

Waltham City Council
Minutes of the Meeting of
March 25, 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, McLaughlin, McMenimen, Nabulime, Romard, Stanley, Vidal and Brasco

Absent: None

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.

The President made known that Kerri Feltner from the News Tribune was recording the meeting.

Councillor LaCava moved approval of the City council minutes from 3/11/2019. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen moved to take the matter of executive session minutes of 2/25/2019 off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen moved approval of the executive session minutes of 2/25/2019 and send to the Law Department. 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: Municipal Electricity Aggregation Plan

Joseph Pedulla, City of Waltham Purchasing Director, Stephen Laretto, representing Good Energy, Eugena Gibbons from Green Energy Consumers Alliance all presented the Energy Aggregation Program being considered to Waltham residents. They all spoke in favor of the petition.

Colleen Bradley-MacArthur, 111 Princeton Ave., Waltham representing Mothers Out Front, spoke in favor of the petition. Amy Spoering, 429 Main Street, Waltham, representing Mothers Out Front, spoke in favor of the petition. Vaena Dharmasay, 32 Common St., Waltham representing WECAN Sierra Club, spoke on favor of the petition. Michael Cavallo, 184 Prospect Hill Road, Waltham, representing WECAN, spoke in favor of the petition. Twenty-Nine 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 Diane LeBlanc, Logan, Romard, Fowler, Stanley, Randy LeBlanc, McMenimen, Vidal 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 Ordinances and Rules Committee. President Brasco noted the Citizen's Input Hearing on the matter will be held on Monday, April 1, 2019 at City Hall during the Committee of the Whole Meeting at 8p.m.

The Clerk read the second public hearing: Special Permit for a Medical Marijuana Dispensary at 305 Second Avenue

Councillor Romard rose to a point of parliamentary procedure to state that he believe the petition is not before the Council properly because they are missing certain criteria. He moved to recess the hearing until a later date and to send a request to send the application to the Law Department for review to see

if application is in its true form before them. President Brasco pointed out that Councillor Romard needs to choose a specific date to recess the hearing until. Councillor Romard stated that he believed the next Council meeting should be sufficient time. President Brasco reiterated the motion and the hearing be recessed until Monday, April 8, 2019 at 7:30p.m. On the motion to recess the hearing Councillor Logan made an amendment to the request to the Law Department. Roll call requested.

In favor: Diane LeBlanc, Logan, Romard

Opposed: Darcy, Fowler, Harris, LaCava, R. LeBlanc, Mackin, McLaughlin, McMenimen, Nabulime, Stanley, Vidal

Absent: None

Motion did not carry 3-11.

President Brasco continued the public hearing.

Joseph Connors, 404 Main St., Waltham, Attorney representing the petitioner, Middlesex Integrative Medicine, Inc. and Executive Park Realty Corp. spoke in favor of the petition. Heather Minticup, 181 Ballardvale, Wilmington, MA Traffic Engineer for MIM, Inc. spoke in favor of the petition.

Jose Rodriguez, 11 School Street, Waltham, spoke in opposition of the petition. Nancy Koury, 111 Flash Road, Nahant, spoke in opposition to the petition. Michael King, Massachusetts Family Institute, spoke in opposition to the petition. Dion Umusma, Sumner Street, Waltham spoke in a neutral position 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 Romard disclosed he had spoken with the petitioner last year when they began their Special Permit process. Councillor Romard asked questions to the petitioner. Councillors Logan, R. LeBlanc, Diane LeBlanc, McMenimen, Fowler, McLaughlin, Nabulime asked questions to the petitioner. Councillor Logan moved to recess once again the hearing until April 8, 2019 because the petitioner does not have the state license. Roll call requested.

In favor: Diane LeBlanc, Logan, McLaughlin, Romard

Opposed: Darcy, Fowler, Harris, LaCava, R. LeBlanc, Mackin, McMenimen, Nabulime, Stanley, Vidal

Absent: None

Motion did not carry 4-11.

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. Councillor Logan made a request to the Law Department to opine on. The motion was adopted on a voice vote and the matter was approved.

Communications from the Mayor

1. The Mayor respectfully requests approval of the land donation before 15 Keach Street. Referred to the Committee of the Whole.

2. The Mayor respectfully requests an appropriation in the amount of \$1,000,000 to fund the accelerated early site package for Waltham High School building project at 554 Lexington Street. Referred to the Committee of the Whole.

3. The Mayor respectfully an appropriation in the amount of \$20,000 from the Library State Aid account for educational supplies to meet the FY2019 materials budget requirement from the State. Referred to the Finance Committee.

