

Waltham City Council
Minutes of the Meeting of
April 25, 2016

Council President Marchese called the meeting to order at 7:32PM.

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, Brasco, Rourke, Waddick, Vidal, Marchese, Fowler, Giordano

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 McMenimen moved to suspend Rule 8 and take a matter out of order. All were in favor and the matter was approved. Councillor McMenimen, co-sponsor of the resolution with Councillors McLaughlin and Vizard requested that the Resolution regarding St. Jude's School 50th Anniversary be read. The clerk read the resolution. Councillor McMenimen stood and spoke on the matter/Resolution. Councillor McMenimen moved to suspend Rule 9 and hear from an off committee member. All were in favor. Sister Katherine, Principal of St. Jude's School spoke about the history of St. Jude's School. Councillor McMenimen moved to suspend Rule 39 and approve the matter without committee reference. All were in favor. Councillor McLaughlin spoke on the resolution. Councillor McMenimen moved approval of the resolution. All were in favor and the resolution was approved.

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

Councillor Vizard requested the Clerk read the Brain Tumor Society Resolution. The Clerk read the Resolution. Councillor Vizard spoke on the Resolution.

Councillor Vizard moved to suspend Rule 39 and to act on the matter without committee reference. All were in favor. Councillor Vizard moved to suspend Rule 9 and hear from an off committee member. All were in favor. Kay Frederico, Representative from the Brain Tumor society spoke on the bike ride for the Brain Tumor Society to be held on May 15, 2016.

Councillor Vizard moved to approve the Resolution. All were in favor and the Resolution was approved.

The Clerk read Rule 86.

Public Hearings

The Clerk read the call of the first public hearing continued from 4/11/2016

The Nationalgrid hereby respectfully requests your consent to the location of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the City of Waltham and of the pipes, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or

operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 350feet more or less of 20 inch and 12 inch gas main. in Gore St., Waltham. From existing 12 inch gas main in Main St., southerly to the proposed Regulator Station @ Colonial Ave., and from the proposed Regulator Station to the existing 12 inch and 6 inch gas mains. All of which to replace and abandon the existing Regulator Station at Main St.

Dennis Regan, Representative for Nationalgrid 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 Rourke, Giordano, Logan, McLaughlin all asked questions to the petitioner. 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.

Continued from 4/11/2016

The Nationalgrid hereby respectfully requests your consent to the location of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the City of Waltham and of the pipes, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 215 feet more or less of 4 inch gas main. in Floral Cir., Waltham. From existing 4 inch gas main in Linden St., easterly to house #12 for a new gas service.

Dennis Regan, Representative for Nationalgrid 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 Waddick informed the petitioner that Floral Road is a private way. Councillors Rourke and Logan all asked questions to the petitioner.

The petitioner moved to withdraw this petition of a grant of location. All were in favor and the motion to withdraw was approved.

Public Hearings

The Clerk read the third public hearing.

The Nationalgrid hereby respectfully requests your consent to the location of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the City of Waltham and of the pipes, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 215 feet more or less of 8 inch gas main. in Prospect Hill Rd., Waltham. From existing Regulator Station, northerly to the proposed 8 inch gas main in Elson Rd. Waltham.

Dennis Regan, Representative for Nationalgrid 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 Waddick and Rourke spoke on the petition.

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 fourth public hearing
Second Hand Dealers License Application

Petitioner Nick Semakula, owner of Quality Designz LLC hereby petitions the City of Waltham to grant a second hand dealers license for his business located at 314 Moody Street.

Nick Semakula, of Lexington Terrace in Waltham 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 spoke on the petition.

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

President Marchese called a two minute recess.

Councillor Rourke moved to discharge a matter from the License and Franchise Committee. All were in favor. Councillor Rourke moved to withdraw the second hand dealer's license for the address at 431 River Street. All were in favor and the license was withdrawn.

Public Hearings

The Clerk read the fifth public hearing.

92-94 Trapelo Road Trust, Ciro G. & Mario D. Zottola, Trustees, Owner and Petitioner, hereby petitions the City Council for the necessary Special Permit pursuant to the provisions of Article 3, Section 3.5, subsection 3.511 of the Zoning Ordinance of the City of Waltham to grant a special permit for an increase in intensity of use (Floor Area Ratio (FAR) to 0.48) to construct three (3) additional townhouse units on the property known as 300 College Farm Road. The required parking shall be provided.

Attorney Phil McCourt of Waltham, represented the petitioner. Attorney McCourt submitted a letter from a neighbor.

Three people stood in opposition of the petition.

2 people spoke in opposition of the petition. Jean Miller of 280 College farm Road has lived there for 18 years. And has substantial concern of the rain runoff, construction, ravine and wetlands. She would like the EPA to come and evaluate.

