

Waltham City Council
Minutes of the Meeting of
November 14, 2016

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

Kara Wilson, Clerk Pro Tem clerked the meeting.

President Marchese made announcements.

The Clerk pro tem called the roll of the City Council and The Board of Survey and Planning.

Call of the Roll:

City Council

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

Absent: None

Board of Survey and Planning

Present: Barrett, Callahan, Creonte, Duffy, Moroney, Tarallo

Absent: DeVito

The Clerk Pro Tem 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 10/24/2016. All were in favor. Minutes approved.

The Clerk Pro Tem read Rule 86.

Councillor Logan moved to suspend the rules and take 2 matters out of order. (The zoning amendment at 9 Hope Ave for Children's Hospital and the Bishop's Forest Special Permit) All were in favor.

The Clerk Pro Tem read the call of the zoning amendment hearing: Zoning Ordinance Amendment at 9 Hope Ave for Children's Hospital.

Councillor Logan moved to waive the reading of the hearing notice. All were in favor.

Robert Connors, Connors & Connors LLC, 6 Lexington Street, Waltham, Attorney for petitioner spoke in favor of the petition. They are looking to correct a zoning violation from years past and bring into compliance and change the parking garage zoning to HR2.

Paul Pavone, Representative for Local 560 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, Giordano, O'Brien, McMenimen asked questions to the petitioner.

Mr. Duffy, Mr. Callahan, Mr. Maroney and Mr. Creonte also all asked questions to the petitioner.

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

The Survey and Planning Board will meet be having a public meeting on Wednesday, November 16, 2016 at 6pm at Government Center to discuss this matter.

President Marchese called a one minute recess.

The clerk Pro Tem read the call of the next public hearing: Bishop's Forest Condominiums Special Permit for Trash Pickup.

Patrick Fox, 176 Bishops Forest drive, spoke in favor of the petition.

Pater Monahan, 87 Clocktower Drive, Waltham spoke in favor of the petition. Susan Bernstein, 97 Bishops Forest drive spoke in favor of the petition.

128 people 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 Romard, Logan, Darcy, Fowler, Vizard, O'Brien all asked questions to the petitioner. Councillor Logan rose to a point of order. President Marchese stated Councillor O'Brien is out of line with his comments supporting the petitioner.

Diana Young, 147 Bishops Forest Drive spoke on the matter. Councillors LeBlanc, Vidal, Romard and Darcy all spoke on the petition. Councillor Darcy did let known he is on the Board of the Waltham Land Trust.

Louis Regelman, 42 Bishops Forest Drive, stated he would like to be involved with the committee. He has come late to the table so to speak.

With no further questions from Councillors President Marchese referred the matter to the Public Works Committee.

President Marchese called a one minute recess.

The clerk Pro Tem read the call of the next public hearing: Secondhand Dealers License at 1275 Main Street for Black Lotus Cards & Games.

Louis & Peter Vocatura, 63 Wellesley St., Weston, MA, the petitioners spoke in favor of the petition.

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 Vidal, Fowler, McLaughlin and Rourke all spoke on the petition.

With no further questions from Councillors President Marchese referred the matter to the License & Franchise Committee.

Councillor Darcy moved to take the 17-25 at 54 Albemarle Road out of order.

All were in favor.

The Clerk read the call of the next 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.

Two people stood in favor of the petition.

Tom Case, 58 Albemarle Road, has questions on the petition. Olga Bitsakis, 73 Albemarle Road, spoke in opposition of the petition. Kathy Johnson, 70 Albemarle Road spoke in opposition. Michelle Morimoto, 45 Albemarle Road spoke in opposition of the petition.

Gary Romancewicz, 63 Albemarle Road, spoke in opposition of the petition. Joe Guzman, 45 Albemarle Road, spoke in opposition to the petition.

Nine stood in opposition to 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 Darcy asked for bigger and colored maps for the committee. Councillors Darcy, Fowler and Romard asked questions to the petitioner. With no further questions from Councillors President Marchese referred the matter to the Public Works Committee.

The clerk Pro Tem read the call of the next public hearing: 17-25 at 200 Smith Street for 200Smith Street LLC.

Joe Connors, Attorney for the petitioner, spoke in favor of the petition. Robert Coleman, 249 Smith St., spoke in favor of the petition. He had proposed conditions he would like to have considered by petitioner.

Lawrence Cononi, 35 Wingate Road supported Mr. Coleman's proposed conditions.

Two 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 Darcy, O'Brien, Fowler asked questions to the petitioner. With no further questions from Councillors President Marchese referred the matter to the Public Works Committee.

The clerk Pro Tem read the call of the next public hearing: Fuel Storage License at 81 Sheffield Road, Jocelyn McMahon

Joseph Penta of Waltham, Contractor 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 Darcy and Romard asked questions to the petitioner. With no further questions from Councillors President Marchese referred the matter to the License and Franchise Committee.

The clerk Pro Tem read the call of the next public hearing: Special Permit at 300 College Farm Road for 92-94 Trapelo Road Realty Inc.

