

Waltham City Council
Minutes of the Meeting of
May 23, 2022

President McMenimen called the meeting to order at 7:35 p.m.

Present: Councillors Bradley-MacArthur, Darcy, Dunn, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley, Vidal and President McMenimen.

Absent: Durkee, Paz.

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

Councillor McLaughlin moved approval of the meeting minutes of 5/9/2022. The motion was adopted by a voice vote and the matter was approved.

Councillor McLaughlin moved approval of the special meeting minutes of 5/16/2022. The motion was adopted by a voice vote and the matter was approved.

The Clerk read rule 86.

First Public Hearing: The Clerk read the first public hearing. President McMenimen recessed the public hearing until June 13, 2022 because the address of the location was omitted from the application.

Second Public Hearing: Grant of Location, 175 Lexington Street, National Grid. Clerk Vizard read the petition. Mary Mulroney, 201 Rivermore Street, West Roxbury representing National Grid Spoke on the matter. Paula Hughes, 588 Lexington Street, Waltham, spoke in a neutral position about an issue with National Grid. Mary Mulroney confirmed the issue is being handled by National Grid management. With no one else in support, no one in opposition and no one else in a neutral position of the petition President McMenimen closed that part of the public hearing and opened the hearing to questions from Councillors. Councillor LaFauci asked questions about the general area and if the pipes would be replaced or repaired. Mary Mulroney responded saying the replacement of pipes would be decided on a case by case situation. Councillor LaFauci asked if the replaced pipes would be plastic or iron and if residents would be notified before construction began. Ms. Mulroney said pipes would be plastic and residents would be notified two weeks in advance of any construction. Councillor LaFauci continued with questions. Ms. Mulroney provided answers. Councillor Dunn asked for clarification of "phase two" and why a second phase was needed as well as confirming that National Grid and MWRA are communicating on projects and to have work done simultaneously. Ms. Mulroney stated that the phase one on Lexington Street is currently being worked on and phase two is needed based on the age and conditions of pipes. Councillor Dunn asked if the roads would be paved curb to curb when the project is finished. Ms. Mulroney replied yes. Councillor LeBlanc asked if there were any conservation issues with the project Ms. Mulroney said she was not aware of any conservation issues. Councillor Katz asked if residents who currently did not have natural gas would be allowed to switch while the project was in motion and if they had been notified. Ms.

Mulroney was unsure but stated she would look into that. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Third Public Hearing: Special Permit, 1345 Main Street LLC 1345 Main Street. Walmar Realty Trust c/c Wolfers Lighting. Clerk Vizard read the petition. Attorney Michael Connors, of Connors & Connors, 689 Main Street, Waltham spoke in favor of the petition in great detail about the changes that would occur throughout the project. Ronald Romard, 23 Whittier Ave, Waltham spoke in favor of the petition. Kevin Kelly, 9 Park Lane, Wayland and Thomas Geary, 16 Banks Street #13, Waltham spoke in a neutral position on the benefits of using union carpenters, investing in safety and training and the benefits of hiring local Union members from the Waltham area. With no one else in support, no one in opposition and no one else in a neutral position of the petition President McMenimen closed that part of the public hearing and opened the hearing to questions from Councillors. Councillor LaFauci asked about the floor area ratio and how much it has increased the height of the new building and safety issues. Attorney Connors said the new building will be 83ft plus the mechanical roof pent house. Councillor LaFauci asked about fire safety and the time line of the project. Attorney Connors explained the safety process in great detail and said the project was scheduled to start November 2022 and progress until November 2024. Councillors McLaughlin, LeBlanc and O'Brien asked questions about the building. Attorney Connors answered using the provided prospectus and visual aids. Councillor McLaughlin asked about the entrances to the new site. Attorney Connors explained using the visual aides he had provided. Councillor Vidal asked about tenants and parking garage spaces. Attorney Connors replied that the office space would be used for life science/lab space and the garage consisted of two underground and two above ground levels. Councillor Dunn asked Attorney Connors to provide an overlay of the existing building vs new building be provided to Committee, Attorney Connors will provide. Councillor Bradley-MacArthur asked about the construction process. Mark Callahan of Lincoln Properties, 202 Grove Street, Westwood explained about the goal of a silver/gold sustainability rating and the what materials would be used during construction. Councillor Bradley-MacArthur asked about gas tanks and gas storage. David Godfrey, 17 Cross Street, Hopkinton said there would be no fuel storage and outside inside storage space will be specifically designed per fuel needs. Councillor Katz asked Attorney Connors to introduce everyone in attendance. Attorney Connors introduced Traffic Engineer, Sean Kelly, 80 Vine Street, Leominster. Paul Finger of Finger Associates 14 Spring Street, Waltham and Sean Keefe of Connors & Connors, 689 Main Street, Waltham. Councillor Katz asked additional questions. Attorney Connors and Mr. Finger provided answers. Councillor Darcy asked about bike racks and sidewalks. Attorney Connors and Mr. Kelly provided answers. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Fourth Public Hearing: Special Permit, 305 Second Avenue. Clerk Vizard read the petition. Attorney at Law, Joseph M. Connors, 404 Main Street, Waltham spoke in favor of the petition. Recapping all information from the previous presentation. Heather Monticup of GPI, 47 Danielle Drive Leominster spoke on the traffic impact and attending Traffic Commission meetings in Waltham over the past couple of years. Ms. Monticup said all info is listed in packages provided to the Council. With no one else in support, no one in opposition and no one in a neutral position of the petition President McMenimen closed that part of the public hearing and opened the

