

Waltham City Council
Minutes of the Meeting of
October 11, 2016

Council President Marchese called the meeting to order at 7:31PM.

City Clerk Rosario Malone clerked the meeting.

President Marchese made announcements.

The Clerk called the roll of the City Council.

Call of the Roll:

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

Absent: Brasco

The Clerk recited the Council Prayer followed by President Marchese 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 LeBlanc moved to approve the minutes from 9/26/2016. All were in favor. Minutes approved.

Councillor Giordano moved to suspend Rule 8 and take a matter out of order. All were in favor and the matter was approved. The clerk read the Breast Cancer Awareness Resolution.

Councillor Giordano spoke on the resolution. Councillor Giordano moved to suspend Rule 39 and act on a matter without committee reference. All were in favor. Councillor Giordano moved to approve the Resolution. All were in favor and the Resolution was approved.

The Clerk read Rule 86.

The Clerk read the call of the first public hearing: Nationalgrid Grant of Location at 66 Fiske Ave.

Dennis Regan of 43 Bondell St., West Roxbury, MA, Representative for the petitioner, spoke in favor of the petition. He stated that the petitioner never picked up the permit from the city because of a miscommunication on their part due to an employee out on maternity leave. Nationalgrid did not know to pick up the permit. There is a potential leak that needs to be addressed. Brian Doherty, 83 Fiske Ave., Waltham spoke in opposition of the petition. He stated the Cedarwood neighborhood went through a huge water/sewer project which has taken years to complete. Fiske Ave was paved on July 6, 2016. The petitioner has had plenty of time to do this particular matter before now. He asked that if the Council does decide to allow this petitioner to do the work they use the original contractor to re-do the work.

Mayor Jeannette McCarthy, 91 Hamilton Rd., Waltham, spoke in opposition of this petition. The original submission for this matter was submitted in March of 2016. The matter at hand now should comply with the Council process.

Two people stood in opposition 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. Councillor Vizard rose at a point of order. He asked if this matter was properly before the Council. President Marchese called a one minute recess.

The petition was not properly before the Council. The petitioner should have submitted a 17-25 application not a grant of location. Upon return from recess Dennis Regan, Representative for petitioner submitted a withdrawal of his petition.

Councillor Logan made motion to accept the withdrawal. All were in favor and matter was withdrawn.

The Clerk read the call of the second public hearing.

17-25 TC Systems Inc. /AT&T

Ryan Martin, 51 Webb Place Development, Representative 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 on the petition, President Marchese closed this portion of the public hearing and opened the hearing to questions from Councillors.

Councillors Romard, Rourke, Waddick, McMenimen asked questions to the petitioner. With no further questions from Councillors President Marchese referred the matter to the License and Franchise Committee.

The Clerk read the call of the third public hearing.

17-25 for R&A Realty Trust, Ralph Amelia Trustee

Attorney Howard Rock, 465 Waverly Oaks Rd., Waltham, representative of petitioner spoke in favor of petition. He stated that in order to install a sprinkler system in the restaurant at this location they would need to dig up the brick sidewalk that was installed over one year ago.

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. Councillors Rourke, Vizard, Logan, Vidal and Fowler all asked questions to the petitioner. Ralph Amelia, trustee of property answered questions from Councillors. Councillor Rourke moves to suspend Rule 39 and act on a matter without committee reference. All were in favor. On the motion Councillor Logan spoke on the petition. Councillor Rourke moved to approve the matter with the following conditions. He listed 8 of them. All were in favor. Roll call was requested.

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

Opposed: None

Absent: Brasco

Motion was adopted and the matter was approved with conditions.

The Clerk read the call of the fourth public hearing.

17-25 at 200 Smith Street.

The petitioner had submitted earlier in the evening a letter of withdrawal. The President read the letter into the record. Councillor Logan moved to accept the letter of withdrawal. All were in favor and the matter was withdrawn.

Communications from the Mayor

1. The Mayor respectfully requested acceptance of a donation in the amount of \$50,000.00 to the City of Waltham Fire and Police Departments for their service to the Brandeis community. President Marchese referred the matter to the Finance Committee.

2. The Mayor respectfully requested acceptance of a donation in the amount of \$3,500.00 for the City of Waltham Police Department to support efforts of the Police Department in providing programs that will make a difference.

President Marchese referred the matter to the Finance Committee.

3. The Mayor respectfully submitted a request for a transfer of funds totaling \$28,000 for the COA Demolition of 476-486 Main Street for Senior Center Parking.

President Marchese referred the matter to the Finance Committee.

4. The Mayor respectfully requested acceptance of a gift of a replacement tree, as well as a park bench for the Drake Playground from Sandra Place Tomasello on behalf the Place Family.

