

Waltham City Council  
Minutes of the Meeting of  
September 27, 2021

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

Present: Councillors Darcy, Dunn, Durkee, Harris, LaCava, LeBlanc, Mackin, McLaughlin, McMenimen, Paz, Stanley, Vidal and Brasco.

Absent: LaFauci and O'Brien.

City Clerk Waddick 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 military that have served past and present.

Councillor McMenimen moved approval of the 9/13/2021 regular meeting minutes. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen moved approval of the 9/13/2021 executive session minutes. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen moved to send the executive session minutes to the Law Department for review. The motion was adopted on a voice vote and the matter was approved.

Councilor McMenimen moved that the matter of the confirmation of the appointment of Crystal Philpott as Purchasing Agent be taken out of order. The motion was adopted by a voice vote.

The Clerk will read the Committee Report:

The Committee of the Whole recommends confirmation of the appointment of Crystal Philpott, 27 Wampum Avenue, Waltham as the Purchasing Agent for a term expiring February 29, 2024.

Councilor McMenimen moved that the action of the Committee be the action of the Council.  
Roll Call.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LeBlanc, Mackin, McLaughlin, McMenimen, Paz, Stanley, Vidal and Brasco.

Opposed: None.

Absent: LaFauci and O'Brien.

Matter was approved 13-0.

The City Clerk administered the oath of office to Crystal L. Philpott who was accompanied by her family and Mayor McCarthy.

The City Clerk read Rule 86.

The first public hearing: 17-25 on Eddy Street.

No one appeared in support of this petition. The Engineering Department was the petitioner. With no one else in support and no one in opposition and no one 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 and McMenimen asked questions and

Councillor LaCava made a request that was approved by a voice vote to have the City Engineer attend the October 4, 2021 Public Works and Public Safety Committee.

Second public hearing: 17-80 on Nutting Road

Gary Savignano, 46 Nutting Road spoke in favor of the petition. Lisa Plocker, 28 Nutting Road spoke in favor of the petition. Heidi Visocchi, 35 Nutting Road, spoke in favor of the petition. Malcolm Hayes, 19 Nutting Road spoke in favor of the petition. Marianne Savignano, 46 Nutting Road spoke in favor of the petition. Six 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 Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor Dunn made a request that was approved by a voice vote to have the petition sent to the Law Department and the Engineering Department for review and a determination that the petitioners are the current owners. President Brasco referred the matter to the Public Works and Public Safety Committee

### **Communications from the Mayor**

1. The Mayor respectfully requests acceptance of a donation of Hannaford and Market Basket gift cards in the amount of \$5,000 from an anonymous donor to be used to assist Waltham's neediest households with food and household essentials. Referred to the Finance Committee.
2. The Mayor respectfully requests a transfer of \$48,000 to engage the services of a design firm for improvements to Lowell Field Playground. The low bid designer is Carolyn Cooney & Associates. Referred to the Finance Committee.
3. The Mayor respectfully requests a possible executive session on Monday, September 27, 2021 to discuss a real estate matter. Councillor McMenimen moved to table the matter until the end of the City Council docket to discuss. The motion was adopted on a voice vote and the matter was approved.
4. The Mayor respectfully requests a transfer in the amount of \$343,833 to supplement existing funding for the completion of the abatement and demolition of the Shriver, CERC, Kelly and Greene Buildings at the former Fernald School property. The total cost of the price proposal received from JR Vinagro is \$1,362,000. Referred to the Finance Committee.
5. The Mayor respectfully requests acceptance of a gift of carpet tiles from Hobbs Brook Real Estate. Referred to the Finance Committee.
6. The Mayor respectfully requests the City Council transfer the care, custody and control of a portion of Parcel 2A, from the roadway to the westerly borderline of Parcel 2A to the Recreation Department. This transfer would also include the Wheatley Hall and Farrell Hall Buildings. Referred to the Committee of the Whole.
7. The Mayor respectfully requests acceptance of a gift of athletic equipment from Alexandria Estate Equities, Inc. Referred to the Finance Committee.

8. The Mayor respectfully requests approval of a loan authorization in the amount of \$720,000 to purchase a fire apparatus truck to replace the current Engine 7. Referred to the Long Term Debt and Capital Planning Committee.

