



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final City Council

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Tuesday, May 28, 2019

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:** 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

Malden CORE appeared before the City Council to provide update.

Candace Julyan from Malden Arts appeared before the City Council to discuss the mural that will be done at 110 Pleasant Street, Malden, MA.

### 5. PUBLIC COMMENT

### 6. APPROVAL OF MINUTES

[252-19](#) Minutes of the Meeting of May 14, 2019.

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

[253-19](#) Minutes of the Meeting of May 21, 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

[254-19](#) Petition: Comcast, Exchange Street Underground Conduits.

A public hearing was held. Mr. David Flewelling spoke on behalf of the petitioner, in support of the petition. No one spoke in opposition. A motion was made by Councillor Murphy that the Petition be granted with conditions. Those Conditions being:

Those Conditions being:

(1) That all streets and sidewalks be restored to the satisfaction of the DPW

Director.

(2) That the Engineer be called when Dig Safe is notified.

The motion carried by a unanimous vote.

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

[260-19](#)

Be it hereby ordained that Section 4.22 of the Revised Ordinances of 1991, as amended, be and the same is hereby further amended as follows:  
-By striking out Section 4.22 as it currently exists and inserting in place thereof the following new section:

Section 4.22 Claims Against the City For Damages To Be Disposed Of By The City Solicitor

All claims made against the City for damages shall be examined by the City Solicitor. The Solicitor shall take such steps as are deemed expedient for the defense of the City and may, without further approval, settle any claim in an amount not exceeding five hundred dollars; provided that no claim shall be paid except in reimbursement for paid receipts to companies doing business in the Commonwealth. Claims so allowed shall be certified by the Controller of Accounts to the Treasurer without further examination. Notices of all injuries to persons or property shall be forwarded forthwith by the officers upon whom such notices may be served to the City Solicitor for examination.

SPONSORS: COUNCILLORS CONDON, DEMARIA AND SPADAFORA

**Sponsors:** Paul Condon, Deborah DeMaria, Craig Spadafora and Barbara Murphy

**A motion was made by Councillor Spadafora, seconded by Councillor DeMaria, that the Ordinance be referred to the Rules & Ordinance Committee. The motion carried by a unanimous vote. Councillor Murphy asked that she be added on as a sponsor.**

[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 that the Order be referred to the Public Property Committee. The motion carried by a unanimous vote. Councillor Crowe asked to be added as sponsors of the paper.**

[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 that the Order be referred to the Public Property Committee. The motion carried by a unanimous vote. Councilors Crowe asked to be added as sponsors.**

## **10. COMMUNICATIONS**

## **11. CLAIMS**

## **12. COMMITTEE REPORTS**

### [255-19](#)

Committee Report: Finance (Paper 226-19 Ordered: That Six Million Six Hundred Thousand Dollars (\$6,600,000) is appropriated to pay costs of design and construction of water system improvements throughout the City, to be undertaken in fiscal years 2020 through 2024, inclusive, and to meet this appropriation, the Treasurer, with approval of the Mayor is authorized to borrow said amount under M.G.L. c. 44, §§7 and 8 or any other enabling authority, all or any portion of this amount may be borrowed through the Massachusetts Water Resources Authority's (MWRA) - Local Water System Assistance Program and in conjunction therewith, the Mayor and Treasurer are each authorized to enter into one or more loan and/or security agreements with the MWRA, 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 from the MWRA, 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.

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

### [226-19](#)

Ordered: That Six Million Six Hundred Thousand Dollars (\$6,600,000) is appropriated to pay costs of design and construction of water system improvements throughout the City, to be undertaken in fiscal years 2020 through 2024, inclusive, and to meet this appropriation, the Treasurer, with approval of the Mayor is authorized to borrow said amount under M.G.L. c. 44, §§7 and 8 or any other enabling authority, all or any portion of this amount may be borrowed through the Massachusetts Water Resources Authority's (MWRA) - Local Water System Assistance Program and in conjunction therewith, the Mayor and Treasurer are each authorized to enter into one or more loan and/or security agreements with the MWRA,

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 from the MWRA, 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.

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

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

[256-19](#)

Committee Report: Rules & Ordinance (Paper # 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 Committee Report be received and filed. The motion carried by a unanimous vote.**

[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 enrolled. The motion carried by the following vote:**

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

[257-19](#)

Committee Report: Finance (Paper #233-19A Resolve: that it is the sense of the City Council that the City support the Mayor's proposed funding contained in Paper 226-19)

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

[233A-19](#)

Resolve: That it is the sense of the City Council that the City support the Mayor's proposed funding contained in paper 226-19

**Sponsors:** David Camell, Ryan O'Malley, Paul Condon and Craig Spadafora

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

[258-19](#) Committee Report: Finance (Paper 233-19B Resolve: that it is the sense of the City Council that the City of Malden should investigate expanding the water main and lead line replacement proposal to maximize all funding available under the 0% interest loan program through the Massachusetts Water Resources Authority's (MWRA)-Local Water System Assistance Program.)

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

[233B-19](#) Resolved: That it is the sense of the City Council that the City of Malden should investigate expanding the water main and lead line replacement proposal to maximize all funding available under the 0% interest loan program through the Massachusetts Water Resources Authority's (MWRA) - Local Water System Assistance Program.

**A motion was made by Councillor Winslow, seconded by Councillor DeMaria, that the Resolution be amended by including "report must be filed by October 15, 2019." The motion carried by a unanimous vote.**

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

[259-19](#) Committee Report: Public Property (Paper #241-19 order: that the City of Malden enter into an agreement with Malden Arts for the installation of a mural on public property at 110 Pleasant Street)

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

[241-19](#) Order that the City of Malden enter into an agreement with Malden Arts for the installation of a mural on public property located at 110 Pleasant Street.

**Sponsors:** Ryan O'Malley and Deborah DeMaria

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

### **13. 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

#### **14. PERSONAL PRIVILEGE**

#### **15. ADJOURNMENT**

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

**THOMAS E. BRENNAN, CITY CLERK**