

Waltham City Council
Minutes of the Meeting of
February 8, 2016

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

City Clerk Rosario Malone clerked the meeting.

President Marchese made announcements. He acknowledged

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 1/25/2016 Council meeting. All were in favor. The minutes were approved by a voice vote.

Councillor McMenimen

There were no public hearings scheduled.

Communications from the Mayor

1. The Mayor respectfully requests Request for the acceptance of a grant that was awarded to the City of Waltham through the Executive Office of Public Safety and Security. The grant amount of \$50,000 is to be used for public safety improvements.

Referred to the Finance Committee.

2. Request approval of the Declaration of Restrictive Covenants for formal signature. This restriction will be placed on the Waltham Housing Authority Project at 80-86 Orange Street being completed with federal HOME funding.

Referred to the Ordinances and Rules Committee

3. I respectfully request approval of the following bids:

<u>Unit</u>	<u>Sales Price</u>	<u>List Price</u>
100	\$261,151	\$260,000
104	\$302,000	\$300,000
201	\$256,505	\$250,000
206	\$276,001	\$275,000
302	\$302,600	\$285,000
306	\$285,000	\$275,000

Referred to the Finance Committee

4. 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.

Referred to the Economic and Community Development Committee

Applications for Licenses and Permits

1. Lodging House Renewal: 755 Main St. Owner: Max Horn
Referred to the License and Franchise Committee

2. Lodging House Renewal: 21-23 Pine St. Owner: Max Horn
Referred to the License and Franchise Committee

3. Lodging House Renewal: 20 -22 Adams St. Owner: James Martorilli
Referred to the License and Franchise Committee

4. Lodging House Renewal: 44-46 Chester Ave. Owner: James Martorilli
Referred to the License and Franchise Committee

5. Lodging House Renewal: 118-120 Robbins St. Owner: James Martorilli
Referred to the License and Franchise Committee

6. Lodging House Renewal: 11-13 Walnut St. Owner: James Martorilli
Referred to the License and Franchise Committee

Presentation of Petitions

1. Fitch Re-Use Resolution

Councillor Rourke made a motion to waive the reading of the entire resolution. All were in favor. Motion approved. Councillor Rourke made a motion to suspend Rule 39 and act on the Resolution without committee reference. All were in favor. Motion was approved. Councillor Rourke spoke on the Resolution. President Marchese wanted each motion to have a separate roll call.

Fitch Re-Use Committee Resolution Motion 1 stated:

Motion 1:

The City Council recommends that the former Fitch School property be used for any of the following: a public school; a municipal office including school administrative offices; a non-profit social service agency that provides educational, occupational or recreational services to a target population and operates in a similar manner to a school; or for public recreation.

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

Opposed: Fowler, Romard

Absent: Brasco

Motion was adopted.

Fitch Re-Use Committee Resolution Motion 2 stated:

Motion 2:

The City Council recommends that the city retain ownership of the former Fitch School property.

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

Opposed: Fowler, Romard

Absent: Brasco

Motion was adopted.

Fitch Re-Use Committee Resolution Motion 3 stated:

Motion 3:

The City Council recommends that the former Fitch School property be offered for lease 'as is'; and that any lease agreement must be satisfactorily in place within a reasonable amount of time, such as two years from the date of this action.

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

Opposed: Fowler, Romard

Absent: Brasco

Motion was adopted.

Fitch Re-Use Committee Resolution Motion 4 stated:

Motion 4:

The City Council recommends that any use of the former Fitch School property be designed to preserve, expand or improve the recreational uses currently located on the site (playground, hard court games, children's play structures), that those recreational amenities continue to be shared for public use, and that opportunities be taken to reconfigure the preserved or expanded recreational uses to communicate appropriately with the adjacent spray park.

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

Opposed: Romard

Absent: Brasco

Motion was adopted.

Fitch Re-Use Committee Resolution Motion 5 stated:

Motion 5:

The City Council recommends that any repairs or improvements to the exterior façade of the original Fitch School building be subject to the approval of the Historical Commission.

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

Opposed: Romard

Absent: Brasco

Motion was adopted.

