

Waltham City Council
Minutes of the Meeting of
May 29, 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 Harris asked for a moment of silence for all our military that have served; past and present.

Councillor Harris made an announcement for anyone to join the Darcy Family in honoring Lt. Ferrick at the square dedication on Saturday, June 2, 2018.

Councillor Logan moved approval of the minutes from the 5/14/2018 Council meetings. Matter approved by a voice vote.

President LeBlanc announced they will be going into executive session with the Mayor at 9p.m.this evening.

Councillor Darcy moved to take a zoning amendment out of order. All were in favor. Councillor Logan rose to a point of order to state the only thing Councillor Darcy can do is to request a public hearing. Councillor Darcy explained that is exactly what he was doing. Councillor Darcy stated he would like to schedule a public hearing for the Zoning Ordinance Amendment Section 3.264 Conservation, water & flood protection areas on Monday, June 25, 2018. Councillor Darcy moved to table the matter. All were in favor. Councillor Darcy moved to schedule a public hearing for the Zoning Ordinance Amendment Article III, Section 3.13 Zoning District Map. On the motion Councillor McMenimen asked for a roll call. Councillor Stanley asked if the roll call vote was for one or both items. President LeBlanc iterate it was for both matters to be heard on Monday, June 25, 2018.

Roll call

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

Opposed: None

Matter was approved.

Councillor Logan moved to take a mater out of order. All were in favor. Councillor Logan moved to take matter off of the table. Councillor McMenimen rose to ask what the matter was. Councillor Logan stated it was the WEAC Resolution. All were in favor.

The Clerk Pro Tem read the Resolution. Councillor Logan spoke on the Resolution. He called everyone up and handed out Resolutions to all that took part in the program.

The Clerk Pro Tem read Rule 86.

First Public Hearing: Secondhand Dealers License for Game Underground at 349 Moody St.

The petitioner, James York of Natick, MA, Owner of Game Underground located at 349 Moody Street, spoke in favor of the petition for a Secondhand Dealer's License. Emily Saperia, 37 Spruce Street, spoke in favor of the petition. Brad Pelick, 129 Florence Road, 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 Harris spoke on the matter and asked questions to the petitioner. Councillors Darcy, Vidal Brasco asked questions to the petitioner. Councillor Brasco made a motion to suspend the rules and act on the matter without committee reference. All were in favor. Councillor Brasco moved to approve the petition. All were in favor and matter was approved by a voice vote. President LeBlanc moved to close the public hearing.

Second Public Hearing: Special Permit for Prestige Auto Sport, Inc. d/b/a Eastside Motoring Philip McCourt, representing the petitioner spoke in favor of the petition. He is asking for 23 of the available parking spaces to be used to sell used autos, zone change and extended hours. 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, Logan, Vidal McMenimen all asked questions to the petitioner, Lorenzo Alonge, owner and manager of the business and Mr. McCourt, attorney for petitioner. With no further questions President LeBlanc closed this public hearing and referred the matter to the Ordinances and Rules Committee.

The third public hearing 17-25 on Lexington Street was recessed at the last Council meeting and will remain recess until next meeting.

Communications from the Mayor

1. The Mayor requests an appropriation in the amount of \$250,000.00. These funds will be used to pay current invoices for HVAC services and anticipated maintenance/repair work as the warmer weather nears. Also, these funds will be used to pay the utility bills for the remainder of the fiscal year. Referred to the Finance Committee
2. The Mayor respectfully requests a transfer of capital improvement funds totaling \$1,907.94 for the purchase of a laptop computer for the City Clerk's Office. It will used to automate the marriage license application process. Referred to the Long Term Debt Committee.
3. The Mayor respectfully requests the acceptance of the FFY 2018 EOPSS Child Passenger Safety (CPS) Equipment Grant in the amount of \$2,625.00. This grant will be used to purchase car seats and to assist with the car seat installation and education. The grant does not require matching funds. Referred to the Finance Committee.
4. The Mayor respectfully requests an opportunity to come into Executive Session on Tuesday, May 29, 2018 to discuss acquisition and/or use of real estate parcels in relationship to the Waltham High School project. The City Attorney and First Assistant will be present with myself. President LeBlanc asked if the Mayor was available at this time to meet. She was not available. Councillor Logan moved to table the matter.
5. The Mayor respectfully requests a transfer of traffic impact funds in the amount of \$14,000.00. This transfer will fund the purchase and installation of a video detection system that is expected to improve the afternoon traffic flow on the northbound side of Lexington Street. Referred to the Finance Committee.

