

Waltham City Council  
Minutes of the Meeting of  
June 13, 2022

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President McMenimen called the meeting to order at 7:33 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. Councillor Bradley-MacArthur asked for a moment of silence for longtime Waltham resident Deborah Wild.

Councillor McLaughlin moved approval of the regular meeting minutes of 5/23/2022. The motion was adopted by a voice vote and the matter was approved.

Councillor McLaughlin moved approval as corrected of the Executive Session meeting minutes of 5/23/2022. The motion was adopted by a voice vote and the matter was approved.

The Clerk read rule 86.

**First Public Hearing:** Grant of Location for National Grid at 544 Waverly Oaks Road. Clerk Vizard read the petition. Mary Mulroney, 201 Rivermore Street, West Roxbury, representing National Grid spoke in favor of the petition. With no one else in support, no one 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 McLaughlin spoke on the petition reiterating why the petition was rescheduled to this meeting and asked about the area in Waverley Oaks and time lines. Ms. Mulroney answered questions saying that the project would start as soon as possible and it would be 5-7 weeks to finish. Councillor McLaughlin asked if the road would be shut down during the project. Ms. Mulroney said they do not expect to disrupt traffic but if lines closures are required they will have a police detail. Councillor McLaughlin asked if the new project had anything to do with gas lines that had been replaced fairly recently. Ms. Mulroney replied no. Councillor Darcy asked what is a regulator station and the age of the current station. Ms. Mulroney explained about a regulator station and said she was not sure of the exact age but that the current one is very old. Councillor Darcy and McLaughlin expressed concern of three consecutive projects in the area and having National Grid coordinate work with the city for the least disruption to the area. Ms. Mulroney agreed to notify the City. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

**Second Public Hearing:** Grant of Location at Charlotte Avenue/Candace Avenue. Clerk Vizard read the petition. Eversource Representative Joanne Callender, 48 Shyanne Road, Worcester spoke in favor of the petition She handed out a revised plan of the area dated June 8, 2022. With no one else in support, no one 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 McLaughlin asked about exact location/address of the project, timeframe and the revised plans. Ms. Callender said she was not sure of the exact address and explained about the project and recent changes in greater detail saying it would be at least two days' worth of work. Councillor McLaughlin asked that confirmation of address be provided at Committee. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Councillor Darcy moved that a new public hearing for Flora Holdings LLC at 221 Bear Hill Road take place without the withdrawal and resubmission of the previous filed application. Roll call required.

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

Opposed: None.

Absent: LaCava.

Presiding: McMenimen.

Matter was approved 13-0-1.

**Third Public Hearing:** Special Permit, Flora Holdings, LLC. 221 Bear Hill Road. Clerk Vizard read the petition. Attorney, Daniel Glissman of Price Lobel Tye, LLC, One International Place, Boston spoke in favor of the petition in great detail referencing a handout presented to the Council. With no one else in support, no one 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 presentation provided, the amount of time since the initial filing in July of 2021, property fees and neighborhood outreach. Attorney Glissman said they have been paying for the property since 2020. They had a virtual outreach meeting during the pandemic with 6 attendants and they would be happy to host additional community meetings. Councillor LaFauci asked about the traffic study that had been conducted. Attorney Glissman responded saying that the traffic study finished in May of 2022 and has been finalized by the Traffic Commission. Councillor LaFauci asked how many employees they will have. Attorney Glissman replied 15 and that they planned on hiring locally. Councillor Bradley-MacArthur asked how many other cannabis stores they owned. Attorney Glissman replied none. Councillor Bradley-MacArthur asked why they chose Waltham. Why they chose the cannabis industry and if they planned on cultivating. Owner, Pat Smith, 27 Franklin Street, Wakefield responded and spoke of the benefits of medical marijuana. He said they have friends and coworkers here and visit the area often and really like Waltham. They do not plan on pursuing cultivation. Councillor McLaughlin asked when the last presentation before the Council was held and if there were any changes to the plans since that presentation. Attorney Glissman said the past presentation was August 2021 and the only change was lots 219 – 221 previously separated are now one continuous parcel. 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**

1. The Mayor respectfully requested acceptance of a gift of various items from Yolanda Cellucci and Sandra Celli for the Waltham Museum Room. Referred to the Finance Committee.

