

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

President Pro Tem McMenimen called the meeting to order at 7:45 p.m.

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

Absent: Mackin, Paz and Brasco.

City Clerk Waddick 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 military that have served past and present. Councillor LaFauci asked for a moment of silence for Mary Catherine Brasco on her 20th memorial. President Pro Tem McMenimen asked for a moment of silence for former Fire Chief Joseph Zammuto and Former Assistant City Clerk Trudie Finneran Collins who both recently passed away.

Councillor McLaughlin moved approval of the 11/8/2021 regular meeting minutes. The motion was adopted on a voice vote and the matter was approved.

Councillor Durkee moved approval of the 11/8/2021 Executive Session Minutes – Potential real estate acquisitions. The motion was adopted on a voice vote and the matter was approved. Councillor Durkee made a request that was approved by a voice vote to send the minutes to the Law Department for review as to form and content.

Councillor LaFauci moved approval of the 11/8/2021 Executive Session Minutes – Costco litigation. The motion was adopted on a voice vote and the matter was approved. Councillor LaFauci made a request that was approved by a voice vote to send the minutes to the Law Department for review as to form and content.

Communications from the Mayor

1. The Mayor respectfully requests approval of an appropriation of \$19,500 for the Disability Services Commission to fund handicap projects within City. Referred to the Finance Committee.
2. The Mayor respectfully requests the acceptance of the FY2021 EMPG Grant in the amount of \$25,600 from the Massachusetts Emergency Management Agency. Referred to the Finance Committee.
3. The Mayor respectfully requests the acceptance of a gift from Bob and Cheryl Marcou of a sculpture that was displayed at Grover Cronin's. Referred to the Finance Committee.
4. The Mayor respectfully requests your review and approval of an appropriation for a piece of property on Moody Street and requests an executive session on this matter. Councillor Harris moved to table the matter until the end of the Council meeting. The motion was adopted by a voice vote and the matter was approved.

5. The Mayor respectfully requests acceptance of a donation from Connors & Connors, LLC in the amount of \$200 toward the upkeep and maintenance of the Holiday lights on the Common. Referred to the Finance Committee.

6. The Mayor respectfully requests acceptance of a grant from the MASSDEP Sustainable Materials Recovery Program in the amount of \$2,000 to be used for a small-scale recycling initiative. Referred to the Finance Committee.

Applications and Licenses

All licenses referred to the Licenses and Franchises Committee.

- Class 2 renewal – 825 Main Street – Don’s Service Center, Inc.
- Class 2 renewal – 614 Moody Street – Diamond Automotive Distributors, Inc.
- Class 2 renewal – 143 Prospect Street – Prospect Automobile, Sale & Service, Inc.
- Class 2 renewal – 265 Bear Hill Road – Specialty Auto Sales Inc.

Orders, Ordinances & Resolutions

- Resolution Honoring Judge Gregory Flynn on the Occasion of his Retirement

City Clerk Waddick read the Resolution. Councillor Stanley moved to suspend the rules to act on the matter without Committee reference. The motion was adopted by a voice vote and the matter was approved. Councillor Stanley moved approval of the Resolution. The motion was adopted by a voice vote and the matter was approved.

- Resolution Honoring Angelo Mosca

City Clerk Waddick read the Resolution. Councillors Darcy, Stanley and Durkee all spoke on the Resolution. Resolution was referred to the Economic and Community Development Committee.

- Resolution Concerning Cross-Border Storm Drainage Connection

City Clerk Waddick read the Resolution. Councillor Darcy spoke on the Resolution. Resolution was referred to the Public Works and Public Safety Committee. Councillor Darcy made a request that was approved by a voice vote to have the Engineering Department and the Law Department attend the next Public Works and Public Safety Committee meeting.

- Salvation Army Red Kettle Drive Resolution

City Clerk Waddick read the Resolution. Councillor Harris spoke on the Resolution and moved to suspend the rules to act on the matter without Committee reference. The motion was adopted by a voice vote and the matter was approved. Councillor Harris moved approval of the Resolution. The motion was adopted by a voice vote and the matter was approved.