6. The Mayor respectfully requests an appropriation in the amount of \$5,000. These funds will be used to purchase a copy machine for the general use of the Building Department and will be more cost effective than the current rental fee incurred.

Referred to the Finance Committee.

7. The Mayor respectfully requests a transfer of capital improvement funds in the total amount of \$17,855.00 to purchase one (1) vehicle for the meter reading staff of the Engineering Department, Water & Sewer Divisions.

Referred to the Long Term Debt Committee.

8. The Mayor respectfully requests acceptance of a gift of 50 Naloxone (Narcan) Nasal Kits from the Newton-Wellesley Hospital to the Waltham Health Department. These kits will be provided to the Fire Department.

Referred to the Finance Committee.

9. The Mayor respectfully requests a transfer of \$4,200.00. These funds are requested to fund the increase in the Dispatchers' clothing allowance from \$400 to \$500 for FY2017 and FY2018 that was included in the recent collective bargaining agreement between the City and the Dispatchers' Union.

Referred to the Finance Committee.

Applications & Licenses

1. Secondhand Dealers License renewal – Clean Out Your House, Inc. dba Buy & Consign in Waltham -1250 Main St.

Referred to the License & Franchise Committee

Orders, Ordinances & Resolutions

1. City Council Commendations Sponsored by President LeBlanc

Referred to the Ordinances and Rules Committee

2. Zoning Ordinance Amendment Section 3.264 Conservation, water & flood protection areas sponsored by Councillor Darcy

Taken out of order

3. Zoning Ordinance Amendment Article III, Section 3.13 Zoning District Map sponsored by Councillor Darcy

Taken out of order

4. Eversource Outages Resolution sponsored by Councillor Logan and others.

The Clerk Pro Tem read the resolution. Councillor Logan spoke on the Resolution. President LeBlanc referred the matter to the Economic and Community Development Committee.

The Clerk Pro Tem read the request. Councillor Logan moved approval of the request. All were in favor and the request was approved.

Committee Reports

License and Franchise

1. The License and Franchise Committee recommends that a small cell installation to be located at Drew Street and South Street for Cellco Partnership dba Verizon Wireless 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 that a small cell installation to be located at 333 Forest Street for Cellco Partnership dba Verizon Wireless 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 that a small cell installation to be located at Beaver Street and Forest Street for Cellco Partnership dba Verizon Wireless 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 License and Franchise Committee recommends that a small cell installation to be located at Beaver Street on plan entitled Bentley College/Near 390 Beaver Street for Cellco Partnership dba Verizon Wireless 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.
5. The License and Franchise Committee recommends that a small cell installation to be located at Benefit Street and Newton Street for Cellco Partnership dba Verizon Wireless 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 License and Franchise Committee recommends the annual renewal of a lodging house license located at 77 Prospect 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.
7. The License and Franchise Committee recommends the Elks Walkway Resolution be filed. 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 take tabled matter regarding the Mayors request to go into executive session this evening off of the table. All were in favor. Mayor McCarthy entered the Chamber.

Councillor Logan moved to go in to executive session. Roll call required.

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

Opposed: None

The council chamber was cleared for executive session.

The Council came back to order at a time not announced. Councillor Logan moved to go past midnight. Roll call required.

