Waltham‌ ‌City‌ ‌Council‌ ‌

Minutes‌ ‌of‌ ‌the‌ Meeting‌ ‌of‌ ‌

October 11, 2022

President McMenimen ‌called‌ ‌the‌ ‌meeting‌ ‌to‌ ‌order‌ ‌at‌ ‌7:32‌ ‌p.m.‌ ‌

**‌**

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

Absent: McLaughlin, Vidal.

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 LaFauci asked for a moment of silence for Franchesco DiCicco. Councillor LeBlanc said a few nice words about Mr. DiCicco.

Councillor LeBlanc moved approval of the regular meeting minutes of 9/26/2022. ‌The‌ ‌motion‌ ‌was‌ ‌adopted‌‌ ‌by a‌ ‌voice‌ ‌vote‌ ‌and‌ ‌the‌ ‌matter was ‌approved.

The Clerk read Rule 86.

**First Public Hearing:** Fuel Storage for City of Waltham at 554 Lexington Street.

Paul Dileo, 630 Sunderland Rd, Worcester, representing the petitioner, spoke in favor of the petition. This temporary fuel storage is to provide fuel storage to Waltham High School for the winter months. 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 Dunn asked Mr. Dileo to show the location and give a description of the fuel storage container using the map provided. Mr. Dileo explained locations and gave a description of the expected timeframe. Councillor LaFauci asked about the schedule for filling the tank. Mr. Dileo explained that the first delivery would be in the next week with 3 deliveries per week following. 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:** 17-25 Street Opening at 255 Bear Hill Road.

Attorney, Philip McCourt, 15 Church Street, Waltham, representing the petitioner, spoke in favor of the petition. Carlton Quinn, 7 Matchett St, Brighton, Civil Engineer for the petitioner, presented a diagram of the area. 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 the details of the job, curb cuts and the timeframe. Mr. Quinn answered and explained they would like to be finished by the end of the year and they are aware of the City’s requirements for paving. With no additional questions from Councillors, President McMenimen closed the public hearing. Councillor LeBlanc made a motion to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor LeBlanc moved approval of the street opening. The motion was adopted by a voice vote and the matter was approved.

**Third Public Hearing:** Grant of Location for Nationalgrid at 305 Winter Street.

This matter has been recessed until the next Council Meeting on October 24, 2022 at 7:30 PM.

**Applications and Licenses**

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

* Renewal of Class 2 License – 279R Crescent Street – Waltham Auto Tow, Inc.
* Renewal of Class 2 License – 50 River Street – Absolute Auto Sales
* Renewal of Class 2 License – 825 Main Street – Monell Enterprises, Inc.
* Renewal of Class 2 License – 50 Thayer Road – Hull Corporation, Inc.
* Extended Hours Renewal for – 806 Main Street – Wendy’s
* Extended Hours Renewal for – 1335 Main Street – Waltham Fuel, Inc.
* Extended Hours Renewal for – 205 Willow Street – Pro Tech Automotive & Tire CTR. Inc.
* Extended Hours Renewal for – 821 Main Street – Global Montello Group Corp #774
* Extended Hours Renewal for – 511 Totten Pond Road – Global Montello Group #782
* Extended Hours Renewal for – 1033 Trapelo Road – Global Montello Group #2762
* Extended Hours Renewal for – 851 Main Street– J&J Variety

