

October 25, 2010

President Paul J. Brasco opened the regular meeting of the Waltham City Council. The City Clerk Rosario C. Malone called the roll. Present at roll call were Councillors Brasco, Collura, Curtin, Darcy, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Waddick (14)

Councillor Curtin requested a moment of silence for Retired Police Captain John Benson.

Councillor Darcy motioned to take a resolution out of order. The motion carried. Councillors Darcy and Curtin presented a resolution commending the Joyce Funeral Home on their 100th Anniversary. Councillor Darcy gave a brief history of the Funeral Home. Councillor McMenimen spoke regarding the dedication shown by the entire Joyce Family. Councillor Brasco congratulated the Joyce Family on their dedication to families and the high regard the business community holds them in. Councillor Curtin motioned to hear from an off council member, Mr. Francis Joyce. The motion carried. Mr. Joyce thanked the City Council for its resolution. Councillor Darcy motioned to act without committee reference and to adopt the resolution. The motion carried and the resolution was adopted without committee reference.

Councillor Collura motioned to take a resolution out of order. The motion carried. Councillors Collura, Marchese, and Romard presented a resolution commending the Waltham Philharmonic Orchestra on their 25th Anniversary. Councillor Collura gave a brief history of the Waltham Philharmonic Orchestra. Councillor Collura motioned to hear from an off council member, Karen Walz, Vice President of the Philharmonics. The motion carried. Karen Walz thanked the City Council for its congratulations and its support over the years. Councillor Collura motioned to act without committee reference and to adopt the resolution. The motion carried and the resolution was adopted without committee reference.

Councillor Tarallo moved to accept the minutes as edited for the October 12, 2010 meeting

Councillor McMenimen inquired if the committee minutes required full council approval. Council President Brasco stated that the Policy Committee or the Rules Committee would be addressing various changes to the City Council Rules since the new Open Meeting Laws.

Councillor Tarallo moved that the City Council minutes of October 12, 2010 be adopted as amended. The motion carried the minutes were accepted.

Communications from the Mayor

1. Respectfully request an appropriation in the amount of \$47,022.17 from Library State Aid Account 001-610-5200 Library – Expenses. **Referred to the Finance Committee**

2. Respectfully request the appointment of Timothy Kelly, 5 Winter Avenue, Marlborough, MA as Inspector of Wires for a term of three years. **Referred to the Committee of the Whole**

3. Respectfully submit a Regulatory Agreement and Deed Rider for 255 Winter Street, Waltham. **Referred to the Ordinance and Rules Committee.**
4. Respectfully request the appointment of Joseph Pedulla, 8 Mortimer Drive, Andover, MA., as a Purchasing Agent for a term of three years. **Referred to the Committee of the Whole**
5. Respectfully request an appropriation in the amount of \$ 5,000.00 from the Stabilization Fund # 250-135-7405-3590 to Mayors Office – Appraisal of Land 001-121-5800-6120. **Referred to the Finance Committee**

Late File Communication from the Mayor

6- Respectfully request authorization to submit the attached SOI to the Massachusetts School Building Authority.

Councillor Tarallo motioned to accept the late file communication. The motion carried. Councillor Tarallo submitted a request to the School Department relative to the communication requesting information on what was sent to the Massachusetts School Building in October 2008. The motion carried.. The communication was referred to the Committee of the Whole.

Licenses All license are referred to the License and Franchise Committee

Renewal of the following 2011 Lodging House Licenses

74 Adams Street SMT Realty

49-51 Brown Street MST Realty

21-23 Pine Street Max Horn

755 Main Street Max Horn

Renewal for Class II Motor Vehicles

ABKO 97 R Linden Street

Don's Service Center 855 Main Street

Class 2 Pilicy Yacht 935 Main Street

Collision Auto Body 191 Felton St

New Business

Correspondence from Councillor David H. Marcou relative to his resigning from the City Council effective October 15, 2010.

