

Waltham City Council
Minutes of the Special Meeting of
August 2, 2021

President Brasco called the meeting to order at 7:30 p.m.

Present: Councillors Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley, Vidal and Brasco.

Absent: None.

Board of Survey and Planning

Present: Barrett, Callahan, DiVito, and Moroney

Absent: Creonte, Keefner and Tarallo

City Clerk Waddick recited the Council Prayer followed by President Brasco leading all present in the Pledge of Allegiance. Councillor Durkee asked for a moment of silence for all military that have served past and present.

Councillor McMenimen asked for a moment of silence for former City Councillor and longtime Kennedy Middle School Principal, G. Lorne MacArthur who passed away on July 14, 2021. Councillors McMenimen, Darcy and O'Brien paid tribute to Mr. MacArthur with their comments.

Councillor LeBlanc moved approval of the Executive Session minutes from the 6/28/2021 meeting. The motion was adopted on a voice vote and the matter was approved. Councillor LeBlanc moved approval of the regular meeting minutes from the 6/28/2021. The motion was adopted on a voice vote and the matter was approved.

The City Clerk read Rule 86.

The first public hearing was a joint public hearing with the Board of Survey and Planning. The Board reported that it did not have a quorum and would conduct its own hearing at a later date. Concerns were raised by Councillors Darcy, McMenimen, Harris and McLaughlin about proceeding without a joint hearing with the Board of Survey and Planning. Councillor Harris moved to recess the hearing to September 13, 2021. The motion was adopted on a voice vote and the request was approved.

Second public hearing: 17-25 at 257 Beal Road

Kamel Alhady, the petitioner and owner of the property at 257 Beal Road spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors McLaughlin, Vidal and LeBlanc asked questions of the petitioner. With no additional questions from Councillors, President Brasco closed the public hearing and referred the matter to the Public Works and Public Safety Committee.

Third public hearing: 17-25 at 259 Lake Street

Philip McCourt, 15 Church Street, Waltham, the attorney representing the petitioner spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor Dunn asked questions of the petitioner. With no additional questions from Councillors, President Brasco closed the public hearing and referred the matter to the Public Works and Public Safety Committee.

Fourth public hearing: 17-80 at Duddy Avenue

Deborah Kalya, 7 Duddy Ave., Waltham, spoke in favor of the petition. Gerard Allain, 91 Harvard Street, Waltham, spoke in favor of the petition. David Blocker, 18 Browns Ave., Waltham spoke in favor of the petition. Thomas Arena, 20 Browns Ave., Waltham, spoke in favor of the petition. Five people stood in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Paz, McMenimen, Vidal and Darcy asked questions of the petitioners. With no additional questions from Councillors, President Brasco closed the public hearing and referred the matter to the Public Works and Public Safety Committee.

Fifth public hearing: Special Permit at 221 Bear Hill Road

Daniel Glissman, attorney representing Flora Holdings. LLC spoke in favor of the petition. Kaitlyn Smith and Patrick Smith, 27 Franklin Street, Boston, petitioners, spoke in favor of the petitioner. Dan Linskey, 125 High Street, Boston spoke in favor of the petition. Matthew Wolf, 237 Prospect Hill Road, Waltham, spoke in favor of the petition. Shawn LeLierve, 62 Jacqueline Road, Waltham, spoke in favor of the petition. Josh Zakim, 257 Commonwealth Avenue, Boston, spoke in favor of the petition. Darrell Dunn, 16 Liberty Street, Waltham, spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors LaFauci, McMenimen, Vidal, Dunn, Darcy, McLaughlin and O'Brien asked questions of the petitioner. With no additional questions from Councillors, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Sixth public hearing: Special Permit at 235 Bear Hill Road

Phil Silverman, of Vicente Sederberg LLP, 800 Boylston Street, Boston, attorney representing the petitioner, Thrive Cultivation & Dispensary, LLC & Dakota Part LLC & Ladybug, LLC of 1264 Main Street, spoke in favor of the petition. Anthony Cardillo, 53 Midland Road, Waltham, a petitioner, spoke in favor of the petition. Emily Saperia of 308 Lake Street, Waltham spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors LaFauci, McMenimen, Vidal, Dunn, Darcy, LeBlanc and Darcy asked questions of the petitioner. With no additional questions from Councillors, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Communications from the Mayor

