



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final City Council

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Tuesday, November 22, 2016

7:00 PM

John & Christina Markey Community Center,  
7 Washington St.

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### 1. CALL TO ORDER

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### 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

The City Council held a public hearing on the Residential Factor and Residential Exemption for the FY2017 tax rate.

[441-16](#)

Order: That the City adopt a Residential Factor of .897364 and Residential Exemption of 30% for FY2017.

**Sponsors:** Barbara Murphy

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

Paul Hammersley of Malden Overcoming Addiction appeared to discuss substance abuse issues in the city.

### 5. APPROVAL OF MINUTES

[434-16](#)

Minutes of the meeting of October 25, 2016

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

[435-16](#)

Minutes of the meeting of November 1, 2016

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

[436-16](#) Minutes of the meeting of November 15, 2016

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

## **6. APPOINTMENTS & ELECTIONS**

[437-16](#) Mayor's Appointment (Constable): Roberta A Nunes, 154 Clifton St., Malden (Confirmation not required)

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

[438-16](#) Mayor's Re-appointment: Roberta J. Noland, 10 Erickson St. as a member of the Cultural Council (Term Exp.: Nov. 15, 2019)

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

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

[439-16](#) Taxi Driver: Joseph O'Hearn 3 Miner St. Somerville (Malden Trans.)

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

[440-16](#) Class II: Scott M. Fitzpatrick dba 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.

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

[442-16](#) Order: That \$24,549.00 be transferred from Police Salaries to Public Facilities Salaries.

**Sponsors:** Neil C. Kinnon

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

[443-16](#) Order: That future excise tax be dedicated to completion of the roadwork project.

**Sponsors:** Ryan O'Malley

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

[444-16](#) Order: That the Ordinance Committee review ordinances in light of the recent vote to legalize marijuana to insure that appropriate controls are in place.

**Sponsors:** Barbara Murphy

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

[445-16](#)

Order: That the City Council establish an ad hoc committee on traffic mitigation

**Sponsors:** John P. Matheson

**A motion was made by Councillor Matheson, seconded by Councillor D'Arcangelo, that the Order be adopted. The motion carried by a unanimous vote.**

[446-16](#)

Order: That the Traffic Commission schedule meetings at the John & Christina Markey Senior Community Center for 5 p.m. on evenings that coincide with City Council meetings.

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

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

[449-16](#)

Order: That the Controller provide receipts, invoices, payment requests and/or reimbursement requests related to work done at High Rock with a particular focus on the new chain link fence on the property..

**Councillor O'Malley doubted the ruling of the Chair. Council President Murphy vacated the Chair and was replaced by Councillor Anderson. Councillor Anderson then put the following question to the Council: Shall the ruling of the Chair stand as the judgement of the Council.? The ruling of the Chair was upheld by the following vote:**

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

**Nay:** 1 - O'Malley

Order: That the City petition the Legislature to designate High Rock a protected conservation area.

**Sponsors:** Ryan O'Malley

**Councillor O'Malley doubted the ruling of the Chair. Council President Murphy vacated the Chair and was replaced by Councillor Anderson. Councillor Anderson then put the following question to the Council: Shall the ruling of the Chair stand as the judgement of the Council.? The ruling of the Chair was upheld by the following vote:**

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

**Nay:** 1 - O'Malley

[447-16](#)

Order: That the City Solicitor work with the PIPS Director to investigate

alleged encroachment on City property at High Rock.

**Sponsors:** Ryan O'Malley

**A motion was made by Councillor D'Arcangelo for the previous question. 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

**A motion was made by Councillor D'Arcangelo, seconded by Councillor Kinnon, that the Order be defeated. 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

[448-16](#)

Order: That the City conduct a survey of High Rock in order to identify possible encroachment and to adequately defend public property and assets.

**Sponsors:** Ryan O'Malley

**A motion was made by Councillor D'Arcangelo for the previous question. 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

**A motion was made by Councillor D'Arcangelo, seconded by Councillor Kinnon, that the Order be defeated. 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

[451-16](#)

Resolve: That the City establish a Capital Improvement Program

**Sponsors:** David D'Arcangelo

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

[452-16](#)

Resolve: That the City Council condemn violence and hate speech, expressing solidarity with Muslims and all those targeted for their ethnicity, race or religion

**Sponsors:** Ryan O'Malley, Deborah DeMaria and Neal Anderson

**A motion was made by Councillor Kinnon, seconded by Councillor Condon, that the Resolution be amended to substitute new language. The motion failed by the following vote:**

**Yea:** 3 - Condon, D'Arcangelo and Kinnon

**Nay:** 8 - Anderson, Crowe, DeMaria, Matheson, O'Malley, Sica, Spadafora and Murphy

**A motion was made by Councillor Matheson that the Resolution be amended to read as follows: Resolved: Taht the Malden City Council hereby condemns all acts of violence, hate speech and discrimination against any person regrdless of their religion, race, ethnicity or national origin; this includes all members of our community regardless of their group identity or history in the United States. 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

**A motion was made by Councillor O'Malley that the Resolution be further amended to add sexual orientation, gender identity and disability. 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 Kinnon that the Resolution be further amended to add public safety officers throughout the country. 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 Matheson, seconded by Councillor Anderson, that the Resolution be passed as amended. The motion carried by the following vote:**

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

[453-16](#)

Resolve: That the Traffic Commission adopt a regulation relative to the closing of traffic lanes on major arteries

**Sponsors:** Neil C. Kinnon

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

## **9. COMMUNICATIONS**

[454-16](#)

Communication from the Malden Planning Board re: Paper #418/16 (Amending Chapter 12 relative to General Offstreet Parking Requirements for Single, Two, Three, Four Family and Town/Row Dwellings)

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

[455-16](#)

Communication from the Planning Board relative to Paper #387/16 (Amending Chapter 12 to extend moratorium on Multi-Family Dwelling Units)

**A motion was made by Councillor Matheson that the Communication be received**

and filed. The motion carried by a unanimous vote.

