

Waltham City Council  
Minutes of the Meeting of  
December 26, 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, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley, Vidal, and President McMenimen.

Absent: None.

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. President McMenimen asked for a moment of silence and spoke about former City Councillor Stephen Francis Coyle who recently passed away.

Councillor McLaughlin moved approval of the regular meeting minutes of 12/11/2023. The motion was adopted by a voice vote and the matter was approved.

Clerk Vizard read Rule 86.

**First Public Hearing: NStar Electric at Rich Street.**

Clerk Vizard read the petition. Joanne Callender, 48 Cheyanne Road, Worcester, MA, representing the petitioner spoke on the matter. 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 up the hearing to questions from Councillors. Councillors Durkee, LaCava and Vidal asked questions. Ms. Callender provided answers. With no further questions President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

**Applications and Licenses**

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

1. Lodging House Renewal — 21-23 Pine Street –Max Horn
2. Lodging House Renewal — 755 Main Street – Max Horn

**Resolutions, Orders and Ordinances**

- Resolution Honoring Paul Tracey at Copley Avenue and Ivaloo Street  
Clerk Vizard read the Resolution. All Councillors names will be added to the Resolution. Councillor Darcy spoke on the Resolution. Councillor LeBlanc asked if the family of Officer Tracey had been notified as to their wishes. Councillor Darcy said he did not speak to the family. President McMenimen referred the matter to the Committee of the Whole.

**Committee Reports**

**Committee of the Whole**

President McMenimen relinquished the chair to Vice President McLaughlin in order to recuse herself from the Committee of the Whole reports numbered 1-4. Vice President McLaughlin took the Chair.

1. The Committee of the Whole recommended that the City Council approve the designation of the following non-CPA area (12.49 acres) at 190 Trapelo Road for future cemetery use be approved. Councillor Darcy spoke against the recommendation and listed additional questions he thinks should answered before moving forward. Councillor LaCava moved that

the action of the Committee be the action of the Council. Roll call required.

In favor: Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, O'Brien, Stanley and Vidal.

Opposed: Bradley-MacArthur, Darcy and Paz.

Absent: None.

Recused: McMenimen.

Presiding: McLaughlin.

The request was approved 10-3-0-1.

2. The Committee of the Whole recommended that the area at the Fernald property to the left as you enter from Trapelo Road, including the former Shriver and Cerc buildings, sledding hill and open space to the eastern property line, including both parking lots be named "The Eunice Kennedy Shriver Memorial Grounds" be approved. Councillor LaFauci 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, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: None.

Recused: McMenimen.

Presiding: McLaughlin.

The request was approved 13-0-0-1.

3. The Committee of the Whole recommended that the City Council concurrence to file a ZBA 40B application to permit two housing units at the former Cardinal Cottage be approved. 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, LaCava, LaFauci, LeBlanc, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: None.

Recused: McMenimen.

Presiding: McLaughlin.

The request was approved 13-0-0-1.

4. The Committee of the Whole recommended the Resolution Honoring Marybeth Duffy be approved. Councillor O'Brien moved that the action of the Committee be the action of the Council. The motion was approved by a voice vote and the matter was approved.

Vice President McLaughlin relinquished the chair to President McMenimen.

## **Finance**

1. The Finance Committee recommended the acceptance of an award of \$59,990 from the Office of Grants and Research (OGR) to support the FY24 Municipal Road Safety (MRS) Program 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 the FY2022-24 Jail Diversion Program Grant in the amount of \$48,816 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 transfer of traffic impact funds in the amount of \$36,200 to conduct a traffic study of the West End area of Waltham 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 use of American Rescue Plan Act (ARPA) funds in the amount of \$68,000 for the engagement of a consultant to conduct the first phase of a Moody Street Pedestrian Mall Study 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. Councillor LaCava was not present for the vote.
5. The Finance Committee recommended the acceptance of donations to the Waltham High School from Distributor Corporation of New England of various pieces of equipment (value \$6,150) and Daikin Comfort Technologies of equipment (value \$10,279) to be used in the new high school's HVAC 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.

