

Waltham City Council  
Minutes of the Meeting of  
June 26, 2017

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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:**

**City Council**

Present: Councillors Darcy, LeBlanc, R., Logan, McMenimen, O'Brien, Rourke, Fowler, McLaughlin, Romard, Marchese, Waddick, Giordano, LeBlanc, D. Vidal, Brasco

Absent: None

Board of Survey and Planning: Barrett, Callahan, Creonte, DeVito, Duffy, Tarallo, Maroney

Absent: None

The Clerk Pro Tem recited the Council Prayer followed by President LeBlanc leading all present in the Pledge of Allegiance.

Councillor Giordano asked for a moment of silence for all our military that have served; past and present.

Councillor Logan moved approve the minutes for the 6/12/2017 City Council meeting. All were in for and minutes were approved by a voice vote.

The Clerk Pro Tem read Rule 86.

The Clerk Pro Tem read called the matter of the first public hearing: Zoning Amendment for Zee Em Trust II c/o Boston Properties at 500, 494 and 480 Totten Pond Road.

Jim Ward, 14 Dix Street, Winchester, MA representing the petitioner, Boston Properties 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. Councillor McMenimen asked questions to the petitioner. Mr. Creonte stated the Board of Survey and Planning will be held immediately following the hearing to discuss.

With no further questions from Councillors President LeBlanc referred the matter to the Ordinances and Rules Committee.

The Clerk Pro Tem called the matter of the second public hearing: 17-25 petition at 96 Linden Street.

Michael Connors, Connors & Connors, LLC in Waltham, MA 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, McMenimen, Logan asked questions to the petitioner. Andrew Graves, Engineer for petitioner spoke on the matter regarding water flow. With no further questions from Councillors President LeBlanc referred the matter to the Public Works and Public Safety Committee.

The Clerk Pro Tem called the matter of the third public hearing: 17-25 at Grove Street.

Doug Griffith, CM&B, Winn St., Burlington, MA representing petitioner spoke in favor of the petition. Ryan Biancetta, Commerce Lane, Woburn spoke in favor of the petition. Pam Perini, 20 Freemont Terrace, Waltham spoke seeking information 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 Marchese asked questions to the petitioner. Tom Conzinski, owner of property, answered questions. Councillors McMenimen, Waddick and Darcy asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Public Works and Public Safety Committee.

The Clerk Pro Tem called the matter of the fourth public hearing: 17-80 on Crestview Road. Councillor Brasco recused himself from the hearing being as direct abutter to the matter. Councillor George Darcy, Ward Councillor spoke in favor of the petition. Paul Tracy, 11 Crestview Road, spoke in opposition to the petition. One stood in opposition to the petition. Pam Perini, Freemont Terrace, Waltham, spoke in a 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. Councillor McMenimen asked questions to Paul Tracy. Councillor Darcy moved to hear from an off committee member. All were in favor. Joyce Crane, 32 Crestview Road spoke on the matter. With no further questions from Councillors President LeBlanc referred the matter to the Public Works and Public Safety Committee.

The Clerk Pro Tem called the matter of the fifth public hearing: 17-42 on Harrington Road. Councillor Daniel Romard, Ward Councillor spoke in favor of the petition. Carmine Casca, 214 Harrington Road spoke in favor of the petition. Brian Wilder, 192 Harrington Road, spoke in favor of the petition. Pam Perini, Freemont Terrace, 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 Romard, Brasco asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Public Works and Public Safety Committee.

The Clerk Pro Tem called the matter of the sixth public hearing: Special Permit for Chipotle Mexican Grill at 1074 Lexington Street. Richard Dacey, Attorney for 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 Darcy, Logan, Rourke, McMenimen and Fowler asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Ordinances and Rules Committee.

The Clerk Pro Tem called the matter of the seventh public hearing: Grant of Location for Verizon Wireless Small Cell Antennae at 173 South Street Elizabeth McCason, 33 Hopedale Street, Mendon, Attorney for Verizon 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 Giordano, Rourke asked questions to the petitioner. Attorney McCason gave a rebuttal in favor of the petition. Councillor McMenimen asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Licenses and Franchise Committee.

The Clerk Pro Tem called the matter of the eighth public hearing: Grant of Location for Verizon Wireless Small Cell Antennae at 183-185 Newton Street.

