

Waltham City Council
Minutes of the Meeting of
June 12, 2023

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

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

Absent: LeBlanc.

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 Special Meeting minutes of 5/22/2023. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the regular meeting minutes of 5/22/2023. The motion was adopted by a voice vote and the matter was approved.

Councillor LaCava rose for a moment of silence for Christina Pulselli.

Councillor Durkee moved to suspend Rule 8 to take the Alessio Baggio Resolution out of order. The motion was approved by a voice vote. Clerk Vizard read the Resolution. Councillor Durkee moved to suspend Rule 39 to act on the matter without Committee reference. 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. Councillor Durkee spoke about Mr. Baggio and all his accomplishments and presented him with the Resolution. Councillor LaCava spoke on the Resolution. Mr. Baggio thanked the Council. Councillor Durkee moved approval of the Resolution. The motion was approved by a voice vote and The Alessio Baggio Resolution was approved.

Councillor Harris made a motion to take the Kevin M. Ritcey Award off the table. The motion as approved by a voice vote. Councillor Harris made a motion to suspend Rule 9 to hear from off Committee members. The motion was approved by a voice vote. Councillor Harris announced Lieutenant James Perry as the 2023 Kevin M. Ritcey Award recipient. Councillor Harris, Tom McInnis, Waltham Fire Chief Andrew Mullin, Waltham Fire Lieutenant John Bonadio, Mayor McCarthy and Councillors LaFauci and O'Brien all spoke on the matter. Clerk Vizard read the Resolution. Councillor Harris made a motion for approval. The motion was approved by a voice vote. Councillor Harris presented the 2023 Kevin M. Ritcey Award to Lieutenant James Perry. Mr. Perry thanked the Committee.

President McMenimen recessed the meeting at 8:04 p.m. to allow the Chambers to be cleared. President McMenimen reconvened the City Council meeting at 8:06 p.m.

Clerk Vizard read Rule 86.

First Public Hearing: Fuel Storage for King Street Properties at 76 West Street, 59 First Avenue, and 65 First Avenue in Waltham

Attorney Phillip McCourt, 272 Bacon Street, Waltham, representing the petitioner, spoke in favor of the petition. Andrew Castaverti, King Street Properties representative, 800 Boylston

Street, Boston, 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 moved to suspend Rule 9 to hear from off-Committee members. The motion was approved by a voice vote. Daniel Picciano, Code Red Consultation, 154 Turnpike Road, Southborough spoke about his company's role in the project. With no further questions President McMenimen closed the Public Hearing and referred the matter to the Licenses and Franchises Committee.

Communications from the Mayor

1. The Mayor respectfully requested acceptance of a City Hall Museum Room sign created by Shawn Laswell. Referred to the Finance Committee.
2. The Mayor respectfully requested acceptance of a donation from Robert Storer of the Robert Treat Paine Historical Trust in the amount of \$6,200 to restore two portraits. Referred to the Finance Committee.
3. The Mayor respectfully requested acceptance of a gift of a portrait of HH Richardson's daughter Julia Richardson Shepley to the City of Waltham for the Paine Estate from Roger Shepley. The Historic Commission has voted to accept the painting. Referred to the Finance Committee.
4. The Mayor respectfully requested a response from the City Council for a date in the fall to have a campus visit at Brandeis. Referred to the Committee of the Whole.
5. The Mayor respectfully requested acceptance of the bid of \$260,000 for 102 Trimount Avenue from Paul Morreale. Referred to the Committee of the Whole.
6. The Mayor respectfully requested a transfer of traffic impact funds in the amount of \$60,000 to install modern bus shelters and E-Link signs at the two bus stops on Carter Street. Referred to the Finance Committee.
7. The Mayor respectfully requested a transfer of impact funds in the amount of \$9,000 to purchase a Rectangular Rapid Flashing Beacon (RRFB) to be installed at the intersection of Dale Street & Caughey Street. Referred to the Finance Committee.
8. The Mayor respectfully requested an appropriation totaling \$356,328 from Unreserved Fund Balance to fund several minor capital items that were included in the Building Maintenance, Clerk, CPW, IT, Library, Purchasing & Treasurer's Departments FY2024 budget requests. Referred to the Finance Committee.
9. The Mayor respectfully requested the opportunity to discuss the lease for 92 Felton Street. Referred to the Committee of the Whole.
10. The Mayor respectfully requested the opportunity to discuss the lease for 240 Beaver Street. Referred to the Committee of the Whole.
11. The Mayor respectfully requested the approval of the Mechanics Union bargaining agreement and the request to use ARPA funds in the amount of \$7,500 to be used as part

of the Mechanics Union collective bargaining agreement between the City and the Union for the period of July 1, 2022 through June 30, 2025. Referred to the Finance Committee.

