

**December 27, 2010**

President Brasco called the regular meeting of the Waltham City Council to order at 8:00 PM. City Clerk Rosario C. Malone called the roll. Present at roll call were Councillors Brasco, Collura, Curtin, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, and Tarallo. (13)

Councillor Tarallo moved for a moment of silence for John (Jack) Maguire, the Woburn Police Officer who was killed in the line of duty.

Councillor Logan moved to accept the minutes of the meeting on December 13, 2010. On a voice vote the minutes of December 13, 2010 meeting were accepted as edited.

Councillor Stanley moved to suspend the rules to take a resolution out of order. The motion was adopted by a voice vote. Councillor Stanley moved to hear from an off Council member Police Chief Thomas LaCroix. The Chief commended Kevin Duffey on his dedicational of duty to the city and country. Councillors Stanley spoke on the resolution commending Kevin Duffey. Councillor Stanley moved to suspend the rules and act on the resolution without committee reference. The motion to suspend the rules was adopted on a voice vote. Councillor Stanley then moved approval of the resolution and the resolution was adopted on a voice vote.

Councillor Collura moved to suspend the rules to take a resolution out of order. The motion was adopted by a voice vote. Councillors Collura spoke on the resolution commending the Waltham Garden Club. Councillor Collura moved to suspend the rules and act on the resolution without committee reference. The motion to suspend the rules was adopted on a voice vote. Councillor Collura then moved approval of the resolution and the resolution was adopted on a voice vote.

**The City Clerk Malone read Rule 29A**

***Public Hearing Special Permit***

Due notice having been given, President Brasco opened the Public Hearing on the petition by

Clear Wireless, LLC, an affiliate of Sprint Wireless Broadband Company, LLC and Nextel Communications of the Mid-Atlantic, Inc., 303 Wyman Street, Waltham, MA 02451 and Clematis, LLC, 411 Waverley Oaks Road, Waltham, MA 02452 hereby petition the Waltham City Council for a special permit pursuant to Sections 3.512, 10.521(b), 10.531(b), 10.55 and 10.56 of the City of Waltham Zoning Ordinance, to modify an existing wireless communication facility, and install, operate and maintain

wireless communication equipment on the rooftop of the existing building located on the property at 271 Waverley Oaks Road (Atlas Map R054, Block 004, Lot 0001), including three (3) backhaul antennas mounted at a height of 69' above ground level and three (3) WiMax antennas mounted at a height of 68'-75" above ground level. Cabling will connect the antennas to existing equipment located on the rooftop of the building, and to one (1) WiMax cabinet, which is proposed to be added next to the existing equipment cabinets already located on an existing platform located on the rooftop of the building. A small Global Positioning System (GPS) antenna, which is necessary for E911 compliance, will also be installed and mounted to an existing cable support frame post located on the rooftop of the building. The proposal is shown on the Plans submitted by the Petitioners.

Speaking in favor was, Scott Lacey, Attorney for the Petitioner. No one stood in favor. No one spoke or stood in opposition and that portion of the public hearing was declared closed. President Brasco opened the Public Hearing to questions from the Councillors. Councillors Curtin and Tarallo had various questions. It was requested that all responses be forwarded to the Ordinance and Rules Committee. President Brasco closed the Public Hearing and the matter was referred to the Ordinance and Rules Committee.

### **Communications from the Mayor**

The Clerk read the following communications from the Mayor and each in turn was referred to the appropriate committee by President Brasco as indicated below:

Respectfully request approval of the following attached Loan Orders:

1. Building Renovations \$200,000.00 for the Police Station roof.
2. Communication Installations \$572,000.00 for the Police radio system

No 1 is a follow up of the approved funding of the Photo-Voltaic Stimulus Project. The Police Station roof was recommended to be replaced prior to the installation of the system.

No. 2 is the anticipated follow up of the Chiefs' upgrades for the public safety communication upgrades mandated by the FCC by December 31, 2012.

**Referred to the Long Term Debt Committee**

***All license are referred to the Licenses and Franchises Committee***

Extended Hours renewal for CVS, 12 Harvard Street, Waltham

Extended Hours renewal for Asia Wok – 573 Main Street

Class II renewal JMH Automotive – 45 Felton Street

**New Business**

**Community Preservation Committee**

The Clerk read the following communication from the Community Preservation Committee CPC recommendation was referred to the appropriate committee by the President Brasco as indicated below.

