

Waltham City Council
Minutes of the Meeting of
February 27, 2023

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

Present: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Vidal, Stanley 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 2/13/2023. 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 Nstar Electric for Chestnut Street

Councillor Paz moved to proceed with the hearing that was continued from February 13, 2023. The motion was adopted by a voice vote and the hearing was reopened. Shanell Grant, Eversource Representative, 1165 Massachusetts Avenue, Boston 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 up to questions from Councillors. Councillor Paz asked about the purpose of the conduit and how long the project would take. Ms. Grant replied that it was for a duplex being built and the project would take about one day. Councillor Paz asked about comments from the Director of the Consolidated Public Works Department regarding tree branches. Ms. Grant replied saying Eversource would take care of trimming the branches. Councillor Paz asked if the abutters had been notified. Ms. Grant replied yes. 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: Grant of Location for NStar Electric for Stearns Street

Councillor Paz moved to proceed with the hearing that was continued from February 13, 2023. The motion was adopted by a voice vote and the hearing was reopened. Shanell Grant, Eversource Representative, 1165 Massachusetts Avenue, Boston 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 Paz asked about police details and the amount of time for the project. Ms. Grant answered saying there would be Police Details and the project will take approximately one day. Councillor Paz asked if the abutters had been notified. Ms. Grant replied yes. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Third Public Hearing: Grant of Location NStar Electric for Waverley Oaks Road

Councillor Paz moved to proceed with the hearing that was continued from February 13, 2023. The motion was adopted by a voice vote and the hearing was reopened. Shanell Grant, Eversource Representative, 1165 Massachusetts Avenue, Boston 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 McLaughlin asked about the location and if the traffic would be effected. Ms. Grant will provide those answers at Committee. Councillor McLaughlin asked when the work would be done. Ms. Grant replied that they would like to begin as soon as possible. Councillor McLaughlin asked about the wetlands located near the location. Ms. Grant will provide the answers at Committee. 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: Special Permit for Veggie Crust Inc. at 10-14 Warren Street

Attorney Joseph Connors, 404 Main Street, Waltham, representing the petitioner, spoke in favor of the petition. He gave details about the owners, the location, a recent traffic study, deliveries and dumpsters. Thomas Sullivan, 15 Barbara Road spoke in a neutral position on the petition inquiring about the hours of operation and if the property was commercially zoned for a specific business. With no one 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 for responses to Mr. Sullivan's questions. Attorney Connors explained that the property is zoned specifically for Veggie Crust, Inc. Gurdid Singh, 26 Dunter Road, Bedford, owner of Veggie Crust, Inc. spoke on the hours of operation. Councillor McLaughlin asked if Mr. Singh owned any other businesses in Waltham. Mr. Singh said he owned Pepinos Dosi and DiVincis both on Moody Street as well as Veggie Crust in Brookline and Somerville. Councillor McLaughlin asked additional questions. Mr. Singh provided answers. Councillor Bradley-MacArthur asked about the other locations, parking spaces and trash pickup. Attorney Connors replied that trash pickup would be twice a week. Mr. Singh said that his other locations only have on-street parking. Councillor LeBlanc asked about the contract for rodent control and clarification on the square footage. Attorney Connors will provide answers at Committee. Councillor Katz asked about the menu. Mr. Singh said the menu will caterer to the community giving an example of the Brookline store being Kosher. The Waltham menu will offer pizza, salad and pasta. Mr. Sullivan approached the lectern in a neutral position and asked about rodent control and dumpster pickup. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Councillor O'Brien moved to suspend Rule 8 to take the Motorcycle Safety Awareness Period Resolution out of order. The motion was approved by a voice vote. Councillor O'Brien moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor O'Brien moved to suspend Rule 9 to hear from off-committee members. The motion was approved by a voice vote. President McMenimen recognized former City Councillor Sally Collura who spoke on the Resolution, specifically motorcycle safety. Councillor O'Brien moved approval of the Resolution. The motion was adopted by a voice vote and the Resolution was approved.

Communications from the Mayor

1. The Mayor respectfully requested an appropriation in the amount of \$447,000.00 to award the low and responsible bid and provide a contingency amount for any unforeseen conditions for the environmental remediation of the property located at 240 Beaver Street. Councillor LaCava moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Darcy rose to invoke Section 2-9 of the Charter. President McMenimen referred the matter to the Finance Committee.
2. The Mayor respectfully requested an appropriation in the amount of \$4,000.00 for the additional Pay-By-Phone expense resulting from the increase in the amount of people using the Pay-By-Phone app to pay parking fees in municipal parking lots. Referred to the Finance Committee.

Councillor McLaughlin made a motion to suspend Rule 33 to accept a late filed communication. The motion was approved by a voice vote. The Mayor respectfully requested use of the American Rescue Plan Act (ARPA) funds in the amount of \$2,090,000.00 for the Lincoln Street Extension Reconstruction Project. The motion was approved by a voice vote. Referred to the Finance Committee.

Councillor McLaughlin made a motion to suspend Rule 33 to accept a late filed communication. The Mayor respectfully requested use of the American Rescue Plan Act (ARPA) funds in the amount of \$1,950,000.00 for the Glen Circle and Lincoln Terrace Improvement's Projects. Referred to the Finance Committee.

