

City Council Minutes Monday May 11, 2015

APPROVED  
5/26/15  
GJM

The City Council Meeting will be held on Monday, May 11, 2015 at 7:30 PM in the Council Chamber at City Hall, 610 Main Street, Waltham and the following matters and others will be considered.

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

Attendance:

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

Absent: Giordano and Fowler

Council President Marchese asked the wish of the council on the minutes of May 4, 2015 Councillor LeBlanc moved approval the motion was adopted on a voice vote

Pursuant to City Charter Section 3-10, I respectfully request a Special Meeting of the City Council for Monday, May 11, 2015 at 7:30 p.m. or as soon thereafter, for the purpose of submitting my FY16 budget recommendations with associated communications.

President Marchese asked the clerk to call the roll on the special meeting called by the Mayor.

Present were Brasco, Darcy, III Giordano, LeBlanc, Logan, Marchese, McLaughlin, McMenimen O'Brien, Romard, Rourke and Vizard

Absent: Giordano, Fowler, Stanley and Waddick

Council President Marchese asked, LeBlanc and O'Brien, to escort the Mayor to the chambers. The Mayor presented the budget with a brief summary of the changes and request in the budget and also explained the major reasons for the 3.6% increase in the budget (Collective Bargaining, Insurance, Schools Etc.)

**Referred to the Finance Committee**

Councillor Logan moved to take a matter out of order the motion was adopted on a voice vote Councillor Logan asked the Clerk to read the resolution Lizzy's Councillor Logan moved to hear from a off committee member the motion was adopted on a voice vote Nick Pappas thank the council and city for being so good for the past 20 years. Councillor Rourke spoke Councillor Logan moved approval of the resolution. the motion was adopted on a voice vote

**Communications from Mayor**

I respectfully request a transfer of funds in the amount of \$20,571 to cover operating expenses for the remainder of FY2014 for the Water Operations & Maintenance expense accounts as follows.

From: #610-452-5400-5690 (MWRA Water Assessment)

To: #610-452-5200-5303 (Water O & M Consultants)

|  |          |
|--|----------|
| Amount   | \$15,000 |
| From: #610-452-5400-5690 (MWRA Water Assessment) |          |
| To: #610-454-5400-5543 (Water Meters & Parts)    |          |
| Amount   | \$ 1,791 |
| From: #610-452-5400-5692 (Mass DEP Assessment)   |          |
| To: #610-454-5400-5543 (Water Meters & Parts)    |          |
| Amount   | \$ 3,780 |
| Total Transfer Amount                            | \$20,571 |

These funds will be used to maintain the cross connect backflow testing program and to purchase additional water meters to be installed in new residential properties and replace non-functioning water meters.

**Referred to the Finance Committee**

I respectfully request the appointment of Sarah Hankins, 103 Seminole Ave., Waltham, MA, as an Associate Member of the Zoning Board of Appeals.

Enclosed please find her resume, application and Rule 35 Disclosure.

**Referred to the Committee of the Whole**

I respectfully request the acceptance of a grant in the amount of up to \$45,000 from the Department of Mental Health for the Pre-Arrest Jail Diversion Grant for an initial duration from July 1, 2015 to June 30, 2018. These funds will be used for costs associated with individuals with mental illness or emotional disturbances per the grant guidelines. The Edinburg Center of Lexington will continue to provide jail diversion services as an alternative to arrest for people whose minor criminal behavior is directly due to mental illness. This grant does not require matching funds from the City.

Attached is a copy of a letter dated April 24, 2015 that was received from the Chief of Police. Chief MacPherson will be available to answer questions concerning this request.

**Referred to the Finance Committee**

I respectfully request acceptance of the FFY 2014-2015 HMEP Grant in the amount of \$2,000.00 from the Massachusetts Emergency Management Agency. The HMEP grant is provided for expenses associated with updating and publishing the Emergency Plan. Please see the enclosed communication dated May 5, 2015 from the EMS Director. Mr. Mullin will be available to answer any questions you may have regarding this request.

