



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

*Council President Neal Anderson,
Councillor David Camell,
Councillor Paul Condon,
Councillor Peg Crowe,
Councillor Deborah DeMaria,
Councillor Amanda Linehan,
Councillor Barbara Murphy,
Councillor Ryan O'Malley,
Councillor Jadeane Sica,
Councillor Craig Spadafora,
Councillor Stephen Winslow*

Tuesday, September 7, 2021

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

ADMINISTRATIVE CORRECTION - 2

[369-21](#)

Members of the public who wish to attend remotely can do so using the following information:

Please click the link below to join the webinar:

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1. CALL TO ORDER

Council President Anderson announced that because Councillors Spadafora and DeMaria were participating by zoom, all votes taken for the meeting will be done by roll call votes.

Participation for the meeting was in person and by zoom.

Also in attendance were City Solicitor Fallon, Assistant City Solicitor McNaught, Assistant City Solicitor McNeil, Asst. City Solicitor Rumley and Diane Anthony from the Legal Department. City Planner, Michelle Romero also was in attendance.

Because of technical issues with zoom, the meeting started at 7:12 P.M.

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

3. ROLL CALL

Present - Councillors: 10 - Neal Anderson, Paul Condon, Peg Crowe, Deborah DeMaria, Amanda Linehan, Barbara Murphy, Ryan O'Malley, Jadeane Sica, Craig Spadafora and Stephen Winslow

Absent - Councillors: 1 - David Camell

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. PUBLIC COMMENT

Two residents were in attendance and spoke at Public Comment on Paper 380-21 with their concerns as related to the paper.

- 1) Harold Litchfield 195 Pleasant Street, #903*
- 2) Colleen Kazizian, 195 Pleasant Street, #524*

6. APPROVAL OF MINUTES

7. APPOINTMENTS & ELECTIONS

[372-21](#)

Mayoral Appointment: Susan Chu, 210 West Street, 1st Floor, Malden, MA as an associate member of the Board of Appeal, said term to expire on March 1, 2023. Susan will fulfill the unexpired term of Emily Kibbler who moved out of Malden. (Confirmation Required).

Sponsors: Peg Crowe

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

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

[373-21](#)

Appointment: Eric Henry, 75 Wiley Street, Malden, MA - appointed to the Community Preservation Committee by the Malden Planning Board; term to expire May 1, 2023. (No Confirmation Required) To Be Placed on File.

Sponsors: Peg Crowe

A motion was made by Councillor Crowe that the Appointment be placed on file. The motion carried by the following vote:

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

[374-21](#)

Council - ReAppointment: Robert Donnelly, 38 Goldcliff Rd., Malden, MA as part-time member of the Board of Assessors; term to expire March 1, 2023. Confirmation Required.

Sponsors: Peg Crowe

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

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

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

PUBLIC HEARING

[375-21](#)

Petition: Comcast - Grant of Location from the City of Malden. The work associated with the attached petition is for the purpose of Installing a new underground conduit system to provide the Comcast Service to number 120 Main Street, Malden, MA.

Sponsors: Paul Condon

Council President Anderson opened the public hearing with anyone that wished to speak in favor of the petition:

- 1) Thomas Corthell from Comcast participated by zoom and gave a description of the project and in favor.*
- 2) Councillor Crowe as ward councillor where the work will be done, spoke in favor of the petition. Councillor Crowe stated she has been in contact with Comcast regarding the scope of the work.*

There were no other speakers in favor, Council President Anderson closed that part of the hearing and opened up anyone wishing to speak in opposition of the project.

There were no speakers in opposition of the petition.

Council President Anderson closed that part of the hearing.

The petition was granted with the conditions: 1) That the Engineer be called when Dig Safe is notified and 2) That the streets and sidewalks be restored to the satisfaction of the Director of Public Works.