Rochelle Presky of 282 college farm Road also spoke in opposition of the petition. She wants to know the plans for the back of ravine, traffic and runoff.

Peter Harrington. Attorney for a neighbor, Caroline Luccetti of 296 College Farm Road spoke in a neutral position 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 Fowler, Logan, LeBlanc and McMenimen spoke on the petition.

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

Public Hearings

The Clerk read the sixth public hearing.

Storage Development Partners, LLC, as Petitioner and 96 Linden Street Realty Trust, as Owner hereby petition the City Council of the City of Waltham to grant a special permit for an increase in Floor Area Ratio (FAR) to 1.72 pursuant to § 3.511 (Intensity of Use Special Permit) and § 3.521 table of Floor area Ratios (FAR) of the Zoning Ordinance.

The subject premises are shown in the “Atlas City of Waltham, Massachusetts” as follows: Page 52, Block 4, Lot 1; Page 52, Block 4, Lot 2; and Page 53, Block 6, Lot 1.

The above property is located entirely in a Business B Zoning District.

Michael Connors, of Connors and Connors LLC represented the petitioner.

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, McMenimen, Darcy, Vizard all spoke on the petition.

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

Public Hearings

The Clerk read the seventh public hearing.

Serreos, LLC, Tasos Mitrousis, Manager and Petitioner and Charlesbank Garden Apartments, Inc. of 56 Charles River Road, Waltham, Massachusetts, Owner hereby petition the City Council for the necessary Special Permit pursuant to the provisions of Article 3, Sections 3.513 and 3.620 of the Zoning Ordinance of the City of Waltham to grant a special permit for the use of a Fast Food Establishment on the property known and numbered as 570 South Street.

Bret Francis of 10 Hammer St. in Waltham represented the petitioner.

Four people stood 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 Giordano, Logan and Darcy spoke on the petition.

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

Communications from the Mayor

1. The Mayor respectfully request acceptance of five (5) checks towards the City of Waltham Viet Nam Moving Wall event to be deposited in the gift account.

Referred to the Veterans Services Committee

2. The Mayor respectfully request acceptance of a gift basket to the Waltham Police Department from Care.com.

Referred to the Finance Committee

3. The Mayor respectfully request an appropriation in the amount of \$5,000 from Unreserved Fund Balance to account #001-161-5100-5111 City Clerk Salaries.

Referred to the Finance Committee

4. The Mayor requests an Ordinance amending Article V of Chapter 2 of the General Ordinances Entitled “Compensation”.

Referred to the Ordinances and Rules Committee

Councillor LeBlanc moved to request the Mayor to come to the committee meeting to explain her request. All were in favor and the request was approved by a voice vote.

5. The Mayor requests approval for the Nathaniel at the Banks Condo unit #301 in the amount of \$235,000 not \$285,000 that was previously approved.

Councillor Logan spoke on the matter. Councillor Logan moved to amend the initial order. All were in favor of the amendment. Councillor Logan made a motion to rescind order #33429 and hereby accept the bid of \$235,000 for unit #301. All were in favor of the amended order as stated. Councillor Vizard made a motion to suspend the rules and act on the matter now without committee reference. All were in favor. Councillor Vizard moved to approve the matter. All were in favor. Roll call required.

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

Opposed: Romard

Absent: None

Motion was adopted and the matter was approved.

Applications for Licenses and Permits

1. Secondhand Dealers Renewal – 82 Trapelo Road - Custom Care Old Wood Signs
Referred to the Licenses and Franchises Committee

2. Secondhand Dealers Renewal – 443 Moody St. Auinden Inc. dba Mr. Sweeper
Referred to the Licenses and Franchises Committee

Resolutions

1. Public Service Recognition Week. Councillor LeBlanc spoke on the Resolution. Councilor LeBlanc also noted the Mayor signed a proclamation for Waltham Municipal employees. Councillor LeBlanc moved to suspend Rule 39 and act on the matter without committee reference. All were in favor. Councillor LeBlanc moved approval of the Resolution. All were in favor and the matter was approved. Councillor LeBlanc made a request to have the Resolution sent to every city departments. All were in favor and the request was approved.

2. Filling vacancies within the Clerk's Office. President Marchese referred the matter to the Committee of the Whole. Councillor McMenimen requested to have the law department present at the committee meeting to discuss the matter. All were in favor and matter request was approved.

3. Emergency Shelter Day Center. Councillor Fowler spoke on the Resolution. Councillor Fowler moved to table the matter on the Council floor. All were in favor and the matter was tabled.

Committee Reports

License & Franchise

1. The License and Franchise Committee recommends the Class II Motor Vehicle Renewal for Waltham Auto Tow Inc. at 281 Crescent Street be approved with conditions. Councillor Rourke moves that the action of the Committee be the action Council. On the motion Councillor Rourke moved to table the matter on the council floor. All were in favor and the matter was tabled.

