

Waltham City Council
Minutes of the Meeting of
November 28, 2022

President McMenimen called the meeting to order at 7:40 p.m.

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

Absent: None

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 regular meeting minutes of 11/14/2022. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the special meeting minutes of 11/7/2022. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the executive session minutes of 11/7/2022. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved to send the Executive Session Meeting Minutes from 11/7/2022 to the Law Department. The motion was approved by a voice vote.

Communications from the Mayor

1. The Mayor respectfully requested a transfer of funds in the amount of \$50,000.00 to fund the first year of the collective bargaining agreement for July 1, 2022 to June 30, 2025 for the Librarians Union. Referred to the Finance Committee.
2. The Mayor respectfully requested a transfer of funds in the amount of \$945,000.00 to fund the first year of the collective bargaining agreement for July 1, 2022 to June 30, 2025 for the Firefighters Union. Referred to the Finance Committee.
3. The Mayor respectfully requested the acceptance of the FY 2022-23 Jail Diversion Program Grant in the amount of \$43,000.00. Referred to the Finance Committee.
4. The Mayor respectfully requested the acceptance of a donation of \$200.00 from Connors & Connors LLP, toward the upkeep and maintenance of the holiday lights on the Common. Referred to the Finance Committee.
5. The Mayor respectfully requested the approval of two grants of easements with an accompanying easement plan for Third Avenue/Prospect Hill Lane. Referred to the Committee of the Whole.
6. The Mayor respectfully requested to go into Executive Session to provide an update on two real estate matters and potential votes. This matter was tabled on the Council Floor by a voice vote.

7. The Mayor respectfully requested acceptance of a donation of \$1,000.00 for a bench in memory of J. Dennis Gill on the Waltham Common near the Circle of Remembrance. Referred to the Finance Committee.

8. The Mayor respectfully requested a transfer of funds in the amount of \$242,560.00 for the baseball infield improvements at Nipper Maher Park Little League Field #1 and #2, Lazazzero Playground Little League Field #1 and #2 and McKenna Playground Major League Field. Referred to the Finance Committee.

9. The Mayor respectfully requested a transfer of funds in the amount of \$49,000.00 to fund the design services for the Veterans Rink Roof Project. Referred to the Finance Committee.

Applications and Licenses

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

- Renewal of Extended Retail Hours – 50 Sun Street, Suite 4A – GoPuff LLC.
- Renewal of Class 2 License – 251 Lexington Street – Boston Muffler and Brake Co., Inc.
- Renewal Lodging House – 403 River Street– Scott Hefter, Gilbere INN, LLC
- Renewal Lodging House – 24-26 High Street– Scott Hefter, High Street, LLC.

Resolutions, Orders and Ordinances

The Salvation Army Resolution. The Clerk read the Resolution. Councillor Harris spoke on the Resolution. Councillor Harris moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Harris made a motion to approve the Resolution. The motion was adopted by a voice vote and the matter was approved.

- Resolution Concerning Waltham’s Rodent Problem Impacting the Southside and Other Areas of the City. The Clerk read the Resolution. Councillor Harris spoke on the Resolution. Councillor LeBlanc spoke on the Resolution. President McMenimen referred the Resolution to the Economic and Community Development Committee.

Committee Reports

1. The Licenses and Franchises Committee recommended the Grant of Location for a new pole for Eversource at Lexington Street and College Farm Road be withdrawn without prejudice. 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 withdrawn without prejudice.

2. The Licenses and Franchises Committee recommended the Grant of Location for 20+ feet of conduit for Eversource at Lexington Street and College Farm Road be withdrawn without prejudice. 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 withdrawn without prejudice.

3. The Licenses and Franchises Committee recommended the Grant of Location for 10+ feet of conduit for Eversource at 130 Lexington Street be approved with conditions. 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 Licenses and Franchises Committee recommended the Fuel Storage amendment for Valvoline at 557 Main Street 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.

5. The Licenses and Franchises Committee recommended the renewal of Class 2 License at 143 Prospect Street for Prospect Auto Sales & Service, 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.

6. The Licenses and Franchises Committee recommended the renewal of Class 2 License at 1486 Main Street for European Auto Solutions 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.

