



City of Malden

Malden City Hall
200 Pleasant Street
Malden, MA 02148

Meeting Minutes City Council

Tuesday, December 6, 2016

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, 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

[471-16](#) Minutes of the meeting of November 22, 2016.

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

[472-16](#) Minutes of the meeting of November 29, 2016.

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

6. APPOINTMENTS & ELECTIONS

7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[473-16](#) Petition: Cellco Partnership dba Verizon Wireless to locate small cell wireless antenna and sustaining fixtures on existing utility pole #1983, adjacent to 1200 Eastern Ave.
(Hearing Required)

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

[474-16](#) Petition: Cellco Partnership dba Verizon Wireless to locate small cell wireless antenna and sustaining fixtures on existing utility pole #2349 on Salem St., adjacent to 324 Broadway.
(Hearing Required)

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

- [475-16](#) Christmas Tree: Jane Mann, 80 Broadway
A motion was made by Councillor Anderson that the Petition be granted. The motion carried by a unanimous vote.
- [476-16](#) Amusement Machines: Loyal Order of the Moose 1910, 562 Broadway (Renewal)
A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.
- [477-16](#) Amusement Machines: Provo Corp. dba Patrick's 36-40 Lebanon 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.
- [478-16](#) Amusement Machines: Dockside Restaurant, 229 Centre 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.
- [479-16](#) Amusement Machines: 270 Medford St. LLC dba Dockside @ Riverview, 270 Medford 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.
- [480-16](#) Amusement Machines: R.F.A. Malden, Inc. dba Ryan Family Amusements, 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.
- [481-16](#) Amusement Machines: Italian-American Citizens Club, 121 Pearl 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.
- [482-16](#) Amusement Machines: Alben Inc. dba Pearl St. Station (Renewal)
A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.
- [483-16](#) Extended Hours: Babyhena Corp. dba 7-Eleven 26561F, 169 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.
- [484-16](#) Class II: Sega Auto Sales & Service Inc., 449 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.

[485-16](#)

Class II: River Auto Sales Inc.- 77 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.

[486-16](#)

Class II: Malden Auto Brokers Inc.- 225 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.

[487-16](#)

Class II: Frank's Auto Sales 189 Highland 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.

[488-16](#)

Class II: Jordan Motors Inc. DBA Malden Auto Sales 147 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.

[489-16](#)

Class II: Salem Street Motors Inc., 369 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.

[490-16](#)

Class II: Rio Auto Group Corp. dba Dealer One Motors, 77 Broadway (Renewal)

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

[491-16](#)

Class II: Richard's Motorcars, Inc. 672 Broadway (Renewal)

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

[492-16](#)

Class II: Louis Foreign Car Garage Inc., 191 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.

[493-16](#)

Class II: Flag Motor Sales, Inc., 209 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.

[494-16](#)

Class II: Donald D. Rosmarinofski dba 99 Truck & Tow, 469 Broadway (Renewal)

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

[495-16](#)

Class II: Eastern Motors Inc. 189 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.

[496-16](#)

Class II: Auto Tech II Inc. 1236 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.

[497-16](#)

Class II: Bay State Auto Gallery LLC, 616 Broadway (Renewal)

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

[498-16](#)

Class II: MacMillen Automotive, 388 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.

[499-16](#)

Class II: Prestige Motors of Malden, Inc. 600 Broadway (Renewal)

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

[500-16](#)

Class II: West End Auto, 1 Malden 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.

[501-16](#)

Class II: Broadway Auto Sales, 628 Broadway (Renewal)

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

[502-16](#)

Class II: Kenneth G. LaFauci dba Brothers Auto Body 969 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.

[503-16](#)

Class II: MacDarley Terra, Inc. dba Super Auto Sales, 1176R Eastern Ave. (Transfer)

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

[504-16](#)

Be it ordained that Section 6.10 of R.O. 1991 be amended relative to fees for storage of flammable fluids.

Be it hereby Ordained by the Malden City Council that Section 6.10 of the Revised Ordinances of 1991 as amended be and the same are hereby further amended as follows:

-by striking out the following language:

FEES for licenses for garages are hereby established as follows

Aggregate Storage Capacity for	Fee for Original License
Each garage	
5-10 cars	\$50.00
11-50 Cars	\$100.00
51 or more cars	\$200.00

And inserting in its place the following language:

Fees for licenses for all private garages currently existing or newly established private garages commencing April 2017 are hereby established as follows:

\$500.00 per vehicle

The remainder of this section shall remain the same

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

[505-16](#) Order: That approximately 3.95 acres of city owned land be designated conservation land.

A motion was made by Councillor Crowe that the Order be referred to the Public Property Committee. The motion carried by a unanimous vote.

[506-16](#) Order: That the Appointments Committee draft a vacancy announcement for the hiring of a temporary engineer to monitor and oversee road reconstruction projects.

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

[507-16](#) Order: That analyses including comparisons to comparable communities include a consistent control group of cities/towns.

