

Waltham City Council  
Minutes of the Meeting of  
April 8, 2019

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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

Board of Survey and Planning

Present: Board Members Barrett, Callahan, Duffy, DeVito, Moroney

Absent: Creonte, Tarallo

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

Councillor Diane LeBlanc moved to suspend the rules and take a matter out of order. The motion was adopted on a voice vote and the matter was approved. Councillor Diane LeBlanc asked for the Autism Awareness Resolution to be read. The Assistant City Clerk read the Resolution. Councillor Diane LeBlanc spoke on the Resolution. Councillor Diane LeBlanc made a motion to suspend the rules to hear from an off committee member. The motion was adopted on a voice vote and the matter was approved. Julie Carvelli, representing the autistic awareness community, spoke on the matter. Councillor LeBlanc 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 LeBlanc moved approval of the Resolution. The motion was adopted on a voice vote and the matter was approved. Members of Ms. Carvelli's Family gaveled in the Resolution.

Councillor McMenimen moved approval of the City Council minutes from 3/25/2019. The motion was adopted on a voice vote and the matter was approved.

The Assistant City Clerk read Rule 86.

The Assistant City Clerk read the first public hearing: Zoning Amendment with Article II Section 2.314A Convenience Food Stores

Joseph Connors, Attorney for 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 on the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Fowler, Diane LeBlanc, Logan, Vidal, Harris, Vidal, Romard, McMenimen, and Board Member Moroney 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. Board Member Callahan noted the Board of Survey and Planning would be meeting immediately after the close of this hearing in the Hoover Room to discuss the matter.

President Brasco moved to recess for one minute.

The Assistant City Clerk read the second public hearing: Fuel Storage Permit at 962 Main Street

Steve Pedro, Ayova Engineering in Pawtucket Rhode Island, 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. Councillors Vidal, McLaughlin, LaCava, Mackin, McMenimen, Fowler and Romard 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 Licenses and Franchises Committee.

The Assistant City Clerk read the third public hearing: 17-25 at Trapelo Road and Christopher Road Steve Casazza, Director of Engineering for the City of Waltham, 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. Councillors Randy LeBlanc, Vidal and Darcy asked questions to the Director of Engineering and spoke on the matter. With no additional Councillors asking questions and no one speaking in rebuttal, President Brasco closed the public hearing. Councillor Darcy 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 Darcy moved approval of the matter. Roll call requested. In favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley, Vidal and Brasco  
Opposed: None  
Matter was approved 15-0

The Assistant City Clerk read the fourth public hearing: Special Permit at 140 Fourth Avenue Jack Mula, of Waltham, representing the petitioner Anchor Line Partners, 1 Post Office Square, Boston, MA 02109, 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 on the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. President Brasco reiterated City Council Rule 85 to the Council. Councillors Romard, Logan, Vidal, McMenimen, asked questions of the petitioner and Mr. Paul Finger, 14 Spring Street, Waltham, representing 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.

### **Communications from the Mayor**

1. The Mayor respectfully requests the opportunity for the City Auditor to present the FY2018 Independent Audit Report to the Finance Committee for their review at Committee meeting to be held on May 6, 2019. Referred to the Finance Committee
2. The Mayor respectfully recommends that the city owned property at 102 Trimount Avenue be put out to bid or auction by the City Treasurer and Purchasing Agent, similar to what was done with the Charles Street property. Referred to the Committee of the Whole
3. The Mayor respectfully requests the assurances of the City Council to MassDOT and the Federal Highway Administration (FHWA) that the City of Waltham intends to mandate the relocation of utilities attached and acquire the real estate to accommodate these infrastructure improvements and to have this matter acted upon without committee reference. Councillor Mackin rose 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 Mackin moved approval of the Order. On the motion Councillor Diane LeBlanc had questions for the Mayor. The Mayor not available at this time. Councillor Mackin

moved to table the matter on the Council floor. The motion was adopted on a voice vote and the matter was tabled.

4. The Mayor respectfully requests an appropriation in the amount of \$77,400 from Unreserved Fund Balance to award the lowest qualified bid for the environmental remediation of the Fernald Greenway. Referred to the Fernald Use Committee.

5. The Mayor respectfully requests the confirmation of the appointment for Carol F. Watts, 23 Keach Street, Waltham as a member of the Council on Aging to fill a vacancy due to Angie Mullaney's resignation. Referred to the Committee of the Whole

6. The Mayor respectfully requests an appropriation in the amount of \$160,917.50 to fund the purchase of the playground equipment for the Whittemore School. Referred to the Finance Committee

7. The Mayor respectfully requests an appropriation in the amount of \$35,000 to purchase a new field groomer for the CPW Parks Division. Referred to the Finance Committee

8. The Mayor respectfully requests a transfer of funds in the amount of \$40,000 to pay the anticipated additional cost for the disposal of street sweepings for the remainder of FY2019. Referred to the Finance Committee

9. The Mayor respectfully requests a transfer in the amount of \$790 to purchase four training tables for the conference room at City Hall. Referred to the Finance Committee

10. The Mayor respectfully requests approval of a loan authorization in the amount of \$1,800,000 for the construction and equipment for the improvements to Bobby Connors Playground. Referred to the Long Term Debt and Capital Planning Committee.

