



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Rules & Ordinance Committee

Chairperson Peg Crowe
Vice Chair Amanda Linehan
Councillor at Large Carey McDonald
Councillor Chris Simonelli
Councillor Jadeane Sica

Tuesday, September 27, 2022

7:05 PM

215 Pleasant Street
Conference Room 105
Malden, MA 02148

Roll Call

Also in attendance Assistant City Solicitor Zaheer Samee, off committee Councillors Colon-Hayes and O'Malley.

Chair Crowe called the meeting to order at 7:35 P.M.

Present: 3 - Peg Crowe, Amanda Linehan and Carey McDonald

Absent: 2 - Chris Simonelli and Jadeane Sica

Minutes to be Approved

[394-22](#)

Minutes of the meeting of June 14, 2022

A motion was made by Councillor at Large McDonald, seconded by Vice Chair Linehan, that the Committee Minutes be approved. The motion carried by a unanimous vote.

Business

[118-22](#)

The Committee on Technology Policy will meet to discuss adopting policies for public access and remote participation for Councillors and any other business moving forward with the committee.

Attachments: [Recommendations from Technology on Paper 118-22](#)

Chair Crowe turned the meeting over to Chair of the Technology Committee, Councillor Linehan. Councillor Linehan stated the committee was tasked to create a technology policy for the public's access to Council meetings, Councillors being able to participate remotely and the recording around committees. The Committee met with Assistant City Solicitor Alicia McNeil who provided a legal opinion, Chief Strategy Officer Ron Hogan, Terlonzo Amos from UMA, IT Director Anthony Rodriguez and Communications Director Ron Cochran. The Committee is proposing a Technology Policy that includes:

- 1) City Councillors can participate virtually in 3 meetings per year by notifying the City Clerk and Council President prior to the docket being finalized.*
- 2) To start, Finance and Ordinance would need to record and post their meetings publicly using the technology in the meeting room with the clerks of the committees responsible for creating the link and posting the meeting and within 48 hours sharing the meeting on*

the agenda center.

3) Any Council meeting that includes a public hearing must offer a virtual option for the public.

4) On Tuesday nights, the City Council would have the first option to have any meeting room that has recording access.

Councillor Linehan continued if the technology policy is adopted that it would be included in the Council Rule Book.

Councillor McDonald said that the way the policy is written is not how the rules in the Rule Book are written.

Councillor Linehan answered that the policy could be written conforming to other rules in the book.

Councillor McDonald followed that he thought there could be emergency situation come up that the policy does not address. Councillor McDonald continued that he wouldn't want a meeting to not take place because of something happening and the rule would prevent the meeting from happening.

Councillor Linehan answered that they could write something in there for emergencies, something ironclad.

Assistant City Solicitor Samee recommended trying as much as possible not making technology use mandatory so not to jeopardize holding a meeting if the technology is not working.

Councillor Linehan said there will always be a quorum present because of the requirements for a hybrid meeting.

The Committee voted to send the Policy to Legal for review.

A motion was made by Vice Chair Linehan, seconded by Councillor at Large McDonald, that the Council Item be recommended for referral to the Legal Department for review. The motion carried by a unanimous vote.

[367-22](#)

Order: Be it ordained that Section 9.20.040 Standards and Regulations for Commercial Waste, of the MCC, be amended by adding new *Section 9.20.040 C (1) (e)*, to include "No dumpster shall be placed on the public way, including for purposes of pickup by the service provider."

Sponsors: Craig Spadafora

Attachments: [Ordinance Amendment Proposal Letter 9 8 2022](#)

[Prop Revisions to 9.20.040](#)

[20220908_9.20.040 STANDARDS AND REGULATIONS FOR COMMERCIAL WASTE](#)

Chair Crowe read the paper,

Councillor Simonelli said the paper did not sound fair to a homeowner upgrading their property and they have a dumpster

Councillor McDonald stated that the section is about commercial waste and how commercial properties .need to dispose of their waste.

Councillor Linehan asked what is a 30 unit residential building considered.

Councillor Simonelli said that we should make it clear it is commercial properties not residential.

