



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Rules & Ordinance Committee

*Chairperson Craig Spadafora
Vice Chair Peg Crowe
Ryan O'Malley
David Camell
Stephen Winslow*

Tuesday, March 9, 2021

6:00 PM

REMOTE VIRTUAL MEETING

Roll Call

The meeting started at 6:15.

Also in attendance City Solicitor Kate Fallon, Councilors Anderson, Condon, Linehan, Murphy, Sica, DeMaria.

Present: 5 - Craig Spadafora, Peg Crowe, Ryan O'Malley, David Camell and Stephen Winslow

95-21

In accordance with Governor Baker's 3/12/20 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A,ss18, and the Governor's 3/23/20 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, this meeting will be conducted via remote participation.

In person attendance by members of the public is prohibited, and all effort will be made to permit public attendance of this meeting, in the manner specified below, via remote access by internet, telephone, and if available via public broadcast of the meeting by Malden Access Cable Television on public access television channels.

Public access will also be provided by posting draft minutes, and/or a transcript, recording, or record of the meeting on the city of Malden website at cityofmalden.org as soon as practicable after the meeting.

Additional information/guidelines for the public can be found here:

<https://www.cityofmalden.org/DocumentCenter/View/2487/Public-information-on-Public-Meetings-and-Hearings-during-the-Declared-State-of-Emergency-related-to-COVID19PDF>

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<https://cityofmalden.zoom.us/j/97330339889?pwd=bjR0TnZ1aTZMOFpjTyt2ZGI5SHMxUT09>

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US: +19294362866,,97330339889#,,,,*976594#

+16465189805,,97330339889#,,,,*976594#

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Minutes to be Approved

Business

67-21

Order: Be it hereby ordained that the City of Malden Revised Ordinances of 2020 Section 11.24.020 SITING AND INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT <<https://malden.municipalcodeonline.com/book?type=ordinances>> be amended by adding the following additional language:

1. F. Dimensions and appearance by adding "Small Cell antennas cannot be mounted no closer than 12 feet from the nearest window, deck, or other publicly-accessible area. In addition, while the antenna shape is akin to a rounded cone, these antennas are directional in nature with the signal primarily focused up and down streets, and not directly into the residence behind the pole."
2. L. Contents of Written Petition by adding. The carrier would then be required to attach a notice of public meeting to the pole.
3. Adding WARNING STICKER AND NODE ID Utilize the smallest and lowest visibility (e.g. yellow instead of blue) radio-frequency (RF) warning sticker required by government or electric utility regulations. Place the RF sticker as close to the antenna as possible, facing directly out toward the street, or directly away from street if there is no window within 25 feet of the pole (preferred). For the Node ID sticker; avoid the use of large and highly visible site (node) identification tags (with carrier's phone number). Consider combining with disconnect information. Use sticker colors that are more muted (e.g. tan), such as the same color as the equipment but with white color lettering. Consider placing the Node ID sticker on the underside of the equipment enclosure so it is only visible underneath.
4. Request a street tree to be provided by the wireless carrier for each facility mounted on a pole within the public right-of-way; in order to screen the equipment. In the event a tree cannot be planted due to conflicts such as existing trees, driveways or utility infrastructure (link to location requirements), the wireless carrier would be required to pay an "in-lieu fee" (No less than \$75) to be used by the Malden DPW/Urban Forestry Project and shall be payable prior to the city's issuance of the small cell

Permit.

5. All Small Cells will be posted on cities GIS system and accessible to the public.

Sponsors: Craig Spadafora

Councillor Spadafora acknowledged that there have been letters submitted by the small cell industry regarding changes being discussed with city ordinances. Councillor Spadafora stated that some of the changes presented have been implemented in other communities. Councillor Winslow would like to see the burden on the provider regarding the clearance/work zones. Councillor Winslow needed more time to look at the language and feels that reports regarding radiation can be manipulated. Councillor Winslow said there are too many loop holes, we need something firm to protect the public's concerns and people need some clearance and it is practical. Councillor O'Malley stated that you won't get cancer from small cells but could get burnt when working around buildings and it is not unusual to have clearance zones. Councillor Winslow made a motion to amend section F to read :

