

Waltham City Council
Minutes of the Meeting of
February 26, 2018

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

The Clerk Pro Tem called the roll of the City Council and the Board of Survey and Planning.

Call of the Roll:

City Council

Present: Councillors Darcy, Logan, McMenimen, Fowler, McLaughlin, Romard, Waddick, LeBlanc, D. Vidal, Brasco, Mackin, Harris, Lacava, McLaughlin, LeBlanc, R

Absent: None

Board of Survey and Planning

Present: Barrett, Callahan, Devito, Moroney, Tarallo

Absent: Creonte, Duffy

The Clerk Pro Tem recited the Council Prayer followed by President LeBlanc leading all present in the Pledge of Allegiance. Councillor Brasco asked for a moment of silence for all our military that have served; past and present. Councillor LaCava and Councillor McMenimen asked for a moment of silence for David Yawnick, Owner of Alberts Studio and the photographer who had crafted the pictures of our elected officials throughout City Hall. Councillor Romard asked for a moment of silence for John “Jack” Cawley, Principal of the Kennedy Middle School, who had passed away suddenly last week.

The Clerk Pro Tem read Rule 86.

First Public Hearing: Zee Em Trust II, c/o Boston Properties, 800 Boylston Street, #1900, Boston, MA 02199-8103, owner of the property at 500, 494 and 480 Totten Pond Road petitioner for a zone change. Philip McCourt, 15 Church Street, Waltham, Attorney, representing the petitioner, spoke in favor of the petition. Keir Evans, 500 Totten Pond Road, Waltham, representing Boston Properties spoke in favor of the petition. Kris Scheuffle, 55 Thornton Road, Waltham spoke in a neutral position on 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 LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Romard asked questions to the petitioner. Robert Nagra, 101 Walnut St., Watertown of XHB, traffic engineer answered questions on the petition. Councillors Fowler, Darcy, Waddick, Mackin, Logan, McMenimen, McLaughlin, LeBlanc, R., Board of Survey and Planning member Mr. Moroney and Ms. Callahan spoke on the petition. With no further questions from Councillors President LeBlanc referred the matter to the Ordinances and Rules Committee.

Second Public Hearing: Zee Em Trust II, c/o Boston Properties, 800 Boylston Street, #1900, Boston, MA 02199-8103, owner of the property at 500, 494 and 480 Totten Pond Road petitioner for a zone change. Philip McCourt, 15 Church Street, Waltham, Attorney, representing the petitioner, spoke in favor of the petition. Keir Evans, 500 Totten Pond Road, Waltham, representing Boston Properties 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 LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Romard asked questions to the petitioner. Robert Nagra, 101 Walnut St., Watertown of XHB, traffic engineer answered questions on the petition. With no further questions from Councillors President LeBlanc referred the matter to the Ordinances and Rules Committee.

Third Public Hearing: Zee Em Trust II, c/o Boston Properties, 800 Boylston Street, #1900, Boston, MA 02199-8103, owner of the property at 500, 494 and 480 Totten Pond Road petitioner for a zone change. Philip McCourt, 15 Church Street, Waltham, Attorney, representing the petitioner, 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 LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Romard asked questions to the petitioner. Councillor Fowler asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Ordinances and Rules Committee.

Fourth Public Hearing: Petition for a Fuel Storage Permit at 15 Lura Lane Waltham, MA, for Miriam Schwartz, owner of property, a one thousand gallon propane tank for Emergency Power, Garage Unit Heater, Hot Water Heater, Clothes Dryer George Schnee, 339 Auburn St., Newton, MA Representative of the property 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 LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Romard asked questions to the petitioner. Christopher Moroney, 30 Charles Street, Needham, MA answered questions about the tank. Councillor McMenimen asked questions to the petitioner. Miriam Schwartz, 333 Great River Road, Somerville, MA who is the sole owner of the property via an LLC answered questions to the petitioner. Councillors Waddick, Fowler and Mackin asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the License and Franchise Committee.

