



# 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*

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Tuesday, February 14, 2023

7:00 PM

City Council Chambers  
215 Pleasant Street  
Malden, MA 02148

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### 1. CALL TO ORDER

*Council President Murphy called the meeting to order at 7:03 PM.*

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

*Councillor O'Malley requested an additional moment of silence to honor lifelong Ward 4 resident, Diane Rotundi, who recently passed away.*

### 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

Representatives from Tufts Medical and the Mayor's Office will appear before the Council to provide an update on the open space component of the proposed redevelopment of the old Malden Hospital site.

*Lori Howley and Sean Curran from Tufts Medical and Ronald Hogan from the Mayor's Office presented to the Council the open space plan for the Malden Hospital site. A Power Point of this presentation is attached to Paper 44-23.*

### 5. PUBLIC COMMENT

*An email was submitted by Lissette Alvarado of 492 Pleasant Street to speak on Paper 46-23, stating her belief that any Councillor who holds, or whose family holds, a liquor license should recuse themselves from Executive Session on this topic.*

*Prisco Tamarro of 84 Pine Street spoke on Paper 44-23, expressing disappointment on the funding necessary to obtain the land for the open space, parking issues, and unresolved employee shuttle services.*

## **6. APPROVAL OF MINUTES**

[40-23](#)

Minutes for the meeting of January 17, 2023

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

[41-23](#)

Minutes for the meeting of January 24, 2023

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

[42-23](#)

Minutes for the meeting of February 7, 2023

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

## **7. APPOINTMENTS & ELECTIONS**

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

[43-23](#)

Petition: Taxi Cab License for Malden Trans., Inc. of 290 Eastern Avenue, renewal, 11 vehicles

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

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

[44-23](#)

Resolve: That it is the sense of the City Council that they wish to invite representatives from Tufts Medical and the Mayor's Office to appear to provide an update on the open space component of the proposed redevelopment of the old Malden Hospital site.

**Sponsors:** Amanda Linehan

**Attachments:** [Malden Hospital Redevelopment: Open Space](#)

**A motion was made by Councillor Linehan, seconded by Councillor Simonelli, that the Resolution be passed. The motion carried by a unanimous vote.**

[45-23](#)

Resolve: That it is the sense of the City Council that they wish to invite representatives from Malden Reads to present their One City, One Book reading selection for 2023, *They Called Us Enemy* by George Takei.

**Sponsors:** Barbara Murphy

**A motion was made by Councillor Crowe, seconded by Councillor at Large Colon Hayes, that the Resolution be passed. The motion carried by a unanimous vote.**

[46-23](#)

Order: That the City Council meet with legal counsel in executive session in regard to Benevolent Botanicals v. City of Malden, under Massachusetts General Laws Chapter

30A Section 21(a)(3) to discuss strategy with respect to litigation, as such discussion in open meeting would have a detrimental effect on the City's litigating position, and to admit Maria Luise, Special Assistant to the Mayor.  
(Roll Call Required)

**Sponsors:** Karen Colon Hayes

*Discussion on this paper opened with Councillor Colon-Hayes stating that it has been a couple months since the last update given by Legal to the full Council on the Benevolent Botanicals court case and she feels it is a good idea to get updated. Councillor later went on to say that she has the right to call for ES whenever she wants and without accusation of conflict of interest. And in fact, she is concerned with anyone who doesn't want to enter into ES and that seems "sketchy". Councillor Sica is not in support of this Executive Session as the City Solicitor will request through Council President if/when updates are needed and since that hasn't happened, this doesn't seem necessary. She further stated that she is concerned there may be a conflict of interest regarding Councillor Colon-Hayes' relationship to the parties in this case. Councillor O'Malley expressed support of getting more frequent updates on all open cases in general, suggesting perhaps quarterly reports would be a good idea. Councillor Winslow agreed that the Council would be well served with more frequent updates from Legal then went on to read Massachusetts Ethics Code for Lawyers, Rule of Professional Conduct, Rule 1.4: Communication. He later stated that he has not been consulted as to what the City's objectives are in this lawsuit. He is not sure the Council has a specific objective and would like the opportunity to understand the strengths of their defense. Councillor Crowe agreed that she would like more frequent updates in generally but for this specific case, asked to bring City Solicitor John McNaught Jr. to the podium to ask if there is any substantial updates that would require this evening's ES. Solicitor McNaught replied there has been no change in the case with the exception of the adversary's letter to the full administration demanding a settlement, which cannot be done as the ordinance in question has not changed so what they are asking for cannot be provided. Councillor Condon is comfortable with hearing Solicitor McNaught state there has been no changes so does not see a need to enter ES.*

**A motion was made by Councillor at Large McDonald, seconded by Councillor O'Malley, that the Order be adopted. The motion failed by the following vote:**

**Yea:** 5 - McDonald, Colon Hayes, O'Malley, Linehan and Winslow

**Nay:** 6 - Murphy, Simonelli, Sica, Spadafora, Crowe and Condon

## **10. COMMUNICATIONS**

### [47-23](#)

Communication: The Planning Board to whom was referred Paper 516-22 having considered the same at the joint public hearing of Planning Board/Rules & Ordinance Committee on January 11 present the following recommendation that the City Council approve the amendment as proposed.

