



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Agenda - Final City Council

Tuesday, February 25, 2014

7:00 PM

City Council Chambers

1. CALL TO ORDER

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

3. ROLL CALL

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. APPROVAL OF MINUTES

[119-14](#) Minutes of the meeting of February 11, 2014

[120-14](#) Minutes of the meeting of February 18, 2014.

6. APPOINTMENTS & ELECTIONS

7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[121-14](#) National Grid: To construct underground conduits on EXCHANGE ST.
(Hearing Required)

[122-14](#) National Grid: To construct underground conduits on DARTMOUTH ST.
(HEARING REQUIRED)

[123-14](#) Taxi Driver: Thomas Adams, 57 Roosevelt Ave., Revere

[124-14](#) Taxi Driver: Paul Cerasuolo, 20 Buttarro Rd., Woburn

[125-14](#) Taxi Driver: Robert Fecher, 34 Parker St., Everett

[126-14](#) Taxi Driver: Alvin Hebert, 45 Tudor St. #1, Lynn

- [127-14](#) Taxi Driver: Frederick Hardy, 16 Oyster Bay, Dorchester
- [128-14](#) Taxi Driver: Andrew Graves, 15 Arthur St., Winchester
- [129-14](#) Taxi Driver: Joseph Hyde, 57 Mount Vernon St., Malden
- [130-14](#) Taxi Driver: Andrew L. Graves, 15 Arthur St. Winchester
- [131-14](#) Taxi Driver: Jean C. Dutaille, 21 Central Ave. #36, Everett
- [132-14](#) Taxi Driver: Matthew Buote, 86A Railroad Ave., Salisbury
- [133-14](#) Taxi Driver: Damion F. Riggio, 71 Belmont St., Winthrop
- [134-14](#) BOND: Mark Good, Tax Collector/Treasurer City of Malden
- [135-14](#) BOND: Jacqueline Jones, Assistant Tax Collector, Treasurer City of Malden
- [136-14](#) BOND: Lillian Fitzgerald, Tax Collector of Malden
- [137-14](#) BOND: Elizabeth A. Christie, Assistant Collector City of Malden
- [138-14](#) BOND: Karen Anderson, City Clerk of Malden

8. MOTIONS, ORDERS AND RESOLUTIONS

- [139-14](#) Ordered: That the Treasurer appear before the Council to provide an accounting of tax title activities in the last three years.
- Sponsors:** David D'Arcangelo, John P. Matheson, Neil C. Kinnon, Steven Ultrino, Barbara Murphy and James M. Nestor
- [140-14](#) Ordered: That representatives of D'Ambrosio and Brown appear before the Council to provide an overview of services rendered to the city, including a detailed description of their tax taking processes.
- Sponsors:** David D'Arcangelo, John P. Matheson, Neil C. Kinnon, Steven Ultrino, Barbara Murphy and James M. Nestor

9. COMMUNICATIONS

[141-14](#)

Communication from the Malden Planning Board regarding Paper #425/13 (Amending General Regulations, Permitted Home Occupations, Family Day Care)

Re: C.C.P. #425/2013

**Amendment of §700.3.2, Ch.12, Rev. Ord. of 1991 as Amended of City of Malden
General Regulations, Permitted Home Occupations, Family Day Care**

Dear Councilors:

The Planning Board and City Council Ordinance Committee jointly held a public hearing on December 11, 2013 and February 12, 2014 regarding the above-referenced proposed amendment.

As a result of the public hearing, a majority of the Planning Board, namely, six of those nine members present, voted to recommend to the City Council disapproval of the amendment as submitted and approval of the amendment modified as follows and with the following additional language (emphasis added):

“State licensed family day care facilities, provided that the number of children on the premises does not exceed the number permitted by the license and provided that the home occupation complies with all other provisions of this ordinance except Section 700.3.5; and provided, however, that for state licensed family day care facilities located in the Residence A zoning district, the number of children on the premises does not exceed six (6).

A state licensed family day care located in the Residence A zoning district is exempt from this amendment only for the number of children allowed by the state license held as of the date of first publication of the notice of public hearing on this amendment (November 22, 2013).”

The minutes of the joint public hearings will be made available at your request. For your reference, attached please find the Planning Report & Recommendation dated December 11, 2013 and Supplement dated February 12, 2014, which were presented at the hearings.

Finally, please be advised, that, if the City Council fails to act on the amendment within 90 days after the public hearing closed, a new duly advertised public hearing must be held. Accordingly, the final date for action is May 13, 2014.

I am available to discuss and answer any questions you may have regarding the amendment and the Planning Board's recommendation. Please do not hesitate to contact me. Thank you.

Sincerely,
Michelle A. Romero
City Planner

10. CLAIMS

11. COMMITTEE REPORTS

[142-14](#)

Ordinance Committee Report: Paper #406/13 (That Chapter 12 of R.O. 1991 be amended regarding Recreation for Gainful Business)

The Standing Committee on Ordinance to whom was referred Paper #406 Series of 2013 having considered the same make the following report: Committee recommends that this paper be reported out favorably with the following amendment as recommended by the Planning Board:

that the following sentence be added to Section 700.1.3.1:

“Only a lot, building or structure used for preexisting nonconforming non-residential or non-institutional use, including multiple/mixed use where one of the principal/primary uses is business or industrial, may convert or change to non-residential use.”..

(3)y-(1)n, Councillor Nestor opposed

COUNCILLOR CROWE FOR THE COMMITTEE

[406-13](#)

Be it ordained that Section 700.1.3.1 of Chapter 12 be amended regarding Recreation for Gainful Business.

12. TABLED PAPERS

Tabled to a Future Meeting

[431-13](#)

Be it ordained that Chapter 12 of R.O. of 1991 be amended regarding retail services, general and convenience.

[450-13](#)

Be it ordained that Chapter 12 of R.O. 1991 be amended regarding the definition of dwellings, single and two family.

[107-14](#)

That Section 9.28C of the Revised Ordinances of 1991 be amended to require that increases in the cost of PAYT bags be approved by voters.

Sponsors:

John P. Matheson

13. PERSONAL PRIVILEGE

Executive Session

KAREN ANDERSON, CITY CLERK