

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

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President McMenimen called the meeting to order at 7:33 p.m.

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

Absent: Durkee, McLaughlin and Stanley.

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

Councillor Harris moved to suspend Rule 8 to take the Waltham High School Cheerleaders State Champs 2022 Resolution out of order. The motion was approved by a voice vote. Councillor Harris moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Clerk Vizard read the Resolution. Councillor Harris made a motion to approve the Resolution. The motion was adopted by a voice vote and the matter was approved. Councillor Harris moved to suspend Rule 9 to hear from off Committee members. The motion was approved by a voice vote. The Cheerleaders with Coach Blanchard entered the Chamber. Councillors Harris and Dunn escorted the Mayor into the Chambers. Councillor Harris and Mayor McCarthy spoke on the Resolution. The cheer squad lead a cheer for the Council. Mayor McCarthy, Assistant Clerk Wilson and Councillor Harris handed out the Proclamations and Resolutions. Coach Blanchard spoke of the team's accomplishments.

President McMenimen called a one-minute recess.

Councillor Darcy moved approval of the regular meeting minutes of 11/28/2022. The motion was adopted by a voice vote and the matter was approved. Councillor LaCava moved approval of the special meeting minutes of 11/28/2022. The motion was adopted by a voice vote and the matter was approved. Councillor Darcy moved approval of the Executive Session minutes of 11/28/2022. The motion was adopted by a voice vote and the matter was approved. Councillor Darcy moved to send the Executive Session Meeting Minutes from 11/28/2022 to the Law Department for form and content. The motion was approved by a voice vote.

**Communications from the Mayor**

1. The Mayor respectfully requested the acceptance of gifts from the Sacred Heart Centennial Celebration. Referred to the Finance Committee.
2. The Mayor respectfully requested a donation of \$500.00 toward the Holiday Lights on the Common from Lisa LeBlanc. Referred to the Finance Committee.
3. The Mayor respectfully requested review of the documents related to the Cornelia Warren Farm and Field House at 240 Beaver Street. Referred to the Committee of the Whole.

4. The Mayor respectfully requested the appropriation of funds in the amount of \$1,236,792.00 to supplement the funding of the School Department FY2023 Budget for the first year of the collective bargaining agreement (CBA) with the Waltham Educator's Association (WEA). The Mayor also respectfully requests the use of American Rescue Plan Act (ARPA) funds in the amount of \$1,229,235.00 for a one-time, non-base payment to be committed to the first year of the WEA Agreement. Referred to the Finance Committee.

Councillor LaCava moved to suspend rule 43 in order to accept a late filed communication. The motion was approved by a voice vote. The Mayor respectfully requests the acceptance on the FY23 Firefighting Safety Equipment Grant in the amount of \$35,000.00 from the Commonwealth of Massachusetts Department of Fire Safety. Referred to the Finance Committee.

### **Applications and Licenses**

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

- Lodging House Renewal – 17-19 Chestnut Street – Stanley & Leni Bloomenthal
- Lodging House Renewal – 2 Appleton Street – Stanley & Leni Bloomenthal
- Lodging House Renewal – 20-22 Adams Street – Martin Reilly Realty Trust
- Lodging House Renewal – 118-120 Adams Street – Martin Reilly Realty Trust
- Lodging House Renewal – 44-46 Chester Avenue – Martin Reilly Realty Trust
- Lodging House Renewal – 11-13 Walnut Street – Martin Reilly Realty Trust
- Lodging House Renewal – 12-14 Lowell Street– Middlesex Human Service Agency Inc.
- Class 2 License Renewal – 477 Main Street– Chrislins Auto Inc.
- Class 2 License Renewal – 265 Bear Hill Road– Specialty Auto Group

### **Resolutions, Orders and Ordinances**

- CIP Tax Rate Resolution

Clerk Vizard read the Resolution. Councillor LaCava spoke on the Resolution. Councillor LaCava made a request to have the Assessor attend a Committee meeting to explain a few different scenarios of the tax vote. The request was approved by a voice vote and the matter was referred to the Committee of the Whole.

- Waltham High School Cheerleaders State Champs 2022 Resolution

This matter was addressed earlier in the meeting.

