

Waltham City Council

Minutes of the Meeting of

March 14, 2016

Council President Marchese called the meeting to order at 7:33PM.

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 Logan moved to table the minutes from the 2/22/2016 Council meeting. All were in favor. The minutes were tabled by a voice vote.

The Clerk Read Rule 86.

The Clerk read the call of the first public hearing.

The Petitioner, Alexandria Real Estate Equities, Inc. with a Massachusetts address of 400 Technology Square, Suite 101, Cambridge, Massachusetts 02139 hereby petitions the City Council to grant a special permit for an increase in Floor Area Ratio (FAR) to 0.62 pursuant to § 3.511 and § 3.521 of the Zoning Ordinance of the City of Waltham as to the following locus.

The locus is known and numbered as 205, 225 & 231 Second Avenue and is shown in the "Atlas City of Waltham, Massachusetts" as follows:

- Page 039, Block 001, Lot 0005 – 205 Second Avenue
- Page 039, Block 001, Lot 0011 – 225 Second Avenue; and
- Page 039, Block 001, Lot 0010 – 231 Second Avenue.

The above properties are all located entirely in a Commercial Zoning District.

The legal owner of the land is ARE-MA Region No. 51, LLC with an address c/o Alexandria Real Estate Equities, Inc., 385 East Colorado Boulevard, Suite 299, Pasadena, California 91101

Michael Connors, Attorney at Connors & Connors LLC of Waltham, MA represented the petitioner. Attorney Connors spoke on the petition. He explained why they were here again for a rehearing due to a question on whether or not abutters were notified of the initial public hearing.

Paul Pavone, Business Manager for Local Union 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 Romard asked questions to the petitioner.

There were no further questions from Councillors. President Marchese closed the public hearing and referred the matter to the Ordinances & Rules Committee.

The Clerk read the call of the second public hearing.

Second Avenue Hotel LLC, as Petitioner and Owner of 256 Second Avenue, and Watch City Ironworks, LLC, as Owner of 244 Second Avenue, hereby petition the City Council of the City of Waltham to grant a special permit for an increase in Floor Area Ratio (FAR) to 1.05 pursuant to § 3.511 (Intensity of Use Special Permit) and § 3.521 (Table of FAR) of the Zoning Ordinance.

As part of this intensity of use special permit, the Petitioner and Owners also request pursuant to § 3.513 (Additional Special Permits) that the City Council grant special permits in accord with the following sections of the Zoning Ordinance:

- § 3.4 (Table of Uses), § 3.512 (Special Permits for Use), and § 3.617 (Hotel Special Permit) – To allow a hotel to be constructed, used and maintained on the locus.

The subject premises are shown in the “Atlas City of Waltham, Massachusetts” as follows:

- 244 Second Avenue: Page 39, Block 2, Lot 6; and
- 256 Second Avenue: Page 39, Block 2, Lot 7.

The above property is located entirely in a Commercial Zoning District.

The Petitioner in this matter and its address is:

- Second Avenue Hotel LLC, c/o Christine Thomas,
285 Commandants Way, Chelsea, Massachusetts 02150.

The Owner of the property at 256 Second Avenue and its address is:

- Second Avenue Hotel LLC, c/o Christine Thomas,
285 Commandants Way, Chelsea, Massachusetts 02150.

The Owner of the property at 244 Second Avenue and its address is:

- Watch City Ironworks, LCC
244 Second Avenue, Waltham, Massachusetts 02451

Robert Connors, Attorney at Connors & Connors of Waltham, MA represented the petitioner.

Attorney Connors spoke on the petition. He explained why they were here again for a rehearing due to a question on whether or not abutters were notified of the initial public hearing.

Paul Pavone, Business Manager for Local Union 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 Romard asked questions to the petitioner.

There were no further questions from Councillors. President Marchese closed the public hearing and referred the matter to the Ordinances & Rules Committee.

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

The Clerk read the call of the third public hearing.

Petitioner Martha Ryan, Owner of Neighbors Who Care Inc. hereby petition the City Council to grant a second hand dealers license for her business which will be located at 709 Main Street.

Mrs. Ryan spoke on 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 Waddick, Logan, Romard & LeBlanc asked questions to the petitioner.

There were no further questions from Councillors. President Marchese closed the public hearing and referred the matter to the Licenses & Franchises Committee.

The Clerk read the call of the fourth public hearing.

Petitioner Obiora Okoye, Owner of Metro PCS/Nobi's MGT Limited hereby petition the City Council to grant a second hand dealers license for her business which will be located at 337 Moody Street.

Mr. Okoye spoke on 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, McMenimen, Vizard & Rourke asked questions to the petitioner.