1. The Mayor respectfully requests acceptance of a donation to the Waltham Fire Department from the Digital Federal Credit Union in the amount of \$5,000. Referred to the Finance Committee.
2. The Mayor respectfully requests acceptance of a donation to the Waltham Police Department from the Digital Federal Credit Union in the amount of \$5,000. Referred to the Finance Committee.
3. The Mayor respectfully requests approval of a transfer in the amount of \$220,000 for the purchase of a new bucket truck for the CPW Department Forestry Division. Referred to the Finance Committee.
4. The Mayor respectfully requests approval of a transfer in the amount of \$261,000 for the purchase of a new street sweeper for the CPW Department Street Division. Referred to the Finance Committee.
5. The Mayor respectfully requests approval of a financing transaction totaling \$483,957 for the “Bringing Climate Resilience to Beaver Brook” program. Referred to the Finance Committee.
6. The Mayor respectfully requests a transfer of \$100,000 to fund the cleaning of the debris in Chester Brook from Lyman Pond to Lexington Street. Referred to the Finance Committee.
7. The Mayor respectfully requests an opportunity to go into executive session on Monday, August 2, 2021 to discuss a potential real estate purchase and an update on another executive session matter. Councillor McMenimen moved to table this matter until the end of the Council meeting. The motion was adopted by a voice vote and the matter was tabled.
8. The Mayor respectfully requests a transfer of funds totaling \$1,100,000 to cover the replacement of dated and/or lead water services, aging sewer laterals and illegal sump pump on streets that are slated to be repaved by the CPW Department. Referred to the Finance Committee.
9. The Mayor respectfully requests a transfer of funds totaling \$400,000 to fund the engineering estimate of the design phase of the utility improvements in and around Winter Street/Lincoln Street/Glen Circle area including a water service loop connection to the new Waltham High School and the lining of the water main on Winter Street. Referred to the Finance Committee.
10. The Mayor respectfully requests acceptance of the State 911 Department Training Grant in the amount of \$27,854. Referred to the Finance Committee.
11. The Mayor respectfully requests an opportunity to go into executive session on Monday, August 2, 2021 for the purpose of the Law Department and the Mayor to give an update on a matter that was brought to you at the June 28, 2021 City Council meeting. Councillor McMenimen moved to table this matter until the end of the Council meeting. The motion was adopted by a voice vote and the matter was tabled.

12. The Mayor respectfully requests the acceptance of a grant renewal through the Executive Office of Public Safety and Security State 911 Department in the amount of \$226,871 for the PSAP Grant – FY2022. Referred to the Finance Committee.

13. The Mayor respectfully requests the confirmation of the appointment of Nina L. Udwin of 80 Jennings Road, Waltham as a Trustee of the City of Waltham Municipal Affordable Housing Trust Fund to fill a vacancy. Referred to the Committee of the Whole.

14. The Mayor respectfully requests the City Council's response to the Healthy Waltham's requests regarding the food pantry. Referred to the Economic and Community Development Committee.

Applications and Licenses

Orders, Ordinances & Resolutions

Committee Reports

- The Kevin M. Ritcey Service Award Ad Hoc Committee – Report from Committee
Councillor Harris reported that the Committee has chosen three recipients; Cathy Magliarditi from the City Clerk's Office, Michelle Feeley from the Health Department and Mark Rudnick. A formal presentation will take place at the City Council meeting on September 13, 2021.

Unfinished Business & Other Business

- Extension of time for Special Permit petition at 130 Lexington Street
Councillor McLaughlin moved to suspend Rule 39 and act on the matter without committee reference. The motion was adopted by a voice vote and matter was approved. Councillor McLaughlin moved approval of the matter. Roll call.
In favor: Darcy, Dunn, Durkee, Harris, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Absent: LaCava.
Presiding: Brasco.
Matter was approved 13-0.

Councillor McMenimen moved to take from the table the Mayor's Communications numbered 7 and 11. The motion was adopted by a voice vote and matter was approved. President Brasco asked Councillors Harris and Durkee to escort the Mayor into the Chamber. Councillor Paz moved to have the Council convene in executive session for the purpose of discussing a potential real estate acquisition and an update on another real estate matter (Mayor's Communication numbered 7) and that Mayor McCarthy attend the session and that City Clerk Waddick act as the Clerk of the executive session and that the Council reconvene in open session following adjournment of the executive session. Roll call.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Absent: None.

Presiding: Brasco.
Matter was approved 14-0.

The Council convened in executive session at 10:37 p.m.

The Council reconvened in open session at 10:57 p.m.

Councillor McLaughlin moved to have the Council convene in executive session for the purpose of discussing a real estate matter (Mayor's Communication numbered 11) and that Mayor McCarthy, Police Chief O'Connell, City Solicitor Cervone, Assistant Solicitor Laughman and a representative from the US Department of Justice attend the session and that City Clerk Waddick act as the Clerk of the executive session and that the Council reconvene in open session following adjournment of the executive session. Roll call.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: None.