**Communications from the Mayor**

1. The Mayor respectfully requested the appointment of Lenore Karaian, a registered Republican, 316 Grove Street, Apt 1, Waltham as a member of the Board of Registrars of Voters for a term of 3 years. Referred to the Committee of the Whole.
2. The Mayor respectfully requested the acceptance of an award of $64,995.00 from the Office of Grants and Research (OGR) to support the FY23 Municipal Road Safety (MRS) Program. Referred to the Finance Committee.
3. The Mayor respectfully requested the appointment of Charles M. Egirous, 501 Lexington Street, Unit 75, Waltham as a member of the Waltham Historical Commission for a term of 3 years. Referred to the Committee of the Whole.
4. The Mayor respectfully requested the acceptance of a monetary donation from the Digital Federal Credit Union in the amount of $2,500.00 to the Waltham Police Department. Referred to the Finance Committee.
5. The Mayor respectfully requested the acceptance of a monetary donation from the Digital Federal Credit Union in the amount of $2,500.00 to the Waltham Fire Department. Referred to the Finance Committee.
6. The Mayor respectfully requested the acceptance of the Middlesex County share for Waltham of the second grant allotment of the American Rescue Plan Act (ARPA) funds in the amount of $6,069,461 and accrued interest earned on the grant funds. Referred to the Finance Committee.
7. The Mayor respectfully requested the appointment of Brian Bower, 555 Edgell Road, Framingham, MA as Acting Chief Building Inspector for the City of Waltham, until a City Ordinance for the Building Inspection Department is completed and passed. Referred to the Committee of the Whole.
8. The Mayor respectfully requested the transfer of the Junior Administrative Assistant position in the Building Inspection budget to Building Maintenance budget page 2. Referred to the Finance Committee.
9. The Mayor respectfully requested the approval of a loan authorization in the amount of $3,875,000.00 for construction improvements to Lowell Field. Referred to the Long Term Debt & Capital Campaign Committee.
10. The Mayor respectfully provided an update from the Planning Director regarding Resolution to Implement Bike Share Systems. This communication was docketed with the existing Resolution to Implement Bike Share Systems in the Economic and Community Development Committee.

**Resolutions, Orders and Ordinances**

* Creating a Safe and Separate Bicycle and Pedestrian Path along Lexington Street from Trapelo Road to Beaver Street and on to the Central Mass Rail Trail Resolution.

The Clerk read the Resolution. Councillor Darcy spoke on the Resolution. President McMenimen referred the Resolution to the Public Works and Public Safety Committee.

* Resolution Recognizing October as National Breast Cancer Awareness Month 2022.

The Clerk read the Resolution. Councillor Harris made a motion to suspend Rule 39 to act on the matter without committee reference. The motion was approved by a voice vote. Councillors Harris and LeBlanc spoke on the Resolution. Councillor Paz expressed he would like to sign on to the Resolution. Councillor Harris made a motion to approve the Resolution. The motion was adopted by a voice vote and the matter was approved.

* Resolution Recognizing Ward 8 Youth Initiative to Revitalize Logan Park 2022.

The Clerk read the Resolution. Councillors Harris spoke on the Resolution and requested to have the Mayor attend the Economic and Community Development Committee Meeting on October 17, 2022. The motion was approved by a voice vote. At the request of Councillor Harris the matter was referred to the Economic and Community Development Committee.

* Creation of a Waltham Municipal Bicycle a Pedestrian Ad-Hoc Committee Resolution. The Clerk read the Resolution. Councillor Darcy spoke on the Resolution. The matter was referred to the Committee of the Whole.

**Committee Reports**

**Licenses and Franchises Committee**

1. The Licenses and Franchises Committee recommended the Massport Application for ZS Limousine, Inc. at 1504 Stearns Hill Road be approved with conditions be approved. Councillor LaFauci 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 License for 881 Moody Street for Burger King be approved. Councillor LaFauci 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 Extended Hours License for 12 Harvard Street for CVS Pharmacy #114 be approved. Councillor LaFauci 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 Extended Hours License for 334-36 Elm Street for Despensa Family, Inc. be approved. Councillor LaFauci 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 Extended Hours License for 667 Moody Street for Dragon Chef, Inc. be approved. Councillor LaFauci 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 Extended Hours License for 591 Moody Street for 7-Eleven #37504A be approved. Councillor LaFauci 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 Class 2 License at 712 Moody Street for DW Enterprises dba Waltham Auto Gallery be approved. Councillor LaFauci 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 Licenses and Franchises Committee recommended the Renewal of Class 2 License at 255 Newton Street for Newton Street Service be approved. Councillor LaFauci 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.
9. The Licenses and Franchises Committee recommended the Renewal of Class 2 License at 103 Felton Street for Sideris Auto Service dba Three Sons Auto Body be approved. Councillor LaFauci 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 Licenses and Franchises Committee recommended the Renewal of Class 2 License at 44 Charles Street for PPA Inc. dba Waltham Motor Group be approved. Councillor LaFauci 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 & Rules Committee**

1. The Ordinances and Rules Committee recommended the Minor Modification to Special Permit #35165 at 225 Waverley Oaks Road for Colbea Enterprises 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, O’Brien, Paz and Stanley. ‌
Opposed: None.

Absent: McLaughlin, Vidal.

Presiding: McMenimen.

Matter was approved 12-0-2.

