

Waltham City Council  
Minutes of the Meeting of  
November 8, 2021

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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.

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 moved approval of the 10/21/2021 special meeting minutes. The motion was adopted on a voice vote and the matter was approved.

Councillor Dunn moved approval of the 10/25/2021 regular meeting minutes. The motion was adopted on a voice vote and the matter was approved.

Councillor McMenimen moved approval of the 10/25/2021 executive session meeting minutes. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen made a request that was approved by a voice vote to send the minutes to the Law Department for review as to form and content.

Councillor McLaughlin moved to suspend the rules to take a matter out of order. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved to suspend the rules and accept a late filed communication from Cal Verde Naturals LLC. Councillor LeBlanc recused himself. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin spoke on the matter and moved approval of the request. Roll call. In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, Mackin, McLaughlin, McMenimen O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: None.

Recused: LeBlanc.

Presiding: Brasco.

Matter was approved 13-0.

The City Clerk read Rule 86.

The first public hearing: Grant of Location at Winter Street  
Rick Schifoht, 276 Adams Street, Quincy, MA representing Eversource/NSTAR spoke in favor of the petition. Wanda Sweatmor, 11 Church Street, Canton, MA 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 and Dunn asked questions. With no one else in

support and no one in opposition and no one in a neutral position on the petition, President Brasco referred the matter to the Licenses and Franchises Committee.

The second public hearing: Grant of Location at River & Seyon Streets

Rick Schifoht, 276 Adams Street, Quincy, MA representing Eversource/NSTAR spoke in favor of the petition. Wanda Sweatmor, 11 Church Street, Canton, MA 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 LaCava asked questions. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Brasco referred the matter to the Licenses and Franchises Committee.

The third public hearing: Extended hours at 809 & 821 Main Street

William Bruce, 82 N. Main Street, Natick, MA representing the petitioner, Global Montello Group Corp. 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 Durkee and Dunn asked questions. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Brasco referred the matter to the Licenses and Franchises Committee.

Fourth public hearing: 17-25 at 1111 Lexington Street

Michael J. Connors, Connors & Connors, LLC 689 Main Street, Waltham 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. Councillors Darcy, LeBlanc, McMenimen, Dunn and LaFauci asked questions of the petitioner. Questions were answered by Attorney Connors and Alan Roscoe of Core States Group representing The Grossman Companies, Inc. Councillor Darcy made a request that was approved by a voice vote. Councillor LaFauci moved to suspend the rules and act on the matter without committee reference. On the motion Councillor Darcy invoked section 2.9 of the Charter. The matter was tabled on the Council floor.

### **Communications from the Mayor**

1. The Mayor respectfully requests the reappointment of John Cervone, of Lynnfield, Massachusetts as City Solicitor for a three-year term expiring February 29, 2024. Referred to the Committee of the Whole.
2. The Mayor respectfully requests the reappointment of Bernadette D. Sewell, 10 Barrymeade Drive, Lexington, Massachusetts as Assistant City Solicitor for a two-year term expiring January 31, 2022. Referred to the Committee of the Whole.
3. The Mayor respectfully requests the reappointment of Timothy Kelly, 5 Winter Ave., Marlborough, Massachusetts as Inspector of Wires for a three-year term expiring February 28, 2022. Referred to the Committee of the Whole.

4. The Mayor respectfully requests the reappointment of Bernard E. Mullin Jr., 22 Hamilton Road, Waltham, Massachusetts as Director of Emergency Management Services for a three-year term expiring February 28, 2022. Referred to the Committee of the Whole.
5. The Mayor respectfully requests the reappointment of Michael J. Chiasson, 25 Circuit Lane, Waltham, Massachusetts as Director of Consolidated Public Works for a three-year term expiring February 28, 2023. Referred to the Committee of the Whole.
6. The Mayor respectfully requests the reappointment of Patricia Azadi, 643 Trapelo Road, Waltham, Massachusetts as First Assistant City Solicitor for a two-year term expiring January 31, 2022. Referred to the Committee of the Whole.
7. The Mayor respectfully requests the reappointment of Luke Stanton, 138 Ellison Park, Waltham, Massachusetts as Assistant City Solicitor for a two-year term expiring January 31, 2022. Referred to the Committee of the Whole.
8. The Mayor respectfully requests the reappointment of Michelle Learned, 125 Winter Street, Waltham, Massachusetts as Assistant City Solicitor for a two-year term expiring January 31, 2022. Referred to the Committee of the Whole.
9. The Mayor respectfully requests approval of a loan authorization totaling \$147,120 to fund the purchase equipment for the CPW Department. Referred to the Long Term Debt and Capital Planning Committee.
10. The Mayor respectfully requests a transfer in the amount of \$130,000 to fund the design of water and sewer work to be done in conjunction with the installation of the MWRA's new 36' water main through Waltham. Referred to the Finance Committee.
11. The Mayor respectfully requests a transfer of funds totaling \$250,000 to fund a three-year collective bargaining agreement between the City and the Dispatchers' Union for the period of July 1, 2019 – June 30, 2022. Referred to the Finance Committee.
12. The Mayor respectfully requests approval of an appropriation in the amount of \$10,400 to purchase a rectangular Rapid Flashing Beacon (RRFB) to be installed at the intersection of Crescent Street and Cherry Street. Referred to the Finance Committee.
13. The Mayor requests to go into executive session to discuss a potential real estate transaction. Councillor McMenimen moved to table the matter until the end of the Council meeting. The motion was adopted by a voice vote and the matter was approved.

