



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, February 16, 2021

7:00 PM

REMOTE VIRTUAL MEETING

1. CALL TO ORDER

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

3. ROLL CALL

Councillor Camell came on at 7:05

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

6. APPROVAL OF MINUTES

[54-21](#)

Minutes of the Meeting of February 9, 2021.

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

[55-21](#)

Minutes of the Meeting of February 2, 2021.

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

[56-21](#)

Mayoral Re-Appointment: Michelle Romero, 34 Greystone Road, Malden, MA as City Planner, said term to commence upon her confirmation by the City Council and to expire on February 13, 2024.

Sponsors: Peg Crowe

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

[57-21](#)

Mayoral Re-Appointment: Kirk Zmijewski, 569 Fellsway East, Malden, MA as a member of the Conservation Commission, said term to commence upon his confirmation by the City Council, and to expire on February 13, 2023.

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

[58-21](#)

Mayoral Re-Appointment: Khalil Kaba, 22 Cottage Place, Malden, MA as a member of the Conservation Commission, said term to commence upon his confirmation by the City Council, and to expire on February 7, 2023.

Sponsors: Peg Crowe

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

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

PUBLIC HEARING MASSACHUSETTS ELECTRIC d/b/a NATIONAL GRID

[59-21](#)

Petition: National Grid, 1101 Turnpike Street, North Andover, MA

Massachusetts Electric Company d/b/a National Grid of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Plan # 29146213 Fairlawn Street - permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance

with the plan herewith marked: Fairlawn St. - Malden - Massachusetts.

The following are the streets and highways referred to:
Plan # 29146213 Fairlawn St - National Grid to install beginning at a point approximately 40 feet west of the centerline of the intersection of Main St. and Fairlawn St. and continuing approximately 6060 feet in a west direction. Install 1 new manhole, 606' of conduit, and trenching west from the intersection of Fairlawn St. and Main St.

Sponsors: Paul Condon

Dan Cameron represented National Grid and gave an overview of the project. National Grid did reach out to Councillor O'Malley because the project was in ward four.

At the Public hearing there were no speakers in favor.

At the Public Hearing there were no speakers in opposition.

A motion was made by Councillor O'Malley, seconded by Councillor Winslow, that the Petition be granted with conditions. 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

60-21

Order: Be it hereby ordained that section 2.08.040, 2.12.170, 2.20.030, and 2.20.040 be amended relative to the creation of a Department of Parks and Recreation and associated officers.

Sponsors: Ryan O'Malley

There was discussion around whether the paper should have been a Resolve. Councillor Winslow was generally supportive but that it was too early for an Order. Councillor Winslow mentioned how the Transportation Advisory Committee drafted a Resolve and sent it to the Mayor. Councillor Condon felt the current Recreational Director did a fantastic job and the paper added another level of bureaucracy. Councillor Linehan thanked the sponsor for a creative idea but wanted to learn more and it is a worthy discussion. Councillor Crowe agreed with Councillor Winslow that it should not be an Order. Councillor Murphy asked that the sponsor come back to the council with a full proposal. Council President Anderson said the paper is worth considering but suggested that the sponsor may want a subcommittee that the Council President could create with 3 members to flush out more on the paper and come back to the council with a proposal. Councillor O'Malley agreed with President Anderson and made the motion to refer it to the Parks and Recreation Committee that will be created. Council President Anderson will appoint three members from the Council to the Parks and Recreation Committee and Councillor O'Malley will serve as Chair.

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

Yea: 8 - Anderson, Camell, Crowe, DeMaria, Linehan, Murphy, O'Malley and Winslow

Nay: 3 - Condon, Sica and Spadafora

62-21

Order: Be it hereby ordained by the Malden City Council that Chapter 6, of the Revised Ordinances of 2020 related to Livery Vehicles be amended by amending Section 6.08.110.4.2 to read as follows:

2. Livery businesses shall comply with zoning ordinances of the City of Malden, and shall either include adequate off-street parking for all licensed vehicles or possess a current parking permit from the City of Malden Parking Department allowing one livery vehicle to be parked on-street per residence and
By deleting Section 6.080.110.4.4

