

Waltham City Council
Minutes of the Meeting of
December 14, 2020

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

Call of the Roll

Present: Councillors Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, 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 Durkee asked for a moment of silence for all our military that have served past and present.

Councillor McMenimen moved approval of the minutes of the special meeting of 11/23/2020. The motion was adopted on a voice vote and the minutes were approved. Councillor McMenimen moved approval of the minutes of the regular meeting of 11/23/2020. The motion was adopted on a voice vote and the minutes were approved.

The City Clerk read Rule 86.

First public hearing: Fuel Storage application for 245 Fifth Avenue.

Paul Finger, 14 Spring Street, Paul; Finger and Associates, Inc. representing the petitioner, spoke in favor of the petition. Attorney Jack Mula was online and answered questions. Paul Pavone, representing the Laborers' Union spoke in a neutral capacity urging the petitioner to use local laborers on their project. 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 LaFauci, Vidal and McLaughlin asked questions. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Second public hearing: 17-25 at 125 Thornton Road

A late filed communication was presented on this matter. Councillor LeBlanc moved to accept the late filed communication. The communication requested a leave to withdraw without prejudice. Councillor LeBlanc moved approval of the request. The motion was adopted by a voice vote and the matter was approved.

Communications from the Mayor

1. The Mayor respectfully requests acceptance of a grant in the amount of \$58,020 to the IT Department through the Commonwealth of Massachusetts' Community Compact Cabinet's (CCC) Information Technology grant program. Referred to the Finance Committee.
2. The Mayor respectfully requests acceptance of a donation of Hannaford and Market Basket gift cards in the amount of \$5,500 and a check for \$10,000 from the Duggan House. Councillor LaCava made a motion to suspend the rules to act on the matter without Committee reference. The motion was adopted by a voice vote and the matter was approved. Councillor LaCava moved approval of the amounts collectively. The motion was adopted by a voice vote and the matter was approved.

3. The Mayor respectfully requests approval of the acceptance of a grant in the amount of \$7,500 from the Massachusetts Interlocal Insurance Association (MIIA) to be used towards the purchase of fleet management software. Referred to the Finance Committee.

4. The Mayor respectfully requests an appropriation in the amount of \$7,500 from the Cemetery Sale of Lots & Graves Fund to purchase a casket lowering device and carrier for the Cemetery Division. Referred to the Finance Committee.

5. The Mayor respectfully requests acceptance without Committee reference of an EOPSS Traffic Enforcement Grant in the amount of \$39,999. Councillor LaCava made a motion to suspend the rules to act on the matter without Committee reference. The motion was adopted by a voice vote and the matter was approved. Councillor LaCava moved to hear from off Council member – Chief MacPherson. The motion was adopted by a voice vote and the matter was approved. Chief MacPherson spoke on the grant. Councillor LaCava moved approval of the grant. The motion was adopted by a voice vote and the matter was approved.

6. The Mayor respectfully requests an appropriation in the amount of \$116,000 to engage the low and responsible bidder for the improvements to Nipper Maher Park and Monsignor McCabe Playground. Referred to the Finance Committee.

7. The Mayor respectfully requests approval of a loan authorization in the amount of \$375,000 to be used for the design and construction of the improvements to Prospect Hill Park. This to be combined with another pending loan authorization in the amount of \$1,600,000 that is currently tabled on the Committee of the Whole Docket. Referred to the Committee of the Whole.

Applications and Licenses

- Class 2 renewal – Chrislins Auto Inc. at 477 Main Street
Referred to the Licenses and Franchises Committee

Orders, Ordinances & Resolutions

- Securing Historic Buildings at the Fernald Resolution
The City Clerk read the Resolution. Councillor Darcy spoke on the Resolution. President Brasco referred the matter to the Fernald Use Committee.

Committee Reports

Licenses and Franchises

Councillor Vidal moved to act on numbers 1-3 collectively. The motion was adopted by a voice vote and the matter was 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 matters #1-3 were approved.

1. The Licenses and Franchises Committee recommends the Class 2 renewal for Classic Cars Inc. at 251 High Street be approved.

2. The Licenses and Franchises Committee recommends the Class 2 renewal for Don's Service Center, Inc. at 825 Main Street be approved.

3. The Licenses and Franchises Committee recommends the Class 2 renewal for ABKO Auto Body & Paint, Inc. at 97R Linden Street be approved.

4. The Licenses and Franchises Committee recommends the extended hours renewal for 7-eleven #37504A at 591 Moody Street 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 matter was approved.

Councillor Vidal moved to act on numbers 5-8 collectively. The motion was adopted by a voice vote and the matter was 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 matters #5-8 were approved.

5. The Licenses and Franchises Committee recommends the lodging house renewal at 104 Adams Street – SMT Realty Associates, Inc. be approved.

6. The Licenses and Franchises Committee recommends the lodging house renewal at 24-26 High Street – Scott Hefter be approved.

7. The Licenses and Franchises Committee recommends the lodging house renewal at 12-14 Lowell Street – Middlesex Human Services Agency, Inc. be approved.

8. The Licenses and Franchises Committee recommends the lodging house renewal at 74 Adams Street – SMT Realty Associates, Inc. be approved.

Committee of the Whole

1. The Committee of the Whole recommends the 23-25 Gordon Street & 0 Union Street Lease of Purchase Resolution be filed. Councillor McMenimen moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

2. The Committee of the Whole recommends the CPC Deed Restrictions Resolution be filed. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call requested.

In favor: Dunn, Durkee, Harris, LaFauci, LeBlanc, McLaughlin, McMenimen, O'Brien, Stanley, Vidal.

Opposed: Darcy, LaCava, Mackin and Paz.

Presiding: Brasco.

Matter was filed 10-4.

