

Waltham City Council  
Minutes of the Meeting of  
June 26, 2023

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

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

Absent: Dunn.

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 6/12/2023. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the Special meeting- budget minutes of 6/20/2023. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the Citizens Input meeting minutes of 6/21/2023. The motion was adopted by a voice vote and the matter was approved.

**Communications from the Mayor**

1. The Mayor respectfully requested acceptance of a Mass Trails Grant in the amount of \$500,000.00 for restoration of the Linden Street Bridge. Referred to the Finance Committee.
2. The Mayor respectfully requested that the City Council review and draft an Electric Grid Capacity Ordinance. Referred to the Ordinances and Rules Committee.
3. The Mayor respectfully requested a transfer of \$37,150.00 to fund the FY2024 Collective Bargaining Agreement for the Mechanic's Union. Referred to the Finance Committee.
4. The Mayor respectfully requested the acceptance of a Three-Year Collective Bargaining Agreement between the City and the Dispatcher's Union for the period of July 1, 2022 to June 30, 2025. Referred to the Finance Committee.
5. The Mayor respectfully requested a transfer of \$165,000.00 to fund the FY2024 Collective Bargaining Agreement for the Dispatcher's Union. Referred to the Finance Committee.
6. The Mayor respectfully requested an appropriation in the amount of \$1,500,000.00 from Unreserved Fund Balance to the Stabilization Fund-General. Referred to the Finance Committee.
7. The Mayor respectfully requested the acceptance of a donation from Robin Capello of a 1960 coin operated riding horse to be used as intended for public use with no cost to the rider. Referred to the Finance Committee.
8. The Mayor respectfully requested approval of an appropriation in the amount of \$176,932.38 to fund the change order request that was received from the contractor and

the LSP performing the environmental remediation at 240 Beaver Street property.  
Referred to the Finance Committee.

9. The Mayor respectfully requested the acceptance of a donation of a composition written by Joe Ciavardone called “Moody Street” from Ed Perilli. Joe lived on Taylor Street.  
Referred to the Finance Committee.
10. The Mayor respectfully requested the acceptance of a friendly taking order for 0 Prospect Hill Road/1A Willard Avenue. Referred to the Committee of the Whole.
11. The Mayor respectfully requested acceptance of the current License Agreement of 101 School Street/63-65 Lexington Street. Referred to the Committee of the Whole.
12. The Mayor respectfully requested an appropriation in the amount of \$1,980.00 to fund the purchase of nine (9) bike racks to be installed in municipal parking lots at the following locations: Central Square Parking Deck, Church Street Lot, Crescent Street Lot, Spruce Street Lot, Walnut Street Lot and Chestnut Street Lot. Referred to the Finance Committee.
13. The Mayor respectfully requested a transfer of traffic impact funds in the amount of \$292,039.00 for the construction of sidewalks along Lincoln Street, between Kings Way and Smith Street. Referred to the Finance Committee.
14. The Mayor respectfully requested approval of the financing plan totaling \$2,452,729.63 for the resurfacing of streets. Referred to the Finance Committee.
15. The Mayor respectfully requested an appropriation in the amount of \$75,000.00 to fund the “Wraparound Waltham” program for the Waltham Partnership for Youth. Referred to the Finance Committee.

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

- Inflow and Infiltration Resolution  
Clerk Vizard read the Resolution. Councillor Darcy spoke on the Resolution. Councillor LeBlanc spoke on the Resolution. Councillor Darcy requested the City Engineer provide semiannual reports and account information since 2001. The request was approved by a voice vote. Councillor Darcy requested to have all payments and municipal expenses since 2001. A roll call was requested.  
In favor: Bradley-MacArthur, Darcy, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O’Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: Dunn.  
Presiding: McMenimen.  
The request was approved 13-0-1. At the request of Councillor Darcy the Resolution was referred to the Public Works and Public Safety Committee.

### **Committee Reports**

#### **Committee of the Whole**

1. The Committee of the Whole recommended the acceptance of the bid of \$260,000 for 102 Trimount Avenue from Paul Morreale be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll call requested.

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

Opposed: Paz.

Absent: Dunn.

Presiding: McMenimen.

The request was approved 12-1-1.

### **Licenses and Franchises**

1. The Licenses and Franchises Committee recommended the Fortune Tellers License renewal for James Spanks at 12 Sartell 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.
2. The Licenses and Franchises Committee recommended the Hardy Pond Conservation Naming Order be approved as amended. 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 as amended.

### **Finance**

1. The Finance Committee recommended the acceptance of a donation from Robert Storer of the Robert Treat Paine Historical Trust in the amount of \$6,200 to restore two portraits 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 a City Hall Museum Room sign created by Shawn Laswell 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 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 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 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 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 \$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 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 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 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 approval of the financing transaction totaling \$1,750,000 for the Summit Ave reconstruction project 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.

#### **Public Works & Public Safety Committee**

1. The Public Works and Public Safety Committee recommended the Duddy Avenue Betterment Order be approved. Councillor LeBlanc moved that the action of the Committee be the action of the Council. Roll Call required.  
In favor: Bradley-MacArthur, Darcy, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: Dunn.  
Presiding: McMenimen.  
The request was approved 13-0-1

#### **Ordinances & Rules Committee**

1. The Ordinances and Rules Committee recommends the Minor Modification for Uma Flowers LLC at 196 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, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: Dunn.  
Presiding: McMenimen.  
The request was approved 13-0-1

#### **Unfinished Business & Other Business**

- CPC recommendation for an allocation of CPA funds to replace the HVAC systems at the Sons of Italy at 99 Cedar Street. Councillors LaCava and LaFauci recused themselves. Councillor O'Brien moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor O'Brien made a motion for approval. The motion was approved by a voice vote.
- CPC recommendation for an allocation of CPA funds for making the handicap ramp ADA Compliant at the American Legion Post 156 at 215 Waverley Oaks Road. Councillor O'Brien moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor O'Brien made a motion for approval. The motion was approved by a voice vote.
- Time Extension for LPC West Main LLC at 1362 Main Street through December 28, 2023

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 required.

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

Opposed: None.

Absent: Dunn.

Presiding: McMenimen.

The time extension was approved 13-0-1 through December 28, 2023.

- Time Extension for The Juicery, LLC at 1019 Trapelo Road through September 25, 2023  
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 required.

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

Opposed: None.

Absent: Dunn.

Presiding: McMenimen.

The time extension was approved 13-0-1 through September 25, 2023.

- Time Extension for Veggie Crust 2453 at 10-14 Warren Street through September 30, 2023  
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 required.

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

Opposed: None.

Absent: Dunn.

Presiding: McMenimen.

The time extension was approved 13-0-1 through September 30, 2023.

- Time Extension for Hall Street Partners LLC at 61 Hall Street through September 30, 2023  
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 required.

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

Opposed: None.

Absent: Dunn.

Presiding: McMenimen.

The time extension was approved 13-0-1 through September 30, 2023.

### **Tabled Items**

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

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

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

Opposed: None.

Absent: Dunn.

Presiding: McMenimen.

The second and final reading was approved 13-0-1

- Joint Meeting for zone changes. (6/12/23)
- Compensation Ordinance Amendment change to the FY2024 Budget for the Parking Control Officer (First Reading 6/12/23) Councillor Harris made a motion to take the matter off the table. The motion was approved by a voice vote. Councillor Harris made a motion to suspend Rule 45 for a third and final reading. The motion was approved by a voice vote. Councillor Harris moved approval. Roll Call required.  
In favor: Bradley-MacArthur, Darcy, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: Dunn.  
Presiding: McMenimen.  
The third and final reading was approved 13-0-1.
- Compensation Ordinance Amendment change to the FY2024 Budget for the Biosafety Committee to receive \$100 per meeting. (First Reading 6/12/23) Councillor Harris made a motion to take the matter off the table. The motion was approved by a voice vote. Councillor Harris made a motion to suspend Rule 45 for a third and final reading. The motion was approved by a voice vote. Councillor Harris moved approval. Roll Call required.  
In favor: Bradley-MacArthur, Darcy, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: Dunn.  
Presiding: McMenimen.  
The third and final reading was approved 13-0-1.
- Mayor's Communication regarding a confidential update for 101 School Street
- Mayor's Communication regarding a confidential update for 0 Prospect Hill Road

Councillor LeBlanc rose to speak about the Children's Business Fair that was held the previous weekend. Explaining there were 90+ booths and more than 300 children involved and a very successful event.

President McMenimen announced the times and locations for the Committee Meetings.  
President McMenimen recessed the meeting at 8:15 p.m. to break into Committees.

President McMenimen reconvened the City Council meeting at 10:05 p.m.

## **Committee Reports**

### **Ordinances & Rules Committee**

1. The Ordinances and Rules Committee recommended the approval of the Special Permit for Veggie Crust at 10-14 Warren Street 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, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: Dunn.  
Presiding: McMenimen.  
The request was approved 13-0-1.
2. The Ordinances and Rules Committee recommended the approval of the Special Permit for The Juicery, LLC at 1019 Trapelo 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, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: Dunn.  
Presiding: McMenimen.  
The request was approved 13-0-1.
3. The Ordinances and Rules Committee recommended the approval of the Special Permit for Hall Street Partners LLC at 61 (51) Hall Street be approved. Councillor Paz asked about affordable units. Councillor Harris moved that the action of the Committee be the action of the Council. Roll call required.  
In favor: Bradley-MacArthur, Darcy, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: Dunn.  
Presiding: McMenimen.  
The request was approved 13-0-1.
4. The Ordinances and Rules Committee recommended the approval of \$1,301,301.00 Affordable Housing Fee Payment from Hall Street Partners LLC at 61 (51) Hall Street 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, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley and Vidal.  
Opposed: Durkee, Paz.  
Absent: Dunn.  
Presiding: McMenimen.  
The request was approved 11-2-1.

### **Finance Committee**

1. The Finance Committee recommended the acceptance of a Mass Trails Grant in the amount of \$500,000.00 for restoration of the Linden Street Bridge 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 transfer of \$37,150.00 to fund the FY2024 Collective Bargaining Agreement for the Mechanic's Union 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 a Three-Year Collective Bargaining Agreement between the City and the Dispatcher's Union 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 approval of the financing plan totaling \$2,452,729.63 for the resurfacing of numerous streets 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 transfer of \$165,000.00 to fund the FY2024 Collective Bargaining Agreement for the Dispatcher's Union 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 the acceptance of a donation from Robin Capello of a 1960 coin operated riding horse 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 the approval of an appropriation in the amount of \$176,932.38 to fund the change order request that was received from the contractor and the LSP performing the environmental remediation at 240 Beaver Street property be approved. Councillor LeBlanc recused himself. 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.
8. The Finance Committee recommended the acceptance of a donation of a composition written by Joe Ciavardone called "Moody Street" from Ed Perilli. 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.
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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 \$75,000.00 to fund the “Wraparound Waltham” program for the Waltham Partnership for Youth be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. Roll call requested.

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

Opposed: None.

Absent: Dunn.

Presiding: McMenimen.

The request was approved 13-0-1.

### **Committee of the Whole**

1. The Committee of the Whole approved the RFP 240 Beaver Street property be approved. Councillor LeBlanc recused himself. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll Call required.

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

Opposed: None.

Absent: Dunn.

Recused: LeBlanc

Presiding: McMenimen.

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

2. The Committee of the Whole recommended the taking of 0 Prospect Hill Road 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, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O’Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: Dunn.

Presiding: McMenimen.

The request was approved 13-0-1.

With no further matters Councillor Vidal made a motion to adjourn. The motion was approved by a voice vote. President McMenimen wished everyone a safe and happy summer and declared the meeting adjourned at 10:17 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

July 21, 2023