

Waltham City Council
Minutes of the Meeting of
February 26, 2024

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

Present: Councillors Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaCava, LaFauci, LeBlanc, Logan, McMenimen, Stanley, Vidal, and President McLaughlin.

Absent: None.

City Clerk Vizard recited the Council Prayer followed by President McLaughlin 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 LaCava moved approval of the regular meeting minutes of 2/12/2024. The motion was adopted by a voice vote and the matter was approved.

Councillor Hanley made a motion to suspend Rule 8 to take the Stephan Barnes Resolution out of order. The motion was approved by a voice vote. Clerk Vizard read the Resolution. Councillor Hanley moved to suspend Rule 39 to act of the matter without Committee reference. The motion was approved by a voice vote. Councillor Hanley moved to suspend Rule 9 to hear from off committee members. The motion was approved by a voice vote. Councillor Hanley introduced Stephan Barnes and spoke on his accomplishment of scoring 1000 points. Stephan Barnes addressed the Council thanking everyone. Councillor Hanley moved approval of the Resolution. The motion was approved by a voice vote. Councillor LaFauci announced the upcoming game and schedule.

Councillor Harris made a motion that was approved by a voice vote to wave the reading of Rule 86.

First Public Hearing: Grant of Location for Eversource at Barton Street

Clerk Vizard read the petition. President McLaughlin stated that the petitioner was unable to attend and the petition would be recessed until March 11, 2024.

Second Public Hearing: Special Permit Application for ALP PHOP Manager, LLC. at 460 Totten Pond Road

Clerk Vizard read the petition. Attorney, Jack Mula, 125 Temple Road, Waltham, MA, Attorney for the petitioner spoke in favor of the petition and explained that there was a Scribner's error in the legal ad and that it would have to be advertised again. Councillor Harris made a motion to recess the matter until the March 25, 2024 City Council Meeting. The motion was approved by a voice vote and the matter was recessed.

Communications from the Mayor

1. The Mayor respectfully requested the acceptance of two photographs of Waltham City Hall taken by John Swisher. Referred to the Finance Committee.
2. The Mayor respectfully requested the acceptance of the FFY2023 EMPG Grant in the amount of \$25,600 from the Massachusetts Emergency Management Agency. Referred to the Finance Committee.

3. The Mayor respectfully requested the transfer of traffic impact funds in the amount of \$126,000 for the construction of sidewalks along Lincoln Street, between King's Way and Smith Street. Referred to the Finance Committee.
4. The Mayor respectfully requested the acceptance of a State Grant in the amount of \$100,000 for the Hardy Pond Outlet Weir Design project. Referred to the Finance Committee.
5. The Mayor respectfully requested funding for the Cedarwood Water Storage Tank Rehabilitation Project in the amount of \$1,375,000. Referred to the Finance Committee.
6. The Mayor respectfully requested the acceptance of the communication pertaining to the MBTA Communities Act. Councillor McMenimen made a request to have the Law Department contact the Commonwealth of Massachusetts and ask for the changes in regulations, if any, to the MBTA Communities Act. Additionally, that the Law Department request from the Commonwealth of Massachusetts, the most recent interpretation of the regulations regarding the MBTA Communities Act. The request was approved by a voice vote. Referred to the Ordinances and Rules Committee.
7. The Mayor respectfully requested acceptance of a communication regarding 185 Willow Street Affordable Rental Unit. Referred to the Ordinances and Rules Committee.

Applications and Licenses

All Applications and Licenses referred to the Licenses and Franchises Committee.

- Second Hand Dealers Renewal – 318 Moody Street – Quality Designz, LLC.

