



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Agenda - 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*

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Tuesday, May 11, 2021

7:00 PM

REMOTE VIRTUAL MEETING

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### [218-21](#)

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](http://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:

<https://cityofmalden.zoom.us/j/94728327982?pwd=Q3JraExYNUUpSNGFtZmFyc3VOMmdiUT09>

Passcode: 955133

Or One tap mobile :

US: +16465189805,,94728327982#,,,,\*955133#

+19294362866,,94728327982#,,,,\*955133#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 646 518 9805  
+1 929 436 2866  
Webinar ID: 947 2832 7982  
Passcode: 955133  
International numbers available: <https://cityofmaiden.zoom.us/j/aec7vf8Dd>

If you would like to request a reasonable accommodation, please contact Maria Luise, ADA Compliance Coordinator at [mluise@cityofmaiden.org](mailto:mluise@cityofmaiden.org) <<mailto:mluise@cityofmaiden.org>> or 781-397-7000, Ext 2005.

## **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**

Mayor Christenson to appear before the Council to present the FY2022 Annual Budget.

[234-21](#) Order: Annual Appropriation Order for the FY2022 Budget.

**Sponsors:** Barbara Murphy

## **5. PUBLIC COMMENT**

## **6. APPROVAL OF MINUTES**

[219-21](#)

Minutes of the Meeting of April 6, 2021.

[220-21](#)

Minutes of the Meeting of April 13, 2021.

[221-21](#)

Minutes of the Meeting of April 20, 2021.

[222-21](#)

Minutes of the Meeting of April 27, 2021.

[223-21](#)

Minutes of the Meeting of May 4, 2021.

## **7. APPOINTMENTS & ELECTIONS**

### [224-21](#)

Mayoral Re-Appointment: William Hurley, 67 Kimball Street, Malden, MA as the labor member of the Malden Housing Authority Board, said term to commence upon confirmation and to expire May 2, 2026.

**Sponsors:**

Peg Crowe

### [225-21](#)

Mayoral Appointment: Faten Shelbaych, 500 Broadway, Apt. 1115, Malden, MA to the Human Rights and Fair Housing Commission as the resident member; said term to expire May 5, 2022. (Faten will replace resident member Bwann Gwann who resigned).

**Sponsors:**

Peg Crowe

## **8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES**

### [226-21](#)

Petition: Cellco Partnership d/b/a Verizon, 118 Flanders Road, Westborough, MA . Installation of necessary telecommunication equipment and corresponding aerial fiber optic cable on National Grid owned Utility Poles within the Public Way at the following locations;

1. 17 Waite St. Ext.
2. 1308 Salem St.
3. 1 Beach St.
4. 110-112 Beach St.
5. 206 Oliver St.
6. 2 Evelyn Ave., Pole on Granite St.
7. 56 Rockingham Ave.
8. 50-52 Rockwell St.
9. 39-41 Baker St., Fairview Ave. side
10. 100 Sylvan St., Winship St. side
11. 45-47 Forest St.
12. 30-36 Winter St.
13. 746 Main St., Vernon St. side
14. 59 Meridian St.
15. 35 Green St.
16. 257 Pearl St., Thacher St. side
17. 3 Hawthorne St., Elm St. side
18. 71 Washington St., Linden Ave., side

**Sponsors:**

Amanda Linehan

### [227-21](#)

Outdoor Parking: Rigano's, 1081 Fellsway, Malden, 20 cars (Renewal)

**Sponsors:**

Paul Condon

[228-21](#)

Outdoor Parking: Rigano's, 1152 Eastern Ave, Malden, 10 spaces (Renewal)

**Sponsors:**

Paul Condon

[229-21](#)

Outdoor Parking: Rigano's, 1176 Eastern Ave. Malden, 15 spaces (Renewal)

**Sponsors:**

Paul Condon

[230-21](#)

Pool Tables: ITAMS Post 16, 40 Oakland St. Malden, 1 table (Renewal)

**Sponsors:**

Paul Condon

[231-21](#)

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

**Sponsors:**

Paul Condon

## **9. MOTIONS, ORDERS AND RESOLUTIONS**

[232-21](#)

Order: Be it ordained that Section 12 of the Revised Ordinances of 2020 be amended by adding Section 12.12.200 entitled Inclusionary Zoning.

**Sponsors:**

Craig Spadafora

[233-21](#)

Order: Be it ordained that section 10.08 "General Safety and Welfare" of the Revised Ordinances of 2020 be amended relative to the prohibition of red light cameras in the City of Malden.

