



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - 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

Tuesday, September 22, 2020

7:00 PM

REMOTE MEETING

273-20

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 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-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:

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Or iPhone one-tap :

US: +19294362866,,95022791427#,,,,,0#,669484#
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Webinar ID: 950 2279 1427

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International numbers available: <https://zoom.us/j/abJaypqnmi>

1. CALL TO ORDER

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

3. ROLL CALL

Present - Councillors: 11 - Neal Anderson, David Camell, Paul Condon, Peg Crowe, Deborah DeMaria, Amanda Linehan, Barbara Murphy, Ryan O'Malley, Jadeane Sica, Craig Spadafora and Stephen Winslow

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

Chris Webb the Board of Health Director will appear before the Council with COVID updates and to give information on the importance and availability of flu vaccinations.

Director Webb was unable to attend because of an illness.

5. PUBLIC COMMENT

There were 15 emails/letters read into the record. All 15 correspondences were regarding paper #281-20 on the docket.

6. APPROVAL OF MINUTES

[274-20](#)

Minutes of the Meeting of September 15, 2020.

A motion was made by Councillor DeMaria, seconded by Councillor Condon, that the Council Minutes be approved. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[275-20](#)

Minutes of the Meeting of September 8, 2020.

A motion was made by Councillor DeMaria, seconded by Councillor Condon, that the Council Minutes be approved. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

7. APPOINTMENTS & ELECTIONS**8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES****PUBLIC HEARING**[276-20](#)

Petition: Comcast - Grant of Locations for new underground conduit system at the following addresses and related manhole covers:

28 Lebanon Street

417-429 Main Street

Commercial Street (Exchange Street manhole cover)

Main Street (384-390 Main Street)/Exchange Street/Pleasant Street/Middlesex Street

Sponsors: Barbara Murphy

Comcast had 4 petitions under Paper #276-20

Dave Flewelling, 9 Forbes Road, Woburn MA was the representative for Comcast on all 4 petitions. Comcast reached out to the ward councillors of each project and Councillor O'Malley met the Comcast representative at several locations to walk the site. Comcast agreed to besides the standard conditions to provide curb to curb repairs and add trees when possible.

1) 28 Lebanon Street- Councillor Winslow made a motion to approve with conditions, Councillor Anderson seconded the motion. There were no speakers for or in opposition of the petition. The following roll call vote was taken:

*(Y) Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Spadafora, Winslow, Sica
petition was granted 11-0*

2) 417-429 Main Street- this work is part of the bigger downtown project. Comcast agreed to dig trenches while the construction was taking place to save trees. Councillor O'Malley was the only person speaking in favor of the petition at the hearing, there were no speakers in opposition. Councillor O'Malley moved to grant with conditions, Councillor Winslow seconded the motion. the following vote was taken by roll call vote:

*(Y) Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Spadafora, Winslow, Sica
petition was granted 11-0*

3) 384-390 Main Street/Exchange Street/Pleasant Street/Middlesex Street- Comcast agreed to replace any tree that dies at the site because of the construction. Councillor O'Malley was the lone speaker to speak in favor at the hearing there were no speakers in opposition. Councillor O'Malley made a motion to grant with conditions, Councillor Spadafora seconded the motion, the following vote was taken by roll call:

*(Y) Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Spadafora, Winslow, Sica
petition was granted 11-0*

4) Commercial Street (Exchange Street manhole cover)- Councillor Winslow added as a condition with the standard conditions, that any crosswalk/stripping/traffic assistance devices that are damaged that Comcast repair. Councillor O'Malley was the lone speaker to speak in favor of the petition at the hearing there were no speakers in opposition. Councillor O'Malley moved to grant with conditions, Councillor Condon seconded the motion. The following roll call vote was taken:

(Y) Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Spadafora, Winslow, Sica.

Petition was granted 11-0

A motion was made by Councillor O'Malley, seconded by Councillor Anderson, that the Petitions be granted with conditions. The motion carried by the following vote:

All 4 Petitions under paper #276-20 were granted with conditions.