A motion was made by Councillor Crowe, seconded by Councillor Murphy, that the Petition be granted with conditions. The motion carried by the following vote:

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

[376-21](#)

Livery: Arminster Singh, 27 Alpine St. #3, Malden, 1 car (Renewal)

Sponsors: Paul Condon

A motion was made by Councillor Condon that the Petition be referred to the License Committee. The motion carried by the following vote:

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

[377-21](#)

Outdoor Parking: Emmanuel Baptist Church, 20 Hillside Ave. Malden, (lot address: 29 Madison St.) 27 spaces (Renewal)

Sponsors: Paul Condon

A motion was made by Councillor Condon that the Petition be referred to the License Committee. The motion carried by the following vote:

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

[378-21](#)

Outdoor Parking: Three C Realty Trust, 61 Clinton St. Malden, 22 spaces (Renewal)

Sponsors: Paul Condon

A motion was made by Councillor Condon that the Petition be referred to the License Committee. The motion carried by the following vote:

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

[388-21](#)

Pool Table: Mr. Suazo's Barbershop, 16 Lebanon St. Malden, 1 table (Renewal)

Sponsors: Paul Condon

A motion was made by Councillor Condon that the Petition be referred to the License Committee. The motion carried by the following vote:

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

9. MOTIONS, ORDERS AND RESOLUTIONS

Paper # 361-21 - On August 18, 2021 at 4:18 p.m., Councillor O'Malley made a motion to reconsider the vote authorizing Asst. City Solicitor John McNaught to investigate and respond to the July 29th Open Meeting Law Complaint by Ryan O'Malley.

Councillor O'Malley spoke regarding the reason for his request for reconsideration of the vote taken by the City Council, August 17th on paper 361-21 allowing Assistant Solicitor McNaught to answer the Open Meeting Complaint filed by himself against the Council for violating the Open Meeting Law on paper 235-21. Councillor O'Malley filed the reconsideration because at the August 17th meeting, " for some reason Attorney McNaught misrepresented the Complaint". Councillor O'Malley stated that the complaint was one specific item of significant financial impact that he would have supported if it had gone through the proper channels. Attorney McNaught stated that he reviewed the complaint and that there were multiple violations occurred at the June 29th meeting, with as many as 12 violations. Councillor O'Malley stated he did not know the motives of Assistant City Solicitor McNaught but what he stated was a twelve fold of what his Open Meeting Complaint contained that he filed.. Councillor O'Malley said he did not know if the intent was to make him look dilatory, that he wastes time or that he files frivolous open Meeting law complaints but his complaint was for one item that he feels violated an open meeting law. Councillor O'Malley apologized he didn't pick this up on the 17th. The misrepresentation was before the council and the public and the reason why the

reconsideration was filed.

Council President Anderson asked for City Solicitor Fallon to respond.

City Solicitor Fallon stated there was a City Council meeting held on June 29th where there were multiple open meeting law violations that occurred. She told the council they were all there and took the votes. Attorney Fallon said Councillor O'Malley filed a complaint on one of those votes. Attorney Fallon went on that the entire council voted to allow Assistant City Solicitor McNaught to answer the Complaint and provide a written report which is required after his review.. There is a time frame that the Council is aware of that has to be followed responding to the Complaint. Attorney Fallon went on to say " we don't have motives and are trying to give you advice, we try to give the best advice possible, there is no hidden agenda, There can be grey areas but this was black and white , you need to put items on the agenda to be voted on. Attorney McNaught indicated there were multiple violations that night, you all voted to suspend rules multiple times that night and it is not Attorney McNaught's job to look at just one item when there were multiple violations that occurred. Attorney McNaught spoke to all the violations and advised of remedial actions to correct the votes which is why the items are on tonight's docket to be discussed and voted on. Attorney McNaught gave merit to the OML complaint filed by Councillor O'Malley so reconsideration of the vote should not be granted tonight. Attorney Fallon went on that it was not Attorney McNaught's job to give a limited review but to give the council productive legal advice and Attorney McNaught is advising the council how to comply to the laws and not parse out what the complainant wants. We are telling you the law so it does not warrant disciplinary action which is what I was asked to do with Attorney McNaught. Attorney Fallon continued that it was egregious that there is question of motive when Attorney McNaught is offering a plan to comply with the laws and that he should be disciplined, a letter put in his file or a disciplinary investigation be conducted that I was asked to do . We are wasting time here on reconsideration vote for a complaint that Attorney McNaught found had merit.

