

**City Council
Meeting Minutes
August 3, 2015**

Council President Marchese called the meeting to order at 7:15PM.

Attendance:

Present: Brasco, Darcy, Fowler, LeBlanc, Logan, Marchese, McLaughlin, McMenimen, O'Brien, Romard, Stanley, Vizard, Waddick, Giordano, Rourke

Absent: None

Planning Board Members: Barrett, Creonte, Devito, Moroney, Duffy

City Clerk Rosario Malone clerked the meeting.

Council Vice President LeBlanc moved to table the minutes from 6/22/15.

Councillor Giordano asked for a moment of silence for all our military that have served; past and present.

Councillor McMenimen asked for a moment of silence and spoke in memoriam of John Battalino. Councillor Romard also spoke in remembrance of Mr. Battalino.

Council President Marchese introduced Dr. Drew Echelson to the Council. Dr. Echelson is the new City of Waltham Schools Superintendent.

The Clerk read Rule 86.

Public Hearing

Councillor LeBlanc moved to take the second public hearing first in order to have a quorum on the joint hearing for the zoning amendment.

First Hearing:

Robert Kaitz with an address of 731 Moody Street, Unit 22, Waltham, MA 02453 as the owner of the property located at 90 Amherst Avenue, Waltham, MA petitions the Waltham City Council for permission under the provisions of Section 17-25 for the installation of utilities.

The property is numbered 90 Amherst Avenue. All work is to be done in accordance with the provisions of said Section 17-25.

Attorney Richard Dacey spoke on behalf of applicant requesting that the matter be withdrawn.

Councillor LeBlanc moved to accept the withdrawal.

The withdrawal was accepted by a voice vote of the Council.

The Planning Board had a quorum and the Clerk read the ordinance change.

Public Hearing

Chapter 21 of the General Ordinance of the City of Waltham entitled "Zoning," as most recently amended, is hereby further amended as follows:

ARTICLE VIII entitled "Incentive Zoning," Section 8.4 entitled "Riverfront Overlay District special permit (RF)," Section 8.458 thereof entitled "Parking Requirements" is hereby amended by deleting the following:

(a) *The parking requirements for development pursuant to a Riverfront Overlay District special permit shall conform to the parking requirements set forth in Section 5.2 of this chapter. Further, all at-grade parking lots shall be screened on all sides by a strip of land at least four feet wide, densely planted with evergreen shrubs or trees forming an opaque screen. At planting, said screen shall have a height of at least three feet and shall be maintained after one year at a minimum height of four feet, but not more than six feet. Where appropriate for reasons of safe sight lines or access, the screening requirements may be reduced.*

and inserting in place thereof the following:

(a) *The parking requirements for development pursuant to a Riverfront Overlay District special permit shall conform to the parking requirements set forth in Section 5.2 of this chapter, except that the parking requirement for multi-family residential developments located within one thousand feet (1,000') of an active commuter rail station shall be 1.5 spaces per unit. The one thousand feet shall be measured in a direct line from the closest point of the commuter rail station to the closest point of the development. Further, all at-grade parking lots shall be screened on all sides by a strip of land at least four feet wide, densely planted with evergreen shrubs or trees forming an opaque screen. At planting, said screen shall have a height of at least three feet and shall be maintained after one year at a minimum height of four feet, but not more than six feet. Where appropriate for reasons of safe sight lines or access, the screening requirements may be reduced.*

Councillor Logan spoke in favor of the application and the benefits that this zone change would achieve.

Council President Marchese closed that portion of the Public Hearing.

The Councillor's with concerns that spoke were McMenimen, Romard, Darcy, Giordano, O'Brien and the members of the Planning Board (Duffy, Moroney, Creonte, Divito).

Councillor Logan answered all of the concerns to the best of his ability.

There were no further questions from Councillors.

There were no further speakers on the matter.

Councillor President Marchese referred the matter to the Rules & Ordinances Committee.

