



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final City Council

Council President Barbara Murphy
Councillor at Large Karen Colon-Hayes
Councillor Paul Condon
Councillor Peg Crowe
Councillor Amanda Linehan
Councillor at Large Carey McDonald
Councillor Ryan O'Malley
Councillor Jadeane Sica
Councillor Chris Simonelli
Councillor at Large Craig Spadafora
Councillor Stephen Winslow

Tuesday, January 17, 2023

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

1. CALL TO ORDER

Council President called the meeting to order at 7:03 PM.

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

3. ROLL CALL

Also in attendance was Assistant City Solicitor Alicia McNeil and Treasurer Dan Grover.

Present - Councillors: 8 - Barbara Murphy, Carey McDonald, Karen Colon Hayes, Ryan O'Malley, Peg Crowe, Amanda Linehan, Paul Condon and Stephen Winslow

Absent - Councillors: 3 - Chris Simonelli, Jadeane Sica and Craig Spadafora

4. GUESTS, CITIZEN ACHIEVEMENT AND ANNOUNCEMENTS

5. PUBLIC COMMENT

Galvin Murphy, Sr. of 24 Church Street, owner of Yankee Pest Control, spoke against Paper 20-23, the resolve relative to rodent pesticides.

6. APPROVAL OF MINUTES

[13-23](#)

Minutes for the meeting of January 3, 2023

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

[14-23](#)

Minutes for the meeting of January 10, 2023

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

7. APPOINTMENTS & ELECTIONS**8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES**[15-23](#)

Petition: Livery License for Stephanie Licona of 205 Bryant Street, renewal, 1 vehicle

A motion was made by Councillor Condon, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[16-23](#)

Petition: Livery License for Stephen N. Asongwed of 61 High Rock Road, renewal, 1 vehicle

A motion was made by Councillor Condon, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

[17-23](#)

Petition: Class I License for Absolute Auto Rental and Sales dba Scoot Scoot New England of 495 Broadway, renewal

A motion was made by Councillor Condon, seconded by Councillor Winslow, that the Petition be referred to the License Committee. The motion carried by a unanimous vote.

9. MOTIONS, ORDERS AND RESOLUTIONS[18-23](#)

Be it hereby ordained by the Malden City Council that the Code of the City of Malden (MCC) be amended by adding Title 6, Chapter .20, Section .040 PERMIT FOR EXTERIOR VENDING MACHINES

Sponsors: Craig Spadafora and Paul Condon

Discussion opened with Councillor Crowe introducing the paper on behalf of Councillor Spadafora. This paper is specifically in regard to outdoor vending machines that dispense free or inexpensive water without regulation or permits of any kind.

Councillor Condon remarked he has been working with the owner of the water dispenser located on Highland Avenue for years to remedy the complaints he is getting from constituents. There are issues with noise complaints during all hours of the night; perhaps a fence will keep people from stopping there during off hours. Additionally, he suggested the Board of Health should get involved with learning how this water is even purified and to what standards. Councillor Condon is in full support of this paper and requested to be added as a co-sponsor.

A motion was made by Councillor Crowe, seconded by Councillor Condon, that the Ordinance be referred to the Rules & Ordinance Committee. The motion carried by a unanimous vote.

[19-23](#)

Resolve: Be it hereby resolved that it is the sense of the City Council that the Administration and Public Works Commission explore alternatives to the current water and sewer rate tiers to bring more equitable rates to two-family and other multifamily homes, including but not limited to, sub-meter account billing for individual units to reflect actual per unit consumption.

Sponsors: Ryan O'Malley, Karen Colon Hayes, Paul Condon, Peg Crowe, Amanda Linehan, Carey McDonald, Barbara Murphy and Stephen Winslow

Councillor O'Malley spoke for the resolve, saying this paper was originally inspired by discussions with Council President Murphy and calls from constituents. He is interested in reviewing the tiers at which water rates are charged and to discover if some property owners may be using this as a means to up charge tenants for monthly water bills. Councillor O'Malley pointed out that this project may take some time for completion as the rates and tiers for this season have already been set. He has reached out for further information from Chuck Ranaghan and Yem Lip, is also interested in hearing from Dan Grover who was in attendance at the meeting.

Council President called Treasurer Grover to the podium to clarify issues for reevaluation. Rates are determined by consumption and are provided by the MWRA. The majority of MWRA communities do also used tier systems like Malden. Regarding submeter account billing: most new home construction has one meter because it is cost prohibited to have pipes running to two meters going to several different floors. The State requires the City to bill homeowners for water consumption, not the tenants. This allows for liening real estate property for non-payment by the owner. Owners are allowed to charge tenants for water usage but there is a process overseen by the State to be sure they are charging properly and not up charging the tenant.

