

Waltham City Council
Minutes of the Meeting of
September 12, 2022

President McMenimen called the meeting to order at 7:35 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 Darcy asked for a moment of silence for Waltham resident Jack Sullivan.

Councillor McLaughlin moved approval of the regular meeting minutes of 8/1/2022. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the Executive Session meeting minutes of 8/1/2022. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin made a motion to send the Executive Session meeting minutes of 8/1/2022 to the Law Department. The motion was adopted by a voice vote and the matter was approved.

The Clerk read Rule 86.

First Public Hearing: Special Permit application for Flora Holdings, LLC. at 221 Bear Hill Road.

Attorney Daniel Glissman, representing the petitioner, spoke in favor of the petition. One person in the room stood in opposition 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 LaFauci asked about a deficiency in the notice. Clerk Vizard explained that the ad was not properly run because of the transfer of the newspapers. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Councillor Darcy moved that a new public hearing for Waltham Cannabis, Inc. at 1254-1256 Main Street take place without the withdrawal and resubmission of the prior filed application. The motion was approved by a voice vote.

Second Public Hearing: Special Permit for Waltham Cannabis, Inc. at 1254-1256 Main Street. Councillor LeBlanc recused himself. Attorney Joseph Connors, representing the petitioner, spoke in favor of the petition explaining that the Board and Survey Committee had requested curb cuts and that resulted in the building being moved forward to provide access from Main Street. Attorney Connors went over the initial plans in detail using visual aides to show the changes. Paul Umbrello, 102 Stow Street, Waltham spoke in opposition to the petition. He has concerns of the neighbors specifically the abutters. He expressed concern about the traffic and parking and spoke of not being notified of the petition. Five people stood in opposition 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 Katz asked why Attorney Connors is presenting this Special Permit application again and why the petitioner did not re-present in January when the new Councillors came to the Council. Attorney Connors explained that the Client made a judgement call based on cost and time already committed and did not feel it was necessary. Councillor Katz asked if other locations were considered. Attorney Connors said Yes, and that because of location and commercial zoning the 1254-1256 location worked best. Councillor Katz expressed concerns about the abutting homes and the Rail Trail and asked if there were any community outreach meetings. Daniel Schmidt, 1254 Main Street, Waltham spoke about the petitioner outreach meetings and who he contacted. President McMenimen rose to a Point of Information and stated that she had attended the outreach meetings when they occurred. Councillor Katz requested a list of who was notified and asked if the petitioner would be interested in having additional meetings. Attorney Connors said they would take it under advisement. Councillor LaFauci spoke about a zoom call and opposition from neighbors. Councillor LaFauci asked about the abutters and the closeness of neighbors and parking spaces. Attorney Connors explained that there are twenty-one parking spaces and that only nine are required. Councillor LaFauci asked if the parking spots were on the Commercial side or the residential side. Attorney Connors explained about the curb cuts and that all parking spaces were on the Commercial side of the building. Attorney Connors offered to have a barrier placed to prevent wrong turns. Councillor O'Brien asked to have an in person community meeting and the site location. Attorney Connors explained about Commercial zones and locations and how the client looked at several sites. Councillor O'Brien asked about the Traffic Commission. Attorney Connors continued to explain about the curb cuts and the entrance and exit. Councillor O'Brien asked about the hours of operation. Attorney Connors said Monday through Saturday 8:00 a.m. – 8:00 p.m. Councillor O'Brien asked about walkers and bikers. Attorney Connors said he would look into that information and get back to the Council. Councillor Bradley-MacArthur asked about their business plan, demographics and clientele. Attorney Connors said he would collect that information and return with a profile. Councillor Bradley-MacArthur asked what the pattern of the customers will be with using the parking lot. Attorney Connors explained that the customers will come and go. Councillor Bradley-MacArthur asked about the ventilation of the building and the doors. Attorney Connors explained that proper ventilation is required and showed the rendering of the building showing location of doors. Councillor Vidal asked about snow removal and if the storing of snow would eliminate parking spaces. Attorney Connors explained that there is more than enough parking and snow storage would not be a problem. Paul Umbrello in rebuttal spoke of east vs. west traffic. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Third Public Hearing: Grant of Location for National Grid at Trapelo to Waverly Oaks Road.. Representative Mary Mulroney, 201 Rivermore Street, West Roxbury, representing National Grid spoke in favor of the petition. Cynthia Aghamianz, 34 Upton Road, Waltham spoke in a neutral position asking for additional information on the location and safety of the project. 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 the Clerk if this petition had been before the Council before that evening. Clerk Vizard explained that a similar petition in the same area was before the Council previously and that this one was new. Councillor McLaughlin spoke about

