



City of Malden

Malden City Hall
200 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, September 15, 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

[469-15](#)

Resolve: That the City Council support increased state investment in early childhood education

Sponsors: Deborah DeMaria

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

A motion was made by Councillor Nestor, seconded by Councillor Kinnon, that the Resolution be tabled. The motion carried by a unanimous vote.

[452-15](#)

Petition of ExteNet Systems, Inc. for Modifications to Existing Distributed Antenna Systems for Telecommunications Wires and Appurtenances on Cargill St., Lebanon St., Forest St. and Bayrd Rd. (HEARING REQUIRED)

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

A motion was made by Councillor Murphy that the Petition be granted with the condition that equipment be removed from poles within 120 days of notice to do so. The motion carried by a unanimous vote.

5. APPROVAL OF MINUTES

[481-15](#)

Minutes of the meeting of September 1, 2015

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

[482-15](#)

Minutes of the meeting of September 8, 2015

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

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

6. APPOINTMENTS & ELECTIONS

[483-15](#)

Mayor's Appointment: Barbara Tolstrup, 44 Noble St. as member of the Historical Commission (Term Exp: 9/1/18)

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

[484-15](#)

Mayor's Appointment: Joseph Cesario Jr., 296 Charles St. as a member of the Historical Commission (Term Exp: July 16, 2018)

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

[485-15](#)

Petition: National Grid of North Andover, MA, to run and maintain underground conduits on Ferry St., Malden, MA
(HEARING REQUIRED)

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

[486-15](#)

Taxi Driver: Brian J. Dorn, 321 Pearl St., Malden (Malden Trans. Inc.)

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

[487-15](#)

Livery Driver: William Chin 28 Durso Ave., Malden

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

[488-15](#)

Self-Serve Gasoline Permit (Transfer): Speedway, LLC, 214-221 Broadway

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

[489-15](#)

Order: That the Council create an ordinance requiring that future roadwork involving replacement of water pipes and repaving be done

based on the oldest pipes being replaced first.

Sponsors: Neil C. Kinnon

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

[490-15](#)

Order: That the City Clerk place the following non-binding ballot question on the ballot to be used at the Ward Three 2015 municipal election: Do you support city acquisition of a portion of land at the location of the former Malden Hospital to create open green space and a historic park dedicated to the hospital's place in Malden history, including the groups and individuals who share that history?

Sponsors: John P. Matheson

A motion was made by Councillor Kinnon, seconded by Councillor D'Arcangelo, that the Order be amended to delete the words "Ward Three". 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 Murphy 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

9. COMMUNICATIONS

10. CLAIMS

[491-15](#)

Claim: Lisa Sandoe, 2 Wildflower Lane, Groton, MA 01450

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

[492-15](#)

Committee Report: Finance (Paper #463 That the city accept the provisions of MGL Chapter 60A Section 1 paragraph 8 re: Excise Exemptions for Active Military Personnel)

The Standing Committee on Finance, to whom was referred Paper #463 Series of 2015, having considered the same, make the following report: Committee recommends that this paper be reported out favorably
Councillor Murphy for the Committee

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

[463-15](#)

Order: That the City accept the provisions of Mass General Laws Chapter 60A Section 1 Paragraph 8, relative to excise tax for persons in full-time active military service.

Sponsors: Steven Ultrino, Neal Anderson, Neil C. Kinnon, David D'Arcangelo, James M. Nestor, Barbara Murphy and John P. Matheson

A motion was made by Councillor Murphy, seconded by Councillor Nestor, 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

[493-15](#)

Committee Report: Finance (Paper #464 That the Treasurer be authorized to pay an additional \$11,310.00 in snow removal costs incurred in FY2015)

The Standing Committee on Finance, to whom was referred Paper #464 Series of 2015, having considered the same, make the following report: Committee recommends that this paper be reported out favorably
Councillor Murphy for the Committee

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

[464-15](#)

Order: That the Treasurer be authorized to pay during the current fiscal year an additional \$11,310.00 in snow removal cost incurred in FY2015.