Councillor Condon spoke of how in the past, consultant Doug Gardner had helped the City set the rates but he has recently passed and so we will be doing something different moving forward. This paper is a good way to open discussion on how the next person may do it. He suggested this paper be discussed with the Finance Committee for further review.

Councillor Linehan stated having this conversation is a great opportunity to learn more about how we educate new residents and tenants on what rights and resources are available either through new resident packets or through Office of Housing Stability. Councillors Colon-Hayes and McDonald both thanked the sponsor for bringing this paper forward. McDonald said he would be happy to schedule a time with the Treasurer's Office to discuss further. Councillor O'Malley requested Assistant Collector Stacey Winn to sit in on further conversations.

All councillors in attendance asked to be added as co-sponsors to this paper. A motion was made by Councillor O'Malley, seconded by Councillor Colon-Hayes to move this topic of discussion into a joint session of the Public Works/Finance Committee for further evaluation. The motion was passed by a unanimous vote.

A motion was made by Councillor O'Malley, seconded by Councillor at Large Colon Hayes, that the Resolution be passed. The motion carried by a unanimous vote.

20-23

Resolve: Be it hereby resolved that it is the sense of the City Council that the Massachusetts Senate and House must enact, during the current legislative session, HR4931, An Act Relative to Pesticides.

According to the MSPCA Angell Animal Hospital, "Second Generation Anticoagulant Rodenticides (SGARs) are a type of poison used for rodent control that work by stopping the blood clotting processes, causing lethal hemorrhage. SGARs have been extensively used for rodent control, allowing secondary exposure and poisonings in non-target wildlife species, such as birds of prey that mainly feed on rodents or small birds. SGARs are prohibited for residential consumer purchase in the

Commonwealth, but commercial use is allowed for licensed pesticide companies when hired to deal with rodent problems.”

Sponsors: Ryan O'Malley, Karen Colon Hayes and Amanda Linehan

Attachments: [Rodenticide Bill](#)

[Eagle in Malden](#)

[Sick Owl](#)

[Email on Updated Rodenticide Bills](#)

Councillor O'Malley stated his passion for this topic as an animal lover, former park ranger, and dog owner. He said that although he utilizes services for in-home pest control, outdoor bait traps can be accessed by non-target animals such as squirrels who then become a toxic part of the food chain. It is a gruesome sight to see an animal who is poisoned in this way and Vitamin K is an antidote, recommended pet owners keep a supply on hand from their veterinarians. Reminded people that this legislation is not to ban products but rather to study, which is important because of the impact that it is having on our wildlife and domestic animals.

Councillor Colon-Hayes supports this resolve especially since it supports a study and also because she has had residents and friends who have reached out to her about sick or dying cats. She does not view this paper as a call to banning these products but as a great opportunity to study and learn more about the subject matter.

Councillor Winslow said for the first time in his neighborhood he is seeing dead rats out in the open and with eagles now back in the City this is a big area of concern. He does have hesitation with the House number as listed on this resolve. When Councillor Winslow went to do further research he saw that HR4931 seems to have morphed into something else and it's too important legislation not to get the resolve correct. Made a recommendation to table until this information can be confirmed. Councillor Linehan seconded this that she also tried to look up the number and couldn't find it.

Councillor Linehan went on further to speak about a ward three resident, Linda Amato, a wildlife rehabber who was helping to educate the councillor on this issue. Living near the Fells Reservation, Councillor Linehan has seen an uptick with birds of prey in her area and it is important to be conservation minded especially with the food chain. Although she is a Yankee pest Control subscriber, she also wants to be fully informed on the use of these rodenticides.

Councillor Condon believes it is good to bring awareness to this issue but has faith in the professional opinion of Galvin Murphy, therefore is in favor of tabling this resolve to make sure we are getting it right. Councillor O'Malley is in favor of tabling this resolve for two weeks until the new legislative session is able to refile this paper with an updated bill number, which must be done by January 20.

Councillor President Murphy is supportive of protecting the wildlife in her ward but she also has constituents in Ward 5 that are inundated with rats and we need a way to control them. She also wished to point out that Vitamin K must be handled properly when being used on domestic animals, as it depends on breed, size, type of poison, and results of blood test. Please see your veterinarian prior to giving your animal vitamin K.

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

[21-23](#)

Resolve: That it is the sense of the City Council that they wish to invite Malden's Language Access Coordinator, Elena Martinez, to speak before the body with an update of the City's new multilingual telephone line.

