

Waltham City Council
Minutes of the Meeting of
May 14, 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, LeBlanc, D., Mackin, Harris, Lacava, LeBlanc, R., Brasco, Stanley, Vidal

Absent: None

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 4/23/2018 Council meetings. Matter approved by a voice vote.

The Clerk Pro Tem read Rule 86.

First Public Hearing: 17-25 at 586-588 Lexington Street.

Steve Casazza, Director of Engineering for the City of Waltham spoke in favor of the petition. He explained the reasoning for having the city come before the Council for this petition. The owner of the properties at 586 and 588 Lexington Street believe they were not notified of a utilities replacement and paved the sidewalk and apron attached to their driveway. It was suggested that he replace the pipe in to the street and he has reservations about this process.

Paula Hughes, 588 Lexington Street, Waltham, spoke in opposition to the petition. She said she was not notified about the project. She suggested the pipe go into the street around her driveway entrance.

John Hughes, 588 Lexington Street spoke in opposition of the petition. Bob Hughes, 29 Dorchester Street, Waltham spoke in opposition of the petition. 10 people stood in opposition to the petition.

John Allen, 7 University Park, Waltham, spoke in a neutral position of the petition. Dan Keohane, 590 Lexington Street, Waltham, spoke in neutral position 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 Fowler asked questions to Mr .Casazza. The Mayor spoke on the matter and asked that the public Hearing be tabled. She stated the reason Mr. Casazza submitted the petition because the sidewalk was paved and the ordinances states you need permission to dig if a public sidewalk or road has been paved within the five years. President LeBlanc moved to recess the public hearing and table on the Council floor. Matter was by a voice vote.

Communications from the Mayor

1. The Mayor respectfully requests an appropriation in the amount of \$269,079.00 from Unreserved Fund Balance to account #001-121-5800-6610 Mayor-Feasibility Study (554 Lexington Street). This funding will be used to conduct a full feasibility study at 554 Lexington Street.

Councillor Mackin rose to suspend rule 39 and move to act on the matter without committee reference. She stated there is not enough time before a bid deadline for the school. On the motion Councillor Logan said that the Mayor usually states when she wants something acted upon without committee reference and she had not and there is no order to vote on. Councillor McMenimen spoke on the

matter. She moved to substitute a motion to the motion, which takes precedent, to invite the Mayor in to explain the reasoning for this timely vote. Roll call requested.

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

Absent: LeBlanc, R.

Matter was approved.

Councillor McMenimen asked the Mayor if the feasibility study is under a time constraint and would sending the matter to Committee would it waste valuable time? The Mayor stated she did not reference at the time she sent the communication that this was a time constraint. Based on the information the Mayor received that afternoon, which Councillors received as well, the approval to obtain access to the property to conduct the feasibility study is needed as soon as possible. Councillor Logan spoke on the matter. He reiterated what the request would be. Councillor Logan spoke and moved to suspend the rules and act on the matter without committee reference. Councillor Mackin rose to a point of information. All were in favor. Councillor Logan moved to split the question. All were in favor. President LeBlanc referred the appropriation of \$269,079.00 to the Finance committee.

Councillor Logan made a motion for the City Council to support the Mayors request to obtain access to 554 Lexington Street for a feasibility study. On the motion Councillor Fowler supported this process and would have also suggested to split the question. Councillor Stanley spoke on the matter. Councillor McMenimen spoke on the matter. Councillor Romard spoke on the motion. Councillor Vidal spoke on the matter. Councillor Stanley spoke on the matter.

Roll call:

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

Absent: LeBlanc, R.

Councillor Stanley made a request for the City Council to receive all the information that the state is requesting from the Mayor. On the request Councillor McMenimen spoke in the matter. Councillor Logan stated that the issue was voted on. The President reiterated there is a request on the floor from Councillor Stanley. Councillor McMenimen asked the Mayor if any information given to the council would compromise the process at hand. The Mayor stated it would and if you are requesting this information it would need to be dealt with in executive session. Councillor Stanley withdrew his request.

