



City of Malden

Malden City Hall
110 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, June 27, 2017

7:00 PM

John & Christina Markey Community Center,
7 Washington St.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE IN HONOR OF SERVICEMEN & WOMEN

3. ROLL CALL

Present - Councillors: 11 - Neal Anderson, Paul Condon, David D'Arcangelo, Deborah DeMaria, Neil C. Kinnon, John P. Matheson, Barbara Murphy, Ryan O'Malley, Jadeane Sica, Craig Spadafora and Peg Crowe

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

The Municipal Scholarship Committee announced the 2017 scholarship recipients.

5. APPROVAL OF MINUTES

[342-17](#)

Minutes of the City Council Meeting of June 20, 2017

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

6. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[343-17](#)

Petition: Fortune Teller, 495 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.

[344-17](#)

Outdoor Parking: T. J. Automotive 315 Pleasant St. (Renewal) 28 Spaces

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

7. MOTIONS, ORDERS AND RESOLUTIONS

[345-17](#)

Ordered: That in the new City Hall the City Council Chambers continue to be named in honor of Herbert L. Jackson the former Malden City Councillor and Massachusetts State Representative who made history as the first African American elect to the Malden City Council and the first African American elect to the Massachusetts State House of Representatives in the 20th century.

Sponsors: Neal Anderson

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

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

[346-17](#) Ordered: That the City of Malden prepare a Home Rule Petition to permit Happy Hour within the Central Business District only.

Sponsors: Ryan O'Malley

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

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

Nay: 1 - DeMaria

[347-17](#) Ordered: That the City Clerk place the following question on the municipal election ballot in November 2017: "Do you wish to allow recreational marijuana sales in your neighborhood?"

Sponsors: Neil C. Kinnon

A motion was made by Councillor D'Arcangelo, seconded by Councillor DeMaria, that the Order be referred to the Rules & Ordinance Committee. The motion carried by the following vote:

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

Nay: 1 - Kinnon

[348-17](#) Resolve: That the Traffic Commission reduce the citywide speed limit to 25 MPH unless posted otherwise.

Sponsors: Barbara Murphy and Peg Crowe

A motion was made by Councillor Murphy, seconded by Councillor DeMaria, that the Resolution be referred to the Traffic Commission. The motion carried by a unanimous vote.

A motion was made by Councillor Matheson, seconded by Councillor DeMaria, that the Resolution be referred to the Rules & Ordinance Committee. The motion carried by a unanimous vote.

[349-17](#) Ordinance: Be it hereby ordained that the City of Malden establish a Public Arts Commission.

Sponsors: Ryan O'Malley

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

Yea: 9 - Anderson, Condon, D'Arcangelo, DeMaria, Matheson, O'Malley, Sica, Spadafora and Crowe

Nay: 2 - Kinnon and Murphy

[350-17](#) Ordinance: Be it hereby ordained that the City of Malden establish a Parks Commission.

Sponsors: Ryan O'Malley

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.

[354-17](#) Ordinance: Be it hereby ordained that the R.O. of 1991 be further amended by adding Section 6.49 to Chapter 6 relative to permitting and inspection of small cell towers, and other cellular equipment installations which require access to public poles.

Sponsors: John P. Matheson and Craig Spadafora

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

8. ENROLLED ORDINANCES

[21-17](#) Be it ordained that Section 8.42 of the Revised Ordinances of 1991 be amended relative to the Salary Schedule for Parking Enforcement Officers

Sponsors: Craig Spadafora

A motion was made by Councillor Condon that the Ordinance be ordained. The motion carried by the following vote:

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

[227-17](#) Be it ordained that section 8.42.6 of the Revised Ordinances of 1991 be amended relative to the salary schedule of Traffic Supervisors.

Sponsors: Paul Condon

A motion was made by Councillor Sica that the Ordinance be ordained. The motion carried by the following vote:

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

9. COMMUNICATIONS

[351-17](#) Retirement Board voted on June 21, 2017 to grant a 3% cost of living adjustment to Contributory and Non-Contributory retirees.

A motion was made by Councillor Spadafora that the Communication be received and filed. The motion carried by the following vote:

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

Recused: 1 - Condon

[352-17](#) Communication: Correspondence from the law office of McLane & Middleton Re: pending petitions for wire and pole location to attach small cell antennas and supporting equipment to existing non-municipal utility poles.

A motion was made by Councillor D'Arcangelo that the Communication be received and filed. The motion carried by a unanimous vote.

10. COMMITTEE REPORTS

[353-17](#) Committee Report: Finance (Paper #309-17 that the sum of \$1,360,000 is appropriated to pay costs of purchasing and installing Public LED Lighting.) The Standing Committee on Finance, to whom was referred Paper #309 Series of 2017, having considered the same make the following report: Committee recommends that this paper be reported out favorable to the Full City Council.

COUNCILLOR CONDON FOR THE COMMITTEE

A motion was made by Councillor Condon that the Committee Report be received and filed. The motion carried by the following vote:

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

[309-17](#) Order: That the sum of \$1,360,000 is appropriated to pay costs of purchasing and installing public LED street lighting.

Sponsors: Paul Condon

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

Yea: 9 - Anderson, Condon, D'Arcangelo, DeMaria, Kinnon, O'Malley, Sica, Spadafora and Crowe

Nay: 2 - Matheson and Murphy

[373-17](#) Resolve: That the Mayor use free cash for the purchase and installation of public LED lights.

