

Waltham City Council
Minutes of the Meeting of
April 27, 2020

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

Call of the Roll

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

Absent: None.

The City Clerk recited the Council Prayer followed by President Brasco leading all present in the Pledge of Allegiance. Councillor LeBlanc asked for a moment of silence for all our military that have served past and present and for the first responders, medical professionals and all others assisting those with COVID-19 and for those who have lost their lives due to the virus. Vice President McMenimen asked for a moment of silence for former City Council President John Duffy who passed away on April 23, 2020.

President Brasco announced that the Council was meeting remotely and explained that residents could follow the meeting on the City's YouTube channel and on the WCAC MAC channels.

Councillor LeBlanc moved approval of the minutes of April 13, 2020. The motion was adopted on a voice vote and the minutes were approved.

Communications from the Mayor

Councillor LaCava moved to suspend the rules to act on the requests in communications 1, 2, 5, 8, 9, 12 and 13 collectively. The motion was adopted on a voice vote. The Clerk read communications 1, 2, 5, 8, 9, 12 and 13. Councillor LaCava moved to suspend the rules to act on the requests in communications 1, 2, 5, 8, 9, 12 and 13 without committee reference. The motion was adopted on a voice vote. Councillor LaCava moved approval of the requests in communications 1, 2, 5, 8, 9, 12 and 13. A vote was taken by a call of the roll.

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

Opposed: None.

Presiding: Brasco.

Matter approved: 14-0.

1. The Mayor respectfully requests acceptance of 100 nurse-type masks for the First Responders from Enbridge, the parent company of Algonquin Gas. Approved collectively.

2. The Mayor respectfully requests acceptance of hand sanitizers from Senior Whole Health. Approved collectively.

Councillor LaCava moved to suspend the rules to act on the requests in communications 3, 4, 6, 7, 10, 16 and 21 collectively. The motion was adopted on a voice vote. The Clerk read communications 3, 4, 6, 7, 10, 16 and 21. Councillor LaCava moved to suspend the rules to act on the requests in communications 3, 4, 6, 7, 10, 16 and 21 without committee reference. The motion was adopted on a voice vote. Councillor LaCava moved approval of the requests in communications 3, 4, 6, 7, 10, 16

and 21. Councillor LaCava expressed thanks to all of the donors. President Brasco also expressed thanks. A vote was taken by a call of the roll.

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

Opposed: None.

Presiding: Brasco.

Matter approved: 14-0.

3. The Mayor respectfully requests acceptance of a gift in the amount of \$2,500 from the Waltham Lions Club for a food drive to be administered by the City. Approved collectively

4. The Mayor respectfully requests acceptance of a gift in the amount of \$500 from Ken King for a food drive to be administered by the City. Approved collectively.

5. The Mayor respectfully requests acceptance of hand sanitizers from Johnson Compounding & Wellness. Approved collectively.

6. The Mayor respectfully requests acceptance of ten \$75 gift certificates; five to Pizzi Farm and five to the Chateau Restaurant for Waltham Veterans from Michael R. Connors, Esq. Approved collectively.

7. The Mayor respectfully requests acceptance of a gift of \$500 from James and Sharon Duda to be used to aid any Waltham residents in need as a result of the COVID-19 situation. Approved collectively.

8. The Mayor respectfully requests acceptance of a gift of 1,400 pairs of gloves from the Waltham Land Trust. Approved collectively.

9. The Mayor respectfully requests acceptance of 1,000 surgical face masks and 500 hand sanitizers for our First Responders from India Market/Bokhary & Sons, Inc. /Yousef Bokhary. Approved collectively.

10. The Mayor respectfully requests acceptance of a gift in the amount of \$1,000 from Curt D. Everett to be used for a First Responder Appreciation Day. Approved collectively

11. The Mayor respectfully requests acceptance of a gift of \$500 from David and Jen Vitone to Waltham people and families in need during these difficult times. Approved collectively.

12. The Mayor respectfully requests acceptance of a gift of hotel accommodations for frontline workers from Keith Gilbert, owner of the Holiday Inn Express. Approved collectively

13. The Mayor respectfully requests acceptance of 200 surgical masks from Ocean State Job Lot, 300 cloth masks from Dr. Mariela Vargas hand sewn by Lynda Cowin Nijenson and 480 N95 masks from Natick Labs. Approved collectively.

14. The Mayor respectfully requests acceptance of a grant from Massachusetts Historical Commission in the amount of \$15,000.00 for a historical survey. Referred to the Finance Committee.

