

Waltham City Council
Minutes of the Meeting of
February 11, 2019

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

Call of the Roll:

City Council

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

Absent: McLaughlin

The Clerk recited the Council Prayer followed by President Brasco 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.

Kerri Feltner, from the Waltham News Tribune, was audio recording the meeting.

Councillor McMenimen moved approval of the City Council meeting minutes dated 1/14/2019. The motion was adopted on a voice vote and the matter was approved.

The Clerk read Rule 86.

The Clerk read the first public hearing: Secondhand Dealers License at 100 River Street. Gagan Jain, 1844 Washington Street, Newton, MA, petitioner, spoke in favor the petition. With no one else in support and no one else in opposition and no one in a neutral position of the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor LaCava spoke on the petition. Councillor LaCava 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 LaCava moved approval of the matter. The motion was adopted on a voice vote and the matter was approved.

The Clerk read the second public hearing: 17-25 at 509-527 and 533 Moody Street. Chief Tom MacInnis, Chief of the Waltham Fire Department, spoke in favor of the petition. Fifty-three people stood 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. Councillor Harris spoke on the petition. Councillor Harris moved to suspend the rules to hear from off committee members. The motion was adopted on a voice vote and the matter was approved. James LaCrosse from the Planning Department, who is spearheading the demolition process of the new fire station on Moody Street answered questions from Councillor Harris. Chief MacInnis answered questions from Councillors Harris, Logan, and Romard. With no additional Councillors asking questions and no one speaking in rebuttal, the President Brasco closed the public hearing and referred the matter to the Public Works and Public Safety Committee.

The Clerk read the third public hearing: Grant of Location at 225 Second Avenue. Bob Walls, 80 Central Street, Boxboro, 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 in a neutral position of the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor Romard asked questions to 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 Clerk read the fourth public hearing: Special Permit at 300 Third Avenue for LPC Northeast LLC. Michael Connors of Connors & Connors LLC, 6 Lexington Street, Waltham, attorney representing the petitioner, spoke in favor of the petition. Scott Coleman, 7 Kenwood Lane, Waltham, spoke in favor of the petition. Seventy-one people stood in favor 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, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Romard, Logan, Randall LeBlanc, Mackin, Vidal, McMenimen and Darcy asked questions to 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 Ordinances and Rules Committee.

The Clerk read the fifth public hearing: Special Permit at Brandeis University.
Councillor Mackin recused herself.

Daniel Klasnick, 210 Broadway, Suite 204, Lynnfield, 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 in a neutral position of the petition, President Brasco 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, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Communications from the Mayor

1. The Mayor respectfully requests a request to accept a gift in the amount of \$200 from the Philip Mula Family to be given to the Housing Division for the needs of the sick and homeless. Referred to the Finance Committee.
2. The Mayor respectfully requests an appropriation of funds in the amount of \$30,000 from account #261-192-1015-5205 Building Code Enforcement Special revenue to account #001-192-5800-6540 Building Code Enforcement Computers. Referred to the Finance Committee.
3. The Mayor respectfully requests an appropriation in the amount of \$9,933 from Unreserved Fund Balance to purchase and install carpeting in the museum room and in the foyer of the lower level in City Hall. Referred to the Finance Committee.
4. The Mayor respectfully requests an appropriation in the amount of \$26,000 from Parking Meter Unreserved Fund Balance to purchase a 2019 Ford Escape that will be used by the Parking Meter Division. The current vehicle does not meet the “Green Communities” standards for vehicles. Referred to the Finance Committee.
5. The Mayor respectfully requests the confirmation of the appointment of Francis P. Craig, Esq., of 85 Main Street, as an Assessor for the City of Waltham for a term of three years. Referred to the Committee of the Whole.
6. The Mayor respectfully requests the conformation of the appointment of Bernadette Vasquez, of 68 Willow Street, Waltham, as an Assessor for the City of Waltham for a term of three years. Referred to the Committee of the Whole.

