

Waltham City Council
Minutes of the Meeting of
October 9, 2018

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

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

Call of the Roll:

City Council

Present: Councillors Brasco, Darcy, Fowler, Harris, LaCava, LeBlanc, R., Logan, Mackin, McMenimen McLaughlin, Nabulime, Romard, Stanley, Vidal and LeBlanc, D.

Absent: None

Board of Survey & Planning:

Present: Barrett, Callahan, Creonte, Duffy, Moroney, Tarallo

Absent: DeVito

The Clerk recited the Council Prayer followed by President LeBlanc 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.

President LeBlanc welcomed the newly elected Ward Six Councillor, Sharline Nabulime. Councillor Nabulime said a few words.

The Clerk made an announcement about the last day to register to vote in the November elections is October 17, 2018. Early voting will begin on October 22, 2018 at the Bright School and be open daily through November 2, 2018.

Councillor Darcy moved to suspend the rules and take the Ugandan Resolution out of order. The motion was adopted on a voice vote. The Clerk read the Resolution. Councillor Darcy spoke on the matter. Councillor Darcy moved to suspend the rules to hear from off committee members. The motion was adopted on a voice vote. Julie Najumba from Africana, a community organization that runs the space for all kids to go and hang out, feel safe, dance and share that range in ages from ages 4 – 15 yrs. old; spoke on the resolution. Ivy, a fifteen year old that enjoys the program spoke and thanked the Council for recognizing them. A handful of the students did a dance for the Council. Councillor Nabulime also spoke on the Resolution. Councillor Darcy moved to suspend the rules and act on the resolution without committee reference. The motions to suspend the rules and approve the Resolution were adopted on voice votes and the Resolution was approved.

Councillor Logan moved to amend the minutes from 9/24/2018. The motion was adopted on a voice vote. Councillor Logan moved that the amended minutes be approved. The motion was adopted on a voice vote and the minutes were approved.

The Clerk read Rule 86.

First Public Hearing: Zoning Amendment at 480-500 Totten Pond Road (overlay district)

Philip McCourt, attorney representing the petitioner, spoke in favor of the petition. Kier Evans, 34 Madison Ave., Cambridge, representative from Boston Properties spoke in favor of the petition. With no one else speaking or standing in support and no one else speaking or standing in opposition and no one speaking in a neutral position, President LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Romard, Logan Mackin and

McMenimen asked questions to petitioners. Jim Ward, 14 Dix Street, Winchester, MA, attorney for the petitioner answered questions from Councillors.

With no further questions President LeBlanc closed the public hearing and referred the matter to the Ordinance and Rules Committee. The Board of Survey and Planning will meet November 7, 2018 at Government Center to consider the matter.

The Clerk read the second public hearing.

Second Public Hearing: Zoning Amendment at 480-500 Totten Pond Road (Fast Food)

Philip McCourt, 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, Logan, Fowler and Mr. Creonte all asked questions to the petitioner. Kiev Evans, 34 Madison Ave., Cambridge, MA answered questions from Councillors.

With no further questions President LeBlanc closed the public hearing and referred the matter to the Ordinances and Rules Committee. The Board of Survey and Planning will meet November 7, 2018 at Government Center.

The Clerk read the third public hearing.

Third Public Hearing: Zoning Amendment at 480-500 Totten Pond Road (Def. & table of uses)

Philip McCourt, Representative for petitioner, spoke in favor of the petition. Kier Evans, spoke on the matter. With no one else speaking or standing in support and no one else speaking or standing in opposition and no one speaking in a neutral position, President LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Romard, Logan, Darcy, Fowler, Vidal, Darcy and Mr. Moroney asked questions to the petitioner. Councillor Darcy made a request to have the Clerk's Office confirm whether Seyon Street is a private or public way. The motion was adopted on a voice vote. With no further questions President LeBlanc closed the public hearing and referred the matter to the Ordinances and Rules Committee.

The Clerk read the fourth public hearing.

Fourth Public Hearing: Zoning Amendment Capasso Hospitality, LLC at 17 Prospect Street et al.

Philip McCourt, Attorney at 15 School Street, Waltham, Representative for petitioner, spoke in favor of the petition. Paul Finger, 14 Spring Street, Waltham, representing the petitioner, spoke in favor of the petition. Michael Chen, 43 Harvard Street, Waltham spoke in opposition to the petition. Carolina Lara, 43 Harvard Street, Waltham spoke in opposition to the petition. She read a letter from a woman that lives in the neighborhood into the record stating her opposition to the petition but was not aware of the meeting tonight. Three people stood in favor of the petition and nine people stood in opposition to 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 LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors LaCava, LeBlanc, R., Fowler, Mackin, Darcy, Vidal, McLaughlin, McMenimen asked questions. Brian Capasso, owner of property and Attorney McCourt answered questions from Councillors. With no further questions President LeBlanc closed the public hearing and referred the matter to the Ordinances and Rules Committee.

President LeBlanc called for a one minute recess.

Communications from the Mayor

1. The Mayor respectfully requests acceptance of a gift in the amount of \$25,000 from Bentley University to the Waltham Fire Department to be put towards the purchase of additional tactical equipment. Referred to the Finance Committee.