hearing to questions from Councillors. Councillor LaFauci spoke on the length of time this petition has been before the Council and asked if there would be any changes now that the 40B residential building construction has started. Attorney Connors answered that the new residential building will not effect this business/location. Councillor LaFauci asked if there would be additional community outreach. Attorney Connors explained that the they have already done community outreach in 2020. Edward Bartlett, 78 Irving Street, Norwood spoke on the matter saying they could have a new community outreach meeting if necessary. Councillor LaFauci asked about paving and if a 17-25 for water/sewer would be required. Attorney Connors answered that will be revisited as the project proceeds. Attorney Connors will provide any additional information to the Committee. Councillor Bradley-MacArthur asked for clarification on the Norwood facility and how long was the process for opening that location and how much they bring in annually. Edward Bartlett III, 27 Clinton Road, Norwood responded with 6 years +/- and they make @\$6.1 million a year. Councillor Bradley-MacArthur asked about demographics. Mr. Bartlett III, said that the staff at Norwood was very diverse and they planned to continue with the same hiring practices in Waltham. Councillor McLaughlin asked for a timeframe of the project and who could shop at the Waltham location. Attorney Connors explained that the project started in 2019 to present. Mr. Bartlett, III said that Waltham will provide both medical and recreational marijuana sales. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Communications from the Mayor

1. The Mayor respectfully requested approval of the compensation ordinance for the position of Assistant Recreation Director and that it be included with the review of the FY2023 budget. Referred to the Ordinances and Rules Committee.
2. The Mayor respectfully requested an appropriation in the amount of \$500,000.00 to pay overtime expenses for the Fire Department for the remainder of the fiscal year. Referred to the Finance Committee.
3. The Mayor respectfully requested two grants in the amounts of \$7,502.00 for the Student Awareness of Fire Education (S.A.F.E) and \$3,381.00 for the Senior SAFE Grant, from the Commonwealth of Massachusetts. Referred to the Finance Committee.
4. The Mayor respectfully requested the use of the American Rescue Plan Act (ARPA) funds in the amount of \$1,500,000.00 for the rehabilitation of the two Prospect Hill water tanks. Referred to the Finance Committee.
5. The Mayor respectfully requested approval of restaurant table and chairs on Moody Street sidewalks in light of the Traffic Commission's vote and License Commission approval of outdoor dining on Moody Street. Referred to the Committee of the Whole.
6. The Mayor respectfully requested approval of the request of the Chief of Police to amend the FY2022 Police Department personnel budget to combine two-part time Police Cadet positions into one full-time Police Cadet Position. Referred to the Finance Committee.

7. The Mayor respectfully requested an appropriation totaling \$391,735.00 for items requested in the respective Department's FY2023 budget request, but are more properly classified as minor capital items and to be funded separately. Referred to the Long Term Debt and Capital Campaign Committee.
8. The Mayor respectfully requested to go into an Executive Session to discuss the Fitch School property. Councillor Harris made a motion to table until the end of the meeting. The motion was approved by a voice vote. The matter was tabled
9. The Mayor respectfully requested to discuss the RFP that was sent out for the lease of 58 Chestnut Street. Referred to the Committee of the Whole.
10. The Mayor respectfully requested to discuss the RFP that was sent out for the lease of 260 Grove Street, gymnasium and kitchen. Referred to the Committee of the Whole.
11. The Mayor respectfully requested to discuss the RFP that was sent out for the lease for 260 Grove Street, 2nd Floor. Referred to the Committee of the Whole.
12. The Mayor respectfully requested to discuss the RFP that was sent out for the lease for 25 Lexington Street, 1st Floor. Referred to the Committee of the Whole.

