



# City of Malden

Malden City Hall  
200 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final City Council

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Tuesday, March 15, 2016

7:00 PM

City Council Chambers

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### 1. CALL TO ORDER

The meeting was called to order by Council President Murphy at 7:20 p.m.

### 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

[127-16](#)

Minutes of the meeting of February 23, 2016

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

[128-16](#)

Minutes of the meeting of March 8, 2016.

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

### 6. APPOINTMENTS & ELECTIONS

[129-16](#)

Mayor's Re-Appointment: Andrew Zamagni, 16 Cross St. as member of the Board of Registrar of Voters

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

[130-16](#)

Mayor's Re-Appointment: William Coleman, 53 Kimball St. as member of the Public Works Commission

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

[131-16](#)

Mayor's Re-Appointment: Eric MacCuish, 101 Hill St. as member of the Planning Board

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

[132-16](#)

Mayor's Re-Appointment: Diane Chuha, 19 Marion St. as a member of the Planning Board

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

[134-16](#)

Mayor's Re-Appointment: Deano Summers 36 Gilbert St., as an associate member of the Board of Appeals

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

[135-16](#)

Mayor's Appointment: Virginie Nogara, 11 Lowell Avenue, Malden as builder/Architect member of the Zoning Board of Appeal

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

[133-16](#)

Mayor's Re-Appointment: Kevin Jarvis, 64 Jewett St., Georgetown as Veterans' Service Officer

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

[136-16](#)

Constable: Robert A. Walsh, 10 Garden St.

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

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

[137-16](#)

Petition: National Grid to replace existing 25 psig to LP 4" Regulator Station in the sidewalk area of 158 Washington St., Malden, MA

*Hearing Held*

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

[138-16](#)

Livery Driver: David Ulysse 230 Bryant 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.

[139-16](#)

Livery: Stagne Louis 71 Clifton St. #2 (New)

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

- [140-16](#) Taxi Driver: John P. Walters 5 Hancock St. #11, Everett (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [141-16](#) Taxi Driver: Fredrick B. Hardy, 93 Brunswick St., Dorchester (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [142-16](#) Taxi Driver: Robert J. Young, 15 Lewis St., Medford (New)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [143-16](#) Taxi Driver: Francisco Flores, 37 Baily Rd. #2, Somerville (New)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [144-16](#) Taxi Driver: Michael A. Miano, 8 Maple Ave., Danvers (New)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [145-16](#) Taxi Driver: German D. Henao 31 E. Wyoming , Melrose (New)]  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [146-16](#) Taxi Driver: Marc Olivieri 204 Bryant St. #1 (New)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [147-16](#) Taxi Driver: Christopher J. Jackson 24 Surfside Rd. #6, Lynn  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [148-16](#) Taxi Driver: Fredrick Hardy, 16 Oyster Bay, Dorchester (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**
- [149-16](#) Second Hand Dealer: Gold & Diamonds, 27-29 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.**
- [150-16](#) Second-hand Dealer: Art Carl Jewelers & A.C. Loan 56 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.

[151-16](#)

Pawnbroker: Gold & Diamonds, 27-29 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.

[152-16](#)

Pawnbroker: Art Carl Jewelers & A.C. Loan 56 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.

[153-16](#)

Extended Hours: CVS Pharmacy #672, 32 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.

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

[154-16](#)

Order: That the City consider a Participatory Budgeting Process where citizens assist in formulating the city budget via a citywide public hearing process.

**Sponsors:** Neil C. Kinnon

A motion was made by Councillor Kinnon that the Order be referred to the Finance Committee. The motion failed by the following vote:

[155-16](#)

Order: That representatives of the MRA and the Mayor's Office appear to provide an update on the Ballpark project at the National Grid parcel.

**Sponsors:** John P. Matheson

A motion was made by Councillor Matheson that the Order be adopted.

[156-16](#)

Order: That City Council rules be amended to require that any meeting involving revenues and/or expenditures be televised and/or videotaped and made available to the public.

**Sponsors:** David D'Arcangelo

A motion was made by Councillor D'Arcangelo that the order be adopted. The motion was ruled out of order by the Council President, as the rules require that no motion to amend the rules will be introduced and acted upon during the same meeting.

