



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, June 30, 2015

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

Present - Councillors: 11 - Neal Anderson, Peg Crowe, David D'Arcangelo, Deborah DeMaria, Neil C. Kinnon, Barbara Murphy, James M. Nestor, Jadeane Sica, Craig Spadafora, Steven Ultrino and John P. Matheson

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

Helen Olson was recognized for her volunteerism for over 40 years.
Brennan Bushee was recognized for his success on Jeopardy.
Former Mayor Jim Conway was reco

5. APPROVAL OF MINUTES

[421-15](#)

Minutes of the meeting of June 16, 2015.

A motion was made by Councillor Anderson, seconded by Councillor D'Arcangelo, that the Council Minutes be approved. The motion carried by a unanimous vote.

[422-15](#)

Minutes of the meeting of June 23, 2015

A motion was made by Councillor Anderson, seconded by Councillor D'Arcangelo, that the Council Minutes be approved. The motion carried by a unanimous vote.

6. APPOINTMENTS & ELECTIONS

[423-15](#)

Mayor's Appointment: Mark Lawhorne, 472 Highland Ave. as member of the Malden Housing Authority for term expiring May 1, 2020

A motion was made by Councillor Anderson that the Appointment be referred to the Compliance/Appointments Committee. The motion carried by a unanimous vote.

7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[424-15](#)

Taxi Driver: John P. O'Flaherty, 21A John St., Chelsea (Renewal)

A motion was made by Councillor Anderson, seconded by Councillor

D'Arcangelo, that the Petition be granted. The motion carried by a unanimous vote.

[425-15](#)

Self-Service Gas Station: Hess 21512, 214-221 Broadway (Renewal)

A motion was made by Councillor Anderson, seconded by Councillor Crowe, that the Petition be granted with the condition that all pumps be equipped with automatic shut-off devices. The motion carried by a unanimous vote.

[426-15](#)

Self-Service Gas Station: Gibbs Oil Company, LP 728 Main St. (Renewal)

A motion was made by Councillor Anderson, seconded by Councillor D'Arcangelo, that the Petition be granted with the condition that all pumps be equipped with automatic shut-off devices. The motion carried by a unanimous vote.

[427-15](#)

Outdoor Parking: Greer's Autobody Inc. 271 Broadway (Renewal)

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

8. MOTIONS, ORDERS AND RESOLUTIONS

[428-15](#)

Order: That the Mayor be authorized to sign an amended and re-stated Land Disposition Agreement for 200 Pleasant St.

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

Yea: 10 - Anderson, Crowe, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

Nay: 1 - D'Arcangelo

[429-15](#)

Order: That transfers among various accounts be authorized for the purpose of finalizing FY2015.

Ordered: That the \$329,203 (Three Thousand Twenty Nine Two Hundred and Three Dollars and No Cents) be transferred from the following accounts:

<u>Account Name</u>	<u>Amount</u>
Legislative Miscellaneous	\$1.00
Executive Operating Cost	\$5,600.00
Board of Appeals Misc	\$1.00
Library Salaries	\$16,000.00
Veterans Misc.	\$1.00
Temp Loan Misc Interest	\$ 165,000.00
Workers Comp Settlements	\$ 48,000.00
Unemployment Comp	\$ 77,600.00
Non Contrib Retirement	<u>\$ 17,000.00</u>
TOTAL	\$329,203.00

To the following accounts:

<u>Account Name</u>	<u>Amount</u>
Legislative Salaries	\$1.00
Executive Salaries	\$5,600.00
Treasurer Tax Title	\$205,000.00
Board of Appeal Stipends	\$1.00
Firefighter Overtime	\$70,000.00
Engineering Salaries	\$7,700.00
Library Gas and Light	\$16,000.00
PIPS Salaries	\$4,400.00
Veterans Salaries	\$1.00
Stadium Salaries	\$4,000.00
Medium Insurance	\$15,000.00
PIPS Professional Services	<u>\$1,500.00</u>
TOTAL	\$329,203.00

Sponsors: Barbara Murphy

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

Yea: 11 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

[430-15](#)

Order: That the City Council approve payment of approximately \$35,000 to Blum Shapiro for auditing services in connection with the Department of Permits, Inspections and Planning Services.

Sponsors: John P. Matheson

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

[434-15](#)

Resolve: That for a period of 30 months the City of Malden dedicate \$5,000,000. of its financial reserves for the acquisition of the former Malden Hospital Site.

