

Waltham City Council
Minutes of the Meeting of
December 11, 2023

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

Board of Survey & Planning

Present: Kathleen Callahan, William Creonte, Wayne Keefner, S. Anthony DeVito, Brian Moroney, Mila Taranto.

Absent: M. Justin Barrett.

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. Councillors Darcy, LaFauci, LeBlanc and President McMenimen all spoke about Waltham Police Officer Paul Tracey. A moment of silence was observed for Waltham Police Officer Paul Tracey and National Grid's Roderick Jackson.

Councillor McLaughlin moved approval of the Special Meeting minutes of 11/27/2023. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the Regular Meeting minutes of 11/27/2023. The motion was adopted by a voice vote and the matter was approved.

Councillor McLaughlin made a motion that was approved by a voice vote to suspend Rule 8 to take the Resolution Honoring American Youth Football 4th Grade Massachusetts State Champions out of order. Councillor McLaughlin made a motion to suspend Rule 9 to hear from off committee members. The motion was approved by a voice vote. Clerk Vizard read the Resolution. Coaches Joseph and Donovan spoke on the Resolution. Mayor McCarthy spoke on the matter. President McMenimen read the names of each football player as each approached the podium to receive their Resolution and Proclamation from Mayor McCarthy. Councillor McLaughlin made a motion to suspend Rule 39 to act on the matter without Committee reference. The motion as approved by a voice vote. Councillor McLaughlin moved approval. The motion was approved by a voice vote and the Resolution was approved.

Councillor LeBlanc made a motion that was approved by a voice vote to suspend Rule 8 to take the Resolution Honoring American Youth Cheerleading Massachusetts State Championship Large Cheerleaders out of order. Councillor LeBlanc made a motion to suspend Rule 9 to hear from off committee members. The motion was approved by a voice vote. Clerk Vizard read the Resolution. Coaches Krystal Osika and Gloria Mills spoke on the Resolution. Clerk Vizard read the names of the cheerleaders as each approached the podium to receive their Resolution and Proclamation from Mayor McCarthy. Councillor LeBlanc made a motion to suspend Rule 39 to act on the matter without Committee reference. The motion as approved by a voice vote. Councillor LeBlanc moved approval. The motion was approved by a voice vote and the Resolution was approved.

Councillor LeBlanc made a motion that was approved by a voice vote to suspend Rule 8 to take the Resolution Honoring American Youth Cheerleading Massachusetts State Championship

Small Cheerleaders out of order. Councillor LeBlanc made a motion to suspend Rule 9 to hear from off committee members. The motion was approved by a voice vote. Clerk Vizard read the Resolution. Coach Jillian Lynch spoke on the Resolution. Clerk Vizard read the names of the cheerleaders as each approached the podium to receive their Resolution and Proclamation from Mayor McCarthy. Councillor LeBlanc made a motion to suspend Rule 39 to act on the matter without Committee reference. The motion as approved by a voice vote. Councillor LeBlanc moved approval. The motion was approved by a voice vote and the Resolution was approved. and the matter was Resolution was approved.

President McMenimen called a 1-minute recess to clear the Chambers at 8:14 p.m.
Council reconvened at 8:15 p.m.

Clerk Vizard read Rule 86.

First Public Hearing: Zoning Ordinance Amendment - Body Art Establishments

Clerk Vizard read the petition. Councillors Harris and LaCava spoke on the matter. Frank Pino, Jr., 100 Circle Drive, Waltham spoke in favor of the Amendment. Courtney Allia, 13 Plympton Street, Logan Rogers 788 Willard Street, Quincy, Thomas Geary, 105 Columbus Avenue, Boston and Matt Nolan, 7 Raleigh Road, Dover all spoke in favor of the Amendment. 29 People stood in favor of the Amendment. With 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 up the hearing to questions from Councillors. Councillor Bradley-MacArthur asked if micro blading would be allowed under the Table of Uses. Councillor Harris will take the question into the Committee and provide answers at the next Ordinances and Rules Committee meeting. Board of Survey and Planning member Mr. Maroney asked for the definition of “Body Art”. Councillor Harris explained the background of the Zoning Ordinance and the definition of the Table of Uses. Mr. Creonte asked that any additional info be brought to the Board of Survey and Planning Committee meeting on January 3, 2024. Mr. Creonte asked if the Board of Survey and Planning would be able to meet immediately following the Public Hearing. He polled the Committee receiving 6 yeses. Clerk Vizard explained that it would be a violation of the open meeting law to meet at that time without posting 48 hours in advance. Mr. Creonte thanked the Clerk for the explanation and restated that the next Board of Survey and Planning meeting would be on January 3, 2024. Councillor Darcy spoke on the matter reading the definition of “Body Art” from his laptop. With no further questions President McMenimen closed the public hearing.

Councillor Harris made a motion that was approved by a voice vote to suspend Rule 39 to act on the matter without committee reference. Councillor Harris moved approval of the 1st reading of the Zoning Ordinance Amendment. Roll call requested.

