

**Waltham City Council**  
**Draft Minutes of the Meeting of September 26, 2011**  
**City Council Chambers, Waltham City Hall**

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 from September 26, 2011. The minutes were adopted on a voice vote.

**Agenda**

The Clerk will read Rule 29 A

**Public Hearing**

Due notice having been given, President Brasco opened the Public Hearing on the petition by The City of Cambridge petitions the Waltham City Council for permission to install conduit across Winter Street to repair and update the Gate House for the Cambridge Reservoir. Part of the work included in the updating the facilities is running electrical power to the buildings to power new gates and a lighting system.

President Brasco asked if anyone present wanted to speak in favor of the petition. No one was present on behalf of the petitioner. The public hearing was recessed until October 11, 2011.

**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 the adoption of a loan order in the amount of \$ 620,000.00. These funds will be used towards the renovations / improvements to the McCabe Playground.

Councillor Curtin moved to give the loan order a first reading. On a voice vote, the loan order was given a first reading. Councillor Curtin moved to have the loan order referred to the Long Term Debt Committee

**2.** Respectfully request the adoption of a loan order in the amount of \$200,000.00. These funds will be used for the design and installation of a coordinated sign system for the Moody Street and Main Street downtown areas

Referred to the Long Term Debt Committee

**Licenses** All Licenses were referred to the Licenses and Franchises Committee

Renewal of the following Lodging House Licenses

Adams Street Apt Resources Realty Trust    94 Adams Street

Stan & Leni Bloomenthal    2 Appleton and 17-19 Chestnut

Renewal of Class II Motor License Paul's Auto Service Inc.    152 High St

Renewal of an Extended Hours License Tedeschi Food Shops – 10 High Street

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**NEW BUSINESS**

**Mass Port Letter**

Request for a Mass Port Letter from James S. Kiwanuka, 72 Charlesbank Way #F, Waltham, MA

Referred to the Licenses and Franchises Committee

**Law Department Request**

Request from the Law Department for discussion relative to the pending litigation, possible executive session. Councillor Curtin moved to address the matter at the end of the City Council docket. On a voice vote, the motion was adopted.

**COMMITTEE REPORTS**

**Licenses and Franchises Committee**

Licenses and Franchise Committee recommended that the new Second Hand Dealers License The Evolving Closet, LTD, 709 Main Street, Waltham be granted.

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

Licenses and Franchise Committee recommended that NSTAR ELECTRIC COMPANY be granted permission to install conduit on Bacon Street: Easterly @ pole 10/38X approximately 50' ± feet south of Clark Lane. A distance of about 4.7' ± feet – conduit.

Councillor Logan moved the action of the Committee be the action of the Council. On a voice vote, the order was adopted. Order # 31607

**Public Works Committee**

The Public Works Committee recommended that the City Council waive Council Rule 59 regarding Banford Way.

**RULE 59** All petitions for the laying out of streets and construction of sidewalks and/or curbing is chiefly for the benefit of the abutters, and shall be accompanied by a written waiver of damages on the part of each abutter.

Councillor Rourke spoke on the issues. Councillor Rourke stated his concerns on waiving Rule 59. The concerns were as to fairness to all involved, the legal outcome of waiving the rule and concerns about friendly takings. Councillor Giordano suggested re-petitioning the street. Councillor Logan had a request that the Law Department determine the City's liability if Rule 59 was waived. Councillor Rourke moved for recommitting the matter to the Public Works Committee. On a voice vote, the matter was recommitted.

**Long Term Debt Committee**

The Long Term Debt Committee recommended that the Community Preservation Committee recommendation that the sum of \$45,500.00 for the Historic Roof at the Waltham Housing Authority 101 Prospect Street be approved.

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Councillor Stanley moved the action of the Committee be the action of the Council. On a voice vote, the order was adopted. Order # 31613

The Long Term Debt Committee recommended that a transfer of Capital Improvements funds in the amount of \$65,000.00 from account # 330-300-2000-6200 School Building Phase 1 General to account # 330-300-2000-6214 School Building – Stanley /School be approved. On a voice vote, the order was adopted. Order # 31610

The Long Term Debt Committee recommended that a loan order in the amount of \$1,700,000. Be given a second reading.

