



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, November 15, 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

5. PUBLIC COMMENT

6. APPROVAL OF MINUTES

[436-22](#)

Minutes of the meeting of November 1, 2022

7. APPOINTMENTS & ELECTIONS

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[437-22](#)

Petition: Amusement Machines - Lodge 1910 Loyal Order of the Moose of 562 Broadway, one (1) machine, renewal

[438-22](#)

Petition: Amusement Machines - Italian American War Vets, Post 16 of 40 Oakland Street, four (4) machines, renewal

[439-22](#)

Petition: Amusement Machines - Town Line Ten Pin Corp. dba Town Line Luxury Lanes of 665 Broadway, twenty-five (25) machines, renewal

[440-22](#)

Petition: Amusement Machines - GLS Associates, Inc. of 50 Holden Street, six (6)

machines, renewal

- [441-22](#) Petition: Class II license for AGM Auto Sales, Inc., of 160 Eastern Avenue, renewal, 24 cars
- [442-22](#) Petition: Class II license for Maxima Auto Sales, Corp., of 105 Broadway, renewal, 34 cars
- [443-22](#) Petition: Class II license for GP Motorcycle Supply of 420 Broadway, renewal, 4 motorcycles
- [444-22](#) Petition: Class II license for Broadway Auto Sales of 628 Broadway, renewal, 8 cars
- [445-22](#) Petition: Class II license for John's Service of 200 Beach Street, renewal, 15 cars
- [446-22](#) Petition: Class II license for Richard's Motorcars, Inc. of 672 Broadway, renewal, 80 cars
- [447-22](#) Petition: Class II license for River Auto Sales, Inc. of 77 Eastern Avenue, renewal, 21 cars
- [448-22](#) Petition: Extended Hours License - Maia Donuts, LLC dba Dunkin' of 200 Commercial Street, 5:00 AM to 7:00 PM seven days, renewal
- [449-22](#) Petition: Extended Hours License - C.M.B. Medeiros, Inc. dba Dunkin' of 57 Eastern Avenue, 24 hours seven days, renewal
- [450-22](#) Petition: Extended Hours License - Aires & Helena, Donuts, Inc. dba Dunkin' of 424 Main Street, 5:00 AM to 7:00 PM seven days, renewal
- [451-22](#) Petition: Extended Hours License - Honey Dew Donuts of 691 Eastern Avenue, 5:00 AM to 7:00 PM seven days, renewal

9. MOTIONS, ORDERS AND RESOLUTIONS

- [452-22](#) Order: That the City Council reschedule the Committee of the Whole and committee meetings originally arranged for November 22 to November 21 with meetings to begin at their normally expected times. This rescheduling is to encourage Councillors and the Malden community as a whole to show their Malden Pride by attending the nation's longest continuously held football rivalry with the 135th playing of Malden vs Medford High Schools' Thanksgiving Day game at Fenway Park on Tuesday, November 22, 2022 at 7:30 PM.

Sponsors: Jadeane Sica

- [453-22](#) **Resolve: That the Malden City Council Condemns Rising Antisemitism**
WHEREAS, the Jewish American experience is a story of faith, fortitude, and progress and is connected to key tenets of American identity, and generations of Jewish immigrants have come to this Nation fleeing oppression, discrimination, and persecution in search of a better life for themselves and their children; and

WHEREAS, Jewish Americans who have created lives in our Nation and in our Malden community for themselves and their families have played indispensable roles in our Nation and City's civic and community life, have made invaluable contributions to our Nation and City through their leadership and achievements,

and have been integral contributors to our collective struggle for a more just and fair society; and

WHEREAS, the City of Malden historically provided a welcoming home for Jewish immigrants from Lithuania and other European nations who made significant contributions to our urban fabric, from Suffolk Square to Faulkner to the West End and to this day, aspires to be welcoming not only to the Jewish community but to all; and

WHEREAS, on August 21, 1790, President George Washington sent a letter to the Hebrew Congregation of Newport, Rhode Island, expressing that the newly formed United States would be a Nation that “gives to bigotry no sanction, to persecution no assistance” and that the Jewish people should “dwell in this land [and] continue to merit and enjoy the good will of the other inhabitants . . . and there shall be none to make him afraid.”; and

WHEREAS, antisemitism is an insidious form of prejudice stretching back millennia that attacks the humanity of the Jewish people and has led to violence, destruction of lives and communities, and genocide; and

WHEREAS, over the past decade, Holocaust distortion and denial has grown in intensity and there is a documented, dangerous rise of antisemitism, both verbal and violent, globally and in the United States, leaving many Jews increasingly unsafe in public spaces and Jewish houses of worship;

NOW, THEREFORE BE IT RESOLVED, that the Malden City Council:

1. Calls on elected officials, faith leaders, and Community leaders to use their voice to condemn and combat any and all manifestations of antisemitism; and
2. Calls on elected officials to condemn and combat any and all denials and distortions of the Holocaust and to promote Holocaust education and antisemitism awareness.

