

Waltham City Council  
Minutes of the Meeting of  
April 10, 2023

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

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

Absent: LaCava.

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 3/27/2023. The motion was adopted by a voice vote and the matter was approved.

The Clerk read Rule 86.

**First Public Hearing: Fuel Storage for 341 Second Avenue**

Sean Henry, Alliance Residential, 184 High Street, Boston, representing the petitioner, spoke in favor of the petition. 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 in favor of the petition. Councillor LaFauci moved to suspend Rule 39 to act on the matter without Committee reference. The motion as approved by a voice vote. Councilor LaFauci made a motion for approval. The motion was approved by a voice vote and the Fuel Storage license was approved.

**Second Public Hearing: Fuel Storage for 100 Third Avenue**

Attorney, Phillip McCourt of 15 Church Street, representing the petitioner, spoke in favor of the petition. 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 asked about the fuel storage. The Jensen Hughes representative, Ted Dow, 89 Francis Avenue, Shrewsbury provided answers. Councillor Katz asked for a point of information regarding signatures from all departments. Assistant Clerk Wilson explained that the signed forms were provided in the packets. Councillor Bradley-MacArthur asked about tenants, what the lab space was being used for and if they had a "Safety Team" in place for emergencies. Mr. Dow provided answers explaining that all "Code Requirements" are being met. With no further questions President McMenimen closed the Public Hearing and referred the matter to the Licenses and Franchisees Committee.

Councillors Durkee and Harris escorted Mayor McCarthy into the Chambers.

Councillor Durkee moved to suspend Rule 8 to take the Fulciniti's Resolution out of order. The motion was approved by a voice vote. Councillor Durkee moved to suspend Rule 9 to hear from off Committee members. The motion was approved by a voice vote. Clerk Vizard read the Resolution. Councillor Durkee spoke on the Resolution and the Fulciniti family's 40 years of business in the City. Councillors O'Brien, LeBlanc and Darcy all shared congratulations and stories about Fulcinitis. Mayor McCarthy spoke on the Resolution. Vito Fulciniti spoke on behalf

of the family thanking everyone. Councillor Durkee moved approval of the Resolution. The motion was approved by a voice vote.

Councillor Dunn moved to suspend Rule 8 to take the matter of approving Stephen A. Taranto, of 270 Lake Street to the Zoning Board of Appeals to fill Michael Cotton's vacancy out of Committee of the Whole. The motion was approved by a voice vote. Councillor Dunn moved to confirm the appointment and swear-in Mr. Taranto. Roll call required.

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

Opposed: None.

Absent: LaCava.

The matter was approved 14-0-1.

### **Communications from the Mayor**

1. The Mayor respectfully requested a transfer of funds in the amount of \$34,343.00 for the Building Inspections Department. Councillor Vidal moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Vidal moved to suspend Rule 9 to hear from Off-Committee members. The motion was approved by a voice vote. Brian Bower, Inspector of Buildings gave an explanation of the expenses requested. Councillor LaFauci asked about the review table and if any added software was required. Mr. Bower replied, no. Councillor LaFauci made a motion for approval. The motion was approved by a voice vote and the matter was approved.
2. The Mayor respectfully requested the confirmation of the appointment for Gail David of 48 Dale Street to the Waltham Housing Authority Board of Commissioners to fill a vacancy of the Tenant Representative Maria Kidd. Referred to the Committee of the Whole.
3. The Mayor respectfully requested a transfer in the amount of \$402,494.00 for the projected deficit in the Snow Overtime and Snow General Expenses accounts. Referred to the Finance Committee.
4. The Mayor respectfully requested a transfer in the amount of \$76,500.00 from Library State Aid Special Revenue account to the Library – Educational Supplies account. Referred to the Finance Committee.
5. The Mayor respectfully requested authorization to grant Charles River Canoe & Kayak a Section 10A permit to put a temporary dock on the Riverwalk next to Cronin's Landing Dock. Referred to the Licenses and Franchises Committee.
6. The Mayor respectfully requested acceptance of a Conservation Restriction regarding a 150-foot buffer, 5.97 acres 0 Chesterbrook Road, aka 605R Lexington Street, Waltham. Referred to the Long Term Debt and Capital Planning Committee.
7. The Mayor respectfully requested acceptance of a Conservation Restriction regarding 84 AFT Arcadia Avenue. Referred to the Long Term Debt and Capital Planning Committee.

