

Waltham City Council
Minutes of the Meeting of
February 25, 2019

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

Call of the Roll:

City Council

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

Absent: None

Board of Survey and Planning

Present: Callahan, Duffy, DeVito, Moroney, Tarallo

Absent: Barrett, Creonte

The 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.

The Clerk read Rule 86.

The Clerk read the first public hearing: Zoning Amendment for Affordable Housing
Robert Logan, 109 Taylor Street, Waltham, initiator of the amendment, spoke in favor the petition. Annette Reynolds, 315 Lake St., Waltham, spoke in favor of the petition. Fred Reynolds, 315 Lake St., Waltham, spoke in favor of the petition. Marie Gaspard, 100 Church St., Waltham, spoke in favor of the petition. Deb Jose, 83 Woodland Road, Waltham, spoke in favor of the petition. Dee Kuch, 24 Hillcroft St., Waltham, spoke in favor of the petition. Diana Young, 147 Bishops Forest Drive, Waltham, spoke in favor of the petition. Michelle Fredette, 185 Crescent St., Waltham, spoke in favor of the petition. Mark Alston-Follonsbee, 146 Bright St., Waltham, spoke in favor of the petition. Sixty-six people stood in favor of the petition. No one stood in opposition of the petition. Genoveva Tavera, 158 marguerite Ave., Waltham, spoke in favor of the petition. Jonathan Goldman, 137 Villa St., Waltham, spoke in favor of the petition. Chris Gamble, 24 Brown Ave., Waltham, spoke in favor of the petition. Jonathan White, 250 Bishops Forest Drive, Waltham, spoke in favor of the petition. Philippa Hurley, Watch, spoke in favor of the petition. Shelley White, 250 Bishops Forests rive, Waltham, spoke in favor of the petition. Jonathan White, 250 Bishops Forest Drive, Waltham, spoke in favor of the petition. Sarah Hankins, 103 Seminole Ave., Waltham, spoke in favor of the petition. Samuel Lieb, 229 South St., Waltham, spoke in favor of the petition. Emily Saperia, 6 Curtis St. #2, Waltham, spoke in favor of the petition. Guy Micalizzi, 41 Melody Lane, Waltham, spoke in a neutral position on the matter. With no one else in support and no one else in opposition and no one in a neutral position of the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Darcy, Romard, Vidal, Stanley, Fowler, Diane LeBlanc, Randy LeBlanc, Harris, Nabulime, Mackin, Board Members Maroney, Tarallo, Duffy, Callahan spoke on the petition and asked questions to Councillor Logan. With no additional Councillors asking questions and no one speaking in rebuttal, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee.

The Board of Survey and Planning will take up this matter at their next meeting on March 6, 2019.

Councillor McMenimen made a motion to approve the minutes from the 2/11/2019 Council meeting. The motion was adopted on a voice vote and the matter was approved.

The Clerk read the second public hearing: Zoning Amendment under Section 2.3 entitled Definitions Robert Logan, 109 Taylor Street, Waltham, initiator of the amendment, spoke in favor the petition. Kathleen Dowcett, Director of the Partnership for Youth, Waltham spoke in a neutral position on the petition. Shineesh Christmas, spoke in a neutral position of the petition. Four students from Waltham High School spoke in a neutral position 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 Councillors asking questions and no one speaking in rebuttal, President Brasco closed the public hearing and referred the matter to the Ordinances and Rules Committee.

The Board of Survey and Planning will take up this matter at their next meeting on March 6, 2019.

President Brasco called a two minute recess.

Councillor LaCava rose to suspend the rules and take a matter out of order. The motion was adopted on a voice vote and the matter was approved. Councillor LaCava moved to approve the confirmation of the appointment of Frank Craig, 85 Main St., Waltham as Assessor for a term of three years. Roll call required.

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

Opposed: None

Absent: None

Matter was approved 15-0.

