



# City of Malden

Malden City Hall  
200 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final City Council

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Tuesday, November 24, 2015

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:** 10 - Neal Anderson, Peg Crowe, David D'Arcangelo, Deborah DeMaria, Neil C. Kinnon, Barbara Murphy, James M. Nestor, Jadeane Sica, Craig Spadafora and John P. Matheson

**Absent - Councillors:** 1 - Steven Ultrino

### 4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

The City Council held a public hearing on adoption of a residential factor for the Fiscal Year 2016 tax rate.

#### 622-15

Order: That other financing source budgetary items contained in the FY2016 budget be adopted  
Ordered: That, as part of the tax rate setting process the following other funding source budgetary items that were contained in the FY2016 adopted budget are adopted:

Capital Stabilization	\$3,950,000
Technology Fund	\$ 280,000
Sale of Lots and Grave	\$ 50,000
Sale of Municipal Property	\$ 45,336

**Sponsors:** Barbara Murphy

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

**A motion was made by Councillor Murphy that the Order be adopted. The motion carried by the following vote:**

**Yea:** 10 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora and Matheson

#### 613-15

Order: That the City adopt a residential exemption and a residential factor for the FY2016 tax rate.

Ordered: That the City adopt a residential exemption of

30% and a residential factor of 0.889341 for the FY2016 tax rate.

**Sponsors:** Barbara Murphy

**A motion was made by Councillor Murphy, seconded by Councillor Nestor, that the Order be adopted. The motion carried by the following vote:**

**Yea:** 10 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora and Matheson

Representatives of the Metropolitan Area Planning Council appeared to provide information on technical assistance opportunities for municipalities that are pursuing Green Communities Designation.

## **5. APPROVAL OF MINUTES**

[578-15](#) Minutes of the meeting of November 17, 2015

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

[579-15](#) Minutes of the meeting of November 10, 2015

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

## **6. APPOINTMENTS & ELECTIONS**

[580-15](#) Constable: Eric T. Rubin, 5 Sullivan Circle, Stoneham MA (Reappointment)

**A motion was made by Councillor Anderson that the Appointment be placed on file. The motion carried by a unanimous vote.**

**Yea:** 10 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora and Matheson

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

[581-15](#) Christmas Tree Sales: George Tsakirgis, 167 Centre St. (Jay's Pizza & Ice Cream)

**A motion was made by Councillor Anderson that the Petition be granted. The motion carried by a unanimous vote.**

[582-15](#) Christmas Tree Sales: Ronald Skidgel, 22 Arch St. (69 Newland St. location)

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

[583-15](#) Second-Hand Dealer: RNC Appliance, Inc. 705 Salem St. (New)

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

- [584-15](#) Livery: Linda Dellolacono 259 Mountain Ave. #1, Malden (New)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [585-15](#) Class II Dealer: Auto Tech II Inc. 1236 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.**
- [586-15](#) Class II Dealer: Broadway Auto Sales 62 Broadway (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [587-15](#) Class II Dealer: Century Auto Collision & Service Center 448 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.**
- [588-15](#) Class II Dealer: Donald D. Rosmarimofski dba 99 Towing & Truck 469 Broadway (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [589-15](#) Class II Dealer: Frank's Auto Sales, 189 Highland 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.**
- [590-15](#) Class II Dealer: Hub Starters & Alternators, Inc. 172 Broadway (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [591-15](#) Class II Dealer: Loca Enterprises Inc. d/b/a L & L Sales & Service 7-11 Bow 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.**
- [592-15](#) Class II Dealers: Maxima Auto Sales Corp. 17 Charles 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.**
- [593-15](#) Class II Dealer: Prestige Motors of Malden, Inc. 600 Broadway (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the IT/Website Committee. The motion carried by a unanimous vote.**

[594-15](#) Class II Dealer: Rigano's Towing Service Inc. 1081 Fellsway (Renewal)

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

[595-15](#) Class II Dealer: Rio Auto Group Corp. dba/Dealer One Motors 77 Broadway (Renewal)

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

[596-15](#) Class II Dealer: Scott M. Fitzpatrick d/b/a Wentworth Auto Sales 730 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.**

[597-15](#) Class II Dealer: Sega Auto Sales & Service Inc. 449 Ferry 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.**

