

**City Council
Meeting Minutes
September 14, 2015**

Council President Marchese called the meeting to order at 7:37PM.

Attendance:

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

Absent: None

City Clerk Rosario Malone clerked the meeting.

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

Council Vice President LeBlanc moved to accept minutes from August 3, 2015.
Minutes were approved by a voice vote.

Council Vice President LeBlanc moved to table the minutes from 6/22/15.
Matter was tabled by a voice vote.

Council President Marchese announced the appointed the following individuals to serve on the Ad Hoc FOG Ordinance Advisory Committee. The Committee members are: Joseph LaCava, Paul Finger, Randy LeBlanc, Robert Coleman, Charlie Lombardi, Jerry Nocera, and Micheal Colomba.

President Marchese moved to suspended Rule 8 to take a matter out of order. The Clerk read a Resolution congratulating Luke Stanton. Massachusetts Hockey Coach of the Year. Councillor Waddick and Councillor McLaughlin both spoke in recognition of Mr. Stanton.

Councillor McMenimen moved to suspend Rule 8 to take a matter out of order. Councillor McMenimen spoke of a request from the Mayor's office regarding a Feasibility Study to be done at the Waltham High School.

Councillor McMenimen made a motion to suspend Rule 39 to act upon matter without committee reference.

All were in favor.

Councillor McMenimen read the Order and motioned to approve the Order as it is written. On the motion Councillor Vizard asked questions and asked to suspend the rules in order to have the Superintendent speak on the matter.

Councillors Brasco and Stanley asked the Superintendent questions.

President Marchese noted for the record there were four school committee members and the Mayor in attendance at the meeting (Dowcett, Frassica, Tarallo, Graceffa).

Councillor McMenimen made a motion for approval of the Order.

Roll call was requested.

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

Opposed: None

The motion was adopted.

The Clerk read Rule 86.

Councillor Logan rose to a point of order asking for supporting documentation on a number of Public Hearings.

President Marchese called a 5 minute recess to gather supporting documentation for all Councillors.

The clerk read the first public hearing.

Fuel Storage

In accordance with Chapter 148 of the Massachusetts General Laws and Chapter 8 of the General Ordinances of the City of Waltham, Sg National LLC 1185 Sixth Ave, New York NY as Owner and Eversource 200 Calvary Street, Waltham Ma. as operator of the facility, hereby petitions the City Council for a Fuel Storage License for 354 gallons of flammable liquids. The property located at 200 Calvary Street.

Tim Montague and John Pietrella, from Eversource, spoke in favor of the petition.

With no one in opposition and no one in a neutral position President Marchese closed this portion of the public hearing.

Councillors Logan, McMenimen, Rourke and Darcy all asked questions on the petition.

Councillor Darcy asked for a stamped site plan within the proximity to the river walk to be submitted at the Committee meeting on October 5th.

There were no further speakers on the matter.

President Marchese referred the matter to the License and Franchise Committee.

Public Hearing

Care Dimensions, Inc. a Massachusetts not for profit Corporation of 75 Sylvan Street, Suite B-102, Danvers, Massachusetts 01923 Hereby petitions the City Council for a Special Permit pursuant to §3.5 and §3.610 of the Ordinance to operate a hospice, or a private facility for the care and treatment of ill persons, as defined in §3.218.

The locus is known and numbered as 1100 aft Winter Street and is shown in the "Atlas, City of Waltham, Massachusetts 1988", as Map 10, Block 1, Lot 1A.

The property is situated in a Residence A-1 Zoning District.

The legal owner of the locus is Care Dimensions, Inc. formerly known as the Hospice of the North Shore, Inc., 75 Sylvan Street, Suite B-102, Danvers, Massachusetts 01923.

Councillor Rourke rose to point out a possible conflict of interest matter. Councillor Rourke referenced that the petitioner, Care Dimensions Inc. is a client of Rourke Inc. Councillor Rourke had consulted with the state ethics commission and had submitted a disclosure statement to the Clerk. He feels with the matter at hand he could make an impartial decision.

