



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, June 6, 2023

7:00 PM

City Council Chambers
215 Pleasant Street
Malden, MA 02148

Watch the live stream on YouTube:

https://www.youtube.com/live/UWB_IUw_stM?feature=share

1. CALL TO ORDER

Council President called the meeting to order at 7:05 PM.

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

3. ROLL CALL

Also in attendance was City Planner Michelle Romero, Building Inspector Nelson Miller, Assistant City Solicitor Zaheer Samee, and Special Assistant to the Mayor Maria Luise.

Present - Councillors: 10 - Barbara Murphy, Carey McDonald, Chris Simonelli, Jadeane Sica, Karen Colon Hayes, Craig Spadafora, Peg Crowe, Amanda Linehan, Paul Condon and Stephen Winslow

Absent - Councillors: 1 - Ryan O'Malley

4. GUESTS, CITIZEN ACHIEVEMENT, AND ANNOUNCEMENTS

5. PUBLIC COMMENT

Two people appeared before the Council to speak during Public Comment. Drew Colbert of Winn/Overlook Ridge, One Washington Mall, Boston in support of Paper 236-23 and Daniel Occeaney, 3 River Street, Lynn in support of Paper 157-23.

6. APPROVAL OF MINUTES

[231-23](#)

Minutes for the meeting of May 23, 2023

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

[232-23](#)

Minutes for the meeting of May 30, 2023

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

7. APPOINTMENTS & ELECTIONS

8. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES

Council will hold a public hearing on the petition to extend the special permit granted in Paper 202-22 to allow Marijuana Retailer use of 36 Charles Street.

[233-23](#)

Petition: Extension of an additional nine (9) months on Special Permit, as was approved by Council Paper 202-22, issued to DMS Trinity, LLC of 36 Charles Street allowing for a marijuana establishment

Attachments: [36 Charles PBR 4.23 wAtts](#)

Attorney Roberto DeMarco and the owners of DMS Trinity were in attendance to speak in favor of their petition to extend the special permit granted by Paper 202-22. The need for this extension is due to changes in the retail and construction industry. Increased costs and delays in the supply chain have caused significant delays to this project. The requested extension by the petitioner is for nine months but the Planning Board has recommended a twelve-month extension. Attorney DeMarco indicated the company's intent is to have the project moving forward by the fall. The Ward Councillor is in favor of granting this extension.

Councillor Sica asked specifically to go on the record correcting misinformation that has been announced throughout the City that the Council is at fault for causing this delay. She laid out the timeline of the process DMS Trinity followed to this point from when their application was first approved two years ago. Attorney DeMarco clearly stated the City of Malden is in no way responsible for the delays suffered to this project.

There were no other speakers, either for or against, during this hearing.

A motion was made by Councillor Crowe, seconded by Councillor Sica, that the Special Permit be extended for a 12-month period per the Planning Board recommendation instead of the nine months requested by the Petitioner. The motion carried by the following vote:

Yea: 10 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

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

Yea: 10 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[234-23](#)

Petition: Pool Tables: Irish American, 177 West Street, Malden, 2 tables (Renewal)

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

9. MOTIONS, ORDERS AND RESOLUTIONS

235-23

Order: That City Engineer Yem Lip will appear before the Ordinance Committee for the purpose of reviewing, amending, and revising, if and as needed, MCC 11.28.010 MUNICIPAL STORM DRAINAGE SYSTEM and 11.28.020 STORM WATER MANAGEMENT AND LAND DISTURBANCE REGULATION.

Sponsors: Peg Crowe and Stephen Winslow

Attachments: [11.28 Drainage Current Municipal Code June 1, 2023](#)

[Final Paper: 235-23](#)

A motion was made by Councillor Crowe, seconded by Councillor Winslow, that the Order be adopted. The motion carried by a unanimous vote.

236-23

Order: Be it ordained that the Code of the City of Malden Title 12, Chapter 28, Section 140 ROWE'S QUARRY RECLAMATION AND REDEVELOPMENT DISTRICT be hereby amended to allow multifamily dwelling use of property in the Rowe's Quarry Reclamation and Redevelopment District (RQRRD), subdistrict RQ3; to amend use regulations, dimensional requirements, parking requirements and affordability/inclusionary zoning requirements for development of property in the RQRRD, subdistrict RQ3; and to establish a six-story maximum height for multifamily dwellings allowed by right and by Site Plan Review in the RQRRD. Further, to add the following provision as proposed new subsection 12.28.140.C.4.E: LOCAL PREFERENCE FOR MALDEN RESIDENTS To the maximum extent permitted by law, preference for Malden residents shall be given for Affordable Housing Units and Age-Restricted Housing Units in RQ3.