Councillor McDoanld said the letter from the Mayor supporting the paper specifically names downtown areas.

Councillor O'Malley said we need to find about special permits granting dumpsters and the need for a conversation is the special permit supersedes our ordinances.

Councillor McDonald made a motion to amend the paper changing in section e, taking out the word "stored" and replacing it with "placed". The motion was seconded by Councillor Linehan. It was so voted: Linehan (y), McDonald (y), Simonelli (y), Crowe (y).

The Committee agreed to have the Building Department review regarding the Special Permit aspect.

A motion was made by Councillor at Large McDonald, seconded by Vice Chair Linehan, that the Ordinance be recommended favorably as amended to the City Council. The motion carried by a unanimous vote.

368-22

Order: Be it ordained that Section 11.08 (Streets and Sidewalks) of the MCC be amended by adding Section 11.08.200 to address markings on the public way.

Sponsors: Craig Spadafora

Attachments: [Ordinance Amendment Proposal Letter 9 8 2022](#)

[DigSafeMarkingRemovalOrdinance](#)

[11.08 STREETS AND SIDEWALKS](#)

[Dig Safe Amended Form Recommended October 11, 2022](#)

Chair Crowe stated it is still not clear who would be responsible for the markings. Chair Crowe has spoken to DPW Director Knox who confirmed the confusion of who is responsible.

Councillor Linehan suggested reaching out to the Engineering Director Yem Lip who oversees streets and sidewalks.

Councillor Simonelli agreed that Yem Lipp would be the person and added when they do markings in the street , they are supposed to use paint that dissolves over time.

Councillor Crowe stated that Dig Safe does not contact Yem Lipp.

Assistant City Solicitor Samee said that the city does call Dig Safe.

Councillor McDonald said he has a language issue with the paper and is looking to edit the paper and will get the edits to the committee.

A motion was made by Councillor Simonelli, seconded by Vice Chair Linehan, that the Ordinance be tabled to the Rules & Ordinance Committee for additional information. The motion carried by a unanimous vote.

Tabled Papers

[254-20](#)

Order: That the City Council adopt the Rules of the Council Rule Book 2021.

Sponsors: Jadeane Sica

Attachments: [DRAFT Rule Book Changes](#)

Councillor Linehan made a motion to take paper 254-20 from the table, seconded by Councillor Simonelli, it was so voted: Linehan (y), McDonald (y), Simonelli (y), Crowe (y).

Chair Crowe started by saying the Rule Book is long overdue to get done.

Councillor McDonald suggested they prioritize changes so time isn't wasted while not violating the Open Meeting Law.

Assistant City Solicitor Samee suggested having a draft ready to be discussed at an open meeting.

Councillor Linehan said she is willing to take on the editing to present a document to the committee.

Chair Crowe said that Council President Spadafora have the first run through the Rules and code of conduct with a word document and Councillor Linehan could edit. Clerk Lucey said there is a word document for the Rules and he will send it out.

Councillor Simonelli made a motion to strike pages 26-33 in the current Rule Book, the motion was seconded by Councillor Linehan, it was so voted: Linehan (y), McDonald (y), Simonelli (y), Crowe (y).

A motion was made by Councillor Simonelli, seconded by Vice Chair Linehan, that the Order be tabled to the Rules & Ordinance Committee. The motion carried by a unanimous vote.

[283-21](#)

Order: That the City of Malden submit to the Massachusetts Legislature for passage in substantially the following form: (See Attached).

Sponsors: Stephen Winslow

Attachments: [Traffic Comm. - Charter Update 2021.Paper.283.21 Attachment](#)

[313-21](#)

Order: Be it hereby ordained that the City of Malden Ordinances section 2.16 "Board, Commissions, and Committees" be amended to require remote participation by members of the public for all public meetings by inserting a new section 2.16.001 "Remote participation required."

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

Adjournment

A motion was made by Councillor Simonelli, seconded by Councillor at Large McDonald, that the meeting be adjourned. The motion carried by a unanimous vote.

The meeting adjourned at 8:29 P.M.