



City of Malden

Malden City Hall
110 Pleasant Street
Malden, MA 02148

Meeting Minutes City Council

Tuesday, May 9, 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: 10 - Neal Anderson, Paul Condon, David D'Arcangelo, Deborah DeMaria, Neil C. Kinnon, John P. Matheson, Barbara Murphy, Ryan O'Malley, Jadeane Sica and Peg Crowe

Absent - Councillors: 1 - Craig Spadafora

5. APPROVAL OF MINUTES

[236-17](#)

Minutes from the City Council meeting of April 25, 2017.

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

[237-17](#)

Minutes from the City Council meeting of May 2, 2017.

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

6. APPOINTMENTS & ELECTIONS

[241-17](#)

Appointment: The Committee conduct interviews to fill vacant seat at the Board of Health.

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

[238-17](#)

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

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

[243-17](#) Livery: Romelson Cius, 53 Judson St. (New)

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

[244-17](#) Order: That the City Municipal Hearing Officer from this point forward waive all fines, fees and tickets that are appealed that do not comply with State or Federal Law.

A motion was made by Councillor Condon, seconded by Councillor DeMaria, that the Order be tabled. The motion carried by the following vote:

Yea: 7 - Anderson, Condon, DeMaria, Matheson, O'Malley, Sica and Crowe

Nay: 3 - D'Arcangelo, Kinnon and Murphy

[245-17](#) Ordinance: Be it hereby ordained that Sections 400.3, 400.11.1, 300.13, 700.14, 300.1.1, 300.3.2.5, 300.2.6, 300.2.7, 300.2.8 and 300.10 Chapter 12 of the R.O. of 1991 be amended relative to structure height limitations for multifamily residential structures.

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

[246-17](#) Order: That the City eliminate the Residential Housing Development Incentive Program (HDIP) overlay zone.

A motion was made by Councillor O'Malley that the Order be referred to the Rules & Ordinance Committee. The motion carried by the following vote:

Yea: 7 - Anderson, Condon, DeMaria, Matheson, O'Malley, Sica and Crowe

Nay: 3 - D'Arcangelo, Kinnon and Murphy

[247-17](#) Order: That all revenue generated from the municipal tax levy collected from future marijuana sales go directly towards to following:

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

Yea: 9 - Anderson, Condon, D'Arcangelo, DeMaria, Kinnon, Matheson, O'Malley, Sica and Crowe

Nay: 1 - Murphy

A motion was made by Councillor O'Malley that the Resolution be referred to the Finance Committee. The motion carried by a unanimous vote.

[248-17](#)

Ordered: That the City of Malden commence a 12 month moratorium on permitting any recreational marijuana retail establishments to afford voters the opportunity to determine the number of establishments, and afford the City time to designate an appropriate zoning district for those establishments.

A motion was made by Councillor Matheson, seconded by Councillor Kinnon, that the Order be referred to the Rules & Ordinance Committee for joint meeting with the Planning Board. The motion carried by a unanimous vote.

RECONSIDERATION

[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 Kinnon that the Ordinance be reconsidered. The motion failed by the following vote:

Yea: 2 - D'Arcangelo and Kinnon

Nay: 8 - Anderson, Condon, DeMaria, Matheson, Murphy, O'Malley, Sica 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 Kinnon that the Ordinance be reconsidered. The motion failed by the following vote:

Yea: 3 - D'Arcangelo, Kinnon and Murphy

Nay: 7 - Anderson, Condon, DeMaria, Matheson, O'Malley, Sica 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 Kinnon that the Ordinance be reconsidered. The motion failed by the following vote:

Yea: 1 - Kinnon

Nay: 9 - Anderson, Condon, D'Arcangelo, DeMaria, Matheson, Murphy, O'Malley, Sica and Crowe

[201-17](#)

Ordered: That the current Moratorium be extended for another six (6) months

A motion was made by Councillor O'Malley that the Order be reconsidered. The

motion failed for lack of second.

