

Committee of the Whole
Minutes of the Meeting
February 20, 2024

1. Vice-President LaCava called the meeting to Order at 8:00pm in the City Council Chamber.
2. Vice-President LaCava requested that a roll call be taken to record the attendance for the meeting. The COW Clerk called the roll – Councillors Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaFauci, LeBlanc, Logan, President McLaughlin, McMenimen, Stanley, Vidal, and Vice-President LaCava were all present in-person.
3. President McLaughlin moved to approve the minutes of the COW meeting held on February 5, 2024. The motion was adopted on a voice vote and the minutes of the meeting on February 5, 2024 were approved.
4. A request was received from the Mayor to confirm the appointment of John B. Cervone as an Assistant City Solicitor in the Law Department. It was noted that Mr. Cervone was not present. Councillor Brasco moved to table the matter. The motion was adopted on a voice vote.
5. A request was received from the Mayor to confirm the appointment of Katherine D. Laughman as the City Solicitor for a 3-year term ending on February 28, 2027. Councillor Hanley spoke of Attorney Laughman's extensive background and experience. Councillor Hanley moved to hear from Attorney Laughman. The motion was adopted on a voice vote. Upon questions from Councillor Hanley, Ms. Laughman spoke of her experience as a partner at KP Law and more recently as an Assistant City Solicitor in the City's Law Department. Councillor Hanley moved approval of Attorney Laughman's appointment as the City Solicitor. On the motion, Councillors Bradley-MacArthur, McMenimen, Logan, Brasco, LaFauci and President McLaughlin asked several follow up questions and expressed their support. The motion of Councillor Hanley was adopted on a roll call vote of 15 in favor (Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaFauci, LeBlanc, Logan, President McLaughlin, McMenimen, Stanley, Vidal, and Vice-President LaCava) and none opposed.
6. The next items on the agenda all pertained to the property located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 (Council Docket of 2/12/2024 attached for reference). Councillor McMenimen recused herself from the discussion and vote due to the proximity of her residence to the property.
7. Vice-President LaCava explained nine of the items were to retain the naming of the existing buildings on the property. Vice-President Lacava stated that seven of the items appeared on the agenda and two of the items were left off, but did appear on the COW docket and were properly before them. President McLaughlin moved to approve the name retention of the following items – #19, #20, #22, #23, #24, #25 and #27. The motion was adopted on a roll call vote of 13 in favor (Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz,

LaFauci, LeBlanc, Logan, President McLaughlin, Stanley, Vidal), McMenimen recused and Vice-President LaCava presiding.

- 8.. President McLaughlin moved to approve the name retention of the following items – #21 and #26. The motion was adopted on a voice vote.
9. President McLaughlin moved to approve the name change of item #28 Cottage Complex to Baldwin Pond. The motion was adopted on a voice vote.
10. President McLaughlin moved to approve the name change of item #29 Cherry Lane to Tauro Way. The motion was adopted on a voice vote
11. President McLaughlin moved to approve the name change of item of #30 Administration Building to Administration Building with the inclusion of former superintendents Dr. Samuel Fridley Howe, Dr. Edward Jarvis and Dr. Walter E, Fernald. The motion was adopted on a roll call vote of 12 in favor (Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaFauci, LeBlanc, Logan, President McLaughlin, Stanley, Vidal), 1 opposed (Bradley-MacArthur), McMenimen recused and Vice-President LaCava presiding.
12. President McLaughlin moved to file item #31 – environmental study. The motion was adopted on a voice vote.
13. President McLaughlin moved to file item #32 – archeological study. Councillor Bradley-MacArthur moved to table the matter. The motion did not pass on a roll call vote of 1 in favor (Bradley-MacArthur), 12 opposed (Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaFauci, LeBlanc, Logan, President McLaughlin, Stanley, Vidal), McMenimen recused and Vice-President LaCava presiding. The motion to file the matter was approved on a roll call vote of 12 in favor (Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaFauci, LeBlanc, Logan, President McLaughlin, Stanley, Vidal), 1 opposed (Bradley-MacArthur), McMenimen recused and Vice-President LaCava presiding.
14. President McLaughlin moved to file item #33 – historical information on 190 Trapelo Road. The motion was adopted on a voice vote.
15. President McLaughlin moved to approve item #34 – recommendations regarding the uses of Parcel 1 and Parcel 2A-1 at 190 Trapelo Road. President McLaughlin moved to hear from Recreation Director Kim Hebert to discuss and answer questions pertaining to item #34. The motion was adopted on a voice vote. Ms. Hebert identified the buildings as contributing/non-contributing. Ms. Hebert further stated that an historic architect would be engaged to determine which buildings could be retained and used. Councillor Bradley-MacArthur asked several follow up questions about specific buildings including the intended uses that are being considered. Councillor Logan asked several questions about the cost to demolish/renovate, the cost to maintain/operate and staffing costs. Ms. Hebert reiterated the need for the historic architect to first perform an evaluation of the buildings. Councillor Logan again expressed his concern about the need for financial information and if we are

