

Waltham City Council  
Minutes of the Meeting of  
September 11, 2017

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

The Clerk 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, Tarallo, Maroney

Absent: DeVito, Duffy

The Clerk 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 McMenimen spoke on the events of September 11<sup>th</sup> and acknowledged John Winkus, WCAC, Frank Joyce. The Councillor asked for a moment of silence.

Councillor Giordano asked for a moment of silence for all suffering in Florida and Texas due to the Hurricanes.

The Clerk read Rule 86.

The Clerk read called the matter of the first public hearing: Zoning Amendment for Cellco Partnership dba Verizon Wireless and Brandeis University at 415 South Street.

Dan Clasnich, Attorney, representing the petitioner, spoke in favor of the petition. Pamela Perini, 20 Freemont Terrace, Waltham asked a question only 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. Councillors Giordano, McMenimen, Waddick, Marchese, Rourke, Darcy, LeBlanc, Fowler, Romard and Board of Survey and Planning Chair Mr. Creonte and Mr. Maroney all asked questions to the petitioner. Mr. Creonte stated the Board of Survey and Planning will be held Wednesday October 4, 2017 to discuss.

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

At 9:03pm President LeBlanc called a two minute recess.

Councillor Darcy rose to suspend the rules to take a matter out of order. All were in favor. Councillor Darcy asked to hear the Mayors Communication regarding the Stigmatine's. All were in favor. The Clerk Pro Tem read the Communication. Councillor Marchese moved to have the President declare the matter out of order. Councillor McMenimen rose to a point of order. She reiterated Councillor Marchese made a motion. Councillor Marchese spoke on the matter stating the property is not for sale. On the motion Councillor McMenimen spoke on the matter. President LeBlanc, Councillors Darcy, Waddick, O'Brien, Logan, Fowler all spoke on the matter. President LeBlanc ruled the communication out of order. Councillor McMenimen challenged the ruling of the chair. Councillor McMenimen requested a roll call. A yes vote

upholds the ruling of the chair. A no vote would overturn the ruling of the chair. The Clerk read the roll call.

Yes votes: Brasco, Giordano, Logan, Marchese, O'Brien, Vidal, Waddick, LeBlanc D.

No votes: Darcy, Fowler, LeBlanc, McLaughlin, McMenimen, Romard, Rourke

With a vote of 8-7 the ruling stands as is.

The Clerk read the next public hearing. Grant of Location for Nationalgrid at Second Ave. Michael Gilling, 20 Cedar Street, Millis, MA representative for Nationalgrid 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 Romard asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the License and Franchise Committee.

The Clerk called the matter of the third public hearing: Grant of Location for NStar dba Eversource Energy at South Street.

Maureen Kelleher, 20 Morningside Drive, Norwood, MA representing 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 Giordano asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the License and Franchise Committee.

### **Communications from the Mayor**

1. The Mayor respectfully requests a bond appropriation for the purchase of the fee interest in the Stigmatine land. Taken out of order.
2. The Mayor respectfully submits the bid response for Air Rights above a Portion of the Parking Lot Located at 230-234 Moody Street and would like to know the Council's recommendation. Referred to the Committee of the Whole.
3. The Mayor respectfully submits the 101R Elm Street Draft Phase 1 Report with the request for Council's recommendation. President LeBlanc deemed informational land referred it with the other information in the Committee of the Whole.
4. The Mayor respectfully requests acceptance of a gift of 3 New England grown Redbud trees from the Waltham Land Trust to honor the memory of one of their founders, Joris Naiman. These trees will be planted on the Waltham Common with a small plaque. Referred to the Finance Committee.
5. The Mayor respectfully requests an appropriation in the total amount of \$48,100.00 from the Library State Aid account to the Library Educational Supplies, Training, Out of State Travel and carpeting accounts. Referred to the Finance Committee.
6. The Mayor respectfully requests a transfer of \$5,000.00 to fund the civil service exams for the E911 Dispatcher exam and the Clerical exam. This funding request will be offset by the application fee for the exam paid by each applicant. Referred to the Finance Committee.

