

Waltham City Council  
Minutes of the Meeting of  
February 13, 2017

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President LeBlanc called the meeting to order at 7:30pm.

The Clerk Pro Tem Kara Wilson called the roll of the City Council.

**Call of the Roll:**

**City Council**

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

Absent: None

**Board of Survey & Planning**

M. Barrett, K. Callahan, B. Moroney, M. Tarallo was watching from home.

Absent: W. Creonte, J. Duffy, S. DeVito

The Clerk Pro Tem recited the Council Prayer followed by the President 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 Logan moved to table the minutes from the 1/23/2017 City Council meeting. All were in favor and the minutes were tabled.

Councillor Waddick asked for a moment of silence for the passing of Dr. John McManama. Councillors Waddick and McMenimen spoke of Dr. John McManama.

Councillor McMenimen moved to suspend Rule 6 in order to allow a resolution to be presented. All were in favor. Councillor McMenimen moved to take a matter out of order. All were in favor. Councillor McMenimen asked for the clerk to read the resolution regarding the Chamber of Commerce Centennial Celebration. The Clerk read the Resolution. Councillor McMenimen moved to suspend the rules and act of the matter without Committee reference. All were in favor. Councillor McMenimen moved to approve the Resolution. All were in favor. Resolution was approved. Councillor McMenimen spoke on the resolution. Councillor McMenimen moved to suspend Rule 8 and hear from an off Council member. All were in favor and Mr. John Peacock, Executive Director of the Chamber spoke on behalf of the Chamber. He mentioned the Chamber Celebration will be on March 9, 2017.

The Clerk read Rule 86.

The Clerk Pro Tem called the matter of the first public hearing: Zoning Amendment at Prospect Street & Russell Street.

Bret Francis, Attorney representing petitioner spoke in favor of the petition. Paul Finger of Finger and Associated spoke in favor of the petition. Dante Capaso, the petitioner spoke in favor of the petition. Candace O'Brien, 36 Prospect Street spoke in a neutral position of the petition. She has concerns of the traffic and wanted to know if there would be a garage built for parking. She also wanted to know what the hotel would look like.

With no one else in support and no one else in opposition and no one in a neutral position of the petition, President LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors.

Councillor Marchese asked the petitioner to provide to the Council the legal ownership of the beneficiaries' and a copy of the deed for 17 Prospect Street. He also wanted know what the maximum by right you can do by a special permit within each zone. Councillor Rourke asked the petitioner to supply a schematic of all the different zones and abutters within a 300 foot radius of property. Councillors McLaughlin, Romard, McMenimen, Darcy, Waddick all asked questions to the petitioner. Board of Survey and Planning members Mr. Moroney, Mr. Barrett and Ms. Callahan asked questions to the petitioner as well. With no further questions from Councillors President LeBlanc referred the matter to the Ordinances & Rules Committee. The Chair Pro Tem Callahan of the Board of Survey & Planning stated that the board will be meeting on Wednesday February 15, 2017 at 165 Lexington Street, Government Center at 6pm to discuss this matter.

The President called for a three minutes recess.

The Clerk Pro Tem read the call of the second public hearing: Fuel Storage License Robert Connors, Connors & Connors LLC, Lexington St. Waltham, attorney for the 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 LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Romard, Rourke and Darcy asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the License and Franchise Committee.

### **Communications from the Mayor**

1. The Mayor respectfully requested the City Council to review and decide on the proposed questions regarding the property at 67 Crescent Street. Enclosed was a communication from Litchfield Realty Trust regarding 67 Crescent Street, Waltham.

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

2. The Mayor respectfully requested the City Council to review and advise if there may be interest in purchasing the property at 338 Beaver Street, Waltham. The owner's attorney has contacted the Mayor's Office regarding the city's interest in purchasing this property.

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

3. The Mayor respectfully requested an appropriation in the amount of \$387,343 from account #600-440-5800-7500 Sewer I/I Mitigation (General) to account #600-440-5800-7560 Sewer I/I Mitigation (Area 1314-B Design/Engineering). These funds will be used to award the low and responsible bid for design/engineering services for an ACO project located in Area 1314B.

