to the School Capital Stabilization Fund

Dear Honorable City Council:

I submit for Council consideration and approval a request to appropriate Free Cash to replenish the School Capital Stabilization Fund in the amount of \$1,000,000.

This request represents the 1st installment of Free Cash to replenish and build the school capital fund to a standard level necessary to support the capital needs of our school buildings. With the aging of the school buildings, it is likely that the capital fund target may need to be increased, as it currently assumes a moderate level of capital need.

It would be helpful to accelerate this funding plan should the City's Free Cash balance allow it.

The school building capital improvement plan anticipates using the capital funding account annually and this will be reported as part of the City CIP plan.

As an appropriation order, this matter requires two readings and a two-thirds vote of the Council.

Thank you for your consideration of this request.

Sincerely,
Ned Keefe
Acting City Manager

The City Manager Proposed Annual City Budget for the Fiscal Year 2016 was submitted to the City Council on May 1, 2015 and received by the members of the City Council on May 4, 2015. A motion from Councillor Hatleberg to accept the Proposal and refer it to the Sub-Committee on Conference before it will be acted upon, with a scheduled public hearing and a second reading, was adopted under suspension. A full copy of the proposed annual budget is available at the Public Library and the City Clerks office.

Communications and petitions to the Council:

A copy of a communication was received from the Office of the City Treasurer Robert Boulrice, explaining the General Fund-Fund Balance policy. A motion from Councillor Hatleberg to accept and file was adopted under suspension.

A copy of a communication was received from Deborah A. Clayman, City Clerk/Parking Clerk regarding the following actions that were approved at the April 28, 2015 Traffic and Parking Commission Meeting. A motion from Councillor Murphy to accept and file was adopted under suspension.

A copy of a communication was received from Toni Marie Pignatelli, Planner regarding the Proposed Street Discontinuance. A motion from Councillor Frank to accept and file was adopted under suspension.

A copy of a communication was received from Toni-Marie Pignatelli, Planner regarding the Residential Planned Overlay District (RPOD). A motion from Councillor Cortell to accept and file was adopted under suspension.

A copy of a communication was received from Toni-Marie Pignatelli, Planner, regarding the Mobile medical Clinics. A motion from Councillor Cortell to accept and file was adopted under suspension.

Committee Reports:

A copy of a Committee Report was submitted by Councillor Robinson regarding the Sub-Committee on Conference held on Tuesday, April 28, 2015-Public Safety. A motion from Councillor Recupero to accept and file was adopted under suspension.

Second Readings:

The following order was introduced by Councillor Hatleberg and reads for the second time. A motion from Councillor Hatleberg to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Robinson, Perlatonda, Hatleberg, Murphy, Cataldo, Cunningham, Recupero, Brown, Frank, and Cortell. Councillor Barton was absent.

ORDERED, that the sum of \$34,000.00 be appropriated from Fund Balance reserved for Overlay Surplus Account #01/322000 to Assessor Department #141-Appraisal Services Account #0114152-531100 to fund the commercial property review contract.

The following order was introduced by Councillor Hatleberg and read for the second time. A motion from Councillor Hatleberg to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Robinson, Perlatonda, Hatleberg, Murphy, Cataldo, Cunningham, Recupero, Brown, Frank, and Cortell. Councillor Barton was absent.

ORDERED, that the Chelsea City Council authorize the appropriation of \$15,000.00 from Free Cash to supplement the Fiscal Year 2015 Fire Department-Parts and Accessories Expense Account 0122051-545300.

The following order was introduced by Councillor Hatleberg, and read for the second time. A motion from Councillor Hatleberg to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Robinson, Perlatonda, Hatleberg, Murphy, Cataldo, Cunningham, Recupero, Brown, Frank, and Cortell. Councillor Barton was absent.

ORDERED, that the sum of \$5,100.00 be transferred from Parking Clerk-Other Services (Parking Contract) Account #0129352-538000 to Parking Clerk-Capital-Parking Meters Account #0129358-587000.

The following order was introduced by Councillor Hatleberg and read for the second time. A motion from Councillor Hatleberg to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Robinson, Perlatonda, Hatleberg, Murphy, Cataldo, Cunningham, Recupero, Brown, Frank, and Cortell. Councillor Barton was absent.