8. The Mayor respectfully requested acceptance of a Conservation Restriction for 385 Trapelo Road. Referred to the Long Term Debt and Capital Planning Committee.
9. The Mayor respectfully requested acceptance of a Conservation Restriction for 240 Beaver Street. Referred to the Long Term Debt and Capital Planning Committee.
10. The Mayor respectfully requested acceptance of a Conservation Restriction for 342-344 Warren Street. Referred to the Long Term Debt and Capital Planning Committee.
11. The Mayor respectfully requested acceptance of a Conservation Restriction for 775 Rear Trapelo Road. Referred to the Long Term Debt and Capital Planning Committee.
12. The Mayor respectfully requested acceptance of a Conservation Restriction for 287AFT Grove Street. Referred to the Long Term Debt and Capital Planning Committee.
13. The Mayor respectfully requested acceptance of various books written by women in Waltham for the City Hall Museum from Councillor Colleen Bradley-MacArthur. Councillor Bradley-MacArthur recused herself. Referred to the Finance Committee.
14. The Mayor respectfully requested approval of a finance transaction in the total amount of \$6,020.00 for the purchase of a radar speed sign (1 pair) for the Traffic Engineering Department. Referred to the Finance Committee.
15. The Mayor respectfully requested the confirmation of the appointment of Robert Charbonneau of 51 Lake Street as a member of the Waltham Council on Aging to fill a vacancy due to the resignation of Olga Trivisano. Referred to the Committee of the Whole.
16. The Mayor respectfully requested the confirmation of the appointment of Christopher J. DeMeo of 17 Dix Street as a member of the Waltham Council on Aging to fill the vacancy due to the resignation of Carol Watts. Referred to the Committee of the Whole.
17. The Mayor respectfully requested an appropriation totaling \$131,775.00 to fund building and maintenance repairs. Referred to the Finance Committee.
18. The Mayor respectfully requested an appropriation in the amount of \$7,000.00 to fund the development of a Spill Prevention, Control and Countermeasures (SPCC) Plan in conformance with the requirements of 40 CFR 112 Oil Pollution Prevention for the 21-25 Lexington Street property. Referred to the Finance Committee.
19. The Mayor respectfully requested an appropriation without Committee reference in the amount of \$1,500.00 for the training institute expenses for the Assistant City Clerk to attend the required training course for CMC Certification. Councillor Vidal moved to suspend Rule 39 to act without Committee reference. The motion was approved by a voice vote. Councillor Vidal moved approval. The motion was approved by a voice vote and the matter was approved.

20. The Mayor respectfully requested an appropriation in the amount of \$14,400.00 for a hazardous materials survey at the former Fitch School. Referred to the Finance Committee.

### **Applications and Licenses**

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

- Secondhand Dealers Renewal — 1019 Trapelo Road – Mobile Store Operators LLC dba T Mobile
- Lodging House Renewal — 26 Myrtle Street – Michael Cotton
- Secondhand Dealers Renewal — 74 Adams Street – SMT Realty Associates, LLC

### **Resolutions, Orders and Ordinances**

- Fulciniti's Appreciation Resolution.  
This matter was approved earlier in the meeting.
- North Waltham Safety Resolution  
Clerk Vizard read the Resolution. Councillor Dun spoke on the Resolution and construction projects in North Waltham. Councillor LaFauci spoke about the Ambulance Review Committee; a six-minute response time and how they stage around the City during peak traffic hours for added response time. Councillor LaFauci spoke about the Waltham Fire Departments involvement and communication with the construction sites and street closings. Councillor Darcy thanked the Ward 2 Councillor for bringing in the Resolution. Councillor Paz spoke about the traffic cones and police safety and also thanked the Ward 2 Councillor for the Resolution. Referred to the Public Works and Public Safety Committee.
- Accessory Dwelling Unit Resolution  
Clerk Vizard read the Resolution. Councillor Katz spoke on the Resolution addressing housing issues and housing shortages in the City. Councillor Harris spoke on the Resolution. Councillor Bradley-MacArthur asked for the dates of the Master Plan Committee Meetings. Referred to the Master Plan Committee.
- Waltham Connections for Healthy Aging Resolution.  
Clerk Vizard read the Resolutions. Councillor O'Brien spoke on the Resolution and getting recognition for Waltham from the State and Federal level to be eligible for additional grants. Councillor LeBlanc spoke on the Resolution. Referred to the Economic and Community Development Committee.