### **Committee Reports**

1. The Licenses and Franchises Committee recommended the extended hours renewal at 50 Sun Street Suite, 4A for Go Puff LLC. 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 Licenses and Franchises Committee recommended the renewal of Class 2 License at 251 Lexington Street for Boston Muffler and Brake 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 Licenses and Franchises Committee recommended the Lodging House renewal at 403 River Street for Scott Hefter Gilbere Inn LLC 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 Licenses and Franchises Committee recommended the Lodging House renewal at 24-26 High Street for Scott Hefter High Street LLC 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 2nd Reading. The motion was adopted by a voice vote. Councillor Darcy made a motion to strike the word “order” and replace it with “be it ordained” on the Ordinance. Councillor Darcy made a motion for approval of the 2<sup>nd</sup> reading as amended. The motion was adopted by a voice vote and the matter was approved. Councillor Darcy made a motion to table the matter on the Council floor. The motion was approved by a voice vote and the matter was tabled.

2. The Ordinances and Rules Committee recommended the Winter Sidewalk Safety Ordinance be approved for a 2nd Reading. Councillors Darcy and Harris spoke on the Ordinance. Councillor Darcy made a motion for approval of the 2<sup>nd</sup> reading. The motion was adopted by a voice vote and the matter was approved. Councillor Darcy moved to suspend Rule 45 to give the matter a third reading. The motion was approved by a voice vote. Councillor Darcy moved to give a 3<sup>rd</sup> and final reading to the Ordinance. Roll call required.

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

Opposed: None.

Absent: Durkee, McLaughlin, Stanley.

Presiding: McMenimen.

The motion was approved 11-0-3.

3. The Ordinances and Rules Committee recommended the Special Permit Application for Middlesex Integrated Medicine Inc. at 305 Second Avenue dispensary be approved. Councillor Darcy spoke extensively on all the work that has been done on the marijuana licenses. Councillor Darcy moves 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, O’Brien, Paz and Vidal.

Opposed: None.

Absent: Durkee, McLaughlin, Stanley.

Presiding: McMenimen.

The motion was approved 11-0-3.

### **Long Term Debt and Capital Planning**

1. The Long Term Debt and Capital Planning Committee recommended the CPC application for the design of replacement windows at Winchester Crane Apartments be approved. 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.

### **Committee of the Whole**

1. The Committee of the Whole recommended the two grant of easements for Third Ave/Prospect Hill Lane be approved. President McMenimen explained that there are two easements that need to be accepted. The Clerk will call two roll calls. Councillor LaFauci moved that the action of the Committee be the action of the Council. Roll calls required.

#### **256 Square Feet Easement**

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

Opposed: None.

Absent: Durkee, McLaughlin, Stanley.

Presiding: McMenimen.

The motion was approved 11-0-3.

#### **1203 Square Feet Easement**

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

Opposed: None.

Absent: Durkee, McLaughlin, Stanley.

Presiding: McMenimen.

The motion was approved 11-0-3.

### **Finance**

1. The Finance Committee recommended the transfer of \$50,000.00 to fund the first year of Library Collective Bargaining Agreement for July 1, 2022 – June 30, 2025 be approved. Councillor LaFauci 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 \$945,000.00 to fund the first year of the Firefighters Collective Bargaining Agreement for July 1, 2022 – June 30, 2025 be approved. Councillor LaFauci 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 FY2022- 2023 Jail Diversion Program Grant for \$43,000.00 be approved. Councillor LaFauci 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 donation of \$200.00 from Connors & Connors for lights on the common be approved. Councillor LaFauci 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 Finance Committee recommended the donation of \$1,000.00 for a bench in memory of J. Dennis Gill be approved. Councillor LaFauci 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 Finance Committee recommended the transfer of \$242,560.00 for baseball field improvements at Nipper, Lazazzaro & McKenna Fields be approved. Councillor LaFauci 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 Finance Committee recommended the transfer of \$49,000.00 for design services of the Veterans Rink roof be approved. Councillor LaFauci 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**

- Special Permit Modification for Dog Retreat & Spa LLC and 221 Bear Hill LLC at 219 Bear Hill Road. Referred to the Ordinances and Rules Committee.
- Withdrawal without prejudice for 1345-1349 Main Street & 22 Bear Hill Road Special Permit Application. Councillor Darcy moves to suspend Rule 45 in order to give the matter. The motion was approved by a voice vote. Councillor Darcy moves approval of the withdrawal without prejudice. Roll call required

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

Opposed: None.

Absent: Durkee, McLaughlin, Stanley.

Presiding: McMenimen.

The motion was approved 11-0-3.

With no further matters Councillor Vidal moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 8:23 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

December 19, 2022