

# City Council Minutes Monday April 27, 2015

APPROVED  
5/11/15  
GJM

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

Council President Marchese wished Clerk Malone a Happy Birthday

Council President Marchese asked for a moment of silence for Okie O'Connell

## Attendance:

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

Absent: Stanley,

Board of Survey present were, Chairman Creonte, Barrett, Callahan, DeVito and Tarallo  
City Clerk Russ Malone, Clerked the meeting.

Councillor LeBlanc moved to accept the minutes from April 13, 2015 the motion was adopted on a voice vote

Councillor McMenimen moved to take a matter out of order the motion was adopted on a voice vote. The resolution May 8<sup>th</sup> Books in Bloom Library Day Councillor McMenimen on the resolution the asked to suspend the rules to hear from a off committee member, Joan Garnjsh the motion was adopted on a voice vote. Joan Garnjsh then spoke and thanked the council. Councillor McMenimen moved to approve the resolution. the motion was adopted on a voice vote

City Clerk Russ Malone read rule 29

## Public Hearings

Notice is hereby given that the City Council will hold a joint Public Hearing with the Board of Survey and Planning in the City Council Chamber at City Hall, 610 Main Street, Waltham MA on Monday, April 27th, 2015 at 7:30 pm on the following application:

## ZONING ORDINANCE AMENDMENT

1. AN ORDINANCE AMENDING CHAPTER 21 OF THE GENERAL ORDINANCES OF THE CITY OF WALTHAM ENTITLED "ZONING"

CHAPTER 21 of the General Ordinances of the City of Waltham entitled "Zoning," as most recently amended, is hereby further amended as follows:

ARTICLE III entitled "Establishment of Districts," Section 3.2 entitled "Definition of uses," Subsection 3.228A entitled "Micro-Brewery Restaurants" is hereby amended by striking in the first sentence the following:

"farmer's brewers statutes"

and inserting in place thereof the following:

"pub brewery license statute (M.G.L. Chapter 138, Section 19D)"

ARTICLE III entitled "Establishment of Districts," Section 3.4 entitled "Table of Uses," is hereby amended by deleting under the category "Commercial," for the use entitled "Micro-brewery restaurant," in the columns for the Business C (BC) and Limited Commercial (LC) Zoning Districts the following designation:

"S1"

and inserting in place thereof the following:

Councillor Logan spoke on the amendment then McMenimen, Waddick, Darcy and Creonte had questions for Logan. No further speakers Council President Marchese asked Chairman Creonte when they would discuss the matter, he said May 6, 2015 Council President Marchese **referred it to the Rules & Ordinances Committee.**

## ZONING ORDINANCE AMENDMENT

### AN ORDINANCE AMENDING CHAPTER 21 OF THE GENERAL ORDINANCES OF THE CITY OF WALTHAM ENTITLED "ZONING"

CHAPTER 21 of the General Ordinances of the City of Waltham entitled "Zoning," as most recently amended, is hereby further amended as follows:

ARTICLE V entitled "Parking Requirements," Section 5.23 entitled "Parking requirements for the Business C District" is hereby amended by adding the following new subsection:

5.234 Seasonal outdoor seating shall not be included in the calculation of the parking requirement in the Business C Zoning district provided that there are less than fifty (50) outdoor seats, seating and tables are not permanently fixed in place, and that seating and tables are removed between the last day of October and the first day of April.

Councillor Logan spoke on the amendment then McMenimen, Romard Darcy had questions for Logan. Creonte asked why not other zones. Tarallo asked who has enforcement of the sidewalks. No further speakers Council President Marchese asked Chairman Creonte when they would discuss the matter, he said May 6, 2015 Council President Marchese **referred it to the Rules & Ordinances Committee.**

Councillor Darcy moved to take a matter out of order the motion was adopted on a voice vote. The resolution Chickens and proposed Ordinance Councillor Darcy and LeBlanc spoke on the resolution. Council President Marchese **referred it to the Rules & Ordinances Committee.**

## GRANT OF LOCATION

Comcast Cable Inc. hereby requests a grant of location for the distribution of cable hereinafter described for the transmission and distribution of communication signals in and under the following public streets, lanes, highways and places of the City of Waltham and of the Conduit, equipment, governed manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said distribution cables and accomplish the objectives of said company: and the digging up and opening the ground to lay or place the same: Excavation and placement of approximately 50 feet of 1 to 3 inch conduit from existing vault located at the front left side of 18 Elm Street Waltham, north to private property at 600 Main

Todd Crossman representing Comcast explained what was to be done and the process  
Councillor Marchese the ward councillor had questions along wjth Vizard, Romard, Rourke  
Logan and Darcy. Speaking in opposition was Ronald Cincotta and requested that the council  
should make the petitioners use flowable fill and inferred seaming  
Council President Marchese **referred it to the License & Franchise Committee.**

