



City of Malden

Malden City Hall
200 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, April 21, 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: 10 - Neal Anderson, Peg Crowe, David D'Arcangelo, Deborah DeMaria, Neil C. Kinnon, Barbara Murphy, Jadeane Sica, Craig Spadafora, Steven Ultrino and John P. Matheson

Absent - Councillors: 1 - James M. Nestor

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

Bob Rotondi received thanks from the city for his 60 years of service in youth baseball and 40 years in park permitting for the city.

The Mayor provided an update on remaining roadwork and a recommended approach to completion.

5. APPROVAL OF MINUTES

[256-15](#) Minutes of the meeting of April 7, 2014.

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

[257-15](#) Minutes of the meeting of April 14, 2015.

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

6. APPOINTMENTS & ELECTIONS

7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[258-15](#) Taxi Driver: John A. Colanton 4 Belmont Ave., Lynn (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.

[259-15](#) Fortune Teller License: Angie Marks, 94 Main 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.

[260-15](#)

Second Hand Dealer: Art Carl Jewelers 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.

[261-15](#)

Second Hand Dealer: Gold & Diamonds Etc. Inc. 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.

[262-15](#)

Pawnbroker: Art Carl Jewelers, 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.

[263-15](#)

Pawnbroker: Gold & Diamonds Etc. Inc 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.

[264-15](#)

Lodging House: Tri-City Community Action Program Inc. 115 Washington 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.

[265-15](#)

Lodging House: Mitoan, 52 Maple 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.

[266-15](#)

Bowling Alley: Ryans Family Amusement Center 11 Charles 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.

[267-15](#)

Pool Table: Club 24, inc. 787 Salem 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.

RECONSIDERATION

[253-15](#)

Ordered: That the Treasurer be authorized to borrow \$12,000,000 for reconstructions and/or resurfacing of various streets, streetscapes and sidewalks

Sponsors: Barbara Murphy

A motion was made by Council President Matheson that the Order be reconsidered. The motion carried by a unanimous vote.

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

8. MOTIONS, ORDERS AND RESOLUTIONS

[268-15](#) Be it ordained that Chapter 12 Section 500 of the Revised Ordinances of 1991 be amended relative to parking requirements for certain residential units

Sponsors: Craig Spadafora

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

[269-15](#) Be it ordained that Chapter 12 of the Revised Ordinances of 1991 be amended relative to the lot size for single family dwellings

Sponsors: Neil C. Kinnon

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

[270-15](#) Be it ordained that Chapter 12 of the Revised Ordinances of 1991 relative to the lot size for all multi-family residential dwelling units.

Sponsors: Neil C. Kinnon

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

[271-15](#) Be it hereby ordained that the Chapter 12 of the Revised Ordinances of 1991 be amended by providing for the Ordinance Committee to make recommendations to the Board of Appeal relative to granting variances.

Sponsors: Neil C. Kinnon

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

[272-15](#) Be it ordained that R.O. 1991 be amended to impose a moratorium on multi-family dwelling units.

Sponsors: Neil C. Kinnon

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

[274-15](#) Resolve: That, if the Traffic Commission installs street sweeping signs, they be installed throughout the City.

Sponsors: Neil C. Kinnon

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

[275-15](#) Resolve: That, if the Traffic Commission determines that street sweeping signs be installed, winter parking regulations be included on the signs.

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

10. CLAIMS

11. COMMITTEE REPORTS

[276-15](#) Committee Report: Compliance/Appointments (Paper #210 Appointment of Albert Spadafora as member of the Malden Redevelopment Authority) The Standing Committee on Compliance/Appointments to whom was referred Paper #210 Series of 2015, having considered the same, make the following report: Committee recommends that this appointment be confirmed.

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.