Council President Anderson agreed whole heartily that we need to look to legal for advice.

Councilor Sica stated she understood Attorney McNaught that night and Councillor O'Malley was involved with suspending rules on 11 items that night and but is not bringing up the others because he wanted them passed that night.

Councillor O'Malley questioned if Councillor Sica or President Anderson were familiar with council decorum regarding Councillor Sica's behavior that was totally unacceptable. Councillor O'Malley continued that his allegation he submitted was for an intentional act, Councillor Spadafora made the motion to move the paper, seconded by Councillor Sica that was a violation of the open meeting law and to see the remedial action on the docket tonight saying the vote was unintentional, mischaracterizes and misrepresents a clear violation of the open meeting law. Councillor O'Malley stated that the vote was intentional not unintentional as the remedial measures say and to characterize it as anything else has some serious ethical repercussions for every one involved.

Attorney Fallon answered questions from Councillor Linehan and Spadafora on posting emergency items on the docket if within the 48 hour posting period requirement and if there is a time when rules can be suspended. Attorney Fallon referred to Council Rules when enrolling and ordaining in one night or a the council discussing a docketed item and not sending to committee.

Councillor O'Malley made a motion to reconsider the vote of paper 361-21, there was no second, the motion was not entertained.

Remedial Action: The following seven items have been re-docketed to remediate an unintentional violation of the Open Meeting Law during the meeting of June 29, 2021:

Councillor DeMaria made a motion to be recused from discussion on paper 235-21 as she had been when the vote was cast on June 29th. Council President Anderson stated at that point they were discussing the reconsideration of the vote taken on paper 361-21. Councillor DeMaria's motion was seconded by Councillor O'Malley. The vote was taken by roll call vote: Condon (n), Crowe (n), DeMaria (y), Linehan (y), Murphy (n), O'Malley (y), Sica (n), Spadafora (n), Winslow (y), Anderson (n). The motion failed 4-6.

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

This paper was previously adopted at the Council's June 29th meeting. An Open Meeting Law Complaint was filed by Councillor O'Malley regarding another paper 235-21 that was taken up by suspending rules and voted on at the June 29th council meeting although it was not posted on the June 29th Council Docket. In Assistant City Solicitor McNaught's investigation of the OML Complaint regarding paper 235-21, he found that there were six other OML violations along with 235-21 regarding suspending rules and papers being voted on that were not docketed for the June 29th Council Meeting. As part of the remedial action, all seven papers were docketed for this September 7th meeting to affirm the vote taken on June 29th. The papers are the next papers being discussed, 337-21, 338-21, 235-21, 293-21, 294-21, 162-21, 326-21.

A motion was made by Councillor Murphy, seconded by Councillor DeMaria, to affirm the vote taken at the June 29th council meeting adopting the order.. The motion carried by the following vote:

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

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

A motion was made by Councillor Murphy, seconded by Councillor DeMaria to affirm the vote taken at the June 29th council meeting adopting the Order. The motion carried by the following vote:

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

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

The paper before the council was an increase COLA to \$18,000 but the retirement board revoted on that amount at an emergency retirement board meeting on June 28th reducing the amount to \$16,000. The \$16,000 is the amount voted on at the June 29th council meeting and the amount being affirmed tonight.

Councillor DeMaria voted present which counted in the majority as yea.

A motion was made by Councillor Murphy, seconded by Councillor O'Malley to affirm the vote taken at the June 29th council meeting adopting the order. The motion carried by the following vote:

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

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").

A motion was made by Councillor Linehan, seconded by Councillor Spadafora, to affirm the vote taken on June 29th granting the petition. The motion carried by the following vote:

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

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.

