



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

*Council President Neal Anderson,
Councillor David Camell,
Councillor Paul Condon,
Councillor Peg Crowe,
Councillor Deborah DeMaria,
Councillor Amanda Linehan,
Councillor Barbara Murphy,
Councillor Ryan O'Malley,
Councillor Jadeane Sica,
Councillor Craig Spadafora,
Councillor Stephen Winslow*

Tuesday, March 2, 2021

7:00 PM

REMOTE VIRTUAL MEETING

76-21

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>

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Please click the link below to join the webinar:

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Passcode: 979054

Or iPhone one-tap :

US: +19294362866,,95821269057#,,,,*979054#
+16465189805,,95821269057#,,,,*979054#

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1. CALL TO ORDER

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

3. ROLL CALL

Meeting started at 7:05 P.M.

Also in attendance Asst. City Solicitor John McNaught.

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

5. PUBLIC COMMENT

The following spoke at Public Comment:

Philip Bronder-Giroux, 40 Sprague Street, Malden spoke on his concerns regarding rescinding the vote on the Malden River Zoning Papers.

The following submitted emails:

- 1) Marcia Monong, 296 Bryant Street, Malden in support of Malden River Zoning changes.*
- 2) Karen Buck, 323 Forest Street, Malden, in support of the Malden River Zoning changes and being heard at the Planning Board hearing.*
- 3) Brian DeLacey, 1 Earl Street, Malden is support of the reappointment of the City Clerk.*
- 4) Daniel Koff, 53 Glen Street, Malden in support of the Planning Board Hearing for zoning changes at the Malden River.*
- 5) Amber Christoffersen on behalf of the Mystic River Watershed Association and the Malden River Works project team in support of a Malden River Zoning Ordinance.*

6. APPROVAL OF MINUTES

[77-21](#) Minutes of the Meeting of February 16, 2021.

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

[78-21](#) Minutes of the Meeting of February 23, 2021.

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

[79-21](#) Council Re-Appointment: Gregory Lucey, 30 Huntley Street, Malden, MA as City Clerk, said term to expire February 28, 2024.

Sponsors: Peg Crowe

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

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

[80-21](#) Council Re-Appointment: Daniel L. Grover III, 22A Wigglesworth Street, Malden, MA as Treasurer, said term to expire December 31, 2023.

Sponsors: Peg Crowe

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

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

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[81-21](#) Taxi Cab: Malden Transportation, Inc. 290 Eastern Ave., Malden, 9 cabs (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

[82-21](#) Second-Hand Dealer: Cash King, 35-45 Lebanon St., Malden (New)

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

83-21

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

1. 52 Porter Street
2. 149 Webster Street
3. 235 Forest Street
4. 79 Lyme Street
5. 37-39 Wilard Street
6. 187 Harvard Street
7. 51 Fairmount Street
8. 133 Cross Street
9. 11 Phillips Street
10. 7 Broadway
11. 84 Boylston Street
12. 18 Warren Avenue
13. 555 Main Street
14. 245 Bryant Street
15. 52 High Street
16. 30 Ferry Street
17. 110 Green Street
18. 175 Broadway
19. 385 Lebanon Street
20. 54 Newland Street

Sponsors: Amanda Linehan

A motion was made by Councillor Linehan that the Petition be referred to the Public Property 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

84-21

Order the City of Malden increase the Residential Tax Exemption Program to 35%

Sponsors: Craig Spadafora

A motion was made by Councillor Spadafora, seconded by Councillor O'Malley, that the Order be referred to the Finance Committee. The motion carried by the following vote:

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

[85-21](#)

Order: That the City submit to the Massachusetts Legislature for passage in substantially the following form:

AN ACT RELATIVE TO THE PREPARATION OF CERTAIN BILINGUAL BALLOTS IN THE CITY OF MALDEN

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. As used in this act, "transliteration" shall mean the translation into the relevant Chinese characters to represent the phonetic equivalent of the syllables of an English name or a name in a language that is not traditionally written using Chinese characters.