4. The Mayor respectfully requests approval of the Year 45 Community Development Block Grant Program. Referred to the Economic and Community Development Committee.

5. The Mayor respectfully requests an area of Graverson Playground to be dedicated to Jack and Elinor Marcou and Mario Lituri. Referred to the Licenses and Franchises Committee.
6. The Mayor respectfully requests a transfer of funds in the amount of \$4,439 to establish and fund an account to pay the General Liability insurance premium for the property located at 554 Lexington Street. Referred to the Finance Committee.
7. The Mayor respectfully requests acceptance of a donation to the Housing Office of \$1,000 in gift cards for households in need to use as appropriate by the department. Referred to the Economic and Community Development Committee.
8. The Mayor respectfully requests an appropriation in the amount of \$10,500 to fund three months' rent of the two apartments located at 90 Chery Street for temporary housing of the firefighters while Moody Street Fire Station is under construction. Referred to the Finance Committee.
9. The Mayor respectfully requests an appropriation in the amount of \$39,500 to fund the major repairs of several small projects at the Library, Government Center, Senior Center and 27 Lexington Street. Referred to the Finance Committee.
10. The Mayor respectfully requests the appointment of Carol A. Patten, 149 Mallard Way, Waltham as a member of the Waltham Council on Aging to fill the vacancy of Barbara Salamone. Referred to the Committee of the Whole.
11. The Mayor respectfully requests an appropriation in the amount of \$705,000 from Unreserved Account to CPW for snow overtime, materials and equipment. Referred to the Finance Committee.

Applications & Licenses

Orders, Ordinances & Resolutions

- Arbor Day Resolution

The Clerk read the Resolution. Councillor Logan spoke on the matter. President Brasco referred the matter to the Committee of the Whole.

- Earth Day Resolution

The Clerk read the Resolution. Councillor Logan spoke on the matter. President Brasco referred the matter to the Committee of the Whole.

- Vietnam Veterans Day Resolution

The Clerk read the Resolution. Councillor Logan spoke on the matter. Councillor Logan made a motion to act on the matter without Committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor Logan moved approval of the Resolution. The motion was adopted on a voice vote and the matter was approved.

- Downtown Trash Receptacles Resolution

The Clerk read the Resolution. Councillor Logan spoke on the matter. Councillor Logan made a request to the Public Works Director. The motion was adopted on a voice vote and the matter was approved. The President pointed out the date is incorrect on the request. Councillor Logan moved to amend the request. The motion was adopted on a voice vote and the amendment was approved.

Councillor Logan moved approval of the amended request. The motion was adopted on a voice vote and the matter was approved. President Brasco referred the matter to the Public Works and Public Safety Committee.

- **General Ordinance Amendment Chapter 3 Article III Keeping of Hens**

The Clerk read the Ordinance. Councillor Darcy spoke on the matter. President Brasco referred the matter to the Ordinances and Rules Committee.

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the Fuel Storage License for Colbea Enterprises, LLC at 65 Main 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.

2. The Licenses and Franchises Committee recommends the Grant of Location at Grove 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.

Councillor Vidal moved to act collectively on matters #3-6. The motion was adopted on a voice vote and the matter was approved.

Councillor Vidal moved to approve on matters #3-6. The motion was adopted on a voice vote and the matter was approved.

3. The Licenses and Franchises Committee recommends the Lodging House renewal for Martin Reilly Realty Trust at 11-13 Walnut Street be approved.

4. The Licenses and Franchises Committee recommends the Lodging House renewal for Martin Reilly Realty Trust at 118-120 Robbins Street be approved.

5. The Licenses and Franchises Committee recommends the Lodging House renewal for Martin Reilly Realty Trust at 20-22 Adams Street be approved.

6. The Licenses and Franchises Committee recommends the Lodging House renewal for Martin Reilly Realty Trust at 44-46 Chester Street be approved.

Economic and Community Development

1. The Economic and Community Development Committee recommends the Watertown Transportation Management Association Resolution be approved. Councillor LaCava 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 Economic and Community Development Committee recommends the Wellington House Farm Land CPC application be approved. Councillor Lacava 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 Council Rule 43A – Mid Year Budget report be filed. 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 an appropriation in the amount of \$7,006 for the Disability Services Commission to fund numerous projects 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 the transfer in the amount of \$10,200.54 to purchase office furniture/equipment at the Senior Center 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 Resolution requesting public hearings at Government Center be referred to the Ordinances and Rules Committee. 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.
4. The Committee of the Whole recommends the Energy Code Voting Resolution be approved. 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. Councillor Logan made a request to send a copy of the Resolution to the Mayor's Office. The motion was adopted on a voice vote and the matter was approved.

