

Waltham City Council
Minutes of the Meeting of
November 13, 2018

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

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

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

Councillor Logan moved to approve the minutes from 10/22/2018. The motion was adopted on a voice vote and the minutes were approved.

Councillor Darcy made a motion to add the Dana Court matter to the Docket. The motion was adopted on a voice vote and the matter was approved.

There were no public hearings.

Communications from the Mayor

1. The Mayor respectfully requests the confirmation for the appointment of David McGann, 73 Rockridge Road, Waltham as a Constable. Referred to the Committee of the Whole.

2. The Mayor respectfully requests approval of the enclosed agreement regarding 341 Second Avenue without committee reference. Councillor Logan moved to suspend the rules to act on the matter without committee reference. Motion was approved by a voice vote. Councillor Logan moved approval of the agreement. 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.

3. The Mayor respectfully requests acceptance of the First Responder's Naloxene Grant in the amount of \$5000 from the Commonwealth of Massachusetts Department of Public Health. Referred to the Finance Committee.

4. The Mayor respectfully requests acceptance of the gift of materials and labor from Three Sons Window and Door to replace the shack roofs at Nipper Maher and Warrendale Playgrounds. Referred to the Finance Committee. Councillor McLaughlin made a request to have Three Sons Window and Door come in to the Committee meeting. The request was approved on a voice vote.

5. The Mayor respectfully requests approval of a Community Compact IT Grant in the amount of \$185,110 without committee reference. Councillor Vidal moved to suspend the rules to hear from an off committee member. Request approved by a voice vote. Mr. Aucoin, Director of IT, spoke on the

matter. Councillor Vidal asked question to Mr. Aucoin. Councillors Fowler, Romard, Logan, Mackin, McMenimen, Harris and Darcy spoke on the matter. Councillor Vidal moved to act on the matter without committee reference. Matter was approved by a voice vote. Councillor Vidal moved approval of the matter. The motion was adopted on a voice vote and the matter was approved.

Applications & Licenses

All referred to the Licenses and Franchises Committee

- Class I License renewal – 143 Prospect St. – Prospect Automobile Sale & Service Inc.
- Class II License renewal – 825 Main St. – Don’s Service Center Inc.
- Class II License renewal – 40 Green St. – Rte. 128 Used Auto Parts & Sales, Inc.
- Class II License renewal – 97 Rear Linden St. – ABKO Auto Body & Parts Inc.
- Class II License renewal – 1486 Main St. – European Auto Solutions
- Extended hours – 591 Moody St. – Samdough, Inc.
- Extended hours – 34-36 Elm St. – Despensa Familiar, Inc. (came out of committee)
- Extended hours – 822 Lexington St. – Mastoran Corporation
- Extended hours – 859 Main St. - Morley Doughnuts, Inc.
- Extended hours – 591 Moody St. – 7-Eleven #37504A

Orders, Ordinances & Resolutions

- Early Voting Resolution

The Clerk read the Resolution. Councillor Mackin spoke on the Resolution. Councillor Mackin made a request to have a representative from the Clerk’s Office attend the Ordinances and Rules Committee next week. Request was approved by a voice vote. Resolution was referred to the Ordinances and Rules Committee

- Salvation Army Red Kettle 2018 Campaign Resolution

The Clerk read the Resolution. Councillor Harris moved to suspend the rules to hear from off committee members. Request was approved by a voice vote. The Salvation Army Representatives spoke on the matter. Councillor Harris moved to suspend the rules to act on the Resolution without committee reference. Matter was approved by a voice vote. Councillor Harris moved approval of the Resolution. The motion was adopted on a voice vote and the Resolution was approved.

- Small Business Saturday Resolution

The Clerk read the Resolution. Councillor Logan spoke on the matter. Councillor Logan moved to suspend the rules to act on the Resolution without committee reference. Matter was approved by a voice vote. Councillor Logan moved approval of the Resolution. On the motion Councillors Harris and LeBlanc spoke on the matter. The motion was adopted on a voice vote and the Resolution was approved.

- Letter to FCC regarding Proposed Changes Resolution

The Clerk read the Resolution. Councillor LaCava and Councillor Randy LeBlanc recused themselves. Councillor Logan spoke on the matter. Councillor Logan moved to suspend the rules to act on the Resolution without committee reference. Matter was approved by a voice vote. Councillor Logan moved approval of the Resolution. On the motion Councillor Darcy spoke on the matter. Councillor Darcy made a motion to amend the letter. All were in favor and amendment was approved. The amended motion was adopted on a voice vote and the Resolution was approved.

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the Class I License renewal – 85 Linden St. – Lotus Motorsports Inc. dba Aston Martin of NE be approved. 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 Licenses and Franchises Committee recommends the Class II License renewal – 50 Thayer Road – Hull Corp. dba Little Foreign Car Garage be approved. Councillor Brasco made a motion to recommit to committee. The motion was adopted on a voice vote and the matter was recommitted.