Resolutions, Orders and Ordinances

- Stephan Barnes 1000 Points Basketball Resolution
This Resolution was addressed earlier in the meeting.
- Public/Citizen Input Hearing on Parcels on 190 Trapelo Road Resolution
Clerk Vizard read the Resolution. Councillor McMenimen recused herself. Councillor Bradley-MacArthur spoke on the Resolution. Clerk Vizard read a request that was included with the Resolution. Councillor Harris spoke on the request referencing Rule 88 and asking what body the request was being brought to. Councillor Bradley-MacArthur responded asking for the request to be kept in Committee of the Whole with the Resolution. Councillor Bradley-MacArthur made a motion to amend the request to be held before the Committee of the Whole. The motion was approved by a voice vote. Councillor Harris questioned whether other departments were included in the Public Hearing suggesting that the Mayor and Director of the Recreation Department be invited. Councillor Bradley-MacArthur accepted the amendment to include the Mayor and the Director of Recreation. Councillor Dunn asked about a previous suggested site visit pursuant to Rule 88. President McLaughlin suggested that this be held until the end of the discussion and then readdressed. Councillor Harris suggested that the invite include all the directors of departments that have care, custody and control of the area. Councillor Bradley-MacArthur amended the request to include that accommodation. Councillor Brasco explained that the request was in violation of Rule 88 and stated that more information would be needed before any action could be taken. Councillor Bradley-MacArthur responded restating the intention of the Public Meeting. Councillor Harris requested that the Clerk read Rule 88. Clerk Vizard read Rule 88. President

McLaughlin suggested that the matter be referred to the Committee of the Whole and if Councillor Bradley-MacArthur withdrew her request she could bring in the signed request with the names of invitees to the Committee of the Whole meeting and that the site view could be addressed at that time. Councillor Bradley-MacArthur withdrew her request which was approved by a voice vote and the matter was referred to the Committee of the Whole.

Committee Reports

Councillor LaCava moved to discharge the matter relating to the confirmation of the appointment of John B. Cervone, 77 Walnut Street, Lynnfield as Assistant City Solicitor from the Committee of the Whole. The motion was approved by a voice vote. Councillor LaCava asked Attorney Cervone questions about his appointment. Attorney Cervone provided answers. Councillor Brasco asked about salary, duties and time line of his retirement. Attorney Cervone explained about ongoing law cases and his plan for retirement. Councillor Brasco continued with questions with Attorney Cervone providing answers. Councillor Logan asked about the wording of the order. Clerk Vizard read the order. Councilor Logan asked about a timeframe of the order and suggested the order be amended to not exceed 12 months. Councillor Stanley spoke about Attorney Cervone's salary. Councillors LeBlanc, McMenimen, Bradley-MacArthur, LaFauci and Katz all spoke on the matter with Attorney Cervone providing answers. Clerk Vizard read the amended order to include not more than 12 months. Roll call requested.

In favor: Councillors Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaCava, LaFauci, LeBlanc, Logan, McMenimen and Vidal.

Opposed: Stanley.

Absent: None.

Presiding: McLaughlin.

The matter was approved 13-1-0.

Councillor McMenimen move approval of the amended order. Roll Call required.

In favor: Councillors Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaCava, LaFauci, LeBlanc, Logan, McMenimen, Vidal and McLaughlin.

Opposed: Stanley.

Absent: None.

The matter was approved 14-1-0.

The confirmation of the appointment of John B. Cervone, 77 Walnut Street, Lynnfield as Assistant City Solicitor was approved.

Committee of the Whole

1. The Committee of the Whole recommended the Special Permit Process Resolution be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. Roll call requested.

In favor: Councillors Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaCava, LaFauci, LeBlanc, Logan, McMenimen, Stanley and Vidal.

Opposed: None

Presiding: McLaughlin.

Absent: None.

The matter was approved 14-1-0.

2. The Committee of the Whole recommended the confirmation of the appointment of Katherine D. Laughman, 5 High Rock Circle, Waltham as City Solicitor for a term of three years beginning February 26, 2024 be approved. Roll call required.

In favor: Councillors Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz,

LaCava, LaFauci, LeBlanc, Logan, McMenimen, Stanley and Vidal.

Opposed: None

Presiding: McLaughlin.

Absent: None.

The matter was approved 14-1-0.

Councillor McMenimen recused herself from the following items # 3-18.