**Referred to the Finance Committee**

**Tabled from 4-27-2015**

Zoning Ordinance Amendment parking for animal shelters approved 1<sup>st</sup> Reading May 4, 2015

## **New Business**

Petitioner request for an extension of time for Special Permit 20 Cooper St. a/k/a End Cooper St. and 135 Elm St. from May 12, 2015 to May 27, 2015 Councillor Logan moved approval of the request of the time extension. President Marchese asked the clerk to call the roll on the motion to approve the matter. Voting in favor were Brasco, Darcy, III Giordano, LeBlanc, Logan, Marchese, McLaughlin, McMenimen O'Brien, Romard, Rourke, Stanley, Vizard, and Waddick

Absent: Giordano and Fowler

Petitioner request for an extension of time for Special Permit BP Third Ave. LLC 214 Third Ave.186-194 Third Ave. and 95 Fourth Ave. to extend from August 4,2015 to August 4, 2016 and completion from August 4, 2016 to August 4, 2017

**Referred to the Ordinance & Rules Committee**

A request from the Merc at Moody & Main regarding – Affordable Housing—First Amendment to Regulatory Agreement.

**Referred to the Ordinance & Rules Committee**

## **Resolutions**

Incomplete Display of Building Numbers –Councillor Rourke spoke on the resolution and the need to change the ordinance giving the engineering dept. more authority to number apartments and condo's for safety

**Referred to the Ordinance & Rules Committee**

House Breaks in Cedarwood Councillor O'Brien spoke on the resolution and said there was a request attached and moved approval of the request the motion was adopted on a voice vote

**Referred to the Community Development Committee**

## **Committee Reports**

### **License and Franchises**

The Licenses & Franchise Committee recommends that the grant of location to install approximately 50 ft. of conduit location 18 Elm St. Sidewalk be granted. Councillor Rourke moves the action of the Committee be the action of the Council The matter was approved.

The Licenses & Franchise Committee recommends that the grant of location to install approximately 55 ft. of conduit location 880 Main St. Sidewalk be granted . Councillor Rourke moves the action of the Committee be the action of the Council The matter was approved.

The Licenses & Franchise Committee recommends that the request for Extended Hours 821 Main St. from 5:30 A.M to 6:00 A.M and 10:00 P.M to 11:00 P.M be approved . Councillor Rourke moves the action of the Committee be the action of the Council The matter was approved.

The Licenses & Franchise Committee recommends that the New Fuel Storage License at 225 Second Ave. be approved Councillor Rourke moves the action of the Committee be the action of the Council The matter was approved.

### **Finance Committee**

The Finance Committee recommends an appropriation of \$65,000.to purchase Truck be approved Councillor Brasco moves the action of the Committee be the action of the Council The matter was approved.

The Finance Committee recommends an appropriation of \$14,000.Library aid to Library Educational Supplies be approved Councillor Brasco moves the action of the Committee be the action of the Council.The matter was approved.

The Finance Committee recommends a transfer from Auto Insurance to Building Insurance in the amount of 1,990 be approved. Councillor Brasco moves the action of the Committee be the action of the Council.The matter was approved.

### **Ordinances and Rules**

The Ordinance and Rules Committee Recommends That the Zoning Amendment Micro Brewery **BE GIVEN A 1<sup>st</sup> READING** Councillor Logan moves the action of the Committee be the action of the Council The matter was given a 1<sup>st</sup> reading

The Ordinance and Rules Committee Recommends That the Ordinance Amending Section 17-7,2 entitled “ Restaurant tables and chairs on sidewalks” **BE GIVEN A 1<sup>st</sup> READING** Councillor Logan moves the action of the Committee be the action of the Council The matter was given a 1<sup>st</sup> reading.

