



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

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

Tuesday, December 13, 2022

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

1. CALL TO ORDER

Also in attendance Acting City Solicitor John McNaught, City Planner Michelle Romero

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

3. ROLL CALL

Present - Councillors: 10 - Barbara Murphy, Carey McDonald, Jadeane Sica, Karen Colon Hayes, Ryan O'Malley, Craig Spadafora, Peg Crowe, Amanda Linehan, Paul Condon and Stephen Winslow

Absent - Councillors: 1 - Chris Simonelli

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

Historian and local author Inna Babitskaya will appear before the City Council to present her book "Time of Converse".

Local author/historian Inna Babitskaya was introduced by Councillor Linehan and Ms. Babitskaya had a slide presentation on her book "Time of Converse" and walked through the history of the Converse family and the impact they had on Malden.

City Engineer Yem Lip will appear before the City Council to provide an update on the signalization and lane striping project on Centre Street/Route 60.

Council President Spadafora turned the meeting over to Councillor Crowe who thanked Mr. Lipp for coming and referenced the memo the mayor has forwarded to the Council earlier in the day that outlined the timeline and thought process behind the process. Mr. Lipp suggested for those councillors that had not read memo he had brought copies.

Councillor Crowe made a motion to take a two minute recess to give councillors the chance to read the memo, Councillor Condon seconded the motion and it was so voted by unanimous vote. Councillor Crowe requested that the mayor's memo be included in

the minutes. Mr. Lipp handed out the mayor's memo to the Council. The meeting recessed at 7:42 p.m.

Councillor Crowe made a motion to come back into session, the motion was seconded by Councillor Condon, it was so voted by unanimous vote. The meeting came back to order at 7:47 p.m.

Councillor Crowe asked Mr. Lipp for any updates. Mr. Lipp answered that he didn't have much to add to the memo. Mr. Lipp added that he did have a conversation with the MBTA around the MOU that they are tweaking and the hope was to get the MOU back signed and we could continue with the project.

Councillor O'Malley stated he caught up with Mr. Lipp and would move to empower the city to complete the MOU.

Councillor Winslow said he was pleased to work with Mr. Lipp and the city has made a lot of progress and asked Mr. Lipp if he was confident that Pine Ridge would be able to get the work done on the traffic lights.

Councillor McDonald said he appreciated the memo because it explained how we got here. Councillor McDonald continued, we striped the roads before the lights were timed properly and we need to front the money to fix them and the MBTA will reimburse us. Councillor McDonald added that is very supportive to get this done as quickly as possible but we have to get it right.

Councillor Murphy said we have had a lot of good conversations but she thought like some of her fellow councillors that the striping was temporary and she only feels comfortable that they see the MOU about the financing. Councillor Murphy added we were told the police and fire could use the bike lane but they do not want to use it because it would confuse drivers about pulling over. Councillor Murphy said she is hesitant about moving forward with the project not knowing if it is temporary or what she is now hearing for 3 years.

Councillor Linehan said the council needs to be respectful of department heads and at the same time we need to get things done. Councillor Linehan added that grant programs sometimes makes the planning be rushed and she felt that was the case with this project.

Councillor Condon said he was never a fan of the project and from the beginning he felt the problem was with the signalization. Councillor Condon continued if we come away from anything with this project, hopefully people can cross route 60 and bikes can travel safely.

Councillor Winslow said that at the time of this project the Transportation Planner that was hired was only on the job for a year, these are the types of projects he will be able to help out on.

Councillor Colon Hayes suggested the council have the Transportation Planner come before them at a future date.

Councillor Sica said we are in the mess we are in because of the MBTA and that he only voted for the paper so the signalization could be corrected and she liked the fact police and fire could talk to the lights, the signals were the key to the project and the problems have nothing to do with Mr. Lipp.

Council President Spadafora said Mr. Lipp and the Transportation Planner need to be involved with these projects, they are the professionals and everyone is agreeing on that. Councillor Spadafora added that he feels everyone in the room is at fault, we allowed the MBTA to paint the lines, President Spadafora continued that he and Councillor Crowe were participating in zoom calls with the MBTA and there were no updates for 5 months and that he is dead set against a 3 year commitment and that he would support a 1 year MOU but wouldn't vote on it until he saw the MOU. Council President Spadafora ended by saying he hopes it works but doesn't think it will.

Mr. Lipp said the project should be completed by April.

Councillor O'Malley made a motion as a Resolve that the Council empowers the city to move forward with an MOU with the MBTA on the project.

Clerk Lucey advised that the item is not a docketed item so no vote should be taken.

