



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Agenda - Final City Council

Council President Craig Spadafora
Councillor at Large Karen Colon-Hayes
Councillor Paul Condon
Councillor Peg Crowe
Councillor Amanda Linehan
Councillor at Large Carey McDonald
Councillor Barbara Murphy
Councillor Ryan O'Malley
Councillor Jadeane Sica
Councillor Chris Simonelli
Councillor Stephen Winslow

Tuesday, May 24, 2022

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

Asian Voices of Organized Youth for Community Empowerment (A-VOYCE) will appear before the Council to present their recent survey with local youth on transportation and the Malden Transit Action Plan.

Board of Health Addictions Recovery Resource Specialist Paul Hammersley will appear before the Council to discuss new resources available in the areas of addiction, recovery, and mental health.

5. PUBLIC COMMENT

6. APPROVAL OF MINUTES

[249-22](#) Minutes of the meeting of May 10, 2022

[250-22](#) Minutes of the meeting of May 17, 2022

7. APPOINTMENTS & ELECTIONS

[251-22](#) Mayoral Re-appointment: Kevin Alkins of 10 Hillside Road, Tewksbury as Inspector

of Animals. Said term to expire April 30, 2023.

Confirmation not required

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

Public Hearings on National Grid Petitions

[252-22](#)

Petition: National Grid, 1101 Turnpike Street, North Andover, MA, Plan #30511632 Main Street - National Grid to install beginning at a point approximately 60 feet northwest of the centerline of the intersection of Main Street and Cross Street and continuing approximately 35 feet in a north direction. Install (1) Handhole over and existing duct. Install 1 - 3" secondary duct approximately 35 ft. towards 116 Main Street off proposed handhole.

Sponsors:

Peg Crowe

Attachments:

[Petition Main Street #30511632](#)

[253-22](#)

Petition: National Grid, 1101 Turnpike Street, North Andover, MA, Plan #30543076 Commercial Street - National Grid to install beginning at a point approximately 350 feet southwest of the centerline of the intersection of Commercial Street and Centre Street and continuing approximately 80 feet in a southeast direction. Install 2-4" Primary Duct approximately 80 feet southeast from existing Pole #3 on sidewalk towards 0 Commercial Street for the purpose of serving the customer with electric service.

Sponsors:

Peg Crowe

Attachments:

[Petition Commercial Street #30543076](#)

[254-22](#)

Petition: Lodging House License, Mitoan, LLC of 52 Maple Street, 8 units, renewal

Sponsors:

Jadeane Sica

9. MOTIONS, ORDERS AND RESOLUTIONS

[255-22](#)

Order: That the Malden City Council evaluate and make changes, if necessary, to the Municipal Code of Malden (MCC) Title 6, Chapter 08, Section 100 (b) (3) which states, that the area controlled by the, business is of sufficient size to allow a. storage or display of no fewer than 15 cars in paved, lined and numbered spaces no smaller than 10'X20', and b. employee and customer parking of no fewer than 3 spaces, provided that one additional employee/customer parking space shall be required for each additional 20 spaces of for storage or display. All spaces shall be clearly lined, numbered and designated in yellow traffic paint as storage/display or employee/customer parking.

Sponsors:

Jadeane Sica

256-22

Resolve: That the Malden City Council supports the acquisition of a parcel on Woodland Street in Ward 6 for conservation and to moderate storm water run-off.

Sponsors:

Craig Spadafora and Steven Winslow

257-22

Resolve: That we, the Malden City Council, stand in solidarity with app-based workers and uphold their rights to fair wages and workplace protections, and formally urge the Massachusetts Legislature to oppose H.1234 and the proposed 2022 ballot initiative that would ask voters to grant ride-hail and food-delivery companies special exemptions from Massachusetts labor, civil rights, and consumer protection laws.

WHEREAS, In 2019, the California legislature passed AB5, a simple test for determining who is an employee and who is an independent contractor, which determined that Uber and Lyft ride-hail drivers, DoorDash, Instacart, and Postmates food-delivery workers are employees; and

WHEREAS, App-based companies such as Uber, Lyft, and DoorDash responded by spending \$224 million on Proposition 22, a ballot initiative meant to exclude ride-hail and food-delivery app-based workers from employee rights under state law, including the right to a minimum wage, time-and-a-half for overtime, expenses reimbursement, and benefits such as unemployment compensation and state workers' compensation; and

WHEREAS, California Superior Court Judge Frank Roesch found that the ballot initiative infringed on the power explicitly granted to the California Legislature to regulate workers' compensation and was therefore unconstitutional and unenforceable; and

WHEREAS, In 2020, Uber's CEO stated that "Going forward, you'll see us more loudly advocating for laws like Prop 22," and other Big Tech CEOs have joined them in their promise to bring laws that depress wages, violate civil rights, and put consumers at risk to states across the country; and

WHEREAS, Massachusetts Attorney General Maura Healey is suing Uber and Lyft for failing to follow Massachusetts law by misclassifying employees as independent contractors; and

WHEREAS, In an attempt to escape these violations and avoid paying into Social Security, avoid paying taxes, and harm workers and consumers; the companies are slated to spend \$100 million in support of House Bill 1234 and a 2022 state ballot referendum question asking Massachusetts legislators and voters to grant them special exemptions from our labor, civil rights, and consumer protection laws; and

WHEREAS, H.1234, sponsored by Big Tech, exempts these "gig economy" businesses from paying into Social Security and unemployment, costing Massachusetts taxpayers hundreds of millions of dollars, weakening these programs for everyone, and shielding these businesses from liability and financial responsibility if customers or members of the public are injured; and

