

Waltham City Council
Minutes of the Meeting of
April 23, 2018

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:

City Council

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

Absent: Brasco, Stanley, Vidal

Board of Survey & Planning

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

Absent: Moroney

The Clerk Pro Tem recited the Council Prayer followed by President LeBlanc 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 Logan moved approval of the minutes from the 4/9/2018 Council meetings. Matter approved by a voice vote.

Councillor Logan moved to suspend the rules and take a matter out of order. All in favor.

Councillor Logan moved to take the Autism Awareness Resolution off of the table. All were in favor.

Councillor Logan moved to suspend the rules to hear from an off committee member. All were in favor. Sarah Hankins, Co-Chair of SEPAD, 103 Seminole Ave, spoke on the Resolution.

Councillor Logan moved approval of the Resolution. All were in favor and Resolution was approved.

The Clerk Pro Tem read Rule 86.

First Public Hearing: Zoning Ordinance Amendment Article IX Affordable Housing

Councillor Harris moved to waive the reading of the public hearing. On the motion Councillor McMenimen stated she did not think that was the right thing to do. The hearing needs to be read into the record. Councillor McMenimen asked for a roll call. Councillor Harris withdrew her motion. The Clerk Pro Tem read the public hearing.

Councillor Logan, 109 Taylor Street, spoke in favor of the amendment. Kelly Damm, 6 Rosehill Way, 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 McMenimen, R. LeBlanc, Darcy, Romard, Waddick, Fowler and Board members Barrett, Duffy and Creonte asked questions to Councillor Logan, sponsor of the amendment. With no further questions from Councillors President LeBlanc closed the public hearing. The Board of Survey and Planning will meet to discuss this matter on May 2, 2018. Councillor Darcy made a request for the planning and law depts. To provide by May 1, 2018 our current 40B percentage, number of current affordable units, location of the affordable units, number of affordable units needed to meet the 10% safe harbor threshold and the current land area calculations to meet the 1.5% land area threshold. Councillor McMenimen asked for a roll call on the request.

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

Opposed: None

Absent: Brasco, Stanley, Vidal

Councillor Darcy moved for a second request asking the City Auditor to provide information to the Council and Board of Survey and Planning by May 1, 2018 concerning any and all 40B profits exceeding 20% returned to the city in the last ten years. Roll call requested.

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

Opposed: None

Absent: Brasco, Stanley, Vidal

President Leblanc referred the matter to the Ordinances & Rules Committee.

Communications from the Mayor

1. The Mayor respectfully requested an appropriation in the amount of \$1,069,220.00 from Unreserved Fund Balance to the following accounts:

#001-421-5100-5131	Snow – Overtime	\$148,100.00
#001-421-5200-5276	Snow – Rental of Trucks/Equipment	\$896,000.00
#001-421-5200-5532	Snow – Plows, Blades & Parts	\$25,120.00

These funds will be used to pay for the additional snow plowing and removal expenses incurred to date during fiscal year 2018.

Councillor McMenimen moved to waive the reading. All in favor.

Referred to the Finance Committee

2. The Mayor respectfully requested a transfer of capital improvement funds totaling \$35,000.00 from one capital account to another capital account to be used for various building upgrades to fire stations, including kitchens, bathrooms and other building areas.

FROM:

#310-220-2010-6428	Fire-Heating Systems (All stations)	\$20,000.00
#310-220-2010-6260	Fire-Electrical Systems (Central)	\$15,000.00

TO:

#310-220-2010-6244	Fire-Various Bldg. Renovations (All stations)	\$35,000.00
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Referred to the Long Term Debt Committee

3. The Mayor respectfully requested an appropriation of \$5,255.00 for the Disability Services Commission to fund the following handicap project.

APPROPRIATION

From:	#237-560-2300-3591	F/B Reserved for Handicap Projects	\$5,255.00
To:	#237-560-2318-5205	HP – LCN Door Openers (25 Lex St)	\$5,255.00

These items were voted and approved by the Disability Services Commission at their meeting of April 13, 2018.

Councillor McMenimen moved to waive the reading of the account numbers. On the motion Councillor Logan stated that they should not be waived. Councillor McMenimen withdrew her motion and Councillor Logan moved to waive the reading of the numbers. All in favor.

