



# 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*

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Tuesday, August 9, 2022

7:00 PM

City Council Chambers  
215 Pleasant Street  
Malden, MA 02148

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### 1. CALL TO ORDER

*Council President Spadafora called the meeting to order at 7:10 P.M.*

*Councillor Condon requested a moment of silence for a long time Malden resident Connie Robinson.*

*Also in attendance Assistant City Solicitor John McNaught and 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, Chris Simonelli, Karen Colon Hayes, Ryan O'Malley, Craig Spadafora, Peg Crowe, Amanda Linehan, Paul Condon and Stephen Winslow

**Absent - Councillors:** 1 - Jadeane Sica

### 4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

### 5. PUBLIC COMMENT

### 6. APPROVAL OF MINUTES

### 7. APPOINTMENTS & ELECTIONS

### 8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

### 9. MOTIONS, ORDERS AND RESOLUTIONS

[341-22](#)

Ordered: That the City Council hereby notifies and warns the inhabitants of Malden who are qualified to vote in Primaries to vote at:

All Wards 1 through 8 including all 27 precincts at various polling locations throughout the city, as announced by the City Council

On **TUESDAY, THE SIXTH DAY OF SEPTEMBER, 2022**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

GOVERNOR for this Commonwealth  
 LIEUTENANT GOVERNOR for this Commonwealth  
 ATTORNEY GENERAL for this Commonwealth  
 SECRETARY OF STATE for this Commonwealth  
 TREASURER for this Commonwealth  
 AUDITOR for this Commonwealth  
 REPRESENTATIVE IN CONGRESS 5th District  
 COUNCILLOR 6th District  
 SENATOR IN GENERAL COURT 5th Middlesex District  
 REPRESENTATIVE IN GENERAL COURT 32nd, 33rd, 35th District  
 DISTRICT ATTORNEY Northern District  
 SHERIFF Middlesex County

**Sponsors:** Craig Spadafora

*Clerk Lucey told the Council that paper 341-22 is something the council is required to do every election by the state.*

*Councillor McDonald asked about mail in ballot activity and process.*

*Councillor O'Malley suggested that the City do what it has done in the past and use banners notifying residents of the election.*

*Councillor Colon Hayes said that law signs could be another way to notify voters and Councillors need to do their part in getting the word out.*

**A motion was made by Condon, seconded by Councillor Crowe, that the Order be adopted. The motion carried by a unanimous vote.**

[342-22](#)

Ordered: That the City Council designate the following locations as polling places for entirety of the 2022 election cycle

WD.	PCT.	POLLING PLACE	LOCATION
1	1	FERRYWAY SCHOOL, GYM	150 CROSS STREET
1	2	FERRYWAY SCHOOL, GYM	150 CROSS STREET
1	3	FERRYWAY SCHOOL, GYM	150 CROSS STREET
2	1	COMMUNITY ROOM	89 PEARL STREET
2	2	IRISH AMERICAN, MAIN HALL (LEFT)	177 WEST STREET

2	3	IRISH AMERICAN, MAIN HALL (RIGHT)	177 WEST STREET
3	1	BEEBE SCHOOL, BIG GYM (LEFT)	401 PLEASANT STREET
3	1A	BEEBE SCHOOL, BIG GYM (RIGHT)	401 PLEASANT STREET
3	2	BEEBE SCHOOL, CAFE (LEFT)	401 PLEASANT STREET
3	3	BEEBE SCHOOL, CAFE (RIGHT)	401 PLEASANT STREET
4	1	EARLY LEARNING CENTER GYM (LEFT)	257 MOUNTAIN AVENUE
4	2	SENIOR CENTER AUDITORIUM	7 WASHINGTON STREET
4	3	EARLY LEARNING CENTER GYM (RIGHT)	257 MOUNTAIN AVENUE
5	1	SALEMWOOD FIELD HOUSE CAFE (LEFT)	529 SALEM STREET
5	2	FORESTDALE SCHOOL CAFE (LEFT)	74 SYLVAN STREET
5	3	FORESTDALE SCHOOL CAFE (CENTER)	74 SYLVAN STREET
5	3A	FORESTDALE SCHOOL CAFE (RIGHT)	74 SYLVAN STREET
6	1	630 COMMUNITY ROOM	630 SALEM STREET
6	2	CLUB 24 MEMBER'S ROOM	787 SALEM STREET
6	3	MALDEN MOOSE, MAIN HALL	562 BROADWAY
7	1	FERRYWAY SCHOOL, CAFE	150 CROSS STREET
7	2	SALEMWOOD FIELD HOUSE CAFE (RIGHT)	529 SALEM STREET
7	3	SUFFOLK MANOR, COMM. ROOM (LEFT)	312 BRYANT STREET
7	3A	SUFFOLK MANOR, COMM. ROOM (RIGHT)	312 BRYANT STREET
8	1	LINDEN SCHOOL, GYM (LEFT)	29 WESCOTT STREET
8	2	LINDEN SCHOOL, GYM (CENTER)	29 WESCOTT STREET
8	3	LINDEN SCHOOL, GYM (RIGHT)	29 WESCOTT STREET

