



# City of Malden

Malden City Hall  
200 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final City Council

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Tuesday, January 12, 2016

7:00 PM

City Council Chambers

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### 1. CALL TO ORDER

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

### 3. ROLL CALL

**Present - Councillors:** 11 - Neal Anderson, Peg Crowe, Paul Condon, David D'Arcangelo, Deborah DeMaria, Neil C. Kinnon, John P. Matheson, Ryan O'Malley, Jadeane Sica, Craig Spadafora and Barbara Murphy

### 4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

Members of the Malden Fire Department appeared to receive commendation from the Council for recent heroic actions in the Town of Saugus.

Malden Pop Warner Junior Midget Cheerleaders appeared to receive congratulations on their 3rd place finish in the National Cheer Competition.

### 5. APPROVAL OF MINUTES

[2-16](#) Minutes of the meeting of December 15, 2015.

**A motion was made by Councillor Anderson that the Council Minutes be approved. The motion carried by a unanimous vote.**

[3-16](#) Minutes of the meeting of January 4, 2016.

**A motion was made by Councillor Anderson that the Council Minutes be approved. The motion carried by a unanimous vote.**

### 6. APPOINTMENTS & ELECTIONS

[28-16](#) Appointment of Council Committees for 2016

**Standing Committees:**

Personnel: D'Arcangelo, Crowe, Matheson, Condon, Spadafora

Downtown/City Hall Relocation: Crowe, Matheson, O'Malley, Spadafora, Sica

Finance: Kinnon, Matheson, Condon, Sica, D'Arcangelo, O'Malley

License: Anderson, Sica, Condon, Matheson, DeMaria

Public Property: Condon, Sica, Spadafora, D'Arcangelo, DeMaria

Rules & Ordinance: Spadafora, DeMaria, Kinnon, Crowe, O'Malley

Public Safety: Kinnon, D'Arcangelo, Anderson, Sica, Condon

Public Works: DeMaria, Crowe, Condon, Anderson, O'Malley

Cemetery: Murphy, Crowe, Kinnon

Compliance/Appointments: Matheson, Crowe, D'Arcangelo

**Ad Hoc Committees:**

Waterfront Access: Murphy, Anderson, Crowe, Matheson, O'Malley

Site Plan Review (RIO): Matheson, O'Malley

Site Plan Review (Rowe's Quarry): Sica, Spadafora

Sign Design Review: Spadafora, Murphy

Library Trustees: Murphy

Municipal Building: Kinnon, Anderson

Master Planning Steering: Kinnon, Matheson

Committee were appointed.

## **7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES**

- [4-16](#) Class I Dealer: Bay State Ambulance Sales, Inc. 163 Eastern Ave. (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [5-16](#) Class II Dealer: Metro Auto Collision & Sales, Inc. 55 Madison St. (Renewal)]  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [6-16](#) Class II: Champion Motors USA, 251 Broadway (Renewal, Transfer)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [7-16](#) Class II Dealer: Automotive Repair dba Linden Auto, 121 Beach St. (Renewal)]  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [8-16](#) Class II Dealer: Salem St. Motors, Inc., 369 Salem St. (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [9-16](#) Amusement Machine: ITAMS Post 16, 40 Oakland St. (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [10-16](#) Amusement Machines: Provo Corp. dba Patrick's 36-40 Lebanon St. (Renewal)]

A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[11-16](#) Amusement Machines: GLS Associates Inc. 50 Holden St. (Renewal)

A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[12-16](#) Extended Hours: Walgreen's #03130, 185 Centre St. (Renewal)

A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

## **8. MOTIONS, ORDERS AND RESOLUTIONS**

[13-16](#) Be it Ordained that Section 8.42.1 of the Revised Ordinances of 1991 be amended relative to the Library Salary Schedule (Corrective Change)

**Sponsors:** David D'Arcangelo

A motion was made by Councillor D'Arcangelo that the Ordinance be referred to the Rules & Ordinance Committee. The motion carried by a unanimous vote.

[14-16](#) Be it Ordained that the Revised Ordinance of 1991 be amended relative to prohibiting replica firearms

**Sponsors:** Craig Spadafora

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

[15-16](#) Be it Ordained that Chapter 12 of the Revised Ordinances of 1991 be amended relative to Recreation for Gainful Business Secondary to Principal Club/Lodge

**(SUMMARY of PROPOSED AMENDMENT:**

To establish a new business sub-use category, "Recreation for Gainful Business, Secondary to Principal Club/Lodge," and new use regulations, including regulations for conversion of preexisting nonconforming properties in the Residence A, B and C zoning districts; and to amend existing dimensional controls and parking requirements for recreational for gainful business use to include this new sub-use category. The amendment will allow and encourage appropriate secondary use of underutilized properties that have a principal institutional use as a club/lodge.)