#### **Long Term Debt & Capital Planning Committee**

1. The Long Term Debt & Capital Planning Committee recommended a loan authorization in the amount of \$2,050,000 for the water main project on Clark, Ripley, Gale and Pierce Streets be approved for a 1<sup>st</sup> reading. Councillor Stanley made a motion for a first reading. Roll Call requested.  
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: None.  
Presiding: McMenimen.  
The request was approved 14-0-0.  
Councillor Stanley made a motion that was approved by a voice vote to table the matter.

Councillor O'Brien made a motion to act collectively on matters 2-4. The motion was approved by a voice vote.

Councillor O'Brien made a motion that was approved by a voice vote to recommit items 2-4 to the Committee of the Whole.

2. The Long Term Debt & Capital Planning Committee recommended the approval of the acceptance of a Conservation Restriction regarding 84 AFT Arcadia Avenue be approved.
3. The Long Term Debt & Capital Planning Committee recommended the approval of the acceptance of a Conservation Restriction for 385 Trapelo Road be approved.
4. The Long Term Debt & Capital Planning Committee recommended the approval of the acceptance of a Conservation Restriction for 775 Rear Trapelo Road be approved.

### **Veterans Services Committee**

1. The Veterans Service Committee recommended the Veterans Square Resolution for Jennarino Juliano be approved. Councillor Durkee 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 Durkee moved approval of the Veterans Square for Jennarino Juliano Order. The motion was adopted by a voice vote and the matter was approved.

### **Licenses and Franchises**

1. The Licenses and Franchises Committee recommended the Fuel Storage License for 275 Wyman LLC at 225 Wyman Street 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 Lodging House renewal for Stanley & Leni Bloomenthal at 17-19 Chestnut Street 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 Lodging House renewal for Stanley & Leni Bloomenthal at 2 Appleton Street 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 Lodging House renewal for James Mcken at 52-54 Bedford Street 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 the Lodging House renewal for Middlesex Human Service Agency at 12-14 Lowell Street 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.
6. The Licenses and Franchises Committee recommended the Class II renewal for Specialty Auto Sales, Inc. dba Eastside Motoring at 265 Bear Hill 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.
7. The Licenses and Franchises Committee recommended that the petitioner BP 103 Fourth Avenue LLC at 103 Fourth Avenue submit a new Public Hearing for January 22, 2024. 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.

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

- Time extension for King First, LLC. Special Permit Application at 55 First Avenue through March 24, 2024. 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, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: None.

Presiding: McMenimen.

The time extension was approved 14-0-0 through March 24, 2024.

- Request for King First Avenue, LLC. Special Permit Application at 55 First Avenue to have a new Public Hearing on January 22, 2024. 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 requested.  
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: None.  
Presiding: McMenimen.  
The matter was approved 14-0-0

President McMenimen announced the times and locations for the Committee Meetings.

President McMenimen recessed the meeting at 8:20 p.m. to break into Committees.

President McMenimen reconvened the City Council meeting at 9:05 p.m.

## **Committee Reports**

### **Veterans Services Committee**

1. The Veterans Services Committee recommended that all items remaining on its Docket from 2023 be carried over to the Committee Docket for 2024. Councillor Durkee 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 Committee**

1. The Finance Committee recommended that all items remaining on its Docket from 2023 be carried over to the Committee Docket for 2024. 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.

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

1. The Economic and Community Development Committee recommended the Providing Public Wi-Fi in Waltham Resolution be filed. Councillor LaFauci moved the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was filed.
2. The Economic and Community Development Committee recommended the Feed the People Resolution be filed. Councillor LaFauci moved the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was filed.
3. The Economic and Community Development Committee recommended the Promote Dog Parks Resolution be filed. Councillor LaFauci moved the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was filed.

4. The Economic and Community Development Committee recommended that all items remaining on its Docket from 2023 be carried over to the Committee Docket for 2024. 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.

