



City of Malden

Malden City Hall
200 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, October 25, 2016

7:00 PM

John & Christina Markey Community Center,
7 Washington St.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE IN HONOR OF SERVICEMEN & WOMEN

3. ROLL CALL

Present - Councillors: 9 - Neal Anderson, Peg Crowe, Paul Condon, Deborah DeMaria, Neil C. Kinnon, John P. Matheson, Ryan O'Malley, Craig Spadafora and Barbara Murphy

Absent - Councillors: 2 - David D'Arcangelo and Jadeane Sica

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. APPROVAL OF MINUTES

6. APPOINTMENTS & ELECTIONS

7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

8. MOTIONS, ORDERS AND RESOLUTIONS

[418-16](#)

Be it ordained that Section 500.2.20 of R.O. 1991 be amended relative to open space requirements for certain residential uses.

Sponsors: Craig Spadafora

A motion was made by Councillor Spadafora that the Ordinance be referred to the Rules & Ordinance Committee and Planning Board. The motion carried by a unanimous vote.

9. COMMUNICATIONS

10. CLAIMS

11. COMMITTEE REPORTS

[417-16](#)

Committee Report: Ordinance (Paper #611-15 Be it ordained that RO 1991 be amended to create a Community Preservation Committee)
The Standing Committee on Ordinance, to whom was referred Paper #611, Series of 2015, having considered the same make the following report: Committee recommends that this paper be reported out

favorably with the following amendment:

That everything after the enacting clause be stricken and the following inserted in place thereof:

1. -by adding a new Section 2.30 as follows:

Section 2.30 Community Preservation Committee; Composition; Duties; Etc.

.1 Appointment; Term; Filling of Vacancies; Officers

The City shall establish a Community Preservation Committee consisting of nine residents, who shall serve without compensation and shall be appointed as follows:

- a. One member designated by the Conservation Commission from among its members who shall serve for a term of three years;
- b. One member designated by the Historical Commission from among its members who shall serve for a term of three years;
- c. One member designated by the Planning Board from among its members who shall serve for a term of three years;
- d. One member designated by the Housing Authority from among its members who shall serve for a term of three years
- e. Five members, who shall serve for a term of two years, each of whom shall be appointed by a ward councillor chosen by a lottery conducted publicly during a City Council meeting; provided that only those wards not represented by statutory members, as listed above, shall be included in said lottery; and provided further that any ward not selected during one appointment period shall be guaranteed appointment during the following appointment period. Appointments made by ward councillors shall be at their sole discretion; provided that no appointee of a ward councillor shall hold another elected or appointed position in the city nor be employed by the city or any of its agencies.

No member shall serve more than two consecutive terms.

Each board or commission entitled to designate a member shall notify the City Council through the City Clerk as to the member designated.

Within 30 days of notice that a vacancy exists, it shall be filled for the balance of the unexpired term in the same manner as the initial appointment was made.

.2 Administration

The Committee shall annually elect a chairperson from among its members; provided that no member shall serve as chairperson for more than two consecutive years, except upon vote of two thirds of the members.

Except as provided above, actions shall be approved by a majority of the members present and voting; provided that a recommendation for the issuance of general obligation bonds or a recommendation involving action by eminent domain shall require a two thirds vote of members present and voting.

The Committee may, in its discretion, appoint subcommittees and elect such other officers as it deems necessary and appropriate and may employ such subordinates and assistants as are provided for by funding; provided that no administrative funds may be used to enter into a contract with the Malden Redevelopment Authority or the Malden Housing Authority or any of their employees for the provision of administrative services.

The Committee shall promulgate rules and regulations for its own governance and for the transaction of business as it deems necessary and appropriate.

On or before March 1 of each year, the Committee shall submit to the Mayor for inclusion in the annual appropriation order, a proposed operating budget for fiscal year next ensuing, which shall not exceed five percent of that year's estimated annual community preservation fund revenues.

.3 Authority, duties and responsibility

(a) The Community Preservation Committee shall annually, in consultation with appropriate city boards and commissions, conduct an study of the needs, possibilities and resources of the city regarding community preservation, including the consideration of regional projects.

(b) As part of its study, the Committee shall hold at least one public hearing on the needs, possibilities and resources of the city regarding community preservation possibilities and resources, notice of which shall be posted publicly and published at least once in each of the two weeks preceding the hearing in a newspaper of general circulation in the city and published electronically on the city's web site.

(c) The Committee shall annually solicit applications for funding of community preservation projects and shall hold at least one public hearing on proposed projects.

(d) The Committee shall evaluate proposals and make recommendation, including anticipated costs, to the City Council for funding of such projects as it believes will provide the maximum benefit to the city as a whole. In evaluating proposals, the Committee shall, at a minimum, consider the following factors:

1. eligibility for funding under the Community Preservation Act;
2. consistency with needs outlined in the Community Preservation study;
3. the availability of matching funds from the applicant or other

source.

The committee may include in its proposal to the City Council, a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the community preservation fund or to set aside for later spending funds for general purposes that are consistent with community preservation; provided however, that funds expended pursuant to this chapter shall not be used for maintenance.

