



City of Malden

Malden City Hall
200 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, September 20, 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: 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

5. APPROVAL OF MINUTES

[363-16](#)

Minutes of the Meeting of September 6, 2016

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

[364-16](#)

Minutes of the meeting of September 13, 2016

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

6. APPOINTMENTS & ELECTIONS

7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[365-16](#)

Petition: National Grid of North Andover for permission to install underground electric conduits from existing manhole to 755 Main St.
(HEARING REQUIRED)

Hearing Held

A motion was made by Councillor O'Malley that the Petition be granted with the following conditions: 1. That Engineering be notified when Dig Safe is called; 2. That the street and sidewalk be restored to the satisfaction of the Director of Public Works. The motion carried by a unanimous vote.

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

[366-16](#)

Petition: P. V. Barone Corp. on behalf of Comcast to install and

maintain 200' of 4" underground conduit on Ferry St.
(HEARING REQUIRED)

Hearing Held

A motion was made by Councillor O'Malley that the Petition be granted with the following conditions: 1. That Engineering be notified when Dig Safe is called; 2. That the street and sidewalk be restored to the satisfaction of the Director of Public Works and 3. That the street be milled and overlaid from curb to curb from the southerly intersection of Salem St. to the southerly intersection of Prescott St.. The motion carried by a unanimous vote.

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

[332-16](#)

Petition: Verizon Wireless to attach small cell antennas and supporting equipment to existing utility poles on Newland St., Highland Ave. and Summer St

A motion was made by Councillor Matheson that the Petition be taken from the table. The motion carried by a unanimous vote.

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

[367-16](#)

Taxi Driver: James Paulo 6 Dighton St., Saugus (New)

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

[368-16](#)

Order: That the City submit to the legislature for passage An Act Relative to the Recall of Elected Officials in the City of Malden

Sponsors: Ryan O'Malley

A motion was made by Councillor O'Malley, seconded by Councillor DeMaria, that the Order be tabled. The motion failed by the following vote:

Yea: 2 - DeMaria and O'Malley

Nay: 9 - Anderson, Crowe, Condon, D'Arcangelo, Kinnon, Matheson, Sica, Spadafora and Murphy

A motion was made by Councillor Matheson, seconded by Councillor Anderson, that the Order be referred to the Rules & Ordinance Committee. The motion carried by the following vote:

Yea: 7 - Anderson, Crowe, Condon, DeMaria, Matheson, Sica and Murphy

Nay: 4 - D'Arcangelo, Kinnon, O'Malley and Spadafora

[369-16](#)

Resolved: That it is the sense of the City Council that discussion of the status of the Field of Dreams project be postponed until November 15 to allow the designated developer additional time to finalize a viable public plan for the project.

Sponsors: Craig Spadafora

A motion was made by Councillor Matheson, seconded by Councillor O'Malley, that the Mayor and Redevelopment Authority provide a new RFP for reuse of the National Grid site within 14 days.

A motion was made by Councillor Matheson that the motion relative to a new RFP be withdrawn. The motion carried by a unanimous vote.

A motion was made by Councillor Anderson, seconded by Councillor DeMaria, that the Mayor and representatives of the Redevelopment Authority appear before the Council to discuss the Field of Dreams project, in executive session if necessary, within the next two weeks. The motion carried by the following vote:

Yea: 10 - Anderson, Crowe, Condon, D'Arcangelo, DeMaria, Matheson, O'Malley, Sica, Spadafora and Murphy

Nay: 1 - Kinnon

9. COMMUNICATIONS

[370-16](#)

Communication from the Malden Planning Board relative to Paper #334-16 (Amending Chapter 12 relative to parking, open space, special permits and development mitigation)

**Re: C.C.P. #334/2016
Amendments of Ch.12, Revised Ordinances of 1991, as Amended
§§300.1.1 (Special permit use regulations for multifamily dwellings);
§§400.3 & 400.8.3 (Open space requirements for multifamily dwellings);
§§500.2.8.2 & 300.13.3 (Parking requirements for residential uses in CB, RIO, RIO-B);
§§300.1.4 & 700.1.3.1.1 (Mitigation fees)**

Dear Councilors:

On September 13, 2016, 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 present voted to recommend the following:

1. Disapproval of the amendment of §300.1.1.
2. Approval of the amendment of §400.3, as submitted; and approval of the amendment of §400.8.3, as submitted and with the following additional language:
“Open space shall be pervious, visible to the public and located in

yard setback areas, where setbacks are required.”

