

Waltham City Council  
Minutes of the Meeting of  
April 11, 2022

---

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

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

Absent: Stanley.

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 Meeting Minutes of 3/28/2022. 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 139 Bright Street

Attorney, Brett Francis, 10 Hammer Street, Waltham, representing the petitioner 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 LaCava asked questions to the petitioner. Alex Gibson, 80 Piers Park Lane, Boston MA, owner of the property gave an overall description of the project. Councillor LaCava made reference to some missing documentation suggested by the Engineering Department. Attorney Francis said he would look into the missing documents. Councillors LeBlanc and Dunn asked questions. Attorney Francis provided answers. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Public Works and Public Safety Committee.

**Second Public Hearing:** Class II Motor Vehicle Licenses for Montell Enterprises, Inc. at 825 Main Street

Attorney Phillip McCourt, 10 Putney Road, Wellesley, MA spoke in favor of the petition. One person stood 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 Durkee asked if the existing building and surrounding area would be updated. George Michael, 1122 Trapelo Road, Waltham, owner of the property responded giving details of upcoming improvements. Councillor Bradley-MacArthur asked about signage. Mr. Michaels said they are planning on adding a sign to advertise the business. Councillor LeBlanc asked about the amount of cars they are allowed to sell. Mr. Michaels said they will have six (6) cars for sale. Attorney McCourt explained the legal aspects of car sales. Councillor Katz asked about servicing vehicles. Mr. Michaels said they would be servicing as well as selling. With no additional questions from Councillors President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

**Third Public Hearing:** Special Permit application at 305 Second Avenue for Middlesex Integrated Medicine, Inc.

Councillor Darcy moved that a new Public Hearing for Middlesex Integrative Medicine, Inc. at 305 Second Avenue take place without the withdrawal or resubmission of the prior filed application. The motion was approved by a voice vote. Councillor Darcy moved to recess the hearing until 5/23/2022 due to a time conflict with the petitioner. The motion was approved by a voice vote and the matter was recessed.

**Fourth Public Hearing:** (Recessed from 3/28/2022) Special Permit application at 235 Bear Hill Road, Waltham for Thrive Cultivation & Dispensary, LLC

Attorney Phil Silverman, 14 Rollins Road, South Easton, MA spoke in favor of the petition. With no one else in support, no one else in opposition and no one else 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 spoke about the length of time that Thrive has been going through the application process, if they were leasing or owned the current location and why they postponed their previous Public Hearing. Attorney Silverman spoke of a letter that was sent from a business in the area regarding a “Buffer” issue. He spoke extensively on their research of legal issues, state and local laws as well as city ordinances and stated they do not believe they are in violation. Councillors Katz and Bradley-MacArthur asked several questions about employees, packaging, sustainability disposal and women/minorities in the work place. Attorney Silverman responded to all questions. With no additional questions from Councillors President McMenimen closed the public hearing and referred the matter to the Ordinances and Rules Committee.

### **Communications from the Mayor**

Councillor McLaughlin moved to accept a late filed communication from the Mayor related to 1 Balm Avenue. Councillor Dunn recused herself. The motion was adopted by a voice vote and the matter was approved. Clerk Vizard read the Communication. Councillor McLaughlin made a motion to table the matter until after the Committee reports were read. The motion was approved by a voice vote and matter was tabled on the Council floor.

Councillor McLaughlin moved to accept a late filed communication from the Mayor related to the MWRA. The motion was approved by a voice vote. Clerk Vizard read the Communication. President McMenimen referred the communication to the Finance Committee.

1. The Mayor respectfully requested acceptance of a 1986 Lions Club Waltham Trivia Game donated by Marie McKenzie, Waltham, Massachusetts. Referred to the Finance Committee.
2. The Mayor respectfully requested acceptance of a gift from Jeannette A. McCarthy of a signed program from Bob Eagle tribute on March 26, 2022. Referred to the Finance Committee.
3. The Mayor respectfully requested that the care, custody and control of the 625 Moody Street Parking Lot property be transferred to the Traffic Commission to provide additional off-street metered parking in the Moody Street area. Referred to the Committee of the Whole.

