



# 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*

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Tuesday, October 18, 2022

7:00 PM

City Council Chambers  
215 Pleasant Street  
Malden, MA 02148

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### 1. CALL TO ORDER

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

### 3. ROLL CALL

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

**Absent - Councillors:** 1 - Chris Simonelli

### 4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

### 5. PUBLIC COMMENT

### 6. APPROVAL OF MINUTES

### 7. APPOINTMENTS & ELECTIONS

### 8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[406-22](#)

Petition: Canvassing Application for Richmond Siu of 120 Tremont Street, Brighton on behalf of Trinity Solar, Inc.

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

[407-22](#)

Petition: Class II license for Auto Bazaar, Corp. of 17 Charles Street, renewal. 21 cars

**A motion was made by Councillor Sica, seconded by Councillor Murphy, that the**

**Petition be referred to the License Committee. The motion carried by a unanimous vote.**

[408-22](#)

Petition: Class II license for Auto Tech II, Inc., of 1236 Eastern Avenue, renewal. 5 cars

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

[409-22](#)

Petition: Class II license for One Dealer Solutions and Wholesalers, Inc., of 93 Maplewood Street, new. 15 cars

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

[410-22](#)

Petition: Class II license for Jordan Motors, Inc. dba Malden Auto Sales of 147 Ferry Street, renewal. 25 cars

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

[411-22](#)

Petition: Class II license for Hub Starters & Alternators, Inc. of 172 Broadway, renewal. 4 cars

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

[412-22](#)

Petition: Class II license for Rio Auto Group Corp, dba Dealer One Motors of 77 Broadway, renewal. 48 cars

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

## PUBLIC HEARING FOR NATIONAL GRID/COMCAST

[413-22](#)

Petition: National Grid, 1101 Turnpike Street, North Andover, MA Plan #30553128 to install beginning at a point approximately 130 feet northeast of the centerline of the intersection of Eastern Avenue and Hillside Avenue and continuing approximately 8 feet in a north direction. Install 2-4" primary duct approximately 8 feet north from existing manhole (MH263) towards 54 Eastern Avenue.

**Attachments:** [54 Eastern Ave and Hillside Plan #30553128](#)  
[Abutters List 54 Eastern Ave](#)

*Council President Spadafora opened the public hearing with anyone who wished to speak in favor of this project. Moses Okokuro of 170 Medford Street spoke on behalf of National Grid electric site. Mr. Okokuro introduced the project and immediately took*

questions. Councillor Crowe stated she has been in discussion with Moses and they met at the job site. She is in support of this project but wants a condition that the trench will be filled within 90 days, time certain. This matter is of concern to her because there is another job site in her ward that has yet to be properly filled after two years. Moses stated on this type of a job the ground is opened and sealed up in the same day.

Councillor Winslow confirmed that this job was associated with the Bread of Life building. Councillor Spadafora reminded the Council that DPW Director Knox wanted to get this project done because they are planning on paving this part of Eastern Avenue and the services need to be in place prior to paving.

Seeing and hearing no other people wishing speak either for or against this paper, Councillor Spadafora closed the public hearing and entertained a motion from Councillor Crowe to grant petition providing for 90 day time certain along with the normal conditions standard with this type of job which are that the street and sidewalk is restored back to the satisfaction of the Director of Public Works and that the Engineer is called when Dig Safe is notified.

**A motion was made by Councillor Crowe, seconded by Councillor Sica, that the Petition be granted conditions providing for 90 day time certain, that the street and sidewalk is restored back to the satisfaction of the Director of Public Works and that the Engineer is called when Dig Safe is notified. The motion carried by a unanimous vote.**

#### 414-22

Petition: Comcast Cable Communications Management LLC, 9 Forbes Road, Woburn, MA to construct a line for broadband under the public ways hereinafter specified, Eastern Avenue & Hillside Avenue; intercepting the existing Comcast conduit on Eastern Avenue and placing a proposed 3'x3' manhole. From the newly placed manhole excavating to place (3) 4" PVC Conduits 612' +/- to provide service to number 50,54 and 57 Eastern Ave.

**Attachments:** [Comcast Petition 54 Eastern Ave Malden 9.29.22](#)  
[COMCAST - 54 Eastern Ave Malden MA - FINAL PLAN - 9-28-22](#)  
[Abutters List 50-57 Eastern Ave](#)

Council President Spadafora opened the public hearing with anyone who wished to speak in favor of this project. David Flewelling of 9 Forbes Road, Woburn spoke on behalf of Comcast. Mr. Flewelling introduced the project and immediately took questions. Councillor Crowe stated he did not contact her in advance for this project, proceeded to ask how much disruption to the street would be caused by a new manhole installation. David explained an approximately 4X4 size hole would be required for a 3X3 size manhole, this would be on the Hillside Avenue side of the street with a trench cut in across the street toward the sidewalk to bring over conduits and pick up all services. Councillor Crowe stressed the importance of Comcast and National Grid to coordinate on this project so they are not ripping up the same sidewalk twice. She also requested a meeting with DPW to make sure work on all pending petitions are done simultaneously. David stated his intent to coordinate with National Grid and expedite required permits so the work can be done immediately, prior to street paving schedule.

