

Waltham City Council  
Minutes of the Meeting of  
March 9, 2020

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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 Harris asked for a moment of silence for all of our troops serving around the world and for those supporting them, especially those that have made the ultimate sacrifice for our freedom.

Councillor McMenimen moved approval of the minutes of the Council meeting of February 24, 2020. The motion was adopted on a voice vote.

**Communications from the Mayor**

1. The Mayor respectfully requests an appropriation in the amount of \$20,000 from the Library State Aid Special Revenue account to the Library – Educational Supplies account to be used to meet the FY2020 materials budget requirement of the State. Referred to the Finance Committee.
2. The Mayor respectfully requests an appropriation in the amount of \$16,000 to fund the necessary upgrades and repairs to the fire suppression system for the gas pumps located in the City yard. Referred to the Finance Committee.
3. The Mayor respectfully requests acceptance of a gift in the amount of \$225,000 from 73 Pond Manager, LLC. This money in addition to the \$100,000 provided for the in the Comprehensive Permit Decision will be used for a traffic signal at Pond and Lexington Street. The Mayor is also requesting authorization to sign the Covenant and Agreement. Referred to the Finance Committee.
4. The Mayor respectfully requests a transfer and an appropriation of funds totaling \$686,447.80 to fund numerous public safety items for the Police Department. Referred to the Finance Committee.
5. The Mayor respectfully requests acceptance of various memorabilia items from Kathleen B. McMenimen. Referred to the Finance Committee.
6. The Mayor respectfully requests approval of two S.A.F.E. Grants in the amount of \$6,963 and \$2,930 from the Commonwealth of Massachusetts. Referred to the Finance Committee
7. The Mayor respectfully requests acceptance of a donation in the amounts of \$2,500 from the Duggan House. Referred to the Finance Committee.

**Late Filed Communication.**

The Mayor respectfully requests approval to sign an amended Regulatory Agreement. DHCD made changes. Councillor McMenimen moved to accept the late filed communication. The motion was adopted on a voice vote. Councillor McMenimen moved to suspend the rules and act upon the matter

without committee reference. The motion was adopted on a voice vote. Councillor McMenimen moved approval of the Mayor's request. A vote was taken by a call of the roll.

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

Opposed: None

Absent: None

Presiding: Brasco.

Matter was approved 14-0.

### **Applications & Licenses**

- Secondhand Dealers License renewal – 251 High Street – Classic Cars Inc. Referred to the Licenses and Franchises Committee.

### **Orders, Ordinances & Resolutions**

Robert Kelly Resolution

The Clerk read the Resolution. Councillor O'Brien who co-sponsored the Resolution with Councillor LaFauci, praised former Councillor Robert Kelly for his accomplishments and moved to suspend the rules to hear from Mr. Kelly. The motion was adopted on a voice vote. Robert Kelly addressed the Council and thanked the Council for the recognition. Mayor McCarthy who was present also offered words of congratulation. Councillor O'Brien moved to suspend the rules to act upon the matter without committee reference. The motion was adopted on a voice vote. Councillor O'Brien moved approval of the Resolution. The motion was adopted on a voice vote.

### **Committee Reports**

#### **Licenses & Franchises**

1. The Licenses and Franchises Committee recommends the lodging house renewal at 415 South St. North Quad – Brandeis University be approved. Councillor Mackin recused herself on items 1 through 6. Councillor Vidal moved to act on items 1 through 6 collectively. The motion was adopted on a voice vote. Councilor Vidal moved that the action of the Committee be the action of the Council with respect to items 1 through 6. The motion was adopted on a voice vote and the lodging house licenses (items 1 through 6) were approved.
2. The Licenses and Franchises Committee recommends the lodging house renewal at 415 South St. Massell Quad – Brandeis University be approved. Items 1 through 6 approved collectively.
3. The Licenses and Franchises Committee recommends the lodging house renewal at 415 South St. The Villages – Brandeis University be approved. Items 1 through 6 approved collectively.
4. The Licenses and Franchises Committee recommends the lodging house renewal at 415 South St. Sky Line – Brandeis University be approved. Items 1 through 6 approved collectively.
5. The Licenses and Franchises Committee recommends the lodging house renewal at 415 South St. Rosenthal Dorms – Brandeis University be approved. Items 1 through 6 approved collectively.
6. The Licenses and Franchises Committee recommends the lodging house renewal at 415 South St. Ridgewood – Brandeis University be approved. Items 1 through 6 approved collectively.

7. The Licenses and Franchises Committee recommends the Grant of Location for Nationalgrid at 221 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.
8. The Licenses and Franchises Committee recommends the Grant of Location for Nationalgrid at 581 Lincoln 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.
9. The Licenses and Franchises Committee recommends the Grant of Location for Nationalgrid at 713 south 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.
10. The Licenses and Franchises Committee recommends the Fuel Storage application for American Tower at 110 Bear Hill Road 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.
11. The Licenses and Franchises Committee recommends the Secondhand Dealers license renewal for The Tool Shed at 471 Main St. 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.
12. The Licenses and Franchises Committee recommends the Secondhand Dealers license renewal for Play it Again Sports, LLC at 108-C River St. 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.
13. The Licenses and Franchises Committee recommends the Secondhand Dealers license renewal for Marcou Jewelers at 318 Moody St. 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.

