

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

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President LeBlanc called the meeting to order at 7:30pm.  
The Clerk Pro Tem called the roll of the City Council.

**Call of the Roll:**

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: Callahan, Moroney, Barrett, Tarallo  
Absent: Creonte, Duffy, DeVito

The Clerk Pro Tem recited the Council Prayer followed by President LeBlanc leading all present in the Pledge of Allegiance. Councillor McLaughlin asked for a moment of silence for all our military that have served; past and present.

Councillor Logan moved approval of the minutes from the 2/26/2018 Council meeting. Matter approved by a voice vote.

The Clerk Pro Tem read Rule 86.

First Public Hearing: Zoning Ordinance Amendment at Brandeis University, 415 South Street, Waltham, Massachusetts 02453 for Celco Partnership d/b/a Verizon Wireless and Brandeis University.

Daniel Klasnick, Attorney, 210 Broadway, Suite 204, Lynnfield, MA, representing the petitioner spoke in favor of 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 McMenimen, Waddick, LeBlanc, Darcy, Fowler asked questions to the petitioner. Councillor Mackin noted that although she is the ward Councillor she lives within 300 feet of campus and is getting an opinion whether or not she is in conflict. She noted she will regarding from masking any questions this evening. Survey and Planning Board members Moroney and Callahan. With no further questions from Councillors President LeBlanc referred the matter to the Ordinances and Rules Committee.

Second Public Hearing: Zoning Ordinance Amendment of the City of Waltham Article III "Establishment of Districts," Section 3.3 entitled "Uses" subsection 3.31A and Section 3.31A.2 Councillor Logan, 109 Taylor Street, spoke on the amendment. Joan McGann, 174 Moody Street Apt. 441 spoke in favor of the petition. Shuai Nie, 1105 Lexington Street, spoke in favor of the petition. Evelyn Reilly, 202 Ash Street, spoke in favor of the petition. Rev. Jose B. Rodriguez, 11 School Street, and Cembro Cristians de Adoracon, spoke in opposition 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 Waddick, Vidal, Fowler, Darcy and Mackin and Board of Survey and Planning members Moroney and Callahan. With no further questions from Councillors President LeBlanc referred the matter to the Ordinances and Rules Committee.  
The President called for a three minute recess at 9:23p.m.

At 9:30p.m. The Clerk read the third public hearing.

Third Public Hearing: Grant of Location for Bentley University, 175 Forest St, Waltham, MA 02452 for placement of conduits at 385 Beaver Street near the Bentley University Footbridge and at 400 Beaver Street at or near the intersection of College Drive.

Jay Dunn, 2 Douglas Road, Chelmsford, MA 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 Waddick, McLaughlin and R. LeBlanc asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the License and Franchise Committee.

The Clerk Pro tem read the fourth public hearing.

Fourth Public Hearing: 17-25 at Bentley University, 175 Forest St, Waltham, to open the street at or near 400 Beaver Street at College Drive.

Jay Dunn, 2 Douglas Road, Chelmsford, MA 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 Waddick, McLaughlin and Vidal 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 requested approval of the enclosed Year 44 Community Development Block Grant Program. A spread sheet of applicants with the amount requested for 2019, the amount recommended, the required paperwork and certifications are also enclosed. Referred to the Economic and Community development Committee

2. The Mayor respectfully submitted the following recommendation for the 3 cottages is as follows based on "contributing resources" per the Memorandum of Agreement (MOA) see enclosed. Please also see my March 23, 2017 communication to you requesting authority regarding Cardinal Cottage. All 3 cottages were surveyed, and Cardinal Cottage, the oldest of the 3 cottages, went out to bid for exterior design then construction.

1. Cardinal Cottage 2 affordable rental units (lower unit handicap accessible)
2. Trapelo Cottage 1 affordable handicap accessible rental unit
3. Baldwin Cottage 2 affordable rental units (lower unit handicap accessible)

We will be filing a LIP application to DHCD and 40B applications to Waltham ZBA. Councillor McMenimen recused herself. Referred to the Fernald Use Committee

3. The Mayor respectfully requested a transfer in the amount of \$1,077.00 from account #001-163-5200-5381 Clerk-Voter Registration Contract Labor to account #001-161-5700-5720 Clerk-Out of State Travel. These funds will be used for the travel expenses of the Assistant City Clerk to attend the required training course from the New England Municipal Clerks' Institute and Academy at Plymouth State University, New Hampshire during July 14-20, 2018. Referred to the Finance Committee.

4. The Mayor respectfully requested an appropriation in the amount of \$380,268.00 to fund the repayment of the HOME funding obligation allocated to WATCH for the property located at 509 Moody Street. The City's request for a waiver of the repayment was not approved by HUD.

FROM:

Unreserved Fund Balance

#001-000-3590-3590 \$380,268.00

TO:

Housing-HOME Funding (509 Moody Street) #001-183-5400-5610 \$380,268.00

Attached is a copy of a memo dated March 20, 2018 that was received from the Housing Director. Mr. Waters will be available to answer questions concerning this request. Referred to the Finance Committee.