There were no further questions from Councillors. President Marchese closed the public hearing and referred the matter to the Licenses & Franchises Committee.

The Clerk read the call of the fourth public hearing.

Petitioner Obiora Okoye, Owner of Metro PCS/Nobi's MGT Limited hereby petition the City Council to grant a second hand dealers license for her business which will be located at 903A Main Street.

Mr. Okoye spoke on 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 Waddick, Vizard & Rourke asked questions to the petitioner.

There were no further questions from Councillors. President Marchese closed the public hearing and referred the matter to the Licenses & Franchises Committee.

Old minutes

Communications from the Mayor

1. The Mayor respectfully request an appropriation in the amount of \$165,500 to fund the design and engineering services for sewer improvements to ACO Area 5A.

Referred to the Long term Debt Committee

2. The Mayor respectfully request acceptance of the "Pontz Family Scholarship Fund". The School Committee has accepted it on February 24, 2016.

Referred to the Finance Committee

3. The Mayor respectfully request a transfer of capital improvement funds totaling \$42,400 to award the engineering services bid for the Hazel Street reconstruction project.

Referred to the Long Term Debt Committee

4. The Mayor respectfully request a transfer of capital improvement funds totaling \$40,020 to fund the purchase of eight (8) mobile computers for police cruisers and two (2) copy machines for the chief's office and the detective division. Below is an itemization of the funding request. Councillor Waddick rose request to act on this matter without committee reference. All were in favor. Councillor Waddick moved to approve this request. All were in favor. Request was approved by a voice vote.

5. The Mayor respectfully request 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 – FY2016. 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.

Referred to the Finance Committee.

6. The Mayor respectfully request adoption of the attached compensation ordinance to amend the existing pay charts for non-union employees. The new charts shall be effective as follows: Chart A, Effective from July 1, 2013 through and including June 30, 2014; Chart B, Effective from July 1, 2014 through and including June 30, 2015; and Chart C, Effective as of July 1, 2015 and continuing unless and until said Non-union Rate chart shall be further amended. The pay charts reflect cost of living increases consistent with the percentages and effective dates that were negotiated with all city and school union employees and funded by the City Council.

Referred to the Ordinances and Rules Committee.

7. The Mayor respectfully request authorization to grant Charles River Canoe & Kayak a Section 10A permit to put a temporary float on the Cronin's Landing Dock.

Referred to the Licenses and Franchises Committee

8. The Mayor respectfully request a transfer of funds totaling \$356,900 as itemized below to fund the purchase of the replacement of nine (9) police cruisers.

Referred to the Finance Committee.

Presentation of Petitions

1. 17-25 Amendment Resolution

The Clerk read the Resolution.

Councillor Vidal spoke on the Resolution. President Marchese referred the resolution to the Ordinances & Rules Committee.

2. Sargent Dakin Square Resolution.

The Clerk read the Resolution.

Councillors Waddick and Giordano spoke on the Resolution. . President Marchese referred the resolution to the Veteran's Services Committee.

3. Arbor Day Resolution
The Clerk read the Resolution.
Councillor Logan spoke on the Resolution. President Marchese referred the resolution to the Community and Economic Development Committee.
4. Vietnam Veteran's Moving Memorial Wall - Submitted by Chairman Giordano, President Marchese, and all the members of the Veterans Services Committee.
The Clerk read the Resolution.
Councillor Giordano spoke on the Resolution. Councillor Giordano moved to suspend Rule 39 and act on the matter without committee reference. All were in favor.
Councillor Giordano moved for approval of the resolution. All were in favor. The resolution was approved by a voice vote.
5. Waltham Youth and Community Coalition, Youth Risk Behavior Survey Presentation. Submitted by Councillor LeBlanc, President Marchese, and Councillor Fowler.
The Clerk read the Resolution.
Councillor LeBlanc spoke on the Resolution. President Marchese referred the resolution to the Committee of the Whole. Councillor LeBlanc moved to approve the request on the Resolution. All were in favor. Request was approved by a voice vote.
6. Waltham Hero Award-Yolanda Cellucci - President Marchese, Councillor LeBlanc
The Clerk read the Resolution.
Councillor LeBlanc spoke on the Resolution. Councillor LeBlanc moved to suspend Rule 39 and act on the matter without committee reference. All were in favor.
Councillor LeBlanc moved for approval of the resolution. All were in favor. The resolution was approved by a voice vote.
7. Waltham Hero Awards – Michael Colomba - President Marchese, Councillor LeBlanc
The Clerk read the Resolution.
Councillor LeBlanc spoke on the Resolution. Councillor LeBlanc moved to suspend Rule 39 and act on the matter without committee reference. All were in favor.
Councillor LeBlanc moved for approval of the resolution. All were in favor. The resolution was approved by a voice vote.
8. Waltham Hero Awards – Randy LeBlanc - Councillor LeBlanc, President Marchese
Councillor Waddick.
The Clerk read the Resolution.
Councillor Waddick spoke on the Resolution. Councillor Waddick moved to suspend Rule 39 and act on the matter without committee reference. All were in favor.
Councillor Waddick moved for approval of the resolution. All were in favor. The resolution was approved by a voice vote.
9. Waltham Hero Award - Discover Waltham - Councillor LeBlanc, President Marchese
Councillor Rourke.
The Clerk read the Resolution.
Councillor Rourke spoke on the Resolution. Councillor Rourke moved to suspend Rule 39 and act on the matter without committee reference. All were in favor. Councillor Rourke moved for approval of the resolution. All were in favor. The resolution was approved by a voice vote.

