



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, June 21, 2022

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

Please click the link below to join the webinar:

[https://cityofmalden.zoom.us/j/99861290098?](https://cityofmalden.zoom.us/j/99861290098?pwd=SUKxVUw1UXItZDJ6NjBmWGFDRzZM1dz09)

pwd=SUKxVUw1UXItZDJ6NjBmWGFDRzZM1dz09

Passcode: 921851

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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

1. CALL TO ORDER

Councillors Linehan and McDonald participated by zoom. While zoom was being used, all votes were recorded by roll call votes.

Council President Spadafora called the meeting to order at 7:02 P.M.

Also in attendance were Asst. City Solicitor Zaheer Samee and City Planner Michelle Romero.

Councillor Linehan left the meeting at 7:56 P.M.

Councillor McDonald left the meeting at 9:42 P.M.

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

3. ROLL CALL

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. PUBLIC COMMENT

Kathleen Sullivan, 27 Oliver Street, Lara Thompson, 53 Playstead Road, Lissette Alvarado, 492 Pleasant Street spoke in favor of paper 307-22. Steven South , 106 Damon Street, Medford spoke in opposition to paper 306-22.

Clerk Lucey read 5 emails that were received for public comment:

Lisa Sulda, 67 Ashland Street spoke on the need to establish a Urban Forestry, Parks Commission in the budget.

Brian DeLacey, 1 earl Street, John Saia , Pierce Street and Erga Pierrette, 93 Oliver Street are in favor of paper 306-22.

15 City of Malden Department Heads signed a letter in opposition of paper 306-22.

6. APPROVAL OF MINUTES

[301-22](#)

Minutes of the meeting of June 7, 2022

A motion was made by Councillor Simonelli, seconded by Councillor Winslow, that the Council Minutes be approved. The motion carried by the following vote:

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

[302-22](#)

Minutes of the meeting of June 14, 2022

A motion was made by Councillor Simonelli, seconded by Councillor Winslow, that the Council Minutes be approved. The motion carried by the following vote:

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

7. APPOINTMENTS & ELECTIONS

[303-22](#)

Mayoral Appointment: Helena Clarke of 39 Acorn Street as a member of the License Board, said term to commence upon confirmation by the City Council and to expire on June 1, 2028, to fill the vacancy of Frances Lin who has stepped down from the Board.

Confirmation required

Sponsors: Chris Simonelli

A motion was made by Councillor Simonelli, seconded by Councillor Murphy, that the Appointment be referred to the Personnel/Appointments Committee. The motion carried by the following vote:

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

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

304-22

Petition: Boston Gas dba National Grid, 40 Sylvan Road, Waltham, MA, W.O. No. 90000144172 180-182 Lebanon Street to install a new gas Regulator Station on Lebanon Street to replace an existing Regulator Station on Garden Street.
Hearing required

Sponsors: Stephen Winslow

Attachments: [Petition W.O. No 90000144172](#)

National Grid was not in attendance so Councillor Winslow requested the public hearing be held but kept open and he would make a motion to table the paper until next week's meeting when National Grid could be in attendance. Councillor Winslow said he has been in contact with National Grid regarding the project.

Council President Spadafora said he would take Councillor Winslow's lead and opened the public hearing to anyone speaking in favor of the project. There were no speakers in favor of the project. Council President Spadafora closed that portion of the meeting.

Council President Spadafora opened the hearing for anyone wishing to speak in opposition of the project. There were no speakers wishing to speak in opposition. Council President Spadafora closed that portion of the meeting.

A motion was made by Councillor Winslow, seconded by Councillor Murphy, that the Petition be tabled to the City Council. The motion carried by the following vote:

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

9. MOTIONS, ORDERS AND RESOLUTIONS

255-22

Order: That the Malden City Council evaluate and make changes, if necessary, to the Municipal Code of Malden (MCC) Title 6, Chapter 08, Section 100 (b) (3) which states, that the area controlled by the, business is of sufficient size to allow a. storage or display of no fewer than 15 cars in paved, lined and numbered spaces no smaller than 10'X20', and b. employee and customer parking of no fewer than 3 spaces, provided that one additional employee/customer parking space shall be required for each additional 20 spaces of for storage or display. All spaces shall be clearly lined, numbered and designated in yellow traffic paint as storage/display or employee/customer parking.