Councillor Waddick moved to accept the letter of resignation. The following Councillors expressed their commendations and well wishes to Councillor Marcou and his family. Councillors Brasco, Waddick, Logan, Curtin, Stanley, Marchese, Giordano, Collura, Romard, Tarallo and Darcy. Councillor McMenimen thanked Councillor Marcou. Councillor McMenimen motioned not to accept the resignation in order not to fill the vacancy to save the city money. Discussion by various Councillors continued. Council President Brasco called the question. Councillor McMenimen requested a roll call. The roll was called. Voting to accept the resignation were Councillors Collura, Curtin, Darcy, Giordano, LeBlanc, Logan, Marchese Romard, Rourke, Stanley, Tarallo, and Waddick. Voting not to accept the resignation was Councillor McMenimen. There were various requests from the discussion. Councillor Curtin requested election results from the last Municipal Election. Councillor McMenimen requested copies of minutes relative to replacing a Councillor At Large back through 1976. Councillor Collura asked to add a friendly amendment to 1938. Councillor Tarallo explained that the City Council was acting in accordance with the Charter adopted 1986. The request was amended to 1986. The roll was called voting to adopt the request. Voting yea were Councillors Collura, Curtin, Darcy, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo, and Waddick. Voting nay for the request were Councillors Giordano, and Stanley. Council President Brasco announced that in accordance with section 2-47 of the General Ordinance, there would be a special meeting of the City Council on November 1, 2010 at 6:30 PM in the City Council Chambers, 610 Main Street, Waltham.

Petition from National Grid to install and maintain approximately 30 feet, more or less of 4-inch gas main in Jennings Road, Waltham. From the existing 4 inch gas main at James Street Southerly to house # 52 for a new gas service.

Referred to the License and Franchise Committee

Petition from National Grid to install and maintain approximately 16 feet, more or less of 2-inch gas main in Whittier Avenue, Waltham. From the existing 2 inch gas main at house # 18 westerly to house # 26 for a new gas service.

Referred to the License and Franchise Committee

Theresa Galligani petitions the City Council to construct an overhang on the front door at 92 Bishops Forest Drive.

Referred to the Ordinance and Rules Committee

Resolutions

Councillor Marchese, Collura, Romard, LeBlanc, Stanley and Council President Brasco presented a resolution regarding the parking at the William F. Stanley Senior Center.

Councillor Marchese addressed the council on the need for extra parking at the center . Councillor Marchese motioned to act without committee reference. The motion carried.

Councillor Marchese motioned to have the resolution adopted and forwarded to the Mayor. The motion carried, the resolution was adopted

Councillors Logan and Collura presented a resolution regarding the restoration of the auditorium at the former South Junior High School.

Councillor Logan addressed the council about the benefit of making the auditorium available for use by artistic and cultural groups for public performances. Councillor Logan motioned to act without committee reference. The motion carried. Councillors Logan and Collura also submitted a request inviting the Director of Parks and Recreation to attend the next meeting of the Committee of the Whole. On a motion to adopt, the request the motion carried.

Committee reports

License & Franchise Committee recommends:

That the renewal for extended hours for Tedeschi food Shops 10 High St. BE GRANTED

Councillor Logan motioned that the action of the committee be the action of the council that the license for extended hours be granted. The motion carried and the license was granted.

That the renewal for extended hours for Morley Doughnuts. Inc. 859 Main St. BE GRANTED

Councillor Logan motioned that the action of the committee be the action of the council that the license for extended hours be granted. The motion carried and the license was granted.

That the New application for Extended Hours for Mastoran Corporation, D.B.A

Burger King 881 Moody St. with conditions BE GRANTED

Councillor Logan motioned that the action of the committee be the action of the council that the license for extended hours be granted. The motion carried and the license was granted.

That the new application for Extended Hours for Mastoran Corporation, D.B.A

Burger King 822 Lexington St. BE DENIED

Councillor Logan motioned that the action of the committee be the action of the council that the license for extended hours be denied. The motion carried and the license was denied.

That a new Secondhand Dealers License, for the Yard Sale Consignment Store, 156 Prospect St. BE GRANTED

Councillor Logan motioned that the action of the committee be the action of the council that the license for a second hand dealers license be granted. The motion carried and the license was granted.

