



# City of Malden

Malden City Hall  
110 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final City Council

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Tuesday, October 24, 2017

7:00 PM

John & Christina Markey Community Center,  
7 Washington St.

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### 1. CALL TO ORDER

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

### 3. ROLL CALL

**Present - Councillors:** 10 - Neal Anderson, Paul Condon, David D'Arcangelo, Deborah DeMaria, John P. Matheson, Barbara Murphy, Ryan O'Malley, Jadeane Sica, Craig Spadafora and Peg Crowe

### 4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

[439-17](#)

Order: The City Council will meet in Executive session with two of the candidates for the position of City Treasure/CFO for the purpose of discussing issues related to reputation and character. The Council will reconvene for the meeting at the end of executive session.

**A motion was made by Council President Crowe that the Order be adopted. The motion carried by the following vote:**

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

**Nay:** 1 - D'Arcangelo

[446-17](#)

Order: That the City submit to the Massachusetts Legislature for passage An Act to authorize the appointment of special police officers in the city. An Act Authorizing the Appointment of Special Police in the City of Malden *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** The police commissioner of the City of Malden may appoint as he/she deems necessary retired police officers of the City of Malden as special police officers to perform police details or duties arising from police details or during the course of the police detail work, whether or not related to the detail work. The retired Malden police officers shall be subject to the same maximum age restrictions as applied to regular police officers in the City of Malden pursuant to chapter 32 of the General Laws. Before being appointed pursuant to this act, a retired officer shall pass a medical examination conducted by a physician or other certified professional chosen

or agreed to by the city to determine whether the retired officer is capable of performing the essential duties of a special police officer pursuant to this act, the cost of which shall be borne by the retired officer. Proof of payment of that cost shall be pre-requisite of employment.

**SECTION 2.** A special police officer appointed pursuant to this act shall not be subject to chapter 31, section 99A of chapter 41 or chapter 150E of the General Laws. A special police officer appointed pursuant to this act shall not be eligible for leave, vacation, or other benefits pursuant to any collective bargaining agreements with the City of Malden.

**SECTION 3.** A special police officer shall, when performing the duties described in Section 1, have the same power to make arrests and perform other police functions as a regular police officer of the City of Malden.

**SECTION 4.** A special police officer shall be appointed for a 1-year term, subject to removal by the police commissioner upon 14 days written notice before removal.

**SECTION 5.** A special police officer appointed pursuant to this act shall be subject to the rules, regulations, policies, procedures, and requirements imposed by the chief of police and the police commissioner of the City of Malden including, but not limited to: (i) restrictions on the type of detail assignments; (ii) requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer; (iii) requirements for training; (iv) requirement for first aid certification and qualifications; (v) requirements for firearms licensing and qualification; and (vi) requirements regarding uniforms and equipment. A special police officer's compliance with the rules, regulations, policies, procedures and requirements shall be at no cost to the City of Malden. A special police officer appointed pursuant to this act shall not be subject to section 96B of chapter 41 of the General Laws.

**SECTION 6.** A special police officer appointed pursuant to this act shall be sworn before the city clerk of the City of Malden, who shall keep record of the appointment.

**SECTION 7.** A special police officer appointed pursuant to this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable pursuant to said section 111F of said chapter 41 shall be calculated by averaging the amount earned during the preceding 52 weeks as a special police officers working police details or by averaging that amount over lesser period of time for an officer designated as a special police officer fewer than 52 weeks before the incapacity. Payment pursuant to said section 111F of said chapter 41 shall not

exceed, in a calendar year, the limitations on earnings contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment pursuant to said section 111F of said chapter 41 shall terminate in accordance with said section 111F of said chapter 41 or when a special police officer appointed pursuant to this act reaches the age of 65, whichever occurs first. If the age limitation applicable to a regular police officer serving the city is increased from 65 years of age, the termination of benefits pursuant to said section 111F of said chapter 41, as provided in this section for special police officers, shall terminate at the higher age limit; provided, however, that the benefits shall not extend beyond the age of 70 for a special police officer. A special police officer appointed pursuant to this act shall not be subject to section 85H or 85H ½ of chapter 32 or eligible for benefits pursuant to those sections.

