

Waltham City Council
Minutes of the Meeting of
April 25, 2022

President McMenimen called the meeting to order at 7:38 p.m.

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

Absent: Vidal.

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 4/11/2022. The motion was adopted by a voice vote and the matter was approved.

Councillor McLaughlin made a motion to suspend Rule 8 to take the Cheerleading Resolution out of order. The motion was approved by a voice vote. Councillors Durkee and Harris escorted the Mayor into the Chamber. The Clerk read the Resolution. Coach Blanchard and the Cheerleaders entered the Chambers. Coach Blanchard spoke about the competition in Florida and the strength of the team and winning Nationals. The cheerleaders performed a cheer for the Councillors, Mayor, and visiting guests. Councillor McLaughlin and Mayor McCarthy handed out the Proclamations and Resolutions to the coaches and cheerleaders. Mayor McCarthy spoke briefly about the team. Councillor McLaughlin moved to suspend Rule 39 to act on the matter without Committee Reference. The motion was approved by a voice vote. Councillor McLaughlin moved approval of the Resolution. The matter was approved by a voice vote.

The Clerk read rule 86.

First Public Hearing: Cellco Partnership d/b/a Verizon Wireless 250 Second Avenue. Attorney Michael Giamo, 1 Boston Place, Boston, MA representing the petitioner spoke in favor of the petition giving details of installation and service coverage. 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 LaFauci asked if Verizon was leasing the rooftop and if it would cause any obstructions. Mr. Giamo referred to an illustration in the provided packet and confirmed there would be no obstructions. Councillor Bradley-MacArthur asked questions about who would benefit from coverage, if the service provided would be the most up-to-date (5G), and if there were any health impacts. Mr. Giamo explained that the FCC regulates levels and more information was provided in packet. Councillor McLaughlin asked for confirmation that it would only be Verizon using the antennas and if there were any similar antennas in the area. Mr. Giamo confirmed only Verizon would use antennas and that he would look into antennas in surrounding communities and provide info to the Council. SAI Communications Real Estate Consultant, Sean Mahoney, 74 West Street Plympton, MA spoke about same style antennas in Everett and described the cylinder/canister style/look of the ones that would be installed. Councillor LeBlanc asked if other cell providers would be included in coverage area provided by the antennas. Mr. Giamo explained that the

hotel could sell additional roof space to other providers but Verizon will not be providing service to other cellular providers via the antennas. Councillor Katz asked if there were “gaps” in coverage are on Route 95. Mr. Giamo explained that there is not one specific area that it is more of usage drops in areas. C Squared Systems, RF Engineer, Suhail Usmani, 10 Castford Lane, Westford, MA answered in more detail using a map that showed what areas would gain coverage with the new antennas. Councillor Katz requested a copy of the map referenced. Mr. Giamo said it would be provided at Committee. Councillor Darcy asked how high above sea level the antenna is. Mr. Giamo replied that all information is in the packet. Councillor Darcy asked if there were any antennas on Prospect Hill and if so he would like that info provided. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Second Public Hearing: Special Permit (Recessed until 5/23/2022)

Middlesex Integrative Medicine, Inc., 155 Federal Street, Suite 402, Boston, Massachusetts 02110 and Executive Park Realty Corporation, 29 Juniper Hill Road, Waltham, Massachusetts 02452, collectively as Petitioners, hereby petitions the City Council for a Special Permit pursuant to §3.5 and Article XII §12.1 to 12.13 of the Zoning Ordinance to operate a marijuana establishment or marijuana retailer as defined by §12.21 of the Zoning Ordinance.

The Petitioners also are moving to amend the Special Permit granted to them on October 15, 2019 by the City Council as Order No. 34570 which granted a Special Permit to operate a medical marijuana treatment center (Requested Marijuana Dispensary) as defined by §11.210 of the Zoning Ordinances to allow the colocation of a recreational marijuana establishment or marijuana retailer pursuant to §12.21 at the same location 305 Second Avenue.

The locus is known and numbered as 305 Second Avenue and is shown in the “Atlas, City of Waltham, Massachusetts 1988”, as Map 39 Block 1 Lot 15.

The property is situated in a Commercial Zoning District.

The Legal Owner of the locus is Executive Park Realty Corporation of 29 Juniper Hill Road, Waltham, Massachusetts 02452.

Communications from the Mayor

1. The Mayor respectfully requested that the care custody and control of 33 Exchange Street Parking Lot be transferred to the Library Trustees and Library Director pursuant to City Council Order No. 35114. Referred to the Committee of the Whole.

2. The Mayor respectfully requested approval of a loan authorization in the amount of \$8.1 million for the improvements to Leary Field and Yetten Field. Councillor O’Brien moved to suspend Rule 39 to act on the matter without Committee Reference. All in favor. Councillor O’Brien moved for approval for a First Reading. The matter was approved by a voice vote. President McMenimen referred the matter to the Long Term Debt and Capital Planning Committee.