Sponsors: Jadeane Sica

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

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

305-22

Resolve: That the Mayor be requested to provide regular weekly updates to the

City Council, in public, executive session, or in writing, as appropriate, to address any ongoing matters that impact the City of Malden's reputation and/or present legal or financial liabilities.

Sponsors: Ryan O'Malley

Councillor O'Malley the sponsor of the paper stated if there was ever a time for communication , it would be during the budget. It's not a political thing, communication needs to improve. Councillor O'Malley continued he did not want to hear things first on the street. A rumor mill is not the way to run a city and stated he is only asking for communication.

Councillor Colon-Hayes thanked Councillor O'Malley for placing the item on the docket but asked if weekly was too much. This paper would give the council a better way of understanding what was coming.

Councillor Winslow stated item number 10 on the council docket is communication, Councillor Winslow continued that he would be supportive of updates from the Mayor every other week on Council nights.

Councillor Sica stated she tried to communicate when she was Council President and an Open Meeting Law Complaint was filed against her. Councillor Sica said when I hear something I call the Mayor or Maria Luise, the Mayor doesn't need to send something down every two weeks. We are separate bodies, I am not looking to micromanage the Mayor's Office, I will not be supporting this paper.

Councillor Condon said the Department Heads who are doing their jobs do not need to be micromanaged by the Council. Maria Luise is here every week, I talk to her or call her if I have a questions, I will not be supporting this paper.

Councillor O'Malley stated all he is looking for is information, I would amend to bi-weekly or monthly. Councillor O'Malley gave the moving of the building at 15 Ferry Street as an example of not having communication.

Councillor Crowe stated communication is a two way street. Is the Council going to send the Mayor what we are doing ? This paper is very one way.

Councillor Simonelli said communication is very important. A synopsis of what is said at the Department Head meetings would be helpful. We can also request that the Mayor

come before the Council. Councillor Simonelli continued there were some words used at the meeting tonight that were not accurate and he did not want the public to get the impression there are things going on at city hall that are not good, there are good things going on in the city and the Mayor and his staff have been flawless in working with me.

Councillor Murphy said she sides with Councillor Crowe in that it is a two way street. Councillor Murphy continued if we need information instead of doing this publicly we should have sat down with Ms. Luise and the Council President and figure out what we are looking for.

Council President Spadafora said although he does not always see eye to eye with the Mayor, nobody can say the Mayor doesn't work communicating. Council President Spadafora said we need to talk more and I am scared of sending a memo to the Council and an OML violation being filed. Although he understands the intent, he will not be supporting the Resolve.

Councillor O'Malley said he agrees 100% that it is a two way street. The difference is the Mayor cannot violate the OML and the Council's communication is our public meeting.

Councillor Simonelli made a motion to amend that the mayor communicate with the council every two weeks after the Department Head Meeting on need to know significant items, the motion was seconded by Councillor Co/on-Hayes, it was so voted by roll call vote: Colon-Hayes (y), Condon (n), Crowe (n), McDoanld (y), Murphy (n), O'Malley (y), Sica (n), Simonelli (y0, Winslow (y), Spadafora (n). Motion failed 5-5

Councillor O'Malley made a motion to table, seconded by Councillor Simonelli, It was so voted: Colon-Hayes (y), Condon (n), Crowe (n), McDoanld (y), Murphy (y), O'Malley (y), Sica (n), Simonelli (y), Winslow (n), Spadafora (n). Motion failed 5-5.

A motion was made by Councillor Simonelli, seconded by Councillor Crowe, that the Resolution be passed. The motion failed by the following vote:

Yea: 4 - McDonald, Colon Hayes, O'Malley and Condon

Nay: 6 - Murphy, Simonelli, Sica, Spadafora, Crowe and Winslow

306-22

Order: That the City Solicitor provide an objective legal memo with citations to law and material fact on the unionization of Department Heads.

Councillor O'Malley said he just found out about Department Heads unionizing on facebook. Councillor O'Malley continued that he is supportive of unions but the council needs to do their due diligence to find out what is going on.

Councillor Murphy said it is her understanding that the Mayor's Office got outside legal help on this from Clifford & Kenney and this maybe who we should get the opinion from.

