

Waltham City Council
Minutes of the Meeting of
August 1, 2016

Council Vice President pro tem LeBlanc, Madam President pro tem called the meeting to order at 7PM.

City Clerk Rosario Malone clerked the meeting.
President Pro tem LeBlanc 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, Fowler, Giordano, McLaughlin, Vizard, Romard
Absent: Marchese

The Clerk recited the Council Prayer followed by President Pro Tem 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 Waddick moved to have a moment of silence for Mary McCue; a Waltham teacher who had passed away.

Councillor Logan moved to approve the minutes from 6/18/2016. All were in favor. Matter approved. Councillor Logan moved to approve the minutes from 6/27/2016 Council Meetings. All were in favor. Matter approved.

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 moved to have the Clerk read a Resolution regarding Dr. John McManamus. All were in favor. Clerk read the Resolution. Councillor McMenimen and Councillor Waddick spoke on the Resolution. Councillor McMenimen moved to suspend Rule 39 and act on a matter without committee reference. All were in favor. Councillor McMenimen moved to approve the Resolution. All were in favor and the Resolution was approved.

The Clerk read Rule 86.

The Clerk read the call of the first public hearing: 17-25 at 93 Hardy Pond Road. Matthew Regonini, petitioner, spoke in favor of the petition. Two 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 pro tem LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Darcy, McMenimen spoke on the petition. There were no further questions from Councillors. President pro tem LeBlanc closed the public hearing and referred the matter to the Public Works Committee.

The Clerk read the call of the second public hearing: Grant of Location at 1130 Main Street. Jack Lopes, 247 Station Drive, Westwood, Ma, Representative for Eversource, spoke in favor of the petition. Four stood in favor of the petition. One stood in a neutral position of the petition. Angelo Tortolla, 1130 Main Street spoke in a neutral position on the petition. He wanted to know what was going on. With no one else in support and no one else in opposition and no one else in a neutral position on the petition, President pro tem LeBlanc closed this portion of the

public hearing and opened the hearing to questions from Councillors. Councillors Giordano, McMenimen asked questions to the petitioner. Mr. Lopes, Eversource Rep. stated ISO New England is driving the project. The project is for the future growth and reliability of system. It will take approximately three weeks to complete the project. Councillors Romard, Vizard, Rourke, Vidal, Giordano, all asked questions to the petitioner. President pro tem LeBlanc closed the public hearing and referred the matter to the License and Franchise Committee.

The Clerk read the call of the third public hearing: Special Permit at 570 South Street/Chillbox. Bret Francis, Representative for the petitioner spoke in favor of the petition. He explained that the original legal notice listed the wrong zoning information and needed it to be re-advertised. With no one else in support and no one else in opposition and no one in a neutral position on the petition, President pro tem LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors Logan and Giordano spoke on the matter. There were no further questions from Councillors. President pro tem LeBlanc closed the public hearing and referred the matter to the Ordinance and Rules Committee.

Communications from the Mayor

1. The Mayor respectfully submitted the Restrictive Covenants for the Waltham Housing Authority property at 37 Banks Street, Waltham, MA. for your approval. President pro tem LeBlanc referred the matter to the Ordinances & Rules Committee.
2. The Mayor respectfully submitted a request for approval for two transfers totaling \$999,827.16 along with a loan authorization in the amount of \$2,520,000.00 to fund the water main replacement on Bear Hill Road and Second Ave. President pro tem LeBlanc referred the matter to the Long Term Debt Committee.
3. The Mayor respectfully requested adoption of the attached compensation ordinance to amend the existing pay charts for non-union employees. President pro tem LeBlanc referred the matter to the Ordinances & Rules Committee.
4. The Mayor respectfully requested a transfer of funds totaling \$253,700 to fund compensation increases for the Non-Union employees for the period July 1, 2016 to June 30, 2017. President pro tem LeBlanc referred the matter to the Finance Committee
5. The Mayor respectfully requested a transfer of funds in the amount of \$91,250 to fund the first year of the three year collective bargaining agreement between the City and the Police Superior Officers' Union for the period July 1, 2016 to June 30, 2019. President pro tem LeBlanc referred the matter to the Finance Committee.
6. The Mayor respectfully requested a transfer of funds in the amount of \$20,000.00 related to the 380 Lexington Street matter. The above funds will be used towards relocation costs and closing costs. President pro tem LeBlanc referred the matter to the Finance Committee.
7. The Mayor respectfully requested a transfer of funds in the amount of \$128,974 copy of two purchase requisitions submitted by the IT Director for this procurement as well as his July 27, 2016 email. President pro tem LeBlanc referred the matter to the Long Term Debt Committee.