SECTION 2. Notwithstanding the provisions of any general or special state law to the contrary, in any election in which the state secretary or the city clerk is required by federal law to print bilingual English and Chinese ballots for use by voters of the city, the state secretary or city clerk, as the case may be, shall also provide for the transliteration of all candidates' names. Each candidate shall be provided with a written copy of the proposed transliteration of that candidate's name, and may, within 7 days, request in writing any modification to the proposed transliteration or may decline to have the candidate's own name transliterated on the ballot. The transliteration shall be subject to final approval by the state secretary or city clerk, as the case may be. The state secretary or city clerk shall provide public notice of transliterated names as soon as practicable.

SECTION 3. Notwithstanding any general or special law to the contrary, the city in any primary or state or federal election shall be responsible for the cost of transliteration and the state secretary shall be responsible for all other costs resulting from the implementation of this act including, without limitation, the production of ballots.

SECTION 4. This act shall take effect upon its passage.

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

A motion was made by Councillor Spadafora, seconded by Councillor O'Malley, 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

[86-21](#)

Ordered: That the vote taken on February 2, 2021 to refer papers #40-21, #41-21 and #42-21 to the Planning Board and the Ordinance Committee for a joint public hearing be rescinded and that the papers containing the same text be included on the next docket to be sent to Ordinance Committee for deliberation.

Sponsors: Peg Crowe

The paper was withdrawn by the sponsor, Councillor Crowe because the paper was out of order to be on the Council Docket. The 3 papers 40-21, 41-21 and 42-21 were referred to a joint Planning Board and Ordinance at the Council meeting on February 2, 2021. The papers has already been submitted to the City Planner.

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

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

87-21

Resolve: That it is the sense of the City Council that the Mayor create a line item in the FY 2022 Budget for the Green Malden fund and that \$50 from the revenues collected from sales of additional trash tags annually be dedicated to such fund for purposes of funding litter pick-up, maintenance of the trash boom in the Malden River as well as recycling and waste reduction programs and education.

Sponsors: Stephen Winslow and Deborah DeMaria

The sponsor of the Resolve, Councillor Winslow moved to table the paper because the Resolution was contingent on paper 89-21, amendment #1 further down the docket of passing.

A motion was made by Councillor Winslow, seconded by Councillor O'Malley, that the Resolution be tabled. The motion carried by the following vote:

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

88-21

Resolve: Be it resolved that it is the sense of the City Council that the City of Malden explore options for increasing the amount of time allotted for use of South Broadway Park and Rotundi Field by the City of Malden and Malden Public Schools for recreational activities. Be it further resolved that, the City Solicitor investigate options for relief from contracts with third parties involving the use of South Broadway Park and Rotundi Field, including but not limited to, modification, termination, or a structured buy-out of the term of the contracts. Particular attention should be paid to whether the contracts reflect the fair market value of the use of the fields."

Sponsors: Ryan O'Malley

The sponsor of the paper, Councillor O'Malley made a motion to withdraw the paper.

A motion was made by Councillor O'Malley, seconded by Councillor DeMaria, that the Order be withdrawn. 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. COMMITTEE REPORTS

[89-21](#)

Committee Report: Rules & Ordinance Paper # 70-20 Order: Be it hereby ordained that Section 9.28 of the Revised Ordinances of 2020 be amended as follows:

The Standing Committee on ordinance to who was referred Paper #70-20 having considered the same make the following report: Committee recommends that this paper be reported out favorable with the following amendments ;

1. Amend Section 9.020.050 Section A by adding (First per household) after Annual Trash Tag and adding an additional line under Annual Trash Tag, Each Additional Trash Tag \$125.
2. Accept the Municode version and language for Receptacles, adding section 9.20.025 and language changes in 9.20.030 section D,E,G and H.

Sponsors: Craig Spadafora

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

[70-20](#)

Order: Be it hereby ordained that Section 9.28 of the Revised Ordinances of 2020 be amended as follows:

Section A by amending City of Malden approved trash bags with City of Malden approved trash bag, such bag to be contained in a Trash Barrel, or in a City of Malden Trash Barrel affixed with a City of Malden annual trash tag, provided that no Trash Barrel shall exceed 35 lbs, and adding that such barrel shall be filled in such a way that the cover can be fully closed.

