

Waltham City Council
Minutes of the Meeting of
September 26, 2016

Council President Marchese called the meeting to order at 7:30PM.

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, McMenimen, O'Brien, Brasco, Rourke, Waddick, Vidal, Fowler, Giordano, McLaughlin, Vizard, Romard, Marchese

Absent: None

The Clerk recited the Council Prayer followed by President Marchese 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 as well as 9/11 victims and families and Walter Ohnemus and Family.

Councillor LeBlanc moved to approve the minutes from 9/12/2016. All were in favor. Minutes approved.

Councillor LeBlanc moved to suspend Rule 8 and take a matter out of order. All were in favor and the matter was approved. Councillor LeBlanc took lectern and spoke on the SFC Robert James Williams Square resolution. Councillor LeBlanc moved to suspend Rule 39 and act on a matter without committee reference. All were in favor. Councillor Rourke moved to approve the Resolution. All were in favor and the Resolution was approved.

Councillor LeBlanc moved to suspend Rule 9 and ask to hear from an off committee member. All were in favor. Robert James William Jr., Mr. Williams's son spoke on behalf of his family and thanked the council for this honor.

Councillor McMenimen moved to suspend Rule 8 and take a matter out of order. All were in favor and the matter was approved. The clerk to read the proclamation regarding Oyon Ganguli. Councillor McMenimen moved to suspend Rule 9 and hear from an off committee member. All were in favor. Oyon took the lectern and spoke about his invention and his award. Councillor Waddick spoke on the proclamation. Councillor McMenimen moved to suspend rule 39 and approve the matter without committee reference. All were in favor. Councillor McMenimen moved to approve the Proclamation. All were in favor and the proclamation was approved.

The Clerk read Rule 86.

The Clerk read the call of the first public hearing: Cellco Partnership d/b/a Verizon Wireless pole #43 at 400 Beaver Street.

John Weaver, Esq., McLane Middleton, P.A., 300 Trade Center, Suite 7000, Woburn, MA 01801, attorney 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 on the petition, President Marchese closed this portion of the public hearing and opened the hearing to questions from Councillors.

Councillors Waddick, McMenimen, Darcy and Rourke spoke on the petition. There were no

further questions from Councillors. President Marchese closed the public hearing and referred the matter to the License and Franchise Committee.

The Clerk read the call of the second public hearing: Mobilitie, LLC at Trapelo Road and Tracer Lane.

Brian Grisman, Representative for Mobilitie, LLC spoke on behalf of the petitioner. He submitted a letter to withdraw the petition. The location is actually MASS Dot jurisdiction and do not need permission from city to perform project. Councillor Logan moved to accept letter of withdrawal. All were in favor. Roll call required.

Roll call required.

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

Opposed: None

Absent: None

Motion was adopted and the matter was withdrawn.

Communications from the Mayor

1. The Mayor respectfully requested approval of the Banks School Condo unit # 105 for \$286,500. President Marchese referred the matter to the Finance Committee

2. The Mayor respectfully requested approval of the Banks School Condo unit # 106 for \$236,000 (Affordable). President Marchese referred the matter to the Finance Committee

3. The Mayor respectfully requested approval of the Banks School Condo unit # 209 for \$380,002. President Marchese referred the matter to the Finance Committee.

4. The Mayor respectfully requested approval of the appointment of Michael J. Donovan of 4 Piety Corner Road, Waltham, MA as a member of the Conservation Commission. This appointment is to fill the vacancy left by Ms. Maureen Bagge Fowler's resignation. President Marchese referred the matter to the Committee of the Whole.

Applications for Licenses and Permits

President Marchese Collectively all applications and licenses were referred to the License and Franchise Committee.

1. Class 2 Dealers License – 152 High Street – Pauls' Auto Service Inc.
2. Class 2 Dealers License – 103 Felton Street – Sideris Automotive Services Inc. (3 Sons)
3. Class 2 Dealers License – 935 r. Main St. - Pilicy Auto & Yacht Inc.
4. Class 2 Dealers License – 44 Charles Street – PPA, Inc. dba Waltham Motor Co.
5. Class 2 Dealers License – 255 Newton Street – Newton Street Services Inc.
6. Extended Hours – 806 Main Street – Wendy's Properties, LLC
7. Extended Hours – 1335 Main Street – Waltham Fuel Inc.
8. Extended Hours – 591 Moody Street – Tedeschi's #426
9. Extended Hours – 821 Main Street – Monell Enterprises, Inc.
10. Extended Hours – 591 Moody Street – Samdough Inc. dba Dunkin Donuts
11. Extended Hours – 859 Main Street – Morley Doughnuts Inc. dba Dunkin Donuts

Resolutions

Mighty Minds Contest Winner Oyon Ganguli – Sponsored by Councillor McMenimen, Waddick (taken out of order at beginning of meeting.)

Committee Reports

Long Term Debt

The Long Term Debt Committee recommends the transfer totaling \$274,300 for numerous capital improvements relating to drain culverts on Elm St., Stormwater Coordinator Program Work, IDDE Program Coordinator and sewer Main on Russell St. 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.

