



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

*Council President Neal Anderson,
Councillor David Camell,
Councillor Paul Condon,
Councillor Peg Crowe,
Councillor Deborah DeMaria,
Councillor Amanda Linehan,
Councillor Barbara Murphy,
Councillor Ryan O'Malley,
Councillor Jadeane Sica,
Councillor Craig Spadafora,
Councillor Stephen Winslow*

Tuesday, June 22, 2021

7:00 PM

215 Pleasant Street
Malden, MA
Council Chambers

1. CALL TO ORDER

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

3. ROLL CALL

This meeting was held hybrid. Because of a family emergency, Councillor Winslow was out of state and participated by zoom. All 10 other councillors participated in person.

Because Councillor Winslow was participating by remote, all votes will be taken by roll call vote.

Also in attendance Asst. City Solicitor John McNaught, City Planner Michelle Romero, Building Commissioner Nelson Miller.

Present - Councillors: 11 - Neal Anderson, David Camell, Paul Condon, Peg Crowe, Deborah DeMaria, Amanda Linehan, Barbara Murphy, Ryan O'Malley, Jadeane Sica, Craig Spadafora and Stephen Winslow

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. PUBLIC COMMENT

Isaac Slavitt, Ari Taylor, Srinivas Somasundaram, Dorothy Ahle, 8 Grimshaw Street, Naomi Brave, Karen Lynch, 24 Garden Street, Hugh Holly, Sean Sears, Renee Hoekstra all sent emails in support of the Malden River Ordinance.

Charles LaMarca, Lamarca and Sons, 32 Riverside Park, Malden sent an email in opposition of the Malden River Ordinance.

Brian DeLacey, 1 Earl Street sent an email in support of papers 312-21, 313-21, 317-21, and 321-21.

Because there were residents who were in person, Councillor O'Malley made a motion to suspend council rules on the limit being capped at 15 for public comment and allow those present to speak, seconded by Councillor DeMaria, the following roll call vote was taken: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y).

The following people spoke in person:

Amy Friedman 8 Marvin Street in favor of the reappointment of Robert Knox, DPW Director

Arthur Piantedosi 240 Commercial Street in opposition to Paper 42-21

Philip Bronder-Giroux 40 Sprague Street in favor of the Malden River Ordinance

Karen Buck Gilbert 323 Forest Street in favor of the Malden River Ordinance

6. APPROVAL OF MINUTES

[304-21](#)

Minutes of the Meeting of June 8, 2021.

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[305-21](#)

Minutes of the Meeting of June 15, 2021.

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

7. APPOINTMENTS & ELECTIONS

[306-21](#)

Mayoral Re-Appointment: Gladys Montrose Thomas, 80 Wyoming Avenue, Malden, MA to the Cultural Council, said term to begin July 16, 2021 and to expire on July 16, 2024.

Sponsors: Peg Crowe

Councillor Crowe Chair of Personal Appointments made a motion to reappoint papers 306-21, 307-21, 308-21 and 309-21 on the floor because all are reappointments.

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[307-21](#)

Mayoral Re-Appointment: Erga Pierrette, 93 Oliver Street, Malden, MA to the Cultural Council, said term to begin July 16, 2021 and to expire on July 16, 2024.

Sponsors: Peg Crowe

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[308-21](#)

Mayoral Re-Appointment: Joseph Cesario, Jr., 296 Charles Street, Malden, MA as a member of the Historical Commission, said term to expire July 16, 2024.

Sponsors: Peg Crowe

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[309-21](#)

Mayoral Re-Appointment: Robert P. Knox, Jr., 54 Davis Street, Malden, MA, as Director of Public Works, said term to commence upon his confirmation by the City Council and to expire July 1, 2024.

Sponsors: Peg Crowe

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[310-21](#)

Council Appointment: Brendan Brett, 32 Milton Street, Malden, MA as a member of the Community Preservation Committee; term of office will continue until March 15, 2022. (TO BE PLACED ON FILE).

Sponsors: David Camell and Peg Crowe

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

[311-21](#)

Bonzer, Cambridge, MA SNAP Vehicle License to Operate in the City of Malden, (see attached document).