Applications and Licenses

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

- Second Hand Dealers Renewal – 215 Lexington Street – JBM Properties LLC
- Lodging House Renewal – 415 South Street – Brandeis University – Ridgewood
- Lodging House Renewal – 415 South Street – Brandeis University – Rosenthal Dorms (North, South, East)
- Lodging House Renewal – 415 South Street – Brandeis University – Sky Line
- Lodging House Renewal – 415 South Street – Brandeis University – The Village
- Lodging House Renewal – 415 South Street – Brandeis University – Massell Quad (Deroy, Shapiro, Renfield, Usen)
- Lodging House Renewal – 415 South Street – Brandeis University – North Quad (Scheffres, Gordon, Reitman, Cable)
- Lodging House Renewal – 415 South Street – Brandeis University – East Quad (Pomerantz Hassenfeld)

Resolutions, Orders and Ordinances

- Resolution Concerning Motorcycle Safety Awareness Period. This matter was taken out of order and approved earlier in the meeting.
- Tattoo Resolution. The Clerk read the Resolution. Councillor Harris spoke on the Resolution. Referred to the Ordinances and Rules Committee.

- Wellington Crossing Trash Pickup Resolution. The Clerk read the Resolution. Councillor Darcy spoke on the Resolution. Referred to the Ordinances and Rules Committee.

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommended the renewal of the secondhand dealer's license renewal at 443 Moody Street – Mr. Sweeper Aviden Inc. be approved. Councillor Katz 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 the secondhand dealer's license renewal at 1019 Trapelo Road – Game Stop #7772 be approved. Councillor Katz 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 renewal of the secondhand dealer's license renewal at 1250 Main Street – Clean Out Your House Inc. be approved. Councillor Katz 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 renewal of the secondhand dealer's license renewal at 471 Main Street – The Tool Shed be approved. Councillor Katz 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 the Class 2 license at 196 High Street – JJJ Auto Retailers Inc. be approved. Councillor Katz 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 the lodging house license at 104 Adams Street – SMT Realty Associates, LLC be approved. Councillor Katz 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 renewal of the lodging house license at 49-51 Brown Street – MST Realty Associates, LLC be approved. Councillor Katz 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 adoption of the compensation ordinance to amend the existing pay charts for non-union employees be approved for a Second 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 suspend Rule 45 to give the matter a third and final reading.

The motion was approved by a voice vote. Councillor Harris moved approval. 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.

Matter was approved 14-0-0.

2. The Ordinances and Rules Committee recommended the addition to the compensation ordinance (Section 2-39, A.1.) for the vacation provisions for certain non-union employees be approved for a Second Reading. Councillor Harris moved that the action of the Committee be the action of the Council. The motion was approved by a voice vote. Councillor Harris moved to suspend Rule 45 to give the matter a third and final reading. The motion was approved by a voice vote. Councillor Harris moved approval. 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.

Matter was approved 14-0-0.

3. The Ordinances and Rules Committee recommended the Minor Modification to a Special Permit at 840 Winter Street - ARE-Winter Street Property, LLC. 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, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: None.

Presiding: McMenimen.

Matter was approved 14-0-0.

4. The Ordinances and Rules Committee recommended the Extension of Time for construction to commence for a Special Permit at 850 Winter Street and 910 Winter Street and 920-930-940 Winter Street (#31842) 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, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: None.

Presiding: McMenimen.

Matter was approved 14-0-0.

Finance

1. The Finance Committee recommended an appropriation of funds in the amount of \$1,832.56 from Building Code Enforcement Special Revenue to Building Code Enforcement Equipment for four (4) new 32" computer monitors for the Building Department Inspectors 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 an appropriation totaling \$325,000.00 for the redesign of Beaver Street between Waverley Oaks Road and Clematis Avenue 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 an appropriation totaling \$308,791.00 to fund building maintenance and repair projects 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 approval of the financing plan in the amount of \$89,500.00 to purchase NFPA 1983 compliant personal escape emergency bailout systems for all current firefighters 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.
5. The Finance Committee recommended an appropriation in the amount of \$235,000.00 to fund the design of a new HVAC system at the Waltham Public Library 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

1. Extension of Time for a Special Permit at 1254-1256 Main Street, Waltham Cannabis Inc. Councillor Harris moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor LeBlanc recused himself. 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.
Recused: LeBlanc
Absent: None.
Presiding: McMenimen.
Matter was approved 13-0-1.
2. Extension of Time for a Special Permit at 1362 Main Street, LPC West Main LLC. 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 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 and Vidal.

Opposed: None.

Absent: None.

Presiding: McMenimen.

Matter was approved 14-0-0.

- CPC Recommendation to Allocate FY2022 Surplus CPA Funds. Referred to the Long Term Debt and Capital Planning Committee.
- CPC Recommendation for Allocation of CPA Funds for the Acquisition of 0 Prospect Hill Road/Lot 1A Willard Street. Referred to the Long Term Debt and Capital Planning Committee.

With no further matters Councillor Harris moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 8:54 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

March 7, 2023