The Planning Board will deliberate more on the ordinance at their next meeting on September 2, 2015 at the Government Center.

Councillor Darcy requested that GIS create a map of the layout and distance the 1000 feet would cover.

President Marchese called a 1 minute recess.

Public Hearing

Repaving of Hawthorne Road said section being a partial Private Way be paved from 90 Hawthorne Road to 105 Hawthorne Road. This is in accordance with the Ordinance 24947, Section 17-80 of the City of Waltham.

Betterments to be assessed.

Paul Wade of 94 Hawthorne Road spoke in favor of the petition.

Mary Murphy of 11 Sartell Road spoke in opposition of the petition.

There were 7 people that stood in favor of the petition.

Virginia Walsh of 101 Hawthorne Road came forward for information about the difference between a public and private way and tax rate for both.

President Marchese closed that portion the Public Hearing.

Councillors Romard and Waddick had questions on the petition. They agreed that the inconsistency on the street is not fair. Councillor Darcy agreed this is an unfortunate circumstance and that constituents within his Ward have been through this numerous times. It all stems back to the developers of the neighborhoods having to or not bring the street/road to the public standards. He noted that betterments may be spread out over time to avoid having to pay the entire amount upfront.

There were no further questions from Council.

There was a rebuttal from Mr. Wade of Hawthorne Road in favor of the petition.

No one was opposed.

There were no further speakers on the matter.

Councillor President Marchese referred the matter to the Public Works Committee.

Councillor McMenimen rose to a point of order regarding the loan order for the sum of \$5,749,000 that is be appropriated for street resurfacing. She questioned whether it was tabled on the Council Floor and never was sent to Committee? The matter was tabled on 6/22/15.

Communications from Mayor

1. TO: The City Council

RE: 25 Lexington Street, First Floor

2 Garage Bays to the Rear of 21 Lexington Street

Dear Councillors:

Enclosed please find the evaluation from the Proposal Review Committee (PRC) for the above.

Councillor President Marchese referred this request to the Long term Debt Committee.

2. TO: The City Council

RE: Fitch School

Dear Councillors:

Enclosed please find the evaluation from the Proposal Review Committee (PRC) for both the lease and sale of 14 Ash Street pursuant to RFPs that were advertised for sale or lease.

The PRC is recommending sale of the property. Please be advised that time is of the essence with regard to the sale proposal.

Councillor President Marchese referred this request to the AdHoc Committee to meet on September 14, 2015.

3. TO: The City Council

RE: MAPC Pedestrian and Bicycle Traffic Enforcement Pilot Program Grant

Dear Councillors:

I respectfully request acceptance of a \$40,000 grant from Metropolitan Area Planning Council for Pedestrian and Bicycle Traffic Enforcement Pilot Program.

I have enclosed a communication from the Chief of Police. Chief Keith MacPherson or his designee will be available to answer any questions you may have regarding this request.

Councillor President Marchese referred this request to the Finance Committee.

4. TO: The City Council

RE: Data Verification

Dear Councillors:

I respectfully request adoption of the attached loan order in the amount of \$144,200 to provide funding for the third year of the tri-annual data verification of real property for FY2016.

Also attached is a copy of a letter dated July 20, 2015 that was received from the Chairman of the Board of Assessors. Mr. Goode will be available to answer questions concerning this request.

Councillor President Marchese referred this request to the Long Term Debt Committee.

5. TO: The City Council
RE: Laborers' Union Contract

Councillor Darcy moved to waive reading of numbers for the following letter. All in favor.

Dear Councillors:

I respectfully request a transfer of funds totaling \$1,096,053 to fund the collective bargaining agreement between the City and the Laborers' Union for the period July 1, 2011 to June 30, 2016. This amount includes the funding needed to provide retroactive adjustments to June 30, 2015 and to adjust the FY2016 department budgets that employ members of the Laborers' Union. This funding request is the result of a settlement agreement that was negotiated between the City and the Union. The financial considerations resulting from this negotiation are consistent with the other City unions.

