



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, June 23, 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

[402-15](#)

Annual Appropriation Order for 2016 (Resubmission)

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

A motion was made by Councillor Murphy that the Order be amended by reducing the appropriation for Water/Sewer Enterprise Fund by \$1.4 million by cutting the appropriation for Water Main Replacement Road Work . The motion carried by a unanimous vote.

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

[407-15](#)

Committee Report: Compliance/Appointments (Papers #345, 356 & 357 - Mayor's Appointments to the Council on Aging - Peter Jani, Shu Lain Cho, Virginia Doherty)

The Standing Committee on Compliance/Appointments, to whom was referred Papers #345, #356 and #357 Series of 2015, having considered the same make the following report: Committee recommends that these appointments be confirmed.

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

[345-15](#)

Mayor's Appointment: Peter Jani, 122 Franklin St. as a member of the Council on Aging for an open term

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

[356-15](#) Mayor's Appointment: Shu Lain Cho, 47 Madison St. as member of the Council on Aging for an open term

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

[357-15](#) Mayor's Appointment: Virginia Doherty, 144 Malden St. as a member of the Council on Aging for an open term.

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

Prisco Tammaro of 56 Pine St. and Robert Doolittle, members of the Friends of Fellsmere Heights, addressed the City Council relative to redevelopment of the Malden Hospital site.

[408-15](#) Resolve: That the City Council recognize and support the Fellsmere Heights Committee

Sponsors: Craig Spadafora, David D'Arcangelo and John P. Matheson

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

[403-15](#) Mayor's Re-Appointment: Laurie Macdonald as a member of the Stadium & Athletic Field Commission for a term expiring June 1, 2016.

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

[404-15](#) Council Re-Appointment: Robert R. Selfridge, Jr., 93 Hubbard Street, as a member of the Stadium and Athletic Field Commission for a term expiring June 1, 2018.

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

[405-15](#) Council Re-Appointment: Enrique Caceda, 354 Broadway, as a member of the Stadium and Athletic Field Commission for a term expiring June 1, 2017.

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

[118-15](#) Order: That the Finance Committee meet with the Executive Director of the Malden Redevelopment Authority relative to the Malden Hospital site.

Sponsors: David D'Arcangelo, John P. Matheson and Neil C. Kinnon

A motion was made by Councillor D'Arcangelo that the Order be taken from the table. The motion carried by a unanimous vote.

On a motion by Councillor D'Arcangelo, the Council voted by unanimous roll call vote to go into Executive Session to for the purpose of discussing the appraisal requested in Paper #118-15. The Council President declared that open discussion would be detrimental to the city's negotiating position. The meeting was recessed and executive session convened at 7:40 p.m. The executive session was adjourned and the open meeting reconvened at 9:05 p.m.

118-15

Order: That the Finance Committee meet with the Executive Director of the Malden Redevelopment Authority relative to the Malden Hospital site.

Sponsors: David D'Arcangelo, John P. Matheson and Neil C. Kinnon

A motion was made by Councillor D'Arcangelo that the proposed amendment be withdrawn. The motion carried by a unanimous vote.

A motion was made by Councillor D'Arcangelo that the Order be amended to read as follows: Ordered: That the City Council request the Executive Director of the Malden Redevelopment Authority to conduct an appraisal with respect to the Malden Hospital site at a cost not to exceed \$9,000.00. The motion carried by a unanimous vote.

A motion was made by Councillor D'Arcangelo that the Order be adopted as amended. The motion carried by a unanimous vote.

406-15

Order: That the City Council, with the approval of the Mayor, hire a temporary engineer to monitor roadwork under the current capital improvement plan.

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

409-15

Order: That the Controller be authorized to expend funds from Professional Services to conduct an independent audit of the roadwork project commenced in 2012.

