

## City Council Minutes Monday March 23, 2015

Tabled  
4-13-15  
Approved  
4-27-15  
GJM

Council President Marchese called the meeting to Order at 7:30 P.M

Council President Marchese wished his father a Happy 87<sup>TH</sup> Birthday

### Attendance:

Present: Brasco, Darcy, III Fowler, Giordano, LeBlanc, Logan, Marchese, McLaughlin, McMenimen, Romard, Rourke, Stanley, Vizard, and Waddick

Absent O'Brien

City Clerk Russ Malone, Clerked the meeting.

Councillor McMenimen moved to table the minutes from February 23, 2015 until they are completed. The motion was adopted on a voice vote.

Councillor McMenimen moved to table the minutes of September 22, 2014 and October 14, 2014 until councillor's have had time to look them over The motion was adopted on a voice vote.

Councillor Romard moved to take a matter out of order, Resolution Congratulating the Prospect Hill Park Stewardship Program. Romard spoke on their accomplishments over the last year that the program has been in effect. then Chris Leary and Sonya Waddman also spoke on their accomplishments and the future of the program. Councillor Romard moved to suspend the rules and act without committee reference. The motion was adopted on a voice vote. Councillor Romard moved approval of the matter. The motion was adopted on a voice vote.

Councillor Logan moved to take a matter out of order, Resolution Say Hi. The motion was adopted on a voice vote. Councillor Logan spoke of all the good that comes from this endeavor and how it's grown over the years by just saying Hi to a stranger or neighbor. Councillor Logan moved to suspend the rules and hear from an off council member The motion was adopted on a voice vote. Jessica spoke on all the events scheduled for the week of March 21, thru March 28 Councillor Logan moved to suspend the rules and act without committee reference The motion was adopted on a voice vote. Councillor Logan moved approval of the matter. The motion was adopted on a voice vote.

Council President Marchese moved to take a matter out of order, Resolution Autism Council President Marchese asked Councillor LeBlanc to take the chair. Councillor Marchese spoke on the resolution and the effects it has on families and the amount of families effected and on April 2, 2015 is autism awareness day and wearing blue or putting a blue light on shows awareness Councillor Marchese moved to suspend the rules and hear from an off council member The motion was adopted on a voice vote. Susan

Sutherland and her son evin spoke on the resolution and what he has accomplished being autistic. Councillor Marchese moved to suspend the rules and act without committee reference The motion was adopted on a voice vote. Councillor Marchese moved approval of the matter. The motion was adopted on a voice vote. Councillor Marchese then moved approval of the attached request The motion was adopted on a voice vote.

## **Public Hearings**

### **Special Permit**

RLJ EM Waltham, LLC and New Cingular Wireless PCS, LLC by AT&T Mobility Corporation, Its Manager (“AT&T”) c/o Edward D. Pare, Jr., Brown Rudnick LLP, 10 Memorial Blvd., Providence, RI 02903 hereby petition the City Council for a Special Permit pursuant to Article III, Sections 3.5 and 3.512 as well as Article X, Section 10.521 (b) of the City of Waltham Zoning Code and all other necessary relief, for the installation, operation and maintenance of Wireless Communication Equipment on the existing building located at 550 Winter Street (Atlas Map Page 030, Block 004, Lot 0007) including the installation of twelve (12) panel antennas in three (3) sectors (four antennas per sector), extending to a top height of 91.3’ above ground level, concealed behind proposed screen walls on the roof of the existing building (the “Building”) as well as associated antenna equipment including amplifiers, cables, fiber and other associated antenna equipment, including remote radio heads, surge arrestors, and global positioning system antennas for E-911 compliance with associated electronic equipment, and other appurtenances in AT&T’s proposed equipment shelter located behind the existing screen wall, with a natural gas fueled emergency backup power generator located on the roof of the Building behind a screen wall, all as depicted on the plans submitted by the Petitioner.

Attorney Pare explained the gap coverage is why they are in need of this special permit Councillor Romard had question on the generator, other carriers and the penthouse Councillor Darcy asked about the rent and output from the antennas. No further speakers Council President Marchese **referred it to the Rules & Ordinances Committee.**

### **Special Permit**

Northland The Merc LLC, as Petitioner and Owner; with an address c/o Northland Investment Corporation, 2150 Washington Street, Newton, Massachusetts 02462 hereby petitions the City Council to grant a special permit for a drive thru pursuant to § 3.4 (Table of Uses), § 3.512 (Special Permit for Uses), and § 3.225 and § 3.635 (Drive-In Customer Services) of the Zoning Ordinance.

The premises are shown in the “Atlas City of Waltham, Massachusetts” as follows:

- One Moody Street and 702 Main Street being shown as Atlas: Page 60, Block 16, Lot 7;
- 716 Main Street being shown as Atlas: Page 60, Block 16, Lot 4;
- 55 Moody Street being shown as Atlas: Page 60, Block 16, Lot 14.

