

Waltham City Council
Minutes of the Meeting of
May 23, 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, McMenimen, O'Brien, Brasco, Rourke, Waddick, Vidal, Marchese, Fowler, Giordano
Absent: McLaughlin, Vizard, Romard

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 O'Brien moved to suspend Rule 8 and take a matter out of order. All were in favor and the matter was approved. The Clerk read the resolution regarding Lawn Care Pesticide Products. Councillor O'Brien stood and spoke on the matter/Resolution. Councillor O'Brien moved to suspend Rule 9 and hear from an off committee member. All were in favor. Mr. Paul Katz of Cedarwood Ave. spoke on the Resolution President Marchese referred the Resolution to the Economic and Community Development Committee.

The Clerk read Rule 86.

Public Hearings

The Clerk read the call of the first public hearing.
Comcast of Massachusetts I, Inc. hereby respectfully requests your consent to permit and build a fiber connection in the City of Waltham in and under the public streets listed below: To install and maintain approximately 805 feet more or less of (2) 4 inch communication conduits and (2) 36" x 36" vaults from Utility Pole #12A on School Street at Lexington Street Southerly on Lexington Street to Main Street in order to provide service to the customer located at 6 Lexington Street.

Rick Maio and Dave Flewelling, Representative for Comcast spoke in favor of the petition. Sanjay Salomon of 42 Lexington Street 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 Waddick, Rourke and Logan 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.

Communications from the Mayor

1. The Mayor respectfully request an appropriation in the amount of \$3,500,000 from account #217-121-1015-3590 Mayor-Sale of City Owned Land to account Other Financing Sources-

Capital Projects. These funds were generated from the sale proceeds of ten (10) condo units at the former Banks School property and will be used to pay off the short term note in the amount of \$3,500,000 that was used towards the financing of this project.

President Marchese referred the matter to the Finance Committee

2. The Mayor respectfully request an appropriation of funds totaling \$2,212,000 to fund compensation increases for the Non-Union employees for the period July 1, 2013 to June 30, 2016. President Marchese referred the matter to the Finance Committee
3. The Mayor respectfully request a transfer of the sum of Eight-Five Thousand Dollars (\$85,000.00) for the purpose of funding the crosswalk light improvements at Falzone Field, located at 901 Trapelo Road. President Marchese referred the matter to the Finance Committee

Applications for Licenses and Permits

President Marchese collectively referred all the matters to the License & Franchise Committee

1. Lodging House Renewal – 175 Forest Street – Forest Hall Upper – Bentley University
2. Lodging House Renewal – 175 Forest Street HUD Tree Dorms Upper – Bentley University
3. Lodging House Renewal – 175 Forest Street Castle Hall Upper – Bentley University
4. Lodging House Renewal – 175 Forest Street Copley Hall North Lower – Bentley University
5. Lodging House Renewal – 175 Forest Street Copley Hall South Lower – Bentley University
6. Lodging House Renewal – 175 Forest Street Kresge Hall Upper – Bentley University
7. Lodging House Renewal – 175 Forest Street Fenway Hall – Bentley University
8. Lodging House Renewal – 175 Forest Street Nathan R. Miller Hall Upper – Bentley University
9. Lodging House Renewal – 175 Forest Street Slade Hall Upper – Bentley University
10. Lodging House Renewal – 175 Forest Street Stratton House Beaver– Bentley University
11. Lodging House Renewal – 415 South St. Ridgewood A,B,C – Brandeis University
12. Lodging House Renewal – 415 South St. South St. (The Village) 415- Brandeis University
13. Lodging House Renewal – 415 South St. Massell Quad (DeRoy, Shapiro, Renfeld, Usen)
14. Lodging House Renewal – 415 South St. Rosenthal Dorms (North, South, East) - Brandeis
15. Lodging House Renewal – 415 South St. East Quad - Brandeis University
16. Lodging House Renewal – 415 South St. North Quad - Brandeis University
17. Lodging House Renewal – 415 South St. Castle, Schwartz - Brandeis University
18. Lodging House Renewal – 52-54 Bedford St. – George Kimball Jr.
19. Secondhand Dealers Renewal – 563 Moody St. Compustar Inc.

Councillor Logan moved to accept a late file communication from the State Lottery regarding Keno to Go. All were in favor. Councillor Giordano recused himself. He works for the Mass State lottery. Councillor Logan spoke on the Keno to Go communication. Councillor Logan presented a resolution relating to the communication. Councillor Logan moved to suspend Rule 39 to act on a matter without committee reference. All were in favor. Councillor Rourke spoke on the Resolution. Councillor Logan moved approval of the Resolution. All were in favor and the resolution was approved. Councillor Logan submitted a request to send the Resolution and the letter to the Waltham Licensing Commission and the lottery commission. Request was approved by a voice vote.

Resolutions

Councillor Darcy and Councillor McMenimen submitted resolution regarding Protecting Historic Stone Walls in Waltham. The Clerk read the Resolution. Councilors Darcy and McMenimen

spoke on the resolution. President Marchese referred the matter to the Economic and Community Development Committee. Councillor Darcy submitted a request to have a representative from the historical commissioner attend the June 6th committee meeting to discuss resolution. Request was approved by a voice vote.