Elizabeth McCason, 33 Hopedale Street, Mendon, Attorney for Verizon 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. Councillor Logan asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Licenses and Franchise Committee.

The Clerk Pro Tem called the matter of the ninth public hearing: Grant of Location for Verizon Wireless Small Cell Antennae at 400 Beaver Street.

Elizabeth McCason, 33 Hopedale Street, Mendon, Attorney for Verizon 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. Councillor Waddick asked questions to the petitioner. Attorney McCason spoke in rebuttal to the petition. With no further questions from Councillors President LeBlanc referred the matter to the Licenses and Franchise Committee.

The Clerk Pro Tem called the matter of the tenth public hearing: Grant of Location for Comcast Cable Communications Management, LLC. at Beaver Street.

Al Rudman, representing Comcast 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 Giordano asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Licenses and Franchise Committee.

The Clerk Pro Tem called the matter of the eleventh public hearing: Grant of Location for NStar dba Eversource Energy at Lincoln Street.

Maureen Carroll, 20 Morningside Drive, Norwood, representing the petitioner spoke in favor of the petitioner. 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 Fowler asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Licenses and Franchise Committee.

### **Communications from the Mayor**

1. The Mayor respectfully requests an appropriation in the amount of \$1,000,000.00 from Unreserved Fund Balance to the Stabilization Fund-General. At June 30, 2017, the remaining balance of the City's "free cash" is no longer available for appropriation until the Department of Revenue (DOR) certifies the City's "free cash" for July 1, 2017. This certification can occur only after the City closes its books for the fiscal year end, prepares its year-end financial statements and other required documentation, submits them to the DOR and the DOR conducts its review. Historically, the City receives its certification of "free cash" in mid-October. This appropriation request is intended to move funds between two separate reserve funds and provide the City with a funding source in the event an additional appropriation for any municipal purpose is needed between July 1 and the date of certification of "free cash". A transfer from the

Stabilization Fund-General requires a request of the Mayor and a 2/3 vote of the City Council. Referred to the Finance Committee.

2. The Mayor respectfully requests from the School Committee and School Building Committee for a joint meeting with you and the Community Preservation Committee, Conservation Commission, Waltham Historical Commission, School Committee, School Building Committee and Recreation Department. Also enclosed is the notice of a Joint Workshop which is the workshop meeting where we are asking you to attend. If you or the other boards/commissions are attending, we respectfully ask that you vote to post a meeting as well within the appropriate time just in case a quorum attends. Because of jurisdictional issues, some boards may not be able to participate if it is anticipated that an action will be pending before them in the future. In which case, they may choose to send a representative to observe.

President LeBlanc spoke on the matter. Councillor Logan act on the matter without committee reference. Matter was approved by a voice vote. Councillor Logan moved to place the matter on file. Matter was approved by a voice vote.

3. The Mayor respectfully requests the following financing transaction totaling \$120,000.00 for the HVAC system at City Hall. This item was recommended by the Mayor for FY2017 in the FY2017-FY2021 Capital Improvement Program. Attached is a copy of an excerpt from the FY2017-FY2021 Capital Improvement Program for the Building Department at City Hall.

Transfer From:	#001-192-5800-6000	Bldg-General	\$ 9,418.68
Transfer From:	#310-192-2009-6000	Bldg-General	\$ 3,210.82
Transfer From:	#310-192-2010-6000	Bldg-General	\$25,788.57
Appropriate From:	Unreserved Fund Balance		\$81,581.93

Transfer To:	#001-192-5800-6241	Bldg-City Hall HVAC	\$ 9,418.68
Transfer To:	#310-192-2009-6241	Bldg-City Hall HVAC	\$ 3,210.82
Transfer To:	#310-192-2010-6241	Bldg-City Hall HVAC	\$25,788.57
Appropriate To:	#001-192-5800-6241	Bldg-City Hall HVAC	\$81,581.93

Attached is a copy of a letter that was received from the Superintendent of Buildings. Mr. Forte will be available to answer questions concerning this request.

Referred to the Long Term Debt and Capital Planning Committee

4. The Mayor respectfully requests the approval of a departmental transfer from the City Council account to reimburse the Mayor's account and the City Auditor's account for the expenses that were paid by these two departments on behalf of the City Council for the food and provisions incurred by the City Council Finance Committee during the FY2018 budget review meetings. Attached are copies of the following bills/receipts for which the reimbursement through a departmental transfer is sought.