Communications from the Mayor

1. The Mayor respectfully requests authorization to grant Charles River Canoe & Kayak a 10A permit to put a temporary float on the Cronin's Landing Dock which will be removed after Columbus Day 2018. Referred to the Committee of the Whole.
2. The Mayor respectfully requests the acceptance of a gift of 50 Naloxone (Narcan) Nasal Kits from Newton-Wellesley Hospital to the Waltham Health Department. Referred to the Finance Committee.

Applications & Licenses

- Lodging House renewal: Martin Reilly Realty Trust - 20 - 22 Adams Street
Referred to the License and Franchise Committee
- Lodging House renewal: Martin Reilly Realty Trust - 44 - 46 Chestnut Street
Referred to the License and Franchise Committee
- Lodging House renewal: Martin Reilly Realty Trust - 118 - 120 Robbins Street
Referred to the License and Franchise Committee
- Lodging House renewal: Martin Reilly Realty Trust - 11- 13 Walnut Street
Referred to the License and Franchise Committee

Resolutions

Cross Walk Safety Sponsored by President LeBlanc. The Clerk Pro Tem read the Resolution. President LeBlanc referred the Resolution to the Public Works and Public Safety Committee.

Bike Parking at City Hall Sponsored by Councillor Mackin. The Clerk Pro Tem read the Resolution.

Councillor Mackin spoke on the Resolution. President LeBlanc referred the Resolution to the Economic and Community Development Committee.

Building Permit Resolution sponsored by Councillor LeBlanc. The Clerk Pro Tem read the Resolution. Councillor LeBlanc spoke on the Resolution. President LeBlanc referred the Resolution to the Public Works and Public Safety Committee.

Environmental Specialist Resolution sponsored by Councillor Logan. The Clerk Pro Tem read the Resolution. Councillor Logan spoke on the Resolution. President LeBlanc referred the Resolution to the Public Works and Public Safety Committee.

Pay Equity Resolution sponsored by Councillor Logan. The Clerk Pro Tem read the Resolution. Councillor Logan spoke on the Resolution. President LeBlanc referred the Resolution to the Committee of the Whole.

Pregnant Workers Fairness Act Resolution sponsored by Councillor Logan. The Clerk Pro Tem read the Resolution. Councillor Logan spoke on the Resolution. Councillor Logan submitted a request. The clerk Pro Tem read the request. Councillor Logan moved approval of the request. Request was approved by a voice vote. President LeBlanc referred the Resolution to the Committee of the Whole.

License and Franchise

1. The License and Franchise Committee recommends that a Second Hand Dealer License Alpha Cellphone Plus be approved. Councillor Waddick moved that the action of the Committee be the action of the Council. All were in favor and matter was approved by a voice vote. Councillor McMenimen moved to act on numbers two through eleven be approved collectively. All were in favor and matters were approved collectively.
2. The License and Franchise Committee recommends that a Lodging House License for Bentley University - 175 Forest St. - Castle Hall Upper be approved.
3. The License and Franchise Committee recommends that a Lodging House License for Bentley 175 Forest St. - Copley Hall North Lower be approved.
4. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St. - Copley Hall South Lower be approved.
5. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St. - Fenway Hall be approved.
6. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St. - Forest Hall Upper be approved.
7. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St. - HUD Tree Dorms Upper be approved.
8. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St. - Kruse Hall Upper be approved.
9. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St- Miller Hall Upper be approved.
10. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St-Slade Hall Upper be approved.
11. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St-Stratton House Beaver be approved.

Public Works and Public Safety

1. The Public Works & Public Safety Committee recommends 17-25 street opening petition for 1101 Main Street be approved. . Councillor Vidal moved that the action of the Committee be the action of the Council. All were in favor and matter was approved by a voice vote.

Finance Committee

1. The Finance Committee recommends that an appropriation in the amount of \$83,000.00 to fund the ongoing engineering services for the Illicit Discharge Detection & Elimination (IDDE) Program be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. All were in favor and matter was approved by a voice vote.

