



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, December 20, 2022

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

1. CALL TO ORDER

Also in attendance Assistant City Solicitor Alicia McNeil, City Planner Michelle Romero.

Councillor O'Malley left the meeting approximately 7:15 and returned at 7:33 missing the votes on papers 525-22, 526-22, 527-22 and the vote to interview Attorney McNaught (416-22).

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

[523-22](#)

Minutes of the meeting of December 13, 2022

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

7. APPOINTMENTS & ELECTIONS

[524-22](#)

Appointment: Council re-appoints Lisa Cagno of 31 Quincy Street as Clerk of

Committees, said term to expire December 31, 2023

Vice Chair Linehan spoke for the Personnel Appointments Committee and recommended that Lisa Cagno be voted on the floor.

A motion was made by Councillor Linehan, seconded by Councillor O'Malley, that the Appointment be appointed. The motion carried by the following vote:

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

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

9. MOTIONS, ORDERS AND RESOLUTIONS

[525-22](#)

Order: That the Council approve the 2023 Schedule of Council Meetings

Sponsors: Craig Spadafora

Attachments: [2023 Schedule of Council Meetings](#)

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

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

[526-22](#)

Order: That the Council will nominate and vote on Council President for the 2023 calendar year

Sponsors: Craig Spadafora

Council President Spadafora opened nominations for 2023 Council President.

Councillor Winslow nominated Councillor Murphy, the nomination was seconded by Councillor McDonald.

Councillor Crowe moved to close nominations, seconded by Councillor Condon. It was so voted 9-0.

Councillor Colon-Hayes asked Councillor Murphy if she could talk about some of her goals for the upcoming year.

Councillor Murphy thanked the Council for their support. Councillor Murphy continued that she has had good conversations with councillors and would like to continue that dialogue. Councillor Murphy told of a conversation with Councillor McDonald about trust and that is important and we also need to have respect. Councillor Murphy said she would like to continue what Council President Spadafora started with training. Councillor Murphy is also putting a priority on getting a Rules Book approved, trying as best she can putting members on Committees that are of interest to them and improving how they work with each, recognizing they need to work better collectively as a group.

By a vote of 9-0 Councillor Murphy was elected Council President for 2023: Crowe (y), Condon (y), Linehan (y), Murphy (y), Winslow (y), Sica (y), Colon-Hayes (y), McDonald (y)

A motion was made by Councillor Winslow, seconded by Councillor Crowe, that the Order be placed on file. The motion carried by the following vote:

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

10. COMMUNICATIONS

12. COMMITTEE REPORTS

527-22

Committee Report: Personnel/Appointments (Paper #416-22 Ordered that Attorney John McNaught, 72 North Woodcrest Drive, Melrose, MA 02176, be moved out favorably to be interviewed by the Full Council for the position of City Solicitor after which a vote will be taken to fill the unexpired term created by the resignation of Kathryn Fallon, said term to commence upon Council Confirmation and expire on March 1, 2025.)

A motion was made by Councillor Linehan that the Committee Report be received and filed. The motion carried by the following vote:

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

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

Vice Chair Linehan stated that the Personnel Appointments Committee had a wonderful interview with Attorney McNaught in Executive Session and it was the recommendation of the Committee for the Council to interview Attorney McNaught for the position of City Solicitor.

Councillor Linehan made the motion and was seconded by Councillor Condon, the following was vote taken. Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), Sica (y), Winslow (y), Spadafora (y). The motion to interview Attorney McNaught passed 9-0.

Council President Spadafora asked Attorney McNaught to come forward.

Attorney McNaught began by giving some of his personal background, married 55 years, 3 children, 11 grandchildren had his own law practice, has practiced law for 47 years, he grew up on West Street in Malden, was the former City Solicitor of Melrose.

Councillor Colon-Hayes asked his plans for the office. Attorney McNaught answered that his top priority is digitalizing the office. The office currently has too many files and being able to digitalize those files will make the office more efficient and easier to research cases.

