



# 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*

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Tuesday, May 24, 2022

7:00 PM

City Council Chambers  
215 Pleasant Street  
Malden, MA 02148

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### **1. CALL TO ORDER**

*Council President Spadafora called the meeting to order at 7:06 P.M.*

*Council President Spadafora requested a moment of silence for Robb Elementary School in Uvalde, Texas where there was a mass shooting in the school earlier in the day.*

*Also in attendance was Assistant City Solicitor Zaheer Samee, City Planner Michelle Romero, Building Commissioner Nelson Miller.*

*Councillor Murphy left the meeting at 9:15 because of an illness.*

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

### **3. ROLL CALL**

**Present - Councillors:** 10 - Barbara Murphy, Carey McDonald, Jadeane Sica, Karen Colon Hayes, Ryan O'Malley, Craig Spadafora, Peg Crowe, Amanda Linehan, Paul Condon and Steven Winslow

**Absent - Councillors:** 1 - Chris Simonelli

### **4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS**

Asian Voices of Organized Youth for Community Empowerment (A-VOYCE) will appear before the Council to present their recent survey with local youth on transportation and the Malden Transit Action Plan.

*A-VOICE (Asian Voices of Organized Youth for Community Empowerment) gave a slide presentation on a survey the organization conducted on transit habits of the community and suggestions for ways to address the concerns of the community.*

Board of Health Addictions Recovery Resource Specialist Paul Hammersley will appear before the Council to discuss new resources available in the areas of addiction, recovery, and mental health.

*Paul Hammersley, Board of Health Addictions Recovery Specialist came to give the Council an update on the work being done in the community assisting those in the need of services. Mr. Hammersley talked about the Malden Cares Program and the efforts being made to reach out at the MBTA Station and Warming Center. Mr. Hammersley talked about their partnership with the Bridge Recovery Center and the resource card that was created with an app on the card that gives the user names and numbers of organizations that can help. Mr. Hammersley and his team are also in all the wards offering assistance.*

## **5. PUBLIC COMMENT**

## **6. APPROVAL OF MINUTES**

[249-22](#)

Minutes of the meeting of May 10, 2022

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

[250-22](#)

Minutes of the meeting of May 17, 2022

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

## **7. APPOINTMENTS & ELECTIONS**

[251-22](#)

Mayoral Re-appointment: Kevin Alkins of 10 Hillside Road, Tewksbury as Inspector of Animals. Said term to expire April 30, 2023.

Confirmation not required

**A motion was made by Councillor Sica, seconded by Condon, that the Appointment be received and filed. The motion carried by a unanimous vote.**

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

Public Hearings on National Grid Petitions

[252-22](#)

Petition: National Grid, 1101 Turnpike Street, North Andover, MA, Plan #30511632 Main Street - National Grid to install beginning at a point approximately 60 feet northwest of the centerline of the intersection of Main Street and Cross Street and continuing approximately 35 feet in a north direction. Install (1) Handhole over and existing duct. Install 1 - 3" secondary duct approximately 35 ft. towards 116 Main Street off proposed handhole.

**Sponsors:** Peg Crowe

**Attachments:** [Petition Main Street #30511632](#)

*Abdelwashed Nabat, 170 Medford Street, Malden was at the hearing representing National Grid and gave an overview of the project..*

*Councillor Crowe told the council she had spoken to representatives from National Grid regarding the project and she was in favor of granting.*

*Council President Spadafora opened the hearing up for anyone wishing to speak in favor of the project. there were no speakers in favor of the project.*

*Council President Spadafora opened up the public hearing for anyone wishing to speak in opposition. There were no speakers in opposition to the project.*

*Council President Spadafora closed the public hearing.*

**A motion was made by Councillor Crowe, seconded by Councillor Condon, that the Petition be granted with the regular conditions to the City Council. The motion carried by a unanimous vote.**

**253-22**

Petition: National Grid, 1101 Turnpike Street, North Andover, MA, Plan #30543076 Commercial Street - National Grid to install beginning at a point approximately 350 feet southwest of the centerline of the intersection of Commercial Street and Centre Street and continuing approximately 80 feet in a southeast direction. Install 2-4" Primary Duct approximately 80 feet southeast from existing Pole #3 on sidewalk towards 0 Commercial Street for the purpose of serving the customer with electric service.