7. The Mayor respectfully requests a decision regarding her communication referencing an RFP for 92 Felton Street. On the request, Councillor Harris spoke on the matter and requested a list of people to attend the next Committee of the Whole meeting. Councillor Logan spoke on the request. Councillor Logan made a motion to table the request.. Councillor McMenimen rose to a point of parliamentary inquiry. Roll call requested on the motion to table the request on the Council floor.

In favor: LaCava, LeBlanc, Diane, Logan, Romard, Stanley and Vidal.

Opposed: Darcy, Fowler, Harris, LeBlanc, R., Mackin, McMenimen, Nabulime and Brasco.

Absent: McLaughlin.

Motion to table does not carry.

Councillor Logan asked the Ward 8 Councillor to withdraw her request. Councillor LaCava spoke on the matter. Councillor Vidal spoke on the matter. Councillor Diane LeBlanc spoke on the matter.

Councillor Stanley spoke on the matter. Councillor Mackin spoke on the matter.

Councillor Harris spoke for the second time on the matter. In accordance with Rule 88 of the Rules of the City Council, Councillor Logan invoked Section 2.9 of the City Charter with respect to the request. President Brasco then ruled the communication from the Mayor out of order. No matter is before the Council.

8. The Mayor respectfully requests the opportunity for the Purchasing Agent to meet to discuss the Electricity Aggregation Draft Plan Presentation to the City Council. Referred to the Committee of the Whole.

9. The Mayor respectfully requests authority regarding a real estate matter. Referred to the Committee of the Whole.

10. The Mayor respectfully requests City Council review of the draft lease for Air Rights at 230-234 Moody Street. Referred to the Committee of the Whole.

11. The Mayor respectfully requests an appropriation in the amount of \$8,000 from Unreserved Fund Balance to conduct a hazardous materials survey and demolition/abatement design services for the property located at 380 Lexington Street. Referred to the Finance Committee.

President Brasco recused himself. Councillor Logan took the chair.

12. The Mayor respectfully requests an appropriation in the amount of \$120,000 from Unreserved Fund Balance to fund the resurfacing project bid for the private way portion of Brennan Avenue, Mountain Road, Crestview Road, Carol Lane, Goldencrest Avenue, Priscilla Lane and Midland Drive. Referred to the Finance Committee.

13. The Mayor respectfully requests a re-allocation of Chapter 90 funds in the amount of \$207,000 to fund the low bid for the paving of the public portion of Midland Drive. Councillor Darcy made a motion to suspend the rules to refer the matter to the Finance Committee. The motion passed on a voice vote and the matter was referred to the Finance Committee.

The Clerk read the late filed communication from the Mayor regarding paving in Ward 3. Councillor Darcy moved to accept the late filed communication. The motion was adopted on a voice vote and the matter was approved. Referred to the Finance Committee.

Applications & Licenses

All matters referred to the Licenses and Franchises Committee

- Extended hours renewal – 1335 Main St. - Waltham Fuel Inc. - Assaad Nasr

Orders, Ordinances & Resolutions

- Interpretive Service Resolution

The Clerk read the Resolution. Councillor Mackin spoke on the resolution. Matter referred to the Ordinances and Rules Committee.

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the installation of small cell facility – Weston St. & Elm Ave – Pole #294-1 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 name dedication at Veterans' Field new playground structure area 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 lodging house renewal – 12 Lowell Street – Middlesex Human Service Agency, 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 class 2 renewal – Colvin's Inc. – 185 Prospect 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.
5. The Licenses and Franchises Committee recommends the class 2 renewal – Classic Cars Inc. – 251 High 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.
6. The Licenses and Franchises Committee recommends the lodging house renewal for 94 Adams Street – AMG Beech Road, LLC 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.
7. The Licenses and Franchises Committee recommends the class 2 renewal – Waltham Auto Tow, Inc. – 279R Crescent 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.

Public Works & Public Safety

1. The Public Works & Public Safety Committee recommends the 17-25 street opening at 172 Lyman Street 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.
2. The Public Works & Public Safety Committee recommends the West End Commuter Vehicles Resolutions 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 \$35,223 to reimburse the Building Department and repair account for a new furnace and bathroom at 92 Felton St. and material at City Hall 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 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 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.

