

Waltham City Council
Minutes of the Meeting of
Tuesday, October 15, 2019

President Brasco called the meeting to order at 7:30 pm.

Call of the Roll:

City Council

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

Absent: None.

The City Clerk recited the Council Prayer followed by President Brasco leading all present in the Pledge of Allegiance. Councillor Logan asked for a moment of silence for all our military that have served past and present. Councillor Darcy asked for a moment of silence for Waltham Resident Angie Mullaney who recently passed away.

Councillor Logan moved approval of the minutes from the City Council meeting on 9/23/2019. The motion was adopted on a voice vote and the matter was approved.

The City Clerk read Rule 86.

The City Clerk read the first public hearing: 17-80 at Parkview Road

Grigor Yeghishyan, 46 Parkview Road, Paul Tomasetti, 22 Parkview Road, Stephen Hypolite 55 Parkview Road, Anthony LaFauci, 54 Parkview Road, Thomas Geib, 9 Shawmut Road, Mihran Chaprazion, 45 Parkview Road, Geraldine Dean, 61 Parkview Road and Jennifer White, 4 Bishop Terrace, all spoke in favor of the petition. Eleven people stood in favor of the petition. One person spoke in a neutral position. With no one else in support and no one else in opposition and no one else in a neutral position on the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor Vidal asked the petitioner who resides at 46 Parkview Road why his name and the resident at 54 Parkview Road are not on the list he has. The Clerk noted that the list has only the private way residents on it. Councilor McLaughlin spoke on the matter. Councillor Romard asked questions of Councillor McLaughlin, the Ward Councillor. Councillor McMenimen asked questions of the petitioners. Councillor Diane LeBlanc asked questions of the petitioners. Paul Tomasetti spoke in rebuttal. With no additional Councillors asking questions and no one speaking in rebuttal, President Brasco closed the public hearing and referred the matter to the Public Works and Public Safety Committee.

The City Clerk read the second public hearing: 17-25 at 760 Lincoln Street

Dominique Weyl, 760 Lincoln Street, the owner of property and petitioner spoke in favor of 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 Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Darcy, Randy LeBlanc, Vidal, Romard and Nabulime asked questions of the petitioner. With no additional Councillors asking questions and no one speaking in rebuttal, President Brasco closed the public hearing and referred the matter to the Licenses and Franchises Committee.

The City Clerk read the third public hearing: Fuel Storage Application at 101-110 Clematis Ave. Councillor Diane LeBlanc recused herself.

Brett Francis, attorney for petitioner, spoke in favor of the petition. Maureen Flemming, 53 Circuit Lane, spoke in opposition of the petition. Four people stood in opposition of the petition. Brad Pielech, 129 Florence Rd. came forward in a neutral position seeking information on 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 Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors McLaughlin, Vidal, Romard, Fowler, Logan, R. LeBlanc, Nabulime and Darcy all asked questions of the petitioner. With no additional Councillors asking questions and no one speaking in rebuttal, President Brasco closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Councillor McLaughlin rose and requested to take the Mayor's Communication relating to a transfer of monies for a real estate matter out of order. The motion was adopted on a voice vote and the matter was approved. Councillor Randy LeBlanc recused himself. Councillor McLaughlin moved to go into executive session for the purpose of discussing a real estate matter, that Attorney Luke Stanton and City Clerk Waddick attend and that the Council reconvene in open session after the executive session. Roll call required.

In favor: Darcy, Fowler, Harris, LaCava, Diane LeBlanc, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley and Vidal.

Opposed: None.

Recused: Randy LeBlanc.

Presiding: Brasco.

Matter was approved by a 13-0 vote.

President Brasco cleared the chamber and recessed the Council meeting.

President Brasco called the City Council meeting back to order. Councillor McLaughlin moved to act on a matter without committee reference. The motion was adopted on a voice vote and the matter was approved. The City Clerk read the order relating to the matter held in executive session. Councillor McLaughlin moved approval of the order #34578. The motion was adopted on a voice vote and the matter was approved.