### **Ordinances and Rules**

1. The Ordinances and Rules Committee recommends the ordinance amendment for Convenience Food Store at Gas Stations Parking Requirements 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. Councillor McLaughlin moved to recommit the matter. The motion was adopted on a voice vote.

### **Finance**

1. The Finance Committee recommends the appropriation in the amount of \$27,900 to perform major repair projects including window replacement at three fire stations, rug replacement in the Veterans Department and Government Center gym cleaning 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.

### **Public Works and Public Safety**

1. The Public Works and Public Safety Committee recommends the 17-25 street opening at 54 Albemarle Road 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.

### **Committee of the Whole**

1. The Committee of the Whole recommends the Charles River Canoe and Kayak section 10A permit to cleat a temporary seasonal dock 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 Committee of the Whole recommends the transfer of care, custody and control of parcel R 032 005 0038 known as 131R Lincoln St., Waltham (+/-) six acres to the Waltham School Committee and Waltham School Department for educational use and purposes associated with educational uses be approved with conditions. Councillor McMenimen moved that the action of the Committee be the action of the Council. On the motion, Councillor Dunn questioned how a vote could be taken without information that had been requested but not yet received. Councillor Dunn moved to table the matter. A vote was taken by a call of the roll.

In Favor: Darcy, Dunn and Vidal.

Opposed: Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz and Stanley.

Absent: None

Presiding: Brasco.

Motion to Table Failed 3-11.

Councillor Dunn made a request that a public hearing be held for the abutters and residents of Ward 2 and all interested citizens. On the motion, Councillor LaCava indicated that it was wrong to suggest that those who were not present for a recent the site visit at Jericho Hill were not familiar with the property. Councillor O'Brien spoke about the sites that had been considered for the new high school and the process leading up to the selection of the current site. He stated that the vote before the Council (transfer of Jericho Hill) will allow the city more options and more flexibility.

Councillor Dunn's request for a public hearing failed on a voice vote and a roll call was requested.

In Favor: Darcy, Dunn Harris, LaCava, LeBlanc, Stanley and Vidal.

Opposed: Durkee, LaFauci, Mackin, McLaughlin, McMenimen, O'Brien, Paz and Brasco.

Absent: None.

Request for Hearing Failed 7-8.

On the main motion, Councillor LaCava expressed his support for open space and indicated that he was in support of the request to avoid further delays in the project. Councillor Vidal expressed his opposition to the request and his support for maintaining Jericho Hill as open space. Councillor LeBlanc indicated that the new high school would provide needed vocational education and expressed his support for open space preservation. Councillor LeBlanc made a Request that the Mayor deed restrict 6 acres of open space if Jericho Hill is used by the School Committee. The Request was adopted on a voice vote. Councillor Stanley expressed support for the recommendation of the Committee of the Whole and expressed his long term commitment to open space acquisition and preservation as a Councillor and State Representative. Councillor Paz expressed his support for education and the high school project. Councillor Harris stated that the debate was not open space versus education. She pointed out that failure to vote on the request to transfer the Jericho Hill property would jeopardize the state funding. She pointed out that the vote to transfer the property would be the beginning of a process not the end. Councillor Mackin indicated that she didn't like either option before the Council but that children and education must be put first. Councillor Darcy spoke about the history of the Jericho Hill acquisition and the features of the property and asked for its protection. Councillor LaFauci expressed support for education and the children and the need for the

adults to find common ground. He indicated that the property is zoned conservation/recreation and the proposed use of the property as a soccer field is a recreational use. A vote was taken by a call of the role.

In Favor: Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz and Stanley.

Opposed: Darcy, Dunn and Vidal.

Absent: None.

Presiding: Brasco.

Matter was approved 11-3.

Councillor McMenimen indicated that the Committee of the Whole had recommended approval of the City Council Budget for Fiscal Year 2021, but that the item did not appear on the docket.

President Brasco declared a brief recess.

President Brasco called the meeting back to order and recognized Councillor McMenimen who moved approval of the City Council Fiscal Year 2021 Budget. She indicated that output measures would be added to the Budget by the Clerk's Office. The motion to approve the Budget was adopted on a voice vote and the matter was approved.

President Brasco announced that Waltham High School would be competing against Brookline High School on the WGBH program *High School Quiz Show*, and urged everyone to watch the program which would air on March 15, 2020.

President Brasco declared a brief recess.

President Brasco called the meeting back to order and recognized Councillor LaCava who moved to discharge from the Finance Committee the Mayor's Communication (item 3 under Communications from the Mayor) regarding the \$225,000 gift from Pond Street Manager, LLC as the matter was time sensitive. The motion was adopted on a voice vote. Councillor LaCava moved approval of the Mayor's request. A vote was taken by a call of the roll. In Favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: None.

Presiding: Brasco.

Matter was approved 14-0.

Councillor McMenimen moved to adjourn. The motion was adopted on a voice vote and President Brasco declared the meeting adjourned at 8:46 p.m.

Respectfully submitted by:

Robert J. Waddick

City Clerk

April 2, 2020

Approved by the City Council: April 13, 2020