Attorney McNaught also pointed to the tremendous staff hired by prior City Solicitor Kate Fallon hiring Assistant City Solicitors Alicia McNeil and Zaheer Samee. A succession plan is in place with both assistants. Attorney McNaught also praised Cathy Bartlett and Attorney Mark Rumley who is hired for 10-12 hours per week but works much more.

Councillor Winslow stated that a challenge is there are 11 clients for the City Solicitor. Attorney answered that is more than that, it is the Mayor and the entire city staff.

Councillor McDonald stated that they had a great discussion in the executive session interview regarding inclusion and diversity,. Attorney McNaught said he would like to take credit for the diversity of the legal staff but they were hired by former City Solicitor Fallon and added that the future is wonderful in the Legal Department with the diversity of the staff. Councillor McDonald continued that he is looking forward to working with Attorney McNaught for years to come.

Councillor Condon thanked Attorney McNaught and said this was an easy decision for the Committee.

Councillor Murphy said she had two questions, does Attorney McNaught have a private law practice, Attorney McNaught answered, no he does not. Councillor Murphy followed up with the succession plan for the Legal Department. Attorney McNaught answered that his time is limited because of his age and in Attorneys McNeil and Samee , there are two great candidates for the City Solicitor position.

Councillor Crowe said she is pleased to have Attorney McNaught before them tonight and he has always made himself available to the Council and will do a great job as City Solicitor.

Council President Spadafora added he 100% supports Attorney McNaught and the City is fortunate to have strong departments in place.

Councillor O'Malley credited Attorney McNaught for the reason he went to law school.

A motion was made by Councillor Linehan, seconded by Councillor Sica, that the Appointment be appointed. The motion carried by the following vote:

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

[521-22](#)

Committee Report: the Joint Committee of Rules & Ordinance and Finance to whom was referred Papers 514 and 515 of 2022, the Standing Committee on Rules & Ordinance having considered Paper 515-22, make the following report

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.

[515-22](#)

Be it hereby Ordained by the Malden City Council that the Code of the City of Malden (MCC) be amended by adding Title 2, Chapter 24 Section .015 Department Head Salary Schedule and striking in:

2.20.030(B) Superintendent of Cemeteries;

2.20.030(C) Director - Board of Health, Director of Engineering, Director - Information Technology, Director - Public Facilities, Assessor/Director of Assessing, City Clerk, Treasurer/Collector, Building Commissioner, Director of Strategic Planning and Community Development;

2.20.030(D) Chief of Strategy and Innovation Officer.

Be it further amended by striking in:

2.20.040(C) Senior Center Coordinator, Veterans Service Commissioner, Teen Program Coordinator and;

2.20.040(D) Recreation Coordinator.

Sponsors: Peg Crowe

Attachments: [2.24.015 Dept Head Salary Schedule Ordinance](#)

Chair Crowe told the Committee the paper reflects the ordinance changes for the department heads that are in the union and the contract that has been agreed to and signed by the city. It is the new department head salary schedule.

After the paper was enrolled Councillor Condon made a motion to suspend rules for the purpose of ordaining, the motion was seconded by Councillor Crowe and it was so voted 10-0.

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, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

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

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

[522-22](#)

Committee Report: the Joint Committee of Rules & Ordinance and Finance to whom was referred Papers 514 and 515 of 2022, the Standing Committee on Finance having considered Paper 514-22, make the following report

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

[514-22](#)

Order: That the sum of Sixty-Three Thousand Forty-Four Dollars and Thirty-Three Cents be transferred from Salary Reserve, account number 0010-996-5110 to the following accounts

Sponsors: Barbara Murphy

Councillor Murphy stated the contract was negotiated and signed by the mayor. The paper funds the salaries of the changes.

Councillor Colon-Hayes said she wanted to reiterate the contract was signed by the mayor and the council had nothing to do with the negotiation.