Assistant City Solicitor Zaheer Samee was called upon and he said his office was prepared to write the opinion. Atty. Samee did say that the Legal Department was not involved with the unionization process up to now.

Councillor Colon-Hayes said she was all for the union and wish it was an option before she was let go as Senior Center Director. Councillor Colon-Hayes further stated nobody should be in fear of losing their job.

Councillor Winslow stated he did not hear of the union until tonight and that supportive of rank and file unionizing. Councillor Winslow continued that everyone deserves a fair shot and he is supportive of finding out what this means.

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

Yea: 7 - Murphy, McDonald, Simonelli, Colon Hayes, O'Malley, Crowe and Winslow

Nay: 3 - Sica, Spadafora and Condon

307-22

Resolve: That the City Council welcome the Friends of Roosevelt Park (FoRP), represented by Lara Thompson, to discuss the fenced off, contaminated area at Roosevelt Park, at the scheduled meeting of June 28, 2022 for a maximum time of ten (10) minutes.

Sponsors: Karen Colon Hayes

Councillor Colon-Hayes the sponsor of the paper stated she jumped through hoops trying to get FORP to be able to speak at a council meeting and she followed the process suggested by Council President Spadafora and that is where we are tonight.

Council President Spadafora said it was just a few weeks ago that you requested the group to come before the council and there were already two groups that night, the following week was a council of the whole and I suggested you put it on tonight and we would take a vote of the council. Council President Spadafora continued that we never used the guest spot for debate that is why we have public comment. We never use the guest spot for topics like this and the fair way would be the council, vote on this.

Councillor O'Malley stated you all know where I am at on this and there is no harm in letting them speak.

Councillor Winslow said when he first got elected he worked on allowing public comment with council rules. Councillor Winslow mentioned the council voting against former Councillor Kinnon speaking at a prior meeting so this has been done before. Councillor Winslow continued that they wasted an entire year of cleaning up the site because FORP were appealing the decision and that is their strategy to delay.

Councillor Murphy thanked Councillor Winslow and agreed with everything he has said. Councillor Murphy gave the time line of all the events and public meetings of Roosevelt Park.

Councillor McDonald would welcome the chance to hear from the group and we need to find a way to do this.

Councillor Colon-Hayes said that Councillors Winslow and Murphy just spoke for 33 minutes and she was only requesting 10 minutes for the group. She requested please, please pass the resolve.

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor O'Malley, that the Resolution be passed. The motion failed by the following vote:

Yea: 3 - McDonald, Colon Hayes and O'Malley

Nay: 7 - Murphy, Simonelli, Sica, Spadafora, Crowe, Condon and Winslow

10. COMMUNICATIONS

12. COMMITTEE REPORTS

[308-22](#)

Committee Report: The Rules & Ordinance Committee having considered Paper 286-22 make the following report that the Committee recommends this Order be reported out favorably to the Full Council

Sponsors: Peg Crowe

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

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

Nay: 1 - Linehan

[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

A motion was made by Councillor Crowe, seconded by Councillor Sica, that the Order be referred to the Planning Board and Rules and ordinance for a Public Hearing. The motion carried by the following vote:

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

[310-22](#)

Committee Report: The Standing Committee on Finance to whom was referred Paper 236-22 having considered the same, make the following report on the annual appropriation for Fiscal Year 2023

Sponsors: Barbara Murphy

Paper 310-22 was taken out of order and taken after Appointments and Elections. Council President told the council this was being done for the two councillors on zoom who may not be able to participate for the entire meeting.

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

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

[236-22](#)

Order: Annual appropriation for FY2023

Sponsors: Barbara Murphy

Attachments: [Proposed Budget](#)

Finance Chair Murphy spoke of the 6 week process on the budget being recommended favorable from the Finance Committee. The Finance Committee did request that additional items be added to the budget and though negotiations with the Mayor's Office there were 5 additional items that were added amending the initial budget proposal sent from the Mayor to the City Council.

- 1) *Rename "Fourth of July" to "Celebrations" and increase by \$8,000.*
- 2) *Increase City Council by \$27,500*
- 3) *Increase Mayor's Office by \$25,000*
- 4) *Increase Traffic Department by \$40,000*
- 5) *Increase Teen Center by \$10,000*

Council President Spadafora went to Councillors Linehan and McDonald first for comment.