### **Committee Reports**

#### **Economic and Community Development**

1. The Economic and Community Development Committee recommended the Year 49 Community Development Block Grant Program (CDBG) 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.

#### **Licenses and Franchises**

1. The Licenses and Franchises Committee recommended the renewal of the Secondhand Dealers license at 709 Main Street – Neighbors Who Thrift 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 Secondhand Dealers license at 563 Moody Street – 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.

### **Finance**

1. The Finance Committee recommended approval of the acceptance of Sections 1 & 2 of Chapter 269 of the Act of 2022, pursuant to M.G.L. c32 §103, which provide local retirement systems with a local option to increase the Cost of Living Adjustment (“COLA”) for fiscal Year 2023 up to 5 percent on the base amount 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 Finance Committee recommended acceptance of the final Assessment Order for Silver Hill Lane be approved. Councillor Darcy rose and spoke in favor of the approval. Councillor Vidal 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, LaFauci, LeBlanc, McLaughlin, O’Brien, Paz, Stanley, Vidal and McMenimen.  
Opposed: None.  
Absent: LaCava.  
The matter was approved 14-0-1.
3. The Finance Committee recommended the acceptance of a gift of \$1,000.00 from George A. Darcy, III for a bench at Berry Farm in honor of Gloria Champion for her outstanding commitment to Prospect Hill Park be approved. Councillor Darcy recused himself. 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 Finance Committee recommended approval of a financing transaction in the total amount of \$1,783,950.00 for the construction phase of the Trapelo Road at Beaver Brook culvert replacement and flood wall installation 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.

### **Committee of the Whole**

1. The Committee of the Whole recommended the appointment of Stephen A. Taranto of 270 Lake Street, Waltham, MA 02451 as a regular member of the Zoning Board of Appeals to fill Michael Cotton’s vacancy be approved. This matter was approved earlier in the meeting.
2. The Committee of the Whole recommended approval of the care, custody and control of the remainder of the Fitch School property be transferred to the Recreation Department. Councillor McLaughlin 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, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley, Vidal  
Opposed: None.  
Presiding: McMenimen.  
Absent: LaCava  
The matter was approved 13-0-1.

### **Long Term Debt and Capital Planning**

1. The Long Term Debt and Capital Planning Committee recommended that the CPC recommendation for an appropriation of CPA Funds in the amount of \$100,000.00 for the Architectural Design of Replacement Windows at Waltham Housing Authority's Arthur Clark Apartments be approved. Councillor O'Brien 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**

1. Time Extension for Special Permit Application for CalVerde Naturals LLC at 1250 Main Street (6/23/23). Councillor LeBlanc recused himself. Councillor Harris moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Harris moved approval. Roll call required.  
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Presiding: McMenimen.  
Recused: LeBlanc.  
Absent: LaCava.  
The matter was approved 12-0-1-1.
2. Time Extension for Special Permit for LPC West Main LLC, 1362 Main Street (5/24/23). Councillor Harris moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Harris moved approval. Roll call required.  
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Presiding: McMenimen.  
Absent: LaCava.  
The matter was approved 13-0-1.
3. Time Extension for Special Permit for BP Third Avenue LLC, 180 Third Avenue (8/4/24). Referred to the Ordinances and Rules Committee.
4. Minor Modification for Special Permit for BP Third Avenue LLC, 180 Third Avenue (Order #33110). Referred to the Ordinances and Rules Committee.
5. Withdrawal without prejudice for Special Permit for Waltham Cannabis Inc at 1254-1256 Main Street. Councillor LeBlanc recused himself. Councillor Harris moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Harris moved approval. Roll call required.

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

Opposed: None.

Presiding: McMenimen.

Recused: LeBlanc.

Absent: LaCava.

The matter was approved 12-0-1-1.

#### **Tabled Items**

- Mayor's Communication regarding a confidential update for 101 School Street
- Mayor's Communication regarding a confidential update for 0 Prospect Hill Road

#### **Rule 58**

- Mayor's Communication regarding the Conservations Restriction for 0 Prospect Hill Road.
- Mayor's Communication regarding the Conservations Restriction for 282 Trapelo Road

Councillor O'Brien asked for a moment of silence in honor of Jean MacDonald.

With no further matters Councillor Harris moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 8:58 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

April 18, 2023