

1
Commonwealth of Massachusetts
THE TRIAL COURT

MIDDLESEX, SS.

SUPERIOR COURT DEPT.
C.A. No. 2581-cv- 1275

Ryan O'Malley,
as President of the Malden City Council,

Plaintiff

v.

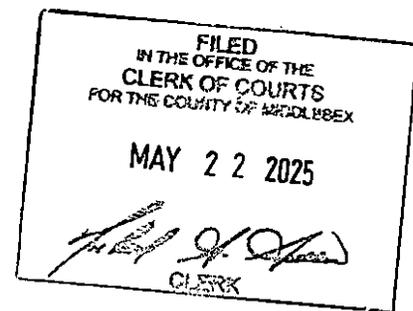
Trustees of the Malden Public Library -
John Tramondozzi, Gregory Lucey, Nancy
L. McPheeters, Frank Molis, Jayne Brown,
Lisa Jacobson, Ann Durso-Rose, John
Parcellin, and Anthony Spadafora,

and

Dora St. Martin,

Defendants

**Verified Complaint
for Declaratory
Judgment and
Injunctive Relief**



Introduction

1. This is a complaint for declaratory judgment and injunctive relief seeking an order that the defendants comply with the legislative Act establishing the Malden Public Library ("Library"). Chapter 146 of the Acts of 1885 of the General Court of the Commonwealth established the Malden Public Library as a corporation for the purpose of providing a free public library to the residents of Malden. The Act states that that the president of the Malden City Council shall be an ex officio member of the Library's Board of Trustees. Yet, contrary to the explicit direction of the Legislature, the defendants, who are current Library trustees and the Library's director, are violating the law by refusing to recognize the plaintiff's ex officio status and preventing the plaintiff from voting and otherwise exercising all rights and privileges of a Library trustee.

2. Jurisdiction and venue are proper in this Court pursuant to G.L. c. 231A, § 1.

Parties

3. Ryan O'Malley is the duly elected president of the City Council of the City of Malden, a municipality in Middlesex County organized under the laws of the Commonwealth.
4. John Tramondozzi is a member and president of the Malden Public Library Board of Trustees.
5. Gregory Lucey is a member and vice president of the Library Board of Trustees.
6. Nancy L. McPheeters is a member and secretary of the Library Board of Trustees.
7. Frank Molis is a member and treasurer of the Library Board of Trustees.
8. Jayne Brown is a member the Library Board of Trustees.
9. Ann D'Urso-Rose is a member the Library Board of Trustees.
10. Lisa Jacobson is a member the Library Board of Trustees.
11. John Parcellin is a member the Library Board of Trustees.
12. Anthony Spadafora is a member the Library Board of Trustees.
13. Dora St. Martin is the Director of the Library.

Facts

The Creation of the Malden Public Library

14. The Malden Public Library was established as a corporation by the general court of Massachusetts in chapter 146 of the acts of 1885. *Exhibit A: Acts. 1885, ch. 146.* Its place of business is 36 Salem St., Malden, MA 02148.

15. Chapter 146 of the acts of 1885 declares: "The corporation shall consist of the mayor, the chairman of the board of aldermen, and the president of the common council of the city of Malden, for the time being, who shall be members *ex officio*s, and nine other citizens of Malden, who shall constitute a board of trustees...." Act 1885, c. 146, § 3.

16. The act further provides, “If the board of trustees shall fail for three months to elect its members in accordance with the provisions of this act, the city council shall forthwith proceed to an election by concurrent vote.” Acts 1885, ch. 146, § 3.

17. The city is authorized to gift to the Library any property which is “to be held by said corporation the same manner as such property may be held by the city for the use of the inhabitants of Malden, under reasonable regulations made or to be made by the corporation.” Acts 1885, ch. 146, § 4.

18. The act further states that it “shall take effect upon its acceptance by the aldermen and common council of the city of Malden.” Acts 1885, ch. 146, § 6. (The board of aldermen and common council were abolished and replaced with the city council by Acts 1955, ch. 550).