Sponsors: Karen Colon Hayes

Discussion opened with Council President Murphy explaining why resolves are put on the agenda in order to invite a person to speak before the Council. This is a practice that began last year under Council President Spadafora as a way to control the flow of people being booked as guests. Murphy said the body will continue with this practice until able to come up with an efficient booking procedure.

Councillor Colon-Hayes proceeded to remind the Council of the evening they were introduced to the City's new Language Access Coordinator, Elena Martinez. She stated she wishes to have Martinez come before the Council to discuss what she has accomplished in her role so far, including the new City Hall Multilanguage phone line, but also to see if there is any way the Council may be supporting her in this endeavor.

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor O'Malley, that the Resolution be passed. The motion carried by a unanimous vote.

10. COMMUNICATIONS

12. COMMITTEE REPORTS

[22-23](#)

Committee Report: The Joint Committee on Rules & Ordinance and Finance to whom was referred Paper 7 of 2023, having considered the same make the following report: Committee recommends this transfer out favorably to the Full Council.

Sponsors: Peg Crowe

A motion was made by Councillor Crowe, seconded by Councillor at Large McDonald, that the Committee Report be received and filed. The motion carried by a unanimous vote.

[7-23](#)

Be it hereby Ordained by the Malden City Council that the Code of the City of Malden (MCC) be amended by updating Title 2, Chapter 24, Section 020 Library Salary Schedule

Sponsors: Barbara Murphy

Attachments: [2.24.020 Library Salary Schedule Ordinance](#)

Councillor Crowe explained how Papers 7 and 8 of 2023 were taken up jointly with Finance and Ordinance to update salary schedule for Library staff. They have a three-year contract after not having a contract for 18 months. These papers include retro pay to bring them current in salary and goes into 2024. The joint committee unanimously voted in favor of these two papers. Paper 7 updates the Ordinance on salary while Paper 8 allows for the financial transfer to pay for the update.

A motion was made by Councillor Crowe, seconded by Councillor at Large McDonald, that the Ordinance be enrolled to the City Council. The motion carried by the following vote:

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

A motion was made by Councillor Crowe, seconded by Councillor at Large Colon Hayes, to suspend Council rules for the purpose of Ordaining. The motion carried by the following vote:

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

A motion was made by Councillor Crowe, seconded by Councillor at Large McDonald, that the Ordinance be ordained. The motion carried by the following vote:

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

[23-23](#)

Committee Report: The Standing Committee on Finance to whom was referred Paper 8 of 2023, having considered the same make the following report: Committee recommends this transfer out favorably to the Full Council.

Sponsors: Carey McDonald

A motion was made by Councillor at Large McDonald, seconded by Councillor Crowe, that the Committee Report be received and filed. The motion carried by a unanimous vote.

[8-23](#)

Order: That the sum of Sixty Thousand Six Hundred Seventy-Eight Dollars and Seventy Four Cents (\$60,678.74) is transferred from salary reserve, account 0010-996-5110 to Library Salaries, account number 0010-610-5110

Sponsors: Barbara Murphy

Attachments: [Library Salary Schedule 11023](#)

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

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

[24-23](#)

Committee Report: The Standing Committee on License to whom was referred Papers 407-22, 3-23, 4-23, 5-23, and 6-23 having considered the same make the following report

Sponsors: Jadeane Sica

Councillor Condon spoke on behalf of the License Committee explaining that they discussed four new petitions that were before them (3,4,5,6 of 2023) as well as three papers that were taken from the table (279, 407, 409 of 2022). The License Committee made the following report that Papers 279-22, 407-22, 3-23, 4-23, and 6-23 are recommended favorably; Paper 409-22 is recommended unfavorably; Paper 5-23 was tabled in Committee.

A motion was made by Councillor Colon-Hayes, seconded by Councillor O'Malley, that the recommendations of the License Committee be accepted as presented. The motion carried by a unanimous vote.

A motion was made by Councillor Condon, seconded by Councillor at Large Colon Hayes, that the Committee Report be received and filed. The motion carried by a unanimous vote.

[279-22](#)

Petition: Self-Service Gas Station, Gibbs Oil Company Limited Partnership of 728 Main Street. 30,000 gallons Renewal

Sponsors: Jadeane Sica

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor O'Malley, that the Petition be granted. The motion carried by a unanimous vote.

[407-22](#)

Petition: Class II license for Auto Bazaar, Corp. of 17 Charles Street, renewal. 21 cars

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor O'Malley, that the Petition be granted. The motion carried by a unanimous vote.

