

Waltham City Council
Minutes of the Meeting of
December 12, 2016

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

Paul Centofanti, 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

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.

A motion by Councillor O'Brien to take the resolution concerning the Waltham High School cheerleader team out of order was adopted on a voice vote. Councillor O'Brien congratulated the cheerleader team for their many accomplishments and commitment to community service over the past year. Councillor McLaughlin also praised the cheerleader team and their accomplishments. The team and its coach, Kerri Blanchard were introduced and received a round of applause. The resolution of Councillor O'Brien and Councillor McLaughlin was approved on a voice vote without a committee reference.

The Clerk read Rule 86 for the protocol of a public hearing.

The Clerk called the matter of the first public hearing – Costco Wholesale Corporation requesting the City Council to amend the Special Permit granted by the City Council on June 24, 2002 to allow for the construction of a members' only fuel facility and site improvements to the "Overall Site Plan" dated July 6, 2016. In favor of the proposal were several representatives from Costco – Peter Tamm, John Paul Andrews, John Harter and Erik Brandt Each spoke of the operations of the fuel facility, specifically explaining the benefits it would provide to its members. In opposition to the proposal were several individuals from Waltham – Richard Campbell, John Generoso and Michael Mola. Each individual was the proprietor of a gas station in the City and spoke of the adverse impacts it would have on small business gas stations, environmental concerns and traffic. President Marchese asked for any proponents for the proposal to stand (none), opponents to the proposal to stand (four) and those who are neutral to stand (none). President Marchese closed this portion of the public hearing and opened it to questions from Councillors. Councillor Romard asked many questions pertaining to traffic/parking impacts, delivery amounts and frequency, number of fueling stations, gallon price of the fuel and other application requirements or approvals. Councillor Logan asked questions concerning the hours of operation, if it will be a "gas-only" facility, required signage and fuel

storage permits. Councilor Waddick asked questions pertaining to traffic impacts and parking, including access to/from the site and the accessibility for Fire Department and other public safety vehicles. Councillor Darcy asked questions concerning environmental impacts and the level of protection and assurance in the event of a hazardous incident at the site. Councillor McMenimen asked detailed questions about the original special permit and the nature and time period of the approval for the subsequent modifications. Councillor McMenimen also asked about the manner of public outreach and notification for their proposal. Councillor Fowler asked questions about their compliance with the special permit and the number of parking spaces that are generally available, including the impact of snow storage. Councillor McLaughlin asked questions about parking and about their experience operating a fuel facility at their Dedham and Danvers locations. President Marchese closed the public hearing and referred the matter to the Ordinance and Rules Committee.

Kara Wilson took over as Clerk Pro Tem.

The Clerk Pro Tem read the call of the second public hearing: 17-25 for Eversource at 1130 Main Street

Jack Lopes, representative for Eversource 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, Vizard and Giordano asked questions to the petitioner.

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

The Clerk Pro Tem read the call of the next public hearing: 17-25 at 66 Fiske Ave

Denis Regan. Representative for Nationalgrid spoke in favor of the petition.

Ban Nguyen, Civil Engineer for Nationalgrid also spoke in favor of the petition. Brian Doherty, 83 Fiske Ave, spoke in opposition of the petition. He asked that if this is approved they use the same contractor as the one that paved the street originally on July 6, 2016. One person 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.

Councillors Giordano asked why this is an emergency? Mr. Regan stated because the state requires it. Councillor Logan stated that the legal notice is written as a grant of location not a 17-25 and believed this is out of order. Councillor McMenimen rose to a point of order. President Marchese suggested the petitioner write a letter of withdrawal without prejudice. The petitioner submitted a letter of withdrawal without prejudice. Councillor Logan moved to accept the withdrawal. All were in favor. Matter was withdrawn.

The Clerk Pro Tem read the call of the next public hearing: 17-25 at 51 Thornton Road.

Steve Casazza, Director of Engineering for the City of Waltham spoke in favor of the petition.

Charles Lombardi, 51 Thornton Road, spoke in a somewhat neutral position 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 Giordano and O'Brien spoke on the matter. Mr. Lombardi spoke in rebuttal of the petition.

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

The Clerk Pro Tem read the call of the next public hearing: 17-25 at Logan Street.

Denis Regan, Representative for Nationalgrid spoke in favor of the petition.

Councillor Logan rose to a point of order and questioned whether this was properly before us?

The road is a private way. . President Marchese suggested the petitioner write a letter of withdrawal without prejudice. The petitioner submitted a letter of withdrawal without prejudice. Councillor Logan moved to accept the withdrawal. All were in favor. Matter was withdrawn.

The Clerk Pro Tem read the call of the next public hearing: Grant of Location at 11 Alder Street. Maureen Carroll; representative for Eversource 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.

Councillor Rourke spoke on the petition.

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

Councillor LeBlanc moved to suspend rule eight and take a matter out of order. All were in favor. Councillor LeBlanc moved to take from the table the 554 Lexington Street matter. Councillor LeBlanc moved to take the matter up in executive session with the Mayor, Attorney Cervone and Attorney Azadi present and for Kara Wilson to Clerk the meeting. All were in favor. Roll call required.

