



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, April 11, 2023

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

1. CALL TO ORDER

Council President Murphy called the meeting to order at 7:04 PM.

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

3. ROLL CALL

Also in attendance were Special Assistant to the Mayor Maria Luise, Assistant City Solicitor Alicia McNeil, and City Planner Michelle Romero.

Present - Councillors: 10 - Barbara Murphy, Carey McDonald, Chris Simonelli, Jadeane Sica, Karen Colon Hayes, Ryan O'Malley, Peg Crowe, Amanda Linehan, Paul Condon and Stephen Winslow

Absent - Councillors: 1 - Craig Spadafora

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. PUBLIC COMMENT

Public comment had eight speakers, one email, and one written letter on Paper 32-23 Regulation of Bicycle Trails. The written letter was not read into the record due to it's length, so is attached to the history of the paper for public review.

There was also one email in support of Paper 81-23 Police Community Advisory Council.

6. APPROVAL OF MINUTES

[150-23](#)

Minutes for the meeting of March 28, 2023

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

[151-23](#)

Minutes for the meeting of April 4, 2023

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

7. APPOINTMENTS & ELECTIONS

[152-23](#)

Council Re-appointment: Robert Donnelly of 38 Goldcliff Road, Malden as a part-time member of the Board of Assessors said term to expire March 1, 2026.
(Confirmation Required)

Sponsors: Amanda Linehan

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

[153-23](#)

Petition: Outdoor Parking: Rigano's, Inc. 1081 Fellsway, Malden, 20 spaces
(Renewal)

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

[154-23](#)

Petition: Outdoor Parking: Rigano's, Inc. 1152 Eastern Avenue, Malden, 10 spaces
(Renewal)

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

[155-23](#)

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

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

[156-23](#)

Petition: Outdoor Parking: Robert McNulty, 28 Cedar Street, Malden, 14 spaces
(Renewal)

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

[157-23](#)

Petition: Second-Hand Dealer: Cash King, LLC. 41 Lebanon Street, Malden
(Renewal)

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

[158-23](#)

Petition: Second-Hand Dealer: GameStop #6263, 44 Broadway Suite A-110
(Renewal)

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

[159-23](#)

Petition: Self-Service Gas Station: Gibbs Oil Co. LP, 728 Main Street, Malden (Renewal)

Councillor O'Malley noted that Gibbs Oil does not comply with their special permit and requested License Committee call them in prior to voting on this petition.

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

9. MOTIONS, ORDERS AND RESOLUTIONS

[160-23](#)

Order: That the Mayor be authorized to file an application for grants under the Housing and Community Development Act of 1974 and the Cranston-Gonzalez Housing Act of 1990 (CDBG Budget).

Sponsors: Carey McDonald

Attachments: [Mayor's CDBG Budget Letter](#)

[Mayor's Proposed FY24 CDBG Budget](#)

A motion was made by Councillor at Large McDonald, seconded by Councillor Condon, that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

[161-23](#)

Order: The City of Malden file with the U.S. Department of Housing and Urban Development a Consolidated Plan including applications for grants under the Housing and Community Development Act of 1974 as amended and the Cranston-Gonzalez Housing Act of 1990 as amended to be administered by the Office of Strategic Planning & Community Development for fiscal year 2024, including all understanding and assurances contained therein on or substantially in the form presented to this meeting; and that Gary Christenson, Mayor and Chief Executive Officer of the City of Malden, be and hereby is directed and designated as the authorized representative for and in the name and behalf of the City of Malden to sign and file said plan, to act in connection with said plan, and to provide such additional information as may be required.

Sponsors: Carey McDonald

Attachments: [Mayor's CDBG Budget Letter](#)

[Mayor's Proposed FY24 CDBG Budget](#)

Councillor McDonald, Chair of Finance, encouraged the body to take a look at the CDBG budget and supporting materials and to follow up with OSPCD's Alex Pratt in advance of taking up Paper 160 and 161 in Finance Committee so all are informed and prepared for discussion.