19. The Library trustees “shall render to the city council annually, within 30 days of the end of the fiscal year of the city of Malden a report of their proceedings, and a statement of the condition of the library, its property and funds, the number of books added during the year, with an accurate account of all receipts and expenditures, together with any other information or suggestions which they may deem desirable.” Acts 1989, ch. 90, § 2.

The defendants’ refusal to recognize the plaintiff’s rights as an ex officio Library trustee.

20. The non-ex officio Library trustees have adopted a policy of denying the ex officio members, i.e. the mayor and the president of the city council, of their rights and privileges.

21. The plaintiff Ryan O’Malley was duly elected president of the Malden City Council in December 2024, with his term commencing January 1, 2025. His term as president runs until December 31, 2025 or election of a successor.

22. More than just an ex officio library trustee, the plaintiff has a genuine interest in the Malden Public Library. He has used the Library since he was a child. He still has his original Library card, used the Library in high school, and more recently in law school.

23. Upon his election as council president, the plaintiff reached out to Dora St. Martin, the Library director, inquiring about his role as an ex officio library trustee.

24. During the plaintiff's conversation with St. Martin in December 2024, St. Martin stated that the plaintiff's status as an ex officio member gave him no right to vote or participate in the business of the library trustees.

25. Not wishing to invite unnecessary conflict, the plaintiff told St. Martin that he would research the matter and follow-up with her. He also asked her to please forward him the agenda for the next Library trustee meeting.

26. On December 30, 2024, the defendant John Tramondozzi wrote an email to the plaintiff stating: "Dear Councilor O'Malley, Congratulations on your new position. As President of the Malden City Council you are now an ex-officiis member of the Malden Public Library Board of Trustees during your term. The next meeting of the board will be Thursday, January 9 at 5:30 PM. Meetings take place in the Ryder Art Gallery and usually last until about 7:00 PM."

27. On January 5, 2025, the plaintiff followed up by email to Dora St. Martin inquiring if there is an agenda for the upcoming Library trustee meeting on January 9. Plaintiff also wrote, "Also, when we last spoke you had mentioned that you thought my seat as a Trustee was non-voting. I have done some research of the legislation chartering the Library and the City Charter but have not found anything stating that the ex officio members (NB: 'ex-officiis' is plural dative declension of 'ex officio') are non-voting. Do you have any authentic documents which support the position that ex officio members are non-voting members?"

28. The plaintiff attended and actively tried to participate in the January 9, 2025 Library trustee meeting but was ignored by the board's president, the defendant John Tramondozzi. When the plaintiff asked the board president if he could serve on the building and grounds committee because he had experience in property management and concern about the Library's maintenance, Tramondozzi stated, very agitated, "You are not a real trustee. You are ex officio only!"

29. On February 13, 2025, the plaintiff attended his second meeting of the library trustees and again attempted to participate. Once again, the board president Tramondozzi ignored the plaintiff. At one point Tramondozzi became agitated at the plaintiff's attempts to participate and his request to serve on the buildings and grounds committee.

30. At the third Library trustee meeting of the calendar year on March 13, 2025, the plaintiff shared with the members of the board the opinion of the city solicitor that ex officio members of the Malden Public Library Board of Trustees have the same rights and privileges, including the right to vote, as any other Library trustee. The defendant Tramondozzi became agitated and stated that he knows he can hire an attorney to say whatever he likes and that he did not value or trust the city solicitor's opinion.

31. At the same meeting the defendant Lisa Jacobson called the plaintiff a "troublemaker" and said that the Malden city solicitor's opinion is "just an opinion" and carries no meaningful weight.

32. At the next Library trustee meeting on April 10, 2025, the defendant Tramondozzi stated that the trustees had "looked into" the matter and that they did not believe the plaintiff was a voting member of the board. Tramondozzi reiterated that he did not trust the city solicitor and that he could hire an attorney to say whatever he wants them to say.

