

Waltham City Council  
Minutes of the Meeting of  
March 11, 2019

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

**Call of the Roll:**

City Council

Present: Councillors Darcy, Fowler, Harris, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, McMenimen, Romard, Stanley, Vidal and Brasco

Absent: LaCava, Nabulime

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

Councillor McLaughlin moved to suspend the rules to take a matter out of order. The motion was adopted on a voice vote and the matter was approved. The Clerk to read the Resolution for Blanche Clark Nocella. Councillor McLaughlin spoke on the resolution. Councillor Diane LeBlanc spoke on the Resolution. Councillor McLaughlin moved to act on the matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved approval of the Resolution. The motion was adopted on a voice vote and the matter was approved.

Councillor McMenimen moved approval of the City council minutes from 2/25/2019. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen rose to a parliamentary inquiry. Councillor Fowler spoke on the matter. Councillor McMenimen moved to table the executive session minutes of 2/25/2019 on the Council floor. The motion was adopted on a voice vote and the matter was approved.

The Clerk read Rule 86.

The Clerk read the first public hearing: Fuel Storage application at 65 Main Street  
Alan Magale, 414 Benefit Street, Paul, RI, representing the petitioner, spoke in favor the petition. George Michael, 1122 Trapelo Road, Waltham, Waltham Gulf Express spoke in opposition to 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 Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors McLaughlin asked questions of the petitioner. Councillor Fowler asked questions of the petitioner. Councillor Darcy spoke on the matter. Councillor Vidal asked questions of the petitioner. One person stood in favor of the petition. One person stood in opposition of the petition. With no additional Councillors asking questions and no one speaking in rebuttal, President Brasco closed the public hearing and referred the matter to the Licenses and Franchise Committee.

The Clerk read the second public hearing: Grant of Location at Grove Street  
Shannell Grant, 65 Mann Ave., Dorchester, representing the petitioner, 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 on the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. With no one else in support and no one else in opposition and no one in a neutral position of the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors McLaughlin asked questions to the petitioner.

With no Councillors asking questions and no one speaking in rebuttal, President Brasco closed the public hearing and referred the matter to the Licenses and Franchise Committee.

The Clerk read the third public hearing: Modification of Special Permit at 54 Fourth Ave  
Randy LeBlanc recused himself.

Richard Dacey, 707 Main Street, Waltham, Attorney representing the petitioner, Waltham Suites, LLC, spoke in favor of the petition. Dan Mills, 28 Load Road, Marlborough, MA, representing MDM Transportation for the petitioner, 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 Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Romard, Logan, Darcy, Harris, McMenimen, Stanley, Diane LeBlanc, and Mackin asked questions of the petitioner. With no additional Councillors asking questions and no one speaking in rebuttal, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee.

The Clerk read the fourth public hearing: Special Permit at 100 First Avenue  
Councillor McMenimen recused herself.

Bill Proia, 700 Prospect Ave., Burlington, representing the petitioner, spoke in favor of the petition. Kathleen Keane, representing the company that prepared the traffic study, 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 Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Romard, Mackin, and McLaughlin asked questions to the petitioner. With no additional Councillors asking questions and no one speaking in rebuttal, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee.

### **Communications from the Mayor**

1. The Mayor respectfully requests an appropriation in the amount of \$7,006 for Disability Services Commission to fund numerous projects. Referred to the Finance Committee
2. The Mayor respectfully requests a transfer of funds totaling \$10,200.54 to purchase office furniture/equipment at the Senior Center. Referred to the Finance Committee
3. The Mayor respectfully requests funding totaling \$4,600,000 to award the bid for the sewer work to be done in area 1314B. Referred to the Long Term Debt and Capital Planning Committee

### **Applications & Licenses**

All matters referred to the Licenses and Franchise Committee

- Secondhand Dealers License renewal – 318 Moody Street – Marcou Jewelers
- Secondhand Dealers License renewal – 471 Main Street – The Toolshed
- Secondhand Dealers License renewal – 1019 Trapelo Road – GameStop #7772
- Lodging House renewal – 11-13 Walnut Street – Martin Reilly Realty Trust
- Lodging House renewal – 118-120 Robbins Street – Martin Reilly Realty Trust
- Lodging House renewal – 20-22 Adams Street – Martin Reilly Realty Trust
- Lodging House renewal – 44-46 Chester Avenue – Martin Reilly Realty Trust

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

- Feasibility Study at 554 Lexington Street Resolution

The Clerk read the Resolution. Councillor Diane LeBlanc spoke on the Resolution. Matter was referred to the Committee of the Whole. Councillor Diane LeBlanc submitted a request that the

Mayor provide a copy of the full feasibility study to the Clerk of the Committee of the Whole and that the Clerk send the study to all Councillors. The motion was adopted on a voice vote and the matter was approved.

- **Composting Resolution**

The Clerk read the Resolution. Councillor Mackin spoke on the matter. Referred to the Public Works and Public Safety Committee.

- **National Guard Amended Provision Resolution**

The Clerk read the Resolution. Councillor Fowler spoke on the matter. Referred to the Ordinances and Rules Committee

- **Leaf Composting Resolution**

The Clerk read the Resolution. Councillor Randy LeBlanc spoke on the matter. Referred to the Fernald Use Committee

- **Energy Code Vote Resolution**

The Clerk read the Resolution. Councillor Logan spoke on the matter. Referred to the Committee of the Whole.