Be it hereby ordained by the Malden City Council that Chapter 12 of the Revised Ordinances of 1991, as amended, be and same are hereby further amended as follows:

- By amending Section 300.3.4.10 Table of Use Regulations, as follows:  
To Add Section 300.3.4.10.1 Recreation for Gainful Business,

Secondary to Principal Club/Lodge

A B C RO BN BC BH I1 I2

No No No No No Yes Yes SP SP

- By amending Section 400.1 Table of Intensity Regulations, as follows:
  - Add Section 400.1.5.10.1 Recreational for Gainful Business, Secondary to Principal Club/Lodge
- By amending Section 500.1 Table of Offstreet Parking and Loading Regulations, as follows:
  - Add Section 500.1.5.14.1 Recreational for Gainful Business, Secondary to Principal Club/Lodge
- By amending Section 700.1 Nonconforming Uses, Lots, Buildings and Structures, as follows:
  - Add to Section 700.1.3.1 Preexisting nonconforming uses, lots, buildings or structures in the Residence A, Residence B and Residence C zoning districts
  - Subsection 5. Recreation for Gainful Business, Secondary to Existing Principal Club/Lodge

**Sponsors:** Craig Spadafora

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

**16-16**

Order: That the City Council schedule a public hearing relative to the composition of the Community Preservation Committee.

**Sponsors:** Deborah DeMaria

**A motion was made by Councillor DeMaria that the Order be referred to the Rules & Ordinance Committee. The motion carried by a unanimous vote.**

**17-16**

Order: That \$75,000 be transferred from Revenue Reserve to Fire Department Overtime

**Sponsors:** Barbara Murphy

**A motion was made by Councillor Kinnon that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.**

**18-16**

Order: That \$200,000 be transferred from Revenue Reserve to Police Department Overtime

**Sponsors:** Barbara Murphy

**A motion was made by Councillor Kinnon that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.**

**19-16**

Order: That \$20,000 be transferred from Revenue Reserve to DPW Traffic Department Operating Costs

**Sponsors:** Barbara Murphy

**A motion was made by Councillor Kinnon that the Order be referred to the**

Finance Committee. The motion carried by a unanimous vote.

[20-16](#)

Order: That \$7320.00 be transferred from various Accounts to PIPS Operating Costs

**Sponsors:** Barbara Murphy

**A motion was made by Councillor Kinnon that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.**

[21-16](#)

Order: That \$150,000 be transferred from Temp Loan Miscellaneous to Public Facilities School Building Maintenance

**Sponsors:** Barbara Murphy

**A motion was made by Councillor Kinnon that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.**

[22-16](#)

Order: That \$17,391.00 be transferred from Revenue Reserve to Legislative Salaries

**Sponsors:** Barbara Murphy

**A motion was made by Councillor Kinnon that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.**

[23-16](#)

Resolve: That the City support Massachusetts House Bill 2870 relative to reducing the amount of wasted gas included in utility rates.  
RESOLVED: That it is the sense of the City Council that the City of Malden strongly supports Massachusetts House Bill 2870 and urges the Massachusetts Legislature to take action in reducing the amount of wasted gas the utilities can include in their rates.

**Sponsors:** Craig Spadafora

**A motion was made by Councillor Spadafora that the Resolution be passed. The motion carried by a unanimous vote.**

[24-16](#)

Resolve: That the City support Massachusetts House Bill 2871 relative to repair of gas leaks during road projects.  
RESOLVED: That it is the sense of the City Council that the City of Malden strongly supports Massachusetts House Bill 2871 and urges the Massachusetts Legislature to take action to support this measure to repair gas leaks during road projects.

**Sponsors:** Craig Spadafora

**A motion was made by Councillor Spadafora that the Resolution be passed. The motion carried by a unanimous vote.**

[25-16](#)

Resolve: That it is not feasible for the City to acquire the Malden Hospital site or a portion thereof at this time.  
Resolve: That it is the sense of the Malden City Council that, after

several months of research and data collection, it is not feasible for the City to acquire the former Malden Hospital site or a portion thereof at this time.