33. During the April 10, 2025 meeting, when the plaintiff requested that he hear the opinion of other library trustees, Tramondozzi looked at the defendant Dora St. Martin for direction. Dora St. Martin shook her head side to side indicating "no."

34. It appears the trustees largely take direction and instruction from the defendant Dora St. Martin, who is the Library's director.

35. After the April 10, 2025 meeting, the plaintiff spoke to the defendant and trustee Greg Lucey and asked him to come look at some of the bathrooms in the Library. The bathrooms were dirty, covered with old dried urine stains, pubic hair, and days or weeks of dust accumulation. There was no toilet paper in any stall. Lucey agreed with the plaintiff that the lack of cleanliness was unacceptable.

36. The next morning on April 11, 2025, the plaintiff contacted the defendant Dora St. Martin and requested to review the books and records of the Library. St. Martin stated she would convey the request to the defendant Tramondozzi.

37. On April 19, 2025, in an email apparently authored by Tramondozzi but sent by St. Martin, the defendants responded to the plaintiff's request to review the books and records by stating: "No one has ever asked for this material before. We do not believe you are entitled to all past records of the Board."

38. At the May 8, 2025 Library trustee meeting, the defendant Tramondozzi shared a letter from the Library trustees' attorney which advised: "In the event of a dispute in interpretation between the parties [about the role of ex officio Library trustees], a reviewing Court would have the last word, in my opinion."

39. The next meeting of the Library trustees is scheduled for June 12, 2025.

40. No meetings are expected to take place in July or August 2025.

Count I – Declaratory Judgment

41. The plaintiff incorporates and realleges all preceding paragraphs.

42. As an ex officio member of the Malden Public Library Board of Trustees, the plaintiff is entitled to exercise the same rights and privileges as any other Library trustee.

43. The plaintiff requested that he be granted the same rights and privileges as every non-ex officio library trustee, but the defendants refused.

44. The plaintiff demanded that the defendants grant him the same rights and privileges as every other library trustee, including the right to vote at trustee meetings, serve on committees, and inspect the trustees' books and records, etc.

45. The defendants still refused to recognize the plaintiff's status as an ex officio member with rights and privileges equivalent to every other Library trustee.

46. The defendants have refused to let the plaintiff vote at trustee meetings, serve on committees, or inspect the Library trustees' books and records.

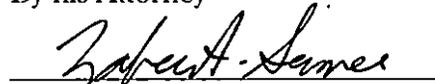
47. An actual controversy exists between the plaintiff and defendants concerning the plaintiff's rights as an ex officio member Library trustee, and the plaintiff is entitled to judgment declaring those rights as well as equitable relief pursuant to G.L. c. 231A.

Prayer for Relief

WHEREFORE, the plaintiff requests that the court enter judgment in his favor granting all relief that is equitable and just, including especially the following:

1. DECLARATORY JUDGMENT (a) that the Malden City Council President and Mayor as ex officio members of the Library Board of Trustees are entitled to exercise the same rights and privileges as any other library trustee, and (b) that the defendants have violated the plaintiff's rights by preventing their exercise; and
2. PERMANENT INJUNCTION prohibiting each and every one of the defendants from denying and interfering with the plaintiff's exercise of his rights and privileges as a member of the Malden Public Library Board of Trustees, including but not limited to the right to vote, serve on committees, inspect and review any and all trustee books and records.

RYAN O'MALLEY, Plaintiff
By his Attorney


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Date: May 22, 2025

Verification

I am the plaintiff in this action. The factual statements alleged in the complaint are based on my personal knowledge and on review of the documents referred to in the complaint, including the acts and resolves of the Massachusetts General Court. The facts alleged are true and accurate to the best of my knowledge. Signed under penalty of perjury.