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

Opposed: None.

Absent: Stanley.

Presiding: McMenimen.

1st reading approved 13-0-1.

President McMenimen referred the matter to the Ordinances and Rules Committee.

President McMenimen declared a 1-minute recess to clear the Chambers.

The Board of Survey and Planning Committee members cleared the Chambers.
Council reconvened at 8:47p.m.

Clerk Vizard recognized Councillor Stanley as present.

Second Public Hearing: Fuel Storage – BP Fourth Avenue, LLC at 103 Fourth Avenue

Clerk Vizard read the petition. Phillip McCourt Jr., 272 Bacon Street, Waltham, Attorney representing the petitioner and Michael Johnson, 800 Boylston Street, Boston, representing the petitioner spoke on the matter. Attorney McCourt did not present the green mail receipt cards that should have been submitted before the meeting. Attorney McCourt stated he would get the cards to the Office of the City Clerk on the following day. 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 up the hearing to questions from Councillors. Councillor LaFauci asked questions with Attorney McCourt and Mr. Johnson providing answers. With no further questions President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Third Public Hearing: Fuel Storage – 225 Wyman, LLC at 275 Wyman Street

Clerk Vizard read the petition. Michael Connors, 689 Main Street, Waltham Attorney for the petitioner spoke on the matter. 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 up the hearing to questions from Councillors. Councillor Dunn asked questions with Attorney Connors providing answers. With no further questions 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 an award of \$59,990 from the Office of Grants and Research (OGR) to support the FY24 Municipal Road Safety (MRS) Program. Referred to the Finance Committee.
2. The Mayor respectfully requested the acceptance of the FY2022-24 Jail Diversion Program Grant in the amount of \$48,816. Referred to the Finance Committee.
3. The Mayor respectfully requested a transfer of traffic impact funds in the amount of \$36,200 to conduct a traffic study of the West End area of Waltham. Referred to the Finance Committee.
4. The Mayor respectfully requested that the City Council approve the designation of the following non-CPA area (12.49 acres) at 190 Trapelo Road for future cemetery use. This matter will be acknowledged at the end of the Mayor's Communications.
5. The Mayor respectfully requested the use of American Rescue Plan Act (ARPA) funds in the amount of \$68,000 for the engagement of a consultant to conduct the first phase of a Moody Street Pedestrian Mall Study. Referred to the Finance Committee.
6. The Mayor respectfully requested the approval of a loan authorization in the amount of \$2,050,000 for the water main project on Clark, Ripley, Gale and Pierce Streets. Referred to the Long Term Debt and Capital Planning Committee.
7. The Mayor respectfully requested that the area at Fernald property to the left as you enter from Trapelo Road, including the former Shriver and Cerc buildings, sledding hill and open

space to the eastern property line, including both parking lots be named “The Eunice Kennedy Shriver Memorial Grounds”. This matter will be acknowledged at the end of the Mayor’s Communications.

8. The Mayor respectfully requested that the City Council concurrence to file a ZBA 40B application to permit two housing units at the former Cardinal Cottage. This matter will be acknowledged at the end of the Mayor’s Communications.
9. The Mayor respectfully requested the acceptance of donations to the Waltham High School from Distributor Corporation of New England of various pieces of equipment (value \$6,150) and Daikin Comfort Technologies of equipment (value \$10,279) to be used in the new high school’s HVAC Department. Referred to the Finance Committee.

President McMenimen relinquished the chair to Vice President McLaughlin in order to recuse herself from the Mayor’s Communications numbered 4, 7 & 9. Vice President McLaughlin took the Chair.

Clerk Vizard read Communications numbered 4, 7 & 9. Vice President McLaughlin referred matters 4, 7 & 9 to the Committee of the Whole.

Vice President McLaughlin relinquished the chair to President McMenimen.

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 — 52-54 Bedford Street –James Mcken
- Lodging House Renewal — 12-14 Lowell Street – Middlesex Human Service Agency
- Class 2 Renewal — 265 Bear Hill Road – Specialty Auto Sales, Inc. dba Eastside Motoring

Resolutions, Orders and Ordinances

- Resolution Honoring AYC Massachusetts State Championship Cheerleaders
This matter was taken out of order and addressed earlier in the meeting.
- Resolution Honoring AYC Eastern Massachusetts Championship Football Players
This matter was taken out of order and addressed earlier in the meeting.
- Veterans Square Resolution for Jennarino Juliano
The Clerk read the Resolution. Councillor LaFauci spoke on the Resolution. President McMenimen referred the Resolution to the Veterans Services Committee.
- Resolution Honoring Marybeth Duffy
The Clerk read the Resolution. Councillor O’Brien spoke on the Resolution making a request that was approved by a voice vote to have Marybeth Duffy attend the next Committee of the Whole meeting. President McMenimen referred the Resolution to the Committee of the Whole.

