

Waltham City Council
Minutes of the Meeting of
May 22, 2023

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 meeting minutes of 5/8/2023. The motion was adopted by a voice vote and the matter was approved.

Councillor Vidal moved to suspend Rule 8 to take the Tables & Chairs Permit Applications out of order. The motion was approved by a voice vote. Councillor LaCava recused himself.

Councillor Vidal moved to suspend Rule 39 to act on the Table and Chairs Permit Application matter without Committee reference. The motion was approved by a voice vote. Max Toste, representing Deep Ellum, LLC, 467 Moody Street, spoke in favor of the matter. Councillor Darcy welcomed Deep Ellum to the City. With no further questions Councillor Vidal moved approval of the Tables and Chairs Permit for Deep Ellum, LLC. The motion was approved by a voice vote and the matter was approved.

Councillor Vidal moved to suspend Rule 39 to act on the Table and Chairs Permit Application matter without Committee reference. The motion was approved by a voice vote. Bhushan Dhir, owner of Little India Restaurant, 475 Moody Street, spoke in favor of the matter. Councillor Vidal asked the petitioner if he had a map of the location of the tables and chairs. Assistant Clerk Wilson provided the map to Councillor Vidal. With no further questions Councillor Vidal moved approval of the Tables and Chairs Permit for Little India Restaurant. The motion was approved by a voice vote and the matter was approved.

Councillor Vidal moved to suspend Rule 39 to act on the Table and Chairs Permit Application matter without Committee reference. The motion was approved by a voice vote. Dave Becker, representing Sweet Basil on Moody, 469 Moody Street, spoke in favor of the matter. Councillor Vidal asked about the placement of the tables and chairs. With no further questions Councillor Vidal moved approval of the Tables and Chairs Permit for Sweet Basil on Moody. The motion was approved by a voice vote and the matter was approved.

Councillor Vidal moved to suspend Rule 39 to act on the Table and Chairs Permit Application matter without Committee reference. The motion was approved by a voice vote. Timothy Burke, owner of In a Pickle Restaurant, 469 Moody Street, spoke in favor of the matter. Councillor Vidal asked about the placement of the tables and chairs. With no further questions Councillor Vidal moved approval of the Tables and Chairs Permit for In a Pickle Restaurant. The motion was approved by a voice vote and the matter was approved.

Councillor Vidal moved to suspend Rule 43 to accept a late file communication. The motion was approved by a voice vote, Councillor Vidal moved to suspend Rule 39 to act on the Table and Chairs Permit Application matter without Committee reference. The motion was approved by a voice vote. Fernando Leon, owner of Solea Restaurant, 388 Moody Street, spoke in favor of the matter. Councillor Vidal asked about the placement of the tables and chairs. With no further questions Councillor Vidal moved approval of the Tables and Chairs Permit for Solea Restaurant. The motion was approved by a voice vote and the matter was approved.

Councillor Vidal moved to suspend Rule 8 to take the Licenses and Franchises Committee Tables & Chairs Applications 8-13 out of order. The motion was approved by a voice vote. Councillor Vidal moved to act on the matters collectively. The motion was approved by a voice vote. 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 following Tables & Chairs Permit Applications from the Licenses & Franchises Committee were approved.

8. 484 Moody Street for Amuleto be approved.
9. 474 Moody Street for 474 Associates Inc. dba Tempo be approved.
10. 336 Moody Street for Bistro 781 be approved.
11. 361 Moody Street for Vinotta Restaurant be approved.
12. 482 Moody Street for DiVinci Ristorante be approved.
13. 434 Moody Street for Peppinos Dosi be approved.

Clerk Vizard read Rule 86.

First Public Hearing: Grant of Location for MTP Communication Inc Cambridge Network Solutions at 103 Fourth Avenue

Jeffrey Harrington, 126 Church Street, Wilmington, MA, 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 LaFauci asked about questions and concerns from the Engineering Department and when the project would begin. Mr. Harrington responded and said he would provide answers at the Committee meeting and the work would be starting mid-June. With no further questions President McMenimen closed the Public Hearing and referred the matter to the Licenses and Franchises Committee.