President LeBlanc referred the matter to the Finance Committee.

4. The Mayor respectfully requested a transfer of Building Capital Improvement Funds in the amount of \$25,744.00 from account #310-192-2010-6000 Building - General to account #310-192-2010-6263 Building – Library Roof. These funds will be used to perform extensive roof repairs at the Main Street Library building.

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

5. The Mayor respectfully requested acceptance of the FFY 2016-2017 HMEP Grant in the amount of \$1,563.00 and the FFY 2016 EMPG Grant in the amount of \$22,460.00 awarded to the City of Waltham from Massachusetts Emergency Management Agency.

Referred to the Finance Committee

6. The Mayor respectfully requested approval of the enclosed Taking Order of 554 Lexington Street 75R Lincoln Street & 111R Lincoln Street. Time is of the essence for educational use of this property by the School Department to build a new high school (along with other uses), and submittals to the state for financial assistance. An appropriation City Council Order #33614 is already in effect for this Taking.

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

7. The Mayor respectfully requested the following transfer of Capital Improvement Funds in the amount of \$6,267.00. These funds will be used to lay a new subfloor over the existing floor and install new VCT tile for the Trapelo Road Fire Station.

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

8. The Mayor respectfully requested acceptance of a gift of an upgraded boat trailer from the City of Cambridge Water Department to replace the current boat trailer they donated in 2005. The value of the upgraded boat trailer is \$2,418.98. The City of Cambridge owns and is responsible for the protection of the reservoir on Winter Street. Under a mutual aid agreement, the Waltham Fire Department is a first responder to an incident at this location. As such, the City of Cambridge has donated and upgraded various pieces of protective supplies and equipment to the City of Waltham over the years.

President LeBlanc referred the matter to the Finance Committee.

9. The Mayor respectfully requested acceptance of a grant from the Executive Office of Public Safety to receive funding in the total amount of \$10,139 for the Student Awareness of Fire Education (SAFE) Program (\$6,943) and the Senior SAFE programs (\$3,196). The funds will be used to provide materials and training sessions for children and seniors. This grant does not require a City match or in-kind contribution.

President LeBlanc referred the matter to the Finance Committee.

10. The Mayor respectfully requested the recommendation for the educational use of the Stigmatine property by the Waltham High School to build a new high school and the associated athletic fields and open space and other recommendations regarding the Stigmatine's use of the site.

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

11. The Mayor respectfully requested, pursuant to the provision of Section 2.282 of the City Ordinance, the appointment of Maria Russo of 85 Mallard Way, Waltham, MA as a member of the Waltham Historical Commission. This appointment is to fill the vacancy left by the resignation of Alex Green.

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

12. The Mayor respectfully requested the City Council to review and advise if there may be interest in purchasing the property at 52R Winter Street. One of the owners of the property have contacted the Mayor's Office regarding the city's interest in purchasing this property but the Mayor does not recommend purchase.

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

13. The Mayor respectfully requested approval of the following bid at the Nathaniel at Banks Square Condominium Unit #101 for \$431,500.  
President LeBlanc referred the matter to the Finance Committee.

### **Applications for Licenses and Permits**

1. Class 2 Motor Vehicle Renewal – 279R Crescent St, Waltham Auto Tow, Inc.  
President LeBlanc referred the matter to the License and Franchise Committee.

### **Resolutions**

Councillor McMenimen acknowledged School committee members Mr. Frassica and Ms. AlJammal were present tonight at the Council meeting.  
The Clerk Pro Tem read the first resolution submitted by Councillor Romard regarding Master Traffic Plan. Councillor Romard spoke on the Resolution. President LeBlanc referred the Resolution to the Committee of the Whole.

Councillor McMenimen submitted a Resolution regarding Invoices for the Council. The Clerk Pro Tem read the Resolution. Councillor McMenimen spoke on the Resolution. President LeBlanc referred the Resolution to the Finance Committee.

### **Committee Reports**

#### **Committee of the Whole**

Councillor O'Brien recused himself.

