

Waltham City Council
Minutes of the Meeting of
October 26, 2020

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 LeBlanc asked for a moment of silence for all our military that have served past and present.

Councillor Paz moved approval of the minutes of the meeting of 10/13/2020. The motion was adopted on a voice vote and the minutes were approved.

The City Clerk read Rule 86.

First public hearing: 17-25 at 690 Lexington Street

Philip McCourt, 15 Church St., Waltham, MA representing the petitioner 690 Lexington Street, LLC 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. Councillors Dunn, LeBlanc and Vidal asked questions. Councillor Dunn 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 Dunn moved approval of the 17-25. The motion was adopted on a voice vote and the matter was approved.

Second public hearing: 17-25 at Bacon Street & Emery Street

Mary Mulroney, representing the petitioner, Nationalgrid, 40 Sylvan Road, Waltham spoke in favor of the petition. Robert Mahaney, owner of the property at 101-103 Bacon Street spoke in opposition to 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 Durkee and LeBlanc asked questions. Councillor Durkee 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 Durkee moved approval of the 17-25. The motion was adopted on a voice vote and the matter was approved.

Communications from the Mayor

1. The Mayor respectfully requests acceptance of a grant in the amount of \$200,000 from the supplemental 2020 budget of the Commonwealth of Massachusetts. These funds will be used to hire temporary full-time nurses for the COVID-19 pandemic emergency. Councillor LaCava 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 LaCava moved approval. The motion was adopted on a voice vote and the matter was approved.

2. The Mayor respectfully requests the confirmation of the appointment of Christina Curtin, 30 Mayall Road, Waltham, as a member of the Ambulance Service Review Committee. Referred to the Committee of the Whole.

3. The Mayor respectfully requests that the care, custody and control of the property listed at 89 Maple Street be transferred to the Waltham Fire Department. The property has been closed on. Referred to the Committee of the Whole.
4. The Mayor respectfully requests acceptance of the bid of \$250,000 for the property located at 102 Trimount Avenue from William Turpin and Christina Conway. Referred to the Committee of the Whole.
5. The Mayor respectfully requests that the City benefits function be transferred to the Human Resources Department. Referred to the Ordinances & Rules Committee.
6. The Mayor respectfully requests confirmation from the City Council on the Fernald 5K route. Referred to the Fernald Use Committee.
7. The Mayor respectfully requests approval of uses for a portion of the non-CPA parcel of the former Fernald School for the CPW Department. Referred to the Fernald Use Committee.
8. The Mayor respectfully requests approval of a sign honoring the late Mac Henry Surette. Referred to the Licenses & Franchises Committee.
9. Mayor respectfully requests acceptance of the FY2021 Jail Diversion Program Grant in the amount of \$43,000. Referred to the Finance Committee.
10. The Mayor respectfully requests your opinion on the new police station recommendations Chief MacPherson has submitted. Referred to the Committee of the Whole.
11. The Mayor respectfully requests approval of a loan authorization totaling \$5,000,000 to fund the construction phase of the Area 1314 Phase 2 Sewer and Manhole Rehabilitation Improvement Project. Referred to the Long Term Debt and Capital Planning Committee.

Applications and Licenses

All referred to the Licenses & Franchises Committee

- Extended hours renewal – The Wendy’s Company – 806 Main Street
- Extended hours renewal – Veronica’s – 1074 Main Street
- Extended hours renewal – Morley Doughnuts, Inc. – 859 Main Street
- Extended hours renewal – Samdough, Inc. – 591 Moody Street
- Extended hours renewal – CVS Pharmacy #114 – 12 Harvard Street
- Extended hours renewal – Despensa Familiar, Inc. - 34-36 Elm Street
- Extended hours renewal – Burger King – 881 Moody Street
- Extended hours renewal – J&T Shun Lai, Inc. – 573 Main Street
- Extended hours renewal – Waltham Fuel Inc. – 1335 Main Street
- Extended hours renewal – Dragon Chef, Inc. – 677 Moody Street
- Extended hours renewal – Monell Enterprises, Inc. – 821 Main Street

Orders, Ordinances & Resolutions

- Wayside Rail Trail Resolution

The City Clerk read the Resolution. Councillor O'Brien spoke on the Resolution. President Brasco referred the matter to the Economic and Community Development Committee.

- **Good Neighbor Resolution**

The City Clerk read the Resolution. Councillor O'Brien spoke on the Resolution. President Brasco referred the matter to the Public works & Public Safety Committee.

