



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Tuesday, May 25, 2021

7:00 PM

REMOTE VIRTUAL MEETING

[256-21](#)

In accordance with Governor Baker's 3/12/20 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A,ss18, and the Governor's 3/23/20 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, this meeting will be conducted via remote participation.

In person attendance by members of the public is prohibited, and all effort will be made to permit public attendance of this meeting, in the manner specified below, via remote access by internet, telephone, and if available via public broadcast of the meeting by Malden Access Cable Television on public access television channels. Public access will also be provided by posting draft minutes, and/or a transcript, recording, or record of the meeting on the city of Malden website at cityofmalden.org as soon as practicable after the meeting.

Additional information/guidelines for the public can be found here:

<https://www.cityofmalden.org/DocumentCenter/View/2487/Public-information-on-Public-Meetings-and-Hearings-during-the-Declared-State-of-Emergency-related-to-COVID19PDF>

Members of the public who wish to attend remotely can do so using the following information:

Please click the link below to join the webinar:

<https://cityofmalden.zoom.us/j/96383577811?pwd=UFhRTm9zWkJSSEtXK1Fra0lXZjF0Zz09>

Passcode: 139504

Or One tap mobile :

US: +19294362866,,96383577811#,,,,*139504#

+16465189805,,96383577811#,,,,*139504#

Or Telephone:

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US: +1 929 436 2866

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Webinar ID: 963 8357 7811

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International numbers available: <https://cityofmalden.zoom.us/j/96383577811?pwd=UFhRTm9zWkJSSEtXK1Fra0lXZjF0Zz09>

If you would like to request a reasonable accommodation, please contact

Maria Luise, ADA Compliance Coordinator at mluise@cityofmalden.org

<<mailto:mluise@cityofmalden.org>> or 781-397-7000, Ext 2005.

1. CALL TO ORDER

The meeting started at 7:09 P.M.

Also in attendance Asst. City Solicitor John McNaught.

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

Council President Anderson asked for a moment of silence for long time Malden resident Phyllis Knight who passed away. Ms. Knight was 100 years and 11 months old.

Council President also requested a moment of silence for George Floyd on the one year mark of his senseless slaying in Minneapolis.

3. ROLL CALL

Present - Councillors: 10 - Neal Anderson, David Camell, Paul Condon, Peg Crowe, Deborah DeMaria, Amanda Linehan, Barbara Murphy, Ryan O'Malley, Jadeane Sica and Craig Spadafora

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

[295-21](#)

Ron Hogan will appear before the City Council to discuss the implementation of the American Rescue Plan. Communication attached: American Rescue Plan

5. PUBLIC COMMENT

6. APPROVAL OF MINUTES

[257-21](#)

Minutes of the Meeting of May 11, 2021.

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[258-21](#)

Minutes of the Meeting of May 18, 2021.

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

7. APPOINTMENTS & ELECTIONS

[225-21](#)

Mayoral Appointment: Faten Shelbaych, 500 Broadway, Apt. 1115, Malden, MA to the Human Rights and Fair Housing Commission as the resident member; said term to expire May 5, 2022. (Faten will replace resident member Bwann Gwann who

resigned).

Sponsors: Peg Crowe

A motion was made by Councillor Crowe, seconded by Councillor Condon, that the Appointment be placed on file. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

Rescind vote taken on May 11, 2021 which referred above Paper #225-21 to Personnel & Appointments Committee as no confirmation is required.

Appointment to be placed on file.

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

259-21

Class II: Top Cars Motor Group, Inc., 259 Main St. Malden, 35 cars (Change of Name)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

260-21

Pool Tables: Town Line Ten Pin Corp. 665 Broadway, Malden, 19 tables (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

261-21

Bowling Alley: Town Line Ten Pin Corp. 665 Broadway, Malden, 48 lanes (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

9. MOTIONS, ORDERS AND RESOLUTIONS

262-21

Resolve: That the Malden City Council supports the Fair Share Amendment for Massachusetts.

