

Waltham City Council

Minutes of the Meeting of

January 25, 2016

Council President Marchese called the joint meeting with the Board of Survey and Planning to order at 7:30PM.

City Clerk Rosario Malone clerked the meeting.

President Marchese made announcements. He acknowledged The Emberley's celebrating their 60th wedding anniversary. Mrs. Karamanica is celebrating a 95th birthday. Maria Sheehan received the Chamber of Commerce Award, Jeff Stanton was voted the President of the Waltham Chamber of Commerce and he congratulated School Committee member Teddy Tarallo and his wife on their new baby girl.

The Clerk called the roll of the City Council.

Call of the Roll:

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

Absent: Fowler

Board of Survey and Planning Roll

Call of the Roll:

Present: Creonte, Moroney, Tarallo, Callahan, Barrett

Absent: Kelly, DeVito

The Clerk recited the Council Prayer, and then President Marchese led 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 LeBlanc moved to approve the minutes from the 1/11/2016 Council meeting. All were in favor. The minutes were approved by a voice vote.

The Clerk read Rule 86.

The Clerk read the first public hearing.

Seasonal Outdoor Seating

CHAPTER 21 of the General Ordinances of the City of Waltham entitled "Zoning," as most recently amended, is hereby further amended as follows:

ARTICLE V entitled "Parking Requirements," Section 5.23 entitled "Parking requirements for the Business C District" is hereby amended by adding the following new subsection:

5.234 Seasonal outdoor seating shall not be included in the calculation of the parking requirement in the Business C Zoning district provided that there are less than fifty (50) outdoor seats, seating and tables are not permanently fixed in place, and that seating and tables are removed between the last day of October and the first day of April.

Councillor Robert Logan 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 on the petition, President Marchese closed this portion of the public hearing and opened the hearing to questions from Councillors and board members.

Mr. Barrett of the Survey and Planning Board ask if you would need a permit to have seating.

Councillor Logan stated not unless it was on city property.

There were no further questions from Councillors or Board Members. President Marchese closed the public hearing and referred the matter to the Ordinances and Rules Committee.

The Clerk read the second public hearing.

ZOA Pub/Brewery

CHAPTER 21 of the General Ordinances of the City of Waltham entitled "Zoning," as most recently amended, is hereby further amended as follows:

ARTICLE III entitled "Establishment of Districts," Section 3.2 entitled "Definition of uses," Subsection 3.228A entitled "Micro-Brewery Restaurants" is hereby amended by striking in the first sentence the following:

"farmer's brewers statutes"

and inserting in place thereof the following:

"pub brewery license statute (M.G.L. Chapter 138, Section 19D)"

ARTICLE III entitled "Establishment of Districts," Section 3.4 entitled "Table of Uses," is hereby amended by deleting under the category "Commercial," for the use entitled "Micro-brewery restaurant," in the columns for the Business C (BC) and Limited Commercial (LC) Zoning Districts the following designation:

"S1"

Councillor Robert Logan 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 on the petition, President Marchese closed this portion of the public hearing and opened the hearing to questions from Councillors and Board Members.

Councillor Darcy asked questions regarding the zoning of the amendment.

Mr. Creonte stated that the Board of Survey and planning will be meeting on Wednesday February 3, 2016 at 7pm at the government Center to discuss both public hearings.

There were no further questions from Councillors or Board Members. President Marchese closed the public hearing and referred the matter to the Ordinances and Rules Committee.

President Marchese called a one minute recess.

Communications from the Mayor

1. The Mayor respectfully requests a transfer of capital improvement funds totaling \$13,340.79 to purchase a copy machine for the City Treasurer's office.
Referred to the Finance Committee.
2. A transfer of capital improvement funds totaling \$156,172.05 to be added to existing funds in the amount of \$269,627.95 to fund the construction bid and related expenses of the drainage improvement project at Weston Street and Vernon Street.
Referred to the Long Term Debt Committee

3. The Mayor respectfully requests a transfer of capital improvement funds totaling \$4,000 to supplement the previously approved \$6,000 for the purchase of chairs for the Henry Hoover Committee Room.
Referred to the Long Term Debt Committee
4. The Mayor respectfully requests the appointment of Donald P. Doherty of 144 Brown Street, Waltham, MA, as a constable.
Referred to the Committee of the Whole
5. The Mayor respectfully requests the appointment of Francisco Torres, 62 Albemarle Road, Waltham, MA, as a member of the Municipal Affordable Housing Trust Fund.
Referred to the Committee of the Whole
6. The Mayor respectfully requests the acceptance of a grant from the Executive Office of Public Safety and Security's Highway Safety Division (EOPSS/HSD) in the amount of \$9,982.62 for the FFY2016 Underage Alcohol Enforcement Grant Program.
Referred to the Finance Committee.
7. The Mayor respectfully requests the acceptance of two S.A.F.E. grants from the Commonwealth of Massachusetts Office of Public Safety, one for students in the amount of \$7,237.00 and another for seniors in the amount of \$3,315.00.
Referred to the Finance Committee.