7. The Mayor respectfully requests a transfer of funds totaling \$25,850.00 (as itemized below) to fund the second year (FY2018) of the three year collective bargaining agreement between the City and the School Traffic Supervisors' Union for the period July 1, 2016 to June 30, 2019. The funding for the first year (FY2017) of the agreement in the amount of \$13,010.00 will be provided from excess funds in the FY2017 Police budget. Referred to the Finance Committee.

8. The Mayor respectfully requests acceptance of a grant of \$10,843.00 from the Edward Byrne Memorial Justice Assistance Grant to the City of Waltham Police Department. This grant will be used to create a citizen survey to gain knowledge of how Waltham residents perceive crime, disorder, police and other issues. It will also be used to increase officer foot patrols in the downtown area. No match is required for this grant. Referred to the Finance Committee.

9. The Mayor respectfully requests a transfer of capital improvement funds in the amount of \$38,527.00. These funds will be used for the design services of the sewer main rehab project on Woerd Avenue. Referred to the Long Term Debt Committee.

10. The Mayor respectfully requests to have a road dedication ceremony in September. Councillor Waddick moved to suspend the rules and act on the matter without committee reference. All were in favor. Councillor Waddick moved approval of the order. Matter was approved by a voice vote.

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

1. Massport Letter for Albert Gervorgya  
Referred to the License and Franchise Committee

#### **Resolutions**

1. Resolution regarding National Fire Protection Association (NFPA) standards Sponsored by Councillor Logan, President LeBlanc and others.  
The Clerk read the Resolution. Councillor Logan spoke on the Resolution. Referred to the Ordinances & Rules Committee.

2. Resolution regarding rodents Sponsored by Councillor Logan, and others  
The Clerk read the Resolution. Councillor Logan spoke on the Resolution. Referred to the Economic and Community Development Committee. Councillor fowler moved to request Mr. Zuppe to come to the next Committee meeting. All were in favor. Request was approved.

3. Resolution inviting the Veteran's Director to appear Sponsored by Councillor Giordano  
The Clerk read the Resolution. Referred to the Veteran's Committee. Councillor Giordano spoke on the Resolution. Councillor Giordano moved to invite the Director of Veterans Service to the next Veteran's Committee meeting. All were in favor and request was approved.

4. Resolution regarding purchasing 0 Prospect Hill Road Sponsored by Councillor Romard  
The Clerk read the Resolution. Councillor Romard spoke on Resolution. Referred to the Committee of the Whole.

5. Frederick Emory Brown Resolution – Sponsored by Councillor Giordano & others  
The Clerk read the Resolution. Councillor Giordano spoke on the Resolution. Councillor Giordano moved to act on resolution without Committee reference. All in favor. Councillor Giordano moved to approve the Resolution. All were in favor.

Councillor Logan made a request to have the Director of CPW in to the Economic and Community Development Committee to discuss rodent. All were in favor. Request was approved.

Excellence in Finance Reporting Resolution – Sponsored by Councillor McMenimen. The Clerk and the President read the Resolution. Councillor McMenimen spoke on the Resolution. McMenimen moved to act on resolution without Committee reference. All in favor. Councillor McMenimen moved to approve the Resolution. All were in favor. Resolution was approved.

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

- New England Cannabis Corp. request for letter of support/non-opposition  
Referred to the Ordinances & Rules Committee

#### **Tabled Items**

- Minutes from 1/23/2017, 5/8/2017
- 950 Winter Street Fuel Storage License
- Community Thank You Resolution - Sponsored by Councillor McMenimen, President LeBlanc
- Communication from the Mayor dated July 3, 2017 regarding Veterans Fields on Forest Street, Gann Academy and Bentley, Community Preservation Act Fernald Land and the Massachusetts Historical Commission Letter
- Vote of the School Committee : To make a request of the City Council of their suggested uses at the Fernald Property and their approximate location, to determine if they are compatible with a school.

Councillor Logan moved to adjourn. President LeBlanc declared the meeting adjourned at 10:19p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

October 11, 2017

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