3. The Committee of the Whole recommends the Resolution in Support of the 2020 Census be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

4. The Committee of the Whole recommends the property located at 89 Maple Street Docket matter be filed. Councillor McMenimen moved to recommit the matter to the Committee of the Whole. The motion was adopted by a voice vote and the matter was recommitted. Councillor McMenimen made a motion to request that Committee Clerk Kara Wilson provide to the Committee of the Whole for its next meeting the executive session minutes from the meeting of 8/3/2020. The motion was adopted by a voice vote. Councillor McMenimen moved to discharge from committee the matter regarding the Route 117 Bridge Project. The motion was adopted by a voice vote and the matter was before the Council. Councillor McMenimen made a motion to request Committee Clerk Wilson to provide to the Committee of the Whole for its next meeting the executive session minutes from the meeting of 8/3/2020. The motion was adopted by a voice vote. Councillor McMenimen moved to recommit the mater. The motion was adopted by a voice vote and the matter was recommitted.

5. The Committee of the Whole recommends the Support of the First Amendment of the Constitution Resolution be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

6. The Committee of the Whole recommends the confirmation of the appointment of Dr. Davis Patel of 109 Raffaele Drive, Waltham as a member of the Ambulance Review Committee. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call required. In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Stanley and Vidal.
Opposed: Paz.
Presiding: Brasco.
Matter was approved: 13-1.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the Special Permit for Grossman Companies, Inc. at 1111 Lexington Street be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll call required. In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Presiding: Brasco.
Matter was approved: 14-0.

Finance

1. The Finance Committee recommends the acceptance of a donation by the Digital Federal Credit Union to the City of Waltham Police Department in the amount of \$5,000 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 matter was approved.

2. The Finance Committee recommends the acceptance of a donation by the Digital Federal Credit Union to the City of Waltham Fire Department in the amount of \$5,000 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 matter was approved.

3. The Finance Committee recommends the acceptance of a donation in the amount of \$200 from Connors & Connors, LLC to be used for the upkeep and maintenance of the holiday lights on the Waltham Common 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 matter was approved.

4. The Finance Committee recommends the transfer of funds totaling \$15,880 to conduct a topographical survey and develop an easement plan for the private portion of Clark Street 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 matter was approved.

Unfinished Business & Other Business

- CPC recommendation for the allocation of CPA funds for the construction of affordable housing units at the Waltham Armory.
Referred to the Long Term Debt and Capital Planning Committee.

- CPC recommendation for allocation of CPA Funds for improvements to McDonald and Thompson Playgrounds.

Referred to the Long Term Debt and Capital Planning Committee.

- Special Permit Modification at 305 Second Avenue – Middlesex Integrative Medicine, Inc. and Executive Park Realty Corporation

Referred to the Ordinances and Rules Committee.

- 225 Waverly Oaks Road Law Department Communication-Special Permit Denial and Remand

Referred to the Ordinances and Rules Committee.

- Extension of time for the Special Permit application at 71 Second Ave.

Councillor LaCava recused himself. Councillor McLaughlin moved to suspend the rules and act on the matter without Committee reference. The motion was adopted by a voice vote and matter was approved. Councillor McLaughlin moved approval of the extension of time. Roll call required.

In favor: Darcy, Dunn, Durkee, Harris, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Recused: LaCava.

Presiding: Brasco.

Matter was approved: 13-0.

Tabled Items

- Compensation Ordinance Amendment for Non-Union Employees

Councillor McLaughlin moved to take the matter off of the table. The motion was adopted by a voice vote and matter was approved. Councillor McLaughlin moved to approve the matter for a second reading. The motion was adopted by a voice vote and matter was approved. Councillor McLaughlin moved to suspend the rules and act on the matter without Committee reference. The motion was adopted by a voice vote and matter was approved. Councillor McLaughlin moved approval of a third and final reading on the compensation ordinance amendment. Roll call required.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Presiding: Brasco.

Matter was approved: 14-0.

- Loan authorization totaling \$5,000,000 to fund the construction phase of the Area 1314 Phase 2 Sewer and Manhole Rehabilitation Improvement Project

Councillor Darcy moved to take the matter off of the table. The motion was adopted by a voice vote and matter was approved. Councillor Darcy moved to approve the matter for a second and final reading. Roll call required.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Presiding: Brasco.

Matter was approved: 14-0.

- Open Meeting Law Complaint, 3-23-2020 Docket

Councillor McMenimen moved to take the matter off of the table. The motion was adopted by a voice vote and matter was approved. Councillor McMenimen moved to release the executive session meeting minutes of May 29, 2016. Roll call requested.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Presiding: Brasco.

Matter was approved: 14-0.

Councillor McMenimen moved to release the executive session minutes of June 4, 2018. The motion was adopted by a voice vote and matter was approved.

Councillor McMenimen moved to release the executive session minutes of June 11, 2018. The motion was adopted by a voice vote and matter was approved.

Councillor McMenimen moved to release the executive session minutes of June 18, 2018. The motion was adopted by a voice vote and matter was approved.

Councillor McMenimen moved to release the executive session minutes of June 25, 2018. The motion was adopted by a voice vote and matter was approved.

Councillor McMenimen moved to take from the Committee of the Whole Docket the 5/14/2018 matter regarding Security in the Chamber. The motion was adopted by a voice vote and matter was approved.

Councillor McMenimen requested that the Law Department provide an opinion regarding whether executive session minutes should be redacted and/or released. The motion was adopted by a voice vote and matter was approved. Councillor McMenimen moved to recommit the matter to the Committee of the Whole. The motion was adopted by a voice vote and matter was approved.

Councillor LeBlanc moved to adjourn. The motion was adopted on a voice vote. Council President Brasco declared the meeting adjourned at 8:26 p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant to the City Clerk

December 21, 2020