

Waltham City Council
Minutes of the Meeting of
June 12, 2017

President LeBlanc called the meeting to order at 7:30pm.
The Clerk Pro Tem called the roll of the City Council.

Call of the Roll:

City Council

Present: Councillors Darcy, LeBlanc, R., Logan, McMenimen, O'Brien, Rourke, Fowler, McLaughlin, Romard, Marchese, Waddick, Giordano, LeBlanc, D. Vidal, Brasco
Absent: None

The Clerk Pro Tem recited the Council Prayer followed by President LeBlanc leading 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 Marchese rose to speak and declared he is not running for re-election this Fall.

Councillor Logan moved to collectively approve the three sets of minutes on the Docket (5/22/2017, 5/8/2017, 5/12/2017). All were in for and minutes were approved by a voice vote.

The Clerk Pro Tem read Rule 86.

The Clerk Pro Tem called the matter of the first public hearing: 17-25 petition at 25 Wetherbee Road.

Maria Bombardi, 25 Wetherbee Road, Waltham, owner of property, 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 of the petition, President LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Giordano, Logan, Vidal and Waddick asked questions to the petitioner.

With no further questions from Councillors President LeBlanc referred the matter to the Public Works and Public Safety Committee.

The Clerk Pro Tem called the matter of the second public hearing: 17-25 at intersection of Fairfax, Highland Ave. and Longfellow Road.

Barbara Kelleher, Representative for 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 of the petition, President LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors McLaughlin, Waddick asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Public Works and Public Safety Committee.

The Clerk Pro Tem called the matter of the third public hearing: 17-25 on Fiske Ave.

Michael Connors, of Connors and Connors LLP, Attorney for the petitioner spoke in favor of the petition.

Amanda Dusoe and Barbara Kelleher, Representative of the petition, spoke in favor of the petition. Brian Doherty, 83 Fiske Ave. spoke in favor of the petition. Two stood in opposition of the petition.

With no one else in support and no one else in opposition and no one in a neutral position of the petition, President LeBlanc closed this portion of the public hearing and opened the hearing to

questions from Councillors. Councillors Giordano, Marchese, Waddick, asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Public Works and Public Safety Committee.

Councillor Logan rose and made a motion to suspend the rules and take a matter out of order. All in favor. Councillor Logan made a motion to suspend the rules to act on a matter without Committee reference. All in favor. Councillor Logan made a motion to suspend rules to hear from an off committee member. All in favor Councillor Logan requested to hear from the Mayor in regards to the Communication from the Mayor regarding Stigmatine property. All were in favor. All rose for Mayor McCarthy to enter to Chamber.

The Mayor spoke on her Communication. Councillor Logan spoke on the matter. Councillor Logan moved to file the communication. On the motion Councillor Waddick spoke and made a motion to move the question. On the motion to move the question Councillor O'Brien asked if the motion could be withdrawn because he wished to be heard. Councillor McMenimen rose and stated there is no debate; the question was moved and requested a roll call.

In favor: Brasco, Giordano, Logan, Vidal, Waddick

Opposed: Darcy, Fowler, LeBlanc, R., Marchese, McLaughlin, McMenimen, O'Brien, Romard, Rourke.

Motion to file did not pass. Councillor Giordano asked questions to the Mayor. Councillor Brasco spoke on the matter. Councillor Giordano spoke again on matter. Councillor O'Brien spoke on the matter. On the motion to file. Motion was filed by a voice vote.

Councillor Logan moved to suspend rules and to take the Mayors Communications, number 10, the request to negotiate the purchase and the site be made available for the new Waltham High School, out of order. Motion was approved by a voice vote. Councillor Logan moved to suspend rules and act on matter without committee reference. Motion approved by a voice vote. Logan spoke on the matter. Councillor Logan moved to file the communication. Roll call requested.

In favor: Brasco, Giordano, Logan, Marchese, Rourke, Vidal, Waddick, LeBlanc, D.

Opposed: Darcy, Fowler, LeBlanc, R., McLaughlin, McMenimen, O'Brien, Romard

Motion to file was approved.