Ordinances & Rules

1. The Ordinances and Rules Committee recommends that the Special Permit at 95 Moody Street be approved. Councillor McLaughlin moved that the action of the committee be the action of the Council. On the motion Councillor Logan spoke on the matter. Roll call required.

In favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, Nabulime, Stanley, Vidal

Opposed: McMenimen, Romard

Absent: None

Matter was approved 12-2

2. The Ordinances and Rules Committee recommends that the Special Permit Modification at 450 Totten Pond Road be denied. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required.

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

Opposed: None

Absent: None

Matter was approved 14-0

3. The Ordinances and Rules Committee recommends that the zoning amendment for affordable housing be approved as amended for a first reading. Councillor McLaughlin moved that the action of the committee be the action of the Council. On the motion Councillor McMenimen spoke on the

matter. She stated City Council Rule 30 was not followed in this matter. Councillor McMenimen stated she has a Resolution that has been on the Docket since November of 2017 relating to this same matter before the Council. President Brasco also noted that Rule 81 has not been followed relating to this matter. Councillor Logan spoke on the matter. Councillor Nabulime spoke on the matter. Councillor McMenimen spoke on the matter. Councillor Darcy spoke on the matter. The motion was adopted on a voice vote and the matter was approved for a first reading. Councillor McLaughlin moved to recommit the matter to the Ordinances and rules Committee.

4. The Ordinances and Rules Committee recommends that the zoning amendment for Smoke Shops be approved for a first reading. Councillor McLaughlin 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 McLaughlin moved to recommit the matter to the Ordinances and rules Committee.

5. The Ordinances and Rules Committee recommends that the order accepting Section 59 of Chapter 33 of the MGL 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, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley, Vidal

Opposed: None

Absent: None

Matter was approved 14-0

5. The Ordinances and Rules Committee recommends that the FY2019 Compensation Ordinance amendments the respect to the Commissioner of Consolidated Public Works be approved as amended for a second reading. Councillor McLaughlin 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. 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 for a third and final reading. Roll call required.

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

Opposed: Romard

Absent: None

Matter was approved 13-1

6. The Ordinances and Rules Committee recommends that the General Ordinance Amendment consolidating Public Works and Sewer and Water be approved as amended for a second reading. . Councillor McLaughlin 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. 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 for a third and final reading. Roll call required.

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

Opposed: None

Absent: None

Matter was approved 14-0

Long Term Debt and Capital Planning

1. The Long Term Debt and Capital Planning Committee recommends the sum of a loan order in the amount of \$3,849,500 for the planning and construction or reconstruction of surface drains and/or sewers, including infiltration/flow and other disposal improvements in area 1314B 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.

2. The Long Term Debt and Capital Planning Committee recommends a transfer in the amount of \$641,897.85 for the street resurfacing portion of the sewer improvement project of area 1314B West end 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.

3. The Long Term Debt and Capital Planning Committee recommends the appropriation of \$108,602.15 for the street resurfacing portion of the sewer improvement project of area 1314B West end 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.

Unfinished Business & Other Business

- CPC recommendation for CPA funds totaling \$50,000 for repairs at Stonehurst
Referred to the Long Term Debt and Capital Planning Committee

Councillor Logan moved to reconsider the minutes from the 2/25/2019 Executive Minutes meeting. The motion was adopted on a voice vote and the matter was approved. Councillor LaCava was not at the meeting and could not have approved the minutes. Councillor Logan moved approval of the minutes. The motion was adopted on a voice vote and the matter was approved.

Councillor Logan moved to reconsider the matter in Long Term Debt and Capital Planning matter. He should have been approved for a first reading. Councillor Logan moved approval for a first reading. The motion was adopted on a voice vote and the matter was approved. Councillor Logan moved to place matter on the table. The motion was adopted on a voice vote and the matter was approved.

Tabled Items

- Executive Session Minutes from 2/25/2019
- CPC application for \$3,000,000.00
- Mayor's veto on Order Nos. #34291, 34292, 34295
- Installation of a guard rail on the backside of Beal Road sidewalk

Councillor Logan moved to adjourn. President Brasco declared the meeting adjourned at 11:56p.m.
Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

March 29, 2019

Approved by the City Council: _____