

Waltham City Council
Minutes of the Meeting of
January 23, 2023

President McMenimen called the meeting to order at 7:30 p.m.

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

Absent: LeBlanc

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 1/9/2023 with the correction of a Scribner's error. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the Executive Session Meeting minutes of 1/9/2023. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved to send the Executive Session Meeting Minutes from 1/9/2023 to the Law Department for review. The motion was approved by a voice vote. Councillor McLaughlin moved approval of the Special Meeting minutes of 1/9/2023. 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 Verizon at Main Street

Verizon Representative Bill Wallace, 34 Way to River Road, West Newbury, 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 LaCava asked about the timing of the project and the recently paved road. Mr. Wallace explained the project was a few years old and that Verizon is willing to repave the road. Councillor LaFauci asked about paving and hours of work. Mr. Wallace explained the work would be done during the day. Councillor Katz asked if the conduit was exclusive to FIOS and if overhead wires would be removed after completion. Mr. Wallace explained there were no plans to remove wires now but that could happen in the future. Councillor McLaughlin asked about the effect on current businesses in the area during the work and paving concerns and to have a copy of Verizon's Master Plan sent to the Committee. Councillor Vidal asked about alternative options. Councillor Bradley-MacArthur asked about the time frame. Mr. Wallace said 4-5 days and that the work would be done in the spring of 2023. Councillor McLaughlin asked to have the Verizon Engineer or a representative from the Verizon Engineering Department attended the next meeting. Councillor Darcy asked to have a list of double poles provided to the City Council. Jeannette A. McCarthy, 91 Hamilton Road asked about other Grants of Locations in the area. Councillor LaFauci requested to seek information about other grants of locations and if this Grant of Location is going to move ahead of other ones and how many Grant of Locations does this petitioner have open now. The request was approved by a voice vote. 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: Special Permit CalVerde Naturals LLC, 1250 Main Street

Attorney Jack Mula, 657 Main Street, representing the petitioner, spoke in favor of the petition explaining the prospectus that had been provided to the City Council. Attorney Mula handed out a presentation from the Community Meeting explaining the location and various details of the project. President McMenimen rose to a point of information and asked if this was CalVerdes first appearance in front of the City Council. Attorney Mula replied yes. CalVerde owner, Steve Tomasello, 10 Briarwood Lane, Winchester spoke about the business, why they chose Waltham and how his wife is the primary owner, and CalVerde is a women owned business. CalVerde Director of Security, Mike Allen, 47 Bailey Drive, Rochester New Hampshire spoke on his law enforcement background and how he got involved in security. Attorney Mula showed before and after photos of the area and building. 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 about the landscaping and the trees and shrubs. Councillor Katz stated that he had attended the Community Meeting, inquired about the date of the meeting and if there were any answers from the questions asked at the meeting. Attorney Mula provided answers. Councillor Katz asked if there would be another Community Meeting with the expanded area included and why they were so late in coming before the City Council. Mr. Tomasello explained that they found the site, secured the real estate and made sure all their information was in order before approaching the Council for the Special Permit. Councillor Katz asked about the size difference from the original building to the new building and several additional questions about the building. Attorney Mula and Mr. Tomasello provided answers. Councillors Bradley-MacArthur and O'Brien asked questions about traffic. VAI Associate Derek Roche, 35 New England Business Center Division provided answers. Councillors LaFauci, Paz, Dunn and Vidal asked questions. Councillor Harris rose to suggest continuing this Public Hearing until the petitioner can collect answers to the questions asked and return to the City Council before referring to Committee. President McMenimen as well as Clerk Vizard explained the process of Special Permit Hearing. Councillor Harris made a motion to recess the hearing until February 13, 2023 at 7:30 p.m. Councillor LaCava rose to a point of information asking if legal advice provided was specifically for Marijuana Permits or for all Special Permits. Clerk Vizard answered saying all Special Permits. Councillors LaCava, Katz and McLaughlin asked additional questions on the permitting process. Roll call was requested. In favor: Dunn, Durkee, Harris, Katz, LaCava, LaFauci, McLaughlin, O'Brien, Stanley and Vidal.

Opposed: Bradley-MacArthur, Darcy and Paz.

Presiding: McMenimen.

Absent: LeBlanc.

The matter was approved 10-3-1.

President McMenimen stated the Public Hearing for CalVerde Naturals LLC, will be continued on a certain date of February 13, 2023 at 7:30 p.m.

