



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - 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, March 29, 2022

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

1. CALL TO ORDER

Council President Spadafora called the meeting to order at 7:04 P.M.

Also in attendance Asst. City Solicitor Zaheer Samee.

Present - Councillors: 10 - Barbara Murphy, Carey McDonald, Chris Simonelli, Jadeane Sica, Karen Colon Hayes, Ryan O'Malley, Stephen Winslow, Craig Spadafora, Peg Crowe and Paul Condon

Absent - Councillors: 1 - Amanda Linehan

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

3. ROLL CALL

Present - Councillors: 10 - Barbara Murphy, Carey McDonald, Chris Simonelli, Jadeane Sica, Karen Colon Hayes, Ryan O'Malley, Stephen Winslow, Craig Spadafora, Peg Crowe and Paul Condon

Absent - Councillors: 1 - Amanda Linehan

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. PUBLIC COMMENT

Ket Shaly, 571 Lynn Street signed up to speak when given the opportunity she stated that her group had sent an email to the clerk to be read.

There were 4 emails received all in support of Resolve #138-22 the creation of a youth council. The emails in support were from:

- 1) Kate Haskell, a Malden High School educator*
- 2) Ziyi (Billy) Zeng 103 Coleman Street*
- 3) Lisette Alvararado*

4) Malden Youth Civics Council Club

6. APPROVAL OF MINUTES

[125-22](#)

Minutes of the Meeting of March 22, 2022.

A motion was made by Councillor Sica, seconded by Councillor Condon, that the Council Minutes be approved. The motion carried by a unanimous vote.

[126-22](#)

Minutes of the Meeting of March 15, 2022.

A motion was made by Councillor Sica, seconded by Councillor Condon, that the Council Minutes be approved. The motion carried by a unanimous vote.

7. APPOINTMENTS & ELECTIONS

[127-22](#)

Mayoral Appointment: Nate Bae Kupel, 15 Village Court, Malden, MA to the Racial Equity Commission, said term to expire upon the Commission's presentation to the City Council of a final report which shall be delivered 18 months following the start of the work.

Sponsors: Chris Simonelli

A motion was made by Councillor Simonelli that the Appointment be placed on file. The motion carried by a unanimous vote.

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

PUBLIC HEARING CELLCO PARTNERSHIP D/B/A VERIZON

[148-22](#)

Petition: Cellco Partnership d/b/a Verizon - To collocate small wireless facilities (also referred to as "small cells" on existing wooden utility pole #2452 located within the public right of way at the following location:

1. 37-39 Willard Street

Council President Spadafora declared the public hearing open and asked if anyone would wish to speak in favor of the petition:

John Weaver, Attorney from McLaine Middleton, 300 Trade Center, Suite 7000, Woburn spoke in favor of the petition and stated that Verizon objects to the hearing.

There were no other speakers in favor of the petition. Council President Spadafora closed that part of the hearing. Council President Spadafora opened the hearing to anyone wishing to speak in opposition to the petition. The following people spoke in opposition:

- 1) Vincent Miraglia, 40 Willard Street
- 2) Claudia Visini, 39 Willard Street
- 3) Joseph Dauenhauer, 39 Willard Street
- 4) David Coughlin, speaking for his parents who live at 56 Gilbert Street
- 5) Marie Shea, 36 Willard Street

There were no other speakers in opposition

Councillor Winslow stated he would like to keep the hearing open until the peer reviewer

is able to weigh in with technical information, Councillor Winslow said the Council would be doing their due diligence to wait for that information. Councillor Winslow made a motion to table.

Councillor Sica said she is not in favor of tabling.

Assistant City Solicitor Zaheer Samee was allowed to speak and reminded the Council under the ordinance it can remove an antennae if it does not comply with the ordinance. Attorney Samee continued that he had asked Verizon to provide the original application which they had not and Attorney Samee said the application could be deficient to begin with, Attorney Samee stated there are 14 items for a complete application and a couple of items, The REF and affidavit could not be located.

Councillor Sica questioned that there are 2 poles on Willard Street with the same number (2452), this was brought out at the public hearing.

Councillor Winslow said there have been instances where the public hearing stayed open, we should do this for this petition until we get further information and hear from the peer reviewer. We need a complete application and the Council should read it.

Councillor Winslow stated his table motion:

Keep the Hearing on this matter open and to table the matter until such time that:

- 1) Verizon has provided the following information to the City's peer reviewer:
- A) Construction/Zoning Drawings for the proposed installation (specific for the subject address).
 - B) RF Safety Data Sheet (RFDS) for the proposed location.
 - C) RF Compliance Report for the proposed location (specific for the subject address).
- 2) The City's peer reviewer completes review of Verizon's application, supplemental materials and materials submitted during the course of this hearing to this time.

