



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final City Council

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

### 4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

Ron Hogan appeared before the Council to give an update on the Parking Department's current and future initiatives, successes and impediments.

### 5. PUBLIC COMMENT

### 6. APPROVAL OF MINUTES

[47-19](#) Minutes of the Meeting of January 22, 2019.

**A motion was made by Councillor Winslow that the Council Minutes be approved. The motion carried by the following vote:**

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

**Nay:** 1 - O'Malley

[48-19](#) Minutes of the Meeting of January 29, 2019.

**A motion was made by Councillor Murphy that the Council Minutes be approved. The motion carried by the following vote:**

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

**Nay:** 1 - O'Malley

### 7. APPOINTMENTS & ELECTIONS

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

[49-19](#)

Livery: Linda Dellolacono, 259, Mountain Ave. #1, 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.**

[50-19](#)

Livery: Ideal Park Limousine Service, Inc., 61 High Rock Rd., 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.**

[51-19](#)

Livery: Samson Assefa, 47 Second St., Malden, 2 cars (Renewal)

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

[52-19](#)

Class II: West End Auto, 373 Summer St., Malden, 0 cars (Renewal).

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

[53-19](#)

Extended Hours: Walgreens #03130, 185 Centre St., Malden, Hours: 7 days, 24 hours (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**

[54-19](#)

Order: That the Public Safety Committee of the City Council perform review to insure adequate fire department coverage and response times, especially on the east side of Malden. This review should be performed by the City Council in conjunction with the Mayor's Office, Fire Chief, and other City personnel whose subject matter knowledge would be valuable. Be it further resolved: the discussion also include: how medical emergencies, specifically the increasing number of opiate-related emergencies, impact equipment availability; consider if adding ambulance(s) to the Fire Department fleet would free up larger fire vehicles.

**Sponsors:** David Camell and Stephen Winslow

**A motion was made by Councillor Murphy, seconded by Councillor O'Malley, that the Order be referred to the Public Safety Committee. The motion carried by a unanimous vote.**

[55-19](#)

Ordinance: Be it ordained that Chapter 9 of the Revised Ordinances of 1991 be amended relative to storage of Solid Waste.

Be it hereby Ordained by the Malden City Council that Chapter 9 of the

Revised Ordinances of 1991, as amended, be further amended as follows:  
In Section 9.27 (Definitions Applicable to All Waste), by striking out the first two sentences of the definition of “receptacles” and inserting in place thereof the following:

“Recycling bins and approved trash bags, which have been placed in barrels which are watertight, have tight fitting lids, are rust resistant and structurally sound and easily filled, emptied and cleaned.”

In Section 9.28 (Standards and Regulations), by adding after the words “approved trash bags” as appearing in the fourth paragraph of Subsection A (Residential Waste) the words “stored in barrels”

In Section 9.28 (Standards and Regulations), by adding after the words “properly ties or secured” as appearing in the first sentence of Subsection B 2 (Solid Waste Collection by City Collector) the words “and stored in barrels”.

**Sponsors:** Ryan O'Malley

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

## **10. COMMUNICATIONS**

[56-19](#)

Communication: Malden Housing Authority Annual Report 2019.

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

## **11. CLAIMS**

## **12. COMMITTEE REPORTS**

[57-19](#)

Committee Report: Communication from the Planning Board Re: CCP# 509-18 (Be it hereby Ordained that Chapter 12 of the R.O. of 1991, as amended, be further amended relative to allowing multifamily dwellings only up to seven stories.)

Be it hereby Ordained that Section 300.1.1 of Chapter 12 of the R.O of 1991 be amended to read:

“Except for residential use “dwelling, multifamily, more than 6 stories but not to exceed 7 stories,” where special permit shall be required by the City Council in accordance with Section 300.10 (all structures more than six stories), for all uses where a special permit is required, as indicated by the letter “SP”, may be allowed only by Special Permit granted by the Planning Board in conformance with the following controls.”

Be it hereby Ordained that Section 300.3.2.7 of Chapter 12 of the R.O. of 1991 be amended by striking “Dwelling, multifamily, more than 6 stories but not exceeding 12 stories.” And inserting “Dwelling, multifamily, more than 6

stories but not exceeding 7 stories.”

