

Waltham City Council
Minutes of the Meeting of
April 9, 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:

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

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 3/12/2018 and 3/26/2018 Council meetings. Matter approved by a voice vote.

The Clerk Pro Tem read Rule 86.

First Public Hearing: 17-25 at 156-158 Ash Street

Brett Francis, 10 Hammer Street, Waltham, Attorney for petitioner spoke in favor of the petitioner. Pam Perini, 20 Freemont Terrace, 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. Councillor Harris asked questions to the owner of the property, Mr. Chagnon, 21 Juniper Hill, Waltham, answered questions from the Councillor. Councillors Logan, Romard, Vidal asked questions to the petitioner. Councillor McMenimen rose to a point of order asking if the Councillor that resides on Ash Street has a conflict of interest. He did not. Councillors Darcy and Mackin asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Public Works Committee.

Communications from the Mayor

1. The Mayor respectfully requests an appropriation in the amount of \$90,000.00 from Unreserved Fund Balance to account #001-220-5100-5131 Fire-Overtime. These funds will be used to pay overtime expenses for the remainder of the fiscal year.

Referred to the Finance Committee

2. The Mayor respectfully requests an appropriation in the amount of \$1,500,000.00 for the Mt. Feake Cemetery expansion project.

Referred to the Finance Committee

3. The Mayor respectfully requests the acceptance of the FFY 2018 EOPSS Pedestrian and Bicycle Enforcement Grant in the amount of \$5,625.00. This grant will be used to conduct enforcement throughout the City of known danger spots for walking and bicycling through September 2018. The grant does not require matching funds.

Referred to the Finance Committee

4. The Mayor respectfully requests an opportunity for Purchasing Agent Joseph Pedulla, MAPC representative Mr. Patrick Roche, and a representative from Good Energy to present a citywide electricity aggregation plan to benefit Waltham consumers.

Referred to the Committee of the Whole

Applications & Licenses

1. Secondhand dealers license renewal – Avinden Inc. dba Mr. Sweeper - 443 Moody Street

Referred to the License and Franchise Committee

2. Motor Vehicle Class 2 auto renewal – Waltham Auto Tow Inc. - 279R Crescent Street

Referred to the License and Franchise Committee

Orders, Ordinances and Resolutions

- Arbor Day Resolution sponsored by Councillor Logan

The Clerk Pro Tem read the Resolution. Councillor Logan spoke on the Resolution. 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 resolution. All were in favor and Resolution was approved.

- Earth Day Resolution sponsored by Councillor Logan

The Clerk Pro Tem read the Resolution. Councillor Logan spoke on the Resolution. Councillor Logan moved to suspend the rules and act on the matter without committee reference. All were in favor.

- Plastic Bag Resolution sponsored by Councillor Logan

The Clerk Pro Tem read the Resolution. Councillor Logan spoke on the Resolution. Councillor McLaughlin spoke on the Resolution. Councillor Romard spoke on the Resolution. President LeBlanc referred the matter to the Ordinances and Rules Committee.

- General Ordinance Amendment regarding betterments on private ways

The Clerk Pro Tem read the amendment. Councillor Logan spoke on the matter. Councillor McMenimen rose to a point of information. She needed clarification if the matter was an order or a resolution or amendment. President LeBlanc referred the matter to Ordinances and Rules Committee.

- 5K Cross Country Trail at Fernald Resolution sponsored by Councillor Darcy

The Clerk Pro Tem read the amendment. Councillor Darcy spoke on the matter. Councillor McLaughlin spoke on the matter. President LeBlanc referred to the Fernald Use Committee.

Committee Reports

License and Franchise

1. The License and Franchise Committee recommends the Home Rule petition to grant additional liquor licenses in the City of Waltham be approved. Councillor Brasco moved that the action of the committee be the action of the Council. On the motion Councillor Brasco spoke on the matter. Councillor Logan spoke on the matter. On the motion to approve the liquor license Councillor Logan moved to amend the order to delete the package store option. Roll call requested.

In favor: Logan, Mackin, Stanley, LeBlanc, D.

Opposed: Brasco, Darcy, Harris, Fowler, LeBlanc, R., McLaughlin, McMenimen, Romard, Vidal,

Absent: Waddick

Recused: LaCava

Amendment did not pass.

On the original motion to approve petition roll call is required.

