

Waltham City Council
Minutes of the Meeting of
March 22, 2021

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

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

Absent: LaCava and Paz.

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 minutes from the 3/8/2021 Meeting of City Council. The motion was adopted on a voice vote and the minutes were approved.

Councillor McMenimen moved approval of the executive session minutes from the 3/8/2021 Meeting of City Council. The motion was adopted on a voice vote and the minutes were approved. Councillor McMenimen made a request that was approved by a voice vote to send the minutes to the Law Department for review and to determine when these minutes could be released to the public.

Councillor LeBlanc recused himself from the first public hearing matter that was recessed on 2/8/2021. Councillor McLaughlin rose to take the matter of the withdrawal of the Special Permit application for Waltham Cannabis, Inc. of out of order. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved to grant the request for leave to withdraw without prejudice. Roll call.

In favor: Darcy, Dunn, Durkee, Harris, LaFauci, Mackin, McLaughlin, McMenimen, O'Brien, Stanley and Vidal.

Opposed: None.

Recused: LeBlanc.

Absent: LaCava and Paz.

Presiding: Brasco.

Matter was approved 11-0.

The Clerk called Councillor Paz who answered present.

Communications from the Mayor

1. The Mayor respectfully requests an opportunity to attend the City Council meeting and for an Executive Session on Monday, March 22, 2021 to discuss pending litigation. Councillor McMenimen moved to table this matter until the end of the Docket. The motion was adopted on a voice vote and the matter was tabled.

2. The Mayor respectfully requests authorization to grant Charles River Canoe & Kayak a Section 10A permit to put a temporary dock on the Riverwalk next to Cronin's Landing Dock. Referred to the Licenses and Franchises Committee.

3. The Mayor respectfully requests a transfer of funds in the amount of \$3,450 to purchase a computer with sufficient capability to run AutoCAD, GIS and other applications required and used by the CPW Department, Water & Sewer Division. Referred to the Finance Committee.

4. The Mayor respectfully requests acceptance of two gifts; a reel to reel recorder and a Jim Reagan Map from Mike Silva, Waltham, MA. Referred to the Finance Committee.

5. The Mayor respectfully requests a transfer of funds totaling \$5,151.56 to close out several project accounts of the Disability Services Commission. Referred to the Finance Committee.

Applications and Licenses

All matters referred to the Licenses and Franchises Committee

- Secondhand dealers license renewal – 358 Moody Street – Alpha Cellphone Plus
- Secondhand dealers license renewal – 108-C River Street –dba Play It Again Sports
- Secondhand dealers license renewal – 443 Moody Street – Mr. Sweeper Aviden Inc.
- Secondhand dealers license renewal – 1250 Main Street – Clean Out Your House, Inc.

A motion by Councillor Vidal to accept the following late filed Applications and Licenses was adopted on a voice vote and they were referred to the Licenses and Franchises Committee:

Lodging house renewal for Max Horn at 775 Main Street

Lodging house renewal for Matthew Pintabone at 6 Park Place

Lodging house renewal for Ash Street Lodging LLC at 124-125 Ash Street

Orders, Ordinances & Resolutions

- Establishing Zoning Regulations to Limit Unfettered Proliferation of Similar Businesses in Waltham Neighborhoods Resolution

City Clerk Waddick read the Resolution. Councillors Darcy and O'Brien spoke on the Resolution. President Brasco referred the matter to the Ordinances and Rules Committee.

- Stop Asian Hate Resolution

City Clerk Waddick read the Resolution. Councillors Mackin and Paz spoke on the Resolution. President Brasco referred the matter to the Economic and Community Development Committee.

- Law Enforcement Resolution

City Clerk Waddick read the Resolution. Councillor Durkee spoke on the Resolution. President Brasco referred the matter to the Public Works and Public Safety Committee.

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the grant of location for Eversource on Felton Street be approved. Councillor Vidal moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 13-0.

2. The Licenses and Franchises Committee recommends the lodging house renewal for 17-19 Chestnut Street for Stanley & Lexi Bloomenthal be approved. Councillor Vidal moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 13-0.

