



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, March 19, 2019

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: 10 - John P. Matheson, Neal Anderson, David Camell, Peg Crowe, Deborah DeMaria, Barbara Murphy, Ryan O'Malley, Jadeane Sica, Craig Spadafora and Stephen Winslow

Absent - Councillors: 1 - Paul Condon

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

Gabriella Snyder Stelmack, Executive Director and Patty Kelly, Development Director from the "Bread of Life" will speak before the council to discuss the rebuilding of their headquarters on Eastern Avenue.

[105-19](#)

Mayoral Appointments: To the "Cannabis Licensing and Enforcement Commission - Appointment of Ron Hogan, Strategic Planning Analyst to serve as the city staff member with a financial background; and Diana Jeong, 12 West Street, Malden, MA to serve as the appointment from the community, said term to expire on March 13, 2022.

This Appointment was received and filed

6. PUBLIC COMMENT

APPROVAL OF MINUTES

[101-19](#)

Minutes of the Council Meeting of March 5, 2019.

A motion was made by Councillor O'Malley that the Council Minutes be tabled. The motion carried by a unanimous vote.

[102-19](#)

Minutes of the Council Meeting of March 12, 2019.

A motion was made by Councillor O'Malley that the Council Minutes be tabled.

The motion carried by a unanimous vote.

7. APPOINTMENTS & ELECTIONS

[103-19](#)

Council Re-Appointment: Re-appointment of William Settemio, 4 Wellington Street, Malden, MA as a Cemetery Trustee for the City of Malden, term to expire on March 1, 2024.

A motion was made by Councillor Crowe that the Appointment be referred to the Personnel/Appointments Committee. The motion carried by a unanimous vote.

[104-19](#)

Mayoral Re-Appointment: Re-appointment of Patrick Hayes, 105 Wyoming Avenue, Malden, MA to the Planning Board, said term to commence upon his confirmation by the City Council, and will expire March 1, 2024.

A motion was made by Councillor Crowe that the Appointment be referred to the Personnel/Appointments Committee. The motion carried by a unanimous vote.

[106-19](#)

Mayoral Re-Appointment: Re-appointment - Andrew Zamagni, 16 Cross Street, Malden, MA as a member of the Registrar of Voters Board, said term to expire on March 31, 2022.

A motion was made by Councillor Crowe that the Appointment be referred to the Personnel/Appointments Committee. The motion carried by a unanimous vote.

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[107-19](#)

Petition: Crown Castle NG Est LLC ("Crown Castle") to modify transmission equipment at an existing base station within the public right of way located: 149 Belmont St., Malden, MA - Utility Pole 5062.

After a public hearing was held, a motion was made by Councillor O'Malley that the Petition be referred to the Public Property Committee. The motion carried by a unanimous vote.

[108-19](#)

Petition: Crown Castle NG East LLC ("Crown Castle") to modify transmission equipment at an existing base station within the public right of way located at 10 Mills Street, Malden, MA - Utility Pole 1042.

After a public hearing was held, a motion was made by Councillor O'Malley that the Petition be referred to the Public Property Committee. The motion carried by a unanimous vote.

[109-19](#)

Petition: Crown Castle NG East LLC ("Crown Castle") to modify transmission equipment at an existing base station with the public right of way located at the corner of 40-42 Ashland Street and Pelham Street, Malden, MA - Utility Pole 1395.

After a public hearing was held, a motion was made by Councillor O'Malley that the Petition be referred to the Public Property Committee. The motion carried by a unanimous vote.

[110-19](#) Petition: Crown Castle NG East LLC ("Crown Castle") to modify transmission equipment at an existing base station within the public right of way located at Bryant Street and Cross Street, Malden, MA - Utility Pole 1784.

After a public hearing was held, a motion was made by Councillor O'Malley that the Petition be referred to the Public Property Committee. The motion carried by a unanimous vote.

[111-19](#) Class II: Loca Enterprises Inc. dba L&L Sales + Service, 7-11 Bow St., Malden, 15 cars (Renewal)

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

9. MOTIONS, ORDERS AND RESOLUTIONS

[112-19](#) Order: That the Personnel & Appointments Committee develop a posting to advertise the position of City Clerk.

A motion was made by Councillor DeMaria, seconded by Councillor Camell that the council president be authorized to work with Clerk Brennan in the development of an orderly retirement process.

A motion was made by Councillor Spadafora, seconded by Councillor DeMaria, that the Order be adopted. The motion carried by a unanimous vote.

[113-19](#) Ordered: That the Chair of Personnel/Appointments solicit candidates for appointment to the newly formed Cannabis Licensing and Enforcement Committee by posting notice on the City's website, MATV and other available local media. Candidates will be referred to the Personnel/Appointments Committee.

Sponsors: Peg Crowe

A motion was made by Councillor Winslow, seconded by Councillor O'Malley, that the Order be amended by inserting the word "and" between the words "Licensing" and "Enforcement". The motion carried by a unanimous vote.

