



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Agenda - Final-revised City Council

*Council President Neal Anderson,
Councillor David Camell,
Councillor Paul Condon,
Councillor Peg Crowe,
Councillor Deborah DeMaria,
Councillor Amanda Linehan,
Councillor Barbara Murphy,
Councillor Ryan O'Malley,
Councillor Jadeane Sica,
Councillor Craig Spadafora,
Councillor Stephen Winslow*

Tuesday, June 29, 2021

7:00 PM

215 Pleasant Street - Council Chambers

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE IN HONOR OF SERVICEMEN & WOMEN

3. ROLL CALL

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. PUBLIC COMMENT

6. APPROVAL OF MINUTES

[333-21](#)

Minutes of the Meeting of June 22, 2021.

7. APPOINTMENTS & ELECTIONS

[334-21](#)

Mayoral Appointment: Mikeneil Paul, 10 Manomet Street, New Bedford, MA as Senior Center Program coordinator, said term to expire 3 years from appointment date.

Sponsors:

Peg Crowe

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[335-21](#)

Outdoor Parking: Motel Realty Co. Inc. - 735 Broadway, Malden, 15 spaces (Renewal)

Sponsors: Paul Condon

9. MOTIONS, ORDERS AND RESOLUTIONS

232-21

Order: Be it ordained that Section 12 of the Revised Ordinances of 2020 be amended by adding Section 12.12.200 entitled Inclusionary Zoning.

Sponsors: Craig Spadafora, Stephen Winslow, Peg Crowe, David Camell, Ryan O'Malley and Amanda Linehan

336-21

Order: That the motto of the City of Malden be amended from the logically incorrect 'Strong Past, Proud Future' to 'Proud Past, Strong Future.

Sponsors: Ryan O'Malley

337-21

Order: That the appropriation enumerated below, being in the amount of \$40,000 (Forty Thousand Dollars), be appropriated from the Community Preservation Act Fund for the following project:

Patchell Park Master Plan: \$40,000 from Open Space Reserve
Total Appropriation = \$40,000

**APPROPRIATION ORDER
COMMUNITY PRESERVATION ACT FUNDS
June 29, 2021**

Sponsors: Barbara Murphy

338-21

Order: That the appropriation enumerated below, being in the amount of \$60,000 (Sixty Thousand Dollars), be appropriated from the Community Preservation Act Fund for the following project:

Oak Grove Community Center Master Plan
And Feasibility Study: \$60,000 from Historic Reserve
Total Appropriation = \$60,000

**APPROPRIATION ORDER
COMMUNITY PRESERVATION ACT FUNDS
June 29, 2021**

Sponsors: Barbara Murphy

339-21

Order: Be it hereby ordained that section 12.12.030 be amended by striking "SP" and inserting "No" for "Parking Facilities, Offsite" in "Res A" zoning district.

Sponsors: Ryan O'Malley

340-21

Order: That newly planted trees be given a 3-5 year care plan (watering, mulching, fertilizing, and pruning) to ensure that they survive and thrive.

Sponsors: Ryan O'Malley

[341-21](#) Order: That the City of Malden fund and expand a dedicated unit for urban forestry.

Sponsors: Ryan O'Malley

[342-21](#) Order: ordered that the city treasurer appear before the City Council to explain the tax taking process and inform residents what remedies the City of Malden has to ease this burden during these difficult economic times. Furthermore, how the City of Malden can improve the unpaid tax notification process, with specific care and attention given to our elderly residents 75 years and older.

Sponsors: Ryan O'Malley

[343-21](#) Resolve: That the City Clerk prepare and present to the City Council a hard copy and digital copy on Granicus of any/all Ordinances coming out of Committee. This would offer the Councillors as well as the community preparation time for public comment and review, prior to any votes or amendments on the floor.

Sponsors: Deborah DeMaria

10. COMMUNICATIONS

11. ENROLLED ORDINANCES

[285-21](#) Order: Be it hereby ordained that Chapter 2, Section 6.08.070 (d) of the Revised Ordinances of 2020 be amended by adding social and Economic Empowerment applicants and designate minority business owned applicants for a retail cannabis license.

