



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

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

Tuesday, September 20, 2022

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

1. CALL TO ORDER

Council President Spadafora called the meeting to order at 7:00 P.M.

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

3. ROLL CALL

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

Members of the Malden youth community will appear before the Council to speak about the importance of Hispanic Heritage Month and to invite the Council to upcoming events.

Five members of the Malden Youth Community read the Proclamation declaring Sept. 15th to October 15th, Hispanic Heritage Month.

Representatives of the City Clerk's Office will appear before the Council to provide an overview of the September 6th Primary and any changes being discussed for the November 8th General Election.

Clerk Greg Lucey and Asst. City Clerk Carol Ann Desederio gave an overview of the September 6th Primary and changes that are being discussed for the November 8th Election. The challenges of increasing the amount of precincts from 16 to 27, polling locations was discussed, and the outreach that took place informing voters that their precinct/voting location could have changed.

5. PUBLIC COMMENT

6. APPROVAL OF MINUTES**7. APPOINTMENTS & ELECTIONS****8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES****9. MOTIONS, ORDERS AND RESOLUTIONS****[382-22](#)**

Be it ordained that Section 11.24.010 PLACEMENT OF POLES, WIRES AND TELE-COMMUNICATIONS EQUIPMENT IN, ALONG OR ON PUBLIC WAYS be amended in the following manner (See attachment)

Sponsors: Craig Spadafora

Attachments: [Double Pole Ordinance](#)

Council President Spadafora, the sponsor of the paper, said he filed the paper in response to the previous week's council meeting at the National Grid Public hearing when discussing remaining double pole sin the city and one that is a triple pole. Council President Spadafora continued that the city can impose fines for not addressing the double poles but have not gone that route. Council President Spadafora's hope is that this paper will address this issue.

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

[383-22](#)

Order: That the City Council empowers the City's Legal Department to investigate and answer the alleged Open Meeting Law Complaint filed by Brian DeLacey on September 12, 2022 against the Malden City Council and multiple Councillors

Sponsors: Craig Spadafora

Attachments: [OML-Complaint-Form-Signed-DELACEY](#)
[OMLComplaint-Sept8meeting-RPIP,Final](#)

Council President Spadafora, the sponsor of the paper, said he filed the paper in response to the previous week's council meeting at the National Grid Public hearing when discussing remaining double pole sin the city and one that is a triple pole. Council President Spadafora continued that the city can impose fines for not addressing the double poles but have not gone that route. Council President Spadafora's hope is that this paper will address this issue.

A motion was made by Councillor Crowe, seconded by Condon, that the Order be adopted. The motion carried by a unanimous vote.

10. COMMUNICATIONS**[384-22](#)**

Communication: Planning Board recommendation regarding Council Paper 316-22 which ordered MCC 12.12.190.E be amended

Attachments: [CCP 316 2022 PBR 8.22](#)

Council President Spadafora asked Chair Crowe if she wanted to take all 4

Communications together, Chair Crowe answered that she would like to take them individually.

A motion was made by Councillor Crowe that the Communication be received and filed. 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

[316-22](#)

Order: That MCC 12.12.190.E be amended

Sponsors: Amanda Linehan

Attachments: [6.15.21 Prop #2](#)

[CCP 316 2022 PBR 8.22](#)

Chair Crowe said she would like to refer this paper to Ordinance because it was the only one of the 4 papers that were received that the Planning Board voted unfavorable on. Chair Crowe would like the Ordinance Committee to work on the paper in committee.

Councillor O'Malley said he voted against receiving the committee report because taking up the papers tonight is premature without taking up all the papers that were sent to a joint Planning Board Ordinance meeting.

Councillor McDonald asked why the two remaining papers were not heard at the September Planning Board/Ordinance Meeting. Councillor McDonald continued that it was a last minute communication sent out stating the two remaining papers, buffer zones and the issuance authority for granting special permits for marijuana licenses wouldn't be heard until October and asked why the two papers were not heard at the September joint meeting.

City Planner Michelle Romero came forward and told the Council the two remaining papers, 286-22 and 315-22 were scheduled for the August meeting. Paper 286-22 was tabled because the two sponsors, Councillors Spadafora and Sica were not able to make the meeting. Paper 315-22 was not properly before the joint meeting because of the reconsideration vote from Councillor Sica in June and it was not taken up until August 9th which was not enough time to notify abutters place an ad in the newspaper.

