

*Waltham City Council Minutes
Monday, September 22, 2014*

APPROVED
5/26/15
(JW)

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 (absent), 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 presented by Councillor LeBlanc, in honor of Walter Hoyt who passed away, a decorated Vietnam Veteran and a friend to all Veterans, to dedicate a walk way on the Waltham Common leading to the Circle of Remembrance in perpetuity to his memory. Councillor McMenimen spoke in support of the Resolution. APPROVED by voice vote.

Clerk Curtin read Council Rule 29A.

Clerk Curtin read the following Docketed items into the record:

FUEL STORAGE

In accordance with Chapter 148 of the Massachusetts General Laws and Chapter 8 of the General Ordinances of the City of Waltham, Ivy Realty Trust, 46 Ivy Lane, Waltham, MA as owner and operator of the facility, hereby petitions the City Council for a Fuel Storage License for a 1,000 gallon underground propane tank. The property located at 46 Ivy Lane. The property is shown in Atlas, Map R043, Block 001, Lot 0015. The property is in a Residence A2 Zoning District.

Mr. Saro spoke in favor of the license, and said the future is propone its safe and efficient. President Waddick closed public hearing after hearing no opposition or rebuttal, and referred the matter to the License & Franchise Committee to be heard at its next meeting on October 6, 2014.

Clerk Curtin continued reading the docketed items:

Communications from the Mayor

The Mayor respectfully requests a Special permit for increased intensity of use 948 Main Street Waltham Ma Atlas No. R059 018 0022. Councillor Logan stated this matter needs a Public Hearing, moved to table on the council floor, APPROVED by voice vote. Clerk scheduled the Public Hearing for October 27, 2014.

The Mayor respectfully requests the acceptance of the FFY 2015 EOPSS Traffic Enforcement Grant in the amount of \$15,000. The grant will be disbursed in five mobilizations. The first mobilization will be the "Speed and Aggressive Driving" for the period October 10, 2014 – October 31, 2014. The second mobilization will be the "Drive Sober or Get Pulled Over" for the period December 1, 2014 – January 1, 2015. The third mobilization will be the "Distracted

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Driving” for the period April 10, 2015 – May 1, 2015. The fourth mobilization will be the “Click It or Ticket” for the period May 11, 2015 - May 25, 2015. The fifth mobilization will be the “Drive Sober or Get Pulled Over” for the period August 14, 2015 - September 4, 2015. Councillor Logan questioned whether this matter should be voted on this evening. Councillor Brasco moved to suspend council rules to act on the matter without committee reference, APPROVED by voice vote, Councillor Brasco moved approval, GRANT ACCEPTED by roll call vote (13-0).

The Mayor respectfully requests the acceptance of the FFY 2015 EOPSS Pedestrian and Bicycle Enforcement Grant in the amount of \$5,000. This grant will be used to conduct enforcement throughout the City of known danger spots for walking and bicycling. The grant will be for the period October 2014 – October 2015. For the same reasons as the previous grant, Councillor Brasco moved to suspend council rules to act on the matter without committee reference, APPROVED by voice vote, Councillor Brasco moved approval, GRANT ACCEPTED by roll call vote (13-0).

The Mayor respectfully requests the acceptance of a grant from the Massachusetts Emergency Management Agency (MEMA) - the FFY2014 EMPG grant in the amount of \$44,435. President Waddick referred this matter to the Finance Committee.

The Mayor respectfully requests the following appropriations for the Disability Services Commission to fund handicap projects – police enforcement of handicap parking and Waltham Special Education Parents Advisory Council.

APPROPRIATION

From: #237-560-2300-3591 F/B Reserved for Handicap Projects	\$27,920
To: #237-560-2315-5205 Police Details	\$25,000
To: #237-560-2334-5205 WSEPAC	\$ 2,920

These items were voted and approved by the Disability Services Commission. The Chairman of the Disability Services Commission will be available to answer questions concerning these requests. 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

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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.

Clerk Curtin continued reading the docketed items:

New Business

Extension of Time

1265 Main Street requests an extension of time to commence work. President Waddick referred this matter to the Ordinances and Rules Committee.

Modification of a Special Permit

Maristhill Inc. requests to modify a Special Permit under 3.552 of the Zoning Ordinance. President Waddick referred this matter to the Finance Committee. REQUEST presented by Councillor Logan to clerk to provide copy of original Special Permit, APPROVED by voice vote.

Clerk Curtin continued reading the docketed items:

Resolutions

RESOLUTION presented by Councillor Romard, in honor of Joe Lazaro who passed away recently, who was an World War II veteran and an accomplished golfer who won several awards and tournaments. The City needs to find a suitable location for a memorial to honor this man. President Waddick referred this matter to the Public Works Committee.

RESOLUTION re: the Beaver Street bridge repair, presented by Councillors McLaughlin and Stanley and other Councillors, Councillor Stanley spoke about the dire need to expedite the repair and its negative impact on the residents and traveling public. Councillor Vizard and McMenimen spoke on the Resolution. President Waddick referred this matter to the Public Works Committee.

RESOLUTION re: patching concrete sidewalk repairs, presented by Councillor Logan, who spoke about replacing the sidewalk repair with "in-kind" materials, should be standard operating procedure. REQUEST to invite CPW Director into next Public Works Committee meeting, APPROVED by voice vote. President Waddick referred this matter to the Public Works Committee.

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RESOLUTION re: Small Business Saturday, presented by Councillor Logan, who spoke about promoting the local economy by encouraging shoppers to buy “small” and shop “local”, by offering 1 day free parking in downtown. Logan moved to suspend the council rules to act on this matter without committee reference, and to approve the matter, both motions APPROVED by voice vote.