Sponsors: Neil C. Kinnon, David D'Arcangelo, John P. Matheson and Deborah DeMaria

A motion was made by Councillor Kinnon, seconded by Councillor D'Arcangelo,

that the Resolution be passed. The motion carried by a unanimous vote.

9. COMMUNICATIONS

[439-15](#)

Communication from the Mayor relative to Stadium & Athletic Field Commission.

Dear Members of the Council:

Under the provisions of Chapter 33 of the Acts of 2015, I hereby designate Kathleen Manning-Hall as my designee to the Stadium & Athletic Field Commission.

Sincerely,

GARY J. CHRISTENSON, Mayor

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

10. CLAIMS

[431-15](#)

Claim: Rubens LeJentus 44 Myrtle St.

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

[432-15](#)

Claim: Jaimie Marchioni, 1351 Salem 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

[433-15](#)

Committee Report: Finance (355-15 That the Mayor and Council President be authorized to sign a Tax Increment Exemption Agreement for 125-150 Pleasant St.)

The Standing Committee on Finance, to whom was referred Paper #355-15, having considered the same make the following report:

Committee recommends that this paper be reported out favorably with the following amendment: that the order be amended to read as follows:

That the Mayor and Council President be authorized to sign a Tax Increment Exemption Agreement in substantially the following form: (see HDIP attachment)

Councillor Murphy for the Committee

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

Yea: 8 - Anderson, Crowe, D'Arcangelo, Kinnon, Murphy, Nestor, Spadafora and Ultrino

Nay: 3 - DeMaria, Sica and Matheson

[355-15](#)

Order: That the Mayor and Council President be authorized to sign a Tax Increment Exemption Agreement for the property at 125-150 Pleasant St.

Sponsors: James M. Nestor

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

Yea: 8 - Anderson, Crowe, D'Arcangelo, Kinnon, Murphy, Nestor, Spadafora and Ultrino

Nay: 3 - DeMaria, Sica and Matheson

435-15

That the Mayor be authorized to execute a purchase and sale agreement for purchase of property for use as City Hall

The Standing Committee on Finance, to whom was referred Paper #354 Series of 2015, make the following report: Committee recommends this paper be reported out favorably with the following amendment: that the final version of the Purchase and Sales agreement be substituted for the draft.

Councillor Murphy for the Committee

[354-15](#)

Order: That the Mayor and Council President be authorized to sign a Tax Increment Exemption Agreement for the property at 184 & 200 Pleasant St. and that the Mayor be authorized to execute a purchase and sales agreement for purchase of property for use as City Hall.

Sponsors: Craig Spadafora

A motion was made by Councillor Murphy that the Order be amended to substitute the final version of the Purchase and Sales agreement. The motion carried by a unanimous vote.

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

Yea: 10 - Anderson, Crowe, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

Nay: 1 - D'Arcangelo

[436-15](#)

Committee Report: Ordinance (Paper #289-15 Amending Chapter 12 to add use, dimensional and parking controls and definition of Adult Day Care)

The Standing Committee on Ordinance, to whom was referred Paper #289 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:

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

(Summary of Proposed Amendment: To establish use regulations, dimensional controls, parking requirements and a definition for Adult Daycare Center._

-Amend Section 300.3 Table of Use Regulations, to add the following:

Section 300.3.4.27 Adult Day Health Center

<u>A</u>	<u>B</u>	<u>C</u>	<u>RO</u>	<u>BN</u>	<u>BC</u>	<u>BH I1</u>	<u>I2</u>
No	No	No	No	No	No	No	SP SP

-Amend Section 400.1 Table of Intensity Regulations, to add the following:

Section 400.1.4.22 Adult Day Health Center

<u>Area</u>	<u>Frontage</u>	<u>Front</u>	<u>Side</u>	<u>Both</u>	<u>Rear</u>	<u>Min. Open</u>	<u>Coverage</u>
			<u>Space</u>		<u>Principal</u>		
10,000	50'	10'	10'	20'	20'	--	50%

Coverage Density Height

Accessory

20% -- 30' and 2 stories

-Amend Section 500.1 Table of Offstreet Parking and Loading Regulations, to add the following:

