



# 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*

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Tuesday, August 17, 2021

7:00 PM

City Council Chambers  
215 Pleasant Street  
Malden, MA 02148

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### [357-21](#)

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:

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### 1. CALL TO ORDER

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

### 3. ROLL CALL

*Councillors Winslow and DeMaria participated remotely by Zoom. Because of their participation by Zoom, Council President Anderson announced that all votes would be taken by roll call votes.*

*Councillor Sica arrived at the meeting at 7:13 P.M.*

*Councillor Spadafora arrived at the meeting at 7:20 P.M.*

*Also in attendance Asst. City Solicitor John McNaught.*

*Council President Anderson requested a moment of silence for Theresa Pinette.*

**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**

*Three speakers requested public comment.*

*1) Attorney George Warren who is chair of the Mystic Valley Charter School requested to speak on the agenda items regarding the Charter School. Attorney Warren stated 2 minutes for public comment is not sufficient for the topic. Attorney Warren stated that any Council interference with the Charter School's expansion will be met with all legal actions and will be costly to the City and the City will lose.*

*2) Amy Friedman, 8 Marvin Street spoke regarding her Open Meeting law Complaint, paper 362-21.*

*3) Brian DeLacey, 1 Earl Street spoke regarding his Open Meeting Law Complaint, paper 363-21.*

#### **6. APPROVAL OF MINUTES**

[358-21](#)

Minutes of the Meeting of June 29, 2021.

*Councillor O'Malley requested to table the minutes until the next Council meeting 'because there could be some errors'.*

**A motion was made by Councillor O'Malley, seconded by Councillor Sica, that the Council Minutes be tabled until the next council meeting. The motion carried by the following vote:**

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

#### **7. APPOINTMENTS & ELECTIONS**

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

#### **9. MOTIONS, ORDERS AND RESOLUTIONS**

[359-21](#)

Order Co-sponsored by Councillors Demaria, Winslow and Camell.

ORDER: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by adding Sections 12.08.015 Establishment of Neighborhood Preservation Districts.

## Section 12.08.015 Establishment of Neighborhood Preservation Districts

A district or group of districts or a sub district or group of sub districts or parts thereof (hereafter referred to as an area) may be designated as a neighborhood preservation district after a planning study of the area has been conducted. The regulations governing any such neighborhood preservation district are set forth in an article of this code pertaining to such district. The boundaries of any such neighborhood preservation district are shown on the "Zoning Map" of Malden, as amended, or supplements thereto. A sub district or sub districts within a neighborhood preservation district may be distinguished on such maps or supplements by the addition of the letter "NPD" to the designation of such sub district or sub districts.

**Sponsors:** Stephen Winslow, Deborah DeMaria and David Camell

*Councillor Winslow was having technical difficulties so Councillor Camell spoke first for the paper. Councillor Camell stated the Council has been called upon by residents to address how a publicly funded organization could purchase the land they did without any public participation. Councillor Camell took issue with Attorney Warren's comment that two minutes for public comment was inadequate. Councillor Camell stated any discussions on the topic should have taken place months ago. Councillor Camell mentioned the actions by the Mystic Valley Charter School attempting to prevent the City from holding the November 4th Presidential Election at the school, sending a letter 13 days before the Election, the City taking the school to court which the courts ruled in the city's favor. Councillor Camell went on to state that the meeting held on July 27th showed there was a will by the community to be heard. Councillor Winslow agreed with Councillor Camell and he was also impressed with the crowd at the July 27th community meeting. Councillor Winslow stated it is important to work with the residents so they have a voice with what happens in Maplewood Square. Councillor Winslow stated this is not just about the Charter School and that there are other properties in Maplewood Square that could be developed. Councillor O'Malley asked that the paper be divided into 4 parts which Council President Anderson stated that was his intention. Councillor Camell stated although he will be out of office in January, he is committed to staying involved with this issue. Councillor Spadafora asked Councilor Winslow if his intention is to send to Ordinance only which Councillor Winslow confirmed to send to Ordinance (only). Councillor Winslow is not asking to pass a moratorium on building in Maplewood Square tonight.*

