

Waltham City Council
Minutes of the Meeting of
January 28, 2019

City Clerk Waddick called the meeting to order at 7:30pm.

Call of the Roll:

City Council

Present: Councillors Darcy, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Vidal, Logan.

Absent: Brasco, Fowler, Stanley.

Board of Survey & Planning:

Present: Barrett, Callahan, Duffy, DeVito, Moroney, Tarallo.

Absent: Creonte.

The Clerk recited the Council Prayer followed by President Pro Tem Logan leading all present in the Pledge of Allegiance. Councillor Diane LeBlanc asked for a moment of silence for all our military that have served; past and present.

The Clerk read Rule 86.

President Pro Tem Logan reiterated the rules of how a public hearing works.

The Clerk read the first public hearing: Zoning Amendment for Article XII Non-Medical Marijuana Establishments.

John McLaughlin, 42 Beal Street Waltham, spoke on the amended ordinance. Emily Sapperia, 6 Curtis St. #2, Waltham, spoke in favor of the petition. Deb Hermah, 3 Grant Place, Waltham spoke in favor of the petition. Michael King, 400 Trade Center Suite 1950, Woburn, representing Massachusetts Family Institute spoke in favor of the petition. Sagie Tuizer, spoke on the petition. Jonathan Paz, 109 Chestnut St., Waltham, spoke in favor of the petition. A Brandeis student spoke in favor of the petition. Ryan Breen, 50 Livingston Lane, Waltham, spoke in favor of the petition. Councillor Logan stated that was the end of the first thirty minutes of the petition. Maria Djeveabikian, 161 Harrington Road, Waltham spoke in opposition of the petition. Nadesna Panchame, 45 Middlesex Road, Waltham spoke in opposition of the petition. Nathaniel Tang, 38 Gordon St., Waltham spoke in a neutral position on the petition. Twenty-eight people raised their hand in favor of the petition. Thirty-six people raised their hand in opposed to the petition. Viondy Merisma, 17 Summer Ave., Waltham representing Watch City Cannabis Committee spoke in favor of the petition. Brittany, Brown St., Waltham, spoke in favor of the petition. Adam Crossman, 12 Lincoln Terrace, Waltham spoke in opposition of the petition. With no one else in support and no one else in opposition and no one in a neutral position of the petition, Councillor Logan closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Mackin, and Romard, Vidal, Diane LeBlanc, Nabulime, and Board Members Moroney, and Duffy spoke and asked the President Pro Tem questions. Guy Micalizzi, 41 Melody Lane, offered rebuttal in opposition to the petition. President Pro Tem Logan closed the public hearing and referred the matter to the Ordinances and Rules Committee. The Board of Survey and Planning will meet Wednesday, February 6, 2019, to discuss the matter.

The Clerk read the second public hearing: Zoning Amendment for Moratorium on Marijuana Establishments

John McLaughlin, 42 Beal Street Waltham, spoke on the amended ordinance. Jose Rodrigues, 11 School St., Waltham spoke in favor of the petition. Carlos Villalobos representing 545 Main St., Waltham US Christian Chaplin Association, spoke in favor of the petition. Nadesna Panchame, 45 Middlesex Road, Waltham, spoke in favor of the petition. Catherine Hoyt, 15 Lexington Terrace, Waltham spoke in opposition to the petition. Chris Handworker, 116 Bright St., Waltham spoke in opposition of the petition. Ida Aronson, 114 Bright St., Waltham, spoke in opposition of the petition. Sagie Tuizer, 415 South St., Waltham, spoke in opposition of the petition. Viondy Merisma, 17 Summer St., Waltham representing Watch City Cannabis Committee/The Green Torch spoke in a neutral position on the petition. Kelvin Colindres, 17 Summer St., Waltham spoke in opposition of the petition. Lillian Arriazu, 241 Lowell St., Waltham spoke in favor of the petition. Socely Arriaza, Waltham spoke in favor of the petition. Juan Garzona, 69 Cherry St., Waltham spoke in favor of the petition. Thirty-three people raised their hand in favor of the petition. Nineteen people raised their hand in opposition to the petition. With no one else in support and no one else in opposition and no one in a neutral position on the petition, President Pro Tem Logan closed this portion of the public hearing and opened the hearing to questions from Councillors. With no Councillors asking questions and no one speaking in rebuttal, the President Pro Tem referred the matter to the Ordinances and Rules Committee. The Board of Survey and Planning will meet to discuss the matter on Wednesday, February 6, 2019. The President Pro Tem declared a brief recess.

