

April 11, 2011

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

Councillor McMenimen requested a moment of silence for Helen F. Corrigan.

Councillor Tarallo moved to accept the minutes of the March 28, 2011 meeting. The motion was adopted on a voice vote. The minutes were accepted.

Councillor LeBlanc moved to suspend the rules to take a resolution out of order. The motion was adopted by a voice vote. Councillor LeBlanc spoke on the resolution commending the participants in the YouTube Burn Awareness – Video Contest. Councillor LeBlanc 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 LeBlanc then moved approval of the resolution. The resolution was adopted on a voice vote.

PUBLIC HEARINGS

The Clerk read Rule 29 A

Extended Hours – 1335 Main Street

Due notice having been given, President Pro-tem Waddick opened the Public Hearing on the petition by WALTHAM FUEL INC. and GLOBAL LLC.

for Extended Retail Hours under the provisions of Chapter 8, ARTICLE XIII of The General Ordinances of the City of Waltham to remain open between the hours of 6:00 A.M. to 6:00 A.M. (24 hours)

for the property located at 1335 Main Street. The deed for said property with Middlesex

South District Deeds in Book 55344 Page 373-415. Parcel ID R057 001 0005. The property is in a Commercial Zone.

Speaking in favor was Assaad Nasr owner of Waltham Fuel Inc. 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 the Councillors. Councillors Romard, Tarallo, Darcy, Logan, McMenimen, Collura and Curtin had various questions. All responses are to be forwarded to the Licenses and Franchises Committee. President Pro-Tem Waddick closed the Public Hearing and the matter was referred to the Licenses and Franchises Committee.

Grant of Location – NSTAR / Parmenter Road

Due notice having been given, President Pro-Tem Waddick opened the Public Hearing on the petition by **NSTAR ELECTRIC COMPANY** for permission to construct a line for the transmission of electricity for lighting, heating, or power under the public way hereinafter specified:

Parmenter Road - Southeasterly @ pole 685/12 approximately 107' \pm feet south of Cambria Road. A distance of about 8' \pm feet - conduit

Speaking in favor was Maureen Carroll representative from NSTAR. 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 the Councillors. Councillors Rourke, Logan, and Tarallo had various questions. All responses are to be forwarded to the Licenses and Franchises Committee.

President Pro-Tem Waddick closed the Public Hearing and the matter was referred to the Licenses and Franchises Committee.

Grant of Location – NSTAR / South Street @ Brandeis

Due notice having been given, President Pro-Tem Waddick opened the Public Hearing on the petition by **NSTAR ELECTRIC COMPANY** for permission to construct a line for the transmission of electricity for lighting, heating, or power under the public way hereinafter specified:

South Street @ Brandeis University - Northeasterly @ pole 253/43

approximately 807' \pm feet southwest of Wheelock Road.

A distance of about 35' \pm feet – conduit

Speaking in favor was Maureen Carroll, the representative from NSTAR. No one spoke or stood in opposition and that portion of the public hearing was declared closed. President Waddick opened the Public Hearing to questions from the Councillors. Councillor Giordano, Tarallo, Logan, and Rourke had various questions. All responses are to be forwarded to the Licenses and Franchises Committee.

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 President Pro-tem Waddick as indicated below:

1. Respectfully request an appropriation in the amount of \$14,620 from account #237-5602300-3591 Fund Balance Reserved for Handicap Projects to the following accounts:

#237-560-2326-5205 GWARC Building (HP access) \$ 2,620

#237-560-2327-5205 Signals (Pine Vale Rd & Prospect St Riverwalk) \$12,000

Referred to the Finance Committee

2. The Mayor respectfully requests that the City Council reopen discussions on Inspectional Services. The issue is currently tabled in the Ordinances and Rules Committee. The Mayor is available to answer any questions regarding this request.

Referred to the Ordinances and Rules Committee

3. The Mayor requests that the City Council determine where the benefits coordinator duties will lie in the Personnel or Human Resource Departments deliberations. The Mayor is available for any questions regarding these requests.

