



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final Rules & Ordinance Committee

*Councillor Crowe, Chair*  
*Councillor Linehan, Vice-Chair*  
*Councillor Sica*  
*Councillor Spadafora*  
*Councillor Winslow*

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Tuesday, March 21, 2023

6:00 PM

215 Pleasant Street  
Room 105  
Malden, MA 02148

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### Roll Call

*Chair Crowe called the meeting to order at 6:06 PM.*  
*Also in attendance was Assistant City Solicitor Alicia McNeil.*

### Minutes to be Approved

[110-23](#)

Minutes for the meeting of February 28, 2023

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

[111-23](#)

Minutes for the meeting of March 7, 2023

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

### Business

[382-22](#)

Be it ordained that Section 11.24.010 PLACEMENT OF POLES, WIRES AND TELE-COMMUNICATIONS EQUIPMENT IN, ALONG OR ON PUBLIC WAYS be amended in the following manner (See attachment)

**Sponsors:** Craig Spadafora

**Attachments:** [Double Pole Ordinance](#)

*Chair Crowe opened discussion by updating the committee to a meeting she and the clerk had with City Solicitor John McNaught. Attorney McNaught advised of a State law as well as legal precedent that municipalities may not impose monetary penalties on utility companies that refuse to remove double poles. He instead suggested getting a city-wide inventory of poles and leverage that against any future petitions for work permits coming before the Council. (M.G.L. c.164 s. 34b) (Boston Edison v. Town of Bedford)*

*Councillor Spadafora indicated he thought we had a penalty in place for non-removal of poles. 11.24.020(Q)(3) states, "In the event the Provider fails to remove wireless communications equipment as ordered, within ten (10) calendar days following issuance of Order to Remove, the City shall have the right to remove the wireless communications equipment, at Provider's sole cost and expense. Provider's failure shall be grounds for denial of any petitions filed thereafter."*

Councillor Winslow noted that the petitions coming in only apply to gas and electricity but the hang up with double poles often has to do with cable companies so maybe something has to be drafted to speak to that. Chair Crowe pointed out, the pole inventory should come first to discover ball and court as to who is next on the pole. Councillor Spadafora made a motion to table pending further research on this topic to better figure out how to proceed with beneficial language.

**A motion was made by Councillor at Large Spadafora, seconded by Councillor Sica, that the Order be tabled to the Rules & Ordinance Committee. The motion carried by a unanimous vote.**

### [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

*Chair Crowe opened discussion by updating the committee to a meeting she and the clerk had with City Solicitor John McNaught. Attorney McNaught advised the city may not put a fence around the water machine on Highland Avenue because that is impeding a company's right to advertise their product. A more reasonable option would be to ask the owner of the machine to put a timer so people are not using the machine in the middle of the night, causing disruption to the neighborhood. Attorney McNaught also said he would look up the legal wording for us on a revocation process for non-compliance.*

*Discussion was based around making some changes to the proposed draft as follows: For the purpose of consistency, between the use of the terms permit and license, the word license shall prevail.*

*To the definition of Exterior Vending Machine, add "or on an open air lot" after the words "fully enclosed building".*

*To subsection B, note the \$100 application fee is non-refundable.*

*To subsection B, strike "The application shall be submitted" and add "Petitioners applying for first time permits of an exterior vending machine shall submit application" before the words "Police Chief".*

*To subsection B, replace "public hearing" with "public meeting of the License Committee"*

*Add subsection C. Hours of operation and wording for electronic timers.*

*Change subsection C. and D. to reflect D. and E.*

*Update Paper 18-23 to additionally reflect a change in MCC 6.12.010 Hours of Operation; in General to include: Exterior Vending Machines 7:00 a.m. to 9:00 p.m. operation hours.*

**A motion was made by Councillor at Large Spadafora, seconded by Councillor Winslow, that the Ordinance be amended. The motion carried by a unanimous vote.**

**A motion was made by Councillor at Large Spadafora, seconded by Councillor Sica, that the Ordinance be recommended favorably as amended to the City Council. The motion carried by a unanimous vote.**

## Other Business

## Adjournment

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

adjourned at 6:34 PM.