Gustazo Cuban Restaurant	\$220.42	Paid by Auditor's account
Dine to Door	\$153.11	Paid by Mayor's account
Virginia Bergin	\$168.79	Paid by Mayor's account

The City Auditor will be available to answer questions concerning this request.

Referred to the Finance Committee

5. The Mayor respectfully requests from the School Committee and School Building Committee Fernald School Acreage. The School Committee and School Building Committee will be available to answer questions on this request.

Referred to the Committee of the Whole.

6. The Mayor respectfully requests for a joint letter to the Massachusetts Historical Commission from the Mayor, City Council and School Committee be drafted as a site for the new high school. Also enclosed is a draft letter from the Superintendent of Schools. The School Committee, School Building Committee and Superintendent will be available to answer questions on this request.

Referred to the Committee of the Whole.

7. The Mayor respectfully requests an appropriation in the amount of \$27,000.00 from Unreserved Fund Balance to account #001-175-5800-6640 Planning-Energy Application Expert Services. These funds will be used to engage the services of a professional to complete an energy reduction plan (ERP) that includes the following elements:

- Update energy use baseline
- Updates to Mass Energy Insight online energy tracking system
- ASHRAE Level 1 type energy audits for target facilities to create an energy reduction plan
- Energy Reduction Plan write, identifying 15%-20% energy reduction in five years.

Attached is a copy of a proposal that was received from SPARK Energy Conservation.

The City Planner and the Purchasing Agent will be working on this project. The Purchasing Agent, Mr. Pedulla, will be available to answer questions concerning the proposal. Councillor McMenimen moved to waive the reading. All were in favor.

Referred to the Finance Committee.

8. The Mayor respectfully requests a transfer of funds totaling \$161,000.00 (as itemized below) to fund the second year (FY2018) of the three year collective bargaining agreement between the City and the Managers' Union for the period July 1, 2016 to June 30, 2019. Since the Collective Bargaining Agreement had not been agreed to, the FY2018 Budget did not contain the salary adjustments. In addition, the contract includes agreement on reforms the City was seeking pertaining to Other Post-Employment Benefits (OPEB) and the use of Global Positioning System (GPS) in City vehicles.

TRANSFER FROM:

Auditor – Collective Bargaining #001-135-5400-5111    \$161,000.00

TRANSFER TO:

DEPARTMENT	ACCOUNT #	AMOUNT
Building	#001-192-5100-5111	\$32,300.00
Building	#001-192-5200-5581	\$ 1,600.00
City Clerk	#001-161-5100-5111	\$ 6,500.00
Voter Registration	#001-163-5100-5111	\$ 3,500.00
CPW	#001-420-5100-5111	\$26,100.00
CPW	#001-420-5200-5581	\$ 1,200.00
Engineering	#001-410-5100-5111	\$10,800.00
Engineering	#001-410-5200-5581	\$ 600.00
Water Admin	#610-450-5100-5111	\$17,200.00
Water Admin	#610-450-5200-5581	\$ 1,000.00
Health	#001-510-5100-5111	\$11,800.00
Health	#001-510-5200-5581	\$ 600.00
Info Tech	#001-155-5100-5111	\$27,300.00
Paine Estate	#001-670-5100-5111	\$ 3,100.00

Police-Animal Control	#001-210-5100-5111	\$ 3,700.00
Police-Animal Control	#001-210-5200-5581	\$ 200.00
Dispatch	#001-215-5100-5111	\$ 4,600.00
Wires	#001-245-5100-5111	\$ 8,500.00
Wires	#001-245-5200-5581	\$ 400.00

Councillor McMenimen moved to waive the reading. All were in favor.  
Referred to the Finance Committee.

9. The Mayor respectfully requests a transfer of capital improvement funds totaling \$3,275,000.00 to fund the construction phase of the ACO Area 5A (Beaver Street) Sewer Improvements and Lyman Street Relief Sewer project. The project was publically bid and the responsible and responsive bidder with the lowest price was Aqua Line Utility Corporation.