Communications from the Mayor

1. The Mayor respectfully requests a transfer of funds in the amount of \$9,800 for an asbestos abatement survey in the building on the Arrigo Farm Property. Referred to the Finance Committee.
2. The Mayor respectfully requests a transfer of funds in the amount of \$97,264 to make major repairs/upgrades to Senior Center, Trapelo Rd. Fire Station, Prospect St. Fire Station, Central Fire Station and Waltham Radio Tower. Referred to the Long Term Debt and Capital Planning Committee.
3. The Mayor respectfully requests a transfer of traffic impact funds totaling \$11,459 for additional engineering and design services at the Totten Pond Road/Lexington Street intersection. Referred to the Finance Committee
4. The Mayor respectfully requests acceptance of fifteen turnout gear suits for children donated from the Max McCormick Memorial Foundation. Referred to the Finance Committee
5. The Mayor respectfully requests approval of a transfer from the stabilization fund of \$15,000 for the structural review, preparations and construction administration for the Mary Early Footbridge. Referred to the Finance Committee

6. The Mayor resentfully requests a transfer of capital improvement and traffic impact funds totaling \$98,448 to be used to purchase and install 3 video detection cameras at Moody & Common Streets, Main and Lexington Streets and Elm & Church Streets. Referred to the Long Term Debt and Capital Planning Committee.
7. The Mayor respectfully requests a transfer of funds totaling \$220,000 to fund the drainage improvements in the Lowell Street and Ash Street area. Referred to the Long Term Debt and Capital Planning Committee.
8. The Mayor respectfully requests the acceptance of a grant renewal through the Executive Office of Public Safety and Security State 911 Department in the amount of \$152,176 to assist PSAP and enhance 911 services and communication centers. Referred to the Finance Committee
9. The Mayor respectfully requests a transfer of funds totaling \$255,000 for technology improvements. Referred to the Finance Committee
10. The Mayor respectfully request a transfer of monies for a matter to be discussed in executive session. (taken out of order.)
11. The Mayor respectfully requests acceptance of the State 911 Department Training Grant renewal in the amount of \$24,846.51. Referred to the Finance Committee

Applications & Licenses

All matters referred to the Licenses and Franchises Committee

1. Extended hours renewal – 1335 Main Street – Waltham Fuel Inc.
2. Extended hours renewal – 821 Main Street – Monell Enterprises
3. Class 1 Vehicle renewal – 85 Linden Street – Aston Martin of New England
4. Class 2 Vehicle renewal – 215 Lexington Street – Fuller Motors Inc.
5. Class 2 Vehicle renewal – 44 Charles Street – PPA Inc. dba Waltham Motor Co.
6. Class 2 Vehicle renewal – 935R Main Street – Pilicy Auto & Yacht Inc.
7. Class 2 Vehicle renewal – 50 River Street – Absolute Auto Sales
8. Class 2 Vehicle renewal – 255 Newton Street – Newton Street Service, Inc.
9. Class 2 Vehicle renewal – 103 Felton St. – Sideris Automotive Services, dba Three Sons Auto
10. Class 2 Vehicle renewal – 712 Moody Street – DW Enterprise Inc.
11. Class 2 Vehicle renewal – 251 Lexington Street – Boston Muffler & Brake Co. Inc.
12. Class 2 Vehicle renewal – 614 Moody Street – Diamond Automotive Dist. Inc.
13. Massport Letter Application – 193 River Street Unit 1 – Abdulkadir Keslin

Orders, Ordinances & Resolutions

- Zoning Amendment to Chapter Twenty-One to allow Cafes

The City Clerk read the Resolution. Councillors Harris, Logan and Randy LeBlanc spoke on the Resolution. President Brasco referred the matter to the Ordinances and Rules Committee.

- Dedicated Bicycle Lanes Resolution

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

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the Massport Letter for Abdulcelil Erdogn 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 Fuel Storage application at 46 Bear Hill Road 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 Fuel Storage application at 135 Lura Lane 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.

Long Term Debt & Capital Planning

1. The Long Term Debt & Capital Planning Committee recommends the CPC funding in the amount of \$79,750 for the Historic Restoration of the MetFern Cemetery be approved. Councillor Darcy 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 a transfer of funds in the amount of \$10,000 to the Waltham Cultural Council for the purpose of providing grants to local cultural entities 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 acceptance of a grant in the amount of \$250,000 from the Massachusetts Department of Energy Resources 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 a transfer of funds in the amount of \$150,850 for the Engineering Department to conduct Illicit Discharge Detection and Elimination 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.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends that the City be authorized to submit the Local Initiative Program (LIP) Application for 20 Cooper Street and 135 Elm Street and that the Mayor be authorized to sign the LIP Regulatory Agreement. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required.
In favor: Darcy, Fowler, Harris, LaCava, Diane LeBlanc, Randy LeBlanc, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley and Vidal.
Opposed: None.
Presiding: Brasco.
Matter was approved by a 14-0 vote.