The Long Term Debt Committee recommends the transfer of \$7500 for CPW car lift 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.

License & Franchise

1. The License and Franchise Committee recommends the grant of location for Cellco Partnership dba Verizon Wireless located at 173 South Street be denied. Councillor Rourke moved to suspend the rules and take a matter out of order. All were in favor. Councillor Rourke moved to accept the late filed communication from Cellco Partnership to withdraw the petition without prejudice for the Grant of Location at 173 South Street. All were in favor. Councillor Rourke moved to accept the withdrawal. Roll call required. All in favor: Darcy, Fowler, LeBlanc, Logan, McLaughlin, Rourke, Vidal, Vizard, Waddick, Giordano, Brasco, McMenimen, Marchese, Romard, O'Brien
Opposed: None
Absent: None
Motion was adopted and the matter was withdrawn.

2. The License and Franchise Committee recommends the grant of location for Cellco Partnership dba Verizon Wireless located at 183-185 Newton Street be denied. Councillor Rourke moved to suspend the rules and take a matter out of order. All were in favor. Councillor Rourke moved to accept the late filed communication from Cellco Partnership to withdraw the petition without prejudice for the Grant of Location at 183-185 Newton Street. All were in favor. Councillor Rourke moved to accept the withdrawal. Roll call required. All in favor: Darcy, Fowler, LeBlanc, Logan, McLaughlin, Rourke, Vidal, Vizard, Waddick, Giordano, Brasco, McMenimen, Marchese, Romard, O'Brien
Opposed: None
Absent: None
Motion was adopted and the matter was withdrawn.

3. The License and Franchise Committee recommends the grant of location for Cellco Partnership dba Verizon Wireless located at 400 Beaver Street be denied. Councillor Rourke moved to suspend the rules and take a matter out of order. All were in favor. Councillor Rourke moved to accept the late filed communication from Cellco Partnership to withdraw the petition without prejudice for the Grant of Location at 400 Beaver Street. All were in favor. Councillor Rourke moved to accept the withdrawal. Roll call required. All in favor: Darcy, Fowler, LeBlanc, Logan, McLaughlin, Rourke, Vidal, Vizard, Waddick, Giordano, Brasco, McMenimen, Marchese, Romard, O'Brien

Opposed: None

Absent: None

Motion was adopted and the matter was withdrawn.

4. The License and Franchise Committee recommends the Fuel Storage application for 678 Trapelo Road be approved. Councillor Rourke moved that the action of the committee be the action of the council. All were in favor and the matter was approved.

5. The License and Franchise Committee recommends the Fuel Storage application for 117 Beaver St. be approved. Councillor Rourke moved that the action of the committee be the action of the council. All were in favor and the matter was approved

6. The License and Franchise Committee recommends the grant of location for NStar/Eversource at Leslie road be approved. Councillor Rourke moved that the action of the committee be the action of the council. All were in favor and the matter was approved

7. The License and Franchise Committee recommends the grant of location for Lighttower Fiber Networks at Gatehouse Drive and Winter Street be approved. Councillor Rourke moved that the action of the committee be the action of the council. All were in favor and the matter was approved

8. The License and Franchise Committee recommends the resolution for SFC Robert James Williams Square be approved. (Taken out of order.)

9. The License and Franchise Committee recommends the order which reads as follows be approved. That the intersection of Berkley and Copeland Street shall henceforth be known as and is hereby officially designated SFC Robert James Williams Square and that such designation shall be duly recorded on the official list of veterans' square for the City of Waltham. It is further ordered that a suitable marker that reads SFC Robert James Williams Square, Community Leader and Veteran, shall be erected and maintained. Councillor Rourke moved that the action of the committee be the action of the council. All were in favor and the matter was approved.

Finance Committee

1. The Finance Committee recommends the transfer of funds in the amount of \$77,524 for two plow trucks 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.

2. The Finance Committee recommends the acceptance of a grant in the amount of \$9000 for traffic enforcement for the Waltham Police Department 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.

3. The Finance Committee recommends the transfer of funds in the amount of \$3000 for a legal matter 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.

4. The Finance Committee recommends the acceptance of a gift of \$10,000 from the Wolverine Worldwide Foundation to the recreation department 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.

Committee of the Whole

1. The Committee of the Whole recommends the appointment of Joseph Flynn to the Board of Assessors be approved. Councillor Logan moved to amend the order as written. He stated the council does not appoint, we confirm the appointments. All were in favor of the amended order. Councillor LeBlanc moved for approval of the appointment. Roll call required.

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

Opposed: None

Absent: None

Motion was adopted and the matter was approved.

Ordinances & Rules

2. The Ordinances and Rules Committee recommends the amended special permit for 96 Linden Street be approved. 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, Brasco, McMenimen, Marchese, Romard, O'Brien

Opposed: None

Absent: None

All were in favor and the matter was approved.

3. The Ordinances and Rules Committee recommends the amended order for the First Parish Church be approved.

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, Brasco, McMenimen, Marchese, Romard, O'Brien

Opposed: None

Absent: None

All were in favor and the matter was approved.