Joseph Connors Esq, attorney representing Care Dimensions, Inc. spoke in favor of the petition.

Diane Stinger, CEO of Care Dimensions spoke in favor of the petition. Ms. Stinger gave a presentation explaining what Care Dimensions Inc. provides.

Eric Las, of Beals and Thomas Inc. (Engineering firm) provided the explanation of the infrastructure of the facility.

Robert Coleman, of 249 Smith Street, Waltham, spoke in favor of the petition.

Nancy Silver Hargreaves, WCI and a resident of Waltham spoke in favor of the petition.

Pat Defina, 129 Graymore Road, Waltham spoke in favor of the petition.

Mark Dooling, 35 Crescent Street, Waltham spoke in favor of the petition.

11 people stood in favor of the petition.

No one stood in opposition of the petition.

No one stood in a neutral position of the petition.

President Marchese closed the public hearing.

Councillors Romard, Logan, Darcy, Fowler, LeBlanc, McMenimen, McLaughlin and Waddick all asked questions to the petitioner.

The petitioner owns property in Lincoln and Waltham (12 acres total; 3 in Waltham, 9 in Lincoln).

The only access point to the facility to be built is in Waltham.

The petitioner made points to mitigate water flow and divert drainage off of the street and sidewalk.

Councillors Darcy and Logan asked for conditions to be added to permit including: no building on Waltham property, no parking on Waltham property no sewage on Waltham property and to have automatic doors at facility and to add proper sidewalks.

President Marchese has received a lot of letters in support of the facility being built.

There were no further speakers on the matter.

President Marchese referred the matter to the Ordinance & Rules Committee.

Public Hearing

Sirius XM Radio, 1500 Eckington PL NE, Washington, DC 20002, proposes to install a satellite radio system on the existing three hundred and fifty-three foot (353') guyed tower located at 46 Bear Hill Road, Waltham, MA 02451; Commercial Zoning District. Article X, Section 10.56 and Article 3.5. The proposed satellite radio system consists of two (2) Sirius XM dual band antennas, two (2) Sirius XM Dish installations, a GPS antenna, an Ice Bridge, one (1) cabinet installed on a new 6' X 6' concrete pad and supporting cabling.

Daniel Glissman, Representing Sirius XM radio spoke in favor of the petition.

With no one else in support, opposed or neutral to the petition President Marchese closed the public hearing.

Councillors Romard, Logan, Darcy all asked questions regarding the petition.

Councillor Romard questioned a lot of the items within the opinion from the law dept.

Which brought up the question if petitioner had a certified list of abutters? He also questioned whether or not the commonwealth of Massachusetts was sent an abutters list?

President Marchese called a 2 minute recess to obtain a copy of the certified abutters list.

The petitioner did submit a certified list of abutters.

The Commonwealth of Massachusetts, which was questioned as an abutter, was not included in the certified abutters list.

No further speakers on the matter.

President Marchese referred the matter to the Ordinance & Rules Committee.

Councillor Logan moved to release the document marked confidential; the Council had received from the Law Dept. to the petitioner.

The motion was passed by a voice vote.

EXTENDED HOURS

TFS Newco LLC dba Tedeschi Food Shop, 14 Howard Street Rockland, MA 02370 seeks permission to be open extended hours under the provisions of Chapter 8, Article XIII of the General Ordinances of the City of Waltham. The petitioner seeks to be open for business 24 hours per day, seven days a week. Extended hours to be exercised at 131 Lexington Street. There was no representation from the petitioner due to the petitioner being notified that the public hearing is to be held on September 28th. With much discussion Councillor Waddick moved to table the matter on the Council floor until the petitioner is here to represent their petition.

All were in favor.

EXTENDED HOURS

TFS Newco LLC dba Tedeschi Food Shop, 14 Howard Street Rockland, MA 02370 seeks permission to be open extended hours under the provisions of Chapter 8, Article XIII of the General Ordinances of the City of Waltham. The petitioner seeks to be open for business 24 hours per day, seven days a week. Extended hours to be exercised at 10 High Street. As stated above with the extended hours for 131 Lexington Street; there was no representation from the petitioner due to the petitioner being notified that the public hearing is to be held on September 28th. With much discussion Councillor Logan moved to table the matter on the Council floor until the petitioner is here to represent their petition.

