

Waltham City Council
Minutes of the Meeting of
October 24, 2022

President McMenimen called the meeting to order at 7:34 p.m.

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

Absent: LaCava, LaFauci, O'Brien.

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 10/11/2022. The motion was adopted by a voice vote and the matter was approved.

Councillor Paz moved to suspend Rule 8 to take the Resolution Honoring LaChapincita Market out of order. The motion was approved by a voice vote. Clerk Vizard read the Resolution. Councillor Paz spoke about the market and the family owned business. Councillor Paz made a motion to suspend Rule 9 to hear from off committee members the motion was approved by a voice vote. Mr. Amara spoke about his business, his family, and their connection to the Waltham community. Mr. Amara (senior) addressed the council in Spanish. Councillor Paz moved approval. The Motion was approved by a voice vote.

Councillor Stanley moved to suspend Rule 8 to take the confirmation of the appointment of Brian Bower out of order. The matter was approved by a voice vote. Clerk Vizard read the communication. Councillors Durkee and Harris escorted the Mayor into the Chamber. The Mayor spoke on her appointment of Mr. Bower. Councillor McLaughlin moved approval. Roll call required.

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

Opposed: None.

Absent: LaCava, LaFauci, O'Brien.

Matter was approved 12-0-3.

Clerk Vizard swore in Brian Bower as the Acting Chief Building Inspector, surrounded by Mayor McCarthy and his family and friends. Mr. Bower spoke about his many accomplishments with the City.

The Clerk read Rule 86.

First Public Hearing: Grant of Location for National Grid at 305 Winter Street.

Mary Mulrone, 201 Rivermoor Street, West Roxbury, representing the petitioner, spoke in favor 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 Dunn asked when the project would begin and how long it would take to complete. Ms. Mulrone said the project will be beginning as soon

as approval is granted and will last approximately 2-3 months. Councillor Dunn asked about the submission of questions from the Engineering Department. Ms. Mulronev answered each one of the engineering questions. Councillor LeBlanc asked about the contractor. Ms. Mulronev explained it would be Feeney Brothers. Councillor LeBlanc talked about several Feeney Brothers worksites in the city that are unorganized, cluttered and cause concern for pedestrians and motor vehicles. Ms. Mulronev said she would take that up with the contractor. Councillor Bradley-MacArthur asked about Police details on the job site and what the hours of work will be. Ms. Mulronev explained that time is scheduled by the City of Waltham. Councillor Vidal asked questions. Councillor McLaughlin asked about project management, Ms. Mulronev stated that National Grid would have representative on site during project hours. Councillor Vidal moved to suspend Rule 39 and act without Committee reference. The motion was approved by a voice vote. Councillor Vidal moved approval of the Grant of Location. The motion was approved by a voice vote and that matter was approved.

Second Public Hearing: Class II Dealers License for Trad Auto Center at 1036 Lexington Street. Attorney, Joseph Connors, 404 Main Street, Waltham, representing the petitioner, spoke in favor 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 Dunn asked about the surrounding area and employees and hours. Trad Auto Center Owner, Kassem Trad, 1036 Lexington Street, replied saying 4 employees and the hours would be 8:00 AM – 5:00 PM. Councillor Dunn asked if there would be any construction to the building or the surrounding area. Mr. Trad said there would not be any construction but the area would be cleaned up. Councillor Vidal asked about the ownership. Attorney Connors explained ownership. Councillor Katz asked how many cars would be housed on the property and if they would be storing vehicles. Mr. Trad said 2 vehicles and no storage. Councillor LeBlanc asked if the property was commercially zoned. Attorney Connors explained that it was zoned as Business A. Councillor LeBlanc asked what uses were approved. Attorney Connors explained the zoning of Trad Auto. President McMenimen asked who determines primary use. Attorney Connors explained he spoke with the City’s Building Department about the use of the property and was told it was an appropriate use. 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 acceptance of various newspaper articles from the Waltham Sentential, Waltham Record, Waltham Free Press and various Waltham and Boston newspapers from Justin Barret to go in the city archives. Referred to the Finance Committee.
2. The Mayor respectfully requested a transfer in the amount of \$20,000 from the Cemetery Sale of Lots & Graves account to purchase a new air compressor for the use of the Cemetery Division. Referred to the Finance Committee.
3. The Mayor respectfully requested the appointment of Mary E. Baker of 65 Wildwood Lane, Waltham, MA as a member of the Waltham Board of Health. Referred to the Committee of the Whole.

4. The Mayor respectfully requested the confirmation of the appointment of Marina Paige Bartley, 19 Vesper Street, Waltham as a Board of Library Trustee to fill a current vacancy. Committee of the Whole.
5. The Mayor respectfully requested the acceptance of various office furniture from MA Health Data Consortium. Referred to the Finance Committee.
6. The Mayor respectfully requested the acceptance of keys for locks on the cases of City Hall Museum Room from Robin Capello. Referred to the Finance Committee.
7. The Mayor respectfully requested the acceptance of various artifacts found on the Paine Estate grounds from Michael Scichilone for the City Hall Museum Room. Referred to the Finance Committee.
8. The Mayor respectfully requested the acceptance of gifts from Jeannette A. McCarthy of Waltham scenery photographs taken by Waltham High School Students from the Boys and Girls Club for the Waltham City Hall Museum Room. Referred to the Finance Committee.