[210-15](#) Mayor's Appointment: Albert Spadafora, 453R Highland Ave, as a member of the Malden Redevelopment Authority Board for term expiring May 1, 2018. (Confirmation required)

A motion was made by Councillor Anderson that the Appointment be confirmed. The motion carried by the following vote:

Yea: 9 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Sica, Ultrino and Matheson

Abstain: 1 - Spadafora

[277-15](#) Committee Report: Compliance/Appointments (Paper #175 Re-Appointment of Erica Lotz as member of the Public Works Commission) The Standing Committee on Compliance/Appointments to whom was referred Paper #175 Series of 2015, having considered the same, make the following report: Committee recommends that this appointment be

confirmed.

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.

[175-15](#)

Mayor's Appointment: Erica Lotz as Public Works Commissioner for a term expiring March 1, 2018

A motion was made by Councillor Anderson that the Appointment be confirmed. The motion carried by the following vote:

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

[278-15](#)

Committee Report: Compliance/Appointments (Paper #221 Re-Appointment of Kenneth Antonucci as member of the Planning Board) The Standing Committee on Compliance/Appointments to whom was referred Paper #221 Series of 2015, having considered the same, make the following report: Committee recommends that this appointment be confirmed.

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.

[221-15](#)

Mayor's Re-Appointment: Kenneth Antonucci, 14 Spruce St. as member of the Planning Board for term expiring March 1, 2020. (Confirmation required)

A motion was made by Councillor Anderson that the Appointment be confirmed. The motion carried by the following vote:

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

[279-15](#)

Committee Report: Compliance/Appointments (Paper #222 Re-Appointment of Jean Benoit as member of the Board of Registrar of Voters)

The Standing Committee on Compliance/Appointments to whom was referred Paper #222 Series of 2015, having considered the same, make the following report: Committee recommends that this appointment be confirmed.

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.

[222-15](#)

Mayor's Re-Appointment: Jeanne Benoit, 55 Fairlawn St. as a member of the Board of Registrar of Voters for term to expire March 31, 2018.

(Confirmation required)

A motion was made by Councillor Anderson that the Appointment be confirmed. The motion carried by the following vote:

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

[280-15](#)

Committee Report: Ordinance (Paper #116 Amending Chapter 12 Section 800.3 to impose a moratorium on construction of certain multifamily dwelling units)

The Standing Committee on Rules & Ordinance to whom was referred Paper #116 Series of 2015 having considered the same make the following report: Committee recommends that the sponsor be given leave to withdraw.

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.

[116-15](#)

Be it ordained that Chapter 12 Section 800.3 of R.O. 1991 be amended to impose a one year moratorium on certain multifamily residential housing.

Sponsors: Neil C. Kinnon

A motion was made by Councillor Kinnon that the Ordinance be withdrawn. The motion carried by a unanimous vote.

[281-15](#)

Committee Report: Ordinance (Paper #232 Order that the Planner research the cost of implementing a moratorium on residential construction)

The Standing Committee on Rules & Ordinance to whom was referred Paper #232 Series of 2015 having considered the same make the following report: Committee recommends that this paper be placed on file.

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.

[232-15](#)

Order: That the Principal Planner be directed to research the cost and feasibility of implementing a moratorium on residential construction in the city of Malden.

Sponsors: David D'Arcangelo

A motion was made by Councillor D'Arcangelo that the Order be placed on file. The motion carried by a unanimous vote.

[282-15](#)

Committee Report: License (Paper #572 Class II Application: King Motors, 105-109 Broadway)

The Standing Committee on License to whom was referred Paper #572 Series of 2014 having considered the same make the following report: Committee recommends that this application be placed on file.

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.

[572-14](#)

Class II Ruxckaia Teados Inc. dba King Motors 105/109 Broadway (New)

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

[283-15](#)

Committee Report: License (Paper #229-15 Livery Renewal: Henok Tereff, 30 Franklin St. #214)

The Standing Committee on License to whom was referred Paper #229 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.