	<u>Minimum Number</u>	<u>Minimum Number</u>	<u>Minimum Number</u>
	<u>of Parking</u>	<u>Spaces Of Loading</u>	<u>of Loading</u>
	<u>Spaces</u>	<u>Bays</u>	<u>Spaces</u>
500.1.4.27 Adult Daycare Center	5.5 per 1,000 sq ft of gross floor area	0	Section 500.3.5

-Amend Section 800.6 Definitions, to add the following:

Section 800.6.2.XX **Adult Day Health Center** An entity, licensed by the state Department of Public Health, however organized, whether conducted for profit or not for profit, that: is community-based and non-residential; provides nursing care, supervision, and health related support services in a structured group setting to persons 18 years of age or older who have physical, cognitive, or behavioral health impairments; and supports families and other caregivers thereby enabling the participant to live in the community. Services provided may be activities of daily living and personal care activities, including but not limited to, bathing, dressing, grooming,

toileting, transfers, ambulation, personal hygiene and eating; recreational activities; and social services. All services shall be provided on an outpatient basis and shall not include provisions for overnight stays or any form of residential living. An Adult Day Health Center may be allowed as an accessory use only to a Medical Center or Hospital use and shall not be allowed as an accessory use to any other use. Licensed Massage Therapy Salon, Medical Center, Medical Marijuana Treatment Center and Substance Abuse Treatment Center are specifically excluded from this definition and may not be accessory to an Adult Day Health Center.

-Amend Sections 800.6.2 Definitions of Licensed Massage Therapy Salon, Medical Center, Medical Marijuana Treatment Center and Substance Abuse Treatment Center, to specifically exclude "Adult Daycare Center" from these definitions.

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

[289-15](#)

Be it ordained that Chapter 12 of the Revised Ordinances of 1991 be amended to add use, dimensional, parking controls and a definition of "Adult Day Care"

Sponsors: Peg Crowe

A motion was made by Councillor Spadafora that the Ordinance be amended to require parking in accordance with the following schedule: 24 participants - 12 spaces; 48 participants - 19 spaces; 96 participants - 33 spaces; 144 participants - 46 spaces; 192 participants - 60 spaces; 240 participants - 74 spaces. The motion carried by the following vote:

Yea: 11 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

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

Yea: 11 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

[437-15](#)

Committee Report: Ordinance (Paper #273-15 That the Ordinance Committee recommend language for inclusion on the municipal election ballot of a non-binding ballot question relative to the limits of population growth and density)

The Standing Committee on Ordinance, to whom was referred Paper #273 Series of 2015, having considered the same make the following report: Committee recommends that the following question be included on the municipal election ballot, subject to approval by the City Clerk and City Solicitor: "Should the City of Malden adopt a moratorium on all new housing and apartment development for one year to create a citizen driven plan which would limit Malden's apartments and housing growth in a manner

which would insure that the city did not grow its population density to more than 13,000 people per square mile?"

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.

[273-15](#)

Order: That the Ordinance Committee recommend language for inclusion on the municipal election ballot of a non-binding ballot question relative to the limits of population growth and density.

Sponsors: Neil C. Kinnon

A motion was made by Councillor Kinnon, seconded by Councillor D'Arcangelo, that the Order be amended to read as follows: Ordered: That the following question be included on the municipal election ballot, subject to approval by the City Clerk and City Solicitor: "Should the City of Malden adopt a moratorium on all new housing and apartment development for one year to create a citizen driven plan which would limit Malden's apartments and housing growth in a manner which would insure that the city did not grow its population density to more than 13,000 people per square mile?"

A motion was made by Councillor Kinnon, seconded by Councillor D'Arcangelo, that the Order be adopted as amended. The motion carried by the following vote:

Yea: 11 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

[438-15](#)

Committee Report: License (Paper #372-15 CarMatch Group, 105-109 Braodway)

The Standing Committee on License to whom was referred Paper #372 Series of 2015 having considered the same make the following report: Committee recommends that this license 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.

[372-15](#)

Class II: CarMatch Group, LLC 105-109 Broadway (New)

A motion was made by Councillor Anderson that the Petition be granted, subject to the plot plan on file in the City Clerk's Office. The motion carried by a unanimous vote.

13. PERSONAL PRIVILEGE

14. ADJOURNMENT

At 9:15 p.m, a motion was made by Councillor Ultrino that the meeting be recessed subject to the call of the chair. The motion carried by a unanimous vote.

KAREN ANDERSON, CITY CLERK