Date: May 22, 2025


Ryan O'Malley

Exhibit

A

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1885,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR
LIST OF THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS.
ETC., ETC.

PUBLISHED BY THE

SECRETARY OF THE COMMONWEALTH.



BOSTON:

WRIGHT & POTTER PRINTING CO., STATE PRINTERS

No. 18 POST OFFICE SQUARE.

1885.

AN ACT TO INCORPORATE THE MALDEN PUBLIC LIBRARY.

Chap. 146

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Malden Public Library for the time being, and their successors, are hereby made a corporation by the name of the Malden Public Library, for the purpose of establishing and maintaining a public library in Malden, with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions, set forth in all general laws which are or may be in force in this Commonwealth applicable to such corporations.

Malden Public Library.

Powers and duties.

SECTION 2. Said corporation shall have authority to hold real and personal estate to the amount of two hundred thousand dollars for the purposes aforesaid, in addition to books and objects of curiosity and art.

Real and personal estate.

SECTION 3. The corporation shall consist of the mayor, the chairman of the board of aldermen, and the president of the common council of the city of Malden, for the time being, who shall be members *ex officio*, and nine other citizens of Malden, who shall constitute a board of trustees, and whose terms of office shall be as follows:— The members *ex officio* for the terms of their respective offices, and the remaining trustees for the terms for which they may be elected. The present trustees of the Malden Public Library shall continue in office for the remainder of their respective terms and until their successors are chosen. Annually in the month of January thereafter the said board of trustees shall elect three persons, citizens of Malden, who shall be members of said board for three years from the first day of February in the year of their election, and until their successors are chosen. Whenever a vacancy shall occur in the board of trustees by death, resignation or otherwise, the remaining trustees shall fill such vacancy by an election for the unexpired term. If the board of trustees shall fail for three months to elect its members in accordance with the provisions of this act, the city council shall forthwith proceed to an election by concurrent vote. No member of the board of trustees shall receive compensation for his services.

Board of trustees.

Vacancies in board.

To serve without compensation.

SECTION 4. The city of Malden is authorized to transfer and convey to said corporation all funds, gifts and bequests which are or may be held and enjoyed by it for the purposes of a public library, to be held and

City may transfer to corporation, funds, books, etc.

applied in the same manner as they are or may be held and applied by the city, and all books, pamphlets, objects of curiosity and art, and other property of the Malden Public Library, to be held by said corporation in the same manner as such property may be held by the city for the use of the inhabitants of Malden, under reasonable regulations made or to be made by the corporation.

Inhabitants to have free use of library under reasonable regulations.

SECTION 5. Said corporation shall allow the inhabitants of Malden free use of said library under reasonable restrictions and regulations. Said city may appropriate and pay annually towards defraying the expense of maintaining and increasing said library such sum or sums as may be legally appropriated and paid by cities and towns for such purposes. Said city may also pay to said corporation for the use of the library any money by law applicable to the use of a city library. The trustees shall render to the city council annually in the month of January a report of their proceedings, and a statement of the condition of the library, its property and funds, the number of books added during the year, with an accurate account of all receipts and expenditures, together with any other information or suggestions which they may deem desirable.

Report to be made to city council annually.

Subject to acceptance by the city council.

SECTION 6. This act shall take effect upon its acceptance by the aldermen and common council of the city of Malden.

Approved April 9, 1885.

Chap. 147

AN ACT RELATING TO RENT OF ARMORIES.

Be it enacted, etc., as follows:

Amount of rent to be certified, under oath, to the adjutant-general.

SECTION 1. Section ninety-eight of chapter fourteen of the Public Statutes is amended so as to read as follows:—The mayor and aldermen of cities and selectmen of towns shall annually, in October or November, transmit to the adjutant-general a certificate verified by oath or affirmation of at least two of their board, showing the name of each militia organization or headquarters furnished with an armory, the amount paid or charged for the rent thereof, and that the said rent is fair and reasonable according to the value of real estate in their place.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1885.