The city will notify residents in attendance of the availability of the peer reviewer's report and the date and time of the subsequent City Council meeting to continue the hearing.

A motion was made by Councillor O'Malley, seconded by Condon, that the Petition be tabled to the City Council. The motion carried by the following vote:

Yea: 6 - Murphy, McDonald, Colon Hayes, O'Malley, Winslow and Condon

Nay: 4 - Simonelli, Sica, Spadafora and Crowe

128-22

Petition: Extended Hours License: Speedway # 2504, 214 Broadway, Malden, MA - 24/7 - renewal.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

129-22

Petition: Livery License: Stephanie Licona, 205 Bryant Street, Malden, MA - 1 livery license - renewal.

Sponsors: Jadeane Sica

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

Yea: 10 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe and Condon

[130-22](#)

Petition: Second-Hand Dealer or Pawnbroker: AM Design Jewelry, 664 Salem Street, Malden, MA - Second-Hand Dealer - renewal.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[131-22](#)

Petition: Second-Hand Dealer or Pawnbroker: GameStop # 6263, 44 Broadway, Suite A-110, Malden, MA - Second-Hand Dealer License - renewal.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[132-22](#)

Petition: Second-Hand Dealer or Pawnbroker: Art Carl Jewelers & AC Loan, 56 Pleasant Street, Malden, MA - Pawnbroker License & Second Hand Dealer (2) licenses - renewal.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[133-22](#)

Petition: Amusement Machines: Laa Tiendaa, 45 Lebanon Street, Malden, MA - 3 machines, new.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[134-22](#)

Petition: PoolRoom-Billiard License: L & K Billiard Pool Hall, 94B Pleasant Street, Malden, MA - 7 tables renewal.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[135-22](#)

Petition: PoolRoom-Billard License: Loyal Order of the Moose, Lodge 1910, 562 Broadway, Malden, MA - 2 tables - renewal.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[136-22](#)

Petition: PoolRoom-Billard License: Club 24 Inc., 787 Salem Street, Malden, MA - 2 tables - renewal.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[137-22](#)

Petition: Open Air Parking Lot: Malden Middlesex Motor Sales, d.b.a.
Spadafora Auto, 35 Canal Street, Malden, MA 10 spaces - renewal.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

9. MOTIONS, ORDERS AND RESOLUTIONS

[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, Carey McDonald and Stephen Winslow

The sponsor of the Resolve, Councillor Colon-Hayes stated the Youth Council's comments on the paper in public comment says it all. Councillor Colon-Hayes said she is looking for the proper committee to send the paper too. Councillor O'Malley thanked Councillor Colon-Hayes for the Resolve and asked that he be added as sponsor. Councillor O'Malley suggested the Resolve could be sent to Ordinance. Councillor Winslow appreciates the paper and suggested the Council President could treat the committee making it a standing committee like Maplewood Square Committee.

Councillor Sica stated we have 29 committees already and asked would this committee be a duplication of other committees from other organizations.

Councillor Crowe said she agrees with Councillor Sica and that instead of creating another committee we have organizations that have hundreds of youths participating and we should signal to those groups the Council is there to listen to them.

Councillor Colon-Hayes said she expected push back and the Youth Council is not a formalized group and is club with only Malden High students. The whole idea is to engage youth with the council. This Resolve would be a new group and be looking for all of Malden youths to participate..

Councillor O'Malley stated the discussion tonight should be sent to a committee to be flushed out.

Councillor McDonald did not have a comment but asked where is the best committee to send it too.

Councillor Murphy stated she sees the value of young people but the Council has so much on their plate that we are not getting the job of being a councillor done, we need to focus on what we need to get done for our residents. The intentions are good for the Resolve but is just not a good time.

Councillor Sica suggested the Age Friendly Committee or Personnel Appointments but feels it is more a committee for the school committee.

Councillor Winslow said the Council should empower Councillor Colon-Hayes to come back with a proposal and it is very important for the youths of Malden to feel empowered.

Councillor Colon-Hayes stated the committee would be different than what Councillors Murphy and Sica envision and she totally understands the challenges of another committee but the committee would actually lessen the Council's work load.

