

# **Waltham City Council**

## **Minutes of the Meeting of**

### **March 28, 2016**

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

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 accept the minutes from the 3/7/2016 Council meeting. All were in favor. The minutes were approved by a voice vote.

Councillor LeBlanc moved to accept the minutes from the 3/14/2016 Council meeting. All were in favor. The minutes were approved by a voice vote.

Councillor LeBlanc moved to suspend Rule 8 and take a matter out of order. All were in favor and the matter was approved. Councillor LeBlanc moved to take a matter from the table. All were in favor and the matter was before the Council. Councillor LeBlanc stood and spoke on the matter/Resolution. Councillor LeBlanc moved to suspend Rule 9 and hear from an off committee member. All were in favor. David Yanwick spoke and thanked the Council for the Resolution. Councillor Giordano spoke on the matter. President Marchese spoke on the matter. Councillor LeBlanc moved to suspend Rule 39 and approve the matter without committee reference. All were in favor. Councillor LeBlanc moved approval of the resolution. All were in favor and the resolution was approved.

Councillor Logan moved to suspend Rule 8 and take a matter out of order. All were in favor.

Councillor Logan read the Say Hi to your Neighbor Resolution.

Councillor Logan moved to suspend Rule 43. All were in favor. Councillor Logan read the Resolution. Councillor Logan moved to suspend Rule 9 to hear from a non-Council member.

All were in favor. John H. and Chris from Discover Waltham spoke on the Resolution.

Councillor Logan moved to suspend Rule 39 and to act on the matter without committee reference. All were in favor. Councillor Logan moved to approve the Say Hi to Your Neighbor Resolution. All were in favor and the Resolution was approved.

The Clerk Read Rule 86.

Councillor Rourke stood and disclosed he has files a disclosure notice with the Clerk in relation to the first petitioner.

### **Public Hearings**

The Clerk read the call of the first public hearing.

Representatives of Massachusetts General Physicians Organization, c/o Related Beal Management LLC, petition the Waltham City Council for a Fuel Storage License at the property located at 10-52 Second Avenue. There will be a 1,500 car garage as part of the complex, and four 300-gallon storage tanks for diesel fuel for the emergency generator, which will also be located in the basement adjacent to the building and on top of the garage. David Vitale, Representative 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 Marchese closed this portion of the public hearing and opened the hearing to questions from Councillors.

Councillors Romard, McMenimen, Vizard, Rourke and McLaughlin asked questions to the petitioner. Councillor Rourke requested to the Clerk to look into what other if any permits and licenses are associated with this address. Mr. Simmons from Milton, MA Director of Operations for MGWest spoke on the matter. He confirmed the project is on schedule and there have not been any changes to the original plan submitted. Mr. Vitale stated the actual address of the property will now be 40 Second Ave not 10, 40 and 52 Second Ave.

There were no further questions from Councillors. President Marchese closed the public hearing and referred the matter to the License and Franchise Committee.

### **Public Hearings**

The Clerk read the second public hearing.

Petitioner Naomi Stone, Owner of G.Richard & Co dba Naomi Stone hereby petition the City Council to grant a second hand dealers license for her business which will be located at 269 Moody Street.

Naomi Stone, 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 Marchese closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor Logan asked the petitioner questions. He informed the petitioner that she needs to get an amended second hand dealers license to have it read the name of her business and dba properly. She also will need a business certificate because she has a dba. Councillor Rourke requested a copy of the current license of the previous address which was 316 Moody St.

There were no further questions from Councillors. President Marchese closed the public hearing and referred the matter to the License and Franchise Committee.

### **Public Hearings**

The Clerk read the third public hearing.

Petitioner Aurelio G. Molina, Owner of Auto Systems hereby petition the City Council to grant a second hand dealers license for his business which will be located at 49 Prospect St.

There was not any representation from the petitioner. Councillor Logan moved to recess the public hearing and to continue the hearing at the next City Council meeting held on April 11, 2016.

### **Communications from the Mayor**

1. The Mayor respectfully requests an appropriation of funds from Water Retained Earnings in the total amount of \$86,720 to the following accounts. The purpose of this funding request is to utilize an outside vendor to perform cross connect inspection tests/surveys and to purchase new fire hydrants/parts to replace non-working, unrepairable fire hydrants.