Committee Reports

Committee of the Whole

1. The Committee of the Whole recommended the acceptance of the submission of the ATC Asbestos Report for 240 Beaver Street. Councillor LeBlanc recused himself. 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.
2. The Committee of the Whole recommended the appointment of David L. Levinson, Ph.D., 70 Hawthorne Road, Waltham, as a member of the Board of Library Trustees Councillor McLaughlin 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 approved 14-0-0.
3. The Committee of the Whole recommended the following projects be submitted to the Mayor for inclusion into the Capital Improvement Plan for FY 2025-2029.
Clerk Vizard read Councillor Darcy's requests. Councillor Darcy moved acceptance of the requests. The motion was adopted by a voice vote.
Clerk Vizard read Councillor LeBlanc's requests. Councillor LeBlanc moved acceptance of the requests. The motion was adopted by a voice vote.
Clerk Vizard read Councillor Durkee's requests. Councillor Durkee moved acceptance of the requests. The motion was adopted by a voice vote.
Clerk Vizard read Councillor Paz's requests. Councillor Paz moved acceptance of the requests. The motion was adopted by a voice vote.
Clerk Vizard read Councillor Harris' requests. Councillor Harris moved acceptance of the requests. The motion was adopted by a voice vote.
Clerk Vizard read Councillor Katz's requests. Councillor Katz moved acceptance of the requests. The motion was adopted by a voice vote.
Clerk Vizard read Councillor LaCava's requests. Councillor LaCava moved acceptance of the requests. The motion was adopted by a voice vote.
Clerk Vizard read Councillor LaFauci's requests. Councillor Darcy moved acceptance of the requests. The motion was adopted by a voice vote.
Clerk Vizard read Councillor Bradley-MacArthur's requests. Councillor Bradley-MacArthur moved acceptance of the requests. The motion was adopted by a voice vote.

Licenses and Franchises Committee

1. The Licenses and Franchises Committee recommended the Extended Retail Hours for CVS Pharmacy #114 at 12 Harvard Street 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 Resolution Honoring Gildo Oresto "John" Piantedosi be approved. Councillor Vidal moved that the action of the Committee be the action of the Council to approve the Resolution. The motion was adopted by a voice vote

and the matter was approved. Councillor Vidal approval of the Order. The motion was adopted by a voice vote and the matter was approved.

3. The Licenses and Franchises Committee recommended the Lodging House renewal for High Street W, LLC. at 24-26 High Street 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 for Dennis Dyer at 107 Adams Street 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 Lodging House renewal for Gilbrae Inn LLC. at 403 River Street 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 Lodging House renewal for Ash Street Lodging, LLC. at 124-126 Ash Street 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 Extended Retail Hours renewal for J&T Shun Lai, Inc. at 573 Main Street 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.

Tabled Items

Loan authorization in the amount of \$9,500,000.00 for the 190 Trapelo Road Memorial and Universal Areas (1st reading 11/13/23).

President McMenimen relinquished the chair to Vice President McLaughlin in order to recuse herself. Vice President McLaughlin took the Chair. Councillor LaCava made a motion that was approved by a voice vote to take the Loan authorization in the amount of \$9,500,000.00 for the 190 Trapelo Road Memorial and Universal Areas (1st reading 11/13/23) off the table.

Councillor LaCava spoke on the matter. Councillor Darcy rose to give a presentation from the podium. Vice President McLaughlin explained that would not be allowed. Councillor Darcy stated he would continue with presentation from his chair. He went on to state he would not be supporting the authorization and explained his reasoning. Councillors Bradley-MacArthur and Paz also stated they would not be supporting the matter. Councillors Durkee, LaFauci, O'Brien, LeBlanc and Stanley all spoke in favor of the authorization. Councillor LaCava moved approval. Roll call required.

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

Opposed: Bradley-MacArthur, Darcy and Paz.

Absent: None.

Recused: McMenimen.

Presiding: McLaughlin.

The matter was approved 11-3-1.

Vice President McLaughlin relinquished the chair to President McMenimen.

- Loan authorization of \$6,462,197.00 for the Winter Street and Lincoln Street – water, sewer, drain and street/sidewalk improvements (1st reading 11/13/23)

Councillor LaCava made a motion that was approved by a voice vote to take the Loan authorization of \$6,462,197.00 for the Winter Street and Lincoln Street – water, sewer, drain and street/sidewalk improvements (1st reading 11/13/23) off the table. Councillor LaCava moved to give the matter a second and final reading. 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 approved 14-0-0.

- Loan authorization in the amount of \$1,037,894.00 to be used for intersection improvements at Beaver Street, Warren Street and Pelham Road. (1st reading 11/27/23)

Councillor LaCava made a motion that was approved by a voice vote to take Loan authorization in the amount of \$1,037,894.00 to be used for intersection improvements at Beaver Street, Warren Street and Pelham Road. (1st reading 11/27/23) off the table. Councillor LaCava moved to give the matter a second and final reading. 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 approved 14-0-0.

With no further matters Councillor LaCava moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 10:17 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

December 19, 2023