



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, January 25, 2022

7:00 PM

Remote
215 Pleasant Street
Malden, MA 02148

9-22

In accordance with the City of Malden Local Executive Order issued on January 4, 2022 regarding COVID-19, this meeting shall be held remotely via technological means, in the manner specified below (Zoom webinar), and no in-person attendance by members of the public is allowed.

Please click the link below to join the webinar:

<https://cityofmalden.zoom.us/j/92334794085?pwd=MFpkU2lOSFB5dDFKdjVnajRtdnhPQT09>

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If you would like to request a reasonable accommodation, please contact Maria Luise, ADA Compliance Coordinator at mluise@cityofmalden.org or 781-397-7000, Ext 2005.

1. CALL TO ORDER

Also in attendance City Solicitor Kate Fallon.

The meeting was conducted remotely, all votes taken will be by roll call vote.

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

Council President Spadafora gave a moment of silence to the Baltimore firefighters that lost their lives in a recent fire and two New York City policeman that were killed in the line of duty.

3. ROLL CALL

Present - Councillors: 11 - Barbara Murphy, Carey McDonald, Chris Simonelli, Jadeane Sica, Karen Colon Hayes, Ryan O'Malley, Stephen Winslow, Craig Spadafora, Peg Crowe, Amanda Linehan and Paul Condon

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

[19-22](#)

"Malden Reads" will speak to the council regarding their annual Malden Reads Presentation which is "An American Sunrise" by Joy Harjo the 2022 book and also share information about the 2022 program.

Councillor Linehan introduced the presenters for Malden Reads Anne Durso-Rose and Felicia Ryan who gave a slide presentation on the 2022 book, which is poetry, An American Sunrise, authored by Joy Harjo. The presenters talked about the book, why the book was chosen, the author and activities that will be taking place this year on the book.

[23-22](#)

Bybiose Larochelle will speak to the council relating to the Resolve: That the City Council attend Diversity, Equity and Inclusion training in 2022 and also establish a code of ethics and accountability system for all elected officials.

Council President Spadafora introduced Bybiose Larochelle, the Diversity, Inclusionary and Equity Director who said the training would be four parts to the training and 3 hours per session. the hope is to begin in the middle of February.

Councillor O'Malley made a motion to have Ms. LaRochelle choose the vendor, the motion was seconded by Councillor Linehan.

Councillor McDonald said he would like to see the bids and who applied and the financial aspects of the training.

Council President Spadafora said the training will happen and he will work with the Mayor's office on the funding.

Councillor Murphy thanked Ms. Larochelle and was looking for more information on the process, Ms. Larochelle confirmed there were 6 vendors she reached out too but no RFP was necessary. She was looking to get a full scope of what was being offered to make sure it was what the council was looking for, Ms Larochelle said she could provide the information to the Council.

Councillor Colon-Hayes would also like to see the agencies that are possibilities and the goals of the training.

Council President Spadafora said Ms. Larochelle did walk him through the bids and his

recommendation would be to have Ms. Larochelle provide the Council with two vendors to choose.

Councillor Murphy said she has no problem with Ms. Larochelle choosing the agency but thinks Ms. Larochelle should come back to the Council with a presentation and the Council can hear the proposals to make sure they are what the Council is looking for in the training. Councillor Murphy said she could not support Councillor O'Malley's motion.

Councillor O'Malley said his understanding is that Ms. Larochelle is down to the final two agencies and his motion is to empower Ms. Larochelle to choose the vendor, Councillor Murphy amended Councillor O'Malley's motion that Ms. Larochelle come back with the presentation and listen to the council before choosing the agency. Councillor Simonelli seconded the motion.

Councillor Spadafora said that the amount is under \$50,000 and Ms. Larochelle did get 3 quotes so the process was done correctly.

Councillor Simonelli stated he supports Councillor Murphy's motion for Ms. Larochelle deciding the vendor but after input from the Council. Councillor Simonelli went further stating he was not on the Council when the Resolve was passed.

Councillor Winslow suggested that Ms. Larochelle go before the new Intercultural Competency and Awareness Committee to discuss the vendor proposals.

Council President Spadafora asked Councillor Simonelli if he would hold a committee meeting on February 1st.

Councillor Simonelli, chair of the ICAC committee committed to having the meeting on February 1st and thanked Councillor Winslow for the suggestion.

Councillor O'Malley made a friendly amendment to Councillor Murphy's motion and refer it to the Intercultural Competency and Awareness Committee to be discussed and Ms. Larochelle choose the vendor.

Councillor Condon stated it should be up to Ms. Larochelle and HR to decide because the council is the one being trained.