Councillor LaCava made a motion that was approved by a voice vote to act collectively on items numbered 3-11. Councillor LaCava moved approval of items numbered 3-11 collectively. Roll Call requested.

In favor: Councillors Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaCava, LaFauci, LeBlanc, Logan, Stanley and Vidal.

Opposed: None.

Recused: McMenimen.

Absent: None.

Presiding: McLaughlin.

The matter was approved 13-1-0.

3. The Committee of the Whole recommended 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 be approved. The Matter was approved collectively by a roll call vote.
4. The Committee of the Whole recommended 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 be approved. The Matter was approved collectively by a roll call vote.
5. The Committee of the Whole recommended 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 be approved. The Matter was approved collectively by a roll call vote.
6. The Committee of the Whole recommended 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 be approved. The Matter was approved collectively by a roll call vote.
7. The Committee of the Whole recommended 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 be approved. The Matter was approved collectively by a roll call vote.
8. The Committee of the Whole recommended 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 be approved. The Matter was approved collectively by a roll call vote.

9. The Committee of the Whole recommended 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 be approved. The Matter was approved collectively by a roll call vote.
10. The Committee of the Whole recommended 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 be approved. The Matter was approved collectively by a roll call vote.
11. The Committee of the Whole recommended the 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 be approved. The Matter was approved collectively by a roll call vote.
12. The Committee of the Whole recommended 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 be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. Roll call requested.
In favor: Councillors Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaCava, LaFauci, LeBlanc, Logan, Stanley and Vidal.
Absent: None.
Opposed: None.
Recused: McMenimen.
Presiding: McLaughlin.
The matter was approved 13-0-0-1.
13. The Committee of the Whole recommended 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 be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. Roll call requested.
In favor: Councillors Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaCava, LaFauci, LeBlanc, Logan, Stanley and Vidal.
Absent: None.
Opposed: None.
Recused: McMenimen.
Presiding: McLaughlin.
The matter was approved 13-0-0-1.
14. The Committee of the Whole recommended 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 Gridley Howe, Dr. Edward Jarvis, and Dr. Walter E Fernald, the first, second and third superintendents respectively be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. Roll call required.

In favor: Councillors, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaFauci, LeBlanc, Logan, Stanley and Vidal.

Absent: None.

Opposed: Bradley-MacArthur, LaCava.

Recused: McMenimen.

Presiding: McLaughlin.

The matter was approved 11-2-0-1.

15. The Committee of the Whole recommended the environmental analysis of the lower 45 acres, non CPA portion, i.e. Parcel 3A and 3B at 190 Trapelo Road performed by the School Department be filed. 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 filed.
16. The Committee of the Whole recommended the Historical Information on 190 Trapelo Road be filed. 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 filed.
17. The Committee of the Whole recommended the archaeological survey of the wrought iron fenced area survey performed with regard to Area 3B, West Building #33 ca. 1889 Contributing and Cast-Iron Fence #59 Contributing be filed. 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 filed.
18. The Committee of the Whole recommended the uses of 190 Trapelo Road within Parcel 1 and Parcel 2A-1 be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. Roll call requested.
In favor: Councillors Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaCava, LaFauci, LeBlanc, Logan, Stanley and Vidal.
Absent: None.
Opposed: None.
Recused: McMenimen.
Presiding: McLaughlin.
The matter was approved 13-0-0-1.

Finance Committee

Councillor LaFauci made a motion that was approved by a voice vote to suspend Rule 8 to take item numbers 2 & 3 out of order.