The Fair Share Amendment is a proposal to amend the Massachusetts Constitution, creating an additional tax of four percentage points on the portion of a person's annual income above \$1 million. The new revenue, approximately \$2 billion a year, would be spent on "quality public education and affordable public colleges and universities, and for the repair and maintenance of roads, bridges and public

transportation.” To ensure that the amendment continues to apply only to the highest income taxpayers, who have the ability to pay more, the \$1 million threshold would be adjusted each year to reflect cost-of-living increases. Regarding Malden specific; it will affect one (1) resident with a 4% tax over and above \$1 million income annually.

Raise Up Massachusetts is a coalition of community organizations, faith-based groups, and labor unions committed to building an economy that invests in families, gives everyone the opportunity to succeed, and creates broadly shared prosperity. Since their coalition came together in 2013, they have nearly doubled wages for hundreds of thousands of working people by winning two increases in the state’s minimum wage, won best-in-the-nation earned sick time and paid family and medical leave benefits for workers and their families, led the campaign for the Fair Share Amendment to invest in transportation and public education, and started to build an economy that works for all of us, not just those at the top.

Sponsors: Deborah DeMaria, Naomi Kahn, Ryan O’Malley, Amanda Linehan and Peg Crowe

Councillor Winslow, Linehan and O’Malley spoke in favor of the Resolve. Councillor Spadafora spoke in favor but asked if the Resolve will fix the school formula because it is broken. Councillor DeMaria answered it won’t fix the formula but the Resolve will take a step forward correcting the funding inadequacies to areas that exist.

A motion was made by Councillor DeMaria, seconded by Councillor Winslow, that the Resolution be passed. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O’Malley, Sica and Spadafora

263-21

Resolve: That the Malden City Council encourage the City to extend expedited patio seating permits through October 31, 2021. This will continue to aid in our local economic recovery for our restaurants and businesses while offering customers the opportunity for continued patio seating.

Sponsors: Deborah DeMaria

Councillor Spadafora made a motion to amend the Resolve to add ; that the Malden City Council urges the State Delegation to support the Governor’s legislation that grants municipalities the authority to extend special permits for restaurants offering outdoor dining through November 29, 2021. This will continue to aid our local economic recovery for our restaurants and businesses while offering customers the opportunity for continued patio seating.

A motion was made by Councillor Spadafora, seconded by Councillor DeMaria, that the Resolution be amended. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O’Malley, Sica and Spadafora

A motion was made by Councillor DeMaria, seconded by Councillor O’Malley, that the Resolution be passed as amended. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O’Malley, Sica and Spadafora

264-21

Order: Be it hereby ordained by the Malden City Council that Section 2.04.010 of the

Revised Ordinances of 2020 be stricken and the following new Section 2.040.010 be inserted in place thereof:

2.04.010 HOURS CERTAIN OFFICES TO BE OPEN

The Mayor shall establish and may, from time to time, amend a regular schedule of days and hours during which administrative offices of the city will be open to the public. The Mayor may temporarily alter the schedule so established in observance of legal holidays or when it is deemed that opening poses a threat to the health, safety or welfare of city employees or the public.

Sponsors: Jadeane Sica

A motion was made by Councillor Sica, seconded by Councillor Condon, that the Order be referred to the Rules & Ordinance Committee. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[265-21](#)

Order: That an ad-hoc committee of 3 or 5 City Councillors be created to oversee the redistricting process in Malden.

