

Waltham City Council
Minutes of the Meeting of
December 28, 2020

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

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

Absent: None.

Board of Survey & Planning

Present: Barrett, Callahan, Creonte, Keefner and Moroney.

Absent: DeVito and Tarallo.

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

Councillor LeBlanc moved approval of the minutes of the meeting of 12/14/2020. The motion was adopted on a voice vote and the minutes were approved.

Councillor LeBlanc moved to waive the reading of Rule 86. The motion was adopted on a voice vote and the matter was approved.

First joint public hearing: Zoning Ordinance Amendment for Tea Shop.

Councillors LeBlanc and LaCava, sponsors of the amendment, spoke in favor of the petition. Sean Zheng, 895 Main Street, Waltham, 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 and Members of the Board. Councillors Vidal, Harris, Durkee, McMenimen and Board Chair Creonte asked questions. Questions were answered by Mr. Zheng and Andy Wu of 55 Everett Street, Everett. With no additional questions, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee. Board Chair Creonte stated the Board would take this matter up at the next meeting scheduled for January 6, 2021. Ordinances and Rules Committee Chair McLaughlin, stated that the matter would be taken up during the evening's committee meeting.

Second joint public hearing: Zoning Amendment for Medical Marijuana Treatment Centers

Attorney Joseph Connors, representing the petitioner, spoke in favor of the petition. Ed Bartlett, the petitioner, spoke in favor of the petition. Councillors McLaughlin, Harris, Paz, LaFauci and Board Chair Creonte asked questions of the petitioner. With no additional questions, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee. Board Chair, Creonte stated the Board would take this matter up at the next meeting scheduled for January 6, 2021. Ordinances and Rules Committee Chair McLaughlin, stated that the matter would be taken up during the evening's committee meeting.

Third public hearing: Grant of Location at Beaver Street MH504

Richard Forman, representing the petitioner, Verizon New England, Inc. 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 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.

Applications and Licenses

Extended hours renewal - J&J Variety at 851 Main Street

Referred to the Licenses and Franchises Committee

Extended hours renewal - Waltham Gulf/Monell enterprises, Inc. at 821 Main Street

Referred to the Licenses and Franchises Committee

Orders, Ordinances & Resolutions

A More Robust Website

The City Clerk read the Resolution. Councillor O'Brien spoke on the Resolution. President Brasco referred the matter to the Economic and Community Development Committee.

Piety Corner Intersection Update Resolution

The City Clerk read the Resolution. Councillors O'Brien and LaFauci spoke on the Resolution.

Councillor LaFauci made a request to have the City Engineer come to a committee meeting to discuss the matter. The motion was adopted on a voice vote and the request was approved. President Brasco referred the matter to the Committee of the Whole.

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the Class 2 renewal for Chrislin's Auto Inc. at 477 Main 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 the matter was approved.

2. The Licenses and Franchises Committee recommends the fuel storage application for 245 Fifth Avenue 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.

Committee of the Whole

1. The Committee of the Whole recommended the loan authorization in the amount of \$1,600,000 for the design and construction of the improvements to Prospect Hill Park be given a first reading. Councillor McMenimen 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 given a first reading. The matter was tabled to remain on the Council Docket for 2021.

2. The Committee of the Whole recommended the loan authorization in the amount of \$375,000 for the design and construction of the improvements to Prospect Hill Park be given a first reading. Councillor McMenimen 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. The matter was tabled to remain on the Council Docket for 2021.

3. The Committee of the Whole recommended the extension of the City's River Walk matter be filed without prejudice. Councillor McMenimen 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 Committee of the Whole recommended the Chamber Security and Safety 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 the matter was approved.

Ordinances and Rules

1. The Ordinances and Rules Committee recommended the Special Permit Modification at 305 Second Avenue for Middlesex Integrative Medicine, Inc. and Executive Park Corporation 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 recommended approval of the funding allotment of \$5,143.94 from cable access funds to the Waltham Community Access Corporation to purchase more audio equipment to support the social distancing at Government Center. 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 acceptance of a grant in the amount of \$58,020 to the IT Department through the Commonwealth of Massachusetts Compact Cabinet's (CCC) Information Technology grant program 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 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 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 appropriation of funds in the Amount of \$7,500 from the Cemetery Sale & Lots & Graves Fund to purchase a casket lowering device and carrier for 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.