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

2. The Mayor respectfully requests a transfer in the amount of \$85,000 for CPW Transfer-Vehicles and Equipment.

President Marchese referred the matter to the Finance Committee.

3. The Mayor respectfully requests a transfer in the amount of \$30,000 for CPW Transfer- Snow Overtime.

President Marchese referred the matter to the Finance Committee.

4. The Mayor respectfully requests approval of the enclosed Year 42 Community Development Block Grant Program.

President Marchese referred the matter to the Economic and Community Development Committee.

5. The Mayor respectfully submits a communication from Atlantic Management on behalf of themselves and their client Stigmatine Fathers, Inc.

Councillor Logan stood and pointed out that this matter was already in committee and is for informational purposed only. Councillor LeBlanc did request the Mayor to come to the next Committee of the Whole meeting to discuss matter. All were in favor. Request was approved.

6. The Mayor respectfully submits a communication regarding an appraisal of 67 Crescent St. prepared for the CPC by Edward Bowler

Councillor Logan stood and pointed out that this matter was already in committee and is for informational purposed only. Councillor LeBlanc did request the Mayor to come to the next Committee of the Whole meeting to discuss matter. All were in favor. Request was approved.

7. The Mayor respectfully submits a communication relating to the open space master plan  
President Marchese referred the matter to the Committee of the Whole.

8. The Mayor respectfully submits a communication regarding property at 476 & 476 Main Street.

Councillor Logan stood and pointed out that this matter was already in committee and is for informational purposed only. Councillor LeBlanc did request the Mayor to come to the next Committee of the Whole meeting to discuss matter. All were in favor. Request was approved.

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

Second Hand Dealers renewal license – 471 Main St. - The Toolshed

President Marchese referred the matter to the License and Franchise Committee.

### **Resolutions**

Call for Full Funding of the Foundation Budget Review Commission's Recommendations  
Resolution – sponsored by Councillor LeBlanc, President Marchese, Councillor Logan, Councillor Vizard

Councillor LeBlanc and Logan spoke on the resolution. Councillor McMenimen rose to a point of order. Councillor LeBlanc made a motion to suspend Rule 39 to action the matter without committee reference. On the motion Councillor McMenimen and Councillor Logan stood and spoke.

All were in favor of the motion and the of approving the Rule was approved

Councillor LeBlanc moved to approve the Resolution. Roll call was requested.  
All in favor: Giordano, LeBlanc, Logan, McLaughlin, O'Brien, Rourke, Vidal, Vizard, Waddick, Marchese, Fowler, Brasco, Romard  
Opposed: McMenimen, Darcy  
Absent: None  
Motion was adopted and Resolution was approved.

Mass Laws 80 Section 2 Resolution regarding betterment orders – submitted by Councillors LeBlanc and Vizard.  
President Marchese referred this Resolution to the Ordinances and Rules Committee.

Move the Public Works/City Yard to the Fernald Resolution- submitted by Councillors Vizard, Waddick & McLaughlin.  
Councillors Vizard, Waddick and McLaughlin spoke on the Resolution.  
President Marchese referred the Resolution to the Fernald Use Committee.

Liquor Commission Resolution  
President Marchese referred the resolution to the License and Franchise Committee.

Review Foundation Budget Resolution – submitted by Councillor McMenimen. Councillor McMenimen spoke on the Resolution.  
Councillor McMenimen submitted a request. All were in favor. Request was approved.  
President Marchese referred the Resolution to the Finance Committee.

Leasing Prospect Hill for skiing Resolution. Submitted by Councillor Darcy.  
Councillor Darcy spoke on the resolution.  
President Marchese referred the Resolution to the Economic and Community Development Committee.

## **Committee Reports**

### **Committee of the Whole**

The Committee of the Whole recommends the Resolution concerning the DCR snow removal from the river walk 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.

The Committee of the Whole recommends the FY2017 City Council budget – Council Rule #77 be approved.

Councillor LeBlanc moved to amend the budget. In the output measures section of the budget she would like to remove #21 and replace the 2015 column with 112, the 2016 column with 123 and the 2017 column with 130 relating to meetings. Motion was adopted by a voice vote and the amendment was approved

Councillor LeBlanc moved to amend the budget. She would like to strike the words Public Works Committee under the line item explanation of \$3500 adjustment.

