

Waltham City Council
Minutes of the Meeting of
November 12, 2019

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

Call of the Roll:

City Council

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

Absent: Fowler

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 Logan rose to recognize Aidan Weisman LaFrance who has achieved Eagle Scout accreditation.

Councillor Nabulime rose to take a matter out of order. She has a Resolution for a constituent turning 100 years of age and would like to recognize her. Councillor Nabulime tabled the matter until she or her son have arrived. The motion was adopted on a voice vote and the matter was approved.

Councillor Romard rose to note that the Councillor Elect Anthony LaFauci was present at the meeting this evening.

Councillor Darcy rose to take the matter regarding the CPA recommendation for the Waltham Fields Station in Long Term Debt Committee out of order. The motion was adopted on a voice vote and the matter was approved. Councillor Randy LeBlanc recused himself. Councillor Darcy spoke on the amended acquisition of the appropriation of CPA funds for the UMass Field Station & Farm.

Councillor Darcy moved approval of the matter. Councillor Romard asked about the amount that was before the Council for approval and the amendment that was approved in Committee. President Brasco reiterated the amount to be \$13,750,000. Councillor Darcy requested a roll call.

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

Opposed: None

Absent: Fowler

Recused: Randy LeBlanc

Presiding: Brasco

Matter was approved by a 12-0-1 vote.

The City Clerk read Rule 86.

The City Clerk read the first public hearing: Grant of Location for NSSTAR dba Eversource Energy at Gatehouse Drive and Winter Street

Joanne Callender, 101 Linwood Street, Somerville, MA representing the petitioner, spoke in favor of the petition. 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 Romard asked questions of the petitioner. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Councillor McMenimen moved approval of the minutes from the City Council meeting on 10/28/2019. The motion was adopted on a voice vote and the matter was approved.

The City Clerk read the second public hearing: 17-25 at 460 Lexington Street Natalie Durham & Nick Durham, 460 Lexington Street, the petitioners spoke in favor of the petition. 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. Councillors Romard, Vidal, McMenimen, Nabulime and Mackin asked questions of the petitioner. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Public Works & Public Safety Committee.

Later in the Council meeting Councillor Darcy moved to discharge this matter from Committee. The motion was adopted on a voice vote and the matter was approved.

Councillor Randy LeBlanc made a friendly amendment to the order to have the Director of Public Works use his discretion on the project as far as digging up the entire road or half of it. Councillors Mackin and Romard and Harris spoke on the matter. On the motion for approval as amended, a roll call was requested.

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

Opposed: Romard

Absent: Fowler

Presiding: Brasco.

Matter was approved by a 12-1-1 vote.

The City Clerk read the third public hearing: Fuel Storage license at 225 Wyman Street Michael Connors, Connors & Connors, LLC at 6 Lexington Street, Waltham, MA, representing the petitioner, spoke in favor of the petition. Susan Poirier, 27 Weir Road, Waltham spoke on opposition to the petition. Two people stood in opposition to the petition. 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. Councillors Randy LeBlanc, McMenimen, Romard, Mackin, Darcy and McLaughlin all asked questions to the petitioners. Councillor McMenimen asked which representatives were present from Hobbs Brook Management this evening. Chris Poravas, Project Manager for Hobbs Brook Management introduced himself. With no additional Councillors asking questions, Attorney Connors spoke in rebuttal in favor of the petition. President Brasco then closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Communications from the Mayor

1. The Mayor respectfully requests acceptance of a donation in the amount of \$200 from Connors & Connors LLP to put toward the upkeep and maintenance of the Holiday Lights on the Common. Referred to the Finance Committee.

2. The Mayor respectfully requests an appropriation of funds in the total amount of \$106,302 to purchase one mini excavator and trailer for the CPW Department, Water & Sewer Division. Referred to the Finance Committee.

3. The Mayor respectfully requests acceptance of a donation in the amount of \$2,000 in gift cards provided to the Housing Office from a donor who wishes to remain anonymous. Referred to the Finance Committee.

4. The Mayor respectfully requests an appropriation of funds in the total amount of \$218,480 to purchase one dump truck for the CPW Department, Water & Sewer Division. Referred to the Finance Committee.
5. The Mayor respectfully requests an appropriation totaling \$575,000 to fund the water main replacement project on Chase Road & Oakledge Road. Referred to the Finance Committee.
6. The Mayor respectfully requests approval of a financial transaction totaling \$184,203 consisting of a grant from the Department of Environmental Protection in the amount of \$52,500 and an appropriation of City funds of \$131,703 to purchase six electric vehicles and six EV charging stations. Referred to the Finance Committee.
7. The Mayor respectfully requests the approval of an appropriation of funds in the amount of \$75,500 to replace the boiler at the 14 Church Street building. Referred to the Finance Committee.

Applications & Licenses

All matters referred to the Licenses and Franchises Committee

- Extended hours renewal – 573 Main Street – J&T Shun Lai, Inc. (Asia Wok)
- Extended hours renewal – 591 Moody Street – Samdough Inc. (Dunkin Donuts)
- Extended hours renewal – 859 Main Street – Morley Doughnuts, Inc. (Dunkin Donuts)
- Class 2 renewal – 190 High Street – JJJ Auto Retailers, Inc.
- Class 2 renewal – 53 Felton Street – Pilgrim auto Body Inc.
- Lodging House renewal – 24-26 High Street – Scott Hefter

Orders, Ordinances & Resolutions

Eagle Scout Aidan Weissman LaFrance Resolution

The City Clerk read the Resolution. Councillor Logan spoke on the Resolution. Councillor Logan 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. Councilor Logan moved approval of the Resolution.