Referred to the Ordinances and Rules Committee

General Ordinance Amendment / CPC – Second and Third Reading

A General Ordinance Amendment amending Chapter 2, Article XXXI of the General Ordinances of the City of Waltham, entitled "Community Preservation Committee" was before the City Council for a Second Reading. Councillor Tarallo moved to give the General Ordinance Amendment a Second Reading. The roll was called. Voting for a Second Reading were Councillors Collura, Darcy, Doucette, LeBlanc, Logan, McMenimen, Romard, Rourke, and Tarallo. Voting nay were Councillors Curtin, Giordano, and Stanley. The Amendment was given a Second Reading on a vote of 9 to 3. Councillor Tarallo moved to suspend the rules in order to give the Amendment a Third and Final Reading. The motion was adopted on a voice vote and the rules were suspended. Councillor Tarallo then moved to give the Amendment a Third and Final Reading. Voting yea were Councillors Collura, Darcy, Doucette, LeBlanc, Logan, McMenimen, Romard, Rourke, Tarallo and Waddick. Voting nay were Councillors Curtin, Giordano, and Stanley. The Amendment was adopted on a vote of 10 to 3.

NEW BUSINESS

Clear Wireless, LLC, an affiliate of Sprint Wireless Broadband Company, LLC and Nextel Communications of the Mid-Atlantic, Inc., 200 5th 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 May 26, 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 Collura, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Stanley, and Tarallo. By a vote of 12 to 0 the order was adopted. (Order # 31536)

RESOLUTIONS

Earth Day – Councillor Tarallo

Councillor Tarallo presented a Resolution regarding the celebration of Earth Day, and spoke on the matter. Councillor Tarallo 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 Tarallo then moved approval of the resolution and the resolution was adopted on a voice vote.

Producer Responsibility Bill – Councillors Logan and Rourke

Councillors Logan and Rourke presented a Resolution regarding support for House Bill 252/Senate Bill 352 "An Act to Request Producer Responsibility for Collection and Recycling of Discarded Electronic Products". Councillors Logan and Rourke spoke on the importance of the passage of the Bill. Councillor Logan 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 Logan then moved approval of the resolution and the resolution was adopted on a voice vote. Councillor Logan moved approval of a Request to have an attested copy of the Resolution sent to the members of Waltham's legislative delegation as well as to the Chairs of the Joint Committee on Environment, Natural Resources and Agriculture. The request was approved on a voice vote.

Trombley Square – Councillor Waddick

Councillor Waddick presented a purpose order naming the intersection of Hammond Street and Plympton Street as Trombley Square.

Referred to the Policy Committee

COMMITTEE REPORTS

Licenses and Franchises Committee

The Licenses and Franchises Committee recommended that the Renewal of the **Class II License of Pilgrim Auto Body, 53 Felton St.** be granted with a maximum of two (2) vehicles for sale at any time, and with the standard restrictions attached.

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

The Licenses and Franchises Committee recommended that the request of **Lizzy's Ice Cream, 367 Moody Street, for a permit for the placement of tables and chairs**, pursuant to Section 17-7.2 of the General Ordinances of the City of Waltham, be approved with the following restrictions: No more than (2) two tables and (4) chairs.

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

Ordinances and Rules Committee

The Ordinances and Rules Committee recommended that the Special Permit for 385-387 Winter Street 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, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Stanley, Tarallo and Waddick. By a vote of 13 to 0, the order was adopted. (Order # 31537)

The Ordinances and Rules Committee recommended that the City Council direct the City Clerk to correct the scrivener's error appearing in Section 2.324 of the Zoning Ordinance entitled "GRADE" as follows: In the second sentence the word "minimum" should be corrected to "maximum" as it pertains to residential structures, to read "Further, for the purposes of this chapter, there shall be a maximum berming height of six feet within 50 feet of any affected foundation wall for nonresidential structures and a **maximum** berming height of six feet within fifteen (15) feet of residential structures.

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, McMenimen, Romard, Rourke, Stanley, and Tarallo. By a vote of 12 to 0, the order was adopted. (Order # 31532)

Finance Committee

The Finance Committee recommended that the sum of **\$25,000.00 be appropriated from "Unreserved fund Balance" to Account 001-480-5400-5300 "Transportation-Consultants"**.

Councillor Curtin moved the action of the Committee be the action of the Council. On a voice vote, the order was adopted. (Order #31534)

The Finance Committee recommended that the request of the School Committee to establish the **Waltham Gridiron Scholarship Trust, and to accept the initial donation of \$32,000.00** and any future donations, be accepted.