Sponsors: Stephen Winslow

Councillor Winslow spoke to the Ordinance being passed last year and now Bonzer has sent in a request to be considered for a license to operate vehicles at specific locations in Malden.

A motion was made by Councillor Winslow, seconded by Councillor Condon, 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, Sica, Spadafora and Winslow

[326-21](#)

Petition: Class II - AGM, 160 Eastern Ave., Malden, MA - change number of vehicles from 18 to 24.

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

9. MOTIONS, ORDERS AND RESOLUTIONS

312-21

Order: That pursuant to Massachusetts General Laws Chapter 44 Section 53A the City of Malden accept a grant from the federal government (American Rescue Plan Act) to be deposited with the City Treasurer and held in a separate account and expended on any and all lawful expenditures as allowed in the Interim Final Rule and/or other guidance issued by the United States Treasury.

Sponsors: Barbara Murphy

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

313-21

Order: Be it hereby ordained that the City of Malden Ordinances section 2.16 "Board, Commissions, and Committees" be amended to require remote participation by members of the public for all public meetings by inserting a new section 2.16.001 "Remote participation required."

Sponsors: Ryan O'Malley, Deborah DeMaria and Amanda Linehan

Councillor Crowe stated the paper should go to Ordinance. Councillor Condon said if the paper was looking to add committee meetings, it could get complicated. Councillor Murphy stated she agreed with the paper but there are details that need to be worked out and there is a need to pause and see how it will all work and the paper should be referred to committee and have Legal weigh in. Councillor O'Malley said he would agree to referring the paper to Ordinance if Chair Spadafora would commit to taking the paper up at the June 29th meeting. Councillor Spadafora will commit to having the meeting and that he will be available in July if necessary. Councillor Sica stated she is in support but there is no need to rush as evidence by being able to have a hybrid meeting tonight. Council President Anderson wanted the paper be sent to ordinance because of all the moving parts and said as President he approved the meeting tonight as a hybrid meeting.

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

314-21

Resolve: That, the Malden City Council authorize the Mayor, as Malden's Chief Executive Officer, to allow remote participation in accordance with the requirements of 940 CMR 29.10, for all subsequent meetings of all local public bodies in the City of Malden."

"Whereas, the COVID-19 pandemic revealed the need for emergency preparedness planning for all entities, public and private;

Whereas, the Governor Baker's 2020 emergency order authorizing remote participation for public meetings, resulted in record public meeting attendance and participation in the City of Malden;

Whereas, remote participation has helped enable the elderly, disabled, evening shift workers, young families, and home bound individuals participate in public meetings,

Sponsors: Ryan O'Malley, Deborah DeMaria and Amanda Linehan

Councillor O'Malley agreed to table for one week.

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[315-21](#)

Order: That the appropriation enumerated below, being in the amount of \$124,596 (One Hundred Twenty-Four Thousand Five Hundred Ninety-Six Dollars), be appropriated from the Community Preservation Act Fund for the following project:

Converse Memorial Building Archives Phase 2: \$124,596 from General Reserve

Total Appropriation = \$124,596

APPROPRIATION ORDER
COMMUNITY PRESERVATION ACT FUNDS
June 22, 2021

Sponsors: Barbara Murphy

Councillor Murphy asked that the Library Director, Dora St. Martin address the council of the need for the funding to be approved tonight so the project can continue. Ms. St. Martin explained that this is phase 2 of a 3 phase project to construct an archive for historical documents in the Converse Building at the Library. These documents need to be preserved and protected so it is important that the project continue. Chair Murphy made a motion to suspend rules not sending the paper to Finance and vote the paper on the floor. the council has only one more meeting before summer recess so the paper would not get back on the Council Agenda until September.

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

A motion was made by Councillor Murphy, seconded by Councillor Crowe, that

the Order be adopted. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[316-21](#)

Resolve: to ask the Board of Health to consider expanding it's membership to include an Associate Member.

Sponsors: Peg Crowe

Councillor Crowe, Chair of Personal Appointments spoke for the Paper and the Committee had conducted interviews the prior week for 2 Board of Health positions on their Board and interviewed 4 extremely qualified applicants. By expanding the Board by one position it would add a productive member for the Board.

Councillor Winslow requested he be added as a co-sponsor.