4. The Ordinances and Rules Committee recommends the special permit at 830 Winter Street be approved. Councillor Logan moved that the action of the committee be the action of the council. On the motion Councillor McMenimen asked for a brief synopsis of the matter and the exact location. Roll call required.

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

Opposed: None

Absent: None

All were in favor and the matter was approved.

5. The Ordinances and Rules Committee recommends that the 37 Banks Street Restrictive Covenants be approved.

Councillor Vizard recused himself.

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, Brasco, McMenimen, Marchese, Romard, O'Brien

Opposed: None

Absent: None

All were in favor and the matter was approved.

6. The Ordinances and Rules Committee recommends the Ordinance to create a Human Resource Department be approved for a second reading. Councillor Logan moved that the action of the committee be the action of the council. All were in favor. Matter was approved for a second reading. Councillor Logan moved to place the matter on the table. All were in favor. Matter was tabled on the Council floor.

7. The Ordinances and Rules Committee recommends the Article II of Chapter 2 amendment be approved for a first reading. 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, Brasco, McMenimen, Marchese, Romard, O'Brien

Opposed: None

Absent: None

All were in favor and the matter was approved.

8. The Ordinances and Rules Committee recommends the Article V of Chapter 2 of the General Ordinances of the City of Waltham entitled "Compensation" Section 2-29.B.2 amendment be approved for a first reading. 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, Brasco, McMenimen, Marchese, Romard, O'Brien

Opposed: None

Absent: None

All were in favor and the matter was approved. Councillor Logan moved to place the matter on the table. All were in favor. Matter was tabled on the Council floor.

9. The Ordinances and Rules Committee recommends the amended ordinance for non-employee compensation be approved for a second reading. All were in favor. Matter was approved for a second reading. Councillor Logan moved to suspend the rules and to give the matter and third and final reading. All were in favor. Roll Call required.

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

Opposed: None

Absent: None

All were in favor and the matter was approved.

Economic and Community Development

1. The Economic and Community Development Committee recommends the Charter School Resolution submitted on September 12, 2016 be approved. Councillor Darcy moved that the action of the committee be the action of the council. All were in favor. Roll call requested.

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

Opposed: None

Absent: None

All were in favor and the matter was approved.

2. The Economic and Community Development Committee recommends the Small Business Saturday Resolution submitted on September 12, 2016 be approved. Councillor Darcy moved that the action of the committee be the action of the council. All were in favor. Resolution was approved. Councillor Logan requested a copy of the Resolution be sent to the traffic commission.

Unfinished Business and Other Business

- CPC application for 67 Crescent Street matter

President Marchese referred the matter to the Long Term Debt Committee

- Late file communication from Cellco Inc. withdrawing GOL at 173 South Street (out of order)
- Late file comm. from Cellco Inc. withdrawing GOL at 400 Beaver Street (out of order)
- Late file comm. from Cellco Inc. withdrawing GOL at 183-185 Newton Street (out of order)
- Time extension for Special Permit #32022 as extended by Order #33309 at 50R Bear Hill Road.

Councillor Logan moved to accept the late filed communication. All were in favor. Councillor Logan moved to suspend the rules to act on the matter without committee reference. All were in favor. Councillor Logan moved to accept the time extension. Roll call required.

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

Opposed: None

Absent: None

All were in favor and the matter was approved.

Tabled Items

- Non-union employee compensation increased pay chart amendment transfer of \$253,700

Councillor Brasco moved to take the above matter regarding non-union comp. transfer off of the table. All were in favor. Councillor Brasco moved to approve the matter. On the motion Councillor Waddick recused himself. All were in favor and the matter was approved.

- 554 Lexington Street
- Mayors request for Fernald Property acreage for school (50 acres: 25 CPA/25 non CPA) submitted August 22, 2016
- 950 Winter Street Fuel Storage License
- Minutes 2/22/2016

Councillor LeBlanc moved to discharge a matter regarding a personnel resolution from the committee of the Whole. All were in favor. Councillor LeBlanc took the lectern and presided as Madam President Pro Tem. Councillor Marchese spoke on the matter. Councillor Marchese asked the Council their opinion on whether or not to approve the Resolution or to look for outside Council. Councillor McMenimen rose to a point of order. She believes this should be taken up in Executive Session with the proper channels regarding the matter be taken. President pro tem LeBlanc spoke on the matter. Councillor McMenimen rose to a point of order.

Councillor Marchese spoke on the matter.

Councillor Marchese moved to approve to direct the matter; on the motion Councillor McMenimen moved to table the matter. Roll call requested.

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

Opposed: LeBlanc, Giordano, Marchese

Absent: None

Twelve were in favor and the matter was approved.

Councillors reminded everyone about the Waltham addiction event happening this weekend. Councillor Romard made an announcement reminding folks to attend the dancing with the Stars event on Friday evening.

There being no further matters before the City Council, Councillor Logan moved to adjourn. All were in favor. The motion was adopted on a voice vote. President Marchese declared the meeting adjourned at 9:05p.m.

Respectfully submitted by:

Kara Wilson

Executive Assistant of the City Clerk

September 31, 2016

Approved by the City Council: _____