Councillor O'Malley stated the Council could make motions from items that are on the agenda and discussed and the motion flowed from the discussion and it does not violate any rules.

Councillor Crowe said that she did not feel any vote was necessary because discussions on the MOU are already in process.

Councillor Colon-Hayes said that she would second the motion and if the vote doesn't mean anything, have the vote to at least show support that the Council wants the MOU to move forward.

Council President Spadafora asked that City Solicitor McNaught give an opinion on the Council voting on Council O'Malley's resolve and it not being on the docket.

Attorney McNaught said he agreed with Clerk Lucey.

Council President Spadafora said if Councillor O'Malley had a second they would take a vote, Councillor Colon-Hayes seconded the motion. The following vote was taken: Colon-Hayes (y), Condon (n), Crowe (n), Linehan (y), McDoanld (n), Murphy (n), O'Malley (y), Sica (n), Winslow (y), Spadafora (n), motion failed 4-6.

Councillor McDonald requested that the minutes reflect that although Councillor O'Malley's Resolve failed to take a vote on the resolve, the consensus of the council that it was in agreement that the city move forward in getting a MOU agreement with the MBTA.

5. PUBLIC COMMENT

6. APPROVAL OF MINUTES

[497-22](#)

Minutes for the meeting of November 29, 2022

A motion was made by Councillor Condon, seconded by Councillor Sica, that the Council Minutes be approved. The motion carried by a unanimous vote.

[498-22](#)

Minutes for the meeting of December 6, 2022

A motion was made by Councillor Condon, seconded by Councillor Sica, that the Council Minutes be approved. The motion carried by a unanimous vote.

7. APPOINTMENTS & ELECTIONS

499-22

Mayoral Reappointment: Building Commissioner Nelson L. Miller of 235 Beech Avenue, Melrose as Director of Inspectional Services, said term to commence upon confirmation by the City Council and to expire on December 19, 2025.
Confirmation required

Sponsors: Chris Simonelli

A motion was made by Councillor Linehan, seconded by Condon, that the Appointment be appointed. The motion carried by a unanimous vote.

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

500-22

Petition: Open Air Parking Lot License for Robert McNulty of 28 Cedar Street, renewal, 14 parking spaces

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

501-22

Petition: Open Air Parking Lot License for TJ Corp., of 315 Pleasant Street, renewal, 15 parking spaces

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

502-22

Petition: Extended Hours License for MRM Donuts Corp., dba Dunkin' of 617 Broadway, seven days, 4:00 AM to 10:00 PM

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

503-22

Petition: Class II License for Top Cars Motor Group of 259 Main Street, renewal, 35 cars

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

504-22

Petition: Class II License for Sica's Automotive, Inc. of 1114 Eastern Avenue, renewal, 2 cars

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

505-22

Petition: Class II License for MacMillen Automotive of 388 Eastern Avenue, renewal, 15 cars

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[506-22](#)

Petition: Class II License for Rigano's Inc. of 1081 Fellsway, renewal, 20 cars

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[507-22](#)

Petition: Class II License for Rigano's Inc. of 1152 Eastern Avenue, renewal, 15 cars

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[508-22](#)

Petition: Class II License for Joe Ciampa Auto Body, Inc. of 322 Eastern Avenue, renewal, 4 cars

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[509-22](#)

Petition: Class II License for Malden Middlesex Motor Sales, Inc. of 129 Charles Street, renewal 15 cars

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[510-22](#)

Petition: Class III License for Malden Middlesex Motor Sales, Inc. of 129 Charles Street, renewal

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[511-22](#)

Petition: Class III License for Malden Broadway Auto Body of 590 Broadway, renewal

A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

9. MOTIONS, ORDERS AND RESOLUTIONS

[512-22](#)

Order: That the sum of Twenty-Two Thousand Five Hundred Dollars (\$22,500) is appropriated from available general fund free cash and transferred to Board of Health Recovery Coaches, account number 0010-510-5103

Sponsors: Barbara Murphy

A motion was made by Councillor Murphy, seconded by Councillor Linehan, that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

513-22

Order: That the sum of One Million Two Hundred Thousand Dollars (\$1,200,000) is appropriated from available water sewer enterprise fund retained earnings and transferred to Water Sewer Capital, account number 6010-450-5860

Sponsors: Barbara Murphy

A motion was made by Councillor Murphy, seconded by Condon, that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

514-22

Order: That the sum of Sixty-Three Thousand Forty-Four Dollars and Thirty-Three Cents be transferred from Salary Reserve, account number 0010-996-5110 to the following accounts