**Sponsors:** Peg Crowe

**Attachments:** [Petition Commercial Street #30543076](#)

*Councillor Crowe made a motion to table the petition because there is a meeting on June 8th that will discuss the total plan for the project.*

**A motion was made by Councillor Sica, seconded by Councillor O'Malley, that the Petition be tabled to the City Council. The motion carried by a unanimous vote.**

**254-22**

Petition: Lodging House License, Mitoan, LLC of 52 Maple Street, 8 units, renewal

**Sponsors:** Jadeane Sica

**A motion was made by Councillor Sica that the Petition be referred to the License Committee. The motion carried by a unanimous vote.**

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

**255-22**

Order: That the Malden City Council evaluate and make changes, if necessary, to the Municipal Code of Malden (MCC) Title 6, Chapter 08, Section 100 (b) (3) which states, that the area controlled by the, business is of sufficient size to allow a storage or display of no fewer than 15 cars in paved, lined and numbered spaces no

smaller than 10'X20', and b. employee and customer parking of no fewer than 3 spaces, provided that one additional employee/customer parking space shall be required for each additional 20 spaces of for storage or display. All spaces shall be clearly lined, numbered and designated in yellow traffic paint as storage/display or employee/customer parking.

**Sponsors:** Jadeane Sica

**A motion was made by Councillor Sica, seconded by Councillor Condon, that the Ordinance be referred to a joint Ordinance/ License Committee Meeting. The motion carried by a unanimous vote.**

**256-22**

Resolve: That the Malden City Council supports the acquisition of a parcel on Woodland Street in Ward 6 for conservation and to moderate storm water run-off.

**Sponsors:** Craig Spadafora and Steven Winslow

**A motion was made by Councillor Winslow, seconded by Council President Spadafora, that the Resolution be passed. The motion carried by a unanimous vote.**

**257-22**

Resolve: That we, the Malden City Council, stand in solidarity with app-based workers and uphold their rights to fair wages and workplace protections, and formally urge the Massachusetts Legislature to oppose H.1234 and the proposed 2022 ballot initiative that would ask voters to grant ride-hail and food-delivery companies special exemptions from Massachusetts labor, civil rights, and consumer protection laws.

WHEREAS, In 2019, the California legislature passed AB5, a simple test for determining who is an employee and who is an independent contractor, which determined that Uber and Lyft ride-hail drivers, DoorDash, Instacart, and Postmates food-delivery workers are employees; and

WHEREAS, App-based companies such as Uber, Lyft, and DoorDash responded by spending \$224 million on Proposition 22, a ballot initiative meant to exclude ride-hail and food-delivery app-based workers from employee rights under state law, including the right to a minimum wage, time-and-a-half for overtime, expenses reimbursement, and benefits such as unemployment compensation and state workers' compensation; and

WHEREAS, California Superior Court Judge Frank Roesch found that the ballot initiative infringed on the power explicitly granted to the California Legislature to regulate workers' compensation and was therefore unconstitutional and unenforceable; and

WHEREAS, In 2020, Uber's CEO stated that "Going forward, you'll see us more loudly advocating for laws like Prop 22," and other Big Tech CEOs have joined them in their promise to bring laws that depress wages, violate civil rights, and put consumers at risk to states across the country; and

WHEREAS, Massachusetts Attorney General Maura Healey is suing Uber and Lyft for failing to follow Massachusetts law by misclassifying employees as independent contractors; and

WHEREAS, In an attempt to escape these violations and avoid paying into Social Security, avoid paying taxes, and harm workers and consumers; the companies are slated to spend \$100 million in support of House Bill 1234 and a 2022 state ballot referendum question asking Massachusetts legislators and voters to grant them special exemptions from our labor, civil rights, and consumer protection laws; and

WHEREAS, H.1234, sponsored by Big Tech, exempts these "gig economy" businesses from paying into Social Security and unemployment, costing Massachusetts taxpayers hundreds of millions of dollars, weakening these programs for everyone, and shielding these businesses from liability and financial responsibility if customers or members of the public are injured; and

