Waltham‌ ‌City‌ ‌Council‌ ‌ ‌

Minutes‌ ‌of‌ ‌the‌ Meeting‌ ‌of‌ ‌

December 27, ‌ ‌2021‌ ‌

President Brasco ‌called‌ ‌the‌ ‌meeting‌ ‌to‌ ‌order‌ ‌at‌ ‌8:55‌ ‌p.m.‌ ‌ ‌

**‌**

Present: ‌ ‌Councillors‌ ‌Darcy, Dunn, ‌‌Durkee, ‌‌Harris, LaCava, ‌LaFauci, ‌LeBlanc, Mackin, ‌McLaughlin, McMenimen, Stanley, Vidal‌ and Brasco‌ ‌

Absent: O’Brien and Paz.

Assistant City‌ ‌Clerk‌ Vizard 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 Harris asked for a moment of silence for Kongsuk “Doc” Mantakara who had passed away today.

Councillor McMenimen moved approval of the 12/13/2021 Minutes. ‌The‌ ‌motion‌ ‌was‌ ‌adopted‌ ‌on‌ ‌a‌ ‌voice‌ ‌vote‌ ‌and‌ ‌the‌ ‌matter was ‌approved.

**Communications from the Mayor**

1. The Mayor respectfully requests the reappointment of David McGann, 73 Rockridge Road, Waltham as Constable for a three-year term expiring November 2024. Councillor Mackin rose to suspend the rules to act on a matter without committee reference. ‌The‌ ‌motion‌ ‌was‌ ‌adopted‌ ‌on‌ ‌a‌ ‌voice‌ ‌vote‌ ‌and‌ ‌the‌ ‌matter was ‌approved. Councillor Mackin moved to suspend the rules to hear from an off committee member. ‌The‌ ‌motion‌ ‌was‌ ‌adopted‌ ‌on‌ ‌a‌ ‌voice‌ ‌vote‌ ‌and‌ ‌the‌ ‌matter was ‌approved. Mr. McGann answered questions from Councillor Mackin. Councillor Mackin moved approval of the reappointment. Roll call.

In favor: Darcy, Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, Stanley, Vidal and Brasco.

Opposed: None.

Absent: O’Brien and Paz

Matter was approved 13-0.

2. The Mayor respectfully requests acceptance of a gift of a Wal-Lex poster from Joe Vizard. Referred to the Finance Committee.

3. The Mayor respectfully requests an appropriation in the amount of $1,410,000 to fund the wetlands restoration and stream daylighting project at the Fernald property. Referred to the Finance Committee.

4. The Mayor respectfully requests acceptance of donations to the Housing Office totaling $6,810 in gift cards for Waltham households in need as deemed appropriate by the Department. Referred to the Finance Committee.

5. The Mayor respectfully requests an appropriation in the amount of $90,400 to fund the professional engineering services required for the rehabilitation of three water storage tanks located in the City, the two-million-gallon steel standpipe tank located in Cedarwood pressure zone (Brandeis Campus) and the two four-million-gallon concrete storage reservoirs located in Prospect Hill Park, which are located in the City’s high pressure service area. Referred to the Finance Committee.

**Applications and Licenses**

All licenses referred to the Licenses and Franchises Committee.

* Class 2 renewal – 205 Willow Street – Pro Tech Automotive & Tire Center, Inc.
* Lodging house renewal – 21-23 Pine Street – Max Horn

**Orders, Ordinances & Resolutions**

Marcou Jewelers Resolution

Assistant City Clerk Vizard read the Resolution. Councillor Darcy spoke of the Marcou Family. Councillor Darcy 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 Darcy moved approval of the Resolution. ‌The‌ ‌motion‌ ‌was‌ ‌adopted‌ ‌on‌ ‌a‌ ‌voice‌ ‌vote‌ ‌and‌ ‌the‌ ‌matter was ‌approved.

**Committee Reports**

**Licenses and Franchises**

1. The Licenses and Franchises Committee recommends the grant of location on Winter 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 extended hours for Global Montello Group at 1033 Trapelo Road 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.

