

Waltham City Council
Minutes of the Meeting of
June 22, 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.

Councillor Paz moved approval of the minutes of 6/8/2020. The motion was adopted on a voice vote and the minutes were approved. Councillor Paz moved approval of the minutes of the special meeting of 6/15/2020. The motion was adopted on a voice vote and the minutes were approved.

Councillor Durkee rose and moved to take a matter of a Resolution out of order. The motion was adopted on a voice vote and the matter was approved. The City Clerk read the Resolution. Councillor Durkee spoke on the matter. Councillor Durkee moved to suspend the rules to hear from off Committee members. The motion was adopted on a voice vote and the matter was approved. Christine Tron, recipient of the Deborah Sampson Award, spoke on the Resolution. Councillor Durkee moved to suspend the rules and act on this matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor Durkee moved approval of the Resolution. The motion was adopted on a voice vote and the matter was approved.

The City Clerk read Rule 86.

First public hearing: 17-25 at Vernon and Boynton Streets

Dominique Weyl, 4 Boynton Street, petitioner, spoke in favor of the petition. With no one else in support and no one else in opposition and no one else 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, McMenimen and Vidal asked questions. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Public Works and Public Safety Committee.

Second public hearing: 17-25 at Main and South Streets

Shelly Cullen, representing the petitioner Level 3 of 300 Bent Street, Cambridge, spoke in favor of the petition. With no one else in support and no one else in opposition and no one else 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, McMenimen and Mackin asked questions. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Public Works and Public Safety Committee.

Third public hearing: Grant of Location at Main, Weston and South Streets

Shelly Cullen, representing the petitioner Level 3 of 300 Bent Street, Cambridge, spoke in favor of the petition. With no one else in support and no one else in opposition and no one else 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 Vidal asked questions. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Licenses and Franchises Committee.

Fourth public hearing: Special Permit for Costco Wholesale Corp. at 71 Second Ave Michael Connors, Connors and Connors, LLC, 6 Lexington St., Waltham, representing the petitioner, spoke in favor of the petition. JP Andrews of Costco, 45940 Horseshoe Drive, Sterling, VA, Stephen Glowacki of R. J. O'Connell Associates, 80 Montvale Ave., Stoneham, MA, Peter Tamm, Co-Counsel for the petitioner, of Goulston & Storrs, 400 Atlantic Avenue, Boston, MA, Victor Grillo of 1075 Main Street, Waltham, MA and Drew Blanckenberg of 1075 Main Street, Waltham, MA, all spoke in favor of the petition. John Generoso, of 511 Totten Pond Road, Waltham, MA, George Michael of 1122 Trapelo Road, Waltham and Joe Giordano of 74 Morton Street, Waltham, MA, all spoke in opposition to the petition. Fourteen people stood in favor of the petition. Ten people stood in opposition to the petition. With no one else in support and no one else in opposition and no one else 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 LaFauci, Vidal, Mackin, McLaughlin, LeBlanc, O'Brien, Paz, McMenimen and Darcy all asked questions of the petitioner. George Michael spoke in opposition in rebuttal. Councillor LaFauci rose and moved to recess the public hearing to August 3, 2020. The motion was adopted on a voice vote and the matter was recessed until the next City Council meeting on August 3, 2020.

Communications from the Mayor

1. The Mayor respectfully requests a transfer of funds in the total amount of \$30,000 to fund the City's match (1.45% of salary) of the FICA Medicare payroll tax to June 30, 2020. This is a mandatory payroll tax withholding for employees who were hired on or after April 1, 1986. Referred to the Finance Committee.
2. The Mayor respectfully requests a transfer in the amount of \$6,000 to cover overtime expenses incurred and through the remainder of FY2020 for the Wires Department. Referred to the Finance Committee.
3. The Mayor respectfully requests an appropriation in the amount \$1,000,000 from Unreserved Fund Balance to the Stabilization Fund- General. Referred to the Finance Committee.
4. The Mayor respectfully requests a place holder on the Committee of the Whole's Agenda for the August Special Meeting to discuss an appointment for a City Engineer. Referred to the Committee of the Whole.
5. The Mayor respectfully requests the acceptance of the donation of a gift certificate to Despensa Familiar in the amount of \$250 from Connors & Connors, LLP to be used towards the purchase of food to be distributed to those in need. Referred to the Finance Committee.
6. The Mayor respectfully requests the approval of the acceptance of a grant in the amount of \$67,564. The City of Waltham is the sub-recipient of the FY2020 Emergency Solutions Grant Coronavirus (ESG-CV) funds that were used to provide temporary housing for the homeless with the installation of a 40'x40' framed, heated tent with flooring on the Waltham Common including any associated costs. Referred to the Finance Committee.

