

Waltham City Council
Minutes of the Meeting of
November 14, 2022

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

City Clerk Vizard recited the Council Prayer followed by President McMenimen leading all present in the Pledge of Allegiance. Councillor Durkee asked for a moment of silence for all military that have served past and present.

Councillor McLaughlin moved approval of the regular meeting minutes of 10/24/2022. The motion was adopted by a voice vote and the matter was approved.

Councillor Darcy moved to suspend Rule 8 to take the Resolution Honoring Gloria Champion out of order. The motion was approved by a voice vote. Clerk Vizard read the Resolution. Councillor Darcy spoke on the Resolution. President McMenimen referred the Resolution to the Committee of the Whole.

The Clerk read Rule 86.

First Public Hearing: Grant of Location for NStar DBA Eversource at Lexington Street and College Farm Road (pole)

Joanne Callender, 49 Cheyanne Road, Worcester, representing the petitioner, spoke in favor of the petition. Geoff Boyle of 670 Lexington Street, Waltham, spoke in opposition. With no one else in support, no one else 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 and Councillor Darcy asked questions. Ms. Callender responded. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Second Public Hearing: Grant of Location for NStar DBA Eversource at Lexington Street and College Farm Road (conduit)

Joanne Callender, 49 Cheyanne Road, Worcester, representing the petitioner, spoke in favor of the petition. Geoff Boyle of 670 Lexington Street, Waltham, spoke in opposition. With no one else in support, no one else 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 questions about the pole and why it was required. Ms. Callender did not have the answer. Councillor Dunn requested that the petitioner provide answers to her questions for committee. Councillor LeBlanc asked about alternate options other than a pole. Councillor LaFauci requested that Eversource provide plans for an underground conduit for the Committee meeting. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Third Public Hearing: Grant of Location for NStar DBA Eversource at 130 Lexington Street Joanne Callender, 49 Cheyanne Road, Worcester, representing the petitioner, spoke in favor of the petition to provide power to an ATM. 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 Durkee spoke about the sidewalk repair. Ms. Callender will find out who is responsible for the repair. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Fourth Public Hearing: Fuel Storage for Valvoline Instant Oil Change 557 Main Street Randolph Kazazine, 29 Coolidge Road, Winchester, 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 Durkee asked about the tanks. Mr. Kazazine provided answers on different oils and washer fluids. Councillor Vidal asked if there would be any downtime for the business while tanks are replaced. Mr. Kazazine said work would be done at night. Councillor Paz asked about liability insurance and spill prevention. Mr. Kazazine explained that tanks have backup tanks and explained prevention plan in detail. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Fifth Public Hearing: Special Permit for Waltham Cannabis at 1254-1256 Main Street Attorney Joseph Connors, 404 Main Street, Waltham, representing the petitioner, spoke in favor of the petition. Paul Umbrello, 102 Stow Street, Waltham, spoke in opposition and represented neighbors. Duane Markes, 11 Cutting Lane, Waltham, spoke in opposition of the petition. Four people stood in opposition of the petition. With no one else in support or opposition or in a neutral position wanting information on the petition President McMenimen closed that part of the public hearing and opened the hearing up to questions from Councillors. Councillor Katz spoke about his attention to protecting the residents and neighbors and asked about the neighborhood meeting. Damon Schmidt, 1 Daniels Drive, Bedford spoke about the community meeting. Councillor Katz read emails from neighbors into the record. Councillor McLaughlin spoke about the many times the petitioner has presenting and if anything has changed. Attorney Connors answered that the only change was that the building had been reduced by 89 square feet. Councillor Bradley-MacArthur asked about customer profiles and customers and if they will they be offering delivery of product. Attorney Connors stated the petitioner will apply for a delivery license in Waltham. Councillor Bradley-MacArthur asked about purchasing and if they could walk her through the process. Attorney Connors responded in detail. Mr. Schmidt provided additional detail on the shopping experience. Councillor LaFauci asked about delivery hours. Mr. Schmidt said delivery hours are 7AM – 8AM and delivery comes from outside vendors. Councillor LaFauci asked additional questions regarding parking, employee parking, deliveries, schedules and plowing. Mr. Schmidt provided answers. Councillor O'Brien asked about the Consignment store parking. Attorney Connors explained that the Consignment store has a separate parking lot on the opposite side of the building. Councillor O'Brien asked about parking on streets other than in the parking lot. Attorney Connors responded saying the cannot control where people park. In opposition rebuttal Mr. Umbrello requested that Councillor Katz ask for clarification on the free customer delivery. Attorney Connors explained process for applying for delivery. With no additional questions from

