



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, June 29, 2021

7:00 PM

215 Pleasant Street - Council Chambers

1. CALL TO ORDER

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

3. ROLL CALL

Also in attendance was City Solicitor Kate Fallon and City Planner Michelle Romero.

The meeting started at 7:09 P.M.

Present - Councillors: 11 - Neal Anderson, David Camell, Paul Condon, Peg Crowe, Deborah DeMaria, Amanda Linehan, Barbara Murphy, Ryan O'Malley, Jadeane Sica, Craig Spadafora and Stephen Winslow

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. PUBLIC COMMENT

[350-21](#)

Attachments: [Public Comment Sign In June 29 2021](#)
[John Saia Comments June 29 2021](#)

One email was received for Public Comment, John Saia, 39 Pierce Street in opposition to paper 344-21.

The following people spoke in person at the meeting.

- 1) Deborah Burke, MRA Executive Director, 215 Pleasant Street in opposition to Paper 336-21.*
- 2) Karen Colon Hayes, 105 Wyoming Ave, in favor of Papers 232-21, 40-21, 337-21 and 338-21.*
- 3) Ari Taylor 57 Mount Vernon Street, wanted to hear about the tax taking process.*
- 4) Paul Sieswerde, 78 Glenrock Ave., in favor of Paper 337-21.*
- 5) Karen Buck Gilbert, 323 Forest Street in favor of the Malden River Papers 40-21,41-21*

This Communication was received and filed

6. APPROVAL OF MINUTES

[333-21](#)

Minutes of the Meeting of June 22, 2021.

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

7. APPOINTMENTS & ELECTIONS

[334-21](#)

Mayoral Appointment: Mikeneil Paul, 10 Manomet Street, New Bedford, MA as Senior Center Program coordinator, said term to expire 3 years from appointment date.

Sponsors: Peg Crowe

Attachments: [Mayor's Letter Mikeneil Paul](#)

Mayor Christenson submitted a letter on behalf of the appointee and because the Council will not be meeting until September, he would be appointing Mr. Paul as the temporary interim/acting Senior Center Program Coordinator when he becomes available on July 30th. The confirmation process of the appointment will take place when the Council returns in September.

A motion was made by Councillor Crowe, seconded by Councillor DeMaria, that the Appointment be referred to the Personnel/Appointments Committee. The motion carried by a unanimous vote.

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[335-21](#)

Outdoor Parking: Motel Realty Co. Inc. - 735 Broadway, Malden, 15 spaces (Renewal)

Sponsors: Paul Condon

Licensing Chair Condon made a motion to suspend rules for the purpose of granting the license on the floor, seconded by Councillor Sica, it was so voted unanimously by voice vote 11-0.

A motion was made by Councillor Condon to grant, seconded by Councillor Sica, it was so voted to grant by voice vote 11-0.

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

9. MOTIONS, ORDERS AND RESOLUTIONS

[232-21](#)

Order: Be it ordained that Section 12 of the Revised Ordinances of 2020 be amended by adding Section 12.12.200 entitled Inclusionary Zoning.

Sponsors: Craig Spadafora, Stephen Winslow, Peg Crowe, David Camell, Ryan O'Malley and Amanda Linehan

Attachments: [20210428 Malden Inclusionary Zoning DRAFT to Council](#)

A motion was made by Councillor Spadafora, seconded by Councillor Crowe, that the Order be referred to a joint meeting of the Rules & Ordinance Committee and Planning Board for a Public Hearing. The motion carried by a unanimous vote.

[336-21](#)

Order: That the motto of the City of Malden be amended from the logically incorrect 'Strong Past, Proud Future' to 'Proud Past, Strong Future.'

Sponsors: Ryan O'Malley

Councillor O'Malley the sponsor of the Paper stated that Strong Past and Proud Future is grammatically incorrect and that it bothered him personally. Councillor O'Malley was unaware of the history of the current motto until Ms. Burke spoke at Public Comment of how the process took place to establish the slogan. Councillor O'Malley stated that because it is not grammatically correct it does need to be addressed. Councillor O'Malley made a motion to send the paper to Citizens Engagement.

Councillor DeMaria did not want to offend anyone and if the paper goes to Citizens Engagement, she would welcome Ms. Burke to come before the committee. Councillor DeMaria seconded the motion.

Councillors Sica, Murphy and Anderson all spoke in opposition to the paper.

A motion was made by Councillor O'Malley, seconded by Councillor DeMaria, that the Order be referred to the Citizens Engagement Committee. The motion failed by the following vote:

Yea: 2 - DeMaria and O'Malley

Nay: 9 - Anderson, Camell, Condon, Crowe, Linehan, Murphy, Sica, Spadafora and Winslow

[337-21](#)

Order: That the appropriation enumerated below, being in the amount of \$40,000 (Forty Thousand Dollars), be appropriated from the Community Preservation Act Fund for the following project:

Patchell Park Master Plan: \$40,000 from Open Space Reserve

Total Appropriation = \$40,000

APPROPRIATION ORDER COMMUNITY PRESERVATION ACT FUNDS June 29, 2021

Sponsors: Barbara Murphy

Attachments: [Letter of Support Patchell Park CPC Submission](#)
[Patchell Park CPC decision letter](#)

Papers 337-21 and 338-21 are funding for projects that were approved by the CPC. Finance Chair Murphy wanted to get a sense of the Council whether to suspend rules and pass the papers on the floor rather than sending the papers to Finance and the vote would not be taken until September delaying the two projects over the summer. Councillors Camell, Crowe, Linehan, Winslow, Condon, O'Malley and Spadafora all spoke in favor of both projects.

Councillor O'Malley made a motion to suspend council rules for both papers 337-21 and 338-21 for the purpose of adopting on the floor. Both motions were seconded by Councillor DeMaria. It was so voted unanimously to suspend rules on both papers.

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

[338-21](#)

Order: That the appropriation enumerated below, being in the amount of \$60,000 (Sixty Thousand Dollars), be appropriated from the Community

Preservation Act Fund for the following project:
Oak Grove Community Center Master Plan
And Feasibility Study: \$60,000 from Historic Reserve
Total Appropriation = \$60,000

**APPROPRIATION ORDER
COMMUNITY PRESERVATION ACT FUNDS
June 29, 2021**

Sponsors: Barbara Murphy

Attachments: [Letter of Support Oak grove Community Center CPC Submission](#)
[OGCC CPC decision letter](#)

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

339-21

Order: Be it hereby ordained that section 12.12.030 be amended by striking "SP" and inserting "No" for "Parking Facilities, Offsite" in "Res A" zoning district.

Sponsors: Ryan O'Malley

Attachments: [Paper 339-21 OSP Res. A Attachments](#)

A motion was made by Councillor O'Malley, seconded by Councillor Winslow, that the Order be referred to a joint Rules & Ordinance Committee Planning Board meeting for a public hearing. The motion carried by a unanimous vote.

340-21

Order: That newly planted trees be given a 3-5 year care plan (watering, mulching, fertilizing, and pruning) to ensure that they survive and thrive.

Sponsors: Ryan O'Malley

A motion was made by Councillor O'Malley, seconded by Councillor Winslow, that the Order be referred to the Community Forestry Program Advisory Committee. The motion carried by a unanimous vote.

341-21

Order: That the City of Malden fund and expand a dedicated unit for urban forestry.

Sponsors: Ryan O'Malley

A motion was made by Councillor O'Malley, seconded by Councillor Winslow, that the Order be referred to the Community Forestry Program Advisory Committee. The motion carried by a unanimous vote.

342-21

Order: ordered that the city treasurer appear before the City Council to explain the tax taking process and inform residents what remedies the City of Malden has to ease this burden during these difficult economic times. Furthermore, how the City of Malden can improve the unpaid tax notification process, with specific care and attention given to our elderly residents 75 years and older.

Sponsors: Ryan O'Malley

Attachments: [Tax Title & Responsibility](#)

At the request of Councillor O'Malley, Treasurer Grover appeared before the Council to

give an overview of the Tax Title process by the City. Treasurer Grover gave a slide presentation and answered questions from the Council. Councillor O'Malley stated he had read the list of the names that were published and reached out to the names he knew, all were unaware that there were unpaid taxes. Councillor Linehan asked if there were something in between that we could do reaching out to folks before the names are made public. Councillor Winslow asked Mr. Grover about the strict rules that need be followed with the process. Councillor Murphy asked if penalties can be abated, Mr. Grover replied only up to \$15. Councillor O'Malley requested the slide presentation be on the city's website and part of the council minutes. Councillor O'Malley said it was unfortunate that the city waited 5 years to send out the notices and the bills were accumulating interest.

