



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, December 21, 2021

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

572-21

Members of the public who wish to attend virtually and participate remotely may do so using the following information:

Please click the link below to join the webinar:

<https://cityofmalden.zoom.us/j/97890778111?pwd=ZWJSSGRUMzM2UFVqallKVmc5UUplQT09>

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1. CALL TO ORDER

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

3. ROLL CALL

Councillors O'Malley and Linehan participated by zoom, all votes were taken by roll call vote.

Also in attendance was Assistant City Solicitor Alicia McNeil.

The meeting began at 7:17 P.M.

Council President Anderson requested a moment of silence for two long time residents,

Marie Pinette and Kathleen O'Brien.

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

[573-21](#)

Malden Arts will present the Covid Memorial upcoming plans.

Sponsors: Deborah DeMaria

Malden Arts members Ari Taylor, Candace Julyan, Naomi Brave gave a presentation on the work being done on the Covid memorial that will be completed in the spring of 2022. There will be a bench, sculpture and mural at a space on Franklin Street that is currently a blighted area.

5. PUBLIC COMMENT

Comments must be limited to 2 minutes per speaker and must be pertaining to only what is docketed on the evening's City Council Agenda.

6. APPROVAL OF MINUTES

[574-21](#)

Minutes of the Meeting of November 23, 2021.

A motion was made by Councillor Condon, seconded by Councillor Winslow, 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

[575-21](#)

Minutes of the Meeting of November 30, 2021.

A motion was made by Councillor Condon, seconded by Councillor Winslow, 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

[576-21](#)

Minutes of the Meeting of December 7, 2021.

A motion was made by Councillor Condon, seconded by Councillor Winslow, 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

[577-21](#)

Minutes of the Meeting of December 14, 2021.

A motion was made by Councillor Condon, seconded by Councillor Winslow, 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**[578-21](#)

Petition: Livery - Linda Dellolacono, 259 Mountain Ave., Malden, MA - 1 vehicle.

Sponsors: Paul Condon

A motion was made 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

[579-21](#)

Petition: Class II - Rigano's Towing Service, 1081 Fellsway, 20 - renewal.

Sponsors: Paul Condon

A motion was made 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

[580-21](#)

Petition: Livery - Arko Group, LLC, 150 Sylvan Street, Malden, MA - 3 vehicles - renewal.

Sponsors: Paul Condon

A motion was made 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[581-21](#)

Order: To remove 5G Antenna on Utility Pole 2452; adjacent to 37-39 Willard Street, Malden, MA.

Sponsors: Craig Spadafora

Councillor Spadafora, the sponsor of the paper spoke on the reasons for the paper. Councillor Spadafora was originally going to request that the paper get referred to Public Properties to be discussed but decided after learning Verizon never pulled an electrical permit for the pole from Building Commissioner Miller that he was looking for a vote on the floor. He further stated that it has been a journey with discussions that he had with John Weaver and a Verizon representative with no satisfaction. Councillor Spadafora 's request to move the equipment to another pole, because the equipment was too close to the residents at 37-39 Willard Street. Councillor Spadafora continued that the petition was tabled at the first meeting and when the petition came back months later no notice was sent to the residents at 37-39 Willard Street.

Councillor Camell seconded the motion and thanked Councillor Spadafora for all the work he put into the issue. Councillor Camell said he had spoke against the petition at the first hearing and just lost sight of it because the petitions come in as bunches. Councillor

Camell asked the Council to help us correct the error and approve the paper, Councillor Camell said he would not want the equipment so close to his home either. Councillor Camell requested he get added as a sponsor of the paper.

Councillor Winslow said this is right on the line and Councillor Spadafora had previously asked the antennae be banned in residential neighborhoods. Legal said we couldn't do that so we went back and rewrote the ordinance. Councillor Winslow asked Asst City Solicitor McNeil for an opinion.

Assistant City Solicitor McNeil said the information she was hearing in the discussion had not been known to her so she would need to digest the discussion before giving an opinion.

Councillor Murphy spoke in favor of the paper by saying we need to protect our residents.

Councillor Spadafora stated the law is on their side but his request is for them to find a new location for the equipment. Because they did not pull and electrical permit he wants the equipment pulled off the pole.

Councillor O'Malley spoke in favor of the paper.

The resident at 39 Willard Street, Joseph Dauenhauer was allowed to address the council. Mr. Dauenhauer stated he was looking for compassion from the council and his family feels unsafe because of the closeness of the antennae to his daughter's bedroom.

A motion was made by Councillor Spadafora, seconded by Councillor Camell, 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

[582-21](#)

Order: Be it hereby ordained that the City of Malden Revised Ordinances of 2020 Section 11.24.020 SITING AND INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT be amended by adding the following additional language; (see attached).

Sponsors: Craig Spadafora

Attachments: [5g updated ord. dec 21](#)

A motion was made by Councillor Spadafora 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

[588-21](#)

Order: That the City Council designate the following location as the polling location for the Special District Election for the approval authorizing the borrowing of \$317,422,620 by the Regional District School Committee of the Northeast Metropolitan Regional Vocational School District to construct and equip a new Northeast Metropolitan Regional Vocational School and related athletic fields, located at 100 Hemlock Road in Wakefield to be held on January 25, 2022 from 11:00 A.M. to 6:00 P.M.