The Clerk Pro Tem called the matter of the fourth public hearing: Fuel Storage License at 746 South Street.

Philip McCourt, Esq., Church Street, Waltham representing Boston Properties 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 of the petition, President LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillor Romard asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the License and Franchise Committee.

The Clerk Pro Tem called the matter of the fifth public hearing: Fuel Storage License at 100 Winter Street.

Communications from the Mayor

1. The Mayor respectfully requests the appointment of Susan Piantedosi of 1114 Main Street, as a member of the Waltham Board of Health.

Referred to the Committee of the Whole.

2. The Mayor respectfully requests acceptance of the FFY 2017 Underage Alcohol Enforcement Grant in the amount of \$4,991.90 awarded to the City of Waltham Police Department from the Executive Office of Public Safety and Security (EOPSS).
Referred to the Finance Committee.

3. The Mayor respectfully requests an appropriation of \$1,000 from account #232-480-3590-3590 Parking Meters Unreserved Fund Balance to account #232-480-5800-6422 for the purchase of 400 residential stickers and 400 visitor hang tags. These funds will be used to initiate a “Pilot Residential Sticker Program” during September or October 2017 for the following streets and times.

Flood Street – all hours

Friend Street – all hours

John Street – all hours

Moore Street – all hours

Oak Street (from Moore to Cedar) – all hours

Cedar Street (from Oak to Calvary) – all hours

Calvary Street (from Cedar to Flood) 5:00 pm to 6:00am only

Referred to the Finance Committee

4. The Mayor respectfully requests the transfer of School Department Capital Improvement Program funds totaling \$778,868.00 from the accounts listed below to various School Department Capital Improvement Program accounts:

#215-135-7414-5205 Stabilization – School Projects

#330-300-2000-6000 School CIP – General

#330-300-2006-6000 School CIP – General

#330-300-2012-6000 School CIP – General

#330-300-2013-6000 School CIP – General

Referred to the Long Term Debt Committee

Resolutions

1. Stigmatine Property – Sponsored by Councillors Logan, Fowler, D. LeBlanc and others
Taken out of order.

2. Planning Board– Sponsored by President LeBlanc and Councillor Vidal
Referred to the Ordinances and Rules Committee

3. CIP Capital Improvements Budget Resolution – Sponsored by President LeBlanc
Referred to the Long Term Debt Committee

4. Ordinance Amendment for Gas Leaks was referred to the Ordinance and Rules Committee

Committee Reports

Public Works & Public Safety

1. The Public Works and Public Safety Committee recommends that the petition for a street opening under Section 17-25 of the General Ordinances for Rumble Seat LLC at 746 South Street be approved. Councillor Waddick moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

License & Franchise

1. The Licenses and Franchises Committee recommends that a Second Hand Dealers License for Descar Inc. DBA Descar Jewelry Design, Ltd be approved. Councillor Brasco moved that the action of the committee be the action of the Council. All were in favor and the matter was approved by a voice vote.

Economic and Community Development

1. Economic and Community Development Committee recommends that the transfer of care and control of 14 Church Street to the Recreation Department be approved. Councillor Fowler moved to table the matter on the Council floor.

Committee of the Whole

1. Councillor Logan moved to discharge the matter regarding at 554 Lexington Street from the Committee of the Whole. All were in favor. Councillor Logan moved to file the matter. The matter was filed by a voice vote.

2. Councillor Logan moved to discharge the matter regarding a taking order for Stigmatine Property. Matter was approved by a voice vote. Councillor Logan moved to file the matter. The matter was filed by a voice vote.

3. Councillor Logan moved to discharge the second matter relating to the Stigmatine Property. Matter was approved by a voice vote. Councillor Logan moved to file the matter. The matter was filed by a voice vote.