Sponsors: Ryan O'Malley

Councillor O'Malley the sponsor of the paper said the intent of the paper was to get started on the process of redistricting, a process required every 10 years. Council President Anderson asked Clerk Lucey to give a background of the process, Clerk Lucey stated there has been initial discussions with the state and they have drawn a map with estimated numbers from 2019. The estimated population was 60,000 plus which Clerk Lucey stated would seem low. The City Council would need to approve the final map that needs to be done by the end of October. Clerk Lucey stated the actual numbers would not be received until September. There would be a committee in place and ten years ago the Council Committee appointed by the Council President were Councillor at large and chair Craig Spadafora, Councillor at large Deb Fallon and Councillor Condon. Councillors Murphy and Condon questioned why the item was on the docket, Councillors DeMaria, Camell and Winslow voiced their support for the paper. Council President Anderson stated he would be appointing a committee but felt it was too early at this time.

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

Yea: 6 - Anderson, Condon, Crowe, Murphy, Sica and Spadafora

Nay: 4 - Camell, DeMaria, Linehan and O'Malley

[266-21](#)

Order: That the City Clerk schedule an Executive Session 1. To review for approval; the meeting minutes from the April 20, 2021 Executive Session meeting and 2. To review for release all outstanding Executive Session meeting records as required by the Open Meeting Law.

Sponsors: Ryan O'Malley

A motion was made by Councillor O'Malley, seconded by Councillor DeMaria, that the Order be adopted. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[267-21](#)

Order: Be it hereby ordained by the Malden City Council that the Revised Ordinances of 2020 be amended to reflect changes contained in the proposed FY2022 Budget (see attached).

Sponsors: Craig Spadafora

Attachments: [Paper 267.21](#)
[AttachmentOrdinanceChangesMiscGradesFY22BudgetRelated](#)

A motion was made by Councillor Spadafora, seconded by Councillor O'Malley, that the Order be referred to the Rules & Ordinance Committee. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

10. COMMUNICATIONS

11. ENROLLED ORDINANCES

[121-21](#)

Order: Be it hereby ordained that the Revised Ordinances of 2020 be amended to create a Department of Planning and Economic Development.

Sponsors: Ryan O'Malley, Amanda Linehan, Jadeane Sica and Craig Spadafora

A motion was made by Councillor O'Malley, seconded by Councillor DeMaria, that the Ordinance be ordained. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

12. COMMITTEE REPORTS

[268-21](#)

Committee Report: Rules & Ordinance: Paper # 394-20 - Order: Be it hereby ordained that Chapter 11 Sections 6.08.070.B, 6.080.070.D.2.b and 12.12.190 of the Revised Ordinances of 2020 be amended by changing the Special Permit granting authority for Marijuana Establishments from the Malden City Council to the Malden Planning Board.

The standing committee on Rules & Ordinance after having been referred Paper # 394-20 recommend this paper unfavorably and recommend not to amend same.

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[394-20](#)

Order: Be it hereby ordained that Chapter 11 Sections 6.08.070.B, 6.080.070.D.2.b and 12.12.190 of the Revised Ordinances of 2020 be

amended by changing the Special Permit granting authority for Marijuana Establishments from the Malden City Council to the Malden Planning Board.

Sponsors: Naomi Kahn, Craig Spadafora and Jadeane Sica

A motion was made by Councillor Crowe, seconded by Councillor Winslow, that the Order be defeated. The motion passed to accept the recommendation of the Ordinance Committee that the paper be defeated by the following vote:

Nay: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[270-21](#)

Committee Report: Public Safety (Paper 196-21 Order: That the City Council vote to authorize the Malden Fire Department through its Fire Chief and Fire Commissioner, including any ambulance or other EMS component, to render and extend mutual aid, emergency aid, perform details, and render any such additional emergency assistance to another city, town, fire district or area under federal jurisdiction in the Commonwealth of Massachusetts or any adjoining state in extinguishing fires thereon or rendering any other emergency aid or performing any detail, as contemplated in accordance with Massachusetts General Laws Chapter 48 Section 59A, and in rendering such aid or performing such duties, the members of the Malden Fire Department shall have the same immunities and privileges as if performing the same within the City of Malden; and further, vote to recommend that the City Council vote to authorize the Mayor and Fire Chief as amended to read: to enter the Mutual Aid Agreement with Metro Fire District Thirteen, consisting of 36 communities and MassPort, consistent with the provisions of MGL c.48 s.59A.)