[598-15](#) Class II Dealer: Skip's Auto Service Inc. 74 Highland 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.**

[599-15](#) Class III Dealer: Malden Broadway Auto Body Inc. 590 Broadway (Renewal)

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

[600-15](#) Extended Hours: Dant Chris Corp dba Dunkin Donuts 980 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.**

[601-15](#) Extended Hours: 7 Eleven 1018 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.**

[602-15](#) Extended Hours: Maia Donuts LLC Dunkin Donuts 200 Commercial 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.**

[603-15](#) Extended Hours: CMB Medeiros Inc. Dunkin Donuts 57 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.**

- [604-15](#) Extended Hours: MRM Donuts Corp. Dunkin Donuts 617 Broadway (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [605-15](#) Extended Hours: Aires & Helena Donuts Inc. dba Dunkin Donuts, 424 Main 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.**
- [606-15](#) Extended Hours: Medeiros Donuts, LLC dba Dunkin Donuts, 245 Pleasant 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.**
- [607-15](#) Extended Hours: Speedway #2504, 214-221 Broadway (24hrs-7days) Formerly Hess  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [608-15](#) Amusement Machines: 270 Medford St. LLC dba Dockside at Riverview 270 Medford 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.**
- [609-15](#) Amusement Machines: Dockside Restaurant Malden dba Dockside Restaurant 229 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.**
- [623-15](#) Temporary Vendor Permit: Boy Scout Troop #603, 493 Main St. for sale of refreshments at the Holiday Parade  
**A motion was made by Councillor Anderson that the Petition be granted. The motion carried by a unanimous vote.**

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

- [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 Kinnon that the Ordinance be referred to the Rules & Ordinance Committee. 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 DeMaria that the Ordinance be referred to the Rules & Ordinance Committee. The motion carried by a unanimous vote.**

[612-15](#)

Be it ordained that Section 8.38 of R.O. 1991 be amended relative to Compliance Officers' salaries

**Sponsors:** Neil C. Kinnon

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

[614-15](#)

Order: That \$306,785.52 be appropriated from the Capital Projects Reserve Account and transferred to the Senior Center Roof Repair Account.

**Sponsors:** Barbara Murphy

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

[615-15](#)

Order: That \$30,000 be transferred from the DPW Roof Replacement Account to the Senior Center Roof Repair Account

**Sponsors:** Barbara Murphy

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

[616-15](#)

Order: That the Finance Committee review issues relative to back payments of certain union benefits to non-union DPW Personnel.

**Sponsors:** Neal Anderson

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

## **9. COMMUNICATIONS**

[617-15](#)

Communication from the Planning Board relative to 514-15 (Amending Zoning Map on Hanover St.)

**Re: C.C.P. #514/2015  
Amendment of §200.2, Ch.12, R. O. of 1991, as Amended, of  
City of Malden  
To Amend Zoning Map/District of 11 Hanover Street  
(Residence A to Industrial 1)**

Dear Councilors:

On November 18, 2015, the Planning Board and City Council Ordinance Committee jointly opened a public hearing regarding the above-referenced proposed amendment, and, immediately thereafter and before hearing any testimony, at the request of the sponsor of the

amendment, Councilor Neil Kinnon, the Board and Committee tabled the public hearing to December 9, 2015, to allow the opportunity for a neighborhood meeting.

As directed by the Planning Board, I will send the abutters a notice of the public hearing containing the date the hearing is scheduled to reopen.

Please do not hesitate to contact me with any questions. Thank you.

Sincerely,  
Michelle A. Romero  
City Planner

**A motion was made by Councilor D'Arcangelo that the Communication be received and filed. The motion carried by a unanimous vote.**

[618-15](#)

Communication from the Planning Board relative to 527-15 (Amending Zoning Map on Canal, Centre, Charles and Commercial Streets and Use Regulations to allow Research and Development in the Central Business District.)

**Re: C.C.P. #527/2015**

**Amendments of §§200.2 & 300.3.2.5, Ch.12, R. O. of 1991, as Amended, City of Malden  
Zoning Map (To Amend Zoning District of 27 Parcels on Canal, Centre, Charles and Commercial Streets from Industrial 1 to Industrial 2) & Use Regulations (To Allow Research & Development Facilities by Special Permit in Central Business zoning district)**

Dear Councilors:

On November 18, 2015, the Planning Board and City Council Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendments.

