



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, June 26, 2018

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, John P. Matheson, Barbara Murphy, Ryan O'Malley, Jadeane Sica, Craig Spadafora, Stephen Winslow and Deborah DeMaria

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

Frank Russell appeared before the City Council to speak about his new book "An Early History of Malden".

5. PUBLIC COMMENT

6. APPROVAL OF MINUTES

[322-18](#) Minutes of the Meeting of June 12, 2018.

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

[323-18](#) Minutes of the Meeting of June 19, 2018.

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

7. APPOINTMENTS & ELECTIONS

[324-18](#) Council Appointment: Anthony G. Palmieri, 5 Murray Hill Pk., Malden, MA, as a member of the Advisory Committee on Forestry.

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

[325-18](#) Council Appointment: Alexander R. Stein, 453 Medford St., Malden, MA as a member of the Advisory Committee on Forestry.

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

[326-18](#) Outdoor Parking: Emmanuel Baptist Church, 20 Madison Street, Malden, MA 02148, 27 spaces (New).

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

[327-18](#) Class II: Gary Gottschalk DBA Gary's Auto Sales, 160 Eastern Ave., 18 cars (New)

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

[343-18](#) Class II: Eli & Gary's Automotive, Inc. dba Eli's Garage, 12 Beach St., 15 cars (New)

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

9. MOTIONS, ORDERS AND RESOLUTIONS

[328-18](#) Be it hereby Ordained by the Malden City Council that the R.O. of 1991 as amended be further amended with respect to reasonable fees for public records requests.

Sponsors: John P. Matheson

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

[329-18](#) Be it hereby Ordained by the Malden City Council that the R.O. of 1991 as amended be further amended with respect to the use and consumption of marijuana.

Sponsors: John P. Matheson

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

10. ENROLLED ORDINANCES

[270-18](#) Be it hereby Ordained that Section 8.42.1 of Chapter 8 of the R.O. of 1991 be amended relative to Library Salary Schedule.

Sponsors: Ryan O'Malley

A motion was made by Councillor O'Malley, seconded by Councillor Crowe, that the Ordinance be ordained. The motion carried by the following vote:

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

[271-18](#) Be it hereby Ordained that Section 8.42.2 of Chapter 8 of the R.O. of 1991

be amended relative to Public Works, Traffic, Water, Sewer, and Cemetery Salary Schedule.

Sponsors: Ryan O'Malley

A motion was made by Councillor O'Malley, seconded by Councillor Crowe, that the Ordinance be ordained. The motion carried by the following vote:

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

11. COMMUNICATIONS

[330-18](#)

Communication from the Planning Board Re: CCP #283-18 (Be it hereby Ordained by the Malden City Council that Sections 200, 300, 400, 500, 700 and 800 of Chapter 12, Revised Ordinance of 1991 as Amended, be further amended to establish use regulations, dimensional controls, parking requirements and definitions for adult use, non-medical Marijuana Establishments (business, industrial and other uses); to create a Marijuana Establishment Overlay District; and to amend existing use regulations and definitions to correspond with proposed new regulations and definitions).

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

12. CLAIMS

[331-18](#)

Claim: Jaime Mercurio, 42 Barker St., Malden, MA 02148.

A motion was made by Councillor Condon that the Claim be referred to the Finance Committee. The motion carried by a unanimous vote.

[332-18](#)

Claim: Lucine Ricci, 20 Sunset Rd., Stoneham, MA 02180.

A motion was made by Councillor Condon that the Claim be referred to the Finance Committee. The motion carried by a unanimous vote.

13. COMMITTEE REPORTS

[333-18](#)

Committee Report: Finance (Paper #281-18 Annual Appropriation for FY2019 Budget)

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

[281-18](#)

Annual Appropriation order for FY2019.