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[285-20](#)

Class II: GP Motorcycle Supply, 420 Broadway, Malden, 4 motorcycles (New)

Sponsors: Barbara Murphy

A motion was made by Councillor Murphy, seconded by Councillor Condon, that the Petition be referred to the License Committee. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[286-20](#)

Second-Hand Dealer: AM Design Jewelry, 664 Salem St., Malden (Renewal)

Sponsors: Barbara Murphy

A motion was made by Councillor Murphy, seconded by Councillor Condon, that the Petition be referred to the License Committee. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

9. MOTIONS, ORDERS AND RESOLUTIONS

[277-20](#)

Resolve: The Community Preservation Committee, Conservation Committee, Assessor, and the Mayor work to identify and secure maximum funding to purchase the acquisition of additional park land; expansion of recreational facilities; addition of passive community green space expansion as a way to advance environmental and economic benefits toward a carbon neutral economy.

Sponsors: Craig Spadafora

Councillor Linehan made a motion to delete "low carbon economy" and replace it with "carbon neutral economy".

A motion was made by Councillor Linehan, seconded by Councillor Camell, that the Resolution be amended. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

Councillor Spadafora made a motion the Assessor be added along with the CPC, Conservation Committee and the Mayor.

A motion was made by Councillor Spadafora, seconded by Councillor DeMaria, that the Resolution be amended. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

A motion was made by Councillor Spadafora, seconded by Councillor DeMaria, that the Resolution be passed as amended. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

278-20

Resolve: That the City of Malden formally recognizes the challenges of Climate Change and develop and implement a climate Action plan and Climate Adaption plan. Setting the goal of reducing Greenhouse Gas Emissions by 50% from 2020 to 2050. Climate Assessments: and goal of the City of Malden that all electricity consumed in the City will come from renewable energy sources by the year 2040 and that 100% of all thermal energy and energy used for transportation come from renewable energy sources by the year 2050. This goal will apply to the entire Malden Community, not just municipal government operations.

Sponsors: Craig Spadafora

There was a discussion around is reducing the Greenhouse Gas Emissions by 50% the correct target. The council decided to pass the Resolve as is and send a copy of the Resolve to the Energy Efficiency Committee.

A motion was made by Councillor Spadafora, seconded by Councillor Anderson, that the Resolution be passed. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

279-20

Order: Be it hereby Ordained that Section 2.20.030, 2.20.040, 2.20.050 and 2.20.060, of Chapter 2 of the R.O. of 2020 be amended relative to the Officers, Specialists, Clerks, and Unclassified Employees Salary Schedules; and that the sum of \$204,161.05 be transferred from Salary Reserve (0010-996-5110) to the following accounts:

Assessor Salaries:	\$8,894.07
Cemetery Salaries:	\$3,807.90
City Clerk Salaries:	\$8,133.04
Controller Salaries:	\$9,239.45
Engineering Salaries:	\$7,403.86
Fire Salaries:	\$6,442.22
BOH Salaries:	\$13,094.02
HR :	\$7,195.12
Inspectional Services	\$17,211.48
Info Tech Salaries:	\$10,618.96
Legal Salaries:	\$6,838.88
Legislative Salaries:	\$7,695.50
Library Salaries:	\$6,031.88
Mayor Salaries:	\$10,097.95
Parking Salaries:	\$5,699.75
Police Salaries:	\$14,294.75
Facilities Salaries:	\$22,771.10
Public Works Salaries:	\$7,808.42
Recreation Salaries:	\$3,909.81
Senior Ctr Salaries:	\$4,987.29
Teen Ctr Salaries:	\$3,428.48
Traffic Salaries:	\$1,341.63
Treasurer Salaries:	\$14,395.04
Veterans Salaries:	\$2,820.45

Sponsors: Craig Spadafora

A motion was made by Councillor Camell, seconded by Councillor Spadafora, that the Order be referred to a joint meeting with the Finance and Rules & Ordinance Committee. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

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 January 1, 2020, 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 - \$100 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

A motion was made by Councillor Winslow, seconded by Councillor Murphy, that the Order be referred to the Rules & Ordinance Committee. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[281-20](#)

Order: That the Malden Redevelopment Authority apply to the US Department of Housing and Urban Development for a \$1,200,000 Section 108 loan to renovate Roosevelt Park, 529 Salem Street, a public property in the City of Malden.

Sponsors: David Camell

A motion was made by Councillor Camell, seconded by Councillor Condon, that the Order be referred to the Finance Committee. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

Nay: 1 - DeMaria

[259-20](#)

Order: Be it hereby ordained that the Revised Ordinances of 2020 be amended to allow accessory dwelling units (a.k.a. in-law suites or granny flats).