Aqua Line Utility Corporation	\$3,118,470.44
5% Contingency	<u>\$ 156,529.56</u>
Total	<u>\$3,275,000.00</u>

FROM:

#603-440-2008-7305	Sewer-Sump Pump Program	\$1,989,580.52
#603-440-2010-7320	Sewer-Area 15	\$1,285,419.48

TO:

#603-440-2008-7335	Sewer-ACO Area 5A	\$1,989,580.52
#603-440-2010-7335	Sewer-ACO Area 5A	\$1,285,419.48

Councillor McMenimen moved to waive the reading. All were in favor.  
Referred to the Long Term Debt and Capital Planning Committee.

10. The Mayor respectfully requests acceptance of a donation from the Friends of Hurley House, Inc. in the amount of \$5,000.00 for the City of Waltham Police Department to support efforts of the Police Department in providing programs that will make a difference in the lives of children in the Waltham GREAT Program. The Chief's request is that the money be deposited into the Waltham Police Department Charities GREAT account.  
Referred to the Finance Committee

11. The Mayor respectfully requests the road excavation work be approved at 740 – 750 Moody Street. The Water/Sewer Division has investigated and determined that the sewer service lateral at 740-750 Moody Street is broken in the public section of the sewer lateral. As a result there have been frequent sewer backups at the location requiring multiple responses from the Water/Sewer Division and also rendering a restroom at the location unusable. During 2016, Moody Street was paved and while the five year moratorium is still in effect, I respectfully request that the selected contractor, D'Allesandro Corporation, be permitted to excavate the roadway and perform the necessary work to fix the damaged sewer line. The sewer lateral to be repaired will remain in the same trench. The repair work and subsequent resurfacing will be performed in accordance with Section 17-25 of the General Ordinances.  
Referred to the Public Works and Public Safety Committee

12. The Mayor respectfully requests the following appropriation for the Disability Services Commission.

From: #237-560-2300-3591 F/B Reserved for Handicap Projects \$9,930.18

To: #237-560-2331-5205 HP Surveillance – 101 Prospect Street \$9,930.18

This item was voted and approved by the Disability Services Commission. Attached is a copy of a letter dated June 10, 2017 that was received from the Chairman of the Disability Services Commission, Mark Johnson. Mr. Johnson will be available to answer questions concerning this request. Councillor McMenimen moved to waive the reading. All were in favor.  
Referred to the Finance Committee

13. The Mayor respectfully requests a transfer of funds in the amount of \$25,000.00 to cover projected expenses for the City Treasury for the remainder of the fiscal year.

FROM:

#001-145-5100-5111 Treasurer-Salary \$25,000.00

TO:

#001-145-5200-5342 Treasurer-Postage \$ 5,000.00

#001-145-5200-5385 Treasurer-Banking Services \$20,000.00

Attached is a copy of a letter dated June 16, 2017 that was received from the City Treasurer. Also, attached is a copy of an account analysis that I requested from the City Treasurer to support his funding request. Mr. Magno will be available to answer questions concerning this request. Councillor McMenimen moved to waive the reading. All were in favor.  
Referred to the Finance Committee

14. The Mayor respectfully requests an appropriation in the amount of \$1,000.00 from Unreserved Fund Balance to account #001-176-5100-5194 ZBA-Boards/Commissions. These funds will be used to cover the meeting stipends for the ZBA members for FY2017. The number of meetings being held has risen due to the number and complexity of cases that have been filed with the ZBA. Attached is a copy of a memo dated June 15, 2017 that was received from the Chair of the ZBA. Ms. Rando will be available to answer questions concerning this request. Councillor McMenimen moved to waive the reading. All were in favor.  
Referred to the Finance Committee

15. The Mayor respectfully requests a transfer in the amount of \$1,047 from account #001-161-5200-5211-00-78 Clerk-Bright School Utilities to a new 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 8-14, 2017. Councillor McMenimen moved to waive the reading. All were in favor.  
Referred to the Finance Committee

16. The Mayor respectfully requests the City Councils approval at the next meeting, so that the potential buyer of the property located at 5 & 7 Derby Street and 870 Moody Street can meet its financing deadline of July 8, 2017.  
Referred to the Committee of the Whole

17. The Mayor respectfully requests funding in the amount of \$70,000.00 to pay the estimated overtime expenses for FY2017.

