



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, June 11, 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: 11 - John P. Matheson, Neal Anderson, David Camell, Paul Condon, Peg Crowe, Deborah DeMaria, Barbara Murphy, Ryan O'Malley, Jadeane Sica, Craig Spadafora and Stephen Winslow

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

The Municipal Scholarship Recipients appeared before the Council.

5. PUBLIC COMMENT

6. APPROVAL OF MINUTES

[263-19](#) Minutes of the Meeting of May 28, 2019.

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

[264-19](#) Minutes of the Meeting of June 4, 2019.

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

7. APPOINTMENTS & ELECTIONS

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[265-19](#) Petition: Comcast, Exchange Street and Middlesex Street North grant of location to install new underground conduit for service to 50 Pleasant Street.

(HEARING REQUIRED)

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

[266-19](#) Self-Service Gas Station: Gibbs Oil Co., 728 Main St. Malden (Renewal)

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

[267-19](#)

Outdoor Parking: Northeast Transport & Snow Services, Inc., 531 Broadway, Malden, 5 spaces (Renewal)

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

[268-19](#)

Self-Service gas Station: Wash Depot I, Inc., 333 Eastern Ave. Malden (Renewal)

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

[269-19](#)

Self-Service Gas Station: Speedway LLC, 214 Broadway, Malden (Renewal)

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

[270-19](#)

Lodging House: Mitoan LLC, 52 Maple St., Malden (Renewal)

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

[271-19](#)

Pool Table - Mr. Suazo's Barber Shop, 16 Lebanon Street, Malden - 1 Table New

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

[272-19](#)

Resolve: By the Malden City Council: that any person serving in a part-time capacity as the Community Preservation Act Administrator appointed by the Community Preservation Committee be designated a Special Municipal Employee.

Sponsors: Craig Spadafora and Stephen Winslow

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

[273-19](#)

Order: That \$350,000 is appropriated from available PEG Access enterprise fund available free cash to fund Public, Education, and Governmental Access related improvements to the new City Hall building.

Councillor Camell

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. ORDINANCES

[225-19](#)

Ordered: Be it hereby ordained that Section 8.42.5 of the Revised Ordinances of 1991 be further amended as related to the Police Patrolman's salary schedule.

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

Yea: 11 - Anderson, Camell, Condon, Crowe, Murphy, O'Malley, Spadafora, Winslow, DeMaria, Sica and Matheson

11. COMMUNICATIONS

12. CLAIMS

13. COMMITTEE REPORTS

[275-19](#)

Committee Report: Finance (Paper 242-19 ORDERED: That One Million Four Hundred Fifty Thousand Dollars (\$1,450,000) is appropriated to pay costs of design and construction of Roosevelt Park and to meet this appropriation, the Treasurer, with approval of the Mayor is authorized to borrow said amount under M.G.L.ch44,§7(1), M.G.L.c.44B or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor and Treasurer are each authorized to contract for and expend any Federal, State or other aid available for the project, including the acceptance of any grants related to such project, and to take any other act necessary to carry out this project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L.c.44,§20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The repayment of said loan will be made by utilizing available Community Preservation Act funds pursuant to M.G.L. Chapter 44B, as previously authorized and approved by the Malden Community Preservation Committee.)

The Malden Community Preservation Committee is recommending a bond of 10-year term for \$1,450,000 at no more than 4.25% interest to fund the CPA eligible aspects of the Roosevelt Park rehabilitation project as applied for in FY2019 by the Malden Redevelopment Authority and to be repaid from the budgeted reserve account of CPA funds. The Malden CPC has also voted that the Roosevelt Park project must include the outdoor classroom as stated in the FY2019 CPA funding application.

The Malden CPC has voted that the Roosevelt Park project must include the drainage improvements as outlined in the original proposal and must be made to the surrounding wetlands. Although Malden CPA funds are not available for any synthetic turf option, the Malden CPC has respectfully requested that the applicant consider several alternative synthetic products as new technology has entered the synthetic turf market. The applicant has agreed to consider an alternative in the municipal bidding process.