5. The Mayor respectfully requested acceptance of a grant in the amount of \$101,161.00 from the Executive Office of Elder Affairs to be used by the Council on Aging for several programs that benefit senior citizens. Referred to the Finance Committee.

6. The Mayor respectfully requested an appropriation for \$4,500 for an appraisal. The President said this was not a new matter and referred it with the other matter tabled in the Committee of the Whole.

### **Resolutions**

1. Resolution Honoring Fire Chief Paul J. Ciccone on His Exemplary Career and Retirement Submitted by President LeBlanc and all Councillors

The Clerk Pro Tem read the Resolution.

Councillor Fowler spoke on the Resolution. Councillor Fowler moved to suspend the rules and act on the matter without committee reference. All were in favor. Councillor Fowler moved approval of the resolution. All were in favor and Resolution was approved.

2. Resolution Honoring Joseph R. Goode, Chairman, Board of Assessors On His Exemplary Career and Retirement submitted by President LeBlanc and all Councillors

The Clerk Pro Tem read the Resolution.

Councillor McLaughlin spoke on the Resolution. Councillor McLaughlin moved to suspend the rules and act on the matter without committee reference. All were in favor. Councillor McLaughlin moved approval of the resolution. All were in favor and Resolution was approved.

3. Autism Awareness Resolution – Submitted by President LeBlanc

The Clerk Pro Tem read the Resolution.

Councillor Logan spoke on the Resolution. Councillor Logan asked to split the questions and moved approval of the first resolve. Councillor Logan moved to suspend the rules and act on the matter without committee reference. All were in favor. Councillor Logan moved approval of the request. To light up the city blue. All were in favor and first request was approved. Councillor Logan moved to table the resolution on the council floor. Matter was tabled.

### **Committee Reports**

#### **License and Franchise**

1. The License and Franchise Committee recommends the fuel storage license at 135 Second Avenue for KW Waltham LLC be approved. Councillor Brasco 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 Brasco moved to waive the readings of #'s 2 – 5 collectively. All were in favor.

Councillor Brasco moved approval of #2- 5 collectively. All were in favor and matters were approved by a voice vote.

2. The License and Franchise Committee recommends the secondhand dealer's license renewal at 1019 Trapelo Road for Game Stop be approved. Councillor Brasco 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 License and Franchise Committee recommends the secondhand dealer's license renewal at 318 Moody Street for Marcou Jewelers be approved. Councillor Brasco 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 License and Franchise Committee recommends the secondhand dealer's license renewal at 471 Main Street for The Tool Shed be approved. Councillor Brasco 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.
5. The License and Franchise Committee recommends the secondhand dealer's license renewal at 49 River Street for Descar Inc. dba Descar Jewelry Design be approved. Councillor Brasco 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.

### **Public Works**

1. The Public Works and Public Safety Committee recommends the Sidewalks not being Cleared Resolution be filed. Councillor Vidal moved that the action of the Committee be the action of the Council. All were in favor and matter was filed by a voice vote.

### **Finance Committee**

1. The Finance Committee recommends the Council Rule #43A mid-year budget review be filed. Councillor McMenimen moved that the action of the Committee be the action of the Council. All were in favor and matter was filed by a voice vote.
2. The Finance Committee recommends the donation from June and Kevin O'Toole of Charlotte Road in the amount of \$1,000 for a bench at McCabe Playground 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.
3. The Finance Committee recommends the Resolution regarding an Environmental Specialist be approved. Councillor McMenimen recused herself as did Councilor Waddick. 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.

### **Committee of the Whole**

1. The Committee of the Whole recommends the Mayor consult with the City's Environmental Specialist and perform an adequate level of environmental analysis to ensure the property at 334R Prospect Hill Road meets the requirements for its intended use and if successful the Mayor should proceed with entering into a Purchase and Sale agreement for the property for the agreed upon price of \$88,000 along with the City's standard conditions be approved. Councillor Logan moved that the action of the Committee be the action of the council. Roll call required.  
In favor: Logan, McLaughlin, Romard, Waddick, LeBlanc, D. Vidal, Brasco, LeBlanc, R., Fowler, Harris, LaCava, Mackin, Stanley  
Opposed: Darcy, McMenimen  
Absent: None  
Matter approved.
2. The Committee of the Whole recommends that the request for care custody and control of the land and building known as 655 Lexington Street be transferred to the Waltham School Department be approved. Roll call required.

In favor: Logan, McLaughlin, Waddick, LeBlanc, D. Vidal, Brasco, LeBlanc, R., Fowler, Harris, LaCava, Mackin, Stanley, Darcy, McMenimen  
Opposed: Romard  
Absent: None  
Matter approved.

3. The Committee of the Whole recommends that the request for care custody and control of the land and building known as Fitch School, 14 Ash Street be transferred to the Waltham School Department be approved. Councillors Brasco, Logan, Romard, Harris spoke on the matter. Roll call required. In favor: Logan, McLaughlin, Waddick, LeBlanc, D. Vidal, LeBlanc, R., Fowler, Harris, LaCava, Mackin, Stanley, Darcy, McMenimen  
Opposed: Brasco, Romard  
Absent: None  
Matter approved.