Sponsors: Barbara Murphy, Neil C. Kinnon, Craig Spadafora, James M. Nestor, David D'Arcangelo and Peg Crowe

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

[410-15](#)

Committee Report: Finance (354-15 That the Mayor and Council President be authorized to sign a Tax Increment Exemption Agreement on 184 & 200 Pleasant St. and that the Mayor be authorized to sign a Purchase and Sales Agreement for property for use as City Hall) The Standing Committee on Finance, to whom was referred Paper #354-15, having considered the same make the following report: Committee recommends that so much of the paper that relates to the Housing Development Program be reported out favorably with the following amendment:

That the order be amended to read as follows:

That the Mayor and Council President be authorized to sign a Tax Increment Exemption Agreement in substantially the following form: (see HDIP attachment); And that so much of the paper as relates to a purchase and sale agreement for the purchase of property for use as City Hall be held in committee, pending the review and approval by the City Council of provisions related to assignment of rights, damages and warranty.

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.

[354-15](#)

Order: That the Mayor and Council President be authorized to sign a Tax Increment Exemption Agreement for the property at 184 & 200 Pleasant St. and that the Mayor be authorized to execute a purchase and sales agreement for purchase of property for use as City Hall.

Sponsors: Craig Spadafora

A motion was made by Councillor Murphy that the Order be amend the portion of the order relative to the Tax Increment Exemption Agreement to read as follows: " That he Mayor and Council President be authorized to sign a Tax Increment Exemption agreement in substantially the following form: (See attached TIE Agreement)" and that the portion of the order realtive to the purchase of property for use as city hall be held in committee pending review of Purchase and Sales provisions relative to the assignment of rights, damages and warranty . The motion carried by the following vote:

Yea: 10 - Anderson, Crowe, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

Nay: 1 - D'Arcangelo

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

Yea: 10 - Anderson, Crowe, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

Nay: 1 - D'Arcangelo

[411-15](#)

Committee Report: Public Property (353-15 That the city amend deeds on certain parcels of land (High Rock) to restrict use to conservation purposes.)

The Standing Committee on Public Property, to whom was referred Paper #353 Series of 2015, having considered the same make the following report:

Committee recommends that this paper be reported out favorably.

Councillor Nestor for the Committee

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

[353-15](#)

Order: That the city amend deeds on certain parcels of land (High Rock) to restrict use to conservation purposes.

Sponsors: Neil C. Kinnon

A motion was made by Councillor Nestor, seconded 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

[412-15](#)

Committee Report: License (187-15 Taxi Driver Application: John E. Willard, 7 Bartley St., Wakefield, MA)

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

[187-15](#)

Taxi Driver: John E. Willard, 7 Bartley St. Wakefield

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

[413-15](#)

Committee Report: License (370-15 Class II Renewal: Route 99 Auto, 70 Broadway; 375-15 & 376-15 Outdoor Parking Renewals: Rigano's, 1081 Fellsway & TJ Corp, 315 Pleasant St.; 348-15 Pool Table Renewal: Irish American, 177 West St.; 347-15 Taxi Driver Application: John Edmunds, 15 Collins Ave, Saugus, MA)
The Standing Committee on License, to whom was referred Papers #370, 376, 377, 348, & 347 Series of 2015, having considered the same make the following report: Committee recommends that these licenses be granted.

Councillor Crowe for the Committee

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

[370-15](#)

Class II: Route 99 Auto, 70 Broadway

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

[376-15](#)

Outdoor Parking: Rigano's 1081 Fellsway (Renewal)

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

[377-15](#)

Outdoor Parking: TJ Corp. 315 Pleasant St. (Renewal)

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

[348-15](#)

Pool Tables: Irish American Club, 177 West St. (Renewal)

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

[347-15](#)

Taxi Driver: John Edmunds 15 Collins Ave. Saugus

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

[414-15](#)

Committee Report: License (374-15 & 375-15 Renewal of Self Service Gasoline Permits: Snap Mart, 245 Main St. & Wash Depot, 333 Eastern Ave.)