Senior Community Center Auditorium , 7 Washington Street - **All wards and**

precincts.

Sponsors: Neal Anderson

A motion was made by Councillor Spadafora, seconded by Councillor DeMaria, 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

10. COMMUNICATIONS

11. ENROLLED ORDINANCES

[464-19](#)

Order: That the City Council review and evaluate Section 2.30 of its ordinances known as "Community Preservation Committee, Composition: Duties, etc."

Sponsors: Deborah DeMaria, Craig Spadafora, Stephen Winslow, Peg Crowe and Ryan O'Malley

Attachments: [CPC Ord Winslow Proposed Amendments 10-13-2021](#)

Councillor Winslow had corrected the minutes from December 7th to reflect that the correct amended paper (11/23) as the final document being voted on. The attached paper to this agenda was from 10/13. Clerk Lucey said the correction had already been made and the final paper is from 11/23.

A motion was made by Councillor Crowe, seconded by Councillor DeMaria, that the Ordinance be ordained. The motion carried by the following vote:

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

12. COMMITTEE REPORTS

[583-21](#)

Committee Report: Rules & Ordinance - Paper # 452-21 - Order: Be it hereby ordained that the Revised Ordinances of 2020 Section 12.28.060 Obstructions be amended as follows, (see attached).

Attachments: [Attachment for Paper 452-21](#)

A motion was made by Councillor Spadafora 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

[452-21](#)

Order: Be it hereby ordained that the Revised Ordinances of 2020 Section 12.28.060 Obstructions be amended as follows, (See Attached).

Sponsors: Craig Spadafora

Attachments: [Proposed Ordin.Change.N.Miller](#)

Councillor Spadafora stated that Building Commissioner Nelson Miller has been working on this and it is a safety issue with corners having obstructed views. Because it is a zoning issue, Councillor Spadafora said it needs to be sent to a joint meeting with the Planning Board.

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

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

[584-21](#)

Committee Report: Rules & Ordinance - Paper # 549-21 - Order: Be it hereby ordained that the Revised Ordinances of 202 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

A motion was made by Councillor Spadafora 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

[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

A motion was made by Councillor Spadafora, seconded by Councillor Sica, that the Ordinance be enrolled to the City Council. The motion carried by the following vote:

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

After the paper was enrolled, Councillor Winslow made a motion to suspend council rules for the purpose of ordaining, the motion was seconded by Councillor Condon, it was so voted by roll call vote: 11-0, Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)

A motion was made by Councillor Winslow, seconded by Councillor Crowe, that the Ordinance be ordained. The motion carried by the following vote:

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

[585-21](#)

Committee Report: License - Petitions - The following papers have been recommended favorably by the License Committee to the full City Council.

Paper # 526-21 Class II - Top Cars Motor, 259 Main St., 35 vehicles renewal.

Paper # 529-21 Class II - Uni Auto Ctr., 369 Salem St., 20 vehicles renewal.

Paper # 523-21 - Class II - Quality Auto Sales, 856 Eastern Ave., 0 vehicles renewal.

Paper # 524-21 - Class II - Sega Auto Sales, 449 Ferry St., requested 26 denied; approved for 15 vehicles.

A motion was made 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

[526-21](#)

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

Sponsors: Paul Condon

A motion was made by Councillor Condon, seconded by Councillor Sica, that the Petition be granted. The motion carried by the following vote:

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

[523-21](#)

Petition: Class II - Quality Auto Sales, Inc., 856 Eastern Avenue, Malden, MA - 0 vehicles - renewal.

Sponsors: Paul Condon

A motion was made by Councillor Condon, seconded by Councillor Sica, that the Petition be granted. The motion carried by the following vote:

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

[529-21](#)

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

Sponsors: Paul Condon

A motion was made by Councillor Condon, seconded by Councillor Sica, that the Petition be granted. The motion carried by the following vote:

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

[524-21](#)

Petition: Class II - Sega Auto Sales & Service, Inc., 449 Ferry Street, Malden, MA - previously had license for 15 vehicles; **new application requests 26 vehicles (11 additional vehicles).**

Sponsors: Paul Condon

This application was submitted looking to go from 15 cars to 26. The License Committee voted to only grant the 15 vehicles which is the current license. The petitioner did not submit a plot plan to justify the 11 additional spaces. The compliance officers visited the site and there are not 26 spaces available. Councillor Crowe made a statement that the Council is not taking away any spaces, the petitioner was looking for 11 additional to the current license, the recommendation is to only grant the 15 vehicles on the current license which is what the Council approved.

A motion was made by Councillor Condon, seconded by Councillor Sica, that the

Petition be granted. The motion carried by the following vote:

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

[586-21](#)

Committee Report: Personnel/Appointments (Paper #553-21 Council
Re-Appointment: Sheila Fermano, 140 West Street, Malden, MA, as Municipal
Hearings Officer, term to expire December 21, 2024)

A motion was made by Councillor Crowe 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

[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

A motion was made by Councillor Crowe, seconded by Councillor Condon, that the Appointment be confirmed. 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[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

14. PERSONAL PRIVILEGE**15. ADJOURNMENT**

A motion was made by Councillor DeMaria, seconded by Councillor Camell, that the be adjourned. The motion carried by the following vote:

The meeting adjourned at 8:45 P.M.

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

GREGORY LUCEY, CITY CLERK