Sponsors:

Karen Colon Hayes, Amanda Linehan, Carey McDonald, Ryan O'Malley, Stephen Winslow, Craig Spadafora, Paul Condon, Peg Crowe, Barbara Murphy, Jadeane Sica and Chris Simonelli

454-22

Resolve: That the Mayor be authorized to apply for grants and execute documents required to affect planned renovations to Kierstead Park, located at 635 Eastern Avenue, including any deeds, instruments and contracts relating thereto, and that actions taken prior to this vote be ratified and confirmed; and that the Mayor be authorized to file and accept grants from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs for improvements to Kierstead Park.

WHEREAS, Kierstead Park is a community-wide asset in Malden and improvements to this 1.6 acre park are a City priority as evidenced in the most recent Open Space and Recreation Plan Update; and

WHEREAS, The Kierstead Park Playground Improvement Project will greatly

enhance Kierstead Park, increase usage, create an accessible and inclusive playground, and improve the baseball diamond; and

WHEREAS, Specific improvements in the Kierstead Park Playground Improvement Project include a fully accessible playground, increased tree cover, refurbishments to the baseball diamond, and improved walking paths; and

WHEREAS, The Executive Office of Energy and Environmental Affairs (EOEEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities Grant Program (301 CMR 5.00); and

WHEREAS, The Kierstead Park Playground Improvement Project will cost \$2,200,000 and the City intends to use or seek funds from its ARPA allocation, Community Development Block Grant funds, and Malden Community Preservation Committee funds; and

WHEREAS, In anticipation of the listed grant reimbursement programs the City appropriates the total cost of the project, subject to the execution of grant agreements before the City actually obtains the appropriated amount;

NOW, THEREFORE BE IT RESOLVED:

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs (EOEEA); and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Malden Office of Strategic Planning and Community Development; and
3. That the Mayor be and is hereby authorized to execute any deeds, instruments, and/or other contracts to effectuate the purposes herein; and
4. That all actions taken to effectuate the purpose of this Order through the date of its passage are hereby ratified and affirmed; and
5. That Kierstead Park is hereby dedicated as protected open space under M.G.L. Chapter 45, Section 14, and such dedication will be included on the park Deed; and
6. That this Order shall take effect upon passage.

Sponsors: Chris Simonelli

ENROLLED ORDINANCES

[367-22](#) Order: Be it ordained that Section 9.20.040 Standards and Regulations for Commercial Waste, of the MCC, be amended by adding new *Section 9.20.040 C (1) (e)*, to include "No dumpster shall be placed on the public way, including for purposes of pickup by the service provider."

Sponsors: Craig Spadafora

Attachments: [Ordinance Amendment Proposal Letter 9 8 2022](#)
[Prop Revisions to 9.20.040](#)
[20220908 9.20.040 STANDARDS AND REGULATIONS FOR COMMERCIAL WASTE](#)

[368-22](#) Order: Be it ordained that Section 11.08 (Streets and Sidewalks) of the MCC be

amended by adding Section 11.08.200 to address markings on the public way.

Sponsors: Craig Spadafora

Attachments: [Ordinance Amendment Proposal Letter 9 8 2022](#)
[DigSafeMarkingRemovalOrdinance](#)
[11.08 STREETS AND SIDEWALKS](#)
[Dig Safe Amended Form Recommended October 11, 2022](#)

10. COMMUNICATIONS

455-22

Communication from the Committee on the Future of Maplewood Square
 The Committee on the Future of Maplewood Square has nominated Bonita McAllister of 26 George Street (Ward 6) to be appointed to the Committee.

Sponsors: Carey McDonald, Barbara Murphy and Stephen Winslow

462-22

Communication: The Planning Board to whom was referred papers 286-22 and 315-22 having considered the same at the joint public hearing of Planning Board/Rules & Ordinance Committee on November 9 present the following recommendations

286-22

Order: That in the interest of promoting a fair and transparent marijuana licensing process, free from political influence and the potential for state ethics violations, that the Code of the City of Malden be amended to change the Special Permit granting authority for Marijuana Establishments from the Malden City Council to the Malden Planning Board, including amending the following Sections:

-Section 6.08.070.B. Definition of Special Permit, by deleting "as further amended
 by City Council Paper 283 of 2018.";

