

Waltham City Council  
Minutes of the Meeting of  
October 25, 2021

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

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

Absent: Dunn and Paz.

City Clerk Waddick 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 military that have served past and present.

Councillor McMenimen moved approval of the 10/12/2021 regular meeting minutes. The motion was adopted on a voice vote and the matter was approved.

The City Clerk read Rule 86.

The first public hearing: Grant of Location at Winter Street

Councillor LaFauci moved to recess the public hearing until 11/8/2021 at 7:30 p.m.

The motion was adopted by a voice vote and the matter was approved.

The second public hearing: Grant of Location at River & Seyon Streets

Councillor LaCava moved to recess the public hearing until 11/8/2021 at 7:30 p.m.

The motion was adopted by a voice vote and the matter was approved.

The third public hearing: Special Permit at 840 Winter Street for Alexandria Real Estate Equities, Inc.

Michael Connors, Esq., 689 Main Street, Waltham of Connors & Connors, LLC, representing the petitioner spoke in favor of the petition. Paul Pavone, representing the Laborers Union spoke in favor of the petition. One person stood in favor of the petition. With no one else in support and no one 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. Councillors LaFauci and LeBlanc asked questions. Attorney Connors and Tim White, of Alexandria Real Estate Equities, Inc. answered questions from Councillors. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Brasco referred the matter to the Ordinances and Rules Committee.

**Communications from the Mayor**

1. The Mayor respectfully requests the reappointment of Michael Russo, 85 Mallard Way, Waltham, as Director of Veterans' Services & License Commission Assistant for a three-year term expiring November 12, 2022. Referred to the Committee of the Whole.

2. The Mayor respectfully requests the reappointment of Robert Waters, 501 Lexington Street, Waltham, as Supervisor of Housing for a three-year term expiring February 29, 2024. Referred to the Committee of the Whole.

3. The Mayor respectfully requests the use of American Rescue Plan Act (ARPA) funds that have been allotted to the City of Waltham to fund the sewer replacement and drain reconstruction project on Jennings Road. Referred to the Finance Committee.

4. The Mayor respectfully requests funding in the amount of \$54,000 to perform environmental services needed at the UMass Field Station property located at 240 Beaver Street. Referred to the Finance Committee.

5. The Mayor respectfully requests review of the environmental report relating to the property located at 200 Moody Street. Referred to the Committee of the Whole

6. The Mayor respectfully requests approval of a transfer in the amount of \$24,000 for environmental services for the property located at 230-234 Moody Street. Councillor LaCava moved to suspend the rules to act on the matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor LaCava moved to suspend the rules to hear from off Council members, Assistant City Solicitor Luke Stanton and Environmental Specialist, Sheryl Waddick. The motion was adopted by a voice vote. Attorney Waddick answered questions from Councillors LaCava, LeBlanc and Mackin. Attorney Stanton was not present. Councillor LaCava moved approval of the matter. Roll call requested. In favor: Darcy, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, O'Brien, Stanley and Vidal.

Opposed: McMenimen.

Absent: Dunn and Paz.

Presiding: Brasco.

Matter was approved 11-1.

### **Applications and Licenses**

All Licenses and referred to the Licenses and Franchises Committee.

- Renewal for extended hours' license – 34-36 Elm street – Despensa Familiar, Inc.
- Renewal for Class 1 license – 85 Linden Street – Aston Martin of New England Lotus Motorsports, Inc.,
- Renewal for Class 2 license – 251 Lexington Street – Boston Muffler & Brake Co. Inc.
- Renewal for Class 2 license – 215 Lexington Street – JBM Properties LLC
- Renewal for Class 2 license – 50 Thayer Road – Hull Corporation Inc.
- Renewal for Class 2 license – 53 Felton Street – Pilgrim Auto Body, Inc.

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

- Kyle Schwarber Resolution

City Clerk Waddick read the Resolution. Councillor LaCava spoke on the Resolution.

Councillor LaCava moved 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 matter. The motion was adopted by a voice vote and the Resolution was approved

### **Committee Reports**

## **Licenses & Franchises**

1. The Licenses & Franchises Committee recommends the renewal of an extended hours' license for Morley Doughnuts, Inc. -859 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 matter was approved.

Councillor Vidal moved to suspend the rules and act on the matters #2-7 collectively. The motion was adopted by a voice vote and matter was approved. Councillor Vidal moved approval of #2-7. The motion was adopted by a voice vote and matter was approved.

2. The Licenses & Franchises Committee recommends the renewal of an extended hours' license for Samdough, Inc. – 591 Moody Street be approved.

3. The Licenses & Franchises Committee recommends the renewal of an extended hours' license – Waltham Fuel Inc. – 1335 Main Street be approved.

4. The Licenses & Franchises Committee recommends the renewal of an extended hours' license – CVS Pharmacy #114 – 12 Harvard Street be approved.

5. The Licenses & Franchises Committee recommends the renewal of an extended hours' license – 7-Eleven #37504A – 591 Moody Street be approved.

6. The Licenses & Franchises Committee recommends the renewal of an extended hours' license – Burger King – 881 Moody Street be approved.

7. The Licenses & Franchises Committee recommends the renewal of an extended hours' license – Dragon Chef – 677 Moody Street be approved.

Councillor Vidal moved to suspend the rules and act on the matters #8-13 collectively. The motion was adopted by a voice vote and matter was approved. Councillor Vidal moved approval of #8-13. The motion was adopted by a voice vote and matter was approved.