Small Business Saturday Resolution.

The City Clerk read the Resolution. Councillor Logan spoke on the Resolution. Councillor Logan submitted a request for free parking on Saturday, November 30, 2019. The request was adopted on a voice vote and the matter was approved. Councillor Logan 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. Councilor Logan moved approval of the Resolution. The motion was adopted on a voice vote and the matter was approved.

Fuel Storage Permits Resolution

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

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommended the Class 2 vehicle renewal application at 1486 Main Street – European Auto Solutions be approved. Councillor Vidal moved to approve #1-4 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 matter was approved.

2. The Licenses and Franchises Committee recommended the Class 2 vehicle renewal application at 265 Bear Hill Road –Specialty Auto Sales Inc. dba Eastside Motoring be approved.
3. The Licenses and Franchises Committee recommended the Class 2 vehicle renewal application at 825 Main Street – Don’s Service Center Inc.be approved.
4. The Licenses and Franchises Committee recommended the Class 2 vehicle renewal application at 50 Thayer Road – Hull Corp. dba Little Foreign Car Garage be approved.

Finance

1. The Finance Committee recommended a transfer of funds in the amount of \$130,000 for an email server update be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call requested.

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

Opposed: None

Absent: Fowler

Presiding: Brasco.

Matter was approved by a 13-0-1 vote.

2. The Finance Committee recommended the transfer of monies for a matter discussed in executive session be referred to the City Council without recommendation. 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.

President Brasco called for a one-minute recess.

President Brasco called the meeting back to order. President Brasco noted this matter was last spoken of in executive session and should be dealt with in Committee of the Whole. President Brasco referred the matter to the Committee of the Whole.

3. The Finance Committee recommended acceptance of a grant in the amount of \$43,000 from the Department of Mental Health for the Jail Diversion Grant FY2020 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 recommended the acceptance of a grant renewal in the amount of \$2,000 from the MassDEP Sustainable Materials Recovery Program to be used for small scale recycling initiative 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.

5. The Finance Committee recommended the acceptance of a grant in the amount of \$5,000 from the Department of Health for the Opioid Overdose Prevention Program for the Waltham Fire 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.

Long Term Debt & Capital Planning

1. The Long Term Debt and Capital Planning Committee recommended the CPC recommendation for an appropriation of CPA funds for UMass Field Station & Farm Acquisition be approved as amended. (Approved at the beginning of the meeting.)

2. The Long Term Debt and Capital Planning Committee recommended a CPC recommendation for an application of CPA Housing Funds for a roof replacement at Prospect Hill Terrace be approved. Councillor Darcy moved that the action of the Committee be the action of the Council. On the motion Councillor LaCava spoke on the matter. Councillor LaCava reiterated his disapproval of these funds. He stated that our City should not have to fund state funded housing matters and that it should be funded through the state because it is a state housing project. The motion was adopted on a voice vote and the matter was approved.

3. The Long Term Debt and Capital Planning Committee recommended at CPC recommendation for an appropriation of CPA Housing Funds for a roof replacement at Beaverbrook Apartments 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.

Ordinances and Rules

1. The Ordinances and Rules Committee recommended that the Minor Modification to Special Permit #31842 located at 900 Winter Street and 910 Winter Street for PD Winter Street LLC be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll call required.

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

Opposed: None

Absent: Fowler

Presiding: Brasco.

Matter was approved by a 13-0-1 vote.

Councillor McLaughlin rose to discharge a matter from the Ordinances and Rules Committee, the special permit petition for 185 Willow Street. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved to release the law opinion to the petitioner. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved to recommit the matter back to Committee. The motion was adopted on a voice vote and the matter was approved.

Unfinished Business & Other Business

- Time extension for Special Permit petition at 1017-1019 Main Street & 1025-1075 Main Street Councillor McLaughlin 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 McLaughlin moved approval of the time extension. Roll call required.

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

Opposed: None

Absent: Fowler

Presiding: Brasco.

Matter was approved by a 13-0-1 vote.

- Time extension for Special Permit petition at 1560 Trapelo Road

Councillor McLaughlin 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 McLaughlin moved approval of the time extension. Roll call required.

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

Opposed: None

Absent: Fowler

Presiding: Brasco.

Matter was approved by a 13-0-1 vote.

- Time extension for Special Permit petition at 790 Main Street

Councillor McLaughlin 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 McLaughlin moved approval of the time extension. Roll call required.

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

Opposed: None

Absent: Fowler

Presiding: Brasco.

Matter was approved by a 13-0-1 vote.

Councillor McLaughlin rose to accept a late filed communication regarding 305 Second Ave. from Attorney Joseph Connors. The motion was adopted on a voice vote and the matter was approved. President Brasco referred the matter to the Ordinances and Rules Committee.

Tabled Items

- Executive Session – Real Estate Matter – 10/15/2019

Councillor McMenimen moved to take the matter off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen made a request to have the minutes sent to the law department for review in order to be approved and released. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen moved to place the matter back on the table. The motion was adopted on a voice vote and the matter was approved.

- Executive Session – Pending Litigation – 10/15/2019

Councillor Darcy moved to take the matter off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen recused herself. Councillor Darcy made a request to have the minutes sent to the law department for review in order to be approved and released. The motion was adopted on a voice vote and the matter was approved. Councillor Darcy moved to place the matter back on the table. The motion was adopted on a voice vote and the matter was approved.

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

Councillor Darcy moved to adjourn. The motion was adopted on a voice vote and President Brasco declared the meeting adjourned at 9:16 p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

November 18, 2019

Approved by the City Council: _____