

Waltham City Council  
Minutes of the Meeting of  
September 28, 2020

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

**Call of the Roll**

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

Absent: Dunn and Paz.

The City Clerk 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 our military that have served past and present.

Councillor McMenimen moved approval of the minutes of the meeting of 9/14/2020. The motion was adopted on a voice vote and the minutes were approved.

The City Clerk read Rule 86.

First public hearing: Grant of location at Bacon & Emery Streets for Nationalgrid  
Mary Mulrone, 201 Rivermoor St., West Roxbury, MA representing the petitioner Nationalgrid, spoke in favor of the petition. With no one else in support and no one else in opposition and no one else 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 Vidal asked questions. With no additional asking questions, President Brasco closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Second public hearing: Fuel storage license at 790 Main Street  
Huseyin Sevincgil, 44 Stiles Road, Salem, MA from GPI spoke in favor of the petition. With no one else in support and no one else in opposition and no one else 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 LaCava asked questions. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Third public hearing: 17-25 at 520 Main Street  
Mark Resneck, Mt. Vernon St., Waltham, the petitioner, spoke in favor of the petition. Shaun Kelly of VAI spoke in favor of the petition. Susan Grubbs, 25 Cross Street, Waltham spoke in a neutral capacity on the petition. With no one else in support and no one else in opposition and no one else 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 LaCava, LeBlanc and McMenimen asked questions. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Public Works and Public Safety Committee.

**Communications from the Mayor**

1. The Mayor respectfully requests acceptance of a gift certificate in the amount of \$250 to Despensa Familiar from Michael R. Connors, Esq. to be used for those in need during the COPVID-19 pandemic. Referred to the Finance Committee.

2. The Mayor respectfully requests the approval of the appointment of Matthew W. Deveau of 182 Harrington Road as a member of the Conservation Commission to fill a vacancy. Referred to the Committee of the Whole.

3. The Mayor respectfully requests the approval of the appointment of Wayne Keefner, 40 Summit Street as a member of the Board of Survey and Planning to fill a vacancy. Referred to the Committee of the Whole.

## **Applications and Licenses**

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

- Support of the First Amendment of the Constitution Resolution

The City Clerk read the Resolution. Councillors Vidal, Durkee and O'Brien spoke on the Resolution. President Brasco referred the matter to the Committee of the Whole.

### **Committee Reports**

#### **Economic and Community Development**

1. The Economic and Community Development Committee recommends the South Side Dog Leash Park Resolution be filed. Councillor Harris moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the Resolution was filed.

2. The Economic and Community Development Committee recommends the Bike Rack Resolution be filed. Councillor Harris moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the Resolution was filed.

Councillor Harris moved to discharge the Management of COVID -19 Resolution from Committee. The motion was adopted on a voice vote and the matter was approved. Councillor Harris moved to request that the Housing Director Mr. Waters and the Health Director Ms. Feeley attend the next Committee meeting to discuss eviction implications in our city. The motion was adopted on a voice vote and the matter was approved. Councillor Harris moved to recommit the matter. The motion was adopted on a voice vote and the matter was approved.

### **Licenses and Franchises**

1. The Licenses and Franchises Committee recommends the grant of location for Nationalgrid on Jennings Rd., Woodland Ave., Prospect Hill Rd., and Upland Rd 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 the matter was approved.

2. The Licenses and Franchises Committee recommends the fuel storage license at 143 Worcester Lane 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 the matter was approved.

3. The Licenses and Franchises Committee recommends the fuel storage license at 133 Worcester Lane 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 the matter was approved.

4. The Licenses and Franchises Committee recommends the transfer of a lodging house license at 124-126 Ash Street, Ash Street Lodging LLC 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 the matter was approved.

### **Committee of the Whole**

1. The Committee of the Whole recommends the acceptance of the proposed conservation restriction on City-owned land at No. 0 Chesterbrook Road containing 5.9 acres of land be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. A vote was taken by a call of the roll.

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

Opposed: Darcy, LaCava and Vidal.

Absent: Dunn and Paz.

Matter approved 10-3-2.

2. The Committee of the Whole recommends the approval of the report from the Mayor pertaining to the tentative agreement regarding the 210 Moody Street air rights lease terms. Councillor McMenimen moved that the action of the Committee be the action of the Council. A vote was taken by a call of the roll.

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

Opposed: Darcy.

Absent: Dunn and Paz.

Presiding: Brasco.

Matter approved 11-1-2.

### **Ordinances and Rules**

1. The Ordinances and Rules Committee recommends the amendment to the compensation ordinance for the Auditor be approved for a second reading. Councillor McLaughlin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved to suspend the rules and give this matter a third and final reading. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval. A vote was taken by a call of the roll.

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

Opposed: None.

Absent: Dunn and Paz

Presiding: Brasco.

Matter approved 12-0-2.

2. The Ordinances and Rules Committee recommends the zoning amendment for affordable housing 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 by a voice vote and the matter was approved.

Councillor McLaughlin moved to recommit the matter. The motion was adopted by a voice vote and the matter was recommitted.

3. The Ordinances and Rules Committee recommends the extension of time to commence construction and complete construction for the Special Permit at 305 Second Ave. be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council. A vote was taken by a call of the roll.

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

Opposed: None.

Absent: Dunn and Paz

Presiding: Brasco.

Matter approved 12-0-2.

### **Finance**

1. The Finance Committee recommends the transfer of funds in the amount of \$17,950 to purchase and install ornamental fence and gates around the Circle of Remembrance 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 the matter was approved.

2. The Finance Committee recommends the acceptance of a grant renewal through the Executive Office of Public Safety and Security State 911 Department in the amount of \$226,271 for the State 911 PSAP Grant –FY2021 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 the matter was approved.

3. The Finance Committee recommends the acceptance of the State 911 Department Training Grant renewal in the amount of \$24,001.19 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 the matter was approved.

4. The Finance Committee recommends the acceptance of a gift of pumpkins from Charles Mantenuto 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 the matter was approved.

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

- CPC recommendation for an allocation of \$754,163 CPA funds at Stonehurst

Referred to the Long Term Debt and Capital Planning Committee.

- Modification of Special Permit #25762 at Bishops Forest

Referred to the Ordinances and Rules Committee.

Councillor McMenimen moved to suspend the rules to accept a late filed communication from City Clerk's Office. The motion was adopted by a voice vote and the matter was approved. Councillor McMenimen moved to act on the matter without Committee reference. The motion was adopted by a voice vote and the matter was approved. Councillor McMenimen moved approval of the 2020 State Election Warrant. The motion was adopted by a voice vote and the matter was approved.

Councillor McMenimen moved to suspend the rules to accept another late filed communication from City Clerk's Office. The motion was adopted by a voice vote and the matter was approved. Councillor McMenimen 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 McMenimen moved to suspend the rules to hear from an off-Council member, the City Clerk. The motion was adopted by a voice vote and the matter was approved. The City Clerk stated he was seeking acceptance of a grant in the amount of \$40,239 which had been awarded to the City for 2020 election expenses. Councillor McMenimen moved approval of the acceptance of a grant for election expenses. The motion was adopted by a voice vote and the matter was approved.

**Tabled Items**

- Open Meeting Law Complaint, 3-23-2020 Docket

Councillor McMenimen moved to adjourn. The motion was adopted on a voice vote. Council President Brasco declared the meeting adjourned at 8:30 p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant to the City Clerk

October 2, 2020