



# City of Malden

Malden City Hall  
110 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final City Council

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Tuesday, March 5, 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:** 10 - Neal Anderson, David Camell, Paul Condon, Peg Crowe, Barbara Murphy, Ryan O'Malley, Craig Spadafora, Stephen Winslow, Jadeane Sica and John P. Matheson

**Absent - Councillors:** 1 - Deborah DeMaria

### 4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

**Announcement pursuant to MGL c. 30A, Section 22(g)(1), of results of periodic review of Executive Session minutes for continued non-disclosure, and recommendations for release. Minutes recommended for release to be referred for review in Executive Session at next scheduled Council meeting.**

### 5. PUBLIC COMMENT

### 6. APPROVAL OF MINUTES

[74-19](#)

Minutes of the Council Meeting of February 5, 2019.

A motion was made by Councilor Murphy that the Council Minutes be approved. The motion carried by a unanimous vote. Councilor O'Malley requested an amendment that all the sponsors of paper 509-18 be reflected in the minutes

[75-19](#)

Minutes of the Council Meeting of February 19, 2019.

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

[76-19](#)

Minutes of the Council Meeting of February 26, 2019.

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

### 7. APPOINTMENTS & ELECTIONS

[77-19](#)

Mayoral Re-Appointment: Charles Ferguson, 44 Ashland Street, Malden, MA, as an associate member of the Planning Board.

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

[78-19](#)

Mayoral Re-appointment: Kathryn Pakenham Bilgen, 63 Upham Street, Malden, MA as the build/architect member of the Zoning Board of Appeal.

A motion was made by Councillor Crowe that the Appointment be referred to the Personnel/Appointments Committee. 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 referred to the Personnel/Appointments Committee. and that the I be stricken from the last name  
The motion carried by a unanimous vote.

[80-19](#)

Council Re-appointment: Kathryn Fallon, Malden, MA as the City Solicitor said term to expire March 1, 2022.

**Sponsors:** Neal Anderson

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

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

[82-19](#)

Livery: David G. Ulysse, 230 Bryant St. #3, Malden, 1 car (Renewal)

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

[83-19](#)

Taxi Cabs: Malden Transportation, 292 Eastern Ave., 39 cabs (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**

[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 referred to the Finance Committee. 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 referred to the Finance Committee. The motion carried by a unanimous vote.**

[86-19](#)

Ordinance: Be it hereby ordained that Section 9.28 of the Revised Ordinances of 1991 be further amended to allow for the purchase of city approved trash barrels and recycling barrels as an alternative to city approved trash bags and recycling bins.

(John Matheson)

**Sponsors:** John P. Matheson

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

[87-19](#)

Ordered that Section 17 of the Malden City Council Rules be amended as follows:

Members to Observe Rules of Decorum of the Malden City Council rules as follows:

Strike Section 17 Members to Observe Rules of Decorum in its entirety and insert in its place:

**Sponsors:** Ryan O'Malley

**A motion was made by Councilor Winslow that the Order be placed on file. The motion carried by a vote Nine to one vote Councilor Murphy voting no.**

## **10. COMMUNICATIONS**

[88-19](#)

Communication from the Planning Board Re: CCP#554-18 (Be it Hereby Ordained that Chapter 12 of the R.O. of 1991, as amended, be further amended by adding new sections: 800.6.2.24.b, 300.3.2.13, 400.1.2.10, 500.1.2.9, and 500.2.23 relative to Co-Housing.)

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

[89-19](#)

Communication from the Planning Board Re: CCP#470-18) Be it hereby ordained by the Malden City Council that Chapter 12 of the Revised Ordinances of 1991 as amended; be and the same are hereby further amended by adding a new Section 700.15 as follows: Section 700.15 Development Impact Mitigation.

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

[90-19](#)

Communication from the Planning Board Re: CCP#525-18 (Be it hereby

ordained that Chapter 12 of the Revised Ordinances of 1991 as amended be further amended relative to the table of intensity regulations for hotel).

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

## **11. CLAIMS**

[91-19](#)

Claim: Donald Breault, 9 Milton 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.**

## **12. COMMITTEE REPORTS**

[92-19](#)

Committee Report: Rules & Ordinance (Paper # 65-19) Order: 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 enrolled. The motion carried by the following vote:**

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

[93-19](#)

Committee Report: Rules & Ordinance (Paper #274-18) Order: That the Malden Licensing Board be the license approval authority for marijuana retail establishments, in consultation with the Malden Board of Health.

