

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

President Brasco called the meeting to order at 7:35 p.m.

Call of the Roll:

City Council

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 LaCava asked for a moment of silence for all our military that have served past and present.

Councillor O'Brien asked for a moment of silence for Waltham resident Debbie Kavey who recently had died at a young age of cancer.

Councillor McMenimen moved approval of the minutes from the City Council meeting on 1/13/2020. The motion was adopted on a voice vote and the matter was approved.

The City Clerk read Rule 86.

First public hearing: Special Permit at 1017-1019 Main Street

Michael Connors, Connors & Connors, LLC, 2 Lexington Street, Waltham, representing the petitioner, spoke in favor of the petitioner, The Davis Companies. 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 O'Brien, McMenimen, LeBlanc and Mackin all asked questions to the petitioner. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Second public hearing: Special Permit at 790 Main Street

Shawn Keefe, Connors & Connors, LLC, 2 Lexington Street, Waltham, representing the petitioner, spoke in favor of the petitioner Kaali Corporation c/o Watch City Petro. George Michael, 8122 Trapelo Road, Waltham spoke in opposition to the petition. Seven people stood in opposition 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, O'Brien, McMenimen, LeBlanc, Durkee, Paz and Darcy asked questions of the petitioners. Heather Monticup, 47 Danielle Drive, Leominster, MA, Kaali Corp., answered questions from Councillors. George Michael spoke in rebuttal of the petition. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee.

Third public hearing: 17-25 at 44-46 Oak Street

Brett Francis, 10 Hammer Street, Attleboro, MA, representing the petitioner, Frank Valentino, 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 Paz, O'Brien and LaCava asked questions of

the petitioner. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Public Works and Public Safety Committee.

Communications from the Mayor

1. The Mayor respectfully requests acceptance of a gift of services and supplies from Donna and Shawn Laswell in connection with the restoration of the original Grover Cronin's nativity figures and scene in the City Museum Room. Referred to the Finance Committee.
2. The Mayor respectfully request the acceptance of a limited edition photo of the Waltham Watch Factory from the Chagnon Family. Referred to the Finance Committee.
3. The Mayor respectfully requests a transfer in the amount of \$3,350 to the Engineering Department training account for the purpose of funding the educational expenses of the PLS program offered at Wentworth Institute of Technology for the current fiscal year. Referred to the Finance Committee.
4. The Mayor respectfully requests an appropriation in the amount of \$164,120 toward the low and responsible bid for the design services of the street reconstruction including water, sewer and drainage improvements of Summit Avenue. Referred to the Finance Committee.
5. The Mayor respectfully request an executive session meeting on Monday, January 27, 2020 to discuss pending litigation. Councillor McMenimen moved to table the matter on the Council floor. The motion was adopted on a voice vote and the matter was approved
6. The Mayor respectfully requests approval of the proposed draft of the traffic signals at third Avenue, Prospect Hill Lane and Alteration State Highway layout (SHLO). Referred to the Public Works & Public Safety Committee.
7. The Mayor respectfully requests an executive session on Monday, January 27, 2020 to discuss anticipated litigations. Councillor McMenimen moved to table the matter on the Council floor. The motion was adopted on a voice vote and the matter was approved
8. The Mayor respectfully requests acceptance of the Pontz Family Scholarship Fund under the terms of the Trust. Referred to the Finance Committee.

Applications & Licenses

All licenses referred to the Licenses and Franchise Committee

- Class 2 renewal –279 R Crescent Street – Waltham Auto Tow Inc.
- Lodging House renewal – 240 Crescent Street – Torrington Properties
- Lodging House renewal – 12-14 Lowell Street – Middlesex Human Services Agency, Inc.
- Lodging House renewal – 77 Prospect Street – Teresa Jones

Committee Reports

Licenses & Franchises

1. The Licenses and Franchises Committee recommends the Resolution to locate a Suitable Venue for Joseph Lazaro be filed without prejudice per Rule 81. Councillor Vidal rose and asked for the matter to be recommitted to the Committee. The motion was adopted on a voice vote and the matter was recommitted to the License and Franchises Committee.
2. The Licenses and Franchises Committee recommends the class 2 renewal for Prospect Auto Sales & Service Inc. at 143 Prospect 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 extended hours renewal for Pro Tech Auto & Tire Ctr. Inc., 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 on a voice vote and the matter was approved.

4. The Licenses and Franchises Committee recommends the lodging house renewal at 107 Adams Street Dennis Dyer, owner, 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.

5. The Licenses and Franchises Committee recommends the lodging house renewal at 403 River Street Dennis Dyer, owner, 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.

Committee of the Whole

1. The Committee of the Whole recommends the Resolution Establishing a Cultural District in Downtown Waltham be filed without prejudice per Rule 81. Councillor McMenimen moved to suspend the rules and act collectively on matters numbered one through six and eight thru through ten. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen moved approval of the matters. The motion was adopted on a voice vote and the matter was approved.

2. The Committee of the Whole recommends the Resolution Concerning 218 South Street be filed without prejudice per Rule 81.

3. The Committee of the Whole recommends the matter regarding acquiring 1 Balm Road be filed without prejudice per Rule 81.