5. The Finance Committee recommended the 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 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.

Long Term Debt & Capital Planning

1. The Long Term Debt & Capital Planning Committee recommended the allocation of CPA Funds for improvements to McDonald and Thompson Playgrounds be approved. Councillor Darcy 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 Long Term Debt & Capital Planning Committee recommended that the Council submit the capital budget to the Mayor for approval. Councillor Darcy 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 Long Term Debt & Capital Planning Committee recommended that the items remaining on the Committee Docket from 2020 be carried forward to the Docket for 2021. Councillor Darcy 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.

Ritcey Award Committee

1. The Ritcey Award Committee recommended that the Ritcey Award be granted to the City of Waltham Community. 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.

Housing Committee

1. The Ad Hoc Committee on Housing recommended that the City Council accept its report. Councillor Stanley 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.

Councillor McLaughlin moved to accept a late filed communication regarding a time extension request for a Special Permit Modification for Order #34570. The motion was adopted by a voice vote and the 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 the matter was approved. Councillor McLaughlin moved approval of the extension of time. 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.

At 8:50 p.m. President Brasco recessed the Council meeting to be able to meet with Committees.

At 10:40 p.m. President Brasco called the City Council meeting back to order.

The City Clerk read the Committee reports.

The Committee of the Whole recommended approval of a feasibility study for a portion of the non-CPA parcel of the former Fernald School for the CPW Department for the following uses; city yard, cemetery, materials management area and parking for city school buses. Councillor McMenimen moved that the action of the Committee be the action of the Council. A vote was taken by a call of the roll.

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

Opposed: Darcy and Mackin.

Recused: McMenimen

Presiding: Brasco.

Matter was approved: 11-2.

- The Committee of the Whole recommended that all items remaining on its Docket from 2020 be carried over to the Committee Docket of 2021. Councillor McMenimen 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.
- The Public Works & Public Safety Committee recommended the 17-80 petition for Crestview Road be filed without prejudice. 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.
- The Public Works & Public Safety Committee recommended the Docket item requesting betterments for numerous streets in the Brennan through Midland Road area be filed without prejudice. 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.
- The Public Works & Public Safety Committee recommended that all items remaining on its Docket from 2020 be carried over to the Committee Docket of 2021. 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.
- The Veterans Service Committee recommended that all items remaining on its Docket from 2020 be carried over to the Committee Docket of 2021. Councillor Durkee 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.
- The Licenses and Franchises Committee recommended that the Grant of Location for Verizon New England, Inc. on Beaver Street from manhole MH504 to a proposed hand hole 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.
- The Licenses and Franchises Committee recommended that the extended hours renewal for Waltham Gulf/Monell Enterprises, Inc. at 821 Main 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 the matter was approved.
- The Licenses and Franchises Committee recommended that the extended hours renewal for J&J Variety at 851 Main 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 the matter was approved.
- The Licenses and Franchises Committee recommended that all items remaining on its Docket from 2020 be carried over to the Committee Docket of 2021. 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.
- The Economic and Community Development Committee recommended that Bicycle Sharing Resolution be filed without prejudice. 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.