Referred to the Finance Committee

4. The Mayor respectfully requested the acceptance of a gift in the amount of \$5,000.00 from the Friends of the Hurley House to the Waltham Police Department towards the GREAT program.
Referred to the Finance Committee

5. The Mayor respectfully requested funding in the total amount of \$20,000.00 to cover the transportation and disposal of excavated materials, concrete and asphalt that is generated from water and sewer excavations while performing water and sewer repairs.

The funding will be a transfer as follows:

TRANSFER FROM:

Sewer-MWRA Assessment	#600-440-5400-5690	\$10,000.00
Water-MWRA Assessment	#610-452-5400-5690	\$10,000.00
<u>TOTAL</u>		<u>\$20,000.00</u>

TRANSFER TO:

Sewer-Trench Tailings	#600-440-5400-5394-45	\$10,000.00
Water-Trench Tailings	#610-452-5400-5394-45	\$10,000.00
<u>TOTAL</u>		<u>\$20,000.00</u>

Councillor fowler moved to waive the reading of the numbers. All in favor.

Referred to the Finance Committee

6. The Mayor respectfully requested an appropriation of \$5,000.00 from Unreserved Fund Balance to account #001-480-5200-5276 Traffic-Rental of Trucks/Equipment. These funds will be used to rent a Stake Body Truck with a lift gate for May and June this fiscal.

Referred to the Finance Committee

7. The Mayor respectfully requested approval of the enclosed Taking Order for the Arrigo Farm property.

Referred to the Committee of the Whole

8. The Mayor respectfully requested the acceptance of the Green Communities Grant.

Referred to the Finance Committee

Applications & Licenses

- Tables and chairs on sidewalk renewal – 367 Moody Street - Miriam Benetez

Referred to the License & Franchise Committee

- Lodging house renewal – 26 Myrtle Street - Michael Cotton

Referred to the License & Franchise Committee

- Lodging house renewal – 77 Prospect Street – Claudio Coppola

Referred to the License & Franchise Committee

- Fortune Teller license application- Her lady's Oracle- 942 Trapelo Road - Dawn Marie Costorf

Referred to the License & Franchise Committee

Orders, Ordinances & Resolutions

- Public Service Recognition Week Resolution sponsored by President LeBlanc, Councillor Harris, McLaughlin and the City Council

The Clerk Pro Tem read the Resolution. Councillor Harris spoke on the Resolution. Councillor Harris moved to suspend the rules without committee reference. All were in favor. Councillor Harris moved approval of the resolution. All were in favor. Councillor Harris submitted a request. All were in favor

and request was approved.

- Honoring Patricia A. Azadi as the recipient of the 2018 Kevin M. Ritcey Award for Outstanding Public Service Resolution sponsored by President LeBlanc and Council
The Clerk Pro Tem read the Resolution. Councillor Harris spoke on the Resolution. Councillor Harris moved to table Resolution. All were in favor. Resolution was tabled.
- Marjorie "Marjie" Hartman for her 71+ Years of Outstanding Public Service Resolution sponsored by President LeBlanc and Council
The Clerk Pro Tem read the Resolution. Councillor Fowler spoke on the Resolution. Councillor Fowler moved to table Resolution. All were in favor. Resolution was tabled.
- SRO Ann Frassica on Being Named SRO of the Year Resolution sponsored by President LeBlanc and Council
The Clerk Pro Tem read the Resolution. Councillor Romard spoke on the Resolution. Councillor Romard moved to table Resolution. All were in favor. Resolution was tabled.
- Paving Resolution sponsored by Councillor R. LeBlanc
The Clerk Pro Tem read the Resolution. Councillor R. LeBlanc spoke on the Resolution. President LeBlanc referred the Resolution to the Public Works Committee.