1. The Finance Committee recommended the acceptance of two Yolanda inaugural gowns donated by Jeannette A. McCarthy be approved. Councillor LaFauci 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.
2. The Finance Committee recommended a transfer in the amount of \$695,113 for the installation of a perimeter fence from the Lawrence School property, east on Trapelo Road and along the residential boundary to Waverley Oaks Road be approved. Councillor McMenimen was recused. Councillor LaFauci 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 a loan authorization in the amount of \$695,113 for the installation of a perimeter fence from the Lawrence School property, east on Trapelo Road and along the residential boundary to Waverley Oaks Road be approved for a first reading. Councillor McMenimen was recused. Councillor LaFauci 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 for a first reading. Councillor LaFauci made a motion that was approved by a voice vote to table the matter on the Council floor.
4. The Finance Committee recommended a transfer of funds within the Assessors Department budget in the amount of \$12,000 to be used for valuation services be approved. Councillor LaFauci 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 acceptance of a memorial coin from former Boston Police Commissioner William G. Gross for the City Hall Museum be approved. Councillor LaFauci 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.
6. The Finance Committee recommended acceptance of a \$50,000 donation, in memory of Officer Paul Tracey, to the Waltham Police and Fire Departments from Brandeis University be approved. Councillor LaFauci 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.
7. The Finance Committee recommended acceptance of a FY24 Fire Fighter Safety Equipment Grant in the amount of \$35,000 from the Commonwealth of Massachusetts Department of Fire Services be approved. Councillor LaFauci 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.
8. The Finance Committee recommended 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 be approved. Councillor LaFauci 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.
9. The Finance Committee recommended acceptance of 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 be approved. Councillor LaFauci 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.
10. The Finance Committee recommended a 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 be approved. Councillor LaFauci 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.

11. The Finance Committee recommended an appropriation in the amount of \$10,200.75 from the Unreserved Fund Balance for membership dues for the 128 Business Council Community be approved. Councillor LaFauci 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.
12. The Finance Committee recommended the 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 be approved. Councillor LaFauci 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.
13. The Finance Committee recommended 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 be approved. Councillor LaFauci 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.
14. The Finance Committee recommended the Council Rule 66 Midyear Budget Report be filed. Councillor LaFauci 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 filed.

Licenses and Franchises Committee

1. The Licenses and Franchises Committee recommended the naming request regarding Edward Biggins be approved. Councillor Vidal 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.
2. The Licenses and Franchises Committee recommended the change of ownership at 712 Moody Street – DW Enterprise Inc dba Waltham Auto Gallery be approved. Councillor Vidal 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 Licenses and Franchises Committee recommended the Secondhand Dealers License Renewal at 1250 Main Street for Clean Out Your House, Inc. be approved. Councillor Vidal 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.
4. The Licenses and Franchises Committee recommended the Secondhand Dealers License Renewal at 1019 Trapelo Road for Gamestop #7772 be approved. Councillor Vidal 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 Licenses and Franchises Committee recommended the Secondhand Dealers License Renewal at 563 Main Street for Compustar Inc. be approved. Councillor Vidal 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.

Unfinished Business & Other Business

- Modification to Special Permit (order # 33419) at 205, 225 and 231 Avenue for Lead I Property 2023, LLC. Referred to the Ordinances and Rules Committee.

Tabled Items

- Loan Authorization of \$695,000 for new turnout gear for the Fire Department. (1st reading 1/22/24)
Councillor LaFauci moved to take the loan authorization of \$695,000 for new turnout gear for the Fire Department. (1st reading 1/22/24) off the table. The motion was approved by a voice vote. Councillor LaFauci moved approval for a second and final reading. Roll call required.
In favor: Councillors Bradley-MacArthur, Brasco, Dunn, Durkee, Hanley, Harris, Katz, LaCava, LaFauci, LeBlanc, Logan, McMenimen, Stanley and Vidal.
Opposed: None.
Presiding: McLaughlin.
Absent: None.
The matter was approved 14-1-0.

Councillor Durkee rose to point out a Scribner's error on the Committee of the Whole item 14. Name should be Gridley not Fridley.

Councillor LaCava announced the Police vs Fire Department Hockey game to benefit One Mission Fund on Sunday March 5, 2024 at 1 p.m. at Bentley University

Clerk Vizard gave information on Early Voting and the upcoming Election stating days, times and locations.

With no further matters Councillor LaCava moved to adjourn. The motion was approved by a voice vote. President McLaughlin declared the meeting adjourned at 8:59 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

March 4, 2024