

**May 9, 2011**

President Brasco called the regular meeting of the Waltham City Council to order at 8:00 P.M. 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, Stanley, Tarallo and Waddick. (15)

Councillor Logan moved to accept the minutes of the April 25, 2011 meeting as amended. The motion was adopted on a voice vote. The minutes were accepted as amended.

**Resolution - Norumbega Terrace Fire**

Councillor McMenimen moved to suspend the rules to take a resolution out of order. The motion was adopted by a voice vote. Councillor McMenimen spoke on the resolution commending the Waltham Fire Department on their response and actions during the Norumbega Terrace fire presented by Councillors McMenimen and Rourke. Councillor Rourke spoke on the heroic actions of Waltham's Fire and Police Departments. Councillor Rourke moved to hear from an off City Council member. Fire Chief Cardillo spoke thanking his men and thanking the City Council for all their support over the years to make Waltham Fire Department what it is. Councillor McMenimen 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 McMenimen then moved approval of the resolution. The resolution was adopted on a voice vote.

**Resolution - Commending Cheryl Marcou**

Councillor McMenimen moved to suspend the rules to take a resolution out of order. The motion was adopted by a voice vote. Councillor McMenimen spoke on the resolution commending Cheryl Marcou as the recipient of the Woman's Action Alliance Award for 2011 presented by Councillors McMenimen, Giordano, and Doucette. Councillor Doucette commended Cheryl Marcou for all her work with various City groups. Councillor McMenimen 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 McMenimen then moved approval of the resolution. The resolution was adopted on a voice vote.

**Resolution - Plympton School**

Councillor Waddick moved to take a resolution out of order. The motion to suspend the rules was adopted on a voice vote. Resolution commending Plympton School Library for being chosen as the outstanding school library in Massachusetts presented by Councillors Waddick, Doucette, and Romard. Councillor Waddick moved to hear from off City Council members. Acting Superintendent Ann-Marie Carr, Principal Maureen Taddeo, Judith Paradis, Sandra Roby and Peggy Keohane. Councillors Waddick, Doucette, and Romard. They expressed their and the City's gratitude to the staff, teachers, parents and students for all their hard work. Councillor Waddick moved to suspend the rules and act on the resolution without committee reference. On a voice vote, the motion was adopted. Councillor Waddick moved to adopt the resolution. On a voice vote, the resolution was adopted.

### **Resolution – National Nurses Week**

Councillor Collura moved to take a resolution out of order. The motion to suspend the rules was adopted, on a voice vote. Councillor Collura presented the resolution regarding National Nurses Week beginning May 6<sup>th</sup> and ending May 12<sup>th</sup>. Councillor Collura spoke on all the good works various nurses do in our community. Councillor Collura moved to act on the resolution without committee reference. Councillor Collura then moved for approval of the resolution. The resolution was adopted on a voice vote.

### **Resolution – Bottle Bill**

Councillor Stanley moved to take a resolution out of order. The motion to suspend the rules was adopted on a voice vote. The resolution regarding the Bottle Bill was presented by Councillor Stanley. Councillor Stanley moved for the waving of the reading of the resolution. On a voice vote, the motion was adopted. Councillor Stanley spoke on the importance of the passage of the bill. The resolution was referred to the Committee of the Whole

### **Resolution – Hovey Players**

Councillor Collura presented a resolution commending the Hovey Players and all their hard work. Councillor Collura moved to hear from off committee members. On a voice vote, the motion was adopted. Thanking the City Council for all their support were Ed Biggins, Ian Dowell and Lissi Engvall. Councillor Collura moved to suspend the rules and act on the resolution without committee. On a voice vote the rules were suspended. Councillor Collura moved to adopt the resolution. On a voice vote, the resolution was adopted.