Communications from the Mayor

1. The Mayor respectfully requested an appropriation of \$2,999.00 for the Disability Services Commission to fund an Adult Changing Table. Referred to the Finance Committee.

2. The Mayor respectfully requested acceptance of various donated artifacts connected to former Personnel Director, Brenda Capello, for the Waltham City Hall Museum Room. Referred to the Finance Committee.

3. The Mayor respectfully requested the acceptance of various pictures and memorabilia for the Waltham City Hall Museum Room from Council on Aging Director Marybeth Duffy. Referred to the Finance Committee.

4. The Mayor respectfully requested the acceptance of four proposals being prepared for the City of Waltham owned real estate. The RFPs will be forwarded to the City Council after the Law Department has reviewed as to form.

1. 240 Beaver Street, Area 1, 2 acres
 2. 240 Beaver Street, Area 1, 10.7 acres
 3. 92 Felton Street, first floor retail market and land
 4. 240 Beaver Street, Administration Building
- Referred to the Committee of the Whole.

5. The Mayor respectfully requested a financing transaction totaling \$427,250.00 to fund the first year of a three-year collective bargaining agreement between the City and the Laborers' Union (Teamsters) for the period July 1, 2022 to June 30, 2025. Referred to the Finance Committee.

6. The Mayor respectfully requested adoption of the Compensation Ordinance to amend the existing pay charts for non-union employees. Referred to the Ordinances and Rules Committee.

7. The Mayor respectfully requested a financing transaction totaling \$763,450.00 to fund the first year of a three-year amendment to the Non-Union Compensation Ordinance covering the period July 1, 2022 to June 30, 2025. Referred to the Finance Committee.

8. The Mayor respectfully requested adoption of the addition to the Compensation Ordinance (Section 2-39, A.1.) for the vacation provisions for certain non-union employees. Referred to the Ordinances and Rules Committee.

9. The Mayor respectfully requested approval of the following plan for the purchase and equipping of a replacement fire pumper truck for Engine 2 as well as an appropriation in the amount of \$874, 000.00 from the Unreserved Fund Balance. This will enable the Fire Chief to initiate the order and favorably impact delivery time of the vehicle, and additionally The Mayor respectfully requests approval of a loan authorization in the amount of \$874,000.00. The appropriation request from the Unreserved Fund Balance will be rescinded at the time the loan authorization is finally approved. Councillor O'Brien moved to suspend Rule 39 to act on a matter without Committee reference. The motion was approved by a voice vote. Councillor O'Brien moved to suspend Rule 9 in order to hear from off Committee members. The motion was approved by a voice vote. Waltham Fire Chief Mullin spoke about the conditions and ages of the trucks currently in use by the department and the need for a new truck. Councillor O'Brien asked about borrowing vehicles from other communities. Councillors LaFauci, McLaughlin, Harris and Vidal all spoke. Councillor O'Brien moved to approve an appropriation in the amount

of \$874,000.00 from the Unreserved Fund Balance in order to fund the purchase of a new fire truck. The appropriation will be rescinded once the loan authorization is finalized. Councillor Darcy requested a roll call.

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

Opposed: None.

Presiding: McMenimen.

Absent: LeBlanc.

The matter was approved 13-0-1.

Councillor O'Brien moved to give the loan order a first reading. The motion was approved by a voice vote and the loan order for \$874,000.00 was approved for a first reading. President McMenimen referred the matter to the Long Term Debt and Capital Planning Committee.

Applications and Licenses

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

- Class 2 License Renewal – 251 High Street – Classic Cars Inc.
- Lodging House Renewal – 755 Main Street – Max Horn
- Lodging House Renewal – 94 Adams Street – A.M.G. Beech Road LLC
- Lodging House Renewal – 107 Adams Street – Dennis Dyer
- Lodging House Renewal – 124-126 Ash Street – Ash Street Lodging LLC
- Lodging House Renewal – 175 Forest Street – Bentley University – Copley Hall North Lower
- Lodging House Renewal – 175 Forest Street – Bentley University – Copley Hall South Lower
- Lodging House Renewal – 175 Forest Street – Bentley University – Fenway Hall
- Lodging House Renewal – 175 Forest Street – Bentley University – Forest Hall Upper
- Lodging House Renewal – 175 Forest Street – Bentley University – Kresge Hall Upper
- Lodging House Renewal – 175 Forest Street – Bentley Univ. – Nathan R. Miller Hall Upper
- Lodging House Renewal – 175 Forest Street – Bentley University – Slade Hall Upper
- Lodging House Renewal – 175 Forest Street – Bentley University – Stratton House Beaver
- Lodging House Renewal – 175 Forest Street – Bentley University – HUD Tree Dorms Upper
- Lodging House Renewal – 175 Forest Street – Bentley University – Castle Hall Upper