## **GRANT OF LOCATION**

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following public streets, lanes, highways and places of the City of Waltham and of the  
Conduit, equipment, governed manholes and other structures, fixtures and appurtenances  
designed or intended to protect or operate said distribution cables and accomplish the  
objectives of said company: and the digging up and opening the ground to lay or place the  
same:

Excavation and placement of approximately 55 feet of 1 to 3 inch conduit from P231/1 Main  
Street to private property at 880 Main Street Waltham

Todd Crossman representing Comcast explained what was to be done and the process  
Councillor Marchese the ward councillor had questions along wjth Vizard, Romard, Rourke  
Logan and Darcy. Speaking in opposition was Ronald Cincotta and requested that the council  
should make the petitioner's use flow able fill and inferred seaming  
Council President Marchese **referred it to the License & Franchise Committee.**

## **STREET OPENING**

In accordance with Chapter 17 – 25 of the General Ordinances of the City of Waltham, Charles  
River Place LLC, 1 Park Lane #305, Boston, MA hereby petitions the City Council to grant  
special permission to excavate River Street and Elm Street to install new sewer and water  
connections for the building under construction at 431 River Street in spite of the fact that this  
portion of River Street was paved within the past three years.

The property is shown in Atlas, Map R60, Block 001, Lot 30 and Map R60, Block 001, Lot 31.  
Property is in a Business C District and Riverfront Overlay District.

Phil McCourt and Paul Finger representing the petitioner explained what needed to be done  
Councillor Marchese the ward councillor had questions. all other councillors had questions  
and concerns about the traffic and the businesses in the area there was a request for Police  
Chief to be at the committee meeting and that the petitioner reach out to the local businesses  
that will be affected Speaking in opposition was Ronald Cincotta and requested that the council  
should make the petitioner's use flowable fill and inferred seaming  
Council President Marchese **referred it to the Public Works Committee.**

## FUEL STORAGE

In accordance with Chapter 148 of the Massachusetts General Laws and Chapter 8 of the General Ordinances of the City of Waltham, ARE-MA Region No. 51, LLC As operator and owner of the facility, hereby petitions the City Council for a Fuel Storage License for 1,100 gallons of combined flammable liquids. The property location is 225 Second Avenue. Mr. Lynch and Mr. White representing the petitioner explained the company moving in and the need for this fuel storage license Romard , Fowler and Rourke had questions Council President Marchese **referred it to the License & Franchise Committee.**

## EXTENDED HOURS

Monell Enterprises Inc. D/B/A Waltham Gulf Express, 821 Main Street seeks permission to be open extended hours. The petitioner seeks to be open for business from 5:30am to 11:00pm seven days a week. Extended hours to be exercised at 821 Main Street. Attorney McCourt representing the petitioner explained that Mr. Michaels had a license and for some reason it wasn't renewed for a couple of years Councillor Waddick the ward councilor explained that Mr. Michael's has been very accommodating. Jessie Savin representing 10 Bacon St. spoke in opposition Council President Marchese **referred it to the License & Franchise Committee.**

## Communications from the Mayor

I respectfully request a transfer of funds in the amount of \$1,990 from account #001-138-5500-5741 Vehicle Insurance to account #001-138-5500-5742 Building Insurance. This transfer is requested to provide funding for the building insurance policy for the property located at 509-527 Moody Street. Council President Marchese **referred it to the Finance Committee.**

I respectfully request an appropriation in the amount of \$65,000 for the purchase of a Ford F350 Utility Body as a replacement vehicle for the use of the Water and Sewer crews to be funded as follows.

FROM:

Water Retained Earnings	#610-450-3590-3590	\$32,500
Sewer Retained Earnings	#600-440-3590-3590	\$32,500

TO:

Water – Utility Truck	#610-452-5800-6449	\$32,500
Sewer – Utility Truck	#600-440-5800-6449	\$32,500

Council President Marchese **referred it to the Finance Committee.**

I respectfully request an appropriation of funds in the amount of \$14,000 from the Library State Aid grant account to account #001-610-5200-5510 Library – Educational Supplies. This funding request is necessary to meet the FY2015 materials budget requirement from the qualification for state aid.

These additional funds will be used to maintain and update the collection of books, magazines, e-books and online subscriptions made available to patrons of the Library free of charge. . Council President Marchese **referred it to the Finance Committee.**

I respectfully request approval to allow Constellation SENIOR PLAYERS to use the two paved lots in the lower part of the attached map for the period June 9-14, 2015. I do not recommend the one-acre rectangle grassed area. My recommendation is limited to the two paved areas only and subject to proper insurance, working with the Police, trash pick-up and removal and sweeping and cleaning of the two lots each day. . Council President Marchese **referred it to the Committee of the Whole**

I respectfully request approval of the following financing plan to award the bid for the roof replacement at the Waltham Community and Cultural Center in the amount of \$240,000.