Sponsors: John P. Matheson

A motion was made by Councillor Matheson, seconded by Councillor O'Malley, that the Resolution be passed. The motion failed by the following vote:

Yea: 5 - Anderson, D'Arcangelo, Matheson, Murphy and O'Malley

Nay: 6 - Condon, DeMaria, Kinnon, Sica, Spadafora and Crowe

[374-17](#) Committee Report: Finance (Paper #333-17 Community Preservation Committee Fiscal Year 2018 Budget)

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

[333-17](#) Community Preservation Committee FY2018 Budget.

Sponsors: Paul Condon

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

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

[355-17](#) Committee Report: Personnel/Appointments (Paper #170-17 Mayoral appointment of Patrick Fitzgerald, 45 Wesmur Road, Malden as full time member of the Planning Board.)

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

[170-17](#) Mayor's Appointment: Patrick Fitzgerald, 45 Wesmur Rd., Malden, Full Member Planning Board, said term to expire: March 1, 2022
(CONFIRMATION REQUIRED)

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

[356-17](#) Committee Report: Personnel/Appointments (Paper #260-17 Mayoral Appointment of Henri Soucy 107 Kimball Street, Malden be appointed as an associate member of the Planning Board term to expire on March 1, 2022.)

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

[260-17](#) Mayor's Appointment: Henri Soucy, 107 Kimball St., Malden as Associate Member of the Planning Board

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

[357-17](#) Committee Report: Personnel/Appointments (Paper #104-17 Mayoral reappointment of Roberto DiMarco, 3 Sheridan Street, Malden be reappointed to Conservation Commission term to expire September 15, 2018.)

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

[104-17](#) Mayor's Appointment: Roberto DiMarco, 17 Division, Malden to Conservation Commission (Reappointment)

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

[358-17](#) Committee Report: Personnel/Appointments (Paper #259-17 Mayoral reappointment of Anthony Rodrigues, 100 Tremont Street, Malden to be reappointed as the Director of Information Technology term to expire March 1, 2020.)

A motion was made by Councillor DeMaria that the Committee Report be

received and filed. The motion carried by a unanimous vote.

[259-17](#)

Mayor's Re-Appointment: Anthony Rodrigues, 100 Tremont St., Malden, as Director of Information Technology, term to expire March 1, 2020.

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

[359-17](#)

Committee Report: Personnel/Appointments (Paper #209-17 Mayoral reappointment of Joan Chiasson, 274 Summer Street, Malden to be reappointed to the MHA Board term to expire May 1, 2022.)

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

[209-17](#)

Mayor's Appointment: Joan Chiasson, 274 Summer St., Malden Malden Housing Authority (Re-appointment)

(CONFIRMATION REQUIRED)

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

[360-17](#)

Committee Report: License (Paper #138- Class II: Andy's Service Center, Inc. 356 Lebanon St.)

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

[138-17](#)

Class II: Andy's Service Center, Inc. 356 Lebanon St. (Renewal)

A motion was made by Councillor Anderson that the Petition be granted with the following conditions: that the petitioner either pay in full past due excise taxes, or enter into an agreed payment plan on or before July 15, 2017 to pay all past due excise taxes. Failure to do so will result in the license being revoked and removal of the petitioner from the police tow list. The motion carried by a unanimous vote.

[361-17](#)

Committee Report: License (Papers # 289-17, 315-17, 315-17, 323-17 License renewals for Lodging House and Outdoor Parking)

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

[323-17](#)

Outdoor Parking: Andy's Service Center, Inc. 356 Lebanon St. (3 Cars)

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

[315-17](#)

Outdoor Parking: 25-37 Florence St. LLC for Parking Lot at 25 Florence St (32 Cars)

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

[316-17](#) Outdoor Parking: 29 Madison St. LLC for parking lot at 29 Madison St. (40 Cars)

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

[289-17](#) Lodging House: Mitoan LLC, 52 Maple St. (Renewal)

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

11. TABLED PAPERS

[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

[181-16](#) Be it ordained that Chapter 9 of the Revised Ordinances of 1991 be amended relative to storage of Solid Waste

Sponsors: Ryan O'Malley

[167-17](#) Order: That according to the Massachusetts General Laws, Chapter 268A, Section 20 job coach for Malden's Summer Youth Employment Program be exempt from provisions.

Sponsors: Deborah DeMaria

[172-17](#) Class II: Broadway Used, 64 Broadway (New)

[178-17](#) Be it ordained that the Malden City Council shall discuss changes in Executive Session postings.

Sponsors: David D'Arcangelo

[203-17](#) Ordered: That the City Council redefine the Central Business District Boundaries

Sponsors: Neil C. Kinnon

[244-17](#) Order: That the City Municipal Hearing Officer from this point forward waive all fines, fees and tickets that are appealed that do not comply with State or Federal Law.

Sponsors: Neil C. Kinnon

[286-17](#) Petition: National Grid & Verizon requests permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures along and across the public way: Bryant St.
(HEARING REQUIRED)

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

vote.

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

[367-17](#)

Ordered: That the City Council determine whether or not to grant to owners of properties numbered 19 through 43 of Gordon Street, totaling six parcels, non-exclusive, revocable easements to pass and repass over City owned land identified as parcels No. 091-776-612 and 106-776-615 on Goodwin Avenue, for the sole purpose of accessing their existing driveways, provided that said property owners agree to maintain said easements at their sole cost and expense.

Sponsors: Barbara Murphy

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

12. PERSONAL PRIVILEGE

13. ADJOURNMENT

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

THOMAS E. BRENNAN, CITY CLERK