Committee Reports

The Veterans Services Committee

The Veterans Services Committee recommends the Brian Ouellette Square be approved as ordered: That the intersection of Elm Street and Carter Street shall henceforth be known as and is hereby officially designated Brian J. Ouellette Square in honor of Boatswain's Mate First Class Brian J. Ouellette and that such designation shall be duly recorded on the official list of Veterans' Squares for the City of Waltham. It is further ordered that a suitable marker shall be erected and maintained. Councillor Giordano moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

License & Franchise

1. The License and Franchise Committee recommends the Seasonal Outdoor Seating license for Lizzy's Ice Cream be approved with conditions. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.
2. The License and Franchise Committee recommends the Fuel Storage Permit at 950 Winter St. be approved. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.
3. The License and Franchise Committee recommends the Secondhand Dealer's License for 82 Trapelo Rd. be approved. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and the matter was approved.
4. The License and Franchise Committee recommends the Nationalgrid Grant of Location at Gore Street be approved with specific conditions. Councillor Rourke moved that the action of the Committee be the action Council. Councillor Rourke spoke on the motion and read the conditions to the Council. All were in favor and the matter was approved.

Finance Committee

1. The Finance Committee recommends the appropriation of \$2,500,000 from Unreserved Fund to the Medical Insurance Trust Fund be approved. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved.

Committee of the Whole

1. The Committee of the Whole recommends the acceptance of the bid for Banks School condo unit #208 for \$278,708 be approved. Councillor LeBlanc moves that the action of the Committee be the action Council. Roll call required.

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

Opposed: None

Absent: Romard, Brasco, McLaughlin, Vizard

Motion was adopted and the matter was approved.

2. The Committee of the Whole recommends the acceptance of the bid for Banks School condo unit #300 for \$301,000 be approved. Councillor LeBlanc moves that the action of the Committee be the action Council. Roll call required.

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

Opposed: None

Absent: Romard, Brasco, McLaughlin, Vizard

Motion was adopted and the matter was approved

3. The Committee of the Whole recommends the acceptance of the bid for Banks School condo unit #304 for \$292,000 be approved. Councillor LeBlanc moves that the action of the Committee be the action Council. Roll call required.

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

Opposed: None

Absent: Romard, Brasco, McLaughlin, Vizard

Motion was adopted and the matter was approved

Ordinances and Rules

1. The Ordinances and Rules Committee recommends Article V of Chapter 2 of the General Ordinances of the City of Waltham entitled "Compensation" Section 2-30, Compensation Schedules, subsection B2 amendment be approved for a first reading.

Councillor Logan 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 Logan moved to recommit matter back to the Ordinances and Rules committee. All were in favor.

The Ordinances and Rules Committee recommends Chapter 2, Article 1, Section 2-6 of the General Ordinances of the city of Waltham entitled "Clerk of Veterans' Services Committee amendment be approved for a first reading. Councillor LeBlanc 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 Logan moved to recommit matter back to the Ordinances and Rules committee. All were in favor.

Long Term Debt Committee

1. The Long Term Debt Committee recommends the transfer of capital improvements totaling \$42,000 for the work to be done at the Veteran's Rink be approved.

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

Unfinished Business and Other Business

1. Meeting request from Superintendent Drew Echelson regarding new/renovated high school update. President Marchese referred the matter to the Committee of the Whole with the approved request to have Dr. Echelson attend the June 6th Committee meeting.

2. Time extension for BP Third Avenue LLC - 214 Third Ave., 186-194 Third Ave, 95 Fourth Ave. President Marchese referred to matter to the Ordinances and Rules Committee.

3. Request to approve FY 2017 Budget from CPC. President Marchese referred the matter to the Long Term Debt Committee.

4. CPC Recommendation for appropriation for historic preservation, restoration of Paine Estate roof design for \$12,000. President Marchese referred the matter to the Long Term Debt Committee.

Tabled Items

- Class Two renewal for Waltham Diamond Auto Tow, Inc. @ 281 Crescent St. (Need workers comp. affidavit).
- 17-25 Ordinance Amendment (changing the 3 year moratorium to a 5 year moratorium to open road) (first reading 3/28/16, published 5/5/16)
Councillor Logan moved to take the 17-25 ordinance amendment off the table. All were in favor and the matter was before the Council. Councillor Logan moved for approval of a second reading. All were in favor and matter was approved for a second reading. Councillor Logan moved to suspend rule 39 and approve matter without committee reference. All were in favor and matter was approved. Councillor Logan moved to approve the ordinance amendment for a third and final reading. On the motion Councillor McMenimen spoke on the matter and referenced she was requesting a roll call. On the motion Councillor Logan moved to table the matter. All were in favor and the matter was tabled.
- Minutes 2/22/2016

Councillor Waddick made an announcement regarding the dedication of Dakin Square will be held on 6/4/2016 at 11am on the corner of Pond and Lexington St.

Councillor Giordano made an announcement regarding a fundraiser to be held on June 8th for the Veterans Service Committee at the American Legion from 6-10pm.

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

Council President Marchese declared the meeting adjourned at 9p.m.

Respectfully submitted by:
Kara Wilson
Executive Assistant of the City Clerk
May 25, 2016

Approved by the City Council: _____