Councillors, President McMenimen closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Sixth Public Hearing: Special Permit for LPC West Main LLC. at 1362 Main Street
Attorney, Michael Connors, 689 Main Street, Waltham, representing the petitioner, spoke in favor of the petition. Paul Umbrello, 102 Stow Street, Waltham, spoke in opposition of the petition. Tom Geary, 16 Banks Street, Waltham spoke in a neutral position representing the Union Workers. Jeannette McCarthy, 91 Hamilton Road, spoke in a neutral position regarding the completion of the Route 117 Bridge Project. Two people stood in opposition to the petition. One person stood in a neutral position of the petition. With no one else in favor or in a neutral position or in opposition to the petition President McMenimen closed that part of the public hearing and opened the hearing to questions from Councillors. Attorney Connors spoke in rebuttal of Mr. Umbrellos comments providing answers regarding location, abutters and parking. Councillor Katz asked a number of questions about the property and location. Attorney Connors provided answers. Councillor LaFauci asked about safety protocols. Attorney Connors explained about Fire prevention signoffs. Paul Finger, 14 Spring Street, Waltham, architect for the petitioners, provided additional answers. Councillor Dunn asked about tenants. Attorney Connors explained about current tenants. Councillor Durkee asked how long the project would take to build. Attorney Connors best guess would be three years. Councillor Harris made several requests to be provided to the Committee. Attorney Connors agreed to all requests. Councillor O'Brien asked about bike path and Fly Bridge. Attorney Connors will look into answers to provide at Committee. Councillor Paz asked about unionized workforce. Attorney Connors will confer with petitioner and provide answers at Committee. With no additional questions from Councillors, President McMenimen closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Communications from the Mayor

1. The Mayor respectfully requested a transfer of funds in the amount of \$19,662.00 to purchase eight (8) new computers and monitors for the Law Department. Referred to the Finance Committee.
2. The Mayor respectfully requested the confirmation of the appointment of Amy Caissie, 17 Tudor Street, Waltham, as an Assessor for a term of three-years. Referred to the Committee of the Whole.
3. The Mayor respectfully requested the confirmation of the reappointment of Michael Russo, 85 Mallard Way, Waltham as Director of Veteran's Services & License Commission Assistant for a three-year term expiring November 12, 2025. Referred to the Committee of the Whole.
4. The Mayor respectfully requested the acceptance of 23,600 iHealth Antigen Rapid Home Test Kits. 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 made a motion for approval. The motion was adopted by a voice vote and the matter was approved.
5. The Mayor respectfully requested the acceptance of Irish Immigration: A Case Study and an old photograph from Maureen Ryan who worked in the Auditor's Office donated by Mary Ellen Ryan for the Waltham Museum Room. Referred to the Finance Committee.

6. The Mayor respectfully requested the acceptance of a donation of Hannaford and Market Basket gift cards in the amount of \$5,000.00 from an anonymous donor. Referred to the Finance Committee.

7. The Mayor respectfully requested the confirmation of the appointment of Joseph Attardo, 140 Trapelo Road, Waltham as a member of the Zoning Board of Appeals. Referred to the Committee of the Whole.

Applications and Licenses

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

- Renewal of Class 2 License – 143 Prospect Street – Prospect Automobile, Sale & Service, Inc.
- Renewal of Class 2 License – 1486 Main Street – European Auto Solutions
- Renewal Lodging House – 21-23 Pine Street– Max Horn

Resolutions, Orders and Ordinances

- Resolution honoring Gloria J. Champion for her Legacy of Environmentalism in the City of Waltham. This Resolution was taken out of order and recognized earlier in the evening.

- Resolution Concerning Permanently Protecting 4.9 acre “Lot 3” along Trapelo Road
The Clerk read the Resolution. President McMenimen referred the Resolution to the Committee of the Whole.

- Resolution Concerning the MBTA’s “Better Bus Project” Which Will Decimate Existing Public Bus Services in Waltham

The Clerk read the Resolution. Councillor Darcy gave a presentation on the bus routes and 3 plans of action. Councillor Darcy made a request to have Mayor McCarthy, the 2 State Representatives and the State Senator to attend the next Committee of the Whole meeting. The motion was approved by a voice vote. The Resolution was referred to the Committee of the Whole.

- Resolution Concerning Allowing Renewable Energy Systems in More Zoning Districts of Waltham

The Clerk read the Resolution. Councillor Darcy spoke on the Resolution. President McMenimen referred the Resolution to the Ordinances and Rules Committee.

- Resolution Concerning of City of Cambridge Lands in Waltham that Support its Public Drinking Water Supply

The Clerk read the Resolution. Councillor Darcy spoke on the Resolution. Councilor Darcy made a request to have a representative the Law Department attend the next Ordinances and Rules Committee meeting. The request was approved by a voice vote. The Resolution was referred to the Ordinances and Rules Committee.

- **Safety Concerns at Pine Street in Lowell Street Resolution**

The Clerk read the Resolution. Councillor LeBlanc spoke on the Resolution about accidents at the intersection. President McMenimen referred the Resolution to the Public Works and Public Safety Committee.

Committee Reports

Public Works and Public Safety

1. The Public Works and Public Safety Committee recommended the 17-25 street opening at 817 Moody Street be filed. 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 filed.

2. The Public Works and Public Safety Committee recommended the Landry Park Resolution be approved. Councillors LeBlanc and LaCava spoke on the updates to the park. 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 Resolution was approved.