Councillor LaCava made a motion to approve the confirmation of Bernadette Vasquez, 68 Willow St., Waltham as an Assessor for a term of three years. Roll call required.

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

Opposed: None

Absent: None

Matter was approved 15-0.

The Clerk read the third public hearing: Extended hours at 1074 Main Street

Mr. Patel, representing the petitioner, Veronica's, 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 of the petition, President Brasco closed this portion of the public hearing and opened the hearing to questions from Councillors.

Councillors Diane LeBlanc and Vidal 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 Franchises Committee.

Communications from the Mayor

1. The Mayor respectfully requests a transfer in the amount of \$24,000 for roof repairs at the Veterans Memorial Skating Rink. Referred to the Long Term Debt and Capital Planning Committee.

2. The Mayor respectfully requests an appropriation of in the amount of \$66,074 to reimburse the maintenance and repair account for the costs associated with the installation and replacement of a heating system and HVAC improvements for both Prospect Street Fire Station and Waltham Public Library. Referred to the Finance Committee

3. The Mayor respectfully requests an appropriation in the amount of \$21,000 to purchase a new 18,000lbs. capacity vehicle lift for the vehicles repair garage. Referred to the Finance Committee
4. The Mayor respectfully requests an appropriation in the amount of \$194,000 to purchase a new Hot Box asphalt patch truck. This will replace the 1994 Hot Box Truck. Referred to the Finance Committee
5. The Mayor respectfully requests a transfer in the amount of \$208,000 to award the low and responsible bidder of the Phase 2 Christopher Road water project. Referred to the Long Term Debt and Capital Planning Committee.
6. The Mayor respectfully requests an appropriation in the amount of \$50,000 for an appraisal and other professional services in connection with pending litigation. Councillor McMenimen rose to make a motion to suspend the rules to act on the matter without committee reference. On the motion Councillor Stanley asked a question. The motion was adopted on a voice vote and the matter was approved. Councillor McMenimen made a motion for approval. On the motion Councillor Diane LeBlanc had questions on the matter. Councillor McMenimen made a motion to go in to executive session for the purpose of dicussing a real estate matter and pending litigation, to return to open session, with Attorney Cervone present and Bob Waddick as clerk. Roll call required.
In Favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley and Vidal.
Opposed: None
Absent: None
Presiding: Brasco
Matter was approved 14-0.
The Council went in to executive session.
President Brasco called the public meeting back to order.
On the motion for approval of the appropriation roll call was requested.
In Favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley, Vidal and Brasco.
Opposed: None
Absent: None
Matter was approved 15-0.
7. The Mayor respectfully requests the acceptance of a gift in the amount of \$500 from an anonymous donor who had great memories of Prospect Hill Park during their childhood. Referred to the Finance Committee.
8. The Mayor respectfully requests the acceptance of a gift of a painting of the City Seal from Donna Laswell. The painting will be placed in the conference room in the lower level of City Hall. Referred to the Finance Committee.
9. The Mayor respectfully requests the opportunity for the Director of Veterans Services and the Assessor to appear before the Council to update the Council on legislative updates and exemptions the BRAVE ACT has adopted. Referred to the Veterans' Services Committee.
10. The Mayor respectfully requests a transfer in the amount of \$9,798 to establish and to fund an account to pay the Cyber insurance premium to protect the City against computer hacking. Referred to the Finance Committee.

11. The Mayor respectfully requests acceptance of two SAFE grants from the Commonwealth of Massachusetts in the amounts of \$6,754 for Student Awareness and Fire Education and \$3,000 for Senior SAFE grants. Referred to the Finance Committee.

12. The Mayor respectfully requests acceptance of a grant in the amount of \$125,148 from the Executive Office of Elder Affairs to be used by the Council on Aging for various programs that benefit senior citizens. Referred to the Finance Committee.