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

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

- [334-18](#) Committee Report: Finance (Paper #39-18 order that the Mayor be authorized to borrow the sum of \$8,875,719 to pay the cost of making energy efficiency improvements at various city facilities.)
A motion was made by Councillor Condon that the Committee Report be received and filed. The motion carried by a unanimous vote.
- [39-18](#) Order: That the Mayor be authorized to borrow the sum of \$8,875,719 to pay the cost of making energy efficiency improvements at various City facilities
Sponsors: Paul Condon
A motion was made by Councillor Condon that the Order be adopted. The motion carried by the following vote:
Yea: 11 - Anderson, Camell, Condon, Crowe, Matheson, Murphy, O'Malley, Sica, Spadafora, Winslow and DeMaria
- [335-18](#) Committee Report: License (Self Service Gas Station License Renewals for Speedway 2504, 214 Broadway: Gibbs Oil Co., 728 Main Street: and Wash Depot I, Inc., 333 Eastern Ave.)
A motion was made by Councillor Anderson that the Committee Report be received and filed. The motion carried by a unanimous vote.
- [309-18](#) Self-Service Gas Station: Speedway 2504, 214 Broadway (Renewal)
A motion was made by Councillor Anderson that the Petition be granted. The motion carried by a unanimous vote.
- [310-18](#) Self-Service Gas Station: Gibbs Oil Co., 728 Main St. (Renewal)
A motion was made by Councillor Anderson that the Petition be granted. The motion carried by a unanimous vote.
- [311-18](#) Self Service Gas Station: Wash Depot I, Inc., 333 Eastern Avenue, Malden (Renewal)
A motion was made by Councillor Anderson that the Petition be granted. The motion carried by a unanimous vote.
- [336-18](#) Committee Report: License (Paper #296-18 Class II: A1 Auto Sales, 364 Washington Street, 3 spaces (Renewal & Transfer))
A motion was made by Councillor Anderson that the Committee Report be received and filed. The motion carried by a unanimous vote.
- [296-18](#) Class II: A1 Auto Sales, 364 Washington St, 3 spaces (Renewal and Transfer)
A motion was made by Councillor Anderson that the Petition be granted. The motion carried by a unanimous vote.
- [337-18](#) Committee Report: License (Paper #192-18 Order: That the City Council

impose one (1) year moratorium on all new Class I, II, III license applications.)

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

[192-18](#)

Order: That the City Council impose a one (1) year moratorium on all new Class I, II, and III license applications excluding any pending petitions currently in process.

Sponsors: Jadeane Sica

A motion was made by Councillor Anderson that the Order be amended by excluding any pending petitions currently in process. The motion carried by a unanimous vote.

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

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

[338-18](#)

Committee Report: License (Paper #295-18 Bowling Alley: Town Line Ten Pin Corp., 665 Broadway, 48 lanes (Renewal)).

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

[295-18](#)

Bowling Alley: Town Line Ten Pin Corp., 665 Broadway, 48 lanes (Renewal)

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

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

[339-18](#)

Committee Report: Rules & Ordinance (Paper #248-18 Order: That the City of Malden accept M.G.L. c 64N Sec3 to impose an excise on the retail sales of marijuana for adult use at the rate of 3 percent.)

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

[248-18](#)

Order: That the City of Malden accept M.G.L. c 64N Sec3 to impose an excise on the retail sales of marijuana for adult use at the rate of 3 percent.

Sponsors: John P. Matheson

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

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

[340-18](#)

Committee Report: Rules & Ordinance (Paper #321-18 Be it hereby Ordained that Section 8.42.4 of Chapter 8 of the R.O. of 1991 be amended

relative to the Police Superior Officers Salary Schedule).

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

[321-18](#)

Be it hereby Ordained that Section 8.42.4 of Chapter 8 of the Revised Ordinances of 1991 be amended relative to the Police Superior Officers Salary Schedule.

Sponsors: Paul Condon

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

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

[344-18](#)

Committee Report: Personnel/Appointments (Paper #233-18 ordered that Erga Pierrette, 93 Oliver Street, Malden, MA be appointed as a member of the Cultural Council, term to begin July 16, 2018 and expire July 16, 2021.)

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

[233-18](#)

Mayor's Appointment: Erga Pierrette, 93 Oliver St., Malden, as a member of the Cultural Council, term to begin July 16, 2018 and expire July 16, 2021.

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

[345-18](#)

Committee Report: Personnel/Appointments (Paper #234-18 ordered that Michelle Trammel, 181 Clifton Street, Malden, MA be appointed as a member of the Cultural Council, term to begin August 7, 2018 and expire August 7, 2021.)

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

[234-18](#)

Mayor's Appointment: Michelle Trammel, 181 Clifton St., Malden, as a member of the Cultural Council, term to begin August 7, 2018 and expire August 7, 2021.

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

[346-18](#)

Committee Report: Personnel/Appointments (Paper # 235-18 ordered that Molly Uline, 134 Summer Street #4, Malden, MA be appointed as a member of the Cultural Council, term to begin June 21, 2018 and expire June 21, 2021.)

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

[235-18](#)

Mayor's Appointment: Molly Uline, 134 Summer St. #4, Malden, as a member of the Cultural Council, term to begin June 21, 2018 and expire June 21, 2021.

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

[347-18](#)

Committee Report: Personnel/Appointments (Paper #232-18 ordered that Gladys Montrose, 80 Wyoming Avenue, Malden, MA be appointed as a member of the Cultural Council, term to begin July 16, 2018 and expire July 16, 2021.)

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

[232-18](#)

Mayor's Appointment: Gladys Montrose, 80 Wyoming Ave., Malden, as a member of the Cultural Council, term to begin July 16, 2018 and expire July 16, 2021.

