

Waltham City Council
Minutes of the Meeting of
August 1, 2022

President McMenimen called the meeting to order at 7:35 p.m.

Present: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, OBrien, Stanley, Vidal and President McMenimen.

Absent: Paz.

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 OBrien asked for a moment of silence for Waltham resident Laurie Moran.

Councillor McLaughlin moved approval of the regular meeting minutes of 6/27/2022. The motion was adopted by a voice vote and the matter was approved.

Councillor Katz made a motion to suspend Rule 8 and take the matter of the Confirmation of the Appointment of the Fire Chief for the City of Waltham out of order. The motion was approved by a voice vote. Councillor Katz made a motion to suspend Rule 39 to act without Committee reference on the matter. The motion was approved by a voice vote. Councillor Katz made a motion to suspend Rule 41 to take action on the motion that evening. The motion was approved by a voice vote. Councillor Katz made a motion to approve the confirmation of Andrew R. Mullin, 62 Cedarwood Avenue as New Fire Chief of the City of Waltham Fire Department. Councillor Katz spoke on Deputy Mullin's many accomplishments and his involvement, commitment and dedication to the community. President McMenimen recognized all the first responders and thanked them for their service. Councillor Katz made a motion to suspend Rule 9 to hear from off Committee members. The motion was approved by a voice vote. Councillor OBrien spoke on the matter. Councillor Katz asked about Deputy Mullin's journey with the Waltham Fire Department and his vision for the future of the department. Deputy Mullin spoke on why he chose to become a firefighter and how he was looking forward to working with the Waltham Fire Department and the firefighters and continuing to grow the department utilizing all the talents within the department. Councillor LeBlanc spoke on Deputy Mullin's commitment and dedication to the community. Councillor Stanley spoke on his relationship with Deputy Mullin and his dedication and determination. Councillor Darcy spoke about the multiple phone calls he received in support of Deputy Mullin and the Waltham Fire Department. With no additional questions from Councillors, President McMenimen asked the Clerk to call the roll. In favor: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, OBrien, Stanley, Vidal and President McMenimen.

Opposed: None.

Absent: Paz

Matter was approved 14-0-1. By the action of the City Council the Confirmation of the Appointment of Andrew R. Mullin as the City of Waltham, Fire Chief was approved.

Deputy Mullin and family approached the lectern. Clerk Vizard administered the Oath of Office to Deputy Mullin. Chief Mullin moved to the podium and addressed the Council members,

family and friends. Kristen Mullin, wife of Chief Mullin, approached the podium to present and pin the Official Chiefs badge. President McMenimen officially introduced the New City of Waltham Fire Chief.

President McMenimen recessed the meeting at 8:12 p.m. to allow the Chambers to be cleared. President McMenimen reconvened the City Council meeting at 8:15 p.m.

Councillor Harris rose to suspend Rule 8 to take the matter of the Confirmation of the Appointment of Nancy Caruso to the Board of Cemetery Commission out of order. The motion was approved by a voice vote. Councillor Harris made a motion to suspend Rule 39 to act without Committee reference on the matter. The motion was approved by a voice vote. Councillor Harris made a motion to suspend Rule 41 to take action on the motion that evening. The motion was approved by a voice vote. Councillor Harris made a motion to suspend Rule 9 to hear from off Committee members. The motion was approved by a voice vote. Councillor Harris made a motion to approve the Confirmation of the Appointment of Nancy Caruso, 65 Ash Street to the Board of Cemetery Commission. Councillor Harris spoke on the career and expertise of Ms. Caruso. Councillor Harris asked Ms. Caruso for a brief description of her career and experience with the Cemetery Department. Ms. Caruso spoke about herself. With no additional questions from Councillors, President McMenimen asked the Clerk to call the roll. In favor: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, OBrien, Stanley, Vidal and President McMenimen. Opposed: None.

Absent: Paz

Matter was approved 14-0-1. By the action of the City Council the Confirmation of the Appointment of Nancy Caruso to the Board of Cemetery Commission was approved.

The Clerk read Rule 86.