### **Applications and Licenses**

All licenses referred to the Licenses and Franchises Committee.

- Class 2 renewal – ABKO Auto Body & Paint, Inc. – 97R Linden Street
- Extended hours renewal – Wendy's Properties, LLC – 806 Main Street
- Extended hours renewal – J&T Shun Lai, Inc. – 573 Main Street
- Extended hours renewal – J&J Variety – 851 Main Street

- Extended hours renewal – Veronica’s – 1074 Main Street

## **Committee Reports**

### **Committee of the Whole**

1. The Committee of the Whole recommends the confirmation of the reappointment of Robert Waters, 501 Lexington Street, Waltham as Supervisor of Housing for a three-year term expiring February 29, 2024. 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, Stanley, Vidal and Brasco.

Opposed: None.

Absent: None.

Matter was approved 15-0.

2. The Committee of the Whole recommends the confirmation of the reappointment of Michael Russo. 85 Mallard Way, Waltham, as Director of Veterans’ Services & License Commission Assistant for a three-year term expiring November 12, 20223. 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, Stanley, Vidal and Brasco.

Opposed: None.

Absent: None.

Matter was approved 15-0.

### **Ordinances and Rules**

1. The Ordinances and Rules Committee recommends the special permit modification for Bishops Forest and Bishops Forest II Condominiums be approved. Councillor McLaughlin 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, Stanley and Vidal.

Opposed: None.

Absent: None.

Presiding: Brasco.

Matter was approved 14-0.

### **Finance**

1. The Finance Committee recommends funding in the amount of \$54,000 to perform environmental services needed at the UMass Field Station property located at 240 Beaver Street be approved. Councillor LeBlanc recused himself. 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 recommends the American Rescue Plan Act (ARPA) funds that have been allotted to the City of Waltham to fund sewer replacement and drain reconstruction project be approved for Jennings Road. 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.

## **Unfinished Business & Other Business**

- Special Permit Modification at 1111 Lexington Street  
Referred to the Ordinances and Rules Committee
- Late filed communication from Attorney Jack Mula representing Cal Verde Naturals, LLC, asking for permission to hold a virtual community outreach meeting was approved and taken up at the beginning of this meeting.

## **Tabled Items**

- The Ritcey Award
- Loan authorization in the amount of \$720,000 to replace Engine 7 (first reading 10/12/2021)  
Councillor Darcy moved to take this matter off of the table. The motion was adopted by a voice vote and matter was approved. Councillor Darcy moved approval of the loan. 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.

Councillor McMenimen moved to take from the table number thirteen (13) of Communications from the Mayor which was a request from the Mayor to go into executive session to discuss potential real estate matters. The motion was adopted by a voice vote and matter was approved. President Brasco asked Councillors Harris and Durkee to escort the Mayor in to the Chamber. Councillor McMenimen moved to convene in executive session for the purpose of discussing potential real estate acquisitions; that the Mayor attend, that the Assistant City Clerk Vizard attend; that the City Clerk act as the clerk of the executive session and that Council reconvene in open session following adjournment. 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.  
Council convened in executive session at 8:31 p.m.  
Council reconvened in open session at 9:44 p.m.

- 10/25/2021 Executive session for Costco litigation – Law Department requesting follow-up executive session on 11/8/2021  
Councillor LaFauci moved to take the Costco litigation matter off of the table. The motion was adopted by a voice vote and matter was approved. Councillor LaFauci moved to hear from off committee members, Assistant Solicitor Learned and First Assistant Solicitor Azadi. The motion was adopted by a voice vote and matter was approved. Councillor LaFauci moved to convene in executive session to discuss pending litigation with Costco; that Assistant City Solicitor Learned and First Assistant Solicitor Azadi attend; that the Assistant City Clerk Vizard attend; that the

City Clerk act as the clerk of the executive session and that Council reconvene in open session following adjournment. Councillors LaCava and LeBlanc recused themselves. Roll call.

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

Opposed: None.

Absent: None.

Recused: LaCava and LeBlanc.

Presiding: Brasco.

Matter was approved 12-0.

Council convened in executive session at 9:46 p.m.

Council reconvened in open session at 10:31 p.m.

- Loan authorization in the amount of \$315,000 to fund tasks #4-6 of the design services contract for improvements to Parcel 1 at the Fernald Property (first reading 10/25/2021)

Councillor Vidal moved to adjourn. The motion was adopted by a voice vote. President Pro Tem McMenimen declared the meeting adjourned at 10:31 p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant to the City Clerk

November 17, 2021

**Rule 58**  
**For Informational Purposes Only**