15. The Mayor respectfully requests acceptance of two grants from the Massachusetts Board of Library Commissioners; a Social Infrastructure Grant in the amount of \$649.00 and a Summer Learning Grant for Teen Room programming in the amount of \$2,000.00. Referred to the Finance Committee.
16. The Mayor respectfully requests acceptance of 40 gift certificates in the amount of \$25.00 each from the Waltham Lions Club to the Director of Veterans Services, for veterans. Approved collectively.
17. The Mayor respectfully requests an appropriation in the amount of \$200,000.00 for emergency assistance to small businesses and the art community affected by COVID-19. Referred to the Finance Committee.
18. The Mayor respectfully requests an appropriation in the amount of \$120,000.00 for emergency assistance to Waltham citizens affected by COVID-19, ~~for already received applications~~ until the CPC program is operational. Councillor LaCava moved to suspend the rules to act on the matter without committee reference. The motion was adopted on a voice vote. Councillor LaCava moved approval. On the motion, Councillor LaCava stated that this request is to supplement funding already approved by the Council. A vote was taken by a call of the roll.
In Favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, O'Brien, Paz, Stanley and Vidal.
Opposed: None.
Presiding: Brasco.
Matter approved: 14-0.
19. The Mayor respectfully requests a transfer of funds in the amount of \$4,264.00 to pay the general liability and umbrella insurance policy for the property at 554 Lexington Street. Referred to the Finance Committee.
20. The Mayor respectfully requests a transfer of funds in the amount of \$5,100.00 to supplement existing funds to pay the Cyber insurance premium to protect the City against computer hacking. Referred to the Finance Committee.
21. The Mayor respectfully requests acceptance of a gift in the amount of \$10,000.00 from Sally and Robert Collini, for a food drive to be administered by the City. Referred to the Finance Committee.

Applications and Licenses

- Fortune Teller License – 12 Sartell Road – James Spanks. Referred to Licenses and Franchises Committee
- Secondhand Dealers License renewal – 1019 Trapelo Road - Game Stop, Inc. Referred to License and Franchises Committee.
- Extended hours renewal – 851 Main Street – J&J Variety. Referred to Licenses and Franchises Committee.

Orders, Ordinances & Resolutions

Public Employee Recognition Resolution

The Clerk read the Resolution. Councillor Harris spoke on the Resolution thanking all city employees for their dedicated service during the extraordinary times presented by the COVID-19 pandemic. Councillor Harris moved to suspend the rules to act on the Resolution without committee reference. The motion was adopted on a voice vote. Councillor Harris moved approval. A vote was taken by a call of the role.

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

Opposed: None.

Matter approved: 15-0.

Management of COVID-19 in Waltham Resolution

The Clerk read the Resolution. Councillors Mackin stated that she has been asked two questions by constituents. First, what is Waltham doing to protect the homeless during these times? Second, what is going on with the big tents on the Common? Councillor Mackin indicated that she had two Requests. Councillor O'Brien stated that this is an important and timely Resolution to see what is being done to help Waltham's homeless. Councilor Paz indicated that he has received inquiries from constituents regarding the actions being taken by the City for the homeless during this crisis. Councillor Mackin's first Request was that the Mayor provide to the Council in writing a plan for accommodating people experiencing homelessness using the tents on the common or other resources, with information about a planned closure date and/or conditions that must be met before closure, what conditions would trigger a re-opening of the tent if closed, and a written policy for determining under what conditions the tent will remain open during the day for inclement weather or other circumstance, naming the person or authoritative body responsible for this decision. Councillor Mackin moved approval of the Request. The motion was adopted on a voice vote and the Request was approved. The second Request was that the Health Department provide the Council in writing a plan for providing testing for people experiencing homelessness, with information on how results will be communicated to the individual, what further services or referrals will be provided to people with a positive result and how the privacy of those tested will be ensured. Councillor Mackin moved approval of the Request. On the motion, Councillor Durkee asked whether the homeless are to be given priority over others who may need tests. Councillor Mackin indicated that the Request is not seeking a mandate but seeks information. Councillor LaCava asked whether Councillor Mackin had checked with the Health Department on a time frame for a response. Councillor Mackin indicated that she hadn't but that she hoped to have an answer in a week, although she had no firm time frame. The motion for approval was adopted on a voice vote and the Request was approved. President Brasco referred the Resolution to the Economic and Community Development Committee.

Open Space Resolution

The Clerk read the Resolution. Councillor Dunn spoke on the Resolution stating that the concept is something she brought up when the Council first learned of the proposed use of Jericho Hill. She stated that it appeared at that time that there is adequate acreage on the 554 Lexington Street site available for conservation and protection. Councillor Dunn indicated that she had a map including an overlay of the stone walls that she would provide to the Council. Councillor Vidal spoke on the

Resolution. He thanked Councillor Dunn for the opportunity to sign on the Resolution and stated that he looked forward to an open dialogue on the matter. President Brasco referred the Resolution to the Committee of the Whole.