First Public Hearing: Grant of Location for NStar Electric Company DBA Eversource Energy, Berkley Street. Wanda Sweatman, 11 Church Street, Canton, MA, 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 Darcy spoke on the matter with questions from the Engineering Department regarding the exact address. Ms. Sweatman explained that she had a letter stating the exact address of 110 Berkley Street. President McMenimen asked the letter be given to the Clerk's Office so the Councillors would have copies. Councillor Darcy continued with additional questions regarding curb cuts. Ms. Sweatman provided answers. With no additional questions from Councillors, President McMenimen closed that portion of the Public Hearing and opened it up to questions from Councillors. Councillor Vidal made a motion to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Vidal moved for approval. On the motion Councillor Darcy requested to have two conditions added with approval. Councillor Vidal accepted the amendment. On the motion for approval the motion was approved by a voice vote.

Second Public Hearing: Grant of Location for NStar Electric Company DBA Eversource Energy at Sheffield Road. Councillor LaFauci recused himself. Wanda Sweatman, 11 Church Street,

Canton, MA, 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 Darcy spoke about curb cuts. With no additional questions from Councillors, President McMenimen moved to close the public hearing. Councillor Vidal made a motion to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Vidal moved for approval. On the motion Councillor Darcy requested to have two conditions added with approval. Councillor Vidal accepted the amendment. The amended Grant of Location was approved by a voice vote.

Communications from the Mayor

1. The Mayor respectfully requested the confirmation of the appointment of Andrew R. Mullin, 62 Cedarwood Avenue, Waltham as Chief of the Waltham Fire Department to fill the vacancy created by the retirement of Chief Thomas MacInnis. This matter was taken up earlier in the meeting.

2. The Mayor respectfully requested the confirmation of the appointment of Nancy Caruso, 65 Ash Street, Waltham, MA as a member of the Board of Cemetery Commissioners to fill Janet Lee's vacancy. This matter was handled earlier in the meeting.

3. The Mayor respectfully requested acceptance of various gifts including 1940 and 1941 Waltham High School yearbooks, newspaper clippings from 1936, athletic memorabilia from 1935 and 1936 regarding Kavaleski and McKenna Families and a 1936 News Tribune supplement regarding Moody Street donated by Susan Kavaleski for the City Hall Museum Room. Referred to the Finance Committee.

4. The Mayor respectfully requested acceptance of memorabilia gifts for the Waltham City Hall Museum Room from City Council President Kathleen B. McMenimen from Northway Biotech Co. and dignitaries from the Country of Lithuania. Referred to the Finance Committee.

5. The Mayor respectfully requested the acceptance of a copy of "The Wellington Farm in Waltham" by Edmund L. Sanderson, from the Architectural Forum held September of 1920 for the City Hall Museum Room donated by Ann Giorgianni. Referred to the Finance Committee.

6. The Mayor respectfully requested acceptance of a Police Commemorative Coin from Chief O'Connell for the City Hall Museum Room. Referred to the Finance Committee.

7. The Mayor respectfully requested acceptance of a Waltham Parade Book donated by Randy LeBlanc for the Waltham City Hall Museum Room. Referred to the Finance Committee.

8. The Mayor respectfully requested to go into Executive Session to update to the City Council regarding the Fitch School matter. Councillor McLaughlin moved to table the matter until the end of the meeting. The motion was approved by a voice vote and the matter was tabled.

9. The Mayor respectfully requested acceptance of a Mass Trail Grant in the amount of \$500,000.00 for restoration of the Linden Street Bridge. Referred to the Finance Committee.

10. The Mayor respectfully requested acceptance of the State 911 Department Training Grant (renewal) in the amount of \$29,069.27. It is a reimbursable grant for training related costs associated with the 911 system. This Grant does not require matching funds and is effective for the fiscal year ending June 30, 2023. Referred to the Finance Committee.

11. The Mayor respectfully requested acceptance of a Grant through the Executive Office of Public Safety and Security State 911 Department in the amount of \$226,871.00 for the State 911 Department Support and Incentive Public Safety Answering Point (PSAP) Grant – FY2016. This Grant does not require matching funds from the City. Referred to the Finance Committee.

