

*Waltham City Council Minutes
Tuesday, October 14, 2014*

Approved
5/26/15
(GJM)

City Council President Waddick called the Meeting to Order at 7:30 PM in the Council Chamber at City Hall, 610 Main Street, Waltham. Assistant City Clerk Thomas Curtin called attendance, present were Councillors Brasco, Darcy, Fowler, Giordano, LeBlanc, Logan, Marchese, McMenimen, O'Brien, Romard, Rourke, Stanley, McLaughlin, Waddick, Vizard, President Waddick declared a quorum present.

Clerk read council prayer and President led City Council in the Pledge of Allegiance.

Councillor Giordano requested and was granted a moment of silence for our servicemen and servicewomen.

RESOLUTION re: Breast Cancer awareness presented by Councillor LeBlanc, who spoke about how women need to be proactive and do regular "self- examinations" and get regular checkups and mammograms, and how the color "pink" has become the universal symbol for Breast Cancer awareness.

APPROVED by voice vote: on Motions by Councillor LeBlanc to suspend the rules to take out of order, to act w/out committee reference, and to approve the Resolution.

RESOLUTION re: to honor Yolanda Cellucci presented by Councillor McMenimen, who spoke about the generous philanthropy (Rotary Club, Reagle Music Theatre, Boys & Girls Club, etc.) and the many business successes of Yolanda Cellucci, who she called Waltham's own "Queen of Glitz" and "Queen of Glamour", and who will be honored at a GALA.

APPROVED by voice vote: On Motions by Councillor McMenimen, to suspend the rules to take out of order, to act w/out committee reference, and to approve the Resolution.

RESOLUTION re: to honor VFW Post 10334, PFC John M. Sullivan Post who was killed in Vietnam, presented by Councillor Giordano, who spoke about the founding of the Post in 1979, the several relocations and since 2009 located at 623 Trapelo Road, Waltham.

APPROVED by voice vote: On Motions by Councillor Giordano, to suspend the rules to take out of order, to act w/out committee reference, and to approve the Resolution.

Clerk read Council Rule 29A.

Due Notice having been given, President Waddick opened the public hearing and the Clerk read the following:

GRANT OF LOCATION

NSTAR Electric Company seeks to construct a line for such transmission under the public way or ways hereinafter specified and grant permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located substantially as shown on the revised plan made by A. Debenedictis, Dated September 19, 2014 and filed herewith, under the following public way or ways of the City:

Moody Street – Approximately 140 feet north of Crescent Street.
A distance of 76 feet of conduit.

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Embassy Park at and easterly, from Moody Street, a distance of about 52 feet of conduit. Embassy Park is located between 200 and 240 Moody Street.

Municipal Parking lot at and northerly from Embassy Park a distance of about 115 feet of conduit and install manhole #29917. The Municipal Parking Lot is located behind 200 Moody Street.

Maureen Carol spoke in favor of the Petition. The Ward 9 Councillor Logan questioned whether the installation would be sufficiently below grade to avoid future renovation of this site. Ms. Carol assured him it was and said Mr. Tim Kelley, Waltham Wires Inspector, approved the installation.

No opposition or rebuttal presented, President Waddick closed the Public Hearing and referred to License and Franchise Committee to meet on October 20, 2014 at 7:00 PM in City Hall Council Chamber.

Clerk Curtin read the following into the record:

NEW CLASS II DEALER'S LICENSE

TSA Properties, LLC as owner, and European Auto Solutions, LLC, as petitioner/operator apply for a New Class II Dealer's License, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof in accordance with the provisions of Chapter 140 of the General Laws. License to be exercised at 1486 Main Street.

Attorney Michael Purse spoke in favor of the License, saying his client does repair and maintenance of high end cars, and he wants to offer sales as well, but no more than 15 cars on the lot, there will be very little signage. Ward Councillor Giordano asked about the previous special permit and whether notice was sent to neighbors. Attorney Purse said notice of this Public Hearing was published twice in the newspaper. Councillor Logan asked about whether the Special Permit was constructively granted, and whether the Council would get a copy of the Permit, Attorney Purse said yes after it's recorded. Councillor Rourke spoke about including the same conditions in the License as in the Special Permit, and Attorney Purse said he was receptive to that.