**Economic and Community Development Committee**

1. The Economic and Community Development Committee recommends that the Resolution to Provide Accessible Mailboxes in Waltham be withdrawn without prejudice. Councillor Katz spoke of the success in having the mailbox replaced at the Main Street Post Office. 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.

**Tabled Items**

* Loan Authorization of $1,700,000.00 for Consolidated Public Works Department Trucks and Vehicles be approved. (First Reading 9/26/2022).

Councillor O’Brien moved to take the loan authorization matter off the table. The motion was approved by a voice vote. Councillor O’Brien moved approval for a second and final reading. Roll call required.

In favor: ‌Councillors‌ Bradley-MacArthur, ‌Darcy, Dunn, Durkee, ‌‌Harris, Katz, LaCava, LaFauci, ‌‌LeBlanc, O’Brien, Paz and Stanley. ‌
Opposed: None.

Absent: McLaughlin, Vidal.

Presiding: McMenimen.

Matter was approved 12-0-2.

**Unfinished Business & Other Business**

* Extension of Time for Special Permit Application at 196 Bear Hill Road, Uma Flowers Waltham, LLC.

Councillor Darcy moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Darcy moved for approval. Roll call required.

In favor: ‌Councillors‌ Bradley-MacArthur, ‌Darcy, Dunn, Durkee, ‌‌Harris, Katz, LaCava, LaFauci, ‌‌LeBlanc, O’Brien, Paz and Stanley. ‌
Opposed: None.

Absent: McLaughlin, Vidal.

Presiding: McMenimen.

Matter was approved 12-0-2.

* Development Prospectus and Fuel Storage License – Conservation Commission Staff Review Policy. Referred to the Committee of the Whole.
* 2022 State Election Warrant.

Councillor LaFauci moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor LaFauci moved for approval. Roll call required.

In favor: ‌Councillors‌ Bradley-MacArthur, ‌Darcy, Dunn, Durkee, ‌‌Harris, Katz, LaCava, LaFauci, ‌‌LeBlanc, O’Brien, Paz and Stanley. ‌
Opposed: None.

Absent: McLaughlin, Vidal.

Presiding: McMenimen.

Matter was approved 12-0-2.

Councillor Darcy made a motion to accept a late filed communication. The motion was approved by a voice vote. Councillor Darcy moved to suspend Rule 39 to act on the matter without committee reference. The motion was approved by a voice vote. Councillor Darcy moved to accept an Extension of Time until November 7, 2022 for Thrive Cultivation & Dispensary, 235 Bear Hill Road. Roll call required.

In favor: ‌Councillors‌ Bradley-MacArthur, ‌Darcy, Dunn, Durkee, ‌‌Harris, Katz, LaCava, LaFauci, ‌‌LeBlanc, O’Brien, Paz and Stanley. ‌
Opposed: None.

Absent: McLaughlin, Vidal.

Presiding: McMenimen.

Matter was approved 12-0-2.

Councillor Katz made a motion to accept a late filed communication. The motion was approved by a voice vote. Councillor Katz spoke about representing the City Council at a Zoning Board of Appeals meeting in November 2022. Councillor Harris asked for a point of information as to why they were accepting communication on someone attending a Board meeting. Councillor Harris asked for information on the last Councillor to attend one of the meetings. Councillor Darcy explained that former Councillor Logan and Tarrallo had been appointed by the Council to attend board mtgs. Councillor Katz clarified that he was acting on advice given to him on how to approach the Zoning Board of Appeals. The Office of the City Clerk will provide previous information on how this process may work. Referred to the Committee of the Whole.

Councillor Darcy made a motion to discharge Uma Flowers, 196 Bear Hill Road (6/14/21) from the Ordinances and Rules Committee. The motion was approved by a voice vote. Councillor Darcy made a motion to request the law opinion (9/24/22) from Attorney Azadi be sent to the City’s Engineer, the Building Supervisor and the Traffic Commissioner and that they respond to the Ordinances & Rules Committee by October 17, 2022 and that they or a representative from their department attend the October 17, 2022 Ordinances & Rules Committee meeting to discuss their findings. The motion was approved by a voice vote. Councillor Darcy moved to recommit the matter to the Ordinances & Rules Committee. The matter was approved by a voice vote.