Councillor Simonelli stated he echoes the sentiment of some of the Councillors but we have too many committees now,. Personnel Appointments is bogged down now with appointments, Councillor Simonelli made a motion to table

A motion was made by Councillor Simonelli, seconded by Councillor Condon, that the Resolution be tabled to the City Council. The motion carried by the following vote:

Yea: 8 - Murphy, McDonald, Simonelli, Sica, Winslow, Spadafora, Crowe and Condon

Nay: 2 - Colon Hayes and O'Malley

[139-22](#)

Order: That Two Hundred Fifty Thousand Dollars (\$250,000) is appropriated from available general fund free cash to fund Human Resources Professional Services.

Sponsors: Barbara Murphy

A motion was made by Councillor Murphy that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

[140-22](#)

Order: That One Million Dollars (\$1,000,000) is appropriated to pay costs of the Devir Park Revitalization Project, including the payment of all costs incidental and related thereto, and to meet this appropriation, the Treasurer, with approval of the Mayor is authorized to borrow said amount under M.G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the City therefor.

Sponsors: Barbara Murphy

A motion was made by Councillor Murphy that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

[141-22](#)

Order: That Four Hundred Forty-Five Thousand Dollars (\$445,000) is appropriated from available water sewer retained earnings to pay costs of designing, and replacing lead water service lines throughout the City, including the payment of all costs incidental and related thereto.

Sponsors: Barbara Murphy

A motion was made by Councillor Murphy that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

[142-22](#)

Order: That Three Million Dollars (\$3,000,000) is appropriated to pay costs of designing, and replacing lead water service lines throughout the City, including the payment of all costs incidental and related thereto, and to meet this appropriation,

the Treasurer, with approval of the Mayor is authorized to borrow said amount under M.G.L. c. 44, §8(5) or any other enabling authority, and to issue bonds or notes of the City therefor. All or any portion of this amount may be borrowed through the Massachusetts Water Resources Authority's Lead Service Line Replacement Program, and the Mayor and any other appropriate officials of the City are authorized to execute and deliver any agreements or other documents in connection therewith.

Sponsors: Barbara Murphy

Attachments: [Finance Handout 4522](#)

A motion was made by Councillor Murphy that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

[143-22](#)

Order: That Five Million Six Hundred Eighty-Three Thousand Two Hundred Dollars (\$5,683,200) is appropriated to pay costs of designing, reconstructing and constructing water mains, including the payment of all costs incidental and related thereto, and to meet this appropriation, the Treasurer, with approval of the Mayor is authorized to borrow said amount under M.G.L. c. 44, §8(5) or any other enabling authority, and to issue bonds or notes of the City therefor. All or any portion of this amount may be borrowed through the Massachusetts Water Resources Authority's Local Water System Assistance Program, and the Mayor and any other appropriate officials of the City are authorized to execute and deliver any agreements or other documents in connection therewith.

Sponsors: Barbara Murphy

A motion was made by Councillor Murphy that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

[144-22](#)

Order: That pursuant to Massachusetts General Laws Chapter 164, section 134, the City of Malden initiate a process to authorize appropriate department(s) to research, develop and participate in a contract, or contracts, to aggregate the electricity load in the City of Malden and for other related services, in consultation with the Department of Energy Resources, and to develop a plan for review by its citizens, detailing the process and consequences of aggregation.

Electrical Aggregation Program

Sponsors: Carey McDonald

Attachments: [Municipal electrical aggregation](#)

Councillor McDonald explained the paper and it was not to cut electric bills but getting a more stable rate. It will also make the community more environmentally conscience. There will be a public hearing and the paper gets the process started.

Councillor Winslow stated it is great to see this get started and Councillor O'Malley requested he be added as a cosponsor.

A motion was made by Councillor at Large McDonald that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

10. COMMUNICATIONS

11. ENROLLED ORDINANCES

[79-22](#)

Order: Be it hereby Ordained by the Malden City Council that Sections 4.24.050, 4.24.070, 4.24.080, 4.24.110, 4.24.120 and 4.24.180 of the Delay Before Demolition or Alteration Ordinance of Title 4.24, Code of the City of Malden, Chapter 4, of the City's Revised Ordinances of 2020 be amended as follows: (See attached).

Sponsors: Peg Crowe

Attachments: [Prop Rev DD MHC rec 9.20](#)
[20220224 4.24.010 INTENT AND PURPOSE](#)
[Ordinance Amendment Proposal Letter 2 2022](#)

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

Yea: 10 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe and Condon

[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](#)

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

Yea: 10 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe and Condon

[36-22](#)

Order: Be it hereby ordained that Title 1, Section 12 of the Code of the City of Malden be amended to the new ward/precinct boundaries submitted by the City Council to the Local Election District Review Commission and approved on December 10, 2021.