*1) The first paper would be the first section of Councillor Winslow's submitted paper: It was so moved by Councillor Winslow, seconded by Councillor DeMaria to send the paper to Rules and Ordinance, it was so voted by roll call vote: Camell (y), Condon (y), Crowe (y), Demaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)*

*Order: Be it Ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/20 be amended by adding Section 12.08.015 Establishment of Neighborhood Preservations Districts.*

*2) Councillor Winslow made a motion to send the second paper to Rules and Ordinance, seconded by Councillor Camell;*

*Order: Be Ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/20 be amended by adding Section 12.08.016 Establishment of Maplewood Square Neighborhood Preservation District.*

*It was so voted by roll call vote: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)*

*3) Councillor Winslow made a motion to send the third paper to Rules and Ordinance, seconded by Councillor Camell;*

*Order: Any zoning standards developed for the Maplewood Square Neighborhood Preservation District shall apply to any building permit filed after the date the paper creating this ordinance section is filed with the City Clerk's office.*

*It was so voted by roll call vote: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)*

*4) On the Resolve there was discussion as to adding non councillors to the three person Special Committee on the Future of Maplewood Square. The Resolve read:*

*Be it hereby resolved by the City Council of Malden that: the City of Malden hereby takes actions to: (1) establish and undertake studies necessary to create zoning standards for the Maplewood Square Neighborhood Preservation District zoning district under Section 12 of the City Ordinances , (2) create a Maplewood Square Neighborhood Council, to facilitate communication of residents and businessowners with the Commonwealth, the City of Malden and property owners to preserve and enhance the historic character of the area as a neighborhood business district readily walkable from nearby senior and residential housing and (3) the City Council hereby establishes a three person Special committee on the Future of Maplewood Square to include the sponsor of this resolution as per council rule 47.00, the Ward 6 City Councillor and an additional Councillor to be named by the Council President.*

*Councillor Murphy asked should the Special Committee be expanded to include others like Deb Burke, Executive Director of Strategic Planning and Community Development. Councillors Camell and Anderson suggested City Planner Michelle Romero would benefit the committee. Councillor Winslow stated he was open to having a further discussion on the makeup of the Special Committee and made a motion to table the resolve until the first meeting back from recess, seconded by Councillor Murphy. It was so voted to table by roll call vote: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)*

**Councillor Winslow's paper was broken into 3 papers that were sent to Ordinance and the fourth section was a Resolve that was tabled.**

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

### [360-21](#)

*Order: Be it hereby ordained that Section 2.16.080 of the Revised Ordinances of 2020 be amended by deleting the following language from Section B:*

- 1. First sentence: "subject to confirmation by the City Council"*
- 2. Last sentence - last two words: "and confirmation"*

**Sponsors:** Craig Spadafora

*Councillor Linehan made a motion to be recused from paper 360-21 because her husband is a member of the Malden Cultural Council, seconded by Councillor O'Malley. It was so voted by roll call vote: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y).*

**A motion was made by Councillor Spadafora, seconded by Councillor Crowe,**

**that the Order be referred to the Rules & Ordinance Committee. The motion carried by the following vote:**

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

**Nay:** 1 - DeMaria

**Recused:** 1 - Linehan

## **10. COMMUNICATIONS**

### **361-21**

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 July 29, 2021, by Ryan O'Malley against the Malden City Council under the Open Meeting Law, MGL c. 30A, § 23 (b).

*Councillor O'Malley spoke to not go into executive session and discuss the complaint in open session. Council President Anderson suggested we handle all 3 Open Meeting Law Complaints on the docket collectively in open session. Council President Anderson had Clerk Lucey read all 3 complaints.*

*Councillor O'Malley made a motion to address all 3 Open Meeting Law Complaints (361-21, 362-21, 363-21) in open session not going into executive session, seconded by Councillor Sica. It was so voted by roll call vote: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y).*

*Council President Anderson asked that Assistant City Solicitor McNaught address the Council regarding the Complaint. On paper 361-21, Attorney McNaught has reviewed the Complaint and his initial investigation he found that the City Council at their June 29th meeting suspended rules as many as 12 times, voting on items that were not properly posted for discussion. Attorney McNaught's initial investigation is that there was a violation of the Open Meeting Law and there were many others that night. Attorney McNaught would like to conclude his investigation by talking to all councillors and requested the blessings of the City Councillors to investigate and answer Open Meeting Law Complaint (361-21). Councillor Camell made a motion to allow Assistant City Solicitor McNaught to answer Open Meeting Law Complaint (361-21), seconded by Councillor Murphy, it was so voted by roll call vote: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)*

### **362-21**

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 August 3, 2021 by Amy Friedman against the Malden City Council under the Open Meeting Law, MGL c. 30A, § 23 (b).