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

Opposed: Brasco, Romard, Waddick

Absent: None

Matter was approved.

Council went in to executive session.

At 10:45pm Council resumed to its regular Council meeting.

Councillor LeBlanc moved to table the matter back on the Council floor. All were in favor.

Matter was tabled.

Communications from the Mayor

1. The Mayor respectfully requests acceptance of a donation of \$200 from Connors & Connors, LLC towards the holiday lights on the common.

President Marchese referred the matter to the Finance Committee.

2. The Mayor respectfully requests an appropriation in the amount of \$20,922 to engage in the professional testing around the power plant located on the Fernald property.

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

3. The Mayor respectfully requests a transfer of \$20,900 for the bid award for the MacArthur School playground design services.

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. Lodging House Renewal – 6 Park Place
2. Lodging House Renewal – 2 Appleton Street
3. Lodging House Renewal – 17-19 Chestnut Street
4. Lodging House Renewal – 12 Lowell Street
5. Lodging House Renewal – 124 – 126 Ash Street
6. Lodging House Renewal – 52 – 54 Bedford Street
7. Lodging House Renewal – 94 Adams Street
8. Lodging House Renewal – 49 -51 Brown Street
9. Lodging House Renewal – 104 Adams Street
10. Lodging House Renewal – 21 -23 Pine Street
11. Lodging House Renewal – 755 Main Street
12. Lodging House Renewal – 74 Adams Street
13. Lodging House Renewal – 24-26 High Street
14. Class 2 Dealers License Renewal – 825 Main Street - Don's Service Center
15. Extended Hours Renewal – J&T Shun Lai dba Asia Wok - 573 Main Street

Resolutions

- 2016 Football Cheerleaders – Sponsored by Councillors O'Brien and McLaughlin
Taken out of order.
- Salvation Army - Sponsored by President Marchese and Councillor LeBlanc
The Clerk pro tem read the resolution. Councillor LeBlanc moved to waive the reading. All were in favor. Councillor LeBlanc moved to suspend the rules and approve the resolution without committee reference. All were in favor resolution was approved.
- Tax Exemption Notification – Sponsored by Councillor Romard
Councillor Romard spoke on the resolution. President Marchese referred the matter to the Finance Committee. Councillor Romard moved to request the Mayor and the Assessor come the next committee meeting to discuss. All were in favor request was approved.
- Condition of the Main Street Railroad Bridge – Sponsored by Councillor Vizard
Councillor Vizard moved to waive the reading of the resolution. All were in favor. President Marchese referred the matter to the public works committee.

Committee Reports

License & Franchise

1. The License and Franchise Committee recommends the Class 2 Dealers renewal for 43 Sun Street – Elm Street Garage Inc. 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 215 Lexington Street – Fuller Motors Inc. be approved. 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 Class 2 Dealers license renewal for 614 Moody Street – Diamond Auto 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 recommends the extended hours at 806 Main Street for Wendy's Inc. 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 recommends the Secondhand Dealers License for 431 River Street be filed. 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 a transfer for \$40,000 for 4 beacons along the Charles River 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 Appropriation of \$95,000 in CPA funds for the French American Victory Club 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 request for the CIP budget for FY2022 be approved. Councillor Waddick moved that the action of the Committee be the action Council. Roll call requested.

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

Opposed: McMenimen, Romard

Absent: None

Matter was approved.

Finance Committee

1. The Finance Committee recommends \$9,200 for the appraisal of air rights at 230-234 Moody Street be approved. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

2. The Finance Committee recommends the \$40,000 transfer of traffic impact funds for beacons be filed. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

3. The Finance Committee recommends \$10,500 to fund the first of a three year agreement with the Mechanics Union be approved. 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 recommends \$9,000 grant for the Police Department for education relating to drinking and driving be approved. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

5. The Finance Committee recommends \$3,500 for a replacement copier in the Mayor's office be approved. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

6. The Finance Committee recommends the transfer of \$32,355 to fund the bid for traffic signal improvements be approved. Councillor McMenimen 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

- Letter regarding deck from Adwait Muthal 123 Bishops Forest Drive
Later File Communication – amended letter from 123 Bishops Forest Drive
Councillor LeBlanc moved to accept the late filed communication. President Marchese referred the matter to the Ordinances and Rules Committee.

Tabled Items

- Loan authorization for 18mm for 544 Lexington St. (First reading 11/28/2016, published 12/1/2016)
- Secondhand Dealer’s ordinance Amendment (First reading 11/14/2016, published 11/24/2016)
- 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 McMenimen moved to adjourn.

All were in favor. The motion was adopted on a voice vote.
President Marchese declared the meeting adjourned at 11:57p.m.

Respectfully submitted by:
Kara Wilson
Executive Assistant of the City Clerk
December 20, 2016

Approved by the City Council: _____