7. The Licenses and Franchises Committee recommended the Lodging House renewal at 21-23 Pine Street for Max Horn 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.

Ordinances and Rules

1. The Ordinances and Rules Committee recommended the Large Family Day Care Ordinance be approved for a 1st Reading. Councillor Durkee rose to speak on the Resolution and the benefits of approval helping over 30 businesses. Councillor Darcy made a motion for approval. The motion was adopted by a voice vote and the matter was approved. Councillor Darcy made a motion to recommit the matter to the Ordinances and Rules Committee. The matter was approved by a voice vote.

2. The Ordinances and Rules Committee recommended the Winter Sidewalk Safety Ordinance be approved for a 1st Reading. Councillor Darcy made a motion for approval. The motion was adopted by a voice vote and the matter was approved. Councillor Darcy made a motion to recommit the matter to the Ordinances and Rules Committee. The matter was approved and by a voice vote.

Committee of the Whole

1. The Committee of the Whole recommended the appointment of Amy Caissie as Assessor for a three-year term be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Councillor Darcy requested the date of appointment be provided to the Council. Roll Call required.

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

Opposed: None.

Absent: None.

The motion was approved 15-0-0.

2. The Committee of the Whole recommended the reappointment of Michael Russo as Director of Veteran's Services & License Commission Assistant for a three-year term expiring November 12, 2025 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, Stanley, Vidal and McMenimen.

Opposed: None.

Absent: None.

The motion was approved 15-0-0.

3. The Committee of the Whole recommended the appointment of Joseph Attardo as an Associate Member of the Zoning Board of Appeals 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, McLaughlin, O'Brien. Paz, Stanley, Vidal and McMenimen.

Opposed: None.

Absent: None.

Recused: LeBlanc

The motion was approved 14-0-0-1.

Finance

1. The Finance Committee recommended the transfer of \$19,662.00 to purchase eight computers and monitors for the Law 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 acceptance of an Irish Immigration photo for the City Hall Museum 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.

3. The Finance Committee recommended acceptance of Hannaford and Market Basket Gift Cards totaling \$5,000.00 from an anonymous donor 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.

Unfinished Business & Other Business

- CPC Recommendation for Appropriation of CPA Funds for the Architectural Design of Replacement Windows at Waltham Housing Authority's Winchester Crane Apartments. Referred to Long Term Debt and Capital Planning Committee.

- Extension of Time for Flora holdings, Inc at 221 Bear Hill Road until December 28, 2022. 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 for approval on the extension. Roll call required.

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

Opposed: None.

Absent: None.

Presiding: McMenimen.

The matter was approved 14-0-0.

- Extension of Time at 305 Second Avenue for Middlesex Integrated Medicine Inc. and Executive Park Realty Corporation until December 31, 2022. 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 for approval. Roll call required.

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

Opposed: None.

Absent: O'Brien.

Presiding: McMenimen.

The matter was approved 13-0-1.

- Extension of Time at 1254-1256 Main Street for Waltham Cannabis, Inc. and Michael Polacco, trustee of Full House Realty until December 31, 2022. Councillor LeBlanc recused himself. 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 for approval. Roll call required.

In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, McLaughlin, Paz, Stanley and Vidal.

Opposed: None.

Absent: O'Brien.

Recused: LeBlanc

Presiding: McMenimen.

The matter was approved 12-0-1-1.

Councillor LeBlanc rose to announce that the Masterplan Committee Meeting planned for November 29, 2022 at Government Center, 119 School Street, Waltham would be postponed and rescheduled at a later date.

Tabled Items

- Mayor's Communication regarding a confidential update for 101 School Street
 - Mayor's Communication regarding a confidential update for 0 Prospect Hill Road
- Councillor McLaughlin 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 and the property at 0 Prospect Hill Road 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 act as the Clerk. Councillor McLaughlin moved that the City Council go into Executive Session regarding the property located at 101 School Street and the property at 0 Prospect Hill Road. Roll call required.

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

Opposed: None.

Absent: None.

Presiding: McMenimen.

The matter was approved 14-0-0.

President McMenimen declared the Council in Executive Session at 8:20 p.m.

President McMenimen reconvened the City Council meeting at 9:10 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 9:11 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

December 7, 2022