



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Council President Ryan O'Malley
Councillor at Large Karen Colon-Hayes
Councillor Paul Condon
Councillor Peg Crowe
Councillor Amanda Linehan
Councillor at Large Carey McDonald
Councillor Jadeane Sica
Councillor Chris Simonelli
Councillor at Large Craig Spadafora
Councillor Ari Taylor
Councillor Stephen Winslow

Wednesday, January 29, 2025

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

Watch the meeting with Teams: <https://tinyurl.com/bdeuzxdp>

1. CALL TO ORDER

Council President O'Malley called the meeting to order at 7:11 PM.

During the course of this meeting Council President O'Malley apologized to the public for how late he was in calling the Tuesday, January 28 meeting to order. He explained how ADU zoning amendments were being discussed and voted on in the Rules and Ordinance meeting, which needed to be completed prior to the paper coming out to Full Council for this the enrolling vote.

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

Councillor Simonelli offered an additional moment of silence in honor of Alan Campbell, President of Club 24 on Salem Street, who passed away suddenly on January 27, 2025.

3. ROLL CALL

Councillors Colon Hayes and McDonald were in attendance via video, therefore all votes this evening were taken by roll call.

Present - Councillors: 10 - Karen Colon Hayes, Paul Condon, Peg Crowe, Amanda Linehan, Carey McDonald, Ryan O'Malley, Jadeane Sica, Chris Simonelli, Ari Taylor and Stephen Winslow

Absent - Councillors: 1 - Craig Spadafora

4. ENROLLED PAPERS

13-25

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 12 ZONING is hereby amended to establish requirements and regulations for Accessory Dwelling Units, including definitions and the establishment of Site Plan Review Committee for Accessory Dwelling Units (SPRC ADU) by amending Chapters and Sections 12.030, 16.010, 20.010, 32.060 and by adding new Subsections 12.28.010(K) and 32.030(D)

Sponsors: Amanda Linehan

Attachments: [ADU Memo Mayor January 2 2025](#)

[CCP 13-2025 ADU Final Draft 1.2.25](#)

[ADU Overview 1.7.25](#)

[CCP 13-2025 Edits Winslow 1.6.2025](#)

[ADU-Public-Comment](#)

[CCP 13-2025 Edits OMalley 1.21.2025](#)

[CCP 13-2025 Edits as voted by R&O 1.21.2025 w Comments](#)

[760 CMR 71.00 - Final 1-17-25 - REDLINE](#)

[ADU Memo Mayor 1 27 2025](#)

[CCP 13 2025 PBR 1.25](#)

[CCP 13-25 PSR wAtts](#)

[Public Comment City Council meeting on 1 28 2025 File # 13-25](#)

[Public Comment Re Accessory Dwelling Units \(ADUs\)](#)

[CCP 13-2025 DRAFT as enrolled on Jan 28 redlined](#)

[CCP 13-2025 FINAL as enrolled on Jan 28](#)

[Final Paper 13-25 ADU Zoning Amendments](#)

Discussion on this paper began with Councillor Sica recapping a scenario from the meeting on January 28 when Council President allowed Councillor Colon Hayes to change her vote on an motion to amend Paper 13-25. Councillor Sica expressed her concern that the change in vote was handled improperly because it was allowed after the vote count and ruling on the amendment had already been pronounced by both the Clerk and the Council President. Reading from Robert's Rules of Order, Councillor Sica explained the reconsideration process should have been utilized. Councillor Sica's feeling is that with the State's new ADU law being controversial enough as it is, any misstep in the Body's process of ordaining the City's new zoning ordinance may leave the city vulnerable in the future to legal challenges.

Councillor Sica made a motion to rescind the enrollment vote from last night, revoke the amendment, and then revoke to enroll the paper after the amendment vote had been properly decided. Motion was seconded by Councillor Crowe. Council President ruled that since there was already a motion on the floor to ordain, he will take up that vote first. After that vote has been taken, he will not entertain a motion to rescind but will entertain a motion to ratify Tuesday's amendment vote. Councillor Sica said she was satisfied with that option. Council President asked the Clerk to call the roll on the motion to ordain Paper 13-25.

He then asked for a roll call on the motion by Councillor Sica, seconded by Councillor

Crowe to ratify the amendment and the enrollment from the January 28 meeting at which point Councillor Sica asked what would happen if the vote changes. Council President explained that if anyone wanted to change the amendment vote, their chance to do it was during the previous meeting when he asked if anyone wanted to doubt the ruling of the chair. Councillor Sica disagreed that whether or not someone challenged the rule of the chair is moot when the procedure to change a vote was improper to begin with. She is concerned that in the future, if a situation ever arose wherein a person is unhappy with the ordinance and they referred back to the meeting of the 28th, it will be shown that the process was not handled properly. Council President indicated he is of the opinion that ratifying the vote would have no legal effect, it will only show the intent of the Council. Further, since he took up the vote to ordain before expiring any motions on the floor, a final action on Paper 13-25 has already been taken and any vote now will have no effect. Councillor Crowe challenged that the vote to ordain should not have come prior to a determination on ratifying or rescinding the improper vote to amend.

Council President clarified a yes vote to ratify the amendment and enrollment from last night would be adding additional support that the Council took action to amend the paper and enroll it yesterday. A no vote would be not to ratify that decision. There were several questions as to what language exactly is being ratified with this vote and was noted that if the vote to ratify Councillor Crowe's original amendment to add language back into the paper fails, it changes the potential of any proceeding ordaining vote that may have happened. After much questioning over the exact wording of the vote about to be called, Council President O'Malley stated, a yes vote would ratify his ruling from the chair to allow Councillor Colon Hayes' changed vote on the amendment to stand and also ratify the enrollment of the paper. The Clerk inquired if it wouldn't be more appropriate to split this motion into two different votes because the original votes on the 28th were taken as two different votes. That request was denied.

The motion passed 9-1 by the following roll call vote: Colon Hayes (y), Condon (n), Crowe (y), Linehan (y), McDonald (y), Sica (y), Simonelli (y), Taylor (y), Winslow (y), O'Malley (y).

A motion was made by Councillor Linehan, seconded by Councillor Winslow, that the Ordinance be ordained. The motion carried by the following vote:

Yea: 10 - Colon Hayes, Condon, Crowe, Linehan, McDonald, O'Malley, Sica, Simonelli, Taylor and Winslow

5. ADJOURNMENT

**A motion was made by Councillor Sica, seconded by Councillor Simonelli, that this be adjourned. The motion carried by the following vote:
Meeting adjourned at 7:38 PM.**

Yea: 10 - Colon Hayes, Condon, Crowe, Linehan, McDonald, O'Malley, Sica, Simonelli, Taylor and Winslow

CAROL ANN DESIDERIO, CITY CLERK

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