

# Waltham City Council

## Minutes of the Meeting of February 22, 2016

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Council President Marchese called the meeting to order at 7:30PM.

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, McLaughlin, McMenimen, O'Brien, Romard, Vizard, Giordano, Brasco, Rourke, Waddick, Vidal, Marchese, Fowler

**Absent:** None

The Clerk recited the Council Prayer, and then President Marchese led 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 the 2/8/2016 Council meeting. All were in favor. The minutes were approved by a voice vote.

There were no public hearings scheduled.

### **Communications from the Mayor**

1. I respectfully request an appropriation in the amount of \$150,000 from Unreserved Fund Balance to the attached Building Department expense account.

Referred to the Finance Committee

2. I respectfully request an appropriation in the amount of \$22,000 from Unreserved Fund Balance to the following Building Department salary accounts.

These funds will be used for the substitute plumbing inspector and projected overtime expenses for the remainder of the fiscal year due to the operation of the homeless shelter.

Referred to the Finance Committee

3. I respectfully request adoption of the attached loan authorization in the amount of \$196,840 to fund the remaining 76 sets\* of the second set of turnout gear (capital asset with a 10-year life cycle) as requested by the Chief of the Fire Department in his FY2017 amended request from the FY2016-FY2020 Capital Improvement Program.

Referred to the Long Term Debt Committee

4. I respectfully request a transfer of funds in the amount of \$268,000 as itemized below to fund the construction award for the Prospect Street fire station repairs.

Referred to the Long Term Debt Committee

5. I respectfully request a transfer of funds in the amount of \$235,000 as itemized below to fund 90 sets\* of the second set of turnout gear (capital asset with a 10-year life cycle) as requested by the Chief of the Fire Department in his FY2016 amended request from the FY2016-FY2020 Capital Improvement Program (copy attached).

Referred to the Long Term Debt Committee

6. I respectfully request acceptance of the FFY2016 HMEP Grant in the Amount of \$2,000.00 and the FFY 2015 EMPG Grant in the amount of \$22,460.00 from the Massachusetts Emergency Management Agency. These grants do not require the hiring of any new personnel nor the expenditure of any additional City funds.

Referred to the Finance Committee

7. I respectfully request the acceptance of a gift in the amount of \$5,000 from the Friends of the Hurley House to the Waltham Police Department towards the GREAT program.

Referred to the Finance Committee

8. I respectfully request an appropriation in the amount of \$50,000 from Unreserved Fund Balance to account #001-220-5100-5131 Fire-Overtime. These funds will be used to pay the estimated overtime expense for the remainder of the fiscal year. Attached is a copy of a letter that was received from the Chief of the Department explaining the reasons for the additional overtime need.

Referred to the Finance Committee

9. I respectfully request acceptance of a grant in the amount of \$93,861 from the Executive Office of Elder Affairs to be used by the Council on Aging for several programs that benefit senior citizens.

Referred to the Finance Committee

10. I respectfully request a transfer of funds in the amount of \$41,415 as itemized below to fund the purchase of 3 washer/dryer units for the Willow Street, the Prospect Street and the Lake Street Fire Stations.

Referred to the Long Term Debt Committee

11. I respectfully request approval of the following financing plan in the amount of \$1,475,000 to fund a replacement Ladder 1 fire truck. This cost is amended from the original \$1,300,000 as requested by the Chief of the Fire Department in his FY2017 request from the FY2016-FY2020 Capital Improvement Program.

Referred to the Long Term Debt Committee

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

1. Class Two Motor Vehicle License: 45 Felton Street - JMH Automotive

Referred to the License and Franchise Committee

2. Seasonal Permit for Tables and Chairs on Sidewalks – 240 Moody Street – Garcia Brogans

Referred to the License and Franchise Committee

## **Presentation of Petitions**

### 1. Compensation Ordinance for Poll Workers

Councillor LeBlanc spoke on the Resolution. President Marchese referred the resolution to the Ordinances and Rules Committee.

### 2. Building Department Presentation Resolution

Councillor McMenimen spoke on the Resolution. President Marchese referred the resolution to the Committee of the Whole.