Sponsors: Barbara Murphy

A motion was made by Councillor Murphy, seconded by Councillor Condon, that the Order be referred to a joint Ordinance/ Finance Committee meeting. The motion carried by the following vote:

Yea: 9 - Murphy, McDonald, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

515-22

Be it hereby Ordained by the Malden City Council that the Code of the City of Malden (MCC) be amended by adding Title 2, Chapter 24 Section .015 Department Head Salary Schedule and striking in:

2.20.030(B) Superintendent of Cemeteries;

2.20.030(C) Director - Board of Health, Director of Engineering, Director - Information Technology, Director - Public Facilities, Assessor/Director of Assessing, City Clerk, Treasurer/Collector, Building Commissioner, Director of Strategic Planning and Community Development;

2.20.030(D) Chief of Strategy and Innovation Officer.

Be it further amended by striking in:

2.20.040(C) Senior Center Coordinator, Veterans Service Commissioner, Teen Program Coordinator and;

2.20.040(D) Recreation Coordinator.

Sponsors: Peg Crowe

Attachments: [2.24.015 Dept Head Salary Schedule Ordinance](#)

A motion was made by Councillor Crowe, seconded by Councillor at Large Colon Hayes, that the Ordinance be referred to a joint Rules & Ordinance Finance Committee meeting. The motion carried by the following vote:

Yea: 9 - Murphy, McDonald, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

516-22

Be it hereby Ordained by the Malden City Council that the Code of the City of Malden (MCC) 12.12.300(G)(3) Inclusionary Zoning is hereby amended by striking and including the following language regarding fractional units:

Sponsors: Peg Crowe

Attachments: [IZ Fractional Unit Amendment Prop 12.22 rev](#)

A motion was made by Councillor Crowe, seconded by Councillor at Large McDonald, that the Ordinance be referred to a joint Planning Board/Rules & Ordinance for a public hearing. The motion carried by the following vote:

Yea: 9 - Murphy, McDonald, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

ENROLLED ORDINANCES

403-22

Be it hereby Ordained by the Malden City Council that the Code of the City of Malden (MCC) 7.20.010 (A) (12) is hereby amended by striking "from 8 a.m. to 8 p.m. Monday through Saturday and 10 a.m. to 8 p.m. on Sunday" and replaced with "the same hours as Trafton Park unless the Stadium and Athletic Commission establishes different hours."

Sponsors: Stephen Winslow

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

10. COMMUNICATIONS

12. COMMITTEE REPORTS

517-22

Committee Report: License Petitions Papers 469 through 484 of 2022 the Standing Committee on License to whom was referred the following papers having considered the same, make the following report that these papers be reported out favorably to the Full City Council.

Sponsors: Jadeane Sica

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

469-22

Petition: Amusement Machines - Tend Da Inc., dba Flaming Grill & Buffett of 52 Broadway, three machines, renewal

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

470-22

Petition: Amusement Machines - Alben, Inc. dba Pearl Street Station of 53 Summer Street, two machines, renewal

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

471-22

Petition: Amusement Machines - Malden Veterans of Irish Ancestry, Inc. of 177

West Street, four machines, renewal

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[472-22](#)

Petition: Extended Hours License - G&V Convenience, Inc. dba Supreme Food Mart of 1018 Eastern Avenue, 24 hours seven days, renewal

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[473-22](#)

Petition: Extended Hours License - Boda Borg Boston of 90 Pleasant Street, 10:00 AM to 10:00 PM seven days and as requested for annually held special events, renewal

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[474-22](#)

Petition: Extended Hours License - Walgreens #03130 of 185 Centre Street, 24 hours seven days, renewal

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[475-22](#)

Petition: Extended Hours License - Speedway # 2504 of 214 Broadway, 24 hours seven days, renewal

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[476-22](#)

Petition: Class II License for Wentworth Auto Sales of 730 Eastern Avenue, renewal, 15 cars

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[477-22](#)

Petition: Class II License for Next Level Motors, Inc. of 189 Eastern Avenue, renewal, 35 cars

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[478-22](#)

Petition: Class II License for Greenleaf Auto Sales of 28 Broadway, renewal, 50 cars

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[479-22](#)

Petition: Class II license for Sega Auto Sales & Service, Inc. of 449 Ferry Street, renewal, 15 cars

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[480-22](#)

Petition: Class II license for Nick’s Foreign Car Center, LLC of 121 Beach Street, renewal, 15 cars

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[481-22](#)

Petition: Class II License for Quality Auto Sales, Inc. of 856 Eastern Avenue, renewal, 0 cars