Applications for Licenses and Permits

1. Lodging House Renewal: 755 Main St. Owner: Max Horn
Referred to the License and Franchise Committee
2. Lodging House Renewal: 21-23 Pine St. Owner: Max Horn
Referred to the License and Franchise Committee
3. Lodging House Renewal: 20 -22 Adams St. Owner: James Martorilli
Referred to the License and Franchise Committee
4. Lodging House Renewal: 44-46 Chester Ave. Owner: James Martorilli
Referred to the License and Franchise Committee
5. Lodging House Renewal: 118-120 Robbins St. Owner: James Martorilli
Referred to the License and Franchise Committee
6. Lodging House Renewal: 11-13 Walnut St. Owner: James Martorilli
Referred to the License and Franchise Committee

Committee Reports

Committee of the Whole

The Committee of the Whole recommended the order stating that the City Council responds to the Mayors communication of January 7, 2016 by concurring the use of 92 Felton Street is consistent with the Mayor's recommendation be approved.

Councillor LeBlanc moved that the action of the Committee be the action of the Council. On the motion Councillor LeBlanc, Councillor Darcy and President Marchese spoke on the matter.

Roll call was requested.

All in Favor: Darcy, LeBlanc, Logan, Marchese, McLaughlin, Romard, Vidal, Vizard, Giordano, Rourke, Waddick, O'Brien, McMenimen

Opposed: None

Present: Brasco

Absent: Fowler

The motion was adopted and the matter was approved.

License and Franchise

The License and Franchise Committee recommended the renewal for a Class I MV license at 85 Linden Street, Aston Martin of New England be approved.

Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the recommendation was approved.

The License and Franchise Committee recommended the renewal for a Class II MV license at 825 Main Street, Don's Service Center be approved.

Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the recommendation was approved.

The License and Franchise Committee recommended the extended hours for CVS Pharmacy, 12 Harvard Street be approved.

Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the recommendation was approved.

Ordinances and Rules

The Ordinances and Rules Committee recommended the second reading for the Nuisance Dog Ordinance Amendment be approved.

Councillor Logan moved that the action of the Committee be the action of the Council.

On the motion Councillor Darcy spoke on the matter.

All were in favor

The matter was approved. Councillor Logan moved to table the matter on the Council floor.

All were in favor. Matter was tabled on the Council floor.

Councillor Logan asked that the Nuisance Dog Ordinance General Provisions section of the Amendment be considered a separate matter from the ordinance amendment.

Councilor Logan moved to table the General Provisions section of the Ordinance amendment on the Council floor.

All were in favor and the amendment was tabled.

The Ordinances and Rules Committee recommended the second reading regarding the Human Service position in the Health Department be approved. Councillor Logan stated he did not support this matter. Councillor Vizard stood and spoke on the matter. Councillor LeBlanc moved that the action of the Committee be the action of the Council.

Roll call was requested.

All in Favor: LeBlanc, Marchese, McLaughlin, Romard, Vidal, Vizard, Giordano, Rourke, Waddick

Opposed: Brasco, McMenimen, Darcy, O'Brien, Logan

Absent: Fowler

The motion was adopted and the matter was approved for a second reading.

Councillor Logan moved to table this matter on the Council floor.
All were in favor.
Matter was placed on the Council floor.

Long Term Debt

The Long Term Debt Committee recommends the first reading for the Drake Playground Appropriation for \$1,130,000.00 be approved.
Councillor Waddick moved that the action of the committee be the action of the Council.
All were in favor. Matter was approved for a first reading.
Councillor Waddick moved to place the matter on the council floor.
All were in favor.
Matter was placed on the Council floor.

Public Works

The Public Works Committee recommended the resolution regarding the Lollibotts recycling recommendations be approved.
Councillor Vizard moved that the action of the Committee be the action of the Council.
The motion was adopted on a voice vote and the Resolution was approved.

Unfinished Business and Other Business

Capital Improvement Program Budget

This matter was referred to the Long Term Debt Committee

Time Extension for Care Dimensions - 1100 AFT Winter Street

Councillor Logan moved to suspend Rule 39 and act of the matter without Committee reference.
All were in favor.
Councillor Logan moved to approve the time extension for Care Dimensions –
1100 AFT Winter St.
Roll call was requested.

All in Favor: LeBlanc, Marchese, McLaughlin, Romard, Vidal, Vizard, Giordano, Rourke, Waddick, Brasco, McMenimen, Darcy, O'Brien, Logan

Opposed: None

Absent: Fowler

The motion was adopted and the matter was approved.

Councillor Waddick moved to take the WATCH –WHA Rental Assistance Mayor's Veto off of the table.

All were in favor. The matter was before the Council.

Councillor Waddick spoke on the matter.

In accordance with the MGL Section 55, Waltham Charter section 3-9 the Councillor moved for approval of Order #33369.

Roll call is required.

President Marchese noted that a yes vote means you are in favor of the Rental Assistance Program being passed and a no vote means you support the veto action.

All in Favor: LeBlanc, Marchese, McLaughlin, Romard, Vidal, Vizard, Giordano, Rourke, Waddick, Darcy, Logan

Opposed: Brasco, McMenimen, O'Brien

Absent: Fowler

The motion was adopted and the matter was approved.

There being no further matters before the City Council, Councillor LeBlanc moved to adjourn. All were in favor. The motion was adopted on a voice vote.

Council President Marchese declared the meeting adjourned at 8:45p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

January 27, 2016

Approved by the City Council: _____