Philip McCourt, Attorney 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 Fowler, O'Brien, Logan asked questions to the petitioner. With no further questions from Councillors President Marchese referred the matter to the Ordinances and Rules Committee.

Communications from the Mayor

Councillor Vizard moved to suspend the rules and take a matter out of order. All were in favor. Councilor Vizard moved to suspend the rules to hear from an off council member. All were in favor. Steve Casazza, Director of Engineering spoke on the petition he submitted for a 17-25 on Thornton Road.

Councillor Logan rose to a point of order. This petition is not properly before the council.

Councillors Vizard, McMenimen and Giordano spoke on the petition. The petitioner requested to withdraw his petition. All were in favor. Petition withdrawn.

1. The Mayor respectfully requests an appropriation in the amount of \$4,200 from Unreserved Fund Balance to account #001-121-5400 Mayor-Appraisal 101R Elm Street. These funds will be used for an appraisal of the property located at 101R Elm Street for the purpose of providing potential parking pursuant the site view by the City Council President and the Mayor.

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

2. The Mayor respectfully requests an appropriation in the amount of \$54,000 from Unreserved Fund Balance to account #001-192-5800-6257 Building- Prospect Street Fire Station. These funds will be used to perform additional necessary items for the renovation work of the slab floor replacement project at the Prospect Street Fire Station.

President Marchese referred the matter to the Finance Committee.

3. The Mayor respectfully requests the acceptance of a grant through the Executive Office of Public Safety and Security State 911 Department in the amount of \$152,176 for the State 911 Department Support and Incentive Public Safety Answering Point (PSAP) Grant – FY2017. These funds will be used to assist PSAP and regional emergency centers in providing enhanced 911 services and to encourage the development of regional PSAP, regional secondary PSAP and regional emergency communication centers. This grant does not require matching funds from the City.

President Marchese referred the matter to the Finance Committee.

4. At the request of the Managers' Union and the City Council President, the Mayor respectfully request an appropriation in the amount of \$18,000 from Unreserved Fund Balance to account #001-161-5100-5111 City Clerk Salaries. These funds will be used to pay out-of-grade compensation for the Executive Assistant position for the period July 1, 2016 to the earlier date of June 30, 2017, the return to work date by the incumbent Assistant City Clerk or the position is otherwise filled.

President Marchese referred the matter to the Finance Committee.

5. The Mayor respectfully requests funding in the amount of \$670,000 to purchase equipment for the CPW Department.

President Marchese referred the matter to the Long Term Debt Committee.

6. The Mayor respectfully requests a transfer of funds in the amount of \$35,000 towards the purchase of an SUV type vehicle to replace the current C2 vehicle. This amount will be combined with \$25,000 of existing Brandeis gift funds for the Fire Department for a total purchase price of \$60,000. The current C2 vehicle will continue in service to be used by the training division.

President Marchese referred the matter to the Finance Committee.

7. The Mayor respectfully requests a transfer of funds in the amount of \$248,500 to fund the first year of the three year collective bargaining agreement between the City and the Police Patrol Officers' Union for the period July 1, 2016 to June 30, 2019.

President Marchese referred the matter to the Finance Committee.

8. The Mayor respectfully request approval of the attached loan authorization to acquire the Stigmatine property, consisting of three parcels (+/- 46.063 acres) (R 033 002 0019, R 033 002 019A, and R 033 002 019B) known as 554 Lexington Street, 75R Lincoln Street, and 111R Lincoln Street for a sum not to exceed \$18,000,000.00. The purposes of the intended acquisition are educational use, open space, recreational use and/or temporary housing use.

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

9. The Mayor respectfully requests acceptance of the State 911 Department Training Grant in the amount of \$32,046. It is a reimbursable grant for training related costs associated with the 911 system. This grant does not require matching funds and is effective for the fiscal year ending June 30, 2017.

President Marchese referred the matter to the Finance Committee.

10. The Mayor respectfully requests approval of the Nathaniel at Banks Square Condo Unit #103 for \$400,300.

President Marchese referred the matter to the Finance Committee.

11. The Mayor respectfully requests approval of the Nathaniel at Banks Square Condo Unit #209 for \$375,027.

President Marchese referred the matter to the Finance Committee.

12. The Mayor respectfully request an appropriation in the amount of \$36,400 from Unreserved Fund Balance to account #001-630-5800-6610 Recreation-Design (Connors Playground & Prospect Hill Park). These funds will be used to award the bid for design services for improvements to the Bob Connors Playground and the Prospect Hill Park.

President Marchese referred the matter to the Finance Committee.

13. The Mayor respectfully request acceptance of a donation in the amount of \$3,500.00 to the City of Waltham Fire Departments for use by Fire Prevention to purchase smoke and CO detectors for the elderly and other safety programs.

President Marchese referred the matter to the Finance Committee.

14. The Mayor respectfully accept 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.

Councillor Logan moved accept the letter from the Mayor to withdraw without prejudice. All were in favor. Matter was withdrawn.