**Sponsors:** Craig Spadafora

**Attachments:** [2022 Polling Places](#)

*Clerk Lucey told the Council that the polling locations were another item that the council needs to approve every year and paper 342-22 would be approving the polling sites for both the Primary on September 6th and the Election on November 8th. This year there are 11 additional polling sites that will cause confusion with some voters.*

*Councillor Winslow asked the status of poll workers. Clerk Lucey answered that we have 148 poll workers positioned at this time to work on the Primary and he is confident the polling locations will be fully staffed. His concern is having enough bilingual poll workers and the clerk's office always is reaching out for the workers but it is always a challenge.*

**A motion was made by Simonelli seconded by Councillor Condon that the Order be adopted. The motion carried by a unanimous vote.**

[343-22](#)

Ordered: That the City Council designate Malden City Hall, 215 Pleasant Street, as the central polling location for citywide Early Voting for the State Primary during the dates and times as voted on by the Board of Registrars of Voters.

**Sponsors:** Craig Spadafora

*Clerk Lucey told the Council that the proposal would be to have Early Voting to be held at*

City Hall. The Board of Registrars had approved the location early this evening at their meeting. The dates and times the Board of Registrars approved were:

Saturday 8/27 10:00 AM- 4:00 PM

Sunday 8/28 10:00 AM - 4:00 PM

Monday 8/29 8:00 AM- 5:00 PM

Tuesday 8:00 AM - 7:00 PM

Wednesday 8:00 AM- 5:00 PM

Thursday 8:00 AM -5:00 PM

Clerk Lucey asked that the Council approve the site, date and times.

Councillor McDonald asked because the Orange Line is shutting down for a month could Early Voting take place for additional days prior to August 27th.

Clerk Lucey answered that the state sets the date time line and that was not an option. Clerk Lucey continued that mail in ballots were approved this year and every registered voter received an application. There was still time to request a ballot for those that are inconvenienced by the MBTA shutdown.

Councillor Colon-Hayes wanted to make sure that the days are well publicized because of being Saturday through Thursday.

**A motion was made by Councillor Murphy, seconded by Condon, that the Order be adopted. The motion carried by a unanimous vote.**

### 344-22

Ordered: That the City detail a minimum of one officer for each polling building, to be determined by the City Clerk and Police Chief

**Sponsors:** Craig Spadafora

Clerk Lucey told the Council this is a new requirement by the state. Previously the Police Department would fill the details but the state is requiring that the City Clerk work with the Police Chief to fill them. Clerk Lucey continued that the Order is for a minimum of one officer for each polling building and not precinct because of the possibility with 11 additional precincts there could be difficulty in filling all the slots. There are several polling sites that have three or four precincts so officers could serve more than one precinct if needed.

Councillor Colon-Hayes asked if needed to have police details at polling sites. Clerk Lucey answered that it may be a contractual item but police details are absolutely needed at polling locations.

**A motion was made by Councillor Simonelli, seconded by Condon, that the Order be adopted. The motion carried by a unanimous vote.**

On June 29, 2022 at 8:21 P.M., Councillor Sica moved for reconsideration of her vote to refer paper 315-22 to a joint Planning Board and Rules and Ordinance Meeting for a public hearing.

