



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Finance Committee

Chairperson Barbara Murphy
Vice Chair David Camell
Councillor Peg Crowe
Councillor Amanda Linehan
Councillor Deborah DeMaria
Councillor Jadeane Sica

Tuesday, June 29, 2021

5:45 PM

City Hall, 215 Pleasant St, Rm#108

Roll Call

Present: 5 - Chairperson Barbara Murphy, Peg Crowe, Amanda Linehan, Deborah DeMaria and Jadeane Sica

Absent: 1 - Vice Chair David Camell

Also Present:

Kate Fallon-Solicitor

Charles Rangan-CFO/Controller

Domenic Fermano-Retirement Board

Warren Atkinson-Retirement Board

Donald Boyce-Retirement Board

Scott Lucey-Retirement Board

Councillor Murphy called the meeting to order at 5:50 P.M.

Jon Miara, Brian DeLacey and the City recorded the meeting.

Minutes to be Approved

[328-21](#)

Minutes of the June 22, 2021 meeting to be approved.

A motion was made by Councillor Linehan, seconded by Councillor Crowe, that the Committee Minutes of June 22, 2021 be tabled. The motion carried by a unanimous vote.

Business

Communication

[329-21](#)

The Committee will address the Open Meeting Law Complaint submitted June 23, 2021 by Brian DeLacey, 1 Earl Street, Malden against the Malden Finance Committee regarding finance committee minutes dated May 25, 2021 and June 1, 2021.

COUNCILLOR MURPHY FOR THE PAPER

Councillor Murphy asked Attorney Kate Fallon to address the Open Meeting Law

Complaint submitted on June 23, 2021 by Brian DeLacey against the Malden Finance Committee regarding finance committee minutes dated May 25, 2021 and June 1, 2021. She gave the committee a handout: 6/23/21 Open Meeting Law Complaint of Brian DeLacey RE: Finance Committee Minutes. She explained they received an email communication of the OML complaint which pertains to the way the minutes are taken. She put together a quick presentation which will be listed in the minutes. This is one of two claims which we are addressing filed from Mr. DeLacey tonight. Mr. DeLacey claims there is no list of documents contained in the meeting minutes the law requires a list of documents and exhibits you use during the meeting to be incorporated in the minutes. She explained the May 25th meeting was a review of the FY/22 Budget which was a remote meeting and had different department heads in to discuss their budgets and the June 1, 2021 meeting was also similar with reviewing with Department Directors. In the minutes themselves it states with clarity it is a review The minutes are very detailed and long and detailed of what transpired with the Department Directors you met with. There seemed to be an issue with something in the context of Ron Hogan's presentation where he was showing some slides he was preparing for something independent of highlights of the year and the clerk did reference he was showing the slides and put "attached" the clerks collect up everything used in the meeting and keep those for public records law if someone was to ask to see the information. She uses the example of her presentation which will be referenced and he seems to be looking at the semantics of a list of documents. She has taken the law and highlighted the provision this complaints comes from. These minutes are not in violation of the law and includes what is necessary. When you receive draft minutes you have the opportunity to make any amendments to them. Basically anything seen or used has to be included in your minutes. Her review of the minutes is that the clerk reflects you are reviewing the FY/22 Budget. The law is that you must identify a list of what you are looking and she feels the basis of this complaint is the way it is being identified and Mr. DeLacey wants it laid out in a list format. As far as her remedial measures recommended legally you know the requirements and so do the clerks the documents must be listed in the minutes either in the beginning or the end. It seems to have been done but not in a numerical way. She also recommends that you could take a vote to allow legal to respond to it directly or you could respond to it directly but it would be consistent with this analysis unless you have any other remedial measures or recommendations.

Councillor DeMaria said she wanted to go on record saying Lisa (Clerk of Committees) you are doing a great job and this is not any reflection on you. Where it says in this MGL a list of documents she feels the clerk is doing that but maybe some form of footnote would seal the concern of others and as we put it on granicus its like a footnote on a book.

Kate asked you mean a list at the end, use this or review that and she said she feels that is appropriate. It didn't seem to her that they were looking at anything but the budget books but that is a great idea if that's the case it is required.