[343-21](#)

Resolve: That the City Clerk prepare and present to the City Council a hard copy and digital copy on Granicus of any/all Ordinances coming out of Committee. This would offer the Councillors as well as the community preparation time for public comment and review, prior to any votes or amendments on the floor.

Sponsors: Deborah DeMaria

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

10. COMMUNICATIONS

11. ENROLLED ORDINANCES

[285-21](#)

Order: Be it hereby ordained that Chapter 2, Section 6.08.070 (d) of the Revised Ordinances of 2020 be amended by adding social and Economic Empowerment applicants and designate minority business owned applicants for a retail cannabis license.

Sponsors: Craig Spadafora

Attachments: [Ordinance Correct Wording](#)

[Master](#)

The wording was not what was discussed in the Ordinance Committee on the changes the CLEC were looking for so Councillor Spadafora made a motion to unenroll paper 285-21 to correct the wording. Councillor O'Malley seconded the motion. It was so voted by roll call vote; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y).

Councillor Crowe made a motion to re-enroll Paper 285-21 as amended with correct wording adding in the words "at least" after For and add after Empowerment Priority Review: "or the Social Equity Program OR a minority owned business as designated by the Commonwealth of Massachusetts".

*The section with the changes will read;
For (at least) one of the licenses , preference shall be given to an applicant where at least 51% of the business is owned by a resident of Malden, who has been a resident for each of the past five years, OR an applicant who would qualify for the Cannabis Control Commission Economic Empowerment Priority Review (or the Social Equity Program OR a minority owned business as designated by the Commonwealth of Massachusetts.)*

The motion was seconded by Councillor O'Malley, It was so voted by roll call vote: Camell

(y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y).

Councillor Crowe made a motion to suspend Council Rules for the purpose of Ordaining the paper, seconded by Councillor O'Malley it was so voted by roll call vote; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)

A motion was made by Councillor O'Malley, seconded by Councillor Camell, that the Ordinance be ordained as amended. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[40-21](#)

Order: Be it ordained that Section 12.16 (Dimensional Controls) of the Revised Ordinances of 2020 be amended by revising Section 12.16.050 as to waiving rear yard setbacks in Industrial Districts by deleting reference to "rivers or water courses.

Sponsors: Craig Spadafora

Attachments: [Final Paper: 40-21](#)

Councillor Spadafora made a motion that he be recused from papers 40-21 and 41-21, seconded by Councillor Sica, it was so voted unanimously by voice vote, 11-0.

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Winslow

Recused: 1 - Spadafora

[41-21](#)

Order: Be it ordained that Section 12.12 (Use Regulation), of the Revised Ordinances of 2020, be amended by adding new Section 12.12.200, to include Malden River Site Plan Review.

Sponsors: Craig Spadafora

Attachments: [Final Paper: 41-21](#)

City Planner Michelle Romero addressed the Council with concerns the language in 41-21 may have a loophole in language inadvertently creating an exemption with the Energy Efficiency Waiver. The exemption potentially could be renovations not just new buildings. Ms. Romero arrived at this after discussing the ordinance with Building Commissioner Nelson Miller.

Councillor Winslow suggested to not complicate the issue and pass as is and when the Council comes back in September correct the issue.

