

Waltham City Council

Minutes

April 10, 2017

President LeBlanc called the meeting to order at 7:30 pm. Acting Clerk Vizard called the roll. All Councillors were present. The Clerk led the Council in the Council Prayer. Council President LeBlanc lead the Council in the Pledge of Allegiance.

Councillor Logan moved to place the minutes from the previous meeting on the table.

Councillor Fowler moved to take the matter of the Welcoming City Resolution from the Economic and Community Development Committee Report out of order. The motion was approved.

The Economic & Community Development Committee recommends the Welcoming City Resolution be approved. Councillor Fowler moved that the action of the Committee be the action of the council. Councillors Brasco and LeBlanc asked the sponsor of the resolution to define “welcoming community” and asked if this could affect funding to Waltham. Councillor Vidal stated that the goal of the resolution is to reaffirm that Waltham is a welcoming city. Councillor Brasco questioned whether the City Council should be taking on national issues when there are many pressing city matters before the Council. Councillor O’Brien questioned the need for the resolution if Waltham is already welcoming. Councillors Fowler, Romard, Rourke, and Vidal spoke in favor of approving the resolution. Councillor Logan noted that this is similar to other resolutions that the Council has taken up. Councillor Vidal requested a roll call. Councillors Darcy, Fowler, Giordano, Randall LeBlanc, Logan, Marchese, McLaughlin, McMenimen, O’Brien, Romard, Rourke, Vidal, Waddick and President LeBlanc voted in favor. Councillor Brasco voted present. The resolution was adopted.

Public Hearings

The Acting Clerk read Rule 86.

The property owners of Flagg Circle are petitioning the City Council for the resurfacing of the private way known as Flagg Circle to be resurfaced in accordance with the provisions of Section 17-80 of the General Ordinance of the City of Waltham. Betterments to be assessed.

Scott Sobolewski of 14 Flagg Cir. spoke in favor of the petition but questioned why the Engineering Department did not repair the road as part of a sewer project as they did on Wetherbee Rd. Matthew Buonomo of 16 Flagg Cir. spoke in favor of the petition. Patrick Powell of 229 Florence Rd. spoke in opposition to the petition. He wondered why the Engineering Department did not repair the road when the work was complete. Mr. Powell also opposed a betterment formula based on frontage. Christopher Leonard opposed moving forward with the petition until it is clear what the cost is. Peg Primark of 10 Flagg Cir. spoke in the neutral position. Councillor Giordano asked Mr. Sobolewski how far up the street the sewer work went and how the repair work was done. Mr. Sobolewski responded that work went all the way down the street and that only basic patching was done.

The matter was referred to the Public Works and Public Safety Committee.

ENS Waltham, LLC (Property Owner), is asking the Waltham City Council for the issuance of a Special Permit, as it relates to 124 West Street, Waltham, MA (formerly 124, 132 and 144 West Street, also

known as 130 West Street) (Assessors sheet/block/parcels R029 002 012; R029 002 012A; and R029 002 012B) (project locus), as follows:

To permit the use of the project locus by up to six (6) heavy trucks as defined and permitted by Special Permit under Article III: Establishment of Districts § 3.247 of the Zoning Code (Heavy trucking and equipment storage). Said project locus is located in the Commercial Zoning District.

Attorney Bill Proia and Mr. Patrick Burns of National Grid spoke in favor of the petition. They explained that National Grid is moving some of their service operations from their Newton Street location to this location on West Street. Six of the trucks coming from the location weigh enough that they require a special permit. Councillor Romard asked if trucks are out for the day or if they come and go. The petitioners responded that sometimes they are out all day and sometimes they have to come back during the day. Councillor Romard asked about the City Engineer's comment about oil separators. The petitioner responded that they are part of the parking lot. Councillor Rourke asked if this is reducing the amount of activity at Newton Street. The petitioners responded that it is reducing Newton Street activity by almost half.

President LeBlanc referred the matter to the Ordinance and Rules Committee.

Councillor Waddick moved to take the street opening petition for 36 Thornton Road out of order. The motion was adopted. The Public Works & Public Safety Committee recommends the approval of the 17-25 petition at 36 Thornton Road be approved with conditions. Councillor Waddick moved that the action of the committee be the action of the council. The street opening petition was approved.