**Sponsors:** Craig Spadafora

**A motion was made by Councillor Spadafora that the Resolution be referred to the Finance Committee. The motion carried by a unanimous vote.**

**A motion was made by Councillor O'Malley that the motion to refer to Finance Committee be amended to direct the Finance Committee to also investigate deeds and title restrictions on the property. The motion carried by a unanimous vote.**

## **9. COMMUNICATIONS**

### **10. CLAIMS**

[26-16](#)

Claim: Ann Salerno, 52 Wild Dunes Way, Unit 10B, Old Orchard Beach, ME 04064

**A motion was made by Councillor Kinnon that the Claim be referred to the Finance Committee. The motion carried by a unanimous vote.**

### **11. COMMITTEE REPORTS**

[27-16](#)

Committee Report: Ordinance (Paper #610 amending ordinances to create a Community Preservation Committee)

The Standing Committee on Ordinance, to whom was referred Paper #610 Series of 2015, having considered the same make the following report: Committee recommends that the paper be reported out favorably with the following amendment: That everything after the enacting clause be stricken and the following inserted in place thereof: -by adding a new Section 2.30 as follows:

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

#### **.1 Appointment; Terms**

The Community Preservation Committee shall consist of 9 members as follows:

One member appointed by the Conservation Commission from among its members;

One member appointed by the Housing Authority from among its members;

One member appointed by the Planning Board from among its members;

One member appointed by the Historical Commission from among its members;

Four Ward Councillors or the Ward Councilor's designee as

follows:

In odd numbered years, the Councillors from Wards 1,3,5 and 7;

In even numbered years, the Councillors from Wards 2, 4, 6 and 8;

One Councillor At Large, or their designee after appointment, designated by the Council President

All members shall be appointed in January and shall serve for the ensuing calendar year; provided that no member shall serve for more than one consecutive year. The City Council will confirm or deny all chosen appointments of the City Councilors. Vacancies shall be filled in the manner in which the initial appointment was made.

Members shall serve without additional compensation.

All members must be legal residents of the City of Malden.

All actions of the Community Preservation Committee shall be by majority vote of the entire membership.

The Community Preservation Committee shall select a Chairman from among its members.

### **.2 Administration**

The Community Preservation Committee may promulgate rules and regulations for conduct of its business and, subject to appropriation by the City Council, may expend Community Preservation fund for administrative and operating expenses of the Committee; provided that the sum so expended shall not exceed 5% of annual receipts.

### **.3 Duties**

The Community Preservation Committee shall, in consultation with appropriate city boards and commissions, conduct an annual study of the city's needs and resources for community preservation and may solicit proposals for projects designed to promote community housing, open space or historic preservation. The Committee shall conduct at least one public hearing on community needs, notice of which shall be posted in the City Clerk's Office and published in a newspaper of general circulation once in each of two successive weeks prior to the date of said hearing.

Upon completion of its study, the Community Preservation Committee shall make recommendations, including cost estimates, to the City Council in accordance with the requirements and consistent with the

purposes of Massachusetts General Laws Chapter 44B, and may recommend that funds be reserved for later expenditure on specific projects for which sufficient revenues are not currently available or that general obligation bonds or notes in anticipation of revenue be issued to fund specific projects.

The City Council may, by majority vote, make appropriations for the purposes recommended by the Community Preservation Committee and may reduce or reject any amount recommended but shall not increase any amount recommended or add thereto any amount for a purpose not recommended by the Community Preservation Committee. Upon recommendation of the Community Preservation Committee, the City Council may, by two thirds majority vote, authorize the Treasurer to issue general obligation bonds or notes in anticipation of revenue be issued to fund specific projects.

-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...”

-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 in come senior housing.”

-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...”

-by adding a new Section 4.24.1 as follows:

#### **.4 Meetings**

The Community Preservation Committee Shall meet at a minimum ten times a year. All meetings shall occur after 5:30 p.m. in the evening and be held at City Hall, the Senior Center or another public building in Malden. Meetings shall be at times not to conflict with the Planning Board, Historic Commission, Conservation Commission, Housing Authority and City Council and City Council Committee meetings. A schedule of meetings should be determined by the Chair as soon as possible after the first of the year and posted. Additional meetings will



be determined and posted as necessary.

-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.

- .5 This ordinance will be reviewed in December 2016.

**A motion was made by Councillor D'Arcangelo that the Committee Report be received and filed. The motion carried by the following vote:**

**Yea:** 11 - Anderson, Crowe, Condon, D'Arcangelo, DeMaria, Kinnon, Matheson, O'Malley, Sica, Spadafora and Murphy

[610-15](#)

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

**Sponsors:** Neil C. Kinnon

**A motion was made by Councillor D'Arcangelo that the Ordinance be tabled. The motion carried by a unanimous vote.**

## **12. Under Suspension of Rules**

[29-16](#)

Class II: Main Auto Mall Inc., 259 Main St. (Renewal)

**A motion was made by Councillor Anderson that rules be suspended. The motion carried by a unanimous vote.**

**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**

**13. PERSONAL PRIVILEGE**

**14. ADJOURNMENT**

At 8:10 p.m., a motion was made by Councillor Anderson that the meeting be adjourned. The motion carried by a unanimous vote.

**KAREN ANDERSON, CITY CLERK**