..Body

Whereas, The administration of Governor Charles Baker and Lt. Governor Karyn Polito, has proposed the installation of red light cameras at intersections throughout the Commonwealth of Massachusetts;

Whereas, The Safety Evaluation of Red-Light Cameras study published by the Federal Highway Administration in 2005 identified negative effects related to the increase in rear end crashes at intersections where red light cameras were installed;

Whereas, the same study identified only a modest aggregate crash cost benefit of red light camera systems;

Whereas, The Commonwealth of Massachusetts should instead increase funding to improve safety and reduce dangerous speeding through the design of roads consistent with Complete Streets principles; now therefore, be it

*Ordered*, that the installation of red light cameras be prohibited within the City of Malden; and

*Ordained*, That section 10.08 "General Safety and Welfare" of the Revised Ordinances of 2020 be amended relative to the prohibition of red light cameras in the City of Malden by inserting a new sub-section 10.08.110 titled "Red Light Cameras Prohibited" to read as follows:

***10.08.110: Red Light Cameras Prohibited***

*The installation of red light cameras, by any public or private entity, shall be prohibited within the City of Malden.*

**Sponsors:** Ryan O'Malley

**235-21**

Order: That the City Council approve an increase in the COLA base from \$14,000 to \$18,000 for contributory and non-contributory retirees of the Malden Retirement System.

**Sponsors:** Barbara Murphy

**236-21**

Order: That the City Solicitor provide a review of which state laws, statutes, regulations, or emergency orders, if any, affirmatively grant the City of Malden, the City Council, or the Mayor special emergency powers to indefinitely suspend local laws, rules, and ordinances.

**Sponsors:** Ryan O'Malley

**237-21**

Order: That the City Solicitor provide an opinion on the City of Malden's compliance with state laws and Department of Revenue regulations related to general revenue entering and exiting the "Billboard Mitigation Operating" account # 2838-134-5725. This opinion should properly reference the relevant laws, rules, and regulations related to municipal finance in Massachusetts.

**Sponsors:** Ryan O'Malley

**85-21**

Order: That the city submit to the Massachusetts legislature for passage the following revision to AN ACT RELATIVE TO THE PREPARATION OF CERTAIN BILINGUAL BALLOTS IN THE CITY OF MALDEN, originally adopted by the city on March 16, 2021.

**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

## **10. COMMUNICATIONS**

**238-21**

Communication: Planning Board (Paper # 40-21) Amendment of §12.16.050, Ch.12, Revised Ordinances of 2020, as Amended Dimensional Controls in Industrial

Districts City Council Paper #40/2021. Amendment as submitted and with the following revisions:

- A. Do not delete the words, "or water courses,"
- B. After the words, "or water courses," insert the phrase, "excluding the Malden River."

**Sponsors:** Craig Spadafora

### [239-21](#)

Communication: Planning Board (Paper # 41-21) Amendment of §12.12, Ch.12, Revised Ordinances of 2020, as Amended Use Regulations for Malden River Site Plan Review City Council Paper #41/2021;

Approval of the proposed amendments as submitted and with the following revisions and recommendations:

**Sponsors:** Craig Spadafora

### [240-21](#)

Communication: Planning Board (Paper # 42-21) Amendments of Ch.12, Revised Ordinances of 2020, as Amended: Floodplain District (§12.08.040), Use Regulations for Floodplain District (§12.12.110), Table of Intensity Regulations (§12.16.010), Yard Requirements for All Districts (§12.16.070), Usable Open Space Requirements for All Districts (§12.16.080) Dimensional Controls in Industrial Districts (§12.16.050) per Paper #42-21.

## **11. COMMITTEE REPORTS**

### [241-21](#)

Committee Report: Rules & Ordinance (Paper # 121-21) Order: Be it hereby ordained that the Revised Ordinances of 2020 be amended to create a Department of Planning and Economic Development.

### [242-21](#)

Committee Report: Personnel/Appointments (Paper #138-21) Appointment: Mayoral Appointment: Chukwuka Ezewuzie, 122 Belmont Street, Malden, MA., to be appointed to the Disability Commission, said term to commence upon confirmation of the City Council, and to expire March 15, 2024.

### [243-21](#)

Committee Report: Personnel/Appointments (Paper #139-21) Appointment: Mayoral Appointment: Lauren Schipper, 16 Main Street, Malden, MA to be appointed to the Disability Commission, said term to commence upon confirmation by the City Council, and to expire March 15, 2024.