Communications from the Mayor

The Mayor respectfully requests an appropriation of funds in the amount of \$4,700.00 from an existing account #261-192-1015-5202 Building Code Enforcement Special Revenue to a new account #001-192-5400-5850 Building Code Enforcement Equipment. These funds will be used to purchase a new computerized tablet to record inspections in the field in real time and provide an analysis and testing of an updated version of the permitting software that is currently being used in the Building Department. Attached is a copy of the quote for said equipment. In addition, the department must observe and practice safety protocol for inspectors on the job with entry into hazardous conditions such as building fires (post inspection), unsafe structures and conditions that pose health and safety concerns. Attached is a copy of the quote for safety equipment that is needed for each inspection vehicle (4) so that all inspectors in the field will be ready for any conditions that may be adverse. The account balance of the funds generated under "code enforcement fines" is currently \$35,250.00. According to the City Auditor these funds can be used for "enforcement" and the use of the appropriation request is consistent with that purpose.

President LeBlanc referred the matter to the Finance Committee.

The Mayor respectfully requests the reappointment of Alan D. Humbert to the Board of Trustees of the Waltham Public Library. Enclosed please find his resume and Rule 35.

President LeBlanc referred the matter to the Committee of the Whole.

The Mayor respectfully requests approval for the Revival and Third Amendment to the May 11, 2016 Memorandum of Agreement between the City of Waltham and the Trustees of the Stigmatine Fathers, Inc. This extends the prior agreement until midnight on May 1, 2017.

Councillor Logan moved to act on the matter without committee reference. The motion passed. Councillor Logan moved approval of an order allowing the Mayor to sign the amendment. A roll call vote was taken with all 15 councillors voting in favor. The order authorizing the Mayor to sign the agreement was approved.

Applications for Licenses & Permits

Class 2 License Renewal – 185 Prospect Street - Colvin's Inc.

President LeBlanc referred the matter to the Licenses and Franchises Committee.

Resolutions

Resolution to Acquire 95 Moody Street – Sponsored by Councillors Logan and LeBlanc, R.
Councillor Logan spoke in favor of the resolution. President LeBlanc referred the matter to the Committee of the Whole.

Resolution Honoring the Vietnam Moving Wall Committee as Unsung Hero
Councillor Giordano spoke in favor of the resolution. Councillor Giordano moved to act on the matter without committee reference. The motion was adopted. Councillor Giordano moved approval of the resolution. The resolution was approved.

Resolution Honoring Dr. Nadene Stein as a Community Hero
Councillor Logan spoke in favor of the resolution. Councillor Logan moved to suspend the rules to act on the matter without committee reference. The motion was approved. Councillor Logan moved approval of the resolution. The resolution was approved.

Resolution Honoring Mike Guzzi as a Community Hero
Councillor Fowler spoke in favor of the resolution. Councillor Fowler moved to suspend the rules to act on the matter without committee reference. Councillor Fowler moved that the resolution be approved. The resolution was approved.

Resolution Honoring Carole Melone as an Unsung Hero
Councillor Fowler spoke in favor of the resolution. Councillor Fowler moved to act on the matter without committee reference. The motion was approved. Councillor Fowler moved approval of the resolution. The resolution was approved.

Resolution Honoring Rick Pizzi as a Business Hero
Councillor Darcy spoke in favor of the resolution. Councillor Darcy moved to act on the matter without committee reference. Councillor Darcy moved approval of the resolution. The resolution was approved.

Resolution Honoring Rachel Segaloff as an Unsung Hero

Councillor Darcy spoke in favor of the resolution. Councillor Darcy moved to suspend the rules to act on the matter without committee reference. Councillor Darcy moved approval of the resolution. The resolution was approved.

Resolution-Lexington Street Lions – Sponsored by Councillor Romard

Councillor Romard spoke in favor of the resolution. President LeBlanc referred the matter to the Public Works and Public Safety Committee.

Resolution-Totten Pond Road Sidewalks – Sponsored by Councillors Romard and Fowler

Councillor Fowler spoke in favor of the resolution. President LeBlanc referred the matter to the Public Works and Public Safety Committee.

Committee Reports

Public Works & Public Safety Committee

The Public Works & Public Safety Committee recommends the approval of the Police Department using the Marquadt Building on the Fernald Property as a temporary location during their station renovation be approved. Councillor Waddick moved to recommit the matter in order to get more information on the plans for renovation. The motion to recommit passed. Councillor Brasco made a request that the Mayor do a feasibility study based on a March 23, 2017 communication to relocate the CPW to the Fernald or another City owned property. The request was approved. President LeBlanc referred the matter to the Committee of the Whole.