**SECTION 8.** Appointment as a special police officer shall not entitle appointee to assignment to a detail.

**SECTION 9.** A special police officer appointed pursuant to this act shall be subject to the limitations on hours worked and earnings restrictions in paragraph (b) of section 91 of chapter 32 of the General Laws.

**SECTION 10.** This act shall take effect upon its passage.

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

## **5. APPROVAL OF MINUTES**

[440-17](#) Minutes of the meeting of September 26, 2017.

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

[441-17](#) Minutes of the meeting of October 3, 2017.

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

[442-17](#) Minutes of the meeting of October 10, 2017.

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

[443-17](#) Minutes of the meeting of October 17, 2017.

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

**6. APPOINTMENTS & ELECTIONS****7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES**

[380-17](#) Petition of Verizon Wireless to install Small Cell antenna on an existing utility pole on Glenwood St.  
(HEARING REQUIRED)

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

**8. MOTIONS, ORDERS AND RESOLUTIONS**

[264-17](#) Order: That the City Council accept the provisions of M.G.L. Ch. 40, Sec. 8J, and create a Municipal Commission on Disability comprised of five members appointed by the Mayor.

**Sponsors:** John P. Matheson

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

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

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

**Recused:** 1 - D'Arcangelo

[428-17](#) Order: That R1 residential homes rented on a transient short term basis be removed from the owner occupied tax exemption program and consider short term lodging ordinances of other municipalities.

**Sponsors:** John P. Matheson

**A motion was made by Councillor Matheson that the Order be amended by adding "and consider short term lodging ordinances of other municipalities". The motion carried by a unanimous vote.**

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

[429-17](#) Order: That on a monthly basis the building Commissioner provide the City Council with a list of all R1 residential homes which are rented on a transient short term basis.

**Sponsors:** John P. Matheson

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

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

**Nay:** 1 - O'Malley

[444-17](#) Order: That the City of Malden immediately restore fiber optic cable connection between the Senior Center and MATV in order to broadcast City Council meetings.

**Sponsors:** Ryan O'Malley

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

[445-17](#) Order: That the funds to restore fiber optic cable connection between the Senior Center and MATV come evenly from each Ward and At-Large Improvement Funds.

**Sponsors:** Ryan O'Malley

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

[447-17](#) Order: That driving school operations be prohibited within 1,000 feet of a primary or secondary education school.

**Sponsors:** John P. Matheson

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

[448-17](#) Order: That the MRA calculate the General Land Area Minimum pursuant to M.G.L. Ch. 40B and Sec. 56.03 of 760 CMR.

**Sponsors:** John P. Matheson

**A motion was made by Councillor Matheson, seconded by Councillor DeMaria, that the Order be tabled until the next meeting when MRA Director, Deborah Burke, can appear before the Council. The motion carried by a unanimous vote.**

[430-17](#) Resolve: That it is the sense of the Malden City Council that we support the campaign "Light up Malden" in honor of our Veterans during the month of November 2017. Residents are encouraged to put a green light either inside the window of their home, front porch or entrance way to bring awareness of the assistance needed to help Veterans transition back to civilian life and the great sacrifice they made for our country.

**Sponsors:** Paul Condon, Deborah DeMaria, Neal Anderson, Peg Crowe, David D'Arcangelo, Barbara Murphy, John P. Matheson, Ryan O'Malley, Jadeane Sica and Craig Spadafora

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

[431-17](#) Resolve: That the Mayor dedicate \$165,000 of Malden's Chapter 90 appropriation to share the cost of redesigning the intersection of Highland Ave. and Fellsway East into the roundabout long term safety improvement recommended by the traffic study engineers.

**Sponsors:** John P. Matheson and David D'Arcangelo

**A motion was made by Councillor Matheson, seconded by Councillor D'Arcangelo, that the Resolution be passed. The motion carried by the following vote:**

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

**Nay:** 1 - O'Malley

[449-17](#)

Resolve: That the Mayor appear before the City Council to provide an update on the Baseball Field of Dreams.

