



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Council President Barbara Murphy
Councillor at Large Karen Colon-Hayes
Councillor Paul Condon
Councillor Peg Crowe
Councillor Amanda Linehan
Councillor at Large Carey McDonald
Councillor Ryan O'Malley
Councillor Jadeane Sica
Councillor Chris Simonelli
Councillor at Large Craig Spadafora
Councillor Stephen Winslow

Tuesday, October 10, 2023

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

Watch the live stream on YouTube:

<https://www.youtube.com/live/PCAiVHyVP5I?si=XsbpUgvsrLrUaSCf>

1. CALL TO ORDER

Council President Murphy called the meeting to order at 7:11 PM.

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

3. ROLL CALL

Also in attendance is Special Assistant to the Mayor Maria Luise.

Present - Councillors: 11 - Barbara Murphy, Carey McDonald, Chris Simonelli, Jadeane Sica, Karen Colon Hayes, Ryan O'Malley, Craig Spadafora, Peg Crowe, Amanda Linehan, Paul Condon and Stephen Winslow

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. PUBLIC COMMENT

Two emails were read into the record and are now attached to the history of Paper 350-23.

6. APPROVAL OF MINUTES

[341-23](#)

Minutes for the meeting of September 26, 2023

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

[342-23](#)

Minutes for the meeting of October 3, 2023

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

7. APPOINTMENTS & ELECTIONS

343-23

Mayoral Re-Appointment: Ronald B. Hogan, 5 Cider Mill Road, Saugus, MA as Director of the Parking Department, said term to expire on June 1, 2026 (Confirmation not required)

Attachments: [Mayors Appointment Letter - Ronald Hogan - Dir. of Parking Dept.](#)

A motion was made by Councillor Linehan, seconded by Councillor Simonelli, that the Appointment be received and filed. The motion carried by a unanimous vote.

344-23

Mayoral Re-Appointment: Kevin Jarvis, 64 Jewett Street, Georgetown, MA as Veterans Service Officer/Agent, said term to expire on March 1, 2026 (Confirmation not required)

Attachments: [Mayors Appointment Letter - Kevin Jarvis - Veterans Service Officer-Agent](#)

A motion was made by Councillor Linehan, seconded by Councillor Simonelli, that the Appointment be received and filed. The motion carried by a unanimous vote.

345-23

Mayoral Re-Appointment: Salvatore Gennetti, 37 Skyline Drive, Malden, MA as Police Commissioner, said term to commence upon his confirmation by the City Council, and to expire on March 1, 2026 (Confirmation required)

Attachments: [Mayors Appointment Letter - Salvatore Gennetti - Police Commissioner](#)

A motion was made by Councillor Linehan, seconded by Councillor Simonelli, that the Appointment be confirmed. The motion carried by a unanimous vote.

346-23

Mayoral Re-Appointment: Yem Lip, 28 Constitution Road, Boston, MA as City Engineer/Director of Engineering Department, said term to commence upon his confirmation by the City Council, and to expire on March 1, 2026 (Confirmation required)

Attachments: [Mayors Appointment Letter - Yem Lip - City Engineer](#)

A motion was made by Councillor Linehan, seconded by Councillor Simonelli, that the Appointment be confirmed. The motion carried by a unanimous vote.

347-23

Mayoral Re-Appointment: Anthony Rodrigues, 100 Tremont Street, Malden, MA as Director of Information Technology, said term to commence upon his confirmation by the City Council, and to expire on March 1, 2026 (Confirmation required)

Attachments: [Mayors Appointment Letter - Anthony Rodrigues - Dir. of Information Technology](#)

A motion was made by Councillor Linehan, seconded by Councillor Simonelli, that the Appointment be confirmed. The motion carried by a unanimous vote.

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[348-23](#)

Petition: Livery: On Point Transportation, 210 Lebanon St. Apt. B, Malden, 1 vehicle
(New)

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

[349-23](#)

Petition: Livery: A.B. Limo Services, Inc. 51 Claremont Street, Malden, 1 vehicle
(New)

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

9. MOTIONS, ORDERS AND RESOLUTIONS

[350-23](#)

Order: That the Council President will present the 2023 City Council Rule Book for review and approval of the Body

Sponsors: Barbara Murphy

Attachments: [CHANGES City Council Draft Rules Murphy Edits Oct 10 2023](#)

[DRAFT City Council Murphy Edits Oct 7 2023](#)

[DRAFT City Council Rules and Ordinance edits Jan 2023](#)