another project in the area and suggested that the petitioners work with the other projects and the City to coordinate to have the least disruption to the area. Ms. Mulroney confirmed that they are all working together. Councillor McLaughlin asked about some comments on the engineering report. Ms. Mulroney will have answers provided by the Committee meeting. Councillor McLaughlin asked what time of day the work will be happening. Ms. Mulroney explained that would be decided by the City. Councillor Darcy asked the Clerk about an Engineering Department email. Clerk Vizard explained the comments. Councillor Darcy asked the Clerk if the plan was listed in the eDocket. The Clerk responded Yes. Councillor Darcy explained to Ms. Aghamianz that she would be able to access the plans on the City's website. Councillor Darcy spoke about the three projects currently underway near that location and echoed Councillor McLaughlin's comments of coordination. Councillor LeBlanc asked if Feeney Brothers Utility Services would be doing the work. Ms. Mulroney confirmed. Councillor LeBlanc expressed concerns of the organization and tidiness of Feeney Brothers Utility Services projects in other areas of the city. He went on to say they are not very "courteous or clean" in the areas they have been working in and around. Councillor Vidal expressed concern of coordination and how traffic will be effected and requested answers by the Committee meeting. Councillor Darcy reiterated comments regarding the Feeney Brothers Utility Services. President McMenimen asked to make sure that Traffic on Trapelo Road would be handled during any inclement weather to not allow for backups. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Fourth Public Hearing: Grant of Location for NStar DBA Eversource at Brookfield Road. Chenille Grant, 1165 Massachusetts Avenue, Boston, representing Eversource, 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 Darcy asked how long the project would take. Ms. Grant said she would get that information for the Council. Councillor Darcy asked if the work would be done in the Fall. Ms. Grant replied yes. Councillor McLaughlin spoke about the multiple projects happening in that area and coordination efforts with all parties would be most beneficial. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Fifth Public Hearing: Fuel Storage License for Alexandria RE at 235 & 231 Second Ave. Attorney, Michael Connors of Connors & Connors, LLC, 689 Main Street, representing the petitioner, spoke in favor of the petition. He explained the amendment needed for the existing fuel storage license. 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 repeated the reason for the amendment explaining the amendment was specific to a tenant and asked if the Waltham Fire Department has been notified. Attorney Connors replied yes. They are working with Deputy Grant. Councillor Bradley-MacArthur asked about Conservation sign-offs. Attorney Connors said he is still waiting for a few responses. Councillor Bradley-MacArthur asked if licenses were renewed annually. Attorney Connors explained that licenses are updated as needed as well as annually. Councillor Vidal asked how long the tenant has been in the building. Attorney Connors replied saying that information will be provided to Committee. With no additional questions

from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Sixth Public Hearing: Fuel Storage License for 225 Wyman, LLC. at 275 Wyman Hobbs Brook Main Spring Campus.

