

Waltham City Council
Minutes of the Meeting of
April 24, 2023

President McMenimen called the meeting to order at 7:32 p.m.

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

Absent: Stanley.

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 meeting minutes of 4/10/2023. The motion was adopted by a voice vote and the matter was approved.

The Clerk read Rule 86.

First Public Hearing: Fuel Storage License at 22 Bedford Street

David Carnahan, Gyrix LLC, 22 Bedford Street, Waltham, the petitioner, spoke in favor of the petition explaining that his company creates the blackest paint to limit light pollution. The paint is used on satellites by NASA. 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 Paz asked Mr. Carnahan to give more information on the company and what the emergency protocols were. Mr. Carnahan provided answers. Councillor Vidal asked about abutters and questioned several streets that were not notified as abutters. Mr. Carnahan explained that he used the abutters list provided by the Assessors Department. Councillor Darcy asked who provided Mr. Carnahan with information on abutters. Assistant Clerk Wilson clarified process for obtaining abutters lists. Councillor Vidal made a motion to recess the Public Hearing until May 8 at 7:30 p.m. to confirm with the Law Department about the abutters notifications. The motion was approved by a voice vote and the public hearing was recessed.

Second Public Hearing: Fuel Storage License at 840 Winter Street

Attorney Michael Connors, Connors & Connors LLP, 689 Main Street, Waltham 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 Waltham Fire Department sign offs, the total amount of fuel to be stored as well as additional questions. Attorney Connors will provide answers at the Committee Meeting. With no further questions President McMenimen closed the Public Hearing and referred the matter to the Licenses and Franchises Committee.

Third Public Hearing: Special Permit for The Juicery, LLC at 1019 Trapelo Road

Attorney, Bret Francis, 10 Hammer Street, Waltham, representing the petitioner, spoke in favor of the petition. Juicer, Michael McLean, 310 FW Hartford Dr. Portsmouth, NH spoke about The Juicery, their locations and what they offer. 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 Darcy asked

questions. Attorney Francis provided answers. Councillor LeBlanc asked Attorney Francis to provide the traffic study results to the Committee. Councillor Katz asked about the percentage of walk-in's vs delivery. Mr. McLean provided answers. Councillor Bradley-MacArthur asked about seating and pick-up orders. Mr. McLean said there is no seating just a small standing counter by the door as well as a small refrigerator for pick up orders. Councillor LaFauci spoke about being a fan of The Juicery. Councillor McLaughlin asked a question on the traffic study. Attorney Francis explained there was an error on the Traffic Meeting minutes and it had been corrected and approved. Councillor Vidal asked about hours. Mr. McLean said they will open all year with hours fluctuating for summer and winter. With no further questions President McMenimen closed the Public Hearing and referred the matter to the Ordinances and Rules Committee.

Fourth Public Hearing: Special Permit for Hall Street Partners LLC and the Roman Catholic Archbishop of Boston at 61 Hall Street

Attorney Joseph Connors, 404 Main Street, Waltham, representing the petitioner, spoke in favor of the petition explaining changes to the building, units and parking. Kristen Braun of Ron Muller Associates, 514 Oak Street, Franklin spoke on the traffic study. Peter Vanko of Vanko Studio Architects, 407 Dudley Street, Boston spoke about the historical value of the building and preserving details of the existing architecture. 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 Paz asked about parking spaces, traffic flow and amount of cars. Attorney Connors, Ms. Braun and Mr. Vanko provided answers. Councillor LeBlanc asked about the National Historic Registry and the amount of units. Attorney Connors answered. Councillor Bradley-MacArthur asked about open space. Attorney Connors answered. Councillor Bradley-MacArthur asked additional questions. Ron Cincotta, 72 Hall Place, Quincy provided answers. Councillors McLaughlin, Durkee, Vidal and Dunn asked questions regarding historical value, cost of units, affordable housing units, parking and snow removal. Attorney Connors provided answers for all questions. With no further questions President McMenimen closed the Public Hearing and referred the matter to the Ordinances and Rules Committee.

Communication from Housing Department

1. The Housing Department respectfully requested acceptance of a proposed fee of \$1,301,996.00 from Hall Street Partners, LLC. Referred to the Ordinances and Rules Committee.

Communications from the Mayor

1. The Mayor respectfully requested approval of a loan authorization in the amount of \$1,000,000.00 to provided design services for the Feasibility Study Phase through the Schematic Design Phase for the Waltham High School located at 617 Lexington Street. Referred to the Long Term Debt and Capital Planning Committee.
2. The Mayor respectfully requested the use of American Rescue Plan Act (ARPA) funds in the amount of \$98,000.00 for a one-time, non-base payment to be committed to the first year of the Waltham School Building Trades (WSBT) union, Waltham School MIS Technicians (WSMT) Union and the Non-Union & Individual Contract School Employees. Referred to the Finance Committee.

3. The Mayor respectfully requested the approval of a transfer in the amount of \$1,500.00 for the Historical Commission members to attend two additional meetings during FY2023. Referred to the Finance Committee.
4. The Mayor respectfully requested the appointment of Jonathan Tomer of 34 Mokema Avenue, Waltham, as a member of the Biosafety Committee to fill the vacancy due to the resignation of Barbra Ernisse. Referred to the Committee of the Whole.

Applications and Licenses

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

- Secondhand Dealers Renewal — 100 River Street – Four Jwaze, LLC.