Sponsors: Craig Spadafora

[40-21](#) Order: Be it ordained that Section 12.16 (Dimensional Controls) of the Revised Ordinances of 2020 be amended by revising Section 12.16.050 as to waiving rear yard setbacks in Industrial Districts by deleting reference to "rivers or water courses.

Sponsors: Craig Spadafora

[41-21](#) Order: Be it ordained that Section 12.12 (Use Regulation), of the Revised Ordinances of 2020, be amended by adding new Section 12.12.200, to include Malden River Site Plan Review.

Sponsors: Craig Spadafora

12. COMMITTEE REPORTS

[344-21](#) Committee Report: Rules & Ordinance Paper # 67-21 Order: Be it hereby ordained that the City of Malden Revised Ordinances of 2020 Section 11.24.020 SITING AND INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT

<<https://malden.municipalcodeonline.com/book?type=ordinances>> be amended by adding the following additional language:

1. F. Dimensions and appearance by adding “Small Cell antennas cannot be mounted no closer than 12 feet from the nearest window, deck, or other publicly-accessible area. In addition, while the antenna shape is akin to a rounded cone, these antennas are directional in nature with the signal primarily focused up and down streets, and not directly into the residence behind the pole.”
2. L. Contents of Written Petition by adding. The carrier would then be required to attach a notice of public meeting to the pole.
3. Adding WARNING STICKER AND NODE ID Utilize the smallest and lowest visibility (e.g. yellow instead of blue) radio-frequency (RF) warning sticker required by government or electric utility regulations. Place the RF sticker as close to the antenna as possible, facing directly out toward the street, or directly away from street if there is no window within 25 feet of the pole (preferred). For the Node ID sticker; avoid the use of large and highly visible site (node) identification tags (with carrier’s phone number). Consider combining with disconnect information. Use sticker colors that are more muted (e.g. tan), such as the same color as the equipment but with white color lettering. Consider placing the Node ID sticker on the underside of the equipment enclosure so it is only visible underneath.
4. Request a street tree to be provided by the wireless carrier for each facility mounted on a pole within the public right-of-way; in order to screen the equipment. In the event a tree cannot be planted due to conflicts such as existing trees, driveways or utility infrastructure (link to location requirements), the wireless carrier would be required to pay an “in-lieu fee” (No less than \$75) to be used by the Malden DPW/Urban Forestry Project and shall be payable prior to the city’s issuance of the small cell Permit.
5. All Small Cells will be posted on cities GIS system and accessible to the public.

67-21

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Sponsors:

Craig Spadafora

345-21

Committee Report: Rules & Ordinance Paper # 264-21 Order: Be it hereby ordained by the Malden City Council that Section 2.04.010 of the Revised Ordinances of 2020 be stricken and the following new Section 2.040.010 be inserted in place thereof:
2.04.010 HOURS CERTAIN OFFICES TO BE OPEN

The Mayor shall establish and may, from time to time, amend a regular schedule of days and hours during which administrative offices of the city will be open to the

public. The Mayor may temporarily alter the schedule so established in observance of legal holidays or when it is deemed that opening poses a threat to the health, safety or welfare of city employees or the public.

[264-21](#)

Order: Be it hereby ordained by the Malden City Council that Section 2.04.010 of the Revised Ordinances of 2020 be stricken and the following new Section 2.040.010 be inserted in place thereof:

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Sponsors:

Jadeane Sica

[346-21](#)

Committee Report: Public Property - (Paper # 292-21, 293-21 & 294-21) - Total 7 sites approved. The standing committee on Public Property after having considered Cellco/ExteNet Petitions recommend favorably the following locations to the full council. These petitions were recommended favorably to council at their 6/8/21 meeting; however the below petitions were left off original Committee Report to Council on

7 Broadway
133 Cross Street
11 Phillips Street
37-39 Willard Street
52 High Street
29 Ashland Street
84 Durso Avenue

[292-21](#)