Councillor Vidal moved to accept a late filed communication from the Mayor. The motion was approved by a voice vote.

9. The Mayor respectfully requested the transfer of funds in the amount of \$80,000.00 to fund the first year of the collective bargaining agreement (CBA) for the period July 1, 2022 to June 30, 2025 for the Librarians Union. Referred to the Finance Committee.

Applications and Licenses

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

- Massport Letter Application – 13 Brennan Avenue – Armen’s Limousine
- Renewal of Class 2 License – 97R Linden Street – ABKO Auto Body and Paint, Inc.
- Renewal of Class 1 License – 85 Linden Street – Lotus Motorsports, Inc.
- Renewal of Class 2 License – 53 Felton Street – Pilgrim Auto Body, Inc.
- Extended Hours Renewal – 573 Main Street – J & T Shun Lai, Inc.
- Extended Hours Renewal – 591 Moody Street – Samdough Inc. DBA
- Extended Hours Renewal – 859 Main Street – Morley Doughnuts, Inc.

Resolutions, Orders and Ordinances

- Resolution honoring LaChapincita Market. This matter was taken out of order.

- Resolution honoring MaryAnn Mulhane Durkee.

Clerk Vizard read the Resolution. Councillor Harris spoke about Mrs. Durkee and all her accomplishments through her years in the City. Councillor LeBlanc gave congratulations to Mrs. Durkee on celebrating her 80th Birthday. 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.

- Community and Economic Development - Bike Parking Proposal in Downtown Parking Lots Resolution

Clerk Vizard read the Resolution. Councillor Harris spoke on the Resolution and how she brought this same Resolution in three years earlier and it did not pass so she is bringing it back to Council. Referred to the Economic and Community Development Committee.

Committee Reports

1. The Committee of the Whole recommended the appointment of Lenore Karaian, a registered Republican, 316 Grove Street, Apt 1, Waltham as a member of the Board of Registrars of Voters for a term of 3 years be approved. Councillor McLaughlin 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, LeBlanc, McLaughlin, Paz, Stanley, Vidal and McMenimen.

Opposed: None.

Absent: LaCava, LaFauci, O'Brien.

Matter was approved 12-0-3.

2. The Committee of the Whole recommended the appointment of Charles M. Egirous, 501 Lexington Street, Unit 75, Waltham as a member of the Waltham Historical Commission for a term of 3 years be approved. Councillor McLaughlin 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, LeBlanc, McLaughlin, Paz, Stanley, Vidal and McMenimen.

Opposed: None.

Absent: LaCava, LaFauci, O'Brien.

Matter was approved 12-0-3.

3. The Committee of the Whole recommended the appointment of Brian Bower, 555 Edgell Road, Framingham, MA as Acting Chief Building Inspector for the City of Waltham, until a City Ordinance for the Building Inspection Department is amended. (This matter was taken out of order.)

4. The Committee of the Whole recommended the Creation of a Waltham Municipal Bicycle and Pedestrian Ad-Hoc Committee Resolution be sent to the Master Plan Committee be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council. On the motion Councillor Darcy moved to withdraw the Resolution without prejudice. Councillor Harris rose to strenuously object to the withdrawal of the Resolution and stated she would not be supporting. President McMenimen read the rules. Councillor McLaughlin stated that they had discussed this Resolution in Committee of the Whole. Councillor Bradley-MacArthur rose to a point of clarification on the Master Plan. Councillor Bradley-MacArthur supported the withdrawal of the Resolution. Councillor Paz also stated his support. Councillor Stanley moved to call the question. Roll Call required.

In favor: Councillors, Dunn, Durkee, Harris, Katz, LeBlanc, McLaughlin, Stanley, and Vidal.

Opposed: Bradley-MacArthur, Darcy, Paz

Presiding: McMenimen

Absent: LaCava, LaFauci, O'Brien.

The motion did not pass 8-3-3.

Councillor Darcy made a motion to withdraw the Resolution without prejudice. Roll Call required.

In favor: Councillors, Bradley-MacArthur, Darcy, Dunn, Paz,

Opposed: Durkee, Harris, Katz, LeBlanc, McLaughlin, Stanley, and Vidal.

Presiding: McMenimen

Absent: LaCava, LaFauci, O'Brien.

The motion did not pass 8-3-3

Councillor McLaughlin moved the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved to be sent to the Master Plan Committee.

5. The Committee of the Whole recommended the letter for Councillor Katz to represent the Council at a ZBA meeting in November be approved. Councillor McLaughlin 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.

