

***January 24, 2011***

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, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo and Waddick. (14)

Councillor Curtin, after being recognized by President Brasco, invited Girl Scout Troop 71838 to lead the Pledge of Allegiance for the City Council.

Councillor Curtin moved to suspend the rules to take a resolution out of order. The motion was adopted by a voice vote. Councillors Curtin spoke on the resolution commending Girl Scout Troop 71838. Councillor Curtin 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 Curtin then moved approval of the resolution and the resolution was adopted on a voice vote.

Councillor Logan moved to accept the minutes of the January 10, 2011 Meeting. The motion was adopted on a voice vote. The minutes were accepted as edited.

**City Clerk Malone read Rule 29A**

***Public Hearing Special Permit***

Due notice having been given, President Brasco disclosed that he was a property abutter and would not be effected by the project. President Brasco opened the Public Hearing on the petition by Waltham Ventures, LLC, 119 Bare Hill Road, Boxford, MA 01921, Peter J. Morris, Trustee, Main St. Realty Trust, u/d/t dated December 10, 1993, P.O. Box 206, Key Colony Beach, FL 33051, and DPS Waltham Development LLC, 251 Newbury Street, Boston, MA 02115 hereby petition the City Council under the provisions of §5.92 of the Ordinance to allow a reduction in the amount of required parking spaces for retail/restaurant use in a Business B Zoning District. The proposed retail/restaurant building shall require up to 279 parking spaces under the Zoning Ordinance. The Petitioners are seeking to reduce the number of required parking spaces to a minimum of 239 parking spaces.

The locus is known and numbered as 1006 Main Street and 1022 Main Street and is shown in the "Atlas, City of Waltham, Massachusetts 1988", as Map 58, Block 18, Lot 21 and Map 58, Block 18, Lot 18. The property is situated in a Business B Zoning District.

The legal owners of the locus are Peter J. Morris, Trustee, Main St. Realty Trust, u/d/t dated December 10, 1993, P.O. Box 206, Key Colony Beach, FL 33051 as to property at 1022 Main Street, and DPS Waltham Development LLC, 251 Newbury Street, Boston, MA 02115 as to property at 1006 Main Street.

Speaking in favor were, Joseph Connors, Attorney for the Petitioner, Jon Stephenson, SDG, 111 Tremont Street, Brighton MA, Kevin Dandrade, TEL, 65 Glenn Street, Lawrence and Ira Baline, BergMeyer Assoc., 51 Sleeper Street, Boston. Three (3) stood in favor. Speaking in opposition were Harry Vlachos, 48 Weston Street, Waltham, Morgan Wilson, 21 Cabot Street, Waltham Steven Schroder, 42 Weston Street, Waltham and Mayra Dones, 19-21 Eddy Street, Waltham. Standing in opposition were five (5). President Brasco closed that that portion of the public hearing. President Brasco opened the Public Hearing to questions from the Councillors. Councillor Marchese disclosed that he attended two neighborhood meetings regarding the petition. Councillors Curtin, Waddick, McMenimen, Giordano, Doucette, Collura, Romard, LeBlanc, Marchese and Tarallo had various questions. It was requested that all responses be forwarded to City Council. President Brasco recessed the Public Hearing until February 28, 2011.

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:

### **Communications from the Mayor**

1. Respectfully request an appropriation in the amount of \$975,000.00 from Unreserved Fund Balance to Account 001-421-5200 Consolidated Public Works – Snow & Ice \$900,000.00 and Account 001-421-5100 Consolidated Public Works – Snow & Ice – Overtime \$75,000.00

### **Referred to the Finance Committee**

2. Respectfully request acceptance of a grant from MEMA in the amount of \$4,007.98. This grant is for expenses related to the emergency plan information for first responders.

### **Referred to the Finance Committee**

3. Respectfully request approval of the attached Order which allows simultaneous approval of a loan authorization in the amount of \$364,000.00 for building renovations and partial rescission of Loan Order # 31125 in the amount of \$364,000.00 originally approved on June 29, 2005.