Ms. Larochelle gave the finalists names the Man Dez Group who has worked with the city before, the second group is Tessi Consulting and Ms. Larochelle talked about the four other vendors.

Councillor Linehan asked if the finalists were woman owned and on the state contract list. Neither is on the state list but do have woman ownership.

Councillor Condon said he has no problem with Ms. Larochelle meeting with the committee but thinks it is very important from top to bottom the city is consistent with the training.

Councillor Murphy said she believes it should be HR and Ms. Larochelle to pick the appropriate vendor but the council needs to make sure that vendor is going to accomplish the goals we want to reach. It is the City Council's Resolve that we want to be trained.

Councillor O'Malley made the motion to send it to the Intercultural Competency and

Awareness Committee to be discussed and Bybiose Laroche chose the agency that will administer the training to the Council, the motion was seconded by Councillor Linehan, it was so voted by roll call vote: Colon-Hayes (n), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), O'Malley (y), Sica (y), Simonelli (y), Winslow (y), Spadafora (y), motion passed 10-1.

5. PUBLIC COMMENT

Comments must be limited to 2 minutes per speaker and must be pertaining to only what is docketed on the council agenda.

6. APPROVAL OF MINUTES

[10-22](#)

Minutes of the Meeting of January 11, 2022.

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

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

[11-22](#)

Minutes of the Meeting of January 18, 2022.

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

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

7. APPOINTMENTS & ELECTIONS

[12-22](#)

Mayoral Appointment - Ralph Long, III, 109 Essex Street, Malden, MA, to the Disability Commission said term to commence upon confirmation by City Council, and to expire September 22, 2022. Ralph will fulfill the unexpired term of Kerlyne Pacombe who recently resigned.

Sponsors: Chris Simonelli

A motion was made by Councillor Simonelli that the Appointment be referred to the Personnel/Appointments Committee. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

[13-22](#)

Council Re-Appointment: James Tuxbury, 111 Glen Street, Malden, MA as Cemetery Trustee, term to expire March 1, 2025.

Sponsors: Chris Simonelli

Councillor Simonelli, chair of Personnel Appointments said because Mr. Tuxbury is well known to the Council and a reappointment, he was looking to not send the paper to committee but vote the appointment on the floor.

Councillor O'Malley asked if the cemetery position was considered a special municipal employee status, Clerk Lucey answered it is a special municipal employee position.

Councillor Colon-Hayes stated she was unfamiliar with Mr. Tuxbury.

Councillor McDonald said that he was ok with voting the appointment on the floor but as a matter of good practice, the Council should send all appointments to committee.

Councillor Condon said that having zoom meetings and not meeting in person it has been difficult scheduling committee meetings because of only being able to have one meeting at a time, the only way to keep things moving while we are meeting remotely is to approve reappointments on the floor.

Councillor Sica made a motion to suspend council rules, Councillor Simonelli seconded the motion, it was so voted by roll call vote: Colon Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), O'Malley (y), Sica (y), Simonelli (y), Winslow (y), Spadafora (y)

A motion was made by Councillor Simonelli, seconded by Councillor Murphy, that the Appointment be confirmed. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

14-22

Petition - Livery - Nabil Faris, 140 Clifton St., Apt. 2, Malden, MA - 1 vehicle - renewal.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

15-22

Petition: Livery - Arminster Singh, 79 Waite St. Ext., Apt. 32, Malden, MA 02148 - 1 vehicle - renewal.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

16-22

Petition - Livery - Ideal Park Limo - Stephen Asongwed, 61 High Rock Road, Malden, MA - 1 vehicle - renewal.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

9. MOTIONS, ORDERS AND RESOLUTIONS

[17-22](#)

Order: Be it hereby ordained that Title 7, Chapter 20, Section 101 of the Code of the City of Malden be amended relative to regulation of specific breeds at Trafton Dog Park be eliminated in order to comply with MGL Chapter 140, Section 157 with stipulates that "No city or town shall regulate dogs in a manner that is specific to breed".

Sponsors: Stephen Winslow

Councillor Winslow the sponsor of the paper said that the ordinance was voted out of committee back in 2018 but never got on the Council docket for approval. Councillor Winslow said that state law says you cannot regulate dogs that is specific to breeds so our ordinance needs to follow state law.

Councillor Murphy asked to be added as a co-sponsor of the paper.

Councillor O'Malley was in full support of voting the paper on the floor and asked Clerk Lucey to check to see if other papers were missed in 2018.