Roll call was requested.

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

Absent: None

Motion was adopted and the amendment was approved

President Marchese called a one minute recess.

The Committee of the Whole recommends the FY2017 City Council budget – Council Rule #77 be approved.

Councillor LeBlanc moved 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: McMenimen, Darcy

Absent: None

Motion was adopted and matter was approved.

### **Finance Committee**

1. The Finance Committee recommends the gift of the Pont Family Scholarship 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 recommends the acceptance of a grant in the amount of \$152,176 for police 911 PSAP 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 a transfer of funds totaling \$356,900 to fund the purchase of the replacement of nine (9) police cruisers 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 authorization to grant Charles River Canoe & Kayak a Section 10A permit to put a temporary float on the Cronin's Landing Dock 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 matter was approved.

2. The License and Franchise Committee recommends a second hand dealer's license to Martha Ryan, owner of Neighbor's Who care Inc. for her business which will be located at 709 Main Street be approved.

Councillor Logan stood and pointed out she is not the owner and amended the matter to state Martha Ryan, dba Neighbors Who care llc. The Clerk re-read the matter.

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.

### **Economic and Community Development**

The Economic and Community Development Committee recommends the resolution regarding crime in Cedarwood be filed.

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

### **Long Term Debt**

1. The Long Term Debt Committee recommends a transfer of capital improvement funds totaling \$42,400 to award the engineering services bid for the Hazel Street reconstruction project 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 matter was filed.

2. The Long Term Debt Committee recommends an appropriation in the amount of \$165,500 to fund the design and engineering services for sewer improvements to ACO Area 5A 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 matter was approved.

3. The Long Term Debt Committee recommends 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 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 matter was approved.

### **Ordinances and Rules**

1. The Ordinances and Rules Committee recommends the Special Permit for 205 225 231 Second Ave be approved with conditions.

Councillor Logan moved that the action of the Committee be the action Council. Roll call was required.

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

Opposed: None

Absent: None

Motion was adopted and matter was approved.

2. The Ordinances and Rules Committee recommends the compensation ordinance amendment be approved for a first reading.

Councillor Logan moved that the action of the Committee be the action Council. Councillor Waddick recused himself from the vote.

All were in favor and the matter was approved for a first reading. Councillor Logan moved to table the matter on the Council floor. All were in favor and the matter was tabled on the Council floor.

3. The Ordinances and Rules Committee recommends the Children's Hospital zoning amendments at 9 Hope Ave be approved.

Councillor Logan moved that the action of the Committee be the action Council. Councillor Logan moved to separate the three zoning amendments. All were in favor.

Councillor Logan moved to approve Children's Hospital zoning amendment at 9 Hope Ave Ch. 21 Article IV entitled "Dimensional Requirements", Section 4.11 entitled "Table of Dimensional Regulations" is amended by adding a footnote "(25)" to the minimum building setback(s)" column and a new footnote "(26)" to the maximum Stories" column be approved for a second reading.

Councillor Logan moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

Councillor Logan moved to suspend the Rule 39 and act on a matter without committee reference. All were in favor. Councillor Logan moved to approve the matter for a third and final reading. Roll call was required.

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

Councillor Logan moved to approve Children's Hospital zoning amendment at 9 Hope Ave Ch. 21 ARTICLE IV entitled "Dimensional Requirements", Section 4.12 entitled "Footnotes, Table of Dimensional Requirements" is hereby amended by inserting at the end of said Article the following new footnotes as footnotes "(25)" and "(26)":

"(25) Minimum Building Setback(s) requirements shall not apply to any bridges in the HR-2 District (for uses other than multifamily and assisted living uses)."

"(26) The limitation on Maximum Stories contained in the rows captioned "Detached garage" and "Accessory building" shall not apply to "Detached garage(s)" or Accessory building(s)" in the HR-2 District (for uses other than multifamily and assisted living), and such "Detached garage(s)" or "Accessory building(s)" shall be permitted to have the same number of stories and the same height as principal buildings may have within the HR-2 District."

