

Waltham City Council  
Minutes of the Meeting of  
February 24, 2020

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President Pro Tem McMenimen called the meeting to order at 7:30 p.m.

**Call of the Roll:**

City Council

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

Absent: Brasco.

Board of Survey & Planning

Present: Callahan, DeVito, Moroney and Tarallo.

Absent: Barrett and Creonte.

The City Clerk recited the Council Prayer followed by President Pro Tem McMenimen 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.

President Pro Tem McMenimen recognized two sophomores at Waltham High School who are in attendance tonight at the City Council meeting earning their merit badges for the Boy Scouts.

Councillor McLaughlin moved approval of the minutes from the City Council meeting of 2/10/2020. The motion was adopted on a voice vote and the matter was approved.

Councillor McLaughlin moved to suspend the rules and take the matter regarding a time extension at 1017 – 1019 & 1025-1075 Main Street out of order. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved to suspend the rules and approve the matter regarding time extension without committee reference. Roll call required.

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

Opposed: None.

Absent: Brasco.

Presiding: McMenimen.

Matter is approved 13-0.

Councillor McLaughlin moved to suspend the rules and take the matter regarding a time extension at 790 Main Street out of order. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved to suspend the rules and approve the matter regarding time extension without committee reference. Roll call required.

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

Opposed: None.

Absent: Brasco.

Presiding: McMenimen.

Matter is approved 13-0.

Councillor McLaughlin moved to suspend the rules and take the matter regarding a time extension at 94 Russel Street out of order. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved to suspend the rules and approve the matter regarding time extension without committee reference. Roll call required.

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

Opposed: None.

Absent: Brasco.

Presiding: McMenimen.

Matter is approved 13-0.

The City Clerk read Rule 86.

First joint public hearing: Ordinance Amendment for Parking Spaces

Councillor John McLaughlin, 42 Beal Road, Waltham spoke in favor of the petition. George Michael, 1122 Trapelo Road, Waltham spoke in favor of the petition. John Generoso, of Totten Pond Service Center spoke in a neutral capacity on the amendment. With no one else in support and no one in opposition and no one else in a neutral position on the petition, President Pro Tem McMenimen closed this portion of the public hearing and opened the hearing to questions from Councillors and Members of the Board of Survey and Planning. Councillors LaCava and Darcy asked questions on the matter. With no additional Councillors or members of the Board of Survey and Planning asking questions, President Pro Tem McMenimen closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Second public hearing: Extended Retail Hours at 50 Sun Street

Bret Francis, 10 Hammer Street, attorney for petitioner, spoke in favor of the petition. Hadji Majoumian, 773 N. 25<sup>th</sup> St., Philadelphia, PA representing GoPuff spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Pro Tem McMenimen closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Paz, LeBlanc, LaCava, Mackin, O'Brien, Vidal, McLaughlin, Harris, Stanley, Dunn and LaFauci all asked questions of the petitioners. With no additional Councillors asking questions, President Pro Tem McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Third public hearing: Grant of Location for Nationalgrid at 221 Crescent Street

Mary Mulrone, from West Roxbury representing Nationalgrid spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Pro Tem McMenimen closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor Harris asked questions of the petitioner. With no additional Councillors asking questions, President Pro Tem McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Fourth Public Hearing: 17-25 at Crescent & Cherry Street

Mary Mulrone, from West Roxbury representing Nationalgrid spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Pro Tem McMenimen closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Harris and LeBlanc spoke on the matter. With no Councillors asking questions, President Pro Tem McMenimen closed the public hearing. Councillor LeBlanc moved to suspend the rules and act on this matter without committee reference. The motion was adopted on a

voice vote and the matter was approved. Councillor LeBlanc moved approval of the matter. The motion was adopted on a voice vote and the matter was approved.

Fifth public hearing: Grant of Location for Nationalgrid at 581 Lincoln Street

Mary Mulroney, from West Roxbury representing Nationalgrid spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Pro Tem McMenimen closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor Darcy asked questions of the petitioner. With no additional Councillors asking questions, President Pro Tem McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Sixth public hearing: 17-25 at 581 Lincoln Street

Mary Mulroney, from West Roxbury representing Nationalgrid spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Pro Tem McMenimen closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor Darcy spoke on the matter. With no Councillors asking questions, President Pro Tem McMenimen closed the public hearing. Councillor Darcy moved to suspend the rules and act on this matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor Darcy moved approval of the matter. The motion was adopted on a voice vote and the matter was approved.