Transfer From: #001-220-5200-5146 Fire-EMT \$10,000.00

Appropriate From: Unreserved Fund Balance \$60,000.00

Transfer To: #001-220-5100-5131 Fire-OT \$10,000.00

Appropriate To: #001-220-5100-5131 Fire-OT \$60,000.00

Councillor McMenimen moved to waive the reading. All were in favor.  
Referred to the Finance Committee

18. The Mayor respectfully requests approval of the attached Application for a Section 108 Loan Guarantee from the United States Department of Housing and Urban Development for the Woerd Avenue Landfill Revitalization Project. The Housing Division, the City Planner and I are available to answer questions you may have regarding this request.

Referred to the Finance Committee

### **Resolutions**

- New Construction of the Waltham High School at the Fernald Site – sponsored by Councillor Logan. Councillor Logan spoke on the Resolution. Councillor Logan moved to suspend the rules and act on matter without committee reference. Request approved by a voice vote. Councillor Logan moved approval of the Resolution. Matter was approved by a voice vote.

- Energy at the Fernald Property – Sponsored by Councillor Darcy and McLaughlin  
Councillor Darcy spoke on the resolution. Referred to the Fernald Use Committee

- Arboretum at the Fernald Property - Sponsored by Councillor Darcy and McLaughlin  
Councillor Darcy spoke on the resolution. Referred to the Fernald Use Committee

- Water Reduction Resolution – Sponsored by Councilor Darcy and McLaughlin  
Councillor Darcy spoke on the resolution. Referred to the Public Works and Public Safety Committee

### **Applications for Licenses and Permits**

1. Class 2 Motor Vehicle Renewal – 17-19 Felton Street – Five Star Autobody & Repairs, LLC  
Referred to the License and Franchise Committee

2. Class 2 Motor Vehicle Renewal – 153 Elm Street – Wagner Sozi/E and T AutoBody Inc.  
Referred to the License and Franchise Committee

### **Committee Reports**

#### **Long Term Debt and Capital Planning**

1. The Long Term Debt Committee recommends the CPC appropriation for \$891,004 for asbestos abatement at the Fernald property be approved. Councillor Marchese moved that the action of the Committee be the action of the Council. Councillor Logan spoke on the matter. All were in favor and matter was approved by a voice vote.

2. The Long Term Debt Committee recommends CPC appropriation for \$409,310 for the design of Wayside Trail be approved. Councillor Marchese 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 Long Term Debt Committee recommends CPC appropriation for \$10,950 for Kelley Hall & Shriver Center be approved. Councillor Marchese 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.

Roll call requested:



In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D. Darcy, Fowler, LeBlanc, R., McLaughlin, McMenimen, O'Brien, Romard  
Opposed: None  
Matter was approved.

4. The Long Term Debt Committee recommends the transfer of capital funds totaling \$20,200 to fund the purchase of two stainless steel dump beds for two existing one ton dump trucks be approved. Councillor Marchese 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 Long Term Debt Committee recommends the transfer of capital improvement funds in the amount of \$11,000 from building general to building central fire station be approved. Councillor Marchese 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 141 Ash Street resolution 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 by a voice vote.

2. The Committee of the Whole recommends the Highland Street Spur Order be approved. Councillor Logan moved that the action of the Committee be the action of the Council. Roll call required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D. Darcy, Fowler, LeBlanc, R., McLaughlin, McMenimen, O'Brien, Romard  
Opposed: None  
Matter was approved.

### **Finance Committee**

1. The Finance Committee recommends the Resolution regarding the Foundation Budget for School department 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 appropriation for \$1,000 for residential parking stickers 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 transfer in the amount of \$35,000 from Building Utilities to Building Repairs & Maintenance 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 appropriation in the amount of \$7,000 from the unreserved fund balance to planning – survey 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 transfer of funds totaling \$29,000 to fund the first of the three year collective bargaining agreement between the City and the Managers Union for the

period of July 1, 2016 – June 30, 2019 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 approval of the Nathaniel at Banks Condo Bid for Unit #105 for \$309,000 be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. Roll call required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D. Darcy, Fowler, LeBlanc, R., McLaughlin, McMenimen, O'Brien

Opposed: Romard

Matter was approved.