4. The Mayor respectfully requested acceptance of a children's desk and chair from Nahum Hardy School donated by MaryEllen Ryan of Waltham. Referred to the Finance Committee.
5. The Mayor respectfully requested to address the City Council in Executive Session regarding a Confidential Executive Session Matter - Moody Street. Referred to the Committee of the Whole.
6. The Mayor respectfully requested a transfer of funds without Committee reference in the amount of \$1,500.00 for the purpose of the Assistant City Clerk to attend the 2022 NEMCIA Summer Institute to receive the CMC Certification. Councillor LaCava moved to suspend Rule 39 to act without Committee Reference. The motion was approved by a voice vote. Councillor LaCava made a motion to approve. The motion was approved by a voice vote and the matter was approved.
7. The Mayor respectfully requested an appropriation in the amount of \$25,510.00 to renew the cyber insurance policy. Referred to the Finance Committee.
8. The Mayor respectfully requested the transfer of funds in the amount of \$19,100.00 to purchase a new time clock system for CPW to be used by the employees of the Laborers' and Mechanics' Unions. Referred to the Finance Committee.
9. The Mayor respectfully requested the City Council approve the funding allotment in the total amount of \$410,314.04 from the cable access funds for the Waltham City Council. Referred to the Committee of the Whole.
10. The Mayor respectfully requested the City Council approve the funding allotment in the total amount of \$38,463.52 from cable access for the Waltham Community Access Corporation (WCAC). Referred to the Committee of the Whole.
11. The Mayor respectfully requested the acceptance of five automatic hand sanitizer dispensers donated by Jackie Landry of Waltham. Referred to the Finance Committee.
12. The Mayor respectfully requested a transfer in the amount of \$44,000.00 from the Library State Aid Special Revenue account to the Library – Educational Supplies account. Referred to the Finance Committee.
13. The Mayor respectfully requested a transfer in the amount of \$44,000.00 from the Library State Aid Special Revenue account to award the bid to install carpeting in the Children's Room, the "New Book Room" and vinyl tiles in the new "Makerspace Room". Referred to the Finance Committee.

#### **Applications and Licenses**

- Secondhand Dealers License renewal at 709 Main Street for Neighbors Who Care Thrift Referred to the Licenses and Franchises Committee.

## **Orders, Ordinances & Resolutions**

### **1. 2022 Motorcycle Resolution**

Clerk Vizard read the Resolution. Councillor O'Brien spoke on the Resolution and the importance of spreading awareness on motorcycle safety. Councillor O'Brien moved to suspend Rule 39 and act on the Resolution without Committee reference. The motion was approved by a voice vote. Councillor O'Brien moved approval of the Resolution. The motion was approved by a voice vote.

### **2. Resolution Recognizing Waltham High School Show Choir & Show Band**

Clerk Vizard read the Resolution. Councillor Katz spoke on the successes of the High School Show Choir and the Show Choir Band. Councillor Katz moved to suspend Rule 39 to act on the Resolution without Committee reference. The motion was approved by a voice vote. Councillor Katz moved approval of the Resolution. The motion was adopted by a voice vote and the Resolution was approved.

### **3. Dignity with Disabilities Resolution**

Clerk Vizard read the Resolution. Councillor Durkee spoke on the importance of changing the phrase "mental retardation" to "disabilities" or "disabled". President McMenimen referred the matter to Ordinances and Rules Committee.

### **4. Earth Day and Arbor Day Resolution**

Clerk Vizard read the Resolution. Councillor Harris spoke about Earth Day and Arbor Day and the importance of saving the planet. Councillor Harris moved to suspend Rule 39 to act on the Resolution without Committee reference. The motion was approved by a voice vote. Councillor Harris moved approval of the Resolution. The motion was approved by a voice vote.

### **5. Brook Road Compensatory Flood Storage Resolution**

Clerk Vizard read the Resolution. Councillor Darcy spoke about new builds and construction in the area that caused continual flooding and how the residents in that area need help to alleviate the flooding. President McMenimen referred the matter to the Committee of the Whole.

### **6. Silver Hill Lane Resolution**

Clerk Vizard read the Resolution. Councillor Darcy spoke about the need for resurfacing private ways. President McMenimen referred the matter to the Public Works and Public Safety Committee.