Sponsors: Barbara Murphy

A motion was made by Councillor Murphy 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

[494-15](#)

Committee Report: Finance (Paper #476 That \$175,000.00 be transferred from Revenue Reserve to Fire Department Overtime)

The Standing Committee on Finance, to whom was referred Paper #476 Series of 2015, having considered the same, make the following report: Committee recommends that this paper be reported out favorably
Councillor Murphy for the Committee

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

[495-15](#)

Committee Report: Finance (Completion of Roadwork)

The Standing Committee on Finance, to whom was referred the matter of completion of roadwork begun in 2012, having considered the same, make the following report: Committee recommends that the following order be adopted:

Ordered:

1. that a bid be issued for construction of the following streets which have been surveyed and designed: Ashland St., Julia St., Cushing Rd., Kernwood St., Woodland Rd., Clement St., Woodrow Ave and Crescent Ave.; and

2. that a bid be issued for design of the following streets: Plymouth Rd, Fairview Ave., Nevada Ave., Noble St., Reserve St., Field St., Granite St., Mills St. and Stearns St.

Councillor Murphy for the Committee

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

[497-15](#)

Order: That bids be issued for construction and/or design of certain streets

Ordered:

1. that a bid be issued for construction of the following streets which have been surveyed and designed: Ashland St., Julia St., Cushing Rd., Kernwood St., Woodland Rd., Clement St., Woodrow Ave and Crescent Ave.; and
2. that a bid be issued for design of the following streets: Plymouth Rd, Fairview Ave., Nevada Ave., Noble St., Reserve St., Field St., Granite St., Mills St. and Stearns St.

A motion was made by Councillor Murphy, seconded by Councillor Nestor, 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

[496-15](#)

Committee Report: Ordinance (Paper #224-14 Amending Section 9.28 of the Ordinances Relative to fees for Collection of Solid Waste)

The Standing Committee on Ordinance, to whom was referred Paper #224 Series of 2014, having considered the same make the following report: Committee recommends that this paper be reported out favorably with the following amendment: that the schedule of fees contained in Section 9.28 be amended as follows:

Year 1	\$1.75
Year 2	\$1.50
Year 3	\$1.25
Year 4	\$1.00

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.

Yea: 6 - D'Arcangelo, Kinnon, Murphy, Nestor, Spadafora and Matheson

Nay: 5 - Anderson, Crowe, DeMaria, Sica and Ultrino

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

[224-14](#)

Amending Section 9.28 to reduce fees for collection of solid waste to \$1.00/bag

Sponsors: David D'Arcangelo

A motion was made by Councillor Crowe, seconded by Councillor Sica, that the Ordinance be referred to the Finance Committee. The motion failed by the following vote:

Yea: 5 - Anderson, Crowe, Sica, Spadafora and Ultrino

Nay: 6 - D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor and Matheson

A motion was made by Councillor D'Arcangelo, seconded by Councillor Kinnon, that the Ordinance be amended as follows: -by adding an effective date of January 1, 2017; -by inserting the following schedule of fees for present \$1.00 bags: Year 2: \$.75; Year 4: \$.50. The motion carried by the following vote:

Yea: 6 - D'Arcangelo, Kinnon, Murphy, Nestor, Spadafora and Matheson

Nay: 5 - Anderson, Crowe, DeMaria, Sica and Ultrino

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

Yea: 6 - D'Arcangelo, Kinnon, Murphy, Nestor, Spadafora and Matheson

Nay: 5 - Anderson, Crowe, DeMaria, Sica and Ultrino

13. PERSONAL PRIVILEGE

14. ADJOURNMENT

At 9: 53 p.m., a motion was made by Councillor Ultrino that the meeting be adjourned. The motion carried by a unanimous vote.

KAREN ANDERSON, CITY CLERK