

February 14, 2011

President Pro Tem Waddick 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 Collura, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Waddick. (14)

Councillor Logan moved to accept the minutes of the January 24, 2011 meeting. The motion was adopted on a voice vote. The minutes were accepted.

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 Pro Tem Waddick as indicated below:

1. Respectfully request the reappointment of Steven F. Mann, Esq., 94 Graymore Road, Waltham as a Board of Library Trustee.

Referred to the Committee of the Whole

2. Respectfully request an appropriation in the amount of \$1,400,000.00 from Unreserved Fund Balance to Account 001-421-5200 Consolidated Public Works – Snow & Ice \$1,300,000.00 and Account 001-421-5100 Consolidated Public Works-Snow & Ice – Overtime \$100,000.00

Referred to Finance Committee

3. Respectfully request an appropriation in the amount of \$55,000.00 from account # 237-560-2300-3591 Disability Service Fund Balance Reserved to the following account:

#237-560-2315-5205 Police Details \$50,000.00

#237-560-2300-5205 General Projects \$ 5,000.00

Referred to Finance Committee

4. Respectfully submitting per City Council request an appraisal for 385 Trapelo Road.

Referred to the Committee of the Whole

Licenses

Designer Showroom/Indoor Yard Sale, Tim Cormier 82 Trapelo Road

The Tool Shed 471 Main Street Second Hand Dealer License renewal

Lotus Motorsports 85 Linden Street Class I Motor Vehicle License renewal

Marcou Jewelers 318 Moody Street Second Hand Dealer License renewal

K-2 Market 359 Moody Street Syed Imran Sibtain Second Hand Dealer License

All license application were referred to the Licenses and Franchises Committee

Matter taken from the table.

Councillor Stanley moved that the Loan Order in the amount of \$200,000.00 to be appropriated for the Police Station roof be taken from the table. The motion was adopted on a voice vote and the matter was opened to the floor for discussion. Having had a first reading, Councillor Stanley moved that the loan order be given a second and final reading. The roll was called voting yea were Councillors Collura, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Waddick. By a vote of 14-0 the Loan Order was adopted. (Order # 31502)

New Business

The Clerk read the following request for a Mass Port Letter. President Pro-tem Waddick as indicated below, referred the request to the appropriate committee.

Peter C. MacGlashing, 15 Everett Street, Waltham requests a Mass Port Letter.

Referred to the Licenses and Franchises Committee

Communication from Community Preservation Committee

The Clerk read the following request from the Community Preservation Committee. President Pro tem Waddick as indicated below referred the recommendation to the appropriate committee.

Community Preservation Committee recommendation funding for the Acquisition of Lot # 81 Arcadia Ave, Waltham

Referred to the Long Term Debt Committee

Request for naming a street.

The Clerk read the following request for a Mass Port Letter. President Pro-tem Waddick as indicated below, referred the request to the appropriate committee.

Communication from Attorney Robert E. Connors requesting City Council approval regarding the proposed street name to the Board of Survey and Planning

Councillor Tarallo moved to accept a late file communication from Attorney Robert E. Connors. On a voice vote, the late file communication was accepted.

Referred to the Policy Committee

Communications from the City Clerk;

That the City Council accepts the Election Calendar for the year 2011.

Councillor Tarallo moved to accept a late file communication from the City Clerk. On a voice vote the late file communication was accepted. Councillor Tarallo moved to act on the matter without committee reference. On a voice vote, the motion was approved. Councillor Tarallo moved to adopt the order. On a voice vote, the order was adopted. (Order # 31503)

That the City Council accepts the dates and times of the Special Elections for the 10th Middlesex District.

Councillor Tarallo moved to accept a late file communication from the City Clerk. On a voice vote the late file communication was accepted. Councillor Tarallo moved to act on the matter without committee reference. On a voice vote, the motion was approved. Councillor Tarallo moved to adopt the order. On a voice vote the order was adopted. (Order # 31504)

Resolutions

Resolution presented by Councillors Logan and Collura regarding Section 17-16 of the General Ordinances of the City of Waltham prohibiting the "throwing or placing

snow or ice upon streets, sidewalks, public parks or municipal parking lots." Councillors Logan and Collura spoke on the resolution and submitted a request. The resolution was referred to the Ordinances and Rules Committee.

Resolution presented by Councillors Logan and Giordano regarding the Mayor and the traffic Commission to work together to facilitate the installation of traffic signals at the intersection of South Street and Highland Street. Councillor Logan spoke on the resolution and submitted a request. The resolution was referred to the Public Works Committee.

Resolution presented by Councillor Doucette regarding the investigating of the options of equipment that can improve the repair process of potholes. Councillor Doucette spoke on the resolution and submitted a request. The resolution was referred to the Long Term Debt Committee

Committee Reports

Licenses and Franchises Committee

The Licenses and Franchises Committee recommended that the Extend Hours License for Tiki House, 569 Moody Street be granted.

