

Waltham City Council
Minutes of the Meeting of
March 14, 2022

President McMenimen called the meeting to order at 7:34 p.m.

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

Absent: LaCava.

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 and Mary LaCava, Grandmother of Councillor Joseph LaCava.

Councillor Darcy moved to suspend Rule 8 to take a matter from the Ordinances and Rules Committee out of order. The motion was adopted by a voice vote. Councillor Darcy moved to have the City Council allow Uma Flowers to have a second public hearing without the withdrawal of the initial filed application. A roll call was requested.

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

Opposed: None.

Absent: LaCava

Presiding: McMenimen

Matter was approved 13-0-0.

Councillor McLaughlin moved approval of the Meeting Minutes of 2/28/2022. The motion was adopted by a voice vote and the matter was approved.

The Clerk read rule 86.

First Public Hearing: 17-25 Street Opening at Lake Street and Nutting Road

City Engineer, Robert Winn, 124 Chaffee Ave, Waltham, spoke in favor of the petition. He gave a general description of the project. With no one else in support, no one in opposition and no one in a neutral position on the petition, President McMenimen closed that part of the public hearing and opened the hearing to questions from Councillors. Councillor Dunn asked questions about amount of work being done and the timeline of the project. Mr. Winn stated two to three months. Councillor LeBlanc asked questions to Mr. Winn. With no additional questions from Councillors President McMenimen closed the public hearing. Councillor Dunn made a motion to suspend Rule 39 to act on the matter without committee reference. The motion was adopted on a voice vote. Councillor Dunn made a motion to approve the petition. The motion was adopted by a voice vote and the matter was approved.

Second Public Hearing for a Special Permit Application for: Uma Flowers Waltham, LLC. at 196 Bear Hill Road

Attorney Valerio Romano 130 Pond Street, Cohasset, MA, spoke in favor of the petition. The owners of Uma Flowers, LLC., Priyanka Patel and Tejal Patel both of 109 Raffaele Drive,

Waltham gave brief descriptions of their personal and professional backgrounds and reasons for getting involved in the cannabis industry. Emily Saperia, 308 Lake Street, Waltham spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President McMenimen closed that part of the public hearing and opened the hearing up to questions from Councillors. Councillor LaFauci spoke about the timeframe of the project from 2020 – present. He would like to make sure all residents in surrounding areas are made aware of community meetings. Councillor Bradley-MacArthur asked several questions about being a women owned business, general procedures, personal thoughts on benefits of using cannabis and what difficulties they may have faced in the application process. Councillor Katz asked questions about general procedures, security and safety procures with the disposal of the product. Councillor Darcy asked questions with a response from Engineer Ian Ainslie, 192 Littleton Road Westford. Councillors Paz and LeBlanc asked questions regarding zoning and statistics. Attorney Brett Francis, 10 Hammer Street responded. Councillor Darcy submitted a written request for all updated materials since the original application was filed be supplied to all Councillors. The motion was adopted by a voice vote and the request was approved. With no additional questions from Councillors, no rebuttal and no opposition, President McMenimen closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Communications from the Mayor

1. The Mayor respectfully requested the approval of the Year 48 Community Development Block Grant Program. Referred to the Economic and Community Development Committee.
2. The Mayor respectfully requested that the City Council name 240 Beaver Street “The Cornelia Warren Farm and Field Station”. Referred to the Licenses and Franchises Committee.
3. The Mayor respectfully requested an appropriation in the amount of \$7,267.00 to purchase a replacement copy machine for the Mayor’s Office. Referred to the Finance Committee.
4. The Mayor respectfully requested the confirmation of the reappointment of Patricia Azadi, 643 Trapelo Road, Waltham, MA as First Assistant City Solicitor and Assistant City Solicitor for Real Estate and Zoning for a two-year term expiring, January 31, 2024. Referred to the Committee of the Whole.
5. The Mayor respectfully requested the confirmation of the reappointment of Michelle Learned, 125 Winter Street, Waltham, MA as Assistant City Solicitor for a two-year term expiring January 31, 2024. Referred to the Committee of the Whole.
6. The Mayor respectfully requested the confirmation of the appointment of Alexander Sbordone, 30 Gilman Road, Waltham, MA as a member of the Conservation Commission to fill the vacancy created due to Matthew Deveau’s resignation. Referred to the Committee of the Whole.
7. The Mayor respectfully requested the City Council approve the funding allotment of \$40,936.35 from cable access funds #261-121-1815-5205 (Verizon PEG Support) to be paid to

Waltham Community Access Corporation (WCAC) to reimburse them for the purchase and installation of equipment for the City of Waltham. Referred to the Finance Committee.