No opposition or rebuttal presented, President Waddick referred it to the License and Franchise Committee.

The Clerk continued reading the docketed items:

Communications from the Mayor

The Mayor respectfully requests concurrence to issue an RFP for temporary occupancy of 15 Church Street for a one year period.

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Councillor Marchese presented 2 Requests: For Building Inspector and for Chief Procurement Officer to attend next Committee of the Whole Meeting. APPROVED by voice vote the 2 Requests. President Waddick corrected the Mayor's correspondence by stating that the correct address is 14 Church Street not 15 Church Street.

President Waddick referred matter to the Committee of the Whole.

The Mayor respectfully requests acceptance of a gift of personal items and furniture valued at \$5,000. President Waddick referred this matter to the Finance Committee.

The Mayor respectfully requests acceptance of a gift of approximately four pallets of PERGO laminate flooring from Home Depot. President Waddick referred this matter to the Finance Committee.

The Mayor respectfully requests acceptance of a gift of a bench from Yvette Abbott. President Waddick referred this matter to the Finance Committee.

The Mayor respectfully requests approval of the Library Trustees' request to hire its selected candidate at a grade 18, step 3, as opposed to a grade 18, step 1, as provided by the City's Compensation Ordinance. President Waddick referred this matter to the Finance Committee.

All Licenses were referred to the License and Franchise Committee by President Waddick.

The following items remained on the Council floor without action:

Tabled from December 10, 2012

Respectfully request pursuant to subsection (3) and (6) of Mass. General Laws c. 39 sec. 23B to address the Committee of the Whole in Executive Session on Monday, October 16, 2006 regarding global traffic plan for the 128 area and other related items.

Executive Session tabled on the City Council floor.

1-13-2014 request sent and matter tabled

Respectfully request pursuant to subsection (6) of Mass. General Laws c. 39 sec. 23B to address the Committee of the Whole in Executive Session on Monday, October 16, 2006 regarding encroachment to our land.

Executive Session tabled on the City Council floor.

Respectfully submit Executive Session Matter dealing with real estate.

Table in Executive Session 11-13-06

Tabled 3-27-2012

Respectfully request an opportunity to address the City Council in Executive Session on March 12, 2012. # 4 -2012-03-27 Table in Executive Session

Councillor Logan noted that there was a missing item from the "Tabled" Council Docket, namely the Mayor's veto of the Zone Change at 0 Grove Street. Councillor Logan moved to take that matter from the table, APPROVED by voice vote.

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Councillor Logan spoke in favor of overriding the Mayor's veto, saying Residence B is a stepped down zone, this was not a new multifamily zone rather only a 2 family zone or town homes, and that Zoning Board of Appeals had approved it. Councillors Marchese, Romard and LeBlanc spoke in favor. Councillors Fowler, Darcy, O'Brien, and McMenimen spoke against the Zone change, saying there was no benefit to the City only to the developers.

Logan moved to approve the Zone Change notwithstanding the disapproval of the Mayor, APPROVED by roll call, Councillors Fowler, Darcy, O'Brien, and McMenimen against.

Clerk continued reading the Docket:

New Business

Massport Letter for Voski Simonian, President referred to License & Franchise Committee.

Election Order for November 4th, Councillor Marchese moved to act on matter w/out Committee reference and for approval, APPROVED by roll call vote (14-0).

Acceptance of the results of the State Primary of September 9th, Councillor Marchese moved to act on this w/out Committee reference and for approval, APPROVED by roll call vote (14-0).

Resolutions

RESOLUTION re: Establishing a central registry to notify residents in advance of street closings, presented by Councillor McMenimen, who is concerned about the impact of the Beaver Street culvert work and the one-way traffic East on Beaver Street. Councillor McMenimen's REQUEST approved by voice vote to invite traffic commission and Engineer Michael Garvin to Committee to discuss Resolution. President Waddick referred the Resolution to the Public Works Committee.

RESOLUTION re: Anniversary of founding of Waltham Land Trust, presented by Councillor McMenimen, who spoke about the Awards event on October 16, 2014 to honor an Environmental Protector of the Year and the good work of the Trust, and Councillor acknowledge several members of the Council who were Land Trust members. APPROVED by voice vote.