10. Waltham Hero Award – William”Bill” Wiggin - Councillor LeBlanc, President Marchese Councillor Romard.
The Clerk read the Resolution.
Councillor Romard spoke on the Resolution. Councillor Romard moved to suspend Rule 39 and act on the matter without committee reference. All were in favor. Councillor Romard moved for approval of the resolution. All were in favor. The resolution was approved by a voice vote.
11. 141 Ash Street Pocket Park Resolution
The Clerk read the Resolution.
Councillors Vidal, LeBlanc, Vizard, Logan and Rourke spoke on the Resolution.
Councillor Vidal moved to suspend Rule 39 and act on the matter without committee reference. All were in favor. Councillor Vidal moved to approve Resolution.
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 Resolution was approved
12. Alberts Photo Studio Resolution
The Clerk read the Resolution.
Councillor LeBlanc moved to table the Resolution on the Council floor. All were in favor. Matter was tabled on the Council floor.
Councillor LeBlanc moved to approve the request of the resolution. All were in favor and the request was approved by a voice vote.
13. Second Hand Dealers License Resolution
Clerk read the Resolution.
Councillor Logan spoke on the resolution. Councillor McMenimen rose in parliamentary procedure. The Councillor would like a copy of the Resolution as well as Councillor Darcy. President Marchese referred the Resolution to the Ordinances and Rules Committee.
14. Agenda Management Software Resolution
Clerk read the Resolution.
Councillor Rourke spoke on the resolution. President Marchese referred the Resolution to the Ordinances and Rules Committee.
Councillor Rourke moved to approve the request of the resolution. All were in favor and the request was approved by a voice vote.

Committee Reports

Committee of the Whole

The Committee of the Whole recommends the Resolution concerning the Building Departments presentation of violations pursuant to the zoning code be filed.

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

Finance Committee

1. The Finance Committee recommends the Council Rule 43A – midyear budget review be filed. Councillor Brasco moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the matter was filed.

2. The Finance Committee recommends the appropriation of \$150,000 from UFB to Building repairs & UFB from Building OT 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 recommends the appropriation of \$12,000 from UFB to Building PT & \$10,000 from UFB to Building OT 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.

4. The Finance Committee recommends the acceptance of a grant of \$22,460 for FFY2015 EMPG Program 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.

5. The Finance Committee recommends the acceptance of a grant of \$2,000 for FFY2016 HMEP program 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.

6. The Finance Committee recommends the gift of \$5,000 from Hurley House to Police GREAT program 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.

7. The Finance Committee recommends an appropriation of \$50,000 from UFB to Fire OT 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.

License and Franchise

1. The License and Franchise Committee recommends the Class Two Vehicle renewal at 45 Felton Street – JMH Automotive be approved. Councillor Rourke moved to table the matter on the Council floor. One of the conditions for approving the license was not received. All were in favor and the matter was tabled on the Council floor.

2. The License and Franchise Committee recommends the seasonal table and chairs permit at 240 Moody Street – Garcia Brogan be approved with 13 conditions. Councillor Rourke moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the matter was approved with conditions.

Long Term Debt

1. The Long Term Debt Committee recommends the 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) be approved for a first reading.

Councillor Waddick moved that the action of the Committee be the action Council. The motion was adopted on a voice vote and the recommendation was approved for a first reading. Councillor Waddick moved to table the matter on the Council floor. All were in favor and the matter was tabled on the Council floor.

2. The Long Term Debt Committee recommends 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).

Councillor Waddick 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 Long Term Debt Committee recommends 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 be approved.

Councillor Waddick 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 Long Term Debt Committee recommends 579,500 be approved for a first reading to fund a replacement Ladder 1 fire truck.