Be it hereby Ordained that Section 300.3.2.8 of Chapter 12 of the R.O. of 1991 be amended by eliminating in its entirety the use category, “Dwelling, Multifamily, more than 12 stories.”

Be it hereby Ordained that Section 400.1.2.7 of Chapter 12 of the R.O. of 1991 be amended by striking “Dwelling, multifamily, more than 6 stories but not more than 12 stories.” And inserting “Dwelling, multifamily, more than 6 stories but not more than 7 stories.”

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

[509-18](#)

Be it hereby Ordained that Chapter 12 of the R.O. of 1991, as amended, be further amended relative to allowing multifamily dwellings only up to seven (7) stories.

**Sponsors:** Barbara Murphy, Craig Spadafora, Ryan O'Malley and John P. Matheson

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

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

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

[58-19](#)

Committee Report: Communication from the Planning Board Re: CCP# 521-18 (Be it hereby ordained that Section 700.1.3.1 of Chapter 12, Revised Ordinances of 1991 as amended, be further amended to add the following language.)

700.1.3.1

Except in the case of the conversion or change of use of an existing building containing more than three stories, no residential conversion to a multifamily dwelling greater than three stories is allowed; there shall be no variance of this provision.

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

[521-18](#)

Be it hereby ordained that Section 700.1.3.1 of Chapter 12, Revised Ordinances of 1991 as amended, be further amended to add the following language.

**Sponsors:** Craig Spadafora and Barbara Murphy

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

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

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

[59-19](#) Committee Report: License: Class II: Champion Motors USA, 251 Broadway, Malden, 15 Cars (Renewal)

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

[13-19](#) Class II: Champion Motors USA, 251 Broadway, Malden, 15 Cars (Renewal)

**A motion was made by Councillor Murphy that the Petition be denied. 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

[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 taken from the table. The motion carried by a unanimous vote.**

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

**27-19**

Order: That the Mayor and City Council hereby fix the following dates and hours for the 2019 City Preliminary and Election for the election of Mayor, Councillors at Large, Ward Councillors, and School Committee members:

May 14	Nomination papers available from the City Clerk's Office
July 25	5:00 P.M. last day and hour to obtain nomination papers from the City Clerk's Office (53:9A)
July 30	5:00 P.M. last day and hour to submit nomination papers to the Registrar of Voter's Office for certification (53:7)
August 13	5:00 P.M. last day and hour to file certified nomination papers with the City Clerk's Office (53:10)
August 15	5:00 P.M. last day and hour for filing withdrawals from nomination for the preliminary or objections to nomination (55B:7; 53:13)
August 28	8:00 P.M. close of registration for the preliminary (51:26)
September 9	5:00 P.M. first campaign finance statement due (55:18)
September 17	PRELIMINARY
September 23	5:00 P.M. last day and hour to withdraw from nomination at the preliminary or petition for a recount of votes or, if a preliminary is not held, to withdraw from nomination for the final election (54:135; 206/02)
October 16	8:00 P.M. close of registration for election (51:26)
October 28	5:00 P.M. second campaign finance statement due (55:18)
November 5	ELECTION
November 15	5:00 P.M. last day and hour to petition for recount of votes at election (54:135)
January 21, '20	Final campaign finance statement due (55:18)

**Sponsors:** Jadeane Sica

**A motion was made by Councillor Winslow that the Order be taken from the table. The motion carried by the following vote:**

**Yea:** 7 - Camell, Crowe, Murphy, O'Malley, Winslow, DeMaria and Sica

**Nay:** 4 - Anderson, Condon, Spadafora and Matheson

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

**Yea:** 9 - Camell, Crowe, Murphy, O'Malley, Spadafora, Winslow, DeMaria, Sica and Matheson

**Nay:** 2 - Anderson and Condon

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

**Yea:** 9 - Camell, Crowe, Murphy, O'Malley, Spadafora, Winslow, DeMaria, Sica and Matheson

**Nay:** 2 - Anderson and Condon

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

#### **15. ADJOURNMENT**

**A motion was made by Councillor Barbara Murphy that this meeting be adjourned. The motion carried unanimously.**

**THOMAS E. BRENNAN, CITY CLERK**