



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Public Property Committee

Councillor McDonald, Chair
Councillor O'Malley, Vice Chair
Councillor Spadafora

Tuesday, September 24, 2024

6:00 PM

City Hall, Room 105
215 Pleasant Street

Roll Call

Present: 3 - Councillor Carey McDonald, Councillor Ryan O'Malley and Craig Spadafora

Also Present: Councillors Winslow, Condon, Colon-Hayes, Crowe, Linehan, Sica
Alicia McNeil, City Solicitor
Maria Luise, Mayor's Office
Carol Ann Desiderio, City Clerk
Jonah Chiarenza, Executive Director Bike to the Sea

Councillor McDonald called the meeting to order at 6:15 PM.

Minutes to be Approved

[343-24](#)

Minutes of June 25, 2024 to be approved.

A motion was made by Councillor O'Malley, seconded by Councillor Spadafora, that the Committee Minutes of June 25, 2024 be approved. The motion carried by a unanimous vote.

Business

The committee will meet to discuss updates on proposed leasing terms for the Bike Kitchen, as described in Order 185-24 with Solicitor Alicia McNeil.

Jonah Chiarenza, Executive Director of Bike to the Sea will also be in attendance for the discussion. He will discuss goals for continued use of the site and share information about their first 5 months of operation and plans for the future.

Councillor McDonald reviewed Order 185-24 which was passed in May and he said the purpose of this meeting is to review the lease terms everyone has a copy of the lease. He introduced Jonah Chiarenza, Executive Director of Bike to the Sea who is in attendance to give an updated on how it is going at the Bike Kitchen.

Jonah said in terms of the lease he has printed out some statistics for the committee regarding the Bike Kitchen. (see attached) He said it is servicing a lot of different people. The second page of the handout Pending Opportunities they have procured and explains different grants which have been earmarked for the site from Jason Lewis' office and the Wicked Cool Mystic Program. He feels that the site serves two purposes:

education and service and a physical place to hang out on the trail. He feels it is like eyes and ears on the vacant land with positive activity on the trail if they hadn't come along. The primary objective of the Bike Kitchen is to be a place where people can come and learn how to work on their own bikes. Their insurance allows their people to be able to put hands on their bikes and help them learn how to fix them.

Councillor McDonald said he is happy to see it's off to a great start and seeing the impact so far and feels that these are great figures and appreciates the update of what's happening so far.

Councillor O'Malley said one of the committees concerns was making sure we set good precedence on how we lease out our public land. This is the first time this is coming up for us. He asked if Jonah remembered what the taxes were on the site prior?

Jonah said he thinks it is about \$3,000/yr. He said they have paid \$4500 since they have been in the lease with Hoff's covered their liability.

Councillor O'Malley said he is trying to think about this we control the lease but if you make improvements to our land there is value in that. If you receive \$70,000 in funding maybe there is a way to work out that we can take that as a payment in lieu of taxes for improvements. How to set good expectations and are not giving away land for free as there are a lot of organizations in the City that might feel like we are giving this land away for free and not to them and as a Council we have to have a very clear answer for that if that is the answer.

Jonah said not only are there fixed capital costs but also ongoing operational costs. Bike to the Sea does a lot of work to maintain the trail with trail clean-ups and organize community events and we could keep track of that and provide monetary value of those services that we render to the community as part of the arrangement for in lieu contribution which he feels far in excess of \$3,000/yr. He notes that they have initially chatted with Hoff's about obtaining the parcel themselves which operating as a non-profit would extinguish the property taxes so operating as a non-profit and paying taxes doesn't achieve all of what the rights in the City acquiring a parcel.

Councillor Spadafora asked why didn't you buy the property he saw the emails and you didn't want the property?

Jonah said the reason is because we are a non-profit that is growing slowly. We have existed for 30 years but the mission has changed and the board is comfortable with all the liabilities of potentially owning property. What happens if we no longer want to use the parcel for this purpose? It seemed like a great opportunity for the City to take ownership of the parcel and for us to maintain some kind of relationship with the Bike to the Sea's mission.

Councillor Spadafora said in the community we have many good organizations in the City that have to fundraise to pay the City for the use of their services. He has a challenge to tell a kid you have to raise money to play on a soccer field but because other organizations because they do this don't have to pay anything. He wants to know how did we get from Bike to the Sea going to Hoff's making a deal leasing it to then the City taking this over he can't find any emails. How did we get the property?

Jonah said you voted to accept the property that is his understanding

Councillor Spadafora said no we did not the Bike Kitchen was already delivered on the

property. Who went to Hoff's and said give the City the property because nobody on this committee did

Jonah said I think we did

Councillor Spadafora said so you went to Hoff's and said give the property to the City and we turned around and gave it to you without any advertisement or bidding do you think that's right? That's not transparent.