Councillor Stanley moved the action of the Committee be the action of the Council. Councillor Stanley moved to give the loan order 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 14 to 0 vote the loan order was adopted. Order # 31615

The Long Term Debt Committee recommended that a loan order in the amount of \$ 2,070,000. to be used towards the renovations/ improvements to the Falzone Memorial Park - \$1,318,000. and Lazazzero Park - \$752,000.00 be given a second reading.

Councillor Stanley moved the action of the Committee be the action of the Council. Councillor Stanley moved to give the loan order 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 14 to 0 vote the loan order was adopted. Order # 31614

The Long Term Debt Committee recommended that Community Preservation Committee (CPC) recommends that the sum of \$1,400,000 be allocated from the Community Preservation Act (CPA) Historic Reserve Account as a grant to the Office of the City Clerk as Applicant for the project and purposes expressed as “Historic Record Retention Center at the Bright Elementary School” be approved.

Councillor Stanley moved the action of the Committee be the action of the Council. On a voice vote, the order was adopted. Order # 31609

The Long Term Debt Committee recommended that Community Preservation Committee (CPC) recommendation that \$9,750.00 be allocated from the Community Preservation Act (CPA) Historic Reserve Account as a grant to Waltham Cemetery Division to disburse the funds for the project of the Waltham Historical Commission (WHC) through Mr. John Cox as Applicant and the Waltham Historic Commission as Co-Applicant be approved.

Councillor Stanley moved the action of the Committee be the action of the Council. On a voice vote, the order was adopted. Order # 31611

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The Long Term Debt Committee recommended that the Community Preservation Committee (CPC) recommendation that \$207,000.00 be transferred from the Community Preservation Act (CPA) Historic Reserve Account to the Waltham Historic Commission (WHC) for Distribution as a grant to the Society for the Preservation of New England Antiquities (SPNEA- dba Historic New England [HNE] and the Lyman Estate)  
Councillor Stanley moved the action of the Committee be the action of the Council. On a voice vote, the order was adopted. Order # 31612

**Ordinances and Rules Committee**

The Ordinances and Rules Committee recommended that pursuant to Chapter 268 A Section (n) of the Massachusetts General Laws the following positions being the Members of the Community Preservation Commission (CPC) shall be designated as a “Special Municipal Employee” within the meaning of said Chapter and subject to all the applicable provisions therein set forth 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, Doucette, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Waddick, Councillor Giordano voted nay. The order was adopted by a 13 to 1 vote. Order # 31608

The Ordinances 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 13                      Assistant to Transportation Director

and inserting

Grade 13                      Assistant to Traffic Engineer

be approved for a first reading.

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

The General Ordinance was given a first reading.

The Ordinances and Rules Committee recommends that the Compensation Ordinance of the City of Waltham, Article V, Section 2-29.B. B.2 Non Union Positions Paid on Salary Rates is hereby further amending Section 2-30 B2 The following positions, in addition to the compensation as herein above set forth, shall receive the sum herein set forth, which sums shall become a part of the total compensation:

Deleting

2	Senior Traffic Engineering Aid for assisting in the supervision of the Parking Control Supervisor and Officers.	\$2,500.00
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and inserting

2	Assistant to Traffic Engineer for assisting in the supervision of the Parking Control Supervisor and Officers.	\$2,500.00
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be given a first reading.

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

The General Ordinance was given a first reading.

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The Ordinances and Rules Committee recommended 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 be granted a special permit for 50 Bear Hill Road.

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, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Waddick. By a 14-0 vote the order was granted. Order #31616

**Finance Committee**

The Finance Committee recommended that an appropriation of funds in the amount of \$ 105,000.00 from the Stabilization Fund # 250-135-7405-3590 to Building Utilities #001-193-5200-5210.

Councillor Curtin moved the action of the Committee be the action of the Council. On a voice vote, the order was adopted. Order # 31606

The Finance Committee recommended that a grant in the amount of \$11,669.00 through the 2011 Edward Byrne Memorial JAG Program. These funds will be used for Police personnel cost associated with traffic enforcement at major intersections in the downtown Waltham corridor.

Councillor Curtin moved the action of the Committee be the action of the Council. On a voice vote, the order was adopted. Order # 31605

The City Council recessed into Executive Session.

The City Council adjourned.