12. The Mayor respectfully requested approval of the financing transaction totaling \$1,750,000 for the Summit Ave reconstruction project. Referred to the Finance Committee.
13. The Mayor respectfully requested the approval of the Duddy Avenue Betterment Order. Referred to the Public Works and Public Safety Committee.

Applications and Licenses

Councillor LaCava recused himself.

- Tables & Chair Permit — 286 Moody Street – Ponzu.
Councillor Vidal moved to suspend Rule 39 to act of the following matter without Committee reference. The motion was approved by a voice vote. Xue Cheng Zhang approached the podium. Councillor Vidal spoke on the matter. Councillor Vidal moved approval of the permit. The motion was approved by a voice vote.
- Tables & Chair Permit — 288 Moody Street – Tara Restaurant Pizza & More.
Councillor Vidal moved to suspend Rule 39 to act of the following matter without Committee reference. The motion was approved by a voice vote. Miriam Villarroel approached the podium. Councillor Vidal spoke on the matter. Councillor Vidal moved approval of the permit. The motion was approved by a voice vote.
- Tables & Chair Permit — 315 Moody Street – Farmers India Market & Café
Councillor Vidal moved to suspend Rule 39 to act of the following matter without Committee reference. The motion was approved by a voice vote. Syed Bokhary approached the podium. Councillor Vidal spoke on the matter. Councillor Vidal moved approval of the permit. The motion was approved by a voice vote.
- Tables & Chair Permit — 342 Moody Street – Shiki Shabu Shabu
Councillor Vidal moved to suspend Rule 39 to act of the following matter without Committee reference. The motion was approved by a voice vote. Paul Yu approached the podium. Councillor Vidal spoke on the matter. Councillor Vidal moved approval of the permit. The motion was approved by a voice vote.
- Tables & Chair Permit — 419 Moody Street – Common Good Company
Councillor Vidal moved to suspend Rule 39 to act of the following matter without Committee reference. The motion was approved by a voice vote. Jace Rasche approached the podium. Councillor Vidal spoke on the matter. Councillor Vidal moved approval of the permit. The motion was approved by a voice vote.

Councillor Vidal moved to suspend Rule 43 to accept a late filed communication from Fortune Teller James Spanks, 12 Sartell Road, Waltham. The motion was approved by a voice vote. President McMenimen referred the matter to the Licenses and Franchises Committee.

Resolutions, Orders and Ordinances

- High Voltage Resolution
Clerk Vizard read the Resolution. Councillor Vidal spoke on the Resolution. Referred to the Public Works and Public Safety Committee.

- Hardy Pond Conservation Naming Order
Clerk Vizard read the Resolution. Councillors Dunn and Bradley-MacArthur spoke on the Resolution. Referred to the Licenses and Franchises Committee.
- Alessio Baggio Resolution
This Resolution was approved earlier in the meeting.
- Concerning Safe Crossing of the Bike Path at the New Green Street Extension Resolution
Clerk Vizard read the Resolution. Councillor Katz spoke on the Resolution. Referred to the Public Works and Public Safety Committee.