3. Approval of the amendments of §§500.2.8.2 and 300.13.3, as submitted.

4. Approval of the amendments of §300.1.4 & 700.1.3.1, as submitted and with the recommendation to review the amount and methodology (to increase).

Where approval is recommended, the Board also recommends adding the following language:

“These amendments shall not apply to applications for building permits, special permits, variances or site plan review approval filed prior to the date of first publication of notice of the public hearing on this amendment, namely, August 26, 2016.”

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 September 13, 2016, which was presented at the hearing.

Finally, please be advised, that, if the City Council fails to act on these 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 December 12, 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

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

[371-16](#)

Communication from the Malden Planning Board relative to Paper #335-16 (Amending Chapter 12 relative to Inclusionary Zoning)

**Re: C.C.P. #335/2016
Amendment of §700.15 (new), Ch.12, R. O. of 1991, as Amended
Inclusionary Housing**

Dear Councilors:

On September 13, 2016, 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, all nine members of the Planning Board present voted to recommend disapproval of the amendment as submitted and recommend that the City Council commission the preparation of a housing needs analysis, as recommended and described in the *Master Plan* (Chapter 4, R3.1).

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 September 13, 2016, 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 December 12, 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 Spadafora that the Communication be received and filed. The motion carried by a unanimous vote.

[372-16](#)

Communication from the Malden Planning Board relative to Paper #336-16 (Amending Chapter 12 relative to Use Regulations for Adult Day Health Centers)

**Re: C.C.P. #336/2016
Amendment of §300.3.4.27, Ch.12, R. O. of 1991, as Amended
Use Regulations for Adult Day Health Center**

Dear Councilors:

On September 13, 2016, 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, all nine members of the

Planning Board present voted to recommend approval of the amendment 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 September 13, 2016, 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 December 12, 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 Spadafora that the Communication be received and filed. The motion carried by a unanimous vote.

[373-16](#)

Communication from the Malden Planning Board relative to Paper #337-16 (Amending Chapter 12 relative to Asphalt, Brick, Concrete and Soil Recycling)

**Re: C.C.P. #337/2016
Amendment of § Section 800.6.2.7 Ch.12, R. O. of 1991, as Amended
Definition of Asphalt, Brick, Concrete & Soil Recycling**

Dear Councilors:

On September 13, 2016, 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, all nine members of the Planning Board present voted to recommend approval of the amendment as submitted and with the following additional language:

1. All materials must be used on site; and
2. Activity may only be by a licensed contractor with proper

insurance.

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 September 13, 2016, 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 December 12, 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 Spadafora that the Communication be received and filed. The motion carried by a unanimous vote.

10. CLAIMS

11. COMMITTEE REPORTS

[374-16](#)

Committee Report: Joint Finance/Ordinance Committee (Paper #358 Be it ordained that Section 8.42.4 of R.O. 1991 be amended re: Superior Officers Salary Schedule)

The Joint Committees on Finance and Ordinance, to whom was referred Paper #358 Series of 2016, having considered the same make the following report: Committee recommends that this paper be reported out favorably.

COUNCILLOR SPADAFORA FOR THE COMMITTEE

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

[358-16](#)

Be it ordained that Section 8.42.4 of R.O. 1991 be amended re: Police Superior Officers Salary Schedule

Sponsors: Craig Spadafora

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

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

A motion was made by Councillor Spadafora that rules be suspended for the purpose of ordaining. 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: 11 - Anderson, Crowe, Condon, D'Arcangelo, DeMaria, Kinnon, Matheson, O'Malley, Sica, Spadafora and Murphy

[375-16](#)

Committee Report: License (Papers #650-15, 330-16, 349-16 and 294-16 Various License Renewals)

The Standing Committee on License, to whom was referred Papers #650-15, 330-16, 349-16 and 294-16, having considered the same make the following report: Committee recommends that these licenses be granted.