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

[348-18](#)

Committee Report: Personnel/Appointments (Paper #307-18 ordered that James Chiavelli, 18 Holmes Street, Malden, MA be appointed as an associate member of the Planning Board, term to expire March 1, 2020.)

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

[307-18](#)

Mayor's Appointment: James Chiavelli, 18 Holmes St., Malden, as an associate member of the Planning Board, term to expire March 1, 2020. (Confirmation Required)

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

[349-18](#)

Committee Report: Personnel/Appointments (Paper #308-18 ordered that Charles Ferguson, 44 Ashland Street, Malden, MA be appointed as an associate member of the Planning Board, term to expire March 1, 2019.)

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

[308-18](#)

Mayor's Appointment: Charles Ferguson, 44 Ashland St., Malden, as an associate member of the Planning Board, term to expire March 1, 2019. (Confirmation Required)

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

[350-18](#)

Committee Report: Personnel/Appointments (Paper #237-18 ordered that

George Bayers, 630 Salem Street #912, Malden, MA be re-appointed as the tenant representative member of the Malden Housing Authority Board, term to expire May 1, 2023.)

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

[237-18](#)

Mayor's Re-appointment: George Bayers, 630 Salem St. #912, Malden, as the tenant representative member of the Malden Housing Authority Board, term to expire May 1, 2023.

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

[341-18](#)

Committee Report: Rules & Ordinance (Paper #283-18 Be it hereby Ordained by the Malden City Council that Sections 200, 300, 400, 500, 700 and 800 of Chapter 12, Revised Ordinance of 1991 as Amended, be further amended to establish use regulations, dimensional controls, parking requirements and definitions for adult use, non-medical Marijuana Establishments (business, industrial and other uses); to create a Marijuana Establishment Overlay District; and to amend existing use regulations and definitions to correspond with proposed new regulations and definitions).

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

[283-18](#)

Be it hereby Ordained by the Malden City Council that Sections 200, 300, 400, 500, 700 and 800 of Chapter 12, Revised Ordinance of 1991 as Amended, be further amended to establish use regulations, dimensional controls, parking requirements and definitions for adult use, non-medical Marijuana Establishments (business, industrial and other uses); to create a Marijuana Establishment Overlay District; and to amend existing use regulations and definitions to correspond with proposed new regulations and definitions.

Sponsors: Peg Crowe

A motion was made by Councillor Crowe, seconded by Councillor Sica, that the Ordinance be amended by changing "marijuana treatment facilities" to "marijuana research facilities". The motion carried by a unanimous vote.

A motion was made by Councillor Matheson, seconded by Councillor Condon, that the Ordinance be tabled. The motion failed by the following vote:

Yea: 2 - Condon and Matheson

Nay: 9 - Anderson, Camell, Crowe, Murphy, O'Malley, Sica, Spadafora, Winslow and DeMaria

A motion was made by Councillor Murphy, seconded by Councillor Condon, that the Ordinance be amended by changing the 75 ft. buffer zone for residence to 150 ft. The motion failed by the following vote:

Yea: 4 - Condon, Matheson, Murphy and O'Malley

Nay: 7 - Anderson, Camell, Crowe, Sica, Spadafora, Winslow and DeMaria

A motion was made by Councillor Crowe, seconded by Councillor O'Malley, that the Ordinance be enrolled as amended. The motion carried by the following vote:

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

Nay: 2 - Condon and Murphy

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).

[124-18](#)

Be it hereby Ordained that Section 300.3 of Chapter 12 of the R.O. of 1991 be amended relative to Use Regulations for various Business, Industrial and Other uses.

Sponsors: Ryan O'Malley

A motion was made by Councillor O'Malley that the Ordinance be taken from the table. The motion carried by the following vote:

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

Nay: 1 - Murphy

A motion was made by Councillor Murphy that Section 300.3.6.4 of the Ordinance be amended by changing Artist Live/Work Space to no in all zones except in Central Business Zone. The motion carried by the following vote:

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

A motion was made by Councillor O'Malley that the Ordinance be enrolled as amended. The motion carried by the following vote:

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

A motion was made by Councillor O'Malley that the Ordinance be rules suspended. The motion carried by a unanimous vote.

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

A motion was made by Councillor O'Malley that the Ordinance be ordained. The motion carried by the following vote:

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

[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.

A motion was made by Councillor Winslow that the Order be taken from the table. The motion failed for lack of second.

15. PERSONAL PRIVILEGE

16. ADJOURNMENT

A motion was made by Councillor Jadeane Sica that the meeting be recessed subject to the call of the Chair. The motion carried unanimously.

THOMAS E. BRENNAN, CITY CLERK