Clerk Curtin continued reading the docketed items:

Committee Reports

Fernald Reuse Committee

Clerk Curtin reported that earlier in the evening the Fernald Reuse Committee reported out a matter for the City to issue an RFP to hire a consultant. Councillor McMenimen recused. Chairman McLaughlin yielded to Councillor Stanley who described the vote of the Committee, to hire an Asset Management firm to assess all potential uses of the Fernald property, including highest and best use, not as an endorsement for development, but to provide valuable information to the Council and the public about this valuable property so that the Council and decision makers can be better informed to make a decision about its future. Councillor Vizard and Chairman McLaughlin spoke in favor of the Committee action. Councillor Darcy opposed the action, stating he wanted to hear first from Waltham residents and not a management consulting firm about what the residents want at Fernald. Chairman McLaughlin moved that the action of the Committee be the action of the Council, APPROVED by voice vote.

Licenses and Franchises Committee

The Licenses and Franchises Committee recommends approval of a MassPort letter for Khoren Dertsakian. Councillor Giordano, Chairman pro temp moved the action of the Committee be the action of the Council, APPROVED by voice vote.

The Licenses and Franchises Committee recommends approval of a grant of location for Nstar at Lexington Street for the police Station. Councillor Giordano, chairman pro temp moved the action of the Committee be the action of the Council, APPROVED by voice vote.

The Licenses and Franchises Committee recommends approval of a Second Hand Dealers License for New Owner of G. Richard and Co. Councillor Giordano, Chairman pro temp moved the action of the Committee be the action of the Council, APPROVED by voice vote.

The Licenses and Franchises Committee recommends approval of a fuel storage license for Valvoline 557 Main Street. Councillor Giordano, Chairman pro temp moved the action of the Committee be the action of the Council, APPROVED by voice vote.

The Licenses and Franchises Committee recommends filing Second Hand Dealers License for G. Richard and Co. renewal applicant dated 1-13-14. Councillor Giordano, Chairman pro temp moved the action of the Committee be the action of the Council, APPROVED by voice vote.

Public Works Committee

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The Public Works Committee recommends approval of a street opening at 1474 Main Street. Councillor Vizard, Chairman of Public Works Committee moved the action of the Committee be the action of the Council, APPROVED by voice vote.

Committee of the Whole

The Committee of the Whole recommends approval of Kathleen Dufromont as a Member of the Historical Commission. Councillor Marchese, Chairman Committee of the Whole moved the action of the Committee be the action of the Council, APPROVED by roll call (13-0).

The Committee of the Whole recommends approval of the re-appointment of Adam Maher to the Disability Services Commission. Councillor Marchese, Chairman Committee of the Whole moved the action of the Committee be the action of the Council, APPROVED by roll call (13-0).

The Committee of the Whole recommends filing the matter regarding tax exempt properties. Councillor Marchese, Chairman Committee of the Whole moved the action of the Committee be the action of the Council, APPROVED by voice vote.

The Committee of the Whole recommends filing the matter regarding METFERN cemetery. Councillor Marchese, chairman Committee of the Whole moved the action of the Committee be the action of the Council, APPROVED by voice vote.

Councillor Logan moved to discharge from Committee of the Whole Resolution re: Cable coverage enhancements, APPROVED by voice vote. Councillor Logan presented an Order to amend the terms of the construction bid to enhance cable viewing and coverage of City Council Meetings in the Chamber and in the Henry Hoover Room, to protect the historic integrity of the Council and to minimize interference with the meetings. ORDER APPROVED by voice vote.

Councillor Logan moved to recommit the RESOLUTION the Committee of the Whole, APPROVED by voice vote.

Ordinances and Rules Committee

The Ordinances and Rules Committee recommends overriding the Mayor's veto of the Zoning Amendment for 0 Gore Street. Councillor Logan moved to Table, APPROVED by roll call.

The Ordinances and Rules Committee recommends approval of the special permit for ATT Cellular Antennas at One Moody Street. Councillor Logan, Chairman Committee on Rules and Ordinances, moved the action of the Committee be the action of the Council, APPROVED by roll call (13-0).

The Ordinances and Rules Committee recommends approval of the special permit for Verizon Cellular Antennas at One Moody Street. Councillor Logan, Chairman Committee on Rules and Ordinances, moved the action of the Committee be the action of the Council, APPROVED by roll call (13-0).

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Finance Committee

The Finance Committee recommends appropriation of \$7,677 from Stabilization to COA meals account. Councillor Brasco, Chairman Finance Committee, moved the action of the Committee be the action of the Council, APPROVED by voice vote.

The Finance Committee recommends appropriation of \$26,143 from Library State Aid to FY2014 expenses. Councillor Brasco, Chairman Finance Committee, moved the action of the Committee be the action of the Council, APPROVED by voice vote.

The Finance Committee recommends acceptance of a grant of \$43,000 Jail Diversion Program 2015. Councillor Brasco, Chairman Finance Committee, moved the action of the Committee be the action of the Council, APPROVED by voice vote.

The Finance Committee recommends acceptance of a grant of \$152,176 PSAP Program 2015. Councillor Brasco, Chairman Finance Committee, moved the action of the Committee be the action of the Council, APPROVED by voice vote.

The Finance Committee recommends acceptance of a grant of \$32,968 EMD Program 2015. Councillor Brasco, Chairman Finance Committee, moved the action of the Committee be the action of the Council, APPROVED by voice vote.

Long Term Debt Committee

The Long Term Debt Committee recommends approval of a change in the use of capital improvement funds in the amount of \$16,800. Councillor Stanley, Chairman Long Term Debt Committee, moved the action of the Committee be the action of the Council, APPROVED by voice vote.

Councillor Darcy moved to Adjourn, President Adjourned Meeting