

Waltham City Council
Minutes of the Meeting of
August 5, 2019

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

Call of the Roll:

City Council

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

Absent: Councillor Stanley

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

Councillor Darcy asked for a moment of silence for David Kehs.

President Brasco asked for a moment of silence for all in El Paso, TX and Dayton, OH.

Councillor Logan moved to suspend the rules and take the Resolution regarding Christian Turpin out of order. The motion was adopted on a voice vote and the matter was approved.

Councillor Logan read the Resolution and introduced Christian and his family and spoke on his outstanding acknowledgements within the Special Olympics. Councillor Logan moved to suspend the rules to hear from an off council member. The motion was adopted on a voice vote and the matter was approved. Christian's mother spoke about her amazing son. Councillor Logan moved to suspend the rules to approve the matter without committee reference. The motion was adopted on a voice vote and the matter was approved.

The City Clerk read Rule 86.

Councillor McMenimen recused herself for the fuel storage application hearings.

The City Clerk read the first public hearing: Fuel Storage application for 175 Forest Street.

William Proia, 42 Rockland Street, Natick, MA representing Bentley University, 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. Councillors McLaughlin, Logan, Vidal, Romard, and Randy LeBlanc asked questions of the petitioner. Bernie Farrell and Brian Ingram, representing Bentley University answered questions from Councillors. 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 City Clerk read the second public hearing: Fuel Storage at 371 Forest Street.

William Proia, 42 Rockland Street, Natick, MA representing Bentley University, 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. Councillors McLaughlin, Vidal, Nabulime, and Romard 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 Licenses and Franchise Committee.

The City Clerk read the third public hearing: Fuel Storage at 400 Beaver Street.

William Proia, 42 Rockland Street, Natick, MA representing Bentley University, 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 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 City Clerk read the fourth public hearing: Fuel Storage at 500 Beaver Street.

William Proia, 42 Rockland Street, Natick, MA representing Bentley University, 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 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.

Communications from the Mayor

1. The Mayor respectfully requested acceptance of a Mass Trails Grant in the amount of \$300,000. Referred to the Finance Committee.
2. The Mayor respectfully requested acceptance of the Hazard Mitigation Plan and Municipal Vulnerability Preparedness Plan 2019. Councillor Diane Leblanc spoke on the matter. Councillor McMenimen asked for a copy of the plan be scanned in and be emailed to all Councillors. Referred to the Committee of the Whole.
3. The Mayor respectfully requested a funding transfer in the amount of \$27,000 for the purchase of three Rectangular Rapid Flashing Beacons. Referred to the Finance Committee.
4. The Mayor respectfully requested an appropriation in the amount of \$11,480 for the installation of a fence along the City property at 380 Lexington Street. Referred to the Finance Committee.
5. The Mayor respectfully requested an appropriation in the amount of \$266,000 for the construction of the new signalized intersection at High Street/Joyce Road and Hamblin Road. Referred to the Finance Committee.
6. The Mayor respectfully requested an appropriation in the amount of \$84,500 to fund the demolition of the house located on City property at 380 Lexington Street. Referred to the Finance Committee.
7. The Mayor respectfully requested acceptance of a gift of the ship and carousel bicycles from Phyllis Reagan, Director of The Carousel School. Referred to the Finance Committee.
8. The Mayor respectfully requested a transfer in the amount of \$37,460 from the Stabilization Fund for the Design Services for the upgrade of the building at 92 Felton Street. Referred to the Finance Committee.
9. The Mayor respectfully submitted a communication and request from the City Clerk regarding voting machines. Referred to the Committee of the Whole.
10. The Mayor respectfully submitted WHS Information and related documents. Referred to the Committee of the Whole.

11. The Mayor respectfully requested approval of a loan order in the amount of \$1,100,000 for the resurfacing of Bear Hill Road. Referred to the Long Term Debt and Capital Planning Committee.

Applications & Licenses

Referred to the Licenses and Franchise Committee

- Massport Letter for Raphael Ssebakka
- Massport Letter for Abdulcelil Erdogan

Orders, Ordinances & Resolutions

- Acceptance of M.G.L. chapter 64N, section 3

Referred to the Ordinances and Rules Committee.

- Amendment to Chapter 2, Article XXII of the General Ordinances sponsored by Councillors Logan, LaCava, Mackin, Stanley, Diane LeBlanc and Harris.

Councillor Logan moved to suspend the rules to act on the matter without committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor Logan moved to give the matter a first reading. The motion was adopted on a voice vote and the matter was approved.

President Brasco referred the matter to the Ordinances and Rules Committee.

- Resolution honoring Christian Turpin (Approved. Taken out of order.)

Unfinished Business & Other Business

Time extension for Special Permit application at 1017-1019 Main St. & 1025 -1075 Main St.

Referred to the Ordinances and Rules Committee.

Time extension for Special Permit application at 185 Willow Street

Referred to the Ordinances and Rules Committee.

- Minor Modifications to Special Permit #33110 at 180 Third Avenue

Referred to the Ordinances and Rules Committee.

Tabled Items

- Loan order for street resurfacing \$2,421,477 (First reading 6/24/2019)

Councillor Logan moved to take the matter from the table. The motion was adopted on a voice vote and the matter was approved.

Councillor Logan made a motion for approval of a second reading. Roll call required.

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

Opposed: None.

Absent: Stanley

Presiding: Brasco.

Matter was approved 13-0.

- Loan order for construction improvements at Cornelia Warren for \$2,340,000 (First reading 6/24/2019)

Councillor Logan moved to take the matter from the table. The motion was adopted on a voice vote and the matter was approved.

