

Waltham City Council
Minutes of the Meeting of
February 13, 2023

President McMenimen called the meeting to order at 7:33 p.m.

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

Absent: None.

City Clerk Vizard recited the Council Prayer followed by President McMenimen 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 McLaughlin moved approval of the regular meeting minutes of 1/23/2023. The motion was adopted by a voice vote and the matter was approved.

The Clerk read Rule 86.

First Public Hearing: Grant of Location Nstar Electric for Chestnut Street

The Clerk read the petition. With no representative present from the petitioner, Councillor Paz made a motion to recess the matter until February 27, 2023. The motion was adopted by a voice vote and the Hearing was continued to February 27, 2023 at 7:30 p.m.

Second Public Hearing: Grant of Location NStar Electric for Stearns Street

The Clerk read the petition. With no representative present from the petitioner, Councillor Paz made a motion to recess the matter until February 27, 2023. The motion was adopted by a voice vote and the Hearing was continued to February 27, 2023 at 7:30 p.m.

Third Public Hearing: Grant of Location NStar Electric for Waverley Oaks Road

The Clerk read the petition. With no representative present from the petitioner, Councillor McLaughlin made a motion to recess the matter until February 27, 2023. The motion was adopted by a voice vote and the Hearing was continued to February 27, 2023 at 7:30 p.m.

Fourth Public Hearing: Special Permit for CalVerde Naturals, LLC, 1250 Main Street (Continued from January 23, 2023)

Clerk Vizard read the petition. Councillor LeBlanc recused himself for a conflict of interest. Councillor Harris explained that all information that had been requested at the January 23, 2023 City Council meeting had been submitted to the City Council. Councillor Harris made a motion to start from the beginning of the Public Hearing. The motion was approved by a voice vote. Jack Mula, 651 Main Street, Attorney for the petitioner spoke on the matter providing answers to all questions from the previous meeting. Randy Miron, Engineer, Bohler, 352 Turnpike Road, Southboro provided answers to the City of Waltham's Engineering Departments questions. Gary Morrison 134 Plympton Street, Waltham spoke in favor of the petition. Annmarie Huff of 72 Ravenswood Street, Eleanor Dewire of 108 Ravenswood, Jeannette Umbrello of 106 Stow Street, Carl Cincotta of 74 South Street, Jeannine and Edward Brannelly of 21 Keach Street and John Murtagh of 91 Stow Street all spoke in opposition of the petition. Clerk Vizard read two

letters of opposition from one from Carol Watts of 23 Keach Street and one from Paul Umbrello of 102 Stow Street. With no one else in support, no one else 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 Katz spoke on abutters, the greenspace of the property, soil testing and the infiltration system. Mr. Miron explained how the catch basin and infiltration system works and stated they had done soil testing. Councillor Katz asked about the traffic study. Attorney Mula provided answers. Councillor O'Brien asked Attorney Mula to provide the Committee a list of school bus stops for all the surrounding neighborhoods. Attorney Mula agreed. Councillor O'Brien asked how many licenses were available. Clerk Vizard answered. Councillor Harris on a point of information stated that the Ordinances and Rules Committee was currently waiting on an opinion from the Law Department on the amount of licenses the City Council could approve. Councillor Darcy rose to state that the City Council can accept as many licenses as they want with Mayor McCarthy having the final decision with the Host Agreement. Councillor Darcy asked how many locations CalVerde owned. Steve Tomasello, Vice President of CalVerde, 10 Briarwood Lane, Winchester answered stating there is a location in Marlboro that has been approved for construction with an opening in May 2024 and a location in the final stages in Belmont with a tentative opening planned for early May 2023. Councillor Bradley-MacArthur asked about Community Host Agreements for the Belmont and Marlboro locations. Mr. Tomasello replied that both locations have Community Host Agreements. Councillor LaFauci asked about the President of CalVerde and why she had not been present at either meeting. Mr. Tomasello provided answers. 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 the City Council to consider a Zone Change Amendment regarding farm stands/recreation districts. Referred to the Ordinances and Rules Committee.
2. The Mayor respectfully requested acceptance of City Residents Farm Plot Survey results. Referred to the Committee of the Whole.
3. The Mayor respectfully requested the acceptance of the MBTA Communities Action Plan. Referred to the Committee of the Whole.
4. The Mayor respectfully requested the acceptance of the proposal for 92 Felton Street. Referred to the Committee of the Whole.
5. The Mayor respectfully requested the acceptance of the proposal for Cornelia Warren Farm and Field House 2.0 Acres. Referred to the Committee of the Whole.
6. The Mayor respectfully requested the appropriation of funds in the amount of \$1,832.56 from Building Code Enforcement Special Revenue to Building Code Enforcement Equipment. For four (4) new 32" computer monitors for the Building Department inspectors. Referred to the Finance Committee.