The funding need is calculated as follows:

Bid award	\$687,000
Less CDBG available funds	\$483,130
Balance	\$203,870
Plus Contingency	\$ 36,130
Request amount	\$240,000

Since a loan order cannot be approved within a needed timeframe, I respectfully request an appropriation in the amount of \$240,000 from Unreserved Fund Balance to account #001-192-5800-6279 Building – Waltham Community & Cultural Center Roof.

In addition, I respectfully request the City Council approve the attached loan authorization in the amount of \$240,000. The appropriation request from Unreserved Fund Balance will be rescinded at the time the loan authorization is finally approved.

. Council President Marchese **referred it to the Long Term Debt. Committee.**

### **Licenses**

Brandies University Lodging House Licenses

Council President Marchese **referred it to the License & Franchise Committee.**

### **New Business**

Waltham Farms Outreach Councillor Rourke moved to suspend the rules and act on this without committee reference the motion was adopted by a voice vote Councillor Rourke moved approval the motion was adopted by a voice vote

Community Preservation Committee Budget FY 2016

Council President Marchese **referred it to the Long Term Debt. Committee.**

## **Resolutions**

Waltham Baseball -Councillor McMenimen moved that it be sent to the Committee of the Whole the motion was adopted by a voice vote

## **Committee Reports**

### **License and Franchises**

The Licenses and Franchises Committee recommends the renewal of all lodging House License for 175 Forrest Street Bentley University President Marchese moved the action of the committee be the action of the council the motion was adopted by a voice vote

The Licenses and Franchises Committee recommends a second hand Dealers License for 13909 Antiques, 290 Moody Street. President Marchese moved the action of the committee be the action of the council the motion was adopted by a voice vote

### **Finance Committee**

The Finance Committee recommends an appropriation of \$17,201 to purchase Copy Machines for Engineering/Sewer/Water President Marchese moved the action of the committee be the action of the council the motion was adopted by a voice vote

The Finance Committee recommends an appropriation of \$50,398 for snow removal from the roofs of City Buildings President Marchese moved the action of the committee be the action of the council the motion was adopted by a voice vote

The Finance Committee recommends the Resolution regarding the FY2014 Audit be placed on file President Marchese moved the action of the committee be the action of the council the motion was adopted by a voice vote

President Marchese moved the action of the committee be the action of the council the motion was adopted by a voice vote

The Finance Committee recommends an appropriation of funds totaling \$1,789,000 for snow expenses. President Marchese moved the action of the committee be the action of the council the motion was adopted by a voice vote

The Finance Committee recommends acceptance of a grant in the amount of \$83,432 to fund Senior Citizen programs. President Marchese moved the action of the committee be the action of the council the motion was adopted by a voice vote

### **Ordinances and Rules**

The Ordinances and Rules Committee recommends Approval pending comment from the Board of Survey and Planning, of a Zoning Ordinance Amendment regarding parking at an animal shelter. President Marchese moved the action of the committee be the action of the council the motion was adopted by a voice vote

The Ordinances and Rules Committee recommends approval of a Special Permit for AT&T 550 Winter Street. President Marchese moved the action of the committee be the action of the council a roll call vote was needed voting in favor were Brasco, Darcy, III Fowler, Giordano, LeBlanc, Logan, McLaughlin, McMenimen O'Brien, Romard, Rourke, Vizard, and Waddick (13) in favor none opposed absent: Stanley,

The Ordinances and Rules Committee recommends approval of a Special Permit for The Merc One Moody Street for a bank drive through lane. President Marchese moved the action of the committee be the action of the council a roll call vote was needed voting in favor were Brasco, Darcy, III Fowler, Giordano, LeBlanc, Logan, McLaughlin, McMenimen O'Brien, Romard, Rourke, Vizard, and Waddick (13) in favor none opposed absent: Stanley,

The Ordinances and Rules Committee recommends approval of a Special Permit for Jimmy John's Sandwiches, 475 Winter Street. President Marchese moved the action of the committee be the action of the council a roll call vote was needed voting in favor were Brasco, Darcy, III Fowler, Giordano, LeBlanc, Logan, McLaughlin, McMenimen O'Brien, Romard, Rourke, Vizard, and Waddick (13) in favor none opposed absent: Stanley,

The Ordinances and Rules Committee recommends a Special Permit for Increased Intensity of Use at 948 Main Street. President Marchese moved the action of the committee be the action of the council a roll call vote was needed voting in favor were Brasco, Darcy, III Fowler, Giordano, LeBlanc, Logan, McLaughlin, McMenimen O'Brien, Romard, Rourke, Vizard, and Waddick (13) in favor none opposed absent: Stanley,

Adjourn