A motion was made by Councillor at Large McDonald, seconded by Councillor at Large Colon Hayes, that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

10. ENROLLED ORDINANCES

[32-23](#)

Be it hereby ordained by the City Council of the City of Malden as follows that MCC 11.12.010 REGULATION OF BICYCLE TRAILS is hereby amended by striking such section in its entirety and replacing it with the following language:

Sponsors: Stephen Winslow and Ryan O'Malley

Attachments: [Draft Language Amendment for 11.12.010](#)

[Suggested Signage](#)

[Malden Multi-Use Trail Ord Revision 2023 MPD Comments Added.v3](#)

[Opposition of Paper 32-23](#)

[Final Paper: 32-23](#)

Based on the concerns outlined during public comment earlier in the night, Councillor Crowe expressed her opinion that the proper way to move forward would be to ordain this paper then work to amend as needed to address concerns.

Councillor Winslow spoke in response to the members of the audience about how valuable activism is in the long term, explaining the history of this paper and that of the bike path over the past 30 years. He explained that one night of activism can't change the months and years that went into creating the rules for the bike path but encouraged the advocates for personal electric vehicles to continue to stay involved because their long term, ongoing advocacy is important and needed in Malden. Those who wish to have a say in the way the city is run should also contribute to the betterment of the community. He further expressed concerns for behaviors and speeds he has seen first hand on the trail and said how the city is trying to create a culture of a behavioral norm for all riders.

Councillor O'Malley pointed out that the current ordinance is written in a way that all motorized vehicles are banned from the bike path so this change is indeed a step forward. He thanked those who came out for public comment and asked them to stay involved so that future changes may be addressed but also said he doesn't see that holding up the paper at this point is helpful.

Councillor Colon Hayes also thanked the speakers for their feedback but wishes to see amendments increasing ADA requirements. She questioned how the city will enforce speed limits but is encouraged to see more bikers and less cars on the road.

Council President Murphy stated there are two schools of thought on this issue. There are numbers of walkers, parents with strollers, etc across the city who are equally as concerned with not having motorized vehicles on the bike path because of the dangers to children getting hit as they are walking. Further, if a person in a car causes an accident, there is registration and insurance involved. No such thing exists for motorized bikes and uniwheels.

Councillors Linehan, McDonald, Simonelli all echoed sentiments of the same above.

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

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

11. COMMITTEE REPORTS

162-23

Committee Report: The Standing Committee on Rules & Ordinance, to whom was referred Papers 18 and 81 Series of 2023, having considered the same make the following report: Committee recommends Paper 18 out favorably as amended and recommends Paper 81 out favorably as presented.

Sponsors: Peg Crowe

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

18-23

Be it hereby ordained by the Malden City Council that the Code of the City of Malden (MCC) be amended by adding Title 6, Chapter .20, Section .040 PERMIT FOR EXTERIOR VENDING MACHINES

Sponsors: Craig Spadafora and Paul Condon

Councillors Crowe, Condon, and Winslow spoke in support of this paper stating it serves to put a permitting process in place to address a quality of life issue when outdoor vending machines are being used at all hours of the night, disrupting the neighborhood at hand with no cooperation from the machine owner after years of the City asking for consideration to normal business hours.

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

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

81-23

Be it hereby ordained by the City Council of the City of Malden that the Code of the City of Malden (MCC) be amended by adding Title 2, Chapter .16, Section .150 POLICE COMMUNITY ADVISORY COUNCIL

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

Attachments: [Police Community Advisory Council Paper - 2.22.23](#)
[Mayor's Letter to the Council re PCAC Ordinance](#)

Councillor Crowe introduced this paper, stating it had full committee support as well as that of the Malden Police Department. Councillor Crowe then asked the City Clerk to read into the record a letter to the members of the Council by Mayor Christenson. This letter is also attached to the history of Paper 81-23.

Councillor McDonald reiterated this advisory council isn't to function as an investigatory group because the State has a system in place for that purpose, but rather to encourage community engagement with the police department, including public information, feedback, review of polices. Further, the advisory council is charged to reach out specifically to community members who have experienced racism, gender based discrimination, homophobia, ableism, other forms of oppression, or those who have been disproportionately impacted by the criminal justice system.

Councillor Colon Hayes stated an area of great concern for her and a big reason why she supported the foundation of this council revolved around mental health and how police officers deal with those who are experiencing mental health or substance abuse issues. She said this project led to great conversations and new training that will come about will be good for the community.