8. The Mayor respectfully requested the confirmation of the appointment of Roberta Tierney, 39 Dix Street, Waltham, MA as a member of the Waltham Council on Aging to fill the vacancy due to Eugene O'Brien's resignation. Referred to the Committee of the Whole.

9. The Mayor respectfully requested that the City Council provide a date for the Law Department and her Honor to appear at a Committee of the Whole meeting for the training sessions that were postponed due to Covid in the areas of open meeting law, public records, conflict of interest, liability and indemnification, and briefly on campaign finance. Referred to the Committee of the Whole.

Applications and Licenses

President McMenimen referred all applications and licenses to the Licenses and Franchises Committee.

- Fortune Tellers License – 942 Trapelo Road – Dawn Marie Costorf
- Secondhand Dealers License renewal – 49 River Street – Descar Jewelry Design, LTD
- Secondhand Dealers License renewal. – 563 Moody Street – Compustar Inc.
- Class 2 renewal – 251 High Street – Classic Cars Inc.

Orders, Ordinances & Resolutions

- Resolution to Promote Dog Parks in Waltham

Clerk Vizard read the Resolution. Councillor Paz spoke on the need for dogs to have their own space and keeping parks cleaner. Councillor Paz made a request that was approved by a voice vote to have the Planning Director and the Director of Parks and Recreation attend the next Committee meeting. President McMenimen referred the Resolution to the Economic and Community Development Committee.

- Assisting Tenants, Homeowners and Landlords Resolution

Clerk Vizard read the Resolution. Councillor Paz spoke on the rising numbers of evictions and foreclosures and the needs to assist tenants, landlords and homeowners. President McMenimen referred the Resolution to the Economic and Community Development Committee.

Committee Reports

Licenses & Franchises

1. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 415 South Street - Brandeis University – East Quad 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 matter was approved.

2. The Licenses and Franchises Committee recommended the renewal of the secondhand dealer's license at 108C River Street – Mint Condition Sports, LLC., dba Play It Again Sports 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 matter was approved.

3. The Licenses and Franchises Committee recommended the renewal of the secondhand dealer's license at 471 Main Street – The Tool Shed 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 matter was approved.

4. The Licenses and Franchises Committee recommended the renewal of the Class 2 license renewal at 196 High Street – JJJ Auto Retailers, Inc. 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 matter was approved.

5. The Licenses and Franchises Committee recommended the renewal of the lodging house license at 240 Crescent Street – Torrington Three 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 matter was approved.

Finance

1. The Finance Committee recommended the acceptance of a grant from National Grid in the amount of \$1,000.00 for the Veterans Services Department. Councillor LaFauci moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

2. The Finance Committee recommended the acceptance of the Middlesex County Share of the American Rescue Plan Act (ARPA) grant funds in the amount of \$6,069,461.00. Councillor LaFauci moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

3. The Finance Committee recommended the acceptance of a grant in the amount of \$125,148.00 from the Executive Office of Elder Affairs to be used by the Council on Aging for several programs that benefit senior citizens. Councillor LaFauci moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

4. The Finance Committee recommended an appropriation in the amount of \$500,000.00 to pay overtime expenses to the Fire Department for the remainder of the fiscal year. Councillor LaFauci moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

5. The Finance Committee recommended an appropriation in the amount of \$1,542,000.00 from Unreserved Fund Balance to CPW Snow accounts 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 matter was approved.

6. The Finance Committee recommended an appropriation in the amount of \$3,000.00 from the Unreserved Fund Balance to engage the services of an IT professional to assist the City with obtaining and utilizing grant funds for certain broadband services 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 matter was approved.

7. The Finance Committee recommended the transfer of existing funds and a use of American Rescue Act (ARPA) funds totaling \$600,000.00 for the Nutting Road Infrastructure Improvements Project 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 matter was approved.