-Section 6.08.070.D.2.b, by deleting "City Council" where mentioned and replacing
 with "Planning Board";

-Section 12.12.010.A, first paragraph, first phrase, by striking "City Council" and replacing with "Planning Board", as follows: "Except for Marijuana Retailer, Marijuana Cultivator, Independent Marijuana Testing Laboratory, Marijuana Product Manufacturer, Marijuana Research Facility and Marijuana Transporter, where a special permit shall be required by the Planning Board in accordance with MCC 12.12.020;"

-Section 12.12.190, first paragraph, by striking "City Council" and replacing with "Planning Board" as follows: "A Marijuana Establishment, as defined by this Ordinance to expressly only include Marijuana Retailer, Marijuana Cultivator, Independent Marijuana Testing Laboratory, Marijuana Product Manufacturer, Marijuana Research

Facility and

Marijuana Transporter, may be allowed only in the Highway Business, Industrial 1 and

Industrial 2 zoning districts or the Marijuana Establishment Overlay District, only by special

permit granted by the Planning Board and only in conformance with the following controls and requirements:";

-Section 12.12.190.B, Section 12.12.190.G, Section 12.12.190.G.4, Section 12.12.190H,

by deleting "City Council" where written and replacing with "Planning Board";

-Section 12.28.010.E, by deleting "City Council" where mentioned and replacing with

"Planning Board"

Sponsors: Jadeane Sica and Craig Spadafora

Attachments: [CCP 286-22 Staff Report 10.11.22](#)

[CCP 286 2022 PBR 10.22 wAtt](#)

315-22

Order: That MCC 12.12.190.A and 12.12.190.B be amended

Sponsors: Amanda Linehan

Attachments: [6.15.21 Prop #1](#)

[CCP 315 2022 Staff Report 10.11.22](#)

[CCP 315 2022 PBR 10.22 wAtt](#)

12. COMMITTEE REPORTS

456-22

Committee Report: License Petitions Papers 254-22, 408-22, 410-22, 411-22, 412-22
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

254-22

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

Sponsors: Jadeane Sica

408-22

Petition: Class II license for Auto Tech II, Inc., of 1236 Eastern Avenue, renewal. 5 cars

410-22

Petition: Class II license for Jordan Motors, Inc. dba Malden Auto Sales of 147 Ferry Street, renewal. 25 cars

411-22

Petition: Class II license for Hub Starters & Alternators, Inc. of 172 Broadway, renewal. 4 cars

412-22

Petition: Class II license for Rio Auto Group Corp, dba Dealer One Motors of 77 Broadway, renewal. 48 cars

[457-22](#)

Committee Report: The Standing Committee on Rules and Ordinance to whom was referred Paper 18-21 having considered the same, make the following report that Paper 18-21 be placed on file and that the Council enact the following ordinance: Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 10 Public Peace, Safety, and General Welfare is hereby amended by adding Chapter 20 Wetlands Protection

[18-21](#)

Communication: The Conservation Commission's request to have the City Council adopt the wetlands by-laws; (City of Malden Wetlands Protection Ordinance).

Sponsors:

Barbara Murphy and Stephen Winslow

Attachments:

[2020-12-15-malden-concom-letter-to-city-council attachment 1](#)
[enclosure-1-to-2020-12-15-malden-concom-letter-to-city-council attachment 2](#)
[18-21 Malden Con Com By-Law Draft #3 2022](#)
[18-21 Malden Con Com By-Law Draft #4 2022](#)

[458-22](#)

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 10 Public Peace, Safety, and General Welfare is hereby amended by adding Chapter 20 Wetlands Protection

13. TABLED PAPERS**Tabled to a Future Meeting**[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

[287-22](#)

Order: That the City Council discuss the disposition of property owned by the City identified as Parcel No. 185-575-507 in the City of Malden Assessor's Maps, also known as Louis Cohn Way/Robbins Street. Such discussion to include a description of the parcel and it's present use and possible alternatives for future use, care, custody, and control of the property, which will be maintained at the sole expense of the lessee, and that payments include the amount of any taxes that would otherwise be due to the city as well as including whether or not to enter a License Agreement for business use of said property.

Sponsors:

Jadeane Sica

Attachments:

[Assessors Handout Pub Prop Meeting 62822](#)

[399-22](#)

Petition: Boston Gas d/b/a National Grid, 40 Sylvan Road, Waltham MA, W.O. No. 90000XX to install a new gas Regulator Station on Green Street near the intersection of Medford Street in accordance with the attached plans.
Hearing required

Attachments: [National Grid Green Street WO #90000XX](#)
 [Notice of Public Hearing & Abutters Green and Medford](#)

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

GREGORY LUCEY, CITY CLERK