That the renewal of (9) Nine Class II Licenses with restrictions attached to License

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| 1, Paul's Auto Service 152 High St | 2, Euro Auto Brokers, 22 Common St. |
| 3, Three sons Auto Body 103 Felton St. | 4, Hull Inc., 50 Thayer Rd. |
| 5, Newton St. Service 255 Newton St. | 6, 190 High St. Corp., 196 High St. |
| 7, Auto Gallery 712 Moody St. | 8, Absolute Auto Sales, 50 River St. |
| 9, Colvin's Inc. 185 Prospect St. BE GRANTED | |

Councillor Logan motioned that the nine (9) licenses be acted on collectively. The motion carried. Councillor Logan motioned that the action of the committee be the action of the council that the licenses for Class II Dealers be granted. The motion carried and the licenses were granted.

**Long Term debt Committee recommends:
Order # 31448**

That appropriation from the Stabilization Fund to account 001-210-5800-6422 Police Communication Systems in the amount of \$ 405,000.00. These funds will be used to place the order on time, which is by October 31, 2011, be adopted.

Councillor Curtin motioned that 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, Stanley, and Waddick. The motion carried. Order # 31448 was adopted.

That the sum of \$ 405,000.00 be appropriated for equipment to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow the sum of \$405,000.00 under the provisions of Massachusetts General Laws, Chapter 44, Section 7, Clause 9 be given a first reading. Councillor Curtin motioned that the action of the committee be the action of the City Council, the loan order was given a first reading and was tabled on the City Council floor.

Committee of the Whole Recommends:

Acceptance of the provisions of Section 27 & 28 Chapter 131 of the Acts of 2010.

Councillor Waddick motioned that 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, Stanley, and Waddick. The motion carried. Order # 31447 was adopted.

The appointment of Robert Glasheen, 97 A Bacon Street Waltham, as a Constable for a term of three years be confirmed.

Councillor Waddick motioned that the action of the committee be the action of the council. The motion carried. The roll was called, voting yea were Councillors Collura, Curtin, Darcy, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo, Stanley, and Waddick. The appointment was confirmed.

Finance Committee Recommends:

That an appropriation in the amount of \$40,000.00 from account # 237-560-2300-3591 Fund Balance Reserve for Handicap Projects to the following accounts.

#237-560-2315-5205	Police Details	\$25,000
#237-560-2323-5205	South Middle School (HP access)	\$10,000
#237-560-2324-5205	Veterans Skating Rink (HP access)	\$5,000

Be approved

Councillor Curtin motioned that the action of the committee be the action of the council. The motion carried. Order # 31443 was adopted.

That an appropriation in the amount of \$3,500.00 from the Stabilization Fund # 250-135-7405-3590 to City Council Clerk Salary # 001-111-5100-5111 be approved.

Councillor Curtin motioned that the action of the committee be the action of the council the motion carried. Order # 31445 was adopted.

That the Randy D. Jacobs Memorial Scholarship Trust, be approved.

Councillor Curtin motioned that 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, Stanley, and Waddick. The motion carried. Order # 31450 was adopted.

That a gift in the amount of \$5,000.00 to the Waltham Library from the Konstantins J. Guminskis Revocable Trust be accepted.

Councillor Curtin motioned that the action of the committee be the action of the council. The motion carried. Order # 31444 was adopted.

That an appropriation in the amount of \$ 5,000.00 from the Stabilization Fund # 250-135-7405-3590 to Mayors Office – Appraisal of Land #001-121-5800-6120 be approved.

Councillor Curtin motioned that the action of the committee be the action of the council. The motion carried. Order # 31446 was adopted.

That the City Council accept a grant from the Executive Office of Public Safety and

Security State 911 Department in the amount of \$ 25,613.00.

Councillor Curtin motioned to take a matter from the Finance Committee without Committee reference and act on it tonight. The motion carried. Councillor Cutin moved approval. The motion carried. Order # 31449 was adopted.

Councillor Tarallo motioned to adjourn. The motion carried. The City Council adjourned at 10:00 PM.

Adjourned