



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Agenda - Final City Council

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

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Tuesday, November 10, 2020

7:00 PM

REMOTE VIRTUAL MEETING

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### [335-20](#)

In accordance with Governor Baker's 3/12/20 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A,ss18, and the Governor's 3/23/20 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, this meeting will be conducted via remote participation.

In person attendance by members of the public is prohibited, and all effort will be made to permit public attendance of this meeting, in the manner specified below, via remote access by internet, telephone, and if available via public broadcast of the meeting by Malden Access Cable Television on public access television channels.

Public access will also be provided by posting draft minutes, and/or a transcript, recording, or record of the meeting on the city of Malden website at [cityofmalden.org](http://cityofmalden.org) as soon as practicable after the meeting.

Additional information/guidelines for the public can be found here:

<https://www.cityofmalden.org/DocumentCenter/View/2487/Public-information-on-on-Public-Meetings-and-Hearings-during-the-Declared-State-of-Emergency-related-to-COVID19PDF>

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/93395854311?pwd=bzZzWS9OV1VOQ2RvNFh6L0NnNEVwdz09>

Passcode: 538504

Or iPhone one-tap :

US: +19294362866,,93395854311#,,,,,0#,,538504# or  
+16465189805,,93395854311#,,,,,0#,,538504#

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: 933 9585 4311

Passcode: 538504

International numbers available:

<https://cityofmalden.zoom.us/j/93395854311>

If you would like to request an 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**

[433-20](#)

Public Comment Emails attached.

## **6. APPROVAL OF MINUTES**

## **7. APPOINTMENTS & ELECTIONS**

[336-20](#)

Mayoral Appointment:" Anthony Bartolo, 25 Tophet Road, Lynnfield, MA as a constable to serve process in the city of Malden effective October 19, 2020 and said term to expire October 23, 2023. (Place on File).

## **8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES**

[337-20](#)

Petition: Class II - Maxima Auto Sales, 105 Broadway, Malden, MA 31 cars renewal

[338-20](#)

Petition: Class II - Auto Tech II, 1236 Eastern Avenue, Malden, MA - 5 cars needs dealer plates registration (incomplete application)

[339-20](#)

Petition: Class II - Broadway Auto Sales, 628 Broadway, Malden, MA - 0 cars  
(incomplete application)

- [340-20](#) Petition: Class II - Brothers Auto Body, 969 Salem Street, Malden, MA - 0 cars
- [341-20](#) Petition: Class II - Dealer One Motors, 77 Broadway, Malden, MA - 48 cars (Rio Auto Group)
- [342-20](#) Petition: Class II - Hub Starters & Alternator, 172 Broadway, Malden, MA 4 cars
- [343-20](#) Petition: Class II - John's Service, 200 Beach Street, Malden, MA - 15 cars
- [344-20](#) Petition: Class II - Linden Automotive, 121 Beach Street, Malden, MA - 19 cars
- [345-20](#) Petition: Class II - Malden Auto Brokers, 225 Eastern Avenue, Malden, MA - 20 cars
- [346-20](#) Petition: Class II - Malden Auto Sales, 147 Ferry Street, Malden, MA - 25 cars
- [347-20](#) Petition: Class II - Prestige Motors, 600 Broadway, Malden, MA 67 cars
- [348-20](#) Petition: Class II - Sega Auto Sales & Service, 449 Ferry Street, Malden, MA - 15 cars  
(see notes) incomplete application
- [349-20](#) Petition: Class II - Uni Auto Center, Inc. - 369 Salem Street, Malden, MA - 20 cars
- [350-20](#) Petition: Extended Hours License - Supreme Food Mart, 1018 Eastern Avenue, Malden, MA - Hours 24/7 (renewal)
- [351-20](#) Petition: Extended Hours - Planet Fitness, 795 Eastern Avenue, Malden, MA - Monday 12am - Friday 9:00 pm - 24 hours (renewal)
- [352-20](#) Petition: Extended Hours License - Honey Dew Donuts, 691 Eastern Avenue, Malden, MA - 5am - 8pm (renewal)
- [353-20](#) Petition: Extended Hours License - Dunkin, 424 Main Street, Malden, MA - 7 days, 5am - 9 pm (renewal)

