

Waltham City Council
Minutes of the Meeting of
October 24 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, Vidal, Fowler, Giordano, McLaughlin, Vizard, Romard, Marchese, Brasco

Absent: Waddick

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 10/11/2016. All were in favor. Minutes approved.

Councillor Logan rose and acknowledged the Clerk's Office accolade for achieving gold status for early voting from the _____ Coalition. The clerk thanked the Councillor.

Councillor McLaughlin moved to take a matter out of order. All were in favor. Councillor McLaughlin moved to discharge a matter from the Fernald Use Committee. All were in favor. Councillor McMenimen recused herself. Councillor McLaughlin moved to approve a request from the mayor to have the Police Dept use the Fernald Property as a temporary headquarters during a renovation. All were in favor. Request was approved.

The Clerk read Rule 86.

The Clerk read the call of the first public hearing: 17-25 The Arc at 217 South Street
Leo Sarkissian, representative for petitioner spoke in favor of the petition. Wayne Del Pico, also representing The Arc spoke in favor of the petition. They are looking for sewer and water connection and a new driveway curb cut. They applied in August for permit and was granted before Labor Day weekend. DPW said no one could open the street because it was being paved the following week. They received their building permit in July.

One person stood 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 Giordano, Logan, O'Brien, Vizard, Vidal, Fowler and Romard all spoke on the petition.

There was a rebuttal from the petitioner on Councillor O'Brien's comments regarding sticking with the ordinance. With no further questions from Councillors President Marchese referred the matter to the Public Works Committee.

The Clerk read the call of the second public hearing: 17-25 for K&D Homes at 54 Albemarle Road.

Sean Donlin and Robert Kaitz, Representatives of petition, spoke in favor of the petition. They are looking for water, sewer and gas lines to be brought onto the property. They are building two new homes at this location.

Tom Case, 58 Albemarle Road, spoke 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. Councillors Darcy and McMenimen asked questions to the petitioner. Councillor McMenimen asked who the legal owners of the property were. The developers, K&D Homes, who were listed as the owners of the property in the legal notice are not the legal owners of the property at this time. President Marchese advised petitioner to withdraw their petition.

President Marchese recessed the public hearing.

The Clerk read the call of the third public hearing.

17-25 for LeBlanc Property Holdings, LLC at 42 Felton Street

Daniel LeBlanc, 36 Juniper Hill Road, 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 Logan, Brasco, Vizard and McMenimen asked questions to the petitioner. The petitioner needs to come out on to Moody Street (which is where the street opening is needed) because the engineering departments suggested they do it this way. With no further questions from Councillors President Marchese referred the matter to the Public Works Committee.

Councillor LeBlanc moved to withdraw without prejudice the 17-25 petition for 54 Albemarle Road. All were in favor. Matter was approved.

The Clerk read the call of the fourth public hearing: 17-25 at 107 Main Street

Maldi & Sarah Kellici, 107 Main Street, Waltham, petitioners, spoke in favor of the petition. The work is actually to be done on Brigham Road, not on Main St.

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 McLaughlin and Vidal asked questions to petitioner. Councillor McLaughlin moved to act on a matter without committee reference. All were in favor. Councillor McLaughlin moved approval of the petition. All were in favor and the matter was approved.

Communications from the Mayor

1. The Mayor respectfully requested approval of the attached appropriations for the Disability Services Commission. President Marchese referred the matter to the Finance Committee.

2. The Mayor respectfully requested a transfer of traffic impact funds in the amount of \$40,000. This transfer will fund the installation of four (4) rapid rectangular flashing beacon (RRFB) crosswalk lights. They will be installed at the DCR Bike Path crossings on the northern side of the Charles River at four different locations.

President Marchese referred the matter to the Finance Committee.

3. The Mayor respectfully requested the confirmation of the appointment of Maureen Hoch of 16 Albemarle Road, Waltham, MA as a trustee of the Waltham Municipal Affordable Housing Trust Fund. This appointment is to fill the vacancy due to Mr. David Kaloupek's resignation. President Marchese referred the matter to the Committee of the Whole.

Resolutions

1. 101R Elm Street Resolution Sponsored by President Marchese, LeBlanc

The Clerk read the resolution.

President Marchese referred the resolution to the Committee of the Whole.

President Marchese submitted a request that was approved by a voice vote to have the Mayor come to the next committee meeting to discuss.

2. Farm Fields at Fernald Resolution submitted by Councillor Darcy

Councillor McMenimen recused herself.

The Clerk read the resolution.

Councillor Darcy spoke on the resolution.

President Marchese referred the resolution to the Fernald Use Committee.

3. National Museum at the Fernald Resolution submitted by Councillor Darcy.

The Clerk read the resolution.

Councillor Darcy spoke on the resolution.

President Marchese referred the resolution to the Fernald Use Committee.

4. Creating a Playground for Disabled at Fernald submitted by Councillor Darcy

The Clerk read the resolution.

Councillor Darcy spoke on the resolution.

President Marchese referred the resolution to the Fernald Use Committee.

5. Fernald Buildings for Vocational Training Resolution submitted by Councillor Darcy

The Clerk read the resolution.

Councillor Darcy spoke on the resolution.

President Marchese referred the resolution to the Fernald Use Committee.

6. Community Center at Fernald

The Clerk read the resolution.

Councillor Darcy spoke on the resolution.

President Marchese referred the resolution to the Fernald Use Committee.