[202-17](#)

Ordered: That the City limit the height of future apartment condominium multi-unit developments to no more than three (3) stories outside of Downtown Malden

A motion was made by Councillor O'Malley that the Order be reconsidered. The motion failed for lack of second.

[233-17](#)

Order: That the City Council extend the existing moratorium six months until December 31, 2017 and include all area's and zones not currently included.

A motion was made by Councillor O'Malley that the Order be reconsidered. The motion failed for lack of second.

11. COMMITTEE REPORTS

[249-17](#)

Committee Report: Finance (Paper # 128-17 Ordered that the Mayor, on behalf of the City be allowed to enter into a four year contract with Patriot Properties Inc.)

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

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

[128-17](#)

Order: That pursuant to the R.O. of 1991 Section 4.36 that the Mayor, on behalf of the City be allowed to enter into a four year contract with Patriot Properties, Inc. as approved by the City Solicitor and the Comptroller to perform appraisal services over a four year period. Fee for said services shall not exceed Three hundred sixteen thousand four hundred dollars, (\$316,400.00)

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

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

[250-17](#)

Committee Report: Finance to whom was referred Paper #132-17 having considered the same, make the following recommendations that this paper be report out favorably.

COUNCILLOR CONDON FOR THE COMMITTEE

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

[132-17](#)

Order: To authorize the MRA to increase the amount of the 108 Loan as provided for in Council Paper #390 of 2016 from \$2 million to \$2.4 million if necessary to complete the same streets referenced in Paper #390.

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

Yea: 9 - Anderson, Condon, D'Arcangelo, DeMaria, Kinnon, Matheson, Murphy, Sica and Crowe

Nay: 1 - O'Malley

[251-17](#)

Committee Report: Finance (Paper #204-17 Order that the Mayor be authorized for filing an application for grants under the Housing and Community Development Act of 1974 and the Cranston-Gonzalez Housing Act of 1990(Community Development Block Grant Budget)

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

[204-17](#)

Order: That the Mayor be authorized for filing an application for grants under the Housing and Community Development Act of 1974 and the Cranston- Gonzalez Housing Act of 1990 (Community Development Block Grant Budget).

A motion was made by Councillor Kinnon that the Order be amended that each of the "Public Service Programs" in section 2 of the FY2018 proposed Community Block Development Grant Budget receive an increase of no greater than 10% over the current year of FY2017. That the savings of \$47,850 to be allocated to lead grants to fix lead issues at the Forestdale School and Malden High School and at any other school that might qualify. This money be moved to section 3 "Parks and Facilities" and that any remainder be moved to general Lead fixes in CDBG area's under the "Loan" section. The motion failed by the following vote:

Yea: 2 - D'Arcangelo and Kinnon

Nay: 7 - Anderson, Condon, DeMaria, Matheson, Murphy, O'Malley and Sica

Recused: 1 - Crowe

A motion was made by Councillor Kinnon that the Order be amended that each of the "Public Service Programs" in section 2 of the FY2018 proposed Community Block Development Grant Budget receive an increase of no greater than 20% over the current year of FY2017. That the savings of \$43,500 to be allocated to lead grants to fix lead issues at the Forestdale School and Malden High School and at any other school that might qualify. This money be moved to section 3 "Parks and Facilities" and that any remainder be moved to general Lead fixes in CDBG area's under the "Loan" section. The motion failed by the following vote:

Yea: 2 - D'Arcangelo and Kinnon

Nay: 7 - Anderson, Condon, DeMaria, Matheson, Murphy, O'Malley and Sica

Recused: 1 - Crowe

A motion was made by Councillor Kinnon that the Order be amended that each of the "Public Service Programs" in section 2 of the FY2018 proposed Community Block Development Grant Budget receive an increase of no greater than 30% over the current year of FY2017. That the savings of \$39,750 to be allocated to lead grants to fix lead issues at the Forestdale School and Malden High School and at any other school that might qualify. This money be moved to section 3

"Parks and Facilities" and that any remainder be moved to general Lead fixes in CDBG area's under the "Loan" section. The motion carried by the following vote:

Yea: 3 - D'Arcangelo, Kinnon and Murphy

Nay: 6 - Anderson, Condon, DeMaria, Matheson, O'Malley and Sica

Recused: 1 - Crowe

A motion was made by Councillor Kinnon that the Order be amended that each of the "Public Service Programs" in section 2 of the FY2018 proposed Community Block Development Grant Budget receive an increase of no greater than 50% over the current year of FY2017. That the savings of \$35,250 to be allocated to lead grants to fix lead issues at the Forestdale School and Malden High School and at any other school that might qualify. This money be moved to section 3 "Parks and Facilities" and that any remainder be moved to general Lead fixes in CDBG area's under the "Loan" section. The motion carried by the following vote:

Yea: 7 - Anderson, D'Arcangelo, DeMaria, Kinnon, Matheson, Murphy and Sica

Nay: 2 - Condon and O'Malley

Recused: 1 - Crowe

A motion was made by Councillor Kinnon that the Order be amended that \$30,000 be removed from "Parks and Facilities" be used to fund the Malden Emergency Center, presently located in the Jackson Street Garage. The motion carried by the following vote:

Yea: 5 - Anderson, D'Arcangelo, Kinnon, Matheson and Murphy

Nay: 4 - Condon, DeMaria, O'Malley and Sica

Recused: 1 - Crowe

A motion was made by Councillor Matheson that the Order be amended that the \$180,000 proposed expenditure be used to make dug outs ADA compliant and to increase lead line replacement funds by the same amount. The motion failed by the following vote:

Yea: 2 - Kinnon and Matheson

Nay: 7 - Anderson, Condon, D'Arcangelo, DeMaria, Murphy, O'Malley and Sica

Recused: 1 - Crowe

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

Yea: 8 - Anderson, Condon, D'Arcangelo, DeMaria, Kinnon, Matheson, Murphy and Sica

Nay: 1 - O'Malley

Recused: 1 - Crowe

[252-17](#)

Committee Report: License (Paper # 219-17 Class II (Transfer): Uni Auto Center, 369 Salem St.)

A motion was made by Councillor Anderson that the Committee Report be

received and filed. The motion carried by a unanimous vote.

[219-17](#)

Class II: Uni Auto Center, 369 Salem St. (Transfer)

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

[253-17](#)

Committee Report: License (Various License Renewals- Second Hand Dealer, Pool Table, Outdoor Parking, Lodging House, Bowling Alley, Pawnbroker, Taxi Driver)

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

[173-17](#)

Second Hand Dealer: Gold & Diamonds Etc. Inc. 27-29 Pleasant St. (Renewal)

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

[218-17](#)

Second Hand Dealer: Gamestop #6263, 44 Broadway, Suite A110 (Renewal)

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

[175-17](#)

Pool Table: Ryan's Family Amusements, 11 Charles St. (Renewal)

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

[210-17](#)

Pool Table: American Legion Post 69, 268 Pleasant St., Malden (Renewal)

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

[211-17](#)

Pool Table: Loyal Order of the Moose 562 Broadway (Renewal)

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

[212-17](#)

Pool Table: AOH Division 12, 259 Charles St. (Renewal)

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

[213-17](#)

Pool Table: Town Line Ten Pin Corp. 665 Broadway (Renewal)

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

[215-17](#)

Outdoor Parking: Robert McNulty, 28 Cedar St. (Renewal)

A motion was made by Councillor Anderson that the Petition be granted. The

motion carried by a unanimous vote.

[216-17](#)

Outdoor Parking: Spadafora Trust 35 Canal St (Renewal)

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

[171-17](#)

Lodging House: Cedar House LLC., 116-118 Cedar St. (Renewal)

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

[214-17](#)

Bowling Alley: Town Line Ten Pin Corp. 665 Broadway (Renewal)

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

[174-17](#)

Pawnbroker: Gold & Diamonds Etc. Inc. 27-29 Pleasant St. (Renewal)

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

[220-17](#)

Taxi Driver: John P. Walters, 5 Hancock St, Everett (Renewal)

A motion was made by Councillor Anderson that the Petition be granted. 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: Cellco 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: Cellco 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

14. 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