FROM:

Auditor – Collective Bargaining #001-135-5400-5111 \$1,096,053

TO:

Building – Wages FT	#001-192-5100-5112	\$140,917
CPW – Wages FT	#001-420-5100-5112	\$500,680
CPW Snow – Overtime	#001-421-5100-5131	\$ 14,586
Council on Aging – Wages FT	#001-541-5100-5112	\$ 10,924
Water Meters – Wages FT	#610-454-5100-5112	\$ 14,031
Water Operations – Wages FT	#610-452-5100-5112	\$125,047
Sewer Operations – Wages FT	#600-440-5100-5112	\$120,048
Library – Wages FT	#001-610-5100-5112	\$ 21,073
Library – Wages PT	#001-610-5100-5122	\$ 2,006
Recreation – Wages FT	#001-630-5100-5112	\$ 10,665
Recreation Rink – Wages FT	#640-630-5100-5112	\$ 36,387
Traffic – Wages FT	#001-480-5100-5112	\$ 31,069
Parking Mgmt. – Wages PT	#232-480-5100-5122	\$ 3,399
Wires – Wages FT	#001-245-5100-5112	\$ 62,950
Building – Clothing	#001-192-5200-5581	\$ 300
CPW – Clothing	#001-420-5200-5581	\$ 925
Council on Aging – Clothing	#001-541-5200-5581	\$ 25
Water Operations – Clothing	#610-452-5200-5581	\$ 225
Sewer Operations – Clothing	#600-440-5200-5581	\$ 200
Library – Clothing	#001-610-5200-5581	\$ 63
Recreation – Clothing	#001-630-5200-5581	\$ 25
Recreation Rink – Clothing	#640-630-5200-5581	\$ 75
Traffic – Clothing	#001-480-5200-5581	\$ 50
Parking Mgmt – Clothing	#232-480-5200-5581	\$ 13
Wires – Clothing	#001-245-5200-5581	\$ 100

Attached is a copy of a memo from the City Auditor concerning this request.

Councillor President Marchese referred this request to the Finance Committee.

6. TO: The City Council

RE: Council Approval of Loan Order for WCC Roof

Dear Councillors:

Please see the enclosed communication from the City Auditor together with a new Order to comply with the publication and vote requirements.

Councillor President Marchese referred this request to the Long Term Debt Committee.

7. TO: The City Council

RE: 3 Keach Terrace

Dear Councillors:

Enclosed please find a communication from Sarah Shields regarding the above.

Please advise if there is any interest. If so, I will follow the same procedure with regard to land.

Councillor President Marchese referred this request to the Committee of the Whole.

8. TO: The City Council

RE: Santa Buckley vs. City of Waltham

Dear Councillors:

I respectfully request an appropriation of funds in the amount of \$35,000 from the Stabilization Fund to Law – Judgements, Claims and Settlements #001-151-5400-5760.

These funds will be used to settle a law suit of Santa Buckley.

Enclosed please find a communication from the Law Department dated July 22, 2015.

Attorney Luke Stanton will be available to answer any questions you may have regarding this matter.

Councillor President Marchese referred this request to the Committee of the Whole.

9. TO: The City Council

RE: Hawthorne Road Paving

Dear Councillors:

I respectfully request an appropriation of funds in the amount of \$22,000 from the Stabilization Fund to CPW – Paving Projects (Hawthorne Road) #001-420-5800-6740.

These funds will be used for the paving of the private way portion of Hawthorne Road.

Councillor President Marchese referred this request to the Long Term Debt Committee

10. TO: The City Council

RE: Water Improvements – Bear Hill Road and Second Avenue

Dear Councillors:

I respectfully request a transfer of capital improvement funds in the amount of \$85,000 to fund the design and bidding services of a water replacement project for Bear Hill Road and Second Avenue.