2. The Mayor respectfully requests the acceptance of a gift of infrastructure improvements from Davis Marcus Partners et al. The improvements consist of the widening and repaving of Winter Street to accommodate an additional travel lane along with related striping and signage at an approximate cost of \$935,000.00 which is inclusive of hard costs, soft costs and a contingency of \$100,000.00.

Referred to the Committee of the Whole

3. The Mayor respectfully requests an appropriation in the amount of \$35,000.00 from Unreserved Fund Balance to account #001-220-5200-5306 Fire-Medical Services. These funds will be used to pay the medical bills for firefighters who are injured in the line of duty for the remainder of the fiscal year. Referred to the Finance Committee

4. The Mayor respectfully requests the acceptance of the FY 2018 Public Safety Improvements Grant in the amount of \$50,000.00. This grant will be used to assist the Police Department in all areas of public safety, including increased police presence in the downtown area and increase police recruitment efforts. The grant does not require matching funds.

Referred to the Finance Committee

5. The Mayor respectfully requests the consideration of parking school busses at the Fernald property. The School Committee has supported this recommendation.

Referred to the Fernald Use Committee

6. The Mayor respectfully requests a transfer of funds in the amount of \$22,000.00 to provide for electric charging stations.

FROM

Wires-Street Light	#001-424-5200-5213	\$22,000.00
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TO:

Wires-Electric Charging Stations	#001-245-5400-6443	\$22,000.00
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Referred to the Finance Committee

7. The Mayor respectfully requests acceptance of two benches and two trees to be located on the Waltham Common from friends of Joseph L. Burgoyne, III. Enclosed please find letters from Wayne F.X. Brasco, Sr. and Joe's wife, Patricia Burgoyne.

Referred to the Finance Committee

8. The Mayor respectfully requests a transfer of funds totaling \$16,267.99 to be used towards the purchase of a second transit van for the Council on Aging. The total purchase price of the van is \$57,900.37. The difference of the funding (\$41,632.38) will be split and charged directly to the existing COA revolving account and COA gift account.

FROM:

#001-541-5800-6000	COA-General	\$16,200.00
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#310-541-2003-6000	COA-General	\$ 67.99
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Total	\$16,267.99
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Councillor McLaughlin moved to waive the reading. All were in favor.

TO:

#001-541-5800-6412	COA-Van	\$16,200.00
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#310-541-2003-6412	COA-Van	\$ 67.99
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Total	\$16,267.99
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Referred to the Long Term debt and Capital Planning Committee

Applications & Licenses

Orders, Ordinances & Resolutions

- Chamber Security and Safety Resolution sponsored by Councillor Logan, LeBlanc, D & others
The Clerk Pro Tem read the Resolution.

Referred to the Committee of the Whole

- Ordinance Amendment amending Chapter VIII Article II entitled Amusements submitted by Councillors Logan and Harris

The Clerk Pro Tem read the amendment. Councillor Logan spoke on the amendment.

Referred to the Ordinances and Rules Committee

Committee Reports

License and Franchise

1. The License and Franchise Committee recommends the table and chairs on sidewalks renewal for Miriam Benetez at 367 Moody Street 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.
2. The License and Franchise Committee recommends the lodging house renewal for Michael Cotton at 26 Myrtle Street 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 fortune teller license application for Dawn Marie Costorf at 942 Trapelo Road 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.