Seeing and hearing no other people wishing speak either for or against this paper, Councillor Spadafora closed the public hearing and entertained a motion from Councillor Crowe to grant petition providing for a coordinating meeting with Director of Public Works,

90 day time certain along with the normal conditions standard with this type of job which are that the street and sidewalk is restored back to the satisfaction of the Director of Public Works and that the Engineer is called when Dig Safe is notified.

**A motion was made by Councillor Crowe, seconded by Councillor Murphy, that the Petition be granted providing for a coordinating meeting with Director of Public Works, 90 day time certain along with the normal conditions standard with this type of job which are that the street and sidewalk is restored back to the satisfaction of the Director of Public Works and that the Engineer is called when Dig Safe is notified. The motion carried by a unanimous vote.**

## **9. MOTIONS, ORDERS AND RESOLUTIONS**

### [415-22](#)

Order: That the City Council hereby notifies and warns the inhabitants of Malden who are qualified to vote in Elections to vote at:

All Wards 1 through 8 including all 27 precincts at various polling locations throughout the city, as announced by the City Council, on **TUESDAY, THE EIGHTH DAY OF NOVEMBER 2022**, from 7:00 A.M. to 8:00 P.M. for the purpose of the State Election

**Sponsors:** Craig Spadafora

**Attachments:** [State Election Warrant 2022](#)

*Council President explained that the election warrant is a required piece of legislation from the Council, mandated by State law and there is no leeway to alter or deny the order in any way. Paper was adopted without further discussion.*

**A motion was made by Councillor Sica, seconded by Councillor Murphy, that the Order be adopted. The motion carried by a unanimous vote.**

### [416-22](#)

Order: That the Personnel/Appointments Committee review and interview candidates for the position of City Solicitor to fill the unexpired term created by the resignation of Kathryn Fallon

**Sponsors:** Craig Spadafora

*Councillor President Spadafora announced three applications were received for the position of City Solicitor and that the emergency appointment for Acting City Solicitor is nearing it's expiration date so it is important to schedule this with Personnel and Appointments for review of applicants.*

**A motion was made by Councillor Linehan, seconded by Councillor at Large Colon Hayes, that the Order be referred to the Personnel/Appointments Committee. The motion carried by a unanimous vote.**

### [417-22](#)

Order: That the Personnel/Appointments Committee review and interview candidates for the position of City Clerk to fill the unexpired term created by the pending retirement of Greg Lucey

**Sponsors:** Craig Spadafora

*Before the reading of Paper 417-22 Council President Spadafora made an announcement that due to State Ethics law and best practices he would be asking to recuse himself and Assistant City Clerk Desiderio from the following conversation. This is based on*

*Desiderio being a potential applicant for the position of City Clerk and the fact that Spadafora and Desiderio are related through their great grandmothers. Desiderio was advised by State Ethics that she was not allowed to be any part of the Personnel/Appointments Committee process for the hiring of this position, including the reading of the paper and recording of the vote even if just referring the paper out from full Council to committee.*

*Council President Spadafora asked Assistant City Clerk Desiderio to explain further. She stated she was told that to avoid any potential of an appearance of a conflict of interest she should file the Disclosure of Appearance of Conflict of Interest form based on Rules and Ethics Section 23(b)(3). That document is now on file in the Clerk's office as part of the public record. With that, Desiderio vacated her chair and Councillor Murphy took over the meeting. Councillor Crowe made a motion to allow Councillor Spadafora to be recused, seconded by Councillor Condon, voted unanimously and Council President left the Chamber.*

*Councillor Murphy read the paper then opened the discussion with Councillor O'Malley who asked about the process Personnel/Appointments would take in reviewing resumes and narrowing down the finalists. In the case of the Clerk position it may make sense for the applicants to be narrowed down but as in the Solicitor position, with only three candidates it creates a different dynamic for a Council vote. This dynamic being such, it makes him want to reconsider his vote on 416-22. He suggested prior to referring the paper to Personnel it would be helpful to know how many applicants there are for Clerk and if there is actually a need to narrow down or if would be a minimal choice like with Solicitor.*