Councillor Logan moved that the action of the committee be the action of the council. The roll was called. Voting yea were Councillors Collura, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, and Waddick. Voting nay were Councillors Curtin, Stanley and Tarallo. By a vote of 11 yeas to 3 nays the license was granted.

The Licenses and Franchises Committee recommended that the Extend Hours License for Wendy's, 802 Main Street be granted.

Councillor Logan moved that the action of the committee be the action of the council. Councillor Marchese moved to have a restriction that the drive-thru be excluded from the extended hour. The roll was called. Voting yea were Councillors Collura, Curtin, Doucette, Giordano, Logan, Marchese, Romard, and Rourke. Voting nay were Councillors Darcy, LeBlanc, McMenimen, Stanley ,

The Licenses and Franchises Committee recommended that the Class II Prospect Street Auto Sales be granted.

Councillor Logan moved the action of the committee be the action of the council. On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that Nstar Electric Company be granted permission to install the following:

Moody Street: Westerly @ pole 196/58 approximately 75' \pm feet south of Adams Ave

A distance of about 9' \pm feet – conduit be granted.

Councillor Logan moved that the action of the committee be the action of the council. By a voice vote, the order was adopted. (Order # 31501)

Long Term Debt Committee

The Long Term Debt Committee recommended that the sum of \$364,000 be appropriated for building renovations, and to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow the sum of \$364,000 under the provisions of Massachusetts General Laws, Chapter 44, Section 7, Clause 3A or any other borrowing authority

AND

That the sum of \$364,000 appropriated for the removal of solid waste disposal facilities to be borrowed under the provisions of Massachusetts General Laws, Chapter 44, Section 8, Clause 21, as authorized by Council Order #31125 dated June 29, 2005, be hereby rescinded and given a first reading.

Councillor Stanley moved the action of the committee be the action of the council. The Loan Order was given a first reading.

Committee of the Whole

Committee of the whole recommended that Massachusetts General Law Chapter 32B Section 7A be adopted. Councillor Waddick moved that the action of the committee be the action of the council. The roll was called. Voting yea were Councillors Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, and Tarallo. By a 12-0, vote the order was adopted. (Order # 31500)

Ordinance and Rules Committee

The Ordinances and Rules Committee recommends that B&C Donuts, Inc. dba Dunkin Donuts, 870 Lexington Street, Waltham be granted permission for

modification of a special permit for a Partition wall to be placed between side custom seating area and service counter.

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, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, and Tarallo. Councillor LeBlanc abstained. By a vote of 12 yea, 1 abstained and 0 nay. The order was adopted (Order # 31509)

The Ordinances and Rules Committee recommended that the request from the License Commission that the City of Waltham adopt MGL Chapter 138 Section 12 be placed on file.

Councillor Tarallo moved that the action of the committee be the action of the council. On a voice vote the matter was placed on file.

The Finance Committee

The Finance Committee recommended that an appropriation in the amount of \$975,000.00 from Unreserved Fund Balance to the following accounts

Account 001-421-5200 Consolidated Public Works – Snow & Ice \$900,000.00

Account 001-421-5100 Consolidated Public Works – Snow & Ice – Overtime \$75,000.00

Be adopted.

Councillor Curtin moved that the action of the committee be the action of the council. The order was adopted on a voice vote. (Order # 31508)

The Finance Committee recommended that a grant in the amount of \$4,007.98 be accepted from Massachusetts Emergency Agency.

Councillor Curtin moved that the action of the committee be the action of the council. The order was adopted on a voice vote. (Order # 31507)

The Finance Committee recommended that Student Awareness Fire Education (SAFE) grant from the Commonwealth of Massachusetts Office of Public Safety in the amount of \$7,815.00 be accepted.

Councillor Curtin moved that the action of the committee be the action of the council. The order was adopted on a voice vote. Order # 31506

The Finance Committee recommended that an appropriation in the amount of \$25,000.00 from Unreserved Fund Balance to account #001-220-5200-5306 Fire-Medical Services be adopted. Councillor Curtin moved that the action of the committee be the action of the council. The order was adopted on a voice vote. Order # 31505

The Finance Committee recommended that the sum of \$55,694.00 be transferred from Account 001-420-5800-6710 "Worcester Lane- Paving " to Account 001-420-5800-6710 "Worcester Lane-Wingwalls".

Councillor Curtin moved to have the matter recommitted to the Finance Committee. On a voice vote, the matter was recommitted.

President Pro-Tem Waddick appointed Councillor Rourke, as chair and Councillors Collura, LeBlanc, Darcy and Romard to the E-Committee

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