3. The Public Works and Public Safety Committee recommended the Cross Boarder Storm Drains Resolution be filed. 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 Resolution was filed.

4. The Public Works and Public Safety Committee recommended Resolution Concerning Extension of MBTA 73 Bus Service in North Waltham be discharged to the full Council to be referred to the Master Plan Committee. Councillor LeBlanc moved that the action of the Committee be the action of the Council. The motion was approved by a voice vote.

5. The Public Works and Public Safety Committee recommends the Resurfacing of Silver Lane Resolution be approved. 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.

6. The Public Works and Public Safety Committee recommended the Creating a Safe and Separate Bike and Pedestrian Path Along Lexington Street from Trapelo Road to Beaver Street Resolution be discharged to the full Council to be referred to the Master Plan Committee. 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 Massport Letter at 13 Brennan Avenue for Armen's Limousine 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 renewal of Class 2 License at 97R Linden Street for ABKO Auto Body 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 renewal of Class 2 License at 53 Felton Street for Pilgrim Auto Body, 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.

4. The Licenses and Franchises Committee recommended the renewal of Class 1 License at 85 Linden Street for Lotus Motorsports, 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.

5. The Licenses and Franchises Committee recommended the Extended Hours renewal at 573 Main Street for J T Shun Lai, 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.

6. The Licenses and Franchises Committee recommended the Extended Hours renewal at 591 Moody Street for Samdough, 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.

7. The Licenses and Franchises Committee recommended the Extended Hours renewal at 859 Main Street for Morley Doughnuts 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.

Economic and Community Development

1. The Economic and Community Development Committee recommended the Recognizing Ward 8 Youth Initiative to Revitalize Logan Park 2022 be approved. 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.

2. The Economic and Community Development Committee recommended the Bike Parking Proposal in Downtown Parking Lots be approved. 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.

Committee of the Whole

1. The Committee of the Whole recommended the appointment of Mary E. Baker of 65 Wildwood Lane, Waltham, MA as a member of the Waltham Board of Health be approved. 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, Vidal and McMenimen.

Opposed: None.

Absent: None.

The motion was approved 15-0-0.

2. The Committee of the Whole recommended the appointment of Marina Paige Bartley, 19 Vesper Street, Waltham as a Board of Library Trustee be approved. 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, Vidal and McMenimen.
Opposed: None.
Absent: None.
The motion was approved 15-0-0.

Ordinances and Rules

1. The Ordinances and Rules Committee recommended the special permit application for the retail marijuana shop Thrive Cultivation & Dispensary, LLC. at 235 Bear Hill Road be approved. Councillor Darcy rose to speak on the permits traffic studies. Councillor Darcy 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 motion was approved 14-0-0.

2. The Ordinances and Rules Committee recommended the special permit application for the retail marijuana shop Uma Flowers, LLC. at 196 Bear Hill Road be approved. Councillor Darcy 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 motion was approved 14-0-0.

Finance

1. The Finance Committee recommended the acceptance various newspaper articles from the Waltham Sentential, Waltham Record, Waltham Free Press and various Waltham and Boston newspapers from Justin Barret to go in the city archives 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 transfer of \$20,000 from the Cemetery Sale of Lots & Graves account to purchase a new air compressor for the use of the Cemetery Division 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 acceptance of various office furniture from MA Health Data Consortium 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 keys for locks on the cases for the City Hall Museum Room from Robin Capello 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 various artifacts found on the Paine Estate grounds from Michael Scichilone 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.

6. The Finance Committee recommended the acceptance of gifts from Jeannette A. McCarthy of Waltham scenery photographs taken by Waltham High School Students from the Boys and Girls Club 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.

7. The Finance Committee recommended the transfer of funds in the amount of \$80,000.00 to fund the first year of the Collective Bargaining Agreement for the Librarians Union be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

Unfinished Business & Other Business

- Extension of Time at 1345-1349 Main Street & 22 Bear Hill Road for LPC Northeast, L.L.C. until December 28, 2022. 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 on the extension. 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.

- Extension of Time at 305 Second Avenue for Middlesex Integrated Medicine Inc. and Executive Park Realty Corporation until November 30, 2022. 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: 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.

- Extension of Time at 1254-1256 Main Street for Waltham Cannabis, Inc. and Michael Polacco, trustee of Full House Realty until November 30, 2022. Councillor LeBlanc recused himself. 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: 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.

Tabled Items

- Mayor's Communication regarding a confidential update for 101 School Street
- Mayor's Communication regarding a confidential update for 0 Prospect Hill Road
- Loan authorization in the amount of \$3,875,000.00 for construction improvements to Lowell Field. (1st reading 10/24/2022). Councillor O'Brien moved to take the loan authorization off the table. The motion was approved by a voice vote. Councillor O'Brien moves that the loan authorization be given a second reading 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 motion was approved 14-0-0.

With no further matters Councillor Katz moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 11:02 P.M.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

November 22, 2022