President Marchese referred the matter to the Economic and Community Development Committee.

5. The Mayor respectfully requested acceptance of a grant for \$2,000.00 awarded to the Waltham Recycling Department from Massachusetts DEP through the Sustainable Recovery Program for recycling.

President Marchese referred the matter to the Finance Committee.

6. The Mayor respectfully requested a transfer of funds in the amount of \$4,390. These funds are the residual amount from the acquisition of the Bemis Spur property and will be used together with two Executive accounts to award the enclosed bid for design services for the Senior Center parking lot improvements.

President Marchese referred the matter to the Finance Committee.

7. The Mayor respectfully submitted a request for use of the Fernald Administration Building as the temporary police headquarters during the construction of the Police Headquarters.

President Marchese referred the matter to the Fernald Use Committee.

Resolutions

RFP Moody Street Fire Station

The Clerk read the resolution. Councillor Rourke spoke on the resolution. Councillor Logan reiterated that this is a time sensitive issue. Councillor Rourke moved to suspend the rules and act on the resolution without committee reference. All were in favor. The matter was now before the council. Councillor Logan, Romard, LeBlanc, Darcy, McMenimen, LeBlanc (2nd) Logan (2nd) all spoke on the matter. Councillor Rourke moved to approve the matter. On the motion roll call was requested.

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

Opposed: None

Absent: Brasco

Motion was adopted and the Resolution was approved.

PCI Index Update Resolution

The Clerk read the resolution.

Councillor Romard spoke on the resolution. Councillor Romard submitted a request to ask the DPW Director to attend the meeting to discuss matter. All were in favor. Request was approved. President Marchese referred the resolution to the Public Works and Public Safety Dept.

Urging a No Vote on Question 4 “The Regulation and Taxation of Marijuana Act”

The Clerk read the resolution. Councillor LeBlanc and Councillor Logan spoke on the resolution. President Marchese noted that the time for discussion of the resolution was up. Councillor Logan rose to a point of order. Councillor Logan moved to suspend Rule 39. Councillor Vizard rose to a point of order. He stated you cannot make a motion to waive Rule 39. President Marchese referred the matter to the Ordinances and Rules Committee. Councillor Logan moved to discharge a matter from committee. All were in favor. Roll call was requested. All in favor: Darcy, LeBlanc, Logan, McLaughlin, Rourke, Vizard, Waddick, McMenimen, Marchese, Romard, O’Brien
Opposed: Fowler, Giordano, Vidal
Absent: Brasco

Motion was adopted and matter was approved.

The matter was now before the Council. Councillor McLaughlin spoke on the matter. Councillor Fowler and Councillor Vidal both stated they did not support this resolution.

Councillor LeBlanc moved to refer the matter back to the Ordinances and Rules Committee. All were in favor and matter was sent back to Ordinances and Rules.

200 Moody Street Air Rights Resolution

President Marchese referred the matter to the Economic and community Development Committee.

Applications for Licenses and Permits

1. Class 2 Dealers License – 96 Linden Street – Route 60 Motors Inc.

President Marchese referred the matter to the License and Franchise Committee.

2. Extended Hours – 47 Foundry Ave – WOW Work Out World

President Marchese referred the matter to the License and Franchise Committee.

Committee Reports

Public Works Committee

1. The Public Works and Public Safety Committee recommended the Resolution regarding the connector road from Totten Pond Road to Main Street be filed.

Councillor Vizard moved that the action of the Committee be the action Council. On the motion Councillor Darcy spoke on the matter. Councillors Romard, O’Brien, Fowler, Vizard all spoke on the matter. Roll call was requested.

All in favor: Darcy, LeBlanc, Logan, McLaughlin, Rourke, Vizard, Waddick, McMenimen, O’Brien, Fowler, Giordano, Vidal

Opposed: Romard,

Absent: Brasco

President Marchese did not vote. Motion was adopted and matter was filed.

Long Term Debt

1. The Long Term Debt Committee recommended the CPC application for 67 Crescent Street be approved. Councillor Waddick moved that the action of the Committee be the action Council.

Roll call requested.

All in favor: Darcy, LeBlanc, Logan, McLaughlin, Rourke, Vizard, Waddick, McMenimen, O’Brien, Fowler, Giordano, Vidal, Romard, Marchese

Opposed: None

Absent: Brasco

Motion was adopted and matter was approved.

License & Franchise

1. The License and Franchise Committee recommended the Secondhand Dealer's License application at 903A Main Street for Nobis MGT Limited (Metro PCS) be filed. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was filed.

2. The License and Franchise Committee recommended the Secondhand Dealer's License application at 337 Moody Street for Nobis MGT Limited (Metro PCS) be filed. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was filed.