2. The Finance Committee recommends that Acceptance of donation in the amount of \$1,000.00 for a bench to honor the six Crane Brothers (Alfred, Edward, Donald, Walter, Robert and Raymond) for their service as veterans be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. On the motion Councillor Logan spoke on the matter. Councillor Logan tabled the matter on the Council floor.

3. The Finance Committee recommends that an appropriation in the amount of \$550,000.00 from Unreserved Fund Balance for snow plowing and removal services be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. All were in favor and matter was approved by a voice vote.

4. The Finance Committee recommends that a transfer of funds in the amount of \$55,000.00 the design & engineering services of Fernald Center wetlands rehabilitation project be approved. Councillor McMenimen recused herself. Councillors Waddick, Romard spoke on the matter. Councillor Romard moved to amend the Order. He said that this work shall not commence until all of the environmental studies have been conducted. On the motion Councillors Darcy, LeBlanc, R., Stanley spoke on the matter. Councillor Stanley stated he wanted proof that someone with environmental authority explain to him that moving forward with this matter he would be guaranteed no contamination. Councillor Vidal spoke on matter. Councillor McLaughlin spoke on matter. He stated that the back 50 acres has had phase one and two done. The \$55,000 is just for design and engineering. There will not be a shovel put in the ground on this project. He is more concerned with flooding issue that will still go on without the project moving forward. Councillors Stanley, Mackin, McLaughlin, Fowler, LeBlanc, Darcy all spoke on the matter. Councillor McLaughlin asked for the vote on the transfer in Committee. Councillor Vidal stated it was 4-0 with McMenimen recusing herself. Councillor McLaughlin wanted to know if this passed 4-0 in Committee it is now being questioned on the Council floor and amendments being added by members. On the Order amendment roll call was requested.

In favor: Brasco, Fowler, Harris, Logan, Romard, Stanley, Vidal, Waddick, LeBlanc, D.

Opposed: Darcy, LaCava, LeBlanc, Mackin, McLaughlin

Recused: McMenimen

Amendment was approved.

Councillor Darcy moved to table the amended matter on the Council floor. Roll call requested.

In favor: Brasco, Darcy, Harris, LaCava, LeBlanc, Mackin, McLaughlin, Vidal, LeBlanc, D.

Opposed: Fowler, Logan, Romard, Stanley, Waddick

Recused: McMenimen

Matter was tabled.

5. The Finance Committee recommends that a Resolution requesting an IT Audit be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. All were in favor and matter was approved by a voice vote.

Committee of the Whole

1. The Committee of the Whole recommends that the City not exercise its Right of First Refusal in light of the master deed amendment regarding 204 Clock tower Drive, Unit 113, Wellington Crossing Affordable Condominium Resale and City's Right of First Refusal be approved. Councillor Logan moved that the action of the Committee be the action of the Council. Roll call requested.

In favor: Brasco, Darcy, Harris, LaCava, LeBlanc, Mackin, McLaughlin, Vidal, LeBlanc, D. Fowler, Logan, Romard, Stanley, Waddick, McMenimen

Opposed: None

Matter was approved.

Councillor Logan moved to take the Crane Brothers bench matter off of the table. Councillor Logan spoke on the matter. Councillor Logan moved to approve the donation for a bench. All were in favor and matter was approved by a voice vote.

2. The Committee of the Whole recommends that the re-appointment of Robert P. Millian, Jr. of 16 Bither Avenue, Waltham, MA 02453 as a Constable be approved. Councillor Logan moved that the action of the Committee be the action of the Council. Roll call required.

In favor: Brasco, Darcy, Harris, LaCava, LeBlanc, Mackin, McLaughlin, Vidal, LeBlanc, D. Fowler, Logan, Romard, Stanley, Waddick, McMenimen

Opposed: None

Matter was approved.

