

Waltham City Council
Minutes of the Meeting of
May 9, 2022

President McMenimen called the meeting to order at 7:32 p.m.

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

Absent: Durkee, Paz.

City Clerk Vizard recited the Council Prayer followed by President McMenimen leading all present in the Pledge of Allegiance. Councillor Harris asked for a moment of silence for all military that have served past and present.

Councillor McLaughlin moved approval of the meeting minutes of 4/25/2022. The motion was adopted by a voice vote and the matter was approved.

Special Permit (Recessed until 5/23/2022)

President McMenimen noted that the Special Permit from Middlesex Integrative Medicine, Inc., 155 Federal Street, Suite 402, Boston, and Executive Park Realty Corporation, 29 Juniper Hill Road, Waltham will remain recessed until May 23, 2022 at 7:30 p.m.

Communications from the Mayor

1. The Mayor respectfully requested a transfer of funds in the amount of \$69,500.00 to fund the remaining snow removal overtime costs for FY2022. Referred to the Finance Committee.

2. The Mayor respectfully requested a transfer of funds in the amount of \$345,607.50 to award the low bidder for the street resurfacing of a private way – Silver Hill Lane. Referred to the Finance Committee.

Councillor McLaughlin moved to accept a late filed communication from the Mayor regarding Silver Hill Lane Betterments. The motion was approved by a voice vote. The Clerk read the communication. President McMenimen referred the matter to the Finance Committee.

3. The Mayor respectfully requested the approval of a State Grant in the amount of \$150,000.00 for the revitalization and dredging of Purgatory Cove. Referred to the Finance Committee.

4. The Mayor respectfully requested an appropriation for the Fourth of July fireworks. Councillor McLaughlin moved to accept a late filed communication from the Mayor withdrawing the above appropriation. The motion was approved by a voice vote. 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 file the matter. The motion was approved by a voice vote. The matter was filed.

Applications and Licenses

1. Request to rescind the Lodging House License transfer at 52-54 Bedford Street. Referred to the Licenses and Franchises Committee.

Committee Reports

Long Term Debt & Capital Planning

1. The Long Term Debt & Capital Planning Committee recommended the approval of a loan authorization in the amount of \$8.1 million for the improvements to Leary Field and Yetten Field be approved for a second reading. Councillor O'Brien moved to table the matter on the Council floor. The motion was approved by a voice vote the matter was tabled.

Finance

1. The Finance Committee recommended a transfer of funds in the amount of \$5,000.00 to purchase a health screening machine to be used by the Health 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.

2. The Finance Committee recommended the transfer of funds in the amount of \$2,000.00 to purchase seven new chairs for the staff of the Health 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 the 2022 Green Communities Competitive Grant in the amount of \$185,447.00 from the Massachusetts Department of Energy Resources (DOER) 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 acceptance of a State Grant in the amount of \$60,555.00 through the Massachusetts Health Officers' Association (MHOA) to assist cities and towns in their efforts to enhance Covid-19 public health response 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.

Ordinances & Rules Committee

1. The Ordinances and Rules Committee recommended the Extension of Time for Special Permit #34110 at 225 Wyman Street 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, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley and Vidal.

Opposed: None.

Absent: Durkee, Paz.

Presiding: McMenimen.

Matter was approved 12-0-2.

Unfinished Business & Other Business

- Open Meeting Law Complaint – Chris Gamble 4/27/22

President McMenimen read the complaint. Councillor McLaughlin moved to suspend Rule 39 to act on the matter without Committee reference. Approved by a voice vote. Councillor McLaughlin moved to extend the time to respond until May 25, 2022. The motion approved by a voice vote. President McMenimen referred the complaint to the Kevin M. Ritcey Award 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) Councillor Dunn recused herself. Councillor O'Brien moved to take the matter off the table. The motion was approved by a voice vote. Councillor O'Brien moved approval for a second and final reading. Roll call required.

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

Opposed: None.

Absent: Durkee, Paz.

Recused: Dunn

Second Reading was approved 12-0-2-1.