Section A by adding the City of Malden may declare up to three trash holiday weeks per year, during which time trash shall be permitted to be placed in containers other than City approved trash bags or barrels affixed with an annual trash tag, provided that said trash shall always be contained within a closed container.

The section titled "Mandatory Recycling" by removing any references to recycling bin and replacing with recycling barrel and by adding the following paragraph in place of the existing language:

Each qualifying household shall be provided with one City of Malden issued recycling barrel. Residents may place all designated recyclables together in the recycling barrel utilizing a 'single stream' recycling method, provided that the barrel shall only be filled in such a way that the cover can be completely closed. Residents may purchase additional recycling barrels from the Department of Public Works, or may utilize their own covered recycling barrel for additional recycling materials. Damaged barrels may be turned in for free replacement. Stolen barrels will be replaced with the filing of a police report reporting such theft. Specialized recycling days will be scheduled based upon availability of funding as published by the

Department of Public Works. The Department of Public Works shall provide at the city yard, during regular hours of operation and on Saturdays from 9 a.m. to noon, a facility for recycling of paper, plastic, cans and bottles.

Section C, section 1 titled 'Fees' shall be updated as follows:

Fees for collection of residential waste and for collection of commercial waste shall be as follows:

Approved 35 gallon trash bags:	\$ 2
Approved 15 gallon trash bags:	\$ 1
Approved 8 gallon trash bags:	\$.50
Annual Trash hang tag:	\$ 75
White Good (residential only):	\$ 20
Additional Recycling or Trash Barrel:	At city's actual cost

Sponsors: Peg Crowe, Deborah DeMaria, David Camell, Jadeane Sica and Barbara Murphy

The Ordinance Committee recommended the paper be voted favorably as amended with two amendments:

1) Amend section 9.20.050 Section A by adding (First per household) after Annual Trash Tag and adding and an additional line under Annual Trash Tag, (Each Additional Trash Tag \$125).

2) Accept the Municode version and language for Receptacles, adding section 9.20.025 and language changes in 9.20.030 section D,E,G and H.

Councillor Winslow provided documentation on "Impacts on Costs to Residents on Changes to the Residential Trash and Recycling Program Paper 70-20 with amendment recommended by Rules and Ordinance". Councillor Winslow voiced his concerns about the future costs to the City if the second Trash Tag did not have a higher fee than the first Trash Tag and future challenges of the recycling program.

Councillor Sica made a motion to amend amendment #1 and go back to the original plan of \$75 for all Trash Tags. Councillor Condon seconded the motion, the following roll call vote was taken: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (Present), Sica (y), Spadafora (y), Winslow (N), Anderson (y). Motion passes 10-1

This Ordinance was amended

Councillor Spadafora made a motion to approve the second amendment: Accept the Municode version and language for Receptacles, adding section 9.20.025 and language changes in 9.20.030 section D,E,G and H.

A motion was made by Councillor Spadafora, seconded by Councillor DeMaria, that the Ordinance be approved as 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 Crowe, seconded by Councillor Condon, that the Ordinance be enrolled as amended. The motion carried by the following

vote:

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

90-21

Committee Report: Finance (Paper # 64-21 Order: That the appropriation enumerated below, being in the amount of \$30,000 (Thirty Thousand Dollars), be appropriated from the Community Preservation Act Fund for the following project: Kierstead and Tartikoff Parks Revitalization and Willow Street Recreational Corridor (Master Plan and 25% Design): \$30,000 from budgeted reserve account. Total Appropriation = \$30,000.)

Sponsors: Barbara Murphy

A motion was made 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

64-21

Order: That the appropriation enumerated below, being in the amount of \$30,000 (Thirty Thousand Dollars), be appropriated from the Community Preservation Act Fund for the following project: Kierstead and Tartikoff Parks Revitalization and Willow Street Recreational Corridor (Master Plan and 25% Design): \$30,000 from budgeted reserve account. Total Appropriation = \$30,000.

Sponsors: Barbara Murphy

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

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

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

The meeting adjourned at 9:05 P.M.

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

GREGORY LUCEY, CITY CLERK