



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final City Council

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

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Tuesday, September 8, 2020

7:00 PM

REMOTE

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### **1. CALL TO ORDER**

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

### **3. ROLL CALL**

**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. APPROVAL OF MINUTES**

[234-20](#) Minutes of the Meeting of June 30, 2020.

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

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

[235-20](#) Minutes of the Meeting of July 29, 2020.

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

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

[236-20](#) Minutes of the Meeting of August 11, 2020.

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

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

### **5. APPOINTMENTS & ELECTIONS**

[237-20](#) Council Appointment: Rachael Running, 51 Bellvale Street, Malden, MA appointment by Jadeane Sica (Ward 8 Councillor) to the Community Preservation Committee; expiration date is March 15, 2022. (Rachael will

fill the unexpired position of Julianne Orsino). To be placed on file.

**This Appointment was placed on file**

[238-20](#)

Mayoral Appointment: William Hurley, 67 Kimball street, Malden, MA as a member of the Malden Housing Authority Board, said term to commence upon his confirmation and to expire May 2, 2021.

**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 the following vote:**

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

[239-20](#)

Mayoral Appointment: Isaac Slavitt, 14 Gellineau Street, Malden, MA as a member of the Conservation Commission, said term to commence upon his confirmation by the City Council and to expire on September 15, 2022.

**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 the following vote:**

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

[240-20](#)

Mayoral Appointment: Heresa LaForce, 327 Medford Street, Malden, MA to the Cultural Council upon confirmation by the City Council, said term to begin on September 1, 2020 and to expire on September 1, 2023.

**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 the following vote:**

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

[241-20](#)

Mayoral Appointment: Nichole Mossalam, 64 Essex Street, # 1, Malden, MA to the Disability Commission upon confirmation by the City Council, said term to expire September 20, 2023.

**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 the following vote:**

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

[242-20](#)

Mayoral Appointment: Ronald B. Hogan, 5 Cider Mill Road, Saugus, MA as Director of the Parking Department, said term to commence as of June 1, 2020 and to expire on June 1, 2023.

**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 the following vote:**

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

[243-20](#)

Mayoral Appointment: George Laskey, 52 Blue Hill Avenue, Malden, MA as a member of the Conservation Commission said term to commence upon his confirmation and to expire on September 15, 2022.

**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 the following vote:**

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

[244-20](#)

Mayoral Appointment: John Tramondozzi, 276 Charles Street, Malden, MA as a member of the Malden Historical Commission, said term to expire on September 1, 2023.

**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 the following vote:**

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

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

[245-20](#)

Class II: Broadway Auto Motors, Inc., 495-497 Broadway, Malden (Change of Name - from Smart Buy USA)

**Sponsors:** Barbara Murphy

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

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

[246-20](#)

Outdoor Parking: Northeast Snow Services, 531R Broadway, Malden, 5 spaces (Renewal)

**Sponsors:** Barbara Murphy

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

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

[247-20](#)

Outdoor Parking: Rigano's, 1176 Eastern Ave., Malden, 15 spaces (New)

**Sponsors:** Barbara Murphy

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

**following vote:**

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

**248-20**

Outdoor Parking: Three C Realty Trust, 54 Winter St., Malden, 22 spaces (Renewal)

**Sponsors:** Barbara Murphy

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

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

**249-20**

Outdoor Parking: Emmanuel Baptist Church, 20 Madison St., Malden, 27 spaces (Renewal)

**Sponsors:** Barbara Murphy

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

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

**250-20**

Livery: Faris Transportation, Inc., 140 Clifton St., Malden, 1 livery (New)

**Sponsors:** Barbara Murphy

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

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

**251-20**

Pool Tables: Town Line Ten Pin Corp., 665 Broadway, Malden, 19 tables (Renewal)

**Sponsors:** Barbara Murphy

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

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

**252-20**

Bowling Alley: Town Line Ten Pin Corp., 665 Broadway, Malden, 48 lanes (Renewal)

**Sponsors:** Barbara Murphy

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

**following vote:**

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

[253-20](#)

Petition: Extenet: Small Cell Petitions for the following addresses:

6-10 Holden Street

14 Lawrence Street

297 Medford Street

37-39 Park Street

**Sponsors:** Ryan O'Malley

**A motion was made by Councillor O'Malley, seconded by Councillor DeMaria, that the Petition be referred to the Public Property Committee. The motion carried by the following vote:**

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

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

*Public Comment was left off the docket as an agenda item in error. There was an email received in time to be read into the minutes. Councillor Sica told the Council she was advised by the Legal Department to read the email at the end of the meeting. Councillor DeMaria made a motion to suspend council rules so the email could be read at this time in the meeting, Councillor O'Malley seconded the motion, the following roll call vote was taken:*

*Camell (y), DeMaria (y), Linehan (y), O'Malley (y), Winslow (y)*

*Anderson (N), Condon (N), Crowe (N), Murphy (N), Spadafora (N), Sica (N)*

*Motion failed 5-6*

[254-20](#)

Order: That the City Council adopt the Rules of the Council Rule Book 2020.