Second Public Hearing: Special Permit for King First West Owner LLC at 55 First Avenue

Phillip McCourt, 272 Bacon Street, Waltham, Attorney for the petitioner spoke in favor of the petition. Mike Diminico, King Street Properties Representative, 800 Boylston Street, Boston, Spoke in favor of the petition. Andrew Castaverti, King Street Properties Representative, 800 Boylston Street, Boston, spoke in favor of the petition giving details of the buildings and surrounding properties. Rob Magi, Engineer for VHB, 101 Walnut Street, Watertown, spoke on the traffic impact study explaining results and planned improvement and updates to the area. Don Gentile, Attorney at Lawson & Western LLP, 88 Black Falcon Pier, Boston, representing an abutter spoke in favor of the petition. Paul Pavone, representing the Local 560 Laborers Union, 681 Main Street Waltham spoke in favor of the petition, Ronald Cincotta of Waltham spoke in favor of the petition, J. R. Vinagro of 4 Leslie Road, Waltham spoke in favor of the petition, Tom Geary of Local 339 Carpenters Union at 16 Banks Street #3, Waltham 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. Councillors LaFauci, Bradley-MacArthur, Darcy and McLaughlin asked questions about the project. Mr. Cataverti and Mr. Magi provided answers. With no further questions President McMenimen closed the Public Hearing and referred the matter to the Ordinances & Rules Committee.

Third Public Hearing: Lodging House for 115-117 Robbins Street LLC at 117 Robbins St.
Councillor LaCava recused himself.

Jeff Gershman, 124 Watertown Street, Watertown, MA, the petitioner, spoke in favor of the petition. He explained that the property would be a Sober House and the company is investing 1.3 million dollars into the property. The petitioner also owns the property located at 111 Robbins Street and will be using that property for overflow parking. Audrey Martinetti of 13 Wadsworth Ave, Waltham, Deep Singh of 180 Wadsworth Ave, Frank Fragale of 12 Wadsworth Avenue, Waltham, Julia Panatorri of 13 Wadsworth Avenue, Waltham and Abigal Latona of 139 Robbins Street #1, Waltham all spoke in opposition to the petition. Thomas Benevides of 308 River Street #3, Waltham, spoke in a neutral position to 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 Harris spoke on the petition asking the City Clerk for an abutters list. As the Ward Councillor, she explained how residents are concerned about the Sober House in the area. Councillor Harris requested that the petitioner prepare/present a site plan and written plan for the Committee Meeting. Mr. Gershman explained that info had already been sent to the Building Department but he would have it ready for Committee. Councillors O'Brien, McLaughlin and LeBlanc asked questions. Mr. Gershman provided answers. Ms. Martinetti spoke in rebuttal. With no further questions President McMenimen closed the Public Hearing and referred the matter to the Licenses and Franchises Committee.

Fourth Public Hearing: 17-80 at Marion Street

Kathryn Farran of 12 Marion Street and Arnold Rots of 13 Marion Street both 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 LaFauci spoke on the conditions of the street and made a request to have Director of Consolidated Public Works, Michael Chiasson and a representative from the Law Department attend the next Public Works and Public Safety Committee Meeting on June 5, 2023. The request was approved by a voice vote. Councillor Durkee spoke in favor of the petition. There being no further questions President McMenimen closed the Public Hearing and referred the matter to the Public Works & Public Safety Committee.

Fifth Public Hearing: 17-80 at Buxton Lane

Rick Burns of 14 Buxton Lane and Jeffrey Pond of 15 Buxton Lane, 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 LaFauci spoke on the petition and made a request to have Director of Consolidated Public Works, Michael Chiasson and a representative from the Law Department attend the next Public Works and Public Safety Committee Meeting on June 5, 2023. The request was approved by a voice vote. Councillor Durkee spoke in favor of the petition. There being no further questions President McMenimen closed the Public Hearing and referred the matter to the Public Works & Public Safety Committee.

Communications from the Mayor

1. The Mayor respectfully requested approval of a financing transaction, consisting of a transfer, use of existing funds, and acceptance of a donation from Waltham Youth Hockey in the total amount of \$16,651.34 for the purpose of purchasing dual scoreboards for the Veterans Memorial Skating Rink. Councillor LaCava moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor LaCava moved approval of the financing transaction. The motion was approved by voice vote and the matter was approved.
2. The Mayor respectfully requested the acceptance of a donation of services and materials from The Home Depot Store in Waltham for the Waltham Circle of Remembrance in advance of Memorial Day. Councillor LaCava moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor LaCava moved approval of the donation. The motion was approved by voice vote and the matter was approved.
3. The Mayor respectfully requested approval of a transfer of funds in the amount of \$15,000.00 for the purpose and implementation cost of a new software module for the City Treasurer. Referred to the Finance Committee.
4. The Mayor respectfully requested an appropriation in the amount of \$480,000.00 to pay overtime expenses and general expenses for the Fire Department for the remainder of the fiscal year. Referred to the Finance Committee.
5. The Mayor respectfully requested the acceptance of information about the Fernald and various newspaper clippings from Bill Durkee for the Waltham City Hall Museum Room. Referred to the Finance Committee.
6. The Mayor respectfully requested an appropriation in the amount of \$115,770.00 to fund interior repairs at the 92 Felton Street property. Referred to the Finance Committee.
7. The Mayor respectfully requested an appropriation of \$3,670,938 for Leary Field. 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 give the matter a First Reading. The motion was approved by a voice vote. President McMenimen referred the matter to the Long Term Debt and Capital Planning Committee.