Committee Reports

Committee of the Whole

1. The Committee of the Whole recommends the confirmation of the reappointment of John Cervone, of Lynnfield, Massachusetts as City Solicitor for a three-year term expiring February 29, 2024. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: Mackin, Paz and Brasco.

Matter was approved 12-0.

2. The Committee of the Whole recommends the confirmation of the reappointment of Bernadette D. Sewell, 10 Barrymeade Drive, Lexington, Massachusetts as Assistant City Solicitor for a two-year term expiring January 31, 2022. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: Mackin, Paz and Brasco.

Matter was approved 12-0.

3. The Committee of the Whole recommends the confirmation of the reappointment of Timothy Kelly, 5 Winter Ave., Marlborough, Massachusetts as Inspector of Wires for a three-year term expiring February 28, 2022. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: Mackin, Paz and Brasco.

Matter was approved 12-0.

4. The Committee of the Whole recommends the confirmation of the reappointment of Michael J. Chiasson, 25 Circuit Lane, Waltham, Massachusetts as Director of Consolidated Public Works for a three-year term expiring February 28, 2023. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: Mackin, Paz and Brasco.

Matter was approved 12-0.

5. The Committee of the Whole recommends the confirmation of the reappointment of Patricia Azadi, 643 Trapelo Road, Waltham, Massachusetts as First Assistant City Solicitor for a two-year term expiring January 31, 2022. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: Mackin, Paz and Brasco.

Matter was approved 12-0.

6. The Committee of the Whole recommends the confirmation of the reappointment of Luke Stanton, 138 Ellison Park, Waltham, Massachusetts as Assistant City Solicitor for a two-year term expiring January 31, 2022. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: Mackin, Paz and Brasco.

Matter was approved 12-0.

7. The Committee of the Whole recommends the confirmation of the reappointment of Michelle Learned, 125 Winter Street, Waltham, Massachusetts as Assistant City Solicitor for a two-year term expiring January 31, 2022. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: Mackin, Paz and Brasco.

Matter was approved 12-0.

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the renewal of the Class 1 license for Aston Martin of New England Lotus Motorsports, Inc. at 85 Linden 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.

2. The Licenses and Franchises Committee recommends the renewal of the Class 2 license for Boston Muffler & Brake Co., Inc. at 251 Lexington Street be approved. Councillor Darcy moved to act on items 2 through 6 collectively. The motion was adopted by a voice vote and matter was approved. Councillor Vidal moved approval on items #2-6. The motion was adopted by a voice vote and matters were approved.

3. The Licenses and Franchises Committee recommends the renewal of the Class 2 license for JBM Properties LLC at 215 Lexington Street be approved.

4. The Licenses and Franchises Committee recommends the renewal of the Class 2 license for Hull Corporation Inc. at 50 Thayer Road be approved.

5. The Licenses and Franchises Committee recommends the renewal of the Class 2 license for Pilgrim Auto Body, Inc. at 53 Felton Street be approved.

6. The Licenses and Franchises Committee recommends the renewal of the Class 2 license for ABKO Auto Body & Paint, Inc. at 97R Linden Street be approved.

7. The Licenses and Franchises Committee recommends the grant of location on Winter Street be approved. Councillor Vidal moved to recommit the matter to the Licenses and Franchises Committee. The motion was adopted by a voice vote and matter was approved.

8. The Licenses and Franchises Committee recommends the grant of location on River Street be approved. Councillor Vidal moved to recommit the matter to the Licenses and Franchises Committee. The motion was adopted by a voice vote and matter was approved.

9. The Licenses and Franchises Committee recommends the renewal of the extended hours' license for Despensa Familiar at 34-36 Elm Street be approved. Councillor Darcy moved to act on items 9 through 14 collectively. The motion was adopted by a voice vote and matter was approved. Councillor Vidal moved approval on items #9-14. The motion was adopted by a voice vote and matters were approved.

10. The Licenses and Franchises Committee recommends the renewal of the extended hours' license for Wendy's Properties, LLC at 806 Main Street be approved.

11. The Licenses and Franchises Committee recommends the renewal of the extended hours' license for J&T Shun Lai, Inc. at 573 Main Street be approved.