[409-22](#)

Petition: Class II license for One Dealer Solutions and Wholesalers, Inc., of 93 Maplewood Street, new. 15 cars

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor O'Malley, that the Petition be denied. The motion carried by a unanimous vote.

[3-23](#)

Petition: Class II License for Malden Auto Brokers of 225 Eastern Avenue, renewal, 20 cars

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor O'Malley, that the Petition be granted. The motion carried by a unanimous vote.

[4-23](#)

Petition: Class II License for Frank's Auto Sales of 189 Highland Avenue, renewal, 4 cars

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor O'Malley, that the Petition be granted. The motion carried by a unanimous vote.

[6-23](#)

Petition: Livery License for Linda Dellolacono dba RubyLynn Transportation, LLC of 259 Mountain Avenue, renewal, 1 livery license

A motion was made by Councillor at Large Colon Hayes, seconded by Councillor O'Malley, that the Petition be granted. The motion carried by a unanimous vote.

13. TABLED PAPERS

Tabled to a Future Meeting

[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

[286-22](#)

Order: That in the interest of promoting a fair and transparent marijuana licensing process, free from political influence and the potential for state ethics violations, that the Code of the City of Malden be amended to change the Special Permit granting authority for Marijuana Establishments from the Malden City Council to

the Malden Planning Board, including amending the following Sections:

-Section 6.08.070.B. Definition of Special Permit, by deleting "as further amended by City Council Paper 283 of 2018.";

-Section 6.08.070.D.2.b, by deleting "City Council" where mentioned and replacing with "Planning Board";

-Section 12.12.010.A, first paragraph, first phrase, by striking "City Council" and replacing with "Planning Board", as follows: "Except for Marijuana Retailer, Marijuana Cultivator, Independent Marijuana Testing Laboratory, Marijuana Product Manufacturer, Marijuana Research Facility and Marijuana Transporter, where a special permit shall be required by the Planning Board in accordance with MCC 12.12.020;"

-Section 12.12.190, first paragraph, by striking "City Council" and replacing with "Planning Board" as follows: "A Marijuana Establishment, as defined by this Ordinance to expressly only include Marijuana Retailer, Marijuana Cultivator, Independent Marijuana Testing Laboratory, Marijuana Product Manufacturer, Marijuana Research Facility and Marijuana Transporter, may be allowed only in the Highway Business, Industrial 1 and Industrial 2 zoning districts or the Marijuana Establishment Overlay District, only by special permit granted by the Planning Board and only in conformance with the following controls and requirements:"

-Section 12.12.190.B, Section 12.12.190.G, Section 12.12.190.G.4, Section 12.12.190H, by deleting "City Council" where written and replacing with "Planning Board";

-Section 12.28.010.E, by deleting "City Council" where mentioned and replacing with "Planning Board"

Sponsors: Jadeane Sica and Craig Spadafora

Attachments: [CCP 286-22 Staff Report 10.11.22](#)
[CCP 286 2022 PBR 10.22 wAtt](#)

[287-22](#)

Order: That the City Council discuss the disposition of property owned by the City

identified as Parcel No. 185-575-507 in the City of Malden Assessor's Maps, also known as Louis Cohn Way/Robbins Street. Such discussion to include a description of the parcel and its present use and possible alternatives for future use, care, custody, and control of the property, which will be maintained at the sole expense of the lessee, and that payments include the amount of any taxes that would otherwise be due to the city as well as including whether or not to enter a License Agreement for business use of said property.

Sponsors: Jadeane Sica

Attachments: [Assessors Handout Pub Prop Meeting 62822](#)

[315-22](#) Order: That MCC 12.12.190.A and 12.12.190.B be amended

Sponsors: Amanda Linehan

Attachments: [6.15.21 Prop #1](#)

[CCP 315 2022 Staff Report 10.11.22](#)

[CCP 315 2022 PBR 10.22 wAtt](#)

[Informational Memo on Buffer Zones_Dimensional Controls \(1\)](#)

January 3, 2023: Questions 1 & 2 of Paper 315-22 were ordained, Question 3 was tabled.

[399-22](#) Petition: Boston Gas d/b/a National Grid, 40 Sylvan Road, Waltham MA, W.O. No. 90000XX to install a new gas Regulator Station on Green Street near the intersection of Medford Street in accordance with the attached plans.
Hearing required

Attachments: [National Grid Green Street WO #90000XX](#)

[Notice of Public Hearing & Abutters Green and Medford](#)

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

A motion was made by Councillor Condon, seconded by Councillor at Large McDonald, that the meeting be adjourned. The motion carried by a unanimous vote. The meeting was adjourned at 8:07 PM.

CAROL ANN DESIDERIO, CITY CLERK