Councillor Vidal moved to collectively approve matters numbered #3-15. The motion was adopted by a voice vote and matter was approved. Councillor Vidal moved approval of the matters. The motion was adopted by a voice vote and matter was approved.

3. The Licenses and Franchises Committee recommends the lodging house renewal at 175 Forest Street Bentley University for Copley Hall North Lower be approved.

4. The Licenses and Franchises Committee recommends the lodging house renewal at 175 Forest Street Bentley University for Copley Hall South Lower be approved.

5. The Licenses and Franchises Committee recommends the lodging house renewal at 175 Forest Street Bentley University for Fenway Hall be approved.

6. The Licenses and Franchises Committee recommends the lodging house renewal at 175 Forest Street Bentley University for Forest Hall Upper be approved.

7. The Licenses and Franchises Committee recommends the lodging house renewal at 175 Forest Street Bentley University for Kresge Hall Upper be approved.

8. The Licenses and Franchises Committee recommends the lodging house renewal at 175 Forest Street Bentley University for Nathan R. Miller Hall Upper be approved.

9. The Licenses and Franchises Committee recommends the lodging house renewal at 175 Forest Street Bentley University for Slade Hall Upper be approved.

10. The Licenses and Franchises Committee recommends the lodging house renewal at 175 Forest Street Bentley University for Stratton House Beaver be approved.

11. The Licenses and Franchises Committee recommends the lodging house renewal at 175 Forest Street Bentley University for HUD Tree Dorms Upper be approved.

12. The Licenses and Franchises Committee recommends the lodging house renewal at 175 Forest Street Bentley University for Castle Hall Upper be approved.

13. The Licenses and Franchises Committee recommends the lodging house renewal at 2 Appleton Street for Stanley & Leni Bloomenthal be approved.

14. The Licenses and Franchises Committee recommends the lodging house renewal at 17-19 Chestnut Street Stanley & Leni Bloomenthal be approved.

15. The Licenses and Franchises Committee recommends the lodging house renewal at 755 Main Street for Max Horn be approved.

Councillor Vidal moved to collectively approve matters numbered #16-18. The motion was adopted by a voice vote and matter was approved. Councillor Vidal moved approval of the matters. The motion was adopted by a voice vote and matter was approved.

16. The Licenses and Franchises Committee recommends the Class 2 renewal at 477 Main Street Chrislins Auto Inc. be approved.

17. The Licenses and Franchises Committee recommends the Class 2 renewal at 279R Crescent Street Waltham Auto Tow, Inc. be approved.

18. The Licenses and Franchises Committee recommends the Class 2 renewal at 1486 Main Street European Auto Solutions, LLC be approved

**Finance**

1. The Finance Committee recommends an appropriation of $20,000 to fund the professional engineering services required for an on-call water system hydraulic modeling be approved. Councillor LaFauci 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 acceptance of a gift of paintings of the State House and the Zakim Bridge donated by Bobby White through Representative Thomas M. Stanley. Councillor LaFauci 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 acceptance of a gift of portraits of Waltham landscapes done by a local Waltham artist, Nadine Geller, donated by Councillor Paz. Councillor LaFauci 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.

4. The Finance Committee recommends the funding in the amount of $176,413 from the cable access funds account (Verizon PEG Support) be approved. Councillor LaFauci 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.

5. The Finance Committee recommends a financing transaction totaling $68,034.50 to fund the replacement of 11 mobile computing devices in the Fire Department apparatus vehicles be approved. Councillor LaFauci 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.

6. The Finance Committee recommends acceptance of a picture of Pottery Shards from The Wellington House shadow box piece by Donna Laswell. Councillor LaFauci 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.

**Ordinances & Rules**

1. The Ordinances & Rules Committee recommends the Standards for Curbs & Sidewalks Resolution be filed without prejudice. Councillor McLaughlin 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 Ordinances & Rules Committee recommends the Interpretive Service Resolution be filed without prejudice. Councillor McLaughlin 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 Ordinances & Rules Committee recommends the General Ordinances Amendment on Sidewalk Shoveling be filed without prejudice. Councillor McLaughlin 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.