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

Opposed: None

Absent: Fowler

Finance Committee

1. The Finance Committee recommends the appropriation for \$35,000.00 for Fire-Medical 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.
2. The Finance Committee recommends the acceptance of the FY2018 Public Safety Improvements Grant for \$50,000.00 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 transfer of funds in the amount of \$22,000.00 to provide for electric charging stations 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 two benches and two trees to be located on the Waltham Common donated from by the friends of Joseph L. Burgoyne, III 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 ethics communication from Daniel Melnechuk 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 election calendar for the special election in Ward 6 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.
3. The Committee of the Whole recommends the acceptance of a gift of infrastructure improvements form Davis Marcus Partners et al. 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.

The Committee of the Whole recommends the actions of the city clerk procedures be approved. Roll call requested.

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

Opposed: None

Matter approved.

Long Term Debt & Capital Planning

1. The Long Term Debt & Capital Planning Committee recommends the CPC request for CPA funds in the amount of \$185,000 for space/recreation part one of Hardy Pond Conservation Area project be approved. Councillor 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 a transfer totaling \$16,267.99 to be used towards the purchase of a transit van for Council on Aging be approved. Councillor 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 ordinance amendment amending Chapter VIII Article II entitled Amusements be approved for a first reading. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Councillor McLaughlin moved for the matter to be recommitted to Ordinances and Rules Committee. All were in favor and matter was recommitted to the Committee.

2. The Ordinances and Rules Committee recommends the time extension for 275 Wyman LLC located at 225-235 Wyman Street be approved. Councillor McLaughlin moved to accept the late filed communication relating to this matter. All were in favor. Councillor McLaughlin moved to amend the order to state another date. Roll call required.

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

Opposed: None

Matter approved as amended.

3. The Ordinances and Rules Committee recommends the time extension for BP Third Avenue LLC located at 214 Third Ave., 186-194 Third Ave., 95 Fourth Ave be approved. Councillor McLaughlin moved that the action of the committee be the action of the Council. Roll call required.

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

Opposed: None

Matter approved.

Unfinished Business & Other Business

- Time extension for One Moody Street, 45 Moody Street, 694, 696, 700, 710, 716 Main St. Referred to the Ordinances and Rules Committee
- Minor modification to Special Permit #33899 at 1074 & 1110 Lexington Street – Chipolte Referred to the Ordinances and Rules Committee
- Minor modification to Special Permit #25762 for the Bishops Forest Condo Association Referred to the Ordinances and Rules Committee

Councillor Logan moved to accept the late filed communication from Diana Young regarding the vacant seats on the CPC Board. All were in favor. President LeBlanc announced she will form an Adhoc Committee to fill these vacancies would be Randy LeBlanc as Chair of the Adhoc and Councillors LaCava and Mackin to the committee as well.

Tabled Items

- Fernald Wetlands Design & Engineering Service Appropriation for \$55,000 Councillor Stanley moved to take the matter off of the table. All were in favor. Councillor McMenimen recused herself. Councillor Stanley spoke on the matter. Councillor Stanley moved to amend the matter. All were in favor. Councillor Stanley moved approval of the amended order which is the original order. Roll call requested.

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

Opposed: None

Matter approved.

Councillor McMenimen made an announcement regarding budget hearing times for depts. And she will set up a time to view the roll out the Auditors Dept. .gov website application.

Councillor Vidal moved to discharge a matter from the Public Works and Public Safety Committee. All were in favor. Councillor Vidal moved to request the information received on the parking lot at Veterans Skating Rink from the Traffic Engineer be sent to the Engineering Dept. All were in favor and request was approved. Councillor Vidal moved to recommit matter back to the committee. All were in favor and matter was recommitted.

- 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
- WEAC Recognition Resolution

Councillor Logan moved to adjourn. President LeBlanc declared the meeting adjourned at 12:25a.m.on 5/30/2018.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

June 11, 2018

Approved by the City Council: _____