Seventh public hearing: Grant of Location at South & Charles Streets

Mary Mulroney, from West Roxbury representing NationalGrid, spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Pro Tem McMenimen closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor Mackin asked questions of the petitioner. With no additional Councillors asking questions, President Pro Tem McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Eighth public hearing: 17-25 at 713 South Street

Mary Mulroney, from West Roxbury representing Nationalgrid spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Pro Tem McMenimen closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor Mackin asked questions of the petitioner. With no additional Councillors asking questions, President Pro Tem McMenimen closed the public hearing. Councillor Mackin moved to suspend the rules and act on this matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor Mackin moved approval of the matter. The motion was adopted on a voice vote and the matter was approved.

Ninth public hearing: 17-25 at 44-46 Oak Street

Councillor LeBlanc recused himself.

Brett Francis, attorney representing the petitioner Frank Valentino, 80 Clark Lane, Waltham, the petitioner, spoke in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Pro Tem McMenimen closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Paz and Mackin asked questions of the petitioner. With no additional Councillors asking questions, President Pro Tem McMenimen closed the public hearing. Councillor Paz moved to table the matter on the Council floor. The motion was adopted on a voice vote and the matter was approved.

Tenth public hearing: Fuel storage application at 110 Bear Hill Road

Josh Hamel, 10 Hammer Street, represented the petitioner spoke in favor of the petition. Three people stood in favor of the petition. With no one else in support and no one in opposition and no one in a neutral position on the petition, President Pro Tem McMenimen closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors LaFauci, Vidal, Durkee and McLaughlin asked questions of the petitioner. With no additional Councillors asking questions, President Pro Tem McMenimen closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Eleventh public hearing: 17-25 54 Albemarle Road

Robert Katz, 731 Moody Street, Waltham, petitioner and owner of the property spoke in favor of the petition. Marilyn Musscacki 17 Lovell Road, Watertown spoke in a neutral position on the petition. Brandon Morshew, 15 Copley Ave., Waltham spoke in a neutral position about the petition. One person stood in favor of the petition. With no one else in support and no one in opposition and no one else in a neutral position on the petition, President Pro Tem McMenimen closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors O'Brien, McMenimen, LeBlanc and Mackin all asked questions of the petitioner. With no additional Councillors asking questions, President Pro Tem McMenimen 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 authorization to grant Charles River Canoe & Kayak a Section 10A permit to cleat a temporary seasonal dock to the steel dock on the River-walk next to the Cronin's Landing Dock. Referred to the Committee of the Whole.
2. The Mayor respectfully requests that the City Council transfer the care, custody and control of parcel R 032 005 0038 known as 131R Lincoln Street, Waltham (+/-) six acres to the Waltham School Committee and Waltham School Department for educational use and purposes associated with educational use. Referred to the Committee of the Whole.
3. The Mayor respectfully requests approval of an appropriation totaling \$27,900 to perform major repair projects including window replacement at three fire stations, rug replacement in Veterans Department and Government Center Gym cleaning. Referred to the Finance Committee.

### **Applications & Licenses**

All licenses referred to the Licenses and Franchise Committee

- Lodging House renewal – 415 South St. North Quad – Brandeis University
- Lodging House renewal – 415 South St. Massell Quad – Brandeis University
- Lodging House renewal – 415 South St. The Village – Brandeis University
- Lodging House renewal – 415 South St. Sky Line – Brandeis University
- Lodging House renewal – 415 South St. Rosenthal Dorms – Brandeis University
- Lodging House renewal – 415 South St. Ridgewood – Brandeis University
- Secondhand Dealers License renewal – 471 Main St. – The Tool Shed
- Secondhand Dealers License renewal – 108-C River St. – Play It Again Sports, LLC
- Secondhand Dealers License renewal – 318 Moody St. – Marcou Jewelers

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

- **Resolutions Deadline Resolution**

The City Clerk read the Resolution. Councillor O'Brien spoke on the Resolution. President Pro Tem McMenimen referred the matter to the Ordinances and Rules Committee.

- **Recuse Resolution**

The City Clerk read the Resolution. Councillor O'Brien spoke on the Resolution. President Pro Tem McMenimen referred the matter to the Ordinances and Rules Committee.

## **Committee Reports**

### **Licenses & Franchises**

Councillor Darcy moved to suspend the rules and act on a matters numbered one through nine collectively. The motion was adopted on a voice vote and the matter was approved. Councillor Vidal moved that the action of the committee for items one through nine be the action of the Council. The motion was adopted on a voice vote and items one through nine were approved.