- [354-20](#) Petition: Extended Hours License - Dunkin, 980 Eastern Avenue, Malden, MA - 7 days, 4 am - 12 a.m. (renewal).
- [355-20](#) Petition: Extended Hours License - Dunkin, 57 Eastern Avenue, Malden, MA - 24/7 (renewal)
- [356-20](#) Petition: Extended Hours License - Dunkin, 200 Commercial Street, Malden, MA - 7 days, 5am - 9pm (renewal)
- [357-20](#) Petition: - Extended Hours License - Dunkin, 617 Broadway - 7 days, 4am - 11pm, (renewal)
- [358-20](#) Petition: Extended Hours License - Dunkin, 245 Pleasant Street, Malden, MA - 7 days, 5 am to 11 pm (renewal)
- [359-20](#) Petition: Amusement Machine License - Dockside, 229 Centre Street, Malden, MA - 15 machines - (renewal)
- [360-20](#) Petition: Amusement Machiune License - Flaming Grill & Buffet, 52 Broadway, Malden, MA - 3 machines (renewal)
- [361-20](#) Petition: Amusement Machine License - GLS Associates, 50 Holden Street, Malden, MA - 9 machines (renewal)
- [362-20](#) Petition: Amusement Machine License - ITAMS Post 16, 40 Oakland Street, Malden, MA - 4 machines (renewal)
- [363-20](#) Petition: Amusement Machine License - Loyal Order of the Moose, 562 Broadway, Malden, MA - 1 machine (renewal)
- [364-20](#) Petition: Amusement Machine License - Pearl Street Station, 53 Summer Street, Malden, MA - 2 machines (renewal)
- [365-20](#) Petition: Amusement Machine License - Town Line Ten Pin, 665 Broadway, Malden, MA - 25 machines (renewal)
- [366-20](#) Petition: Chardin Livery, LLC - 33 Maple Street # 402, Malden, MA - 1 livery (new)
- [367-20](#) Petition: Livery - 5 Star Car Services, Inc., 15 Mt. Vernon Street # 2, Malden, MA  
1 livery (new)

[368-20](#) Petition: Xmas Tree Sales - Jays Pizza & Ice Cream, 167 Centre Street, Malden, MA  
(renewal)

[368-20](#) Petition: Xmas Tree Sales - Jays Pizza & Ice Cream, 167 Centre Street, Malden, MA  
(renewal)

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

[369-20](#) Order: That the sum of Three Million Dollars (\$3,000,000) is appropriated from available general fund free cash to pay costs of street repaving, including the payment of all costs incidental and related thereto by adding the following language:

Any street repaving project funded by this funding source include, to the greatest extent: (1) improvements to ensure crossings meet the standards of the Americans with Disabilities Act (ADA), (2) new pavement markings consistent with Malden's Complete Streets Policy and Malden By Bike Plan, and (3) measures to preserve existing trees or replace any tree removed at a nearby location.

**Sponsors:** David Camell

[370-20](#) Order: That the sum of \$3,000,000 is appropriated to pay costs of street repaving, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received by the City upon the sale of any bonds or notes approved by this order, or pursuant to any other loan orders approved by the City prior to the date hereof, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote, or pursuant to any other loan orders approved by the City prior to the date hereof, as the case may be, in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount by adding the following language:

Any street repaving project funded by this funding source include, to the greatest extent: (1) improvements to ensure crossings meet the standards of the Americans with Disabilities Act (ADA), (2) new pavement markings

consistent with Malden's Complete Streets Policy and Malden By Bike Plan, and (3) measures to preserve existing trees or replace any tree removed at a nearby location.

**Sponsors:** David Camell

**371-20** Order: That the FY2021 adopted general fund appropriation order (Schedule B) be hereby amended by reducing the appropriation by \$4,164,407 and the corresponding FY2021 budget contingency expense be eliminated.

**Sponsors:** David Camell

**373-20** Order: Be it hereby ordained that Section 2.20.060 of the Revised Ordinances of 2020 be amended by adding "Primary Operator of the Public Water System" to the unclassified employee salary schedule with a salary of \$20,000.

**Sponsors:** David Camell and Craig Spadafora

**374-20** Order: Be it hereby ordained that Section 2.12.100 of the Revised Ordinances of 2020 be amended by adding "Section C to include a Primary Operator of the Public Water System."

**Sponsors:** David Camell and Craig Spadafora

**375-20** Order: That the sum of Forty Thousand Dollars (\$40,000) be and the same is hereby transferred from available general fund free cash to the Mayor's Office salary account in order to hire a Diversity, Equity and Inclusion Coordinator for the remainder of the fiscal year.