7. The Mayor respectfully requested an appropriation totaling \$325,000.00 for the redesign of Beaver Street between Waverley Oaks Road and Clematis Avenue. Referred to the Finance Committee.
8. The Mayor respectfully requested an appropriation totaling \$308,791.00 to fund building maintenance and repair projects. Referred to the Finance Committee.
9. The Mayor respectfully requested the acceptance, without Committee reference, of 5,100 Antigen test kits (10,200 tests) from the State Department of Public Health. Councillor LaCava moved to suspend Rule 39 to act on the matter without Committee reference. The request was approved by a voice vote. Councillor LaCava moved approval. The matter was approved by a voice vote.
10. The Mayor respectfully requested the approval of the financing plan in the amount of \$89,500.00 to purchase NFPA 1983 compliant personal escape emergency bailout systems for all current firefighters. Referred to the Finance Committee.
11. The Mayor respectfully requested the approval of the loan authorization in the amount of \$3,115,000.00 for renovations to the four (4) synthetic turf fields including walking path improvements and tree work at the Veterans Memorial Athletic Field Complex. Referred to the Long Term Debt and Capital Campaign Committee.
12. The Mayor respectfully requested an appropriation in the amount of \$235,000.00 to fund the design of a new HVAC system at the Waltham Public Library. Referred to the Finance Committee.
13. The Mayor respectfully requested the acceptance of the proposal – Cornelia Warren Farm and Field House Administration Building. Referred to the Committee of the Whole.
14. The Mayor respectfully requested the acceptance of the proposal for 240 Beaver Street Approximately 10.71 Acres. Referred to the Referred to the Committee of the Whole.

Applications and Licenses

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

- Second Hand Dealers Renewal – 443 Moody Street – Mr. Sweeper Aviden Inc.
- Second Hand Dealers Renewal – 1019 Trapelo Road – Game Stop #7772
- Second Hand Dealers Renewal – 1250 Main Street – Clean Out Your House Inc
- Second Hand Dealers Renewal – 471 Main Street – The Tool Shed
- Class 2 License Renewal – 196 High Street – JJJ Auto Retailers Inc.
- Lodging House Renewal – 104 Adams Street – SMT Realty Associates, LLC
- Lodging House Renewal – 49-51 Brown Street – MST Realty Associates, LLC

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommended the renewal of the Class 2 license at 251 High Street – Classic Cars 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 renewal of the lodging house license at 755 Main Street – Max Horn 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 renewal of the lodging house license at 94 Adams Street – AMG Beech Road 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 renewal of the lodging house license renewal at 107 Adams Street – Dennis Dyer 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 renewal of the lodging house license at 124-126 Ash Street – Ash Street Lodging 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.

Councillor Vidal made a motion to act collectively on the 10 Lodging House Renewals. The motion was approved by a voice vote. Councillor Vidal moved that the action of the committee be the action of the Council for #s 6-15 collectively. The motion was approved by a voice vote. Councillor Vidal moved that items 6 – 15 be acted on collectively. The motion was adopted by a voice vote and the matter was approved.

6. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 175 Forest Street - Bentley University – Copley Hall North Lower be approved.
7. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 175 Forest Street - Bentley University – Copley Hall South Lower be approved.
8. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 175 Forest Street - Bentley University – Fenway Hall be approved.
9. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 175 Forest Street - Bentley University – Forest Upper Hall be approved.
10. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 175 Forest Street - Bentley University – Kresge Upper Hall be approved.

11. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 175 Forest Street - Bentley University – Miller Hall Upper be approved. This matter was approved.
12. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 175 Forest Street - Bentley University – Slade Hall Upper be approved. This matter was approved.
13. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 175 Forest Street - Bentley University – Stratton House Beaver be approved. This matter was approved.
14. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 175 Forest Street - Bentley University – HUD Tree Dorms Upper be approved. This matter was approved.
15. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 175 Forest Street - Bentley University – Castle Upper Hall be approved. This matter was approved.

Long Term Debt and Campaign Finance

1. The Long Term Debt & Capital Planning Committee recommended the loan authorization in the amount of \$874,000.00 be approved for a second reading. Councillor O'Brien moved that the action of the Committee be the action of the Council. Roll Call required.
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Absent: None.
Presiding: McMenimen.
Matter was approved 14-0-0.

Ordinances and Rules

1. The Ordinances and Rules Committee recommended the Large Family Day Care Zoning Ordinance amendment be approved for a Second Reading. Councillor Harris 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 Harris moved to suspend Rule 45 to give a third and final reading. The motion was approved by a voice vote. Councillor Harris moved that the action of the Committee be the action of the Council. Roll Call required.
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley, Vidal and McMenimen.
Opposed: None.
Absent: None.
Matter was approved 15-0-0.

2. The Ordinances and Rules Committee recommended the Special Permit application for Flora Holdings LLC at 221 Bear Hill Road be approved. Councillor Harris moved that the action of the Committee be the action of the Council. Roll Call required.
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Absent: None.
Presiding: McMenimen.
Matter was approved 14-0-0.
3. The Ordinances and Rules Committee recommended the adoption of the compensation ordinance to amend the existing pay charts for non-union employees be approved for a First Reading. Councillor Harris 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 Harris moved to refer the matter back to the Ordinances and Rules Committee. The matter was approved by a voice vote. Referred to the Ordinances and Rules Committee.
4. The Ordinances and Rules Committee recommended the addition to the compensation ordinance (Section 2-39, A.1.) for the vacation provisions for certain non-union employees be approved for a First Reading. Councillor Harris 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 Harris moved to refer the matter back to the Ordinances and Rules Committee. The matter was approved by a voice vote. Referred to the Ordinances and Rules Committee.

Finance

1. The Finance Committee recommended an appropriation of \$2,999.00 for the Disability Services Commission to fund an Adult Changing Table 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.
2. The Finance Committee recommended the acceptance of various donated artifacts connected to former Personnel Director, Brenda Capello, for the City Hall Museum Room 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 financing transaction totaling \$427,250.00 to fund the first year of a three-year collective bargaining agreement between the City and the Laborers' Union (Teamsters) for the period July 1, 2022 to June 30, 2025 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.
4. The Finance Committee recommended the financing transaction totaling \$763,450.00 to fund the first year of the three-year amendment to the Non-Union Compensation Ordinance covering the period July 1, 2022 to June 30, 2025 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 acceptance of various pictures and memorabilia for the Waltham City Hall Museum Room from Council on Aging Director Marybeth Duffy 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.

Unfinished Business & Other Business

- Minor Modification to a Special Permit at 840 Winter Street - ARE-Winter Street Property, LLC. Referred to the Ordinances and Rules Committee.
- Extension of Time for a Special Permit at 850 Winter Street and 910 Winter Street and 920-930-940 Winter Street. Referred to the Ordinances and Rules Committee.
- Acceptance of the 2023 Election Calendar. Councillor McLaughlin moved to suspend Rule 39 to act on the matter without Committee reference. The request was approved by a voice vote. Councillor LaCava moved approval. The matter was approved by a voice vote.

With no further matters Councillor Vidal moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 8:52 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

February 22, 2023