## **Committee Reports**

### **Licenses and Franchises**

1. The Licenses and Franchises Committee recommended naming 240 Beaver Street 'The Cornelia Warren Farm & Field Station' 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 Second Hand Dealer's License Renewal at 443 Moody Street for Mr. Sweeper Aviden 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 the matter was approved.

3. The Licenses and Franchises Committee recommended the Extended Hours Renewal at 50 Sun Street Suite 4A for GoPuff, 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 the matter was approved.

### **Economic and Community Development**

1. The Economic and Community Development Committee recommended the Resolution Concerning All Public Meetings of the Waltham City Council be sent to Mayor McCarthy for her consideration. 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.

### **Finance**

1. The Finance Committee recommended an appropriation of \$9,000.00 for Disability Services Commission for several projects 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 acceptance of a donation of a Waltham Business Guide from Crystal Philpott, Waltham, MA 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 and Capital Planning Committee**

1. The Long Term Debt and Capital Planning Committee recommended the approval of an allocation of CPA funds for the City Clerk's Historic Document Assessment. 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.

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

1. The Public Works and Public Safety Committee recommended the letter submitted by Councillor Darcy regarding support of a bus route in North Waltham be approved. 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.

### **Committee of the Whole**

1. The Committee of the Whole recommended granting the Charles River Canoe & Kayak a permit to put a temporary dock on the River walk next to Cronin's Landing Dock be approved. 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 the reappointment of Kristin Murphy, 39 Old Post Road Walpole, MA as Human Resources Director and Workers' Compensation Agent for a

term expiring, February 29, 2024 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, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, and Vidal.

Opposed: None.

Absent: Stanley.

Presiding: McMenimen

Matter was approved 13-0-1.

3. The Committee of the Whole recommended the appointment of Louis P. Andrews, 58 Wilbur Street, Waltham, MA as a member of the Conservation Commission to fill a vacancy 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, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Vidal and McMenimen.

Opposed: None.

Absent: Stanley.

Matter was approved 14-0-1.

4. The Committee of the Whole recommended the appointment of Jeffrey Monfette, 45 Clements Road Waltham, MA as a member of the Board of Commissioners of Trust Funds to fill a vacancy 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, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Vidal and McMenimen.

Opposed: None.

Absent: Stanley.

Matter was approved 14-0-1.

5. The Committee of the Whole recommended the approval of the financing plan for the land taking of the property located at 1 Balm Avenue in the amount of \$4,500,000.00 be approved. Councillor Dunn recused herself. 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, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Vidal and McMenimen.

Opposed: LaCava.

Recused: Dunn.

Absent: Stanley.

Matter was approved 12-1-1-1.

Councillor McLaughlin moved approval of the loan authorization for a first reading.

Roll Call required.

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

Opposed: None.

Recused: Dunn.

Absent: Stanley.

Matter was approved 13-0-1-1.

6. The Committee of the Whole recommended the approval of a friendly taking order 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, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Vidal and McMenimen.

Opposed: LaCava.

Recused: Dunn.

Absent: Stanley.

Matter was approved 12-1-1-1.

7. The Committee of the Whole recommended that the City Council transfer the care, custody and control of 1 Balm Avenue, Waltham, MA to the Waltham School Department for the purposes contained in the friendly taking be approved. Councillor McLaughlin moved to take the 1 Balm Avenue communication tabled earlier on the Council floor off the table. The motion was approved by a voice vote. Councillor Dunn recused herself. Clerk Vizard read the Communication. Councillor McLaughlin made a motion amend the order by adding conditions 1-8 from the communication from the Mayor. Roll Call required.

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

Opposed: LaCava and Vidal.

Recused: Dunn.

Absent: Stanley.

Matter was approved 11-2-1-1.

Councillor McLaughlin made a motion to approve the amended transfer order. On the motion Councillor Darcy rose to speak of the neighborhood meeting held Sunday, April 10<sup>th</sup>. Councillor Darcy hosted the meeting because the Ward Two Councillor was unable to be involved due to the conflict of interest she has with the property. The meeting produced the proposed amendments to the current order. Councillor Darcy moved to amend the amended order and state no commuting traffic be allowed. Roll Call required.