11. The Mayor respectfully requests approval of an abandonment of the surplus portion of a construction easement at 42 Gregory Street. Referred to the Committee of the Whole.

12. The Mayor respectfully requests authorization to sign a Memorandum of Agreement between the City of Waltham and UMass. Councillor Randy LeBlanc recused himself. Councillor McLaughlin spoke on the matter. 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 to approve the matter. Roll call requested. On the motion Councillors Darcy, Stanley, Logan, Fowler and Romard spoke on the matter.

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

Opposed: Nabulime

Recused: Randall LeBlanc

Presiding: Brasco

Matter was approved 12-1

13. The Mayor respectfully requests acceptance of a grant in the amount of \$100,000 from the Massachusetts Rehabilitation Commission (ADA). Referred to the Finance Committee. Councillor Diane LeBlanc made a request have the Chair of the Disability Services Commission attend the next Finance Committee to discuss. The motion was adopted on a voice vote and the matter was approved. Councillor Diane LeBlanc made a request have the Director of Human Resources provide the

members of the Committee with a copy of the City's ADA Transition Plan before the next Finance Committee to discuss. The motion was adopted on a voice vote and the matter was approved

### **Applications & Licenses**

All matter referred to eh Licenses and Franchises Committee

1. Lodging House renewal – 6 Park Place – Charles, Matthew & Marc Pintabone
2. Lodging House renewal – 26 Myrtle Street – Michael Cotton
3. Chairs and Tables on Sidewalk renewal – 367 Moody Street – Miriam Benitez

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

- Autism Awareness Resolution (Out of Order)
- Recreation Department Disability Resolution

The Assistant City Clerk read the Resolution. Councillor Diane LeBlanc made a request to have the Director of Recreation to attend the Economic and Community Development Committee to discuss. The motion was adopted on a voice vote and the matter was approved. Matter was referred to the Economic and Community Development Committee.

- Lyons Club Flag Drive Resolution

The Assistant City Clerk read the Resolution. Councillor Randy LeBlanc spoke on the matter. Resolution referred to the Veterans Services Committee.

- Handicap Raised Garden Resolution

The Assistant City Clerk read the Resolution. Councillor Randy LeBlanc spoke on the matter. Councillor Diane LeBlanc spoke on the matter. Referred to the Veterans Services Committee

- Exempt Municipal Projects from Zoning Resolution

The Assistant City Clerk read the Resolution. Councillor Randy LeBlanc spoke on the matter. Resolution referred to the Ordinances and Rules Committee.

- Waive Attorney-Client Privilege on 49 Answers Resolution

The Assistant City Clerk read the Resolution. Councillor Mackin spoke on the matter asking to release the forty-nine (49) answers submitted by public regarding marijuana ordinance to the public. Referred to the Ordinances and Rules Committee. Councillors Logan and Vidal spoke on the matter.

### **Committee Reports**

#### **Licenses and Franchises**

1. The Licenses and Franchises Committee recommends the Extended Hours permit for DKD Inc., dba Veronica's at 1074 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.

Councillor Vidal moved to act on matters numbered two through four collectively. The motion was adopted on a voice vote and the matter was approved. Councillor Vidal moved approval of matters numbered two through four. The motion was adopted on a voice vote and the matter was approved.

2. The Licenses and Franchises Committee recommends the Secondhand Dealers License renewal for Marcou Jewelers at 318 Moody Street be approved.

3. The Licenses and Franchises Committee recommends the Secondhand Dealers License renewal for The Toolshed at 471 Main Street be approved.

4. The Licenses and Franchises Committee recommends the Secondhand Dealers License renewal for Gamestop #7772 at 1019 Trapelo Road be approved.

5. The Licenses and Franchises Committee recommends the portion of Graverson Playground to be dedicated to Jack and Elinor Marcou and 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 portion of Graverson Playground to be dedicated to Mario Lituri be approved. Councillor Vidal moved that the action of the committee be the action of the Council. On the motion Councillor LaCava rose to speak on the matter. Roll call requested.

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

Opposed: None

Matter was approved 15-0

### **Economic and Community Development**

1. The Economic and Community Development Committee recommends the acceptance of a donation for \$1,000 in gift cards to the Housing Department for use as they see fit be approved. 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.

2. The Economic and Community Development Committee recommends the Year 45 Community Development Block Grant Program be approved. 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.

### **Finance**

1. The Finance Committee recommends the 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 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 an appropriation in the amount of \$10,500 to fund three months rents of the two apartments located at Cherry Street for temporary housing while the Moody Street Fire Station is under construction 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 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 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.

4. The Finance Committee recommends an appropriation in the amount of \$705,000 from the Unreserved Account to CPW for snow overtime, materials and equipment 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.