Committee Reports

Ordinances and Rules

1. The Ordinances and Rules Committee recommended the City Clerk's Office schedule a Public Hearing in September with the Board of Survey and Planning for zone changes to Section 2.315A, Section 2.337, Section 3.7224, Section 4.222A, Section 4.223, Section 4.226, Section 5.34 and Section 5.35 be approved. Councillor Harris spoke the matter. Councillor Harris made a motion to table the matter. The motion was approved by a voice vote and the matter was tabled on the Council floor.
2. The Ordinances and Rules Committee recommended the Special Permit application at 1362 Main Street for LPC West Main LLC be approved. Councillor Harris rose and made a motion to recommit this matter to the Ordinances and Rules Committee. The motion was approved by a voice vote and the matter was recommitted.
3. The Ordinances and Rules Committee recommended the Compensation Ordinance change to the FY2024 Budget for the Parking Control Officer 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 made a motion to table the matter. The motion was approved by a voice vote and the matter was tabled on the Council floor.
4. The Ordinances and Rules Committee recommended the Compensation Ordinance change to the FY2024 Budget for the Biosafety Committee to receive \$100 per meeting 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 made a motion to table the matter. The motion was approved by a voice vote and the matter was tabled on the Council floor.

Licenses and Franchises

1. The Licenses and Franchises Committee recommended the Grant of Location at 104 Fourth Avenue for MTP Communications/Cambridge Networks 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 a transfer of funds in the amount of \$15,000.00 for the purpose and implementation cost of a new software module 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 an appropriation in the amount of \$480,000.00 to pay overtime expenses and general expenses to the Fire Department for the remainder of the fiscal year 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 information about the Fernald and various newspaper clippings from Bill Durkee for the Waltham 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.
4. The Finance Committee recommended an appropriation in the amount of \$115,770.00 to fund interior repairs at the 92 Felton 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.

Master Plan Committee

1. The Master Plan Committee recommended the AdHoc Bike Committee Resolution be filed. Councillor Vidal moved that the action of the Committee be the action of the Council. Roll Call was requested by Councillor Darcy.
In favor: Durkee, Harris, Katz, LaCava, LaFauci, McLaughlin, O'Brien, Stanley and Vidal.
Opposed: Bradley-MacArthur, Darcy, Dunn and Paz.
Absent: LeBlanc.
Presiding: McMenimen.
The matter was approved 9-4-1.

Long Term Debt & Capital Planning Committee

1. The Long Term Debt & Capital Planning Committee recommended the loan order for Leary Field for \$3,670,938.00 be approved as amended for a second and final 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, McLaughlin, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Absent: LeBlanc.
Presiding: McMenimen.
The matter was approved 13-0-1.
2. The Long Term Debt & Capital Planning Committee recommended the CPC Recommendation for Fiscal Year 2024 Budget 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.
3. The Long Term Debt & Capital Planning Committee recommended the CPC Recommendation for allocation of CPA Funds for Exterior Renovations to the Arrigo Farm

Main Building and Barn at 342-344 Warren Street be approved. Councillor O'Brien moved that the action of the Committee be the action of the Council. Roll Call requested by Councillor Darcy.

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

Opposed: None.

Absent: LeBlanc.

Presiding: McMenimen.

The matter was approved 13-0-1.

Unfinished Business & Other Business

1. Time Extension at 10-14 Warren Street – Veggie Crust LLC

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 made a motion for approval. Roll Call was required.

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

Opposed: None.

Absent: LeBlanc.

Presiding: McMenimen.

The matter was approved 13-0-1.

2. Time Extension for Order #34493 at 300 Third Avenue

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 made a motion for approval. Roll Call was required.

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

Opposed: None.

Absent: LeBlanc.

Presiding: McMenimen.

The matter was approved 13-0-1.

3. Minor Modification for Uma Flowers LLC at 196 Bear Hill Road

Referred to the Ordinances and Rules Committee.

Tabled Items

- Kevin M. Ritcey Award

This matter was approved earlier in the meeting.

- Housing Rights Notification Ordinance (Tabled 5/22/2023)

- Loan authorization in the amount of \$1,000,000.00 to provide design services for the Feasibility Study Phase through the Schematic Design Phase for the Waltham High School located at 617 Lexington Street. (Tabled 5/8/23)

Councillor O'Brien made a motion to take the matter off the table. The motion was approved by voice vote. Councillor O'Brien made a motion for approval for the second and final reading. Roll Call required.

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

Opposed: None.

Absent: LeBlanc.

Presiding: McMenimen.

The Loan Authorization was approved reading 13-0-1.

With no further matters Councillor Harris moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 8:55 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

June 20, 2023