- **Wellington Farm Resolution**

The Clerk read the Resolution. Councillor Darcy spoke on the matter. Referred to the Economic and Community Development Committee

## **Committee Reports**

### **Licenses and Franchises**

1. The License and Franchise Committee recommends the Grant of Location at 225 Second Avenue 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.

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

1. The Public Works & Public Safety Committee recommends the Composting Resolution be filed. Councillor LeBlanc 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 Resolution Concerning Rodent Infestation be filed. Councillor LeBlanc 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 appropriation in the amount of \$66,074 to reimburse the maintenance and repair account for the costs associated with the installation and replacement of a heating system and HVAC improvements for Prospect St. Fire Station and Waltham Public Library 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 appropriation in the amount of \$21,000 to purchase a new 18,000lbs. capacity vehicle lift for the vehicles repair garage 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 appropriation in the amount of \$194,000 to purchase a new Hot Box asphalt patch truck 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 acceptance of a gift in the amount of \$500 from an anonymous donor to the Park and Recreation 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.

5. The Finance Committee recommends the acceptance of a gift of the City Seal painting from Donna Laswell valued at \$300 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.

6. The Finance Committee recommends the transfer in the amount of \$9,798 to establish and fund an account for Cyber Insurance 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.

7. The Finance Committee recommends the acceptance of a SAFE grant from the Commonwealth of Massachusetts in the amount of \$6,754 for Student Awareness and Fire Education for school children 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.

8. The Finance Committee recommends the acceptance of a SAFE grant from the Commonwealth of Massachusetts in the amount of \$3,000 for Awareness and Fire Education for senior citizens 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.

9. The Finance Committee recommends the acceptance of a grant in the amount of \$125,148 from the Executive Office of Elder Affairs to be used by the Council on Aging for various programs that benefit senior citizens 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 Notification of Abutters of 554 Lexington Street be approved. Councillor Logan moved that the action of the committee be the action of the Council. On the motion Councillor Diane LeBlanc spoke on the matter. The motion was adopted on a voice vote and the matter was approved. Councillor Diane LeBlanc made a request to have the Resolution sent to the Mayor and the School Committee and the School Building Committee. The motion was adopted on a voice vote and the matter was approved.

### **Ordinances & Rules**

1. The Ordinances and Rules Committee recommends that the Ad hoc Committee Report on Council Committee Structure be filed. 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.

### **Long Term Debt and Capital Planning**

1. The Long Term Debt and Capital Planning Committee recommends a transfer in the amount of \$24,000 for roof repairs at the Veterans Memorial Skating Rink be approved. Councillor Darcy 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 Long Term Debt and Capital Planning Committee recommends a transfer in the amount of \$208,000 toward the low and responsible bidder of the Phase 2 Christopher Road water project be approved. Roll call requested.

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

Opposed: None

Absent: LaCava, Nabulime

Matter was approved 13-0 2 absent

3. The Long Term Debt and Capital Planning Committee recommends the CPC application of CPA funds totaling \$3,000,000 for buildings at the Fernald be approved. Councillor McMenimen recused herself. Councillor Darcy moved that the action of the committee be the action of the Council. On the motion Councillor Darcy spoke on the matter and noted some edits in the order and moved to amend. Councillor Stanley spoke on the matter. Councillor Logan spoke on the matter. Councillor Logan moved to table the matter. The motion was adopted on a voice vote and the matter was tabled on the Council floor.

### **Veterans Service**

1. The Veterans Service Committee recommends the legislative updates and exemptions related to the BRAVE ACT be approved. Councillor LeBlanc 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**

#### **Tabled Items**

- Zoning Amendment regarding the moratorium for Non-Medical Marijuana Establishments

Councillor McLaughlin moved to take the matter off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin spoke on the matter. Councillor McLaughlin moved to approve the matter for a third and final reading. Roll call required.

In Favor: Darcy, Harris, Diane LeBlanc, Randy LeBlanc, Logan, McLaughlin, McMenimen, Romard, Stanley, Vidal

Opposed: Fowler, Mackin

Absent: Lacava, Nabulime

Presiding: Brasco

Matter approved 10-2-2

- FY2019 Compensation Ordinance Amendments

Councillor McLaughlin moved to take the matter off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin spoke on the matter. Councillor McLaughlin moved to recommit the matter to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was approved.

- General Ordinance Amendment consolidating the Public Works, Water and Sewer Departments

- Councillor McLaughlin moved to take the matter off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin spoke on the matter. Councillor McLaughlin moved to recommit the matter to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was approved.

- Loan authorization for \$1,085,000 for Hillcroft Playground

Councillor Darcy moved to take the matter off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor Darcy spoke on the matter. Councillor Darcy moved to approve the matter for a second reading and final reading. Roll call required. Councillor Logan recused himself.

In Favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley and Vidal, Brasco

Opposed: None

Absent: LaCava, Nabulime

Matter was approved 12-0.

- 17-25 Street opening at 509-527 and 533 Moody Street

Councillor Harris moved to take the matter off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor Harris moved to file the matter. The motion was adopted on a voice vote and the matter was approved.

- Mayor's veto on Order Nos. #34291, 34292, 34295

- Installation of a guard rail on the backside of Beal Road sidewalk

Councillor Darcy moved to adjourn. President Brasco declared the meeting adjourned at 10:23p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

March 15, 2019

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