### **Referred to Long Term Debt Committee**

4. Respectfully advising that Mr. Bandini will be seeking a Refresher SOI approval of the School Committee January 19, 2011, and will be filing a communication that will supplement the attached communication. Councillor Tarallo moved to suspend the rules and act on the SOI without committee reference. The motion to suspend the rules was adopted on a voice vote. Councillor Tarallo then moved approval of the SOI and the SOI was adopted on a voice vote. (Resolved #31499 SOI)

5. Respectfully submit as requested the FY12-FY16 CIP Budget.

### **Referred to Long Term Debt Committee**

6. Respectfully request an appropriation in the amount of \$25,000.00 from Unreserved Fund Balance to account #001-220-5200-5306 Fire-Medical Services. These funds will be used to pay current and projected medical expenses of treatment of firefighters injured in the line o duty.

### **Referred to the Finance Committee**

7. Respectfully request the acceptance of the FY2011 Student Awareness Fire Education (SAFE) grant from the Commonwealth of Massachusetts Office of Public Safety in the amount of \$7,815.00. These funds will be used for fire safety programs.

### **Referred to the Finance Committee**

8. Respectfully request adoption of Massachusetts General Law C.32 B Section 7A.

### **Referred to the Committee of the Whole**

### **New Business**

#### **Request for modification of a special permit.**

B&C Donuts, Inc dba Dunkin Donuts, 870 Lexington Street, Waltham. A partition wall will be placed between side custom seating area and service counter.

### **Referred to the Ordinances and Rules Committee**

#### **Request for a release of an agreement.**

Request from Peter J. Morris, Trustee, Main St. Realty Trust, P.O. Box 206, Key Colony Beach, FL 33051, and Waltham Ventures, LLC, 119 Bare Hill Road, Boxford, MA 01921 petition the City Council to allow Uses/Use of Weston Street per Agreement: Lot A Weston Street now part of 1022 Main Street.

**Referred to the Ordinances and Rules Committee**

**Request for abandonment of land.**

Request from Peter J. Morris, Trustee, Main St. Realty Trust, P.O. Box 206, Key Colony Beach, FL 33051, and Waltham Ventures, LLC, 119 Bare Hill Road, Boxford, MA 01921 petition the City Council for the abandonment of land respectively at 1022 Main Street and to accept a drainage easement in lieu of the abandoned land.

**Referred to the Ordinances and Rules Committee**

**Request for a Time Extension.**

Winter Street Trust, c/o Hale & Dorr, of 60 State Street, Boston, Massachusetts, and Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, c/o Daniel D. Klasnick, Duval, Klasnick & Pastel LLC of 10 Cedar Street, Suite 17, Woburn, Massachusetts is granted permission by the City Council for an extension of time to act on a Special Permit for property located at 385-387 Winter Street (Atlas Map R031, Block 001, Lot 0001) until March 15, 2011. Councillor Tarallo moved to suspend the rules and act on the time extension without committee reference. The motion was adopted on a voice vote. The roll was called. Voting yea were Councillors Brasco, Collura, Curtin, Darcy, Doucette, Giordano, LeBlanc, McMenimen, Romard, Rourke, Tarallo and Waddick. By a vote of 12 to 0 the order was adopted. (Order #31494)

**Request for a Time Extension.**

That Waltham Towers Inc., of 370 Prospect Hill Road, Waltham, Massachusetts, and Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, c/o Daniel D. Klasnick, Duval, Klasnick & Pastel LLC of 10 Cedar Street, Suite 17, Woburn, Massachusetts hereby petitions the City Council for an extension of time to act on a Special Permit for property at 50 Bear Hill Road (Atlas Map R57, Block 1, Lot 1A), until March 15, 2011. Councillor Tarallo moved to suspend the rules and act on the time extension without committee reference. The motion was adopted on a voice vote.

The roll was called. Voting yea were Councillors Brasco, Collura, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Tarallo and Waddick By a vote of 13 to 0 the order was adopted. (Order # 31493)

### **Committee Reports**

The Licenses and Franchises Committee recommended that the renewal of the following Lodging House Licenses be granted.