Applications and Licenses

All Applications and Licenses were handled earlier in the evening

- Tables & Chair Permit — 467 Moody Street – Deep Ellum LLC
- Tables & Chair Permit — 475 Moody Street – Little India Restaurant
- Tables & Chair Permit — 469 Moody Street – Sweet Basil on Moody
- Tables & Chair Permit — 265 Moody Street – In A Pickle Restaurant

Resolutions, Orders and Ordinances

- Housing Rights Notification Ordinance

Clerk Vizard read the Resolution. Councillor Paz spoke on the Resolution thanking everyone that helped to get the Ordinance on the Docket. Councillor Bradley-MacArthur spoke in favor of the Resolution. Councillor Paz requested under Rule 88 for a Citizens Input Hearing on the Resolution. President McMenimen announced that the Citizens Input Hearing would be held on June 21, 2023 at Government Center, 119 School Street Waltham, at 6:30 p.m. Councillor Paz made a motion to table the Resolution. The motion was approved by a voice vote and the motion Resolution was tabled on the Council floor.

- **Celebrating May as Mental Health Awareness Month Resolution**
Clerk Vizard read the Resolution. Councillor Paz moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Paz moved approval of the Resolution. The motion was approved by a voice vote and the Resolution was approved.
- **Online Permitting and Digitalization of Building Permit Process Resolution**
Clerk Vizard read the Resolution. Councillor Bradley-MacArthur spoke on the Resolution and made a request to have Inspector of Buildings, Brian Bower and IT Director, Donald Aucoin attend the next Committee meeting. The request was approved by a voice vote. Councillor McLaughlin asked if this Resolution already existed. Councillor LaFauci spoke saying this Resolution was a duplication of efforts as it did already exist. President McMenimen referred the matter to the Public Works and Public Safety Committee.
- **Promoting Pride and Visibility in Waltham Resolution**
Clerk Vizard read the Resolution. Councillor Bradley-MacArthur spoke on the Resolution inviting anyone else to sign on. Councillor Bradley-MacArthur moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Bradley-MacArthur moved approval of the Resolution. The motion was approved by a voice vote and the Resolution was approved.

Committee Reports

Ordinances and Rules

1. The Ordinances and Rules Committee recommended the Minor Modification for Special Permit Global Companies LLC at 1033 Trapelo Rd (Order# 29711) 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.
The matter was not approved 14-0-0.

Public Works and Public Safety

1. The Public Works and Public Safety Committee recommended Stretch Code Resolution be filed. Councillor LeBlanc moved that the action of the Committee be the action of the Council. On the motion Councillor Bradley-MacArthur moved to recommit the matter. A roll call was requested.

In favor: Bradley-MacArthur, Darcy, Dunn and Paz.

Opposed: Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley and Vidal.

Absent: None.

Presiding: McMenimen.

The matter was not approved 4-10-0.

Councillor Bradley-MacArthur made a motion to amend the motion in order for the matter to be filed without prejudice. A roll call was requested.

In favor: Bradley-MacArthur, Darcy, Dunn and Paz.

Opposed: Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley and Vidal.

Absent: None.

Presiding: McMenimen.

The matter was not approved 4-10-0.

On the original motion to file the Resolution, Councillor LeBlanc moved that the action of the Committee be the action of the Council. A roll call was requested.

In favor: Durkee, Dunn, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Stanley and Vidal.

Opposed: Bradley-MacArthur, Darcy and Paz.

Absent: None.

Presiding: McMenimen.

The matter was approved 11-3-0 The Stretch Code Resolution was filed.

