



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, February 19, 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 - 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

Julianne Orsino, Chair of the Malden Community Preservation Committee appeared before the Council to present the committee's funding recommendations.

Joseph LeBlanc appeared before the Council to speak about the recently formed Run Club of Malden and also the upcoming March 10th half marathon.

5. PUBLIC COMMENT

6. APPROVAL OF MINUTES

[62-19](#) Minutes of the Meeting of February 5, 2019.

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

7. APPOINTMENTS & ELECTIONS

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

9. MOTIONS, ORDERS AND RESOLUTIONS

[63-19](#) Resolve: That it is the sense of the Malden City Council that the MBTA should update the intersection of Commercial and Centre Street and reconfiguration of the bus depot at the Malden Center T to ensure pedestrian safety.

Sponsors: Ryan O'Malley, Stephen Winslow, Peg Crowe, Paul Condon, Deborah DeMaria, Craig Spadafora and John P. Matheson

A motion was made by Councilor O'Malley that the Resolution be amended by striking the words "the intersection of Commercial and Centre Street" and inserting "all adjacent intersections" The motion carried by a unanimous vote.

A motion was made by Councilor Spadafora that the Resolution be amended. That a representative of the T as well as the state delegation come before the City Council to address the concerns of the Council. The motion carried by a unanimous vote.

A motion was made by Councilor O'Malley that the Resolution be passed as amended. The motion carried by a unanimous vote.

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

A motion was made by Councilor Condon, seconded by Councilor Murphy, that the Ordinance be tabled. The motion carried by the following vote:

Yea: 6 - Condon, Crowe, Murphy, Spadafora, Sica and Matheson

Nay: 5 - Anderson, Camell, O'Malley, Winslow and DeMaria

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 Councilor Spadafora, seconded by Councilor Murphy, that the Ordinance be referred to the Rules & Ordinance Committee. The motion carried by a unanimous vote.

71-19

Order: That the City Council adopt the provisions of Roberts Rules as they relate to imposing sanctions.

Sponsors: Craig Spadafora

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

10. COMMUNICATIONS

11. CLAIMS

[66-19](#)

Claim: Nicholas Ornelas, 119 Boylston 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.

[67-19](#)

Claim: Neil J. McCormack, 24 Tremont St., 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. ENROLLED ORDINANCES

[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 ordained. The motion carried by the following vote:

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

[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 ordained. The motion carried by the following vote:

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

13. COMMITTEE REPORTS

14. 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 Coucillors, the DPW Director and the City Engineer, or their designees.

Sponsors: Ryan O'Malley and David Camell

15. EXECUTIVE SESSION

1. The Malden City Council will vote as to whether to enter into Executive Session, with legal counsel for the City Council, for the purposes of exemption 3 (MGL c. 30A, Section 21(a)(3)), to discuss strategy with respect to pending litigation (City of Malden v. Zeraschi), public discussion of which may have a detrimental effect on the litigating position of the City of Malden. .

A motion was made by Councillor Spadafora that the Council allow Maria Luise of the Mayor's Office as well as City Attorney Rossetti into the Executive Session. The motion carried by a unanimous roll call vote.

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A motion was made by Councillor Spadafora that the Council go into Executive Session. The motion carried by a unanimous roll call vote.

2. The Council will vote regarding whether or not to go into executive session with legal counsel pursuant to Exemption 7 (MGL c. 30A§ 21(a)(7)) to comply with, or act under the authority of general law, to discuss the Open Meeting Law Complaint filed by Councillor Ryan O'Malley against the Malden City Council, received 2/11/19, regarding various executive sessions.

A motion was made by Councillor Spadafora that the Council not enter into Executive Session but to allow the Council President to advise the City attorney to respond to Councillor O'Malley's Open Meeting Law Complaint. The motion carried by the following vote:

**Yes- Anderson, Condon, Crowe, Mathenson, Murphy, Spadafora, Winslow, Sica
No- Camell, DeMaria, O'Malley**

16. PERSONAL PRIVILEGE

The Council went into Executive Session.

Meeting Reconvened and Adjourned

17. ADJOURNMENT

THOMAS E. BRENNAN, CITY CLERK