Applications & Licenses

Orders, Ordinances & Resolutions

- Local Voucher Resolution

The Clerk read the Resolution. Councillor Diane LeBlanc spoke on the matter. Councillor Diane LeBlanc made a request to ask John Gollinger, Bob Waters and Daria Gere from Watch to attend a Committee meeting for an update in the voucher program. The motion was adopted on a voice vote and the matter was approved. President Brasco referred the matter to the Economic and Community Development Committee.

- Notification of Abutters Resolution.

The Clerk read the Resolution. Councillor Fowler spoke on the matter. President Brasco referred the matter to the Committee of the Whole.

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the extended hour's renewal at 205 Willow Street – Pro Tech Automotive & Tire Ctr, Inc. 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 hour's renewal at 1335 Main Street for Waltham Fuel Inc. 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.

Public Works & Public Safety

1. The Public Works & Public Safety Committee recommends Issues on Lexington Street Resolution be filed. Councillor Mackin 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 & Public Safety Committee recommends the 17-25 at 509-527 and 533 Moody Street be approved. Councillor Mackin moved that the action of the committee be the action of the Council. Roll call was requested.

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

Opposed: None

Absent: None

Presiding: Brasco

Matter was approved 14-0.

Finance

1. The Finance Committee recommends the acceptance of gifts in the amount of \$200 from the Philip Mula Family to be given to the Housing Division 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 the transfer of \$30,000 from the Building Code Enforcement Special Revenue account to the Building Code Enforcement Computers account 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.
3. The Finance Committee recommends an appropriation in the amount of \$9,933 from the Unreserved Fund Balance to purchase and install carpeting in the museum room and in the foyer of the lower level of City Hall 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.
4. The Finance Committee recommends an appropriation in the amount of \$26,000 from Parking Meter Unreserved Fund Balance to purchase a 2019 Ford Escape that will be used by the Parking Meter Division 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.
5. The Finance Committee recommends an appropriation in the amount of \$8,000 from the Unreserved Fund Balance to conduct a hazardous materials survey and demolition/abatement design services for the property 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.
6. The Finance Committee recommends an appropriation in the amount of \$120,000 from the Unreserved Fund Balance to fund the resurfacing project bid for the private way portion of Brennan Ave., Mountain Road, Crestview Road, Carol Lane, Goldencrest Avenue, Priscilla Lane and Midland Drive be approved. President Brasco recused himself. Councillor McMenimen moved that the action of the committee be the action of the Council. Roll call requested.
In Favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley and Vidal.
Opposed: None
Absent: None
Recused: Brasco
Matter was approved 14-0.
7. The Finance Committee recommends the re-allocation of Chapter 90 funds in the amount of \$207,000 to fund the low bid for the paving of the public portion of Midland Drive be approved. President Brasco recused himself. Councillor McMenimen moved that the action of the committee be the action of the Council. Roll call requested.
In Favor: Darcy, Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, Mackin, McLaughlin, McMenimen, Nabulime, Romard, Stanley and Vidal.
Opposed: None
Absent: None
Recused: Brasco

Matter was approved 14-0.

Committee of the Whole

1. The Committee of the Whole recommends the confirmation of the appointment of Frank P. Craig, Esq., 85 Main Street, Waltham, as an Assessor for the City of Waltham for a term of three years be approved. (Taken out of order.)
2. The Committee of the Whole recommends the confirmation of the appointment of Bernadette Vasquez, 68 Willow Street, Waltham, as an Assessor for the City of Waltham for a term of three years be approved. (Taken out of order.)
3. The Committee of the Whole recommends City Council's review of the draft lease for Air Rights at 230-234 Moody Street be approved. Councillor Logan moved that the action of the committee be the action of the Council. Roll call requested.

In Favor: Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, McLaughlin, Romard, Stanley, Vidal and Brasco

Opposed: Darcy, Mackin, McMenimen, Nabulime

Absent: None

Matter was approved 11-4.