Councillor Curtin moved the action of the Committee be the action of the Council. On a voice vote, the order was adopted. (Order #31533)

Councillor Tarallo moved to adjourn. The motion was adopted on a voice vote and the **City Council adjourned at 10:30 PM**

March 25, 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, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Waddick. (14)

Councillor Logan moved for a moment of silence for Mr. Herb Henderson. Councillor Logan commended Mr. Henderson for his years of service to the city.

Councillor McMenimen moved for a moment of silence for Mr. Paul Erbe. Councillor McMenimen commended Mr. Erbe for his years of service to the city.

Councillor Tarallo moved to accept the minutes of the March 14, 2011 Meeting. The motion was adopted on a voice vote. The minutes were accepted.

The Clerk read Rule 29 A

Public Hearing Special Permit

Recessed to April 25, 2011

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

Waltham Ventures, LLC, 119 Bare Hill Road, Boxford, MA 01921, Peter J. Morris, Trustee, Main St. Realty Trust, u/d/t dated December 10, 1993, P.O. Box 206, Key Colony Beach, FL 33051, and DPS Waltham Development LLC, 251 Newbury Street, Boston, MA 02115 hereby petition the City Council under the provisions of §5.92 of the Ordinance to allow a reduction in the amount of required parking spaces for retail/restaurant use in a Business B Zoning District. The proposed retail/restaurant building shall require up to 279 parking spaces under the Zoning Ordinance. The

Petitioners are seeking to reduce the number of required parking spaces to a minimum of 239 parking spaces.

The locus is known and numbered as 1006 Main Street and 1022 Main Street and is shown in the "Atlas, City of Waltham, Massachusetts 1988", as Map 58, Block 18, Lot 21 and Map 58, Block 18, Lot 18. The property is situated in a Business B Zoning District.

The legal owners of the locus are Peter J. Morris, Trustee, Main St. Realty Trust, u/d/t dated December 10, 1993, P.O. Box 206, Key Colony Beach, FL 33051 as to property at 1022 Main Street, and DPS Waltham Development LLC, 251 Newbury Street, Boston, MA 02115 as to property at 1006 Main Street. Councillor Tarallo moved to recess the hearing until April 25, 2011. On a voice vote, the motion was adopted.

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 an appropriation in the amount of \$25,000.00 from Unreserved Fund Balance to Transportation – Consultant #001-480-5400-5300. These funds will be used to pay the anticipated expenses of our traffic consultant for several projects that are before the Traffic Commission that need to be completed.

Referred to the Finance Committee

2. Respectfully submit a request from the Waltham Retirement Board.

Referred to the Finance Committee

3. Respectfully forward the Gridiron Scholarship Trust, which was accepted by the Waltham School Committee.

Referred to the Finance Committee

Licenses

All license applications were referred to the Licenses and Franchises Committee

Renewal of a Class II Motor Vehicles Pilgrim Auto Body Inc

Renewal of Second Hand Dealer License Curio Vintage LLC, 379 Moody Street

Renewal of Second Hand Dealer More Than Words, 376 Moody Street

Renewal of table and chairs for Lizzy's Ice Cream

New Business

Request for a Mass Port Letter

Michael E. Cormier, 25 Prospect Street hereby petitions the City Council for a Mass Port Letter.

Referred to the License and Franchises Committee

Communication from the City Clerk

Election Order for the Special State Primary on April 12, 2011 and Special Election on May 10, 2011 to elect a Representative in General Court for the Tenth Middlesex District.

Councillor Tarallo moved to suspend the rules and act on the Election Order without committee reference. The motion was adopted on a voice vote. Councillor Tarallo moved to adopt the order. On a voice vote, the order was adopted. (Order # 31529)

Resolutions

Committee Reports

Licenses and Franchises Committee

The License and Franchise Committee recommended that the renewal of the Second Hand Dealers License for Mr. Sweeper, 443 Moody Street 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 License and Franchise Committee recommended that the renewal of the Second Hand Dealers License for Plug -n- Play, 461 A Main Street, 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 License and Franchise Committee recommended that the renewal of the Second Hand Dealers License for Children's Corner, 299 Newton Street 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 License and Franchise Committee recommended that the renewals of the Lodging House Licenses for five Dorms at Brandeis University be granted.

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

The License and Franchise Committee recommended that the Fuel Storage License for 1486 Main LLC and TSA Properties, LLC, 1486 Main Street, Waltham, MA 02451 as Owner and European Auto Solutions, 1486 Main Street, Waltham, MA 02451 as operator of the facility be granted.