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Winslow

Recused: 1 - Spadafora

12. COMMITTEE REPORTS

[344-21](#)

Committee Report: Rules & Ordinance Paper # 67-21 Order: Be it hereby ordained that the City of Malden Revised Ordinances of 2020 Section 11.24.020 SITING AND INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT

<<https://malden.municipalcodeonline.com/book?type=ordinances>> be amended by adding the following additional language:

1. F. Dimensions and appearance by adding "Small Cell antennas cannot be mounted no closer than 12 feet from the nearest window, deck, or other publicly-accessible area. In addition, while the antenna shape is akin to a rounded cone, these antennas are directional in nature with the signal primarily focused up and down streets, and not directly into the residence behind the pole."
2. L. Contents of Written Petition by adding. The carrier would then be required to attach a notice of public meeting to the pole.
3. Adding WARNING STICKER AND NODE ID Utilize the smallest and lowest visibility (e.g. yellow instead of blue) radio-frequency (RF) warning sticker required by government or electric utility regulations. Place the RF sticker as close to the antenna as possible, facing directly out toward the street, or directly away from street if there is no window within 25 feet of the pole (preferred).For the Node ID sticker; avoid the use of large and highly visible site (node) identification tags (with carrier's phone number). Consider combining with disconnect information. Use sticker colors that are more muted (e.g. tan), such as the same color as the equipment but with white color lettering. Consider placing the Node ID sticker on the underside of the equipment enclosure so it is only visible underneath.
4. **Request a street tree to be provided by the wireless carrier for each facility mounted on a pole within the public right-of-way; in order to screen the equipment. In the event a tree cannot be planted due to conflicts such as existing trees, driveways or utility infrastructure (link to location requirements), the wireless carrier would be required to pay an "in-lieu fee" (No less than \$75) to be used by the Malden DPW/Urban Forestry Project and shall be payable prior to the city's issuance of the small cell Permit.**
5. All Small Cells will be posted on cities GIS system and accessible to the public.

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

[67-21](#)

Order: Be it hereby ordained that the City of Malden Revised Ordinances of 2020 Section 11.24.020 SITING AND INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT <<https://malden.municipalcodeonline.com/book?type=ordinances>> be amended by adding the following additional language:

1. F. Dimensions and appearance by adding “Small Cell antennas cannot be mounted no closer than 12 feet from the nearest window, deck, or other publicly-accessible area. In addition, while the antenna shape is akin to a rounded cone, these antennas are directional in nature with the signal primarily focused up and down streets, and not directly into the residence behind the pole.”
2. L. Contents of Written Petition by adding. The carrier would then be required to attach a notice of public meeting to the pole.
3. Adding WARNING STICKER AND NODE ID Utilize the smallest and lowest visibility (e.g. yellow instead of blue) radio-frequency (RF) warning sticker required by government or electric utility regulations. Place the RF sticker as close to the antenna as possible, facing directly out toward the street, or directly away from street if there is no window within 25 feet of the pole (preferred). For the Node ID sticker; avoid the use of large and highly visible site (node) identification tags (with carrier’s phone number). Consider combining with disconnect information. Use sticker colors that are more muted (e.g. tan), such as the same color as the equipment but with white color lettering. Consider placing the Node ID sticker on the underside of the equipment enclosure so it is only visible underneath.
4. Request a street tree to be provided by the wireless carrier for each facility mounted on a pole within the public right-of-way; in order to screen the equipment. In the event a tree cannot be planted due to conflicts such as existing trees, driveways or utility infrastructure (link to location requirements), the wireless carrier would be required to pay an “in-lieu fee” (No less than \$75) to be used by the Malden DPW/Urban Forestry Project and shall be payable prior to the city’s issuance of the small cell Permit.
5. All Small Cells will be posted on cities GIS system and accessible to the public.

Sponsors: Craig Spadafora

Attachments: [Paper #67-21 Attach.Weaver Ltr. 3.8.21](#)

[Final Paper: 67-21](#)

A motion was made by Councillor Winslow, seconded by Councillor Spadafora, that the Order be amended. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

A motion was made by Councillor Winslow, seconded by Councillor Sica, that the Ordinance be enrolled as amended. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

Councillor Winslow moved to suspend rules for the purpose of ordaining paper 67-21, seconded by Councillor Sica. the following roll call vote was taken; Camell (y), Condon(y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)

A motion was made by Councillor Sica, seconded by Councillor O'Malley, that

the Ordinance be ordained as amended. The motion carried by the following vote:

Yea: 9 - Anderson, Camell, Condon, Crowe, Linehan, Murphy, Sica, Spadafora and Winslow

Nay: 2 - DeMaria and O'Malley

[345-21](#)

Committee Report: Rules & Ordinance Paper # 264-21 Order: Be it hereby ordained by the Malden City Council that Section 2.04.010 of the Revised Ordinances of 2020 be stricken and the following new Section 2.040.010 be inserted in place thereof:
2.04.010 HOURS CERTAIN OFFICES TO BE OPEN

The Mayor shall establish and may, from time to time, amend a regular schedule of days and hours during which administrative offices of the city will be open to the public. The Mayor may temporarily alter the schedule so established in observance of legal holidays or when it is deemed that opening poses a threat to the health, safety or welfare of city employees or the public.