Attorney, Michael Connors of Connors & Connors, LLC 689 Main Street, representing the petitioner, spoke in favor of the petition. He explained the amendment needed for the existing fuel storage license. Attorney Connors spoke about additional information required by the Waltham Fire Department and the information will be available at Committee. 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 Dunn asked if the generators were temporary or permanent. Attorney Connors explained that they are temporary because of supply chain issues. They will be replaced with permanent ones once the new generators come in. Councillor Dunn asked about tenants. Attorney Connors said the building is 96% occupied. Councillor Dunn asked if the amount of fuel storage requested is common that occupancy. Attorney Connors replied storage is typical per space. Councillor Dunn asked about the late filed communication. Attorney Connors explained the plans supplied as late filed included a corrected date only. No other changes. Councillor Dunn mentioned a discrepancy between the two applications regarding 3.2 vs 1 gallon. Attorney Connors will provide an answer at a Committee. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Communications from the Mayor

1. The Mayor respectfully requested the transfer of the care, custody and control of the records from the City's Recreation Department to the City Clerk for safe keeping in the Rosario Malone Archives Center. Referred to the Committee of the Whole.
2. The Mayor respectfully requested acceptance of a celebratory banner of "The Best Places to Live" for the City Hall Museum Room from the Chamber of Commerce, Bentley University, and Brandeis University. Referred to the Finance Committee.
3. The Mayor respectfully requested the acceptance of a citation from Governor Baker and Lieutenant Governor Polito for the 135th Anniversary of the City given to the Waltham Parade Committee. Referred to the Finance Committee.
4. The Mayor respectfully requested the acceptance of magnet, notepad, pen, and a cup from the Brandeis University Waltham Group for their 50th Anniversary. Referred to the Finance Committee.
5. The Mayor respectfully requested acceptance of a photograph of women safety officers donated by Mary Ellen Ryan. Referred to the Finance Committee.
6. The Mayor respectfully requested the care, custody and control of the land at 240 Beaver Street be transferred to the Consolidated Public Works Department. Referred to the Committee of the Whole.

7. The Mayor respectfully requested the care, custody and control of the administration building at 240 Beaver Street be transferred to the Building Department and its future successor, the Building Maintenance Department. Referred to the Committee of the Whole.

8. The Mayor respectfully requested acceptance of three phone books from Patty and Bill Strom for the phone booth in the City Hall Museum Room. Referred to the Committee of the Whole.

9. The Mayor respectfully requested acceptance of several gifts donated by Mary Ellen Ryan for the Waltham Museum Room. Referred to the Committee of the Whole.

10. The Mayor respectfully requested the use of the American Rescue Plan Act (ARPA) funds in the amount of \$1,820,522 for the replacement of portable radios for both the Fire and Police Departments. Referred to the Committee of the Whole.

11. The Mayor respectfully requested a transfer of funds in the amount of \$124,000 to fund the abatement and demolition of the building located at 625 Moody Street and the Leary Field buildings (field house, concession stand and two ticket booths) located at 45 Athletic Field Road. Referred to the Committee of the Whole.

12. The Mayor respectfully requested approval of a financing transaction in the total amount of \$197,500 to fund the Chesterbrook storm water project. Referred to the Committee of the Whole.

13. The Mayor respectfully requested to go into Executive Session regarding the property located at 101 School Street. Councillor Durkee moved to table the matter until the end of the meeting. The Motion was approved by a voice vote.

President McMenimen read a Communication from March 20, 2018 regarding leases. Councillor Darcy requested that every Councillor receive a copy of the communication. The Clerk will send to the Councillors.

14. The Mayor Respectfully requested a placeholder for the proposed lease at 58 Chestnut Street. Referred to the Committee of the Whole.

15. The Mayor Respectfully requested a placeholder for the proposed lease at 25 Lexington Street. Referred to the Committee of the Whole.

16. The Mayor Respectfully requested acceptance of a donation of time from Brown and Caldwell to assist the City with Development of an application for the FY 2022-2023 MS4 Municipal Assistance Grant to develop better web-based tools for MS4 compliance. Referred to the Finance Committee.

17. The Mayor Respectfully requested a transfer of funds in the amount of \$3,500.00 to perform the highest and best use of appraisal of the Fitch School. Referred to the Finance Committee.

18. The Mayor Respectfully requested approval of a loan authorization in the amount of \$1,700,000.00 to be used for the purchase of replacement trucks and vehicles for the Street/Water/Sewer Divisions of the Consolidated Public Works Department. Referred to the Long Term Debt and Capital Planning Committee.