Sponsors: Amanda Linehan

This paper was referred to the Rules and Ordinance Committee at the September 8, 2020 Council Meeting. It should have been referred to a joint meeting with the Planning Board. The paper was added to the docket to get the paper referred correctly.

Councillor Linehan the sponsor of the paper is fine with the process.

A motion was made by Councillor Spadafora, seconded by Councillor Camell, that the Order be referred to a joint Ordinance/Planning Board meeting. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, Sica, Spadafora and Winslow

Nay: 1 - O'Malley

[261-20](#)

Order: Be it hereby ordained that the following Proposed Ordinance Amendments be enrolled and ordained by the City Council.

Section 12.12.030:

Be it ordained that the Table of Use Regulations, Section 12.12.030, of the Revised Ordinances of 2020 be amended by establishing a new use category for short term rentals.

Section 12.32.060:

Be it ordained that Section 12.32.060 of the Revised Ordinances of 2020 be amended by adding the definition for Short Term Rental.

Be it ordained that Section 12.32.060 of the Revised Ordinances of 2020 be amended by changing the definition of Family.

Be it ordained that Section 12.32.060 of the Revised Ordinances of 2020 be amended by changing the definition of Rooming House.

Sponsors: Craig Spadafora

Paper 261-20 was referred to Rules and Ordinance at the September 8, 2020 City Council Meeting. The paper should have been referred to a joint Rules & Ordinance /Planning Board meeting. The paper was put back on the docket to get referred correctly.

A motion was made by Councillor Spadafora, seconded by Councillor Camell, that the Order be referred to a joint Rules & Ordinance/Planning Board meeting. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, Sica, Spadafora and Winslow

Nay: 1 - O'Malley

10. COMMUNICATIONS

[282-20](#)

Mayor's Update on the UniteMalden 2020 Initiative.

This Communication was received and filed

[287-20](#)

Mayor's Communication regarding Covid 19 Small Business and Rental Assistance Programs.

This Communication was received and filed

12. COMMITTEE REPORTS

[283-20](#)

Committee Report: Finance (Paper #265-20) Order that the sum of One Million Two Hundred Thousand Dollars (\$1,200,000) is appropriated from available general fund free cash for the purchase of covered trash and recycling toters for all eligible households in the City of Malden as determined by City of Malden ordinances.

Sponsors: David Camell

A motion was made by Councillor Camell, seconded by Councillor Murphy, that the Committee Report be received and filed. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[265-20](#)

Order: That the sum of One Million Two Hundred Thousand Dollars (\$1,200,000) is appropriated from available general fund free cash for the purchase of covered trash and recycling toters for all eligible households in the City of Malden as determined by City of Malden ordinances.

Sponsors: David Camell

The free cash that was paying for the barrels had not been certified by the state at the time of this meeting.

A motion was made by Councillor Camell, seconded by Councillor Murphy, that the Order be tabled. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[284-20](#)

Committee Report: Finance (Paper#257-20) Order: That the sum of One Hundred Thirty Two Thousand One Hundred Forty Nine Dollars and Fifty Cents (\$132,149.50) be and the same is hereby appropriated from the TNC Surcharge Municipal Distribution Account to cover the following expenses: Road milling and paving, utility structure adjustments, pedestrian signal upgrades, wheelchair ramp upgrades and new crosswalk line striping with thermoplastic at the intersection of Highland Ave. and Medford Street.

Sponsors: David Camell

A motion was made by Councillor Camell, seconded by Councillor Condon, that the Committee Report be received and filed. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[257-20](#)

Order: That the sum of One Hundred Thirty Two Thousand One Hundred Forty Nine Dollars and Fifty Cents (\$132,149.50) be and the same is hereby appropriated from the TNC Surcharge Municipal Distribution

Account to cover the following expenses:

Road milling and paving, utility structure adjustments, pedestrian signal upgrades, wheelchair ramp upgrades, and new crosswalk line striping with thermoplastic at the intersection of Highland Ave. and Medford Street.

Sponsors: David Camell

A motion was made by Councillor Spadafora, seconded by Councillor Condon, that the Order be adopted. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

13. TABLED PAPERS

14. PERSONAL PRIVILEGE

Councillor O'Malley requested and received a moment of silence for Justice Ruth Bader Ginsberg.

15. ADJOURNMENT

A motion was made by Councillor David Camell, seconded by Councillor Paul Condon, that this meeting be adjourned. The motion carried by the following vote:

The meeting adjourned at 9:28 PM

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

GREGORY LUCEY, CITY CLERK