3. The Licenses and Franchises Committee recommends the extended hours Go Puff LLC at 50 Sun Street be approved as amended. Councillor Vidal moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 13-0.

Finance

1. The Finance Committee recommends acceptance of a grant in the amount of \$2,730 from the Max McCormick Foundation to purchase a new 3M Scott v320 Thermal Imager for the Fire Department be approved. Councillor LaFauci moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 13-0.

2. The Finance Committee recommends acceptance of a donation of an electric wall clock made by the United Clock Corporation from David Breton of Waltham, MA to be displayed in the City Hall Museum Room be approved. Councillor LaFauci moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 13-0.

3. The Finance Committee recommends an appropriation in the amount of \$1,585,484 from Unreserved Fund Balance to numerous snow accounts within the CPW Department be approved. Councillor LaFauci moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 13-0.

Committee of the Whole

1. The Committee of the Whole recommends the appropriation in the amount of \$75,000 for the acquisition of a portion of the property located at 1273 Main Street be approved. Councillor McMenimen moved to table the matter. The motion was adopted on a voice vote and the matter was tabled.

2. The Committee of the Whole recommends the appropriation in the amount of \$104,000 for the acquisition of a portion of the property located at 1335 Main Street be approved. Councillor McMenimen moved to table the matter. The motion was adopted on a voice vote and the matter was tabled.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the Realistic Affordable Housing Resolution be filed. Councillor McLaughlin moved that the action of the Committee be the action of the Council. On the motion Councillor Paz moved to recommit the matter to the Committee of the Whole. Councillors Paz, Harris, Mackin and LeBlanc all spoke on the motion. Roll call.

In favor: Darcy, Dunn, Mackin and Paz.

Opposed: Durkee, Harris, LaFauci, LeBlanc, McLaughlin, McMenimen, O'Brien, Stanley and Vidal.

Absent: LaCava.

Presiding: Brasco.

Matter did not pass 4-9.

Councillor Darcy moved to amend the Committee's recommendation to file without prejudice. Roll call.

In favor: Darcy, Dunn, Mackin and Paz.

Opposed: Durkee, Harris, LaFauci, LeBlanc, McLaughlin, McMenimen, O'Brien, Stanley and Vidal.

Absent: LaCava.

Presiding: Brasco.

Matter did not pass 4-9.

Councillor Harris moved to reconsider. The motion was adopted on a voice vote and the matter was approved. On reconsideration, a roll call was requested.

In favor: Darcy, Dunn, Mackin and Paz.

Opposed: Durkee, Harris, LaFauci, McLaughlin, McMenimen, O'Brien, Stanley and Vidal.

Inaudible: LeBlanc.

Absent: LaCava.

Presiding: Brasco.

Matter did not pass 4-8.

Councillor Paz moved to table the Resolution.

Roll call.

In favor: Mackin and Paz.

Opposed: Darcy, Dunn, Durkee, Harris, LaFauci, LeBlanc, McLaughlin, McMenimen, O'Brien, Stanley and Vidal.

Absent: LaCava.

Presiding: Brasco.

Matter did not pass 2-11.

Councillor McLaughlin moved to file the Realistic Affordable Housing Resolution. Roll call.

In favor: Dunn, Durkee, Harris, LaFauci, LeBlanc, McLaughlin, McMenimen, O'Brien, Stanley and Vidal.

Opposed: Darcy, Mackin and Paz.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 10-3.

2. The Ordinances and Rules Committee recommends the Fuel Storage Permit Ordinance be approved for a second reading. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Inaudible: Paz.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 12-0.

Councillor McLaughlin moved to suspend the rules and give the matter a third and final reading. The motion to suspend the rules was adopted on a voice vote. Councillor McLaughlin moved to give the matter at third reading. Roll call.

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

Opposed: None.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 13-0.

Fernald Use

1. The Fernald Use Committee recommends the Mayor's request relating to the McLaughlin Building at 475 Trapelo Road for educational use be filed. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.
Absent: LaCava.
Presiding: Brasco.
Matter was approved 13-0.