**Sponsors:** Jadeane Sica

**A motion was made by Councillor Spadafora, seconded by Councillor DeMaria, that the Order be referred to the Rules & Ordinance Committee. The motion carried by the following vote:**

**Yea:** 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, Sica, Spadafora and Winslow

**Abstain:** 1 - O'Malley

[255-20](#)

Order: That the City Council establish an ordinance that property owners maintain their properties with regards to overgrown weeds, grass or brush.

**Sponsors:** Jadeane Sica

*Councillor Winslow requested that barbed wire be included in the paper with overgrown weeds, grass or brush*

**A motion was made by Councillor Winslow, seconded by Councillor Murphy, that**

**the Ordinance 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 Spadafora, seconded by Councillor Crowe, that the Ordinance be referred to the Rules & Ordinance Committee. The motion carried by the following vote:**

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

[256-20](#)

Order: That the Citizen Engagement Committee conduct a public engagement process to solicit feedback from the community on the hours of operation of City Hall per City Ordinance Section 2.04.010: 2.04.010 HOURS CERTAIN OFFICES TO BE OPEN  
<<https://malden.municipalcodeonline.com/book?type=ordinances>>  
*Except on holidays, city administrative offices shall be open to the public from 8:00 A.M. to 4:00 P.M. on Mondays, Wednesdays and Thursdays, from 8:00 A.M. to 7:00 P.M. on Tuesdays and from 8:00 A.M. to noon on Fridays.*

**Sponsors:** Ryan O'Malley and Deborah DeMaria

*Councillor O'Malley presented the paper to get public feedback on the change of city hall hours closing on Fridays and the building being open for an hour longer on Monday, Wednesday, Thursday and employees coming in at 7:45 Monday, Tuesday, Wednesday and Thursday. Councillors DeMaria and Linehan support a four day work week but would like to send the paper to Citizens Engagement to get public feedback. Councillors Crowe, Spadafora and Murphy stated the change is COVID related and may not be permanent making the paper premature. Councillor Spadafora told the council that they were not involved when the mayor closed the building in March and questioned how the council can vote to operate by zoom when city hall is now open to the public by appointment. Councillor Condon agreed with the idea city hall be open the additional hour until 5:00 and with Councillors Anderson and Murphy felt it is up to the Executive body to make the daily operational decisions. Councillor Anderson stated the Council does not get involved when the mayor decides holiday schedules for city hall. Councillor Winslow stated he would like to get some feedback but was ok with the mayor's decision.*

*Councillor Murphy made the following amendment that the paper would not be taken up until the state of emergency is lifted and if the schedule became permanent.*

**A motion was made by Councillor Murphy, seconded by Councillor DeMaria, 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 O'Malley, seconded by Councillor DeMaria, that the Order be adopted as amended. The motion carried by the following vote:**

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

[257-20](#)

Order: That the sum of One Hundred Thirty Two Thousand One Hundred

Forty Nine Dollars and Fifty Cents (\$132,149.50) be and the same is hereby appropriated from the TNC Surcharge Municipal Distribution Account to cover the following expenses:

Road milling and paving, utility structure adjustments, pedestrian signal upgrades, wheelchair ramp upgrades, and new crosswalk line striping with thermoplastic at the intersection of Highland Ave. and Medford Street.

**Sponsors:** David Camell

**A motion was made by Councillor Camell, seconded by Councillor DeMaria, that the Order be referred to the Finance Committee. The motion carried by the following vote:**

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

[258-20](#)

Order: That the Malden City Council continue to conduct all Council, Committee of the Whole, and Subcommittee meetings virtually until such time as the Governor's COVID-19 Emergency Order is lifted, and that remote participation remain available until the Commonwealth of Massachusetts enters Phase 4 of Reopening, in order to protect the safety and participation of vulnerable and immuno-compromised community members.

**Sponsors:** Amanda Linehan

*Before the tabling motion, Councillor Linehan requested that the wording be changed deleting " until the " before Commonwealth of Massachusetts and replacing it with " through such time as the ".*

**A motion was made by Councillor Camell, seconded by Councillor Winslow, that the Order be tabled. The motion carried by the following vote:**

**Yea:** 9 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, O'Malley, Spadafora and Winslow

**Nay:** 2 - Murphy and Sica

[259-20](#)

Order: Be it hereby ordained that the Revised Ordinances of 2020 be amended to allow accessory dwelling units (a.k.a. in-law suites or granny flats).

