

Waltham City Council  
Minutes of the Meeting of  
May 9, 2016

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

President Marchese made announcements regarding the Master Transportation Plan Meeting that is to be held on May 17<sup>th</sup> from 4-9pm at the Government Center and the Waltham Youth Baseball Parade is on Saturday May 14<sup>th</sup> at 11am.

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

Councillor LeBlanc moved approval of the minutes from the May 2, 2016 Special City Council Meeting. All were in favor and the minutes were approved.

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 Fowler 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 Waltham Community Day Resolution.

Councillor Fowler moved to suspend Rule 9 to hear from an off committee member. All were in favor. Marilyn from the Waltham Community Day Center spoke and thanked the Council for the acknowledgement. She also thanked all of the staff that work with her. Councillor LeBlanc, Logan, Marchese and Fowler all spoke on the resolution. Councillor Fowler moved to suspend Rule 39 to act on resolution without committee reference. All were in favor. Councillor Fowler moved approval of 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.

**Fuel Storage Application**

BP Bay Colony LLC, c/o Boston Properties Limited Partnership, 1000 Winter Street, Waltham, MA 02451, hereby petitions the City Council to amend the Fuel Storage License for the property located at 950 Winter Street, Waltham, MA, to add a new 600 gallon fuel oil aboveground storage tank to serve the multi-use office building at the property. The 600 gallon aboveground storage tank would be in addition to the 450 gallon fuel oil aboveground storage tank and 206 garage parking spaces already licensed at the 950 Winter Street property. Juno Therapeutics, 100 Beaver Street, Suite 101, Waltham, MA 02451, would be the operator of the new 600 gallon fuel oil aboveground storage tank only.

Phil McCourt, Attorney for the petitioner spoke in favor of the petition. Nick Scoli of Boston Properties was present in support of the petitioner. Paul Pavone, representative of the union laborers spoke in opposition for the petitioner. He explained that 95% of the interior work done by open shop contractors. 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. Councilor Rourke asked the Clerk's office to provide all of the sign off department sheets to the committee. Councillor McLaughlin asked why Boston Properties do e not use more union laborers. Nick said he would spread the word to his supervisor. 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 Mayor**

1. Pursuant to City Charter Section 3-10, The Mayor respectfully requests a Special Meeting of the City Council for Monday, May 16, 2016 at 7:30 p.m. or as soon thereafter, for the purpose of submitting my FY17 budget recommendations with associated communications  
Councillor LeBlanc moved to table the matter on the council floor. All were in favor and the matter was tabled.

2. The Mayor respectfully requests acceptance of a donation of \$100 from the Massachusetts National Guard, Unit 14 towards the City of Waltham Vietnam Moving Wall event.  
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 donation. All were in favor and the matter was approved.

3. The Mayor respectfully requests a transfer of capital improvement funds as itemized below totaling \$42,000 for the purpose of hiring a consultant (designer/engineer) to prepare bid documents and oversee the work of replacing the electric compressors and dehumidifiers at the Veterans' Rink.  
President Marchese referred the matter to the Long Term Debt Committee.

4. The Mayor respectfully requests an appropriation in the amount of \$2,500,000 from Unreserved Fund Balance to account #001-914-5200 Auditor-Medical Insurance for transfer to the Medical Insurance Trust Fund. These funds will be used to pay the medical bills for the anticipated utilization of benefits incurred through June 30, 2016 for City and School employees, retirees and their dependents.  
President Marchese referred the matter to the Finance Committee.

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

1. Seasonal Tables & Chairs on sidewalk permit – 367 Moody St. - Lizzy's Ice Cream  
President Marchese referred the matter to the License and Franchise Committee.

### **Resolutions**

1. Bicycle Sharing sponsored by Councillor Logan, Darcy  
The Clerk read the Resolution. Councillor Logan and Councillor Darcy spoke on the Resolution. President Marchese referred the matter to the Economic and Community Development Committee.

2. Minimum Wage sponsored by Councillor LeBlanc, Marchese

The Clerk read the resolution. Councillor LeBlanc spoke on the resolution. President Marchese referred the matter to the Finance Committee. Councillor LeBlanc moved to approve a request to have the Auditor adjust minimal wage. All were in favor and the request was approved.

3. Verizon Strike sponsored by Councillor McLaughlin

The Clerk read the Resolution. Councillor McLaughlin spoke on the resolution. Councillor McLaughlin moved to suspend rule 39 and approve the resolution without committee reference. All were in favor. Councillor McLaughlin moved to approve the Resolution. All were in favor and the matter was approved by a voice vote.

4. Brian Ouellette Resolution. The Clerk read the resolution. Councillor Giordano and Councillor O'Brien spoke on the resolution. President Marchese referred the matter to the Veteran's Services Committee.

5. Stipend Resolution. The Clerk read the resolution. Councillor Waddick spoke on the resolution. President Marchese referred the matter to the Ordinances and Rules Committee

6. Community Preservation Committee Resolution. The Clerk read the resolution. Councillor Rourke spoke on the resolution. President Marchese referred the matter to the Ordinances and Rules Committee. Councillor Rourke moved to approve a request to have the Clerk to send to all the CPC members to see if they would like to renew their seat. All were in favor and the request was approved.

### **Committee Reports Veteran's Services**

The Veterans Services Committee recommends acceptance of five (5) checks towards the City of Waltham Vietnam Moving Wall event be approved.

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 Second Hand Dealers License for Quality Designz at 314 Moody St. be approved with conditions.

Councillor Rourke moved that the action of the Committee be the action Council. On the motion Councillor Logan moved to include the restriction of not allowing the purchase and sale of silver, gold, precious metals. Etc be included in the conditions. All were in favor and the matter was approved.

2. The License and Franchise Committee recommends the Second Hand Dealers License for Auinden Inc. dba Mr. Sweeper at 443 Moody St. 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.

3. The License and Franchise Committee recommends the Community Farms use of the Fitch School parking lot 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.

### **Finance Committee**

1. The Finance Committee recommends the acceptance of a gift basket to the Waltham Police Department from Care.com be approved.

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

2. The Finance Committee recommends the appropriation in the amount of \$5,000 from Unreserved Fund Balance to account #001-161-5100-5111 City Clerk Salaries be approved.

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

### **Ordinances and Rules**

1. The Ordinances and Rules Committee recommends the Poll Workers Compensation Ordinance amendment be approved for a second reading. Councillor Logan moved that the action of the Committee be the action Council. On the motion Councillor O'Brien recused himself. All were in favor and the matter was approved by a voice vote. Councillor Logan moved to suspend the Rules and approve the matter for a third and final reading. All were in favor and roll call was required.

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

Opposed: None

Absent: O'Brien (recused himself.)

Motion was adopted and the matter was approved.

2. The Ordinances and Rules Committee recommends the Ordinance Amendment for Second Hand Dealer's Licenses be approved for a first 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 recommit the matter back to the O&R Committee.

3. The Ordinances and Rules Committee recommends the Ordinance Amendment for the Compensation Ordinance (nonunion) be approved for a second reading. Councillor Logan moved that the action of the Committee be the action Council. On the motion Councillor Waddick recused himself. All were in favor and the matter was approved by a voice vote. Councillor Logan moved to suspend the Rules and approve the matter for a third and final reading. All were in favor and roll call was required.

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

Opposed: None

Absent: Waddick (recused himself.)

Motion was adopted and the matter was approved.

4. The Ordinances and Rules Committee recommends the General Ordinance Compensation amendment regarding the First Assistant City Solicitor's stipend be changed from \$500 - \$1500 be approved for a first reading. Councillor Logan moved that the action of the Committee be the action Council. On the motion, Councillor Logan moved to take one vote to approve numbers #4-7. They are all one amendment. All were in favor to have one vote for all four amendments. The matters were approved for first readings.

5. The Ordinances and Rules Committee recommends the General Ordinance Compensation amendment regarding the Inspector of Wires change from grade 16 – to grade 17 based on working 24/7 on emergencies, fire alarms, lights, traffic signals, construction projects fires etc. be approved for a first reading. (Approved – above.)

6. The Ordinances and Rules Committee recommends the General Ordinance Compensation amendment regarding the Executive Assistant to the City Clerk change stipend from \$3500 to \$7000 to codify the existing salary, with no change in salary be approved for a first reading. (Approved above.)

7. The Ordinances and Rules Committee recommends the General Ordinance Compensation amendment regarding the Assistant Director for Services at Veterans Rink Director stipend be changed form \$5000-\$6000 be approved for a first reading. (Approved above.)

### **Long Term Debt Committee**

1. The Long Term Debt Committee recommends the CPC funds for Historic preservation, restoration and accessibility projects to the Historic Old Sacred Heart Church for \$86,400 be approved. Councillor Waddick moved that the action of the Committee be the action Council. Roll call required.

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

Opposed: None

Absent: None

Motion was adopted and the matter was approved.

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

1. 9 Hope Ave Children's Hospital Vetoed Amendment – Zoning District Map Section 3.13 vetoed by Mayor (order #33423)

Councillor Logan moved to take the zoning district veto map section 3.13 matter out of order.

All were in favor. Councillor Logan spoke on vetoed map amendment. Councillor Logan moved to override the Mayor's veto on the map amendment. Roll call was required.

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

Opposed: Darcy, McMenimen

Absent: None

President Marchese did not vote.

Motion was adopted and the veto override was approved.

Councillor Logan and Councillor McMenimen rose for parliamentary procedure.

2. 9 Hope Ave Children's Hospital Zoning Amendment – Min. setbacks section 4.11 vetoed by Mayor (order #33421)

Councillor Logan moved to place this matter on file. Roll call was requested.

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

Opposed: None

Absent: None

President Marchese did not vote.

Motion was adopted and the matter was placed on file.

3. 9 Hope Ave Children's Hospital Zoning Amendment – Footnotes for Section 4.12 vetoed by Mayor. (order #33422)

Councillor Logan moved to place this matter on file. Roll call was requested.

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

Opposed: None

Absent: None

President Marchese did not vote.

Motion was adopted and the matter was placed on file

4. Surplus memo from the Clerk's Office regarding classroom space at the Bright School

Councillor LeBlanc moved to waive the reading of the matter. All were in favor. On the request to withdraw the memo all were in favor and the matter was withdrawn.

Councillor McLaughlin moved to discharge an item from the Fernald Use Committee. All were in favor. Councillor McMenimen recused herself. Councillor McLaughlin moved to co-sponsor an application with the historical commission to the CPC. ON the motion Councillor Romard asked questions and Councillor Logan spoke on the matter. Roll call was requested.

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

Opposed: None

Absent: McMenimen (Recused herself.)

Motion was adopted and the matter was approved.

#### **Tabled Items**

- Class 2 renewal for Waltham 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)
- Minutes 2/22/2016
- Loan authorization for 476 & 486 Main St. (First reading 4/11/16, Published 4/21/16)

Councillor LeBlanc moved to approve the matter for a second and final reading. All were in favor and a roll call was required.

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

Opposed: None

Absent: None

Motion was adopted and the matter was approved.

There being no further matters before the City Council, Councillor Vidal moved to adjourn.

All were in favor. The motion was adopted on a voice vote.

Council President Marchese declared the meeting adjourned at 9:07p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

June 2, 2016

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