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

*Recessed from April 25, 2011*

### ***Public Hearing***

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

Syed Y. Raheem, 32 Oliver Street, Framingham, MA, for a “Permit for the erection or maintenance of structures for sale of merchandise” in accordance with Article I of Chapter 17-7 for the property located at 315 Moody Street.

Speaking in favor was Syed Y. Raheem. 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. Councillor Logan had various questions. Councillor Logan requested that a plan describing the layout be supplied to the Committee. President Brasco closed the Public Hearing and the matter was referred to the Licenses and Franchises 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:

**1.** Respectfully request acceptance of a gift for use of the garages and parking area on the easterly side of Moody Street 756-8 Moody Street during the construction of the Moody Street Fire Station Apparatus floor.

Referred to the Finance Committee

**2.** Respectfully request acceptance of a gift of a donation in the amount of \$ 500.00 on behalf of Brandeis University's Starving Artist group to Waltham's new middle school "Chill Zone " to be used for program needs with an interest in possibly promoting music or guest performer to appear at the "Chill Zone".

Referred to the Finance Committee

**3.** Respectfully request a transfer of capital improvement funds in the amount of \$207,000.00 to supplement the existing funding for the pump station upgrade project.

From # 603-440-2005-7360 Sewer Rehab – General

To # 603-440-2005-6473 Sewer Rehab – Pump Station Upgrade

Amount \$207,000.00

Referred to the Long Term Debt Committee

**4.** Respectfully request a transfer of capital improvement funds in the amount of \$23,000.00 to fund the design contract for the Smith Street water main project.

From #613-450-2003-7400 Water Improvements –General

To #613-450-2003-7430 Water Improvements - Smith Street

Amount \$23,000.00

Referred to the Long Term Debt Committee

**5.** Respect request authorization to sign documents on behalf of the City of Waltham regarding 32 Common Street – Proposed Regulatory and Marketing Materials for Affordable Housing.

Councillor Tarallo moved to suspend the rules and act without Committee reference. On a voice vote, the rules were suspended. Councillor Tarallo moved to authorize the Mayor to sign the necessary documents. On a voice vote, the order was adopted. (Order # 31552)

**Please be advised that the FY 2012 Budget Summary will be included in the hard copy budget book on May 9, 2011.**

**6.** In accordance with the provisions of General Laws Chapter 44, Sections 31-A, 32 and 33 as amended, respectfully request the several sums designated for various accounts in fiscal year 2012 budget schedule.

Respectfully request the appropriation of \$207,707,737.00 be raised in the revenue of fiscal year 2012.

Referred to the Finance Committee

**7.** Respectfully request the appropriation in the amount of \$333,447.00 to fund the Parking Meter budget for fiscal year 2012.

From    Parking Meter Receipts Reserves

To        Parking Meter – Salaries 232-480-5100	\$199,997.00
Parking Meter – Expenses 232-480-5200	\$ 71,950.00
Parking Meter – Equipment / Unusual 232-480-5200	\$ 60,000.00
Parking Meter – Uniforms 232-480-5500	\$ 1,500.00

Referred to the Finance Committee

**8.** Respectfully request the City Council amend Sections 2.2, 3.1, and 4.1 of the City Charter through the appropriate process by striking “. . . and they /he shall receive no other compensation from the city” and adding “health insurance and life insurance” after the salary reference, and Section 4.1 be rewritten to reflect the same.

Referred to the Ordinances and Rules Committee

**9.** Pursuant to Section 6.4 of the Charter of the City of Waltham, respectfully request

**A.** That the City Council consolidates all inspection functions building inspections, wires inspections and health inspections under one department.

**B.** Respectfully request that the City Council create an Inspectional Service

Department for the inspection functions.

C. Respectfully request that the City Council transfer the zoning enforcement duties for the City of Waltham to one of the following entities:

- i. The City Council
- ii. The Planning Department
- iii. The Law Department

D. Respectfully request to continue to include a Grade 12 position in the Treasurer's Department. Complete text on file.

Referred to the Ordinances and Rules Committee

**10.** Respectfully request the City Council reauthorize three Department Revolving Accounts under the provisions of Massachusetts General Law Chapter 44, Section 53e ½ for the City Clerk, Council on Aging and Recreation Departments.