### 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](#)

Council President Spadafora stated that because the meeting tonight is a special council

meeting and not a regular council meeting, Council Rule 36.02 would need to be suspended to take up paper 315-22.

Councillor O'Malley said that reconsideration is not a valid motion and cited Council Rule 37.02 that specifically prohibits certain motions that cannot be reconsidered which this motion is prohibited because it was referred to a council committee, Rules and Ordinance. Councillor O'Malley continued that the reconsideration was political gamesmanship.

Council President Spadafora stated, Council Rules did need to be suspended again citing Council Rule 36.02. Council President Spadafora asked Assistant City Solicitor McNaught to give an opinion.

Attorney McNaught said the vote was needed because the meeting tonight is not a regular council meeting and is a special meeting that is being held in the summer so the Council would need to suspend Council Rules to discuss and vote on the topic. It is Council Rule 36.02 that would need to be suspended.

Councillor O'Malley stated he wrote 37.02 in 2018 and the intent was to avoid what happened here, a councillor moving for reconsideration on the final meeting before summer recess and delaying the topic until the Council comes back in September.

City Planner Romero stated that the paper was referred to the Planning Board for a public hearing with the Ordinance Committee.

Councillor O'Malley stated that the reconsideration is not valid, the intent of 37.02 was to avoid what is happening here and our staff is being used as a political tool, we need staff that are going to be impartial, how can we trust you when this happens.

City Clerk Lucey gave his opinion that only Council Rule 36.02 needed to be suspended. Council Rule 37.02 did not come into play because the Paper was referred to a the Planning Board for a public hearing with the Rules and Ordinance Committee not to a Council Committee.

Councillor Crowe said she reads 37.02 as not needing a vote to suspend council rules. The paper was being sent mainly to the Planning Board and asked City Planner Romero to clarify which the City Planner did.

Councillor O'Malley stated he would do whatever it takes to move forward and the reconsideration is denied.

Councillor Linehan said she agreed with Councillor O'Malley wanting to move forward but wanted to make sure any suspension of rules were done correctly so there would be no issues getting the entire package being sent for a public hearing to go forward.

Councillor Winslow stated that the next step would be if there was a motion to challenge the ruling of the City Clerk regarding his interpretation of the validity suspending 37.02. There was no motion made.

Councillor Simonelli made a motion to table out of courtesy to Councillor Sica who could not make the meeting, Councillor Murphy seconded the table motion.

Councillor O'Malley stated this should not be tabled.

*Councillor Condon recommended that the item not be tabled and further stated a vote to deny reconsideration should be taken.*

*Councillor McDonald agreed with Councillor Condon and said that he made the motion in committee for the paper and was never told that a reconsideration vote was being made.*

*Councillor Winslow said he is not for tabling and he drove 600 miles to get to make the meeting.*

*On the motion to table made by Councillor Simonelli and seconded by Councillor Murphy, the following vote was taken : Colon-Hayes (n), Condon (n), Crowe (n), Linehan (n), McDonald (n), Murphy (y), O'Malley (n), Simonelli (n), Winslow (n), Spadafora (n). The motion failed 1-9.*

*Councillor Simonelli made a motion to suspend Council Rule 36.02, seconded by Councillor Condon, the following vote was taken; Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (n), O'Malley (y), Simonelli (y), Winslow (y), Spadafora (y). The motion passed 9-1.*

**A motion was made by Councillor Winslow, seconded by Councillor Crowe, that the Reconsideration be approved. The motion failed by the following vote:**

**Nay:** 10 - Murphy, McDonald, Simonelli, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

## **10. COMMUNICATIONS**

### [345-22](#)

The Attorney General's findings regarding the Open Meeting Law Complaint filed by Councillor O'Malley alleging that the Council discussed a topic at its June 29, 2021 meeting without that topic having been included on the notice for the meeting

**Sponsors:** Craig Spadafora

**Attachments:** [OML 2022-135](#)

*Clerk Lucey read the Attorney General's findings regarding the June 29, 2021 Open Meeting Law Complaint.*

*Councillor O'Malley made a motion to place on file and not appeal the determination of the Attorney General.*

**A motion was made by Councillor O'Malley that the Communication be received and filed. The motion carried by a unanimous vote.**

## **11. EXECUTIVE SESSION**

### [346-22](#)

The City Council will vote to go into executive session with legal counsel in accordance with Exemption One, Massachusetts General Laws Chapter 30A Section 21(a)(1), and Exemption Seven, Massachusetts General Laws Chapter 30A Section 21(a)(7), to comply with or act under the authority of any general or special law, specifically to comply with the provisions of Massachusetts General Laws Chapter 30A Section 23(b), to act on the pending Open Meeting Law Complaint filed by Brian

DeLacey on July 21, 2022, against Council President Spadafora and the City Council.