3. The Mayor respectfully requested a transfer of funds in the amount of \$5,000.00 to purchase a health screening machine to be used by the Health Department. Referred to the Finance Committee.
4. The Mayor respectfully requested the transfer of funds in the amount of \$2,000.00 to purchase seven (7) new chairs for the staff of the Health Department. Referred to the Finance Committee.
5. The Mayor respectfully requested acceptance of the 2022 Green Communities Competitive Grant in the amount of \$185,447.00 from the Massachusetts Department of Energy Resources (DOER). Referred to the Finance Committee.
6. The Mayor respectfully requested approval of the amendments to the City's General Ordinances on Infiltration/Inflow (I/I), Section 16-32 (3). Referred to the Ordinances and Rules Committee.

Councillor McLaughlin moved to accept a late file communication from the Mayor. The motion was approved by a voice vote. The Clerk read the following Communication.

The Mayor respectfully requested approval of the acceptance of a State Grant in the amount of \$60,555 through the Massachusetts Health Officers' Association (MHOA) to assist cities and towns in their efforts to enhance Covid-19 public health response. President McMenimen referred to the Finance Committee.

Applications and Licenses

No Applications or Licenses were submitted.

Orders, Ordinances & Resolutions

1. 2022 Waltham High School National Cheerleading Champions Resolution

This matter was taken out of order.

2. Bike Sharing Program Resolution

Clerk Vizard read the Resolution. Councillor Paz spoke on the Resolution and made motion for the Director of Planning and a Blue Bike Representative to attend the next Economic and Community Development meeting. The motion was approved by a voice vote. Councillor LaCava spoke about previous bike programs and their lack of support. Councillor Bradley-MacArthur stood in support of the Resolution. President McMenimen referred the matter to the Economic and Community Development Committee.

3. Public Service Recognition Week Resolution May 1 – 7, 2022

Clerk Vizard read the Resolution. Councillor Harris spoke on the Resolution. 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.

Committee Reports

Kevin M. Ritcey Award Committee

1. The Kevin M. Ritcey Award Committee recommended that the Kevin M. Ritcey Award be presented to Justin Barrett. Councillor Harris spoke briefly about the 2022 recipient Justin Barrett. Councillor McLaughlin spoke about all the outstanding nominations they had received. 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 matter. The motion was approved by a voice vote and the matter was approved.

Licenses and Franchises

1. The Licenses and Franchises Committee recommended the Class 2 Motor License for Monell Enterprises, Inc. at 825 Main Street be approved. Councillor Katz 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 709 Main Street for Neighbors Who Care Thrift be approved. Councillor Katz 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 the acceptance of a 1986 Lions Club Waltham Trivia Game donated by Marie McKenzie 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.

2. The Finance Committee recommended the acceptance of a gift from Jeannette A. McCarthy of a signed program from the Bob Eagle Tribute on March 26, 2022 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 acceptance of a children's desk and chair from Nahum Hardy School donated by MaryEllen Ryan 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 an appropriation in the amount of \$25,510.00 to renew the cyber insurance policy 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 a 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 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 five automatic hand sanitizer dispensers donated by Jackie Landry 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.

7. The Finance Committee recommended a transfer in the amount of \$44,000.00 from the Library State Aid Special Revenue account to the Library – Educational Supplies account 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.

8. The Finance Committee recommended 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" 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.

9. The Finance Committee recommended the use of ARPA funds in the amount of \$5,000,000.00 to fund the MWRA water replacement project on Lexington 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.

Public Works and Public Safety Committee

1. The Public Works and Public Safety Committee recommended the 17-25 Street Opening for Evergreen Property Solutions, LLC. at 139 Bright Street 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 approval of the transfer of care, custody and control of 625 Moody Street to the Traffic Commission. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll Call requested.

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

Opposed: None.

Absent: Vidal.

Matter was approved 14-0-1.

2. The Committee of the Whole recommended the approval of the funding allotment in the total amount of \$410,314.04 from the cable access funds for the Waltham City Council be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council.

Roll Call requested by Councillor Darcy.

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

Opposed: None.

Absent: Vidal.

Matter was approved 14-0-1.

President McMenimen announced that she is appointing a Special Committee in charge of the Cable Access Funds. The members of the ADHOC Committee will be Chairwoman Dunn, Councillors Katz and O'Brien.

3. The Committee of the Whole recommended the approval of the funding allotment in the total amount of \$38,463.52 from cable access for the Waltham Community Access Corporation (WCAC) be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll Call requested by Councillor Darcy.

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

Opposed: None.

Absent: Vidal.

Matter was approved 14-0-1.

Ordinances and Rules

1. The Ordinances and Rules Committee recommended the Extension of Time for Special Permit Order #34493 at 300 Third Avenue 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 Stanley.

Opposed: None.

Absent: Vidal.

Presiding: McMenimen.

Matter was approved 13-0-1.

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

Opposed: None.

Absent: Vidal.

Presiding: McMenimen.

Matter was approved 13-0-1.

3. The Ordinances and Rules Committee recommended the third and final reading of the Compensation Ordinance Amendment for the Planning Director & Housing Director 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, Stanley and McMenimen.

Opposed: None.

Absent: Vidal.

Matter was approved 14-0-1.

Unfinished Business & Other Business

- Extension of Time for Special Permit #34110 at 225 Wyman Street referred to the Ordinances and Rules Committee.

Tabled Items

- Confidential real estate matter tabled in Executive Session (1/24/2022)
- Loan Authorization of 1 Balm Avenue (First Reading 4/14/2022)

With no further matters Councillor McLaughlin made a motion to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 8:54 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

April 29, 2022