Finance Committee

1. The Finance Committee recommends that an appropriation of funds in the amount of \$34,000 from the Library State Grant #224-610-1065-5205 to Library Educational Expenses #001-610-5200-5510 be approved. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

2. The Finance Committee recommends that the acceptance of the gifts of one large framed picture of the City of Waltham c.1898 and three small framed photos of the house at 380 Lexington Street, Waltham, from Khoren Dertsakian and Voski Simonian be approved. Councillor McMenimen moved 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 that the acceptance of a gift of goods and services to the Waltham Historical Commission and the Paine Estate for painting the dining room ceiling and restoring woodwork and fireplace tiles in the northeast bedroom of the house be approved. Councillor McMenimen moved 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 Finance Committee recommends that an appropriation in the amount of \$100,000 from Unreserved Fund Balance to account #001-420-5800-6310 CPW-Tree Preservation Program be approved. Councillor McMenimen moved 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 Finance Committee recommends an appropriation in the amount of \$100,000 from Unreserved Fund Balance to account #001-215-5100-5131 Dispatch-Overtime be approved.

Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

6. The Finance Committee a transfer of funds in the amount of \$163,858.00 to award the low and responsible bid for the surface reconstruction of Willard Street be approved. Councillor Romard recused himself. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.
7. The Finance Committee recommends an appropriation in the amount of \$80,000.00 from Unreserved Fund Balance to account #001-220-5100-5131 Fire-Overtime be approved. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

Ordinances & Rules Committee

1. The Ordinances and Rules Committee recommends that an ordinance amending Chapter 10 of the General Ordinances of the City of Waltham, entitled “OFFENSES—MISCELLANEOUS,” by adding Article V. Nuisance Property be given for a second reading. Councillor Rourke spoke on the matter. Councillor Rourke moved that the action of the Committee be the action of the Council. Matter was approved for a second reading. Councillor Rourke moved to suspend the rules and give the matter a third and final reading. All were in favor.

Roll call required.

Approved: Fowler, Giordano, Logan, Marchese, Mclaughlin, O’Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Romard, Darcy, McMenimen

Opposed: None

Absent: Brasco

Ordinance was approved.

2. The Ordinances and Rules Committee recommends that an ordinance amending Chapter 1 of the General Ordinances of the City of Waltham, Enforcement of Municipal Ordinances, by adding enforcement provision for Nuisance Properties be given a second reading. Councillor Rourke moved that the action of the Committee be the action Council. On the motion Councillor Logan moved to amend the ordinance. All were in favor. Amendment was approved. All were in favor and the second reading was approved by a voice vote. Councillor Rourke moved to suspend the rules and give the matter a third and final reading. All were in favor.

Roll call required.

Approved: Fowler, Giordano, Logan, Marchese, Mclaughlin, O’Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Romard, Darcy, McMenimen

Opposed: None

Absent: Brasco

Ordinance was approved.

3. The Ordinances and Rules Committee recommends the Special Permit for Cellco Partnership d/b/a Verizon Wireless at 1077 Lexington Street be approved. Councillor Rourke moved that the action of the Committee be the action of the Council.

Roll call required.

Approved: Fowler, Giordano, Logan, Marchese, Mclaughlin, O’Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Romard, Darcy, McMenimen

Opposed: None

Absent: Brasco

Matter was approved.

Unfinished Business & Other Business

- Time Extension for Special Permit for Rumble Seat LLC at 746 South Street
Councillor Rourke moved to suspend the rules and act on the matter without committee reference. All in favor. Councillor Rourke moved to approve the request. Roll call required. Approved: Fowler, Giordano, Logan, Marchese, McLaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Romard, Darcy, McMenimen
Opposed: None
Absent: Brasco
Matter was approved.

- Request for an extension of time to complete work BP Third Avenue LLC, 186-194 Third Ave and 95 Forth Ave. Referred to the Ordinances and Rules Committee
- Community Preservation Committee appropriation of \$50,000 for preservation of historic stonewalls. Referred to the Long Term Debt Committee

Tabled Items

- Minutes from 1/23/2017
- 554 Lexington Street
Councillor Logan moved to take the matter off of the table. All in favor. Councillor Logan moved to file the matter. All in favor.
- 950 Winter Street Fuel Storage License

Councillor Logan moved to adjourn. President LeBlanc declared the meeting adjourned at 11:52p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

June 6, 2017

Approved by the City Council: _____