A motion was made by Councillor Winslow, seconded by Councillor O'Malley, that the Order be amended by striking "City Council" and inserting "Chair of Personnel/Appointments". The motion carried by a unanimous vote.

A motion was made by Councillor Matheson, seconded by Councillor Winslow, that the Order be amended by adding "candidates will be referred to Personnel/Appointments Committee". The motion carried by a unanimous vote.

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

[114-19](#) Order: That the City of Malden issue a refund with respect to all street sweeping fines issued during calendar years 2017 and 2018.

Sponsors: John P. Matheson

A motion was made by Councillor Matheson, seconded by Councillor DeMaria, that the Order be placed on file. The motion carried by a unanimous vote.

[115-19](#) Order: The City of Malden file with the U.S. Department of Housing and Urban Development a Consolidated Plan including applications for grants under the Housing and Community Development Act of 1974 as amended and the Cranston-Gonzalez Housing Act of 1990 as amended to be administered by the Malden Redevelopment Authority for fiscal year 2020, including all understanding and assurances contained therein on or substantially in the form presented to this meeting; and that Gary Christenson, Mayor and Chief Executive Officer of the City of Malden, be and hereby is directed and designated as the authorized representative for and in the name and behalf of the City of Malden to sign and file said plan, to act in connection with said plan, and to provide such additional information as may be required.

Sponsors: David Camell

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

[116-19](#) Order: That the Mayor be authorized to file an application for grants under the Housing and Community Development Act of 1974 and the Cranston-Gonzalez Housing Act of 1990 (CDBG Budget).

Sponsors: David Camell

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

10. ENROLLED ORDINANCES

[117-19](#) Order: Rules & Ordinance (Paper #274-18) Order: Be it hereby ordained that Chapter 6, of the Revised Ordinances of 1991, be amended by adding Section 6.49 " Licensing of Marijuana Establishments in the City of Malden".

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

[274-18](#) Order: Be it hereby ordained that the Malden Licensing Board be the license approval authority for marijuana retail establishments, in consultation with the Malden Board of Health.

Sponsors: John P. Matheson

A motion was made by Councillor Spadafora that the Ordinance be ordained. The motion carried by a unanimous vote.

[118-19](#) Committee Report: Rules & Ordinance (Paper # 65-19) Order: Be it hereby ordained that the City Council establish a Cannabis Control Commission consisting of five (5) members: (police chief, financial expert,

building commissioner - city employees) and (1) Council Appointment and (1) Mayoral Appointment.

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

[65-19](#)

Order: Be it hereby ordained that the City Council establish a Cannabis Control Commission consisting of five (5) members: (police chief, financial expert, building commissioner - city employees) and (1) Council Appointment and (1) Mayoral Appointment.

Sponsors: Craig Spadafora and Deborah DeMaria

A motion was made by Councillor Spadafora that the Ordinance be ordained. The motion carried by a unanimous vote.

11. COMMUNICATIONS

12. CLAIMS

[119-19](#)

Claim: Albert Constabile, 1 Nason Drive, Melrose, MA

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

[120-19](#)

Claim: Jadeane Sica, 12 Cleveland Street, Malden, MA

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

[121-19](#)

Claim: Gerald D. McCarthy, 8 First Street, Malden, MA

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

[122-19](#)

Claim: Alex Smith, 16 Cherry Street, Malden, MA

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

[123-19](#)

Claim: Beth Enwright, 2 Jones Ave., Dracut, MA

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

13. COMMITTEE REPORTS

[124-19](#)

Committee Report: Finance (Paper #84-19 ordered that the sum of Three Hundred Thirty-Seven Thousand Nine Hundred Seventy Three Dollars and Seventy Cents (\$337,973.70 be and the same is hereby transferred from Salary Reserve to the following accounts:

Transfer To:	Legislative Salaries	2,206.59
	Executive Salaries	14,580.00

Assessor Salaries	6,573.29
Legal Salaries	1,278.31
Human Resources Salaries	3,048.13
I.T. Salaries	9,637.53
City Clerk Salaries	14,748.53
Police Labor Salaries	120,305.0
Fire Admin Salaries	5,491.32
Public Facilities Salaries	48,083.93
PIPS Salaries	20,114.59
Engineering Salaries	5,665.32
Board of Health Salaries	2,373.59
Veterans Salaries	2,158.01
Library Salaries	21,709.56
Executive Prof. Services	60,000.00

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

[84-19](#)

Ordered: That the sum of Three Hundred Thirty-Seven Thousand Nine Hundred Seventy Three Dollars and Seventy Cents (\$337,973.70) be and the same is hereby transferred from Salary Reserve (0010-996-5110) to the following accounts:

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

Yea: 10 - Anderson, Camell, Crowe, Murphy, O'Malley, Spadafora, Winslow, DeMaria, Sica and Matheson

[125-19](#)

Committee Report: Personnel/Appointments (Paper #79-19 ordered that council confirmation of Mayoral appointment: Emily Kibbler, 50 Concord Street, Apt. 1, Malden, MA to be appointed as an associate member of the Board of Appeal, said term to expire on March 1, 2020).