### 3. Lollibots Resolution

Councillors McMenimen and Logan spoke on the Resolution. President Marchese referred the resolution to the Economic and Community Development Committee.

### 4. Abolish Off Street parking Commission Resolution.

Councillors Logan spoke on the Resolution. President Marchese referred the resolution to the Ordinances and Rules Committee.

### 5. MAPC Grant Resolution

Councillor Logan, Vizard and LeBlanc spoke on the Resolution. Councillor Vizard moved to suspend Rule 39 and act of the Resolution without committee reference. All were in favor. Roll call was required.

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

Opposed: None

Absent: None

Motion was adopted and Resolution was approved.

Councillor Vizard requested to refer the approved resolution to the Mayor's office.

Councillor LeBlanc moved to take a matter out of order. All were in favor.

Councillor LeBlanc recommended the request from Recreation Board for a temporary declaration of and a request from the Waltham School Committee dated February 3, 2016 to use those rooms for the Dual Language Immersion Program be approved. Councillor LeBlanc moved that the action of the Committee be the action Council. Roll call was required.

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

Opposed: None

Absent: None

The motion was adopted and the recommendation was approved.

## **Committee Reports**

### **Committee of the Whole**

The Committee of the Whole recommended the authorization for the Mayor and the Law Department to enter into negotiations to acquire the property located at 1 Balm Road be approved.

Councillor LeBlanc moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

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

The Public Works Committee recommended to the City Council the Mayors option B/Moody Street Fire Station be approved.

Councillor Vizard spoke on the matter. Councillor Vizard requested this matter be sent back to the Public Works and Public Safety Committee. All were in favor on a voice vote and the matter was sent back to Committee.

## **Finance Committee**

1. The Finance Committee recommended a grant from the Executive Office of Public Safety and Security in the amount of \$50,000 for public safety improvements be approved.

Councillor Brasco moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

2. The Finance Committee recommended two grants from the Executive Office of Public Safety to receive funding in the total of \$10,552 for Student Awareness of Fire Education (SAFE) and the Senior SAFE programs for the Fire Department be approved.

Councillor Brasco moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

3. The Finance Committee recommended the bid of \$261,151 for Unit #100 of the Nathaniel at Banks Square Condominiums be approved.

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

Roll call was required.

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

Opposed: Romard

Absent: None

Motion was adopted and Resolution was approved

4. The Finance Committee recommended the bid of \$302,000 for Unit #104 of the Nathaniel at Banks Square Condominiums be approved.

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

Roll call was required.

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

Opposed: Romard

Absent: None

Motion was adopted and Resolution was approved

5. The Finance Committee recommended the bid of \$256,505 for Unit #201 of the Nathaniel at Banks Square Condominiums be approved.

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

Roll call was required.

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

Opposed: Romard

Absent: None

Motion was adopted and Resolution was approved

6. The Finance Committee recommended the bid of \$276,001 for Unit #206 of the Nathaniel at Banks Square Condominiums be approved.

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

Roll call was required.

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

Opposed: Romard

Absent: None

Motion was adopted and Resolution was approved

7. The Finance Committee recommended the bid of \$302,600 for Unit #302 of the Nathaniel at Banks Square Condominiums be approved.

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

Roll call was required.

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

Opposed: Romard

Absent: None

Motion was adopted and Resolution was approved

8. The Finance Committee recommended the bid of \$285,000 for Unit #306 of the Nathaniel at Banks Square Condominiums be approved.

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

Roll call was required.

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

Opposed: Romard

Absent: None

Motion was adopted and Resolution was approved

### **License and Franchise**

1. The License and Franchise Committee recommended the Lodging House Renewal: 12 Lowell St., Hurley House Inn be approved. Councillor Rourke moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

2. The License and Franchise Committee recommended the Lodging House Renewal: 2 Appleton St. – Stan and Leni Bloomenthal be approved. Councillor Rourke moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

3 The License and Franchise Committee recommended the Lodging House Renewal: – 19 Chestnut St. – Stan and Leni Bloomenthal be approved. Councillor Rourke moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

4 The License and Franchise Committee recommended the Lodging House Renewal: 94 Adams Street – AMG Beech Road LLC be approved. Councillor Rourke moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