8. The Mayor requested the appointment of Joseph Flynn, 30 Hardy Pond Road, Waltham, MA as a member of the Board of Assessors (part-time) for a 3 year period or the remainder of the term of the prior incumbent as determined by the City Clerk appointment records. President pro tem LeBlanc referred the matter to the Committee of the Whole.

9. The Mayor respectfully submitted the enclosed Council Order and associated paperwork submitted July 30, 2014 relating to an easement at 1265 Main Street. After numerous requests and searches, there is no evidence of a Council Order being adopted or issuing from the Public Works Committee and the full City Council. President pro tem LeBlanc referred the matter to the Public Works Committee.

10. The Mayor respectfully requested a transfer of funds in the amount of \$33,355. These funds will be used for the purpose of decommissioning twelve (12) elevators at the Fernald School Property at various buildings in accordance with MA 524 CMR 11.0. President pro tem LeBlanc referred the matter to the Long Term Debt Committee.

11. The Mayor respectfully requested acceptance of a gift of 100 Naloxone (Narcan) Nasal Kits from the Newton-Wellesley Hospital to the Waltham Health Department. President pro tem LeBlanc referred the matter to the Finance Committee.

12. The Mayor respectfully requested a transfer of capital improvement funds in the amount of \$72,000 to fund the design for the permanent culvert replacement for the Trapelo Road/Beaver Brook Culvert at the Waltham/Belmont line, and construction administration. The culvert is physically located as 50% in Waltham and 50% in Belmont. The City will be seeking reimbursement from the Town of Belmont for its share of the cost. . President pro tem LeBlanc referred the matter to the Long Term Debt Committee.

13. The Mayor respectfully submitted a memo from the Waltham School Committee regarding the use of the Fernald property for School Dept. purposes for Council approval. President pro tem LeBlanc referred the matter to the Fernald Use Committee.

Resolutions

Dr. Failla Resolution – submitted by Councillors Romard, LeBlanc and the entire Council. The Clerk read the Resolution. Councillor Romard spoke on the Resolution. Councillor Rourke moved to suspend the rules and act on the matter without committee reference. All were in favor. Councillor Romard moved to approve the Resolution. All were in favor. Resolution was approved. Councillor O'Brien spoke on the resolution.

Unfinished Business and Other Business

- Councillor Waddick's Ad hoc Committee report

Councillor Waddick explained under Council Rule 79 he has submitted an ad hoc committee summary of recommendations thus far the committee has discussed. The matter was referred to the Ordinances and Rules Committee.

- Ryan Ellis of Brigham Road– 17-25 matter

Councillor Rourke stated the petition is not before us in the proper manner and will need a public hearing.

- Konstantin Papazov Massport License Application

The matter was referred to License & Franchise Committee.

- Primary Election notification/order

Councillor Logan moved to suspend the rules and act on a matter without committee reference. All were in favor. Councillor McMenimen spoke on the matter. Councillor Logan moved to approve the warrant. All in favor. Matter approved.

- Request for change under 3.552 - 385-387 Winter Street: special permit issued August 5, 2013 Order #32009 for an increase in FAR to .5867 and allow the use of the property for two hotels, namely the Courtyard by Marriott and the Holiday Inn Express. President pro tem LeBlanc referred the matter to the Ordinances and Rules Committee.