1. The Licenses and Franchises Committee recommends the lodging house renewal at 44-46 Chester Ave. for Martin Reilly Realty Trust be approved.
2. The Licenses and Franchises Committee recommends the lodging house renewal at 118 - 120 Robbins Street for Martin Reilly Realty Trust be approved.
3. The Licenses and Franchises Committee recommends the lodging house renewal at 20 - 22 Adams Street for Martin Reilly Realty Trust be approved.
4. The Licenses and Franchises Committee recommends the lodging house renewal at 49 – 51 Brown Street for MST Realty Associates, LLC be approved.
5. The Licenses and Franchises Committee recommends the lodging house renewal at 104 Adams Street for SMT Realty Trust/SMT Realty Associates, LLC be approved.
6. The Licenses and Franchises Committee recommends the lodging house renewal at 74 Adams Street for SMT Realty Trust/SMT Realty Associates, LLC be approved.
7. The Licenses and Franchises Committee recommends the lodging house renewal at 755 Main Street for Max Horn be approved.
8. The Licenses and Franchises Committee recommends the lodging house renewal at 21-23 Pine Street for Max Horn be approved.
9. The Licenses and Franchises Committee recommends the lodging house renewal at 11-13 Walnut Street for Martin Reilly Realty Trust be approved.

### **Ordinances and Rules**

1. The Ordinances and Rules Committee recommends the order authorizing Councillor Mackin to represent the City Council before the Biosafety Committee 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 Ordinances and Rules Committee recommends the Zoning Amendment Café Use Ordinance 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 McLaughlin moved to suspend the rules to give the matter a third and final reading. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved to give the matter a third and final reading. Roll call required.

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

Opposed: None.

Absent: Brasco.

Matter is approved 14-0.

## **Finance**

1. The Finance Committee recommends the Council Rule 66 – Mid-year Budget Review Docket matter be filed. Councillor LaCava 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 filed.

2. The Finance Committee recommends the acceptance of a gift of a Waltham High School Letter Sweater from Denise Zuppe for the City Hall Museum be approved. Councillor LaCava 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 acceptance of the gift of the Mini City Hall from the 135<sup>th</sup> Anniversary Parade float from Pete and Cathy Magliarditi for the City Hall Museum be approved. Councillor LaCava 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 acceptance of a donation of the Paratech Model 52-5 Lift Bag Set and the G2 Control Kit in the amount of \$8,078 from the Max McCormack Memorial Foundation be approved. Councillor LaCava 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 the appropriation in the amount of \$39,045 to perform numerous major repair projects including Library heating coil replacement, CPW radio tower and Willow Street Fire Station window replacement be approved. Councillor LaCava 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 Finance Committee recommends the acceptance of Waltham Hospital Nursery and other Hospital memorabilia from Mary Ellen Koehane Ryan for the City Hall Museum Room be approved. Councillor LaCava 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 Finance Committee recommends the approval of the Waltham School Departments MOU – Every Student Succeeds Act memorandum. Councillor LaCava 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 and Public Safety**

1. The Public Works and Public Safety Committee recommends the 17-25 street opening at 44 – 46 Oak Street be approved. Councillor LeBlanc recused himself. Councillor Paz moved to take the Oak Street public hearing matter off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor Paz moved to combine this matter with the current Oak Street public

hearing matter. The motion was adopted on a voice vote and the matter was approved. Councillor Paz moved approval of the matter. The motion was adopted on a voice vote and the matter was approved.

### **Committee of the Whole**

2. The Committee of the Whole recommends the Brandeis President Leibowitz Resolution be filed without prejudice per Rule 81. 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 Committee of the Whole recommends the Stigmatine Development Rights Resolution be filed without prejudice per Rule 81. 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 Committee of the Whole recommends the Resolution regarding purchasing 0 Prospect Hill Road be filed without prejudice per Rule 81. 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 Committee of the Whole recommends the Resolution Supporting Provision of Air Conditioning at Waltham High School be filed without prejudice per Rule 81. 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.
6. The Committee of the Whole recommends the resolutions concerning Council Support for a New Waltham Police Station be filed without prejudice per Rule 81. 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.
7. The Committee of the Whole recommends the Community Preservation Act Ballot Question Resolution be filed without prejudice per Rule 81. 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.
8. The Committee of the Whole recommends the confirmation of the reappointment of Raymond Buscemi, 106 Lincoln Street as a constable 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.

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

- Time extension for Special Permit application at 94 Russell Street. Taken out of order and approved.
- Time extension for Special Permit application at 790 Main Street. Taken out of order and approved.
- Time extension for Special Permit application at 1017- 1019 Main St. & 1025-1075 Main St. Taken out of order and approved.

### **Tabled Items**

- Parking Resolution (12/23/2019 approved to schedule a PH)  
Councillor McLaughlin moved to file the Resolution. The motion was adopted on a voice vote and the matter was approved.
- Woerd Ave Landfill Revitalization Project Loan \$4,195,000 (First reading 1/27/2020)

Councillor Darcy moved to take the matter from the table. The motion was adopted on a voice vote and the matter was approved. Councillor Darcy moved to give the matter a second and final reading. Roll call required.

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

Opposed: None.

Absent: Brasco.

Matter is approved 14-0.

Councillor LeBlanc moved to adjourn. The motion was adopted on a voice vote and President Pro Tem McMenimen declared the meeting adjourned at 9:35 p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

February 27, 2020

Approved by the City Council: \_\_\_\_\_