The Standing Committee on License, to whom was referred Papers #374 & 375 Series of 2015, having considered the same make the following report:

Committee recommends that these licenses be granted with the following condition: that all pumps be equipped with automatic off equipment.

Councillor Crowe for the Committee

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

[374-15](#)

Self-Service Gas Station: Snap Mart dba Petrola, 245 Main St. (Renewal)

A motion was made by Councillor Crowe that the Petition be granted with the following condition: that all pumps be equipped with automatic off equipment. The motion carried by a unanimous vote.

[375-15](#)

Self-Service Gas Station: Wash Depot 1, Inc. 333 Eastern Ave. (Renewal)

A motion was made by Councillor Crowe that the Petition be granted with the following condition: that all pumps be equipped with automatic off equipment. The motion carried by a unanimous vote.

[415-15](#)

Committee Report: Ordinance (270-15 Be it ordained that Chapter 12 of RO 1991 be amended relative to lot size for multi-family residential dwelling units)

The Standing Committee on Ordinance, to whom was referred Paper #270 Series of 2015, having considered the same make the following report: Committee recommends that this paper be reported out favorably with the following amendments:

1. §400.1.2.2.1, Footnote ++
Delete "12,000 square feet" and insert "15,000 square feet."
2. §400.1.2.2.2, Footnote +++
Delete "6,000 square feet" and insert "7,500 square feet."

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.

[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 D'Arcangelo, seconded by Councillor Ultrino, that the Ordinance be amended to add the following: 1. §400.1.2.2.1, Footnote ++ Delete "12,000 square feet" and insert "15,000 square feet."

2. §400.1.2.2.2, Footnote +++ Delete "6,000 square feet" and insert "7,500 square feet."

. The motion carried by a unanimous vote.

A motion was made by Councillor D'Arcangelo, seconded by Councillor Ultrino, that the Ordinance be enrolled as amended. 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 D'Arcangelo, seconded by Councillor Ultrino, that the rules be suspended for the purpose of ordaining. The motion carried by a unanimous vote.

A motion was made by Councillor D'Arcangelo, seconded by Councillor Ultrino, that the Ordinance be ordained. The motion carried by the following vote:

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

416-15

Committee Report: Ordinance (269-15 Be it ordained that Chapter 12 of RO 1991 be amended relative to the lot size for single family dwellings)

The Standing Committee on Ordinance, to whom was referred Paper #269 Series of 2015, having considered the same make the following report: Committee recommends that this paper be reported out favorably with the following amendment:

In §400.1.2.1, Footnote + , delete "7,000 square feet" and insert "8,750 square feet."

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.

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 D'Arcangelo, seconded by Councillor Ultrino, that the Ordinance be amended as follows:

In §400.1.2.1, Footnote + , delete “7,000 square feet” and insert “8,750 square feet.” The motion carried by a unanimous vote.

A motion was made by Councillor D’Arcangelo, seconded by Councillor Ultrino, that the Ordinance be enrolled as amended. 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 D’Arcangelo, seconded by Councillor Ultrino, that the rules be suspended. The motion carried by a unanimous vote.

A motion was made by Councillor D’Arcangelo, seconded by Councillor Ultrino, that the Ordinance be ordained. The motion carried by the following vote:

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

[417-15](#)

Committee Report: Ordinance (303-15 Be it ordained that Chapter 12 of RO 1991 be amended to establish use regulations, dimensional controls, parking requirements and definition for asphalt, brick, concrete and soil recycling)

The Standing Committee on Ordinance, to whom was referred Paper #303 Series of 2015, having considered the same make the following report: Committee recommends that this paper be reported out favorably with the following amendments:

1. §400.1.5.11, Dimensional Controls
Under the column “Side,” change 10’ to 15’
Under the column “Both Sides,” change 20’ to 30’
2. §800.6.2, Definition
Add the following language:
“Asphalt, Brick, Concrete & Soil Recycling may not be allowed as an accessory use to any other use and shall not be classified or categorized as a building, constructing & contracting use.”