## **Applications and Licenses**

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

- Mt. Pleasant Street Engineering Assessment Resolution

City Clerk Waddick read the Resolution. Councillors Durkee and LeBlanc spoke on the Resolution. Councillor Durkee made two requests that were approved by a voice vote to invite the City Engineer and the CPW Director to the next Public Works and Public Safety Committee meeting. President Brasco referred the matter to the Public Works and Public Safety Committee.

### **Committee Reports**

#### **Licenses & Franchises**

1. The Licenses & Franchises Committee recommended the fuel storage license amendment for 200 West 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 matter was approved.

#### **Public Works & Public Safety**

1. The Public Works & Public Safety Committee recommended the 17-25 at Drury Lane be approved. Councillor LeBlanc moved that the action of the Committee be the action of the Council. On the motion, Councillor Darcy moved to amend the order to state that the CPW shall review the patch one year after completion and the petitioner shall resurface if the patch has settled. The motion to approve was adopted, as amended, by a voice vote and matter was approved.

### **Committee of the Whole**

1. The Committee of the Whole recommends the approved minutes from the executive session meeting regarding 89 Maple Street be released to the public. Councillor McMenimen moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and matter was approved.

2. The Committee of the Whole recommends that the care, custody and control of the Government Center Gymnasium be transferred to the Recreation Department. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call required.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LeBlanc, Mackin, McLaughlin, McMenimen, Paz, Stanley and Vidal.

Opposed: None.

Absent: LaFauci and O'Brien.

Presiding: Brasco.

Matter was approved 12-0.

3. The Committee of the Whole recommends that the transfer of care, custody and control of the Fitch School Gymnasium be transferred permanently to the Recreation Department which will

work with Healthy Waltham until a permanent home for them is found. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call required.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LeBlanc, Mackin, McLaughlin, McMenimen, Paz, Stanley and Vidal.

Opposed: None.

Absent: LaFauci and O'Brien.

Presiding: Brasco.

Matter was approved 12-0.

4. The Committee of the Whole recommends confirmation of the appointment of Crystal Philpott, 27 Wampum Avenue, Waltham as the Purchasing Agent for a term expiring February 29, 2024. Taken out of order and approved.

### **Ordinances and Rules Committee**

1. The Ordinances and Rules Committee recommends the general ordinance for plastic bags 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 matter was approved. Councillor McLaughlin moved to recommit the matter. The motion was adopted by a voice vote and matter was recommitted.

2. The Ordinances and Rules Committee recommends the general ordinance for plastic bag - 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 by a voice vote and matter was approved. Councillor McLaughlin moved to recommit the matter. The motion was adopted by a voice vote and matter was recommitted.

3. The Ordinances and Rules Committee recommends the approval of an amendment to the General Ordinances for sections 2-184, 2-185, 2-186 and 2-187, Department of Maintenance and Director of Maintenance and Clerk of the Works, 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 matter was approved. Councillor McLaughlin moved to recommit the matter. The motion was adopted by a voice vote and matter was recommitted.

4. The Ordinances and Rules Committee recommends the Compensation Ordinances changes regarding Chief Building Inspector, Director of Inspectional Services and Director of Maintenance/Clerk of the Works 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 matter was approved. Councillor McLaughlin moved to recommit the matter. The motion was adopted by a voice vote and matter was recommitted.

### **Finance**

1. The Finance Committee recommends the transfer of funds totaling \$51,000 to fund the three-year collective bargaining agreement between the City and the School Traffic Supervisors' Union for the period of July 1, 2019 – June 30, 2022 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 matter was approved.

2. The Finance Committee recommends the First Responder Naloxone Grant in the amount of \$5,000 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 matter was approved.

3. The Finance Committee recommends the transfer in the amount of \$19,000 for the purchase and installation of a new fuel management system 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 matter was approved.