RESOLUTION re: Status of Social Media hiring position, presented by Councillor O'Brien, who spoke about wanting an update of the hiring of this new position. REQUEST approved by roll call vote to invite Human Resources Director to speak about the status of this hiring, Councillors Vizard and Logan spoke against this and objected, Darcy, McMenimen and Stanley spoke in favor of the Request. President Waddick referred the Resolution to the Committee of the Whole.

RESOLUTION re: Vicious dogs, presented by Councillor Darcy, who spoke about changing the ordinance to define "enclosures" and to "restraining" to provide Animal Control Officer more options to control a vicious dog. President Waddick referred the Resolution to the Committee of the Ordinances and Rules.

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RESOLUTION re: Off-Street Parking requirements for Cat Shelters, to include this use in the Table of off street parking and to provide 1 parking space for this use. President Waddick referred the Resolution to the Committee of the Ordinances and Rules for review and to inform Council about public hearing date.

RESOLUTION re: Street Sweeping, presented by Councillor Logan, who spoke about the need for more frequent street sweeping, and how eventually DEP and EPA will require city to invoke a street sweeping plan to minimize the contaminants that enter the storm water system. REQUEST approved by voice vote to invite Director of CPW to Public Works Committee to discuss Resolution. President Waddick referred the Resolution to the Public Works Committee.

Clerk continued reading the Docketed Items:

Committee Reports

Licenses and Franchises Committee

The Licenses and Franchises Committee recommends approval of a fuel storage license for Ivy Realty Trust, 46 Ivy Lane, Waltham MA. Councillor Rourke, Chairman of L&F moved that the action of Committee be the action of the Council, APPROVED by voice vote.

Committee of the Whole

The Committee of the Whole recommends that the Resolution concerning audit of CDBG funds be placed on file. Councillor Marchese, Chairman of Committee of the Whole, moved that the action of Committee be the action of the Council, APPROVED by voice vote.

Ordinances and Rules Committee

The Ordinances and Rules Committee recommends granting an Extension of Time for 1265 Main Street to commence construction to November 20, 2015. Councillor Logan, Chairman of O&R Committee, moved that the action of Committee be the action of the Council, APPROVED by roll call vote (14 -0).

The Ordinances and Rules Committee recommends granting Modification of a Special Permit for Maristhill Inc. under 3.552 of the Zoning Ordinance. Councillor Logan, Chairman of O&R Committee, moved that the action of Committee be the action of the Council, APPROVED by roll call vote (14-0).

Councillor Logan was recognized by the President and announced that a Public Input Session on the City Zoning Reform will be held in City Council Chambers on 10/21/14 at 7:00 pm, all are welcome to attend. Councillor Logan stated that the contact information about the City's Zoning Consultant should be included on the City Website, and anyone is urged to send/email contact Consultant about their ideas or changes to the Zoning Code.

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Finance Committee

The Finance Committee recommends acceptance of a grant from MEMA in the amount of \$44,435. Councillor McMenimen, Chairman pro temp of Finance Committee moved that the action of Committee be the action of the Council, ACCEPTED grant by voice vote.

The Finance Committee recommends appropriation of \$27,920 to Police Details and WSEPAC. Councillor McMenimen, Chairman pro temp of Finance Committee moved that the action of Committee be the action of the Council, ACCEPTED grant by voice vote.

Long Term Debt Committee

The Long Term Debt Committee recommends approval of a second and final reading for a loan authorization in the amount of \$500,000 for Rosewood Drive to alleviate flooding. Councillor Stanley, Chairman of Long Term Debt Committee moved that the action of Committee be the action of the Council, APPROVED second final reading of the loan order, by roll call (14-0).

The Long Term Debt Committee recommends approval to authorize the mayor to close out SRF project from 1983. Councillor Stanley, Chairman of Long Term Debt Committee moved that the action of Committee be the action of the Council, APPROVED by voice vote.

Fernald Reuse Committee

The Fernald reuse committee recommends that the City Clerk schedule a Public Hearing regarding the reuse of the Fernald Property. Councillor McLaughlin, Chairman of Fernald Reuse Committee, moved that the action of Committee be the action of the Council, APPROVED by voice vote (McMenimen recused), no date set by Clerk until confers with Committee.

Council Meeting Adjourned by Council President