The committee may recommend the issuance of general obligation bonds or notes, in anticipation of revenues to be raised pursuant to the Community Preservation Act, the proceeds of which shall be deposited in the Community Preservation Fund.

(e) In each fiscal year, the committee shall recommend that the City Council either spend, or set aside for later spending, not less than ten percent of the annual revenues in the community preservation fund for each of the following:

- (1) Open space, and land for recreational use;
- (2) Historic resources;
- (3) Community housing.

(f) The City Council may reject or reduce the funding for a recommended proposal; provided that the Council shall notify the Community Preservation Committee of any rejection or reduction in funding and provide the committee thirty (30) days from the date of council action to revise and resubmit such proposal; but provided further that Council action on a revised proposal shall be final.

2. -by adding to Section 4.9, after the words “the amount of taxes set in the annual warrant” as appearing in the first sentence, the following words: “..., and the amount of Community Preservation Fund surcharges, if any...”

3. -by adding after the first sentence of Section 4.10 the following new sentence: “The Board of Assessors shall add to the taxes payable for each property a 1% surcharge on the real estate tax levy; provided that no such surcharge shall be assessed for \$100,000 of the value of any property; and provided further that no surcharge shall be assessed for property owned and occupied by a person qualifying for low income housing or low or moderated income senior housing.”

4. -by adding to Section 4.12 B, after the words “issue tax bills”, the words “..., including Community Preservation Fund surcharges, where applicable...” and, by adding after the words “...and collect all taxes...”, the words “...Community Preservation surcharges...”

5. -by adding a new Section 4.24.1 as follows:

Section 4.24.1 To Establish a Community Preservation Fund; Investment

and Expenditure from Fund; Etc.

The Treasurer shall establish and act as custodian of a separate account to be known as the Community Preservation Fund, and shall deposit into said fund all of the following:

- .1 funds collected from Community Preservation Fund surcharges on real estate;
- .2 funds received from the Commonwealth or any other source for purposes of community preservation;
- .3 funds allocated from city revenues for community preservation, if any;
- .4 proceeds from bonds, if any, issued in anticipation of revenue, pursuant to Section 11 of Chapter 44B of Massachusetts General Laws.

The Treasurer shall invest Community Preservation funds in the manner permitted by state law and shall credit any income from said investment to the Community Preservation Fund.

Expenditure or revenues shall be made, upon order of the City Council and Mayor, to implement the recommendations of the Community Preservation Committee.

6. Implementation

The Historic Commission, the Planning Board, the Conservation Commission and the Housing Authority shall designate members to the Community Preservation Committee within 30 days of the effective date of this ordinance.

For purposes of implementation of this ordinance, initial terms shall be as follows:

- (1) Members designated by the Historic Commission and the Planning Board shall serve for three years;
- (2) Members designated by the Housing Authority and Conservation Commission and Five member shall serve for two years. For purposes of initial appointments, members appointed to a two year term shall be deemed to have served a full term.
- (3) Five (5) members appointed by the City council shall serve (1) one year term thereafter shall be extended to a (2) year term
Initial member shall be appointed on or before March 15, 2017.

This ordinance shall take effect upon passage.

A motion was made by Councillor Spadafora that the Committee Report be received and filed. The motion carried by a unanimous vote.

611-15

Be it Ordained that R.O. 1991 be amended to establish a Community Preservation Committee

Sponsors: Deborah DeMaria

A motion was made by Councillor Matheson that the Ordinance be tabled. The motion failed by the following vote:

Yea: 2 - Matheson and Spadafora

Nay: 7 - Anderson, Crowe, Condon, DeMaria, Kinnon, O'Malley and Murphy

A motion was made by Councillor Spadafora that the Ordinance be amended in accordance with the Committee Report. The motion carried by a unanimous vote.

A motion was made by Councillor O'Malley, seconded by Councillor Kinnon, that the Ordinance be amended to add at the end of section e. the following new phrase: "and provided further that if the number of statutory appointees and the number of appointments made by ward councilors results in fewer than nine members, an additional member shall be appointed by vote of the entire Council, based on publication of the existence of a vacancy, an application process, and interview of such candidates as the Council deems qualified for appointment." The motion carried by the following vote:

Yea: 9 - Anderson, Crowe, Condon, DeMaria, Kinnon, Matheson, O'Malley, Spadafora and Murphy

A motion was made by Councillor Spadafora that the Ordinance be enrolled as amended. The motion carried by the following vote:

Yea: 9 - Anderson, Crowe, Condon, DeMaria, Kinnon, Matheson, O'Malley, Spadafora and Murphy

A motion was made by Councillor Spadafora that the Ordinance be rules suspended. The motion carried by a unanimous vote.

A motion was made by Councillor Spadafora that the Ordinance be ordained. The motion carried by the following vote:

Yea: 9 - Anderson, Crowe, Condon, DeMaria, Kinnon, Matheson, O'Malley, Spadafora and Murphy

12. TABLED PAPERS

13. PERSONAL PRIVILEGE

14. ADJOURNMENT

At 7:53 p.m., a motion was made by Councillor Matheson that the meeting be adjourned. The motion carried by a unanimous vote.

KAREN ANDERSON, CITY CLERK