

November 22, 2010

Waltham City Council

Minutes of the Meeting of November 22, 2010

City Council Chambers, Waltham City Hall

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. Councillor Brasco was absent. (14)

Councillor Marchese moved to suspend the rules to take a resolution out of order. The motion was adopted by a voice vote. Councillors Marchese and Collura spoke on the resolution commending the Salvation Army on their yearly Kettle Drive. Councillor Marchese 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 Marchese then moved approval of the Resolution and the resolution was adopted on a voice vote.

Councillor Giordano moved to suspend the rules to take a resolution out of order. The motion was adopted by a voice vote. Councillor Giordano spoke on the resolution in memory of his brother Peter Giordano relative to Wreaths Across America. Councillor Giordano 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 Giordano then moved approval of the Resolution and the resolution was adopted on a voice vote.

Councillor Logan moved to accept the minutes of the meeting November 8, 2010 as edited. The motion was adopted on a voice vote and the minutes of November 8, 2010 meeting were accepted.

The City Clerk read rule 29 - A

Public Hearing Extended Hours

Due notice having been given, President Pro Tem Waddick opened the Public Hearing on the petition of FT88 Zhao, Inc. and Spanco Properties, LLC, hereby petitions the City Council for Extended Retail Hours under the provisions of Chapter 8 Articles XIII for 457 Moody Street, Waltham, Massachusetts to remain open between the

hours of 6:00 AM to 2:00 AM for the property located at 457 Moody Street, Waltham, Massachusetts. The deed for said property is recorded with Middlesex South District Deeds, Land Court Division in Book 1331, Page 121.

Said property is shown on the City of Waltham Atlas as Map R069. Block 0331, Lot 0012 and is in a Business A Zoning District.

Due notice having been given, President Pro Tem Waddick opened the hearing and speaking in favor was Mr. Lin, 65 Harrison Ave., Boston, attorney for the petitioner and Jong Fong Zhao, 226 Newbury Ave, North Quincy, owner of the property. No one stood in favor. No one spoke or stood in opposition and that portion of the public hearing was declared closed.

President Pro Tem Waddick opened the Public Hearing to questions from Councillors. Councillor Rourke and Councillor Logan had various questions and request. The responses were requested for the Committee meeting on December 6, 2010. President Pro Tem Waddick 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 the President Pro Tem Waddick as indicated below:

1. Respectfully request on behalf of the City Engineer a waiver from the City Ordinances Chapter 17 Section 25" Excavation of Resurfaced Street" to allow a "relief " sewer to be installed in Lexington Street in early December. This project, located on Lexington Street between Lake Street and the YMCA driveway, will provide a partial solution to the chronic sewer system overflow at Lake Street and Lexington Street.

Councillor Tarallo moved to set a date for a Public Hearing of December 13, 2010. The motion was adopted on a voice vote and the Public Hearing was scheduled for December 13, 2010.

Request for the waiver was referred to the Public Works Committee.

2. Respectfully request a transfer of capital improvement funds totaling \$300,000.00 to fund the sewer rehab project on Lexington Street between Lake Street and the YMCA, increasing the sewer pipe from 10" to 18".

From #603-440-2006-7360 Sewer Rehab-General

To #603-440-2006-7395 Sewer Rehab-Lexington Street

Amount \$191,275.00

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

To #603-440-2005-7395 Sewer Rehab Lexington Street

Amount \$108,725.00

Councillor Curtin moved to table the matter on the City Council floor. The motion carried on a voice vote and the matter was tabled.

3. Respectfully request an appropriation in the amount of \$30,000.00 from account #237-560-2300-3591 Fund Balance reserve for Handicap Projects to the following accounts

237-560-2315-5205 Police Details \$25,000.00

#237-560-2325-5205 Hardy School (HP access) \$5,000.00

Referred to the Finance Committee

4. Respectfully request the City Council accept a grant from the State 911 Public Safety Answering Point and regional and Regional Emergency Communication Center support and incentive grant program in the amount of \$150,307.00

Referred to the Finance Committee

5. Respectfully request the reappointment of John Ciaramaglia of 157 Warren Street, Waltham, as a Constable for a three-year term.

Referred to the Committee of the Whole

6. Respectfully request an appropriation in the amount of \$44,182. from Unreserved Fund Balance to the following account #001-420-5800-6720 Private Way-Mt Walley Road Paving with betterments.

Referred to the Finance Committee

The following license applications were received by the City Council

Waltham Central School Transportation Inc - 30 Elm Street

ACE Motor Sales & Supply Co. Inc 96 Linden Street

Extended Hours

Renewal for The New Dragon Chef 671 Moody Street

All License applications were referred to the Licenses and Franchises Committee

New Business

Request for adoption of Massachusetts General Laws.

Correspondence from the Board of License Commissions that the City Council adopts the Law, which allows cities and towns a new law amending Massachusetts General Laws chapter 138 section 12.