Ordered: That any analysis being presented to the City Council, which includes comparisons to other communities, include but not be limited to a consistent control group of cities and towns that include, Medford, Melrose, Everett, Revere, Woburn, Taunton, Haverhill and Chelsea.

A motion was made by Councillor D'Arcangelo that the Order be referred to the Personnel Committee. The motion carried by a unanimous vote.

[508-16](#) Resolve: That the Public Works Commission accept Wallace Circle as a public way

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

9. COMMUNICATIONS

10. CLAIMS

[509-16](#) Claim: Tammy & Mark McGeoghegan, 37 Julia St., Malden

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

11. COMMITTEE REPORTS

[510-16](#)

Committee Report: Finance (Paper #469-16 Transfer of \$137,133 to various salary accounts to fund a 2% raise for non-union employees) The Standing Committee on Finance, to whom was referred Paper #469 Series of 2016, having considered the same, make the following report: Committee recommends that this paper be reported out favorably.

COUNCILLOR KINNON FOR THE COMMITTEE

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

[469-16](#)

Order: That funds be transferred to departmental budget to fund a 2% increase in certain non-union salaries.

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

[511-16](#)

Committee Report: Ordinance (Paper #470 Amending Sections 8.35-8.28 relative to non-union employee salaries) The Standing Committee on Ordinance, to whom was referred Paper #470 Series of 2016, having considered the same, make the following report: Committee recommends that this paper be reported out favorably.

COUNCILLOR KINNON 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.

[470-16](#)

Be it ordained that Sections 8.35 through 8.38 be amended relative to Non-Union Salary Schedules.

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 the 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

SUSPENSION OF DOCKET RULES

[512-16](#)

Communication: From the Mayor relative to roadwork.

To: Malden City Council**From:** Mayor Gary Christenson**Date:** December 6, 2016**Re:** Road Work

This memorandum is in follow up to the resolve voted on at the November 1st meeting, at which time a multi-faceted approach to completing the remaining road work was presented. We all share the same objective, which I would define as arriving at a plan that ensures we do not miss the spring construction season and doing so in a responsible way fiscally. I believe below is a compromise that meets our collective objectives.

Within the past week, we received a detailed proposal from Hayner/Swanson, Inc. for the survey and design work associated with the group of 17 streets outlined in the November 1st resolve. The total cost of this work is \$487,000. This amount surveys the streets, designs the streets, and gets them out to bid. In the interest of making sure we do not lose the construction season, I have authorized Hayner/Swanson to proceed with the surveying component, which represents \$82,000 of the above amount. Sufficient funds exist that were appropriated as part of the FY17 water and sewer operating budget to fund this one small component. However, to allow us to also proceed with the design work as soon as the surveying is done, I am proposing that we fund the entire survey and design cost of \$487,000 out of Water and Sewer free cash. We recently received our Free Cash certification from the state, and funds exist to maintain our reserve policy and fund this appropriate expense. This will allow us to move forward immediately, making sure we are prepared come spring for construction.

The actual cost of construction for this grouping of streets will be driven by the design process. It is my desire to drive the scope of the design such that we are able to accomplish the work through a combination of the anticipated bonding (\$4 million), plus chapter 90 funds and without the use of general fund reserves. It is a priority of mine to protect to all extent possible the general fund free cash. As you know, we have needed to rely on free cash to balance the past few budgets and we are also in the process of utilizing free cash to fund FY17 raises that are not budgeted. While we were fortunate this year to have replenished some

of that with our most recent free cash certification, rebuilding our free cash is a top priority of mine, particularly when earlier this year the Government Finance Officers Association (GFOA) Executive Board recommended that local governments maintain an unrestricted fund balance equal to at least two months of general operating fund expenditures.

Lastly, we have reached out to the state, in writing, to request the ability to bond against Chapter 90 funds. A copy of the correspondence is attached and we hope to hear shortly on this request.

In follow up to this memorandum, I will be sending the Council a paper to appropriate \$487,000 out of the Water & Sewer Enterprise free cash, as well as the \$4 million bonding to support the next group of 17 streets. I would request that rules be suspended such that this is passed before the holiday recess. This will allow us to move forward with the design, after which I would expect we would regroup to further discuss the design driven budget and hopefully the response from the state on the use of Chapter 90 funds.

This Communication was received and filed

[513-16](#)

Order: That the Treasurer be authorized to borrow \$4,000,000 for construction and reconstruction of certain streets.

A motion was made by Councillor Kinnon that rules be suspended. 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.

[514-16](#)

Order: That \$487,000 be appropriated from Water & Sewer Enterprise Fund Free Cash for the design and survey of 17 streets.

A motion was made by Councillor Kinnon that rules be suspended. 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.

12. TABLED PAPERS

[610-15](#)

Be it Ordained the R.O. 1991 be amended to establish a Community Preservation Committee

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

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

13. PERSONAL PRIVILEGE

14. ADJOURNMENT

At 8:17 p.m., a motion was made by Councillor Matheson that the meeting be adjourned. The motion carried by a unanimous vote.

KAREN ANDERSON, CITY CLERK