Community Preservation Committee recommended that the sum of fifty thousand (50,000.00) be transferred from the Community Preservation Act(CPA) Historic Reserve Account to the Waltham Building Department .

**Referred to the Long Term Debt Committee**

**Resolutions**

Councillors Logan and Collura presented a resolution commending State Auditor A. Joseph DeNucci. Councillor Logan moved to suspend the rules and act on the resolution without committee reference. The motion to suspend the rules was adopted on a voice vote. Councillor Logan then moved approval of the resolution and the resolution was adopted on a voice vote.

**Committee Reports**

**Licenses and Franchises Committee**

The Licenses and Franchises Committee recommended that the Fuel Storage license for 355 Waverley Oaks Road BE GRANTED

Councillor Logan moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the license was granted.

The Licenses and Franchises Committee recommended that the renewal of (3) three Class II Motor Vehicle Licenses with restrictions attached to

Rte 128 Used Auto Parts 40 Green Street

Metrowest Motors 477 Main Street

Waltham Auto Tow 281 Crescent Street

BE Granted

Councillor Logan moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the licenses were granted.

The Licenses and Franchises Committee recommended that the renewal Class III Licenses Rte 128 Used Auto Parts, 40 Green Street. BE GRANTED

Councillor Logan moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the license was granted with conditions.

The Licenses and Franchises Committee recommended that the request of Nstar One new pole /Remove one pole Russell St. BE DENIED

Councillor Logan moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the request was denied. (Order #31491 )

The Licenses and Franchises Committee recommended that the application for Extended Hours China Star II 457 Moody Street BE GRANTED

Councillor Logan moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the licenses were granted.

The Licenses and Franchises Committee recommended that the New Application for a Secondhand Dealers License Game Stop 1092 Lexington St. BE GRANTED

Councillor Logan moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the licenses were granted.

The Licenses and Franchises Committee recommended that the renewal of (16) Sixteen Lodging House Licenses

75-83 Prospect St 74 Adams St 118-120 Robbins St. 21-23 Pine St.

6 Park Place 755 Main St. 2 Appleton St. 52-54 Bedford St.

17-19 Chestnut St. 104 Adams St. 94 Adams St. 107 Adams St. 403 River St. 124-126 Ash St. 26 Myrtle St. 38 Floyd St. BE GRANTED

Councillor Logan moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the licenses were granted with conditions.

### **Long Term Debt Committee**

The Long Term Debt Committee recommended that the Loan Order in the amount of \$300,000.00 be appropriated for the planning and reconstruction of surface drains /or sewer, including infiltration/inflow and other disposal improvements. (Complete text on file.) Be given a first reading. Councillor Stanley moved to amend the amount to \$300,000.00. The roll was called voting to amend were Councillors Collura, Curtin, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley , and Tarallo. Voting nay was Councillor McMenimen. Absent from the meeting were Councillors Darcy and Waddick. By a vote of 12 to 1 the amendment was adopted and the loan order received a first reading as amendment.

The Long Term Debt Committee recommended that the City Council rescinds City Council Order # 31448 an appropriation from the Stabilization Fund to account 001-210-5800-6422 Police Communication Systems in the amount of \$ 405,000.00 be adopted.

Councillor Stanley moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and Order # 31448 was rescinded. (Order # 31484)

### **Committee of the Whole**

The Committee of the Whole recommended that an appropriation in the amount of \$10,000.00 from Unreserved Fund Balance to Account 001-151-5400-5760 Law-Claims and Damages be approved.

Councillor McMenimen moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the appropriation was approved. (Order # 31483)

The Committee of the Whole recommended that the authorization to submit a Statement of Interest to the School Building Authority (10-25-10) be placed on file.

Councillor McMenimen moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote. The communication was filed.

### **Ordinance and Rules Committee**

The Ordinance and Rules Committee recommended that Erwin and Marsha Greenstein be granted by the City Council permission to increase the size of two decks attached to the condominium unit at 221 Bishop's Forest Drive to join them together.

Councillor Tarallo moved that the action of the committee be the action of the Council.