FROM:

#613-450-2010-7400 Water Improvements – General \$85,000

TO:

#613-450-2010-7470 Water Improvements –Design \$85,000

Attached is a copy of a memo that was received from the City Engineer. Mr. Casazza will be available to answer questions concerning this request.

Attached is a copy of a letter dated July 30, 2015 that was received from the CPW Assistant Director. Mr. Chiasson will be available to answer questions concerning this request.

Under separate cover, I attach the Order for the Estimated Assessments.

Councillor President Marchese referred this request to the Long Term Debt Committee.

11. TO: The City Council

RE: Cedar and Oak Street Reconstruction and Utilities

Dear Councillors:

I respectfully request approval of the attached loan authorization in the amount of \$2,200,000. The funds will be used for the street and sidewalk reconstruction and sewer and drain utilities of Cedar Street and Oak Street. This matter is out to bid. The bid amount will be forwarded as soon as available.

Attached is a copy of a letter that was received from the City Engineer. Mr. Casazza will be available to answer questions concerning this request.

Councillor President Marchese referred this request to the Long Term Debt Committee.

12. TO: The City Council

RE: Hawthorne Road Estimated Assessments Betterment Order

Dear Councillors:

Enclosed please find the Estimated Assessments Betterment Order for Hawthorne Road.

Councillor President Marchese referred this request to the Public Works Committee.

13. TO: The City Council

RE: Beaver Street Culvert Reconstruction

Dear Councillors:

I respectfully request a transfer of capital improvement funds in the amount of \$62,113.39 to fund the soil removal cost of the Beaver Street Culvert Reconstruction project as follows.

From: #603-440-2006-7300 (Sewer/Drain – General)

To: #603-440-2006-7370 (Beaver St Culvert Project)

Amount \$14,865.26

From: #603-440-2010-7300 (Sewer/Drain – General)

To: #603-440-2010-7370 (Beaver St Culvert Project)

Amount \$47,248.13

Total Transfer Amount \$62,113.39

Attached is a copy of a letter that was received from the City Engineer. Mr. Casazza will be available to answer questions concerning this request.

Councillor President Marchese referred this request to the Long Term Debt Committee

Tabled Matters

Tabled from 3/23/2015

Resolution regarding Charlotte Smith

Tabled from 6/22/2015

Amend Sections 2.2 and 3.1 of the City Charter

Tabled from 6/22/2015

Loan authorization for 5,759,000 for paving. 1st reading 6/22/15

Councillor Waddick moves to take matter off of the table. All were in favor.

Councillor Waddick asked for a second and final reading.

Stanley, Brasco, LeBlanc, Logan, Darcy, Fowler all spoke on the matter.

Roll call was taken for the 3rd and final vote.

Voting in Favor: Brasco, Darcy, Fowler, LeBlanc, Logan, McLaughlin, McMenimen, O'Brien, Stanley, Waddick, Giordano, Vizard, Romard, Rourke, Marchese

None opposed.

Motion to accept loan order was approved.

Tabled from 6/22/15

Resolution for Luke Stanton, Massachusetts Coach of the Year

New Business

1. Article v of Chapter 2 of the General Ordinances of the city of Waltham entitled "Compensation" Section 2-30 B2 as most recently amended is hereby amended by adding the following stipend: School Safety Officer \$3105 for services as Safety Officer to the Consolidated Public Works Department, School Department and other departments where necessary, and subject to all other conditions of said subsection 2-30 B2. (First reading given 11/10/2014)
Councillor Logan asked to table the matter. The matter was tabled on the Council floor.
2. Request from Marc Rosenfeld looking for a Letter of Support or Letter of Non – Opposition relative to location of a Registered Marijuana Dispensary.
President Marchese referred this matter to the Committee of the Whole.
3. Application for Special Permit to allow modifications to existing Special Permit #32094 to eliminate screening of rooftop mechanicals and to allow Saturday trash pickups at 1019 Trapelo Road.
President Marchese referred this matter to the Rules & Ordinance Committee.

