



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

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

Tuesday, March 12, 2024

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

Watch the live stream on YouTube:

<https://www.youtube.com/live/2r4lb17Qifw?si=jJdqy2he6ve7SJQc>

1. CALL TO ORDER

Council President Winslow called the meeting to order at 7:15 PM.

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

3. ROLL CALL

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

Absent - Councillors: 1 - Amanda Linehan

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

Kashawna Harling will appear before the Council with a presentation of upcoming goals for the 2024 year in her new capacity as the City's Diversity, Equity, and Inclusion Coordinator

DEI Coordinator Kashawna Harling presented to the Council on her goals for 2024. Handouts reviewed during the presentation are attached to the history of Paper 146 and the recording of Ms. Harling's presentation may be viewed in its entirety beginning at the 1:08 mark of the following link: <https://buff.ly/3PvxLZs>

[146-24](#)

Handouts presented by DEI Coordinator Kashawna Harling during March 12, 2024 Council presentation

Attachments: [DEI Initiatives for Public](#)
[DEI Info Sheet](#)
[DEI Needs Assessment Form](#)
[Harling Presentation](#)

5. PUBLIC COMMENT

6. CONSENT AGENDA

This evening's consent agenda was deconstructed, as the Councillors wished to speak on everything except the minutes from the meeting of February 27, 2024.

132-24

Minutes for the meeting of February 27, 2024

A motion was made by Councillor O'Malley, seconded by Councillor Spadafora, that the Council Minutes be approved. The motion carried by a unanimous vote.

133-24

Council Reappointment: Brendan Brett, 32 Milton Street, Malden, MA of Ward 6 as a member of the Community Preservation Committee, appointed June 16, 2021, term to expire March 15, 2026 and to commence upon confirmation by the City Council.

Attachments: [Brendan Brett CPC Reappointment Letter](#)

Councillor Spadafora commented that the CPC is an important committee, tasked with managing large amounts of money and would therefore like to speak directly with this appointee in Personnel/Appointments Committee rather than confirming them on the floor without any discussion. Councillor Colon Hayes seconded the motion, agreeing that the Body should be chatting with appointees. Councillors McDonald and O'Malley are in agreement that regular reviews should be built into the process across all Boards and Commissions.

A motion was made by Councillor Spadafora, seconded by Councillor Colon Hayes, that the Appointment be referred to the Personnel/Appointments Committee. The motion carried by a unanimous vote.

134-24

Council Reappointment: Monique Ching, 153 Salem Street Apt. BR, Malden, MA of Ward 5 as a member of the Community Preservation Committee, appointed April 19, 2022, term to expire March 15, 2026 and to commence upon confirmation by the City Council.

Attachments: [Monique Ching CPC Reappointment Letter](#)

Councillor Spadafora commented that the CPC is an important committee, tasked with managing large amounts of money and would therefore like to speak directly with this appointee in Personnel/Appointments Committee rather than confirming them on the floor without any discussion. Councillor Colon Hayes seconded the motion, agreeing that the Body should be chatting with appointees. Councillors McDonald and O'Malley are in agreement that regular reviews should be built into the process across all Boards and Commissions.

A motion was made by Councillor Spadafora, seconded by Councillor Colon Hayes, that the Appointment be referred to the Personnel/Appointments Committee. The motion carried by a unanimous vote.

[135-24](#)

Council Reappointment: Cameron Layne, 11 Grape Street, Malden, MA of Ward 7 as a member of the Community Preservation Committee, appointed January 23, 2020, term to expire March 15, 2026 and to commence upon confirmation by the City Council.

Attachments: [Cameron Layne CPC Reappointment Letter](#)

Councillor Spadafora commented that the CPC is an important committee, tasked with managing large amounts of money and would therefore like to speak directly with this appointee in Personnel/Appointments Committee rather than confirming them on the floor without any discussion. Councillor Colon Hayes seconded the motion, agreeing that the Body should be chatting with appointees. Councillors McDonald and O'Malley are in agreement that regular reviews should be built into the process across all Boards and Commissions.

A motion was made by Councillor Spadafora, seconded by Councillor Colon Hayes, that the Appointment be referred to the Personnel/Appointments Committee. The motion carried by a unanimous vote.

[140-24](#)

Council Reappointment: Rachael Running, 51 Bellvale Street, Malden, MA of Ward 8 as a member of the Community Preservation Committee, appointed July 31, 2020, term to expire March 15, 2026 and to commence upon confirmation by the City Council.

