



City of Malden

Malden City Hall
110 Pleasant Street
Malden, MA 02148

Meeting Minutes City Council

Tuesday, May 23, 2017

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 - Neal Anderson, Paul Condon, David D'Arcangelo, Deborah DeMaria, Neil C. Kinnon, John P. Matheson, Barbara Murphy, Ryan O'Malley, Jadeane Sica, Craig Spadafora and Peg Crowe

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

The Mayor's proposed FY2018 City Budget was submitted to the City Council.

The Traffic Commission appeared before the Council to discuss the recently proposed fines and fees for street sweeping and other matters.

5. APPROVAL OF MINUTES

[257-17](#) Minutes from the City Council meeting of May 9, 2017.

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

[258-17](#) Minutes from the City Council meeting of May 16, 2017

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

6. APPOINTMENTS & ELECTIONS

[259-17](#) Mayor's Re-Appointment: Anthony Rodrigues, 100 Tremont St., Malden, as Director of Information Technology, term to expire 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.

[260-17](#) Mayor's Appointment: Henri Soucy, 107 Kimball St., Malden as Associate Member of the Planning Board

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

vote.

[279-17](#)

Mayor's Appointment: Yem Lip, P.E., 29 College View Heights, South Hadley, MA as Engineer for the City of Malden

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

7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[261-17](#)

Petition: Pool Table, Club 24, Inc. 787 Salem St., Malden (Renewal)

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

[262-17](#)

Extended Hours: Boda Borg, 90 Pleasant St., Malden

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

[263-17](#)

Ordered: That Rule 37.02 of the Malden City Council Rules be amended relative to motions for reconsideration.

A motion was made by Councillor Matheson that the Order be referred to the Rules & Ordinance Committee. .

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

Nay: 1 - O'Malley

[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.

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

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

Recused: 1 - D'Arcangelo

[265-17](#)

Order: That \$55,325 be transferred from DPW Salaries (0010-421-5120) to DPW Operating Costs (0010-421-5725)

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

[266-17](#)

Order: That \$37,000 be transferred from Unemployment Compensation (0010-913-5725) to Library Gas & Light (0010-610-5218).

A motion was made by Councillor Condon that the Order be referred to the

Finance Committee. The motion carried by a unanimous vote.

[267-17](#) Order: That \$8,000 be transferred from Revenue Reserve (0010-997-5110) to Recreation/Stadium Gas & Light (0010-699-5218)

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

[268-17](#) Order: That \$6,000 be transferred from Recreation Department Salaries (0010-699-5110) to Recreation/Stadium Gas & Light (0010-699-5218)

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

[269-17](#) Resolve: That the Malden Redevelopment Authority add Oak Grove and Courthouse Square to the inventory of small squares which presently include Maplewood Square, Judson Square, Linden Square, Bellrock Square and lower Highland Avenue.

A motion was made by Councillor Murphy that the Resolution be amended by adding Faulkner Square to the list of Small Squares. The motion carried by a unanimous vote.

A motion was made by Councillor O'Malley that the Resolution be amended by adding Upper Main Street to the list of Small Squares. The motion carried by a unanimous vote.

A motion was made by Councillor Anderson that the Resolution be amended by adding Suffolk Square to the list of Small Squares. The motion carried by a unanimous vote.

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

[270-17](#) Resolve: That the Traffic Commission approve the installation of a pedestrian controlled crossing light to be located at the existing crosswalks at Eastern Ave. and Franklin St.

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

[271-17](#) Resolve: That it is the sense of the City Council that paper 117-17 is in contradiction with City of Malden Ordinance Sec. 4.41- Disbursement of Funds from the Expendable Trust Fund.

A motion was made by Councillor O'Malley, seconded by Councillor Kinnon, that the Resolution be passed. The motion failed by the following vote:

Yea: 1 - O'Malley

Nay: 10 - Anderson, Condon, D'Arcangelo, DeMaria, Kinnon, Matheson, Murphy, Sica, Spadafora and Crowe

[272-17](#) Order: That the City of Malden hire outside legal counsel to represent the Ward Four Councillor in Middlesex Superior Court against the City of Malden for the improper disbursement of funds from the Expendable

Trust Fund.

A motion was made by Councillor O'Malley, seconded by Councillor Kinnon, that the Order be adopted. The motion failed by the following vote:

Yea: 1 - O'Malley

Nay: 10 - Anderson, Condon, D'Arcangelo, DeMaria, Kinnon, Matheson, Murphy, Sica, Spadafora and Crowe

9. ENROLLED ORDINANCES

[143-17](#)

Ordinance: Be it ordained that Section 5.3 of the Revised Ordinances of 1991 be amended relative to the position of Director of the Senior Center.

