



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, June 22, 2021

6:00 PM

215 Pleasant Street Room 113
Malden, MA 02148

[327-21](#)

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:

<https://cityofmalden.zoom.us/j/98061020420?pwd=cTFHeW9sdHoyYzNHQkNoakJLSW1vZz09>

Passcode: 687915

Or One tap mobile :

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Roll Call

The meeting began at 6:15 P.M.

Councillor O'Malley came at 6:20 P.M.

Also in attendance Asst. City Solicitor John McNaught.

Present: 4 - Craig Spadafora, Peg Crowe, Ryan O'Malley and David Camell

Absent: 1 - Stephen Winslow

Minutes to be Approved

[302-21](#)

Minutes of the Meeting of June 15, 2021.

A motion was made by Camell, seconded by Vice Chair Crowe, that the Committee Minutes be approved. The motion carried by the following vote:

Yea: 3 - Chairperson Spadafora, Vice Chair Crowe and Camell

[303-21](#)

Minutes of the Meeting of June 8, 2021.

A motion was made by Camell, seconded by Vice Chair Crowe, that the Committee Minutes be approved. The motion carried by a unanimous vote.

Yea: 3 - Chairperson Spadafora, Vice Chair Crowe and Camell

Business

[283-21](#)

Order: That the City of Malden submit to the Massachusetts Legislature for passage in substantially the following form: (See Attached).

Sponsors: Stephen Winslow

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

Yea: 3 - Chairperson Spadafora, Vice Chair Crowe and Camell

[264-21](#)

Order: Be it hereby ordained by the Malden City Council that Section 2.04.010 of the Revised Ordinances of 2020 be stricken and the following new Section 2.040.010 be inserted in place thereof:

2.04.010 HOURS CERTAIN OFFICES TO BE OPEN

The Mayor shall establish and may, from time to time, amend a regular schedule of days and hours during which administrative offices of the city will be open to the public. The Mayor may temporarily alter the schedule so established in observance of legal holidays or when it is deemed that opening poses a threat to the health, safety or welfare of city employees or the public.

Sponsors: Jadeane Sica

Councillor Sica the sponsor of the paper spoke in favor of the paper. Councillor O'Malley stated there are a large number of department heads that report to the council and the discussion should take place because it shares the balance of power between the Mayor and Council. Councillor Crowe stated the Mayor should have the final say because the Council is not around on a full time basis and the Mayor is in city hall every day interacting with the staff and public. Councillor Camell said the mayor is the Executive of the City and should be the one making the decision. Councillor O'Malley stated he is not opposed to the current schedule but the ordinances have been ignored. Councillor Camell stated so this will change the ordinance clarifying it is the mayor's decision. Council Chair Spadafora stated he is in favor of the paper will correct our ordinances.

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

Yea: 4 - Chairperson Spadafora, Vice Chair Crowe, O'Malley and Camell

[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 O'Malley read an email Councillor Winslow had sent with proposed amendments to the paper. Councillor Winslow was out of town on a family emergency and could not attend the meeting.

On section 1. F strike 12 and insert 8 plus maximum distance. Councillor O'Malley made a motion to amend, seconded by Councillor Camell, it was so voted Camell (y), Crowe (y), O'Malley (y), Spadafora (y)

On section 3. strike "required by" and replace with "consistent with". Councillor O'Malley made the motion, seconded by Councillor Camell, it was so voted Camell (y), Crowe (y), O'Malley (y), Spadafora (y)

Councillor Camell made a motion to strike section 4 entirely, seconded by Councillor Crowe it was so voted Camell (y), Crowe (y), O'Malley (y), Spadafora (y)

Attorney McNaught said Legal did review the document.

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

Yea: 4 - Chairperson Spadafora, Vice Chair Crowe, O'Malley and Camell

Other Business

Tabled Papers

[277-21](#)

Minutes of the Meeting of May 18, 2021.

Adjournment

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

The meeting adjourned at 6:48 P.M.

Yea: 4 - Chairperson Spadafora, Vice Chair Crowe, O'Malley and Camell