[Public comment on #350-23, Council Rule Book](#)

[Additional Public comment #350-23, Council Rule on Video Recording](#)

Council President Murphy vacated the chair for the purpose of discussing Papers 350 and 351-23; Councillor-At-Large Spadafora served as Acting Council President. Discussion began with Councillor Murphy presenting an outline of changes that were made in this version of the Council Rule Book, which include consent agenda, remote access to meetings, utilizing Committee of the Whole more effectively, constitutionality of public comment, adding the option for President Pro Tempore, improved code of conduct, basic editing for clarity. After lengthy debate, five motions for amendments were made then the amendments on the whole of the book were voted. Paper will come back on the next Council agenda for a final vote to put the 2023 Rule Book into effect.

A motion was made by Councillor O'Malley, seconded by Councillor at Large Colon Hayes, that the Order be amended in rule 10.02 to strike the word 'President' in the last sentence. The motion carried by the following vote:

Yea: 3 - Colon Hayes, O'Malley and Linehan

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

A motion was made by Councillor O'Malley, seconded by Councillor at Large Colon Hayes, that the Order be amended in rule 17.09 to add '11th Edition' to the end of the sentence. The motion failed by the following vote:

Yea: 5 - McDonald, Colon Hayes, O'Malley, Crowe and Winslow

Nay: 6 - Murphy, Simonelli, Sica, Spadafora, Linehan and Condon

A motion was made by Councillor Winslow, seconded by Councillor O'Malley, that the Order be amended in rule 1.05 by adding 'by a majority vote of the Council' to the end of the last sentence. The motion carried by the following vote:

Yea: 7 - Murphy, McDonald, Colon Hayes, O'Malley, Spadafora, Linehan and Winslow

Nay: 4 - Simonelli, Sica, Crowe and Condon

A motion was made by Councillor Winslow, seconded by Councillor Simonelli, that the proposed amendment on the Order in rule 1.09 be withdrawn. The motion carried by a unanimous vote.

A motion was made by Councillor Winslow, seconded by Councillor Simonelli, that the Order be amended in rule 18.01 to add the word 'briefly' between President will and recess in second sentence. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

A motion was made by Councillor Crowe, seconded by Councillor Sica, that the amendments to the Order be adopted as presented. The motion carried by the following vote:

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

Nay: 1 - O'Malley

[351-23](#)

Order: That, notwithstanding legislation signed by Governor Healey extending certain COVID-19 relief measures as outlined in Section 20 of Chapter 20 of the Acts of 2021, to expire on March 31, 2025, the City Council will adopt the practice of remote participation in meetings of local public bodies as outlined in 940 CMR 29.10.(2)(a), with such authorization extending to subsequent meetings of all local public bodies in this municipality.

Sponsors: Barbara Murphy

Attachments: [Final Paper: 351-23](#)

A motion was made by Council President Murphy, seconded by Councillor Simonelli, that the Order be withdrawn. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

[352-23](#)

Order: That the Rules and Ordinance Committee work with the Mayor's Office, City Planner Michelle Romero, and the Office of Strategic Planning and Community Development to develop and publish a Request for Proposals to engage an outside consultant to assist with modernizing our zoning to better accomplish the City's goals of smart growth and the Master Plan.

Be it further ordered that this combined effort focuses on responsible zoning which encourages growth that diversifies our tax base and is informed by input from city

leaders on the impact to our city from residential, industrial, and commercial development.

Sponsors: Craig Spadafora, Peg Crowe, Carey McDonald, Jadeane Sica, Karen Colon Hayes, Barbara Murphy and Ryan O'Malley

Attachments: [Final Paper: 352-23](#)

Councillor Linehan offered a public disclosure that she is of the opinion that her full-time employer would be interested in the development of this Request for Proposals and almost certainly bid on it and therefore she did not ask to co-sponsor this paper even though she is in favor of the idea. In the future, Councillor Linehan will remove herself from any further action or deliberations on this topic.

A motion was made by Councillor at Large Spadafora, seconded by Councillor Simonelli, that the Order be amended by adding 'the Master Plan' to the end of the end of the first paragraph. The motion carried by a unanimous vote.

A motion was made by Councillor at Large Spadafora, seconded by Councillor Simonelli, that the Order be adopted. The motion carried by a unanimous vote.

[353-23](#)

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 12.32.060 DEFINITIONS - ZONING is hereby amended by adding under Paragraph B: Retail Car Wash: An establishment operating a facility that provides motor vehicle washing, vacuuming, or cleaning service to the public using either automatic, manual, or self-service methods. A Retail Car Wash establishment does not include establishments that perform vehicle washing, vacuum, and cleaning services in association with Vehicle Sales or Rental facilities or as a courtesy by Motor Vehicle Repair Shops to vehicles being repaired.

Be it further ordained by the Malden City Council that the Code of the City of Malden (MCC) 6.12.010 HOURS OF OPERATION; IN GENERAL is hereby amended by adding under Paragraph A: Retail Car Wash 8:00 AM to 6:00 PM

Sponsors: Stephen Winslow, Craig Spadafora, Amanda Linehan and Paul Condon

A motion was made by Councillor Winslow, seconded by Councillor Simonelli, that the Ordinance be referred to the Rules & Ordinance Committee. The motion carried by a unanimous vote.

[354-23](#)

Resolve: That it is the sense of the City Council that they wish to invite the Malden River Works Steering Committee to appear to present updates to the Malden River Works Park project.

Sponsors: Stephen Winslow

Attachments: [Final Paper: 354-23](#)

A motion was made by Councillor Winslow, seconded by Councillor at Large Colon Hayes, that the Resolution be passed. The motion carried by a unanimous vote.

[355-23](#)

Resolve: That it is the sense of the Malden City Council that the City of Malden work in collaboration with the Board of Health and Building Inspector to update MCC 9.04.010A relative to overgrowth of vegetation so as to protect and allow for sustainable landscaping and naturalized lawn practices, including but not limited to

pollinator gardens, perennial wildflower meadows, and other non-manicured methods of cultivation, exempting such practices from the nuisance category of our municipal health code, with final discretion by the Board of Health Director.

Sponsors: Amanda Linehan, Ryan O'Malley, Stephen Winslow, Carey McDonald, Karen Colon Hayes and Barbara Murphy

Attachments: [Final Paper: 355-23](#)

A motion was made by Councillor Linehan, seconded by Councillor Sica, that the Resolution be passed. The motion carried by a unanimous vote.

[356-23](#)

Resolve: That it is the sense of the Malden City Council there gets written a Code of Conduct for City Council Members. This code shall be a collaborative process which shall result in an agreed upon standard of behavior to discuss issues openly at City Council meetings, demonstrate respect, consideration and civility, and serve as a model of leadership to the community.

Sponsors: Karen Colon Hayes, Amanda Linehan, Carey McDonald and Ryan O'Malley

Attachments: [Final Paper: 356-23](#)

Councillor Colon Hayes introduced this paper as a way of bringing forward something that has been in conversation for approximately a year now since The Mendez Group was brought in to do formalized DEI training with the Body. Councillor Colon Hayes seeks to use this resolution as a reminder to the Council that there was discussion to rehire that same firm to write best practices for norms. She believes there is funding in place and wants to move forward with bringing in a consultant.

Councillor Sica expressed her opinion that Councillor Colon Hayes' resolve isn't written as is described in the verbal explanation. Further, this resolve speaks to what was just voted on in the new Rule Book.

Councillor Linehan offered an amendment to the paper wherein the first sentence is changed to read, 'That it is the sense of the Malden City Council that they engage an external consultant to help develop a set of norms for City Council Members' and strike the remainder of the language. After further discussion on the amendment, it was decided that the change is so great, it creates a new paper and it would be better to withdraw the resolution and submit a new paper.

A motion was made by Councillor Linehan, seconded by Councillor O'Malley, that the Resolution be amended wherein the first sentence is changed to read, 'That it is the sense of the Malden City Council that they engage an external consultant to help develop a set of norms for City Council Members' and strike the remainder of the language.

The motion carried by a 10-1 voice vote. Councillor Sica dissenting.

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor Simonelli, that the Resolution be withdrawn.

The motion carried by a 10-1 voice vote. Councillor O'Malley dissenting.

[357-23](#)

Resolve: That it is the sense of the Malden City Council that the Body moves forth with the recommended policies for public access to Council meetings from the Technology Committee. The Committee was tasked with creating a policy which was unanimously approved by the City Council, reviewed by Acting City Solicitor Alicia McNeil, as well as city employees from the IT Department and the Mayor's

Office.

Sponsors: Karen Colon Hayes

Attachments: [Final Paper: 357-23](#)

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor Crowe, that the Resolution be withdrawn.

The motion carried by a 10-1 voice vote. Councillor O'Malley dissenting.

ENROLLED ORDINANCES

227-23

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 12, Chapter 12 be amended as follows:

12.12.030 USE REGULATIONS be amended by striking "SP" in the Drive Thru category and replacing it with "No" in the Neighborhood Business (BN) and Central Business (BC) columns.

12.12.150 DRIVE-THRU be amended by striking "Neighborhood Business (BN), Central Business (BC)," in the first paragraph.

Sponsors: Ryan O'Malley, Amanda Linehan and Carey McDonald

Attachments: [CCP 227 2023 Drivethrus PSR wAtts](#)

[CCP 227 2023 PBR 7.23 wAtts](#)

[Final Paper: 227 -23](#)

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

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

304-23

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 2.20.020 Elected Officials Salary Classification Plan be hereby amended to reflect the following compensation levels to be effective January 1, 2024.

Sponsors: Barbara Murphy and Stephen Winslow

Attachments: [Final Paper: 304-23](#)

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

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

10. COMMUNICATIONS

358-23

Communication: Attorney General's determination that no violation was found in Open Meeting Law Complaint 2023-155 against the Parks and Recreation Committee.

Sponsors: Ryan O'Malley

Attachments: [OML 2023-155 - Malden Parks and Recreation Committee](#)

A motion was made by Councillor O'Malley, seconded by Councillor Simonelli, that the Communication be placed on file. The motion carried by a unanimous vote.

12. COMMITTEE REPORTS

359-23

Committee Report: The Standing Committee on Rules & Ordinance to whom was referred Paper 323 Series of 2023, having considered the same make the following report: Committee recommends this paper out favorably to the Full Council

Sponsors: Peg Crowe

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

323-23

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) is hereby amended by adding Title 2, Chapter .24, Section .025, PUBLIC FACILITIES DEPARTMENT EMPLOYEES SALARY CLASSIFICATION PLAN, to reflect the following compensation levels:

Sponsors: Peg Crowe

Attachments: [Public Facilities Dept Employees Salary Classification 2.24.025](#)

[Final Paper: 323-23](#)

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

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

A motion was made by Councillor Winslow, seconded by Councillor Crowe, to suspend Council Rules. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

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

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

360-23

Committee Report: The Standing Committee on Finance to whom was referred Paper 324 Series of 2023, having considered the same make the following report: Committee recommends this paper out favorably to the Full Council

Sponsors: Carey McDonald

A motion was made by Councillor at Large McDonald, seconded by Councillor Crowe, that the Committee Report be received and filed. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

[324-23](#)

Order: That the sum of One Hundred and Twenty Thousand Dollars (\$120,000.00) is transferred from Salary Reserve (0010-996-5110) to Public Facilities Labor Salaries (0010-241-5120)

Sponsors: Carey McDonald

Attachments: [Final Paper: 324-23](#)

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

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

13. TABLED PAPERS

[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

Attachments: [Youth Board Presentation for City Council April 25 2023](#)

[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](#)

[171-23](#)

Petition: Massachusetts Electric Company dba National Grid of North Andover, Plan #30683608 to construct a line of underground electric conduits located at the intersection of Eastern Avenue and Marlboro Street in accordance with the attached plans
(Hearing Required)

Attachments: [National Grid Eastern @Marlboro Plan# 30683608](#)

[Abutters List - National Grid Eastern @Marlboro Plan# 30683608](#)

[172-23](#)

Petition: Massachusetts Electric Company dba National Grid of North Andover, Plan #30511632 to construct a line of underground electric conduits located at the intersection of Main Street and Cross Street in accordance with the attached plans
(Hearing Required)

Attachments: [National Grid Main @Cross Plan# 30511632](#)
[Abutters List - National Grid Main @Cross Plan# 30511632](#)

214-23

Petition: ExteNet Systems, 3030 Warrenville Road, Suite 340 Lisle, IL , Project No. 100523 - ExteNet Systems seeking grant of location to install fiber conduit beginning at a point approximately located at 244-248 Main Street running up to approximately 22 Charles Street.
(Hearing Required)

Attachments: [ExteNet Systems Fiber Plans 244-288 Main Street Project No. 100523](#)
[ExteNet Systems Abutters List Main and Charles Project No. 100523](#)

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

A motion was made by Councillor O'Malley, seconded by Councillor Crowe, that the meeting be adjourned. The motion carried by a unanimous vote.
Meeting was adjourned at 9:42 PM.

CAROL ANN DESIDERIO, CITY CLERK