Chair Murphy said that the mayor did nothing different with this negotiation than what he has done with any other union contract in the city.

Councillor O'Malley said he is willing to support but that it would have been nice to see the contract ahead of time.

A motion was made by Councillor Murphy, seconded by Councillor Sica, that the Order be adopted. The motion carried by the following vote:

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

[528-22](#)

Committee Report: Finance (Paper #512-22 Order that the sum of Twenty-Two

Thousand Five Hundred Dollars (\$22,500) is appropriated from available general fund free cash and transferred to Board of Health Recovery Coaches, acct. #0010-510-5103)

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

[512-22](#)

Order: That the sum of Twenty-Two Thousand Five Hundred Dollars (\$22,500) is appropriated from available general fund free cash and transferred to Board of Health Recovery Coaches, account number 0010-510-5103

Sponsors: Barbara Murphy

Chair Murphy said the funding was to fund a badly needed recovery coach for a half year until June 30th. The position would be reporting to Paul Hammersley, adding drug addiction is a 7 days a week problem and this position would be for anyone needing help no matter what day or time it is. The position was posted and there is a candidate that can start January 3rd.

Councilor Colon-Hayes said we need more help on the ground with people struggling with addiction and supports the funding.

Councilor Linehan said she sees the issues everyday traveling on the MBTA and we need to find a way to fund these positions on our own not just relying on grants, Councillor Linehan added we need to be able to sustain the position.

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

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

[529-22](#)

Committee Report: Finance (Paper #513-22 Order: That the sum of One Million Two Hundred Thousand Dollars (\$1,200,000) is appropriated from available water sewer enterprise fund retained earnings and transferred to Water Sewer Capital, acct # 6010-450-5860)

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

[513-22](#)

Order: That the sum of One Million Two Hundred Thousand Dollars (\$1,200,000) is appropriated from available water sewer enterprise fund retained earnings and transferred to Water Sewer Capital, account number 6010-450-5860

Sponsors: Barbara Murphy

Chair Murphy stated this funding would be purchasing badly needed equipment for the water department.

Councillor Winslow added this investment is needed and it also protects our residents properties.

Councillor O'Malley said that the rate payers pay for the funding but after the first of the year we need to look at the water rates.

Council President Spadafora said it is a large investment and he is in full support of the paper.

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

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

[520-22](#)

Committee Report: License Petitions Papers 500 through 511 of 2022 the Standing Committee on License to whom was referred the following papers having considered the same, make the following report

Chair Sica's request was to vote the petitions by group and she would be recusing herself from papers 504-22, 506-22 and 507-22. The first vote was for petitions, 500-22, 501-22, 502-22, 503-22, 508-22, 509-22, 510-22 511-22 which Councillor Sica participated.

Councillor Sica made a motion to be recused from papers 504-22, 506-22 and 507-22, seconded by Councillor O'Malley, it was so voted 10-0.

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

[500-22](#)

Petition: Open Air Parking Lot License for Robert McNulty of 28 Cedar Street, renewal, 14 parking spaces

A motion was made by Councillor Sica, seconded by Councillor Condon, that the Petition be granted. The motion carried by a unanimous vote.

[501-22](#)

Petition: Open Air Parking Lot License for TJ Corp., of 315 Pleasant Street, renewal, 15 parking spaces

A motion was made by Councillor Sica, seconded by Councillor Condon, that the Petition be granted. The motion carried by a unanimous vote.

[502-22](#)

Petition: Extended Hours License for MRM Donuts Corp., dba Dunkin' of 617 Broadway, seven days, 4:00 AM to 10:00 PM

A motion was made by Councillor Sica, seconded by Councillor Condon, that the Petition be granted. The motion carried by a unanimous vote.

[503-22](#)

Petition: Class II License for Top Cars Motor Group of 259 Main Street, renewal, 35 cars

A motion was made by Councillor Sica, seconded by Councillor Condon, that the Petition be granted. The motion carried by a unanimous vote.