12. The Mayor respectfully requested approval of a loan authorization in the amount of \$645,000.00 for the Phase One estimate of the Clock Tower repair project at City Hall. The Phase One scope of the project includes the exterior clock tower restoration and the interior of the clock tower intumescent prep and painting on exposed wood and tell elements. Referred to the Long Term Debt and Capital Planning Committee.

13. The Mayor respectfully requested approval of a loan authorization in the amount of \$643,000.00 to award the low and responsible bid for the roof replacement project at City Hall. The scope of the project includes roof replacement and the removal/replacement of existing skylights. Reference checks for Stanley Roofing Company have been performed and completed. Referred to the Long Term Debt and Capital Planning Committee.

14. The Mayor respectfully requested a transfer of funds in the amount of \$99,000.00 to engage in the services of an Owner's Project Manager (OPM) for the designer selection and schematic design services for the new police station. Referred to the Finance Committee.

15. The Mayor respectfully requested the acceptance of a donation in the amount of \$1,000.00 for a bench in memory of Harold Arnold. The intended location of the bench will be an existing bench on the Waltham Common near the Circle of Remembrance. Referred to the Finance Committee.

16. The Mayor respectfully requested the City Council to advise the Mayor as to the communication from Attorney Michael R. Connors of Connors & Connors LLC. representing Hobbs Brook Real Estate, LLC. Referred to the Committee of the Whole.

Applications and Licenses

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

- Massport Application– 149 Grove Street – CHK Transportation, LLC
- Extended Hours Application – 511 Totten Pond Road – Global Montello Group #782

Resolutions, Orders and Ordinances

- Totten Pond Road, Lexington Street and Bacon Street Intersection Resolution.

Clerk Vizard read the Resolution. Councillor LeBlanc spoke on construction issues and delays on the project. Councillor LaFauci spoke about the disrepair of the area, delays and the project being halted during the summer. Councillor LeBlanc made a motion to request to have Director

Garvin attend the next Public Works and Safety Committee meeting. The motion was approved by a voice vote. President McMenimen referred the matter to the Public Works and Public Safety Committee.

Unfinished Business & Other Business

- Waltham Community Access Corporation bid proposal. Referred to the Cable Access Committee.
- City Council Police Officer Detail request for the 2022 Elections. Referred to the Committee of the Whole.
- 2022 State Primary Election Warrant. Referred to the Committee of the Whole.
- Modification of Special Permit #33419 at 205, 225 & 231 Second Avenue for Alexandria Real Estate Equities, Inc. Referred to the Ordinances and Rules Committee.

Joint Meeting with Historical Commission

- Joint meeting with the City Council and the Waltham Historical Commission and that the Mayor be invited as well to discuss the Fernald Memorandum Agreement dated December 18, 2014. (Tabled 6/27/2022)

Follow up Communication dated July 8, 2022

Councillor McMenimen recused herself. Councillor McLaughlin called the meeting to order. Clerk Vizard called the Roll.

Present: Rebecca Migdal, Kathleen Dufromont, Mort Isaacson, Sean Wilson, Maria Russo

Absent: None

Recused: Marie Daly

Councillor Harris made a motion to take the Mayors Communication off the table. The motion was approved by a voice vote. Councillors Harris and Durkee escorted the Mayor into the Council Chambers. Councillor Harris made a motion to suspend Rule 9 to hear from all off Committee Members. The motion was approved by a voice vote. Mayor McCarthy spoke about the memo sent June 23, 2022 regarding the Memorandum Agreement from December 18, 2014, listing the 12 contributing and noncontributing resources as well as an updated list from July 8, 2022 merging both and including a map of effected areas. Mayor McCarthy spoke of two inquiries for the City Council and Historical Commission to consider. 1. To see if the Historical Commission and the City Council are in agreement of the 12 buildings and structures that have been declared “poor condition” or “non-repairable” 2. Do they think there any buildings or structures that should be preserved. Mayor McCarthy handed out new maps to the Historical Commission members as well as City Council members and spoke on the specific buildings and structures. Councillor Darcy asked about the structures in question and if some of the facades could be saved or preserved. Councillor LeBlanc also spoke about preserving some the facades of the oldest buildings. Councillor Dunn mentioned that she has never seen the property of the buildings in question. Councillor Dunn made a motion to have the Office of the City Clerk schedule a site visit of the Fernald property for the Council as well as the Historical Commission members. The motion was approved by a voice vote. Rebecca Migdal, Historical Commission member asked about the historical significance of the buildings and agreed about saving facades as well as some foundations. Mayor McCarthy spoke on the conditions of the buildings and a previous archaeological dig. Sean Wilson asked if any buildings were being targeted before winter. Mayor McCarthy stated that Hillside and the Administration building would be first and the Recreation Board has plans to restore the Farrell Hall Building. Mr. Wilson asked if the