2. The Mayor respectfully requests acceptance of a gift in the amount of \$25,000 from Bentley University to the Waltham Police Department to be put towards the Police Department's mission of protecting the residents and businesses of Waltham. Referred to the Finance Committee.
3. The Mayor respectfully requests the City Council hold a public hearing for all the residents of the private ways consisting of Brennan, Carol, Goldencrest, Priscilla, Mountain, Crestview, Midland (private only) Streets to discuss the betterments and the process going forward and for all the residents to be notified of the hearing. Referred to the Public Works and Public Safety Committee. Councillor Vidal moved to request that a representative from the Law Dept. come to the committee meeting next week to discuss matter. The motion was adopted on a voice vote and the Request was approved.
4. The Mayor respectfully requests a transfer in the amount of \$37,064 to fund the purchase of tactical gear for active shooter/active threat incidents. Referred to the Finance Committee.
5. The Mayor respectfully requests a transfer in the amount of \$43,578 for the appraisal services and environmental consulting services at 225-227 Beaver Street and 240 Beaver Street. Referred to the Committee of the Whole.
6. The Mayor respectfully requests a transfer in the amount of \$32,480 to fund the replacement purchase of the "jaws of life" equipment used on Squad 5. Referred to the Finance Committee.
7. The Mayor respectfully requests a response from the City Council relative to number one provided in the MSBA communication dated September 25, 2018. Referred to the Committee of the Whole.

Applications & Licenses

- George Yiga Ssempogo, 18 Middle Street, Unit 2, Waltham, petitions the City Council for a Massport License. Referred to the License and Franchise Committee.

Orders, Ordinances & Resolutions

- Small Business Saturday Resolution

The Clerk read the Resolution. Councillor Logan spoke on the matter. Councillor Logan moved to suspend the rules to approve the matter without committee reference. The motion was adopted on a voice vote. Councillor Logan moved approval of the Resolution. The motion was adopted on a voice vote and the Resolution was approved.

- Council Support for a New Waltham Police Station

The Clerk read the Resolution. Councillors Logan and Brasco spoke on the matter. President LeBlanc referred the matter to the Committee of the Whole.

- Honoring Ugandans in Waltham Resolution (above)
- Residential Exemption Resolution

The Clerk read the Resolution. Councillor Logan spoke on the matter. Councillor Logan made a Request that the Assessors prepare calculations for the special meeting at which the FY19 Tax Rate will be set showing the effects of adopting a 35% residential exemption. Councillor Darcy moved to amend the Request to ask that the Council receive from the Assessors a list of all the properties by ward that would see and increase and a decrease in taxes as a result of the 35% residential exemption. Councillors McMenimen and LeBlanc spoke on the Request. The Request, as amended, was adopted on a voice vote. Councillor Logan moved to table the Resolution on the Council floor. The motion was adopted on a voice vote and the matter was tabled on the Council floor.

- Bike Rack Resolution

The Clerk read the Resolution. Councillor Logan spoke on the matter. President LeBlanc referred the matter to the Economic and Community Development Committee.

Committee Reports

License and Franchise

1. The License and Franchise Committee recommends the Resolution for DAV street naming be committed to the Veterans Service Committee. Councillor Brasco 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 the acceptance of a donation from Ieraci Landscaping Inc. in the amount of \$500 for the Waltham Police Athletic League 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.

Public Works

1. The Public Works and Public Safety Committee recommends the Fernald Wetland matter be committed to the Fernald Use Committee. 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 Public Works and Public Safety Committee recommends the combined Police/Fire Station and Moody St. fire renovations be filed. 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 Public Works and Public Safety Committee recommends the 17-25 at 151 Crescent Street be approved. Councillor Vidal moved that the action of the committee be the action of the Council. Roll call requested.

In favor: Brasco Darcy, Fowler, Harris, LaCava, LeBlanc, R., Mackin, McLaughlin, McMenimen, Nabulime, Vidal.

Opposed: Logan, Romard, Stanley, LeBlanc, D.

Absent: None

The matter was approved 11-4.

Long Term Debt

1. The Long Term Debt Committee recommends the loan authorization in the amount of \$280,000 for the purchase of a new front-end loader for the CPW Department 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 for a first reading. Councillor Darcy moved to table the matter on the Council floor. The motion was adopted on a voice vote and the matter was tabled on the Council floor.

2. The Long Term Debt Committee recommends a transfer of funds in the amount of \$29,542.88 for three stander type mowers and grounds keeping equipment for the Parks and Forestry Division 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.

Committee of the Whole

1. The Committee of the Whole recommends the matter regarding filling vacancies –Assistant City Clerk be filed. Councillor Logan 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 Committee of the Whole recommends communication referencing the acceptance of Marquardt Building for the police station be filed. Councillor McMenimen recused herself. Councillor Logan 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 Committee of the Whole recommends the \$7,280,000 loan order for the police station renovation be filed. Councillor Logan 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 Committee of the Whole recommends the school committee request for 190 acres at the Fernald be filed. Councillor McMenimen recused herself. Councillor Logan 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 Committee of the Whole recommends the appropriation request to enact zoning to allow occupancy for police at the Fernald be filed. Councillor McMenimen recused herself. Councillor Logan 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.