[456-16](#)

Communication from the Planning Board relative to Paper #386/16 (Amending Use regulations for Multi-Family Dwellings over 3 stories; Dimensional Controls (Yard Setbacks, Open Space) for Multi-Family Dwellings in all zoning districts and Dimensional Controls (all) for Multi-Family Dwellings in Central Business district)

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

[457-16](#)

Communication from the Planning Board relative to Paper #381/16 (Amending Chapter 12 relative to definition of Working Artist)

**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**

[458-16](#)

Committee Report: Finance (Paper #428-16 that \$800,000 be transferred from Salary Reserve to Police Salaries)

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

[428-16](#)

Order: That \$800,000.00 be transferred from Salary Reserve to Police Salaries

**Sponsors:** Neil C. Kinnon

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

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

[459-16](#)

Committee Report: Finance (Paper #407-16 Order: be it hereby ordained by the City Council that section 8.42.5 of the Revised Ordinances of 1991 as amended be further amended Re: Police Patrolman's Salary Schedule.

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

[407-16](#)

Be it Ordained that Section 8.42.5 of R.O. 1991 be amended re: Police Patrolmen's 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. 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

[460-16](#)

Committee Report: Finance (Paper# 406 Amending Section 8.42.2 of R.O. 1991 relative to the salary Schedule for Public Works, Parking, Traffic, Water, Sewer and Cemetery employees)

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

[406-16](#)

Be it Ordained that Section 8.42.2 of R.O. 1991 be amended relative to Public Works, Parks, Traffic, Water, Sewer and Cemetery Salaries

**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. 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

[461-16](#)

Committee Report: Ordinance (Paper #381 Amending Chapter 12 relative to the definition of Working Artist)

The Standing Committee on Ordinance, to whom was referred Paper #381, 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 Body Art be specifically excluded from the definition of Working Artist.

COUNCILLOR SPADAFORA FOR THE COMMITTEE

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

[381-16](#)

Be it ordained that Chapter 12 of R.O. 1991 be amended relative to the definition of Working Artist

**Sponsors:** Craig Spadafora

**A motion was made by Councillor Spadafora that the Ordinance be amended to exclude body art from the definition of working artist. The motion carried by a unanimous vote.**

**A motion was made by Councillor Spadafora that the Ordinance be enrolled as amended. 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. 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

[462-16](#)

Committee Report: Ordinance (Paper #387 Amending Chapter 12 To Extend Moratorium on Multifamily Dwelling Units)

The Standing Committee on Ordinance, to whom was referred Paper #387 Series of 2016, having considered the same, make the following report: Committee recommends that this paper be reported out favorably with the following amendments: 1. That the moratorium expire on June 30, 2017 and 2. That the moratorium apply to the Central Business District.

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.**

[387-16](#)

Be it ordained that the building moratorium imposed by Paper #541-15 be extended for six months and expanded to include multi-family structures citywide

**Sponsors:** Neil C. Kinnon and Craig Spadafora

**A motion was made by Councillor Spadafora that the Ordinance be amended to provide that the moratorium will expire on June 30, 2017 and apply to the Central Business district. The motion carried by the following vote:**

**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. 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

[463-16](#)

Committee Report: Ordinance (Paper #418 Amending Chapter 12 relative to General Offstreet Parking Requirements (Landscaping of Front, Side & Rear Yards) for Single, Two, Three, Four-family and Town/Row Dwellings)



The Standing Committee on Ordinance, to whom was referred Paper #418, 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 the following vote:**

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

[418-16](#)

Be it ordained that Section 500.2.20 of R.O. 1991 be amended relative to open space requirements for certain residential uses.

**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. 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 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

[465-16](#)

Committee Report: Ordinance (Paper #642/15 Amending R.O. 1991 by adding new section relative to the applicability of the Stretch Energy Code)

The Standing Committee on Ordinance, to whom was referred Paper #465, Series of 2015, 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.**

[642-15](#)

Be it Ordained that Section 3.1A of the Revised Ordinances of 1991 be amended to adopt the Stretch Energy Code.

**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. 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

**12. TABLED PAPERS**

[420-16](#)

Petition: To store Gasoline in the tanks for 154 vehicles at 480 Main St.  
(HEARING HELD)

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

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

**UNDER SUSPENSION OF RULES**

[464-16](#)

Order: That the Executive Director of the Malden Redevelopment Authority appear before the City Council in two weeks to provide a status update on Field of Dreams project at the National Grid site.

**Sponsors:** John P. Matheson

A motion was made by Councillor Matheson that rules suspended. The motion carried by a unanimous vote.

**Order: That the Executive Director of the Malden Redevelopment Authority appear before the City Council in two weeks to provide a status update on Field of Dreams project at the National Grid site.**

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

**13. PERSONAL PRIVILEGE**

**14. ADJOURNMENT**

At 11:15 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**