4. The Committee of the Whole recommends that Article V of Chapter 2 of the General Ordinances of the City of Waltham entitled "Compensation" Section 2-40, as most recently amended, is hereby further amended by adding, after the words "Board of Registrars of Voters \$1,000 per year" the words "City Clerk- Board of Registrars of voters \$1,500 per year" be approved for a first reading. Councillor Waddick recused himself. Councillor Logan moved that the action of the Committee be the action of the Council. All were in favor and matter was approved for a first reading. Councillor Logan moved to recommit the matter back to the Ordinances and Rules Committee. All were in favor and matter was recommitted to Committee.

5. The Committee of the Whole recommends that Article V of Chapter 2 of the General Ordinances of the City of Waltham entitled "Compensation" Section 2-30.B2.7, as most recently amended, is hereby further amended by striking the amount of "\$7,000" and replacing it with the amount of "\$4,000" be approved for a first reading. Councillor Waddick recused himself. Councillor Logan moved that the action of the Committee be the action of the Council. All were in favor and matter was approved for a first reading. Councillor Logan moved to recommit the matter back to the Ordinances and Rules Committee. All were in favor and matter was recommitted to Committee.

6. The Committee of the Whole recommends the Resolution regarding Pay Equity be filed. Councillor Logan moved that the action of the Committee be the action of the Council. All were in favor and matter was approved.

7. The Committee of the Whole recommends the Resolution regarding Pregnant Workers be filed. Councillor Logan moved that the action of the Committee be the action of the Council. All were in favor and matter was approved.

### **Ordinances and Rules**

1. The Ordinances and Rules Committee recommends the modification of Special Permit for PD Winter Street LLC at 900 and 910 Winter Street be approved. Councillor McLaughlin moved that the action of the committee be the action of the council. Roll call required. In favor: Logan, McLaughlin, Waddick, LeBlanc, D. Vidal, LeBlanc, R., Fowler, Harris, LaCava, Mackin, Stanley, Darcy, McMenimen, Brasco, Romard  
Opposed: Absent: None  
Matter approved.

2. The Ordinances and Rules Committee recommends the ordinance amending Article XV issuance of a Building Permit be approved for a first reading. Councillor Brasco spoke on the matter. He stated there was no mention of amending an ordinance in the original Resolution. It was initially a Resolution where the local carpenters union was to come in and update us on its matters. Councillor McLaughlin spoke on the matter. Councillor Logan spoke on the matter. Councillor McMenimen spoke on the matter. Councillor Fowler spoke on the matter. Councilor Harris spoke on the matter. Councillor Stanley spoke on the matter. Councillor McLaughlin moved that the action of the committee be the action of the council. Roll call requested.

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

Opposed: Brasco, Darcy, LaCava, LeBlanc, Mackin, McMenimen, Romard

Absent: None

Matter approved.

3. The Ordinances and Rules Committee recommends the order concurring with the answers provided by Mr. Columba's letter dated March 15, 2018 be approved. Councillor McMenimen spoke on the matter. Councillors Logan, LeBlanc, Stanley and Mackin spoke on the matter.

Councillor Mackin moved to table the matter. Roll call requested.

In favor: Darcy, Mackin, McMenimen

Opposed: Brasco, Fowler, Harris, LaCava, LeBlanc, R. Logan, McLaughlin, Romard, Stanley, Vidal, Waddick, LeBlanc, D.

Matter was not approved.

Councillors Waddick, Fowler and Romard spoke on the matter. Councillor McLaughlin moved that the action of the committee be the action of the council.

Roll call requested:

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

Opposed: Darcy, Mackin, McMenimen

Matter approved.

The Ordinances and Rules Committee recommends the ordinance amending Article IV of the General Ordinances to include regulating installation of small cell facilities on utility poles located in a public way 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. All were in favor.

Councillor McLaughlin moved to give the matter a third and final reading. All were in favor.

Councilor McLaughlin moved approval of the matter.

Roll call required.

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

Opposed: Darcy

Matter is approved.

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

- Invoice from Creative Framing & Gallery for \$190.00 for the Kevin Ritcey Award and express mail Referred to the Finance Committee

- ZBA Memo regarding 341 Second Ave, Alliance Realty Partners

Councillor Logan spoke on the matter. He volunteered to represent the council at the meeting on April 3<sup>rd</sup>. Councillor Logan moved to suspend the rules to act on the matter without committee reference.

All were in favor. Councillor Logan moved to adopt the amended comments and order appointing the Councillor. Roll all requested.

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

Opposed: None

Matter approved.

Councillor McLaughlin moved to adopt the order. All were in favor and matter was approved.

### **Tabled Items**

- Fernald Wetlands Design & Engineering Service Appropriation for \$55,000
- 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

Councillor Waddick moved to take the matter off of the table. All were in favor. Councillor Waddick moved to approve the matter. Roll call required.

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

Opposed: None

Matter approved.

- 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 spoke on the matter of the Council budget. Councillor Logan moved to request an extension for budget submission to April 10, 2018. All were in favor and request was approved.

Councillor Stanley moved to adjourn. President LeBlanc declared the meeting adjourned at 11:36p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

April 3, 2018

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