President pro tem LeBlanc noted that the Primary is Thursday September 8, 2016.

President pro tem LeBlanc listed the order of committee meetings and the locations of each meeting.

Committee of the Whole will meet and following COW the LTD, L&F and Finance will all meet in the Chamber. In the Hoover Room PW, Econ & Comm. Dev and O&R will meet respectively.

Councillor Vizard moved to recess. All were in favor and President pro tem LeBlanc recessed the Council at 8:27pm.

President pro tem LeBlanc reconvened the Council meeting at 10:19pm.

Committee Reports

1. The Finance Committee recommended the acceptance of a gift of 100 Naloxone (Narcan) Nasal Kits from the Newton-Wellesley Hospital to the Waltham Health Department. Councillor Brasco moved that the action of the Committee be the action of the Council. All were in favor and the matter was approved.
2. The Finance Committee recommended a transfer of funds totaling \$253,700 to fund compensation increases for the Non-Union employees for the period July 1, 2016 to June 30, 2017. Councillor Waddick recused himself. Councillor Brasco moved to table the matter on the Council floor. All were in favor. Matter was tabled.
3. The Finance Committee recommended two transfers totaling \$999,827 to assist with funding the water main replacement on Bear Hill Road and Second Ave. Councillor Brasco moved that the action of the Committee be the action of the Council. All were in favor and the matter was approved.
4. The Finance Committee recommended the approval of a first reading for a loan authorization in the amount of \$2,520,000.00 to assist with funding the water main replacement on Bear Hill Road and Second Ave. Councillor Brasco moved that the action of the Committee be the action of the Council. All were in favor and the matter was approved for a first reading.
5. The Finance Committee recommended a transfer of funds in the amount of \$91,250 to fund the first year of the three year collective bargaining agreement between the City and the Police Superior Officers' Union for the period July 1, 2016 to June 30, 2019 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

6. The Finance Committee recommended transfer of funds in the amount of \$20,000.00 related to the 380 Lexington Street matter. Councillor Brasco moved that the action of the Committee be the action of the Council. All were in favor and the matter was approved.
7. The Finance Committee recommended a transfer of funds in the amount of \$128,974 copy of two purchase requisitions submitted by the IT Director. Councillor Brasco moved that the action of the Committee be the action of the Council. All were in favor and the matter was approved.
8. The Long Term Debt Committee recommends the transfer of funds in the amount of \$33,355 to fund the decommissioning 12 elevators at the Fernald School Property at various buildings be approved. Councillor Waddick moved that the action of the committee be the action of the Council. All were in favor and the matter was approved.
9. The Long Term Debt Committee recommends the transfer of funds in the amount of \$72,000 to fund the design for the permanent culvert replacement at the Waltham/Belmont line and construction and administration be approved. Councillor Waddick moved that the action of the committee be the action of the Council. All were in favor and the matter was approved.
10. The Public Works committee recommends the easement for 1265 Main Street be approved. Councillor Vizard moved that the action of the Committee be the action of the Council. Roll call was requested.
All in favor: Darcy, Fowler, LeBlanc, Logan, McLaughlin, Rourke, Vidal, Vizard, Waddick, Giordano, O'Brien, Romard, Brasco, McMenimen
Opposed: None
Absent: Marchese
Motion was adopted and the matter was approved.
11. The Public Works committee recommends the 17-25 at 93 Hardy Pond Road be approved with conditions. Councillor Vizard moved that the action of the Committee be the action of the Council. Roll call was requested.
All in favor: Darcy, Fowler, LeBlanc, Logan, McLaughlin, Rourke, Vidal, Vizard, Waddick, Giordano, O'Brien, Romard, Brasco, McMenimen
Opposed: None
Absent: Marchese
Motion was adopted and the matter was approved.
12. The Public Works committee recommends the 17-25 at 1130 Main Street be approved with conditions. Councillor Vizard moved that the action of the Committee be the action of the Council. Roll call was requested.
All in favor: Darcy, Fowler, LeBlanc, Logan, McLaughlin, Rourke, Vidal, Vizard, Waddick, Giordano, O'Brien, Romard, Brasco, McMenimen
Opposed: None
Absent: Marchese
Motion was adopted and the matter was approved.