Jonah said he thinks that site would have remained vacant forever if we hadn't have done something with it

Councillor Spadafora said so there are a lot of sites that remain vacant

Jonah said he is not entirely clear you would like to not approve this

Councillor Spadafora said I would like Bike to the Sea to pay something to the City of Malden so we don't set bad precedent

Jonah said he will go back through his email and find an answer for him

Councillor McDonald said the Council did vote for this and the purpose of this is the terms of the lease. He feels Councillor Spadafora is asking who's idea was it for the City to take possession of the land.

Councillor Winslow said his recollection and his involvement was that Bike to the Sea wanted to have the Bike Kitchen to go down in Everett without success and Jonah came to him and asked him where could Malden look at the property. He said one of the things that when Hoff's came in they were going to transfer that property to Malden for a dog park. He approached Councillor Crowe and then the ball got rolling there.

Councillor Crowe said she talked to Hoff's about the land and a dog park. She has a funder that would put in a dog park but there wasn't enough room. They looked at other options for the land and that is where it stood. After Covid she spoke to Hoff's again and they wanted money for the piece of property from the City. She was excited when the Bike Kitchen was coming down but it was Hoff's property and someone from the Council asked her if she would sponsor taking over the piece of property but she should have asked a lot more questions. She feels that they do good work but we have other volunteer groups that have to come up with money for user fees. We are very resource rich in many ways with lots of non-profits in the City if everyone wants a piece of the Malden Property we are going to have a problem.

Councillor O'Malley said we did get the opinion from the legal dept and the procurement dept. If we want to as a City we are allowed to give land away for free when there is a public benefit but we need to make that designation and we have to decide is that the best policy to use and does it make sense to at least charge the amount of what we would get on property tax. This is not specifically a Bike to the Sea specific challenge but we cannot set precedent with Bike to the Sea with an unintended consequence somewhere else where other organizations feel they are being treated different.

Jonah is willing to be flexible on this he doesn't want to set a bad precedent and does not want to create a bad feeling in the City or City Council or any other non profit breather en. If we have the property tax written into the lease for the property tax he would agree.

Councillor Spadafora's only issue is that he can't favor one group over the other

Councillor McDonald said lets say this was a valuable parcel but the lease said that the organization assumes all costs of maintenance. That is value to him. He feels the first step is for us to say what is a test that we would allow public use of a piece of public property. He feels the first and most important thing is that we as the City Council who controls public property must agree it is appropriate public use. He has not heard at any point in this discussion that use of the Bike Kitchen is an inappropriate public use. He feels if the Council feels it is an inappropriate use of the property even if it is a non-profit we may ask for them to pay for a certain set of operating costs for use of the property. However, he feels we have a role in some judgment if the group has good standing in the community and has support. He feels that the tiny little parcels in the City are underutilized assets. He feels like rentable spaces like stadiums and parks versus making use of these parcels would be fine if we think it would be value to the community.

Councillor Sica mentioned she had a situation where there was a small parcel in her Ward that Kappy's wanted. She asks what makes this parcel any different is it because it is a non-profit?

Councillor O'Malley clarified by saying the procurement laws for public entities which are for profit entities are that you would have to follow the bidding process to acquire a city parcel. Where it is a non-profit that would be used for a public benefit you do not. The City Council can make a designation that it is a public benefit to our community and do not have to charge or put it out to the public. We as the public property committee are making sure that we would at least get what we would in taxes.

Councillor Sica said she has a lot of little parcels and she just wants to make sure that what we do here we are ok with possibly happening anywhere in the City.

Councillor Linehan is not on committee but she is comfortable with the process here. We have the mechanism to control over preventing for other organizations just coming in and taking over these parcels. She agrees that we do not want to set the precedent that you buy something from a private property owner, you start to go down a route and then approach the City because you do not want to pay property taxes. We have the control over that to prevent that from happening.

Councillor Colon Hayes agrees with Councillor Linehan and feels that this is good use of this land.

Alicia McNeil, City Solicitor said if the City owns the property there are no taxes. So the City doesn't pay taxes to itself. Whatever the Council decides to charge would not be income taxes to the City.

Councillor Spadafora said his final point would be he is going to be honest with everybody and is going to file an ordinance and put in the paper that every non profit in the City of Malden should not have to pay user fees. We can then explain to all those organizations why we are charging them. He doesn't care field use internal. The second thing is that he finds it hard to believe that the ex-President of Bike to the Sea was having conversations moving City property and nobody knew that. He will also be going to the State and talking about an issue that he believes was done behind closed doors. The idea that this property mysteriously got taken from Hoff's and given to one organization and everyone wants to use the word transparency. We all know what is happening here.