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

Opposed: Darcy

Absent: Waddick

Recused: LaCava

Matter was approved

Economic and Community Development

1. The Economic and Community Development Committee recommends the Year 44 Community Development Block Grant Program be approved. President LeBlanc spoke on the matter. Councillor Fowler moved that the action of the Committee be the action of the Council.

Roll call required.

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

Opposed: None

Absent: Waddick, LaCava

Matter was approved.

President LeBlanc stated the Council needed to vote on approving a Resolution for Block Grant submitted by the Mayor within the original request. Roll call required.

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

Opposed: None

Absent: Waddick, LaCava

Resolution was approved

2. The Economic and Community Development Committee recommends the Resolution regarding Bike Racks on the Common be approved. Councillor Fowler 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 the Resolution regarding Bills on Warrant 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 WCAC invoice for 22 DVD's totaling \$240.00 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.

3. The Finance Committee recommends the invoice from Minuteman Printing totaling \$889.99 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 the transfer in the amount of \$1,077.00 for the Assistant Clerk to attend a training course out of state 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.

5. The Finance Committee recommends the appropriation in the amount of \$380,268.00 to fund the repayment of the HOME funding obligation be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call requested.

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

Opposed: None

Absent: Waddick, LaCava

Matter was approved.

6. The Finance Committee recommends the 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 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.

7. The Finance Committee recommends the invoice from Creative Framing & Gallery for \$190.00 for the Kevin Ritcey Award and express mail 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.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the zoning amendment for fast casual restaurants 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 and Rules Committee. All were in favor and matter was recommitted.

2. The Ordinances and Rules Committee recommends the zoning amendment for parking requirements and fast casual 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 and Rules Committee. All were in favor and matter was recommitted.

3. The Ordinances and Rules Committee recommends the zoning amendment for fast casual by right and special permit 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 and Rules Committee. All were in favor and matter was recommitted.

Councillor Logan made a motion to approve a matter that was not on Docket that should have been. The Committee of the Whole had approved their budget at the last Committee meeting.

The Committee of the Whole recommends the budget be approved. On the motion Councillor Logan made a motion to amend the budget to add an additional \$44,000 to the Council budget related to a letter submitted by WCAC. On the motion Councillor McMenimen communication from WCAC. Councillors Darcy, Romard, Brasco, Stanley, Fowler, Mackin, Vidal, Harris, Logan also spoke on the matter.

Councillor LeBlanc recused himself with a possible conflict of interest.

On the motion to amend budget by \$44,000 roll call requested.

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

Opposed: Darcy, Mackin, McMenimen, Romard
Absent: Waddick
Recused: LeBlanc, R.
Amendment was approved.

Councillor Logan moved to approve the City Council budget for 2018-2019. On the motion Councillor Darcy stated he did not support the \$250,000 for the Fernald nor did the Fernald Use Committee approve this figure. Councillor McMenimen recused herself. Councillor Stanley spoke on the matter. Councillor Darcy spoke on the matter. Councillor McLaughlin answered some questions Councillor Darcy had regarding what the actual Fernald Use committee has agreed to. Councillor Fowler spoke on the planning matter. Councillor Stanley spoke again on the planning matter. Councillor Mackin spoke on the planning matter. Councillor Fowler spoke on the planning matter. Councillor Logan spoke on the planning matter. On the motion roll call required.
In favor: Brasco, Fowler, Harris, LaCava, LeBlanc, Logan, Romard, Stanley, Vidal
Opposed: Darcy, Mackin, McLaughlin
Recused: McMenimen
Absent: Waddick

Councillor Mackin asked questions related to the budgeting process. The President answered her questions.

Unfinished Business & Other Business

- 225 and 235 Wyman Street Special Permit request for an extension of time
Councillor McLaughlin moved to suspend the rules to act on the matter without committee reference. All were in favor. Councillor McLaughlin moved to approve the time extension.
Roll call required.
In favor: In favor: Brasco, Fowler, Harris, LaCava, Logan, McLaughlin, Stanley, Vidal, LeBlanc, D. Darcy, Mackin, McMenimen, Romard, LeBlanc, R.
Opposed: None
Absent: Waddick
Matter was approved.

- Waltham Fields Community Farm Mobile Outreach Market parking lot use request
President LeBlanc noted that this location is no longer under the care custody and control of the Council and asked the clerk to forward to the school department for approval.

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
- Minutes from 5/8/2017

Councillor Logan moved to take the matter off of the table. All in favor. Councillor Logan moved approval of the minutes. All were in favor

- 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 9:49p.m. Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

April 18, 2018

Approved by the City Council: _____