Economic and Community Development

1. The Economic and Community Development Committee recommends the recommendations set forth by the Ambulance Service Review Committee for the renegotiations for the renewal of the contract be approved. Councillor Fowler 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. Councillor Logan requested the vote be sent to the Mayor. The Request was approved on a voice vote.
2. The Economic and Community Development Committee recommends the Gas Resolution dated 2/17/2017 be filed. Councillor Fowler 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.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the Resolution regarding an Earth Moving Ordinance be filed. Councillor McLaughlin moved that the action of the committee be the action of the Council. On the motion Councillor Darcy spoke. Councillor McLaughlin moved to recommit the matter back to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was recommitted.
2. The Ordinances and Rules Committee recommends the real estate agreement relative to SP#31771 be filed. 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.
3. The Ordinances and Rules Committee recommends the GOA Fuel Storage amendment be filed. 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.

4. The Ordinances and Rules Committee recommends the resolution regarding Abutter's List Procedures be filed. 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.

5. The Ordinances and Rules Committee recommends the Bicycle Parking Requirements be filed. Councillor McLaughlin moved to recommit the matter to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was recommitted.

6. The Ordinances and Rules Committee recommends the Resolution regarding building height be filed. Councillor McLaughlin moved to recommit the matter to the Ordinances and Rules Committee. The motion was adopted on a voice vote and the matter was recommitted.

7. The Ordinances and Rules Committee recommends the sidewalk easement at 385 Winter Street be filed. 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. The Ordinances and Rules Committee recommends the 36 River Street communication be filed. 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.

8. The Ordinances and Rules Committee recommends the Local Control of Marijuana Resolution be filed. 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.

9. The Ordinances and Rules Committee recommends the General Ordinance Amendment regarding betterments on private ways be approved for a second reading. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call requested. On the motion Councillors McMenimen, Logan, LaCava, LeBlanc, Harris, Fowler and Romard spoke on the matter. In favor: Brasco, Darcy, Fowler, Harris, LaCava, LeBlanc, R., Logan, Mackin, McLaughlin, Nabulime, Romard, Stanley, Vidal and LeBlanc, D.

Opposed: McMenimen

Absent: None

Matter was approved 14-1 for a second reading.

Councillor McLaughlin moved to suspend the rules to give the matter a third and final reading. The motion was adopted on a voice. Roll call required.

In favor: Brasco, Darcy, Fowler, Harris, LaCava, LeBlanc, R., Logan, Mackin, McLaughlin, Nabulime, Romard, Stanley, Vidal and LeBlanc, D.

Opposed: McMenimen

Absent: None

The matter was given a third and final reading and approved 14-1.

10. The Ordinances and Rules Committee recommends the Ordinance Amendment amending Chapter VIII Article II entitled amusements 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 matter was approved for a second reading. Councillor McLaughlin moved to suspend the rules for a third and final reading. The motion was adopted on a voice vote. Roll call required. On the motion Councillors McMenimen and Logan spoke on the matter.

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

Opposed: None

Absent: None

The matter was given a third and final reading and approved 15-0.

11. The Ordinances and Rules Committee recommends the Special Permit Modification for Special Permit Order #28040 for Hyatt House Hotel at 54 Fourth Ave be approved in part. Councillor McLaughlin moved that the action of the committee be the action of the Council. On the motion Councillors McLaughlin and Logan and Romard spoke on the matter. Roll call required.

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

Opposed: None

Absent: None

The matter was approved 15-0.

12. The Ordinances and Rules Committee recommends the time extension for the Special Permit application at 265 Bear Hill Road be approved. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required.

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

Opposed: None

Absent: None

The matter was approved 15-0.

13. The Ordinances and Rules Committee recommends the minor modification to Special Permit #31913 at 470, 494 & 500 Totten Pond Road be approved. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required.

In favor: Brasco, Darcy, Fowler, Harris, LaCava, LeBlanc, R., Logan, Mackin, McLaughlin,
Nabulime, Romard, Stanley, Vidal and LeBlanc, D.

Opposed: McMenimen

Absent: None

The matter was approved 14-1.

The Clerk noted that two items were voted out of the Fernald Use Committee. The Assistant City Clerk read the matters. Councillor McMenimen recused herself. The Fernald Use Committee recommends that the Resolution regarding sledding hill be approved. Councillor McLaughlin moved that the action of the committee be the action of the council. The motion was adopted by a voice vote and the Resolution was approved.

The Fernald Use Committee recommends that the RFQ for Fernald be approved. Councillor McLaughlin spoke on the matter and moved to table the matter on the Council floor. The motion was adopted by a voice vote and the matter was tabled on the Council floor.

Unfinished Business & Other Business

Tabled Items

- Installation of a guard rail on the backside of Beal Road sidewalk

Councillor McMenimen mentioned the St. Jude's Barn Yard Bingo event on Saturday.

Councillor McMenimen moved to adjourn. President LeBlanc declared the meeting adjourned at 11:14p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

October 17, 2018

Approved by the City Council: _____