WHEREAS, According to a study by the University of California Berkeley Labor Center, under the proposed state ballot initiative, Massachusetts drivers may make as little as \$4.82 per hour, while those who qualify for a health care stipend may earn as little as \$6.74 per hour, which is significantly less than the Massachusetts minimum wage and roughly one-third of the required minimum pay for drivers under New York City and Seattle industry-specific pay standards; and

WHEREAS, H.1234, if passed, would create a permanent underclass of low-wage, mostly Black, Brown, and immigrant workers by allowing these companies to pay their workers less than minimum wage and provide few if any, benefits; and

WHEREAS, At a moment of racial reckoning in our country, the bill would exclude app-based workers from the robust protections against racial discrimination and sexual harassment under the Massachusetts Civil Rights Act, MGL c. 151B; and according to many leading voices, passing this bill would be among the biggest steps backward in the fight for equity and opportunity at work since the passage of the 1964 Civil Right Act; and

WHEREAS, The Malden City Council has a responsibility to prioritize workers over corporate profits, protect consumers, and oppose any measure that would facilitate wage theft and undermine the rights and benefits of the working-class people who keep our city running;

NOW, THEREFORE BE IT RESOLVED:

That the Malden City Council joins other city councils across the Greater Boston region, workers, consumers, community members, faith organizations, environmental and racial justice advocates, labor rights, civil rights, and union organizers to urge the Massachusetts Legislature to oppose House Bill 1234 and the proposed 2022 state ballot initiative;

AND BE IT FURTHER RESOLVED:

That the City Clerk of the City of Malden is respectfully requested to transmit a suitably attested copy of this Resolution to the Chairs and Vice-Chairs of the Joint

Committee on Financial Services, the Senate President, the Speaker of the House, the presenters of the proposed legislation Representatives Mark J. Cusack and Carlos González, and the local legislators to the General Court.

**Sponsors:** Amanda Linehan, Karen Colon Hayes, Carey McDonald and Steven Winslow

*Councillors O'Malley and Crowe asked to be sponsors to the paper. Council President Spadafora suggested the entire council be added as co-sponsors.*

*Councillor Linehan, the lead sponsor of the paper gave background of the need for the paper and that Malden supports these employees.*

*Councillor Winslow stated we need to support the labor community.*

*Councillor O'Malley said this Resolve is similar to the Resolve the Council passed last year regarding the Amazon warehouse.*

**A motion was made by Councillor Linehan, seconded by Councillor Winslow, that the Resolution be passed. The motion carried by a unanimous vote.**

## **10. COMMUNICATIONS**

### **258-22**

Communication: Letter from the Historical Commission to the Malden City Council requesting approval of the relocation of the building located at 15 Ferry Street to Malden High School, 77 Salem Street, before the Demolition Delay Period expires on May 31, 2022.

**Sponsors:** Craig Spadafora

**Attachments:** [MHC to CC 5.19.22 re 15 Ferry](#)

[15 Ferry Relocation Plans 6.21](#)

[BCA Report 15 Ferry Street 4.21](#)

[SIE Report 15 Ferry 12.20](#)

[MAL.491 15 Ferry](#)

*Council President Spadafora took this paper out of order and this paper was discussed before paper #255-22 on the docket.*

*Council President Spadafora asked that City Planner Michelle Romero to speak on the paper. Ms. Romero told the Council also in the audience were Historical Commission President John Tramondozzi, Commission member Joseph Cesario, Building Commissioner Nelson Miller, Library Director Dora St. Martin, Attorney Rob Demarco representing the building owner Dr. Yang who was also present. Ms. Romero thanked Council President Spadafora for sponsoring the demolition delay ordinance back in 2017. Ms. Romero continued that the demolition delay for 15 Ferry Street was going to expire on May 31, 2022 and the building could be demolished if action was not taken by the Council. There has been discussion on what to do with the building for 3 years. Ms. Romero stated that the current owner was willing to gift the building to the city, pay the expenses to move the building to MHS and pay for the foundation that would need to be added to the new site. Ms. Romero wanted to add some additional points not in the paperwork that she provided:*

*\* 15 Ferry Street is exactly how the demolition delay is supposed to work given the City and applicant time to work something out.*

*\*The applicant has worked with the city on a monthly basis for three years.*

*\*This paper has the mayor's support.*

*\*The paper has the support of the Malden Historical Commission, Superintendent of Schools, Malden High School Principal, Malden Public Library Director, Fire Chief Bill Sullivan, and the Davenport Estates.*

