



City of Malden

Malden City Hall
110 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Rules & Ordinance Committee

*Councillors Spadafora (Chair), Crowe (Vice Chair), Condon,
Camell, Winslow*

Tuesday, January 29, 2019

6:15 PM

John & Christina Markey Community Center,
7 Washington St.

Roll Call

Present: 3 - Paul Condon, Peg Crowe and Stephen Winslow

Absent: 2 - Councillor Craig Spadafora and David Camell

Minutes to be Approved

[16-19](#) Minutes of the Meeting of December 18, 2018.

A motion was made by Councilor Winslow that the Committee Minutes be tabled. The motion carried by a unanimous vote.

[43-19](#) Minutes of the Meeting of January 15, 2019.

A motion was made by Councilor Winslow that the Committee Minutes be approved. The motion carried by a unanimous vote.

[44-19](#) Minutes of the Meeting of January 22, 2019.

A motion was made by Councilor Condon that the Committee Minutes be approved. The motion carried by a unanimous vote.

Business

[46-19](#) Order: That Rule 4.03 of the Rules and Orders of the City Council be amended as follows by adding:

The City Clerk shall distribute all executive session meeting minutes to all members who attended the executive session with 10 days of the date the meeting was held. Council members shall provide the Clerk with any feedback or objections to any materials contained within the minutes within 5 days of receipt. If no objection is received within 5 days, these minutes shall be deemed to be approved by consent of the body. The City Clerk will schedule an executive session meeting within 14 days upon receipt of a request for the release of minutes from an executive session meeting to determine if Open Meeting Laws warrant continued non-disclosure under G.L. c 30A. Additionally, the City Clerk shall schedule an executive session of the Malden City Council during the last weeks of May and November of

each year for the purposes of determining if the Open Meeting Law warrants continued non-disclosure under G.L. c 30A of meeting minutes that have not previously been released. The Council will vote on the release of any minutes that no longer warrant exemption from the Open Meeting Laws.

Councilor Crowe introduced the paper. There was much discussion both on and off committee. Councilor Winslow suggested that we insert " if an objection is raised that the council president shall call a meeting". Attorney Rossetti stated that the law department looked over the proposed ordinance and stated that improvement can be made, that the Council can select someone to review and approve the executive minutes. He then went on to explain the difference between open meeting and executive session; and explained how attorney client privilege will keep minutes privileged even if all other exemptions have lapsed. Councilor Winslow stated that the attorney client privilege rests with the client. The council can waive that privilege.

Councilor DeMaria slated she did not like the idea of one person reviewing and approving the executive session minutes. Councilor O'Malley stated to have one person review and approve the minutes created concentration of power in one person. Councilor Murphy asked what do we do with the back log.

Councilor Sica stated she had spoken with the Attorney General's office and that the purpose of this paper was to put in place a process moving forward, that there are no guide lines setting forth the manner of approval, that she alone as president could set the policy and that she is more than willing to amend the proposed ordinance.

It was suggested that the review period be changed from five (5) days to ten (10) days. It was also suggested that the clerk bring the draft minutes to the next meeting and have everyone sign off on them. Councilor Anderson suggested that the clerk hold the minutes. Councilors could make objections then the president may make the changes. Councilor O'Malley suggested that an executive session meeting be held each month. Councilor Winslow suggested that the clerk draft the minutes and go into executive session the next week, if there is an objection go into executive session the following week; if there is no objection the minutes are deemed approved. Councilor Murphy stated that the president could designate to review the minutes and approve them.

A motion was made by Councilor Crowe that the Order be tabled. The motion carried by a unanimous vote.

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

[29-19](#)

Communication from the Planning Board Re: CCP# 470-18 (Be it hereby ordained by the Malden City Council that Chapter 12 of the Revised Ordinances of 1991 as amended; be and the same are hereby further amended by adding a new Section 700.15 as follows: Section 700.15 Development Impact Mitigation.)

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

[30-19](#)

Communication from the Planning Board Re: CCP# 509-18 (Be it hereby Ordained that Chapter 12 of the R.O. of 1991, as amended, be further

amended relative to allowing multifamily dwellings only up to seven stories.)

A motion was made by Councilor Winslow that the Communication be recommended favorably as amended. The motion carried by a unanimous vote.

[31-19](#)

Communication from the Planning Board Re: CCP# 521-18 (Be it hereby ordained that Section 700.1.3.1 of Chapter 12, Revised Ordinances of 1991 as amended, be further amended to add the following language.)

A motion was made by Councilor Winslow, seconded by Councilor Condon, that the Communication be recommended favorably as amended. The motion carried by a unanimous vote.

[32-19](#)

Communication from the Planning Board Re: CCP# 525-18 (Be it hereby ordained that Chapter 12 of the Revised Ordinances of 1991 as amended be further amended relative to the table of intensity regulations for hotel.)

A motion was made by Councilor Condon that the Communication be tabled. The motion carried by a unanimous vote.

[33-19](#)

Communication from the Planning Board Re: CCP# 554-18 (Be it Hereby Ordained that Chapter 12 of the R.O. of 1991, as amended, be further amended by adding new sections: 800.6.2.24.b, 300.3.2.13, 400.1.2.10, 500.1.2.9, and 500.2.23 relative to Co-Housing.)

A motion was made by Councilor Condon that the Communication be tabled. The motion carried by a unanimous vote.

Other Business

Adjournment

A motion was made by Councilor Peg Crowe that the meeting be adjourned.. The motion carried unanimously.