Historical Commission wanted something preserved, would that be taken into consideration before destruction. Mayor McCarthy responded yes. Chairman Isaacson spoke about the Fernald Reuse Committee. Mayor McCarthy explained that the Committee is done with their study and results can be found on the City school's website. Chairman Isaacson questioned the release of the information. Mayor McCarthy responded saying she would look into the information. Councillor O'Brien made a motion to have any additional information forwarded to the Council and Commission. The motion was approved by a voice vote. Vice President McLaughlin referred the matter to the Committee of the Whole. Vice President McLaughlin called a 1-minute recess at 9:18 p.m.

Tabled Items

- Ordinance Concerning Disabled and Intellectually Challenged Citizens with Disabilities (1st Reading 6/27/22). Councillor Darcy moved to take the matter from the table. The motion was approved by a voice vote. Councillor Darcy made a motion for approval of the second reading. The motion was approved by a voice vote. Councillor Darcy made a motion to suspend Rule 45 for the third and final reading. A Roll Call was required. In favor: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, OBrien, Vidal and President McMenimen. Opposed: None. Absent: Paz, Stanley Matter was approved 13-0-2.

- Confidential real estate matter tabled in Executive Session (1/24/2022) Councillor Harris made a motion to take the matter from the table. The motion was approved by a voice vote. Councillors Harris and Durkee escorted Mayor McCarthy into the Chamber. Mayor McCarthy explained that the executive session would be regarding a real estate matter and that Assistant Solicitor Laughman and Kara Wilson attend and the City Clerk act as the Clerk. Councillor Harris moved that the City Council go into Executive Session. A roll call was required. In favor: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, OBrien, Stanley, Vidal and President McMenimen. Opposed: None. Absent: Paz Matter was approved 14-0-1

President McMenimen declared the Council in Executive Session at 10:00 p.m.

President McMenimen reconvened the City Council meeting at 10:57 p.m.

Clerk Vizard read the informational items under Rule 58.

President McMenimen announced the times and locations of the Committee Meetings.

President McMenimen recessed the meeting at 11:00 p.m. in order for Committees to meet.

President McMenimen reconvened the City Council meeting at 11:59 p.m.

Councillor McLaughlin moved to suspend Rule 2 to allow the City Council meeting to go past midnight. Roll Call required.

In favor: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, OBrien, Stanley, and Vidal.

Opposed: None.

Absent: Paz.

Presiding: President McMenimen

13-0-1. The motion was adopted by a voice vote and the matter was approved.

Committee Reports

Licenses and Franchises Committee

1. The Licenses and Franchises Committee recommended the Massport Application at 149 Grove Street for CHK Transportation, LLC. be approved with the stipulation that the petitioner provide a letter from the landlord within 14 days. 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 Extended Hours Application at 511 Totten Pond Road for Global Montello Group #782 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 Long Term Debt and Capital Planning Committee recommended the loan authorization in the amount of \$643,000.00 to award the low and responsible bid for the roof replacement project at City Hall 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. Councillor O'Brien moved to table the matter on the Council floor. The matter was approved by a voice vote.

4. The Long Term Debt and Capital Planning Committee recommended the loan authorization in the amount of \$645,000.00 for the Phase One estimate of the Clock Tower repair project at City Hall 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. Councillor O'Brien moved to table the matter on the Council floor. The matter was approved by a voice vote.

5. The Long Term Debt and Capital Planning Committee moved to discharge the Leary Field loan authorization from the Committee Docket. The motion was approved by a voice vote. Councillor O'Brien moved approval of the second reading of the Loan Authorization. The motion was approved by a voice vote. Councillor O'Brien moved to table the matter on the Council floor. The matter was approved by a voice vote.