“putting the cart before the horse”. Councillors LeBlanc, Dunn and LaFauci asked questions about the evaluation of the buildings and if the scope would include infrastructure improvements. Councillor Katz asked Ms. Hebert to give a summary of her background and experience to manage the recreation programs under consideration. Councillor Bradley-MacArthur raised concerns about the evaluation of the proposed programs, areas for improvement, and community input. Councillor Bradley-MacArthur moved to request that a Citizen Input Hearing on the matter approved on 2/20/2024 regarding demolition and use of the 120 acres & subsequent matters related to 190 Trapelo Road on the docket dated 2/20/2024. The motion was adopted on a roll call vote of 10 in favor (Bradley-MacArthur, Brasco, Dunn, Hanley, Harris, Katz, LaFauci, LeBlanc, Logan, Stanley), 3 opposed (Durkee, President McLaughlin, Vidal), McMenimen recused and Vice-President LaCava presiding. Councillor Bradley-MacArthur stated she would submit a resolution requesting a site visit. Councillor LeBlanc stated the evaluation by the historic architect was a preliminary first step. Councillor Logan reiterated there was no commitment, just fact finding, but a need for a master plan and overall cost. Councillor Durkee expressed frustration over the statements about the lack of public input, citing there have been lots of public input meetings held, with opportunities to make recommendations, but ultimately it is a decision of the Executive Office. Councillor LaFauci moved the question. The motion was adopted on a roll call vote of 12 in favor (Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaFauci, LeBlanc, Logan, President McLaughlin, Stanley, Vidal), 1 opposed (Bradley-MacArthur), McMenimen recused and Vice-President LaCava presiding. The motion of President McLaughlin was adopted on a roll call vote of 12 in favor (Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaFauci, LeBlanc, Logan, President McLaughlin, Stanley, Vidal), 1 opposed (Bradley-MacArthur), McMenimen recused and Vice-President LaCava presiding.

16. President McLaughlin moved to table the matter of item #35 – temporary easement for the MWRA. The motion was adopted on a voice vote.
17. President McLaughlin moved to table the matter of item #36 – additional list of buildings in Parcel 2A-2 and Parcel 2B purchased with CPA funds and Parcel 3A and Parcel 3B purchase with non-CPA funds. The motion was adopted on a voice vote.
18. Councillor Harris moved to take the matter of the special permit process (1/22/2024) from the table. The motion was adopted on a voice vote. Councillor Harris gave a brief statement about the changes. Councillor Harris moved to approve the two script changes (attached for reference) to the special permit process. The motion was adopted on a roll call vote of 12 in favor (Bradley-MacArthur, Brasco, Durkee, Hanley, Harris, Katz, LaFauci, Logan, President McLaughlin, McMenimen, Stanley, Vidal), 1 opposed (Dunn), 1 absent (LeBlanc) and Vice-President LaCava presiding. Councillor Harris moved to approve the resolution (attached for reference) for the special permit process. The motion was adopted on a voice vote.
19. A motion by President McLaughlin to adjourn was adopted on a voice vote, and Vice-President LaCava declared the meeting adjourned at 9:50pm.