4. The Ordinances & Rules Committee recommends the Updating Waltham’s Biosafety Committee Resolution be filed without prejudice. Councillor McLaughlin 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.

5. The Ordinances & Rules Committee recommends the Special Permit Application Fees Resolution be filed without prejudice. Councillor McLaughlin 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.

6. The Ordinances & Rules Committee recommends the Drive-thru Special Permit application at 130 Lexington Street be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: O’Brien and Paz

Matter was approved 13-0.

7. The Ordinances & Rules Committee recommends the City Ordinance Amendment of Section 2-184, 2-185, 2-186, 2-187 Department of Maintenance and Director of Maintenance/Clerk of the Works be approved for a second reading. Councillor McLaughlin 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 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, Mackin, McLaughlin, McMenimen, Stanley, Vidal and Brasco

Opposed: None.

Absent: O’Brien and Paz

Matter was approved 13-0.

8. The Ordinances & Rules Committee recommends the Compensation Ordinance Amendment regarding Chief Building Inspector, Director of Inspectional Services and Director of Maintenance/Clerk of the Works be approved for a second reading. Councillor McLaughlin 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 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, Mackin, McLaughlin, McMenimen, Stanley, Vidal and Brasco

Opposed: None.

Absent: O’Brien and Paz

Matter was approved 13-0.

9. The Ordinances & Rules Committee recommends the Special Permit Modification for The Davis Companies at 1017-1019 & 1025-1075 Main Street be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll call.

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

Opposed: None.

Absent: O’Brien and Paz

Matter was approved 13-0.

**Unfinished Business & Other Business**

* Time extension for Special Permit application at 130 Lexington Street (approved above.)
* Time extension for Special Permit at 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, Mackin, McLaughlin, McMenimen, Stanley, Vidal and Brasco

Opposed: None.

Absent: O’Brien and Paz

Matter was approved 13-0.

**Tabled Items**

* Loan authorization totaling $147,120 to fund the purchase equipment for the CPW Department (first reading 11/22/21)

Councillor Darcy moved to take the matter off of the table. The motion was adopted by a voice vote and the matter was approved. Councillor Darcy moved approval of a second reading, which is the final reading. Roll call.

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

Opposed: None.

Absent: O’Brien and Paz

Matter was approved 13-0.

President Brasco noted Councillor Elect Paul Katz was in attendance.

Councillor McMenimen rose to speak about the Inauguration.

Councillor Mackin was invited up to the podium to speak on behalf of her time here with the Council. Councillor Mackin assumed the Chair. Councillor Brasco moved to recess at 9:30 pm. The motion was approved on a voice vote and the Council recessed at 9:30pm.

**Recess to Committees**

**Committee Reports**

President Brasco called the meeting back to order at 10:10 a.m.

The Veterans Services Committee recommended the raised Bed Gardens resolution be filed without prejudice. Councillor Durkee 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.

The Economic and Community Development Committee recommended all remaining docket items be carried over to the 2022 Docket. Councillor Harris 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.

The Licenses and Franchises Committee recommends the Class 2 renewal for Pro Tech Automotive & Tire Center at 205 Willow 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.

The Licenses and Franchises Committee recommends the lodging house renewal at 21-23 Pine Street for Max Horn 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.

The Licenses and Franchises Committee recommends all remaining docket items be carried over to the 2022 Docket. 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.

The Finance Committee recommended a gift of a Wal-Lex poster from Joe Vizard be approved. Councillor LaFauci 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.

The Finance Committee recommended the appropriation of $1,410,000 to fund the wetlands restoration and stream daylighting project at the Fernald be approved. Councillor LaFauci 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.

The Finance Committee recommended the acceptance of donations to the Housing Department totaling $6,810 in gift cards for Waltham households in need be approved. Councillor LaFauci 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.