Attachments: [Rachael Running CPC Reappointment Letter](#)

Councillor Spadafora commented that the CPC is an important committee, tasked with managing large amounts of money and would therefore like to speak directly with this appointee in Personnel/Appointments Committee rather than confirming them on the floor without any discussion. Councillor Colon Hayes seconded the motion, agreeing that the Body should be chatting with appointees. Councillors McDonald and O'Malley are in agreement that regular reviews should be built into the process across all Boards and Commissions.

A motion was made by Councillor Spadafora, seconded by Councillor Colon Hayes, that the Appointment be referred to the Personnel/Appointments Committee. The motion carried by a unanimous vote.

[141-24](#)

Communication: Retirement Board respectfully submits to the Council notice of meeting to Elect to Grant Retiree COLA.

Attachments: [COLA Notice 2024](#)

Councillor O'Malley asked this communication to be removed from the consent agenda so that he may bring to the attention of the public regarding funding challenges in the upcoming fiscal year. Some of these challenges are due to past decisions the Council has made, including increasing the costs in the pension system due to past COLA increases. This is not to say another COLA shouldn't be voted again this year but he would like the Retirement Board to know they are fiduciaries of the City's pension fund and he hopes they make responsible decisions.

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

7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

Council will hold public hearings on National Grid petitions to install new poles.

Papers 96 and 97 are both petitions having to do with work being done in Ward 6. As Council President Winslow is representing both of these papers he vacated the chair during this public hearing and requested Council Pro Tempore O'Malley to conduct the hearings.

[96-24](#)

Petition: Massachusetts Electric Company dba National Grid and Verizon New England, Inc. Plan No. 30867469 - National Grid to install 1 JO Pole on Webster Street beginning at a point approximately 32 feet east of the centerline of the intersection of Webster Street and Laurel Street. Installing new Pole, P5016, about 56' east of existing pole P5015 on Webster Street.
(Hearing Required)

Attachments: [Intersection of Webster St & Laurel St](#)
[Abutters of 140 Laurel St](#)
[Hearing Notice Intersection of Webster St and Laurel St](#)
[Rescheduled Hearing Notice Intersection of Webster St and Laurel St](#)

Cam Hansel spoke on behalf of this petition on behalf of National Grid. The need for this new pole is to support grid monitoring equipment, which will help with grid reliability in the city.

Councillor Spadafora inquired why National Grid needs another pole instead of installing this equipment on the currently existing poles. Mr. Hansel responded that the existing poles already have the maximum amount of equipment installed on them. Councillor Spadafora stated he doesn't approve of more poles going up around the city when there are already so many but chose to yield to the Ward Councillor.

Councillor Winslow stated he met on site with the project manager, had all his questions/concerns answered, and is in favor of this project.

No other people came forth to speak either for or against this petition. Councillor O'Malley declared the public hearing closed.

A motion was made by Councillor Winslow, seconded by Councillor Simonelli, that the Petition be granted with conditions that (1) the Engineer be called when Dig Safe is notified, and (2) the streets and sidewalks are restored to the satisfaction of the Director of Public Works. The motion carried by a unanimous vote.

[97-24](#)

Petition: Massachusetts Electric Company dba National Grid and Verizon New England, Inc. Plan No. 30867467 - National Grid to install 1 JO Pole on Lebanon Street beginning at a point approximately 66 feet southwest of the centerline of the intersection of Hartshorn Street and Lebanon Street and continuing in approximately 31 feet in a southwest direction. Installing new Pole, 2426, about 31' southwest of existing pole P2427 on Lebanon Street.
(Hearing Required)

Attachments: [Intersection of Hartshorn St & Lebanon St](#)
[Abutters of 42 Lebanon St](#)
[Hearing Notice Intersection of Lebanon St and Hartshorn St](#)
[Rescheduled Hearing Notice Intersection of Lebanon St and Hartshorn St](#)

Cam Hansel spoke on behalf of this petition on behalf of National Grid. The need for this new pole is to support grid monitoring equipment, which will help with grid reliability in the city.

Councillor Spadafora inquired why National Grid needs another pole instead of installing this equipment on the currently existing poles. Mr. Hansel responded that the existing poles already have the maximum amount of equipment installed on them. Councillor Spadafora stated he doesn't approve of more poles going up around the city when there are already so many but chose to yield to the Ward Councillor.

Councillor Winslow stated he met on site with the project manager, had all his questions/concerns answered, and is in favor of this project.

No other people came forth to speak either for or against this petition. Councillor O'Malley declared the public hearing closed.