WHEREAS, According to a study by the University of California Berkeley Labor Center, under the proposed state ballot initiative, Massachusetts drivers may make as little as \$4.82 per hour, while those who qualify for a health care stipend may earn as little as \$6.74 per hour, which is significantly less than the Massachusetts minimum wage and roughly one-third of the required minimum pay for drivers under New York City and Seattle industry-specific pay standards; and

WHEREAS, H.1234, if passed, would create a permanent underclass of low-wage, mostly Black, Brown, and immigrant workers by allowing these companies to pay their workers less than minimum wage and provide few if any, benefits; and

WHEREAS, At a moment of racial reckoning in our country, the bill would exclude app-based workers from the robust protections against racial discrimination and sexual harassment under the Massachusetts Civil Rights Act, MGL c. 151B; and according to many leading voices, passing this bill would be among the biggest steps backward in the fight for equity and opportunity at work since the passage of the 1964 Civil Right Act; and

WHEREAS, The Malden City Council has a responsibility to prioritize workers over corporate profits, protect consumers, and oppose any measure that would facilitate wage theft and undermine the rights and benefits of the working-class people who keep our city running;

NOW, THEREFORE BE IT RESOLVED:

That the Malden City Council joins other city councils across the Greater Boston region, workers, consumers, community members, faith organizations, environmental and racial justice advocates, labor rights, civil rights, and union organizers to urge the Massachusetts Legislature to oppose House Bill 1234 and the proposed 2022 state ballot initiative;

AND BE IT FURTHER RESOLVED:

That the City Clerk of the City of Malden is respectfully requested to transmit a suitably attested copy of this Resolution to the Chairs and Vice-Chairs of the Joint Committee on Financial Services, the Senate President, the Speaker of the House, the presenters of the proposed legislation Representatives Mark J. Cusack and Carlos González, and the local legislators to the General Court.

Sponsors:

Amanda Linehan, Karen Colon Hayes, Carey McDonald and Steven Winslow

10. COMMUNICATIONS

258-22

Communication: Letter from the Historical Commission to the Malden City Council requesting approval of the relocation of the building located at 15 Ferry Street to Malden High School, 77 Salem Street, before the Demolition Delay Period expires on May 31, 2022.

Sponsors:

Craig Spadafora

Attachments: [MHC to CC 5.19.22 re 15 Ferry](#)
[15 Ferry Relocation Plans 6.21](#)
[BCA Report 15 Ferry Street 4.21](#)
[SIE Report 15 Ferry 12.20](#)
[MAL.491 15 Ferry](#)

12. COMMITTEE REPORTS

[259-22](#) Committee Report: License Petitions, Papers 209-22, 230-22, 231-22, 232-22, 233-22, 234-22 The Standing Committee on License to whom was referred the following papers having considered the same, make the following report that these papers be reported out favorably to the Full City Council.

Sponsors: Jadeane Sica

[209-22](#) Petition: Second Hand Dealer, Cash King, LLC, 41 Lebanon Street, renewal

Sponsors: Jadeane Sica

[230-22](#) Petition: Open Air Parking Lot, Rigano's Inc. of 1152 Eastern Avenue, 10 spaces, renewal

Sponsors: Jadeane Sica

[231-22](#) Petition: Open Air Parking Lot, Rigano's Inc. of 1176 Eastern Avenue, 15 spaces, renewal

Sponsors: Jadeane Sica

[232-22](#) Petition: Open Air Parking Lot, Rigano's Inc. of 1081 Fellsway, 20 spaces, renewal

Sponsors: Jadeane Sica

[233-22](#) Petition: Open Air Parking Lot, Emmanuel Baptist Church, 20 Madison Street 27 spaces, renewal

Sponsors: Jadeane Sica

[234-22](#) Petition: Second Hand Dealer or Pawnbroker, Great Eastern Vintage, 258 Highland Avenue, Second Hand Dealer, renewal

Sponsors: Jadeane Sica

[260-22](#) Committee Report: License Petition, Paper 500-21
The Standing Committee on License to whom was referred the following paper having considered the same, make the following report that this paper be reported out favorably to the Full City Council, as amended to allow 15 instead of 19 vehicles.

Sponsors: Jadeane Sica

[500-21](#) Petition: Class II - Nick's Foreign Car Center, 121 Beach Street, Malden, MA - 19 vehicles - renewal (Name Change from Linden Automotive to Nick's Foreign Car Center) New Owner.

Sponsors: Paul Condon

[261-22](#) Committee Report: Finance, Paper 210-22 The Standing Committee on Finance to

whom was referred the following paper having considered the same, make the following report that this paper be reported out favorably to the Full City Council.

Sponsors:

Barbara Murphy

210-22

Order: That the appropriation enumerated below, being in the amount of \$25,000 (Twenty-Five Thousand Dollars), be appropriated from the Community Preservation Act Fund for the following project:

Spot Pond Brook Greenway Phase II

25% Design Project: \$25,000 from General Fund

Sponsors:

Barbara Murphy

Attachments:

[Mayor's Letter of Submission of Spot Pond Greenway](#)

[Spot Pond Brook Greenway Recommendation Letter 2022.04.12](#)

13. TABLED PAPERS

138-22

Resolve: That the City of Malden City Council establish "The Malden Youth Council" Ad Hoc Committee with three (3) City Councillors as voting members assigned by the Council President; to provide an opportunity for the youth of Malden and foster civic engagement and an opportunity to be involved and participate in local government to acquire a greater knowledge of and appreciation for local government through active participation in the system.

Sponsors:

Karen Colon Hayes, Amanda Linehan and Carey McDonald

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

GREGORY LUCEY, CITY CLERK