Referred to the Finance Committee

**11.** Respectfully submit a summary of the Early Retirement Incentive Program savings for FY 2011 and FY 2012.

President Brasco moved that the matter was not in order.

#### **Licenses all licenses referred to the Licenses and Franchises Committee**

1-Renewal for a Second Hand Dealer License for Lexington Music, 402 Moody Street renewal.

2-Renewal for a Second Hand Dealer License for the Yard Sale Consignment Store 126-128-132 Prospect Street

#### ***Tabled Matters from April 25, 2011***

#### **General Ordinance Amendment Tree Commission**

The Ordinances and Rules Committee recommended that the City Council amend Chapter 2 of the General Ordinances, "Administration" as most recently amended, is hereby amended by adding the following new Article XXXII Tree Commission be given a first reading.

Councillor Tarallo moved the action of the Committee be the action of the Council. Having had a first reading, the Ordinance Amendment is before the City Council for a second reading.

Councillor Tarallo moved that the action of the Committee be the action of the Council. Councillor Curtin stated that he could not support this amendment. On a motion for a second reading, the roll was called. Voting yea were Councillors Darcy, Logan, Marchese, Rourke, Stanley, Tarallo, Waddick and Brasco. Voting nay were Councillors Curtin, Doucette, Giordano, LeBlanc, McMenimen, and Romard. By a vote of 8 to 6, the order was tabled on the Council floor. (Order # 31543)

### **General Ordinance Amendment - Taxicabs**

The Ordinances and Rules Committee recommended that an Ordinance Amending Chapter 18 of the General Ordinances of the City Of Waltham Entitled "TAXICABS," Article I entitled "In General ," Section 18-6 entitled "Rates and Charges" be given a first reading

Councillor Tarallo moved the action of the Committee be the action of the Council. Having had a first reading, the Ordinance Amendment is before the City Council for a second reading.

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

On a motion for a third and final reading, the roll was called. Voting yea were Councillors Darcy, Logan, Marchese, Rourke, Stanley, Tarallo, Waddick and Brasco. Voting nay were Councillors Curtin, Doucette, Giordano, LeBlanc, McMenimen, and Romard. By a vote of 8 to 6, the order was adopted (Order # 31553)

## **NEW BUSINESS**

### **Time Extension for a Special Permit recommended by the Ordinance and Rules Committee**

Clear Wireless, LLC, an affiliate of Sprint Wireless Broadband Company, LLC and Nextel Communications of the Mid-Atlantic, Inc., 200 5<sup>th</sup> Avenue, Waltham, MA 02451 and Waltham Winter Street 890, LP, 880 Winter Street, Suite 110, Waltham, MA 02451 hereby petition the Waltham City Council for a time extension to act on a special permit with mutual agreement for property located at 890 Winter Street until June 29, 2011.

Councillor Tarallo moved to suspend the rules and act on the time extension without committee reference. On a voice vote, the motion was adopted. Councillor Tarallo moved granting of the time extension. The roll was called. Voting yea were Councillors Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Waddick. By a vote of 13 to 0, the order was adopted. (Order # 31550)

## **RESOLUTIONS**

### **Resolution – Michael J. Finucane**

Resolution presented by Councillor Marchese commending retiring Clerk Magistrate Michael J. Finucane on his retirement. Councillor Marchese commended Mr. Finucane on his many years of service. Councillor Marchese moved to suspend the rules and act on the resolution without

Committee. On a voice vote, the motion carried. Councillor Marchese moved to adopt the resolution. On a voice vote, the resolution was adopted.