Committee Reports

License and Franchise

1. The License and Franchise Committee recommends the 17-25 street opening at 400 Beaver Street be approved. Councillor Romard 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 License and Franchise Committee recommends the Grant of Location at 400 Beaver Street be approved. Councillor Romard 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 443 Moody Street for Avinden Inc. dba Mr. Sweeper be approved. Councillor Romard 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 motor vehicle class II auto renewal for Waltham Auto Tow Inc. at 279R crescent Street be approved. Councillor Romard 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 17-42 for the installation of sidewalks and curbing on Harrington Road be approved and betterments are to be assessed. Councillor Vidal moved that the action of the Committee be the action of the Council. On the motion Councillors McMenimen, Romard, Logan, Mackin, Fowler, Waddick spoke on the matter. Councillor Romard moved to table the matter. Councillor McMenimen rose to a point of order. Roll call requested.

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

Opposed: McMenimen

Absent: Brasco, Stanley, Vidal

Matter was tabled.

2. The Public Works and Public Safety Committee recommends the 17-25 street opening at 156-158 Ash Street be approved. Councillor Romard moved that the action of the Committee be the action of the Council. On the motion Councillor Harris spoke on the matter and handed out an amended order. Councillor LeBlanc recused himself. Roll call requested.

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

Opposed: None

Absent: Brasco, Stanley, Vidal

Matter approved.

Finance Committee

1. The Finance Committee recommends the acceptance of the FFY 2018 EOPSS Pedestrian and Bicycle Enforcement Grant in the amount of \$5,625.00 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 the appropriation in the amount of \$90,000 from unreserved to fire –overtime 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 the authorization for the Mayor to work with MAPC and Good Energy to begin an energy aggregation program in Waltham be approved. Councillor Logan 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.

Ordinances & Rules

1. The Ordinances and Rules Committee recommends the zoning amendment for cellular equipment at educational institutions be approved for a first reading. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll call requested.

In favor: Fowler, Harris, LaCava, LeBlanc, Logan, Mackin, McLaughlin, Waddick, LeBlanc D., McMenimen

Opposed: Darcy, Romard

Absent: Brasco, Stanley, Vidal

Matter approved for a first reading. Councillor McLaughlin moved to recommit matter to the Ordinances & Rules Committee. All were in favor. Matter was recommitted.

2. The Ordinances and Rules Committee recommends the zoning amendment moratorium of marijuana establishments be approved for a first reading. Councillor McLaughlin 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 McLaughlin moved to recommit matter to the Ordinances & Rules Committee. All were in favor. Matter was recommitted.

3. The Ordinances and Rules Committee recommends the general amendment regarding betterments on private ways be approved for a first reading. Councillor McLaughlin moved that the action of the Committee be the action of the Council. On the motion Councillor McMenimen asked questions on the matter. Councillor McLaughlin spoke on the matter. Councilor Darcy spoke on the matter. Councillor Darcy stated he is going to request the law dept. to opine on this matter. Councillor LeBlanc spoke on the matter. Councillor Logan spoke on the matter. Councillor Romard spoke on the matter. On the motion rollcall requested.

In favor: Darcy, Fowler, Harris, LaCava, Logan, Mackin, McLaughlin, Romard, Waddick, LeBlanc D
Opposed: McMenimen, Darcy, LeBlanc, R.

Absent: Brasco, Stanley, Vidal

Matter approved for first reading.

Councillor McLaughlin moved to recommit matter to the Ordinances & Rules Committee. All were in favor. Matter was recommitted.

Councillor Darcy moved to make a request to law department and ask that any resident over the past ten years would be able to receive a rebate on their betterments of their 17-80's. Councillor Logan said he would add this request to the law opinion that will come out of the Ordinances & Rules Committee. Councillor Darcy asked the chair of the Ordinances & Rules Committee for all Councillors to receive copies of the request and answers.

Unfinished Business & Other Business

- CPC recommendation for FY2019 Administrative Budget
Referred to the Long Term Debt Committee

President LeBlanc called a special meeting on April 30, 2018 for a citizen input hearing in the Chamber.

Tabled Items

- Autism Awareness Resolution
- Fernald Wetlands Design & Engineering Service Appropriation for \$55,000
- 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
- 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
- Retail Marijuana Moratorium

Councillor Logan moved to adjourn. President LeBlanc declared the meeting adjourned at 10:08p.m.
Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

April 26, 2018

Approved by the City Council: _____