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

### [516-22](#)

Be it hereby Ordained by the Malden City Council that the Code of the City of Malden (MCC) 12.12.300(G)(3) Inclusionary Zoning is hereby amended by striking and including the following language regarding fractional units:

**Sponsors:** Peg Crowe

**Attachments:** [IZ Fractional Unit Amendment Prop 12.22 rev](#)

[CCP 516-2022 PSR wAtts](#)

[CCP 516 2022 PBR 1.23 wAtt](#)

*Councillor Crowe spoke on behalf of this paper, explaining what the change in fractional units means by way of example as given by the Planning Board in their recommendation, which is attached to the history of this paper. She stated support in the joint committee meeting for this paper was unanimous.*

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

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

**A motion was made by Councillor Crowe, seconded by Councillor O'Malley, that Council rules be suspended for the purpose of ordaining. The motion carried by the following vote:**

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

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

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

#### 48-23

Communication: Per the requirements of MCC 2.04.030 the Malden Housing Authority respectfully submits their MHA Board approved 2023 Annual Report.

**Attachments:** [Malden Housing Authority 2023 Annual Report](#)

**A motion was made by Councillor O'Malley, seconded by Councillor Crowe, that the Communication be received and filed. The motion carried by a unanimous vote.**

## **12. COMMITTEE REPORTS**

#### 49-23

Committee Report: The Standing Committee on License to whom was referred Papers 5-23, 15-23, 16-23 having considered the same make the following report that the petitions be recommended out favorably.

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

#### 5-23

Petition: Class II License for Uni Auto Center, Inc. of 369 Salem Street, renewal, 20 cars

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

#### 15-23

Petition: Livery License for Stephanie Licono of 205 Bryant Street, renewal, 1 vehicle

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

[16-23](#)

Petition: Livery License for Stephen N. Asongwed of 61 High Rock Road, renewal, 1 vehicle

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

[50-23](#)

Committee Report: The Standing Committee on Personnel & Appointments, to whom was referred Paper #276 Series of 2022, having considered the same make the following report: Committee recommends that this appointment be recommended out favorably to the Full Council.

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

[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

**A motion was made by Councillor Linehan, seconded by Councillor at Large Colon Hayes, that the Appointment be confirmed. 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

[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](#)

**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](#)

**20-23**

Resolve: Be it hereby resolved that it is the sense of the City Council that the Massachusetts Senate and House must enact, during the current legislative session, HD577 and SD1144, An Act Relative to Pesticides.

According to the MSPCA Angell Animal Hospital, "Second Generation Anticoagulant Rodenticides (SGARs) are a type of poison used for rodent control that work by stopping the blood clotting processes, causing lethal hemorrhage. SGARs have been extensively used for rodent control, allowing secondary exposure and poisonings in non-target wildlife species, such as birds of prey that mainly feed on rodents or small birds. SGARs are prohibited for residential consumer purchase in the Commonwealth, but commercial use is allowed for licensed pesticide companies when hired to deal with rodent problems."

**Sponsors:** Ryan O'Malley, Karen Colon Hayes and Amanda Linehan

**Attachments:** [Rodenticide Bill](#)

[Eagle in Malden](#)

[Sick Owl](#)

[Email on Updated Rodenticide Bills](#)

*After discussing this paper at the last meeting, Councillor Winslow looked further into this paper, updating the bill numbers as well as taking into account the concerns of Yankee Pest Control's Galvin Murphy and slightly rewrote the original resolution. Councillor Winslow's updated language may be found in version 3 of the history of this paper. He stated his request for this paper is to have his amendment approved then submit the resolve to the State delegation. Councillor O'Malley seconded this plan of action as he is in full support of the re-write.*

*Councillor Sica and Councillor Condon both asked to confirm that Galvin Murphy is comfortable, in his professional opinion, with the changes being presented tonight.*

**A motion was made by Councillor Winslow, seconded by Councillor O'Malley, that the Resolution be taken from the table to the City Council. The motion carried by a unanimous vote.**

**A motion was made by Councillor Winslow, seconded by Councillor O'Malley, that the Resolution be amended. The motion carried by a unanimous vote.**

**A motion was made by Councillor Winslow, seconded by Councillor O'Malley, that the Resolution be passed as amended. The motion carried by a unanimous vote.**

**14. PERSONAL PRIVILEGE**

**15. ADJOURNMENT**

A motion was made by Councillor O'Malley, seconded by Councillor at Large McDonald, that the meeting be adjourned. The motion carried by a unanimous vote. Meeting adjourned at 8:46 PM.

**CAROL ANN DESIDERIO, CITY CLERK**