



# 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*

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Tuesday, September 7, 2021

7:00 PM

City Council Chambers  
215 Pleasant Street  
Malden, MA 02148

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### ADMINISTRATIVE CORRECTION - 2

#### [369-21](#)

Members of the public who wish to attend remotely can do so using the following information:

Please click the link below to join the webinar:

<https://cityofmalden.zoom.us/j/96631946863?pwd=UHFHbnpxY3JhajhRQW1ONHpRMW1mUT09>

Passcode: 722799

Or One tap mobile :

US: +19294362866,,96631946863#,,,,\*722799# or  
+16465189805,,96631946863#,,,,\*722799#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 436 2866 or +1 646 518 9805

Webinar ID: 966 3194 6863

Passcode: 722799

International numbers available:

<https://cityofmalden.zoom.us/j/abYVDeFqVG>

If you would like to request a reasonable accommodation, please contact Maria Luise, ADA Compliance Coordinator at [mluise@cityofmalden.org](mailto:mluise@cityofmalden.org) <<mailto:mluise@cityofmalden.org>> or 781-397-7000, Ext 2005.

### 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****7. APPOINTMENTS & ELECTIONS**

[372-21](#) Mayoral Appointment: Susan Chu, 210 West Street, 1st Floor, Malden, MA as an associate member of the Board of Appeal, said term to expire on March 1, 2023. Susan will fulfill the unexpired term of Emily Kibbler who moved out of Malden. (Confirmation Required).

**Sponsors:** Peg Crowe

[373-21](#) Appointment: Eric Henry, 75 Wiley Street, Malden, MA - appointed to the Community Preservation Committee by the Malden Planning Board; term to expire May 1, 2023. (No Confirmation Required) To Be Placed on File.

**Sponsors:** Peg Crowe

[374-21](#) Council - ReAppointment: Robert Donnelly, 38 Goldcliff Rd., Malden, MA as part-time member of the Board of Assessors; term to expire March 1, 2023. Confirmation Required.

**Sponsors:** Peg Crowe

**8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES****PUBLIC HEARING**

[375-21](#) Petition: Comcast - Grant of Location from the City of Malden. The work associated with the attached petition is for the purpose of Installing a new underground conduit system to provide the Comcast Service to number 120 Main Street, Malden, MA.

**Sponsors:** Paul Condon

**Attachments:** [Comcast GOL Petition 120 Main Street Malden 7.29.21](#)

[376-21](#) Livery: Arminster Singh, 27 Alpine St. #3, Malden, 1 car (Renewal)

**Sponsors:** Paul Condon

[377-21](#) Outdoor Parking: Emmanuel Baptist Church, 20 Hillside Ave. Malden, (lot address:

29 Madison St.) 27 spaces (Renewal)

**Sponsors:** Paul Condon

**378-21**

Outdoor Parking: Three C Realty Trust, 61 Clinton St. Malden, 22 spaces (Renewal)

**Sponsors:** Paul Condon

**388-21**

Pool Table: Mr. Suazo's Barbershop, 16 Lebanon St. Malden, 1 table (Renewal)

**Sponsors:** Paul Condon

## **9. MOTIONS, ORDERS AND RESOLUTIONS**

Paper # 361-21 - On August 18, 2021 at 4:18 p.m., Councillor O'Malley made a motion to reconsider the vote authorizing Asst. City Solicitor John McNaught to investigate and respond to the July 29th Open Meeting Law Complaint by Ryan O'Malley.

Remedial Action: The following seven items have been re-docketed to remediate an unintentional violation of the Open Meeting Law during the meeting of June 29, 2021:

**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

**Attachments:** [Letter of Support Patchell Park CPC Submission](#)  
[Patchell Park CPC decision letter](#)

**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

**Attachments:** [Letter of Support Oak grove Community Center CPC Submission](#)  
[OGCC CPC decision letter](#)

**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.

**Sponsors:** Barbara Murphy

**Attachments:** [COLA BASE Increase letter to Council President March 2021](#)  
[Cola Base Raise Finance Presentation 62221](#)

**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.

**162-21**

Outdoor Parking: AGM Auto Sales, 135 Eastern Ave. Malden, MA, 24 spaces (Renewal)

**Sponsors:** Paul Condon

**326-21**

Petition: Class II - AGM, 160 Eastern Ave., Malden, MA - change number of vehicles from 18 to 24.

**Sponsors:** Paul Condon

**379-21**

Order: That the Mayor be authorized to apply for grants and execute documents required to affect planned renovations to Devir Park, including any deeds, instruments and contracts relating thereto, and that actions taken prior to this vote be ratified and confirmed.