A motion was made by Councillor Linehan, seconded by Councillor Winslow, to affirm the vote taken on June 29th granting the petition. The motion carried by the following vote:

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

[162-21](#)

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

Sponsors: Paul Condon

A motion was made by Councillor Linehan, seconded by Councillor Winslow to affirm the vote taken at the June 29th meeting that the Petition be granted. The motion carried by the following vote:

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

[326-21](#)

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

Sponsors: Paul Condon

A motion was made by Councillor Condon, seconded by Councillor Sica to affirm the vote taken at the June 29th council meeting that the Petition be granted. The motion carried by the following vote:

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

[379-21](#)

Order: That the Mayor be authorized to apply for grants and execute documents required to affect planned renovations to Devir Park, including any deeds, instruments and contracts relating thereto, and that actions taken prior to this vote be ratified and confirmed.

Sponsors: Paul Condon

Councillor Condon spoke for the paper acknowledging the work done by Janelle DeVitts and Deb Burke regarding this revitalization project of Devir Park. Councillor Condon told the Council that the state was looking for full support by the Council and Mayor for the project where it does include PARC grants.

Councillor Winslow is in full support of the project and seconded the motion. Councillor Winslow stated he appreciates the hard work that goes into these projects having experienced it with Trafton Park. Councillor Murphy spoke in favor of the project.

Councillor Condon thanked the Council for their support.

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

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

[380-21](#)

Resolve: That it is the sense of the City Council that the Municipal Building Committee for the New City Hall meet and address the following outstanding items:

1. Installation of ADA Compliant Entrances and Exits with automatic doors
2. Location of the City Archives
3. Lactation room in City Hall
4. Status update on multi-lingual signage
5. Lack of lighting around the exterior of City Hall
6. The incorrect spelling of City Hall on the front of the building
7. On-site bicycle parking.

Sponsors: Ryan O'Malley and Amanda Linehan

Councillor O'Malley went down the 7 items listed to be resolved with the Municipal Building Committee, On the first item he said he has heard from people how difficult it can be to access the doors and although he has been told the doors are technically ADA compliant, they are not, on the second point the City is not compliant with requirements because there is no permanent archives space, on the third point we need to have a lactation room at city hall if we want to have a diverse, younger and high qualified staff, on the fourth point, city hall should have multiple language signage which it does not have, On the fifth point there is inadequate lighting in the plaza and in and around the Heritage, Florence and Commercial Street, the city hall sign on the building is misspelled and needs to be corrected and there needs to be on site bicycle racks for staff and residents. There are not enough parking spaces for city hall traffic

Councillor Linehan said she cosponsored the Resolve because she feels strongly for the need for a lactation space, door issues and bicycle parking.

Councillor Murphy who was on the Municipal Building Committee with Councillor O'Malley said that the state of Massachusetts does not oversee the code on doors but rather it is the Architectural Access Board regulations and the doors are compliant. Councillor Murphy said that a push button door could be installed to make the doors easier to open, On the Archives, Councillor Murphy stated there were not in the design because there is not enough space in the building that would be required for the volume that needs to be stored. Councillor Murphy said we should have an archives and the plan is to build the space at the Jackson Street Garage, On the lactation room, Councillor Murphy said that was not an issue brought up when designing the building and although it needs further discussion it is not space required by law, Council Murphy said there needs to be a master plan for the signage so it is just not in city hall but all public buildings and it has to be a consistent policy. Councillor Murphy recalls that there would be a recommendation coming for the Citizens Engagement Committee. The lighting issue is not part of the Municipal Committee 's purview and should be addressed by Jefferson, Public Facilities and the Heritage. Councillor Murphy said the issue on the city hall sign is not that it is misspelled, it needs a space between city and hall. The Malden contractor that installed the sign will be correcting it, on the bicycle racks issue, that was not

brought into until the end of the design discussion and would not be a Municipal Building Committee issue and Jefferson has given access to the garage for their bicycle spaces for those that want to use the spaces.