[229-15](#)

Livery: Henok Tereff 30 Franklin St. #214 (Renewal)

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

[284-15](#)

Committee Report: Finance (Paper #251 That the City Council adopt a schedule for completion of roadwork begun prior to December 2014.) The Standing Committee on Finance, to whom was referred Paper #251 Series of 2015, having considered the same make the following report: Committee recommends the following:

1. That the Council pass a resolve that the \$1.7 million in remaining bond money be dedicated to completion of Phase 1 roadwork and, then, such portion of Phase 2 as remaining funds permit;
2. That the Council request the Mayor to present to the Council an incremented phased plan, including a non-borrowing financing plan, for the completion of Phase 2 roadwork; and
3. That the Council pass either an order to the City Engineer and Director of Public works or a resolve to the Mayor that the Council be notified in writing 30 days prior to the commencement of any

roadwork that is not an emergency and does not appear on the water/sewer replacement list.

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.

[251-15](#)

Order: That the City Council adopt a schedule for completion of roadwork begun prior to December 2014.

Ordered: That the City adopt the following schedule for completion of roadwork begun prior to December 2014:

1. Streets shall be completed in the order in which they were begun, based on information provided by the City Engineer;
2. Funds shall be transferred from reserve accounts in increments of \$1,000,000 for completion of each section of work;
3. No additional funds shall be transferred from the reserve account until work approved for the previous section is 75% complete and the City Engineer has certified that the remaining 25% can be completed with the funds allocated.

Sponsors: Neil C. Kinnon and James M. Nestor

A motion was made by Councillor Murphy that the Order be amended as follows:

A. Resolved: That it is the sense of the City Council that the \$1.7 million in remaining bond money be dedicated to completion of Phase 1 roadwork and, then, such portion of Phase 2 as remaining funds permit;

B. Resolved: That it is the sense of the City Council that the Mayor provide the Council with an incremented phased plan, including a non-borrowing financing plan, for the completion of Phase 2 roadwork

C. Resolved: That it is the sense of the City Council that the Mayor notify the Council in writing 30 days prior to the commencement of any roadwork that is not an emergency and does not appear on the water/sewer replacement list.

D. Ordered: That the City Engineer or the Director of Public Works notify the Council in writing 30 days prior to the commencement of any roadwork that is not an emergency and does not appear on the water/sewer replacement list.

The motion carried by a unanimous vote.

[285-15](#)

Committee Report: Finance (Paper #244 That \$40,000 be transferred from Public Facilities Labor Salaries to Public Facilities Overtime)

The Standing Committee on Finance, to whom was referred Paper #244 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.

[244-15](#)

Order: That \$40, 000 be transferred from Public Facilities Labor Salaries to Public Facilities Overtime.

Sponsors: Barbara Murphy

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

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

[286-15](#)

Committee Report: Finance (Paper #245 That \$107,000 be transferred from various accounts to Public Facilities School Building Maintenance) The Standing Committee on Finance, to whom was referred Paper #245 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.

[245-15](#)

Order: That \$107,000 be transferred from various accounts to Public Facilities School Building Maintenance.

Sponsors: Barbara Murphy

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

Yea: 9 - Anderson, Crowe, DeMaria, Kinnon, Murphy, Sica, Spadafora, Ultrino and Matheson

Nay: 1 - D'Arcangelo

[287-15](#)

Committee Report: Finance (Paper #246 That \$1,776 be transferred from Public Facilities Electrical Supplies to PIPS Operating Costs) The Standing Committee on Finance, to whom was referred Paper #246 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.

[246-15](#)

Order: That \$1,776.00 be transferred from Public Facilities Electrical Supplies to PIPs Operating Costs

Sponsors: Barbara Murphy

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

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

[288-15](#)

Committee Report: Finance (Paper #247 That \$15,000 be transferred from Library Salaries to Controllers Overtime)

The Standing Committee on Finance, to whom was referred Paper #247 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.

[247-15](#)

Order: That \$15,000.00 be transferred from Library Salaries to Controllers Overtime

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

Yea: 5 - Anderson, Crowe, Murphy, Ultrino and Matheson

Nay: 5 - D'Arcangelo, DeMaria, Kinnon, Sica and Spadafora

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

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

13. PERSONAL PRIVILEGE

14. ADJOURNMENT

KAREN ANDERSON, CITY CLERK