Fitch Re-Use Committee Resolution Motion 6 stated:

Motion 6:

The City Council recommends that any area designated for parking at the former Fitch School property continue to be available for public use during declared snow emergencies.

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

Opposed: Fowler, Romard
Absent: Brasco
Motion was adopted.

2. Wireless Internet in Municipal Buildings Resolution

Councillor Fowler made a motion to suspend Rule 39 and act of the matter without committee reference. Councillor Logan rose to a point of order stating that this is not a time sensitive matter and should be sent to committee to be acted upon. President Marchese referred the Resolution to the Economic and Community Development Committee

3. Fire Fighters & Capital Improvements Funding Resolution

Councillors Fowler and LeBlanc spoke on the resolution. President Marchese referred the resolution to the Public Safety Committee.

4. Annual Financial Report Resolution

Councillor Vizard spoke on the Resolution. President Marchese referred the Resolution to the Finance Committee.

Committee Reports

Committee of the Whole

The Committee of the Whole recommended the appointment of Francisco Torres of 62 Albermarle Road as a member of the Municipal Affordable Housing Trust be approved. Councillor LeBlanc moved that the action of the Committee be the action of the Council. On the motion Councillor Darcy questioned the term for this appointee. President Marchese tabled the matter until the Council received an accurate term agreement. All were in favor and the matter was tabled.

The Committee of the Whole recommended the appointment of Donald P. Doherty of 144 Brown Street as a Constable be approved. Councillor LeBlanc moved that the action of the Committee be the action of the Council. On the motion Councillor Logan amended the order as written. All were in favor of the amended order.

Roll call was requested.

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 matter was approved.

Finance Committee

The Finance Committee recommended the transfer of \$13,340.79 for a copier for the Treasurer's Office be approved. Councillor Brasco moved that the action of the committee be the action of the Council. On the motion Councillor Logan moved to amend the order. All were in favor and order was approved.

The Finance Committee recommended the state grant in the amount of \$9,982.62 for the Underage Alcohol Drinking Program for the Waltham Police Department be approved. Councillor Brasco moved that the action of the committee be the action of the Council. On the motion Councillor Logan moved to amend the order. All were in favor and order was approved.

License and Franchise

The License and Franchise Committee recommended the Lodging House Renewal: 755 Main St. Owner: Max Horn be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the recommendation was approved.

The License and Franchise Committee recommended the Lodging House Renewal: 21-23 Pine St. Owner: Max Horn be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the recommendation was approved.

The License and Franchise Committee recommended the Lodging House Renewal: 20 -22 Adams St. Owner: James Martorilli be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the recommendation was approved.

The License and Franchise Committee recommended the Lodging House Renewal: 44-46 Chester Ave. Owner: James Martorilli be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the recommendation was approved.

The License and Franchise Committee recommended the Lodging House Renewal: 118-120 Robbins St. Owner: James Martorilli be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the recommendation was approved.

The License and Franchise Committee recommended the Lodging House Renewal: 11-13 Walnut St. Owner: James Martorilli be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the recommendation was approved.

The License and Franchise Committee recommended the grant of location for Exchange Street with conditions be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the recommendation was approved.

The License and franchise Committee recommended the grant of location for Second Avenue with conditions be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the recommendation was approved.

Ordinances and Rules

The Ordinances and Rules Committee recommended the Special Permit Application for Care Dimensions – 1100 AFT Winter Street with amended conditions be approved. Councillor Logan moved that the action of the Committee be the action of the Council.

On the motion Councillor McMenimen spoke on the matter.

Roll call was required.

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

Opposed: None

Absent: None

The motion was adopted and the matter was approved

Long Term Debt

The Long Term Debt Committee recommended the transfer of capital funds \$156,172.05 be added to the existing \$269,627.95 for the Weston and Vernon Street drainage project be approved. Councillor Waddick moved that the action of the committee be the action of the Council. On the motion Councillor Logan moved to amend the order. All were in favor and order was approved.

The Long Term Debt Committee recommended the transfer of \$4000 for chairs for the Henry Hoover Room be approved. Councillor Waddick moved that the action of the committee be the action of the Council. On the motion Councillor Logan moved to amend the order. All were in favor and order was approved.