Councillor Logan moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

Councillor Logan moved to suspend the Rule 39 and act on a matter without committee reference. All were in favor. Councillor Logan moved to approve the matter for a third and final reading. Roll call was required.

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

Councillor Logan moved to approve Children's Hospital zoning amendment at 9 Hope Ave Ch. 21 ARTICLE III entitled "Establishment of Districts", Section 3.13 entitled "Zoning District Map" is hereby amended by striking out the Zoning District boundary lines and the Zoning District designation for "Residence A-3", and inserting in place thereof new Zoning District boundary lines and Zoning District designation as "HR-2" insofar as the Zoning District Map relates to the following described parcel:

Legal Description for Change of Zone  
from Residence A-3 to HR-2

A certain parcel of land situated in the City of Waltham, Middlesex County, Massachusetts, located at the end of Mt. Feake Avenue, said parcel being shown as “AREA TO BE ADDED TO THE HR-2 DISTRICT 23,497 ± sq. ft.” on a plan entitled, “Plan Showing Area to be Rezoned From Res A-3 to HR-2 at 9 Hope Avenue, Waltham, MA by CHB Properties, Inc.”, dated August 14, 2015, by Precision Land Surveying, Inc., described as follows:

Beginning at the iron pin located at the northeasterly corner of the parcel and thence running:

South 34° 19' 41" East a distance of 241.86 feet; thence turning and running  
North 52° 9' 43" East a distance of 90.23 feet; thence turning and running  
North 37° 36' 48" West a distance of 241.80, and thence turning and running  
North 52° 22' 26" East a distance of 104.09 feet, to the point of beginning.

Said Parcel containing 23,497 ± square feet, and being described as the “Vacant Parcel” in the deed from Children’s Waltham Medical Center, LLC to Children’s Extended Care Center, Inc., dated February 27, 2006 and recorded in the Middlesex South District Registry of Deeds in Book 47026, Page 355. Said land is currently part of the land known and numbered 9 Hope Avenue, but was formerly part of a larger tract of land known and numbered 218 R South Street, which was owned by the Beth Israel Community Center.

Councillor Logan moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

Councillor Logan moved to suspend the Rule 39 and act on a matter without committee reference. All were in favor. Councillor Logan moved to approve the matter for a third and final reading. Roll call was required.

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

4. The Ordinances and Rules Committee recommends Ch. 17 of the General Ordinance Article 1 Section 17-25 entitled excavation of resurfaced streets, etc., amendment be approved for a first reading. Councillor Logan moved that the action of the Committee be the action Council.

Councillor Darcy asked if a sponsor of the Resolution could speak on the Resolution for more clarity. Councillors Vizard, Logan, Waddick, McMenimen all spoke on the matter. 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 recommit matter to the Ordinances and Rules committee. All were in favor. Matter was recommitted to committee.

Councilor Logan moved to take the off street commission position ordinance off the table. All were in favor. Councillor Logan moved to recommit the matter back to the Ordinances and Rules Committee. All were in favor. Matter was recommitted.



Councillor Logan moved to discharge a matter from the Ordinances and Rules Committee. All were in favor. Councillor Logan moved to approve the 751 Main Street agreement and authorize the Mayor to sign the agreement. Roll call was requested.

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

Opposed: None

Absent: None

Motion was adopted and matter was approved.

### **Unfinished Business and Other Business**

- Hoover Room HD equipment upgrade– final  
Councillor LeBlanc moved to table the matter on the council floor. All were in favor. Matter was tabled.
- CPC Funds for Historical Preservation for Gore Estate West Wing  
President Marchese referred the matter to the Long Term Debt Committee.
- 2016 Primary Election Results  
Councillor Vizard moved to suspend Rule 39 and act on the matter without committee reference. All were in favor. Councillor Vizard moved to accept the 2016 Primary Election Results. All were in favor and the results were approved.

### **Tabled Items**

- Minutes 2/22/2016
- \$196,840 for 76 sets of turnout gear (first reading 3/14, published 3/24)
- \$579,000 loan to replace ladder one truck (first reading 3/14, published 3/24 )
- Off street commission position ordinance (first reading 3/14, published 3/24 )

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 10:18p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

April 15, 2016

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