The Ordinance and Rules Committee Recommends That the Ordinance Amending Chapter 3 Article II, by adding Section 3-16 entitled “Definitions “Excessive barking or howling” **BE GIVEN A 1<sup>st</sup> READING** Councillor Logan moves the action of the Committee be the action of the Council The matter was given a 1<sup>st</sup> reading

The Ordinance and Rules Committee Recommends ”General Provisions” section 1-13 “Enforcement” be amended by adding Section 3-18.1(D) **BE GIVEN A 1<sup>st</sup> READING** Councillor Logan moves the action of the Committee be the action of the Council The matter was given a 1<sup>st</sup> reading

The Ordinance and Rules Committee Recommends That the Ordinance Amending Chapter 16 Section16-32, by adding Section 3-16 entitled “Infiltration and inflow mitigation fee” **BE**

**GIVEN A 1<sup>st</sup> READING** Councillor Logan moves the action of the Committee be the action of the Council. Councillor Logan spoke on the ordinance explaining that this is the best ordinance amendment passed in years and thanked the ad-hoc committee appointed to review the ordinance and give suggestions Councillor Stanley spoke and said that he proposed a citizens advisory committee before and one should be available all the time. Other councillors that spoke and agreed with. Councillor Logan on the ad-hoc committee appointed were Councillors Darcy, Waddick, and Marchese a roll call vote was requested. President Marchese asked the clerk to call the roll on the motion to approve the matter for a 1<sup>st</sup> reading. Voting in favor were Brasco, Darcy, III Giordano, LeBlanc, Logan, Marchese, McLaughlin, McMenimen O'Brien, Romard, Rourke, Stanley, Vizard, and Waddick  
Absent: Giordano and Fowler The matter was given a 1<sup>st</sup> reading

The Ordinance and Rules Committee Recommends That the Ordinance Amending Chapter 21 Section 5.23 "Parking" be amended by adding Section 5.234 **BE GIVEN A 1<sup>st</sup> READING** Councillor Logan moves the action of the Committee be the action of the Council The matter was given a 1<sup>st</sup> reading

The Ordinance and Rules Committee Recommends That the Resolution to amend the Council Rules as amended **BE APPROVED** Councillor Logan moves the action of the Committee be the action of the Council The matter was approved.

### **Public Works**

The Public Works Committee Recommends that the care and control of the Mary Early Foot Bridge and the adjoining city owned paths be assigned to the consolidated public works department. **BE APPROVED** Councillor Vizard moves the action of the Committee be the action of the Council The matter was approved.

The Public Works Committee Recommends that the request by Charles River Place LLC, for grant of location to excavate River St. for Sewer and Water under 17-25 with conditions **BE APPROVED** Councillor Vizard moves the action of the Committee be the action of the Council

#### **]Conditions**

- 1-That flowable fill be used
- 2-That the seams be treated with Infrared Patch
- 3- Pave curb to curb
- 4- Hours of work 9 A.M to 4P.M unless approved by the Chief of Police
- 5- Traffic plan and details under the direction of the Chief of Police
- 6- That the work order cannot be issued before June 25, 2015
- 7- All work must be inspected and approved by the Public Works Director or his designee

### **Community Development**

The Community Development Committee with a favorable recommendation to the full council the proposed draft ordinance (traffic advisory committee) and recommends that this be referred

to the Ordinance & Rules Committee Councillor Waddick moves the action of the Committee be the action of the Council. The draft was sent to the Ordinance & Rules Committee.

### **Long Term Debt**

Long Term Debt. Recommends that the Loan Order in the amount of \$240,000. (Cultural Center Roof) **BE GIVEN A 1<sup>st</sup> READING** Councillor Waddick moves the action of the Committee be the action of the Council The matter was approved

### **Committee of the Whole**

Committee of the whole recommends the Senior Players use two lot at the Fernald **BE APPROVED** Councillor LeBlanc moves the action of the Committee be the action of the Council The matter was approved.

Committee of the whole recommends the resolution Wayne Abbott day **BE APPROVED** Councillor LeBlanc moves the action of the Committee be the action of the Council The matter was approved

Committee of the whole recommends the Draft order on Asst. Dir. of Human Service Be discharged from committee and sent too O&Rs Committee Councillor LeBlanc moves the action of the Committee be the action of the Council The draft was sent to the Ordinance & Rules Committee.

Committee of the whole recommends the resolution Waltham School / Minuteman **BE PLACED ON FILE** Councillor LeBlanc moves the action of the Committee be the action of the Council The matter was placed on file

Committee of the whole recommends the Resolution Cameras and Microphones and amend order # 33127 **BE APPROVED** Councillor LeBlanc moves the action of the Committee be the action of the Council The matter was approved

Submitted by  
Kevin M. Ritcey Temporary Clerk