ORDERED, that the Chelsea City Council authorizes the transfer of funds from the Salary Reserve Account #0199959-598000 to the following FY2015 Regular Salaries Accounts:

Parking Clerk Account #0129351/510200 \$6,981.00

City Clerk Account #0116151/510200 \$9,033.00

Central Billing Account #0115951-510200 \$9,033.00

The following order was introduced by Councillor Hatleberg and read for the second time.. Councillor Hatleberg made a motion to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Robinson, Perlatonda, Hatleberg, Murphy, Cataldo, Cunningham, Recuperero, Brown, Frank, and Cortell. Councillor Barton was absent.

ORDERED, that the Chelsea City Council authorizes the transfer of funds in the amount of \$2,740.00 from the Salary Reserve Account #0199959-598000 to the FY2015 Legislative Regular Salaries Account #0111051-510200.

The following order was introduced by Councillor Hatleberg. A motion from Councillor Hatleberg to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Robinson, Perlatonda, Hatleberg, Murphy, Cataldo, Cunningham, Recuperero, Brown, Frank, and Cortell. Councillor Barton was absent.

BE IT ORDERED, That \$458,000 be and hereby is appropriated to pay additional Costs of the Chelsea North, Phase II Water System Project, which work was approved as part of the City's Fiscal Year 2015 Capital Improvement Program, and is eligible for financial assistance through the Massachusetts Water Resource Authority's Local Water system Assistance Program (LWSAP), including the payment of any and all other costs incidental and related thereto: and that the Treasurer, with the approval of the City Manager, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7 and 8, of the General Laws, as amended, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore, and

FURTHER ORDERED, That the Treasurer is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized pursuant to this order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

The following appointments recommended by Acting City Manager Ned Keefe were introduced by Councillor Hatleberg and read for the second time. A motion from Councillor Hatleberg to affirm the appointment by roll call passed 10-0-1-0. Voting yes were Councilors Robinson, Perlatonda, Hatleberg, Murphy, cataldo, Cunningham, Recepero, Brown, Frank, and Cortell. Councillor Barton was absent.

George Ostler, 35 Murry Street, Board of Library Trustees, term expires on 2/28/18

Edward Mulkern, 19 Marlboro Street, Board of Library Trustees, term expires on 2/28/18

Robert Accomando, 45 Jones Avenue, Board of Library Trustees, term expires on 2/28/18

Judie Dyer, 11 Heard Street, Conservation Committee, term expires on 2/28/18

Alan Orloff, 100 Commandants Way, #104, Conservation Commission, term expires 2/28/18
Liz Joyce, 45 Garland Street, Board of Registrars, term expires on 1/28/18
Fella Goldberg, 1 Boatswains Way, Board of Assessors, term expires on 2/28/18
Kathleen Conlon, 83 Tudor Street, Board of Assessors, term expires on 2/28/18
Joseph Mahoney, 200 Captain's Row, #403, Zoning Board of Appeals, term expires on 2/28/18
Marilyn Vega Torres, 325 Commandants Way, #335, Zoning Board of Appeals, term expires on 2/28/18
Catherine Maas, 38 Beacon Street, Board of Health, term expires 2/28/18
Madeline Scammell, 59 Eleanor Street, Board of Health, term expires 2/28/18
Dr. Dean Xerras, 1441 Centre, Newton, MA Board of Health, term expires 2/28/18
Diane Paxton, 92 Eleanor Street, Tree Board, term expires on 2/28/18
Frank Kowalski, 11 Grandview Road, Board of Registrars, term expires on 2/28/18

New Business:

The following order was introduced by Councillor Robinson. A motion from Councillor Frank to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Robinson, Perlatonda, Hatleberg, Murphy, Cataldo, Cunningham, Recupero, Brown, Frank, and Cortell. Councillor Barton was absent.

WHEREAS, by Section 21 of chapter 82 of the Massachusetts General Laws, as amended, it is provided that the Chelsea City Council may discontinue a public way; and

WHEREAS, in November of 1863 the City of Chelsea accepted Spencer Ave as a public way;

WHEREAS, by Section 3 of Chapter 40 of the Massachusetts General Laws, as amended, it is provided that the Chelsea City Council may dispose and convey real property; and

WHEREAS, the City Administration has researched, determined and recommended that a section of Spencer Avenue equating 9,656 square feet be discontinued as a roadway and is surplus property whereby making disposition appropriate which is described on the attached surveyed plan;

WHEREAS, The City Administration has filed a request to discontinue a 9,656 square foot portion of Spencer Avenue that intersects with Eastern Avenue and Stockton Street; and