Councillor Brasco moved to collectively approve items #3-7. The motion was adopted on a voice vote and the matter was approved. Councillor Brasco moved approval of items #3-7. The motion was adopted on a voice vote and the matter was approved.

3. The Licenses and Franchises Committee recommends the Class II License renewal – 614 Moody St.- Diamond Automotive Distributors, Inc. be approved. 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.

4. The Licenses and Franchises Committee recommends the Class II License renewal – 44 Charles St. – PPA Inc. dba Waltham Motor Co. be approved.

5. The Licenses and Franchises Committee recommends the Class II License renewal – 255 Newton St. – Newton Street Service Inc. be approved.

6. The Licenses and Franchises Committee recommends the Class II License renewal – 712 Moody St. – DW Enterprise Inc. be approved.

7. The Licenses and Franchises Committee recommends the Class II License renewal – 103 Felton St. – Sideris Auto. Service Inc. dba Three Sons Autobody be approved.

Councillor Brasco moved to collectively approve items #8-11. The motion was adopted on a voice vote and the matter was approved. Councillor Brasco moved approval of items #8-11. The motion was adopted on a voice vote and the matter was approved.

8. The Licenses and Franchises Committee recommends the extended hours renewal – 677 Moody St. – Dragon Chef Inc. be approved. 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. Councillor Brasco moved to collectively approved #8-11. The motion was adopted on a voice vote and the matter was approved.

9. The Licenses and Franchises Committee recommends the extended hours renewal – 34-36 Elm St. Despensa Familiar, Inc. be approved.

10. The Licenses and Franchises Committee recommends the extended hours renewal – 821 Main St. – Monell Enterprises, Inc. be approved.

11. The Licenses and Franchises Committee recommends the grant of location for Eversource at Linden Street be approved. 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.

Economic & Community Development

1. The Economic and Community Development Committee recommends the Resolution regarding Drones and Robots be withdrawn without prejudice. Councillor Fowler 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.

Public Works & Public Safety

1. The Public Works & Public Safety Committee recommends the 17-25 at 586-588 Lexington 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.

2. The Public Works & Public Safety Committee recommends the Chapter 90 funds in the amount of \$189,189.06 to be added to the existing funds to award the low bid contract for the paving of a portion of Harrington Road totaling \$277,972.50 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.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the general ordinances amendment regarding trash containers 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 on a voice vote and the matter was approved. Councillor Logan moved to suspend the rules to give approval for a third and final reading. Roll call required.

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.

2. The Ordinances and Rules Committee recommends the general ordinances amendment regarding trash containers fines 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 on a voice vote and the matter was approved. Councillor Logan moved to suspend the rules to give approval for a third and final reading. Roll call required.

Roll call required.

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

Opposed: McMenimen

Absent: None

The matter was approved 14-1.

Unfinished Business & Other Business

1. The Long Term Debt and Capital Planning Committee recommends approval of the CPC request for funds in the amount of \$344,800 for the Dana Court Spray Park. Councillor Darcy spoke on the

Dana Court Park. Councillor Darcy moved that the action of the committee be the action of the Council. On the motion Councillor Logan spoke on the matter. The motion was adopted on a voice vote and the matter was approved.

Tabled Items

- Veto of the City Council Order #34227

Councillor Logan moved to take the matter off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor Logan spoke on the matter. Councillor Logan moved to override the Mayor's veto. On the motion Councillors Fowler, Brasco, Romard, Harris, McMenimen, Darcy spoke on the matter. Councillor Darcy made a motion to request to invite the Mayor and a Law Department representative at the next City Council meeting to discuss the order#34227 and the Mayor's veto message regarding the order. Councillor Logan spoke on the motion. On the motion Councillor LeBlanc, R. requested as a friendly amendment to also add the Director of Public Works to the meeting. Councillor Darcy accepted the friendly amendment. Councillor Mackin spoke on the motion. Councillor Fowler spoke.

Roll call requested.

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

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

Motion was approved: 8-7

Councillor Darcy made a request to have the Law Department opine on whether or not a Councillor living on a private way can vote on these matters. On the motion Councillor Logan spoke on the request. On the motion Councillor Brasco rose to state he will be asking the Ethics Commission on whether or not he will be able to vote on a matter living seeing he lives on a private road. On the motion Councillor Nabulime spoke. On the motion Councillor Logan moved to send the matter to the Committee of the Whole. The motion was adopted on a voice vote and the matter was approved.

- 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.

The Clerk read the order. Councillor Darcy moved to take the matter off of the table. Matter was approved by a voice vote. Councillor Darcy moved approval of a second reading. 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 Logan moved to adjourn. President LeBlanc declared the meeting adjourned at 9:35p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

November 19, 2018

Approved by the City Council: _____