2. The Mayor respectfully requested acceptance of a gift of four 1981 Waltham Savings Bank glasses from an anonymous donor for the Waltham Museum Room. Referred to the Finance Committee.
3. The Mayor respectfully requested the acceptance of a sign in support of Waltham High School donated by Pam Perini of Waltham, MA. Referred to the Finance Committee.
4. The Mayor respectfully requested an appropriation in the amount of \$1,500,000.00 from Unreserved Fund Balance to the Stabilization Fund-General. Referred to the Finance Committee.
5. The Mayor respectfully requested an appropriation of funds in the amount of \$200,000.00 to fund the tree and bush removal from various areas on the Fernald property. The project will be administered and overseen by the CPW Department. Referred to the Finance Committee.
6. The Mayor respectfully requested authorization to file an Unfunded Mandate Determination with the State Auditor for the addition of sub-precincts due to significant costs of the additional election equipment and staff. Referred to the Committee of the Whole.
7. The Mayor respectfully requested approval of a transfer totaling \$120,000.00 for the Wires Department for street light transfers. Referred to the Finance Committee.
8. The Mayor respectfully requested an appropriation of funds in the amount of \$30,000.00 to fund the estimated remaining City's match (1.45% of salary) of the FICA Medicare payroll tax for city and school employees to June 30, 2022. Councillor McMenimen submitted a request to provide a list of all employees and their salaries from all Waltham schools. Councillor McLaughlin moved to approved the request. Roll call requested.  
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: LaCava.  
Presiding: McMenimen.  
Matter was approved 13-0-1.  
Matter was referred to the Committee of the Whole.
9. The Mayor respectfully requests acceptance of the second deposit of \$11,406,694.50 grant from the Federal Government under the American Rescue Plan Act (ARPA) program. Referred to the Finance Committee.
10. The Mayor respectfully requested an appropriation in the amount of \$14,000.00 to fund expected deficit in the Pre-Employment Services account for FY2022. Referred to the Finance Committee.
11. The Mayor respectfully requested an appropriation in the amount of \$28,000.00 to fund the expected deficit in the Unemployment Insurance account for FY2022. Referred to the Finance Committee.

12. The Mayor respectfully requested an appropriation in the amount of \$200,000.00 to fund the expected deficit in the Worker's Compensation account for FY2022. Referred to the Finance Committee

13. The Mayor respectfully requested an appropriation in the amount of \$66,500.00 to be added to the previously approved funds of \$13,500.00. The total amount of \$80,000.00 will be used to pay the final settlement of the lawsuit between the City of Waltham and Sally Collura. Referred to the Finance Committee.

14. The Mayor respectfully requested approval of a financing transaction totaling \$574,599.00 to cover the engineering services needed for the development of the Phase 1 MS4 Permit Phosphorus Control Plan and the engineering services and construction of the Green Infrastructure Retrofit Project at the Embassy Theatre Parking Lot. Referred to the Finance Committee.

### **Applications and Licenses**

President McMenimen referred all Applications and Licenses to the Licenses and Franchises Committee.

- Renewal of Fortune Teller's License – 12 Sartell Road, James Spanks.
- Renewal Second Hand Dealers License – 348 Moody Street, Jeanne Liriano of Alpha Cellphone Plus.
- Renewal of Second Hand Dealers License – 1250 Main Street, Larry DeRoche of Clean Out Your House, Inc.

### **Resolutions**

- Prospect Street Bridge renamed Gold Star Mothers and Families Bridge Order. Clerk Vizard read the Resolution. Referred to the Licenses and Franchises Committee

### **Committee Reports**

#### **Licenses and Franchises Committee**

1. The Licenses and Franchises Committee recommended the approval of a bench on Waltham Common to be named in memory of Virginia Monroe. 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.

Councillor Vidal moved to discharge the Resolution concerning John Duffy from Committee. The motion was approved by a voice vote. Councillor Vidal moved approval of the Resolution. Roll Call requested.

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

Opposed: None.

Absent: LaCava.

Presiding: McMenimen.

Matter was approved 13-0-1.