WHEREAS, The City of Chelsea Planning Board and Traffic and Parking Commission after each holding a public hearing have recommended the discontinuance of said portion of Spencer Avenue pursuant to Section 24-85 of the Chelsea, Massachusetts Code of Ordinances;

NOW, THEREFORE BE IT ADOPTED:

NOW, THEREFORE, by virtue of and in pursuance of the authority by said Chapters of the Massachusetts General Laws and by every other power and authority it thereto enabling, the City of Chelsea, by its City Council does hereby discontinue a portion of Spencer Avenue as a public way a parcel of land located at the corner of Eastern Avenue and Stockton Streets in Chelsea, Massachusetts, County of Suffolk, Commonwealth of Massachusetts, bounded and described as follows:

A CERTAIN PORTION OF SPENCER AVENUE, SITUATED IN THE CITY OF CHELSEA, COUNTY OF SUFFOLK AND THE COMMONWEALTH OF MASSACHUSETTS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTHWESTERLY SIDE LINE OF SPENCER AVENUE, SAID POINT BEING THE INTERSECTION WITH THE NORTHEASTERLY SIDE LINE OF STOCKTON STREET;
THENCE RUNNING N40° 38' 46"E ALONG SAID NORTHWESTERLY SIDE LINE OF SPENCER AVENUE, A DISTANCE OF 200.00 FEET TO A POINT;
THENCE TURNING AND RUNNING S33° 56' 47"E, A DISTANCE OF 51.86 FEET TO A POINT ON THE SOUTHEASTERLY SIDE LINE OF SPENCER AVENUE;
THENCE TURNING AND RUNNING ALONG SAID SPENCER AVENUE S40° 38' 46"W, A DISTANCE OF 186.26 FEET TO A POINT;
THENCE TURNING AND RUNNING N49° 18' 32"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.
CONTAINING AN AREA OF 9,656 SQUARE FEET.

BE IT FURTHER ORDERED: The discontinuance and abandonment of a portion of Spencer Avenue, Chelsea, Massachusetts, as described herein is hereby authorized in accordance with General Laws, Chapter 82, Section 21, as amended.

BE IT FURTHER ORDERED: That by virtue of and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Chelsea, by its City Council, does hereby authorize the City Manager to dispose of a 9656 square foot corner parcel of land located at Eastern Avenue and Stockton Streets, Chelsea, Massachusetts.

The following order was introduced by Councillor Robinson. A motion from Councillor Cortell, to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Robinson, Perlatonda, Hatleberg, Murphy, Cataldo, Cunningham, Recupero, Brown, Frank, and Cortell. Councillor Barton was absent.

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.

WHEREAS, The City Administration has filed a petition to amend the zoning districts that allow Mobile Dental Vans accessory to a Medical Center, subject to Special Permit approval by the Zoning Board of Appeals;

WHEREAS, The City of Chelsea Planning Board has recommended after a public hearing, the adoption of the amendment to revise the City of Chelsea Zoning Ordinance to revise Sections 34-241 Definitions, Section 34-50(e)(2), and create Section 34-50(g)(4) of Chapter 34 (Zoning) of the Chelsea, Massachusetts Code of Ordinances;

WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds:

- 1) That the aforementioned amendments to Sections 34-241, 34-50(e)2), and 34-50(g)(4) advances legitimate aspects of public interest;
- 2) That it further promotes the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
- 3) That it encourages the most appropriate use of land throughout the City of Chelsea;

NOW, THEREFORE BE IT ADOPTED:

That the following proposed changes to the City of Chelsea Code of Ordinances Chapter 34 – the Chelsea Zoning Ordinance be enacted:

1. Modify the text of Section 34 -241 to change the definition of “Medical Center” from:
 - (1) The term “medical center” means an institution providing varied medical services, including, but not limited to, ambulatory care, routine medical visits, surgical care, physical rehabilitation or mental health services, on an outpatient basis, provided that:
 - a. Adjacent properties are adequately protected from noise odors and unsightly appearances.
 - b. The hours of operation will not negatively impact surrounding areas in terms of traffic flow, or create increases in traffic volume in the evening hours.
 - (2) The term “medical center” does not include hospitals and substance abuse treatment centers.