Resolutions

The Waltham Board of License Commissioners.

President Marchese referred this matter to the License & Franchise Committee.

President Marchese recessed the Council meeting in order to meet in Committees.

Full Council Meeting resumed at 11:52pm.

At 11:53PM Councillor President Marchese requested a motion to suspend Rule 2 and continue past midnight.

Councillor LeBlanc made the motion to suspend Rule 2 and continue past midnight.

Roll call was taken.

Voting In Favor: Brasco, Darcy, Giordano, LeBlanc, McLaughlin, McMenimen, O'Brien, Romard, Rourke, Stanley, Vizard, Waddick

Opposed: Fowler

The motion was passed by a 13-1 vote.

President Marchese did not vote.

President Marchese called a two minute recess.

Committee of the Whole

The Committee of the Whole recommends that the Eversource Resolution regarding the capacity upgrades for Moody Street be approved.

Councillor LeBlanc moves that the action of the Committee be the action of the Council.

Motion was adopted by a voice vote.

The Committee of the Whole recommends that the land acquisition request regarding Newton Street and Main Street be approved.

Councillor LeBlanc moves that the action of the Committee be the action of the Council.

Roll call was requested.

Voting in favor: Brasco, Darcy, Fowler, LeBlanc, Logan, McLaughlin, McMenimen, O'Brien, Stanley, Waddick, Giordano, Vizard, Rourke, Marchese

14 in Favor

1 opposed. Romard

Absent: None

Motion was adopted.

The Committee of the Whole recommends the appropriation of funds in the amount of \$35,000 to be used in the lawsuit settlement for Santa Buckley.

Councillor LeBlanc moves that the action of the Committee be the action of the Council.

Roll call was required.

Voting in favor: Brasco, Darcy, Fowler, LeBlanc, Logan, McLaughlin, McMenimen, O'Brien, Stanley, Waddick, Giordano, Vizard, Rourke

14 in Favor.

None opposed.

Absent: None

Motion was adopted.

President Marchese did not vote.

Public Works Committee

The Public Works Committee recommends the Transfer and Appropriation of CH90 funds totaling \$3,486,370 be approved.

Councillor Vizard moves that the action of the Committee be the action of the Council.

Motion was adopted by a voice vote.

The Public Works Committee recommends that the Hawthorne Road Estimated Assessments Betterment Order be approved.

Councillor Vizard moves that the action of the Committee be the action of the Council.

All were in favor.

Motion was adopted by a voice vote.

Finance Committee

The Finance Committee recommends that a transfer of funds totaling \$1,096,053 to fund the collective bargaining agreement between the City and the Laborers' Union for the period July 1, 2011 to June 30, 2016 be approved.

Councillor Brasco moves that the action of the Committee be the action of the Council.

All were in favor.

Motion was adopted by a voice vote.

Ordinance and Rules

The Ordinance and Rules Committee recommends that the Special Permit for 1019 Trapelo Road be approved.

Councillor Logan moves that the action of the Committee be the action of the Council.

Roll call was requested.

Voting in Favor: Brasco, Darcy, Fowler, LeBlanc, Logan, McLaughlin, McMenimen, O'Brien, Stanley, Waddick, Giordano, Vizard, Romard, Rourke

14 in Favor

None opposed.

President Marchese did not vote.

Motion was adopted.

The Ordinance and Rules Committee recommends that the Zoning Map Amendment be approved for a first reading.

Councillor Logan moves that the action of the Committee be the action of the Council.

Roll call was requested.

Voting in Favor: Brasco, Darcy, Fowler, LeBlanc, Logan, McLaughlin, McMenimen, O'Brien, Stanley, Waddick, Giordano, Vizard, Romard, Rourke.

14 in Favor

None opposed.

President Marchese did not vote.

Motion was adopted.

Councillor Logan moved to put matter back on the table.

All were in favor. Motion passed to place matter back on Council table.

The Ordinance and Rules Committee recommends that the Snow Stipend Ordinance be approved.