- The Economic and Community Development Committee recommended that Riverwalk Cleanup Resolution be filed without prejudice. 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.
- The Economic and Community Development Committee recommended that City Calendar Resolution be filed without prejudice. 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.
- The Economic and Community Development Committee recommended that Affordable Housing Resolution be filed without prejudice. 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.
- The Economic and Community Development Committee recommended that all items remaining on its Docket from 2020 be carried over to the Committee Docket of 2021. 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.
- The Finance Committee recommended that all items remaining on its Docket from 2020 be carried over to the Committee Docket of 2021. 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.
- The Ordinances and Rules Committee recommended that the Zoning Amendment regarding “Tea Shop” use be given a first reading. Councillor McLaughlin 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. Councillor McLaughlin move to recommit the matter. The motion was adopted on a voice vote and the matter was recommitted.
- The Ordinances and Rules Committee recommended that the Earth Moving Ordinance Resolution be filed without prejudice. Councillor McLaughlin 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.
- The Ordinances and Rules Committee recommended that the Resolution regarding Bicycle Parking Requirements be filed without prejudice. Councillor McLaughlin 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.
- The Ordinances and Rules Committee recommended that the Resolution regarding Measurement of Building Height be filed without prejudice. Councillor McLaughlin 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.
- The Ordinances and Rules Committee recommended that the Kennedy Shriver Malone Municipal Zoning District Resolution be filed without prejudice. Councillor McLaughlin

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.

- The Ordinances and Rules Committee recommended that the Recuse Resolution be filed without prejudice. Councillor McLaughlin 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.
- The Ordinances and Rules Committee recommended that the Resolutions Deadline Resolution be filed without prejudice. Councillor McLaughlin 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.
- The Ordinances and Rules Committee recommended that the Resolution Concerning Aiding Restaurants and Small Businesses be filed without prejudice. Councillor McLaughlin 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.
- The Ordinances and Rules Committee recommended that all items remaining on its Docket from 2020 be carried over to the Committee Docket of 2021. Councillor McLaughlin 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.
- The Fernald Use Committee recommended that all items remaining on its Docket from 2020 be carried over to the Committee Docket of 2021. Councillor McLaughlin 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.

Councillor McMenimen spoke and identified the Councillors who were present for the Executive Session Meeting of May 21, 2018. Those Councillors were Brasco, Darcy, Harris, LaCava, LeBlanc, McLaughlin, McMenimen, Stanley and Vidal. Councillor McLaughlin moved approval of the executive session minutes from this meeting. Roll call was taken.

In favor: Darcy, Harris, LaCava, LeBlanc, McLaughlin, McMenimen, Stanley, Vidal and Brasco.
Opposed: None.

Executive session minutes from May 21, 2018 were approved 9-0.

Councillor McMenimen made a request to have these minutes sent to the Law Department for review. The motion was adopted by a voice vote and the matter was approved.

Paul Centofanti will send them to the Law Department for review.

Councillor McMenimen spoke and identified the Councillors who were present for the Executive Session Meeting of April 4, 2016. Those Councillors were Darcy, McLaughlin, McMenimen, O'Brien and Vidal. Councillor McMenimen made a motion to approve the executive session minutes of April 4, 2016 unofficially due to lack of duly elected members present at Executive Session no longer present on Waltham City Council. Roll call was taken.

In favor: Darcy, McLaughlin, McMenimen, O'Brien and Vidal.

Opposed: None.

Executive minutes from May 21, 2018 were unofficially approved 5-0.

Councillor Darcy moved approval of a request to have the Law Department opine on the following question: Does the Rule of Necessity apply when the City Council only has 5 members able to vote to

approve prior executive session minutes? The motion was adopted by a voice vote and the request was approved.

Councillor McMenimen made a request to have the minutes be sent to the Law Department for review. The motion was adopted by a voice vote and the matter was approved. Paul Centofanti will send them to the Law Department for review.

Councillor McMenimen moved to table the Open Meeting Law Complaint matter to be carried over to the City Council Docket of 2021. The motion was adopted on a voice vote and the matter was approved.

Councillor McMenimen moved to carry over all remaining items on the City Council Docket to the City Council Docket of 2021. The motion was adopted on a voice vote and the matter was approved.

Council President Brasco thanked the Council and Committee Clerks for their hard work during the past year and thanked all Councillors for their dedicated service and hard work during 2020 and wished all a Happy New Year.

Councillor Durkee moved to adjourn. The motion was adopted on a voice vote. Council President Brasco declared the meeting adjourned at 11:14 p.m.

Respectfully submitted by:
Kara Wilson
Executive Assistant to the City Clerk
January 5, 2021

Approved By City Council: 1/11/2021