The Committee of the Whole recommended the approval of the amended Assistant City Clerk job description be approved. Councillor Logan moved that the action of the Committee be the action Council. On the motion Councillor Logan moved to amend the changed that were not adopted within the minimum requirements section of the job description. Councillor McMenimen rose to a point of clarification and wanted to know what the page of the track changes Councillor Logan was speaking about. On the motion Councillor Waddick spoke on the matter. Councillor Romard moved to recommit the matter to committee. Councillor McMenimen Roseto a point of order. Councillor McMenimen requested a roll call for recommitting the matter.

Approved: Darcy, McMenimen, Romard, Rourke

Opposed: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, Vidal, Waddick, LeBlanc, D., LeBlanc, R.,

Absent: O'Brien (recused himself)

With a vote of 4 to 10 the matter did not pass.

Councillor Romard spoke on the matter. Councillor Logan rose to a point of order and moved that the matter be approved.

Councillor Logan submitted a request to have the HR Director post and advertise a vacancy announcement for the position of the Assistant City Clerk for a period of two weeks. All were in favor and request was approved. Councillor Logan submitted a request that the HR Director be the point of contact for receiving the applications and providing copies of the full job description. All were in favor and request was approved. Councillor Logan submitted a request that the HR director screen all applications for minimum requirements and refer all applicant's that meet the minimum qualifications to all Council members. All were in favor, one was opposed and request was approved.

Councillor Waddick moved to discharge the procedures for filling the Assistant City Clerk vacancy from committee. All were in favor. Councillor Waddick spoke on the matter.

Councillor Waddick moved approval of the procedures. On the motion Councillor McMenimen spoke on the matter. Councillor Romard spoke on the matter and made a motion to request that the special meeting take place on a Monday evening. On the motion Councillor Darcy stated this is a hypothetical request.

On the motion Councillor McMenimen moved to table the process of filling a vacancy. Roll call was requested.

Approved: Darcy, McMenimen, Romard, Rourke, LeBlanc, R.,

Opposed: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, Vidal, Waddick, LeBlanc, D.,

Absent: O'Brien (recused himself)

With a vote of 5 to 9 the matter did not pass.

Councillor Logan spoke on the motion. Councillor McMenimen rose to a point of order.

Councillor Logan continued his explanation on why this is a political appointment. Councillor

Waddick spoke on the motion. Councillor Romard spoke on the motion. Councillor Logan rose to a point of personal privilege. Councillor Romard continued.

Roll call requested for accepting procedures.

Approved: Rourke, LeBlanc, R., Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, Vidal, Waddick, LeBlanc, D.,

Opposed: Darcy, Romard

Absent: O'Brien (recused himself)

Abstained: McMenimen

Procedures were approved by an eleven to 2 vote.

### **License & Franchise**

1. The License and Franchise Committee recommended Extended Hours Renewal – 569 Moody St. – Tiki House LTD., Inc. be approved. Councillor Brasco moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

Councillor Brasco moved to collectively approved matters #2-11. All were in favor and the matters were approved by a voice vote #2-11.

2. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University - Forest Hall Upper be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

3. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – Fenway Hall be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

4. The License and Franchise Committee recommends Lodging House Renewal - 175 Forest St. – Bentley University – Stratton House Beaver be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

5. The License and Franchise Committee recommends Lodging House Renewal –175 Forest St. – Bentley University – Nathan R. Miller Upper be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

6. The License and Franchise Committee recommends Lodging House Renewal –175 Forest St. – Bentley University – Castle Hall Upper be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

7. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – Kresge Hall Upper be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

8. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – Copley Hall North Lower be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

9. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – HUD Tree Dorms Upper be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

10. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – Slade Hall Upper be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

11. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – Copley Hall South Lower be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

#### **Public Works & Public Safety Committee**

1. The Public Works & Public Safety Committee recommended the 17-25 petition at 1130 Main Street for Eversource, Inc. be approved with conditions. Councillor Waddick moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

2. The Public Works & Public Safety Committee recommended the 17-25 petition at 141 Ash Street for Attardo Real Estate Finance Company, LLC be approved with conditions.