Resolutions, Orders and Ordinances

- Arbor Day Appreciation Resolution
Clerk Vizard read the Resolution. Councillor Harris spoke on the Resolution. 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. The motion was approved by a voice vote and the Arbor Day Resolution was approved.
- Resolution to Opt-In to Specialized Stretch Energy Code
Clerk Vizard read the Resolution. Councillor Bradley-MacArthur spoke on the Resolution. President McMenimen referred the Resolution to the Public Works and Public Safety Committee. Councillor Bradley-MacArthur made a request that was approved by a voice vote to have the Inspector of Buildings, Brian Bower attend the next Public Works and Public Safety Committee Meeting.
- Resolution to Explore Free Municipal Curbside Compost Collecting
Clerk Vizard read the Resolution. Councillor Bradley-MacArthur spoke on the Resolution. President McMenimen referred to the Public Works and Public Safety Committee. Councillor Bradley-MacArthur made a request that was approved by a voice vote to have the Director of CPW, Michael Chaisson attend the next Public Works and Public Safety Committee Meeting.

Committee Reports

Ordinances and Rules

1. The Ordinances and Rules Committee recommended the Time Extension for Special Permit for BP Third Avenue LLC, 180 Third Avenue (8/4/24) 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 and Vidal.
Opposed: None.
Absent: Stanley.
Presiding: McMenimen.
The matter was approved 13-0-1.
2. The Ordinances and Rules Committee recommended the Minor Modification for Special Permit for BP Third Avenue LLC, 180 Third Avenue (Order #33110) 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 and Vidal.

Opposed: None.

Absent: Stanley.

Presiding: McMenimen.

The matter was approved 13-0-1.

3. The Ordinances and Rules Committee recommended Preserving Residentially Zoned Neighborhoods Resolution be sent to the full Council without recommendation. Councillor McLaughlin spoke on the matter. President McMenimen referred the matter to the Committee of the Whole. Councillor McLaughlin made a request to have City Solicitor Cervone attend the next Committee of the Whole meeting. The request was approved by a voice vote.
4. The Ordinances and Rules Committee recommended Tenants, Homeowners, Landlords Resolution be sent out to the full Council without recommendation. Councillor Harris spoke on the matter. Councillor Paz rose to speak on a request he made to have a Public Input Meeting on The Tenants, Homeowners, Landlords Ordinance he submitted per Rule 88. Clerk Vizard explained that Councillor Paz would need to make a request for a Public Input Meeting on the matter. Councillor Paz made a request to have a Public Input meeting on the Tenants, Homeowners, Landlords Ordinance. Councillor LaFauci rose to say that the matter had been in Committee as a Resolution being sent without recommendation. He made reference to collateral that had been sent the previous week, vetted correctly and had not been discussed within the Committee. Councillor LaFauci said there had been not discussion of an Ordinance. Councillor LaFauci invoked Section 2.9 of the Charter. Councillor Paz rose for a point of information. President McMenimen dismissed his request. President McMenimen read Rule 88. Councillor Darcy rose for a point of information. President McMenimen dismissed his request based on Section 2.9 of the Charter and stated the matter can no longer be discussed and suggested he read Rule 88. Councillor Darcy withdrew his request. President McMenimen said the matter would be tabled on the Council Floor.

Licenses and Franchises

1. The Licenses and Franchises Committee recommended the renewal of the Secondhand Dealers license at 1019 Trapelo Road – Mobile Store Operators LLC dba T Mobile 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 74 Adams Street – SMT Realty Associates LLC 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 26 Myrtle Street – Michael Cotton 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 approval of the Fuel Storage license at 180 Third Avenue – BP Third Ave LLC 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 Charles River Canoe & Kayak a Section 10A permit to put a temporary dock on the Riverwalk next to Cronin's Landing Dock 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 a transfer in the amount of \$402,494.00 for the projected deficit in the Snow Overtime and Snow General Expenses accounts 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 a transfer in the amount of \$76,500.00 from Library State Aid Special Revenue account to the Library – Educational Supplies account 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 acceptance of various books written by women in Waltham for the City Hall Museum from Councillor Colleen Bradley-MacArthur be approved. Councillor Bradley-MacArthur recused herself. 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 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 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 an appropriation totaling \$131,775.00 to fund Building and Maintenance Repairs 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.
6. The Finance Committee recommended 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 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.
7. The Finance Committee recommended an appropriation in the amount of \$14,400.00 for a hazardous materials survey at the former Fitch School 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.

Committee of the Whole

1. The Committee of the Whole recommended 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 be approved. 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, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Vidal and McMenimen.
Opposed: None.
Absent: Stanley.
The matter was approved 14-0-1.
2. The Committee of the Whole recommended 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 be approved. 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, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Vidal and McMenimen.
Opposed: None.
Absent: Stanley.
The matter was approved 14-0-1.
3. The Committee of the Whole recommended 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 be approved. 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, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Vidal and McMenimen.
Opposed: None.
Absent: Stanley.
The matter was approved 14-0-1.

Public Works and Public Safety

1. The Public Works and Public Safety Committee recommended that the North Waltham Safety Resolution be approved without recommendation. Councillor LaFauci moved to suspend Rule 9 to hear from off-committee members. The motion was approved by a voice vote. Waltham Fire Department Chief Andrew Mullin spoke about emergency response within the City and Armstrong Ambulance. Councillor LaFauci asked questions. Chief Mullin responded. Councillor LaFauci thanked the Chief for speaking. Councillor LeBlanc moved approval of the Resolution. The motion was approved by a voice vote and the Resolution was approved.

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

Councillor O'Brien asked for a moment of silence for the Bryson, O'Connell and Mulcahey families for their loss.

With no further matters Councillor Vidal moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 10:24 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

May 2, 2023