All were in favor.

SPECIAL PERMIT

BP Third Avenue, LLC, c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA 02199 as owner and operator of the property located at 99 Third Avenue, hereby petitions the City Council for a Special Permit to allow the use of a 2,471 gross square foot space at 99 Third Avenue as a "Fast Food Establishment" (pursuant to §§ 3.620 and 3.512 (Table 3.4) of the Zoning Ordinance.

Said property is shown on the City of Waltham Atlas Page 30, Block 006, Lot 0002 and is in a Commercial Zoning District.

Phillip McCourt, Attorney representing Boston Properties spoke in favor of the petitioner.

Giuliana DiMambro, of Boston Properties spoke in favor of the petitioner.

No one stood in opposition of the petition.

No one stood in a neutral position of the petition.

President Marchese closed the public hearing.

Councillor Romard and Logan asked questions to the petitioner.

Robert Nagi of Vanasse Hangen Brustlin, Inc. who submitted the engineering/traffic study on the project spoke in reference to Councillor Romard's questions regarding the traffic in the area.

No further speakers on the matter.

President Marchese referred the matter to the Ordinance & Rules Committee.

Councillor Logan moved to suspend the rules to take a matter out of order regarding the time extension at 50R Bear Hill Road.

All were in favor

Councillor Logan made a motion to act of matter without committee reference. All were in favor.
Councillor Logan moved to accept the time extension for 50R Bear Hill Road.

Roll call was requested.

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

Opposed: None

The motion was adopted.

Councillor Logan moved to suspend the rules to take a matter out of order regarding the time extension at 1265 Main Street.

All were in favor.

Councillor Logan made a motion to act of matter without committee reference. All were in favor.
Councillor Logan moved to accept the time extension for 1265 Main Street.

Roll call was requested.

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

Opposed: None

The motion was adopted

Communications for the Mayor

1. Recreation

I respectfully request a transfer of capital improvement funds in the amount of \$37,800 for the purpose of completing design services for Graverson and Elsie Turner improvement projects from Cedarwood Improvement Project to Graverson/Elsie Turner Improvement project AMOUNT: \$37,800

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

2. Police – State 911 Department Training Grant

I respectfully request acceptance of the State 911 Department Training Grant in the amount of \$31,891. It is a reimbursable grant for training related costs associated with the 911 system. This grant does not require matching funds and is effective for the period August 26, 2015 – June 30, 2016.

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

3. WHS Feasibility Study

Voted on out of order at the beginning of Council meeting.

4. Library

I respectfully request an appropriation of funds in the amount of \$53,796.40 from the Library State Grant #224-610-1065-5205 to Library Educational Expenses #001-610-5200-5510.

Funds totaling \$15,796.40 will be used towards the remaining invoices for the FY2015 educational expenses account. The difference of \$38,000 will be used as the planned budget offset for the FY2016 educational expenses account.

President Marchese referred this request to the Finance Committee

5. Police Superior Officers

I respectfully request an appropriation of funds totaling \$1,658,498 (as itemized below) to fund the collective bargaining agreement between the City and the Police Patrol Officers’ Union for the period July 1, 2013 to June 30, 2016. This request includes the amount to fund the FY2014 and FY2015 compensation increase. It also includes the amount needed to adjust the FY2016 Police wage budget.

President Marchese referred this request to the Finance Committee.

6. Police Patrol Officers

Councillor Logan moved to waive all the line items.

All were in favor.

I respectfully request an appropriation of funds totaling \$1,658,498 (as itemized below) to fund the collective bargaining agreement between the City and the Police Patrol Officers’ Union for the period July 1, 2013 to June 30, 2016. This request includes the amount to fund the FY2014 and FY2015 compensation increase. It also includes the amount needed to adjust the FY2016 Police wage budget.

President Marchese referred this request to the Finance Committee.

7. Disability Services Commission

Councillor Logan moved to waive all the line items.

All were in favor.