2. The License and Franchise Committee recommends the Class II Motor Vehicle Renewal for European Auto Tow Inc. at 1486 Main Street be approved with conditions. Councillor Rourke moves that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.
3. The License and Franchise Committee recommends the Class II Motor Vehicle Renewal for Auto Systems Inc. at 49 Prospect St. be filed. Councillor Rourke moves that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.
4. The License and Franchise Committee recommends the Second Hand Dealers License application for Marcou Jewelers located at 379 Moody St. be approved. Councillor Rourke moves that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.
5. The License and Franchise Committee recommends the Lodging House renewal application for 24-26 High St. be approved. Councillor Rourke moves that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote. Councillor Rourke moved to approve all lodging house renewal applications. All were in favor and all license were approved.
6. The License and Franchise Committee recommends the Lodging House renewal application for 403 River St. be approved. Councillor Rourke moves that the action of the Committee be the action Council.
7. The License and Franchise Committee recommends the Lodging House renewal application for 107 Adams St. be approved. Councillor Rourke moves that the action of the Committee be the action Council.
8. The License and Franchise Committee recommends the Lodging House renewal application for 74 Adams St. be approved. Councillor Rourke moves that the action of the Committee be the action Council.
9. The License and Franchise Committee recommends the Lodging House renewal application for 104 Adams St. be approved. Councillor Rourke moves that the action of the Committee be the action Council.
10. The License and Franchise Committee recommends the Lodging House renewal application for 49-51 Brown St. be approved. Councillor Rourke moves that the action of the Committee be the action Council.
11. The License and Franchise Committee recommends the Lodging House renewal application for 124-126 Ash St. be approved. Councillor Rourke moves that the action of the Committee be the action Council.

Finance Committee

1. The Finance Committee recommends the Resolution concerning the annual audit - - CAFR be filed. Councillor Brasco moves that the action of the Committee be the action Council. All were in favor and the matter was filed.

2. The Finance Committee recommends the appropriation of \$45,000 from unreserved fund balance to the Fire Department overtime expenses for FY2016 be approved. Councillor Brasco moves that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

3. The Finance Committee recommends the appropriation of \$18,000 from unreserved fund balance to CPW Spray Park Account for repairs be approved. Councillor Brasco moves that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

Economic and Community Development

The Economic and Community Development Committee recommends The Green Community resolution be filed. Councillor Darcy moves that the action of the Committee be the action Council. All were in favor and the matter was filed.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the Kevin Ritcey Award Resolution be approved. Councillor LeBlanc moved to table the matter on the Council floor. All were in favor and the matter was tabled.

2. The Ordinances and Rules Committee recommends the 17-25 ordinance amendment be approved for a second reading. (First reading 3/28/2016, published 4/7/2016. Proposed ordinance attached.) Councillor Logan moved to table the matter on the Council floor. All were in favor and the matter was tabled.

3. The Ordinances and Rules Committee recommends the 17-25 Resolution be filed. Councillor Logan moves that the action of the Committee be the action Council. All were in favor and the matter was filed.

Unfinished Business and Other Business

- CPC appropriation for Historic Old Sacred Heart Church
President Marchese referred the matter to the Long Term Debt Committee

- Request for temporary use of Fitch School Parking lot by Community Farms
President Marchese referred the matter to License and Franchise Committee

Tabled Items

- Toolshed Second Hand Dealers License (Has DBA/BC on file)
Councillor Rourke moved to take the matter off of the table. All were in favor. The matter was before the Council. Councillor Rourke moved to approve the matter. All were in favor and the matter was approved by a voice vote.

- Minutes 2/22/2016

- JMH Automotive Class II License

Councillor Rourke moved to take the matter off of the table. All were in favor. The matter was before the Council. Councillor Rourke moved to approve the matter. All were in favor and the matter was approved by a voice vote.

- Loan authorization for 476 & 486 Main St. (First reading 4/11/16, Published 4/21/16)

- Off street commission position ordinance (First reading 3/14, published 3/24)
Councillor Logan moved to take the matter off of the table. All were in favor. The matter was before the Council. Councillor Logan moved to approve the matter for a second reading. All were in favor and the matter was approved for a second reading by a voice vote. Councillor Logan moved to suspend the rules and vote on the 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: LeBlanc, Logan, McLaughlin, O'Brien, Rourke, Vidal, Vizard, Marchese, Fowler, Brasco, Darcy, McMenimen

Opposed: None

Absent: Giordano, Romard

Motion was adopted and the matter was approved.

There being no further matters before the City Council, Councillor Brasco moved to adjourn. All were in favor. The motion was adopted on a voice vote.

Council President Marchese declared the meeting adjourned at 11:21p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

May 19, 2016

Approved by the City Council: _____