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

10. COMMUNICATIONS

11. COMMITTEE REPORTS

[317-21](#)

Committee Report: Rules & Ordinance (Paper # 285-21) Order: Be it hereby ordained that Chapter 2, Section 6.08.070 (d) of the Revised Ordinances of 2020 be amended by adding social and Economic Empowerment applicants and designate minority business owned applicants for a retail cannabis license. The standing committee on Rules & Ordinance after having been referred Paper #285-21 recommend this paper out of committee favorably to the full council.

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[285-21](#)

Order: Be it hereby ordained that Chapter 2, Section 6.08.070 (d) of the Revised Ordinances of 2020 be amended by adding social and Economic Empowerment applicants and designate minority business owned applicants for a retail cannabis license.

Sponsors: Craig Spadafora

The amendment was to strike "a" in the fourth line and replace with "at least one" cannabis license.

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

A motion was made by Councillor Spadafora, seconded by Councillor O'Malley, that the Ordinance be enrolled as amended. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[318-21](#)

Committee Report: Public Property (Paper # 226-21) Petition: Cellco Partnership d/b/a Verizon, 118 Flanders Road, Westborough, MA . Installation of necessary telecommunication equipment and corresponding aerial fiber optic cable on National Grid owned Utility Poles within the Public Way at the following locations;

1. 17 Waite St. Ext.
2. **1308 Salem St. - Withdrawn**
3. 1 Beach St.
4. 110-112 Beach St.
5. 206 Oliver St.
6. 2 Evelyn Ave., Pole on Granite St.
7. 56 Rockingham Ave.
8. 50-52 Rockwell St.
9. 39-41 Baker St., Fairview Ave. side
10. 100 Sylvan St., Winship St. side
11. 45-47 Forest St.
12. 30-36 Winter St.
13. 746 Main St., Vernon St. side
14. 59 Meridian St.
15. 35 Green St.
16. 257 Pearl St., Thacher St. side
17. 3 Hawthorne St., Elm St. side
18. 71 Washington St., Linden Ave., side

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[226-21](#)

Petition: Cellco Partnership d/b/a Verizon, 118 Flanders Road, Westborough, MA . Installation of necessary telecommunication equipment and corresponding aerial fiber optic cable on National Grid owned Utility Poles within the Public Way at the following locations;

1. 17 Waite St. Ext.
2. 1308 Salem St.
3. 1 Beach St.
4. 110-112 Beach St.
5. 206 Oliver St.

6. 2 Evelyn Ave., Pole on Granite St.
7. 56 Rockingham Ave.
8. 50-52 Rockwell St.
9. 39-41 Baker St., Fairview Ave. side
10. 100 Sylvan St., Winship St. side
11. 45-47 Forest St.
12. 30-36 Winter St.
13. 746 Main St., Vernon St. side
14. 59 Meridian St.
15. 35 Green St.
16. 257 Pearl St., Thacher St. side
17. 3 Hawthorne St., Elm St. side
18. 71 Washington St., Linden Ave., side

Sponsors: Amanda Linehan

A motion was made by Councillor Linehan, seconded by Councillor Spadafora, that the Petition be granted with conditions. The motion carried by the following vote:

Yea: 10 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, Sica, Spadafora and Winslow

319-21

Committee Report: License - Petition (Paper #280-21, Paper #281-21, Paper #366-20, Paper # 38-21, Paper # 227-21, Paper # 228-21 and Paper #229-21).

Paper 280-21 Livery Stephanie M. Licon, 205 Bryant St., 1 livery (new)

Paper 281-21 Livery Prime Limo Service, 1 Maple Street # 10, 1 livery (renewal)

Paper 366-20 Livery Chardin, LLC, 33 Maple Street # 402, 1 livery (new)

Paper 38-21 Livery Ideal Park Limo. Serv. Inc., 61 High Rock Rd., 1 livery (renewal)

Paper 227-21 Outdoor Parking, Rigano's, 1081 Fellsway, 20 cars (renewal)

Paper 228-21 Outdoor Parking, Rigano's 1152 Eastern Ave., 10 cars (renewal)

Paper 229-21 Outdoor Parking, Rigano's 1175 Eastern Ave., 15 cars (renewal)

Councillor Sica made a motion that she be recused because of a relative having three petitions that were being voted on, seconded by Councillor Crowe. The following roll call vote was taken: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (did not vote), Sica (y), Spadafora (y), Winslow (y), Anderson (y)

Councillor President Anderson for the committee said the 7 licenses would be voted as one.