City Council Docket
February 12, 2024

12. The Mayor respectfully requests the acceptance of a FY24 Fire Fighter Safety Equipment Grant in the amount of \$35,000 from the Commonwealth of Massachusetts Department of Fire Services.
13. The Mayor respectfully requests the acceptance of 24 teddy bears from the Bentley University Arena Marketing Department's Toss-a-Bear event to the Waltham Fire Department to distribute as a comfort to victims.
14. The Mayor respectfully requests an appropriation in the amount of \$25,693 from the Unreserved Fund Balance to replace the air conditioner in the records vault at Malone Archives and Records Center.
15. The Mayor respectfully requests acceptance of donation from Hobbs Brook R.E. LLC. to the City of Waltham for the installation of a Rectangular Rapid Flash Beacons at the crosswalk at 225 Wyman Street, 275 Wyman Street and 404 Wyman Street.
16. The Mayor respectfully requests an appropriation in the amount of \$10,200.75 from the Unreserved Fund Balance for membership dues for the 128 Business Council Community.
17. The Mayor respectfully requests acceptance of donations to the Waltham High School from: API of New Hampshire & Delta T Distributors for various pieces of equipment valued at \$5,701.02 and Bosch Thermotechnology Corp. for equipment valued at \$7,379.33 to be used in the new High School's HVAC Department.
18. The Mayor respectfully requests an appropriation in the amount of \$9,500 from the Unreserved Fund Balance for the purchase of a new copy machine for the CPW Department.
19. The Mayor respectfully requests acceptance that the State's name for Malone Park (ca 1990) located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be retained by the City Council as Malone Park in honor of Adele and Charles Malone and Family for their contributions to children and adults with physical and intellectual disabilities.
20. The Mayor respectfully requests acceptance that the State's name for Cardinal Cottage (ca 1850) located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be retained by the City Council as Cardinal Cottage.
21. The Mayor respectfully requests acceptance that the State's name for Trapelo Cottage (1860) located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be retained by the City Council as Trapelo Cottage.
22. The Mayor respectfully requests acceptance that Owl Hill's historic name according to an 1886 map of the City of Waltham from actual surveys located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be retained by the City Council as Owl Hill.

City Council Docket
February 12, 2024

23. The Mayor respectfully requests acceptance that the State's name for the lawn in front of Waverley Hall (ca. 1891) located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be retained by the City Council as Waverley Hall.
24. The Mayor respectfully requests acceptance that the State's name for the Hillside Cottage (1904) located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be retained by the City Council as Hillside Cottage.
25. The Mayor respectfully requests acceptance that the State's name for Howe Hall (1931) located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be retained by the City Council as Howe Hall.
26. The Mayor respectfully requests acceptance that the State's name for Wheatley Hall (1933) located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be retained by the City Council as Wheatley Hall.
27. The Mayor respectfully requests acceptance that the State's name for the West Nurses Home (1906) located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be retained by the City Council as West Nurses Home.
28. The Mayor respectfully requests acceptance that the State's name for the Cottage Complex located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be re-named Baldwin Pond based on an 1886 map of the City of Waltham (from actual surveys and property owners).
29. The Mayor respectfully requests acceptance that Cherry Lane, the State's name for the entrance off Trapelo Road, located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be re-named Tauro Way in recognition of Federal Judge Joseph L. Tauro.
30. The Mayor respectfully requests acceptance that the State's name for the Administration Building (1933) located at 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be retained as the Administration Building by the City Council, but with the addition of, in honor of Dr. Samuel Fridley Howe, Dr. Edward Jarvis, and Dr. Walter E Fernald, the first, second and third superintendents respectively.
31. The Mayor respectfully requests the acceptance of an environmental analysis of the lower 45 acres, non CPA portion, i.e. Parcel 3A and 3 B at 190 Trapelo Road performed by the School Department.
32. The Mayor respectfully requests the acceptance of Historical Information on 190 Trapelo Road.
33. The Mayor respectfully requests the acceptance of the archaeological survey of the rod iron fenced area survey performed with regard to Area 3B, West Building #33 ca. 1889 Contributing and Cast-Iron Fence #59 Contributing.