Presiding: Brasco.

Matter was approved 14-0.

The Council convened in executive session at 10:59 p.m.

The Council reconvened in open session at 11:14 p.m.

Councillor LeBlanc made a motion that was approved by a voice vote to meet beyond midnight.

Councillor McMenimen made a motion that was approved by a voice vote to recess to committee meetings. The City Council stood in recess for committee meetings.

President Brasco called the Council back to order at 1:10 a.m. on August 3, 2021.

Councillor McLaughlin moved to meet beyond 1:00 a.m. The motion was approved by a voice vote.

Committee Reports

Economic and Community Development

- The Economic and Community Development Committee recommended approval of the Mayor's requests to permit Healthy Waltham to use the Fitch School for food storage and refrigeration and Government center for food distribution on a temporary basis. Councillor Harris moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

Committee of the Whole

1. The Committee of the Whole recommended approval of the revised application regarding 2Life and Leland Home Affordable Housing Project as requested by the City of Waltham CPC

application. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz and Vidal.

Opposed: None.

Absent: Stanley.

Presiding: Brasco.

Matter was approved 13-0.

Finance

1. The Finance Committee recommended approval of a donation to the Waltham Fire Department from the Digital Federal Credit Union in the amount of \$5,000. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

2. The Finance Committee recommended approval of a donation to the Waltham Police Department from the Digital Federal Credit Union in the amount of \$5,000. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

3. The Finance Committee recommended approval of a transfer in the amount of \$220,000 for the purchase of a new bucket truck for the CPW Department Forestry Division. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

4. The Finance Committee recommended approval of a transfer in the amount of \$261,000 for the purchase of a new street sweeper for the CPW Department Street Division. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

5. The Finance Committee recommended approval of a financing transaction totaling \$483,957 for the "Bringing Climate Resilience to Beaver Brook" program. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

6. The Finance Committee recommended a transfer of \$100,000 to fund the cleaning of the debris in Chester Brook from Lyman Pond to Lexington Street be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

7. The Finance Committee recommended a transfer of funds totaling \$1,100,000 to cover the replacement of dated and/or lead water services, aging sewer laterals and illegal sump pump on streets that are slated to be repaved by the CPW Department be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

8. The Finance Committee recommended a transfer of funds totaling \$400,000 to fund the engineering estimate of the design phase of the utility improvements in and around Winter Street/Lincoln Street/Glen Circle area including a water service loop connection to the new Waltham High School and the lining of the water main on Winter Street be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

9. The Finance Committee recommended acceptance of the State 911 Department Training Grant in the amount of \$27,854 be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

10. The Finance Committee recommended acceptance of a grant renewal through the Executive Office of Public Safety and Security State 911 Department in the amount of \$226,871 for the PSAP Grant – FY2022. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

Public Works and Public Safety

1. The Public Works and Public Safety Committee recommended the 17-25 at Beal Road be approved. Councillor LeBlanc moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

2. The Public Works and Public Safety Committee recommended the 17-25 at Lake Street be approved. Councillor LeBlanc moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

3. The Public Works and Public Safety Committee recommended the 17-80 at Duddy Ave. be approved. Councillor LeBlanc moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

Ordinances and Rules

1. The Ordinances and Rules Committee recommended the FY2020 Compensation Ordinance Amendment – Social Worker be approved for a second reading. Councillor McLaughlin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved. Councillor McLaughlin moved to suspend the rules and give the matter a third and final reading. The motion was adopted by a voice vote and matter was approved. Councillor McLaughlin moved approval. Roll call required.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz and Vidal.

Opposed: None.

Absent: Stanley.

Presiding: Brasco.

Matter was approved 13-0.

2. The Ordinances and Rules Committee recommended the Zoning Amendment for Medical Marijuana Treatment Centers and Cultivation Operations be approved for a second reading.

Councillor McLaughlin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved. Councillor McLaughlin moved to suspend the rules and give the matter a third and final reading. The motion was adopted by a voice vote and matter was approved. Council McLaughlin moved approval. Roll call required. In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz and Vidal.

Opposed: None.

Absent: Stanley.

Presiding: Brasco.

Matter was approved 13-0.

Councillor Vidal moved to adjourn. The motion was adopted by a voice vote. Council President Brasco declared the meeting adjourned at 1:19 a.m. on August 3, 2021.

Respectfully submitted by:

Kara Wilson

Executive Assistant to the City Clerk

August 19, 2021