

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 read called the matter of the first public hearing: Grant of Location for NStar dba Eversource Energy at Lincoln Street

The Public Hearing was recessed until the next City Council meeting.

The Clerk Pro Tem called the matter of the second 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 third 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 fourth 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, couand 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 fifth public hearing: Fuel Storage License at 1000 Winter 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 sixth public hearing: Fuel Storage License at 746 South Street.

Philip McCourt, Esq., Church Street, Waltham representing Rumbleseat, LLC 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 Giordano asked questions to the petitioner. Councillor Giordano moved to table the matter on the Council floor. Matter was approved by a voice vote.

The Clerk Pro Tem called the matter of the seventh public hearing: Fuel Storage License at 1050 Winter 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 eighth public hearing: Fuel Storage License at 950 Winter 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 ninth public hearing: Special Permit for Charles P. Mantenuto and BVG Trust at 185 Willow Street

Philip McCourt, Esq., Church Street, Waltham representing the petitioner spoke in favor of the petition. Two stood in favor of the petition. Debra Singleton, 58 School Avenue spoke in opposition of the petition. The owner of the property at 51 School Avenue spoke in opposition to the petition. Mr. McCourt spoke in rebuttal to 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 Marchese, Logan and R. LeBlanc asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Ordinances & Rules Committee.

The Clerk Pro Tem called the matter of the tenth public hearing: Special Permit for The Dog Retreat & Spa, LLC at 219 Bear Hill Road

Joseph M. Connors, Jr. at 404 Main Street, Waltham representing the petitioner spoke in favor of the petition. Warren Fredenfeld of Newton, MA designer of petition spoke in favor of the petition. Dr. Ann Thesson, 190 Weston Street, Waltham spoke in favor of the petition. Three 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 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 petitioners; Owners Ed Buckner and Jolene Buckner of 21 Jones Road, Weston, MA. Councillors Rourke, Logan, Vidal, LeBlanc, R., McLaughlin, Darcy, McMenimen asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the Ordinances & Rules Committee.

Communications from the Mayor

1. The Mayor respectfully requests an appropriation in the amount of \$7,000 from Unreserved Fund Balance to account #001-175-5800-6630 Planning-Survey (Hazardous Materials Abatement-Greene Bldg). These funds will be used to conduct a survey for the hazardous materials abatement at the Greene Building located on the Fernald property.
Referred to the Finance Committee.

2. The Mayor respectfully requests an appropriation of funds in the amount \$27,202.00 to purchase a new large format Plotter/Scanner/Copier System for the Water/Sewer Department. The current machine is ten years old and is no longer supported by the manufacturer with parts replacement or software updates.
Referred to the Finance Committee.

3. The Mayor respectfully requests approval of the Nathaniel at banks Condo Bid for Unit #105 sales price of \$309,000.00. The list price was \$280,000.00.
Referred to the Finance Committee.

4. The Mayor respectfully requests a transfer of capital improvement funds in the amount of \$11,000 from account #310-192-2010-6000 Building-General to account #310-192-2010-6260 Building-Central Fire Station. The funds will be used to install a new control system at the Central Fire Station for their HVAC system.
Referred to the Long Term Debt and Capital Planning Committee.

5. The Mayor I respectfully requests a transfer in the amount of \$35,000.00 from account #001-193-5200-5210 Building - Utilities to account #001-192-5200-5245 Building – Repairs & Maintenance. The funds will be used to pay repair bills incurred and anticipated expenses to June 30, 2017.
Referred to the Finance Committee.

6. The Mayor respectfully requests a transfer of capital improvement funds totaling \$20,200.00 to fund the purchase of two (2) stainless steel dump beds for two (2) existing one-ton dump trucks. The trucks are in good working condition, but the dump bodies are rotting and in need of replacement.

FROM:

#310-420-2008-6000	CPW-General	\$ 700.00
#310-420-2010-6448	CPW-Dump Truck	\$ 1,473.55
#310-420-2013-6000	CPW-General	\$ 3,293.41
#310-420-2014-6000	CPW-General	\$ 1,585.45
#310-420-2017-6445	CPW-Backhoe	\$11,129.09
#001-420-5800-6000	CPW-General	\$ 2,018.50

TO:

#310-420-2008-6451	CPW-Dump Bodies	\$ 700.00
#310-420-2010-6451	CPW-Dump Bodies	\$ 1,473.55
#310-420-2013-6451	CPW-Dump Bodies	\$ 3,293.41
#310-420-2014-6451	CPW-Dump Bodies	\$ 1,585.45
#310-420-2017-6451	CPW-Dump Bodies	\$11,129.09
#001-420-5800-6451	CPW-Dump Bodies	\$ 2,018.50

Councillor Brasco moved to waive the reading. All in favor. Matter was referred to the Long Term Debt and Capital Planning Committee.

7. The Mayor respectfully a transfer and an appropriation in the total amount of \$325,000.00 to pay the trash/recycling collection costs for the remainder of FY2017. These additional funds are needed as the result of a new trash/recycling collection contract that was effective January 1, 2017.

Referred to the Finance Committee.

8. The Mayor respectfully requests a transfer of funds totaling \$29,000.00 (as itemized below) to fund the first year (FY2017) of the three year collective bargaining agreement between the City and the Managers' Union for the period July 1, 2016 to June 30, 2019. In addition, the contract includes agreement on reforms the City was seeking pertaining to Other Post-Employment Benefits (OPEB) and the use of Global Positioning System (GPS) in City vehicles.

Referred to the Finance Committee.

9. The Mayor respectfully requests an opportunity on Monday, June 12, 2017 sometime after 8 p.m. to update you in person on the Stigmatine property.

Taken out of order.

10. The Mayor requests for the City Council to negotiate the purchase, and that the property be made available for the site for a new Waltham High School. Enclosed please find a copy of the June 1, 2017 votes of the Waltham School Committee and Waltham School Building Committee regarding the Stigmatine Fathers and Brothers property. The Waltham School Committee, the Waltham School Building Committee and I are available to answer any questions you may have regarding these requests.

Taken out of order.

Applications for Licenses and Permits

1. Application for Tables and Charis on Sidewalk – 367 Moody Street – Lizzy's Ice Cream

Referred to the Licenses and Franchises Committee

2. Class 2 Motor Vehicle Renewal – 1486 Main Street – European Auto Solutions, LLC

Referred to the Licenses and Franchises Committee

Orders and Resolutions

1. Zoning Opinion Resolution – Sponsored by Councillor Logan

The Clerk Pro Tem read the Resolution. Councillors Logan, LeBlanc, R. spoke on the Resolution. Resolution was referred to the Ordinances and Rules Committee.

2. Climate Action Agenda Resolution – Sponsored by Councillor Logan

The Clerk Pro Tem read the Resolution. Councillor Logan spoke on the Resolution. Resolution was referred to the Economic and Community Development Committee.

3. CPC Housing Advice Resolution – Sponsored by Councillor Vidal and President LeBlanc

The Clerk Pro Tem read the Resolution. Resolution was referred to the Economic and Community Development Committee.

4. Mary Early Foot Bridge Order

The Clerk Pro Tem read the Order. Councillor Logan spoke on the matter. Matter was referred to the Public Works and Public Safety Committee.

5. Highland Street Spur Order

The Clerk Pro Tem read the Order. Councillor Logan spoke on the matter. Matter was referred to the Committee of the Whole.

Committee Reports

Long Term Debt Committee

1. The Long Term Debt Committee recommends the School Department's CIP transfer of \$778,868.00 be approved. Councillor Marchese moved that the action of the Committee be the action Council. All were in favor and matter was approved by a voice vote.

2. The Long Term Debt Committee recommends CPC application for \$50,000 for preservation of historic stonewalls be approved. Councillor Marchese moved that the action of the Committee be the action Council. All were in favor and matter was approved by a voice vote.

Committee of the Whole

The Committee of the Whole recommends the appointment of Susan Piantedosi of Main Street, Waltham as a member of the Board of Health be approved. Councillor Logan moved that the action of the Committee be the action Council.

Roll call required.

Approved: Darcy, McMenimen, Romard, Rourke, Brasco, Fowler, Giordano, Logan, Marchese, McLaughlin, Vidal, Waddick, LeBlanc, D., LeBlanc, R., O'Brien

Opposed: None

Matter was approved

Finance Committee

1. The Finance Committee recommends the Underage Alcohol Enforcement Grant for \$4,991.90 be approved. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and matter was approved by a voice vote.

Ordinances & Rules Committee

1. The Ordinances and Rules Committee recommends the time extension for BP Third Venue LLC to act on a special permit at 214 Third Avenue, 186-194 Third Avenue and 95 Fourth Avenue be approved. Councillor Rourke moved that the action of the Committee be the action Council.

Roll call required.

Approved: Darcy, McMenimen, Romard, Rourke, Brasco, Fowler, Giordano, Logan, Marchese, McLaughlin, Vidal, Waddick, LeBlanc, D., LeBlanc, R., O'Brien

Opposed: None

Matter was approved

2. The Ordinances and Rules Committee recommends the Special Permit for Rumbleseat at 746 South Street approved. Councillor Rourke moved that the action of the Committee be the action Council.

Roll call required.

Approved: Darcy, Romard, Rourke, Brasco, Fowler, Giordano, Logan, Marchese, McLaughlin, Vidal, Waddick, LeBlanc, D., LeBlanc, R., O'Brien

Opposed: McMenimen

Matter was approved

3. The Ordinances and Rules Committee recommends the Resolution regarding street numbers on properties be filed. Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and matter was filed.

4. The Ordinances and Rules Committee recommends the Resolution Regarding Section 18-9 be filed. . Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and matter was filed.

5. The Ordinances and Rules Committee recommends the Resolution regarding Gas Company Grant of Location be filed. . Councillor Rourke moved that the action of the Committee be the action Council. All were in favor and matter was filed.

6. The Ordinances and Rules Committee recommends the Marijuana Resolution be filed. Councillor Rourke moved that the action of the Committee be the action Council. On the motion Councillor Rourke spoke on the matter. All were in favor and matter was filed.

Public Works & Public Safety

1. The Public Works and Public Safety Committee recommends Street Opening for the Robins Street side of 198 Lowell Street be approved. Councillor Logan spoke on the matter. He moved to amend order. All were in favor of amendment. Councillor Vidal moved that the action of the Committee be the action Council. All were in favor and matter was approved.

2. The Public Works and Public Safety Committee recommends an order establishing a hearing date for the reconstruction of sidewalks on Harrington Road be approved. Councillor Romard spoke on the matter. Councillor Romard moved that the action of the Committee be the action Council. All were in favor and matter was approved. Councillor Romard moved to approve his request. All were in favor and request was approved.

Unfinished Business & Other Business

- CPC Appropriation of \$10,950 for Kelley Hall & Shriver Center
Referred to the Long Term Debt Committee

- CPC Appropriation for \$409,310 for Design of Wayside Trail
Referred to the Long Term Debt Committee

- CPC Appropriation for \$891,004 for Asbestos Abatement at 20 buildings on Fernald Property.
Referred to the Long Term Debt Committee

- Letter from Costco requesting law opinion
Councillor Logan spoke on the matter.
Referred to the Ordinances and Rules Committee

- WCAC-TV invoice for \$240.00
Referred to the Finance Committee

- Gracie's Kitchen Invoice for \$194.00
Referred to the Finance Committee

- 209 – 251 Moody Street & 15-21 Crescent Street Special Permit Modification
Referred to the Ordinances and Rules Committee

- Report recommendation from the Ad Hoc FOG Committee
Referred to the Ordinances and Rules Committee

Tabled Items

- Minutes from 1/23/2017, 5/8/2017
- 950 Winter Street Fuel Storage License
- 14 Church Street

Councillor Giordano moved to take the Fuel Storage Application for Rumbleseat LLC off of the table. All were in favor. Councillor Giordano moved to act on the matter without committee reference. All were in favor. Councillor Giordano moved approval of the application.

Roll call requested.

Approved: Romard, Rourke, Brasco, Fowler, Giordano, Logan, Marchese, McLaughlin, Vidal, Waddick, LeBlanc, D., LeBlanc, R., O'Brien

Opposed: McMenimen, Darcy

Matter was approved

Councillor McLaughlin moved to adjourn. President LeBlanc declared the meeting adjourned at 11:02p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

June 22, 2017

Approved by the City Council: _____