4. The Committee of the Whole recommends the Master Traffic Plan Resolution be filed without prejudice per Rule 81.

5. The Committee of the Whole recommends the matter regarding 380 Lexington Street Traffic Plan and Demolition be filed without prejudice per Rule 81.

6. The Committee of the Whole recommends the Docket matter relating to 95 Moody Street be filed without prejudice per Rule 81.

7. The Committee of the Whole recommends the Chamber Security and Safety Resolution be filed without prejudice per Rule 81. Councillor McMenimen moved that the action of the committee be the action of the Council. On the motion Councillor Mackin asked that a copy of the minutes be provided to Committee. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen moved to recommit the matter to the Committee of the Whole. The motion was adopted on a voice vote and the matter was approved.

8. The Committee of the Whole recommends the Resolution Feasibility Study 554 Lexington Street be filed without prejudice per Rule 81.

9. The Committee of the Whole recommends the Resolution Air Rights Lease Behind 220-226 Moody Street be filed without prejudice per Rule 81.

10. The Committee of the Whole recommends the Equal Representation for the City of Waltham 2020 Municipal Inauguration Resolution be filed without prejudice per Rule 81.

Economic and Community Development

1. The Economic and Community Development Committee recommends the Support of the 2020 Census be discharged to the Committee of the Whole. Councillor Harris moved that the action of the Committee be the action of the Council. On the motion Councillor Harris stated her reasoning. Matter was referred to the Committee of the Whole.

2. The Economic and Community Development Committee recommends the Resolution regarding the rail trail be filed without prejudice per Rule 81. Councillor Harris 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 filed.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the Resolution relating to the Zoning Study be filed without prejudice per Rule 81. 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 filed.

2. The Ordinances and Rules Committee recommends the Retail Marijuana Resolution be filed without prejudice per Rule 81. 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 filed.

Finance

1. The Finance Committee recommends the acceptance of two checks from the New Light Korean church, Inc. 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 acceptance of a check for \$500 from Lisa LeBlanc 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 appropriation of \$10,000 for the 2020 membership dues to the Watertown Transportation Association 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.

4. The Finance Committee recommends the appropriation of funds in the amount of \$53,669 to purchase one compressor for the CPW 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.

5. The Finance Committee recommends the approval to accept the FFY2020 HMEP Grant in the amount of \$2,888 for the Emergency Management Department for training, updating and publishing of the Emergency Plan. 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.

6. The Finance Committee recommends the approval of the FFY2019 EMPG Grant in the amount of \$25,600 from MEMA for the Emergency Management Department to purchase SCBA air supply

bottles for the Air Supply Unit. 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.

7. The Finance Committee recommends the approval of a financing transaction in the total amount of \$289,932 consisting of the MVP Grant and an appropriation of 25% matching funds. 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.

Long Term Debt & Capital Planning

1. The Long Term Debt & Capital Planning Committee recommends the Resolution regarding backups on Valley View Road and Oakley Lane be filed without prejudice per Rule 81. 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.

2. The Long Term Debt & Capital Planning Committee recommends the loan authorization in the amount of \$4,195,000 to fund the Woerd Avenue Landfill Revitalization Project 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.

Orders, Ordinances & Resolutions

- Affordable Housing Resolution

The City Clerk read the Resolution. Councillor Paz spoke on the matter. President Brasco referred the matter to the Economic and Community Development Committee.

- Municipal Transit Station in Downtown Waltham Resolution

The City Clerk read the Resolution. Councillors Darcy, LaCava, O'Brien & Paz spoke on the matter. President Brasco referred the matter to the Economic and Community Development Committee.

Unfinished Business & Other Business

- Time extension request for BP 99 Third Avenue, LLC at 99 Third Avenue

Referred to the Ordinances and Rules Committee

- Presidential Primary Election Warrant

Councillor McMenimen moved to suspend the rules and act on the matter without committee reference. Councillor McMenimen moved approval of the warrant. The motion was adopted on a voice vote and the matter was approved.

Councillor McMenimen moved to take the executive session matter to discuss pending litigation be taken off of the table. The motion was adopted on a voice vote and the matter was approved.

Councillor McMenimen moved to go into executive session to discuss pending litigation with Clerk Waddick serving as Clerk, Attorney Cervone, Attorney Azadi and the Mayor all attend as well and that the Council reconvene in open session following the executive session. 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 is approved 14-0.

The City Council went into executive session at 10:24 p.m.

President Brasco resumed meeting in public session at 10:40 p.m. Councillor McLaughlin moved approval of an order authoring Mayor to sign the Release and Settlement agreement at 554 Lexington Street. 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 is approved 15-0.

Councillor McMenimen moved to take the matter relating to anticipated litigation off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen moved to go into executive session to discuss anticipated litigation with Clerk Waddick serving as Clerk, Attorney Cervone, Attorney Azadi and the Mayor all attend as well and that the Council reconvene in open session following the executive session. 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 is approved 14-0.

President Brasco cleared the Chamber and the Council went into executive session at 10:41 p.m.

President Brasco resumed the City Council meeting in public session at 12:05 a.m.

Tabled Items

- Parking Resolution (12/23/2019 approved to schedule a PH)

Councillor Darcy moved to adjourn. The motion was adopted on a voice vote and President Brasco declared the meeting adjourned at 12:06 a.m. on January 28, 2020.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

February 3, 2020

Approved by the City Council: _____