7. The Mayor respectfully requests acceptance of a donation of \$2,500 in Hannaford's gift certificates from a donor who wishes to remain anonymous. These certificates are to be used for Waltham's neediest residents who are in need of food and essentials. Referred to the Finance Committee.
8. The Mayor respectfully requests approval of a transfer of funds in the amount of \$30,000 to cover the overtime expenses for the E911 dispatchers for the remainder of the fiscal year. Referred to the Finance Committee.
9. The Mayor respectfully requests approval of the appropriation of funds in the amount of \$10,300 for the purchase of a solar powered rectangular rapid flashing beacon (RRFB) to be installed on both sides of River Street and Amory Street. Referred to the Finance Committee.
10. The Mayor respectfully requests approval on an appropriation of funds in the amount of \$10,300 for the purchase of a solar powered rectangular rapid flashing beacon (RRFB) to be installed on both sides of Elm Street at the Elm Street Bridge (DCR Riverwalk). Referred to the Finance Committee.
11. The Mayor respectfully requests funding in the amount of \$3,600 for the pest control account. These funds will be used for pest control for the Moody Street public areas from now until October. Referred to the Finance Committee.

Applications and Licenses

- Lodging House Renewal – 124-126 Ash Street – Romeo R. Delaney Revocable Trust
Referred to the Licenses and Franchises Committee.

Orders, Ordinances & Resolutions

- Christine Tron Resolution

Taken out of order.

- Diversity & Inclusion Resolution

The City Clerk read the Resolution. Councillor Mackin spoke on the Resolution. President Brasco referred the matter to the Ordinances and Rules Committee.

Committee Reports

Public Works & Public Safety

1. The Public Works and Public Safety Committee recommends the Black Lives Matter Resolution 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.

2. The Public Works and Public Safety Committee recommends the Resolution Concerning Policing and Our Community be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. On the motion Councillor Mackin spoke on the matter. Councillor Mackin moved to recommit the Resolution. On the motion, Councillor Harris spoke on the matter. Roll call requested.

In favor: Dunn, LaCava, Mackin and Paz.

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

Presiding: Brasco.

Motion did not carry: 4-10.

On the initial motion of approving the Policing and Our Community Resolution roll call was requested.

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

Opposed: None

Matter was approved 15-0.

Finance

1. The Finance Committee recommends the transfer of funds in the amount of \$40,000 to cover the disposal of trench materials for the remainder of the fiscal year be approved. Councillor LaCava 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 transfer of funds in the amount of \$47,200 to cover the deficit in the snow overtime account be approved. Councillor LaCava 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 transfer of funds in the amount of \$65,000 to cover the anticipated expenses in the solid waste accounts for the remainder of the year be approved. Councillor LaCava 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.

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the lodging house renewal for Michael Cotton at 26 Myrtle Street 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.
2. The Licenses and Franchises Committee recommends the lodging house renewal for Stanley & Leni Bloomenthal at 2 Appleton Street 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.
3. The Licenses and Franchises Committee recommends the lodging house renewal for AMG Beech Rd, LLC John Giacalone at 94 Adams Street 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.
4. The Licenses and Franchises Committee recommends the Fortune Teller License for James Spanks at 12 Sartell Road 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.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the Special Permit application for Kaali Corporation at 790 Main Street be approved. Councillor LeBlanc recused himself. Councillor McLaughlin 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: Durkee, Harris, LaCava, LaFauci, Mackin, McLaughlin, Paz, Stanley, Vidal and Brasco.

Opposed: Darcy, Dunn, McMenimen and O'Brien.

Absent: None.

Recused: LeBlanc.

Matter approved 10-4.

2. The Ordinances and Rules Committee recommends the Minor Modification to Special Permit #31842 at 900-910 Winter Street be approved. Councillor McLaughlin 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: Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, O'Brien, Paz, Stanley and Vidal.

Opposed: Darcy and McMenimen.

Absent: None.

Presiding: Brasco.

Matter approved 12-2.