*On Complaint 362-21, Attorney McNaught read portions of the Complaint and the violation was against Councillor Sica who was Council President at the time not the Council. Attorney McNaught stated we were in a State of Emergency at the time declared by*

*Governor Baker issued on March 10, 2020 and a second Order issued on March 12th. The Mayor issued an Order on March 18th for most city personnel to stay home and not come to work. In the Governor's Orders he suspended certain provisions of the Open Meeting Law. The City at the time had no platform to hold remote meetings and didn't get Zoom platform until April 1st. Attorney McNaught's initial investigation is that the Complaint has no merit.*

*Councillor O'Malley made a motion to allow Assistant City Solicitor to respond to Open Meeting Law Complaints #362-21 and #363-21, seconded by Councillor Murphy. It was so voted by roll call vote; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)*

### [363-21](#)

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 August 2, 2021 by Brian DeLacey against the Malden City Council under the Open Meeting Law, MGL c. 30A, § 23 (b).

*Attorney McNaught addressed Complaint 363-21 and found the Complaint to be similar to 362-21 with a similar time frame. For that reason Attorney McNaught's initial investigation was that the complaint had no merit.*

*Councillor O'Malley made a motion to allow Assistant City Solicitor to respond to Open Meeting Law Complaints #362-21 and #363-21, seconded by Councillor Murphy. It was so voted by roll call vote; Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y)*

## **11. COMMITTEE REPORTS**

### [368-21](#)

Committee Report: Update on July 29, 2021 Citizen's Engagement Committee Public Meeting on Mystic Valley Regional Charter School's purchase of property in Maplewood Square.

*paper 368-21 was taken out of order and brought before the council after discussion of paper 359-21. Councillor DeMaria made a motion to accept the committee report it was so voted by roll call vote: Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Sica (y), Spadafora (y), Winslow (y), Anderson (y).*

*Councillor DeMaria stated the meeting was a success with about 70 people in attendance and another 20-25 by zoom. There were about 50 questions that came out of the meeting and Clerk Cagno distributed the list to the Council. Councillor Demaria stated there was no representation from Mystic Valley at the meeting. Councillor O'Malley suggested because the other Maplewood Square papers were referred to Ordinance that the list of questions should be included with those papers. Councillor Spadafora asked what would be the purpose sending the questions to Ordinance, he wasn't sure of the expectations were from the Ordinance Committee regarding answering the questions. Councillor Spadafora suggested the list could be sent to the Planning Board and used for public comment. Councillor Winslow suggested the list go to both Planning and Ordinance and be part of the dialogue for Maplewood Square going forward. Councillor Camell said the list is part of the record keeping and needs to be part of the discussion going forward. Councillor DeMaria stated the list would be valuable for the package when reviewing the proposals that were sent to Ordinance. Councillor O'Malley stated that it is was more a communication than a committee report and made a motion to send the list to Ordinance*

*and to the Planning Board separately.*

**A motion was made by Councillor DeMaria 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

**[TMP-4865](#)**

Communication: Update on July 29, 2021 Citizen's Engagement Committee Public Meeting on Mystic Valley Regional Charter School's purchase of property in Maplewood Square.

**Sponsors:** Deborah DeMaria

**12. TABLED PAPERS**

**13. PERSONAL PRIVILEGE**

**14. ADJOURNMENT**

**A motion was made by Councillor Sica, seconded by Councillor Camell, that the meeting be adjourned. The motion carried by the following vote:**

**The meeting was recessed to the call of the Chair at 8:31 P.M.**

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

**GREGORY LUCEY, CITY CLERK**