7. The Finance Committee recommends the WCAC Invoice for \$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.

8. The Finance Committee recommends the Gracie's Kitchen invoice for \$194.00 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.

### **Ordinances & Rules Committee**

1. The Ordinances and Rules Committee recommends the Special Permit for ENS Waltham, LLC at 130 West Street be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. Roll call required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D. Darcy, Fowler, LeBlanc, R., McLaughlin, McMenimen, O'Brien, Romard

Opposed: None

Matter was approved.

2. The Ordinances and Rules Committee recommends the Resolution regarding Public Hearing Notices and Social Media be filed. Councillor Rourke moved that the action of the Committee be the action of the Council. All were in favor and the matter was filed.

3. The Ordinances and Rules Committee recommends the Zoning Ordinance Amendment at 17 Prospect Street and Russel Street be filed. Councillor Rourke moved that the action of the Committee be the action of the Council. All were in favor and the matter was approved.

4. The Ordinances and Rules Committee recommends the Special Permit Modification at 209 Moody Street be approved. Councillor Rourke moved that the action of the Committee be the action of the Council.

Roll call required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D. Darcy, Fowler, LeBlanc, R., McLaughlin, McMenimen, O'Brien, Romard

Opposed: None

Matter was approved.

5. The Ordinances and Rules Committee recommends the Letter from Costco regarding the law opinion be denied. Councillor Rourke moved that the action of the Committee be the action of the Council. All were in favor and the matter was approved.

### **Economic and Community Development**

1. The Economic and Community Development Committee recommends the Climate Action Agenda Resolution be approved. Councillor Fowler moved that the action of the committee be the action of the Council. All were in favor and the matter was approved.

### **Public Works & Public Safety**

1. The Public Works and Public Safety Committee recommends Resolution regarding Beaver Street Culvert be filed. Councillor Waddick 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 Public Works and Public Safety Committee recommends the Resolution regarding City Excavation of Streets Paved within the Last Five Years be filed. Councillor Waddick 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.

3. The Public Works and Public Safety Committee recommends the Nationalgrid 17-25 petition dated 2/27/2017 for Fiske Ave be filed. Councillor Waddick 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.

4. The Public Works and Public Safety Committee recommends the Nationalgrid 17-25 petition dated 6/12/2017 for Fiske Ave be approved. Councillor Waddick 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 Public Works and Public Safety Committee recommends the 17-25 petition on Longfellow Road be approved. Councillor Waddick 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 Public Works and Public Safety Committee recommends the Mary Early Foot Bridge Order be approved. Councillor Waddick moved that the action of the Committee be the action of the Council. Roll call required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D. Darcy, Fowler, LeBlanc, R., McLaughlin, McMenimen, O'Brien, Romard

Opposed: None

Matter was approved.

### **Licenses & Franchises**

1. The Licenses and Franchises Committee recommends the Fuel Storage License for 1050 Winter 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 Licenses and Franchises Committee recommends the Fuel Storage License for 950 Winter 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 Licenses and Franchises Committee recommends the Fuel Storage License for 1000 Winter 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.
4. The Licenses and Franchises Committee recommends the application for tables and chairs on sidewalks at 367 Moody Street for Lizzy's Ice cream be approved. Councillor Brasco moved that the action of the Committee be the action Council. All were in favor and matter was approved by a voice vote.
5. The Licenses and Franchises Committee recommends the Class II Motor Vehicle Renewal at 1486 Main Street for European Auto Solutions, Inc. 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.
6. The Licenses and Franchises Committee recommends a forty-five day extension under Rule 81 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.

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

- Order #33758 vetoed by Mayor 6/15/2017

Councillor Rourke moved to override the Mayors veto. Councillors Rourke and McMenimen spoke on the matter. Roll called required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D. Darcy, Fowler, McLaughlin, O'Brien, Romard

Opposed: McMenimen

Absent: LeBlanc, R

Matter was approved

- Order #33759 vetoed by Mayor 6/15/2017

Councillor Giordano moved to override the Mayor's veto. Councillor Giordano spoke on the matter.

Roll called required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D., Fowler, LeBlanc, R., McLaughlin, O'Brien, Romard

Opposed: McMenimen, Darcy

Absent: LeBlanc, R

Matter was approved

- Time extension for 185 Willow Street Special Permit

Councillor Rourke moved to act upon the matter without committee reference. All were in favor. Councillor Rourke moved to approve the time extension.