### **Resolution –CPC Members**

Resolution presented by Councillors Rourke and Tarallo regarding appointing new CPC members, application and schedule. Councillor Rourke explained the benefit to add more members and the process on the appointing the members. The resolution, with an approved request, was referred to the Committee of the Whole.

### **Resolution – Webpage Budget**

Resolution presented by Councillor Logan relative to posting the FY2012 Budget on the website. Councillor Logan spoke on the value of having the submitted budget on line. The resolution and adopted request was referred to the Committee of the Whole.

## **COMMITTEE REPORTS**

### **COMMITTEE OF THE WHOLE**

Committee of the Whole recommended that the resolution relative to “Health Care Reform Plan Design Authority” be placed on file.

Councillor Waddick moved the action of the Committee be the action of Council. On a voice vote, the resolution was placed on file.

### **ORDINANCE AND RULES COMMITTEE**

The Ordinance and Rules Committee recommended that the Compensation Ordinance of the City of Waltham, Article V, Section 2-29.B. Positions Paid on Salary Rates, as most recently amended, is hereby further amended by the following:

#### **B.2 Non Union Positions Paid on Salary Rates. is hereby further amended by deleting**

Grade 19                      Transportation Director

Grade 13                      Assistant to Transportation Director

and inserting

Grade 19                      Traffic Engineer

Grade 13                      Senior Traffic Engineering Aid

Be given a first reading.

Councillor Tarallo moved that the action of the Committee be the action of Council. Councillor Tarallo moved to split the matter. The ordinance amendment amending the Traffic Engineer was given a first reading and tabled on the City Council floor. The amendment amending the Senior Traffic Engineering Aid was recommitted.

## **FINANCE COMMITTEE**

The Finance Committee recommended that the betterment assessment abatement petition for 240 Temple Road be placed on file. The City Council cannot hear this, as said petition was filed untimely.

Councillor Curtin moved that the action of the Committee be the action of Council. The roll was called. Voting yea were Councillors Curtin, Darcy, Darcy, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Waddick By a 13 to 0, vote the order was adopted. (Order # 31544)

The Finance Committee recommended that the City Council authorize the Mayor to accept, on behalf of the City the Guminskis-Smith Scholarship Fund.

Councillor Curtin moved that the action of the Committee be the action of Council. On a voice vote, the order was adopted. (Order # 31545)

The Finance Committee recommended that the City Council accept the donation in the amount of \$1,000.00 from Vincent Oliveri for a memorial bench in the honor of his parents Salvatore and Delia Oliveri . The bench to be placed on the Waltham Common, with the City paying the cost difference and a thank you note to the family to be attached.

Councillor Curtin moved that the action of the Committee be the action of Council. On a voice vote, the order was adopted. (Order # 31548)

The Finance Committee recommended that the City Council accept a donation from several hotels to pay for the drivers of the City trolley used by the hotels on Thursday, Friday and Saturday evenings be approved.

Councillor Curtin moved that the action of the Committee be the action of Council. On a voice vote, the order was adopted. (Order # 31549)

The Finance Committee recommended that the City Council accept a gift from Fire Escape Services Company valued at \$20,000.00 for repairs to the rear fire escape at 175 Lexington Street be approved.

Councillor Curtin moved that the action of the Committee be the action of Council. On a voice vote, the order was adopted. (Order # 31546)



The Finance Committee recommended that the City Council accept a donation from National Grid in the amount of \$10,000.00 (amended from \$30,000.00) for recreation purposes as identified in the Mayor's letter of May 2, 2011, be approved.

Councillor Curtin moved that the action of the Committee be the action of Council.

### **Policy Committee**

The Policy Committee recommended that the intersection of Hammond Street and Plympton Street shall henceforth be known as, and is officially designated as, Trombley Square.

Councillor Waddick moved that the action of the Committee be the action of Council. On a voice vote, the order was adopted. (Order # 31551)

Councillor Logan moved to adjourn. The motion was adopted. On a voice vote, the City Council adjourned at 9:35 PM