12. The Licenses and Franchises Committee recommends the renewal of the extended hours' license for J&J Variety at 854 Main Street be approved.

13. The Licenses and Franchises Committee recommends the renewal of the extended hours' license for Veronica's at 1074 Main Street be approved.

14. The Licenses and Franchises Committee recommends the extended hours license for Global Montello Group Corp. located at 809 & 821 Main Street be approved.

Finance

1. The Finance Committee recommends a transfer in the amount of \$130,000 to fund the design of water and sewer work to be done in conjunction with the installation of the MWRA's new 36" water main through Waltham 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 a transfer of funds totaling \$250,000 to fund a three-year collective bargaining agreement between the City and the Dispatchers' 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.

3. The Finance Committee recommends an appropriation in the amount of \$10,400 to purchase a rectangular Rapid Flashing Beacon (RRFB) to be installed at the intersection of Crescent Street and Cherry Street 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.

Public Works & Public Safety

1. The Public Works and Public Safety Committee recommends the 17-25 street opening at 1111 Lexington Street be approved. Councillor LeBlanc 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.

Long Term Debt & Capital Planning

1. The Long Term Debt & Capital Planning Committee recommends the loan authorization totaling \$147,120 to fund the purchase equipment for the CPW Department be approved for a first reading. Councillor Darcy 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 Darcy moved to place the matter on the table. The motion was adopted by a voice vote and matter was tabled on the Council floor.

Unfinished Business & Other Business

- Time extension for Special Permit application at 840 Winter Street

Councillor McLaughlin moved to suspend the rules to act on this matter without Committee reference. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the matter. Roll call.

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

Opposed: None.

Absent: Mackin, Paz and Brasco.

Presiding: McMenimen.

Matter was approved 11-0.

- Time extension for Special Permit application at 130 Lexington Street

Councillor McLaughlin moved to suspend the rules to act on this matter without Committee reference. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the matter. Roll call.

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

Opposed: None.

Absent: Mackin, Paz and Brasco.

Presiding: McMenimen.

Matter was approved 11-0.

- CPC recommendation for Allocation of CPA Funds for Phase 1 Architect Design Services at Opportunities for Inclusion. Referred to the Long Term Debt & Capital Planning Committee.

- CPC recommendation for Allocation of CPA Funds for Exterior Renovations at 92 Felton Street. Referred to the Long Term Debt & Capital Planning Committee.

- Private Way license for Seyon Street request from Eversource

Councillor Vidal moved to send the request to the Law Department for review. The motion was adopted by a voice vote and matter was approved.

- Special Permit Modification for the Davis Companies at 1017-1019 & 1025-1075 Main Street Referred to the Ordinances and Rules Committee.

- City Clerk's Office – filling of vacancies

Councillor McLaughlin rose and spoke of the vacancy that will be in Clerk's Office once City Clerk Waddick retires in January. Councillor McLaughlin nominated Joseph Vizard to be elected City Clerk in accordance with Section 2-11 of the City Charter for a three year term commencing January 6, 2022. President Pro Tem McMenimen asked if there were any other nominations. With there being none, Councillor McLaughlin moved to close the nominations for the position of City Clerk. The motion was adopted by a voice vote. City Clerk Waddick called the roll.

Paul J. Brasco – absent

George A. Darcy, III, voted to elect Joseph W. Vizard

Caren Dunn voted to elect Joseph W. Vizard

Sean T. Durkee voted to elect Joseph W. Vizard

Cathyann Harris voted to elect Joseph W. Vizard

Joseph P. LaCava voted to elect Joseph W. Vizard

Anthony LaFauci voted to elect Joseph W. Vizard

Randy J. LeBlanc voted to elect Joseph W. Vizard

Kristine A. Mackin - absent

John J. McLaughlin voted to elect Joseph W. Vizard

Patrick J. O'Brien voted to elect Joseph W. Vizard

Jonathan Paz - absent

Thomas M. Stanley voted to elect Joseph W. Vizard

Carlos A. Vidal voted to elect Joseph W. Vizard

Kathleen B. McMenimen voted to elect Joseph W. Vizard

Joseph W. Vizard was elected by a unanimous vote of 12-0 as City Clerk for a three year term commencing January 6, 2022.