2. The Ordinances and Rules Committee recommends the Special Permit application for Middlesex Integrative Medicine, Inc. at 305 Second Ave. be approved. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required.

In favor: Darcy, Fowler, Harris, LaCava, Diane LeBlanc, Randy LeBlanc, Logan, Mackin, McLaughlin, McMenimen, Romard, Stanley and Vidal.

Opposed: Nabulime.

Presiding: Brasco.

Matter was approved by a 13-1 vote.

3. The Ordinances and Rules Committee recommends the General Ordinance Marijuana Host Community Agreements and Letters of Support or Non Opposition be given a second reading. Councillor McLaughlin rose and spoke on the matter. Councillor McLaughlin moved to recommit the matter to the Ordinances and Rules Committee. On the motion Councillor Mackin spoke on the matter. The motion was adopted on a voice vote and the matter was approved.

Unfinished Business & Other Business

- Communication from the Law Department regarding pending litigation

Councillor McLaughlin moved to go into executive session to discuss pending litigation with the City Clerk and Attorney Learned present and that the Council would reconvene in open session following the executive session. Councillor McMenimen recused herself. Roll call required.

In favor: Darcy, Fowler, Harris, LaCava, Diane LeBlanc, Randy LeBlanc, Logan, Mackin, McLaughlin, Nabulime, Romard, Stanley and Vidal.

Opposed: None.

Recused: McMenimen.

Presiding: Brasco.

Matter was approved by a 13-0 vote.

President Brasco cleared the Chamber and recessed the Council meeting to go into executive session.

President Brasco resumed the City Council meeting. Councillor McLaughlin moved approval of the City Solicitor's recommendation. Councillor McMenimen recused herself. The City Clerk read the order. Roll call required.

In Favor: Darcy, Fowler, Harris, LaCava, Diane LeBlanc, Randy LeBlanc, Logan Mackin, McLaughlin, Nabulime, Romard, Stanley and Vidal.

Opposed: None.

Recused: McMenimen.

Presiding: Brasco.

Matter was approved by a 13-0 vote.

- Time extension for Special Permit application at 1017 & 1019 Main Street and 1025 – 1075 Main Street for the Davis Companies

Councillor McLaughlin moved to suspend the rules and act on this matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved approval on the matter. Roll call required.

In favor: Darcy, Fowler, Harris, LaCava, Diane LeBlanc, Randy LeBlanc, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley and Vidal.

Opposed: None.

Presiding: Brasco.

Matter was approved by a 14-0 vote.

- Time extension for Special Permit application at 790 Main Street for Kaali Corporation
Councillor McLaughlin moved to suspend the rules and act on this matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved approval on the matter. Roll call required.

In favor: Darcy, Fowler, Harris, LaCava, Diane LeBlanc, Randy LeBlanc, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley and Vidal.

Opposed: None.

Presiding: Brasco.

Matter was approved by a 14-0 vote.

Councillor McLaughlin moved to accept a late filed request for a time extension for a special permit application at 1560 Trapelo Road. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved to suspend the rules and act on this matter without committee reference. The motion was adopted on a voice vote and the matter was approved.

Councillor McLaughlin moved approval on the matter. Roll call required.

In favor: Darcy, Fowler, Harris, LaCava, Diane LeBlanc, Randy LeBlanc, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley and Vidal.

Opposed: None.

Presiding: Brasco.

Matter was approved by a 14-0 vote.

Councillor Diane LeBlanc moved to discharge a matter from the Public Works and Public Safety Committee. The motion was adopted on a voice vote and the matter was approved. Councillor LeBlanc made a request to have the Purchasing Director and the City Clerk and a Law Department Representative attend the next committee meeting to discuss the Private Ways and Pubic Ways Resolution. The motion was adopted on a voice vote and the matter was approved. Councillor Diane LeBlanc moved to recommit the matter. The motion was adopted on a voice vote and the matter was approved.

The City Clerk noted that the deadline to register to vote in the November 5th Election is October 16, 2019 and the City Clerk's Office will be open until 8:00 p.m. on October 16, 2019 for voter registration.

Tabled Items

- Mayor's veto on Order Nos. #34291, 34292, 34295
- Installation of a guard rail on the backside of Beal Road sidewalk

Councillor McLaughlin moved to adjourn. The motion was adopted on a voice vote and President Brasco declared the meeting adjourned at 10:51p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

October 21, 2019

Approved by the City Council: _____