8. The Licenses & Franchises Committee recommends the renewal of a class 2 license – DW Enterprises, Inc. – 712 Moody Street be approved.

9. The Licenses & Franchises Committee recommends the renewal of a class 2 license – Sideris Automotive Services, Inc. – 103 Felton Street be approved.

10. The Licenses & Franchises Committee recommends the renewal of a class 2 license – P.P.A., Inc. – 44 Charles Street be approved.

11. The Licenses & Franchises Committee recommends the renewal of a class 2 license – Pilicy Auto & Yacht Inc. – 935R Main Street be approved.

12. The Licenses & Franchises Committee recommends the renewal of a class 2 license – Absolute Auto Sales – 50 River Street be approved.

13. The Licenses & Franchises Committee recommends the renewal of a class 2 license – Newton Street Services, Inc. – 225 Newton Street be approved.

### **Committee of the Whole**

1. The Committee of the Whole recommends the confirmation of the reappointment of Paul G. Centofanti, 17 Wilton Street, Waltham as City Auditor for a five-year term expiring February 28, 2026. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: Dunn and Paz.

Matter was approved 13-0.

2. The Committee of the Whole recommends the confirmation of the reappointment of Robert McGovern, 74 Bruce Road, Waltham, as Assessor for a three-year term expiring January 21, 2024. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: Dunn and Paz.

Matter was approved 13-0.

3. The Committee of the Whole recommend the confirmation of the reappointment of Donald Aucoin, 48 Rosewood Drive, Waltham as IT Director for a three-year term expiring February 29, 2024. Councillor McMenimen moved that the action of the Committee be the action of the Council. On the motion Councillor Mackin spoke on the matter. Roll call.

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

Opposed: Mackin.

Absent: Dunn and Paz.

Matter was approved 12-1.

4. The Committee of the Whole recommends the confirmation of the reappointment of Thomas J. Magno, 68 Raffaele Drive, Waltham, as City Treasurer for a three-year term expiring February 29, 2024. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: Dunn and Paz.

Matter was approved 13-0.

### **Finance**

1. The Finance Committee recommends an appropriation totaling \$2,269,057.10 plus interest income earned for October 2021 to fund the low bid for the Piety Corner construction project and an approximately 4.5% construction contingency 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 acceptance of a gift from Brian Bower of a 9/11 mural to the Waltham Fire Department 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 a transfer totaling \$120,000 to fund tasks 1-3 of the design services contract for improvements to Parcel 1 at the Fernald property. Councillor McMenimen recused herself. 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 a loan authorization totaling \$315,000 to fund tasks 4-6 of the design services contract for improvements to Parcel 1 at the Fernald property be approved for a first reading. Councillor McMenimen recused herself. 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 for a first reading. Councillor LaCava moved to table the matter. The motion was adopted by a voice vote.
5. The Finance Committee recommends an appropriation of \$5,139.91 for the Disability Services Commission to fund handicap projects within the City 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**

- Installation of sidewalks and speed limit petition for Willow Street  
Referred to the Public Works and Public Safety Committee.
- Special Permit Modification for Bishops Forest  
Referred to the Ordinances and Rules Committee.
- Request for executive session from the Law Department  
Councillor McMenimen moved to table the matter. The motion was adopted by a voice vote and matter was tabled.

#### **Tabled Items**

- The Ritcey Award
- 9/27/2021 executive session – real estate acquisition minutes  
Councillor McMenimen moved to take the matter off of the table. The motion was adopted by a voice vote and the matter was approved. Councillor McMenimen moved approval of the 9/27/2021 executive session – real estate acquisition minutes. The motion was adopted by a voice vote and the matter was approved. Councillor McMenimen made a request that was approved by a voice vote to send the minutes to the Law Department for review. The motion was adopted by a voice vote and the request was approved.

- 9/27/2021 executive session – litigation minutes.

Councillor McMenimen recused herself. Councillor McLaughlin moved to take the matter off of the table. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the 9/27/2021 executive session – litigation minutes. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin made a request that was approved by a voice vote to send the minutes to the Law Department for review. The motion was adopted by a voice vote and the request was approved.

- Loan authorization in the amount of \$720,000 to replace Engine 7 (first reading 10/12/2021)

Councillor LaFauci moved to take the request for executive session off of the table. The motion was adopted by a voice vote and the matter was approved. Councillor LaFauci moved to suspend the rules to hear from off Council member, Michelle Learned, Assistant City Solicitor. The motion was adopted by a voice vote and the matter was approved. Councillor LaFauci moved to convene in executive session for the purpose of discussing pending litigation and that Clerk Waddick act as Clerk of the executive session, that Assistant City Clerk Vizard and Assistant City Solicitor Learned attend and that the Council reconvene in open session upon adjournment. Councillors LaCava and LeBlanc recused themselves. Roll call.

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

Opposed: None.

Recused: LaCava and LeBlanc.

Absent: Dunn and Paz.

Presiding: Brasco.

Matter was approved 10-0.

Council convened in executive session at 8:18 p.m.

Council reconvened in open session at 9:52 p.m.

Councillor LaFauci moved to adjourn. The motion was adopted by a voice vote. Council President Brasco declared the meeting adjourned at 9:53 p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant to the City Clerk

October 27, 2021

### **Rule 58** **For Informational Purposes Only**

- Mayors communication regarding Group II – Social Services Departments