**Sponsors:** Paul Condon

**Attachments:** [Devir Park Attachment.Final.Rev.](#)

[380-21](#)

Resolve: That it is the sense of the City Council that the Municipal Building Committee for the New City Hall meet and address the following outstanding items:

1. Installation of ADA Compliant Entrances and Exits with automatic doors
2. Location of the City Archives
3. Lactation room in City Hall
4. Status update on multi-lingual signage
5. Lack of lighting around the exterior of City Hall
6. The incorrect spelling of City Hall on the front of the building
7. On-site bicycle parking.

**Sponsors:**

Ryan O'Malley and Amanda Linehan

[381-21](#)

Resolve: Be it resolved by the City Council of Malden that: the City Charter Review Committee report at the next full City Council meeting on the status Paper 555-2018 regarding the development of a new City Charter so that the City Council and Council President can consider whether to take action to:

1. Discharge such paper from the City Charter Review Committee so it can be referred to a Council of the Whole Meeting, or
2. Adjust current council assignments to such committee.

**Sponsors:**

Stephen Winslow

[382-21](#)

Resolve: Be it hereby resolved by the City Council of Malden that: the City of Malden hereby take actions to: (1) establish and undertake studies necessary to create zoning standards for the Maplewood Square Neighborhood Preservation District zoning district under Section 12 of the City Ordinances, (2) create a Maplewood Square Neighborhood Council, to facilitate communication of residents and business owners with the Commonwealth, the City of Malden and property owners to preserve and enhance the historic character of the area as a neighborhood business district readily walkable from nearby senior and residential housing and (3) the City Council hereby establishes a three person Special Committee on the Future of Maplewood Square to include the sponsor of this resolution as per Council Rule 47.00, the Ward 6 City Councillor and an additional Councillor to be named by the Council President.

**Sponsors:**

Stephen Winslow, Deborah DeMaria and Amanda Linehan

[383-21](#)

Order: That the following alternative draft zoning amendments be sent to a joint Ordinance / Planning Board hearing for consideration:

Alternative #1:

ORDER: Be it ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by changing Section 12.030 Use Regulations to indicate that Warehouse and Wholesale and Distribution Uses are not allowable uses in BH (Highway Business Zones)

Alternative #2:

ORDER: Be it ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by striking the first three lines of Section 12.12.010 Paragraph B and replacing that with:

B. Except for Warehousing, Wholesale and Distribution in a Highway Business District, where a special permit will be required by the City Council in accordance with this section or otherwise herein provided, for all institutional, business, industrial and other uses, where a special permit is required, as indicated by the letters "SP", the use may be allowed only by Special Permit granted by the Planning Board in conformance with the following controls:

**Sponsors:** Stephen Winslow, Deborah DeMaria and Amanda Linehan

[384-21](#)

Order: That the Council consider, in executive session, executive session minutes recommended for release.

**Sponsors:** Neal Anderson

## **10. COMMUNICATIONS**

[389-21](#)

Communication: Planning Board - Paper # 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. (See Attached).

**Sponsors:** Craig Spadafora

**Attachments:** [CCP 339 2021 PBR 8.21](#)  
[CCP 339 2021 Legislation Details \(With Text\) \(1\)](#)  
[CCP 339 2021 PSR](#)

[390-21](#)

Communication: Planning Board - Paper # 232-21 Order: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 be amended by adding Section 12.12.200 entitled Inclusionary Zoning. (See Attached).

**Sponsors:** Craig Spadafora

**Attachments:** [CCP 232 2021 PBR 8.21](#)  
[CCP 232 2021 prop ord w Intro](#)  
[CCP 232 2021 PSR](#)

**11. COMMITTEE REPORTS**[385-21](#)

Committee Report: Rules & Ordinance (Paper # 267-21) - Order: Be it hereby ordained by the Malden City Council that the Revised Ordinances of 2020 be amended to reflect changes contained in the proposed FY2022 Budget (see attached).

**12. ENROLLED ORDINANCES**[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.

**Sponsors:**

Jadeane Sica

**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

[387-21](#)

Resolve: That the City of Malden hereby take actions to:

1. Establish and undertake studies necessary to create zoning standards for the Maplewood Square Neighborhood Preservation District zoning district under Section 12 of the City Ordinances

2. Create a Maplewood Square Neighborhood Council, to facilitate communication of residents and business owners with the Commonwealth, the City of Malden and property owners to preserve and enhance the historic character of the area as a neighborhood business district readily walkable from nearby senior and residential housing and (3) the City Council hereby establishes a three person Special Committee on the Future of Maplewood Square to include the sponsor of this resolution as per Council Rule 47.00, the Ward 6 City Councillor and an additional Councillor to be named by the Council President.

**Sponsors:** Stephen Winslow

[358-21](#) Minutes of the Meeting of June 29, 2021.

**Attachments:** [Council Minutes.6.29.21](#)

#### **14. PERSONAL PRIVILEGE**

#### **15. ADJOURNMENT**

**GREGORY LUCEY, CITY CLERK**