A motion was made by Council President Anderson that the Committee Report be received and filed. The motion carried by the following vote:

Yea: 8 - Anderson, Camell, Condon, Crowe, DeMaria, Murphy, Spadafora and Winslow

Recused: 1 - Sica

280-21

Livery: Stephanie M. Licon, 205 Bryant St. Malden, 1 livery (New)

Sponsors: Paul Condon

A motion was made by Council President Anderson, seconded by Councillor

Murphy, that the Petition be granted. The motion carried by the following vote:

Yea: 9 - Anderson, Camell, Condon, Crowe, DeMaria, Murphy, O'Malley, Spadafora and Winslow

Recused: 1 - Sica

[281-21](#)

Livery: Prime Limo Service, 1 Maple St. #10, Malden, 1 livery (Renewal)

Sponsors: Paul Condon

A motion was made by Council President Anderson, seconded by Councillor Murphy, that the Petition be granted. The motion carried by the following vote:

Yea: 9 - Anderson, Camell, Condon, Crowe, DeMaria, Murphy, O'Malley, Spadafora and Winslow

Recused: 1 - Sica

[366-20](#)

Petition: Livery Chardin, LLC - 33 Maple Street # 402, Malden, MA - 1 livery (new)

A motion was made by Council President Anderson, seconded by Councillor Murphy, that the Petition be granted. The motion carried by the following vote:

Yea: 9 - Anderson, Camell, Condon, Crowe, DeMaria, Murphy, O'Malley, Spadafora and Winslow

Recused: 1 - Sica

[38-21](#)

Petition: Livery: Ideal Park Limousine Services, Inc., 61 High Rock Rd., Malden, 1 livery (Renewal)

Sponsors: Paul Condon

A motion was made by Council President Anderson, seconded by Councillor Murphy, that the Petition be granted. The motion carried by the following vote:

Yea: 9 - Anderson, Camell, Condon, Crowe, DeMaria, Murphy, O'Malley, Spadafora and Winslow

Recused: 1 - Sica

[227-21](#)

Outdoor Parking: Rigano's, 1081 Fellsway, Malden, 20 cars (Renewal)

Sponsors: Paul Condon

A motion was made by Council President Anderson, seconded by Councillor Murphy, that the Petition be granted. The motion carried by the following vote:

Yea: 9 - Anderson, Camell, Condon, Crowe, DeMaria, Murphy, O'Malley, Spadafora and Winslow

Recused: 1 - Sica

[228-21](#)

Outdoor Parking: Rigano's, 1152 Eastern Ave, Malden, 10 spaces (Renewal)

Sponsors: Paul Condon

A motion was made by Council President Anderson, seconded by Councillor Murphy, that the Petition be granted. The motion carried by the following vote:

Yea: 9 - Anderson, Camell, Condon, Crowe, DeMaria, Murphy, O'Malley, Spadafora and Winslow

Recused: 1 - Sica

[229-21](#)

Outdoor Parking: Rigano's, 1176 Eastern Ave. Malden, 15 spaces (Renewal)

Sponsors: Paul Condon

A motion was made by Council President Anderson, seconded by Councillor Murphy, that the Petition be granted. The motion carried by the following vote:

Yea: 9 - Anderson, Camell, Condon, Crowe, DeMaria, Murphy, O'Malley, Spadafora and Winslow

Recused: 1 - Sica

[320-21](#)

Committee Report: Rules & Ordinance - (Paper # 232-21) Order: Be it ordained that Section 12 of the Revised Ordinances of 2020 be amended by adding Section 12.12.200 entitled Inclusionary Zoning.

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, Murphy, O'Malley, Sica, Spadafora and Winslow

[232-21](#)

Order: Be it ordained that Section 12 of the Revised Ordinances of 2020 be amended by adding Section 12.12.200 entitled Inclusionary Zoning.