5. The Finance Committee recommends 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 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 Municipal Electricity Aggregation Plan Default Rate at 10% 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.

2. The Committee of the Whole recommends the Municipal Electricity Aggregation Plan 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.

3. The Committee of the Whole recommends the appropriation of \$1,000,000 to fund the accelerated early site package for Waltham High School building project at 554 Lexington Street be approved. On the motion Councillor Fowler spoke on the matter. Councillor Fowler moved to make a condition on the order to have the schools put on their School and City website and social media outlets put a schedule on their website to keep the public informed. On the condition Councillors Mackin, McMenimen, Stanley, Diane LeBlanc, Logan, Romard, Vidal, McLaughlin and Fowler spoke on the matter. Roll call requested.

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

Opposed: None

Absent: None

Condition on the Order was approved 15-0

Councillor Logan moved approval of the \$1,000,000 with conditions be approved.

Roll call requested.

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

Opposed: None

Matter was approved 15-0

4. The Committee of the Whole recommends the confirmation of the appointment of Carol A. Patten, 149 Mallard Way, Waltham, as a member of the Waltham Council on Aging be approved. Councillor Logan 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 and Brasco

Opposed: None

Matter was approved 15-0

5. The Committee of the Whole recommends the Arbor Day 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.

6. The Committee of the Whole recommends the Earth Day 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.

7. The Committee of the Whole recommends the FY2020 City Council budget request 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.

### **Ordinances & Rules**

1. The Ordinances and Rules Committee recommends that the Resolution regarding Hearings at Government Center be approved as amended. 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.

2. The Ordinances and Rules Committee recommends that the General Ordinance Amendment Chapter 3 Article III Keeping of Hens 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 to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was recommitted to Committee.

3. The Ordinances and Rules Committee recommends that the Draft FOG Ordinance 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 to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was recommitted to Committee.

4. The Ordinances and Rules Committee recommends that the Special Permit at 415 South Street for wireless communication equipment be approved. Councillor Mackin recused herself. 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, McLaughlin, McMenimen, Nabulime, Romard, Stanley and Vidal

Opposed: None

Recused: Mackin

Presiding: Brasco

Matter was approved 13-0

### **Long Term Debt and Capital Planning**

1. The Long Term Debt and Capital Planning Committee recommends the CPC recommendation for CPA funds totaling \$50,000 for repairs at Stonehurst 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.

### **Fernald Use**

The Fernald Use Committee recommends the Fernald Front Lawn Resolution be approved. Councillor McMenimen recused herself. 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 Mackin moved to take the Mayor's communication regarding the MassDOT off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor Mackin noted the Mayor was still not available to talk on the matter. She believes and it an important matter that needs approval ASAP and wanted to go ahead and approve the matter without hearing from the

Mayor. Councillor Diane LeBlanc spoke on the Mayor and expressed reservations about going ahead without hearing from the Mayor. Councillor Romard spoke on the matter. Councillor Logan spoke on the matter. Councillor Logan made a motion to table the matter. Roll call requested.

In favor: Fowler, LeBlanc, Diane, Logan, Romard and Vidal

Opposed: Darcy, Harris, LaCava, LeBlanc, Randall, Mackin, McLaughlin, McMenimen and Nabulime

Presiding: Brasco

Motion failed 5-9.

Councillor Stanley spoke on the matter. Councillor Fowler spoke on the matter. Councillor Mackin made a request to ask the Mayor to send the original documentation and communication relating to this matter. Councillor Romard added a friendly amendment to note each property owner and the status on each one. The motion was adopted on a voice vote and the request was approved.

Councillor Mackin spoke again on the matter. Councillor Mackin moved approval of the matter. On the motion Councillors D. LeBlanc, Romard, Stanley and McLaughlin spoke on the matter.

Roll call required.

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

Opposed: Romard and Vidal

Presiding: Brasco

Matter was approved 12-2

### **Unfinished Business & Other Business**

- Minor Modification to Special Permit #26408 at 100 Winter Street

Referred to the Ordinances and Rules Committee

- Request for Letter of Support or Non Opposition from petitioner, Middlesex Integrative Medicine, Inc.

Referred to the Ordinances and Rules Committee

### **Tabled Items**

- Loan order in the amount of \$3,849,500 for work to be done in area 1314B (tabled 3/25/2019)

- CPC application for \$3,000,000.00

Councillor McLaughlin moved to take the matter off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen recused herself. Councillor McLaughlin moved approval of the matter. On the motion Councillors Stanley, Logan, Fowler, Darcy, D. LeBlanc all spoke on the matter. Councillor Brasco gave the chair to Councillor Logan and spoke on the matter. Councillor Nabulime spoke on the matter. Roll call requested.

In favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, McLaughlin, Mackin and Nabulime

Opposed: Logan, Romard, Stanley, Vidal and Brasco

Recused: McMenimen

Matter was approved 9-5

- 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 11:32p.m.

Respectfully submitted by:



Kara Wilson  
Executive Assistant of the City Clerk  
April 17, 2019  
Approved by the City Council: \_\_\_\_\_