**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 Councilor O'Malley seconded by Councilor Crowe to amend as follows**

**Be it hereby ordained: That Chapter 6, of the Revised Ordinances of 1991, as amended; be further amended by adding Section 6.49 regarding the Licensing of Marijuana Establishments in the City of Malden. The motion carried by a**

unanimous vote.

A motion was made by Councillor O'Malley, seconded by Councillor Camell, that the Ordinance be amended by inserting the word "potential" between the words "minimize" and "adverse". The motion carried by a unanimous vote.

A motion was made by Councillor Winslow that the Ordinance be amended by striking the last sentence of Section 6.49.3; that begins "One such licensee". The motion carried by a unanimous vote.

A motion was made by Councillor Winslow, seconded by Councillor Crowe, that the Ordinance be amended by striking the language at the end of the 1st sentence of the 2nd paragraph of section 6.49.5 "provided that one may be of these regulations" and inserting "provided that for one of the license applicants; that preference shall be given to either;

At least 51% of the business is owned by a resident of Malden, who has been a resident for each of the past five years, or to an applicant who would qualify for the "Cannabis Control Commission 's Economic Empowerment Priority Review". The motion carried by a unanimous vote.

A motion was made by Councillor Winslow, seconded by Councillor Crowe, that section 6.49.5 subsection 7 of the Ordinance be amended by inserting "with successful receipt of local license, payment of the first annual fee of \$3,500.00 and upon issuance of the final license from the "C C C"; the licensee shall have met all requirements for licensing to do business in the City of Malden." The motion carried by a unanimous vote.

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

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

[94-19](#)

Committee Report: Finance (Paper #28-19 order that the sum of Eighty Thousand Dollars (\$80,000) be and the same is hereby transferred to DPW Equipment Parks from the following accounts: \$44,500 from Revenue Reserve, \$35,500 from DPW Labor.)

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

[28-19](#)

Order: That the sum of Eighty Thousand Dollars (\$80,000) be and the same is hereby transferred to DPW Equipment Parts (0010-421-5481) from the following accounts:

\$44,500 from Revenue Reserve (0010-997-5725)  
\$35,500 from DPW Labor (0010-421-5120)

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

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

[95-19](#)

Committee Report: Finance (Paper #507-18 order that the City of Malden accept the provisions of MGLCh59Sec5, clause 17,17C, 17C ½ & 17D with the

following amendment: ordered that the City of Malden accept the provisions of MGLCh59 Section 5, clause 17F, MGLCh59 Section 5 clause 22G and MGLCh59 Section5, clause 22H.)

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

[507-18](#)

Order: That the City of Malden accept the provisions of M.G.L. Ch. 59 Section 5, clause 17, 17C, 17C ½, & 17D relative to increasing veterans tax abatements annually.

**Sponsors:** Paul Condon

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

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

[96-19](#)

Committee Report: Public Property (Paper #20-19 Petition: AT&T to construct and maintain telecomm wires, etc. Nat'l Grid Pole-Evelyn Place.)

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

[20-19](#)

Petition: AT&T to construct and maintain telecommunications wires, wireless attachments, and appurtenances to be attached to an existing National Grid utility pole located on Evelyn St.; and to install conduit.

**A motion was made by Councillor O'Malley that the Petition be amended to require that the equipment be painted brown. The motion carried by the following vote:**

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

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

[97-19](#)

Committee Report: Public Property (Paper#21-19 Petition: AT&T to construct and maintain telecomm wires, etc. Nat'l Grid Pole Linden Avenue with the following amendment: to require that the equipment be brown in color.)

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

[21-19](#)

Petition: AT&T to construct and maintain telecommunications wires, wireless attachments, and appurtenances to be attached to an existing National Grid utility pole located on Linden Ave.; and to install conduit.

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

### **13. 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

[64-19](#)

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

**Sponsors:** Ryan O'Malley and Stephen Winslow

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

#### **15. ADJOURNMENT**

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

**THOMAS E. BRENNAN, CITY CLERK**