Communications from the Mayor

1. The Mayor respectfully requests a street opening at 509 and 533 Moody Street for Phase 1 and Phase 2 of the Moody Street Fire Station Project. Councillor Harris rose and moved to table the matter on the Council floor in order to have a hearing. The motion was adopted on a voice vote and the matter was approved.

2. The Mayor respectfully requests the transfer of care, custody and control of the Young Building, 509 Moody Street to the Fire department to effectuate the Moody Street Fire Station Project. Councillor Harris moved to suspend the rules to act on the matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor Harris moved approval of the matter. Roll call required.

In favor: Councillors Darcy, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Vidal, Logan.

Opposed: None.

Absent: Brasco, Fowler, Stanley.

The matter was approved 12-0-3.

3. The Mayor respectfully requests an appropriation in the amount of \$35,223 to reimburse the Building Department and Repair account for a new furnace and bathroom at 92 Felton Street and material at City Hall. Referred to the Finance Committee.

4. The Mayor respectfully requests a transfer of traffic impact funds in the amount of \$33,842 to be used for the purpose of repairing broken conduit at two locations on River Street. Referred to the Finance Committee.

5. The Mayor respectfully requests approval of a loan authorization in the amount of \$1,085,000 for the construction improvements to Hillcroft Playground. Referred to the Long Term Debt and Capital Planning Committee.

6. The Mayor respectfully requests a name dedication at Veterans' Field new playground structure area. Referred to the License and Franchise Committee.
7. The Mayor respectfully requests confirmation of the appointment of Rebecca Migdal, 248 Warren Street, Waltham as a member of the Waltham Historical Commission to fill the vacancy created by the resignation of John Cox. Referred to the Committee of the Whole.

Applications & Licenses

All referred to the License and Franchise Committee

- Lodging house renewal – 12 Lowell Street – Middlesex Human Service Agency, Inc.
- Lodging house renewal – 94 Adams Street – AMG Beech Road, LLC
- Class 2 renewal – Colvins Inc. – 185 Prospect Street
- Class 2 renewal – Classic Cars Inc. – 251 High Street
- Class 2 renewal – Waltham Auto Tow, Inc. – 279 R. Crescent Street

Orders, Ordinances & Resolutions

- Watertown TMA Resolution.

The Clerk read the Resolution. Councillor LaCava spoke on the Resolution. President Pro Tem Logan referred the matter to the Economic and Community Development Committee.

- Eagle Scout Resolution for Martin Lenz

The Clerk read the Resolution. Councillor Romard spoke on the Resolution. Councillor Romard moved to suspend the rules and act on the matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor Romard moved approval of the Resolution. The motion was adopted on a voice vote and the matter was approved.

- West End Traffic Resolution

The Clerk read the Resolution. Councillor LaCava spoke on the Resolution. President Pro Tem Logan referred the matter to the Public Works and Public Safety Committee.

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the Class II License renewal –251 Lexington Street – Boston Muffler & Brake, Co., Inc. be approved. Councillor Vidal moved that the action of the committee be the action of the Council. The motion was adopted on a voice vote and the matter was approved.

2. The Licenses and Franchises Committee recommends the Class II License renewal –935 Rear Main Street – Pilicy Auto & Yacht Inc., be approved. Councillor Vidal moved that the action of the committee be the action of the Council. The motion was adopted on a voice vote and the matter was approved.

3. The Licenses and Franchises Committee recommends the Class II License renewal –53 Felton Street 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 on a voice vote and the matter was approved.

4. The Licenses and Franchises Committee recommends the request for a permit to put a temporary float on the Cronin's Landing Dock be approved. Councillor Vidal moved that the action of the

committee be the action of the Council. The motion was adopted on a voice vote and the matter was approved.

5. The Licenses and Franchises Committee recommends the extended hour's renewal for CVS Pharmacy #114 located 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 on a voice vote and the matter was approved.

Councillor McMenimen moved to collectively approve matters numbered 6-13. The motion was adopted on a voice vote and the matter was approved. Councillor Vidal moved approval of the matters. The motion was adopted on a voice vote and the following matters 6-13 were approved:

6. The lodging house renewal for Bentley University Stratton House Beaver.
7. The lodging house renewal for Bentley University Slade Upper Hall.
8. The lodging house renewal for Bentley University Nathan Miller Hall Upper.
9. The lodging house renewal for Bentley University Kresge Hall Upper.
10. The lodging house renewal for Bentley University Forest Hall Upper.
11. The lodging house renewal for Bentley University Fenway Hall.
12. The lodging house renewal for Bentley University Copley Hall South Lower.
13. The lodging house renewal for Bentley University Copley Hall North Upper.