Licenses and Franchises

1. The Licenses and Franchises Committee recommended the Fuel Storage License at 554 Lexington Street for Waltham High School be approved. Councillor Vidal moved 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 renewal of Class 2 License at 279R Crescent Street for Waltham Auto Tow, Inc. be approved. Councillor Vidal moved 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 Licenses and Franchises Committee recommended the renewal of Class 2 License at 50 River Street for Absolute Auto Sales be approved. Councillor Vidal moved 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 renewal of Class 2 License at 825 Main Street for Monell Enterprises, Inc. be approved. Councillor Vidal moved 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 50 Thayer Road for Hull Corporation, Inc. be approved. Councillor Vidal moved 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 Extended Hours renewal at 806 Main Street for Wendy's be approved. Councillor Vidal moved 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 Extended Hours renewal at 1335 Main Street for Waltham Fuel, Inc be approved. Councillor Vidal moved 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 Licenses and Franchises Committee recommended the Extended Hours renewal at 205 Willow Street for Pro Tech Automotive & Tire CTR. Inc. be approved. Councillor Vidal moved 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 Licenses and Franchises Committee recommended the Extended Hours renewal at 821 Main Street for Global Montello Group Corp #774 be approved. Councillor Vidal moved the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

10. The Licenses and Franchises Committee recommended the Extended Hours renewal at 511 Totten Pond Road for Global Montello Group #782 be approved. Councillor Vidal moved the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

11. The Licenses and Franchises Committee recommended the Extended Hours renewal at 1033 Trapelo Road for Global Montello Group #2762 be approved. Councillor Vidal moved the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

12. The Licenses and Franchises Committee recommended the Extended Hours renewal at 851 Main Street for J&J Variety be approved. Councillor Vidal moved 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 an award of \$64,995.00 from the Office of Grants and Research (OGR) to support the FY23 Municipal Road Safety (MRS) Program be approved. Councillor Durkee moved 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 acceptance of a monetary donation from the Digital Federal Credit Union in the amount of \$2,500.00 to the Waltham Police Department be approved. Councillor Durkee moved 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 monetary donation from the Digital Federal Credit Union in the amount of \$2,500.00 to the Waltham Fire Department be approved. Councillor Durkee moved 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 the Middlesex County share for Waltham of the second grant allotment of the American Rescue Plan Act (ARPA) funds in the amount of \$6,069,461 and accrued interest earned on the grant funds be approved. Councillor Durkee moved 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 the transfer of the Junior Administrative Assistant position in the Building Inspection budget to Building Maintenance be approved. Councillor Durkee moved the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

Long Term Debt & Capital Planning

1. The Long Term Debt & Capital Planning Committee recommended the loan authorization in the amount of \$3,875,000.00 for construction improvements to Lowell Field be approved for a 1st reading. Councillor Stanley moved 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 Stanley made a motion to table the matter on the Council floor. The motion was approved by a voice vote and the matter was tabled.

Unfinished Business & Other Business

- Extension of Time for 1345-1349 Main Street & 22 Bear Hill Road, LPC Northeast, L.L.C. until November 30, 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: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LeBlanc, McLaughlin, Paz, Stanley, and Vidal.

Opposed: None.

Absent: LaCava, LaFauci, O'Brien.

Presiding: McMenimen

Matter was approved 11-0-3.

- Extension of Time for 305 Second Avenue, Middlesex Integrated Medicine Inc. and Executive Park Realty Corporation until November 15, 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: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LeBlanc, McLaughlin, Paz, Stanley, and Vidal.

Opposed: None.

Absent: LaCava, LaFauci, O'Brien.

Presiding: McMenimen

Matter was approved 11-0-3.

- Extension of Time for 1254-1256 Main Street, Waltham Cannabis, Inc. and Michael Polacco, trustee of Full House Realty until November 15, 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: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LeBlanc, McLaughlin, Paz, Stanley, and Vidal.

Opposed: None.

Absent: LaCava, LaFauci, O'Brien.

Presiding: McMenimen

Matter was approved 11-0-3.

- CPC communication relating to Hardy Pond Conservation Area Project. This matter does not require action from the council and will not be referred to a Committee.

- Councillor Darcy made a motion to accept a late filed communication. The motion was approved by a voice vote. 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 to accept an Extension of Time until November 30, 2022 for Flora Holdings, LLC., 221 Bear Hill Road. Roll call required.

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

Opposed: None.

Absent: LaCava, LaFauci, O'Brien.

Presiding: McMenimen

Matter was approved 11-0-3.

- Councillor Darcy made a motion to accept a late filed communication. The motion was approved by a voice vote. 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 to accept an Extension of Time until November 30, 2022 for Thrive Cultivation & Dispensary, 235 Bear Hill Road. Roll call required.

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

Opposed: None.

Absent: LaCava, LaFauci, O'Brien.

Presiding: McMenimen

Matter was approved 11-0-3.

- Councillor Darcy made a motion to accept a late filed communication. The motion was approved by a voice vote. 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 to accept an Extension of Time until November 30, 2022 for Uma Flowers, 196 Bear Hill Road. Roll call required.

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

Opposed: None.

Absent: LaCava, LaFauci, O'Brien.

Presiding: McMenimen

Matter was approved 11-0-3.

Tabled Items

- Mayor's Communication regarding a confidential update for 101 School Street

Rule 58

For Informational Purposes Only

With no further matters Councillor Vidal moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 9:20 P.M.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

November 4, 2022