In favor: Darcy and LaCava.

Opposed: Bradley-MacArthur, Durkee, Harris, Katz, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, and Vidal.

Recused: Dunn.

Absent: Stanley.

Amendment did not carry. 2-10-1-1.

Councillor Darcy moved to make another amendment not to have any nighttime activity on the property. Roll call requested. On the motion Councillor Paz asked about school activities going on the property. Councillor Harris rose to a point of information and made a request that was approved by a voice vote to have the Mayor come in to this meeting to speak to us on the matter. Councillors Durkee and Harris escorted the Mayor into the Chamber. Mayor McCarthy informed the Council that the meeting was not being televised on her cable channel. President McMenimen asked Councillor Darcy to repeat his amendment which was no nighttime activity on the property. The Mayor addressed the amendment and stated Attorney Laughman would

know what was written within the contract. Councillor Harris moved to hear from all off Committee members. Matter was approved by a voice vote. Attorney Laughman stated that within the contract it states that activity will end by nine o'clock. Councillor Darcy moved to amend his amendment to state that there is no activity after nine o'clock in the evening. Roll call required.

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

Opposed: None.

Recused: Dunn.

Absent: Stanley.

Presiding: McMenimen

Matter was approved 12-0-1-1.

Councillor Darcy moved to amend the amended order to state no lighting on three sides of the property which would be the residence sides. On the motion Mayor McCarthy did not think it was prudent not to have security lighting. Councillor Darcy withdrew the amendment. Councillor Darcy moved approval of the amended care, custody and control of the order. On the motion President McMenimen asked the Clerk to read the latest version of the amended order. Roll call required.

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

Opposed: Katz and Vidal.

Recused: Dunn.

Absent: Stanley.

Matter was approved 11-2-1-1.

### **Ordinances and Rules**

1. The Ordinances and Rules Committee recommended that the Minor Modification of Special Permit Order # 34110 and 35044 for 275 Wyman LLC. at 225 Wyman Street be approved. Councillor Darcy 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, McLaughlin, O'Brien, Paz, and Vidal.

Opposed: None.

Absent: Stanley.

Presiding: McMenimen.

Matter was approved 13-0-1.

2. The Ordinances and Rules Committee recommended that the Minor Modification of Special Permit Order # 32095 for 275 Wyman LLC. at 275 Wyman Street be approved. Councillor Darcy 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, McLaughlin, O'Brien, Paz, and Vidal..

Opposed: None.

Absent: Stanley.

Presiding: McMenimen.

Matter was approved 13-0-1.



3. The Ordinances and Rules Committee recommended that the Extension of Time for 850, 910, 920 – 930 – 940 Winter Street be approved. Councillor Darcy 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, McLaughlin, O'Brien, Paz, and Vidal..

Opposed: None.

Absent: Stanley.

Presiding: McMenimen.

Matter was approved 13-0-1.

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

- (This matter was addressed earlier in the meeting.) Middlesex Integrative Medicine, Inc. and Executive Park Realty Corporation request for continuance of the proposed public hearing on April 11, 2022 to Monday May 23, 2022.

- Extension of Time for Special Permit Order #34493 at 300 Third Avenue. Referred to the Ordinances and Rules Committee.

- Extension of Time for Special Permit Order #33110 BP Third Ave LLC. at 214 Third Avenue, 186 – 194 Third Avenue and 95 Fourth Avenue. Referred to the Ordinances and Rules Committee.

### **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).

Councillor McLaughlin made a motion to take the matter off the table. The motion was approved by a voice vote. Councillor McLaughlin made a motion to send the matter to the Committee of the Whole. The matter was referred to the Committee of the Whole.

- Loan authorization for \$750,000.00 to be used for a fire apparatus truck. (3/14/2022).

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, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Vidal and McMenimen.

Opposed: None.

Absent: Stanley.

Matter was approved 14-0-1.

- Loan authorization for \$9,300,000.00 to be used for the Waltham portion of the Wayside Trail. (3/14/2022). 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, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Vidal and McMenimen.

Opposed: None.

Absent: Stanley.

The matter was approved. 14-0-1

With no further matters Councillor Harris made a motion to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 9:45 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

April 14, 2022