### **Ad-Hoc Redistricting**

1. The Ad-Hoc Committee on Redistricting recommends the approval of new Ward and Precinct boundaries in accordance with Massachusetts General Law Chapter 54 Sections 1-2. Councillor LaCava moved that the action of the Committee be the action of the Council. On the motion Councillor Darcy raised concerns about redistricting of Wards 2 and 3. Councillor Stanley rose and pointed out that legislature is about to make some changes on redistricting and the Council may want to hold off on any decisions. Councillor McLaughlin, a member of the Ad Hoc Committee on Redistricting, rose to recognize the work of the Chairman of the Committee, Councillor LaFauci, Assistant City Clerk Joseph Vizard and Eric Rizzo from the IT Department, and explained what the Committee did and the process it followed. Councillor Durkee stated that although he was not on the Ad Hoc Committee he attended all the meetings and the process was fair. Councillor Vidal pointed out that redistricting is driven by the census results which count people not voters and urged the Council not to delay this decision. Councillor McMenimen asked Councillor McLaughlin to provide a further explanation of the Committee's work. Councillors Paz, Stanley, Dunn and Darcy all asked questions regarding the matter. Councillor Darcy moved to table. Roll call requested.

In favor: Darcy, Dunn, LaCava, Mackin and Paz.

Opposed: Durkee, Harris, LeBlanc, McLaughlin, McMenimen, Stanley and Vidal.

Absent: LaFauci and O'Brien.

Presiding: Brasco.

Motion to table failed 5-7.

On the motion for approval of the Redistricting of Ward and Precinct boundaries. Roll call.

In favor: Durkee, Harris, LaCava, LeBlanc, Mackin, McLaughlin, McMenimen, Paz, Stanley and Vidal.

Opposed: Darcy and Dunn.

Absent: LaFauci and O'Brien.

Presiding: Brasco.

Matter was approved 10-2.

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

- Audio-Visual Equipment for City Council Chamber

President Brasco appointed an Ad Hoc Committee consisting of Councillors Darcy, Dunn and Paz.

- Withdrawal without prejudice for the zone change amendment at 1265 Main Street for 1265 Main Street LLC

Councillor McLaughlin moved approval of the request.

Roll call.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LeBlanc, Mackin, McLaughlin, McMenimen, Paz, Stanley and Vidal.

Opposed: None.

Absent: LaFauci and O'Brien.

Presiding: Brasco.

Matter was approved 12-0.

Councillor McMenimen moved to take from the table the Mayor's Communication number 3 which was a request for an executive session regarding a real estate matter. The motion was adopted by a voice vote and matter was approved. Councillor McMenimen moved to go into executive session for the purpose of discussing a real estate matter and that the Mayor attend, that the City Clerk act as the Clerk of the executive session and the Council reconvene in open session following the adjournment of the executive session. Roll call.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LeBlanc, Mackin, McLaughlin, McMenimen, Paz, Stanley and Vidal.

Opposed: None.

Absent: LaFauci and O'Brien.

Presiding: Brasco.

Matter was approved 12-0.

The Council convened in executive session at 8:42 p.m.

The Council reconvened in open session at 9:13 p.m.

Councillor LaCava moved to take from the Finance Committee the Mayor's Communication number 4 regarding pending litigation. The motion was adopted by a voice vote and matter was approved. Councillor McMenimen recused herself. Councilor Harris moved to go into executive session for the purpose of discussing pending litigation and that the Mayor and Assistant City Solicitor Luke Stanton attend, that the City Clerk act as the Clerk of the executive session and the Council reconvene in open session following the adjournment of the executive session. Roll call.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LeBlanc, Mackin, McLaughlin, Paz, Stanley and Vidal.

Opposed: None.

Recused: McMenimen.

Absent: LaFauci and O'Brien.

Presiding: Brasco.

Matter was approved 11-0.

The Council convened in executive session at 9:15 p.m.

The Council reconvened in open session at 9:44 p.m.

City Clerk Waddick read the Fourth Communication from the Mayor; a request for a transfer of \$343,833. Councillor LaCava moved to suspend the rules and act on the matter without Committee reference. The motion was adopted by a voice vote and matter was approved. Councillor LaCava moved approval of the transfer. The motion was adopted by a voice vote and matter was approved.

Councillor LeBlanc made an announcement that there would be a Homecoming Parade on Saturday, October 9, 2021 before the Waltham High School football game.

Councillor LeBlanc moved to adjourn. The motion was adopted by a voice vote. Council President Brasco declared the meeting adjourned at 9:47 p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant to the City Clerk

October 5, 2021