Councillor Logan makes a motion to discharge this matter from the Ordinance and Rules Committee. Motion was adopted by a voice vote.

Councillor Logan asked to suspend the rules and vote on the matter for a second reading. All were in favor. Motion was adopted by a voice vote.

Councillor Logan moved for approval for the Snow Stipend for a 3rd and final reading.

Roll call was requested.

Voting in Favor: Brasco, Darcy, Fowler, LeBlanc, Logan, McLaughlin, McMenimen, O'Brien, Stanley, Waddick, Giordano, Vizard, Romard, Rourke

14 in Favor

None opposed.

President Marchese did not vote.

Motion was adopted.

Long Term Debt

Long Term Debt Committee recommends that the Data Verification Loan Order be approved for a first reading.

Councillor Waddick moves that the action of the Committee be the action of the Council.

Roll call was requested.

Voting in Favor: Brasco, Darcy, Fowler, LeBlanc, Logan, McLaughlin, McMenimen, O'Brien, Stanley, Waddick, Giordano, Vizard, Romard, Rourke

14 in Favor

None opposed.

President Marchese did not vote.

Motion was adopted.

Councillor Waddick moved to put matter on the Council table. All were in favor.

Motion was adopted by a voice vote.

Long Term Debt Committee recommends that the Loan order for the WCC Roof be approved for a second reading.

Councillor Waddick moves that the action of the Committee be the action of the Council.

All were in favor.

Motion passed by a voice vote.

Councillor Waddick asked to suspend the rules and vote on the matter for a second reading.

Matter was adopted by a voice vote.

Councillor Waddick moved for approval for the loan order for the WCC Roof for a 3rd and final reading.

Roll call was requested.

Voting in Favor: Brasco, Darcy, Fowler, LeBlanc, Logan, McLaughlin, McMenimen, O'Brien, Stanley, Waddick, Giordano, Vizard, Romard, Rourke

14 in Favor

None opposed.

President Marchese did not vote.

Motion was adopted.

Long Term Debt Committee recommends that the CPW – paving projects for Hawthorne Road be approved.

Councillor Waddick moves that the action of the Committee be the action of the Council.

All in favor.

The motion was adopted by a voice vote.

Long Term Debt Committee recommends that the water replacement project for Bear Hill Road and Second Avenue be approved.

Councillor Waddick moves that the action of the Committee be the action of the Council.

All in favor.

The motion was adopted by a voice vote.

Long Term Debt Committee recommends that the reconstruction for Cedar Street and Oak Street be approved for a first reading.

Councillor Waddick moves that the action of the Committee be the action of the Council.

Roll call was requested.

Voting in Favor: Brasco, Darcy, Fowler, LeBlanc, Logan, McLaughlin, McMenimen, O'Brien, Stanley, Waddick, Giordano, Vizard, Romard, Rourke

14 in Favor

None opposed.

President Marchese did not vote.

Motion was adopted for first reading.

Councillor Waddick moved to put matter on the Council table. All were in favor.

Motion was adopted by a voice vote.

Long Term Debt Committee recommends that the Beaver Street culvert reconstruction for soil removal be approved.

Councillor Waddick moves that the action of the Committee be the action of the Council.

All in favor.

The motion was adopted by a voice vote.

Long Term Debt Committee recommends that the transfer of CIP funds for \$520k be approved.

Councillor Waddick moves that the action of the Committee be the action of the Council.

All in favor.

The motion was adopted by a voice vote.

Long Term Debt Committee recommends that the transfer of CIP Funds for 2.4mm for school iPads be approved.

Councillor Waddick moves that the action of the Committee be the action of the Council.

All in favor.

The motion was adopted by a voice vote.

With no further matters before the City Council, Council President Marchese asked the wish of the council. Councillor LeBlanc moved to adjourn. The motion was adopted on a voice vote.

Council President Marchese declared the meeting closed at 12:26AM.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

August 12, 2015