

Waltham City Council
Minutes of the Meeting of
October 22, 2018

President LeBlanc called the meeting to order at 7:30pm.

The Clerk called the roll of the City Council and the Board of Survey and Planning.

Call of the Roll:

City Council

Present: Councillors Brasco, Darcy, Fowler, Harris, LaCava, LeBlanc, Randy, Logan, Mackin, McMenimen McLaughlin, Nabulime, Romard, Stanley, Vidal and LeBlanc, Diane.

Absent: None

Board of Survey & Planning:

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

Absent: Creonte, Tarallo

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

The Clerk made an announcement about the early voting which began today, October 22, 2018 at the Bright School and will be open daily through November 2, 2018.

Councillor Logan moved to approve the minutes from 10/9/2018. The motion was adopted on a voice vote and the minutes were approved.

The Clerk read Rule 86.

The Clerk read the first public hearing.

First Public Hearing: Zoning Amendment: Article II entitled "Word Usage; Intent; Definitions", Section 2.314A entitled "Convenience Food Store

Joseph Connors, attorney representing the petitioner, spoke in favor of the petition. John Generoso, 6 Colburn Circle, Sudbury spoke in favor of the petition. With no one else speaking or standing in support and no one else speaking or standing in opposition and no one speaking in a neutral position, President LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Fowler, Darcy, Romard, Harris, Logan and Board Members Moroney, Duffy asked questions to the petitioner. With no further questions President LeBlanc closed the public hearing and referred the matter to the Ordinance and Rules Committee. The Board of Survey and Planning will meet November 7, 2018 at Government Center to consider the matter.

The Chair declared a two minute recess.

The Clerk read the second public hearing. Grant of Location on Linden Street

Karen Johnson, 959 Main St., Walpole, representing the petitioner, Eversource, 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 LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. With no questions from Councillors President LeBlanc closed the public hearing and referred the matter to the Licenses & Franchises Committee.

Communications from the Mayor

1. The Mayor respectfully requests approval of the re-allocation of left-over Chapter 90 funds in the amount of \$189,189.06 to be added to the exiting funds to award the low bid contract for the paving of a portion Harrington Road that totals \$277,972.50. Referred to the Public Works and Public Safety Committee.

Councillor Logan moved to accept a late filed communication from the Mayor regarding the decision from the ZBA at 341 Second Ave. The matter was approved by a voice vote. Councillor Logan moved to hear from an off committee member. The matter was approved by a voice vote. The Mayor entered the chamber and spoke on the matter. Councillor Logan asked questions to the Mayor. Councillor Logan made a motion to act on the matter without committee reference. Matter was approved by a voice vote. Councillor Logan made a motion to adopt an order to support an appeal on behalf of the City of Waltham by its chief executive on this ZBA decision. On the motion Councillors Romard, McMenimen and Darcy and Mackin asked questions to the Mayor and spoke on the matter.

Roll call required.

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

Opposed: None

Absent: None

The matter was approved 15-0.

Councillor Romard moved to accept a late filed communication from the Mayor regarding 219 Bear Hill Road. The matter was approved by a voice vote. Councillor Romard moved to hear from off committee members. The matter was approved by a voice vote. Councillor Romard asked Attorney Azadi questions on the matter. Jalene Buckner, owner of the property at 219 Bear Hill Road spoke in the matter. She stated she does agree with the restrictive covenant agreement with City. Councillor Romard made a motion to act on the matter without committee reference. Matter was approved by a voice vote. Councillor Romard approval of the order stating agreement between property owner and city.

Roll call required.

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

Opposed: None

Absent: None

The matter was approved 15-0.

Applications & Licenses

All matters were referred to the Licenses & Franchises Committee

- Class I License renewal – 85 Linden St. – Lotus Motorsports Inc. dba Aston Martin of NE
- Class II License renewal – 50 Thayer Road – Hull Corp. dba Little Foreign Car Garage
- Class II License renewal – 614 Moody St.- Diamond Automotive Distributors, Inc.
- Class II License renewal – 44 Charles St. – PPA Inc. dba Waltham Motor Co.
- Class II License renewal – 255 Newton St. – Newton Street Service Inc.
- Class II License renewal – 712 Moody St. – DW Enterprise Inc.
- Class II License renewal – 103 Felton St. – Sideris Auto. Service Inc. dba Three Sons Autobody
- Extended hours renewal – 677 Moody St. – Dragon Chef Inc.
- Extended hours renewal – 34-36 Elm St. Despensa Familiar, Inc.