*\*This fulfills the Converse Family's goals who donated the building..*

*Councillor Winslow asked what time of day does the permit expire on May 31st, Attorney DeMarco said it is his opinion it would be the close of the business day.*

*Councillor O'Malley said he is full support of saving the building and moving it but he had concerns with moving the building because it is not an ideal building to move. Councillor O'Malley continued he is not 100% opposed to moving to the site being proposed but the parking lot next to the building or next to the cafeteria could be considered. Councillor O'Malley stated that having open space for the students is crucial.*

*Council President Spadafora said the ask is we take action, accept the building and move it at no cost to the city.*

*Councillor McDonald asked if we move the house, what are we going to do with it, has the school committee looked at this and has there been any discussion about the loss of green space ?*

*Council President Spadafora asked if Attorney DeMarco would he be willing to extend the demolition delay by a week. Attorney Demarco gave the background history of the purchase and of One Salem Street and went on record that his client would extend the demolition delay for 7 days.*

*City Planner Romero stated that the Historical Commission could convene before the June 7th date.*

*Councillor McDoanld thanked the petitioner.*

*Councillor Winslow stated he appreciated the incredible patience of Dr. Yang and he was ready to vote to approve tonight. Councillor Winslow mentioned the train station by Charles Rowe that was torn down in ward 5 years ago as an example what could happen to 15 Ferry Street.*

*Councillor Linehan said she appreciated having the flexibility of another week to better understand some of the issues.*

*Councillor Colon-Hayes said she was in full support for it tonight and would like to include the youth in the process and asked how it would affect the child care at Malden High School.*

*Councillor Sica stated she was not in favor of postponing the vote and why are we asking at the 11th hour where the building was going ? We shouldn't make Dr. Yang wait any longer.*

*Councillor Murphy said "ditto Councillor Winslow" and a good plan has been presented, we have to save the building and it is going to a perfect location.*

*Councillor Condon said there is nobody on the Council that would vote to demolish the building and City Planner and the Historical Commission are always thorough, he is ready to vote the issue tonight.*

Councillor O'Malley stated there has been some misinformation stated tonight and he had a problem how the move was announced being in the newspaper. Councillor O'Malley continued that ideally you would want to move the building as little as possible and that there is no guarantee the building will make it to the spot being suggested. Councillor O'Malley suggested that the item could be docketed for May 31 to have proper language with accepting public property as a gift.

City Planner Romero said that the Council is voting on the concept of accepting the building and moving it to the High School. Any language would be worked out.

Councillor Crowe said we all want to preserve the building, 3 years is a long time and she is set to vote tonight.

Councillor McDonald said he wanted to save the building and was looking for a commitment from the mayor's office that they would find additional green space. Marie Luise Special Assistant to the Mayor said that she was certain they could commit to that.

Councillor Sica made the following motion:

The City Council approve the relocation of the building at 15 Ferry Street to Malden High School, 77 Salem Street, to the area at the corner of Salem Street and Holden Street and accept the building as public property.

Councillor Winslow seconded the motion.

Councillor O'Malley made a motion that the Communication be placed of file, the motion was seconded by Councillor Colon-Hayes. It was so voted Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), O'Malley (y), Sica (y), Winslow (y), Spadafora (y). The motion passed 10-0.

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

**Yea:** 10 - Murphy, McDonald, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

## **12. COMMITTEE REPORTS**

### [259-22](#)

Committee Report: License Petitions, Papers 209-22, 230-22, 231-22, 232-22, 233-22, 234-22 The Standing Committee on License to whom was referred the following papers having considered the same, make the following report that these papers be reported out favorably to the Full City Council.