7. Fernald front Lawn Resolution submitted by Councillor Darcy

The Clerk read the resolution.

Councillor Darcy spoke on the resolution.

President Marchese referred the resolution to the Fernald Use Committee.

8. Art Gallery at Fernald Resolution submitted by Councillor Darcy

The Clerk read the resolution.

Councillor Darcy spoke on the resolution.

President Marchese referred the resolution to the Fernald Use Committee.

9. Western Greenway Trail at Fernald Resolution submitted by Councillor Darcy

The Clerk read the resolution.
Councillor Darcy spoke on the resolution.
President Marchese referred the resolution to the Fernald Use Committee.

**Committee Reports
License & Franchise**

1. The License and Franchise Committee recommended the Grant of Location for TC Systems be approved. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.
2. The License and Franchise Committee recommended the Class 2 Dealers license renewal for Route 60 Motors at 96 Linden 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.

Finance Committee

1. The Finance Committee recommended the donation of \$50,000 from Brandeis University to the Police and Fire Departments be approved. Councillor Brasco moved that the action of the Committee be the action Council. All were in favor and the matter was approved.
2. The Finance Committee recommended the \$3,500 donation from Digital Federal credit Union for the City of Waltham Police Department to provide programs that will make a difference in the lives of children in or after school be approved. Councillor Brasco moved that the action of the Committee be the action Council. All were in favor and the matter was approved.
3. The Finance Committee recommended the transfer in the amount of \$28,000 to award the bid for the demolition of the building and associated fixtures at 476-486 Main Street for future Senior Center parking be approved. Councillor Brasco 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 grant from the MASSDEP Sustainable Materials Recovery Program in the amount of \$2000 be approved. Councillor Brasco moved that the action of the Committee be the action Council. All were in favor and the matter was approved.
5. The Finance Committee recommended a transfer in the amount of \$4,390 towards the bid for the services for the Senior Center parking lot improvements be approved. Councillor Brasco moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

Ordinances & Rules

6. The Ordinances and Rules Committee recommended the Resolution Urging a No vote on Question "The regulation and taxation of Marijuana Act" be approved. Councillor LeBlanc moved that the action of the Committee be the action Council. On the motion Councillor LeBlanc spoke on the matter. Roll call was requested.
All in favor: Brasco, Darcy, Giordano, LeBlanc, Logan, McLaughlin, McMenimen, Romard, Rourke, Vizard, O'Brien
Opposed: Vidal
Absent: Waddick, Fowler
President Marchese did not vote. Motion was adopted and resolution was approved.

Economic and Community Development

1. The Economic and Community Development Committee recommended the donation and gift of a tree and a bench from the Place Family for Drake Playground be approved. Councillor Darcy moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

2. The Economic and Community Development Committee recommends the 200 Moody Street Air Rights Resolution be approved. Councillor Darcy moved that the action of the Committee be the action Council. On the motion Councillor McMenimen asked for clarification of resolution. All were in favor and the matter was approved.

Unfinished Business and Other Business

- 2016 State Election Warrant

Councillor Logan moved to suspend the rules and act on the matter without committee reference. All were in favor. Councillor Logan moved to approve 2016 State Election Warrant. All were in favor and the warrant was approved.

- CPC Allocation of FY2017 Est. Surcharge and True Up of CPA funds
Referred to the Long Term Debt Committee

- Amendment to Order #32042 – Northland The Merc LLC – One Moody St., et al .
Councillor Logan moved to accept a late filed communication from the petitioner. All were in favor. Councillor Logan moved to suspend the rules and act on a matter without committee reference. All were in favor. Councillor Logan moved to approve the letter of withdrawal without prejudice from Northland The Merc LLC. All were in favor. Roll call required.

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

Opposed: None

Absent: Waddick, Fowler

- Time extension for 850 Winter Street - Order #31842

Referred to the Ordinances and Rules Committee

- CPC Approval of a True-up adjustment is FY2017 Salary increase

Referred to the Long Term Debt Committee

- CPC transfer of Budget Funds

Referred to the Long Term Debt Committee

Tabled Items

- Human Resource Department Ordinance (1st reading 6/30, published 7/7, 2nd reading 9/26, published again 10/6)

Councillor Logan moved to give this matter a third and final reading. All were in favor. Roll call required.

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

Opposed: None

Absent: Waddick, Fowler

Ordinance was approved.

- Human Resource amendment to Article II of Ch. 2 removing section 4 (1st reading 9/26, published 10/6)

Councillor Logan moved to give the matter a second reading. All were in favor. Councillor Logan moved to suspend the rules and give the matter a third and final reading. All were in favor. Roll call required.

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

Opposed: None

Absent: Waddick, Fowler

Ordinance was approved.

- Human Resource amendment to Article V of Ch. 2 entitled compensation. (1st reading 9/26, published 10/6)

Councillor Logan moved to give the matter a second reading. All were in favor. Councillor Logan moved to suspend the rules and give the matter a third and final reading. On the motion Councillor LeBlanc spoke on the matter. All were in favor. Roll call required.

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

Opposed: None

Absent: Waddick, Fowler

Matter was approved.

- Personnel Resolution
- 554 Lexington Street
- Mayors request for Fernald Property acreage for school (50 acres: 25 CPA/25 non CPA) submitted August 22, 2016
- 950 Winter Street Fuel Storage License
- Minutes 2/22/2016

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

President Marchese declared the meeting adjourned at 9:46p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

October 27, 2016

Approved by the City Council: _____