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

Councillor Waddick moved to table the matter on the Council floor. All were in favor and the matter was tabled on the Council floor.

5. The Long Term Debt Committee recommends \$895,500 be approved to fund a replacement Ladder 1 fire truck.

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

6. The Long Term Debt Committee recommends CPC Recommendation for Appropriation of the Final Closeout Payment for the CPA funded Bright School Vault Project be approved with conditions.

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

Councillor Waddick submitted request to have the City Engineer attend the next Long Term Debt Committee Meeting. All were in favor. Request was approved.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the proposed ordinance amendment for the off street commission position be approved for a first reading.

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.

2. The Ordinances and Rules Committee recommends the Poll Worker's Compensation Resolution be approved.

Councillor Logan requested this be recommitted to Committee. All were in favor. Matter was approved to recommit to the Ordinances and Rules Committee.

3. The Ordinances and Rules Committee recommends the Special Permit application for 99 Third Ave. with amended conditions 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 suspend Rule 8 and take a matter out of order. All were in favor. Councillor Logan moved to take the matter regarding the 9 Hope Ave Leave to Withdraw without Prejudice communication out of order. All were in favor. The matter was before the Council.

Councillor Logan moves to accept the communication. All were in favor. Communication was approved by a voice vote.

4. The Ordinances and Rules Committee recommends the Special Permit application at 9 Hope Ave request for (leave to withdraw without prejudice) as to the text amendment Article IV entitled Dimensional Requirements, Section 4.11 from the column captioned "Maximum Building Height" be granted.

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

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.

5. The Ordinances and Rules Committee recommends the Special Permit application at 9 Hope Ave request for (leave to withdraw without prejudice) as to the text amendment Article IV entitled Dimensional Requirements, Section 4.11 from the column captioned "Maximum Stories" be granted.

Councillor Logan moves that the action of the Committee be the action Council. The motion was adopted on a voice vote and the matter was approved.

6. The Ordinances and Rules Committee recommends the Special Permit application at 9 Hope Ave text amendment Article IV entitled Dimensional Requirements, Section 4.11 from the column captioned "Minimum Building Setbacks" be approved for a first reading.

Councillor Logan moves that the action of the Committee be the action Council. The motion was adopted on a voice vote and the matter was approved for a first reading. Councillor Logan moved to refer this matter back to committee. All were in favor and matter was approved.

7. The Ordinances and Rules Committee recommends the Special Permit application at 9 Hope Ave. text amendment Article IV Section 4.12 entitled Footnotes, Table of Dimensional Requirements" footnote numbered (25) be approved for a first reading.

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

Roll call was requested.

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

Opposed: Darcy, McMenimen

Absent: None

Motion was adopted and matter was approved for a first reading.

Councillor Logan moved to refer this matter back to committee. All were in favor and matter was approved.

8. The Ordinances and Rules Committee recommends the Special Permit application at 9 Hope Ave. text amendment Article IV Section 4.12 entitled Footnotes, Table of Dimensional Requirements” footnote numbered (26) be approved for a first reading.

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

Roll call was requested.

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

Opposed: Darcy, McMenimen

Absent: None

Motion was adopted and matter was approved for a first reading.

Councillor Logan moved to refer this matter back to committee. All were in favor and matter was approved.

Unfinished Business and Other Business

- 36 River Street communication
Referred to the Ordinances and Rules Committee
- 244 and 255 Second Ave Time Extension
Councillor Logan moved to suspend Rule 39 and act on the matter without committee reference. All were in favor. Councillor Logan moved to approve the time extension until April 13, 2016. All were in favor and the extension was approved.
- 9 Hope Ave Leave to Withdraw without Prejudice communication (taken out of order.)

Councillor LeBlanc moved to accept a late file communication from the Mayor regarding an account for gifts for the Veterans Moving Wall. All were in favor.

Councillor Giordano moved to suspend Rule 39 and act on the matter without committee reference. All were in favor. Councillor Giordano moved to approve the matter regarding the account for the Veterans moving Wall. All were in favor and matter was approved by a voice vote.

Councillor Brasco moved to discharge a matter from the Finance Committee. All were in favor. The Finance Committee recommended the grant from the Executive Office of Elder Affairs in the amount of \$93,861 that is to be used for senior citizen programs 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.

Tabled Items

- Micro-Brewery Restaurant Ordinance (first reading 2/22/16, pub. 3/3/16)
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 suspend the rules and give the matter 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.

- Parking Requirements for Bus C District (first reading 2/22/16, pub.3/3/16)

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 suspend the rules and give the matter 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.

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 10:48p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

March 15, 2016

Approved by the City Council: _____