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

1. The Long Term Debt & Capital Planning Committee recommended the approval of an appropriation totaling \$391,735.00 for items requested with Department FY 2023 budget requests. 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.
2. The Long Term Debt & Capital Planning Committee recommended the approval of the CPC recommendation for FY2023 budget. 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.

### **Finance**

1. The Finance Committee recommended the appropriation of \$500,000.00 for overtime pay for the Fire Department thru the FY2022 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 Finance Committee recommended two grants; \$7,502.00 for SAFE and \$3,381.00 for Senior SAFE 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 Finance Committee recommended the use of ARPA funds in the amount of \$1.5 million for the rehabilitation of two water tanks in Prospect Hill Park 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 Finance Committee recommended the FY2022 Police Department budget amendment request to combine two part-time cadet positions to one full-time cadet position 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.

### **Committee of the Whole**

1. The Committee of the Whole recommended the RFP lease at 260 Grove Street for the Gym and Kitchen be approved. 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, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.  
Opposed: None.  
Absent: LaCava.  
Presiding: McMenimen.  
Matter was approved 13-0-1.
2. The Committee of the Whole recommended the RFP lease at 260 Grove Street 2<sup>nd</sup> floor be approved. 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, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: LaCava.

Presiding: McMenimen.

Matter was approved 13-0-1.

3. The Committee of the Whole recommended promoting LGBTQ+ Resolution be approved. 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, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: LaCava.

Presiding: McMenimen.

Matter was approved 13-0-1.

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

- Extension of Time for Special Permit Application at 1345-1349 Main Street & 22 Bear Hill Road. Councillor Darcy moved to suspend Rule 39 to act on the matter without Committee Reference. The motion was approved by a voice vote. Councillor Darcy moved approval. Roll Call Required.

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

Opposed: None.

Absent: LaCava.

Presiding: McMenimen.

Matter was approved 13-0-1.

- Minor Modification to Special Permit at 14-16 Pine Street, Boston Rhythmic Academy. Referred to the Ordinances and Rules Committee.

- Minor Modification to Special Permit at 185 Willow Street, Charles P. Mantenuto, Trustee. Referred to the Ordinances and Rules Committee.

- Request to reappoint Erika Oliver Jerram to the Community Preservation Committee. Referred to the Committee of the Whole.

- Request to reappoint Daniel Melnechuk to the Community Preservation Committee. Referred to the Committee of the Whole.

- Request to reappoint Loretta McClary to the Community Preservation Committee. Referred to the Committee of the Whole.

- Request to reappoint Amanda Thibodeau to the Community Preservation Committee. Referred to the Committee of the Whole.

### **Tabled Items**

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

## **Rule 58**

For Informational Purposes Only

- Mayor's Communication regarding Tracer Lane II LLC vs City of Waltham & Another
- Mayor's Communication regarding approval of the Alternate Safety Measures (ASMs) from the Federal Highway Administration. Councillor McLaughlin moved to take the matter from Rule 58 to the Docket as a communication from the Mayor. The motion approved on a voice vote. Councillor McLaughlin spoke on the success and timely manner that the train horn matter was handled. Referred to the Committee of the Whole.

Councillor Darcy moved to discharge a matter from the Public Works and Public Safety Committee. The matter was approved by a voice vote. Councillor Darcy requested that a representative from the Engineering Department and Conservation Committee member be invited to the next Committee meeting. Approved by voice vote. Councillor Darcy moved to recommit the matter. Motion approved by a voice vote.

Councillor Bradley-MacArthur moved to discharge the Resolution in Opposition to a Proposition 22 Clone Ballot Initiative from the Committee of the Whole. Councillors Bradley-MacArthur, McLaughlin and Paz spoke on the matter, Councillor McLaughlin moved approval of the Resolution. Roll Call requested.

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

Opposed: Harris, LaFauci, LeBlanc and Vidal.

Absent: LaCava.

Presiding: McMenimen.

Matter was approved 9-4-1.

Councillor McMenimen announced that the petitioner for the Special Permit at 1345 – 1349 Main Street and 22 Bear Hill Road had arranged for a balloon lift on June 14 from 10 a.m. to 12 p.m. to get height specifications.

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 8:45 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

June 14, 2022