Councillor O'Malley stated it was questionable that it was not properly before the joint meeting and further stated he is disappointed in the Planning Board Chair, clerk and staff that let this happen.

Ms. Romero stated that the Legal Department, prior Solicitor Fallon and current acting Solicitor McNaught ruled that paper 315-22 was not properly before the joint hearing because of the reconsideration vote it was never transmitted until after the August 9th meeting.

Council O'Malley stated he didn't think this was true and disagrees with the fundamental facts and the fundamental legal analysis seems to be very politically motivated.

City Planner Romero stated again that it was not properly before the group on August 16th and that she had included it on the agenda with the caveat that if the Council had met in time after the reconsideration vote the item, would be taken up. The Council addressed the reconsideration on August 9th which did not give enough time to advertise

or send out abutter notices for the August 16th meeting.

Councillor O'Malley said that it is his opinion it appears to be politically motivated between certain councillors, staff, maybe the legal department but this was not unusual and par for the course.

City Planner Romero said she wanted to address that, Ms. Romero said that she has been with the city as Planner for 20 years and is also a Malden resident, that she has served through many different councils and 2 different mayors and she has never based her decisions on politics and if anything she has seen zoning proposals submitted that were politically motivated. Ms. Romero continued that the reason why the items did not make the September meeting is that there was a petitioner that was tabled in July and being heard in September and because of the topic and the anticipated length of discussion the Planning Board would not schedule anything else for the night. Ms. Romero said to be fair to the petitioners, public and planning board members their policy is not to start discussions on items after 10:00 P.M.

Councillor McDonald said he understands regarding the tabled petition for July but we need better communication, that he received the recommendation just before the September meeting and asked that Ms. Romero commit to sending out communications 5 days prior to the meeting. Ms. Romero said she would have to go back to see when her email was sent and that she couldn't commit to 5 days in advance but as a policy sends out information 48 hours prior to the meeting. Councillor McDonald said the preference would be five days.

Councillor Linehan stated she agrees with Councillor McDonald. Councillor Linehan continued she had hoped to take up all the papers together but ready to vote tonight on the ones that are ready. Councillor Linehan added that the process has been frustrating and hear the reasons why the papers were not heard in September but wish she knew at the time why the items were not heard in September.

City Planner Romero stated that the items were tabled or not heard in August with no definite date to be taken up but September was suggested but not decided on. Ms Romero continued with what the process was, the Council has 14 days to refer the paper to the Planning Board, The Planning Board has 65 days for the hearing and send back to the Council and then the Council has 90 days to act upon. The papers are within the time frame.

Councillor Sica stated the 4 papers that came out of the joint meeting has nothing to do with papers 286-22 and 315-22. Councillor Sica asked to be on record that she is pretty sure the Planning Board doesn't answer to the Council and that the only thing politically motivated is Councillor O'Malley and a few of his colleagues proposing zoning changes for an applicant that has already been turned down and is suing the city.

Councillor Simonelli said that Ms. Romero has some faults like us all but being politically motivated isn't one of them. Councillor Simonelli continued he has served with Ms. Romero for many years and she has always been professional and stuck to her guns, to have her character judged by the council is not right. Councillor Simonelli told Ms. Romero she shouldn't have to be standing there like she is at an inquisition for doing her job.

Councillor Murphy stated Ms. Romero is a rules follower, she looks at our zoning and ordinances and makes recommendations, she does what needs to be done.

Councillor O'Malley said his comments are being mischaracterize, that he specifically said his disappointment is with the Planning Board Chair, clerk, staff and a group of councillors , it is very politically motivated and has been for years.

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

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

[385-22](#)

Communication: Planning Board recommendation regarding Council Paper 317-22 which ordered MCC 12.12.190.H.2 be amended

Attachments: [CCP 317 2022 PBR 8.22](#)

Chair Crowe sad the next three items are administrative in nature and will be looking to enroll all 3 items.