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

Yea: 8 - Anderson, Condon, Crowe, DeMaria, Linehan, O'Malley, Spadafora and Winslow

Nay: 2 - Murphy and Sica

381-21

Resolve: Be it resolved by the City Council of Malden that: the City Charter Review Committee report at the next full City Council meeting on the status Paper 555-2018 regarding the development of a new City Charter.

Sponsors: Stephen Winslow

Councillor Winslow said the purpose of the Resolve was to get an update on the City Charter Review. Councillor Winslow mentioned the Transportation Commission that has been stalled. Once an update is given the council can decide how to proceed.

Councillor Spadafora is in support but suggested any decisions made should wait until after the election where there will be new councilors.

Council President suggested that the Resolve be amended which Councillor Winslow agreed and changed the wording.

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

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

The resolve was amended to.... Resolve:: Be it resolved by the City Council of Malden that: the City Charter Review Committee report at the next full City Council meeting on the status paper 555-2018 regarding the development of a new City Charter. the rest of the wording was deleted.

A motion was made by Councillor Winslow, seconded by Councillor Murphy, that the Resolution be passed as amended. The motion carried by the following vote:

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

Nay: 1 - O'Malley

382-21

Resolve: Be it hereby resolved by the City Council of Malden that: the City of Malden hereby take actions to: (1) establish and undertake studies necessary to create zoning standards for the Maplewood Square Neighborhood Preservation District zoning district under Section 12 of the City Ordinances, (2) create a Maplewood Square Neighborhood Council, to facilitate communication of residents and business owners with the Commonwealth, the City of Malden and property owners to preserve and enhance the historic character of the area as a neighborhood business district readily walkable from nearby senior and residential

housing and (3) the City Council hereby establishes a three person Special Committee on the Future of Maplewood Square to include the sponsor of this resolution as per Council Rule 47.00, the Ward 6 City Councillor and an additional Councillor to be named by the Council President.

Sponsors: Stephen Winslow, Deborah DeMaria and Amanda Linehan

Paper 382-21 was a duplicate of tabled paper 387-21 which was untabled on and voted at this meeting. Paper 382-21 was not docketed properly and no action was taken on the paper.

383-21

Order: That the following alternative draft zoning amendments be sent to a joint Ordinance / Planning Board hearing for consideration:

Alternative #1:

ORDER: Be it ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by changing Section 12.030 Use Regulations to indicate that Warehouse and Wholesale and Distribution Uses are not allowable uses in BH (Highway Business Zones)

Alternative #2:

ORDER: Be it ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by striking the first three lines of Section 12.12.010 Paragraph B and replacing that with:

B. Except for Warehousing, Wholesale and Distribution in a Highway Business District, where a special permit will be required by the City Council in accordance with this section or otherwise herein provided, for all institutional, business, industrial and other uses, where a special permit is required, as indicated by the letters "SP", the use may be allowed only by Special Permit granted by the Planning Board in conformance with the following controls:

Sponsors: Stephen Winslow, Deborah DeMaria and Amanda Linehan

Councillor Winslow as sponsor for the paper spoke of the need to control warehouses in the city. Councillor Winslow mentioned a petition for a warehouse on Broadway that will be heard next Monday, September 13 by the Planning Board. This paper would control the increase of warehouses no matter what happens at the Planning Board on September 13th. Any decision by the Planning Board on September 13th regarding this topic will not set a precedence for future applications for warehouses if this paper is adopted.

Councillor Sica reiterated the paper has nothing to do with the petition for 735 Broadway that the Planning Board has a hearing on for September 13th. Councillor Winslow acknowledged the paper would not stop the development planned for 735 Broadway.

A motion was made by Councillor Winslow, seconded by Councillor Murphy, that the Order be referred to a joint hearing Planning Board and Rules & Ordinance Committee. The motion carried by the following vote:

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

[384-21](#)

Order: That the Council consider, in executive session, executive session minutes recommended for release.