Applications and Licenses

Resolutions

1. Resolution in Opposition to a Proposition 22 Clone Ballot Initiative
Clerk Vizard read the Resolution. Councillors Bradley-MacArthur and McLaughlin spoke in support of the issue. President McMenimen referred the matter to the Committee of the Whole.
2. Promoting Pride and Visibility in Waltham Resolution
Clerk Vizard read the Resolution. Councillors Bradley-MacArthur and Katz spoke in support of the Resolution. Councillor Bradley-MacArthur requested to send the matter to the Committee of the Whole. The request was approved on a voice vote.

Committee Reports

Licenses and Franchises Committee

1. The Licenses and Franchises Committee recommended the request to rescind the Lodging House License transfer for LLZ Holdings, LLC. Keith Zhong at 52-54 Bedford Street be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

Finance

2. The Finance Committee recommended a transfer of funds in the amount of \$69,500.00 to fund the remaining snow removal overtime costs for FY2022 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 the matter was approved.

3. The Finance Committee recommended the betterment order for the street resurfacing of a private way - Silver Hill Lane be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. Roll call required.

In favor: Bradley-MacArthur, Darcy, Dunn, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley and Vidal.

Opposed: None.

Absent: Durkee, Paz.

Presiding: McMenimen.

Matter was approved 12-0-2.

4. The Finance Committee recommended a transfer of funds in the amount of \$345,607.50 to award the low bidder for the street resurfacing of a private way – Silver Hill Lane 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 the matter was approved.

5. The Finance Committee recommended the approval of a state grant in the amount of \$150,000.00 for the revitalization and dredging of Purgatory Cove 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 the matter was approved.

Ordinances & Rules Committee

1. The Ordinances and Rules Committee recommended the Amendments to the General Ordinances I/I. Section 16-32(3) be approved for a first reading. Councillor Darcy moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved. Councillor Darcy moved to recommit the matter. The motion was approved by a voice vote and the matter was recommitted.

Kevin M. Ritcey Award Committee

- Open Meeting Law Complaint – Chris Gamble 4/27/22

At the public meeting held on 5-12-22, the Kevin Ritcey Public Service Award Ad Hoc Committee reviewed an Open Meeting Complaint (filed 4-28-22) and determined that there was no violation of the Open Meeting Law and, therefore, that no remedial action was required. The Committee also voted to have the City Law Department prepare and submit the written responses required. The Clerk read the response from the Law Department. Councillors Harris, McLaughlin, LaFauci and O'Brien spoke on the matter. Councillor Harris moved that the action of the Committee be the action of the Council. Roll call required.

In favor: Bradley-MacArthur, Darcy, Dunn, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley, Vidal and McMenimen.

Opposed: None.

Absent: Durkee, Paz.

Matter was approved 13-0-2.

Unfinished Business & Other Business

- Release of Executive Session Meeting Minutes for October 15, 2019 and May 10, 2021. Councillor McLaughlin moved to release of the Executive meeting minutes for October 15, 2019 and May 10, 2021. Approved on a voice vote.

- CPC recommendation for Fiscal Year 2023 budget. Referred to the Long Term Debt and Capital Campaign Committee.

Tabled Items

- Confidential real estate matter tabled in Executive Session (1/24/2022)
- Loan Authorization of Leary Field and Yetten Field (First Reading May 9, 2022)

Councillor O'Brien moved to take the matter from the table. Approved on a voice vote.

Councillor O'Brien moved approval of a second reading. Roll call required. In favor: Bradley-MacArthur, Darcy, Dunn, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley, Vidal and McMenimen.

Opposed: None.

Absent: Durkee, Paz.

Second Reading was approved 13-0-2.

Councillor O'Brien moved to take the Mayors communication off the table. Approved on a voice vote. Councillors Harris and Dunn escorted Mayor Jeannette McCarthy, 91 Hamilton Road, Waltham and Assistant Solicitor, Katherine Laughman, 5 High Rock Circle, Waltham, into the Chambers. Councillor Harris moved that the City Council go into Executive Session to discuss the sale or lease of the former Fitch School, that the Mayor, Attorney Laughman, Assistant Clerk Wilson be present and the City Clerk Vizard be the clerk and that the City Council reconvene in regular session at the end of the Executive Session in order to adjourn. Roll call required.

Roll call required.
In favor: Bradley-MacArthur, Darcy, Dunn, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley and Vidal.

Opposed: None.

Absent: Durkee, Paz.

Presiding: McMenimen.

Matter was approved 12-0-2.

President McMenimen called City Council into Executive Session at 10:44 p.m. City Council will reconvene in session after Executive Session.

City Council came back into session at 11:53.

With no further matters Councillor Vidal made a motion to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 11:54 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

June 1, 2022