A motion was made by Councillor Crowe that the Communication be received and filed. 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

[317-22](#)

Order: That MCC 12.12.190.H.2 be amended

Sponsors: Amanda Linehan

Attachments: [6.15.21 Prop #3](#)

[CCP 317 2022 PBR 8.22](#)

A motion was made by Councillor Crowe, seconded by 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, Spadafora, Crowe, Linehan, Condon and Winslow

Nay: 1 - O'Malley

[386-22](#)

Communication: Planning Board recommendation regarding Council Paper 318-22 which ordered MCC 12.12.190.H.9 be amended

Attachments: [CCP 318 2022 PBR 8.22](#)

A motion was made by Councillor Crowe that the Communication be received and filed. 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

[318-22](#)

Order: That MCC 12.12.190.H.9 be amended

Sponsors: Amanda Linehan

Attachments: [6.15.21 Prop #4](#)

[CCP 318 2022 PBR 8.22](#)

A motion was made by Councillor Crowe, seconded by Councillor Sica, that the Ordinance be enrolled to the City Council. 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

[387-22](#)

Communication: Planning Board recommendation regarding Council Paper 319-22 which ordered MCC 12.12.010.A.1, 12.12.010.A.2, 12.12.010.B.1, 12.12.010.B.2, 12.12.010.C.1, 12.12.010.C.2, 12.12.060.A, 12.12.060.B, 12.12.070.A, 12.12.070.B, 12.12.150.A, 12.12.150.B, 12.12.160.A, 12.12.160.B be amended

Attachments: [CCP 319 2022 PBR 8.22](#)

A motion was made by Councillor Crowe that the Communication be received and filed. 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

[319-22](#)

Order: That MCC 12.12.010.A.1, 12.12.010.A.2, 12.12.010.B.1, 12.12.010.B.2, 12.12.010.C.1, 12.12.010.C.2, 12.12.060.A, 12.12.060.B, 12.12.070.A, 12.12.070.B, 12.12.150.A, 12.12.150.B, 12.12.160.A, 12.12.160.B be amended

Sponsors: Peg Crowe

Attachments: [6.15.21 Prop #5](#)

A motion was made by Councillor Crowe, seconded by Councillor Murphy, that the Ordinance be enrolled to the City Council. 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

12. COMMITTEE REPORTS

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

253-22

Petition: National Grid, 1101 Turnpike Street, North Andover, MA, Plan #30543076
Commercial Street - National Grid to install beginning at a point approximately 350 feet southwest of the centerline of the intersection of Commercial Street and Centre Street and continuing approximately 80 feet in a southeast direction. Install 2-4" Primary Duct approximately 80 feet southeast from existing Pole #3 on sidewalk towards 0 Commercial Street for the purpose of serving the customer with electric service.

Sponsors: Peg Crowe

Attachments: [Petition Commercial Street #30543076](#)

276-22

Mayoral Appointment: Stephanie Stone of 19 Pine Street, Malden as an associate member of the Planning Board, said term to commence upon confirmation by the City Council and expire March 1, 2024 to complete the unexpired term of Charles Ferguson.

Confirmation required

Sponsors: Chris Simonelli

287-22

Order: That the City Council discuss the disposition of property owned by the City identified as Parcel No. 185-575-507 in the City of Malden Assessor's Maps, also known as Louis Cohn Way/Robbins Street. Such discussion to include a description of the parcel and it's present use and possible alternatives for future use, care, custody, and control of the property, which will be maintained at the sole expense of the lessee, and that payments include the amount of any taxes that would otherwise be due to the city as well as including whether or not to enter a License Agreement for business use of said property.

Sponsors: Jadeane Sica

Attachments: [Assessors Handout Pub Prop Meeting 62822](#)

366-22

Petition: Massachusetts Electric Company d/b/a National Grid, 1101 Turnpike Street; North Andover, MA, W.O. No. 30630187 Elwell Street to install 1 SO pole beginning at a point approximately 15 feet Southwest of the centerline of the intersection of Elwell Street and Loomis Street. Install a steel stub pole on the sidewalk at the intersection of Elwell Street and Loomis Street. New pole to support the pole line on Loomis Street.

Hearing required

Sponsors: Stephen Winslow

Attachments: [20220908_PETITION FOR POLE AND WIRE LOCATIONS](#)

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

A motion was made by Councillor Murphy, seconded by Councillor at Large McDonald, that the meeting be adjourned. The motion carried by a unanimous vote.

The meeting adjourned at 8:21 P.M.

GREGORY LUCEY, CITY CLERK