

February 28, 2011

President Brasco 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 Brasco, Collura, Curtin, Darcy, Doucette, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo and Waddick. (13)

Councillor Romard moved to suspend the rules to take a resolution out of order. The motion was adopted by a voice vote. Councillors Romard spoke on the resolution commending the Library Volunteers. Councillor Romard 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 Romard moved approval of the resolution. The resolution was adopted on a voice vote.

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 all the people and companies who were involved in helping the Flanagan Family. 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 moved to hear from an off Council member, Maureen Flanagan. Ms. Flanagan thanked everyone who had given aid to her family. Councillor LeBlanc moved approval of the resolution. The resolution was adopted on a voice vote.

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

The Clerk read Rule 29 A

Public Hearing Conduit

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

NSTAR ELECTRIC COMPANY petitioning for permission to construct a line for the transmission of electricity for lighting, heating, or power under the public way or ways of the City hereinafter specified, and notice has been given and a hearing held on said petition as provided by law.

Hawthorne Road - Southeasterly @ pole 15/17 approximately 220' \pm feet southwest of Sartell Road. A distance of about 8' \pm feet – conduit

Speaking in favor was Ms. Wade representative from Nstar. No one spoke or stood in opposition and that portion of the public hearing was declared closed. President Brasco opened the Public Hearing to questions from the Councillors. Councillor Romard had various questions. All responses are to be forwarded to the Licenses and Franchises Committee.

President Brasco closed the Public Hearing and the matter was referred to the Licenses and Franchises Committee.

Public Hearing Special Permit

Recessed to March 28, 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 accept two (2) letters of support and waive the reading of the letters. On a voice vote the motion carried. The two (2) letters of support were entered into the record. The first letter of support was from Brandeis University. The second was from Morgan Wilson, an abutter.

President Brasco recessed the Public Hearing until March 28, 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 an appropriation in the amount of \$50,000.00 from Unreserved Fund Balance to account # 001-210-5200-5306 Police-Medical Services. These funds will be used to pay current and projected medical expenses for the treatment of police officers injured in the line of duty.

Referred to the Finance Committee

2. Respectfully submit the proposed 2011-2012 Community Development Block Grant Budget.

Referred to the Economic and Community Development Committee with request

3. Respectfully request an appropriation in the amount of \$180,000.00 from Unreserved Fund Balance to Account 001-912-5100 Personnel-workers' Compensation

Referred to the Finance Committee

Licenses

Renewal of Second Hand Dealers License Mr. Sweeper, 443 Moody Street.

Second hand renewal 461 Main Street A

All license applications were referred to the Licenses and Franchises Committee

Matter taken from the table.

Councillor Tarallo moved 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 be given a first reading. The roll was called. Voting yea were Councillors Collura, Curtin, Darcy, Doucette, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke Tarallo and Waddick. By a 12-0 vote, the order was adopted.(Order # 31518)

Request for an extension of time to act on a Special Permit.

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 April 28, 2011.

Councillor Tarallo moved to suspend the rules and act on the time extension without committee reference. The motion was adopted on a voice vote. The roll was called. Voting yea were Councillors Collura, Curtin, Darcy, Doucette, LeBlanc, Logan, McMenimen, Romard, Rourke, Tarallo and Waddick. By a vote of 11 to 0 the order was adopted. (Order #31516)

Request for withdrawal of a Special Permit.

Clear Wireless, LLC, an affiliate of Sprint Wireless Broadband Company, LLC and Nextel Communications of the Mid-Atlantic, Inc., 303 Wyman Street, Waltham, MA 02451 and Clematis, LLC, 411 Waverley Oaks Road, Waltham, MA 02452 hereby petition the Waltham City Council for a leave to withdraw without prejudice a special permit application for 271 Waverley Oaks Road.

Councillor Tarallo moved to suspend the rules and act on the time extension without committee reference. The motion was adopted on a voice vote. The roll was called. Voting yea were Councillors Collura, Curtin, Darcy, Doucette, LeBlanc, Logan, McMenimen, Romard, Rourke, Tarallo and Waddick. By a vote of 11 to 0 the order was adopted. (Order #31517)

Request for an extension of time to act on a Special Permit.

Winter Street Trust, c/o Hale & Dorr, of 60 State Street, Boston, 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 is granted permission by the City Council for an extension of time to act on a Special Permit for property located at 385-387 Winter Street (Atlas Map R031, Block 001, Lot 0001) until April 28, 2011.

Councillor Tarallo moved to suspend the rules and act on the time extension without committee reference. The motion was adopted on a voice vote. The roll was called. Voting yea were Councillors Collura, Curtin, Darcy, Doucette, LeBlanc, Logan, McMenimen, Romard, Rourke, Tarallo and Waddick. By a vote of 11 to 0, the order was adopted. (Order #31515)

Request for an extension of time to act on a Special Permit.

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 hereby petitions the City Council for an extension of time to act on a Special Permit for property at 50 Bear Hill Road (Atlas Map R57, Block 1, Lot 1A), until June 30, 2010.