The above properties are located in a Business C Zoning District and partially in the Riverfront Overlay District.

Attorney Michael Connors spoke on the special permit and that this was heard before but because of not being posted we are back. Councillor Waddick had a question on the exit onto Main St and Councillor Darcy on the recordings. No further speakers Council President Marchese **referred it to the Rules & Ordinances Committee**

### **SPECIAL PERMIT**

Lincoln Cooper Street, LLC, as Petitioner, and Longview Fibre Paper and Packaging, Inc. and Aragona Realty Trust Company LLC, as Owners hereby petition the City Council of the City of Waltham to allow an application for a Riverfront Overlay District Special Permit pursuant to § 8.431 of the Zoning Ordinance of the City of Waltham, and

As part of this Riverfront Overlay District Special Permit, and pursuant to § 3.513 of the Zoning Ordinance, that the City Council grant special permits in accord with the following sections of the Zoning Ordinance:

1. § 3.511 – To allow an increase in Floor Area Ratio (FAR) to 1.53;
2. § 8.433:
  - a. To allow an increase in FAR as set forth in § 8.451; and
  - b. To allow multifamily residential development without any requirements for nonresidential use;
3. § 8.45 et seq. – To allow certain dimensional changes and sign approvals as shown on the Plans; and
4. § 8.5 – To waive certain requirements of this section.

The subject premises are shown in the “Atlas City of Waltham, Massachusetts” as follows:

- 20 Cooper Street a/k/a End Cooper Street being shown as Atlas: Page 60, Block 28, Lot 21; and
- 135 Elm Street being shown as Atlas: Page 60, Block 29, Lot 2, and Page 60, Block 49, Lot 1

The above properties are both located in a Commercial Zoning District and the Riverfront Overlay District.

Attorney Robert Connors spoke on the special permit and that this was heard before but because of not being posted we are back John Gollinger from the housing authority had questions later asked by Councillor Logan. Greg Cooper presented a power point on the utilities and could they be under ground the garage from Pine St. and sidewalks on Elm St. Councillor Logan had questions on the material, schools, DCR and if they would respond to Mr. Cooper’s questions. Councillor Rourke had questions on the planning Dept. Councillor Romard on the site lines. Councillor McMenimen had questions on the engineer’s stamp, the flooding why they have not been before the conservation commission being on the river. And what relief under 8.5 were they looking for Councillor Darcy had questions on flood plan and storage, utilities underground and

orders of condition. Certificate of compliance. And the river front park doesn't meet the requirements No further speakers Council President Marchese **referred it to the Rules & Ordinances Committee.**

### **Communications from the Mayor**

The Mayor respectfully submits a plan received from the City Engineer for City Council approval to address drainage issues on Leitha Councillor Vizard requested a new ledge able plan and it be sent to us both by electronic copy and a hardcopy the request was approved by a voice vote **referred to the Public Works Committee**

The Mayor respectfully requests an appropriation in the amount of \$225,000 from Unreserved Fund Balance to account #001-220-5100-5131 Fire-Overtime. These funds will be used to pay the estimated overtime expense for the remainder of the fiscal year. **Referred to the Finance Committee**

The Mayor respectfully requests an appropriation in the amount of \$169,900 for the purchase of a backhoe for the use of the Water and Sewer dig crew (to be funded one-half from Sewer and one-half from Water for the total of \$169,900) as follows.

**FROM:**

Water Retained Earnings #610-450-3590-3590	\$84,950
Sewer Retained Earnings #600-440-3590-3590	\$84,950

**TO:**

Water – Backhoe #610-452-5800-6445	\$84,950
Sewer – Backhoe #600-440-5800-6445	\$84,950

Referred to the Finance Committee

The Mayor respectfully requests authorization to grant Charles River Canoe & Kayak a Section 10A permit to put a temporary float on the Cronin's Landing Dock.

**Referred to the Committee of the Whole.**

### **Licenses**

**Referred to the License & Franchise Committee**

THAT THE SUM OF \$1,040,000 BE APPROPRIATED FOR LAND DEVELOPMENT AND TO RAISE THIS APPROPRIATION, THE TREASURER, WITH THE APPROVAL OF THE MAYOR, IS AUTHORIZED TO BORROW THE SUM OF \$1,040,000 UNDER THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 7, CLAUSE 25 OR ANY OTHER BORROWING AUTHORITY.