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

[264-21](#)

Order: Be it hereby ordained by the Malden City Council that Section 2.04.010 of the Revised Ordinances of 2020 be stricken and the following new Section 2.040.010 be inserted in place thereof:

2.04.010 HOURS CERTAIN OFFICES TO BE OPEN

The Mayor shall establish and may, from time to time, amend a regular schedule of days and hours during which administrative offices of the city will be open to the public. The Mayor may temporarily alter the schedule so established in observance of legal holidays or when it is deemed that opening poses a threat to the health, safety or welfare of city employees or the public.

Sponsors: Jadeane Sica

Councillor O'Malley stated there should be more public participation and employee feedback on the paper. Councillor Crowe said the Mayor should have the ability to change city hall hours if needed.

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[346-21](#)

Committee Report: Public Property - (Paper # 292-21, 293-21 & 294-21) - Total 7 sites approved. The standing committee on Public Property after having considered Cellco/ExteNet Petitions recommend favorably the following locations to the full council. These petitions were recommended favorably to council at their 6/8/21 meeting; however the below petitions were left off original Committee Report to Council on

7 Broadway
133 Cross Street
11 Phillips Street

37-39 Willard Street
52 High Street
29 Ashland Street
84 Durso Avenue

This Committee Report was received and filed

[292-21](#)

The committee will review and discuss the letter submitted by Attorney John Weaver, Cellco d/b/a/ Verizon Re: Supplemental Materials to the Small Cell Applications listed:

Utility Pole #5103, Adjacent to 7 Broadway Street (the "Broadway Street Pole");
Utility Pole #4740, Adjacent to 133 Cross Street (the "Cross Street Pole");
Utility Pole #1869, Adjacent to 11 Phillips Street (the "Phillips Street Pole");
Utility Pole #2452, Adjacent to 37-39 Willard Street (the "Willard Street Pole");
Utility Pole #1355, Adjacent to 52 High Street (the "High Street Pole").

Attachments: [292-21](#)

The 5 small cell locations in paper 292-21 (7 Broadway, 133 Cross Street, 11 Phillips St, 37-39 Willard Street and 52 High Street had a public hearing and were approved at the June 8th Public Properties Committee meeting. Councillor Linehan made a motion to grant with conditions, seconded by Councillor Spadafora, it was so voted by voice vote; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (n), Sica (y), Spadafora (y), Winslow (y), Anderson (y). The licenses were granted with conditions 10-1.

[293-21](#)

The committee will review and discuss the letter submitted by Attorney John Weaver, Cellco d/b/a/ Verizon Re: Supplemental Materials to the Small Cell Applications listed: Utility Pole #1393, Adjacent to 29 Ashland Street (the "Ashland Street Pole"); and Utility Pole #55/7 VZ (NG 1136-1), Adjacent to 80 Mountain Avenue (the "Mountain Avenue Pole").

For paper 293-21, 29 Ashland Street had a public hearing and was approved in the June 8th Public Properties meeting.

Councillor Linehan made a motion to grant with conditions, seconded by Councillor Spadafora it was so voted by voice vote; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (n), Sica (y), SDpadafora (y), Winslow (y), Anderson (y). The petition was granted with conditions 10-1.

Councillor Linehan made a motion to suspend council rules for the purpose of granting the petition with conditions for Utility Pole #55/7 VZ (NG 1136-1), Adjacent to 80 Mountain Avenue (the "Mountain Avenue Pole"). This pole had a public hearing and was approved at the June 8th Public Properties meeting but in error was left off this council agenda. The motion was seconded by Councillor Spadafora it was so voted by voice vote; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (n), Sica (y), Spadafora (y), Winslow (y), Anderson (y), Rules were suspended 10-1.