I respectfully request an appropriation totaling \$32,726.93 for the Disability Services Commission to fund the following handicap projects:

APPROPRIATION

From: #237-560-2300-3591	F/B Reserved for Handicap Projects	\$32,726.93
To: #237-560-2315-5205	Police Details	\$25,000
To: #237-560-2337-5205	WFD Gas Detection Machines	\$5,220
To: #237-560-2338-5205	GWAR C	\$2,506.93

President Marchese referred this request to the Finance Committee.

8. CPC recommendation for Appropriation of \$2,001,500 for the WATCH-WHA Tenant Rental Assistance Proposal

At its meeting of September 8, 2015, the CPC voted to recommend to the City Council that the sum of \$2,001,500.00 be appropriated from CPC affordable housing funds for a rental voucher program. The proposal would provide rental vouchers to households with incomes that are less than 50% of area medium income. The vouchers will be awarded through a lottery and can only be used in Waltham by people who live or work in the City.

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

Tabled Matters

Tabled from 8/3/2015

Data Verification Loan Order (First reading 8/3/15)

Councillor Waddick moved to take the matter off of the table.

All were in favor.

Councillor Waddick moved for a second and final reading.

Roll call was requested.

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

Opposed: None

Motion was adopted.

Tabled from 8/3/2015

Cedar & Oak Street Reconstruction Loan (First reading 8/3/15)

Councillor Logan moved to take the matter off of the table.

All were in favor.

Councillor Logan moved for a second and final reading.

Roll call was requested.

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

Opposed: None

Motion was adopted.

Tabled from 8/3/2015

SRO Stipend (First reading 8/3/15)

Councillor Logan moved to take the matter off of the table.

All were in favor.

Councillor Logan moved for a second reading.

Councillor Logan moved to suspend the rules for a 3rd and final reading.

Roll call was requested.

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

Opposed: None

Motion was adopted.

New Business

Massport License application for Meddeb Yassine of 2 Appleton Street, #305.

President Marchese referred this request to the License & Franchise Committee

Resolutions

1. Naming Crescent/Orange Intersection after Bernard E. LeBlanc

Councillors Darcy, McMenimen and Rourke spoke on the Resolution.

President Marchese referred the Resolution to the License and Franchise Committee.

2. SJC Sex Offender Decision Resolution

Councillor Logan spoke on the Resolution. Councillor Logan made a motion to suspend the rules to act of matter without committee reference.

Councillor Logan made a motion to approve Resolution.

All were in favor.

Resolution calls on the Governor and State Legislature to receive a copy of passed Resolution.

Councillor Logan moves to suspend the rules and have meeting go past midnight.

Motion did not carry by a voice vote.

3. Underground Economy

Councillor Stanley moved to waive the reading of the Resolution.

All were in favor.

President Marchese referred the Resolution to the Committee of the Whole.

4. Superintendent and School Committee

Councillor McMenimen would like to invite the School Committee and the Superintendent to the next Committee of the Whole meeting.

President Marchese referred the Resolution to the Committee of the Whole.

5. Fire Department Master Mechanic/Fire Apparatus

Councillor Fowler spoke on the Resolution.

President Marchese referred the Resolution to the Public Works Committee.

6. Green Community Resolution

President Marchese referred the Resolution to the Economic Community and Development Committee.

7. Waltham Poll Worker Compensation

Councillor Stanley moved to waive the reading of the Resolution.

All were in favor.

President Marchese referred the Resolution to the Committee of the Whole.

8. Sink Hole between 101 - 109 Marlboro Road

Councillor Darcy moved to waive the reading of the Resolution.

All were in favor.

President Marchese referred the Resolution to the Public Works Committee.

9. Granite curbs on Trapelo Road

Councillor Darcy moved to waive the reading of the Resolution.

All were in favor.

President Marchese referred the Resolution to the Public Works Committee.

10. Consistent Standards for Streets & Sidewalks

Councillor Fowler moved to waive the reading of the Resolution.

All were in favor.

President Marchese referred the Resolution to the Public Works Committee.

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 11:56PM.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

September 17, 2015