



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final City Council

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Tuesday, September 5, 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

### 5. APPROVAL OF MINUTES

[371-17](#) Minutes from the meeting of June 27, 2017.

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

[375-17](#) Minutes of the meeting of August 1, 2017.

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

### 6. APPOINTMENTS & ELECTIONS

[376-17](#) Council Re-Appointment: Robert Donnelly, 38 Goldcliff Rd. as part-time member of the Board of Assessors (Term Exp: March 1, 2020)

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

[377-17](#) Mayor's Appointment: Jean Voltaire, 500 Broadway #2114, as a member of the Registrar of Voters Board. (Term Exp: March 31, 2020)

(CONFIRMATION REQUIRED)

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

[378-17](#) Mayor's Re-Appointment: John Tramondozzi, 276 Charles St., Malden,

MA as a member of the Malden Historical Commission (Term Exp: September 1, 2020).

(CONFIRMATION NOT REQUIRED)

**A motion was made by Councillor DeMaria that the Appointment be placed on file. The motion carried by a unanimous vote.**

## **7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES**

[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)

**A motion was made by Councillor Murphy, seconded by Councillor D'Arcangelo, that the Petition be tabled. The motion carried by a unanimous vote.**

[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, seconded by Councillor Murphy, that the Petition be tabled. The motion carried by a unanimous vote.**

[381-17](#)

Petition of Verizon Wireless to install Small Cell antennas on existing poles #1983, adjacent to 1200 Eastern Ave., and #2349 on Salem St, adjacent to 324 Broadway.

(HEARING REQUIRED)

**A motion was made by Councillor D'Arcangelo, seconded by Councillor Condon, that the Petition be granted. The motion carried by the following vote:**

**Yea:** 8 - Anderson, Condon, D'Arcangelo, DeMaria, O'Malley, Sica, Spadafora and Crowe

**Nay:** 2 - Matheson and Murphy

[382-17](#)

Taxi Driver: Bruce Dantona, 38 Carter St. #206, Everett

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

[383-17](#)

Taxi Driver: Jason Hebert 16 Longwood Ave., Peabody

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

[384-17](#)

Taxi Driver: Francis Xavier Martin Jr., 30 St. Francis St., Medford

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

[402-17](#) Taxi Driver: Richard D'Angelo, 142 School St., Everett, MA 02149  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**

[385-17](#) Lodging House: Sir Carlton Realty Trust, 33 Maple St. (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**

[386-17](#) Lodging House: Tri-City Action Program, Inc., 115 Washington St. (Renewal)  
**A motion was made by Councillor Anderson that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**

## **8. MOTIONS, ORDERS AND RESOLUTIONS**

[387-17](#) Be it Ordained that Section 6.12(B)1 of the Revised Ordinance of 1991 be amended relative to use of licensed offsite parking facilities for storage of vehicles.

**Sponsors:** Neal Anderson

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

[388-17](#) Be it hereby Ordained that Sections 8.11, 8.14, 8.15, and 8.19 of Chapter 8 of the R.O. of 1991 be amended relative to sick, personal, bereavement, and parental leave.

**Sponsors:** Craig Spadafora

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

[389-17](#) Be it Ordained that Chapter 3 of the Revised Ordinances of 1991 be amended relative to the administrative structure of the Department of Permitting, Inspections, and Planning Services.

**Sponsors:** Craig Spadafora

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

[390-17](#) Be it Ordained that Section 700.1.3.1 of R.O. 1991 be amended relative to height restrictions for existing non-conforming uses.

**Sponsors:** Craig Spadafora

**A motion was made by Councillor Spadafora that the Ordinance be referred to the Rules & Ordinance Committee for a joint meeting with the Planning board. The motion carried by a unanimous vote.**

[391-17](#) Be it Ordained that Section 200.2 (Zoning Map) of Chapter 12 of R.O.

1991, as amended, be further amended to rezone certain parcels of land on upper Lebanon St. from Residence A to Residence C.

**Sponsors:** Craig Spadafora

**A motion was made by Councillor Spadafora that the Ordinance be referred to the Rules & Ordinance Committee for a joint meeting with the Planning Board. The motion carried by a unanimous vote.**

[404-17](#)

Be it Ordained that Chapter 7 of the R.O. of 1991 be amended relative to Possession of Marijuana Prohibited.

**Sponsors:** John P. Matheson

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

[405-17](#)

Be it Ordained that the R.O. of 1991 be amended relative to the Residential Tax Exemption Program.