Councillor D’Arcangelo for the
Committee

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

[303-15](#)

Be it ordained that Chapter 12 of the Revised Ordinances of 1991 be amended to establish use regulations,

dimensional controls, parking and requirements and a definition for Asphalt, Brick, Concrete and Soil Recycling

Sponsors: Neil C. Kinnon

A motion was made by Councillor D'Arcangelo, seconded by Councillor Ultrino, that the Ordinance be amended as follows:

1. §400.1.5.11, Dimensional Controls

Under the column "Side," change 10' to 15'

Under the column "Both Sides," change 20' to 30'

2. §800.6.2, Definition

Add the following language:

"Asphalt, Brick, Concrete & Soil Recycling may not be allowed as an accessory use to any other use and shall not be classified or categorized as a building, constructing & contracting use."

The motion carried by a unanimous vote.

A motion was made by Councillor D'Arcangelo, seconded by Councillor Ultrino, that the Ordinance be enrolled. 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 D'Arcangelo, seconded by Councillor Ultrino, that the rules be suspended. The motion carried by a unanimous vote.

A motion was made by Councillor D'Arcangelo, seconded by Councillor Ultrino, that the Ordinance be ordained. The motion carried by the following vote:

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

418-15

Committee Report: Ordinance (268-15 Be it ordained that Chapter 12 Section 500 of RO 1991 be amended relative to parking requirements for certain residential units)

The Standing Committee on Ordinance, to whom was referred Paper #268 Series of 2015, having considered the same make the following report: Committee recommends that this paper be reported out favorably with the following amendment: that a provision be added that one parking space be required for studio dwelling units.

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.

[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 D'Arcangelo, seconded by Councillor Ultrino, that the Ordinance be amended to add a requirement of one parking space for studio dwelling units. The motion carried by a unanimous vote.

A motion was made by Councillor D'Arcangelo, seconded by Councillor Ultrino, that the Ordinance be enrolled as amended. 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 D'Arcangelo, seconded by Councillor Ultrino, that the rules be suspended. The motion carried by a unanimous vote.

A motion was made by Councillor D'Arcangelo, seconded by Councillor Ultrino, that the Ordinance be ordained. The motion carried by the following vote:

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

[419-15](#)

Committee Report: Finance (379-15 That the City amortize snow and ice removal costs over multiple years)

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

[379-15](#)

Order: That the City amortize FY15 snow and ice removal costs over FY16 & FY17

ORDERED: That the City of Malden amortize snow and ice removal costs for FY2015 in accordance with the following schedule:

FY2016	\$ 950,000.00
FY2017	up to \$1,000, 000.00

Sponsors: Barbara Murphy

A motion was made by Councillor Murphy that the Order be amended by striking out the schedule as originally presented and inserting in place thereof the following

FY2016	up to \$ 635,000.00
FY2017	up to \$ 635,000.00
FY2018	up to \$ 630,000.00;

Provided that any reimbursements or assistance received from

the state or federal governments on account of FY2015 storms, any increases in unrestricted local aid and any Free Cash in excess of \$1,000,000 of the fund balance as of June 30, 2015 be immediately applied to reduce the deficit in advance of the schedule herein adopted.

The motion carried by a unanimous vote.

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

Committee Report: Finance (402-15 Annual Appropriation for FY2016 - Resubmission)

The Standing Committee on Finance, to whom was referred Paper #402 Series of 2015, having considered the same make the following report: Committee recommends that this paper be reported out favorably with the following amendment: that the appropriation for Water/Sewer Enterprise Fund be reduced by \$1.4 million by deleting the appropriation for Water Main Replacement Road Work.

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.

On a motion made by Councillor Murphy and adopted unanimously, the meeting was recessed at 10:00 p.m. for the purpose of allowing Finance Committee to meet to make recommendations on the FY2016 Annual Appropriation. The meeting was reconvened at 11:28 p.m.

14. ADJOURNMENT

At 11:35 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