

Waltham City Council  
Minutes of the Meeting of  
December 9, 2019

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

**Call of the Roll:**

City Council

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

Absent: LaCava and Stanley.

Board of Survey & Planning

Present: Barrett, Callahan, DeVito, Moroney, Tarallo and Chairman Creonte.

Absent: None.

The City Clerk recited the Council Prayer followed by President Brasco leading all present in the Pledge of Allegiance. Councillor Logan asked for a moment of silence for all our military that have served past and present. Councillor Harris asked for a moment of silence for Officer Charles Gryska and his family during this difficult time.

Councillor Logan moved approval of the minutes from the City Council Special meeting on 11/25/2019. The motion was adopted on a voice vote and the matter was approved.

President Brasco made note that Councillor Elect LaFauci from Ward One and Councillor Elect Dunn from Ward Two were in attendance tonight.

Councillor McLaughlin moved to take the time extension for the Special Permit application at 94 Russell Street matter out of order. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved approval of the time extension. Roll call required.

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

Opposed: None.

Absent: LaCava, Stanley.

Presiding: Brasco.

Matter was approved 12-0-2.

Councillor Darcy moved to suspend the rules to take the CPC recommendation for the allocation of CPA funds in the amount of \$250,000 from their undesignated account to the UMass Field Station & Farm matter from the Long Term Debt and Capital Planning Committee out of order. The motion was adopted on a voice vote and the matter was approved. Councillor Darcy moved approval of the matter and requested a roll call. Councillor Randy LeBlanc recused himself.

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

Opposed: None.

Absent: LaCava, Stanley.

Recused: Randy LeBlanc.

Presiding: Brasco.

Matter was approved 11-0-2

Councillor Darcy moved to suspend the rules to take the CPC recommendation for the allocation of CPA funds in the amount of \$50,000 to hire a planner for the Storer Conservation Land matter from Long Term Debt and Capital Planning Committee out of order. The motion was adopted on a voice vote and the matter was approved. Councillor Darcy moved approval of the matter and requested a roll call.

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

Opposed: Nabulime.

Absent: LaCava, Stanley.

Presiding: Brasco.

Matter was approved 11-1-2

Councillor LaCava entered the Council Chamber was called by the Clerk and answered present.

Councillor Darcy moved to suspend the rules to take the CPC recommendation for the allocation of CPA funds in the amount of \$30,000 for the historic architectural survey of Waltham matter from Long Term Debt and Capital Planning Committee out of order. The motion was adopted on a voice vote and the matter was approved. Councillor Darcy moved approval of the matter and requested a roll call.

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

Opposed: None.

Absent: Stanley.

Presiding: Brasco.

Matter was approved 13-0-1

Councillor Darcy moved to suspend the rules to take the CPC recommendation for the allocation of CPA funds in the amount of \$36,199 for the preservation project at The Vale, the 1793 Theodore Lyman Estate matter from Long Term Debt and Capital Planning Committee out of order. The motion was adopted on a voice vote and the matter was approved. Councillor Darcy moved approval of the matter and requested a roll call.

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

Opposed: None.

Absent: Stanley.

Presiding: Brasco.

Matter was approved 13-0-1.

The City Clerk read Rule 86.

The City Clerk read the first public hearing: Zoning Amendment for Café Definition and Table of Uses.

Councillor Cathyann Harris, 42 Hovey Road, Waltham, and Councillor Robert G. Logan, 109 Taylor Street, Waltham, sponsors of the amendment, spoke in favor of the proposed amendment. Leo Keightley, 731 South Street, Waltham, Robert Marcou, 5 Bancroft Street, Waltham, Jeff Wheelhouse, 234 Ash Street, Waltham, Robin Capello, 15 Bruce Road, Waltham, and Lisa Lorgeree, 4 Dolores Ave, Waltham, all spoke in favor of the proposed amendment. Eight people stood in favor of the proposed amendment. With no one else in support and no one else in opposition and no one else in a neutral position on the proposed amendment, President Brasco closed this portion of the public

hearing and opened the hearing to questions from Councillors. Councillor Mackin questioned the difference between a restaurant and a cafe. Survey and Planning Board Members Creonte and Barrett, asked questions of the sponsors and spoke on the matter. Councillor Diane LeBlanc asked questions of the sponsors. With no additional Councillors or Board members asking questions, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee. Chairman Creonte noted that the Board of Survey and Planning will be meeting on January 8, 2020, to discuss this matter further.

President Brasco called a two-minute recess.

Councillor McMenimen moved to approve the minutes from the Regular City Council meeting held on 11/25/2019. The motion was adopted on a voice vote and the matter was approved.

The City Clerk read the second public hearing: 17-25 at 257 School Street.

Silvestre Buscemi, 68 Beal Road, Waltham, 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. With no Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Public Works & Public Safety Committee.

The City Clerk read the third public hearing: Grant of Location on Calvary Street.

Maureen Carroll, 200 Calvary Street, Waltham, representing Eversource Inc. 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 Logan and Randy LeBlanc asked questions of the petitioner. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Licenses and Franchises Committee.

The City Clerk read the fourth public hearing: Grant of Location on Smith Street.

Shelly Cullen, 4 Blue Hill Ave, Newbury, MA Representing Crown Castle/Axis Engineering, the 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 Darcy, Vidal and Mackin asked questions of the petitioner. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Licenses and Franchises Committee.

The City Clerk read the fifth public hearing: Fuel Storage Application at 404 Wyman Street.