A motion was made by Councillor Winslow, seconded by Councillor Simonelli, that the Petition be granted with conditions that (1) the Engineer be called when Dig Safe is notified, and (2) the streets and sidewalks are restored to the satisfaction of the Director of Public Works. The motion carried by a unanimous vote.

8. ENROLLED ORDINANCES

460-23

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 6.16.040 REGULATION OF SALE OF FLOWERS, FLOWERING PLANTS AND CHRISTMAS TREES is hereby amended by striking "AND CHRISTMAS TREES" from the title. Be it further amended by striking Section C in its entirety and renaming Section D "Section C".

Sponsors: Carey McDonald

Attachments: [Proposed Christmas Tree License Ordinance Amendment](#)

A motion was made by Councillor McDonald, seconded by Councillor Sica, that the Ordinance be ordained. The motion carried by a unanimous vote.

10-24

Be it hereby ordained by the Malden City Council that the Code of the City of Malden (MCC) be amended by updating Title 2, Chapter 20, Sections 030, 040, 050, and 060 as is related to non-union employee compensation, by adding a 3% cost of living adjustment effective 07/01/2023 to the Officer, Specialist, Clerical, and Unclassified salary schedules.

Sponsors: Stephen Winslow

Attachments: [Non Union Salary Ord 2.20.030 Officer Jan 2024](#)
[Non Union Salary Ord 2.20.040 Specialist Jan 2024](#)
[Non Union Salary Ord 2.20.050 Clerks Jan 2024](#)
[Non Union Salary Ord 2.20.060 Unclassified Jan 2024](#)
[Final Paper: 10-24](#)

A motion was made by Councillor Crowe, seconded by Councillor Condon, that the Ordinance be ordained. The motion carried by a unanimous vote.

9. COMMUNICATIONS

142-24

Communication: From Council President Winslow regarding Community Preservation Committee ward member vacancies.

The Malden City Council is seeking one resident from either Ward 1, Ward 2, Ward 3, or Ward 4 who is interested in serving on the Community Preservation Committee. This committee advances smart growth, sustainable development, preservation of open space, historic sites, affordable housing, and development of outdoor recreational facilities within the city in accordance with the rules and ordinances of the City of Malden.

The selected individual will be expected to possess interpersonal skills that allow them to work cooperatively with both fellow committee members and elected officials. Interested residents are required to send a cover letter, together with a resume, to Council President Stephen Winslow no later than Wednesday March 27, 2024 to swinslow@cityofmalden.org.

With this Paper, Councillor Winslow wishes to bring attention to the need for new applicants to sit on the Community Preservation Committee as Lisa Sulda has reached the end of her term limit. Ms. Sulda will remain on committee until her successor is confirmed but she is not able to fulfill another whole term.

A motion was made by Councillor Spadafora, seconded by Councillor Colon Hayes, that the Communication be received and filed. The motion carried by a unanimous vote.

55-24

Communication: Legal Department respectfully submits to the Council written response to OML complaint regarding alleged violation of January 2, 2024, for review and ratification

Attachments: [OML Complaint Jan 22 2024](#)
[City Council Meeting Notice 2 Jan 2024](#)
[City Council Meeting 1 2 2024 Agenda](#)
[Response to DeLacey Jan 22 2024 \(re OML Jan 2-2024 meeting\)](#)

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

Assistant City Solicitor Zaheer Samee spoke to the Council on this Paper, which is the first of three open meeting law complaints submitted by Brian DeLacey. Attorney Samee contacted each of the Councillors individually to conduct a thorough investigation of the allegation regarding the process by which the Body voted in this year's new Council President.

The City's response to this OML was submitted February 20 by Attorney Samee as he was authorized and instructed to do by the Body.

The communication submitted this evening by Attorney Samee is for review and ratification of this response on the Council's behalf.

A motion was made by Councillor O'Malley, seconded by Councillor McDonald, that the response as prepared by the Legal Department be approved and ratified. The motion carried by a unanimous vote.

143-24

The Malden City Council will address the Open Meeting Law Complaint submitted February 26, 2024 by Brian DeLacey, 1 Earl Street, Malden against the Council related to the handling of a previous alleged violation named, OML Complaint Jan 22 2024, numbered and known as Paper 55-24.

Attachments: [OML Complaint February 26 2024](#)

[OML-Procedures-DESCRIPTION OF ALLEGED VIOLATION](#)

[Xtra-City Council Agenda Jan 30 2024](#)

[Xtra-55-24](#)

[DRAFT Response to DeLacey OML \(2-20-24\) 1](#)

[Delacey-ltr OML \(1-22-2024\)](#)

[Delacey-ltr OML 2-26-2024](#)

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

Assistant City Solicitor Zaheer Samee spoke to the Council on this Paper, which is the second of three open meeting law complaints submitted by Brian DeLacey. This OML was filed because Mr. DeLacey was not satisfied with the way Attorney Samee responded to the first complaint.