To:

- (1) Any facility in which a variety of medical and/or dental services will be practiced by Massachusetts licensed medical and dental professionals, on an outpatient basis. Services may include and are not limited to: Cardiology; geriatric medicine, mental health, hematology, neurology, obstetrics/gynecology; occupational health; oncology; rehabilitation medicine; emergency dental services; dental exams and preventative dental care; dental restorative services; and dental rehabilitative services.
 - (2) The term “medical center” does not include hospitals, medical marijuana dispensaries, clinics and substance abuse treatment centers.
2. Modify the existing text of Section 34-50(e)(2) from:
- (2) *Nonpermanent business structures.* Nonpermanent business structures, including trailers, trucks, open air stands and carts used for office space, retail space, wholesale storage or storage accessory to a principal business use.
- To:
- (2) *Nonpermanent nonresidential structures.* Nonpermanent nonresidential structures, including trailers, trucks, open air stands and carts used for office space, retail space, wholesale storage or storage accessory to a principal use, except when use applies to provisions of Section 34-50(g)(4)
3. Add a new text as Section 34-50(g)(4) to read:
- (4) Non-permanent, non-business structures accessory to a medical center. Any self-contained nonpermanent, nonresidential facility in which medical or dental services will be practiced by Massachusetts licensed medical and dental professionals, which may be moved, towed, or transported from one location to another and used on a temporary or semi-permanent basis may be offered accessory to, and located on the same campus of, the principal medical center use. This accessory use will be subject to special permit approval by the Zoning Board of Appeals and site plan approval by the Planning Board and must provide alternative parking if the proposed use utilizes existing parking on the site.

The following order was introduced by Councillor Robinson. A motion from Councillor Hatleberg to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Robinson, Perlatonda, Hatleberg, Murphy, Cataldo, Cunningham, Recupero, Brown, Frank, and Cortell. Councillor Barton was absent.

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 Administration has filed a petition to amend Section 34-185, Residential Planned Overlay District (RPOD), by creating an RPOD-3 sub-district that will cover the area bounded by Clark, Webster, Spencer, and Eastern Avenue, Clinton Street and Gilooly Road. The amendment will further modify Section 34-185 (Table A) to adopt dimensional requirements within an RPOD-3;

WHEREAS, The City of Chelsea Planning Board has recommended after a public hearing, the adoption of the amendment to revise the City of Chelsea Zoning Ordinance - Section 34-185 Residential Planned Overlay District;

WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds: that the amendment to the Section 34-185 advances legitimate aspects of public interest;

- 4) That it further promotes the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
- 5) That it encourages the most appropriate use of land throughout the City of Chelsea;

NOW, THEREFORE BE IT ADOPTED:

That the following proposed changes to the City of Chelsea Code of Ordinances Chapter 34 – the Chelsea Zoning Ordinance be enacted:

4. Amend Sec. 34-185. Residential Planned Overlay District (RPOD) as follows:

From:

(a) *Scope and Purpose.* This section applies to the Residential Planned Overlay District (RPOD). IT is the purpose of this section to establish an RPOD to foster a range of housing opportunities and promote compact development of a high quality design, preservation of open space and enhanced pedestrian access to employment and public transportation. With the RPOD, there shall be established two sub-districts referred to as RPOD-1 and RPOD-2.

To:

(a) *Scope and Purpose.* This section applies to the Residential Planned Overlay District (RPOD). IT is the purpose of this section to establish an RPOD to foster a range of housing opportunities and promote compact development of a high quality design, preservation of open space and enhanced pedestrian access to

employment and public transportation. With the RPOD, there shall be established three sub-districts referred to as RPOD-1, RPOD-2, and RPOD-3.

5. Amend Sec. 34-185. Residential Planned Overlay District (RPOD), Table A as follows:

From:

Table A

	RPOD-1	RPOD-2
Area, frontage and bulk ¹		
Minimum lot area	20,000 square feet	20,000 square feet
Maximum lot frontage	50 feet	50 feet
Maximum total floor area ratio	1.5	1.5
Minimum lot area per dwelling unit	1,250 square feet	950 square feet
Maximum lot coverage (percent)	50 percent	50 percent
Maximum density	35 units/acre	45 units/acre
Minimum useable open space per dwelling unit	150 square feet	150 square feet
Height and setbacks		
Height (feet) ²	40 feet	40 feet
Height (stories) ²	Four stories	Four stories
Front setback	Five feet	Five feet
Side setback	Five feet	Five feet
Rear setback	20 feet	20 feet

To:

Table A

	RPOD-1	RPOD-2	RPOD-3
Area, frontage and bulk ¹			
Minimum lot area	20,000 square feet	20,000 square feet	20,000 square feet
Minimum lot frontage	50 feet	50 feet	150 feet
Maximum total floor area ratio	1.5	1.5	2.20
Minimum lot area per dwelling unit	1,250 square feet	950 square feet	573 square feet
Maximum lot coverage (percent)	50 percent	50 percent	50 percent
Maximum density	35 units/acre	45 units/acre	76 units/acre
Minimum useable open space per dwelling unit	150 square feet	150 square feet	60 square feet
Height and setbacks			
Height (feet) ²	40 feet	40 feet	60 feet
Height (stories) ²	Four stories	Four stories	Five stories
Front setback	Five feet	Five feet	Five feet
Side setback	Five feet	Five feet	Five feet
Rear setback	20 feet	20 feet	10 feet

3. Adopt new zoning map as attached.

The following order was introduced by Councillor Recupero. Councillor Recupero moved roll call. Councillor Robinson moved the Order to a second reading by objection. WHEREAS, the City Administration and the City Council has prioritized the desire to ensure the Quality of Life of all Chelsea residents;

WHEREAS, it is common knowledge that community policing is to resolve the livability of our neighborhoods and one such essential aspect is that police officers and other public safety officials live and interact with the community they serve;

WHEREAS, several U.S. courts have found that cities have a rational interest in having public safety employees available for emergency calls, employees having a stake in the community, enhancing the tax base, improving community attitudes and cooperation, increasing loyalty to the community, and reducing absenteeism all such goals of this City Council:

WHEREAS, the City Administration and City Council are adopting a new Public Safety Plan which outlines the hiring public safety officers;

NOW THEREFORE BE IT ORDAINED that a new ordinance be adopted as follows:

PART II CODE OF ORDINANCES – CHAPTER 2 ADMINISTRATION ART. III,
DIVISION I – GENERALLY SEC. 2-61

2-61 Residency Requirements for Employees in Public Safety Positions

(a) Every person first employed by the City of Chelsea as a police officer and firefighter after May, 2015, shall be a resident of the City of Chelsea, and shall not cease to be a resident of the City of Chelsea during the first three (3) years of employment by the City.

(b) Upon taking employment with the City, and annually on January first thereafter, every person subject to this section shall file with the Director of Human Resources, a certificate, signed under the pains and penalties of perjury, stating his or her name, and place of residence along with a copy of a utility bill, picture identification with current address and any other documentation deemed acceptable by the Human Resources Director which lists the residential address of the applicant in Chelsea. Upon receipt of a certificate indicating a place of residence not within the City of Chelsea or if no such certificate is filed, the Director of Human Resources shall forthwith strike the name of the employee from the payroll, that person shall cease to be employed by the City. Every employee shall be furnished a copy of the residency ordinance when hired and annually thereafter, but failure to receive a copy shall not be held to excuse any violation.

(c) To the extent permissible by law, no collective bargaining agreement hereafter entered into by the City of Chelsea shall contain any provision contrary to the provisions hereof, nor shall the absence of any provision with respect to the residency of any person hired after the date of such contract be deemed to prevent enforcement of this section.

(d) To the extent permitted by Chapter 31 of the General Laws, every examination held to establish a Civil Service list for employment by the City of Chelsea shall be restricted to City of Chelsea residents.

(e) In the event that this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and

shall not defeat the application of this ordinance with respect to any position not governed by that law.

(f) The provisions hereof shall not be waived by the City Manager nor the City Council with respect to a particular person or position.

(g) The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion hereof, and any such action declaring this section invalid with respect to any position or person shall not be held to apply to any other person or position.

(h) In construing this ordinance, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects. This ordinance shall be deemed to affect both Civil Service employees of the City.

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

ORDERED, that the Chelsea City Council authorize the appropriation of \$1,000,000.00 from Free Cash to the School Capital Stabilization Fund Account #7024.

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

ORDERED, that the Chelsea City Council authorize the appropriation of \$2,000,000.00 from Free cash to the Clark Avenue Middle School Fund #5533 series.

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

ORDERED, that the Chelsea City Council authorize the appropriation of \$15,900.00 from Free Cash to supplement the Fiscal Year Fire Department-Parts and Accessories Expense Account 0122051-545300.

The following order was introduced by Councillor Recuperero and Perlatonda. The late order was approved at the request of Councillor Recuperero under suspension.

ORDERED, that the Acting City Manager Ned Keefe along with DPW Director Joe Forti look into adjusting the brightness of the city's LED street lights.

A moment of silence was conducted for the passing of Fred Martinello requested by Councillor Robinson and the Police Officer Brian Moore at the request of Councillor Cunningham.

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The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Paul G. Casino
Clerk of the Chelsea City Council