### **Committee of the Whole**

1. The Committee of the Whole recommended that the following 12 items be carried over to the Committee Docket for 2024. (All matters listed below were voted on as separate matters.)  
Questions regarding property at 67 Crescent Street.  
Executive Session regarding confidential matter relating to Moody Street.  
Communication from Attorney Connors regarding Hobbs Brook.  
Gloria Champion Resolution  
Resolution Concerning MBTA Better Bus Project  
Preserving Residentially Zoned Neighborhoods Resolution  
Lexington Solar Farm Resolution  
City Council Campus Visit to Brandeis University in the Fall  
File Conservation Restriction for 84 Arcadia Avenue with State  
File Conservation Restriction for 775 rear Lot 1 Parcel B Trapelo Road with State  
File Conservation for 385 Trapelo Roads with State  
Paul Tracey Resolution  
Councillor McLaughlin 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 Committee of the Whole recommended that all items remaining on its Docket from 2023 be filed. Councillor Darcy moved to have the items amended to be filed without prejudice. A roll call was requested.  
In favor: Bradley-MacArthur, Darcy, Dunn, Paz.  
Opposed: Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley and Vidal.  
Absent: None.  
Presiding: McMenimen.  
The amendment did not pass 4-10-0.  
Councillor McLaughlin moved that the action of the Committee be the action of the Council.  
The motion was adopted by a voice vote and the remaining docket items were filed.

### **Ordinances & Rules Committee**

1. The Ordinances and Rules Committee recommended that the following 9 items be carried over to the Committee Docket for 2024. (All matters listed below were voted on as separate matters.)  
Resolution Exempt Municipal Projects from Zoning  
Zoning Review Resolution  
Rodents Rodenticides Resolution  
Special Permit Application at First Ave & West Street for King First West, LLC.  
Electric Grid Capacity Ordinance  
Zoning Review Resolution (Tandem Parking 3.34 & 3.35)  
Zoning Review Resolution (Demolition Delay 3.7224)  
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.

2. The Ordinances and Rules Committee recommended that the Zoning Ordinance Amendment for Tattoo Body Establishments table of uses be approved for a second 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 that was approved by a voice vote to suspend Rule 45 to suspend the rules to give the matter a third and final reading. Councillor Harris moved to give the matter a third and final reading. Roll call required.  
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: None.  
Presiding: McMenimen.  
The Zoning Ordinance was approved 14-0-0.
  
3. The Ordinances and Rules Committee recommended that the Keeping of Hens, Bees & Urban Agriculture be filed without prejudice. 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 filed without prejudice.
  
4. The Ordinances and Rules Committee recommended that all items remaining on its Docket from 2023 be filed. Councillor Darcy rose and requested to have the items amended to be filed without prejudice. A roll call was requested.  
In favor: Bradley-MacArthur, Darcy, Dunn, Paz.  
Opposed: Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley and Vidal.  
Absent: None.  
Presiding: McMenimen.  
The amendment did not pass 4-10-0.  
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 were filed.

### **Public Works and Public Safety**

1. The Public Works and Public Safety Committee recommended that the following 12 items be carried over to the Committee Docket for 2024.  
17-80 Resurfacing Mount Pleasant Street  
17-80 Resurfacing Parkview Road  
17-80 Resurfacing Duddy Avenue  
Mount Pleasant Street Engineering Assessment Resolution  
Resolution to Explore Free Municipal Curbside Compost Collecting  
17-80 Street Opening at Marion Way  
17-80 Street Opening at Buxton Lane  
High Voltage Resolution  
Green Street Extension Safe Crossing  
Geothermal Heating Technology Resolution  
Reduce Traffic Resolution  
Traffic Mitigation at Entry Points in Waltham Resolution  
Councillor LeBlanc 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 Public Works & Public Safety Committee recommended the Corning Installation of Surge Protection Devices to Protect Waltham Homeowners Resolution be filed without prejudice. Councillor LeBlanc 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 Public Works & Public Safety Committee recommended that all items remaining on its Docket from 2023 be filed. Councillor Darcy rose and requested the items to be filed without prejudice. A roll call was requested.  
In favor: Bradley-MacArthur, Darcy, Dunn, Paz.  
Opposed: Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley and Vidal.  
Absent: None.  
Presiding: McMenimen.  
The amendment did not pass 4-10-0.  
Councillor LeBlanc moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter were filed.

### **License & Franchises**

1. The Licenses and Franchises Committee recommended the Grant of Location for Eversource at Main and Rich Streets 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 Lodging House renewal at 21-23 Pine Street for Max Horn 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 Lodging House renewal at 755 Main Street for Max Horn 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 that all items remaining on its Docket from 2023 be carried over to the Committee Docket for 2024. 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.

With no further matters Councillor Vidal made a motion to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 9:20 p.m.

Respectfully submitted by:  
Cathy Magliarditi  
Executive Assistant to the City Clerk  
January 2, 2024