14. The Licenses and Franchises Committee recommends the lodging house renewal Dennis Dyer 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 on a voice vote and the matter was approved.

Councillor Vidal moved that matters numbered 15-20 be acted upon collectively. The motion was adopted on a voice vote and the matter was approved. Councillor Vidal moved approval of the matters. The motion was adopted on a voice vote and the following matters 15-20 were approved:

15. The lodging house renewal Dennis Dyer at 107 Adams Street.
16. The lodging house renewal for MST Realty Associates, LLC at 49-51 Brown Street.
17. The lodging house renewal for SMT Realty Associates, LLC at 104 Adams Street.
18. The lodging house renewal for SMT Realty Associates, LLC at 74 Adams Street.
19. The lodging house renewal for Max Horn at 755 Main Street.
20. The lodging house renewal for Max Horn at 21-23 Pine Street.

Public Works & Public Safety

1. The Public Works & Public Safety Committee recommends the 17-25 street opening at 84 Upton Road be approved. Councillor LeBlanc moved that the action of the committee be the action of the Council. The motion was adopted on a voice vote and the matter was approved.

Finance

1. The Finance Committee recommends the appropriation of \$30,712 for the purchase of a Ford F150 pickup truck for the Building Maintenance Department be approved. Councillor McMenimen moved that the action of the committee be the action of the Council. The motion was adopted on a voice vote and the matter was approved.

2. The Finance Committee recommends the appropriation of \$53,342 for the purchase of two electric vehicles be approved. Councillor McMenimen moved that the action of the committee be the action of the Council. The motion was adopted on a voice vote and the matter was approved.

3. The Finance Committee recommends the acceptance of numerous gifts from John and Paula Hughes be approved. Councillor McMenimen moved that the action of the committee be the action of the Council. The motion was adopted on a voice vote and the matter was approved.

4. The Finance Committee recommends the acceptance of two grants; \$1,400 for HMEP and \$20,460 for EMPG from MEMA be approved. President Pro Tem Logan indicated that the matter should be separated into two orders. Councillor McMenimen moved that the action of the committee be the action of the Council for the \$1,400 for the HMEP grant. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen moved that the action of the committee be the action of the Council for the \$20,460 EMPG grant. The motion was adopted on a voice vote and the matter was approved.

Unfinished Business & Other Business

- Time extension for Order #33403 – BP 99 Third Avenue, LLC

Councillor McLaughlin moved to act on the matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved approval on the time extension.

Roll call required.

In favor: Councillors Darcy, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Vidal, Logan.

Opposed: None.

Absent: Brasco, Fowler, Stanley.

The matter was approved by a 12-0-3 vote.

- Time extension for Special Permit Application at 95-99 Moody Street

Councillor McLaughlin moved to act on the matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved approval on the time extension.

Roll call required.

In favor: Councillors Darcy, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Mackin, McLaughlin, McMenimen, Romard, Vidal, Logan.

Opposed: Nabulime.

Absent: Brasco, Fowler, Stanley.

The matter was approved by an 11-1-3 vote.

- Time extension for Special Permit Application at 265 Bear Hill Road

Councillor McLaughlin moved to act on the matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved approval on the time extension.

Roll call required.

In favor: Councillors Darcy, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Mackin, McLaughlin, McMenimen, Romard, Vidal, Logan.

Opposed: Nabulime.

Absent: Brasco, Fowler, Stanley.

Matter was approved by an 11-1-3 vote.

Tabled Items

- Mayor's veto on Order Nos. #34291, 34292, 34295

Councillor Darcy moved to take these matters off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor Darcy moved to override Order #34291. President Pro Tem Logan stated each matter needed to be voted on separately. On the motion Councillor McLaughlin moved to table the matter. Councillor McMenimen rose to a point of parliamentary inquiry and asked how many votes were needed to table. Roll call was requested on the tabling of the motion.

Councillor Nabulime spoke on the matter.

Councillor Romard rose to a point of parliamentary inquiry.

In favor: Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, McLaughlin, Romard, Vidal, Logan.

Opposed: Darcy, Mackin, McMenimen, Nabulime.

Absent: Brasco, Fowler, Stanley.

The matter was tabled on the Council floor by an 8-4-3 vote.

Councillor Darcy moved to table the other matters. The motion was adopted on a voice vote and the matter was approved.

Councillor Darcy moved to adjourn. President Pro Tem Logan declared the meeting adjourned at 10:11 p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

February 6, 2019

Approved by the City Council: _____