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

[79-19](#)

Mayoral Appointment: Emily Kibbler, 50 Concord Street, Apt. 1, Malden, MA as an associate member of the Board of Appeal.

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

[126-19](#)

Committee Report: Personnel/Appointments (Paper #81-19 Council confirmation Mayoral re-appointment of William Coleman, 53 Kimball Street, Malden, MA as a member of the Department of Public Works Commission, term to expire March 1, 2022.)

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

[81-19](#)

Mayoral Re-Appointment: William Coleman, 53 Kimball Street, Malden,

MA as a member of the Department of Public Works Commission.

A motion was made by Councillor Crowe, seconded by Councillor Murphy, that the Appointment be confirmed. The motion carried by a unanimous vote.

[127-19](#)

Committee Reports: Petitions (Licenses)(Paper #22-19) Class II: Malden Middlesex Motor Sales, Inc. 129 Charles Street, Malden, MA - 25 Cars (Renewal)

(Paper #52-19) Class II: West End Auto, 1 Malden Street, Malden, MA - 15 Cars (Renewal)

(Paper #23-19) Class III: Malden Middlesex Motor Sales, Inc., 129 Charles Street, Malden, MA - Renewal

(Paper #49-19) Livery: Linda Dellolacono, 259 Mountain Ave. #1, Malden, MA - 1 car - Renewal

(Paper #50-19) Livery: Ideal Park Limo. Service, Inc., 61 High Rock Rd., Malden, MA - 1 car - Renewal

(Paper 51-19) Livery: Samson Assefa, 47 Second Street, Malden, MA - 2 cars - Renewal

(Paper 53-19) Extended House: Walgreens #03130, 185 Centre Street, Malden, MA Hours: 7 days, 24 Hours (Renewal)

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

[22-19](#)

Class II: Malden Middlesex Motor Sales, Inc., 129 Charles St., Malden, 15 cars (Renewal)

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

[52-19](#)

Class II: West End Auto, 373 Summer St., Malden, 0 cars (Renewal).

A motion was made by Councillor Murphy that the Petition be referred to the License Committee to clarify number of vehicles as there was error on Committee Report stating 15 vehicles and the correct number of vehicles is 0 as stated on Paper # 52-19. The motion carried by a unanimous vote.

[23-19](#)

Class III: Malden Middlesex Motor Sales, Inc., 129 Charles St., Malden (Renewal)

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

[50-19](#)

Livery: Ideal Park Limousine Service, Inc., 61 High Rock Rd., Malden, 1 car (Renewal)

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

[49-19](#)

Livery: Linda Dellolacono, 259, Mountain Ave. #1, Malden, 1 car

(Renewal)

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

[50-19](#)

Livery: Ideal Park Limousine Service, Inc., 61 High Rock Rd., Malden, 1 car (Renewal)

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

[128-19](#)

Committee Report: Finance (Paper #85-19 ordered that the appropriations enumerated below, being in the amount of \$637,549 be appropriated from the Community Preservation Fund for the following projects: (see attached)

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

[85-19](#)

ORDERED: That the appropriations enumerated below, being in the amount of \$637,549 (Six Hundred Thirty Seven Thousand Five Hundred Forty Nine Dollars) be appropriated from the Community Preservation Fund for the following projects:

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

Yea: 10 - Anderson, Camell, Crowe, Murphy, O'Malley, Spadafora, Winslow, DeMaria, Sica and Matheson

14. 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

[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)

[380-17](#)

Petition of Verizon Wireless to install Small Cell antenna on an existing utility pole on Glenwood 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).

[224-18](#)

Order: The Fellsmere Housing Group and Friends of Fellsmere Heights to

present their proposal of a zoning overlay allowing clustered mixed of residential housing at the former Malden Hospital Site to the Rules & Ordinance Committee.

[385-18](#)

Order: That the City Council create a five member ad hoc committee to investigate the Condition and Safety of the Natural Gas Infrastructure in Malden. The committee shall be composed of three City Councillors, the DPW Director and the City Engineer, or their designees.

Sponsors: Ryan O'Malley and David Camell

15. EXECUTIVE SESSION

The City Council will vote to enter into executive session, with legal counsel for the City Council, in accordance with Exemption Seven (MGL c. 30A, Sec.21 (a) (7), to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, in order to act on the periodic review of those executive session minutes listed herein; council vote is required prior to release of the executive session minutes of the following dates: 1/25/11, 11/15/11, 10/23/12, 2/19/13, 1/27/04, 10/26/04, 2/15/05 and 4/15/05; In so convening in executive session, the City Council will act under the Open Meeting Law (MGL c. 30a, Sec. 22 (g) (2), to determine whether the executive session minutes referenced above warrant continued non-disclosure.

16. PERSONAL PRIVILEGE

17. ADJOURNMENT

A motion was made by Councillor Crowe that this meeting be adjourned. The motion carried unanimously.

THOMAS E. BRENNAN, CITY CLERK