5 The License and Franchise Committee recommended the Lodging House Renewal: 26 Myrtle Street – Michael Cotton be approved. Councillor Rourke moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

## **Ordinances and Rules**

1. The Ordinances and Rules Committee recommended the Time Extension for the Trustees of Zee Em Trust II Totten Pond Road Special Permit application be approved. Councillor Logan moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

2. The Ordinances and Rules Committee recommended the Declaration of Restrictive Covenants for WHA Project at 80 – 86 Orange Street be approved. On the motion Councillor Logan moved for reconsideration of the communication. Councillor Logan moved to amend the communication to state the mayor to sign the Declaration of Restrictive Covenants for WHA Project at 80 – 86 Orange Street. Councillor Logan moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

3. The Ordinances and Rules Committee recommended the first reading for the zoning amendment for Micro-Brewery Restaurants be approved. Councillor Logan moves that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved. Councillor Logan moved to table the matter on the Council floor. All were in favor and the matter was tabled on the Council floor.

4. The Ordinances and Rules Committee recommended the first reading of the zoning amendment for outside seating be approved. Councillor Logan moves that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved. Councillor Logan moved to table the matter on the Council floor. All were in favor and the matter was tabled on the Council floor.

## **Economic and Community Development**

The Economic and Community Development Committee recommended the temporary Declaration of Surplus at the Waltham Community and Cultural center for Dual Language Immersion Program be approved. Councillor Darcy moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

The Economic and Community Development Committee recommended the Resolution Resolve regarding the City of Waltham wireless availability at Government center and all city building be approved. Councillor Darcy moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved.

## **Unfinished Business and Other Business**

1. Official Development Prospectus Form from Cellco Partnership dba Verizon Wireless President Marchese referred this matter to the Ordinances and Rules Committee. He also requested to send the information to the law department ASAP to comply with the shot clock rule.

2. CPC Recommendation for Appropriation of the Final Closeout Payment for the CPA funded President Marchese referred this matter to the Long Term Debt Committee.

## **Tabled Items**

- Nuisance Dog Ordinance Amendment (published 2/4/16, 2/11/16)

Councillor Logan moved to take this matter off of the table. All were in favor. The matter was before the Council. Councillor Logan moved to approve the ordinance for a second reading. All were in favor. The second reading was approved by a voice vote.

Councillor Logan moved to approve the ordinance amendment for a third and final reading. All were in favor. Roll call was requested.

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

Opposed: None

Absent: None

Motion was adopted and matter was approved

- Human Services Position (Health Department) (published 2/4/16)

Councillor Vizard moved to take this matter off of the table. All were in favor. The matter was before the Council. Councillor Vizard moved to approve the ordinance for a second reading. All were in favor. The second reading was approved by a voice vote.

Councillor Vizard moved to approve the ordinance amendment for a third and final reading. All were in favor. Roll call was requested.

All in favor: Giordano, LeBlanc, McLaughlin, Rourke, Vidal, Vizard, Waddick, Marchese, Fowler, Romard

Opposed: Brasco, McMenimen, O'Brien, Logan, Darcy

Absent: None

Motion was adopted and matter was approved

- Appointment of Francisco Torres Municipal Affordable Housing Trust (2/8/16)

Councillor LeBlanc moved to take the matter off the table. All were in favor. The Clerk read the Order. Councillor LeBlanc spoke on the matter. Councillor LeBlanc moved to approve the appointment.

Roll call was requested.

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

Opposed: None

Absent: None

Motion was adopted and Appointment was approved

- Drake Playground Appropriation (published 1/21/16)

President Marchese believed this should have been tabled on the council floor.

Councillor Waddick moved to take the matter regarding Drake Playground off the table. All were in favor and matter was before the Council.

Councillor Waddick moved to give the appropriation and second and final reading. All were in favor. Roll call was required.

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

Opposed: None

Absent: None

Motion was adopted and the matter was approved.

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.

Council President Marchese declared the meeting adjourned at 8:51p.m.

Respectfully submitted by:  
Kara Wilson  
Executive Assistant of the City Clerk  
March 7, 2016

**Approved by the City Council:** \_\_\_\_\_