Finance

1. The Finance Committee recommended the acceptance of various gifts including 1940 and 1941 Waltham High School yearbooks, newspaper clippings from 1936, athletic memorabilia from 1935 and 1936 regarding Kavaleski and McKenna Families and a 1936 News Tribune supplement regarding Moody Street donated by Susan Kavaleski for the 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.

2. The Finance Committee recommended the acceptance of memorabilia gifts for the Waltham City Hall Museum Room from City Council President Kathleen B. McMenimen from Northway Biotech Co. and dignitaries from the Country of Lithuania 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 acceptance of a copy of “The Wellington Farm in Waltham” by Edmund L. Sanderson, from the Architectural Forum held September of 1920 for the City Hall Museum Room donated by Ann Giorgianni 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 Police Commemorative Coin from Chief O’Connell for the 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.

5. The Finance Committee recommended the acceptance of a Waltham Parade book donated by Randy LeBlanc 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.

6. The Finance Committee recommended the acceptance of a Mass Trail Grant in the amount of \$500,000.00 for restoration of the Linden Street Bridge 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.

7. The Finance Committee recommended the acceptance of a Grant through the Executive Office of Public Safety and Security State 911 Department in the amount of \$226,871.00 for the State 911 Department Support and Incentive Public Safety Answering Point (PSAP) Grant – FY2016. 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.

8. The Finance Committee recommended the transfer of funds in the amount of \$99,000.00 to engage in the services of an Owner’s Project Manager (OPM) for the designer selection and schematic design services for the new police station be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. Roll Call required.

In favor: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, OBrien, Stanley, Vidal and President McMenimen.

Opposed: None.

Absent: Paz.

14-0-1. The motion was adopted by a voice vote and the matter was approved.

9. The Finance Committee recommended the acceptance of a donation in the amount of \$1,000.00 for a bench in memory of Harold Arnold 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.

10. The Finance Committee recommended the acceptance of the State 911 Department Training Grant (renewal) in the amount of \$29,069.27 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.

Committee of the Whole

1. The Committee of the Whole recommended the City Council Police Officer Detail request for the 2022 elections be approved. 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 2022 State Primary Election Warrant be approved. 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.

Cable Access Committee

1. The Cable Access Committee recommended approval of an expenditure of \$68,534.10 for Telvue equipment be approved. Councillor Dunn 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 Modification of Special Permit #33419 at 205, 225 & 231 Second Avenue for Alexandria Real Estate Equities, Inc. be approved. Councillor Darcy moved that the action of the Committee be the action of the Council.. Roll call required.

In favor: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, OBrien, Stanley, and Vidal.

Opposed: None.

Absent: Paz.

Presiding: President McMenimen

13-0-1. The motion was adopted by a voice vote and the matter was approved.

2. The Ordinances and Rules Committee recommended the Compensation Ordinance Amendment for the Social Media Manager be approved for a second reading. Councillor Darcy moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote. Councillor Darcy moved to suspend Rule 45 to give the matter a third and final reading. Roll call required.

In favor: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, OBrien, Stanley, and Vidal.

Opposed: None.

Absent: Paz.

Presiding: President McMenimen

13-0-1. The motion was adopted by a voice vote and the matter was approved.

3. The Ordinances and Rules Committee recommended the Compensation Ordinance Amendment for the Assistant Recreation Director be approved for a second reading. Councillor Darcy moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote. Councillor Darcy moved to suspend Rule 45 to give the matter a third and final reading. Roll call required

In favor: Councillors Bradley-MacArthur, Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, McLaughlin, OBrien, Stanley, and Vidal.

Opposed: None.

Absent: Paz.

Presiding: President McMenimen

13-0-1. The motion was adopted by a voice vote and the matter was approved.

Councillor McLaughlin rose for a point of clarification regarding the Committee of the Whole and 225 Wyman Street. Clerk Vizard explained that had been sent to the Law Department and tabled on the floor.

With no further matters Councillor Harris moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 12:10 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

August 25, 2022