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

Yea: 11 - Anderson, Condon, D'Arcangelo, DeMaria, Kinnon, Matheson, Murphy, O'Malley, Sica, Spadafora and Crowe

[144-17](#)

Ordinance: Be it ordained that Section 8.35 of the revised Ordinances of 1991 be amended relative to the position of Director of the Senior Center

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

Yea: 11 - Anderson, Condon, D'Arcangelo, DeMaria, Kinnon, Matheson, Murphy, O'Malley, Sica, Spadafora and Crowe

[145-17](#)

Ordinance: Be it ordained that Section 8.36 of the revised Ordinances of 1991 be amended relative to the position of Director of the Senior Center

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

Yea: 9 - Anderson, Condon, DeMaria, Matheson, Murphy, O'Malley, Sica, Spadafora and Crowe

Nay: 2 - D'Arcangelo and Kinnon

10. CLAIMS

[273-17](#)

Claim: Anna Willis, 84 Belmont St. Malden

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

11. COMMITTEE REPORTS

[274-17](#)

Committee Report: License (Papers # 238 Pool Table: ITAMS Post 16, 40 Oakland St., #239 Taxi Driver: John P. Melusky 4 Hancock St., #240 Outdoor Parking: Malden Auto Brokers Inc., 160 Eastern Ave., #242

Poolroom: Malden Veteran of Irish Ancestry Inc., 77 West St.)

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

[238-17](#)

Pool Table: ITAMS Post 16, 40 Oakland St. (Renewal)

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

[239-17](#)

Taxi Driver: John P. Melusky, 4 Hancock St., Malden (Renewal)

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

[240-17](#)

Outdoor Parking: Malden Auto Brokers, Inc., 160 Eastern Ave (Renewal)

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

[242-17](#)

Poolroom: Malden Veterans of Irish Ancestry Inc., 77 West St.

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

[275-17](#)

Committee Report: License (Paper #243 Livery: Romelson Cius, 53 Judson St.)

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

[276-17](#)

Committee Report: Personnel/Appointments (Paper #67-17 Mayoral appointment of Kathleen Young, 70 Essex Street, Malden, to be a member of the Registrar of Voters Board term to expire March 31, 2018)

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

[67-17](#)

Mayor's Appointment: Kathleen Young, 70 Essex St. Malden Member of the Registrar of Voters Board.

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

[277-17](#)

Committee Report: Personnel/Appointments (Paper #208-17 Mayoral re-appointment of Robert Rotondi, 130 Linden Avenue, Malden term to expire May 1, 2022)

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

[208-17](#)

Mayor's Appointment: Robert Rotondi, 130 Linden Ave. Malden Redevelopment Authority Board (Re-appointment)

(CONFIRMATION REQUIRED)

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

12. 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
- [181-16](#) Be it ordained that Chapter 9 of the Revised Ordinances of 1991 be amended relative to storage of Solid Waste
- [473-16](#) Petition: Celco Partnership dba Verizon Wireless to locate small cell wireless antenna and sustaining fixtures on existing utility pole #1983, adjacent to 1200 Eastern Ave.
(HEARING REQUIRED)
- [474-16](#) Petition: Celco Partnership dba Verizon Wireless to locate small cell wireless antenna and sustaining fixtures on existing utility pole #2349 on Salem St., adjacent to 324 Broadway.
(HEARING REQUIRED)
- [203-17](#) Ordered: That the City Council redefine the Central Business District Boundaries

13. PERSONAL PRIVILEGE

- [278-17](#) "The City Solicitor's Office has requested to speak with the Council in Executive Session on pending litigation Walsh v. City of Malden and Sarro v. City of Malden involving the City of Malden in accordance with Exemption 3-litigation strategy, the public discussion of which in an open meeting may have a detrimental effect on the litigation position of the City of Malden, and to admit Attorney Kenneth Rossetti for purposes of the discussion.

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

Yea: 11 - Anderson, Condon, D'Arcangelo, DeMaria, Kinnon, Matheson, Murphy, O'Malley, Sica, Spadafora and Crowe

14. ADJOURNMENT

A motion was made by Councillor D'Arcangelo that the be adjourned. The motion carried by a unanimous vote.

THOMAS E. BRENNAN, CITY CLERK