Councillor Linehan made a motion to grant with conditions the Mountain Ave. Pole, seconded by Councillor Winslow, it was so voted; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (n), Sica (y), Spadafora (y), Winslow (y), Anderson (y), The petition was granted 10-1 with conditions.

[294-21](#)

The committee will review and discuss the letter submitted by Hans

Eysenbach, Attorney for ExteNet Systems, Inc., RE: Request to Reconsider Recommended Denial of Attachment License Requests by ExteNet Systems, Inc., for 84 Durso Ave., 52 Malden St., and 183 Highland Ave.

Councillor Linehan made a motion to suspend rules for the purpose of granting with conditions for the petitions located at 52 Malden Street and 183 Highland Ave., seconded by Councillor Spadafora. It was so voted by voice vote; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (n), Sica (y), Spadafora (y), Winslow (y), Anderson (y). Rules were suspended 10-1.

The petitions for 52 Malden Street and 183 Highland Ave were initially denied but the petitioner has corrected the issues that caused the denial. Councillor Linehan made a motion to grant with conditions both petitions, seconded By Councillor Sica, it was so voted by voice vote; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (n), Sica (y), Spadafora (y), Winslow (y), Anderson (y). The petitions were granted with conditions 10-1.

[351-21](#)

Committee Report: License - Petitions - Paper # 162-21 AGM, 135 Eastern Avenue, Malden, MA - Outdoor Parking - 24 vehicles and Paper # 326-21 AGM, 160 Eastern Avenue, Malden, MA - increase from 18 to 24 vehicles.

This Committee Report was received and filed

[162-21](#)

Outdoor Parking: AGM Auto Sales, 135 Eastern Ave. Malden, MA, 24 spaces (Renewal)

Sponsors: Paul Condon

Councillor Condon made a motion to suspend Council Rules to receive the Committee report. It was so voted by voice vote; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y) Murphy (y), O'Malley (n), Sica (y), Spadafora (y), Winslow (y), Anderson (y)

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

[326-21](#)

Petition: Class II - AGM, 160 Eastern Ave., Malden, MA - change number of vehicles from 18 to 24.

Sponsors: Paul Condon

Councillor Condon made a motion to suspend rules to receive the Committee Report, It was so voted by voice vote; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (n), Sica (y), Spadafora (y), Winslow (y), Anderson (y).

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

[352-21](#)

Committee Report: Finance - Paper # 235-21 - Order: That the City Council approve an increase in the COLA base from \$14,000 to \$18,000 for contributory and non-contributory retirees of the Malden Retirement System.

This Committee Report was received and filed

[235-21](#)

Order: That the City Council approve an increase in the COLA base from \$14,000 to \$18,000 for contributory and non-contributory retirees of the Malden Retirement System.

Sponsors: Barbara Murphy

Attachments: [COLA BASE Increase letter to Council President March 2021](#)
[Cola Base Raise Finance Presentation 62221](#)

The Retirement Board had an emergency meeting on Monday June 28th to revisit the vote that was taken increasing the COLA base from \$14,000 to \$18,000. The Board revoted to only increase the base to \$16,000. The Council needed to approve the change and needed to be approved by June 30th. The Finance Committee met prior to this Council meeting and approved the changed COLA base to \$16,000 by a 5-0 vote. Councillor Murphy made a motion to suspend Council Rules for the purpose of receiving the Finance Committee Report. This was seconded by Councillor Crowe, it was so voted by voice vote: Camell (y), Condon (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (n) Sica (y), Winbslow (y), Anderso (y).

Councillor DeMaria made a motion that she be recused from the vote, the following voice vote was taken; Camell (y), Condon (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y) Sica (y), Winbslow (y), Anderso (y).