Michael Connors, Connors & Connors, LLC, 6 Lexington Street, Waltham representing the 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 Darcy, McMenimen, Romard, Mackin and Nabulime asked questions of the petitioner. With no additional Councillors asking questions, President Brasco closed the public hearing and referred the matter to the Licenses and Franchises Committee. Councillor Romard made a request to have a representative from the Water Department and CPW come to the next Committee meeting to discuss the background and status of the proposed pumping station to be built at 404 Wyman Street. The motion was adopted on a voice vote and the matter was approved.

## **Communications from the Mayor**

1. The Mayor respectfully requests an appropriation of traffic impact funds in the amount of \$7,600 to conduct and collect traffic speed data at six major roadways in the City. Referred to the Finance Committee.
2. The Mayor respectfully requests a transfer in the amount of \$78,000 to award the lowest and responsible bid to fund the design of the traffic signal reconstruction at the intersection of Trapelo Road and Waverly Oaks Road. Referred to the Finance Committee.
3. The Mayor respectfully requests and appropriation and a transfer of traffic impact funds totaling \$61,500 to award the lowest and responsible bid for the design of a new traffic signal at the intersection of Beaver Street and Warren Street. Referred to the Finance Committee.

The Mayor respectfully request an appropriation of traffic impact funds totaling \$72,400 to award the lowest and responsible bid for the design of the traffic signal reconstruction at the intersection of Main Street/Warren Street/Barbara Road/Gore Street. Referred to the Finance Committee. Councillor McMenimen made a request that Mr. Garvin provide specific citations and language regarding the use of traffic impact funds. The motion was adopted on a voice vote and the matter was approved.

## **Applications & Licenses**

### **Orders, Ordinances & Resolutions**

- CPC Application and Order for \$583,194 in Community Preservation Act funding for the purpose of obtaining the property at 67 Crescent Street for open space/recreation use. Councillor Logan spoke on the matter. President Brasco referred the matter to the Long Term Debt and Capital Planning Committee.

- Red Kettle Salvation Army Resolution

The City Clerk read the Resolution. Councillor Harris spoke on the Resolution and moved to suspend the rules and act on a matter without Committee reference. The motion was adopted on a voice vote and the matter was approved. Councillor Harris 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 extended hours renewal at 1074 Main Street – Veronica’s 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 extended hours renewal at 852 Main Street – J&J Variety 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.

## **Finance**

1. The Finance Committee recommends an appropriation in the amount of \$4,500 to conduct an appraisal of the property located at 1335 Main 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.
2. The Finance Committee recommends acceptance of forty gift certificates valued at \$1,500 from J & Co. to be distributed to the School Department, Community Day Center and Bristol Lodge 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.

### **Long Term Debt & Capital Planning**

1. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation for an allocation of CPA funds in the amount of \$250,000 from their undesignated account to the UMass Field Station & Farm be approved. (Previously approved).

2. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation to reallocate \$5,000 from CPA Environmental Fund to CPC Copy Machine and CPC Personal Computers accounts 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.

3. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation for an appropriation of CPA Funds in the amount of \$30,000 for an Historical and Architectural Survey of Waltham be approved. (Previously approved).

4. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation for an appropriation of CPA Funds in the amount of \$36,199 for a Preservation Project at the Vale, the 1793 Theodore Lyman Estate be approved. (Previously approved).

5. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation for an appropriation in the amount of \$50,000 to hire a planner for the Storer Conservation Land be approved. (Previously approved).

### **Unfinished Business & Other Business**

- Time extension for Special Permit application for 94 Russell Street (Previously approved).

Councillor McMenimen moved to accept a late filed communication from the Mayor. The motion was adopted on a voice vote and the matter was approved. The City Clerk read the communication.

Councillor McMenimen made a motion to go into executive session for the purpose of discussing pending litigation with the City Clerk to act as clerk of the executive session and the City Auditor, Assistant City Solicitors Learned and Azadi, City Solicitor Cervone and the Mayor to attend and the Council to reconvene in open session following the executive session. Roll call required.

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

Opposed: None.

Absent: Stanley.

Presiding: Brasco.

Matter was approved 13-0-1

The City Council went into executive session at 9:21 p.m.

At 11:15 p.m. President Brasco called the meeting back to order.

Councillor Logan made a motion to approve a loan order for the amount of \$11,000,000 for a land acquisition of the land known as 554 Lexington Street, 75R Lincoln Street and 111R Lincoln Street. On the motion, Councillor Romard spoke. Roll call required.

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

Opposed: Romard.

Absent: Stanley.

Matter was approved 13-1-1.

President Brasco called a one-minute recess.

President Brasco called the meeting back to order. Councillor Fowler moved to transfer care, custody and control of the land known as 554 Lexington Street, 75R Lincoln Street, and 111R Lincoln Street to the Waltham School Committee for educational use and purposes associated with educational use.

On the motion Councillor Romard spoke on the matter. President Brasco cautioned Councillor Romard regarding appropriate topics for discussion in public session. Roll call required.

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

Opposed: Romard.

Absent: Stanley.

Matter was approved 13-1-1

Councillor Darcy rose to speak of Carol Spinney and his remarkable life as a puppeteer and requested a moment of silence.

President Brasco noted the executive sessions minutes that are tabled need to be approved before the end of the year. Councillor McMenimen asked if the Law Department had responded with any redactions. The City Clerk will follow up.

#### **Tabled Items**

- Executive Session – Real Estate Matter – 10/15/2019
- Executive Session – Pending Litigation – 10/15/2019
- Mayor’s veto on Order Nos. #34291, 34292, 34295
- Installation of a guard rail on the backside of Beal Road sidewalk

Councillor Darcy moved to adjourn. The motion was adopted on a voice vote and President Brasco declared the meeting adjourned at 11:24 p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

December 17, 2019

Approved by the City Council: \_\_\_\_\_