The Public Works & Public Safety Committee recommends authorizing the Mayor to proceed to vacate the tenancies located at the Young Building on Moody Street with all the legal requirements in accordance with the law be approved. Councillor Waddick moved that the action of the committee be the action of the Council. Councillor McMenimen asked if the committee determined the cost of moving the residence. Councillor Waddick replied that the committee did not do this but was following the will of the council to have this area included in the feasibility study for a new fire station. Councillor McMenimen opposed the matter because of concerns that it had not been fully vetted. Councillors Brasco, Fowler, Logan, and O'Brien spoke in favor of the motion. Councillor McMenimen requested a roll call vote. Councillors Brasco, Darcy, Fowler, Giordano, Logan, Marchese, McLaughlin, O'Brien, Romard, Rourke, Vidal, Waddick and President LeBlanc voted in favor. Councillor McMenimen voted no. Councillor Randall LeBlanc, voted present. The order was adopted

Long Term Debt Committee

The Long Term Debt Committee recommends a transfer of capital improvement funds in the total amount of 2,800.45 to fund the purchase of three office chairs and additional file cabinets to secure personnel records be approved. Councillor Marchese moved that the action of the Committee be the action of the Council. The transfer was approved.

The Long Term Debt Committee recommends the loan authorization of \$7,280,000 to award the base bid, add alternate 1 and add alternate 2 to the low and responsible bidder for the police station renovation project be approved. Councillor Marchese moved to recommit the matter and requested that it be committed to the Committee of the Whole. Councillor Marchese said that plans for the building were not sent until right before tonight's meeting and he wanted to be able to review them. The motion to recommit was adopted. President LeBlanc referred the matter to the Committee of the Whole.

The Long Term Debt Committee recommends the CPC request of funds in the amount of \$235,885 for a historic preservation project at Stonehurst be approved. Councillor Marchese moved that the action of the committee be the action of the Council and that a vote be taken by a call of the roll. All Councillors voted in favor. The CPC funding request was approved.

Economic and Community Development Committee

The Economic and Community Development Committee recommends the 43 Year Community Development Block Grant Program be approved. Councillor Fowler moved that the action of the committee be the action of the Council and requested that the vote be taken by a call of the roll. All councillors voted in favor. The Block Grant Program was approved.

Committee of the Whole

The Committee of the Whole recommends the City Council Budget for 2017-2018 be approved. Councillor Logan moved that the action of the Committee be the action of the Council and that the Assistant City Clerk forward a copy of the budget to the Mayor. The City Council Budget request was approved.

Finance Committee

The Finance Committee recommends an appropriation in the amount of \$16,978 from Unreserved Fund Balance to 175-5800-6620 Planning- Archeological Survey at the Fernald to award the low bid to conduct an archeological study at the Fernald School Site be approved. Councillor McMenimen recused herself. Councillor Romard moved that the action of the Committee be the action of the Council. The appropriation was approved.

The Finance Committee recommends an appropriation in the amount of \$30,000 from Unreserved Fund Balance to account 001-420-5400-5394-47 CPW – Paving Projects to provide asphalt for the street crew to fill pothole and make repairs to street/sidewalks for the remainder of the fiscal year 2017 be approved. Councillor McMenimen moved that the action of the Committee be the action of the Council. The appropriation was approved.

Ordinances and Rules Committee

The Ordinances and Rules Committee recommends the Zoning Map Amendment for 1025 – 1075 Main Street be approved. Councillor Rourke moved that the matter be given a second reading. The second reading was approved. Councillor Rourke moved to suspend the rules to give the matter a third reading. A vote was taken by a call of the roll. All councillors voted in favor. The Zoning Amendment was approved.

The Ordinances and Rules Committee recommends the Special Permit for 92-94 Trapelo Road Trust, Ciro G. & Mario D. Zottola, Trustees at 300 College Farm Road be approved. Councillor Rourke moved that the action of the Committee be the action of the Council. A vote was taken by a call of the roll. Councillors Brasco, Darcy, Fowler, Giordano, Randall LeBlanc, Logan, Marchese, McLaughlin, McMenimen, Romard, Rourke, Vidal, Waddick and President LeBlanc voted in favor. Councillor O'Brien voted no. The Special Permit was granted.

The Ordinances and Rules Committee recommends Nuisance Property Ordinance be approved for a first reading. Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was approved and the matter was given a first reading. Councillor Rourke moved that the matter be recommitted. The motion to recommit was approved. Councillor LeBlanc referred the matter to the Ordinance and Rules Committee.

Unfinished Business and Other Business

Mayor Veto of Zoning Ordinance Amendment #33702. Councillor Rourke moved to lay the matter on the table. The motion to table was approved.

Bill for a gavel honoring past President Marchese. President LeBlanc referred the matter to the Finance Committee.

Councillor Romard moved to discharge a resolution to name a suitable building or property after Joe Lazzaro. The motion to discharge was approved. Councillor Romard asked that the matter be committed to the Licenses and Franchises Committee. President LeBlanc referred the matter to the Licenses and Franchises Committee.

Councillor Rourke moved to adjourn the meeting. The meeting was adjourned at 10:12 pm.

Respectfully submitted,

Joseph W. Vizard
Assistant City Clerk