Sponsors: Stephen Winslow

THIS PAPER WAS REFERRED TO A JOINT MEETING RULES & ORDINANCE/LICENSE

On Councillor Murphy's motion to send the paper to a joint meeting Rules and Ordinance and License Committee, seconded by Councillor Linehan, the following roll call vote was taken;

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

67-21

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 <<https://malden.municipalcodeonline.com/book?type=ordinances>> be amended by adding the following additional language:

1. F. Dimensions and appearance by adding "Small Cell antennas cannot be mounted no closer than 12 feet from the nearest window, deck, or other publicly-accessible area. In addition, while the antenna shape is akin to a rounded cone, these antennas are directional in nature with the signal primarily focused up and down streets, and not directly into the residence behind the pole."
2. L. Contents of Written Petition by adding. The carrier would then be required to attach a notice of public meeting to the pole.
3. Adding WARNING STICKER AND NODE ID Utilize the smallest and lowest visibility (e.g. yellow instead of blue) radio-frequency (RF) warning sticker required by government or electric utility regulations. Place the RF sticker as close to the antenna as possible, facing directly out toward the street, or directly away from street if there is no window within 25 feet of the pole (preferred).For the Node ID sticker; avoid the use of large and highly visible site (node) identification tags (with carrier's phone number). Consider combining with disconnect information. Use sticker colors that are more muted (e.g. tan), such as the same color as the equipment but with white color lettering. Consider placing the Node ID sticker on the underside of the equipment enclosure so it is only visible underneath.
4. Request a street tree to be provided by the wireless carrier for each facility mounted on a pole within the public right-of-way; in order to screen the

equipment. In the event a tree cannot be planted due to conflicts such as existing trees, driveways or utility infrastructure (link to location requirements), the wireless carrier would be required to pay an “in-lieu fee” (No less than \$75) to be used by the Malden DPW/Urban Forestry Project and shall be payable prior to the city’s issuance of the small cell Permit.

5. All Small Cells will be posted on cities GIS system and accessible to the public.

Sponsors: Craig Spadafora

A motion was made by Councillor Spadafora, seconded by Councillor Crowe, that the Order be referred to the Rules & Ordinance Committee. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

63-21

Order: That the Public Facilities Director, on behalf of the City, come before the City Council to offer an update on the status of the Oak Grove Community Building; condition, what it is being used for, maintenance, structural integrity, and what the overall future plan is.

Sponsors: Deborah DeMaria, Ryan O'Malley, Amanda Linehan and Stephen Winslow

Council Anderson made the suggestion that Mr. Rubin appear before the Public Property Committee rather than the full council, Councillor Murphy agreed and made a motion to amend the paper to reflect it would be Public Properties rather than the full council.

Councillor Spadafora suggested ADA be brought into the conversation.

A motion was made by Councillor Murphy, seconded by Councillor DeMaria, that the Order be amended and 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

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 DeMaria, 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

61-21

Order: That the City of Malden, in order to comply with the Open Meeting Law, improve function, and ensure public transparency, clarify the process for posting

public meeting agendas on the City website (www.cityofmalden.org <<http://www.cityofmalden.org>>) and how the public can easily access posted agendas.

Sponsors: Ryan O'Malley

Councillor O'Malley made a motion to amend the paper from an Order to a Resolve and send it to Citizens Engagement Committee, seconded by Councillor DeMaria.

A motion was made by Councillor O'Malley, seconded by Councillor DeMaria, that the Order be changed to a Resolve and be referred to the Citizens Engagement Committee. 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

65-21

Committee Report: License: Petition - Paper # 340-20 Brothers Auto - No Action Taken.

Sponsors: Paul Condon

Councillor O'Malley voted present which counted with the yea's in the vote total.