3. The Committee of the Whole recommends that that the resolution urging Her Honor, the Mayor of Waltham, to reengage the Stigmatine's in negotiations, either directly or through an intermediate, as soon as possible be approved. Councillor Logan moved that the action of the Committee be the action of the Council. Roll call requested.

In favor: Brasco, Darcy, Harris, LaCava, LeBlanc, Mackin, McLaughlin, Vidal, LeBlanc, D. Fowler, Logan, Romard, Stanley, Waddick, McMenimen

Opposed: None

Matter was approved.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends an extension to Lincoln Cooper Street, LLC to act on a special permit that the time to complete such work be extended by 12 months from March 7, 2018 to March 7, 2019 be approved. Councillors McLaughlin and Logan and McMenimen spoke on the matter. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll call required.

In favor: Brasco, Harris, LaCava, LeBlanc, Mackin, McLaughlin, Vidal, LeBlanc, D. Fowler, Logan, Romard, Stanley, Waddick

Opposed: Darcy, Mackin, McMenimen

Matter was approved.

Long Term Debt and Capital Planning

1. The Long Term Debt Committee recommends that a loan order in the amount of \$660,000.00 to award the bid of \$643,000.00 with contingency \$17,000.00. The funds will be used to award the bid

for the replacement of the refrigeration and dehumidification equipment at the Veterans' Memorial Skating Rink be given a first reading. Councillor Waddick moved that the action of the Committee be the action of the Council. All were in favor and matter was approved by a voice vote. Councillor Waddick moved to table on the Council floor. Matter was approved by a voice vote to table.

2. The Long Term Debt Committee recommends that an appropriation of CPA Funds totaling \$3,265,405 for Elsie Turner Field and Graverson Playground be approved. Councillor Waddick moved that the action of the Committee be the action of the Council. All were in favor and matter was approved by a voice vote.

3. The Long Term Debt Committee recommends that an appropriation a transfer of funds in the amount of \$50,799.70 for the purpose of adding a play structure to the Veterans' Memorial Field Complex be approved. Councillor Waddick moved that the action of the Committee be the action of the Council. All were in favor and matter was approved by a voice vote.

Economic and Community Development

1. The Economic and Community Development Committee recommends that a resolution regarding the Local 339 Carpenters Union be approved and recommitted to the Ordinances and Rules Committee. President LeBlanc stated that the Resolution is not being approved but recommitted to the committee. Councillor Fowler moved that the action of the Committee be the action of the Council. Matter was approved by a voice vote and Resolution recommitted to Ordinances and Rules Committee.

Unfinished Business & Other Business

- Modification of Special Permit for PD Winter Street, LLC at 900 and 910 Winter Street Referred to the Ordinances and Rules Committee

Councillor Logan moved to accept the late file communication from City Solicitor John Cervone regarding the access easement for 96 Linden Street property. All were in favor. The Clerk Pro Tem read the communication. President LeBlanc referred the matter to the Ordinances and Rules Committee.

Tabled Items

- Moderator to facilitate the joint meeting for the Waltham High School building project
- Chair of the Conservation Commission, the Chair of the Historical Commission the Chair of the Community Preservation Commission, the Traffic Engineer and the architect for the Waltham High School Project be invited to participate in the joint meeting of the Waltham City Council, the Waltham School Committee, the Waltham School Building Committee and the Mayor
- Joint meeting of the Waltham City Council, the Waltham School Committee, the Waltham School Building Committee and the Mayor be scheduled to discuss the Waltham High School building project
- Minutes from 5/8/2017
- Communication from Mayor dated July 3, 2017 regarding Veterans Fields on Forest Street, Gann Academy and Bentley University, Community Preservation Act Fernald Land and the Massachusetts Historical Commission Letter
- WEAC Recognition Resolution
- Retail Marijuana Moratorium

Councillor Logan moved to adjourn. President LeBlanc declared the meeting adjourned at 11:07p.m.
Respectfully submitted by:
Kara Wilson
Executive Assistant of the City Clerk
March 22, 2018
Approved by the City Council: _____