The Finance Committee recommended the appropriation of $90,400 to fund the professional engineering services required for the rehabilitation through the Engineering Department be approved. Councillor LaFauci 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.

The Finance Committee recommended the Seven Neighborhood Streets Proposal docket item be carried over to the 2022 Docket. Councillor LaFauci 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.

The Finance Committee recommended the Funding Affordable docket item be carried over to the 2022 Docket. Councillor LaFauci 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.

The Committee of the Whole recommended the matter relating to Chris Hess be filed. Councillor McMenimen 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.

The Committee of the Whole recommended the remaining docket items be carried over to the 2022 Docket. Councillor McMenimen 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.

The Public Works and Public Safety Committee recommended the remaining docket items be carried over to the 2022 Docket. 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.

The Long Term Debt Committee recommended the lights at Falzone Field Resolution be filed. 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.

The Ordinances and Rules Committee recommended the Special Permit application at 840 Winter Street be approved. Councillor McLaughlin moved approval of the matter. Roll call.

In favor: Dunn, Durkee, Harris, LaCava, LaFauci, LeBlanc, Mackin, McLaughlin, McMenimen, Stanley, Vidal and Brasco

Opposed: Darcy.

Absent: O’Brien and Paz

Matter was approved 12-1.

The Ordinances and Rules Committee recommended the Plastic Bag General Ordinance be approved for a third and final reading. Councillor McLaughlin moved approval of the matter. Roll call.

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

Opposed: None.

Absent: O’Brien and Paz

Matter was approved 13-0.

The Ordinances and Rules Committee recommended the Plastic Bag Fines General Ordinance be approved for a third and final reading. Councillor McLaughlin moved approval of the matter. Roll call.

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

Opposed: None.

Absent: O’Brien and Paz

Matter was approved 13-0.

The Ordinances and Rules Committee recommended the initial Plastic Bag Resolution be filed. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Resolution Exempting Municipal Projects from Zoning docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Zoning Ordinance Amendment Urban Agriculture docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Resolution Affirmatively Further Fair Housing docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Large Family Day Care Resolution docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Resolution Establishing Zoning Regulations to Limit Unfettered Proliferation of Similar Businesses in Waltham Neighborhoods docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the draft ordinance requested from the Traffic Commission regarding enforcement on private ways for emergency vehicles docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Flag Committee docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Solar Energy for Large Developments docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Special Permit application at 196 Bear Hill Road docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Special Permit application at 305 Second Avenue docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Special Permit application at 1254-1256 Main Street docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Special Permit application at 221 Bear Hill Road docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Special Permit application at 1264 Main Street docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the requests from the City’s Building Inspector and Law Department for Building Department Ordinances changes docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Zoning Review Resolution docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the City Ordinance, Chapter 20 docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Mayor’s request to discuss the creation of Financial Services Department docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Mayor’s requests for the Planning Department and the City Clerk’s Department with regards to Master Plan docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Resolution Concerning Zoning District and Map Changes docket item be carried over to the 2022 Docket. Councillor McLaughlin 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.

The Ordinances and Rules Committee recommended the Special Permit Modification at 1111 Lexington Street docket item be carried over to the 2022 Docket. Councillor McLaughlin 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 McLaughlin ‌moved‌ ‌to‌ ‌adjourn. ‌The‌ ‌motion‌ ‌was‌ ‌adopted‌ by ‌a‌ ‌voice‌ ‌vote. ‌‌President Brasco declared‌ ‌the‌ ‌meeting‌ ‌adjourned‌ ‌at‌ ‌10:27 p.m. ‌ ‌ ‌

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Respectfully‌ ‌submitted‌ ‌by: ‌ ‌

Kara‌ ‌Wilson‌ ‌ ‌

Executive‌ ‌Assistant‌ ‌to‌ ‌the‌ ‌City‌ ‌Clerk‌ ‌ ‌

January 3, 2022‌