Councillor Darcy made a motion to discharge Thrive Cultivation & Dispensary, 235 Bear Hill Road (8/2/21) from the Ordinances and Rules Committee. The motion was approved by a voice vote. Councillor Darcy made a motion to request the law opinion (10/3/22) from Attorney Azadi be sent to the City’s Engineer, the Building Supervisor and the Traffic Commissioner and that they respond to the Ordinances & Rules Committee by October 17, 2022 and that they or a representative from their department attend the October 17, 2022 Ordinances & Rules Committee meeting to discuss their findings. The motion was approved by a voice vote. Councillor Darcy moved to recommit the matter to the Ordinances & Rules Committee. The matter was approved by a voice vote.

Councillor Darcy made a motion to accept a late filed communication law opinion from Attorney Azadi. The motion was approved by a voice vote. Councillor Darcy made a motion to discharge Flora Holding LLC, 221 Bear Hill Road (8/2/21) from the Ordinances and Rules Committee. The motion was approved by a voice vote. Councillor Darcy moved to suspend Rule 39 to act on the matter without committee reference. The motion was approved by a voice vote. Councillor Darcy made a motion to release the law opinion (10/5/22) from Attorney Azadi. The motion was approved by a voice vote. Councillor Darcy made a request that was approved by a voice vote that the Office of the City Clerk send the law opinion to the legal team for Flora Holdings LLC. Councillor Darcy made a motion that was approved by a voice vote to request the law opinion (10/5/22) from Attorney Azadi be sent to the City’s Engineer, the Building Supervisor the Fire Chief and the Traffic Commissioner and that they respond to the Ordinances & Rules Committee by October 17, 2022 and that they or a representative from their department attend the October 17, 2022 Ordinances & Rules Committee meeting to discuss their findings. Councillor Darcy moved to recommit the matter to the Ordinances & Rules Committee. The matter was approved by a voice vote.

Councillor Darcy made a motion to accept a late filed communication law opinion from Attorney Azadi. The motion was approved by a voice vote. Councillor Darcy made a motion to discharge Middlesex Integrative Medicine 305 Second Ave (6/14/21) from the Ordinances and Rules Committee. The motion was approved by a voice vote. Councillor Darcy made a motion to release the law opinion (10/11/22) from Attorney Azadi. The motion was approved by a voice vote. Councillor Darcy made a request that the Office of the City Clerk send the law opinion to the legal team for Middlesex Integrative Medicine. The motion was approved by a voice vote. Councillor Darcy made a motion to request the law opinion (10/11/22) from Attorney Azadi be sent to the City’s Engineer, the Building Supervisor and the Traffic Commissioner and that they respond to the Ordinances & Rules Committee by October 17, 2022 and that they or a representative from their department attend the October 17, 2022 Ordinances & Rules Committee meeting to discuss their findings. The motion was approved by a voice vote. Councillor Darcy moved to recommit the matter to the Ordinances & Rules Committee. The matter was approved by a voice vote.

Councillor Darcy moved to discharge from the Ordinances & Rules Committee the Waltham Cannabis, Inc.. The motion was approved by a voice vote.

Councillor Darcy moved to release any law opinions received from the law dept. to the public. The motion was approved by a voice vote.

Councillor Darcy made a request that was approved by a voice vote to have the City Engineer, the Building Supervisor and the Traffic Commissioner to attend the next Ordinances & Rules Committee meeting on October 17, 2022 to discuss the law opinions.

Councillor Darcy recommitted the matter to the Ordinances & Rules Committee. The motion was approved by a voice vote.

Councillor LeBlanc moved to discharge the Development Prospectus and Fuel Storage License – Conservation Commission Staff Review Policy matter from the Committee of the Whole. The motion was approved by a voice vote. Councillor LeBlanc made a motion to have the Chair of the Conservation Committee attend the next Committee of the Whole meeting on October 17, 2022 to discuss. The motion was approved by a voice vote and the matter was referred back to the Committee of the Whole.

Councillor Katz asked for a moment of silence for former Waltham employee Susan Piantidosi. Councillor LeBlanc spoke fondly of Ms. Piantidosi.

With no further matters Councillor Paz moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 9:00 P.M.

‌Respectfully‌ ‌submitted‌ ‌by: ‌

Cathy Magliarditi ‌

Executive‌ ‌Assistant‌ ‌to‌ ‌the‌ ‌City‌ ‌Clerk‌ ‌

October 17, 2022