Councillor Logan made a motion for approval of a second reading. Roll call required.

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

Opposed: None.

Absent: Stanley
Presiding: Brasco.
Matter was approved 13-0.

- Mayor's veto on Order Nos. #34291, 34292, 34295
- Installation of a guard rail on the backside of Beal Road sidewalk

President Brasco called a recess at 8:28 p.m. to meet with Committees

President Brasco called the City Council back to order at 11:52 p.m.

Committee Reports

1. The Committee of the Whole recommends the discountenance of the use of the AccuVote Voting Machines and the use of the new Image Cast Precinct Tabulator in the upcoming elections be approved. Councillor Logan 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 Committee of the Whole recommends the loan order in the amount of \$374,567,387 for the cost of designing, constructing, equipping and furnishing a new Waltham High School be approved for a first reading. Councillor Logan moved that the action of the committee be the action of the Council. On the motion Councillor Diane LeBlanc made a request to have the Traffic Engineer attend the next City Council meeting to answer questions on the traffic study related to the new high school at 554 Lexington Street. The request was adopted on a voice vote and the matter was approved. The motion for a first reading was adopted on a voice vote and the matter was approved. Councillor Logan moved to table the matter on the Council floor. The motion was adopted on a voice vote and the matter was approved.
3. The Long Term Debt & Capital Planning Committee recommends that loan order in the amount of \$1,100,000 for the resurfacing of Bear Hill Road 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 on a voice vote and the matter was approved for a first reading. Councillor Darcy moved to table the matter on the Council floor. The motion was adopted on a voice vote and the matter was approved.
4. The Licenses and Franchises Committee recommends the fuel storage at 175 Forest Street for Bentley University be approved. Councillor McMenimen recused herself. Councillor Vidal moved that all the Fuel Storage licenses be collectively approved for Bentley University. (175 and 371 Forest St., 400 Beaver St. and 500 Beaver St.) The motion was adopted and the request was approved. Councillor Vidal moved the action of the committee be the action of the Council. The motion was adopted on a voice vote and all the fuel storage matters for Bentley University were approved.
5. The Licenses and Franchises Committee recommends the Massport Letter for Raphael Ssebakka 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.
6. The Finance Committee recommends the acceptance of the Mass Trails Grant in the amount of \$300,000 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 transfer in the amount of \$27,000 for the purchase of three rectangular Rapid Flashing Beacons 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 appropriation in the amount of \$11,480 for the installation of a fence along City property at 380 Lexington Street 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 appropriation in the amount of \$266,000 for the construction of the new signalized intersection at High St., Joyce St., and Hamblin Road 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.

10. The Finance Committee recommends the appropriation in the amount of \$84,5600 to fund the demolition of the house located at 380 Lexington Street 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.

11. The Finance Committee recommends the acceptance of a gift of the ship and carousel bicycles from Phyllis Reagan, the Director of the Carousel School 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.

12. The Finance Committee recommends the transfer in the amount of \$37,460 from the Stabilization Fund for the Design Services for the upgrade of the building located at 92 Felton Street 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.

13. The Ordinances and Rules Committee recommends the acceptance of the M.G.L. Chapter 64N Section 3. 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.

14. The Ordinances and Rules Committee recommends the extension of time for the Special Permit at 1017-1019 Main Street & 1025-1075 Main Street be approved. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required.

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

Opposed: None.

Absent: Stanley

Presiding: Brasco.

Matter was approved 13-0.

15. The Ordinances and Rules Committee recommends the extension of time for Special Permit at 185 Willow Street be approved. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required.

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

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

16. The Ordinances and Rules Committee recommends the minor modifications to permit construction staging on 103 Third Avenue under Special Permit #33110 be approved. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required. In favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard and Vidal.
Opposed: None.
Absent: Stanley
Presiding: Brasco.
Matter was approved 13-0.

President Brasco made note of the time. Councillor Logan made a motion to go past midnight. The motion was adopted on a voice vote and the matter was approved

17. The Ordinances and Rules Committee recommends the minor modifications to permit the installation of solar panels at 180 Third Ave under Special Permit #33110 be approved. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required. In favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard and Vidal.
Opposed: None.
Absent: Stanley
Presiding: Brasco.
Matter was approved 13-0.

18. The Ordinances and Rules Committee recommends the minor modifications on the reduction in parking at 180 Third Ave under Special Permit #33110 be withdrawn without prejudice. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required. In favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard and Vidal.
Opposed: None.
Absent: Stanley
Presiding: Brasco.
Matter was approved 13-0.

19. The Ordinances and Rules Committee recommends the minor modifications to the existing Special Permit at 54 Fourth Avenue, Waltham Suites LLC be approved. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required. In favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard and Vidal.
Opposed: None.
Absent: Stanley
Presiding: Brasco.
Matter was approved 13-0.

20. The Ordinances and Rules Committee recommends the compensation Ordinance related to the Library Director receive a second reading. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved approval for a third and final reading on the compensation ordinance. Roll call required.

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

Opposed: None.

Absent: Stanley

Presiding: Brasco.

Matter was approved 13-0.

21. The Ordinances and Rules Committee recommends the Early Voting Resolution be withdrawn. 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 withdrawn.

President Brasco acknowledged the Assistant City Clerk had obtained the designation of Certified Municipal Clerk (CMC).

Councillor Logan moved to adjourn. The motion was adopted on a voice vote and President Brasco declared the meeting adjourned at 12:05 a.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

August 27, 2019

Approved by the City Council: _____