



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final License Committee

Councillor Jadeane Sica, Chair
Councillor Chris Simonelli, Vice Chair
Councillor Paul Condon
Councillor at Large Karen Colon Hayes
Councillor Ryan O'Malley

Tuesday, January 24, 2023

6:00 PM

215 Pleasant Street
Room 108
Malden, MA 02148

Roll Call

Chair Sica called the meeting to order at 6:07 PM.

Also in attendance were Compliance Officers Dave Morse and Jim Tuxbury, Assistant City Solicitor Zaheer Samee, Treasurer Dan Grover, Building Inspector Nelson Miller, and Edward Colameta.

Present: 4 - Councillor Jadeane Sica, Paul Condon, Karen Colon Hayes and Ryan O'Malley

Absent: 1 - Councillor Chris Simonelli

Minutes to be Approved

[30-23](#)

Minutes for the meeting of January 17, 2023

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor Condon, that the Committee Minutes be approved. The motion carried by a unanimous vote.

Business

[15-23](#)

Petition: Livery License for Stephanie Licon of 205 Bryant Street, renewal, 1 vehicle

A motion was made by Councillor Condon, seconded by Councillor at Large Colon Hayes, that the Petition be recommended favorably to the City Council. The motion carried by the following vote:

Yea: 4 - Sica, Councillor Condon, Councillor at Large Colon Hayes and Councillor O'Malley

[16-23](#)

Petition: Livery License for Stephen N. Asongwed of 61 High Rock Road, renewal, 1 vehicle

A motion was made by Councillor Condon, seconded by Councillor at Large Colon Hayes, that the Petition be recommended favorably to the City Council. The motion carried by the following vote:

Yea: 4 - Sica, Councillor Condon, Councillor at Large Colon Hayes and Councillor O'Malley

[17-23](#)

Petition: Class I License for Absolute Auto Rental and Sales dba Scoot Scoot New England of 495 Broadway, renewal

Discussion on Paper 17-23 began with Compliance Officer Dave Morse presenting to the committee a Planning Board Notice of Decision, number 21-03 from March 10, 2021, prohibiting Scoot Scoot New England from utilizing a Class I license out of 495 Broadway. Chair Sica called upstairs to request Nelson Miller to join the meeting.

The petitioner, Edward Colameta began to explain that he utilizes the right hand side bay in the middle of the building just to have a delivery spot for his scooters. They are not sold from this location and his license does not require any parking spots. He explained that the scooters he imports to build at 495 Broadway are not the same engine size scooters he sells at his other location, 616 Broadway.

At this point, Nelson Miller arrived and confirmed what Officer Morse had said. This address has three established uses: the separate building (497) is used for auto repair; 495 has the psychic upstairs and the Class II license on the floor below. The bays of the building are specifically assigned for use to fix the vehicles that are being sold on the Class II license. The Class I license wasn't part of the special permit hearing; it wasn't referenced as a finding of fact as an existing license or in the decision.

Chair Sica asked if not having any parking spaces was an issue for this license, as Mr. Colameta is only using the space to receive and store boxes. Mr. Miller replied the parking spaces aren't at all the issue; the issue is they are taking up space in a building that is supposed to be used for something else. At that, Councillor Sica asked why he didn't bring the Class I license when he applied for the special permit. Mr. Colameta claims the plot plan submitted shows the space being used for the scooters. Mr. Miller said he does not remember that but asked for time to review the original special permit application to see which plot plan was submitted. He said he and Michelle Romero sat down for many hours to review the special permit application and she is not known for missing details like a scooter shop being listed on the plan. Mr. Colameta later stated he received his Class I in 2019. Special permit hearing was in 2021 and no such license was ever brought up or documented. Councillor O'Malley pointed out that had this information been provided at the time, if very well may have changed the outcome of the hearing.

Under questioning of Councillor O'Malley, Mr. Colameta mentioned that on his original Class I License Councillor Matheson had added conditions for zero parking spaces but when he renewed his license after that, "the wording fell off".

Councillor Sica began to seek other ways he can be issued a license for his business. Does he really need the two different licenses, would he be able to move Scoot Scoot to 616 Broadway where there is no special permit, can we change the perimeters of the special permit, or should he apply for another special permit? Mr. Miller stated he would not recommend that for Mr. Colameta prior to getting the chance to review original application with Michelle Romero.

Councillor Colon-Hayes asked to be brought up to date with the purpose of what exactly Mr. Colameta is asking for. After receiving that update by Chair Sica, Councillor Colon-Hayes commented she would like to see this committee do anything possible not to impede on the livelihood of a small business owner in the community.

Chair Sica then introduced Treasurer Dan Grover into the conversation to outline all outstanding monies owed to the City from Mr. Colameta's different businesses both current and past; collectively in excess of \$48,000. Mr. Grover sent a proposal to Mr. Colameta for a payment plan but they have not yet come to agreement on terms. Mr. Colameta argued if money is owed from a different corporation, his current corporation, or his person, may not be held liable for those bills, that is the purpose of incorporation. He further asked for the committee to seek an opinion on that from counsel. Assistant

City Solicitor Zaheer Samee asked a few clarifying questions. Mr. Grover pointed his attention to current city ordinances and stated his understanding is that if a person is an applicant, president, secretary, or treasurer of a corporation, you are in essence the same as an individual when applying for a permit and that the City has denied others who tried to get permits while holding outstanding liabilities. Mr. Nelson confirmed that the City denies people on a regular basis based on outstanding liabilities for a property. Solicitor Samee said he is unsure this is legally so and would like to look further into it.

Chair Sica said she was going to give Mr. Colameta another week to work out the details of this debate, work out a payment plan, speak to Grover and his lawyer, and License will put his Smart Buy petition on the agenda for the next scheduled meeting. Asked if had a motion to table.

A motion was made by Councillor Condon, seconded by Councillor at Large Colon Hayes, that the Petition be tabled to the License Committee. The motion carried by a unanimous vote.

Tabled Papers

[5-23](#)

Petition: Class II License for Uni Auto Center, Inc. of 369 Salem Street, renewal, 20 cars

A motion was made by Councillor Condon, seconded by Councillor Colon-Hayes, to take Paper 5-23 from the table, motion passed by unanimous vote.

Treasurer Grover reported out to the Committee that after having gone through evidence presented by petitioner at the last License meeting, he is satisfied that all outstanding fees are either paid or are currently being processed correctly. He recommended to the Committee there is no longer a need to hold or deny Uni Auto Center's Class II License.

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor Condon, that the Petition be recommended favorably to the City Council. The motion carried by a unanimous vote.

Adjournment

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor Condon, that the meeting be adjourned. The motion carried by a unanimous vote. Meeting was adjourned at 6:52 PM.