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: 9 - Murphy, McDonald, Sica, Colon Hayes, O'Malley, Crowe, Linehan, Condon and Winslow

163-23

Committee Report: The Standing Committee on Rules & Ordinance, to whom was referred Paper 34 Series of 2023, having considered the same make the following report: After hearing presentations from the Office of Strategic Planning and Community Development, City Planner Michelle Romero, and Stantec Urban Places on the MBTA Communities Multi Family Housing Zoning Law, the Committee recommends, by unanimous vote, scenario Number One: Adding Capacity, Prioritizing Near Transit as was discussed at the Rules & Ordinance meeting of April 4, 2023.

Sponsors: Peg Crowe

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

34-23

Resolve: That it is the sense of the City Council that they wish to invite Malden City Planner, Michelle Romero, and OSPCD's Senior Planner and Policy Manager, Evan Spetrini, to appear to provide an update on the City's analysis of the new MBTA Communities Multi-Family Zoning requirements codified in Section 3A of M.G.L. c. 40A.

Sponsors: Barbara Murphy

Attachments: [MBTA Zoning Update FINAL Feb 14 2023](#)

[MBTA Communities PPT April 4 2023](#)

[Updated MBTA Communities PPT April 4 2023](#)

*Councillor Crowe spoke of the Rules and Ordinance meeting of April 4 during which zoning consultants from Stantec Urban Places offered multiple scenarios for possible next steps in adopting Section 3A of M.G.L. c. 40A. This meeting was streamed live on Urban Media Arts and may be viewed at the following link.
<https://www.youtube.com/live/SkK-6EoAJVU?feature=share>*

During that meeting, there were many areas of concern discussed with Stantec, including Councillor O'Malley's desire to maintain the commercial business space in the downtown area as well as developing corridors that fit the zoning requirements. This vote to chose scenario number one for further research is by no means a final decision for the City. There are to be several more public meetings, extensive discussions, planning, and votes to come prior to anything being put solidly into place.

Councillor O'Malley expressed his confusion that this paper was on the docket for a Full Council vote as he had expected Stantec to come back into Ordinance Committee with

further information based on the points discussed on April 4. He said he is not comfortable voting right now on scenario one but instead was hoping to see a fourth scenario. Councillor Crowe stated her understanding of the results of the meeting was the committee narrowed down their choice to scenario one but with the caveat that Stantec would work within the concerns as listed by all members in attendance, on and off committee, during the discussion.

Councillor O'Malley continues to be concerned the city may be giving up prime development space related to commercial development and asked if he could be assigned to the working group as they meet on this project. At the very least, the working group should publicly post their meetings so others may attend.

Councillor Colon Hayes stated she still had many questions on the whole idea of where we would possibly add more housing within the city and although she is not wanting to vote on a scenario she is interested in having Stantec return for further discussion. Councillor Crowe pointed out when they come back, it won't just be for further discussion but with a deeper level of research on many different data points but to dive deeper, the Council must first choose a starting point. Council President Murphy alerted the body that a working group has been put in place to then work with the consultants to research deeper into what was the broadest scenario possible as a starting base.

Councillor McDonald pointed out that the city is required to adopt Section 3A allowing for zoning for a certain amount of multifamily housing but we are not required to actually build additional housing. This is true for all MBTA transit communities but in reality the MBTA has no responsibility to the cities with adding any extra transit support or infrastructure. He also strongly stated for the record, as he did during Ordinance on April 4 that somehow building affordability into this zoning must be considered. Zoning for and/or building housing that Maldonians can actually afford to live in is a high priority for the City.

A motion was made by Councillor Crowe, seconded by Councillor Simonelli, that the Resolution be passed and that the Council endorse Scenario Number One: Adding Capacity, Prioritizing Near Transit, with due care to protect and encourage ground level retail. The motion carried by the following vote:

Yea: 9 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, Crowe, Linehan, Condon and Winslow

Nay: 1 - O'Malley

12. 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

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](#)

13. PERSONAL PRIVILEGE

14. ADJOURNMENT

A motion was made by Councillor O'Malley, seconded by Councillor Simonelli, that the meeting be adjourned. The motion carried by a unanimous vote.
Meeting was adjourned at 9:10 PM.

CAROL ANN DESIDERIO, CITY CLERK