CEDARWOOD PLAYGROUND \$1,040,000

Councillor Waddick moved to take off the table The motion was adopted on a voice vote. Councillor Waddick moved to give the matter a second reading The motion was adopted on a voice vote. President Marchese asked the clerk to call the roll on the motion to approve the matter for final reading. Voting in favor were councillors, Brasco, Darcy, III Fowler, Giordano, LeBlanc, Logan, Marchese, McLaughlin, McMenimen, Romard, Rourke, Stanley, Vizard, and Waddick. President Marchese did not vote. (13) in favor none opposed  
Absent O'Brien

## **New Business**

Legislative Budget

**Referred to the Committee of the Whole**

## **Resolutions**

Rourke

Community Preservation Committee Council Appointments  
With two request approved **Referred to CPC Ad-Hoc Committee**

Brasco Finance Committee

Financial Report with request approved

**Referred to Committee of the Whole**

Darcy

MBTA with request

**Referred to Community Development Committee**

## **Committee Reports**

### **The Committee of the Whole**

The Committee of the Whole recommends that the resolution regarding Wireless Internet be Approved as amended. Councillor LeBlanc moves approval The motion was adopted on a voice vote.

### **Economic and Community Development**

The Economic and Community Development Committee recommends that the Historical Commission be given Care, Custody and Control of the Building and Grounds known as the Wellington Estate. Councillor Waddick moves approval President Marchese asked the clerk to call the roll on the motion to approve the matter voting in favor were councillors Darcy, III Fowler, Giordano, LeBlanc, Logan, Marchese, McLaughlin, McMenimen, Romard, Rourke, Stanley, Vizard, and Waddick. President Marchese voted yes opposed Brasco (13) in favor (1) opposed  
Absent O'Brien

The Economic and Community Development Committee recommends that the Resolution regarding the Olympic Committee be discharged to the full Council recommending that the Resolution be sent to the Committee of the Whole. Councillor Waddick moves approval President Marchese **referred the matter to the Committee of the Whole.**

### **License and Franchises**

The Licenses and Franchises Committee recommends that the request to place tables and chairs on the sidewalk at Lizzy's Ice Cream 367 Moody Street be granted. Councillor Rourke moves approval. The motion was adopted on a voice vote.

The Licenses and Franchises Committee recommends renewal of a Lodging House License for 12 Lowell Street be granted. Councillor Rourke moves approval. The motion was adopted on a voice vote.

The Licenses and Franchises Committee recommends renewal of a Lodging House License for 52 Bedford Street be granted. Councillor Rourke moves approval. The motion was adopted on a voice vote.

The Licenses and Franchises Committee recommends that the request to name a square for Charlotte Smith be denied. Councillor LeBlanc moved to table the matter, **the matter was tabled.**

### **Finance Committee**

The Finance Committee recommends approval of a transfer of \$1,554 from Purchasing / Office Supplies to Purchasing / Office Equipment. . Councillor Brasco moves approval. The motion was adopted on a voice vote.

The Finance Committee recommends approval of an appropriation in the amount of \$294,106 to Traffic Master Plan Councillor Brasco moves approval. Councillor Vizard supports the monies. Councillor Romard said he can't support the monies he felt it lacks scope and no solid solutions. Councillor Logan supports the monies and gave a lot of reasons why and how long they have been waiting for a Master Traffic Plan. Councillor Stanley supports the monies and said for the same reasons as Councillor Logan mentioned. Councillors Darcy and Rourke both said they support the appropriation. no further speakers President Marchese asked the clerk to call the roll on the motion to approve the matter Voting in favor were councillors, Brasco, Darcy, III Fowler, Giordano, LeBlanc, Logan, Marchese, McLaughlin, McMenimen, Rourke, Stanley, Vizard, and Waddick. President Marchese voted yes opposed Romard thirteen (13) in favor one (1) opposed absent O'Brien

The Finance Committee recommends acceptance of a gift in the amount of \$5,000 from Hurley House Councillor Brasco moves approval. The motion was adopted on a voice vote. Councillor Romard said he can't support the gift he felt the Hurley House could use the money more. Councillor Brasco spoke on the matter and the pride of this gift and the good it does. Councillor Logan spoke that the Hurley House is in his ward and doing this they feel part of the community and I support this. No further speakers. The motion was adopted on a voice vote.

#### **Long Term Debt**

The Long Term Debt Committee recommends approval of a transfer of \$30,250 from Fire -Personal Protection to Fire - Boots Councillor Waddick moves approval the motion was adopted on a voice vote.

#### **Public Works Committee**

The Public Works Committee recommends approval of a Resolution regarding adding a new front end loader with detachable snow blower and asking the Mayor to fund the request in the next budget. Councillor Vizard moves approval the motion was adopted on a voice vote.

Councillor Waddick moved to discharge from the Community Development Committee the resolution on Grant opportunities' the motion was adopted on a voice vote. Councillor Waddick explained that this was discussed in committee and approved. Kevin M. Ritcey, Temporary Clerk of the committee agreed with Councillor Waddick saying he overlooked this matter. Councillor Waddick moves approval the motion was adopted on a voice vote.

No further matters before the City Council, Council President Marchese asked the wish of the council. Councillor Waddick moved to adjourn. The motion was adopted with a voice vote. Council President Marchese declared the meeting closed at 11:20 P.M

Submitted by:  
Kevin M. Ritcey, Temporary Clerk March 23, 2015.