The Standing Committee on Public Safety to whom was referred Paper #196 Series of 2021, having considered the same make the following report: Committee recommends this paper out favorably to the Full City Council.

COUNCILLOR WINSLOW FOR THE COMMITTEE

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[196-21](#)

Ordered: That the City of Malden renew its Mutual Aid Agreement For Joint Fire, Rescue and/or Ambulance Service when the current agreement expires on October 31, 2021. The renewal agreement will be for the same 20 year terms.

Sponsors: Naomi Kahn

A motion was made by Councillor Winslow, seconded by Councillor O'Malley, that the Order be adopted. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[269-21](#)

Committee Report: License - Petitions: The committee on License recommends the

following licenses be granted:

205-21 Second Hand Dealer: GameStop, 44 Broadway Suite A 110, Malden (Renewal)

206-21 Outdoor Parking: Northeast Transport & Snow Services, Inc., 531R Broadway, Malden, 5 spaces (Renewal)

184-21 Outdoor Parking: Andreas Tsitos, 25 Florence St. Malden, 34 spaces (Renewal)

185-21 Outdoor Parking: Andreas Tsitos, 29 Madison St. Malden, 40 spaces (Renewal)

186-21 Outdoor Parking: Robert McNulty, 28 Cedar St. Malden, 14 spaces (Renewal)

187-21 Pawnbroker: Gold and Diamonds Etc. Inc., 29 Pleasant St. Malden (Renewal)

188-21 Second Hand Dealer: Gold and Diamonds Etc. Inc., 29 Pleasant St. Malden (Renewal)

189-21 Pool Table: Irish American, 177 West St. Malden, 2 tables (Renewal)

190-21 Pool Table: Club 24, Inc., 787 Salem St. Malden, 2 tables (Renewal)

191-21 Self Service Gas Station: Speedway #2504, 214 Broadway, Malden (Renewal)

The standing committee on License after having been referred the above petitions recommends the petitions favorably.

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[205-21](#)

Second-Hand Dealer: GameStop, 44 Broadway Suite A-110, Malden (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[206-21](#)

Outdoor Parking: Northeast Transport & Snow Services, Inc., 531R Broadway, Malden, 5 spaces (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[184-21](#)

Outdoor Parking: Andreas Tsitos, 25 Florence St. Malden, 34 spaces (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[185-21](#) Outdoor Parking: Andreas Tsitos, 29 Madison St. Malden, 40 spaces (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[186-21](#) Outdoor Parking: Robert McNulty, 28 Cedar St. Malden, 14 spaces (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[187-21](#) Pawnbroker: Gold and Diamonds Etc. Inc., 29 Pleasant St. Malden (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[188-21](#) Second Hand Dealer: Gold and Diamonds Etc. Inc., 29 Pleasant St. Malden (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[189-21](#) Pool Table: Irish American, 177 West St. Malden, 2 tables (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[190-21](#) Pool Table: Club 24, Inc., 787 Salem St. Malden, 2 tables (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

[191-21](#)

Self-Service Gas Station: Speedway #2504, 214 Broadway, Malden (Renewal)

Sponsors: Paul Condon

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

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

13. TABLED PAPERS

14. PERSONAL PRIVILEGE

Council President Anderson announced 3 items:

- 1) Beginning the meeting on June 8th, the council will go back to in-person meetings.*
- 2) Taking the advice of Chris Webb, Director of Board of Health, there will not be any July 4th park celebrations this year.*
- 3) He will not be a candidate for reelection this year.*

15. ADJOURNMENT

A motion was made by Councillor Murphy, seconded by Councillor Condon, that the meeting be adjourned. The motion carried by the following vote:

The meeting adjourned at 9:31 P.M.

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica and Spadafora

GREGORY LUCEY, CITY CLERK