Public Works

The Public Works Committee recommended the 17-25 resurfacing on Grove Street with conditions be approved. Councillor Vizard moved that the action of the Committee be the action of the Council. On the motion Councillor Logan moved to amend the order. All were in favor and order was approved.

Economic and Community Development

The Economic and Community Development Committee recommended the following order regarding 25 Lexington Street be approved. Order states *The City Council responds to the Mayor's communication dated January 7, 2016 regarding 25 Lexington Street and Basement Offices – City Hall Government Center, by recommending that the Mayor, in concert with the Superintendent of Public Buildings and city department heads develop a plan to utilize space in existing municipal buildings with the goals of maximizing the health, safety and convenience of municipal employees and public and of maximizing the efficiency and effectiveness of the operations of municipal government including detailed cost estimates for all moves and provide the City council with the plan as soon as possible.*

Councillor Darcy moved that the action of the Committee be the action of the Council. On the motion Councillor Logan moved to waive the reading of the order. All were in favor and the reading was waived. On the motion Councillor Waddick spoke on the matter. All were in favor and order was approved.

The Economic and Community Development Committee recommends the following Order regarding 14 Church Street be approved. The order states *The city Council responds to the Mayors communication dated January 7, 2016 regarding 14 Church Street, by recommending that if the municipal property known and numbered 14 Church Street is declared surplus in accordance with the Massachusetts Law that the disposition of said municipal property shall be done in accordance with the applicable laws and municipal ordinances and with the recommendation to the City Council of a special committee appointed by the City Council President to approve a Request for Proposals (RFP) for the disposition of the property.*

Councillor Darcy moved that the action of the Committee be the action of the Council. On the motion Councillor Logan moved to waive the reading of the order. All were in favor and the reading was waived.

All were in favor and order was approved.

Unfinished Business and Other Business

Primary Election Order

Councillor Logan moved to suspend rules and act on the matter without committee reference. All were in favor and matter was before the Council. Councillor McMenimen spoke on the matter. All were in favor and the Order was approved.

Clerk's Office Early Voting Resolution

The Clerk read the guidelines for the clerk's office gold medal status for early voting. Logan spoke on the matter.

Councillor McMenimen requested the Public Works and Public Safety Committee provide every Councillor a copy of the draft list of public and private streets. All were in favor and the request was approved.

Councillor Logan moved to accept a late final communication from Attorney McCourt regarding 99 Third Ave. All were in favor. Councilor Logan move to suspend rules and act on matter without committee reference. All were in favor. Councillor Logan moved to approve the extension of time to the petitioner through April 27, 2016. Roll call was requested.

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

Opposed: None

Absent: None

The motion was adopted and the matter was approved.

Councillor Logan moved to accept a late final communication from Attorney McCourt regarding Zee Em Trust II Totten Pond Road Special Permit. All were in favor.

President Marchese referred communication to the Ordinances and Rules Committee.

Tabled Items

Kevin Ritcey Ordinance (published 1/14/16)

Councillor Logan moved to take the following matter off of the table. All were in favor. The matter was before the Council.

Councillor Logan moved to amend the ordinance to strike the word volunteer from the Ordinance. Councillor McMenimen spoke on the matter.

Councillor Logan moved to accept the amended ordinance. All were in favor. The amendment was approved. Councillor Logan moved to approve a second reading for the Kevin Ritcey Ordinance. All were in favor. Councillor Logan moved to suspend the rules and have a third and final reading on the Ordinance. 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, Romard, Brasco

Opposed: None

Absent: None

Motion was adopted and the Ordinance was approved.

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

Councillor Waddick moved to take the matter regrind 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.

- Nuisance Dog Ordinance Amendment (published 2/4/16, 2/11/16)
- Human Services Position (Health Department) (published 2/4/16)

Councillor McLaughlin rose and wanted to publically thank the Ward 7 Councillor (Giordano) for reminding us of Veterans and having a moment of silence each week in their memory.

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

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

Council President Marchese declared the meeting adjourned at 8:57p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

February 18, 2016

Approved by the City Council: _____