Councillor Tarallo moved to suspend the rules and act on the time extension without committee reference. The motion was adopted on a voice vote. The roll was called. Voting yea were Councillors Collura, Curtin, Darcy, Doucette, LeBlanc, Logan, McMenimen, Romard, Rourke, and Waddick. Voting nay was Councillor Tarallo. By a vote of 10 to 0, the order was adopted. (Order #31514)

Resolutions

Resolution presented by Councillor Darcy regarding City Council sponsoring a CPC application to acquire the Whitney-Farrington-Crook House with an accompanying order.

Referred to the Committee of the Whole.

Resolution presented by Councillor Brasco regarding Home Rule petition relative to Massachusetts General Law Chapter 32 Section 7.

Referred to the Committee of the Whole with a request.

Committee Reports

Licenses and Franchises Committee

The Licenses and Franchises Committee recommended that the Second Hand Dealers License for the Tool shed, 471 Main Street be renewed.

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

On a voice vote, the Second Hand Dealers License was granted.

The Licenses and Franchises Committee recommended that the Second Hand Dealers License for Marcou Jewelers, 318 Moody Street be renewed.

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

On a voice vote, the Second Hand Dealers License was granted.

The Licenses and Franchises Committee recommended that the Second Hand Dealers License for Indoor Yard Sale, 82 Trapelo Road be granted

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

On a voice vote, the Second Hand Dealers License was granted.

The Licenses and Franchises Committee recommended that the Second Hand Dealers License for K-2 Market, 359 Moody Street be denied.

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

On a voice vote, the Second Hand Dealers License was denied. (Order # 31513)

The Licenses and Franchises Committee recommended that the Mass Port Letter for Peter MacGlashing, 15 Everett Street, Waltham be granted.

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

On a voice vote, the Mass Port Letter was granted.

The Licenses and Franchises Committee recommended that the Class I Motor Vehicle License for Lotus Motorsport, 85 Linden Street be renewed.

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

On a voice vote, the Class I Motor Vehicle License was granted.

Long Term Debt Committee

The Long Term Debt Committee recommended the approval of the recommendation from the Community Preservation Committee relative to the purchase of Lot #81 Arcadia Avenue for \$100,000.00

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

The roll was called. Voting yea Councillors Collura, Curtin, Darcy, Doucette, LeBlanc, Logan, Marchese, McMenimen, Rourke, Tarallo, and Waddick. Voting nay was Councillor Romard. By a vote 11-1, the Order was adopted. (Order # 31512)

The Long Term Debt Committee recommended the filing of the request presented by Councillor Doucette regarding the purchase of equipment for the CPW Department through the Capital Improvement Plan be placed on file.

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

On a voice vote, the request was placed on file.

RFP Committee

The RFP Committee recommended that the Mayor provide documents at Banks School for 24 Condominium (condo) units with ground lease severing gymnasium on condition that 25 % of the units be affordable and that 75% be market rate elderly.

Councillor Tarallo moved the action of the Committee be the action of the Council.
On a voice vote, the recommendation was approved.

Committee of the Whole

The Committee of the Whole recommended that confirmation of the reappointment of Steven F. Mann, Esq., 94 Graymore Road, Waltham, to the Board of the Library Trustees.

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

The roll was called. Voting yea were Councillor Collura, Curtin, Darcy, Doucette, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo and Waddick. By a vote of 12- 0 the reappointment was confirmed.

The Committee of the Whole recommended that the August 4, 2008 matter regarding section 7a of Chapter 32 B be placed on file.

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

On a voice vote, the request was placed on file.

Ordinance and Rules Committee

The Ordinances and Rules Committee recommended that a Citizens Input Hearing be held on March 14, 2011, at 7:00 PM regarding Taxi rate increases.

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

On a voice vote, the City Council approved the recommendation for a Citizen Input Hearing.

The Ordinances and Rules Committee recommended that the letter from Sachem Realty, Co., 846 Lexington Street, Waltham be placed on file.

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

On a voice vote, the recommendation was placed on file.

The Ordinances and Rules Committee recommended the withdrawal of the Special Permit application for 271 Waverley Oaks Road.

Matter was taken out of order.

The Finance Committee

The Finance Committee recommended that 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 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 # 31511)

The Finance Committee recommended that 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

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 # 31510)

The Finance Committee recommended that the sum of \$55,694.00 be transferred from Worcester Lane- Paving be approved and the account 001-420-5800-7210 be amended to the title "Worcester Lane-Wingwalls".

Councillor Curtin moved to have the matter recommitted to the Finance Committee.

On a voice vote, the matter was recommitted.

The Finance Committee recommended that the budget Item #1 adoption of 7a of Chapter 32B-6/14/2010 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 placed on file.

The Finance Committee recommended that the matter regarding Whitney-Farrington House tabled 10-12-10 be sent to the full City Council without recommendation.

Councillor Darcy moved to have the resolution referred to the Committee of the Whole.

Councillor Logan moved to adjourn. The motion was adopted on a voice vote and the City Council adjourned at 9:20 PM