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the grant of location at Bacon Street and Emery 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 the matter was approved.

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

2. The Licenses and Franchises Committee recommends the Class 2 vehicle renewal for Sideris Automotive Services, Inc. at 103 Felton Street be approved.

3. The Licenses and Franchises Committee recommends the Class 2 vehicle renewal for Newton Street Service, Inc. at 255 Newton Street be approved.

4. The Licenses and Franchises Committee recommends the Class 2 vehicle renewal for Pilicy Auto & Yacht Inc. at 935R Main Street be approved.

5. The Licenses and Franchises Committee recommends the Class 2 vehicle renewal at Boston Muffler & Brake Co., Inc. at 251 Lexington Street be approved.

6. The Licenses and Franchises Committee recommends the Class 2 vehicle renewal for DW Enterprises, Inc. at 712 Moody Street be approved.

7. The Licenses and Franchises Committee recommends the Class 2 vehicle renewal for Colvin's Inc. at 185 Prospect Street be approved.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the minor modification and time extension to Special Permit Order #31913 at 470, 494, 500 Totten Pond Road 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, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: None.

Presiding: Brasco.

Matter approved 14-0.

2. The Ordinances and Rules Committee recommends the time extension for Special Permit #34679 at 185 Willow Street be approved. Councillor LeBlanc recused himself. 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, Dunn, Durkee, Harris, LaCava, LaFauci, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Absent: None.
Recused: LeBlanc.
Presiding: Brasco.
Matter approved 13-0.

Commented [WR1]:

3. The Ordinances and Rules Committee recommends the time extension for Special Permit #34680 at 140 Fourth Street be approved. Councillor LeBlanc recused himself. 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, Dunn, Durkee, Harris, LaCava, LaFauci, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Absent: None.
Recused: LeBlanc.
Presiding: Brasco.
Matter approved 13-0.

4. The Ordinances and Rules Committee recommends the minor modification for Special Permit #34680 at 140 Fourth Street be approved. Councillor LeBlanc recused himself. 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, Dunn, Durkee, Harris, LaCava, LaFauci, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.
Opposed: None
Absent: None
Recused: LeBlanc.
Presiding: Brasco.
Matter approved 13-0.

Finance

1. The Finance Committee recommends a transfer in the amount of \$3,451 to purchase a computer with sufficient capability to run AutoCAD, GIS and other applications required by the Engineering 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 the matter was approved.

2. The Finance Committee recommends the acceptance of a grant through the Community Development Block Grant program under the CARES Act in the amount of \$622,149 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 First Responders Naloxone Grant in the amount of \$5,000 from the Commonwealth of Massachusetts Department of Health 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 a transfer in the amount of \$6,790 for a new snowplow attachment for one of the existing trackless sidewalk plows 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 filed.

Long Term Debt & Capital Planning

1. The Long Term Debt & Capital Planning Committee recommends the CPC Funding on Historic Publicly Owned Buildings Resolution be filed. Councillor Darcy 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 filed.

2. The Long Term Debt & Capital Planning Committee recommends the Capital Improvement Plan Resolution be filed. 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 Long Term Debt & Capital Planning Committee recommends the CPC recommendation for an allocation of \$751,163 of CPA funds for Stonehurst be approved. Councillor Darcy 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, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.

Opposed: None

Absent: None

Presiding: Brasco.

Matter approved 14-0.

4. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation for an allocation of CPA funds totaling \$1,500,000 for the property located at 49 Pleasant Street be filed. Councillor Darcy moved that the action of the Committee be the action of the Council. On the motion Councillor McMenimen moved to amend the action and act without prejudice. The motion was adopted by a voice vote and the amendment was approved. Councillor Darcy moved for approval as amended. The motion was adopted by a voice vote and the amended matter was approved.

Unfinished Business & Other Business

Tabled Items

- Housing Ordinance Amendment

1. Councillor Darcy moved to take the matter off of the table. The motion was adopted by a voice vote and the matter was approved. Councillor Darcy moved approval of a third and final reading. On the motion Councillors Darcy, McMenimen, Stanley, O'Brien, LeBlanc, Harris and Paz spoke on the matter. Councillor Darcy 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, Dunn, Durkee, Harris, Lacava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: None

Presiding: Brasco

Matter approved 14-0.

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

Councillor Darcy moved to adjourn. The motion was adopted on a voice vote. Council President Brasco declared the meeting adjourned at 8:50 p.m.

Respectfully submitted by:
Kara Wilson
Executive Assistant to the City Clerk
November 5, 2020