**Sponsors:** Amanda Linehan

*Councillor Linehan spoke in favor of the Paper as the sponsor. Councillor O'Malley voiced his support and Councillor Winslow was in favor of having a discussion. Councillors Spadafora, Condon and Murphy spoke against the paper. Councillor Murphy requested that a detailed paper should have been filed when the item was put on the docket. Councillor Linehan said when the paper gets in Ordinance she will provide a paper with details. Councillor Spadafora requested the Assessor be involved with the process*

*because if passed it could affect the residential tax exemption.*

**A motion was made by Councillor Linehan, seconded by Councillor DeMaria, that the Order be referred to the Rules & Ordinance Committee. The motion carried by the following vote:**

**Yea:** 7 - Anderson, Camell, Crowe, DeMaria, Linehan, O'Malley and Winslow

**Nay:** 4 - Condon, Murphy, Sica and Spadafora

[260-20](#)

Order: That the Human Resources Director reports to the Council within 60 days on the diversity of City staff, including the existing diversity of City staff, efforts to increase the diversity of City staff, obstacles to increasing the diversity of City staff, and efforts to increase the diversity of City staff who are managers, supervisors, or directors. Diversity information should include race, ethnicity, age, and immigration status.

**Sponsors:** Ryan O'Malley

*After a lengthy discussion the paper was amended to add:*

- 1) add gender and sexual orientation*
- 2) have the data anonymous because of privacy issues*
- 3) scratch the 60 day requirement for HR to respond*
- 4) request the school committee to provide similar data*
- 5) include all quasi agencies (MRA, MHA)*

**A motion was made by Councillor Murphy, seconded by Councillor Linehan, 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 O'Malley, seconded by Councillor Linehan, that the Order be adopted as amended. The motion carried by the following vote:**

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

[261-20](#)

Order: Be it hereby ordained that the following Proposed Ordinance Amendments be enrolled and ordained by the City Council.

**Section 12.12.030:**

Be it ordained that the Table of Use Regulations, Section 12.12.030, of the Revised Ordinances of 2020 be amended by establishing a new use category for short term rentals.

**Section 12.32.060:**

Be it ordained that Section 12.32.060 of the Revised Ordinances of 2020 be amended by adding the definition for Short Term Rental.

Be it ordained that Section 12.32.060 of the Revised Ordinances of 2020 be amended by changing the definition of Family.

Be it ordained that Section 12.32.060 of the Revised Ordinances of 2020 be amended by changing the definition of Rooming House.



**Sponsors:** Craig Spadafora

**A motion was made by Councillor Spadafora, seconded by Councillor DeMaria, that the Order be referred to the Rules & Ordinance Committee. The motion carried by the following vote:**

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

[265-20](#)

Order: That the sum of One Million Two Hundred Thousand Dollars (\$1,200,000) is appropriated from available general fund free cash for the purchase of covered trash and recycling totes for all eligible households in the City of Malden as determined by City of Malden ordinances.

**Sponsors:** David Camell

**A motion was made by Councillor Camell, seconded by Councillor Condon, that the Order be referred to the Finance Committee. The motion carried by the following vote:**

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

[262-20](#)

Resolve that the Ordinance Committee work on developing the following housing stability strategies: inclusionary zoning, accessory dwelling units, and reducing parking requirements around public transit hubs.

**Sponsors:** Ryan O'Malley

*Councillor Winslow voiced his concern that this paper was a lot to take on and there is currently work being done with regards to items in the paper. Councillor Murphy agreed with Councillor Winslow and again voiced her concern from earlier in the evening that papers are put on the docket without detail to go with them. Councillor Camell agreed with Councillor Winslow.*

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

**Yea:** 4 - Condon, DeMaria, Linehan and O'Malley

**Nay:** 7 - Anderson, Camell, Crowe, Murphy, Sica, Spadafora and Winslow

[263-20](#)

Resolve: That all City of Malden Boards and Commissions subject to the Open Meeting Law (OML) continue to offer the option of remote participation to members and the public until such time as the Governor's Emergency Order is lifted in the Commonwealth of Massachusetts.

**Sponsors:** Amanda Linehan

*Councillor Linehan requested that the paper be withdrawn. The following roll call vote was taken:*

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

*Paper was withdrawn 11-0*

## **8. COMMITTEE REPORTS**

## **9. TABLED PAPERS**

[462-19](#)

Petition: Massachusetts Electric Company d/b/a National Grid, North Andover, MA, 150 Oliver Street, Malden, MA.

**Sponsors:** Jadeane Sica

**A motion was made by Councillor Crowe, seconded by Councillor Condon, that the Petition be taken from the table. The motion carried by the following vote:**

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

*Councillor Sica spoke in favor of granting after discussions with National Grid that the pole will not be used for a small cell attachment.*

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

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

## **10. PERSONAL PRIVILEGE**

*Council President Sica asked that there be a motion to suspend council rules so the email that was not addressed in Public Comment could be read into the minutes.*

*Councillor Winslow made a motion to suspend council rules, Councillor Linehan seconded the motion. The following roll call; vote was taken:*

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

*Motion passed 11-0. Clerk Lucey read the email from Brian Delacey, 1 Earl Street regarding CPC appointments.*

## **11. ADJOURNMENT**

**A motion was made by Councillor DeMaria that the meeting be adjourned. The motion carried by the following vote:**

**The meeting adjourned at 10:06 PM.**

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

**GREGORY LUCEY, CITY CLERK**