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

340-20

Petition: Class II - Brothers Auto Body, 969 Salem Street, Malden, MA - 0 cars

Councillor Condon as chair of License made an opening statement regarding how the hearing went on February 9th with Brothers Auto appearing before the License Committee. Councillor Condon went over the concerns the License Committee had with the license and why the paper came out without a recommendation from the committee. The owner of Brothers Auto and his attorney, Thomas Callaghan was on the zoom. Councillor O'Malley made a motion to allow Attorney Callaghan to speak on behalf of Mr. LaFauci, seconded by Councillor Condon, it was so voted by roll call vote: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Siva (y), Spadafora (y), Winslow (y), Anderson (y). Attorney Callaghan gave a background of Mr. Lafauci's operations and addressed the Council's concerns regarding the license. Councillor Condon suggested that Mr. LaFauci work out his issues with Revere to get that license back because that is where his business operates. Councillor Sica talked about the process that is now in place for Class II Dealers and one of the requirements is to submit a CORI which is why she will not be support renewing the license, Councillor Sica also mentioned issues that have been brought up by the Massachusetts State Police. Councillor DeMaria would like our Compliance Officers input and has concerns that the License Committee could not make a recommendation. Councillor DeMaria made a motion to table, seconded by Councillor O'Malley, a roll call vote was taken: Camell (n), Condon (n), Crowe (n), DeMaria (y), Linehan (n), Murphy (n), O'Malley (y), Sica (n), Spadafora (n), Winslow (y), Anderson (n) motion failed 3-8. Councillor Sica made a motion to deny, seconded by Councillor Condon:

Councillors DeMaria and O'Malley voted present which counted in the affirmative for the final vote.

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

Yea: 9 - Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Winslow

Nay: 2 - Anderson and Spadafora

[66-21](#)

Committee Report: License: Petition:
Paper # 35-21 - Class II - Richard's Motorcars, Inc., 672, Broadway, Malden, 80 cars, (Renewal)
Paper # 36-21 - Extended Hours: Speedway #2504, 214 Broadway, Malden, Hours: 24/7 (Renewal)
Recommended Favorably

Sponsors: Paul Condon

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

[35-21](#)

Class II: Richard's Motorcars, Inc., 672 Broadway, Malden, 80 cars (Renewal)

Sponsors: Paul Condon

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

[36-21](#)

Extended Hours: Speedway #2504, 214 Broadway, Malden, Hours: 24/7 (Renewal)

Sponsors: Paul Condon

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

[68-21](#)

Committee Report: Public Property (Paper # 461A-20 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 location, 146 Pearl Street, as amended with the following conditions: that the equipment not be installed on any poles that are double poles or are adjacent to double poles until National Grid replaces them and these installations do not include mechanical cooking devices or fans and that the pole within six feet off the ground contain a warning notice with a phone number for Verizon to call with information on any safety concerns.)

This Committee Report was received and filed

[323-20](#)

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. 88 Fellsway East
2. 339 Pleasant Street
3. 122 Maple Street
4. 319 Highland Avenue
5. 20 West Street
6. 68 Highland Avenue
7. 183 Emerald Street
8. 146 Pearl Street
9. 154 Highland Avenue
10. 557 Pleasant Street
11. 77 Pearl Street
12. 57 Hospital Road
13. 397 Highland Avenue
14. 448 Medford Street
15. 198 Maple Street
16. 89 West Street
17. (0) Highland Avenue (Utility Pole # 641)
18. 91 Adams Street
19. 19 Chatham Street
20. 1250 Fellsway

Sponsors: Ryan O'Malley

146 Pearl Street Petition granted.

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

[69-21](#)

Committee Report: Public Property (Paper #461B 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 to withdraw and place on file the petition at the following location 57 Hospital Road.)

This Committee Report was

[323-20](#)

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. 88 Fellsway East

- 2. 339 Pleasant Street
- 3. 122 Maple Street
- 4. 319 Highland Avenue
- 5. 20 West Street
- 6. 68 Highland Avenue
- 7. 183 Emerald Street
- 8. 146 Pearl Street
- 9. 154 Highland Avenue
- 10. 557 Pleasant Street
- 11. 77 Pearl Street
- 12. 57 Hospital Road
- 13. 397 Highland Avenue
- 14. 448 Medford Street
- 15. 198 Maple Street
- 16. 89 West Street
- 17. (0) Highland Avenue (Utility Pole # 641)
- 18. 91 Adams Street
- 19. 19 Chatham Street
- 20. 1250 Fellsway

Sponsors: Ryan O'Malley

57 Hospital Road - Withdrawn by Petitioner.

This Petition was withdrawn

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 DeMaria, seconded by Councillor Sica, that the meeting be adjourned. The motion carried by the following vote:

The meeting adjourned at 9:38 P.M.

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

GREGORY LUCEY, CITY CLERK