Attorney Samee reviewed the second complaint and began preparing a response with the intent of presenting it during this meeting of March 12 for the Council's review and approval to be submitted to the State on March 13.

The complaint alleges serial communication between the Solicitor and the Council outside of an open meeting. Attorney Samee disputes this charge because at no time did he speak to more than one Councillor at a time during his investigation of Paper 55-24. There was no quorum and an attorney retains the right to speak independently to clients for the purpose of acting on their behalf. At no time did Attorney Samee share the Councillors' responses or facts of the investigation with any of the other Councillors. Attorney requested substantiating information from complainant to justify the complaint as filed, request was denied.

Councillor O'Malley stated he was also under the impression that when the Full Council voted to empower Attorney Samee to respond on behalf of the Body, he was being given the authority to do just that.

A motion was made by Councillor Sica, seconded by Councillor Crowe, that the response as prepared by the Legal Department be approved and submitted to the State. The motion carried by a unanimous vote with the exception of Councillor O'Malley who voted 'present'.

144-24

The Malden City Council will address the Open Meeting Law Complaint submitted March 6, 2024 by Brian DeLacey, 1 Earl Street, Malden against the Council related to the handling of a previous alleged violation named, OML Complaint February 26 2024, which also stems from the original OML Complaint dated January 22, 2024, numbered

and known as Paper 55-24.

Attachments: [AGO-Complaint-2024-03-06](#)
[OML-March62024-LegalCounselCityCouncilViolation](#)
[Email-01](#)
[Email-02](#)
[Email-03](#)
[Delacey-ltr_OML 3-6-2024](#)

A motion was made by Councillor McDonald, seconded by Councillor Taylor, that the Communication be received and filed. The motion carried by a unanimous vote.

Assistant City Solicitor Zaheer Samee spoke to the Council on this Paper, which is the third of three open meeting law complaints submitted by Brian DeLacey. This OML was filed because Mr. DeLacey was not satisfied with the way Attorney Samee requested further information when investigating the second OML, despite doing so on behalf of the Council President who was within his rights to give such instruction.

This is the most recent complaint and so Attorney Samee did not have a finalized version to present to Council but did read his proposed draft into the record, with the understanding that the final version would have proper legal citations as needed. With Council's approval, Attorney Samee will finalize and submit the response to the State within the week.

Councillor McDonald inquired if there was a process to issue pre-authorization to the Solicitor's Office for any further OML complaints that may still yet to be stemming from Paper 55-24. He was advised that each one must still come before the Council to be properly referred to the Legal Department.

Councillor O'Malley asked for clarification if the Council must review all drafts of responses prior to granting authority for the response to be submitted to State. He further asked for clarification on an OML from Plymouth District v. Middleboro. That determination spoke to Legal meeting with a quorum of the Council, which did not happen in this case.

Councillor Colon Hayes had Attorney Samee explain the difference between getting permission to respond to an OML versus sending a request for further information to the complainant, and the levels of granting authority for each.

The Council approved the substance of the response for the third complaint.

A motion was made by Councillor Sica, seconded by Councillor O'Malley, that the response as prepared by the Legal Department be approved and submitted to the State. The motion carried by a unanimous vote

10. TABLED PAPERS

99-24

Resolve: That it is the sense of the City Council that the Body would like the Community Preservation Committee to reconsider the application for historic preservation of 15 Ferry Street, the M. Ida Converse Building, (known by City Assessor's Parcel ID 075 272 211) in a modified form so as to preserve the building through an alternative location for the building.

Sponsors: Ryan O'Malley

Attachments: [Parcel id# 075272205 used for 15 Ferry Street relocation.](#)
[100-24 City Council agenda](#)
[CPC Letter to City Council and Mayor re 15 Ferry Street Preservation 2023.01.29](#)
[MHC to Mayor & CC 1.23.24 re 15 Ferry wAtts](#)
[MHC to Mayor CC 2.21.24 re 15 Ferry wAtts](#)

11. PERSONAL PRIVILEGE

12. ADJOURNMENT

A motion was made by Councillor Sica, seconded by Councillor O'Malley, that the meeting be adjourned. The motion carried by a unanimous vote. Meeting was adjourned at 8:45 PM.

CAROL ANN DESIDERIO, CITY CLERK