As a result of the public hearing, all nine members of the Planning Board voted to recommend approval of the amendments as submitted.

The minutes of the joint public hearing will be made available at your request. For your reference, attached please find the Planning Report & Recommendation dated November 18, 2015, which was presented at the hearing.

Finally, please be advised, that, if the City Council fails to act on the amendments within 90 days of the date the public hearing closed, a new duly advertised public hearing must be held. Accordingly, the final date for action is February 16, 2016.

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

Sincerely,  
Michelle A. Romero, City Planner

**A motion was made by Councilor D'Arcangelo that the Communication be received and filed. The motion carried by a unanimous vote.**

[619-15](#)

Communication from the Planning Board relative to 541-15 (Moratorium on Multifamily Residential Dwellings)

Dear Councilors:

On November 18, 2015, the Planning Board and City Council Ordinance Committee jointly held a public hearing 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 adoption of the proposed amendment as submitted and revised as follows (*revisions emphasized*):

“Notwithstanding the foregoing, no special permit, variance, site plan approval or building permit shall be issued for construction or creation of any multi-family residential dwelling unit containing five units or more, commencing on the first date of publication of *notice of* this ordinance amendment and ending one year from the date of final enactment of this amendment; provided that this provision shall not apply to any application filed for or special permit, site plan approval, variance *or subsequent corresponding building permit* or building permit granted on or before the first publication of *notice of* this ordinance amendment; and provided further that this provision shall not apply to property located in the Central Business District, the Rowe's Quarry Reclamation District, or the Malden Center Revitalization Housing Development Incentive Zone, as established on December 9, 2014.

The foregoing moratorium is imposed to allow the City time to undertake studies and obtain citizen input on the impacts of increased population and density and adequacy of the City's infrastructure and financial ability to accommodate increased population and density, the scope of said studies *and source(s) of funding* to be determined ~~during the public hearing process~~ *prior to enactment of this ordinance amendment*, and to



consider amendments to the ordinance.”

The minutes of the joint public hearing will be made available at your request. For your reference, attached please find the Planning Report & Recommendation dated November 18, 2015, which was presented at the hearing.

Finally, please be advised, that, if the City Council fails to act on the amendment within 90 days of the date the public hearing closed, a new duly advertised public hearing must be held. Accordingly, the final date for action is February 16, 2016.

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

Sincerely,  
Michelle A. Romero, City Planner

**A motion was made by Councillor D'Arcangelo that the Communication be received and filed. The motion carried by a unanimous vote.**

## **10. CLAIMS**

[620-15](#)

Claim: Christine M. McNeil 17 Sterling St.

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

## **11. COMMITTEE REPORTS**

[621-15](#)

Committee Report: Ordinance (Paper #350 Amending Section 6.47 of R.O. 1991 relative to fees for Offsite Parking Facilities)

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

[350-15](#)

Be it ordained that Section 6.47 of R.O. 1991 be amended relative to fees for Offsite Parking Facilities

**Sponsors:** Craig Spadafora

**A motion was made by Councillor D'Arcangelo that the Ordinance be enrolled. The motion carried by the following vote:**

**Yea:** 7 - Anderson, Crowe, D'Arcangelo, DeMaria, Murphy, Spadafora and Matheson

**Nay:** 2 - Kinnon and Nestor

**Excused:** 1 - Sica

[637-15](#)

Committee Report: Ordinance (Paper #541-15 Be it ordained that the R.O. 1991 be amended to impose a moratorium on multi-family dwelling

units)

The Standing Committee on Ordinance to whom was referred Paper #541 Series of 2015 having considered the same make the following report: Committee recommends that the Strategic Planning Analyst be directed to prepare an Request for Proposals for presentation to the committee within two weeks for consulting services to obtain citizen input on the following questions at a minimum: what type of community we want to be; what is the maximum population; how many automobiles is our maximum; how much open space per person should be the minimum; how will additional police, fire, DPW and general service additions that will be need funded; do taxes generate enough to pay for students.