2. The Public Works and Public Safety Committee recommended the acknowledgment of an award from MassDEP's Drinking Water program for an outstanding performance in 2022 for the second consecutive year be referred to the full City Council and to prepare a proclamation for the Waltham Water Department. Councillor LeBlanc 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 840 Winter Street – Alexandria RE Equities, 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.
2. The Licenses and Franchises Committee recommended the acceptance of a memorial bench in honor of Roland Thebado at Nipper Maher Park 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 acceptance of a memorial bench in honor of Kimberly Stafford at Monsignor McCabe Playground 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 Massport Letter application at 36 Garden Lane #3 for Sergio Alvarez De Leon 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 the Fortune Tellers License at 942 Trapelo Road for Her Lady's Oracle 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 the Lodging House License at 77 Prospect Street for 75-83 Prospect 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.
7. The Licenses and Franchises Committee recommended the renewal of the Lodging House License at 52-54 Bedford Street for James McKen 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.

Matter 8-13 were handled earlier in the meeting.

8. The Licenses and Franchises Committee recommended Tables & Chairs Permit at 484 Moody Street for Amuleto be approved.
9. The Licenses and Franchises Committee recommended the Tables & Chairs Permit at 474 Moody Street for 474 Associates Inc. dba Tempo be approved.
10. The Licenses and Franchises Committee recommended the Tables & Chairs Permit at 336 Moody Street for Bistro 781 be approved.
11. The Licenses and Franchises Committee recommended the Tables & Chairs Permit at 361 Moody Street for Vinotta Restaurant be approved.
12. The Licenses and Franchises Committee recommended the renewal of the Tables & Chairs Permit at 482 Moody Street for DiVinci Ristorante be approved.
13. The Licenses and Franchises Committee recommended the Tables & Chairs Permit at 434 Moody Street for Peppinos Dosi be approved.

Finance

1. The Finance Committee recommended an appropriation in the amount of \$185,000.00 to fund the roof replacement at the Veterans Memorial Rink 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 various artifacts of public service to the City of Waltham from Council President Kathleen B. McMenimen for the Waltham 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 the approval to accept the FFY2022-2023 HMEP Grant in the amount of \$5,000.00 from MEMA for the Emergency Management Department for conducting a traffic study of vehicles carrying hazardous waste materials and for updating and publishing the Emergency Plan 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 acceptance of a donation to the Waltham Police Department's K9, Hondo of a bullet proof vest from Massachusetts Vest-a-Dog valued at \$3,479.00 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

Kevin M. Ritcey Award Ad Hoc Committee

1. Councillor Harris announced that the Committee would like to table this matter as to surprise the recipient at a later date. Councillor Harris made a motion to table on the Council floor. The motion was approved by a voice vote and the matter was tabled.

Unfinished Business & Other Business

1. Cal Verde Naturals LLC at 1250 Main Street letter to withdraw without prejudice. Councillor LeBlanc recused himself. 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 for approval. Roll Call was required.
In favor: Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, McLaughlin, O'Brien, Paz, Stanley and Vidal.
Opposed: None
Absent: None.
Recused: LeBlanc
Presiding: McMenimen.
The matter was approved 13-0-0-1-1.
2. CPC Recommendation for Fiscal Year 2024 Budget. Referred to the Long Term Debt and Capital Campaign Committee.
3. CPC Recommendation for Allocation of CPA Funds for Exterior Renovations to the Arrigo Farm Main Building and Barn at 342-344 Warren Street. Referred to the Long Term Debt and Capital Committee.

Councillor Darcy made a motion to discharge the Lexington Solar Farm matter from the Public Works and Public Safety Committee. The motion was approved by a voice vote. Councillor Darcy spoke on the matter. Councillor Darcy made a request for this matter to be sent to the Committee of the Whole and that the Law Department and Mayor McCarthy be invited to the next Committee meeting. The motion was approved by a voice vote. Councillors Leblanc and LaFauci spoke on a point of information. President McMenimen referred the matter to the Committee of the Whole.

Tabled Items

- Loan authorization in the amount of \$1,000,000.00 to provide design services for the Feasibility Study Phase through the Schematic Design Phase for the Waltham High School located at 617 Lexington Street. (Tabled 5/8/23)
- Mayor's Communication regarding a confidential update for 101 School Street
- Mayor's Communication regarding a confidential update for 0 Prospect Hill Road

Councillor Durkee rose to invite everyone to the Memorial Day Services on May 29, 2023 at 10 a.m. on the Waltham Common.

With no further matters Councillor Stanley moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 11:05 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

June 1, 2023