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

The License and Franchise Committee recommended that NSTAR ELECTRIC COMPANY be granted permission to install conduit:

Hawthorne Road - Easterly @ pole 15/16 approximately 103' \pm feet south of Sartell Road. A distance of about 8' \pm 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 # 31526)

Long Term Debt Committee

The Long Term Debt Committee recommended that the Community Preservation Committee (CPC) request to pay the sum of fifty Thousand (\$50,000.00) for the Charles River Museum of Industry and Innovation, Inc. 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 # 31525).

The Long Term Debt Committee recommended that the Community Preservation Committee (CPC) request for the approval of a Waltham Historical Commission (WHC) application to upgrade the Waltham Historical Building Survey in the amount of \$10,000.00, 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 # 31524).

Committee of the Whole

The Committee of the Whole recommended that the appointment of Douglas Glassman, 376 Crescent Street, Unit # 2, Waltham, as a permanent member of the Conservation Commission to fill the vacancy resulting from Mr. Maguire's retirement, be confirmed.

Councillor Waddick 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 Brasco. The appointment was confirmed.

The Committee of the Whole recommended that the reappointment of Alan D. Humbert, Esq., as a member of the Board of Trustees of the Waltham Public Library for a three-year term.

Councillor Waddick 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 Brasco. The reappointment was confirmed.

The Committee of the Whole recommended that the order sponsoring a CPC application to acquire the Whitney-Farrington-Crooke House at 385 Trapelo Road be approved.

Councillor Waddick moved the action of the committee be the action of the council. Councillor Darcy requested that the roll be called. Voting yea were Councillors Collura, Darcy, Giordano, LeBlanc, Logan, Marchese, McMenimen, Rourke, Stanley, Tarallo and Waddick. Voting nay were Councillors Curtin, Doucette, and Romard. By a vote of 10 to 3, the order was adopted. (Order # 31530)

The Committee of the Whole recommended that Paul G. Centofanti serve as the "acting" Clerk of the Committee of the Whole until a permanent successor to Clerk Quinn is approved.

Councillor Waddick moved the action of the committee be the action of the council. On a voice vote, Paul G. Centofanti was confirmed as the "acting" Clerk of the Committee of the Whole until a permanent successor to Clerk Quinn is approved.

Ordinance and Rules Committee

The Ordinances and Rules Committee recommended that the General Ordinance Amending Chapter 2 Article XXXI of the General Ordinances of the City of Waltham, entitled "Community Preservation Committee" be given a first reading.

Councillor Tarallo moved the action of the committee be the action of the council. On a motion by Councillor Tarallo, the roll was called. Voting yea for a first reading were Councillors Collura, Darcy, Doucette, LeBlanc, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Waddick. Voting nay was Councillor Curtin The Ordinance Amendment was given a first reading.

Finance Committee

The Finance Committee recommended that an appropriation in the amount of \$10,000.00 from Unreserved Fund Balance to Account 001-151-5400-5760 Law – Judgments. Be approved.

Councillor Curtin moved the action of the committee be the action of the council. On a voice vote, the order was adopted. (Order #31527)

The Finance Committee recommended that the Mid-Year Budget review presented by the City Auditor be placed on file.

Councillor Curtin moved the action of the committee be the action of the council. On a voice vote, the matter was filed.

The Finance Committee recommended that the City Council accept a gift from the North Bennet School valued at \$910.00 for the restoration services at the Wellington House. Councillor Curtin moved to amend the order. On a voice vote, the order was amended, and that the City Council accepts a gift from the North Bennet School valued at \$16,000.00 for the restoration services at the Wellington House. (Order # 31531)

The Finance Committee recommended that Paul G. Centofanti serve as the "acting" Clerk of Finance Committee until a permanent successor to Clerk Quinn is approved.

Councillor Curtin moved the action of the committee be the action of the council. On a voice vote, Paul G. Centofanti was confirmed as the "acting" Clerk of Finance Committee until a permanent successor to Clerk Quinn is approved.

The Finance Committee recommended that the abatement request for 378 Bacon Street be denied based on the opinion of the Law Department.

Councillor Curtin moved the action of the committee be the action of the council. The roll was called. Voting for the Denial were Councillors Collura, Curtin, Darcy, Doucette, LeBlanc, Logan, Marchese, McMenimen, Rourke, Stanley, Tarallo and Waddick. Voting nay was Councillor Romard. By a vote of 12 to 1 the order for denial was adopted. (Order # 31528)

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