Committee of the Whole

1. The Committee of the Whole recommended the confirmation of the reappointment of Timothy Kelly, 5 Winter Avenue, Marlborough, MA as Inspector of Wires for a term expiring February 28, 2025 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, LaFauci, LeBlanc, O'Brien, Paz, Vidal, Stanley and McMenimen.

Opposed: None.

Absent: LaCava, McLaughlin

Matter was approved 13-0-2.

Long Term Debt and Capital Planning

- The Long Term Debt and Capital Planning Committee recommended that the loan authorization in the amount \$750,000.00 to be used for the purchase of a fire apparatus truck to replace the current Engine 4 be approved for a first reading. 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 matter was approved. Councillor O'Brien moved to table the matter. The motion was adopted by a voice vote and matter was approved.

- The Long Term Debt and Capital Planning Committee recommended that the loan authorization in the amount of \$9,300,000.00 to be used for construction of the Waltham portion of the Wayside Trail be approved for a first reading. 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 matter was approved. Councillor O'Brien moved to table the matter on the Council floor. The motion was adopted by a voice vote and matter was approved.

Ordinances and Rules – (taken out of order)

- The Ordinances and Rules Committee recommended the City Council allow a new public hearing for Uma Flowers to take place without the withdrawal and resubmission of the prior filed application.

Unfinished Business & Other Business

- Extension of Time for Uma Flowers, LLC., Special Permit application at 196 Bear Hill Road, Waltham. Councillor Darcy 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 Darcy moved to approve the extension. Roll call required.

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

Opposed: None.
Absent: LaCava.
Presiding: McMenimen.
Matter was approved 13-0-1.

- Extension of Time for Flora Holdings, Special Permit application at 221 Bear Hill Road, Waltham. Councillor Darcy 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 Darcy moved to approve the extension. Roll call required.

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

Opposed: None.
Absent: LaCava.
Presiding: McMenimen
Matter was approved 13-0-1.

- Extension of Time for Thrive Cultivation & Dispensary, LLC., Special Permit application at 235 Bear Hill Road, Waltham. Councillor Darcy 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 Darcy moved to approve the extension. Roll call required.

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

Opposed: None.
Absent: LaCava.
Presiding: McMenimen.
Matter was approved 13-0-1.

- Minor Modification to Special Permit Order 34110 & 35044 at 225 Wyman Street, Waltham. Referred to the Rules and Ordinances Committee.

- Councillor Darcy moved to accept a late filed communication for an Extension of Time at 1254 Main Street. The motion was adopted on a voice vote. Councillor LeBlanc recused himself. Councillor Darcy 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 Darcy moved approval. Roll call required.

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

Opposed: None.
Absent: LaCava.
Recused: LeBlanc.
Presiding: McMenimen.
Matter was approved 12-0-1

- Councillor Darcy moved to accept a late filed communication for an extension of time at 305 Second Avenue motion approved. Councillor Darcy 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 Darcy moved approval of the time extension. Roll call required. In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Vidal, and Stanley.

Opposed: None.

Absent: LaCava.

Presiding: McMenimen.

Matter was approved 13-0-1

- Councillor McLaughlin moved to accept a late filed communication from the Mayor involving a financial transaction in the amount of \$274,170.44 for the demolition of three city owned properties. The motion was adopted by a voice vote. Clerk Vizard read the communication. President McMenimen recused herself and relinquished the chair to Councillor McLaughlin. Councillor LaFauci moved to suspend Rule 39 and act on the matter without Committee reference. The motion was adopted by a voice vote. Councillor LaFauci moved to approve the financial transaction in the amount of \$274,170.44. The motion was adopted by a voice vote and matter was approved.

- Councillor McLaughlin moved to release the minutes from Executive Session held on October 15, 2019 to the public. The motion was adopted by a voice vote and matter was approved.

- Councillor McLaughlin moved to release the minutes from Executive Session held on September 27, 2021 to the public. The motion was adopted by a voice vote and matter was approved.

- Councillor McLaughlin moved to release the minutes from Executive Session held on November 22, 2021 to the public. The motion was adopted by a voice vote and matter was approved.

Tabled Items

- Confidential real estate matter tabled in Executive Session (1/24/2022)
- Confidential real estate matter in downtown tabled in Executive Session (2/14/2022)

With no further matters Councillor Darcy made a motion to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 9:34 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

March 15, 2022