Resolutions, Orders and Ordinances

- Veterans Banner Program Resolution

Clerk Vizard read the Resolution. Councillor Katz spoke on the Resolution recognizing Veteran's with banners on light poles throughout the city. Councillor McLaughlin spoke of other cities that have the banner program. The matter was referred to the Veterans Services Committee.

Committee Reports

Public Works and Public Safety

1. The Public Works and Public Safety Committee recommended the Preserving Residentially Zoned Neighborhoods Resolution be discharged from Committee and sent to the Ordinances and Rules Committee. Councillor Durkee 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 Zoning Ordinance Amendment be approved for a 1st Reading. Councillor Harris 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 Harris moved to refer the matter back to the Ordinances and Rules Committee. The matter was approved by a voice vote.

2. The Ordinances and Rules Committee recommended the Minor Modification for Bishops Forest Condominium Trust & Bishops Forest II Condominium Trust be approved. Councillor Harris 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 and Vidal.

Opposed: None.

Presiding: McMenimen.

Absent: LeBlanc.

The matter was approved 13-0-1.

Committee of the Whole

1. The Committee of the Whole recommended the Mayor's request for Good Energy to address the City Council on March 15, 2021 regarding the Waltham Community Electricity Program be filed without prejudice. 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 filed.

Finance

1. The Finance Committee recommended the donation of \$300.00 from the New Light Korean Church to the Waltham Fire 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 FY2022 EMPG Grant in the amount of \$25,600.00 from the Massachusetts Emergency Management Agency 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 the \$6,781.00 grant for the Student Awareness of Fire Education (S.A.F.E) 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.

4. The Finance Committee recommended the \$2,677.00 grant for the Senior (S.A.F.E.) grant from the Commonwealth of Massachusetts 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

- Extension of Time for Special Permit Application at 1254-1256 Main Street until 2/28/2023

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 moved approval of the time extension. Roll call required.

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

Opposed: None.

Presiding: McMenimen.

Absent: LeBlanc.

The matter was approved 13-0-1.

- Extension of Time for Special Permit Application at 1362 Main Street until 3/15/2023

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 moved approval of the time extension. Roll call required.

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

Opposed: None.

Presiding: McMenimen.

Absent: LeBlanc.

The matter was approved 13-0-1.

- Councillor Harris made a motion to suspend Rule 43 to accept a late filed communication for an Extension of Time for Special Permit Application at 221 Bear Hill Road until 3/1/2023. 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. Councillor Harris moved approval of the time extension. Roll call required.

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

Opposed: None.

Presiding: McMenimen.

Absent: LeBlanc.

The matter was approved 13-0-1.

President McMenimen announced that two special committees would be established per City Council Rule 78.

Kevin M. Ritcey Award Committee

Members of the Committee: Councillors Harris, LaFauci and McLaughlin

Cable Access Committee

Members of the Committee: Councillors Dunn, Katz and O'Brien

Councillor Darcy made a motion to discharge the Solar Farm Resolution from the Public Works and Public Safety Committee. The motion was approved by a voice vote. Councillor Darcy made a motion to release the Law Opinion from January 20, 2023. Councillor McLaughlin rose and requested a friendly amendment to ask the Clerk and the President to review before releasing to the Law Department. With the amendment the motion was approved by voice vote.

Councillor Darcy made an announcement that a Public Meeting regarding the Lexington Solar Farm would be held on Thursday, January 26, 2023 at 7:00 p.m. at Government Center.

Councillor Darcy made a motion to recommit the Lexington Solar Farm matter to the Public Works and Public Safety Committee. The motion was approved by a voice vote.

Councillor Harris rose to recognize John McLaughlin as being sworn in as the Vice President of the Massachusetts Municipal Association and stated he also serves as the President of the Massachusetts Municipal Councillors Association.

With no further matters Councillor Paz moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 9:58 p.m.

Respectfully submitted by:
Cathy Magliarditi
Executive Assistant to the City Clerk
February 1, 2023