Councillor McDonald said the purpose of this meeting was not to take a vote today but to review the proposed lease. He would ask all of the members of the Public Property Committee to review the terms and we will be able to discuss the other aspects of the lease as well. We have authorized the Mayor to execute the lease so that's where we are at.

Councillor Linehan said she was going to touch on the point Councillor Spadafora made, the non profits that pay for the user fee in the City many of them apply to City for CDBG to offset that so you would now qualify for that. Most of them are about \$4-\$5,000/yr. She said she is just chairing that but would be happy to follow up with more information on it.

Councillor Simonelli said this is a slippery slope in the future if we are allowing non profits to take over these parcels. He feels it could raise issues for us in the future.

Councillor McDonald said he personally has the view to find more things to do with our unused random parcels including leasing them to local businesses if that makes sense. He would also like to schedule a meeting later in the fall to look at what that would require like what are we able to do, what does procurement require of us. He doesn't want to talk about that now but lets talk about that which is slightly different than these lease terms. He feels there are fundraising opportunities, community benefit opportunities lets talk about that. He asked Jonah and the City Solicitor to circle out and hammer out some of these terms. He will follow up whether or not we will need another meeting.

Other Business

Tabled Papers

[98-24](#)

Order: Whereas, 15 Ferry Street, the M. Ida Converse Building, is one of the last existing buildings created through the philanthropy of the Converse Family; and Whereas, the Historic Commission will be holding a public hearing on the proposed demolition of said building at their meeting of Thursday, February 15, 2024 at 6:00 PM;

Now, Therefore, Be It Ordered that the City Council negotiate with the owner of 15 Ferry Street to acquire the building and land located at 15 Ferry Street (known by City Assessor's Parcel ID 075 272 211) for historic preservation through gift, purchase, land swap, or other transfer.

Sponsors: Ryan O'Malley

Attachments: [Parcel id# 075272205 used for 15 Ferry Street relocation.](#)

[100-24 City Council agenda](#)

[CPC Letter to City Council and Mayor re 15 Ferry Street Preservation 2023.01.29](#)

[MHC to Mayor CC 2.21.24 re 15 Ferry wAtts](#)

[MHC to Mayor & CC 1.23.24 re 15 Ferry wAtts](#)

[100-24](#)

Order: That the City Council investigate utilizing a portion of the Ferry Street Parking Lot (known by City Assessor's Parcel ID 075 272 205) to relocate and preserve 15 Ferry Street, the M. Ida Converse Building, (known by City Assessor's

Parcel ID 075 272 211).

Sponsors: Ryan O'Malley

Attachments: [Parcel id# 075272205 used for 15 Ferry Street relocation.](#)

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53-24

Order: That the City Council review the usage of the vacant property on Goodwin Avenue known by City Assessor's Parcel 091 776 612 and make a recommendation as to its future usage and feasibility as a community garden.

Sponsors: Ari Taylor

Attachments: [Final Paper: 53-24](#)

252-24

Petition: Crown Castle ("Crown") to upgrade existing small wireless facilities (small cells) on existing utility poles located within the public right of way at the following six locations:

1. 101 Bell Rock Street
2. 14-16 Greenwood Court
3. 244-248 Main Street
4. 621 Main Street
5. 48 Washington Street
6. 290 Eastern Avenue

Attachments: [Crown Castle Cover Letter - Updates to Existing Small Cell Facilities](#)
[101 Bell Rock Street Plans](#)
[101 Bell Rock Street Analysis](#)
[101 Bell Rock Street Abutters- Malden](#)
[101 Bell Rock Street Abutters- Everett](#)
[14-16 Greenwood Court Plans](#)
[14-16 Greenwood Court Analysis](#)
[14-16 Greenwood Court Abutters](#)
[244-248 Main Street Plans](#)
[244-248 Main Street Analysis](#)
[244-248 Main Street Abutters](#)
[621 Main Street Plans](#)
[621 Main Street Analysis](#)
[621 Main Street Abutters](#)
[48 Washington Street Plans](#)
[48 Washington Street Analysis](#)
[48 Washington Street Abutters](#)
[290 Eastern Avenue Plans](#)
[290 Eastern Avenue Analysis](#)
[290 Eastern Avenue Abutters](#)
[National Grid Pole Agreement](#)
[Radio Frequency Emissions Compliance Report](#)
[Building Commissioner Review Summary - Crown Castle Small Cell
Petitions](#)
[Hearing Notice](#)

Adjournment

Motion was made by Councillor O'Malley that this meeting be adjourned at 7:00 PM. All were in favor. The motion carried unanimously.