19. The Mayor Respectfully requested a transfer of funds in the amount of \$25,000.00 for general expenses (advertising) for the Zoning Board of Appeals (ZBA) to be incurred in FY2023. Referred to the Finance Committee.

20. The Mayor Respectfully requested a transfer of funds in the amount of \$4,500.00 to be combined with an existing \$510.00 to install signage at the Library Parking Lot on Exchange Street. Referred to the Finance Committee.

Applications and Licenses

All Applications and Licenses referred to the Licenses and Franchises Committee.

- Renewal of Class 2 License– 935 R Main Street – Pilicy Auto & Yacht Inc. – Xpilicy Auto Sales.
- Renewal Second Hand Dealers License – 318 Moody Street – Quality Designz Inc.

Resolutions, Orders and Ordinances

- Resolution to Provide Accessible Mailboxes in Waltham

Clerk Vizard read the Resolution. Councillor Katz spoke on the” snorkel” style mail box that has been removed from the Main Street Post Office. The USPS removed the mail box because it was easily “fished” but did not offer any reasonable replacements. Councillor Katz spoke on how this was inconvenient for elderly, mobility compromised and mothers with young children. He explained how he contacted Representative Katherine Clark’s office and was told to suggest that residents drive to Weston or Framingham for drive up boxes or to call the Post Office from the parking lot and have someone come out and get the mail. Councillor LaCava spoke on the Resolution. He too was contacted by a constituent and that he would like to get some answers. President McMenimen referred the Resolution to the Economic and Community Development Committee.

Committee Reports

Ordinances and Rules Committee

1. The Ordinances and Rules Committee recommended the Special Permit Application for Cellco/Verizon at 250 Second Avenue be approved with the condition the revised order and plan was sent to the Office of the City Clerk by September 8, 2022 at 12:00 p.m. Councillor Darcy moved that the action of the Committee be the action of the Council. Roll Call required.

In favor: Councillors 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

- Minor Modification to Special Permit at 135 Second Avenue, KW Waltham, LLC. Referred to the Ordinances and Rules Committee.

Tabled Items

- Loan Authorization roof replacement at City Hall \$643,000.00 (8/1/2022)

Councillor O'Brien moved to take the matter from the table. The motion was approved by a voice vote. Councillor O'Brien moved that the Loan Authorization be given a second and final reading. Roll Call required.

In favor: Councillors 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

- Loan Authorization clock tower repair at City Hall \$645,000.00 (8/1/2022)

Councillor O'Brien moved to take the matter from the table. The motion was approved by a voice vote. Councillor O'Brien moved that the Loan Authorization be given a second and final reading. Roll Call required.

In favor: Councillors 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

- Loan Authorization for Leary Field \$4,000,000.00 (8/1/2022)

Councillor O'Brien moved to take the matter from the table. The motion was approved by a voice vote. Councillor O'Brien moved that the Loan Authorization be given a second and final reading. Roll Call required.

In favor: Councillors 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

Councillor McLaughlin moved to discharge the 22 Bear Hill Road and 1345 Main Street Special Permit Application from Ordinances and Rules Committee. The motion was approved by a voice vote. Councillor McLaughlin made a motion to have the Clerk of the Committee and the Chairman Councillor Darcy review and redact the two communications from September 7th and September 8th 2022 and then to be released to the public. The motion was approved by a voice vote. President McMenimen referred the matter back to the Ordinances and Rules Committee.

Councillor Durkee made a motion, that was approved by a voice vote, to take the Mayor's request to go into Executive Session regarding the property located at 101 School Street off the table. Councillors Harris and Durkee escorted Mayor McCarthy into the Chamber. Mayor McCarthy explained that the executive session would be regarding a real estate matter and that Assistant City Clerk Kara Wilson attend and the City Clerk Vizard act as the Clerk. Councillor Durkee moved that the City Council go into Executive Session regarding the property located at 101 School Street. Roll call required.

In favor: Councillors 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

President McMenimen declared the Council in Executive Session at 9:52 p.m.

President McMenimen reconvened the City Council meeting at 10:32 p.m.

With no further matters Councillor McLaughlin moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 10:32 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

September 19, 2022