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

[242-19](#)

Ordered: That One Million Four Hundred Fifty Thousand Dollars (\$1,450,000) is appropriated to pay costs of design and construction of Roosevelt Park and to meet this appropriation, the Treasurer, with approval of the Mayor is authorized to borrow said amount under M.G.L. c. 44, Section 7(25) or any other enabling authority, and in conjunction therewith, the Mayor and Treasurer are each authorized to enter into one or more loan and/or security agreements, and the Mayor is authorized to contract for and expend any Federal, State or other aid available for the project, including any grant related to such project, and to take any other action necessary to carry out this project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The repayment of said loan will be made by utilizing available Community Preservation Act funds pursuant to M.G.L. Chapter 44B and as previously authorized and approved by the Malden Community Preservation Committee.

Sponsors: David Camell

A motion was made by Councillor Murphy that the Order be amended in accordance with the recommendation of the CPC . The motion carried by a unanimous vote.

A motion was made by Councillor Crowe, seconded by Councillor Spadafora, that the Order be amended as follows: "That the City Council shall have the final approval of any in-fill to be used in the construction of the field." The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, Murphy, Spadafora, Winslow, DeMaria, Sica and Matheson

Nay: 1 - O'Malley

A motion was made by Councillor Camell, seconded by Councillor Murphy, that the Order be adopted as amended. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, Murphy, Spadafora, Winslow, DeMaria, Sica and Matheson

Nay: 1 - O'Malley

[274-19](#)

Committee Report: Rules & Ordinance (Paper # 224-19) Order: Be it hereby Ordained that Section 6.20 (*Amusement Machines*) of the Revised Ordinances of 1991 be hereby further amended by striking portions and inserting language to Sections 6.21, 6.22 and 6.23. (Per attached document).

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

[224-19](#)

Order: Be it hereby Ordained that Section 6.20 (*Amusement Machines*) of the Revised Ordinances of 1991 be hereby further amended by striking portions and inserting language to Sections 6.21, 6.22 and 6.23. (Per attached document).

Sponsors: Craig Spadafora and Ryan O'Malley

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

Yea: 11 - Anderson, Camell, Condon, Crowe, Murphy, O'Malley, Spadafora, Winslow, DeMaria, Sica and Matheson

[276-19](#)

Committee Report: Rules & Ordinance (Paper # 211-19) Order: Be it hereby ordained that Section 9.36 (*Storage Containers*) of the Revised Ordinances of 1991as amended, be hereby further amended by striking portions and inserting language to Section 9.36. (Per attached document).

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

[211-19](#)

Order: Be it hereby ordained that Section 9.36 (*Storage Containers*) of the Revised Ordinances of 1991as amended, be hereby further amended by striking portions and inserting language to Section 9.36. (Per attached document).

Sponsors: Craig Spadafora

A motion was made by Councilor Spadafora that the Ordinance be enrolled. The motion carried by the following vote: Councilors Anderson and Mathenson voted present all others vote yes

Yea: 11 - Anderson, Camell, Condon, Crowe, Murphy, O'Malley, Spadafora, Winslow, DeMaria, Sica and Matheson

[277-19](#)

Committee Report: License Papers # 237-19, #238-19, #239-19, #210-19

237-19 Outdoor Parking: Andreas Tsitos, 29 Madison St., Malden, 40 spaces (Renewal)

238-19 Outdoor Parking: Andreas Tsitos, 25 Florence St., Malden, 34 spaces (Renewal)

239-19 Taxi Driver: Richelle Destasio, 201 Chelsea St. #208, Everett, MA 02149 (New)

210-19 Lodging House: Lawrence W. French, 98 Laurel St., Malden (Renewal)

12-19 Family Auto Mall, Inc. - Class II: 1160-1176 Eastern Ave., Malden, 18 cars (Renewal)

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

[237-19](#)

Outdoor Parking: Andreas Tsitos, 29 Madison St., Malden, 40 spaces (Renewal)

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

[238-19](#)

Outdoor Parking: Andreas Tsitos, 25 Florence St., Malden, 34 spaces (Renewal)

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

[239-19](#)

Taxi Driver: Richelle Destasio, 201 Chelsea St. #208, Everett, MA 02149 (New)

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

[210-19](#)

Lodging House: Lawrence W. French, 98 Laurel St., Malden (Renewal)

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

[12-19](#)

Class II: Family Auto Mall, Inc., 1160-1176 Eastern Ave., Malden, 18 cars (Renewal)

Councillor Murphy stated that the Petition had already been granted.