The roll was called. Voting yea were Councillors Collura, Curtin, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley and Tarallo. By a vote of 12 – 0 the motion was adopted and the request was granted. (Order # 31485)

### **Finance Committee**

The Finance Committee recommended that an appropriation in the amount of \$7,500.00 from Library State Aid to Account 01-601-5200-5510 Library – Expenses. Be approved

Councillor Curtin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the appropriation was approved. (Order # 31489)

The Finance Committee recommended that a gift of a donation from Gordon LeBlanc for \$500.00 for holiday lights. Be approved.

Councillor Curtin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the appropriation was approved. (Order # 31488)

The Finance Committee recommended that a grant from the Massachusetts Emergency Management Agency in the amount of \$25, 000.00 be accepted.

Councillor Curtin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the appropriation was approved. (Order # 31487)

The Finance Committee recommended that the City Council accept a gift in the amount of \$60,000.00 from Spectra Energy for repaving an area of Trapelo Road east of Smith Street that was required to be excavated to comply with the U.S. Department of Transportation's pipeline safety and maintenance regulations.

Councillor Curtin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the appropriation was approved. (Order # 31486)

President Brasco recessed the City Council into Committee meetings.

President Brasco reconvened the City Council.

## **Committee Reports**

### **Licenses and Franchises Committee**

The License and Franchise Committee recommended the approval of the renewals of two lodging house license

12 Lowell St and 49-51 Brown Street

Councillor Logan moves the action of the Committee be the action of the Council. On a voice vote the Lodging House Licenses were renewed.

The License and Franchise Committee recommended the approval of the renewals of two Class 2 PPA 44 Charles Street and JMH Auto 45 Felton Street.

Councillor Logan moves the action of the Committee be the action of the Council. On a voice vote the Lodging House Licenses were renewed.

The License and Franchise Committee recommended that the renewals of two Extend Hours Licenses for CVS, 9 Harvard St with conditions and Asia Wok, 573 Main Street.

Councillor Logan moves the action of the Committee be the action of the Council. On a voice vote the Lodging House Licenses were renewed.

The License and Franchise Committee recommends that all matters on the docket be carried over to 2011.

Councillor Logan moves the action of the committee be the action of the council. The motion was adopted by a voice vote and the docket matters were carried over to 2011.

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### **Public Works Committee**

The Public Works Committee recommended that all matters on the docket be carried over to 2011.

Councillor Rourke moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the docket matters were carried over to 2011. .

### **Economic and Community Development Committee**

The Economic and Community Development Committee recommended that all matters on the docket be carried over to 2011.

Councillor Collura moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the docket matters were carried over to 2011. .

### **Veteran's Service Committee**

The Veteran's Service Committee recommended Armory on Sharon Street to be placed on file

Councillor Giordano moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was placed on file.

The Veteran's Service Committee recommended resolution on MERIT to be placed on file

Councillor Giordano moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was placed on file.



The Veterans Service Committee recommended that all matters on the docket be carried over to 2011.

Councillor Giordano moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the docket matters were carried over to 2011. .

### **Ordinances and Rules Committee**

Councillor Tarallo moved that the City Council accept a late file communication from Attorney Scott Lacey regarding an extension of time for a special permit. Property located at 890 Winter Street. The motion was adopted by a voice vote. Councillor Tarallo move to grant the time extension. The roll was called. Voting yea were Councillors Collura, Curtin, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley and Tarallo. By a vote of 12 – 0 the motion was adopted. The order was granted. (Order # 31490)

The Ordinances and Rules Committee recommended that all matters on the docket be carried over to 2011.

Councillor Tarallo moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the docket matters were carried over to 2011.

### **Long Term Debt Committee**

The Long Term Debt Committee recommended that the Loan Order in the of amount of \$572,000.00 installations for the Police radio system be given a first reading

Councillor Stanley moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote. The loan order had a first reading and was recommitted to the Long Term Debt Committee.

### **Committee of the Whole**

The Committee of the Whole recommends that all matters on the docket be carried over to 2011. Councillor McMenimen moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the docket matters were carried over to 2011.

### **Finance Committee**

The Finance Committee recommended that all matters on the docket be carried over to 2011. Councillor Curtin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the docket matters were carried over to 2011.

President Brasco recognized Councillor Giordano. Councillor Giordano express his gratitude to all who donated to Wreath's Across America.

President Brasco thanked everyone for all the work done over the last year.

Councillor Doucette moved to adjourn. The motion was adopted on a voice vote and the City Council was adjourned at 9:30 PM