**Sponsors:** John P. Matheson

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

## **9. ENROLLED ORDINANCES**

[130-17](#)

Be it ordained that any newly appointed person to any and all duly established Board or Commissions be a Malden resident. Should any member currently serving on a Board or Commission not be a resident of Malden he/she may continue to serve and be reappointed to said Board or Commission.

With the exception of the Doctor serving on the Board of Health. Said doctor does not have to be a resident of the City of Malden should the committee not be able to fill the position with a Malden resident.

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

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

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

**Abstain:** 1 - O'Malley

[372-17](#)

Order: That the City Council review and update the current Sign Ordinances.

**Sponsors:** Craig Spadafora

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

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

**Abstain:** 1 - O'Malley

## **10. CLAIMS**

**11. COMMITTEE REPORTS**

[450-17](#) Committee Report: License (Papers #362, 363, 364, 366 of 2017)  
Various License Renewals for Self-Service Gas Station & Outdoor Parking

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

[362-17](#) Self-Service Gas Station: Gibbs Oil Co. LP, 728 Main St. (Renewal)

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

[363-17](#) Self-Service Gas Station: Speedway LLC dba Speedway 2504, 214 Broadway (Renewal)

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

[364-17](#) Self-Service Gas Station: Snap Mart, 245 Main St. Malden (Renewal)

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

[366-17](#) Outdoor Parking: Rigano's Inc., 1081 Fellsway (20) Spaces

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

[451-17](#) Committee Report: License (Papers # 365-17 Pine Banks Auto (Outdoor Parking) & 636-15 Babyhena Corp dba 7 Eleven (Extended Hours))

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

[365-17](#) Outdoor Parking: Pine Banks Auto, 1100 Main St. (35) Spaces

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

[636-15](#) Extended Hours: Babyhena Corp dba 7-Eleven 169 Salem St. (Renewal)  
7day-24hrs.

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

[452-17](#) Council Appointment: Jonathan Davis as Treasurer for the remainder of Mark Good's term, expiring Dec. 31, 2017, and then for an additional term, expiring Dec. 31, 2020; salary range set as M2 Step 5 (\$94,348.86).

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

**A motion was made by Councillor O'Malley, seconded by Councillor D'Arcangelo,**

that the Docket rules be suspended for the purpose of discussing the Treasurer/CFO position. The motion carried by the following vote:

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

A motion was made by Councillor O'Malley, seconded by Councillor DeMaria, to close nominations. The motion failed by the following vote:

**Yea:** 3 - D'Arcangelo, DeMaria and O'Malley

**Nay:** 7 - Anderson, Condon, Matheson, Murphy, Sica, Spadafora and Crowe

A motion was made by Councillor Matheson to narrow the number of nominations. The motion failed for lack of second.

A motion was made by Councillor Anderson, seconded by Councillor Matheson, that the Order be tabled for another round of interviews for all four candidates and a synopsis of references from the HR director. The motion carried by the following vote:

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

A motion was made by Councillor O'Malley that the Order be tabled until October 31, 2017 for a special City Council meeting. The motion failed for lack of second.

A motion was made by Councillor O'Malley, seconded by Councillor Spadafora, that the HR Director reach out to the Mass Municipal Association for an evaluation matrix . The motion carried by the following vote:

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

## **12. TABLED PAPERS**

[536-16](#) Resolve: That the City Council support the Mayor's Complete Streets Policy.

**Sponsors:** Peg Crowe

[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

[201-17](#) Ordered: That the current Moratorium be extended for another six (6) months

**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



[379-17](#) Petition of National Grid and Verizon New England Inc. to install a jointly owned pole on Cross St approximately 200 feet from the intersection of Main St.

(HEARING REQUIRED)

[411-17](#) National Grid and Verizon New England, Inc request permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: Bryant St. for service to new customer's Pad Mount transformer  
(HEARING REQUIRED).

### **13. PERSONAL PRIVILEGE**

### **14. ADJOURNMENT**

A motion was made by Councillor Condon that the meeting be adjourned. The motion carried by a unanimous vote.

**THOMAS E. BRENNAN, CITY CLERK**