City Council Docket
February 12, 2024

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34. The Mayor respectfully requests the approval of recommendations regarding the uses of 190 Trapelo Road within Parcel 1 and Parcel 2A-1.
 35. The Mayor respectfully requests the acceptance of a temporary easement of 2.3 acres for a work area; and a permanent fee interest in 1.4 acres to the right of the Waverley Oaks Road entrance of the property for the Metropolitan Water Tunnel Project (MWRA).
 36. The Mayor respectfully recommends acceptance of additional lists of the building names or parcels located at 190 Trapelo Road within Parcel 2A-2 and Parcel 2B that were purchased with CPA funds, Parcel 3A and 3B were purchased with non CPA-funds.

Applications and Licenses

1. Change of ownership — 712 Moody Street – DW Enterprise Inc dba Waltham Auto Gallery
2. Second Hand Dealers Renewal – 1250 Main Street – Clean Out Your House, Inc.
3. Second Hand Dealers Renewal – 1019 Trapelo Road – Game Stop #7772
4. Second Hand Dealers Renewal – 563 Main Street – Compustar Inc.

Resolutions, Orders and Ordinances

- Canadian Geese Migration Resolution

Committee Reports

Committee of the Whole

1. The Committee of the Whole recommends the appointment of Gloria Champion of 339 Bacon Street, Waltham as a member of the Conservation Commission to fill a vacancy be approved.
2. The Committee of the Whole recommends the appointment of Patricia Sweder of 43 Edwin Road, Waltham as a member of the Waltham Board of Health be approved.

Finance

1. The Finance Committee recommends acceptance of a donation to the Waltham Police Department from the New Light Korean Church in the amount of \$300 be approved.
2. The Finance Committee recommends an appropriation and transfer totaling \$513,206.29 for playground improvements at the McCabe and Lazazzero Playgrounds be approved.

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the Grant of Location for NationalGrid at Warren Street be approved.
2. The Licenses and Franchises Committee recommends the Fuel Storage License for BP 103 Fourth Avenue, LLC. at 103 Fourth Avenue be approved.
5. The Licenses and Franchises Committee recommends the Class 2 renewal for Pilgrim Auto Body at 53 Felton Street be approved.

*Motion
to Oppose*

Public Hearing
Special Permit Script – 1st Session

Public Hearing Notice is read into the record. . . .

Anyone wishing to speak in favor of the petition, please come forward and state your name and residential address for the record and sign the log.

First speaker talks.

Anyone else wishing to speak in favor of the petition, please come forward and state your name and residential address for the record and sign the log.

*When there are no more speakers in favor.....*There being none, would anyone like to stand and be recorded in favor of the petition?

Clerk takes count

Anyone wishing to speak in opposition to the petition, please come forward and state your name and residential address for the record and sign the log.

First speaker talks.

Anyone else wishing to speak in opposition to the petition, please come forward and state your name and residential address for the record and sign the log.

*When there are no more speakers in opposition.....*There being none, would anyone like to stand and be recorded in opposition to the petition?

Clerk takes count

Anyone wishing to speak in a neutral capacity or seeking information, please come forward and state your name and residential address for the record and sign the log.

First speaker talks.

Anyone else wishing to speak in a neutral capacity or seeking information, please come forward and state your name and residential address for the record and sign the log.

When there are no more speakers in a neutral capacity.....