13. The Committee of the Whole recommends the approval CPC application for 67 Crescent Street be approved. Councillor Vizard moved that action of the committee be the action of the Council. All were in favor and the matter was approved.

14. The Ordinances and Rules Committee recommends the approval of the Special Permit for 96 Linden Street storage facility. Councillor Logan moved that the action of the committee be the action of the Council. Roll call required.
All in favor: Darcy, Fowler, LeBlanc, Logan, McLaughlin, Rourke, Vidal, Vizard, Waddick, Giordano, O'Brien, Romard, Brasco, McMenimen
Opposed: None
Absent: Marchese
Motion was adopted and the matter was approved.

15. The Ordinances and Rules Committee recommends the approval of the Special Permit for 570 South Street – Chillbox. Councillor Logan moved that the action of the committee be the action of the Council. Roll call required.
All in favor: Darcy, Fowler, LeBlanc, Logan, McLaughlin, Rourke, Vidal, Vizard, Waddick, Giordano, O'Brien, Romard, Brasco, McMenimen
Opposed: None
Absent: Marchese
Motion was adopted and the matter was approved.

16. The Ordinances and Rules Committee recommends the approval of the amended Special Permit for 385-387 Winer Street. Councillor Logan moved that the action of the committee be the action of the Council. Roll call required.
All in favor: Darcy, Fowler, LeBlanc, Logan, McLaughlin, Rourke, Vidal, Vizard, Waddick, Giordano, O'Brien, Romard, Brasco, McMenimen
Opposed: None
Absent: Marchese
Motion was adopted and the matter was approved.

17. The Ordinances and Rules Committee recommends the approval for a first reading for the amended pay charts for non-union employees. Councillor Logan moved that the action of the committee be the action of the Council. All were in favor. Matter was approved. Councilor Logan moved to recommit matter to Ordinance s and rules Committee. All were in favor. Matter recommitted.

18. The Economic and Community Development Committee recommends the approval of a 45 day extension on 4 matters collectively under Rule 89. Councillor Darcy moved that the action of the committee be the action of the Council. All were in favor and matter was approved for a 45 day extension.

19. The License and Franchise Committee recommends the acceptance of the withdrawal from Cellco LLC. For the Grant of Location petition for 260 Forest Street. Councillor Rourke moved that the action of the committee be the action of the Council. All were in favor and matter was approved.

20. The License and Franchise Committee recommends an extension from Cellco LLC. For the Grant of Location petition for 183-185 Newton Street. Councillor Rourke moved that the action of the committee be the action of the Council. All were in favor and matter was approved.
21. The License and Franchise Committee recommends an extension from Cellco LLC. For the Grant of Location petition for 400 Beaver Street. Councillor Rourke moved that the action of the committee be the action of the Council. All were in favor and matter was approved.
22. The License and Franchise Committee recommends an extension from Cellco LLC. For the Grant of Location petition for 173 South Street. Councillor Rourke moved that the action of the committee be the action of the Council. All were in favor and matter was approved.

Councillor Vizard made a motion to discharge the loan order for \$875,000 for 380 Lexington Street matter from the Committee of the Whole. All were in favor. The matter was before the council. President Pro tem spoke on the matter. The Mayor, who was in attendance spoke on the matter. Councillor Giordano made a motion to give the matter a second reading. Roll call was requested.

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

Opposed: Darcy, McMenimen, LeBlanc

Absent: Marchese

Motion was adopted and the matter was approved for a second reading.

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

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

President Pro Tem LeBlanc declared the meeting adjourned at 10:58p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

August 19, 2016

Approved by the City Council: _____