[504-22](#)

Petition: Class II License for Sica's Automotive, Inc. of 1114 Eastern Avenue, renewal, 2 cars

A motion was made by Councillor Winslow, seconded by Councillor Condon, that the Petition be granted. The motion carried by the following vote:

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

Recused: 1 - Sica

[506-22](#)

Petition: Class II License for Rigano's Inc. of 1081 Fellsway, renewal, 20 cars

A motion was made by Councillor Winslow, seconded by Condon, that the Petition be granted. The motion carried by the following vote:

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

Recused: 1 - Sica

[507-22](#)

Petition: Class II License for Rigano's Inc. of 1152 Eastern Avenue, renewal, 15 cars

A motion was made by Councillor Winslow, seconded by Councillor Condon, that the Petition be granted. The motion carried by the following vote:

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

Recused: 1 - Sica

[508-22](#)

Petition: Class II License for Joe Ciampa Auto Body, Inc. of 322 Eastern Avenue, renewal, 4 cars

A motion was made by Councillor Sica, seconded by Councillor Condon, that the Petition be granted. The motion carried by a unanimous vote.

[509-22](#)

Petition: Class II License for Malden Middlesex Motor Sales, Inc. of 129 Charles Street, renewal 15 cars

A motion was made by Councillor Sica, seconded by Councillor Condon, that the Petition be granted. The motion carried by a unanimous vote.

[510-22](#)

Petition: Class III License for Malden Middlesex Motor Sales, Inc. of 129 Charles Street, renewal

A motion was made by Councillor Sica, seconded by Councillor Condon, that the Petition be granted. The motion carried by a unanimous vote.

[511-22](#)

Petition: Class III License for Malden Broadway Auto Body of 590 Broadway, renewal

A motion was made by Councillor Sica, seconded by Councillor Condon, that the Petition be granted. The motion carried by a unanimous vote.

13. 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

[286-22](#)

Order: That in the interest of promoting a fair and transparent marijuana licensing process, free from political influence and the potential for state ethics violations, that the Code of the City of Malden be amended to change the Special Permit granting authority for Marijuana Establishments from the Malden City Council to the Malden Planning Board, including amending the following Sections:

-Section 6.08.070.B. Definition of Special Permit, by deleting "as further amended
by City Council Paper 283 of 2018.";

-Section 6.08.070.D.2.b, by deleting "City Council" where mentioned and replacing
with "Planning Board";

-Section 12.12.010.A, first paragraph, first phrase, by striking "City Council" and replacing with "Planning Board", as follows: "Except for Marijuana Retailer, Marijuana
Cultivator, Independent Marijuana Testing Laboratory, Marijuana Product Manufacturer,
Marijuana Research Facility and Marijuana Transporter, where a special permit shall be required by the Planning Board in accordance with MCC 12.12.020;"

-Section 12.12.190, first paragraph, by striking "City Council" and replacing with "Planning Board" as follows: "A Marijuana Establishment, as defined by this Ordinance
to expressly only include Marijuana Retailer, Marijuana Cultivator, Independent Marijuana
Testing Laboratory, Marijuana Product Manufacturer, Marijuana Research Facility and
Marijuana Transporter, may be allowed only in the Highway Business, Industrial 1 and
Industrial 2 zoning districts or the Marijuana Establishment Overlay District, only by special
permit granted by the Planning Board and only in conformance with the following controls
and requirements:"

-Section 12.12.190.B, Section 12.12.190.G, Section 12.12.190.G.4, Section 12.12.190H,
by deleting "City Council" where written and replacing with "Planning Board";

-Section 12.28.010.E, by deleting "City Council" where mentioned and replacing with
"Planning Board"

Sponsors: Jadeane Sica and Craig Spadafora

Attachments: [CCP 286-22 Staff Report 10.11.22](#)
[CCP 286 2022 PBR 10.22 wAtt](#)