Arbor Day Resolution

The Clerk read the Resolution. Councillor LaCava spoke on the Resolution. He thanked the City's Tree Warden, Kevin Thompson, for his commitment to preserving trees and stated that a ceremony will take place at a future date. Councillor LaCava pointed out that the Resolution will help Waltham to maintain its designation as a Tree City. Councillor LaCava moved to suspend the rules to act on the Resolution without committee reference. The motion was adopted on a voice vote. Councillor LaCava moved approval of the Resolution. A vote was taken by a call of the roll.

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

Opposed: None.

Matter approved: 15-0.

Resolution Concerning Lowering Meals Tax

The Clerk Read the Resolution. Councillor Darcy spoke on the Resolution. He stated Waltham enacted the local option meals tax of 0.75% on July 1, 2010. Councillor Darcy further stated that it is the local option portion of the meals tax (0.75%) that he is proposing to temporarily remove. He stated that he wants Waltham restaurants to survive and prosper. President Brasco referred the Resolution to the Economic and Community Development Committee.

Committee Reports

Committee of the Whole

The Committee of the Whole recommended confirmation of the appointment of Katherine D. Laughman, 5 High Rock Circle Waltham, MA as an Assistant City Solicitor for a term expiring January 31, 2022. Vice President McMenimen moved that the action of the Committee be the action of the Council. Roll call required.

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

Opposed: None.

Matter approved: 15-0.

The Committee of the Whole recommended approval of a funding allotment totaling \$103,477.00 for cable access funds (Verizon PEG Support) to be paid to the Waltham Community Access Corporation for studio equipment, field equipment and the last phase of the studio lighting equipment. Vice President McMenimen moved that the action of the Committee be the action of the Council. Roll call required.

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

Opposed: None.

Presiding: Brasco.

Matter approved: 14-0.

Finance

The Finance Committee recommends approval of an appropriation of funds totaling \$169,921.50 to purchase 150 Dell Microsoft Windows 10 desktop units for City departments. Councillor LaCava moved that the action of the Committee be the action of the Council. A vote was taken by a call of the roll.

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

Opposed: None.

Presiding: Brasco.

Matter approved: 14-0.

The Finance Committee recommends acceptance of various memorabilia items from Kathleen B. McMenimen. Councillor LaCava moved that the action of the Committee be the action of the Council. A vote was taken by a call of the roll.

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

Opposed: None.

Presiding: Brasco.

Matter approved: 14-0.

Unfinished Business & Other Business

Request for extension of time on Petition for Special Permit, 1017-1019 Main Street and 1025-1075 Main Street.

Councillor McLaughlin moved to suspend Rule 39 to act on the request for an extension of time without committee reference. The motion was adopted on a voice vote. Councillor McLaughlin moved approval of the request. Roll call required.

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

Opposed: None.

Presiding: Brasco.

Matter approved: 14-0.

Request for extension of time on Petition for Special Permit, 790 Main Street.

Councillor McLaughlin moved to suspend Rule 39 to act on the request for an extension of time without committee reference. The motion was adopted on a voice vote. Councillor McLaughlin moved approval of the request. Roll call required.

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

Opposed: None.

Presiding: Brasco.

Matter approved: 14-0.

Request for extension of time on Petition for Special Permit, 44 Williams Street, 44R Williams Street, 56 Williams Street, and 114 Felton Street.

Councillor McLaughlin moved to suspend Rule 39 to act on the request for an extension of time without committee reference. The motion was adopted on a voice vote. Councillor McLaughlin moved approval of the request. Roll call required.

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

Opposed: None.

Presiding: Brasco.

Matter approved: 14-0.

Request for extension of time on Petition for Special Permit, 94 Russell Street.

Councillor McLaughlin moved to suspend Rule 39 to act on the request for an extension of time without committee reference. The motion was adopted on a voice vote. Councillor McLaughlin moved approval of the request. Roll call required.

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

Opposed: None.

Presiding: Brasco.

Matter approved: 14-0.

Minor Modification to Special Permit No. 31913 – 470, 486 and 504 Totten Pond Road, now known as 480, 494 and 500 Totten Pond Road. Referred to the Ordinances and Rules Committee.

Minor Modification to Special Permit for 1560 Trapelo Road. Referred to the Ordinances and Rules Committee.

At the request of President Brasco, the City Clerk provided a brief summary of operations in the City Clerk's office during the COVID-19 emergency.

Councillor Darcy moved to adjourn. The motion was adopted on a voice vote and President Brasco declared the meeting adjourned at 8:40 p.m.

Respectfully submitted by:

Robert J. Waddick

City Clerk

May 1, 2020

Approved by the City Council: May 11, 2020