Roll called required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D., Fowler, LeBlanc, R., McLaughlin, O'Brien, Romard, McMenimen, Darcy

Opposed: None

Absent: LeBlanc, R

Matter was approved

- Time extension for Dog Retreat & Spa and 221 Bear Hill Road LLC at 219 Bear Hill Road  
Councillor Rourke moved to act upon the matter without committee reference. All were in favor. Councillor Rourke moved to approve the time extension.

Roll called required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D., Fowler, LeBlanc, R., McLaughlin, O'Brien, Romard, McMenimen, Darcy

Opposed: None

Absent: LeBlanc, R

Matter was approved

- Time extension for Bishops Forest SP Amendment

Councillor Rourke moved to act upon the matter without committee reference. All were in favor. Councillor Rourke moved to approve the time extension.

Roll called required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D., Fowler, LeBlanc, R., McLaughlin, O'Brien, Romard, McMenimen, Darcy

Opposed: None

Absent: LeBlanc, R

Matter was approved

- Time extension for Gravestar, Inc. at 1074 Lexington Street

Councillor Rourke moved to act upon the matter without committee reference. All were in favor. Councillor Rourke moved to approve the time extension.

Roll called required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D., Fowler, LeBlanc, R., McLaughlin, O'Brien, Romard, McMenimen, Darcy

Opposed: None

Absent: LeBlanc, R

Matter was approved

- Time extension for Kimco Realty Corp. at 375 Main Street and 49-53 Linden Street

Councillor Rourke moved to act upon the matter without committee reference. All were in favor. Councillor Rourke moved to approve the time extension.

Roll called required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D., Fowler, LeBlanc, R., McLaughlin, O'Brien, Romard, McMenimen, Darcy

Opposed: None

Absent: LeBlanc, R

Matter was approved

- Maintenance Agreement for copy machine

Referred to the Finance Committee

Councillor Waddick moved to accept the late filed communication from the Mayor regarding Pond Street. All were in favor. The Clerk Pro Tem read the communication.

Councillor Logan moved to recess for more than thirty minutes. All were in favor and request was approved.

President LeBlanc gave the schedule of Committee Meetings to meet.  
President LeBlanc called a recess into committee meetings at 11:09p.m.

President LeBlanc called the Council meeting back to order at 1:50am on Tuesday June 27, 2017.

Councillor Logan moved to suspend the rules and have meeting go past two o'clock a.m. All were in favor. The Clerk Pro Tem read the Committee reports.

The Committee of the Whole recommends the authorization for the Mayor to negotiate with the owners of 101R Elm St. be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. Roll called required.

In favor: Brasco, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D., Fowler, LeBlanc, R., McLaughlin, O'Brien, McMenimen, Darcy

Opposed: Romard, Giordano

Absent: LeBlanc, R

Matter was approved.

The Committee of the Whole recommends the authorization for the Mayor to sign the Assumption and Assignment Agreement at 5 and 11 Derby Street and 870 Moody Street and to waive right of first refusal be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. Roll called required.

In favor: Brasco, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D., Fowler, LeBlanc, R., McLaughlin, O'Brien, McMenimen, Darcy, Romard, Giordano

Opposed: None

Absent: LeBlanc, R.

Matter was approved.

The Committee of the Whole recommends the authorization for the Mayor to sign the Escrow Agreement at 5 and 11 Derby Street and 870 Moody be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. Roll called required.

In favor: Brasco, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D., Fowler, LeBlanc, R., McLaughlin, O'Brien, McMenimen, Darcy, Romard, Giordano

Opposed: None

Absent: LeBlanc, R.

Matter was approved.

The Committee of the Whole recommends the authorization for the Mayor to sign the Subordination Agreement with the Walpole Co-Operative Bank relating to 5 and 11 Derby Street and 870 Moody Street be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. Roll called required.

In favor: Brasco, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D., Fowler, LeBlanc, R., McLaughlin, O'Brien, McMenimen, Darcy, Romard, Giordano

Opposed: None

Absent: LeBlanc, R.

Matter was approved.

The Long Term Debt Committee recommends the transfer of \$325,000 to pay the remainder of trash/recycling cost of 2017 be approved. Councillor Marchese 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.