City Clerk Waddick stated there was a late filed communication from the Assistant City Clerk. Councillor McLaughlin moved to accept the late filed communication. The motion was adopted by a voice vote. The City Clerk read the communication which stated that Joseph W. Vizard was resigning as Assistant City Clerk, effective January 5, 2022.

Councillor LaFauci rose and moved to open up nominations for the Assistant City Clerk position effective January 6, 2022. Councillor LaFauci spoke on the nominations and nominated Kara Wilson as the next Assistant City Clerk in accordance with Section 2-65 subsection (a) of the Ordinances of the City of Waltham. President Pro Tem McMenimen asked if there were any other nominations. With there being none, Councillor LaFauci moved to close the nominations for the Assistant City Clerk. The motion was adopted by a voice vote. City Clerk Waddick called the roll.

Paul J. Brasco – absent

George A. Darcy, III, voted to elect Kara Wilson

Caren Dunn voted to elect Kara Wilson

Sean T. Durkee voted to elect Kara Wilson

Cathyann Harris voted to elect Kara Wilson

Joseph P. LaCava voted to elect Kara Wilson

Anthony LaFauci voted to elect Kara Wilson

Randy J. LeBlanc voted to elect Kara Wilson
Kristine A. Mackin - absent
John J. McLaughlin voted to elect Kara Wilson
Patrick J. O'Brien voted to elect Kara Wilson
Jonathan Paz - absent
Thomas M. Stanley voted to elect Kara Wilson
Carlos A. Vidal voted to elect Kara Wilson
Kathleen B. McMenimen voted to elect Kara Wilson
Kara Wilson was elected by a unanimous vote of 12-0 as Assistant City Clerk, commencing January 6, 2022.

Tabled Items

- The Ritcey Award
- Loan authorization in the amount of \$315,000 to fund tasks #4-6 of the design services contract for improvements to Parcel 1 at the Fernald Property (first reading 10/25/2021)
President Pro Tem McMenimen recused herself. Councillor LaFauci took the chair. Councillor Darcy moved to take this matter off of the table. The motion was adopted by a voice vote and the matter was approved. Councillor Darcy moved to give the loan order a second and final reading. Roll call.
In favor: Darcy, Dunn, Durkee, Harris, LaCava, LeBlanc, McLaughlin, O'Brien, Stanley, Vidal and LaFauci.
Opposed: None.
Absent: Mackin, Paz and Brasco.
Recused: McMenimen.
Matter was approved 11-0.

President Pro Tem McMenimen reassumed the chair.

Councillor Harris moved to take from the table number four (4) of Communications from the Mayor which was a request from the Mayor regarding a loan authorization on a potential real estate acquisition. The motion was adopted by a voice vote and matter was approved. President Pro Tem McMenimen asked Councillors Harris and Durkee to escort the Mayor in to the Chamber.

Councillor Harris moved to convene in executive session for the purpose of discussing a potential real estate acquisition; that the Mayor attend; that the Assistant City Solicitor Laughman attend; that the Assistant City Clerk Vizard attend; that City Clerk Waddick act as the clerk of the executive session and that Council reconvene in open session following adjournment. Roll call.

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

Opposed: None.

Absent: Mackin, Paz and Brasco.

Presiding: McMenimen.

Matter was approved 11-0.

Council convened in executive session at 8:36 p.m.

Council reconvened in open session at 9:10 p.m.

Councillor Harris moved approval of the Mayor's request for an appropriation in the amount of \$1,482,750 for the land acquisition and closing costs for the property located at 625 Moody Street to provide additional parking on Moody Street.

Roll call.

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

Opposed: None.

Absent: Mackin, Paz and Brasco.

Matter was approved 12-0.

Councillor McLaughlin moved to adjourn. The motion was adopted by a voice vote. President Pro Tem McMenimen declared the meeting adjourned at 9:11 p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant to the City Clerk

November 29, 2021

Rule 58
For Informational Purposes Only