Sponsors: Jadeane Sica

Attachments: [RQRRD Amendments 6.1.23 CCP 236-23](#)

A motion was made by Councillor Sica, seconded by Councillor Simonelli, that the Ordinance be amended to add the following provision as proposed new subsection 12.28.140.C.4.E: LOCAL PREFERENCE FOR MALDEN RESIDENTS To the maximum extent permitted by law, preference for Malden residents shall be given for Affordable Housing Units and Age-Restricted Housing Units in RQ3. The motion carried by a unanimous vote.

Yea: 10 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

A motion was made by Councillor Sica, seconded by Councillor Crowe, that the Ordinance be referred to a joint session of Planning Board and Rules & Ordinance Committee. The motion carried by a unanimous vote.

Yea: 10 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

237-23

Order: Be it Ordained by the Malden City Council that the Code of the City of

Malden (MCC) be hereby amended by updating Title 2, Chapter 24, Section 060 Police Patrolman's Salary Schedule

Sponsors: Peg Crowe

Attachments: [MCC 2.24.060 Police Patrolman's Salary Schedule](#)

A motion was made by Councillor Crowe, seconded by Councillor Simonelli, that the Ordinance be referred to a joint session of the Rules & Ordinance and Finance Committees. The motion carried by a unanimous vote.

[238-23](#)

Order: That the sum of Three Hundred Fifty Thousand Dollars (\$350,000) is transferred from Salary Reserve (0010-996-5110) to Police Labor Salaries (0010-210-5120)

Sponsors: Carey McDonald

A motion was made by Councillor at Large McDonald, seconded by Councillor at Large Colon Hayes, that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.

10. COMMUNICATIONS

12. COMMITTEE REPORTS

[239-23](#)

Committee Report: The Standing Committee on License, to whom was referred Paper 157 Series of 2023 having considered the same make the following report that this petition be reported out unfavorably to the Full Council.

Sponsors: Jadeane Sica

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

[157-23](#)

Petition: Second-Hand Dealer: Cash King, LLC. 41 Lebanon Street, Malden (Renewal)

Councillor Sica introduced this paper as unusual as the License Committee does not typically recommend unfavorably on license renewals, but Cash King is an extraordinary case. She invited members of the MPD to offer testimony on this business to further explain how this decision was formed.

Detective David Ritchie, Crime Analysis for the City of Malden, is tasked with oversight of the pawn shops in the city. The amount of items being pawned to Cash King far exceeds the other similar businesses in the city, to the point that Cash King is required to submit pawn sheets daily as opposed to weekly. Tracking of these daily reports indicated a pattern of extreme number of visitors to the shop and most of the items seemed to be brand new tools in original packaging. Officers had meetings with the store owner to discuss this concern. Surveillance of the property began in January 2022; this was done not only by MPD but also by loss prevention professionals from big box stores from the surrounding area. Many of the customers doing business with Cash King were the same people who were there quite often, on consecutive days, and even one person in particular who would come in multiple times in a single day. Additional detailed testimony was offered during the License Committee meetings and is attached to the history on this paper. The logical conclusion of this extensive investigation is that this business is

partaking in illegal activity.

Councillor Winslow asked for very specific details about the timeline of when the company was notified about having to deliver pawn sheets daily, when they learned of surveillance on their business, and if the concerning pawn transactions were still happening after this notification. It was clear from Det. Ritchie's testimony that Mr. Zavala was told his business was under surveillance, was given fair warning to run Cash King in an honest way, and MPD advised Mr. Zavala, on more than one occasion, to not engage with people or transactions that may be suspicious in any way.

During public comment, Mr. Zavala's attorney asked if the Council would consider granting the license on a probationary period for 3-6 months, giving Mr. Zavala an opportunity to revisit his business practices and change the way he does business. Councillor Sica pointed out Mr. Zavala has known for almost a year and a half that surveillance of Cash King was taking place, having ample time to revisit his business practices.