~~I close that part of the public hearing~~ I now open the floor ~~hearing to~~ questions from Councillors.

When there are no more questions from Councillors

Is there any rebuttal in favor of the petition?

If not, there being none...

Is there any rebuttal in opposition to the petition?

~~If not, I close that part of the public hearing and refer the matter to the Ordinances and Rules Committee~~

Councillor _____ moves that this matter, and all materials submitted herewith, be sent to the Law Department for review and comment, and that the Law Department be authorized to coordinate its review with all relevant municipal departments and the Ordinance and Rules Committee.

Councillor _____ moves that this matter be referred to the Ordinance and Rules Committee.

Councillor _____ moves that the public hearing be continued to the [DATE/TIME] meeting of the City Council.

*minutes
approve*

Public Hearing

Special Permit Script – Continued Hearing

The Public Hearing on the application of [PROPONENT – PROPERTY ADDRESS] continued from [DATE] is reopened.

Chair of Ordinance and Rules Chair enters into the record of the Public Hearing the minutes of the Ordinance and Rules Committee meeting(s) and identifies, for purposes of the Public Hearing record, any submissions received since last session of the public hearing.

Anyone wishing to speak in favor of the petition with respect to newly received submissions, please come forward and state your name and residential address for the record and sign the log.

First speaker talks.

Anyone else wishing to speak in favor of the petition with respect to newly received submissions, please come forward and state your name and residential address for the record and sign the log.

*When there are no more speakers in favor.....*There being none, would anyone like to stand and be recorded in favor of the petition?

Clerk takes count

Anyone wishing to speak in opposition to the petition with respect to newly received submissions, please come forward and state your name and residential address for the record and sign the log.

First speaker talks.

Anyone else wishing to speak in opposition to the petition with respect to the newly received submissions, please come forward and state your name and residential address for the record and sign the log.

*When there are no more speakers in opposition.....*There being none, would anyone like to stand and be recorded in opposition to the petition?

Clerk takes count

Anyone wishing to speak in a neutral capacity or seeking information with respect to the newly received submissions, please come forward and state your name and residential address for the record and sign the log.

First speaker talks.

Anyone else wishing to speak in a neutral capacity or seeking information with respect to the newly received submissions, please come forward and state your name and residential address for the record and sign the log.

When there are no more speakers in a neutral capacity.....

I now open the floor to questions from Councillors with respect to new submissions.

When there are no more questions from Councillors

Is there any rebuttal in favor of the petition on the matters discussed tonight?

If not, there being none...

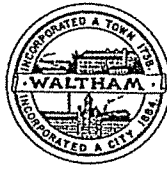
Is there any rebuttal in opposition to the petition on the matters discussed tonight?

If not,

Councillor _____ moves that the public hearing be closed.

OR

Councillor _____ moves that the public hearing be continued to the [DATE/TIME] meeting of the City Council.



Resolution

IN THE CITY COUNCIL, IN THE YEAR TWO THOUSAND TWENTY-FOUR

1/22/24

Subject: Law Department Recommendations for Special Permit Procedure changes to align to MGL Chapter 40A

WHEREAS the Waltham City Council is committed to promoting transparent and effective governance in the city; and

WHEREAS, the Ordinances and Rules Committee plays a crucial role in reviewing and enhancing local ordinances to ensure they align with the city's goals and values; and

WHEREAS, the Law Department possesses valuable expertise in all legal matters related to special permits and can provide insights into best practices; and

BE IT RESOLVED, the Law Department is requested to provide guidance to entire Waltham City Council regarding better alignment of Special Permit Procedures with MGL Chapter 40A

BE IT FURTHER RESOLVED, the Law Department attend the next Committee of the Whole meeting to review the procedural changes recommended for Special Permits going forward in 2024.

Respectfully Submitted,

Cathyann Harris
City Council Ward 8

John McLaughlin
City Council President, City Council Ward 4

1/22/24
COW