**Sponsors:** Craig Spadafora

**Attachments:** [OML on CS, Council, et al, June 28 2022](#)

*Councillor O'Malley made a motion to not go into executive session and have discussion on the OML complaint in open session, the motion was seconded by Councillor Murphy. It was so voted: Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), O'Malley (y), Simonelli (y), Winslow (y), Spadafora (y). The motion passed 10-0.*

*The Council President asked that Assistant City Solicitor McNaught speak to the complaint. Atty. McNaught stated there was not much time left to respond and the Council could vote to have him do the investigation and reply to the complaint. Attorney McNaught continued that Mr. DeLacey names 3 committees involved in his complaint and that he is unaware of any indication that any open meeting violation took place. It was Attorney McNaught's recommendation to either allow the Legal Department to respond or the Council could answer the Complaint themselves.*

*Councillor O'Malley stated the allegation is very clear and the actions by the Council President disrupted the Parks and Recreation Committee meeting on June 28th. Councillor O'Malley continued that he would not feel comfortable for the Solicitors Office to respond because they have become witnesses. Councillor O'Malley suggested for the Council to respond or hire outside counsel.*

*Councillor McDonald asked will the Council see the response being sent to the Attorney General's Office before it is submitted ? Attorney McNaught answered yes, the Council would have the opportunity to weigh in before the Response is submitted.*

*Councillor Colon-Hayes asked if Attorney McNaught would be doing the investigation or would others in the Solicitor's be involved as well. Attorney McNaught answered that Assistant City Solicitor McNeil and Samee could also be involved.*

*Councillor McDonald suggested that Attorney McNaught request an extension to respond at least one week after the first scheduled Council meeting, September 20th.*

*Councillor Crowe made a motion to empower Assistant City Solicitor McNaught to investigate and respond to the Open Meeting law Complaint, the motion was seconded by Councillor Murphy. It was so voted: Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDoanld (y), Murphy (y) O'Malley (n), Simonelli (y), Winslow (y), Spadafora (y). The motion carried 9-1.*

*Councillor McDonald voted to amend the order adding for Attorney McNaught request an extension to respond by at least one week (Sept. 20th) after the first Council Meeting when coming back from summer recess, the motion was seconded by Councillor Crowe. It was so voted: Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), O'Malley (n), Simonelli (y), Winslow (y), Spadafora (y). The motion passed 9-1.*

*Councillor Crowe made a motion to empower Assistant City Solicitor Mc Naught to investigate and respond to the Complaint, the motion was seconded by Councillor Murphy.*

**A motion was made by Councillor at Large McDonald, seconded by Councillor Crowe, that the Council Item be adopted as amended. The motion carried by the following vote:**

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

**Nay:** 1 - O'Malley

## **12. COMMITTEE REPORTS**

## **13. TABLED PAPERS**

### [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

### [253-22](#)

Petition: National Grid, 1101 Turnpike Street, North Andover, MA, Plan #30543076 Commercial Street - National Grid to install beginning at a point approximately 350 feet southwest of the centerline of the intersection of Commercial Street and Centre Street and continuing approximately 80 feet in a southeast direction. Install 2-4" Primary Duct approximately 80 feet southeast from existing Pole #3 on sidewalk towards 0 Commercial Street for the purpose of serving the customer with electric service.

**Sponsors:** Peg Crowe

**Attachments:** [Petition Commercial Street #30543076](#)

### [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](#)



**14. PERSONAL PRIVILEGE**

**15. ADJOURNMENT**

A motion was made by Councillor Crowe, seconded by Condon, that the meeting be recessed to the call of the Chair.. The motion carried by a unanimous vote.

The meeting adjourned at 8:49 P.M.

**GREGORY LUCEY, CITY CLERK**