- Extended hours renewal – 821 Main St. – Monell Enterprises, Inc.

Orders, Ordinances & Resolutions

- Protecting Youth From the Dangers of Using Tobacco & Vaping Resolution

The Clerk read the resolution. Councillor Vidal spoke on the resolution. President LeBlanc noted that the Director of Youth was present at the meeting this evening. President Leblanc referred the matter to the Public Works and Public Safety Committee.

Licenses and Franchises

1. The License and Franchise Committee recommends the grant of location at Second Ave. be filed. Councillor Brasco 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 License and Franchise Committee recommends the grant of location at 26 Seyon Street be discharged without a recommendation. Councillor Brasco moved that the action of the committee be the action of the Council. On the motion Councillor Lacava spoke on the matter. Councillor LaCava moved approval of the matter. Matter was adopted on a voice vote.

3. The License and Franchise Committee recommends the George Yiga Ssempogo, 18 Middle Street, Unit 2, Waltham be approved for a Massport License. Councillor Brasco 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 acceptance of a gift in the amount of \$25,000 from Bentley University to the Waltham Fire Department 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 the acceptance of a gift in the amount of \$25,000 from Bentley University to the Waltham Police Department 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 \$37,064 to fund the purchase of tactical gear for threats and incidents 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 the transfer in the amount of \$32,480 to fund the replacement purchase of the “jaws of life” equipment used on Squad 5 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 regarding City Council Related Legal Work be filed. 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 transfer of \$43,578 for the appraisal services and environmental consulting services at 225-227 Beaver Street and 240 Beaver Street 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 that the Waltham City Council concur with the response of the School Committee and the Mayor on the MSBA item #1 listed on the communication submitted on October 9, 2018. 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 and Rules

1. The Ordinances and Rules Committee recommends the zoning amendment for allowing bridges in HR-2 District 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 matter to Ordinances and Rules Committee. Matter was recommitted by a voice vote.

2. The Ordinances and Rules Committee recommends the zoning amendment for allowing detached garages in HR-2 District 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 matter to Ordinances and Rules Committee. Matter was recommitted by a voice vote.

Unfinished Business & Other Business

- Veto of the City Council Order #34227

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

- CPC request of \$344,800 for the Dana Court Spray Park
Referred to the Long Term Debt and Capital Planning Committee

Councillor Fowler moved to take the RFQ for Fernald off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen recused herself. Councillor Fowler moved approval of the recommendation of the RFQ be approved to send to the Mayor and the Purchasing Agent. On the motion Councillor Darcy spoke on the matter. Councillor Stanley spoke on the matter. President LeBlanc and Councillor McLaughlin spoke on the matter. Councillor McLaughlin moved to table the matter.

Roll call required.

In favor: Darcy, Harris, LaCava, LeBlanc, Randy, Mackin, McLaughlin, Nabulime

Opposed: Brasco, Fowler, Logan, Romard, Stanley, Vidal, LeBlanc, Diane.

Recused: McMenimen

Matter is not approved 7-7.

Councillor Fowler moved to approve the request to the Mayor and Purchasing Agent.

Roll call required.

In favor: Brasco, Fowler, Harris, Logan, Romard, Stanley, Vidal, LeBlanc, Diane

Opposed: Darcy, LaCava, LeBlanc, Randy, Mackin, McLaughlin, Nabulime

Recused: McMenimen

Absent: None

Matter was approved 8-6

Tabled Items

- Installation of a guard rail on the backside of Beal Road sidewalk
- Residential Exemption Resolution
- Loan authorization for \$280,000 for front-end loader for CPW Dept.
- RFQ for the Fernald Property

Councillor Logan moved to adjourn. President LeBlanc declared the meeting adjourned at 9:42p.m.
Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

November 7, 2018

Approved by the City Council: _____