11-13 Walnut Street, Martin Reilly Realty Trust

20-22 Adams Street, Martin Reilly Realty Trust

44-46 Chester Ave, Martin Reilly Realty Trust

10-12 Maple Street, Mark Leger

240 Crescent Street, Mark Leger

24-26 High Street, Richard and Joan Fennelly

Lodging House Licenses for the Bentley Dorms

Stratton House Slade Hall Nathan R. Miller Hall HUD Tree Dorm

Forest Hall Kresge Hall Corley Hall South Fenway Hall Copley Hall North

Lodging House License for the Stigmatine Fathers

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 renewal of the Class II Motor Vehicles License for Boston Muffler, Lexington 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.

The Licenses and Franchises Committee recommended renewal of the Class II Motor Vehicles License for E & T Auto, Elm 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.

The Licenses and Franchises Committee recommended that the Extend Hours for Pro Tech, 205 Willow 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.

### **Long Term Debt Committee**

The Long Term Debt Committee recommended that the Community Preservation (CPC) transfer of \$50,000.00 for the City Hall roof be approved. Councillor Tarallo moved the action of the Committee be the action of the Council. The roll was called. Voting yea were Councillors Collura, Curtin, Darcy, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo and Waddick. By a vote of 13 to 0, the order was adopted.

(Order # 31495)

The Long Term Debt Committee recommended that the Loan Order in the amount of \$572,000.00 for re-vamp of the public safety radio system be given a second reading.

The roll was called. Councillor Tarallo moved the action of the Committee be the action of the Council. The roll was called. Voting yea were Councillors Collura, Curtin, Darcy, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo and Waddick. By a vote of 13 to 0, the loan order was adopted. (Order # 31496)

The Long Term Debt Committee recommended that the Loan Order in the amount of \$200,000.00 for the Police Station roof be given a first reading.

Councillor Tarallo moved the action of the Committee be the action of the Council.

The roll was called. Voting for the first reading were Councillors Collura, Curtin, Darcy, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo and Waddick

The Loan Order was given the first reading.

### **Ordinances and Rules Committee**

The Ordinances and Rules Committee recommended that the Special Permit for TC Saracen LLC, of 130 Turner Street, Waltham, Massachusetts, and Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, c/o Daniel D.

Klasnick, Duval, Klasnick & Pastel LLC of 10 Cedar Street, Suite 17, Woburn, Massachusetts be granted for property located at 190 Willow Street. Councillor Tarallo moved the action of the Committee be the action of the Council. The roll was called. Voting yea were Councillors Collura, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo, and Waddick. By a 13 to 0 vote the order was granted. (Order #31498)

### **The Finance Committee**

The Finance Committee recommended that a transfer of funds in the amount of \$3,000.00 from account #001-121-5810 Mayor – Open Space to account #001-121-5400-5303 Mayor Appraisals be approved. Councillor Curtin moves the action of the Committee be the action of the Council.

The order was adopted by a voice vote. (Order # 31497)

Councillor Marchese moved to take a resolution regarding investigating graffiti in city from the Committee of the Whole. On a voice vote the resolution presented by Councillors Logan and Collura was discharged from the Committee of the Whole. Councillor Marchese moved to have the resolution referred to the Ordinances and Rules Committee. On a voice vote the resolution was referred.

Councillor Marchese moved to adjourn. The motion was adopted on a voice vote and the City Council was adjourned at 11:30 PM

## **Waltham City Council**

### **Minutes of the Special Meeting of January 18, 2011**

#### **City Council Chambers, Waltham City Hall**

Councillor Logan, after being recognized by President Brasco, invited Boy's Troop 250 to lead the Pledge of Allegiance for the City Council.

President Brasco called the Special Meeting of the City Council to order at 6:45 PM. City Clerk Rosario C. Malone called the roll. Present at the roll were Councillors Brasco, Curtin, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo, and Waddick.

The Clerk read the call of the Special City Council Meeting:

To: The Members of the City Council

and other interested parties

Under the provisions of Section 2-47 of the City Charter, I hereby call a Special Meeting of the City Council.

The agenda for the meeting is to submit Standing Committee appointments by the City Council President and the election of the Committee Chairs.