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

Yea: 10 - Murphy, McDonald, Simonelli, Sica, Colon Hayes, Spadafora, Crowe, Linehan, Condon and Winslow

[240-23](#)

Committee Report: The Standing Committee on License, to whom was referred Paper 159, 173, 192, 193, 194, 195, and 196 Series of 2023 having considered the same make the following report that these petitions be reported out favorably to the Full Council.

Sponsors: Jadeane Sica

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

[159-23](#)

Petition: Self-Service Gas Station: Gibbs Oil Co. LP, 728 Main Street, Malden (Renewal)

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

[173-23](#)

Petition: Outdoor Parking: T.J. Automotive Corp. 315 Pleasant Street, 20 spaces (Renewal)

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

[192-23](#)

Petition: Livery: Amarjit Signh, 228 Pearl Street, Malden, 1 vehicle (New)

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

[193-23](#)

Petition: Outdoor Parking: Andy's Service Center, Inc. 356 Lebanon Street, 12 spaces (Renewal)

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

[194-23](#)

Petition: Outdoor Parking: Malden Middlesex Motor Sales, 35 Canal Street, 10 spaces (Renewal)

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

[195-23](#)

Petition: Pool Tables: L&K Billiard Pool Hall, 94B Pleasant Street, 7 tables (Renewal)

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

[196-23](#)

Petition: Second-Hand Dealer: Great Eastern Vintage, 258 Highland Avenue (Renewal)

A motion was made by Councillor Sica, seconded by Councillor Simonelli, 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

Attachments: [Youth Board Presentation for City Council April 25 2023](#)

[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](#)

[171-23](#)

Petition: Massachusetts Electric Company dba National Grid of North Andover, Plan #30683608 to construct a line of underground electric conduits located at the intersection of Eastern Avenue and Marlboro Street in accordance with the attached plans
(Hearing Required)

Attachments: [National Grid Eastern @Marlboro Plan# 30683608](#)
[Abutters List - National Grid Eastern @Marlboro Plan# 30683608](#)

[172-23](#)

Petition: Massachusetts Electric Company dba National Grid of North Andover, Plan #30511632 to construct a line of underground electric conduits located at the

intersection of Main Street and Cross Street in accordance with the attached plans
(Hearing Required)

Attachments: [National Grid Main @Cross Plan# 30511632](#)
[Abutters List - National Grid Main @Cross Plan# 30511632](#)

205-23

Order: Councillors Winslow and Spadafora will introduce a Notice of Intent via a motion that the Finance Committee prepare and submit its final reports of Papers 139 and 140 Series of 2023 by May 17, 2023 for inclusion and consideration at the Council meeting on May 23, 2023 and in the event that the Finance Committee fails to do so, Councillors Winslow and Spadafora will introduce a motion at the May 23, 2023 City Council meeting to Discharge the Finance Committee from further consideration of such Papers so that the Council may consider those Papers at its meeting of May 23, 2023.

Sponsors: Stephen Winslow and Craig Spadafora

Attachments: [Paper 205-23 Roosevelt Park Len Murello](#)
[Final Paper: 205-23](#)

A motion was made by Councillor Winslow, seconded by Councillor Simonelli, that the Order be taken from the table to the City Council. The motion carried by a unanimous vote.

A motion was made by Councillor Winslow, seconded by Councillor Simonelli, that the Order be placed on file. The motion carried by a unanimous vote.

211-23

Minutes for the meeting of May 9, 2023

214-23

Petition: ExteNet Systems, 3030 Warrenville Road, Suite 340 Lisle, IL , Project No. 100523 - ExteNet Systems seeking grant of location to install fiber conduit beginning at a point approximately located at 244-248 Main Street running up to approximately 22 Charles Street.
(Hearing Required)

Attachments: [ExteNet Systems Fiber Plans 244-288 Main Street Project No. 100523](#)
[ExteNet Systems Abutters List Main and Charles Project No. 100523](#)

14. PERSONAL PRIVILEGE

15. ADJOURNMENT

**A motion was made by Councillor Winslow, seconded by Councillor Linehan, that the meeting be adjourned. The motion carried by a unanimous vote.
Meeting was adjourned at 8:21 PM.**

CAROL ANN DESIDERIO, CITY CLERK