Sponsors: Craig Spadafora, Stephen Winslow, Peg Crowe, David Camell, Ryan O'Malley and Amanda Linehan

Councillor Spadafora spoke for the paper and City Planner Michelle Romero spoke on the paper as well. Ms. Romero explained the process where the paper would go from tonight if supported by the Council. The paper would get refiled for next week's council agenda where it would get sent to a Planning Board/Ordinance joint hearing. It is too late for the Planning Board's July meeting but would be heard at either the August or September meeting. There is 65 days to be heard for the joint meeting and would be back with the council and there would be 90 days for the Council to act.

A motion was made by Councillor O'Malley, seconded by Councillor Spadafora, that the Order be refiled at the June 29th Council meeting to be sent to a joint Planning Board/Ordinance meeting. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[321-21](#)

Committee Report: Rules & Ordinance (Papers 40-21, 41-21).

40-21 - Order: Be it ordained that Section 12.16 (Dimensional Controls) of the Revised Ordinances of 2020 be amended by revising Section 12.16.050 as to waiving

rear yard setbacks in Industrial Districts by deleting reference to "rivers or water courses.

41-21 - Order: Be it ordained that Section 12.12 (Use Regulation), of the Revised Ordinances of 2020, be amended by adding new Section 12.12.200, to include Malden River Site Plan Review.

Councillor Spadafora requested to be recused from papers 40-21 and 41-21 and made that motion, the following roll call vote was taken: Camell (y), Condon (y), Crowe(y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (n), Sica (y), Spadafora (y), Winslow (y), Anderson (y)

Councillor Crowe gave an overview of the amended papers that got voted out of committee. City Planner Romero also spoke and that anybody could go for a variance although not guaranteed it would be granted. Councillor O'Malley spoke to Chapter 91 and the public's right for access to the water.

Councillor Murphy was reassured by Building Commissioner Miller the footprints of buildings were secure. Building Commissioner Miller also agreed with Councillor Murphy with regards to building materials and labor costs have skyrocketed but Mr. Miller stated that this has happened before when discussing raising the trigger percentage of the ordinance kicking in with regards to raising the threshold from 5% to 10% of the assessed value of the building. Councillor Murphy asked Mr. Miller about the concerns with Mr. Piantedosi who spoke at public comment that the trigger percentage would affect their company who have plans on making their production more energy efficient. Mr. Miller stated there was no clear cut definition of energy efficient.

The Council discussed making changes and were cautioned by both Ms. Romero and Atty. McNaught any substantial change would result in having to have another public hearing .

Councillor Camell made a motion to amend paper 41-21 in Section B. Applicability, after the phrase, "5% or more of the City assessed value of the building," insert the phrase, "excluding upgrades that comply with the State Energy Code". seconded by Councillor O'Malley, the following roll call vote was taken; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (recused), Winslow (y), Anderson (y)

A motion was made by Councillor Crowe 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 Winslow

Recused: 1 - Spadafora

40-21

Order: Be it ordained that Section 12.16 (Dimensional Controls) of the Revised Ordinances of 2020 be amended by revising Section 12.16.050 as to waiving rear yard setbacks in Industrial Districts by deleting reference to "rivers or water courses.

Sponsors: Craig Spadafora

A motion was made by Councillor Crowe, seconded by Councillor O'Malley, that the Ordinance be enrolled as amended. The motion carried by the following vote:

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

Recused: 1 - Spadafora

[41-21](#)

Order: Be it ordained that Section 12.12 (Use Regulation), of the Revised Ordinances of 2020, be amended by adding new Section 12.12.200, to include Malden River Site Plan Review.

Sponsors: Craig Spadafora

Councillor Crowe made a motion to enroll as amended by the Rules and Ordinance Committee and with the recommendations by the Planning Board.

A motion was made by Councillor Crowe, seconded by Councillor Winslow that the Ordinance be enrolled as amended by the Rules and Ordinance Committee and with the recommendations from the Planning Board. The motion carried by the following vote:

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

Recused: 1 - Spadafora

[322-21](#)

Committee Report: Appointment - Personnel & Appointments - Committee recommends that Scune Carrington fill the vacant seat as a Board of Health Member, term to expire March 1, 2022 and report it out favorably to the Full Council.

