



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Agenda - Final 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, December 7, 2021

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

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

[553-21](#)

Council Re-Appointment: Sheila Fermano, 140 West Street, Malden, MA, as
Municipal Hearing Officer term to expire December 21, 2024.

Sponsors:

Peg Crowe

[554-21](#)

Council Re-Appointment: Lisa Cagno, 31 Quincy Street, Malden, MA as Clerk of
Committee term to expire December 31, 2022.

Sponsors:

Peg Crowe

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[530-21](#)

Petition: Extended Hours - Planet Fitness, 795 Eastern Avenue, Malden, MA. 24 hrs.

Mon. - Fri. renewal.

Sponsors:

Paul Condon

526-21

Petition: Class II - Top Cars Motor, 259 Main St., Malden, MA - 35 vehicles - renewal.

Sponsors:

Paul Condon

529-21

Petition: Class II - Uni Auto Center, 369 Salem Street, Malden, MA 20 vehicles - renewal.

Sponsors:

Paul Condon

9. MOTIONS, ORDERS AND RESOLUTIONS

555-21

Resolve: That the City Council attend Diversity, Equity and Inclusion training in 2022 facilitated by Bybiose Larochelle. Further that the City Council establish a code of ethics and accountability system for all elected officials.

Sponsors:

Deborah DeMaria

556-21

Resolve: That the Malden City Council acknowledges the detrimental impact that racism has on our residents and community and will establish a Racial Equity Commission to further examine the consequences of racism on public health and propose recommendations for a Racial Equity Plan for the City of Malden.

WHEREAS the 2020 Decennial Census estimates that over 60% of all Malden residents identify as Black, Asian and Pacific Islander, Hispanic, American Indian or multiracial

WHEREAS over 43% of residents are unable to effectively communicate in English which has an impact on their abilities to live healthy and fulfilling lives

WHEREAS last year MHS students and staff issued a petition asking the city to support initiatives and spaces to hold dialogue around issues related to race and instances of racism in their school

WHEREAS Mayor Gary Christenson declared that racism is a public health crisis in the City of Malden

WHEREAS the Massachusetts Attorney General's Office has acknowledged the disproportionate impacts of the COVID-19 pandemic on residents of color and commissioned a report to study racial justice and health equity

WHEREAS racism and racial inequities can cause undue harm to residents' wellbeing, mental health, access to healthcare, jobs, housing, educational attainment, and economic mobility

BE IT RESOLVED that the Malden City Council

- I. Supports the establishment of an ad-hoc Racial Equity Commission who--over the course of 18 months--will develop surveys, conduct focus groups, conduct research and interviews with impacted community members, leaders, and organizations to document the impacts of racism and discrimination, study language access, healthcare, mental health and wellbeing; employment and economic mobility, and educational needs of the city at the municipal level, in the business community, nonprofit and faith-based communities, schools, and beyond
- II. Recommends that the Commission is Chaired by the Mayor's Diversity, Equity and Inclusion Coordinator and further established as follows: Mayor appoints 1 member, the the Malden City Council appoints 2 members, that the School Committee appoint 1 member from the student body of MPS, and that the these 5 members nominate 2 additional members.
- III. Desires that the composition of the commission should be as proportionate as possible with the racial demographics of the city as reported by the 2020 US Decennial Census
- IV. Will provide updates to the Mayor and City Council at 6 and 12 month intervals during a public meeting, to be followed by a final report and presentation 18 months after commencement of start of the work.

Sponsors: Jadeane Sica, Stephen Winslow, Craig Spadafora, Amanda Linehan, Peg Crowe, Deborah DeMaria, Neal Anderson, Paul Condon and Barbara Murphy

548-21

Resolve: That it is the sense of the City Council that a stone bench be placed on the new City Hall Plaza and dedicated to the former Mayor of Malden, Ed Lucey.

Sponsors: Deborah DeMaria

557-21

Order: The Personal and Appointments Committee develop and advertise a notice for a posting for the soon to be opening on the Cannabis Commission. Board Chair Jenelle DeVits will be leaving the Commission on December 31, 2021. The posting will be advertised for two weeks in the local print and online outlets.

Sponsors: Peg Crowe

549-21

Order: Order: Be it hereby ordained that the Revised Ordinances of 2020 be amended as follows: Amend section 2.24.040 of Parking Enforcement Officers Salary Schedule.

EFFECTIVE 7/1/20

Wages per hour \$20.25

EFFECTIVE 7/1/21

Wages per hour\$20.75

EFFECTIVE 7/1/22

Wages per hour \$21.27

Sponsors: Craig Spadafora

10. COMMUNICATIONS**11. ENROLLED ORDINANCES**[383-21](#)

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

Order: Alternative #2: ORDER: Be it hereby 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 the following, (See attached final amendment).

Sponsors:

Stephen Winslow, Deborah DeMaria and Amanda Linehan

Attachments:

[CCP 383 2021 PBR](#)

[CCP 383 2021 PBR w Att](#)

12. COMMITTEE REPORTS[550-21](#)

Committee Report: Rules & Ordinance Paper # 536-21 - Order: Be it hereby ordained that the Revised Ordinances of 2020 be amended as follows; Amend Section 2.24.080 of Fire Fighters Salary Schedule (see attached).