F. Dimensions and appearance by adding "The distance from a Small Cell antenna to the nearest building shall be greater than the largest diameter of the 100% Public Maximum Permissible Exposure limit plus 8-feet to allow for adequate clearances for work and repairs to the building exterior. In addition, the signal from directional antennas shall be directed away from the nearest residential buildings to the maximum extent practical." □

The 8-foot work zone allowance may be reduced or waived by the permitting authority if the applicant establishes that: installing a new, taller pole will not provide sufficient clearance, there is no other nearby available pole or location that can adequately serve the coverage area of the proposed Small Cell Antenna location, the lack on such antenna would prevent service in a significant portion of the coverage area and that the nearest building will be outside the diameter of the Small Cell Antennas 100% Public Maximum Permissible Exposure limit. If the 8-foot allowance for work and repairs is reduced or modified, the applicant shall re-certify the Exposure limits of the location and Small Cell Antenna every five (5) years.

A motion was made by Councillor Winslow, seconded by Vice Chair Crowe, that the Order be amended. The motion carried by the following vote:

Yea: 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow

85-21

Order: That the City submit to the Massachusetts Legislature for passage in substantially the following form:

AN ACT RELATIVE TO THE PREPARATION OF CERTAIN BILINGUAL BALLOTS IN THE CITY OF MALDEN

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. As used in this act, "transliteration" shall mean the translation into the relevant Chinese characters to represent the phonetic equivalent of the syllables of an English name or a name in a language that is not traditionally written using Chinese characters.

SECTION 2. Notwithstanding the provisions of any general or special state law to the contrary, in any election in which the state secretary or the city clerk is required by federal law to print bilingual English and Chinese ballots for use by voters of the city, the state secretary or city clerk, as the case may be, shall also provide for the transliteration of all candidates' names. Each candidate shall be provided with a

written copy of the proposed transliteration of that candidate's name, and may, within 7 days, request in writing any modification to the proposed transliteration or may decline to have the candidate's own name transliterated on the ballot. The transliteration shall be subject to final approval by the state secretary or city clerk, as the case may be. The state secretary or city clerk shall provide public notice of transliterated names as soon as practicable.

SECTION 3. Notwithstanding any general or special law to the contrary, the city in any primary or state or federal election shall be responsible for the cost of transliteration and the state secretary shall be responsible for all other costs resulting from the implementation of this act including, without limitation, the production of ballots.

SECTION 4. This act shall take effect upon its passage.

Sponsors: Craig Spadafora

Councillor Spadafora requested that paper 85-21 be taken up by the committee first.

Councillor Spadafora asked that Clerk Lucey give some background on the Home Rule Petition. Clerk Lucey acknowledged that there would be challenges implementing transliteration ballots but felt that it would be a positive step for Malden to take in our efforts allowing for voter access to our Asian community. During the past election, the clerk's office along with the mayor's office held monthly meetings with Asian community groups and transliteration ballots were requested as a way for Malden to continue moving forward with the positive changes that have taken place with voting in Malden. Clerk Lucey did state the Secretary of State's office has not been in support of transliteration ballots because of challenges with phoenetically spelling of candidates names and the administration difficulties of the change. Councillor Linehan asked if candidates could submit their own transliteration name and could candidates decline. Clerk Lucey answered that candidates could decline and the Register of Voters would need to approve the transliteration. Councillor Winslow suggested any potential candidate have the ability to come as early as January 1st of an election year to have their transliterated name approved. Councillor Crowe seconded the motion. Councillors O'Malley and Condon spoke in support the Home Rule Petition.

A motion was made by Winslow, seconded by Vice Chair Crowe, that the Order be recommended favorably as amended. The motion carried by the following vote:

Yea: 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow

Other Business

Adjournment

A motion was made by Vice Chair Crowe, seconded by Councillor O'Malley, that the be adjourned. The motion carried by the following vote:

The meeting was adjourned at 7:03 P.M.

Yea: 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow