

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

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

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

Absent: LaFauci.

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 Katz asked for a moment of silence for Israel.

Councillor McLaughlin moved approval of the Regular Meeting minutes of 9/25/2023. The motion was adopted by a voice vote and the matter was approved.

Communications from the Mayor

1. The Mayor respectfully requested permission to file the Conservation Restriction for 0 BEF Chesterbrook Road with the state. Referred to the Committee of the Whole.
2. The Mayor respectfully requested permission to file the Conservation Restriction for 84 AFT Arcadia Avenue with the state. Referred to the Committee of the Whole.
3. The Mayor respectfully requested permission to file the Conservation Restriction for 287 AFT Grove Street with the state. Referred to the Committee of the Whole.
4. The Mayor respectfully requested permission to file the Conservation Restriction for 0 Prospect Hill Road and Lot 1A Willard Street with the state. Referred to the Committee of the Whole.
5. The Mayor respectfully requested permission to file the Conservation Restriction for 775 Rear Lot 1, Parcel B Trapelo Road with the state. Referred to the Committee of the Whole.
6. The Mayor respectfully requested permission to file the Conservation Restriction for 385 Trapelo Road with the state. Referred to the Committee of the Whole.
7. The Mayor respectfully requested permission to file the Conservation Restriction for 342-344 Warren Street with the state. Referred to the Committee of the Whole.
8. The Mayor respectfully requested permission to file the Conservation Restriction for 282 Trapelo Road with the state. Referred to the Committee of the Whole.
9. The Mayor respectfully requested permission to file the Conservation Restriction for 240 Beaver Street with the state. Referred to the Committee of the Whole.
10. The Mayor respectfully requested to dedicate two existing benches at the Paine Estate in recognition of Mr. & Mrs. Goodwin. Referred to the Finance Committee.

11. The Mayor respectfully requested a transfer of funds totaling \$129,000.00 to fund the design services for the structural phases for the Embassy Parking Garage renovations. Referred to the Finance Committee.
12. The Mayor respectfully requested to dedicate two city benches: one in recognition of Janice Palmer and one in recognition of Joseph and Virginia LaRosa. Referred to the Finance Committee.
13. The Mayor respectfully requested the acceptance of a Green Communities Competitive Grant in the amount of \$198,000.00. Referred to the Finance Committee.
14. The Mayor respectfully requested acceptance of a Sustainable Materials Recovery Program (SMRP) Municipal Grant from the Massachusetts Department of Environmental Protection in the amount of \$24,500.00. Referred to the Finance Committee.

Applications and Licenses

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

- Extended Retail Hours Renewal — 1335 Main Street –Waltham Fuel, Inc.
- Extended Retail Hours Renewal — 881 Moody Street –Burger King
- Extended Retail Hours Renewal — 1074 Main Street –Veronica’s
- Extended Retail Hours Renewal — 205 Willow Street –Pro Tech Auto & Tire CTR, Inc.
- Lodging House Renewal — 6 Park Place –Mark Pintabone
- Class 2 Renewal — 712 Moody Street–DW Enterprise, Inc.
- Class 2 Renewal — 103 Felton Street–Sideris Automotive Services, Inc.
- Class 2 Renewal — 255 Newton Street–Newton Street Service, Inc.
- Class 2 Renewal — 1486 Main Street–European Auto Solutions, LLC.
- Class 2 Renewal — 935R Main Street–Pilicy Auto & Yacht Inc-Pilicy Auto Sales
- Class 2 Renewal — 279R Crescent Street–Waltham Auto Tow, Inc.

Resolutions, Orders and Ordinances

- Corning Installation of Surge Protection Devices (SPD) to Protect Waltham Homeowners and Business Owners Resolution
Clerk Vizard read the Resolution. Councillor Darcy spoke on the Resolution providing an example of a surge protector. President McMenimen referred the matter to the Public Works and Public Safety Committee.
- Concerning 2Life Communities Illegal Felling of the Mature Trees Along Newton Street at the Former Leland Home Resolution
Councillor Darcy made a motion to withdraw the Resolution. The motion was approved by a voice vote.
- Resolution to Plan and Pilot Intracity Transportation in Waltham
Clerk Vizard read the Resolution. Councillors Bradley-Mac-Arthur and Paz spoke on the Resolution. President McMenimen referred the matter to the Public Works and Public Safety Committee.

- Resolution Concerning Establishing Yom Kippur as an Official Municipal Holiday in the City of Waltham
Clerk Vizard read the Resolution. Councillor Darcy spoke on the Resolution. Councillor Katz spoke on the Resolution and the current situation in Israel. Councillor Katz made a motion to withdraw the Resolution without prejudice. A roll call was requested.
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LeBlanc, McLaughlin, O'Brien, Paz, Stanley, Vidal and McMenimen.
Opposed: None.
Absent: LaFauci.
The Resolution was withdrawn without prejudice 14-0-1.
- Resolution Concerning Lexington Street Traffic
Clerk Vizard read the Resolution. Councillors LeBlanc and McLaughlin spoke on the Resolution. Councillor LeBlanc made a request to send a copy of the Resolution to the Traffic Commission and the Master Plan Committee. The request was approved by a voice vote. President McMenimen referred the matter to the Public Works and Public Safety Committee.

Committee Reports

Licenses and Franchises Committee

1. The Licenses and Franchises Committee recommended the approval of Romany Youssef of 100J Prospect Hill Road to receive a Massport letter for his vehicle to be garaged at 26 Central Street. 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.

Ordinances & Rules Committee

1. The Ordinances and Rules Committee recommended the Body Art Establishment Zoning Ordinance as amended be approved to schedule a joint public hearing with Board of Survey and Planning. Councillor Harris moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote.
2. The Ordinances and Rules Committee recommended the Minor Modification for Thrive Cultivation at 235 Bear Hill Road (SP# 35694) 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, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Absent: LaFauci.
Presiding: McMenimen.
Matter was approved 13-0-1.

Finance

1. The Finance Committee recommended the acceptance of seasonal wreaths from Merrily Smith of Waltham for the Wellington House 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 \$54,795.00 to purchase a new automated gate valve exercising and rehabilitation machine, including an allowance for

add-on equipment and accessories for the CPW 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.

3. The Finance Committee recommended the acceptance of a framed Honor Roll picture for the Waltham City Hall Museum 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 and Public Safety Committee

1. The Public Works and Public Safety Committee recommended the Final Assessment Order for Nutting Road 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, Dunn, Durkee, Harris, Katz, LaCava, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Absent: LaFauci.
Presiding: McMenimen.
Matter was approved 13-0-1.

Unfinished Business & Other Business

- Election Warrant for November 7, 2023.
Councillor McLaughlin moved to suspend Rule 39 and act on the matter without Committee reference. The motion was adopted by a voice vote and matter was approved. Councillor McLaughlin moved approval of the Warrant. The motion was approved by a voice vote and the Election Warrant for November 7, 2023 was approved.
- Time Extension for 55 King First West, LLC at 55 First Avenue (through 12/28/2023)
Councillor Harris moved to suspend Rule 39 and act on the extension without Committee reference. The motion was adopted by a voice vote and matter was approved. Councillor Harris moved approval of the extension through 12/28/23. Roll call required.
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Absent: LaFauci.
Presiding: McMenimen.
Matter was approved 13-0-1.

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
- Joint Meeting for zone changes. (6/12/23)
Councillor LeBlanc made a motion that was approved by a voice vote to take the Joint Meeting for Zone Changes (6/12/23) off the table. Councillor LeBlanc requested to schedule a hearing with the Board of Survey and Planning and the City Council and that the Clerk schedule for a date in the future. Councillor LeBlanc made a motion to table the matter. The motion was approved by a voice vote.

Rule 58

- Legal Opinion Request involving Potential legal prohibitions including potential conflicts, emanating from participation in various candidate forums participation
Councillor Vidal invoked Rule 59 in order to suspend Rule 58. The motion was approved by a voice vote. Councillor Vidal moved to suspend Rule 39 and act on the matter Legal Opinion Request involving Potential legal prohibitions including potential conflicts, emanating from participation in various candidate forums participation without Committee reference. The motion was approved by a voice vote. President McMenimen read the Opinion. Councillors Vidal, LeBlanc, O'Brien and Darcy spoke on the matter. Councillor LeBlanc made a request to have the Law Department opine as to if the "Opinion Request" is only for elected candidates or public candidates as well. The request was approved by a voice vote. Councillor Darcy made a request to be made aware of who requested that the "Law Department Opine on City Officials at Waltham Forums" and that he have his answer by Monday, October 16, 2023. The motion was approved by a voice vote. Councillor Vidal made a motion to table the matter. The motion was approved by a voice vote and the matter was placed back on the table.

With no further matters Councillor Darcy moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 8:26 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

October 17, 2023