*Councillor McDonald stated he is supportive of referring to committee as well but Personnel needs to construct some guidelines on the process prior to scheduling interviews. Councillor Sica said historically these candidates would be sent to committee for a review of applications before sending vetted finalist names to Council. Councillor O'Malley countered that would make sense if there were several candidates to vet but the number for Clerk is unknown at this time and where there are only three submissions for Solicitor, the full Council should be allowed to review all three candidates.*

*Councillor at Large Colon Hayes stated she would be supportive of sending to committee if with the knowledge the Council would be willing to repost job if there was not a significant sample to choose from.*

*Councillor Winslow supports utilizing Personnel/Appointments to vet serious candidates prior to sending second round candidates to the body. Councillor Linehan agreed with this position and will speak to Chair about a scheduling time when most Councillors are available to attend.*

*Councillor Murphy suggested to let these papers go into committee and have the discussion there at a time when everyone will be available to attend as to not hold up the paper. Trying to find common ground, Murphy suggested a roll call to get a sense of the City Council if they want to send 417-22 into committee or, as Councillor O'Malley suggested, reconsider the action of 416-22. To be clear, Councillor Winslow made a motion to send applications Personnel/Appointments for evaluation and referral for final interviews to the City Council.*

**A motion was made by Councillor Winslow, seconded by Councillor Sica, that the Order be referred to the Personnel/Appointments Committee. The motion carried by the following vote:**

**Yea:** 8 - Murphy, McDonald, Sica, Colon Hayes, Crowe, Linehan, Condon and Winslow

**Abstain:** 1 - O'Malley

Recused: 1 - Spadafora

## **10. COMMUNICATIONS**

## **12. COMMITTEE REPORTS**

### [418-22](#)

Committee Report: The Standing Committee on Rules and Ordinance to whom was referred Paper 368-22, having considered the same recommends this paper be reported out favorably in the following amended form:

**Sponsors:** Peg Crowe

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

### [368-22](#)

Order: Be it ordained that Section 11.08 (Streets and Sidewalks) of the MCC be amended by adding Section 11.08.200 to address markings on the public way.

**Sponsors:** Craig Spadafora

**Attachments:** [Ordinance Amendment Proposal Letter 9 8 2022](#)

[DigSafeMarkingRemovalOrdinance](#)

[11.08 STREETS AND SIDEWALKS](#)

[Dig Safe Amended Form Recommended October 11, 2022](#)

*Councillor Crowe spoke on behalf of this paper as it came amended out of Rules and Ordinance. She outlined that the only amendment that was made was to note the person who called Dig Safe is the one to be responsible to have the markings removed within 30 days of the project completion. Councillor Crowe then asked Councillor McDonald to speak further on the paper, at which time he brought attention to the most recent attachment to the paper, dated October 11, 2022 showing the edits as made in committee.*

*Council President Spadafora questioned the words in 11.08.200(a) "any entity or person" asking if this refers to the homeowner or the vendor doing work at the residence. Councillor McDonald replied the person making the marks on the ground would identify who requested the marking and that would then be the entity or person responsible for removing the marks.*

*Councillor Winslow commented that the amended language addresses the concerns he had originally. He also commented for the record that the bike trail is considered a public way and there are a lot of markings on the bike trail because of all the utilities that run underneath. Councillor Spadafora asked if he would like to tighten up the language to address his concerns about street graffiti on the bike path. Together Councillors Winslow and McDonald made a shared amendment to subsection A wherein "on a public way" is replaced with "in a public area" and "shared use paths" is inserted after "...markings on any sidewalks or streets". Shared motion for amendment on the floor was seconded by Councillor Crowe and voted unanimously.*

*Councillor O'Malley asked if this paper had been sent to Legal for review and if it should, prior to coming back to be ordained. No response was given. Councillor Crowe made a motion to enroll as amended, seconded by Councillor Winslow, voted unanimously.*

**A motion was made by Councillor Crowe, seconded by Councillor Winslow, that the Ordinance be enrolled as amended to the City Council. The motion carried by a unanimous vote.**

### **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](#)

*A motion was made by Councillor Crowe, seconded by Councillor at Large Colon Hayes, that Paper 253-22 be taken from the table to the City Council. The motion carried by a unanimous vote.*

*Councillor Crowe opened the discussion stating a public hearing is not necessary because it was done prior to placing the paper on the table last June. Moses Okokuro of 170 Medford Street spoke on behalf of National Grid electric site. Mr. Okokuro introduced the project and immediately took questions. Councillor Crowe asked for clarification of how far and which direction the job is expected to go. Moses reviewed the map of work as outlined in original petition.*