Councillors Harris and Dunn escorted the Mayor into the Chambers. Councillor McLaughlin moved to discharge a matter dealing with a Joint Meeting for Training from the Committee of the Whole. The motion was approved by a voice vote. Councillor McLaughlin moved to hear from off Committee Members Mayor McCarthy and Assistant City Solicitor Azardi. The motion was approved by a voice vote.

Assistant City Clerk Kara Wilson handed out communications provided by Assistant City Solicitor Azardi. Mayor McCarthy spoke on the matter. Assistant City Solicitor Patricia Azardi, 199 School Street, Waltham, MA spoke about the training and the four topics that would be covered.

1. Liability/Indemnification
2. Campaign Finance
3. Conflict of Interest
4. Open Meeting Law

Assistant City Solicitor Azardi spoke in great detail on all four topics. President McMenimen thanked Assistant City Solicitor Azardi for the training and praised her delivery of the information. President McMenimen opened the floor to questions. Councillor LeBlanc asked for more detail about public meetings and signing in at meetings. Assistant City Solicitor Azardi replied that home or work address is acceptable for signing into meetings. Councillor Katz asked about clarification on "employees" and if Councillors were considered "employees". Assistant City Solicitor Azardi replied Yes, Councillors are employees of the city. Councillor Katz also asked if Councillors should contact the city as private citizens when they have any issues personally (sidewalks, sewer, water pipes etc.) Assistant City Solicitor Azardi suggested that it would be better if Councillors had a separate family member contact the city in such incidents. Councillor Harris asked for more clarification on the Open Meeting Law, quorums and minutes. Assistant City Solicitor Azardi responded that 8 Councillors would be considered a quorum for Council meetings and Committee of the Whole and three Councillors would be considered a

quorum for Committees and that the minutes are not meant to be a repeat of the meeting but a concise summary. Councillor McLaughlin asked if the city's Law Offices were available for "on-call" questions and if confidentiality would be in play. Assistant City Solicitor Azardi explained that the State Ethics Commission oversees all policies. Councillor McLaughlin asked if all meetings were required to be recorded. Assistant City Solicitor Azardi answered no, but that during the pandemic conditions allowed for zoom meetings. Councillor Bradley-MacArthur asked about conflict of interest and if an email was an acceptable form of recusing oneself. Assistant City Solicitor Azardi explained that Councillors should recuse themselves in public at the time of the meeting and file with the City Clerk. Councillor Bradley-MacArthur also asked about what can and cannot be discussed on email. Assistant City Solicitor Azardi offered details and cautioned on courses of action. Councillor LaFauci asked about public meetings and meeting with ward constituents and allowing them to know their opinion. Assistant City Solicitor Azardi advised airing on the side of caution. Councillor LaFauci asked about outside of ward issues when meeting with the public. Assistant City Solicitor Azardi suggested they leave those issues to the Councillors at Large. Councillor Katz asked about speaking in public on issues. Assistant City Solicitor Azardi explained that if a Councillor publicly speaks on a specific matter, when the matter comes to Council or Committee they will have to recuse themselves. Mayor McCarthy asked Assistant City Solicitor Azardi to give examples of open meeting violations. Assistant City Solicitor Azardi explained that open meeting law violations go through the Attorney General's Office and gave an example of an issue in Wayland. President McMenimen asked who polices or enforces violations. Assistant City Solicitor Azardi explained that there is a form on the Attorney General's website for reporting violations. President McMenimen gave a personal example of the changes she has seen over her years of experience and asked why the financial reporting is now directly to Office of Campaign and Political Finance (OCPF) and no longer local. Assistant City Solicitor Azardi explained that the filings are based on the size of the city and any questions should be addressed to OCPF. Mayor McCarthy spoke on the appearance of conflict. President McMenimen thanked Mayor McCarthy and Assistant City Solicitor Azadi for appearing before the Council and conducting the training. Councillor McLaughlin moved to file the matter. The motion was approved by a voice vote and the matter was filed.

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 9:05 p.m.

Respectfully submitted by:
Cathy Magliarditi
Executive Assistant to the City Clerk
May 11, 2022