### [244-21](#)

Committee Report: Personnel/Appointments (Paper #140-21) Appointment: Mayoral Appointment: Shanti Chilukuri, 30 Franklin Street, Unit 123, Malden, MA to be appointed to the Disability Commission, said term to commence upon

confirmation by the City Council, and to expire March 15, 2023.

[245-21](#)

Committee Report: Personnel/Appointments (Paper #149-21) Appointment: Amanda Belles, 4 Stone Lane, Apt. 5235, Malden, MA to be appointed to the Disability Commission said term to commence upon confirmation by the City Council, and to expire March 15, 2022.

[246-21](#)

Committee Report: Public Property (Paper # 142-21) Petition: Cellco Partnership d/b/a Verizon, 118 Flanders Road, Westborough, MA Cellco Partnership d/b/a Verizon-installation of necessary telecommunication equipment and corresponding aerial fiber optic cable on National Grid owned Utility Poles; Verizon also to install antennae and appurtenant equipment and aerial fiber route; 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 location 145 Cherry Street with the condition that equipment not be installed on any poles that are double poles or adjacent to double poles until National Grid replaces them and these installations do not include mechanical cooling devices or fans and the final electrical inspection for the purpose of releasing the electrical meter will not be performed at any location where a double pole exists.

[247-21](#)

Committee Report: Public Property (Paper #183-21) 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 (18) locations: 115 Bowdoin St, 283 Salem St (Bryant St side), 380 Salem St, 173 Bainbridge St, 42 Blantyre Rd, 177 Forest St, 140 Mt. Vernon St, 4 Montrose Court (Tremont St side), 3 Kneeland St (Mountain Ave side), 146 Clifton St, 79 Tremont St (Mountain Ave side), 50 Holden St, 205 Ferry St (High St side), 33 Converse St, 40 Hancock St, 40 Pratt St, 168 Madison St, 43 Florence St with the condition that equipment not be installed on any poles that are double poles or adjacent to double poles until National Grid replaces them and these installations do not include mechanical cooling devices or fans and the final electrical inspection for the purpose of releasing the electrical meter will not be performed at any location where a double pole exists and table the (2) petitions at the following locations: 29 Ashland St, pending information confirming the location of existing tower already located in proximity to the pole and whether it could impact the radiation safety limits and 80 Mountain Ave, pending the distance of the antennae to the residence and confirming address 80 Mountain Ave not St.)

[248-21](#)

Committee Report: Finance (Paper #192-21) Ordered: That Four Million One Hundred Sixty Thousand Nine Hundred Seventy One Dollars (\$4,160,971) is appropriated to pay costs of design and construction of Sewer system improvements throughout the City, to be undertaken in fiscal years 2021 through 2025, inclusive, 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 and 8 or any other enabling authority, all or any portion of this amount may be borrowed through the Massachusetts Water Resources Authority's (MWRA) -Infiltration/Inflow Local Financial Assistance Program and in conjunction therewith, the Mayor and Treasurer are each authorized to enter into one or more loan and/or security agreements with the MWRA, and the Mayor is authorized to contract for an expend any Federal, State or other aid available for the project, including any grant related to such project from the MWRA, and to take any other action necessary to carry out this project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied.

#### 249-21

Committee Report: Finance (Paper #193-21) Ordered: That Four Million Seven Hundred Seventy Nine Thousand Two Hundred Dollars (\$4,779,200) is appropriated to pay costs of design and construction of water system improvements throughout the City, to be undertaken in fiscal years 2021 through 2025, inclusive, 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 and 8 or any other enabling authority, all or any portion of this amount may be borrowed through the Massachusetts Water Resources Authority's (MWRA)-Local Water System Assistance Program and in conjunction therewith, the Mayor and Treasurer are each authorized to enter into one or more loan and/or security agreements with the MWRA, and the Mayor is authorized to contract for and expend any Federal, State or other aid available for the project, including any grant related to such project from the MWRA, and to take any other action necessary to carry out this project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied.

#### 250-21

Committee Report: Finance (Paper #194-21) Ordered: That Four Million Four Hundred Forty-Seven Thousand Dollars (\$4,447,000) is appropriated from available water sewer enterprise fund retained earnings to fund water infrastructure improvements.

### **12. TABLED PAPERS**

### **13. PERSONAL PRIVILEGE**

### **14. ADJOURNMENT**

**GREGORY LUCEY, CITY CLERK**