3. The License and Franchise Committee recommended the Class 2 license for DW Enterprise Inc. at 712 Moody Street be approved. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

4. The License and Franchise Committee recommended the Class 2 license for Paul's Auto Service at 152 High Street be approved. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

5. The License and Franchise Committee recommended the Class 2 license for Pilicy Yacht Inc. at 935R Main Street be approved. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

6. The License and Franchise Committee recommended the Class 2 license for PPA Inc. at 44 Charles Street be approved contingent on supporting documents. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

7. The License and Franchise Committee recommended Class 2 license for Newton Street Services at 255 Newton Street be approved. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

8. The License and Franchise Committee recommended extended hours application for Waltham Fuel at 1335 Main Street be approved. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

9. The License and Franchise Committee recommended extended hours application for Tedeschi's at 591 Moody Street be approved. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

10. The License and Franchise Committee recommended extended hours application for Monell Ent. at 821 Main Street be approved.

Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

11. The License and Franchise Committee recommended extended hours application for Samdough Inc. dba Dunkin Donuts at 591 Moody Street be approved contingent on supporting documents. Councillor Rourke moved that the action of the Committee be the action Council. Councillor Rourke stated all supporting documentation was submitted All were in favor and the matter was approved.

12. The License and Franchise Committee recommended extended hours application for Morley Doughnuts Inc. dba Dunkin Donuts at 859 Main Street be approved contingent on supporting documents. Councillor Rourke moved that the action of the Committee be the action Council. Councillor Rourke stated all supporting documentation was submitted. All were in favor and the matter was approved.

13. The License and Franchise Committee recommended the resolution regarding small cell antennas be referred to the Council without a recommendation and further requests that the President appoint a committee to evaluate these small cell request and establish a review process. Councillor Rourke moved that the action of the Committee be the action Council. On the motion President Marchese spoke on the recommendation. He has asked 3 Council members; Councillor Rourke, Councillor Vizard and Councillor Waddick to serve on the Small Cell Antenna Ad Hoc Committee. President Marchese referred this resolution to the Small Cell Antenna Committee.

Finance Committee

1. The Finance Committee recommended the bid of \$286,500 for the Banks School Condo Unit #105 be approved. Councillor McMenimen moved that the action of the Committee be the action Council. Roll call requested.

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

Opposed: Romard

Absent: Brasco

Motion was adopted and the matter was approved.

2. The Finance Committee recommended the bid of \$236,000 for the Banks School Condo Unit #106 be approved. Councillor McMenimen moved that the action of the Committee be the action Council. Roll call requested.

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

Opposed: Romard

Absent: Brasco

Motion was adopted and the matter was approved.

3. The Finance Committee recommended the bid of \$380,002 for the Banks School Condo Unit #209 be filed. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

4. The Finance Committee recommended the Resolution regarding Impact Fees dated April 11, 2016 be filed. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

Committee of the Whole

1. The Committee of the Whole recommended the confirmation of the appointment of Michael Donovan, 4 Piety Corner Road, Waltham to the Conservation Commission Board be approved. Councillor LeBlanc moved that the action of the Committee be the action Council. Roll call required.

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

Opposed: None

Absent: Brasco

Motion was adopted and the matter was approved.

Tabled Items

Councillor Waddick moved to take the loan authorization for 2.52mm off of the table. All were in favor. Councillor Waddick moved to give the matter a second and final reading. Roll call required.

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

Opposed: None

Absent: Brasco

Motion was adopted and the matter was approved.

- Human Resource Department Ordinance (1st reading 6/30, published 7/7, 2nd reading 9/26, published again 10/6)
- Human Resource amendment to Article II of Ch. 2 removing section 4 (1st reading 9/26, published 10/6)
- Human Resource amendment to Article V of Ch. 2 entitled compensation. (1st reading 9/26, published 10/6)
- Personnel Resolution
- 554 Lexington Street
- Mayors request for Fernald Property acreage for school (50 acres: 25 CPA/25 non CPA) submitted August 22, 2016
- Loan authorization for 2.52mm for water main work on Main & Bear Hill Road (first reading 8/1/2016, published 8/11/2016)
- 950 Winter Street Fuel Storage License
- Minutes 2/22/2016

Councillor McMenimen gave a shout out to David Sanderson for continued good health.

Councillor McMenimen made a public announcement regarding Barn Yard Bingo this Saturday at Cornelia Warren Field for the St. Jude's School fundraiser.

Councillor Logan reminded all resident's about early voting.

Councillor Darcy reminded people that there will be a Hardy Pond Cleanup on Saturday October 15th from 930 – 12pm.

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.

President Marchese declared the meeting adjourned at 10:21p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

October 17, 2016

Approved by the City Council: _____