Unfinished Business & Other Business

- Time extension for Special Permit application at 71 Second Avenue
Councillor McLaughlin moved approval of the matter. Councillor LeBlanc recused himself.
Roll call.

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

Opposed: None.

Recused: LeBlanc.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 12-0.

- Appointment of Ad-Hoc Committees

President Brasco announced the members of two Ad Hoc Committees:

Committee to Appoint CPC Members

- Randall J. LeBlanc
- George A. Darcy, III
- Sean T. Durkee

Redistricting Committee

- Anthony LaFauci
- John J. McLaughlin
- Carlos A. Vidal

- CPC recommendation for CPA funds for repairs to the New Light Korean Church Steeple.
Referred to the Long Term Debt and Capital Planning Committee

- CPC recommendation for CPA funds for repairs to the Mary T. Early Footbridge.
Referred to the Long Term Debt and Capital Planning Committee

- CPC recommendation for CPA funds for the development of Senior Housing on the Leland Home property. Referred to the Long Term Debt and Capital Planning Committee.

- Withdrawal without prejudice Special Permit application from Waltham Cannabis, Inc. & Michael Polacco, Trustee of Full House Realty Trust at 1254-1256 Main Street (Taken up at the call of the Recessed Public Hearing at the beginning of the meeting.)

- Special Permit Modification at 511 Totten Pond Road, LLC & Totten Pond Road Service Center, Inc. Referred to the Ordinances and Rules Committee.

Councillor LeBlanc moved to discharge from Committee of the Whole the Energy Aggregation matter. The motion was adopted on a voice vote and the matter was approved. Councillor LeBlanc made a motion to send the letter received by all the Councillors from David Kern relating to the Energy Aggregation information all residents received in the mail to the Law Department for review and to opine on the information provided within Mr. Kern's letter. On the motion, Councillor Vidal asked for Planning Director Catherine Cagle to receive a copy of the letter and for Ms. Cagle and a representative from the Purchasing Department attend the meeting of the Committee of the Whole on April 5, 2021 to discuss matter. The motion was adopted on a voice vote and the requests were approved. Councillor Vidal moved to recommit the matter to the Committee of the Whole. The motion was adopted on a voice vote and the matter was recommitted.

Councillor McMenimen moved to take from the table the Mayor's Communication requesting an executive session. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen moved to convene in executive session to discuss pending litigation and that the Mayor, John Cervone, Katie Laughman, Assistant City Clerk Vizard and City Clerk Waddick attend and that Mr. Waddick clerk the meeting and that the Council reconvene in open session following executive session.

Roll call.

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

Opposed: None.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 13-0.

The Council convened in Executive Session at 8:56 p.m.

The Council reconvened in open session at 10:53 p.m.

Councillor McMenimen moved to accept a late filed communication from the Mayor. The motion was adopted on a voice vote and the matter was approved. Councillor LeBlanc made a motion to approve an appropriation request in the amount of \$150,000 subject to the following:

1. Settlement agreement signed by the six Plaintiffs, Philip Chorman, Lorraine Reilly, Shawn Tully, Amy Nelson, Jeremy Lewis, Ari Miller and their attorney;
2. Omnibus Release signed by the above six Plaintiffs;
3. Stipulation of Dismissal of the Middlesex Superior Court action number C.A. 2081-CV-03028;
4. Withdrawal of DEP appeal, File number 316-0770 by Ari Miller and Jeremy Lewis; and

Subject to the above four documents being in a form agreed to by the City of Waltham's Law Department.

Roll call.

In favor: Darcy, Dunn, Harris, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, and Vidal.

Opposed: Durkee, Stanley.

Absent: LaCava.

Presiding: Brasco.

Matter was approved 11-2.

Tabled Items

- Public hearing continuance request for Waltham Cannabis, Inc. & Michael Polacco, Trustee of Full House Realty Trust at 1254-1256 Main Street
- Open Meeting Law Complaint
- Confidential Real Estate matter tabled in Executive Session

Councillor Darcy moved to adjourn. The motion was adopted by a voice vote. Council President Brasco declared the meeting adjourned at 10:57 p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant to the City Clerk

March 24, 2021