Sponsors: Neal Anderson

There was discussion regarding the process of reviewing and accepting executive session meetings. Councillor O'Malley stated the executive minutes review changed a couple of years ago through collaboration between Councillors DeMaria and Sica but got lost and never implemented.

City Solicitor Fallon read the list of executive session minutes that after review could be released by the council after they review and vote in executive session.

City Solicitor Fallon said the council has two obligations, approving council minutes and periodical review and accepting executive session minutes. Review and release of executive minutes need to be done periodically and suggested it could be a couple of times a year.

Council President Anderson suggested that the council could review the minutes at the city clerk's office that the Solicitor has brought forward and we could have an executive session on the September 28th Committee of the Whole meeting to vote on release.

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

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

10. COMMUNICATIONS

[389-21](#)

Communication: Planning Board - Paper # 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. (See Attached).

Sponsors: Craig Spadafora

This Communication was received and filed

[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

[390-21](#)

Communication: Planning Board - Paper # 232-21 Order: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 be amended by adding Section 12.12.200 entitled Inclusionary Zoning. (See Attached).

Sponsors: Craig Spadafora

This Ordinance was received and filed

[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

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

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

11. COMMITTEE REPORTS

[385-21](#)

Committee Report: Rules & Ordinance (Paper # 267-21) - Order: Be it hereby ordained by the Malden City Council that the Revised Ordinances of 2020 be amended to reflect changes contained in the proposed FY2022 Budget (see attached).

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

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

[267-21](#)

Order: Be it hereby ordained by the Malden City Council that the Revised Ordinances of 2020 be amended to reflect changes contained in the proposed FY2022 Budget (see attached).

Sponsors: Craig Spadafora

1) Director , Planning and Economic Development name was changed to reflect the new name of the department- Director, Strategic Planning and Community Development (this position is the previous Executive Director of the MRA)

2) Chief of Operations title was changed to Chief Strategy and Innovation Officer..

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

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

12. ENROLLED ORDINANCES

[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

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

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

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

[387-21](#)

Resolve: That the City of Malden hereby take actions to:

1. Establish and undertake studies necessary to create zoning standards for the Maplewood Square Neighborhood Preservation District zoning district under Section 12 of the City Ordinances
2. Create a Maplewood Square Neighborhood Council, to facilitate communication of residents and business owners with the Commonwealth, the City of Malden and property owners to preserve and enhance the historic character of the area as a neighborhood business district readily walkable from nearby senior and residential housing and (3) the City Council hereby establishes a three person Special Committee on the Future of Maplewood Square to include the sponsor of this resolution as per Council Rule 47.00, the Ward 6 City Councillor and an additional Councillor to be named by the Council President.

Sponsors: Stephen Winslow

A motion was made by Councillor Winslow, seconded by Councillor Spadafora, that the Resolution be taken from the table. The motion carried by the following vote:

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

Councillor Winslow gave an update on the Resolve and Councillor Murphy's request to

add non councillors to the Ad Hoc Committee. Councillor Winslow reached out to City Planner Michelle Romero and she is open to being an ex officio member and also a ward 6 resident and Maplewood business owner.

Councillor Winslow amended the Resolve, striking out 1 and 2 and changing 3 to read: the City Council hereby establish a six person Special Committee on the Future of Maplewood Square to include the sponsor of this resolution as per council rule 47.00, the ward 6 councillor, an additional Councillor to be named by the Council President, City Planner, a ward 6 resident and a Maplewood businessowner.

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

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

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

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

[358-21](#)

Minutes of the Meeting of June 29, 2021.

Councillor Winslow made a motion to untable the minutes from 6/29/21 but later withdrew his motion.

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

A motion was made by Councillor Murphy, seconded by Councillor Condon, that the meeting be adjourned. The motion carried by the following vote:

The meeting adjourned at 9:39 P.M.

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

GREGORY LUCEY, CITY CLERK