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](#)

315-22

Order: That MCC 12.12.190.A and 12.12.190.B be amended

Sponsors: Amanda Linehan

Attachments: [6.15.21 Prop #1](#)
[CCP 315 2022 Staff Report 10.11.22](#)
[CCP 315 2022 PBR 10.22 wAtt](#)
[Informational Memo on Buffer Zones Dimensional Controls \(1\)](#)

A motion was made by Councillor Linehan, seconded by Councillor O'Malley, that the Ordinance be taken from the table to the City Council. The motion carried by the following vote:

Yea: 6 - McDonald, Colon Hayes, O'Malley, Linehan, Condon and Winslow

Nay: 4 - Murphy, Sica, Spadafora and Crowe

he sponsor of the paper, Councillor Linehan thanked Councillor McDonald, stating it was a team effort and this has been a long haul with this paper. Councillor Linehan is hoping to see if the Council can come to a consensus on the paper. Councillor Linehan continued that the paper would give the Council the ability evaluate and weigh in to give a special permit. Councillor Linehan added that the Council is an elected body and the paper would give the council flexibility and look at the whole picture of the applicant and the Council could make additional findings.

Councillor McDonald thanked Councillor Linehan for her work on the paper and that he is not sure the Council can come to consensus on the paper but at least the Council has had a discussion. Councillor McDonald continued that this is not a proposal to change the buffer zone but would allow the Council to look at the applicant and they could approve the license. Councillor McDonald added that he does appreciate the different points of view.

Councillor Colon-Hayes thanked Councillors Linehan and McDonald for their hard work and added that extenuating circumstances happen and this would allow the Council to give an applicant a second look.

Councillor Winslow said that he was looking at the Ordinance this week and a lot of thought went into the Ordinance. Councillor Winslow continued that CLEC vets the applicant and the next step is the Special Permit and the Council should be able to look at the buffer zone.

Councillor Sica said she thought they were going to wait until all 11 councillors were present to take the paper off the table. Councillor Sica went further saying that 315-22 has 3 moving parts and the vote would be on 3 separate recommendations that will take 3 separate votes. Councillor Sica stated she disagrees with Councillor Linehan of the lack of places for marijuana establishments to go, there is an overlay district in the 600 block of Broadway up to Town Line, Parcels at CVS and Charles Street didn't need a variance, there are other properties that would not need a variance. Councillor Sica ended by saying there is a lot of misinformation out there and like Councillor Crowe would be in favor of passing the first two parts of the paper but not the buffer zone part.

Councillor Crowe agreed with Councillor Sica that there are 3 parts and dimensional controls regard the properties themselves and buffer zones is how it relates to surrounding properties.

Councillor O'Malley said you know how I feel about this and the only way we are going to get applicants is like at Charles Street where 1/2 the building is empty or big corporations. The intent was always to treat buffer zones as a dimensional control. Councillor O'Malley continued we should honor the intent even if the words do not match and the applicant should have their project heard and we as a body are opening ourselves to legal liability.

Council President Spadafora warned Councillor O'Malley that there is litigation going on now and he is treading walking a fine line with the current litigation pending.

Councillor Murphy said that there are three sections to consider and she is in favor of the first two and she was unhappy when they made the buffer zone at 75 feet and thought it should have been the 150 feet that was proposed. Councillor Murphy continued there is a process that is in place and she feels the Board of Appeal does good work and why as a council would we want to change that, we need to keep in mind how the Planning Board works with the Board of Appeal and City Council.

City Planner Michelle Romero was asked to speak. Ms. Romero stated that the Planning Board favorably recommended the first two parts 9-0, and the recommended unfavorable by a vote of 9-0 on the buffer zones. The first two were codifying language that existing in other ordinances. The buffer zone was a lengthy discussion, reviewed by the City Solicitor and then City Solicitor Fallon sent a letter regarding the differences between buffer zones not being a dimensional control. Ms. Romero told the council litigation was resolved and that the courts upheld the Board of Appeal not granting the license. Ms. Romero continued that she participated in all of the hearings and it was repeatedly stated that if someone didn't get a license for a buffer zone, it would be by the Board of Appeal.