Committee of the Whole

1. The Committee of the Whole recommends the confirmation of the appointment of Rebecca Migdal, of 248 Warren Street as a member of the Waltham Historical Commission. Councillor Logan moved that the action of the committee be the action of the Council. Roll call required.
In favor: Councillors Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Mackin, McMenimen, Nabulime, Romard, Stanley Vidal, Logan and Brasco.
Opposed: None.
Absent: McLaughlin
The matter was approved by a 14-0-1 vote.

Councillor Nabulime rose for reconsideration for the 17-25 matter. She could not make the reconsideration motion due to her vote not being on the prevailing side. Councillor Darcy moved for reconsideration of the matter. The motion did not pass.

2. The Committee of the Whole recommends the Resolution regarding the Vacancy in the Office of City Clerk be filed. Councillor Logan 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

1. The Long Term Debt and Capital Planning Committee recommends the loan authorization in the amount of \$1,085,000 for the construction improvements at Hillcroft Playground 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 for a first reading. Councillor Darcy moved to table the matter on the Council floor. The motion was adopted on a voice vote and the matter was approved.

Ordinances & Rules

1. The Ordinances and Rules Committee recommends that the Zoning Amendment Moratorium on Marijuana Establishment be approved for a first reading. Councillor Logan moved that the action of the committee be the action of the Council. On the motion Councillors Mackin, Romard, Logan and Stanley spoke on the matter. Councillor Nabulime rose to a point of inquiry. The motion was adopted on a voice vote and the matter was approved for a first reading. Councillor Logan moved to recommit the matter to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was approved.

2. The Ordinances and Rules Committee recommends that the Zoning Amendment Non-medical Marijuana Establishments be approved for a first reading. Councillor Logan moved that the action of the committee be the action of the Council. On the motion Councillor Romard spoke on the matter. The motion was adopted on a voice vote and the matter was approved for a first reading. Councillor Logan moved to recommit the matter to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was approved.

3. The Ordinances and Rules Committee recommends that the FY2019 Compensation Ordinance Amendments as amended, regarding the Commissioner of Public Works, be approved for a first reading. Councillor Logan moved that the action of the committee be the action of the Council. On the motion Councillors Romard and Diane LeBlanc spoke on the matter. The motion was adopted on a voice vote and the matter was approved for a first reading. Councillor Logan moved to recommit the matter to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was approved.

4. The Ordinances and Rules Committee recommends that General Ordinance Amendment Consolidating Water and Sewer and Public Works as amended be approved for a first reading. Councillor Logan 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 for a first reading. Councillor Logan moved to recommit the matter to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was approved.

5. The Ordinances and Rules Committee recommends the Special Permit application for Prestige Auto Sports, Inc. dba Eastside Motoring at 265 Bear Hill Road be approved. Councillor Logan moved that the action of the committee be the action of the Council.

Roll call required.

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

Opposed: None.

Absent: McLaughlin

The matter was approved by a 14-0-1 vote.

Unfinished Business & Other Business

- Special Permit Modification at 450 Totten Pond Road
Referred to the Ordinances and Rules Committee

Councillor LeBlanc moved to approve the minutes from the 1/28/2019 Council meeting. The motion was adopted on a voice vote and the matter was approved.

Tabled Items

- 17-25 Street opening at 509-527 and 533 Moody Street
- Mayor's veto on Order Nos. #34291, 34292, 34295
- UMass Fields Resolution

Councillor Darcy moved to take the matter off of the table. Councillor Randall LeBlanc recused himself. The motion was adopted on a voice vote and the matter was approved. Councillor Darcy spoke on the matter and showed slides regarding the history of the property. Councillor Darcy made a

request for specific people to attend the next Committee of the Whole meeting. The motion was adopted on a voice vote and the matter was approved. President Brasco referred the matter to the Committee of the Whole.

- Installation of a guard rail on the backside of Beal Road sidewalk

Councillor Darcy moved to adjourn. President Brasco declared the meeting adjourned at 10:27p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

February 20, 2019

Approved by the City Council: _____