The committee will review and discuss the letter submitted by Attorney John Weaver, Cellco d/b/a/ Verizon Re: Supplemental Materials to the Small Cell Applications listed:

Utility Pole #5103, Adjacent to 7 Broadway Street (the "Broadway Street Pole");
Utility Pole #4740, Adjacent to 133 Cross Street (the "Cross Street Pole");
Utility Pole #1869, Adjacent to 11 Phillips Street (the "Phillips Street Pole");
Utility Pole #2452, Adjacent to 37-39 Willard Street (the "Willard Street Pole");
Utility Pole #1355, Adjacent to 52 High Street (the "High Street Pole").

[293-21](#)

The committee will review and discuss the letter submitted by Attorney John Weaver, Cellco d/b/a/ Verizon Re: Supplemental Materials to the Small Cell Applications listed: Utility Pole #1393, Adjacent to 29 Ashland Street (the "Ashland Street Pole"); and Utility Pole #55/7 VZ (NG 1136-1), Adjacent to 80 Mountain Avenue (the "Mountain Avenue Pole").

[293-21](#)

The committee will review and discuss the letter submitted by Attorney John

Weaver, Cellco d/b/a/ Verizon Re: Supplemental Materials to the Small Cell Applications listed: Utility Pole #1393, Adjacent to 29 Ashland Street (the "Ashland Street Pole"); and Utility Pole #55/7 VZ (NG 1136-1), Adjacent to 80 Mountain Avenue (the "Mountain Avenue Pole").

[294-21](#)

The committee will review and discuss the letter submitted by Hans Eysenbach, Attorney for ExteNet Systems, Inc., RE: Request to Reconsider Recommended Denial of Attachment License Requests by ExteNet Systems, Inc., for 84 Durso Ave., 52 Malden St., and 183 Highland Ave.

[294-21](#)

The committee will review and discuss the letter submitted by Hans Eysenbach, Attorney for ExteNet Systems, Inc., RE: Request to Reconsider Recommended Denial of Attachment License Requests by ExteNet Systems, Inc., for 84 Durso Ave., 52 Malden St., and 183 Highland Ave.

351-21

Committee Report: License - Petitions - Paper # 162-21 AGM, 135 Eastern Avenue, Malden, MA - Outdoor Parking - 24 vehicles and Paper # 326-21 AGM, 160 Eastern Avenue, Malden, MA - increase from 18 to 24 vehicles.

352-21

Committee Report: Finance - Paper # 235-21 - Order: That the City Council approve an increase in the COLA base from \$14,000 to \$18,000 for contributory and non-contributory retirees of the Malden Retirement System.

13. TABLED PAPERS

[314-21](#)

Resolve: That, the Malden City Council authorize the Mayor, as Malden's Chief Executive Officer, to allow remote participation in accordance with the requirements of 940 CMR 29.10, for all subsequent meetings of all local public bodies in the City of Malden."

"Whereas, the COVID-19 pandemic revealed the need for emergency preparedness planning for all entities, public and private;

Whereas, the Governor Baker's 2020 emergency order authorizing remote participation for public meetings, resulted in record public meeting attendance and participation in the City of Malden;

Whereas, remote participation has helped enable the elderly, disabled, evening shift workers, young families, and home bound individuals participate in public meetings,

Sponsors:

Ryan O'Malley, Deborah DeMaria and Amanda Linehan

14. EXECUTIVE SESSION

[347-21](#)

The City Council will vote to go into executive session, with legal counsel for the City Council, in accordance with Exemption One (MGL c. 30A, § 21 (a) (1), and Exemption Seven (MGL c. 30A, § 21 (a) (7), to comply with, or act under the authority of, any general or special law or federal grant-in requirements, in order to act on pending complaint of June 21, 2021, by Brian DeLacey against the Malden City Council under the Open Meeting Law, MGL c. 30A, § 23 (b).

15. PERSONAL PRIVILEGE**353-21****16. ADJOURNMENT****GREGORY LUCEY, CITY CLERK**