Attachments:

[Fire Salary Info](#)

[551-21](#)

Committee Report: Rules & Ordinance Paper # 464-19 - Order: That the City Council review and evaluate Section 2.30 of its ordinances known as "Community Preservation Committee, Composition: Duties, etc." (See attached proposed amendments).

Attachments:

[CPC Ord. Proposed Amendment Winslow](#)

[558-21](#)

Committee Report: Rules & Ordinance - Papers # 543-21 Order: That the following position be given special municipal employee status: Person who holds this position works periodically providing assistance to the Inspectional Services Department on an on-call/as-needed basis as a non-benefited, non-regular employee, and must meet one of the following criteria: (1) is not paid; (2) is part-time allowing the person the flexibility to work at another job during normal working hours if the person chooses; or (3) has not been paid by the City of Malden for more than 800 working hours during the preceding 365 days.

[566-21](#)

Committee Report: Rules & Ordinance Paper # 405-21 Order: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by adding Section 12.12.300 Site Plan Review; (See Attached).

Attachments: [12.12.300 SITE PLAN REVIEW OTHER v5. 11.30.2021](#)

[559-21](#)

Committee Report: License - Petitions - The following petitions have been recommended favorably by the License Committee:

Paper # 510-21 Petition - Class I - Absolute Auto Rental & Sales, Inc., 495 Broadway, Malden, MA renewal.

Paper # 511-21 Petition - **Class I (changed from Class II)** - Smart Buy Auto Group d/b/a Smart Buy, USA, 616 Broadway, Malden, MA 26 vehicles renewal.

Paper # 521-21 Petition - Class II - Richards MotorCars, Inc., 672 Broadway, Malden, MA 80 vehicles renewal.

Paper # 522-21 Petition - Class II - Auto Bazaar Corporation, 17 Charles Street, Malden, MA 21 vehicles renewal.

Paper # 525-21 Petition - Class II - Sica's Automotive, Inc., 1114 Eastern Ave., Malden, MA 2 vehicles renewal.

Paper # 527-21 Petition - Class II - Prestige Motors of Malden, 600 Broadway, Malden, MA 67 vehicles renewal.

Paper # 528-21 - Petition - Class II - Andy's Service Ctr, IUnc., 356 Lebanon St., Malden, MA 3 vehicles renewal.

Paper # 532-21 - Amusement Machines - Pearl St. Station (Alben, Inc.), 53 Summer St., Malden, MA 2 machines renewal,

Paper # 533-21 Petition - Extended Hours - Honey Dew Donuts, 691 Eastern Ave., Malden, MA 5 a.m. to 7:00 p.m. 7 days/week - renewal.

Paper # 534-21 - Lodging House - Top Tier Properties, LLC, 33 Maple St., Malden, MA - 44 units.

[560-21](#)

Committee Report: Personnel/Appointments (Paper #474-21 Ordered: That Mayoral re-appointment: Council confirmation of Mary Hampton, 29 Beachview Terrace, Malden, MA as a member of the Historical Commission, said term to expire November 1, 2024.

[561-21](#)

Committee Report: Personnel/Appointments (Paper #472-21 Ordered: That Mayoral appointment: Council confirmation of Tovah Miller, 46 Converse Avenue #3, Malden, MA to the Disability Commission said term to commence upon confirmation by the City Council, and to expire March 15, 2024. Tovah will fulfill the unexpired term of Lauren Schipper who recently resigned due to relocating out of Malden.)

[562-21](#)

Committee Report: Personnel/Appointments (Paper #519-21 Ordered: That Mayoral re-appointment: Council confirmation of Eric Rubin, 5 Sullivan Circle, Stoneham, MA as Director of Public Facilities, said term to expire December 31, 2024.)

[563-21](#)

Committee Report: Personnel/Appointments (Paper #473-21 Ordered: That Mayoral re-appointment: Council confirmation of Paul Buckley, 115 Emerald Street, Malden, MA as a member of the Conservation Commission, said term to expire on

October 1, 2023.)

[564-21](#)

Committee Report: Public Property (Paper #415-21 Petition: Cellco Partnership d/b/a Verizon Installation of necessary telecommunication equipment and corresponding aerial fiber optic cable on National Grid owned Utility Poles; Verizon also to install antennae and appurtenant equipment and aerial fiber route; to collocate small wireless facilities (also referred to as "small cells" on existing wooden utility poles located within the public right of way at the following location: 1038 Salem Street with the following conditions; that equipment not be installed on any poles or adjacent to double poles until National Grid replaces them and these installations do not include mechanical cooling devices.

[565-21](#)

Committee Report: Finance (Paper #535-21 Ordered: That the sum of Five Hundred Twelve Thousand One Hundred Sixty Dollars (\$512,160) be and the same is hereby transferred from Salary Reserve (0010-996-5110) to Fire Fighters Salaries (0010-220-5120).

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

[416-21](#)

The committee will review and discuss letter submitted by Hans Eysenbach, Attorney for ExteNet RE: Request to Reconsider Recommended Denial of Attachment Authorization Request by ExteNet Systems, Inc. for the Utility Pole Adjacent to 71 Plainfield Avenue.

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

GREGORY LUCEY, CITY CLERK