Referred to the Ordinances and Rules Committee

Request for Permission

Erwin and Marsha Greenstein petitioned the City Council for permission to increase the size of two decks attached to the condominium unit at 221 Bishop's Forest Drive to join them together.

Referred to the Ordinances and Rules Committee

Request for a Mass Port Letter

Angelo Girginis, 4307 Arch Stone Ave, Tewksbury MA petitioned the City Council for a Mass Port Letter.

Referred to the Licenses and Franchises Committee

Committee reports

Licenses and Franchises Committee

Licenses & Franchises Committee recommended that the Renewal of a Class II Motor Vehicles License for 251 High 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 with condition.

Licenses & Franchises Committee recommended that the new Second Hand Dealers for 82 Trapelo Road 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.

Licenses & Franchises Committee recommended that permission be granted for a Mass Port Letter for Jeffrey R. Miller, 94 Hardy Pond Road, Waltham.

Councillor Logan moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the request was granted.

Long Term Debt Committee

Long Term Debt Committee recommended that a Capital Improvement Fund Transfer in the amount of \$38,000.00 be approved from Account 310-420-2008-6422 CPW 311 System to account 310-420-2008-646 CPW Front End Loader be approved.

Councillor Stanley moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the transfer was adopted. Order # 31470

Long Term Debt Committee recommended that the sum of \$102,000 be appropriated for equipment and to raise this appropriation, and that the Treasurer, with the approval of the Mayor, is authorized to borrow the sum of \$102,000 under the provisions of Massachusetts General Laws, Chapter 44, Section 7, clause 9. CPW \$102,000 be given a first reading.

Councillor Stanley moved that the action of the Committee be the action of the Council. The motion was adopted on a voice vote and the first reading was given.

Committee of the Whole

Committee of the Whole Recommended that the appointment of Joseph Pedulla, 8 Mortimer Drive, Andover, MA., as a Purchasing Agent for a term expiring the last of

February 2012 be confirmed. Councillor Curtin moved that the action of the Committee be the action of the Council. The roll was called. Voting yea were Councillors Curtin, Darcy, Doucette, LeBlanc, Logan, McMenimen, Romard, Rourke, and Stanley. Voting nay were Councillors Giordano, Marchese, and Tarallo. By a vote of 9 –3 the appointment was confirmed.

Committee of the Whole Recommended that the approval of the Early Retirement Program for the City of Waltham for any employee 61 years or older or a minimum of 32 years creditable service as of April 30 2011, subject to the parameters of the State Legislation be adopted.

Councillor Curtin moved that the action of the Committee be the action of the Council. The roll was called. Voting yea were Councillors Collura, Curtin, Darcy, LeBlanc, Logan, Marchese, McMenimen, Romard, and Rourke. Voting nay were Councillors Giordano and Stanley. Councillors Doucette and Tarallo recused themselves. By a vote of 9-2 the order was adopted. Order # 31471

Committee of the Whole Recommended that the resolution regarding the Question 3 Sales Tax be placed on file. Councillor Curtin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the resolution was placed on file.

Ordinances and Rules Committee

Ordinances and Rules Committee recommended that Ivan Bruce, 274 Bishops Forest Drive, Waltham, be granted permission by the City Council to enlarge an existing deck at 274 Bishops Forest Drive.

Councillor Tarallo moved that 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, Stanley, and Tarallo. By a vote of 13 –0 the permission was granted. Order # 31472

Finance Committee

Finance Committee Recommended that the sum of \$40,000.00 be appropriated from Unreserved Fund Balance to account

001-480-5400-5300 Transportation – Traffic Consultant be approved.

Councillor Curtin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the appropriation was approved.

Order # 31469

Finance Committee Recommended that the sum of \$7,918.00 be transferred from Law Department Account 001-151- 5400-5315 – Sanderson Heights Legal Services to Account 001-151-5400-5760 Law Department – Claims and Damages be approved.

Councillor Curtin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the transferred was approved.

Order # 31468

Finance Committee Recommended that the sum of 2,082.00 be appropriated from Unreserved Fund Balance to Law Department Sanderson Heights Legal Services to Account 001-151-5400-5760 Law Department Claims and Damages be approved.

Councillor Curtin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the appropriation was approved.

Order # 31467

Finance Committee Recommended that the sum of \$30,000.00 be transferred from the Law Department Sanderson Heights Legal Services to Account 001-151-5400-5760 Law Department Claims and Damages be approved.

Councillor Curtin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the appropriation was approved.

Order # 31466

Finance Committee Recommended that the sum of \$5,000.00 be appropriated from Stabilization fund to Account Mayors Office Appraisal of Land 001-121-580-6120 be approved.

Councillor Curtin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the appropriation was approved. Order # 31465

Councillor Logan moved to adjourn. The motion was adopted on a voice vote and the City Council was adjourned at 8:45 PM.

Adjourned.