Finance Committee

1. The Finance Committee recommends the appropriation in the amount of \$1,500,000.00 for the Mt. Feake Cemetery expansion project be approved. Councillor Logan spoke on the matter. 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 \$1,069,220.00 for the additional snow plowing and removal expenses incurred to date during fiscal year 2018 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 appropriation in the amount \$5,255.00 for the Disability Services Commission 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 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 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. Councillor Logan asked the clerk to send a thank you note to the Hurley House.
5. The Finance Committee recommends the request of \$20,000.00 to cover the transportation and disposal of excavated materials, concrete and asphalt generated from the water and sewer repairs 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.
6. The Finance Committee recommends the appropriation of \$5,000.00 from Unreserved Fund Balance to the traffic-rental of trucks/equipment 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 acceptance of the Green Communities Grant be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. Councillor Logan moved to amend the Order. All were in favor. Councillor Stanley spoke on the matter and thanked the Mayor her work on the matter. Councillor McMenimen moved approval of the order as amended. All were in favor and matter was approved by a voice vote.

Committee of the Whole

1. The Committee of the Whole recommends the taking order for the Arrigo Farm property be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. On the motion Councillors Darcy, Logan, Stanley, LeBlanc, R., spoke on the matter. Roll call required.

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

Long Term Debt & Capital Planning

1. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation for FY2019 Administrative Budget be approved. 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.

2. The Long Term Debt & Capital Planning Committee recommends transfer of capital improvement funds totaling \$35,000.00 for various building upgrades to fire station including kitchens, bathrooms and other building areas be approved. 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.

Ordinances & Rules

1. The Ordinances and Rules Committee recommends the zoning ordinance amendment for affordable housing be approved for a first reading. Councillors McMenimen and Darcy and Logan spoke on the matter. Councillor McLaughlin moved that the action of the Committee be the action of the Council.

Roll call:

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

Absent: None

Matter approved for a first reading.

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Unfinished Business & Other Business

- CPC Recommendation for Appropriation for \$185,000.00 in CPA Funds for space/recreation part one of Hardy Pond Conservation Area project

Referred to the Long Term Debt and Capital Planning Committee

- Time extension for BP Third Avenue LLC at 214 Third Ave, 186-194 Third Ave & 95 Fourth Ave.

Referred to the Ordinances and Rules Committee

- Letter of Resignation from Robert Waddick

Councillor Logan spoke on the matter. Councillor Logan made a request to send the Election Calendar to the Committee of the Whole. All in favor. Referred to the Committee of the Whole

- Committee Assignments

President LeBlanc made temporary committee assignments until the vacancy of Ward 6 is filled. She assigned Councillor McMenimen to the Long Term Debt Committee and Councillor Mackin to the License and Franchise Committee. President LeBlanc assigned Councillor Fowler to the Fernald Use Committee

- Ethics Communication from Daniel Melnechuk

Referred to the Committee of the Whole

Councillor McLaughlin moved to accept the late filed communication regarding 225 Wyman Street and 235 Wyman Street. All were in favor. President LeBlanc referred the matter to the Ordinances and Rules Committee.

Tabled Items

- 17-42 Harrington Road

Councillor Romard moved to take this matter from the table. All were in favor. Councillor Romard spoke on the matter. Councillor Romard made a motion to approve the matter. On the motion Councillor Vidal spoke on the matter. Councillor McMenimen spoke on the matter.

Roll call requested.

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

Opposed: Mackin, McMenimen

Matter approved.

Councillor McLaughlin moved that the affordable housing amendment be sent to the Ordinances and Rules committee .All were in favor.

Councillor McMenimen spoke on the budget hearing review time information coming up in the weeks ahead.

The Clerk Pro Tem read the dates:

Thursday - May 31, 2018 - 9:30am to 4:30pm - Budget Review (Departments/Boards/Commissions – scheduled times to be determined)

Thursday – June 7, 2018 – 5:30pm - Budget Review (Auditor, School, Mayor)

Monday – June 11, 2018 – 5:30pm – Budget Cutting Session

Monday – June 11, 2018 – 6:30pm - Budget Approval (special meeting)

- 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

Councillor Logan moved to adjourn. President LeBlanc declared the meeting adjourned at 9:36p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

May 18, 2018

Approved by the City Council: _____