3. The Ordinances and Rules Committee recommends the Minor Modification to Special Permit at 215 Lexington Street be approved. Councillor McLaughlin 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, O'Brien, Paz, Stanley and Vidal.

Opposed: McMenimen.

Absent: None.

Presiding: Brasco.

Matter approved 13-1.

4. The Ordinances and Rules Committee recommends the Compensation Ordinance Amendment for the City Auditor 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 on a voice vote and the matter was approved. Councillor McLaughlin moved to recommit this matter to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was approved.

Unfinished Business & Other Business

- CPC Proposed Budget for 2021

Referred to the Long Term Debt and Capital Planning Committee

Councillor McLaughlin rose to suspend the rules and accept a late filed communication for an extension of time for the Davis Co. at 1017-1019 & 1025 -1075 Main Street. The motion was adopted on a voice vote and the matter was approved. President Brasco referred the matter to the Ordinances and Rules Committee.

Councillor McMenimen moved to recess the City Council meeting and break into the Committee meetings. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen moved to suspend the rules and go past midnight. The motion was adopted on a voice vote and the matter was approved.

President Brasco called for a recess at 11:19 p.m.

President Brasco called the City Council meeting back to order at 12:24 a.m. on June 23, 2020.

President Brasco asked the Clerk to read the Committee reports.

The Public Works and Public Safety Committee recommends the 17-25 for Dominique Wehl at 4 Boynton Street 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.

The Public Works and Public Safety Committee recommends the 17-25 for Level 3 at Main Street and South Street 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.

The Licenses and Franchises Committee recommends the grant of location for Level 3 at Main/Weston/South Streets 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.

The Licenses and Franchises Committee recommends the lodging house renewal for Romeo R. Delaney Revocable Trust at 124-126 Ash Street 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.

The Long Term Debt and Capital Planning Committee recommends the CPC Budget for the FY2021 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.

The Finance Committee recommends the transfer of funds in the amount of \$30,000 for the Medicare payroll tax be approved. Councillor LaCava 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.

The Finance Committee recommends the transfer of funds in the amount of \$6,000 for the Wires Department overtime through the fiscal year be approved. Councillor LaCava 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.

The Finance Committee recommends the appropriation in the amount of \$1,000,000 from the Unreserved Fund Balance to the Stabilization be approved. Councillor LaCava 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.

The Finance Committee recommends the acceptance of a \$250 gift certificate to Despensa Familiar from Connors & Connors, LLC be approved. Councillor LaCava 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.

The Finance Committee recommends the acceptance of a grant in the amount of \$67,564 for the tent on the Waltham Common and related be approved. Councillor LaCava 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.

The Finance Committee recommends the acceptance of a \$2,500 worth of gift certificates to Hannaford from an anonymous donor be approved. Councillor LaCava 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.

The Finance Committee recommends the transfer of funds in the amount of \$30,000 for the 911 Dispatchers overtime through the fiscal year be approved. Councillor LaCava 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

The Finance Committee recommends the appropriation in the amount of \$10,3000 for a rapid rectangle flashing beacon (RRFB) on River Street at Amory Street be approved. Councillor LaCava 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.

The Finance Committee recommends the appropriation in the amount of \$10,3000 for a rapid rectangle flashing beacon (RRFB) on Elm Street at the Riverwalk be approved. Councillor LaCava 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.

The Finance Committee recommends the appropriation in the amount of \$3,600 for pest control on the public area on Moody Street for the Health Department be approved. Councillor LaCava 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.

The Finance Committee recommends the acceptance of a partial distribution in the amount of \$30,000 from the Estate of Carol Cormier be approved. Councillor LaCava 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.

The Ordinances and Rules Committee recommends the Special Permit at 94 Russell Street be approved. Councillor McLaughlin 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.

Absent: None.

Presiding: Brasco.

Matter approved 14-0.

The Ordinances and Rules Committee recommends the time extension for the Special Permit at 1017-1019 Main Street and 1025-1075 Main Street for the Davis Companies be approved. Councillor McLaughlin 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.

Absent: None.

Presiding: Brasco.

Matter approved 14-0.

Councillor McMenimen moved to adjourn. The motion was adopted on a voice vote. Council President Brasco declared the meeting adjourned at 12:32 a.m. on June 23, 2020.

Respectfully submitted by:
Kara Wilson
Executive Assistant to the City Clerk
July 1, 2020