Councillor Linehan thanked the mayor and Finance Committee for their work and for adding the \$40,000 to the Traffic Commission which will go a long way for our residents with issues before the Traffic Commission.

Councillor McDonald echoed Councillor Linehan's comments and the work by the Committee and CFO Ranaghan. Councillor McDonald continued there were great discussions with the larger departments and appreciates the \$10,000 that was added to the Teen Center which is badly needed because of the challenges our youth are experiencing.

Councillor O'Malley stated he had concerns with communication from the Mayor's Office and there were surprises that were coming out of the Mayor's Office. Because of this it is hard for me to support the budget. I am finding out about things on facebook and in the paper.

Councillor Winslow thanked the Department Heads that came before the Finance Committee , Chair Murphy and the Mayor's Office. Councillor Winslow continued that he was supportive of the budget.

Councillor Simonelli stated the budget process was very comprehensive and that CFO Ranaghan and the Mayor's Office was very accessible. Councillor Simonelli continued we are on the right track and that if you have questions, you can reach out to others too.

Councillor Condon stated that Chair Murphy and the Finance Committee was very diligent and took everything into consideration. Councillor Condon said he will be supporting the budget.

Chair Murphy said that the budget has been online since it was submitted to the council. Chair Murphy thanked the Finance Committee, finance team and the Superintendent of Schools who came before the committee on two occasions.

President Spadafora said he would like to echo what has been said and thanked the Finance Committee, Department Heads, CFO Ranaghan and Chief Strategy Officer Hogan for their efforts with the budget.

President Spadafora added that the council could only cut not add to the budget. President Spadafora continued that this process was done like they did it in the real world with Cleargov as a tool.

Councillor McDonald wanted to add from his previous comments that he appreciated that the Malden Public Library was completely funded so there isn't a need to file another waiver request with the state.

Councillor Condon stated he was not sure why there was a question about communication, Maria Luise Special Assistant to the mayor is at every Council meeting.

Councillor Colon Hayes said that it being her first budget the process was very informative.

Councillor O'Malley voted present on paper 236-22 (budget). There were 10 yea votes, Councillor O'Malley's present vote counted with the majority so was counted as a yea.

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

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

[309-22](#)

Committee Report: The License Committee having considered the following Papers 278-22, 280-22, 281-22, 282-22, 283-22, 284-22, 285-22 make the following report that the Committee recommends these Petitions be reported out favorably to the Full Council

Sponsors: Jadeane Sica

Chair Sica stated all the licenses being taken up tonight were voted unanimous out of

committee favorably and confirmed by compliance that there were no issues.

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

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

[278-22](#)

Petition: Extended Hours, Boda Borg Boston LLC, of 90 Pleasant Street be granted extended hours periodically during the year when needed

Sponsors: Jadeane Sica

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

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

[280-22](#)

Petition: Self-Service Gas Station, Speedway, LLC dba Speedway #2504 of 214 Broadway. 40,000 gallons Renewal

Sponsors: Jadeane Sica

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

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

[281-22](#)

Petition: Self-Service Gas Station, Snap Mart, Inc. dba Petrola of 245 Main Street. 30,000 gallons Renewal

Sponsors: Jadeane Sica

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

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

[282-22](#)

Petition: Self-Service Gas Station, Wash Depot I, Inc. of 333 Eastern Avnue. 30,000 gallons Renewal

Sponsors: Jadeane Sica

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

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

[283-22](#)

Petition: Lodging House License, Metro North Housing, Corp. of 280 Salem Street for 11 units located at 22 Charles Street. Renewal

Sponsors: Jadeane Sica

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

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

[284-22](#)

Petition: Lodging House License, Metro North Housing, Corp. of 280 Salem Street for 14 units located at 115 Washington Street. Renewal

Sponsors: Jadeane Sica

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

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

[285-22](#)

Petition: Lodging House License, Cedar House, LLC. of 280 Salem Street for 14 units located at 116-118 Cedar Street. Renewal

Sponsors: Jadeane Sica

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

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

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

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

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

The meeting adjourned at 10:03 P.M.

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

GREGORY LUCEY, CITY CLERK