COUNCILLOR ANDERSON FOR THE COMMITTEE

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

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

[650-15](#)

Class II Dealer: Andy's Service Center, Inc. 356 Lebanon St. (Renewal)

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

[330-16](#)

Self-Service Gas Station: Speedway #2504, 214-221 Broadway (Renewal)

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

[349-16](#)

Second Hand Dealer: Game Stop #6263 44 Broadway, Suite A110 (Renewal)

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

[294-16](#)

Pool Table: Club 24 Inc. 787 Salem St. (Renewal)

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

[376-16](#)

Committee Report: License (Paper #351-16 Transfer of Class II License Prestige Motors Inc., 600 Broadway)

The Standing Committee on License, to whom was referred Paper #351 Series of 2016, having considered the same, make the following report: Committee recommends that this transfer be granted.

COUNCILLOR ANDERSON FOR THE COMMITTEE

A motion was made by Councillor Anderson that the Committee Report be received and filed. The motion failed by the following vote:

[351-16](#)

Class II: Prestige Motors of Malden, Inc. 600 Broadway (Transfer)

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

[377-16](#)

Committee Report: License (Paper #350 Class II Change of Address Broadway Auto Sales, 628 Broadway)

The Standing Committee on License to whom was referred Paper #350 Series of 2016, having considered the same make the following report: Committee recommends that this change of location be granted subject to the following condition: that no vehicles be stored, displayed or sold at this location.

COUNCILLOR ANDERSON FOR THE COMMITTEE

A motion was made by Councillor Anderson 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

[350-16](#)

Class II: Broadway Auto Sales, 628 Broadway (Change of Address)

A motion was made by Councillor Anderson that the Petition be granted with the condition that no vehicles be stored, displayed or sold at that location. The motion carried by a unanimous vote.

[378-16](#)

Committee Report: Finance (Paper #359-16 That the Mayor's Office review staffing in Engineering Dept. and take steps to hire a roadwork engineer)

The Standing Committee on Finance, to whom was referred Paper #359 Series of 2016, having considered the same make the following report: Committee recommends that this paper be reported out favorably with the following amendment: that the resolve be amended to read: That the Council take steps to form a committee with the participation of the City Council and Mayor's Office to look at staffing levels in the engineering office and to hire a roadwork engineer

COUNCILLOR KINNON FOR THE COMMITTEE

A motion was made by Councillor Kinnon that the Committee Report be received and filed. The motion failed by the following vote:

[359-16](#)

Resolve: That the Mayor's Office review staffing in the Engineering Department and take steps to hire a roadwork engineer.

Sponsors: Paul Condon

A motion was made by Councillor Matheson that the Resolution be amended in accordance with the committee report and further amended to add: said committee to be composed of the Mayor or his designee, a Mayoral appointee, the Council President or her designee, a Council appointment and the Director of Human Resources. The motion carried by a unanimous vote.

A motion was made by Councillor Matheson that the Resolution be passed as amended. The motion carried by a unanimous vote.

[379-16](#)

Committee Report: Finance (Paper #362 That the Finance Committee review and make recommendations for salary for the newly hired City Clerk)

The Standing Committee on Finance, to whom was referred Paper #362 Series of 2016, having considered the same make the following report: Committee recommends that the starting salary be M2 Step 4 (\$92,498.88), with an increase to Step 5 (\$99,155.51) at the start of the next Fiscal Year.

COUNCILLOR KINNON FOR THE COMMITTEE

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

[362-16](#)

Order: That the Finance Committee review and make salary recommendations for the newly appointed City Clerk.

Sponsors: Neil C. Kinnon

A motion was made by Councillor Kinnon that the Order be adopted recommended by the Finance Committee to provide a starting salary of M2 Step 4, with an increase to Step 5 at the start of the next fiscal year The motion carried by the following vote:

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

Nay: 1 - O'Malley

12. TABLED PAPERS

13. PERSONAL PRIVILEGE

14. ADJOURNMENT

KAREN ANDERSON, CITY CLERK