Ordinances & Rules

1. The Ordinances and Rules Committee recommends that the Zoning Amendment for Non- Medical Marijuana Establishments be approved for a second reading. Councillor McLaughlin spoke on the matter. 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 for a second reading. Councillor McLaughlin moved to table the matter on the Council floor. The motion was adopted on a voice vote and the matter was approved.
2. The Ordinances and Rules Committee recommends that FY2019 Compensation Ordinance Amendment relative to the Commissioner of Consolidated Public 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 on a voice vote and the matter was approved for a second reading. Councillor McLaughlin moved to table the matter on the Council floor. The motion was adopted on a voice vote and the matter was approved.
3. The Ordinances and Rules Committee recommends that the General Ordinance Amendment consolidating the Public Works, Water and Sewer Departments 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 on a voice vote and the matter was approved for a second reading. Councillor McLaughlin moved to table the matter on the Council floor. The motion was adopted on a voice vote and the matter was approved.
4. The Ordinances and Rules Committee recommends that the Compensation Ordinance Amendment for Assistant Planning Director/Sustainability 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 on a voice vote and the matter was approved for a second reading. Councillor McLaughlin moved to suspend the rules to approve the matter for a third and final reading. The motion was adopted on a voice vote and the matter was approved. On the motion for approval, roll call required.

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

Opposed: None

Absent: None

Presiding: Brasco

Matter was approved 14-0.

5. The Ordinances and Rules Committee recommends that the Special Permit for the Wireless Installation at 550 Winter 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, Stanley and Vidal.

Opposed: None

Absent: None

Presiding: Brasco

Matter was approved 14-0.

Unfinished Business & Other Business

- Election Calendar for 2019

Councillor Logan moved to suspend the rules and act on the matter without committee reference. On the motion Councillors Mackin asked a question. The motion was adopted on a voice vote and the matter was approved. Councillor Logan moved approval of the matter. On the motion Councillor Stanley asked a question. The motion was adopted on a voice vote and the matter was approved.

- Extension of time for a Special Permit application at 95 Moody Street

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

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

Opposed: None

Absent: None

Presiding: Brasco

Matter was approved 14-0.

Councillor McLaughlin rose to make known it was 11:55p.m. Councillor Mclaughlin made a motion to go past midnight. Roll call required.

In Favor: Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, McLaughlin, Romard, Stanley and Vidal.

Opposed: Darcy, Mackin, McMenimen, Nabulime.

Absent: None

Presiding: Brasco

Matter was approved 10-4.

- CPC recommendation of CPA funds totaling \$3,000,000.00 for buildings at Fernald Property Referred to the Long term Debt and Capital Planning Committee.

6. Councillor McLaughlin moved to discharge a matter from the Ordinance and Rules Committee. The motion was adopted on a voice vote and the matter was approved. Councillor McLaughlin moved to override the Mayors veto #34282 regarding the detached garage in the HR-2 District. On the motion Councillor Mackin spoke on the matter. Councillor Logan spoke on the matter. Councillor Randy LeBlanc spoke on the matter. Councillor Mackin rose to a point of inquiry. Councillor Nabulime spoke on the matter and asked questions which Councillor Logan answered. Councillor Diane LeBlanc spoke on the matter. Councillors Mackin and McLaughlin spoke a second time around. Roll call required.

In Favor: Fowler, Harris, LaCava, LeBlanc, Diane, LeBlanc, Randall, Logan, McLaughlin, Romard, Stanley, Vidal and Brasco.

Opposed: Darcy, Mackin, McMenimen, Nabulime.

Absent: None

Matter was approved 11-4.

Tabled Items

- Loan authorization for \$1,085,000 for Hillcroft Playground
- 17-25 Street opening at 509-527 and 533 Moody Street
- Mayor's veto on Order Nos. #34291, 34292, 34295
- Installation of a guard rail on the backside of Beal Road sidewalk

Councillor McMenimen moved to adjourn. President Brasco declared the meeting adjourned at 12:37a.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

March 7, 2019

Approved by the City Council: _____