Sponsors: Peg Crowe

A motion was made by Councillor Crowe 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 Winslow

[348-21](#)

Council Appointment: - Scune Carrington fill the vacant seat as a Board of Health Member, term to expire March 1, 2022.

A motion was made by Councillor Crowe, seconded by Councillor DeMaria, that the Appointment be appointed. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[323-21](#)

Committee Report: Appointment - Personnel & Appointments - Committee recommends that Cherlie Magny-Normilus fill the vacant seat as a Board of Health Member, term to expire October 1, 2023 and report it out favorably to the Full Council.

Sponsors: Peg Crowe

A motion was made by Councillor Crowe, seconded by Councillor DeMaria, that the Appointment be appointed. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[349-21](#)

Council Appointment: Personnel & Appt's. Cherie Magny-Normilus fill the vacant seat as a Board of Health Member, term to expire October 1, 2023.

A motion was made by Councillor Crowe, seconded by Councillor DeMaria, that the Appointment be appointed. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

[324-21](#)

Committee Report: Finance (Paper #234-21) Order: Annual Appropriation order for the FY2022 City Budget).

This Committee Report was received and filed

[234-21](#)

Order: Annual Appropriation Order for the FY2022 Budget.

Sponsors: Barbara Murphy

Finance Chair Murphy spoke on the process that took place on the FY22 Budget. Councillor Murphy spoke of the changes that were made that the administration agreed too which Clerk Lucey read:

*Add \$50,000 to Salary Reserve for Reclassification
Add \$15,000 for Language and Translation Services
Add \$10,000 for Diversity and Equity Support
Add \$25,000 for DPW Parks Beautification
Reduce Revenue Reserve by \$100,000*

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

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

12. TABLED PAPERS

[451-20](#)

Petition: Massachusetts Electric d/b/a National Grid, 1101 Turnpike Street, North Andover, MA

that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named. Permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked:

- *108 Charles Street*
OH - Install an inline pole in front of 124 Charles Street
UG - Dig across street from newly proposed pole to Ngrid
Gas regulator pit. Install 1-3" conduit for underground siphon.
- *105 Mountain Avenue* - Open approximately 10 ft. of sidewalk to install conduit from existing pole to property (#105) This is for an EV charging station.
- *120 Converse Avenue* - Relocate an existing pole per customer's request. Customer states pole is too close to her driveway. Request to move to property line.

Sponsors: Barbara Murphy

A motion was made by Councillor Crowe, seconded by Councillor Camell, that the Petition be taken from the table. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

This is for the petition for 108 Charles Street (ONLY)

A motion was made by Councillor Crowe, seconded by Councillor Murphy, that the Petition be granted with conditions. The motion carried by the following vote:

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

13. EXECUTIVE SESSION

[325-21](#)

The City Council will vote to go into executive session, with legal counsel for the City Council, in accordance with Exemption One (MGL c. 30A, § 21 (a) (1), and Exemption Seven (MGL c. 30A, § 21 (a) (7), to comply with, or act under the authority of, any general or special law or federal grant-in requirements, in order to act on pending complaint of June 15, 2021, by Brian DeLacey against the Malden City Council under the Open Meeting Law, MGL c. 30A, § 23 (b).

Councillor Camell made a motion to discuss the item in open session and not go into executive session, the motion was seconded by Councillor Sica . The following roll call vote was taken: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y) Anderson (y)

Assistant Solicitor McNaught spoke to the filing of the Open Meeting Law's complaint and recommends that the legal department answer the complaint on behalf of the Council.

Councillor O'Malley made a motion to follow the recommendation of Atty. Mc Naught and allow Legal to respond for the Council, seconded by Councillor Murphy. The following roll call vote was taken:

Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)

14. PERSONAL PRIVILEGE

Council President Anderson announced that the rededication of the Herbert Jackson Council Chambers would be September 2, 2021.

15. ADJOURNMENT

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

The meeting adjourned at 10:18 P.M.

Yea: 11 - Anderson, Camell, Condon, Crowe, DeMaria, Linehan, Murphy, O'Malley, Sica, Spadafora and Winslow

GREGORY LUCEY, CITY CLERK