COUNCILLOR D'ARCANGELO FOR THE COMMITTEE

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

[638-15](#)

Order: That the Strategic Planning Analyst be directed to prepare a Request for Proposals for a study related to moratorium on certain residential developments.

Ordered: That the Strategic Planning Analyst be directed to prepare an Request for Proposals for presentation to the committee within two weeks for consulting services to obtain citizen input on the following questions at a minimum: what type of community we want to be; what is the maximum population; how many automobiles is our maximum; how much open space per person should be the minimum; how will additional police, fire, DPW and general service additions that will be need funded; do taxes generate enough to pay for students.

**A motion was made by Councillor Kinnon that the Order be adopted. The motion carried by a unanimous vote.**

[639-15](#)

Committee Report: Ordinance (Paper #527 Amending Chapter 12 relative to the zoning map and use regulations in industrial 2 zones) The Standing Committee on Ordinance to whom was referred Paper #527 Series of 2015 having considered the same make the following report: Committee recommends that this paper be reported out favorably

COUNCILLOR D'ARCANGELO FOR THE COMMITTEE

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

[527-15](#)

Be it hereby Ordained that Chapter 12 R.O. 1991 be amended relative to the zoning map relative to parcels of land on Commercial, Centre, Charles and Canal streets and use regulations in Industrial 2 zoning district

**Sponsors:** Peg Crowe and James M. Nestor

**A motion was made by Councillor D'Arcangelo that the Ordinance be enrolled. The motion carried by the following vote:**

**Yea:** 9 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Spadafora and Matheson

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

**A motion was made by Councillor D'Arcangelo that the Ordinance be ordained. The motion carried by the following vote:**

**Yea:** 9 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Spadafora and Matheson

[640-15](#)

Committee Report (Appointments): Clerk of Committees for 2016  
The Standing Committee on Appointments to whom was referred filling of the vacancy created by the retirement of Sheila Fermano as Clerk of Committees, having considered the same make the following report: Committee recommends that Lisa Cagno of 31 Quincy St. be appointed Clerk of Committees for 2016.

**A motion was made by Councillor Anderson that Lisa Cagno of 31 Quincy Street be appointed Clerk of Committees for 2016. The motion carried by a unanimous vote.**

[641-15](#)

Committee Report: License (Paper #536 Transfer of Class II Dealer's License for Malden Auto Sales, 147 Ferry St.)  
The Standing Committee on License to whom was referred Paper #536 Series of 2015 having considered the same make the following report: Committee recommends that this license be granted for 25 cars for sale and 4 customer/employee spaces, subject to the following conditions: that a certified plot plan showing location of the spaces for the entire lot, specifying which are for use by Malden Auto be submitted to the City Clerk's Office and that the lot be lined and numbered in accordance with the approved plot plan, within spaces designated for use by Malden Auto.

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

[536-15](#)

Class II: Malden Auto Sales, 147 Ferry St. (Transfer of License)

**A motion was made by Councillor Anderson that the Petition be granted for 25 cars for sale and 4 customer/employee spaces, subject to the following conditions: that a certified plot plan showing location of the spaces for the entire lot, specifying which are for use by Malden Auto be submitted to the City Clerk's Office and that the lot be lined and numbered in accordance with the approved plot plan, within spaces designated for use by Malden Auto.. The motion carried by a unanimous vote.**

**12. TABLED PAPERS**

[451-14](#) Order: That the City adopt a Complete Streets Policy

**Sponsors:** Peg Crowe

**A motion was made by Councillor Crowe that the Order be taken from the table. The motion carried by a unanimous vote.**

**A motion was made by Councillor Kinnon, seconded by Councillor Nestor, that the Order be referred. The motion failed by the following vote:**

**Yea:** 4 - D'Arcangelo, Kinnon, Nestor and Sica

**Nay:** 6 - Anderson, Crowe, DeMaria, Murphy, Spadafora and Matheson

**A motion was made by Councillor D'Arcangelo that the Order be amended to read as follows: Resolved: That it is the sense of the City Council that the Mayor consider adoption of a Complete Streets Policy.**

**Yea:** 8 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Spadafora and Matheson

**Nay:** 1 - Nestor

**13. PERSONAL PRIVILEGE**

**14. ADJOURNMENT**

**At 10:17 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**