**Sponsors:** John P. Matheson

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

[392-17](#)

Order: That \$36,000 be transferred from Community Preservation Committee Budgeted Reserve to Community Preservation Committee Administrative & Operating Expenses.

**Sponsors:** Paul Condon

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

[393-17](#)

Order: That \$2,673 be transferred from Salary Reserve to Senior Center Salaries.

**Sponsors:** Paul Condon

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

[394-17](#)

Order: That the City Clerk conduct an RFQ for the digitization of the City Charter.

**Sponsors:** Ryan O'Malley

**A motion was made by Councillor Spadafora, seconded by Councillor O'Malley, that the Order be amended to also invite the IT Director to meet with the City Council to discuss the matter. The motion carried by a unanimous vote.**

**A motion was made by Councillor Spadafora, seconded by Councillor O'Malley, that the Order be adopted as amended. The motion carried by a unanimous vote.**

[395-17](#)

Order: That the City Clerk provide an update on the evaluation of the privilege of past Executive Session meeting minutes.

**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.**

[403-17](#)

Order: That the following non-binding question be placed on the November 7, 2017 municipal ballot: Do you support expanding the current "resident only parking" areas of Ward 3 to include all of Ward 3 on weekdays during working hours? YES or NO

**Sponsors:** John P. Matheson

**A motion was made by Councillor Anderson that the Order be amended to change to question to: "Do you support expanding the current resident-only parking citywide during week day working hours?". The motion carried by the following vote:**

**Yea:** 8 - Anderson, Condon, Matheson, Murphy, O'Malley, Sica, Spadafora and Crowe

**Nay:** 2 - D'Arcangelo and DeMaria

**A motion was made by Councillor Matheson that the Order be adopted as amended. The motion carried by the following vote:**

**Yea:** 8 - Anderson, Condon, Matheson, Murphy, O'Malley, Sica, Spadafora and Crowe

**Nay:** 2 - D'Arcangelo and DeMaria

[396-17](#)

Resolve: That the Mayor share the cost of the street sweeping signage through Councillor/Mayor mitigation funds.

**Sponsors:** John P. Matheson

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

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

[397-17](#)

Resolve: That the Traffic Commission install a stop sign at the end of Warren Avenue at Upham Street.

**Sponsors:** Neal Anderson

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

[398-17](#)

Resolve: That the City continue to support local veterans' post and their future endeavors.

**Sponsors:** Deborah DeMaria

**A motion was made by Councillor DeMaria, seconded by Councillor Anderson, that the Resolution be passed. The motion carried by a unanimous vote.**

[406-17](#)

Resolve: That it is the sense of the City Council that the City of Malden strongly support Massachusetts House Bill 2683/Senate Bill 1845 and

urges the Massachusetts Legislature to take action in protecting consumers of gas and electricity from paying for leaked and unaccounted for gas.

**A motion was made by Councillor Matheson that the docket rules be suspended. The motion carried by a unanimous vote.**

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

## **9. COMMUNICATIONS**

Former Ward Six Councillor, Neil Kinnon's letter of resignation was read into the record.

## **10. CLAIMS**

## **11. COMMITTEE REPORTS**

[399-17](#) Committee Report: License (Paper #343 and #344 Renewal of Fortune Teller License and Outdoor Parking Renewal)

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

[343-17](#) Petition: Fortune Teller, 495 Broadway (Renewal)

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

[400-17](#) Committee Report: Rules and Ordinance (Paper# 130-17 Re: Newly appointed members of boards or commissions be Malden residents.)

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

[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 Anderson that the Ordinance be amended to say "prefernece given to Malden residents but not must". The motion failed by the following vote:**

**Yea:** 3 - Anderson, Condon and DeMaria

**Nay:** 7 - D'Arcangelo, Matheson, Murphy, O'Malley, Sica, Spadafora and Crowe

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

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

[401-17](#) Committee Report: Rules and Ordinance (Paper #248-17 Re: 6 month moratorium on permitting any recreational marijuana retail establishments.)

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

[248-17](#) Ordered: That the City of Malden commence a 6 month moratorium on permitting any recreational marijuana retail establishments, operations as well as sales, to afford voters the opportunity to determine the number of establishments, and afford the City time to designate an appropriate zoning district for those establishments.

**Sponsors:** John P. Matheson

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

**Yea:** 7 - Anderson, Condon, DeMaria, Matheson, Murphy, Spadafora and Crowe

**Nay:** 3 - D'Arcangelo, O'Malley and Sica

## **12. TABLED PAPERS**

[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

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

**Sponsors:** Neil C. Kinnon

[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

[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

[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

[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

**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**