Councillor O'Malley stated at the last Finance Committee meeting, CFO Chuck Ranaghan gave a presentation of the millions of dollars of cost if the base was expanded to \$18,000. Because of the millions of dollars of liability and the item not being on the docket, Councillor O'Malley stated in good faith he could not support. Councillor Sica said retirees deserve and need the increase and asked for a legal opinion from City Solicitor Fallon. Solicitor Fallon's opinion was that the council shouldn't take the vote and instead call for an Emergency Meeting for June 30th. Council President Anderson asked if councillors were available on June 30th for a meeting, not all councillors were available. Councillor Winslow was fine with the Finance Report, Councillors Crowe, Condon and Anderson all were in support of the Committee Report being voted on. Clerk Lucey read Sec. 25 on page 260 from Robert Rules, 11th edition on an organization's ability to suspend rules. Councillor Spadafora made a motion to adopt the Finance Committee recommendation as amended for a \$16,000 COLA base, seconded by Councillor Sica,

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

Yea: 9 - Anderson, Camell, Condon, Crowe, Linehan, Murphy, Sica, Spadafora and Winslow

Nay: 1 - O'Malley

Recused: 1 - DeMaria

13. TABLED PAPERS

[314-21](#)

Resolve: That, the Malden City Council authorize the Mayor, as Malden's Chief Executive Officer, to allow remote participation in accordance with the requirements of 940 CMR 29.10, for all subsequent meetings of all local public bodies in the City of Malden."

"Whereas, the COVID-19 pandemic revealed the need for emergency preparedness planning for all entities, public and private;

Whereas, the Governor Baker's 2020 emergency order authorizing remote

participation for public meetings, resulted in record public meeting attendance and participation in the City of Malden;

Whereas, remote participation has helped enable the elderly, disabled, evening shift workers, young families, and home bound individuals participate in public meetings,

Sponsors: Ryan O'Malley, Deborah DeMaria and Amanda Linehan

14. EXECUTIVE SESSION

347-21

The City Council will vote to go into executive session, with legal counsel for the City Council, in accordance with Exemption One (MGL c. 30A, § 21 (a) (1), and Exemption Seven (MGL c. 30A, § 21 (a) (7), to comply with, or act under the authority of, any general or special law or federal grant-in requirements, in order to act on pending complaint of June 21, 2021, by Brian DeLacey against the Malden City Council under the Open Meeting Law, MGL c. 30A, § 23 (b).

Attachments: [347-21 DeLacey OML](#)

[347-21 Response from Legal to DeLacey OML](#)

Councillor Camell made a motion to not go into executive session and discuss the OML complaint in open session, the motion was seconded by Councillor O'Malley. The following roll call vote was taken; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)

Councillor O'Malley made a motion to accept City Solicitor Fallon's recommendation that Legal respond to the Open Meeting Complaint in the same manner they have responded in recent complaints. The motion was seconded by Councillor Murphy, the following roll call vote was taken; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y).

City Solicitor Fallon handed out to the Council Legal's response to the June 21st Open Meeting law Complaint filed by Brian DeLacey.

The motion passed 11-0 by roll call vote.

15. PERSONAL PRIVILEGE

Councillor Camell spoke regarding the recent Advocate article reporting the Mystic Valley Charter School has a sales agreement for the block of buildings at 12-24 Lebanon Street and a parcel on Columbia Street. Councillor Camell stated that he would like to make a motion to have Citizens Engagement hold a public meeting on the sale and the impact it would have on residents and businesses in the area. Councillor Camell stated that he didn't know how a public funded institution could make such a purchase with no public input and with the impact it would have on the area. Councillor Camell stated he will have a public meeting anyways if the motion was not approved.

Councillor Demaria said she would lead the charge and meet over the summer. Councillor DeMaria also requested the administration be part of it.

Councillor Winslow said that this is a really important issue for our neighborhood and it is unacceptable there was no public input to something that will affect a quarter of Maplewood Square.

Councillor Camell's motion:

Order: That the Citizen Engagement Committee of the City Council work with Councillor Camell to arrange for a public meeting in order to hear from our constituents about the future of Maplewood Square in light of recent news of Mystic Valley Charter School's purchase of significant property.

Councillor Winslow seconded, it was so voted unanimously by voice vote.

[353-21](#)

Attachments: [Camell Privilege](#)

16. ADJOURNMENT

A motion was made by Councillor Crowe, seconded by Councillor Sica, that the council recess to the call of the chair. The motion carried by a unanimous vote.

The meeting recessed at 10:44 P.M.

GREGORY LUCEY, CITY CLERK