[278-19](#)

Committee Report: Personnel Appointments (Paper #279-19) Jenelle DeVits, 3 Sheridan Street, Malden as the council appointment for the Cannabis License Control Commission.

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

[279-19](#)

Council Appointment: Jenelle DeVits, 3 Sheridan Street, Malden as a member of the Cannabis License Enforcement Commission.

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

A motion was made by Councillor O'Malley that docket rules be suspended in order to receive the Committee Reports from Public Property. The motion carried by unanimous yeas.

[303-19](#)

Committee Report: Public Property (Paper # 261-19 Order: That pursuant to MGL c40 sec14, the City Council authorizes the Grant of Easement from Corp. 245LLC owner of property known as 245 Commercial Street for the extension of the contiguous public sidewalk for bus loading and unloading purposes. The Easement contains approximately 30 square feet.)

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

[261-19](#)

Order: That Pursuant to M.G.L. c. 40 section 14, the City Council authorizes the Grant of Easement from Corp 245 LLC owner of property known as 245 Commercial Street for the extension of the contiguous public sidewalk for bus loading and unloading purposes. The Easement contains approximately 30 square feet.

Councillor O'Malley

Councillor Winslow

Sponsors: Ryan O'Malley, Stephen Winslow and Peg Crowe

A motion was made by Councillor O'Malley, seconded by Councillor Crowe, that the Mayor be authorized to accept the easement outlined in the agreement. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, Murphy, O'Malley, Spadafora, Winslow, DeMaria, Sica and Matheson

[304-19](#)

Committee Report: Public Property (Paper 262-19 Order: That pursuant to MGLc40 sec14, the City Council authorizes the Grant of Easement from Stag 111 Malden LLC owner of property known as 243 Medford Street for the extension of the contiguous public sidewalk for bus loading and unloading purposes. The Easement contains approximately 30 square feet.)

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

[262-19](#)

Order: That Pursuant to M.G.L. c. 40 section 14, the City Council authorizes the Grant of Easement from Stag III Malden LLC owner of property known as 243 Medford Street Malden for the extension of the contiguous public sidewalk for bus loading and unloading purposes. The Easement contains approximately 30 square feet.

Councillor O'Malley, Councillor Winslow

Sponsors: Ryan O'Malley, Stephen Winslow and Peg Crowe

A motion was made by Councillor O'Malley, seconded by Councillor Crowe, that the Mayor be authorized to accept the easement outlined in the agreement. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, Murphy, O'Malley, Spadafora, Winslow, DeMaria, Sica and Matheson

14. TABLED PAPERS

[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

[64-19](#)

Be it hereby Ordained that Section 35, Subsection 1 of Chapter 11 of the Rules & Ordinance of 1991 be further amended as follows:

Strike "Remove snow, slush and ice from said sidewalk within 24 (twenty-four) hours after snowfall has ended or the Public Works Director has declared that snow removal operations are complete." and insert:

"For Non-Commercial Properties" (excluding multifamily properties of 5 or more units) - Remove snow, slush and ice from said sidewalk within 24 (twenty-four) hours after snowfall has ended or the Public Works Director has declared that snow removal operations are complete.

"For Commercial Properties and Multifamily Properties" of 5 or more units - Remove snow, slush and ice from said sidewalk within 12 (twelve) hours after snowfall has ended or the Public Works Director has declared that snow removal operations are complete.

Sponsors: Ryan O'Malley and Stephen Winslow

15. PERSONAL PRIVILEGE

16. ADJOURNMENT

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

THOMAS E. BRENNAN, CITY CLERK