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[482-22](#)

Petition: Class II License for Prestige Motors of Malden, Inc. of 600 Broadway, renewal, 67 cars

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[483-22](#)

Petition: Class II License for Broadway Auto Motors, Inc. of 495 Broadway, renewal, 27 cars

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[484-22](#)

Petition: Class II License for Andy’s Service Center, Inc. of 356 Lebanon Street, renewal, 3 cars

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

Yea: 8 - Murphy, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

13. TABLED PAPERS

Tabled to a Future Meeting

[138-22](#)

Resolve: That the City of Malden City Council establish "The Malden Youth Council" Ad Hoc Committee with three (3) City Councillors as voting members assigned by the Council President; to provide an opportunity for the youth of Malden and foster civic engagement and an opportunity to be involved and participate in local government to acquire a greater knowledge of and appreciation for local government through active participation in the system.

Sponsors: Karen Colon Hayes, Amanda Linehan and Carey McDonald

[286-22](#)

Order: That in the interest of promoting a fair and transparent marijuana licensing process, free from political influence and the potential for state ethics violations, that the Code of the City of Malden be amended to change the Special Permit granting authority for Marijuana Establishments from the Malden City Council to the Malden Planning Board, including amending the following Sections:

-Section 6.08.070.B. Definition of Special Permit, by deleting "as further amended
by City Council Paper 283 of 2018.";

-Section 6.08.070.D.2.b, by deleting "City Council" where mentioned and replacing
with "Planning Board";

-Section 12.12.010.A, first paragraph, first phrase, by striking "City Council" and replacing with "Planning Board", as follows: "Except for Marijuana Retailer, Marijuana Cultivator, Independent Marijuana Testing Laboratory, Marijuana Product Manufacturer, Marijuana Research Facility and Marijuana Transporter, where a special permit shall be required by the Planning Board in accordance with MCC 12.12.020;"

-Section 12.12.190, first paragraph, by striking "City Council" and replacing with "Planning Board" as follows: "A Marijuana Establishment, as defined by this Ordinance to expressly only include Marijuana Retailer, Marijuana Cultivator, Independent Marijuana Testing Laboratory, Marijuana Product Manufacturer, Marijuana Research Facility and Marijuana Transporter, may be allowed only in the Highway Business, Industrial 1 and Industrial 2 zoning districts or the Marijuana Establishment Overlay District, only by special permit granted by the Planning Board and only in conformance with the following controls and requirements:"

-Section 12.12.190.B, Section 12.12.190.G, Section 12.12.190.G.4, Section 12.12.190H,

by deleting "City Council" where written and replacing with "Planning Board";

-Section 12.28.010.E, by deleting "City Council" where mentioned and replacing with

"Planning Board"

Sponsors: Jadeane Sica and Craig Spadafora

Attachments: [CCP 286-22 Staff Report 10.11.22](#)

[CCP 286 2022 PBR 10.22 wAtt](#)

287-22

Order: That the City Council discuss the disposition of property owned by the City identified as Parcel No. 185-575-507 in the City of Malden Assessor's Maps, also known as Louis Cohn Way/Robbins Street. Such discussion to include a description of the parcel and it's present use and possible alternatives for future use, care, custody, and control of the property, which will be maintained at the sole expense of the lessee, and that payments include the amount of any taxes that would otherwise be due to the city as well as including whether or not to enter a License Agreement for business use of said property.

Sponsors: Jadeane Sica

Attachments: [Assessors Handout Pub Prop Meeting 62822](#)

315-22

Order: That MCC 12.12.190.A and 12.12.190.B be amended

Sponsors: Amanda Linehan

Attachments: [6.15.21 Prop #1](#)

[CCP 315 2022 Staff Report 10.11.22](#)

[CCP 315 2022 PBR 10.22 wAtt](#)

[Informational Memo on Buffer Zones_Dimensional Controls \(1\)](#)

399-22

Petition: Boston Gas d/b/a National Grid, 40 Sylvan Road, Waltham MA, W.O. No. 90000XX to install a new gas Regulator Station on Green Street near the intersection of Medford Street in accordance with the attached plans.

Hearing required

Attachments: [National Grid Green Street WO #90000XX](#)

[Notice of Public Hearing & Abutters Green and Medford](#)

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

A motion was made by Condon, seconded by Councillor Linehan, that the be

adjourned. The motion carried by the following vote:

This meeting adjourned at 9:23 P.M.

Yea: 9 - Murphy, McDonald, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

GREGORY LUCEY, CITY CLERK