*She wants the trench filled properly so there is not a divot running across the street. Councillor O'Malley pointed out the work order is curb to curb 80' and that is what the paving order will call for. Councillor Crowe stated it's not just about the length but the width of the re-paving so the street and sidewalk isn't just patched back together, but that it is paved zipper to zipper. She stated she would meet with Moses on site to outline exactly what will get paved.*

*Councillor Crowe made a motion to grant petition with a condition that the re-paving is done zipper to zipper, providing for 90 day time certain along with the normal conditions standard with this type of job which are that the street and sidewalk is restored back to the satisfaction of the Director of Public Works and that the Engineer is called when Dig Safe is notified.*

**A motion was made by Councillor Crowe, seconded by Councillor Murphy, that the Petition be granted with a condition that the re-paving is done zipper to zipper, providing for 90 day time certain along with the normal conditions**

**standard with this type of job which are that the street and sidewalk is restored back to the satisfaction of the Director of Public Works and that the Engineer is called when Dig Safe is notified. The motion carried by a unanimous vote.**

### [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](#)

*A motion was made by Councillor Winslow, seconded by Councillor at Large Colon Hayes, that Paper 366-22 be taken from the table to the City Council. The motion carried by a unanimous vote.*

*Councillor Winslow opened the discussion with an explanation that a wire was attached to a stabilizing tree and now that the tree was taken down a pole needs to be put up in it's place. Public hearing is not necessary because it was done prior to placing the paper on the table but at the time there was discussion about double poles. This is not a double pole situation. Councillor Winslow has visited the site and at the time of the hearing, no one spoke against the petition. For those reasons he is in support of this project.*

*Winslow made a motion to grant petition along with the normal conditions standard with this type of job which are that the street and sidewalk is restored back to the satisfaction of the Director of Public Works and that the Engineer is called when Dig Safe is notified.*

**A motion was made by Councillor Winslow, seconded by Councillor Murphy, that the Petition be granted with the normal conditions standard with this type of job which are that the street and sidewalk is restored back to the satisfaction of the Director of Public Works and that the Engineer is called when Dig Safe is notified. The motion carried by a unanimous vote.**

### [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 #9000XX](#)  
[Notice of Public Hearing & Abutters Green and Medford](#)

#### 400-22

Petition: Petition for joint or identical pole locations, Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc., WO No. 30620175 to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures along and across the public way of Forest Street beginning at a point approximately 20 feet northwest of the centerline of the intersection of Forest and Nevada Avenue.

Hearing required

**Attachments:** [National Grid Forest Street WO 30620175](#)  
[Notice of Public Hearing & Abutters Forest and Nevada](#)

*A motion was made by Councillor Murphy, seconded by Councillor Crowe, that Paper 400-22 be taken from the table to the City Council. The motion carried by a unanimous vote.*

*Councillor Murphy opened the discussion with an explanation that a wire was attached to a stabilizing tree and now that the tree has died and needs to come down a pole needs to be put up in its place. Councillor Murphy stated this is a practice that should no longer be allowed because it tends to kill the tree. Councillor Winslow inquired if the City is now responsible for the cost of the removal and replacement of this cemetery tree? Councillor McDonald remarked that there are many trees along Forest Street that have branches come down during storms, endangering power lines and that it would be helpful if National Grid could give future updates to the Council on what they are doing to monitor. Councillor Murphy noted that Chris Rosa is working with National Grid and has mandated a tree management plan therefore Mr. Rosa should be made a part of this conversation.*

*Councillor Murphy made a motion to grant petition with the condition that National Grid would see to it that the sidewalk is repaired in a timely manner and that sidewalk is ADA compliant, that National Grid would be responsible for the removal and replacement of the cemetery's tree, National Grid will meet with Chris Rosa regarding tree safety, along with the normal conditions standard with this type of job which are that the street and sidewalk is restored back to the satisfaction of the Director of Public Works and that the Engineer is called when Dig Safe is notified.*

**A motion was made by Councillor Murphy, seconded by Councillor Winslow, that the Petition be granted with the condition that National Grid would see to it that the sidewalk is repaired in a timely manner and that sidewalk is ADA compliant, that National Grid would be responsible for the removal and replacement of the cemetery's tree, National Grid will meet with Chris Rosa regarding tree safety, along with the normal conditions standard with this type of job which are that the street and sidewalk is restored back to the satisfaction of the Director of Public Works and that the Engineer is called when Dig Safe is notified. The motion carried by a unanimous vote.**

## **14. PERSONAL PRIVILEGE**

**15. ADJOURNMENT**

A motion was made by Councillor Sica, seconded by Councillor at Large McDonald, that the meeting be adjourned. The motion carried by a unanimous vote. Meeting adjourned at 8:33 PM.

**GREGORY LUCEY, CITY CLERK**