A motion was made by Councillor O'Malley that the Order be referred. The motion carried by the following vote:

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

[157-16](#)

Order: That City Council rules be amended to allow debate on all votes to be taken.

**Sponsors:** David D'Arcangelo

**A motion was made by Councillor D'Arcangelo, seconded by Councillor Kinnon, that rules be suspended for the purpose of adopting the order during this meeting. The motion failed by the following vote:**

**Yea:** 2 - D'Arcangelo and Kinnon

**Nay:** 9 - Anderson, Crowe, Condon, DeMaria, Matheson, O'Malley, Sica, Spadafora and Murphy

**A motion was made by Councillor O'Malley, seconded by Councillor Matheson, that the Order be referred. The motion carried by the following vote:**

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

[158-16](#) Order: That the City adopt a plan to fund completion of streets where roadwork has already begun.

**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.**

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

[160-16](#) Resolved: That representatives of JRM be invited to speak with the Council relative to trash collection and recycling

**Sponsors:** John P. Matheson

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

## **9. COMMUNICATIONS**

[161-16](#) Communication from the Malden Planning Board relative to #15-16 (Amending zoning ordinance relative to Recreation for Gainful business, Secondary to Principal Club/Lodge Use)

**A motion was made by Councillor Spadafora that the Communication be referred. The motion carried by the following vote:**

## **10. CLAIMS**

[162-16](#) Claim: Christopher Carlozzi, 134 Salem St. #2.

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

[163-16](#) Claim: Rong Wang 23 Fellsway East

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

## **11. COMMITTEE REPORTS**

[164-16](#)

Committee Report: Appointments (Paper #34-16 Council Re-Appointment of Kathryn Fallon as City Solicitor)

**A motion was made by Councillor Matheson 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

[34-16](#)

Re-Appointment of Kathryn Fallon as City Solicitor for a term expiring March 1, 2019.

**A motion was made by Councillor Matheson that the Kathryn Fallon be re-appointed as City Solicitor. The motion carried by a unanimous vote.**

[165-16](#)

Committee Report; Compliance Appointments (Job Posting for City Clerk)

**A motion was made by Councillor Matheson 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

[169-16](#)

Ordered: That the Human Resources Director advertise to fill the pending vacancy in the Office of City Clerk.

**Sponsors:** John P. Matheson

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

[166-16](#)

Committee Report: License (#115-16 Transfer of Class II Dealers License from CarMatch to Maxima Auto Sales, 105 Broadway)

**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

[115-16](#)

Class II: Maxima Auto Sales Corp. 105 Broadway (Transfer)

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

[167-16](#)

Committee Report: License (#45-16 Livery License: Mujahid A. Mouggnal, 52 Hancock St.)

**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

[45-16](#)

Livery Driver: Mujahid A. Moughal, 52 Hancock St. (New)

A motion was made by Councillor Anderson that the Petition be granted with the condition that the petitioner maintain a lease for off-site parking of the livery vehicle. The motion carried by a unanimous vote.

[168-16](#)

Committee Report Finance (Recommendation on responses to RFP for Moratorium Study)

A motion was made by Councillor Kinnon 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

[170-16](#)

Order: That the City enter into a contract for a study in connection to the building moratorium

**Sponsors:** Neil C. Kinnon

[159-16](#)

Order: That the City Council meet in Executive Session regarding ongoing litigation.

**Sponsors:** Barbara Murphy

*The Council President declared that open discussion would be detrimental to the City's litigating position.*

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

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

**Nay:** 1 - D'Arcangelo

### **13. PERSONAL PRIVILEGE**

*Meeting went into Recess*

*Meeting Reconvened*

At 8:58 p.m., a motion was made by Councillor Kinnon that the meeting be recessed for the purpose of conducting a Finance Committee meeting and an Executive Session. The motion carried by a unanimous vote.

The open meeting was reconvened at 9:44 p.m.

### **14. ADJOURNMENT**

At 9:45 p.m., a motion was made by Councillor Sica that the meeting be adjourned. The motion carried by a unanimous vote.

**KAREN ANDERSON, CITY CLERK**