The Long Term Debt Committee recommends a transfer of capital improvement funds totaling \$3,275,000.00 to fund the construction phase of the ACO Area 5A (Beaver Street) Sewer Improvements and Lyman Street Relief Sewer project be approved. Councillor Marchese 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.

The Long Term Debt Committee recommends the financing transaction totaling \$120,000.00 for the HVAC system at City Hall be approved. Councillor Marchese 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.

The Finance Committee recommends an appropriation of funds in the amount of \$27,202 to purchase a new plotter/scanner/copier system for Water/Sewer/Dept. 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.

The Finance Committee recommends an appropriation in the amount of \$1,000,000.00 from Unreserved Fund Balance to the Stabilization Fund-General 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.

The Finance Committee recommends the departmental transfer from the City Council account to reimburse the Mayor's account and the City Auditor's account for the expenses that were paid by these two departments on behalf of the City Council for the food and provisions incurred by the City Council Finance Committee during the FY2018 budget review meetings 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.

The Finance Committee recommends an appropriation in the amount of \$27,000.00 from Unreserved Fund Balance to account #001-175-5800-6640 Planning-Energy Application Expert Services 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.

The Finance Committee recommends a transfer of funds totaling \$161,000 to fund the second year (FY2018) of the three year collective bargaining agreement between the City and the Managers' Union for the period July 1, 2016 to June 30, 2019 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.

The Finance Committee recommends acceptance of a donation from the Friends of Hurley House, Inc. in the amount of \$5,000.00 for the City of Waltham Police Department 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.

The Finance Committee recommends an appropriation for the Disability Services Commission for \$9,930.18 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.

The Finance Committee recommends a transfer of funds in the amount of \$25,000.00 to cover projected expenses for the City Treasury for the remainder of the fiscal year 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.

The Finance Committee recommends an appropriation in the amount of \$1,000.00 from Unreserved Fund Balance to account #001-176-5100-5194 ZBA-Boards/Commissions 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.

The Finance Committee recommends a transfer in the amount of \$1,047 from account #001-161-5200-5211-00-78 Clerk-Bright School Utilities to a new account #001-161-5700-5720 Clerk-Out of State Travel 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.

The Finance Committee recommends a transfer in the amount of \$70,000.00 to pay the estimated overtime expenses for FY2017 for Fire OT 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.

The Finance Committee recommends approval for a Section 108 Loan Guarantee from the United States Department of Housing and Urban Development for the Woerd Avenue Landfill Revitalization Project 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.

The Finance Committee recommends \$2042 for the annual maintenance on the Kyocera copier/printer for City Council 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.

The Ordinances and Rules Committee recommends the Special Permit for 1025 – 1075 Main Street be approved. Councillor Rourke moved that the action of the committee be the action of the Council. Roll call required.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D., Fowler, LeBlanc, R., McLaughlin, O'Brien, Romard, McMenimen, Darcy

Opposed: None

Absent: LeBlanc, R

Matter was approved

The Ordinances and Rules Committee recommends the zoning amendment for small athletic gyms be approved for a first reading. Councillor Rourke 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 Rourke moved to recommit matter to committee. All were in favor and matter was recommend to the committee.



The Public Works and Public Safety Committee recommends the 17-25 at 25 Wetherbee Road be approved. Councillor Waddick 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.

The Public Works and Public Safety Committee recommends the 17-25 at 96 Linden Street Road be approved. Councillor Waddick 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.

The Public Works and Public Safety Committee recommends the 17-25 at 152 Grove Street be approved. Councillor Waddick 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.

The Public Works and Public Safety Committee recommends the city to excavate a 17-25 at Moody Street be approved. Councillor Waddick 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.

The License and Franchise Committee recommends the Class II renewal at 1719 Felton Street be denied. Councillor Brasco moved that the action of the Committee be the action of the Council. All were in favor and matter was denied by a voice vote.

The License and Franchise Committee recommends the Class II renewal for E&T Auto Inc. 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.

The License and Franchise Committee recommends the Grant of Location for Comcast on Beaver 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.

The License and Franchise Committee recommends the Grant of Location for Eversource at Lincoln 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.

Councillor Logan moved to adjourn. President LeBlanc declared the meeting adjourned at 2:04a.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

July 10, 2017

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