15. The Mayor respectfully request an appropriation in the amount of \$54,000 from Unreserved Fund Balance to account #001-192-5800-6257 Building- Prospect Street Fire Station. These funds will be used to perform additional necessary items for the renovation work of the slab floor replacement project at the Prospect Street Fire Station.

President Marchese referred the matter to the Finance Committee.

16. The Mayor respectfully request an appropriation in the amount of \$115,000.00 from Unreserved Fund Balance to account #001-175-5400 Planning-Warming Shelter. These funds will be used to award the bid to provide this service at the rate of \$950.00 per day from December 2016 thru March 2017 when the temperature is 32 F or below or in the event of inclement weather – snow or freezing rain.

President Marchese referred the matter to the Finance Committee.

17. The Mayor respectfully requests authorization to sign a confirmatory quitclaim deed on a property on Prospect St.

President Marchese referred the matter to the Ordinance and Rules Committee.

18. The Mayor respectfully request an appropriation in the amount of \$9,175.00 from Unreserved Fund Balance to account #001-145-5200-6414 Treasurer- Office Equipment. These funds will be used to purchase a check signing machine and postage machine as replacement for the existing machines that are no longer operating effectively. President Marchese referred the matter to the Finance Committee.

Applications for Licenses and Permits

President Marchese referred all matters to the License and Franchise Committee

1. Class 2 Dealers License – 50 Thayer Rd. - Hull Corp. Inc., dba Little Foreign Car Garage
2. Class 2 Dealers License – 614 Moody Street – Diamond Automotive
3. Class 2 Dealers License – 251 Lexington St. - Boston Muffler & Brake Inc.
4. Class 2 Dealers License – 22 Common St. - Euro Auto Brokers
5. Class 2 Dealers License – 40 Green St. – Route 128 Used Auto Parts & Sales Inc.
6. Class 3 Dealers License – 40 Green St. – Route 128 Used Auto Parts & Sales Inc.

Resolutions

1. Illegal Dumping at the Fernald Resolution
Councillor Darcy spoke on the resolution. President Marchese referred the matter to the Fernald Use Committee.

Committee Reports

License & Franchise

1. The License and Franchise Committee recommends the Class 2 Dealers renewal for Absolute Auto Body at 50 River 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.
2. The License and Franchise Committee recommends the Class 2 Dealers license renewal for ABKO Auto Body at 96 Linden Street be approved. Councillor Rourke moved to amend the motion to state it is 97 Linden Street not 96 Linden. All were in favor of the amendment. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.
3. The License and Franchise Committee recommends the Extended Hours for Dragon Chef at 677 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.

Long Term Debt

1. The Long Term Debt Committee recommends the CPC allocation of FY2017 Surcharge and True Up of \$3,315,995.48 be approved. Councillor Waddick moved that the action of the Committee be the action Council. All were in favor and the matter was approved.
2. The Long Term Debt Committee recommends the CPC transfer of budget funds of \$9, 048 be approved. Councillor Waddick moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

3. The Long Term Debt Committee recommends the CPC allocation of True Up adjustment and the FY2017 salary increase of \$9,048 be approved. Councillor Waddick moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

Public Works & Public Safety

1. The Public Works and Public Safety Committee recommends the petition for a 17-25 at The Arc at 217 South Street be approved with conditions.

Councillor Vizard 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 recommends \$45,500 for handicap projects recommended by the Disability Services Commission 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

1. The Ordinances and Rules Committee recommends the time extension for 850 Winter Street be approved. Councillor Logan moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

2. The Ordinances and Rules Committee recommends the Secondhand Dealers Ordinance Amendment be approved for a first reading. Councillor Logan moved that the action of the Committee be the action Council. All were in favor and the matter was approved. Councillor Logan moved to table the matter on the Council floor. All were in favor. Matter was tabled.

3. The Ordinances and Rules Committee recommends the adopting the order stating the local option statutes speed limit Resolution be approved. Councillor Logan moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

Committee of the Whole

4. The Committee of the Whole recommends the confirmation of the appointment of Maureen Hoch, 16 Albemarle Road, Waltham as a member of the Waltham Municipal Housing Trust fund for the remainder of the two year term ending February 2017 be approved. Councillor LeBlanc moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

Unfinished Business and Other Business

1. Time extension for 1265 Main Street Drive Thru

Councillor Logan moved to suspend the rules and act on without committee reference. All were in favor. Councillor Logan moved to grant the time extension. 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: None

Matter was approved.

Councillor Logan moved to amend the docket to include the 1265 Main Street modification amendments. All were in favor. Councillor Logan spoke on the matter. President Marchese referred the matter to the Ordinances and Rules Committee.

Tabled Items

- 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

Councillor McMenimen made a few announcements.

There being no further matters before the City Council, Councillor Vidal moved to adjourn.

All were in favor. The motion was adopted on a voice vote.

President Marchese declared the meeting adjourned at 11:26p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

December 7, 2016

Approved by the City Council: _____