Lisa (Clerk of Committees) states that the presentation are in Granicus if you click on the paper and hit the link all attachments are available and the public could get it

Kate said what Councillor DeMaria is suggesting every committee or clerk should make a list of documents used or reviewed by the Council it is a simple easy change so that everyone reading the minutes could easily understand the slide presentation could be accessible

The following motions are make:

Motion to recommend we add a list of attachments used in the meetings was made by

Councillor DeMaria and seconded by Councillor Linehan. All were in favor.

Motion to allow the legal department to respond to the OML complaint by Councillor DeMaria and seconded by Councillor Linehan. All were in favor.

Kate asked if Councillor Murphy will you by some transmission alert the Council at large about this

Councillor Murphy said she will speak to the Council President about the fact that in this OML complaint it is our recommendation that every committee follow the same procedural guidelines that we will follow in Finance. She does not have the ability to order anyone to do that so she will bring it to the Council President's attention and the City Clerk's attention

Kate said you could also make a list or have the City Clerk make a bullet point of a reminder that this has to be included

Tabled Papers

[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

Attachments: [COLA BASE Increase letter to Council President March 2021](#)

[Cola Base Raise Finance Presentation 62221](#)

Motion was made by Councillor Crowe and seconded by Councillor Linehan to take Paper #235-21 off the table. All were in favor.

Councillor DeMaria asked to be recused from this business and stated she has announced that she will be retiring this year and it is a personnel decision and will air on caution she has written to Solicitor Fallon and did not get a response from her.

The following motion was made:

Motion to recuse Councillor DeMaria from the discussion of Paper #235-21 was made by Councillor Crowe and seconded by Councillor Linehan. All were in favor.

Councillor Murphy explains they are waiting for Councillor Sica or Camell to make a quorum. Councillor Sica joined the meeting which made a quorum and the committee was able to continue with Paper #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. The Retirement Board had an emergency meeting on Monday, June 28, 2021 and invited Warren Atkinson, member of the Malden Retirement Board to report the results of the meeting. Mr. Atkinson explained that they have made a new order that the City Council approve an increase in the COLA base from \$14,000 to \$16,000 for contributory and non-contributory retirees of the Malden Retirement System for FY/22 and taking the increase of \$14,000 to \$18,000 for the COLA base off the table.

Mr. Ranaghan explained last week the Finance Committee asked the Retirement Board to go back to PERAC for a revised schedule going to \$15,000 and they would not entertain doing a revised schedule because we are due to have a full evaluation in January at that time they will ask them to do some new figures extending the schedule

out at the emergency Retirement Board Meeting the Board voted unanimously to increase the COLA base from \$14,000 to \$16,000.

Councillor Crowe appreciates them going back to have that meeting the Finance Committee were not comfortable but would be with \$15 or \$16 and pushing out the schedule was another element but can't take place at this time which was no fault of their own and made the following motion:

Motion to amend Paper #235-21 to reflect the COLA base be increased from \$14,000 to \$16,000 was made by Councillor Crowe and seconded by Councillor Sica. All were in favor.

Motion to recommend the amended paper out favorably to the Full Council was made by Councillor Crowe and seconded by Councillor Sica. All were in favor.

Domenic Fermano-Member of the Retirement Board explained every two years they have the actuarial report come in and they agree to set a criteria to it and upon that agreement send a letter to the Council President which they did in March. He is aware there is a tight schedule with the budget and unfortunately it happened at the eleventh hour however, we will work together but the next go round will try to make it easier and there be more clarity into what is going on to get this situation done as soon as we can and he appreciates them listening to them and giving them another opportunity to come in and make a presentation for not only the retirees but everyone who works for the City of Malden.

Councillor Murphy said we want to work together and if this works she assumes they sent a letter to the Mayor on a 3% Cola increase which should get the retirees a 2% base increase plus a 3% COLA which is a move in the right direction.

A motion was made by Councillor Crowe, seconded by Councillor Linehan, that the Order be recommended favorably as amended that the City Council approve an increase in the COLA base from \$14,000 to 16,000 for contributory and non-contributory retirees of the Malden Retirement System. The motion carried by a unanimous vote.

Other Business

Adjournment

A motion was made by Councillor Deborah DeMaria, seconded by Councillor Jadeane Sica, that the meeting was adjourned at 6:20 PM. The motion carried unanimously.