**Sponsors:** Jadeane Sica

*License Chair Sica said that all the licenses tonight there are no issues and being recommended favorably by the License Committee.*

*Councillor Sica did make a motion to be recused from papers 2320-22, 231-22, and 232-22, Councillor O'Malley seconded the motion. It was so voted: Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), O'Malley (y), Sica (Y), Winslow (y), Spadafora (y). The motion passed 9-0.*

**A motion was made by Councillor Sica that the Committee Report be received and filed. The motion carried by a unanimous vote.**



[209-22](#)

Petition: Second Hand Dealer, Cash King, LLC, 41 Lebanon Street, renewal

**Sponsors:** Jadeane Sica

**A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be granted. The motion carried by a unanimous vote.**

[230-22](#)

Petition: Open Air Parking Lot, Rigano's Inc. of 1152 Eastern Avenue, 10 spaces, renewal

**Sponsors:** Jadeane Sica

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

**Yea:** 8 - McDonald, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

**Recused:** 1 - Sica

[231-22](#)

Petition: Open Air Parking Lot, Rigano's Inc. of 1176 Eastern Avenue, 15 spaces, renewal

**Sponsors:** Jadeane Sica

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

**Yea:** 8 - McDonald, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

**Recused:** 1 - Sica

[232-22](#)

Petition: Open Air Parking Lot, Rigano's Inc. of 1081 Fellsway, 20 spaces, renewal

**Sponsors:** Jadeane Sica

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

**Yea:** 8 - McDonald, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

**Recused:** 1 - Sica

[233-22](#)

Petition: Open Air Parking Lot, Emmanuel Baptist Church, 20 Madison Street 27 spaces, renewal

**Sponsors:** Jadeane Sica

**A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be granted. The motion carried by a unanimous vote.**

[234-22](#)

Petition: Second Hand Dealer or Pawnbroker, Great Eastern Vintage, 258 Highland Avenue, Second Hand Dealer, renewal

**Sponsors:** Jadeane Sica

**A motion was made by Councillor Sica, seconded by Councillor Winslow, that the Petition be granted. The motion carried by a unanimous vote.**

[260-22](#)

Committee Report: License Petition, Paper 500-21

The Standing Committee on License to whom was referred the following paper having considered the same, make the following report that this paper be reported out favorably to the Full City Council, as amended to allow 15 instead of 19 vehicles.

**Sponsors:** Jadeane Sica

**A motion was made by Councillor Sica that the Committee Report be received and filed. The motion carried by a unanimous vote.**

[500-21](#)

Petition: Class II - Nick's Foreign Car Center, 121 Beach Street, Malden, MA - 19 vehicles - renewal (Name Change from Linden Automotive to Nick's Foreign Car Center) New Owner.

**Sponsors:** Paul Condon

*The applicant had applied for 19 spaces but has been approved for only 15 spaces.*

**A motion was made by Councillor Sica, seconded by Councillor Crowe, that the Petition be granted. The motion carried by a unanimous vote.**

[261-22](#)

Committee Report: Finance, Paper 210-22 The Standing Committee on Finance to whom was referred the following paper having considered the same, make the following report that this paper be reported out favorably to the Full City Council.

**Sponsors:** Barbara Murphy

**A motion was made by Condon that the Committee Report be received and filed. The motion carried by a unanimous vote.**

[210-22](#)

Order: That the appropriation enumerated below, being in the amount of \$25,000 (Twenty-Five Thousand Dollars), be appropriated from the Community Preservation Act Fund for the following project:

Spot Pond Brook Greenway Phase II

25% Design Project: \$25,000 from General Fund

**Sponsors:** Barbara Murphy

**Attachments:** [Mayor's Letter of Submission of Spot Pond Greenway](#)

[Spot Pond Brook Greenway Recommendation Letter 2022.04.12](#)

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

**Yea:** 9 - McDonald, Sica, Colon Hayes, O'Malley, Spadafora, Crowe, Linehan, Condon and Winslow

### **13. TABLED PAPERS**

[138-22](#)

Resolve: That the City of Malden City Council establish "The Malden Youth Council" Ad Hoc Committee with three (3) City Councillors as voting members assigned by the Council President; to provide an opportunity for the youth of Malden and foster

civic engagement and an opportunity to be involved and participate in local government to acquire a greater knowledge of and appreciation for local government through active participation in the system.

**Sponsors:** Karen Colon Hayes, Amanda Linehan and Carey McDonald

#### **14. PERSONAL PRIVILEGE**

#### **15. ADJOURNMENT**

A motion was made by Councillor Condon, seconded by Councillor Sica, that the meeting be adjourned. The motion carried by a unanimous vote.

The meeting adjourned at 10:00 P.M.

**GREGORY LUCEY, CITY CLERK**