Councillor Waddick moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

#### **Long Term Debt Committee**

1. The Long Term Debt Committee recommended the loan authorization for \$1,290,000 to fund the contract for the purchase of up to 25,000 wheeled cart recycling be approved for a first reading. Councillor Marchese moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote. Councillor Marchese moved to recommit matter back to the committee. All were in favor and matter was recommitted.

#### **Finance Committee**

1. The Finance Committee recommended appropriation in the amount of \$100,000 from Unreserved Fund Balance to account #001-220-5100-5131 Fire Department – Overtime be approved. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

## **Ordinances & Rules**

1. The Ordinances and Rules Committee recommended a time extension for 470, 486, 504 Totten Pond Road – Trustees of Zee Em Trust II be approved. Councillor Rourke moved that the action of the Committee be the action Council. Roll call required.

Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Romard, McMenimen, Darcy

Opposed: None

Absent: None

2. The Ordinances and Rules Committee recommended a Time extension for 99 Third Ave – BP 99 Third Avenue, LLC be approved. Councillor Rourke moved that the action of the Committee be the action Council. Roll call required.

Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Romard, McMenimen, Darcy

Opposed: None

Absent: None

3. The Ordinances and Rules Committee recommended the zone change petition of Chapter 21, Article IV, Section 4.11 entitled "Table of Dimensional Regulations" and Article IV, Section 4.12 entitled "Footnotes, Table of Dimensional Requirements: at 9 Hope Ave., be approved for a second reading. Councillor Rourke moved that the action of the Committee be the action Council. Councillor Darcy spoke on the motion. Roll call requested.

Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke

Opposed: Darcy, McMenimen, Romard

Absent: None

Matter was approved for a second reading. Councillor Rourke moved to approve the matter for a third and final reading. All were in favor. Roll call required.

Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke

Opposed: Darcy, McMenimen, Romard

Absent: None

Matter was approved for a third and final reading.

4. The Ordinances and Rules Committee recommends the Resolution regarding Speed Limits be filed. Councillor Rourke moves that the action of the Committee be the action Council. All were in favor and the matter was filed.

## **Unfinished Business & Other Business**

- Time extension for 300 College Farm Road Special Permit

Councillor Rourke spoke on the matter. Councillor Rourke moved to suspend the rules and act on the matter without committee reference. All were in favor. Councillor Rourke moved approval of the matter. All were in favor. Roll call required.

Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Darcy, McMenimen, Romard

Opposed: None

Absent: None

- Time Extension for Bishops Forest Special Permit  
Councillor Rourke spoke on the matter. Councillor Rourke moved to suspend the rules and act on the matter without committee reference. All were in favor. Councillor Rourke moved approval of the matter. All were in favor. Roll call required.  
Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Darcy, McMenimen, Romard  
Opposed: None  
Absent: None
- Public Records Law Request: Executive Session Minutes from MuckRock  
President LeBlanc referred the matter to the committee of the Whole. Councillor Logan requested that Attorney Pat Azadi attend the Committee of the Whole meeting next Tuesday to talk about the matter. All were in favor and the request was approved.
- 20 Cooper Street aka End Cooper St., 135 Elm Street Public Access Easement  
Referred to the Ordinances and Rules Committee
- CPC Recommendation for an appropriation of CPA funds for \$350,000 for historic preservation of Charles River Museum of Industry & Innovation, Inc.  
Referred to the Long Term Debt Committee.

**Tabled Items**

- 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

Councillor Romard gave a shout out to all the DPW/Engineering Department employees for the work and repairs they did on Totten Pond Road water main break this past weekend.

Councillor Fowler reminded everyone to shovel out their fire hydrants. Councillor Rourke pointed out the information page on the docket and President LeBlanc thanked the DPW dept. for clearing the roads.

There being no further matters before the City Council, Councillor Logan moved to adjourn. All were in favor. The motion was adopted on a voice vote.  
President LeBlanc declared the meeting adjourned at 10:12p.m.

Respectfully submitted by:  
Kara Wilson  
Executive Assistant of the City Clerk  
February 24, 2017  
Approved by the City Council: \_\_\_\_\_