Councillor McDonald said he read the ordinance and there is a typo with the section number listed on the docket the docket has 101 , it should be 010. City Solicitor Fallon advise to amend the paper to reflect the correct section number. Councillor McDonald asked about the fees listed in the ordinance for using the Trafton Dog Park. Clerk Lucey said his office has never collected any fees since he has been Clerk and doesn't believe the clerk's office has collected the fees previously.

Councillor Winslow stated the fees were added into the ordinance when it was written but there should be no fees associated with using the dog park.

Councillor Winslow made a motion to amend the paper correcting the section number to 010 and strike section B., the fees associated with using the Trafton Dog Park., the motion was seconded by Councillor Murphy, it was so voted by roll call vote: Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), O'Malley (y), Sica (y), Simonelli (y), Winslow (y), Spadafora (y)

A motion was made by Councillor Winslow, seconded by Councillor Murphy, that the Ordinance be enrolled as amended to the City Council. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

Councillor O'Malley made a motion to suspend Council Rules to ordain, seconded by Councillor Simonelli, it was so voted by roll call vote : Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), O'Malley (y), Sica (y), Simonelli (y), Winslow (y), Spadafora (y)

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

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

[18-22](#)

Order: That certain matters be carried forward from the 2020-2021 Biennial Session to the current session.

Rules & Ordinance

#405-21 - Site Plan Review

#452-21 - Obstructions
#582-21 - Sm. Cell Ordinance
#283-21 - Mass. Legislature Transportation Comm.

License

#578-21 - Livery - Linda Dellolacano
#579-21 - Class II - Rigano's
#580-21 - Livery - Arko Group LLC
#464-20 - Driving School Order Amend Section.
#570-21 - License Minutes of 11/20
#530-21 - Extended Hours - Planet Fitness
#500-21 - Nick's Auto
#311-21 - Bonzer Cambridge, SNAP

Public Property

#120-21 - Pictorial signs to inform residents not to litter
#62-21 - Update on Oak Grove Comm. Bldg.

Personnel & Appointments

#557-21 - Cannabis Commission Posting

Finance

#462-21 - Comm. On Energy Efficiency

Sponsors: Craig Spadafora

A motion was made by Councillor Simonelli, seconded by Councillor Murphy, that the Order be adopted. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

10. COMMUNICATIONS

12. COMMITTEE REPORTS

13. TABLED PAPERS

[5-22](#)

Order: That the council approve the City Council Meeting Schedule for 2022.

Sponsors: Craig Spadafora

Attachments: [Council Calendar 2022 Final](#)

A motion was made by Councillor O'Malley to take Paper 5-22 from the table, it was seconded by Councillor Sica, it was so voted by roll call vote: Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), O'Malley (y), Sica (y), Simonelli (y), Winslow (y), Spadafora (y).

Council President Spadafora said the schools have not celebrated Yom Kippur since 2009 and officially ended having the day off in 2012. Councillor President Spadafora went on that there are so many other religious holidays that he did not want to slight other religions and for that reason he could not support cancelling the meeting on October 4th for Yom Kippur.

Council President Spadafora told the Council a change to the schedule submitted would be the Primary on September 13th. When the first schedule was presented, the state

had not set the Primary date in September but the House this week voted September 6th as the primary date and it is now with the Senate who should support the 6th as the primary date. Councillor Spadafora said the 13th would become a Council night because it has to be the first meeting back from summer recess. The schedule would leave the 20th meeting as a Council night as well then start the rotation on the 27th being a committee night.

Councillor O'Malley said he wanted to still amend the schedule with October 4th having no council meeting in observance of Yom Kippur, the motion was seconded by Councillor Winslow and was so voted by roll call vote: Colon-Hayes (n), Condon (n), Crowe (n), Linehan (y), McDonald (y), Murphy (n), O'Malley (y), Sica (n), Simonelli (y), Winslow (y), Spadafora (n), motion failed 5 to 6

A motion was made by Councillor O'Malley, seconded by Councillor Sica, that the Order be taken from the table to the City Council. The motion carried by the following vote:

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

The schedule will have September 6th as the state primary.

September 13th will be a Council night.

A motion was made by Councillor Sica, seconded by Condon, that the Order be adopted as amended. The motion carried by the following vote:

Yea: 10 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, Winslow, Spadafora, Crowe, Linehan and Condon

Nay: 1 - O'Malley

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

A motion was made by Councillor O'Malley, seconded by Councillor Simonelli, that the meeting be adjourned. The motion carried by the following vote:

This meeting was adjourned at 9:48 P.M.

Yea: 11 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, O'Malley, Winslow, Spadafora, Crowe, Linehan and Condon

GREGORY LUCEY, CITY CLERK