Councillor Condon said that he voted in favor of taking the paper from the table to allow for debate and he didn't like to see papers lingering as tabled. Councillor Condon continued that he supported the 150 feet buffer zone like Councillor Murphy and prefers the 150 feet buffer zone.

Councillor Winslow stated that zoning boards are set up when there is a parcel of land that is hard to figure out then they can grant a variance. Councillor Winslow said that he thinks the buffer zones fit within a parking variance, no cannabis shop can claim a

hardship and the Planning Board is not a body that has supported cannabis.

Councillor O'Malley said he wanted to return to intent and it is his understanding that the Board of Appeal could grant a variance like sign design review and the council didn't understand back then the difficulties if they got someone looking for a variance, Councillor O'Malley continued there is common sense here and that is to pass this amendment.

Councillor Linehan thanked everyone for the debate and that it was a courtesy discussion and no disrespect to Councillor Simonelli who could not make the meeting. Councillor O'Malley asked City Planner Romero the impact if the City Council fails to approve, Ms. Romero answered there will be a 2 year period before it can come back to the Planning Board.

Councillor O'Malley warned Councillors that were in favor of the amendment to tread lightly when making a motion because you don't want the motion to fail.

Council President Spadafora said there will be 3 separate votes:

Councillor Crowe made a motion to enroll the Planning Board's favorable recommendation of Section 12.12.190., seconded by Councillor Sica, the following vote was taken: Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), O'Malley (n), Sica (y), Winslow (y), Spadafora (y). The motion passed 9-1.

Councillor Crowe made a motion to enroll the Planning Board's favorable recommendation of Section 12.12.190.B, seconded by Councillor Sica, the following vote was taken: Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), O'Malley (n), Sica (y), Winslow (y), Simonelli (y). The motion passed 9-1.

Councillor O'Malley made a motion to adjourn.

Council President Spadafora stated we can't adjourn in the middle of voting a paper, that we are taking 3 votes but it's the same paper.

Councillor O'Malley said the motion to adjourn is not debatable.

Council President Spadafora called on Assistant City Solicitor Alicia McNeil for her opinion who agreed with Council President Spadafora that they are in the middle of voting so the council needed to continue voting.

Councillor O'Malley stated he made a motion to adjourn and the Assistant City Solicitor could not overturn that and if the Council President would not allow the vote, 5 members could get up and walk out and there would be no quorum to continue the meeting.

Councillor Winslow on a point of information said that Councillor Linehan had one paper and there were no amendments to take the paper in 3 sections with votes so he was not sure the proper procedure was followed.

Council President Spadafora called for the vote on adjournment, on Councillor O'Malley's motion and was seconded by Councillor Winslow, the following vote was taken: Colon-Hayes (y), Condon (n), Crowe (n), Linehan (y), McDonald (n), Murphy (n), O'Malley (y), Sica (n), Winslow (y), Spadafora (n), the motion to adjourn failed 4-6.

Councillor Crowe made a motion to accept the Planning Boards recommendation to

disapprove of the proposed amendment of Section 12.12.190.B re: buffer zones , the motion was seconded by Councillor Murphy, the following votes was taken : Colon-Hayes (n), Condon (y), Crowe (y), Linehan (n), McDonald (n), Murphy (y), O'Malley (n), Sica (y), Winslow (n), Spadafora (y) , the motion failed 5-5.

[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](#)

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

A motion was made by Councillor O'Malley, seconded by Councillor Condon, that the meeting be adjourned. The motion carried by a unanimous vote.

The meeting adjourned at 9:18 P.M.

GREGORY LUCEY, CITY CLERK