Sponsors: Ryan O'Malley

Attachments: [2021 Precinct boundaries](#)

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

Yea: 10 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe and Condon

12. COMMITTEE REPORTS

[145-22](#)

Committee Report: Public Property - Order: In compliance with the Court's Order by Justice Camille Sarrouf of February 7, 2022; this order of the City Council, will be

referred to the Public Property Committee for the review of 5G Antenna on Utility Pole 2452, adjacent to 37-39 Willard Street, Malden, MA; associated with (Paper 581-21) as amended: to receive and discuss an opinion from the City Solicitor's Office setting forth whether Verizon's application for a small cell tower on pole located near 37-39 Willard St substantially meets the technical requirements of the City small cell ordinance. To receive public comment on whether the application substantially meets the technical requirements of the City small cell ordinance or was otherwise not issued lawfully. To receive and discuss information by an independent peer reviewer with expertise in preparing radiation reports to FCC standards. For the City to review the opinion and public comment and make one of the following determinations: that the application did not substantially meet the technical requirements of the City's small cell ordinance and therefore was issued in error or that the application substantially meet the technical requirements of the City's small cell ordinance and therefore was issued in error.

COUNCILLOR WINSLOW FOR THE COMMITTEE

Prior to the Cellco public hearing (paper148-22) Council President Spadafora took this committee report out of order to be heard before the public hearing started. The Public Properties Committee Report was about the Cellco hearing and needed to be heard prior to the Cellco public hearing.

Public Properties Chair Winslow for the Committee said that the Legal Department does not make technical review of small cell applications. Councillor Winslow continued that while the committee does not have any specific recommendations the committee recommends that the Council does have the public hearing tonight and receive public comment, the application gets looked at by a peer reviewer. The application was looked at by a peer reviewer an we are waiting for the results. Councillor Winslow continued that the application was issued in error because of a technical requirement that the abutter of the pole, the residents at 37-39 Willard Street did not receive a public hearing notice.

Councillor O'Malley made a motion to place the Committee Report on File, the motion was seconded by Councillor Winslow, it was so voted 10-0: Colon-Hayes (y), Condon (y), Crowe (y), McDonald (y), Murphy (y), O'Malley (y), Sica (y), Simonelli (y), Winslow (y), Spadafora (y) . The Committee Report was placed on file.

This Committee Report was received and filed

[146-22](#)

Committee Report: License: Petitions (Paper #99-22, #100-22, #101-22, #115-22)
The committee after having been referred the following papers and after reviewing same recommend the petitions be granted.
99-22 Petition: Extended Hours - Supreme Food Mart, 1018 Eastern Avenue, Malden, MA 24/7 - renewal.
100-22 Petition: Taxi Cab Licenses - Malden Transportation, 292 Eastern Avenue, Malden, MA 9 Taxi Cab Licenses - renewals.
101-22 Petition: Lodging House License - BREC, LHP, LLC, 155 Clifton Street, Malden, MA 17 rooms - renewal.
115-22 - Petition: Class II - Rigano's Towing Service, 1152 Eastern Avenue, Malden, MA - new.

A motion was made by Councillor Sica that the Committee Report be received and filed. The motion carried by a unanimous vote.

99-22

Petition: Extended Hours - Supreme Food Mart, 1018 Eastern Avenue, Malden, MA - 7days/wk. 24 hrs./day. - renewal.

Sponsors: Jadeane Sica

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

100-22

Petition: Taxi Cab Licenses - Malden Transportation, 292 Eastern Avenue, Malden, MA - 9 Taxi Cab Licenses Renewals.

Sponsors: Jadeane Sica

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

101-22

Petition: Lodging House License - BREC, LHP, LLC, 155 Clifton Street, Malden, MA - 17 rooms - renewal.

Sponsors: Jadeane Sica

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

115-22

Petition: Class II - Rigano's Towing Service, 1152 Eastern Avenue, Malden, MA - New.

Sponsors: Stephen Winslow

Councillor Sica made a motion to be recused from voting because the applicant is a relative, the motion was seconded by Councillor Simonelli, it was so voted : Colon-Hayes (y), Condon (y), Crowe (y), McDonald (y), Murphy (y), O'Malley (y), Sica (y), Simonelli (y), Winslow (y), Spadafora (y)

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

Yea: 9 - Murphy, McDonald, Simonelli, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe and Condon

Recused: 1 - Sica

13. TABLED PAPERS**14. PERSONAL PRIVILEGE****15. ADJOURNMENT**

A motion was made by Councillor Crowe, seconded by Councillor Sica, that the meeting be adjourned. The motion carried by a unanimous vote.

The meeting adjourned at 9:23 P.M.

GREGORY LUCEY, CITY CLERK