**Sponsors:** David Camell and Neal Anderson

**372-20** Resolve: That the City of Malden Cannabis Licensing Commission pause on soliciting additional applications for retail marijuana licenses so that the City can solicit voter feedback in the next municipal election on limits to the number of establishments allowed in the City of Malden.

**Sponsors:** Craig Spadafora, Barbara Murphy, Jadeane Sica, Paul Condon, Deborah DeMaria and Neal Anderson

## **10. ORDINANCES/ENROLLED**

[280-20](#)

Order: Be it hereby ordained that the Revised Ordinances of 2020 Chapter 11 be amended to add Section 11.08.155 Maintenance of Private Fencing Next to Public Property (containing provisions related to fencing adjoining streets, sidewalks and trails) by adding the following language:

A. Every owner of property adjoining any public or private street, alley, sidewalk, trail or other public land shall ensure any fencing along the perimeter of their property remains erect and that any barbed or razor wire remains strung at least 7 feet above ground level. No such owner shall allow any perimeter fence, barbed or razor wire to encroach on or above any public street, private street, alley, sidewalk, trail or other public land or otherwise pose a hazard to members of the public lawfully using such areas.

B. As of November 1, razor wire may not be installed or replaced on any fence in the City of Malden.

C. This ordinance may be enforced in the manner provided in Mass. Gen. Laws ch 40 § 21D by City Code Enforcement Officers, agents of the Inspectional Service Department, or Department of Public Works supervisory personnel. Penalties for violations of this Ordinance will be strictly enforced, and are as follows:

1. first offense shall be a written, 30-day warning
2. second offense - \$300 for each continuing day of violation.

D. The City may remove the fencing and wiring if: (1) such fencing and wiring has caused an injury to a member of the public present on public property, or (2) if the property owner fails to comply within three days after notice of the second offense. The City may seek reimbursement for the costs of removal of the fencing and wiring in violation of ordinance from the property owner.

**Sponsors:** Stephen Winslow and Barbara Murphy

## **11. COMMUNICATIONS**

## **12. COMMITTEE REPORTS**

[376-20](#)

Committee Report: Personnel/Appointments: The Personnel/Appointments Committee will make a recommendation to fill the vacant seat of associate member of the Energy Efficiency Commission.

[376-20](#)

Committee Report: Personnel/Appointments: The Personnel/Appointments Committee will make a recommendation to fill the vacant seat of associate member of the Energy Efficiency Commission.

[377-20](#) Committee Report: Public Property (Paper #219-20 Petition: Cellco Partnership d/b/a Verizon Wireless; and Nexius Solutions, Inc. Five (5) Small Cell Infrastructure-Grant of Locations: 490 Eastern Avenue, 77 Revere Street, 1279 Salem Street, 12 Fairfield Street, 135 Main Street)

[219-20](#) Petition: Cellco Partnership d/b/a Verizon Wireless; and Nexius Solutions, Inc.  
Five (5) Small Cell Infrastructre - Grant of Locations:  
490 Eastern Avenue  
77 Revere Street  
1279 Salem Street  
12 Fairfield Avenue  
135 Main Street

[378-20](#) Committee Report: Public Property (Paper #354-19 Petition: Extenet petitions filed for small cell: 57-59 Fulton Street a/k/a 20-26 Coleman St, 60 Coleman Street a/k/a 96-102 Coleman Street, 54 Beach Street, 118-120 Beach Street, 376-378 Broadway, 9 Maynard Street, 73 Maynard Street, 26 Munroe Street, 16 Oliver Street, 32 Wesmur Road, 902 Salem Street.

[354-19](#) Petition: Extenet petitions filed for small cell:  
57-59 Fulton Street a/k/a 20-26 Coleman Street  
60 Coleman Street a/k/a 96-102 Coleman Street  
71 Plainfield Ave. a/k/a 89-95 Plainfield Ave.  
**101 Pleasant Street a/k/a 95-105 Pleasant Street**  
54 Beach Street  
118-120 Beach Street  
376-378 Broadway  
84 Durso Avenue  
183 Highland Avenue  
**375-381 Main Street**  
**418-420 Main Street**  
52-54 Malden Street  
9 Maynard Street  
73 Maynard Street  
**319 Medford Street**  
26 Monroe Street  
16 Oliver Street  
902 Salem Street  
32 Wesmur Road

(PUBLIC HEARING REQUIRED)

Please note addresses highlighted in red were eliminated.

**13. TABLED PAPERS**

**14. PERSONAL PRIVILEGE**

**15. ADJOURNMENT**

**GREGORY LUCEY, CITY CLERK**