

Waltham City Council
Minutes of the Meeting of October 24, 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 Doucette rose to request that the Boy Scouts attending the meeting recite the pledge of allegiance. On a voice vote, the request was approved.

Councillor Giordano requested a moment of silence for the troops.

Councillors Doucette and Logan moved to take the resolution out of order and suspend the rules to act without committee reference. On a voice vote, the resolution was taken out of order. Councillor Doucette and Councillor Logan spoke commending the Cub Scout Pack 274. On a voice vote, the resolution was adopted.

Councillor Marchese moved to take the resolution out of order and suspend the rules to act without committee reference. On a voice vote, the resolution was taken out of order. Resolution presented by Councillor Marchese commending Derek Vandegrift in receiving the Milken Educator Award. Councillor Marchese thanked Mr. Vandegrift for his dedication to the students of Waltham. Councillor Marchese asked to hear from an off council member. On a voice vote, the motion was adopted. Mr. Vandegrift thanked the City Council for all their support and the residents for supporting the school system. On a voice vote, the resolution was adopted.

Councillor Logan moved to accept the minutes of the October 11, 2011. The motion prevailed and the minutes were adopted on a voice vote.

The Clerk read Rule 29 A

Special Permit- Recessed to October 24, 2011

Due notice having been given, President Brasco opened the public hearing on the petition of Arsenault Realty Trust, of 15 Church Street, Waltham, Massachusetts 02452, 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 01801 petitioned the City Council for a Special Permit pursuant to Sections 3.512, 10.521(b), 10.531(b) and 10.56 of the City of Waltham Zoning Ordinance, to modify, install, operate and maintain Wireless Communication Equipment on the façade and rooftop of the existing building located on the property at 699-709 Moody Street (Atlas Map R077, Block 010, Lot 0010), consisting of the relocation of three (3) cellular antennas on the façade and the removal of six (6) existing PCS antennas from the façade and replacement with three (3) LTE antennas and three (3) PCS antennas with six (6) new lines of 1-5/8" coaxial cables inside the existing rooftop mounted cable trays. The proposal is described in the Development Prospectus, Project Narrative, Exhibits and shown on the Plans submitted by the Petitioners.

President Brasco asked if anyone present wanted to speak in favor of the petition. Attorney Daniel D. Klasnick, of Duval, Klasnick & Pastel LLC of 10 Cedar Street, Suite 17, Woburn, Massachusetts, spoke in favor of the Petitioner.

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That portion of the public hearing was declared closed. President Brasco opened the Public Hearing to questions from the Councillors. Councillor Tarallo inquired if all the issues cited by the Law Department in the Shotclock review were completed. Attorney Klasnick responded they were. President Brasco referred the special permit petition to the Ordinances and Rules Committee

There were no communications from the Mayor

Licenses All Licenses were referred to the Licenses & Franchise Committee

Renewal of Class II Motor Vehicles for ABKO Auto Body Inc

Renewal of Class II Motor Vehicles 251 High Street

Renewal of a Lodging House License for Brandeis Lodging House

Tabled From 10-11-11

That the loan order in the amount of \$ 200,000.00 for the design and installation of a coordinated sign system for Moody and Main Streets having had a first reading is before the City Council for a second and final reading.

Council Rourke rose to recommend that the Stretch Code order for acceptance be referred to the Committee of the Whole. On a voice vote, the matter was referred to the Committee of the Whole.

NEW BUSINESS

Petition for a Second Hand Dealers License submitted by Drin Jewelers, 965 Main Street, Waltham MA .

Referred to the Licenses and Franchises Committee

Petition for a Second Hand Dealers License submitted by Compustar, Inc. 365 Moody Street
Referred to the Licenses and Franchises Committee

Communication submitted by SS&G Self Storage Moody Waltham, LLC requesting clarification regarding hours of operation in accordance to Special Permit 31156.

Referred to the Ordinances and Rules Committee

Community Preservation Committee

The Clerk read the following communications from the Community Preservation Committee and each in turn was referred to Long Term Debt Committee by President Brasco as indicated below:

Community Preservation Committee recommends that the approval to allocate the FY 2012 State Match Funds. Complete text on file

Referred to the Long Term Debt Committee

Community Preservation Committee recommends that the approval to allocate the FY 2012 CPA Surcharge. Complete text on file

Referred to the Long Term Debt Committee

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Community Preservation Committee recommends the approval of the grant to the City Clerk for a Fire Suppression System for the Bright School Records Center.
Referred to the Long Term Debt Committee

RESOLUTIONS

Resolution Residential Factor

Councillor Tarallo presented a resolution regarding the residential factor. Councillor Tarallo moved to have the resolution placed on the docket for the special meeting on November 28, 2011. On a voice vote, the resolution was forwarded to the November 28, 2011 docket.

The Clerk read the Order to set the date for the residential factor Monday, November 28, 2011 at 7:00 PM. On a voice vote, the order was adopted. Order # 31627 Councillor Tarallo made a request that all information for the Residential Meeting be forwarded to the City Council on November 23, 2011. On a voice vote, the request was approved.

Councillor Doucette presented a resolution relative to National Prescription Drug take back program The resolution was referred to the Committee of the Whole.

COMMITTEE REPORTS

Licenses and Franchises Committee Recommends:

Class II Motor Vehicles

The Licenses and Franchise Committee recommended that the renewal of the Class II Motor Vehicles Licenses for Little Foreign Cars, Thayer Road be granted.

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

The Licenses and Franchise Committee recommended that the renewal of the Class II Motor Vehicles Licenses for PPA, Inc 44 Charles Street be granted.

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

The Licenses and Franchise Committee recommended that the renewal of the Class II Motor Vehicles Licenses for Euro Auto, 22 Common Street be granted.

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

The Licenses and Franchise Committee recommended that the renewal of the Class II Motor Vehicles Licenses for Colvins, 185 Prospect Street be granted.

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

The Licenses and Franchise Committee recommended that the renewal of the Class II Motor Vehicles Licenses for Sideris, 103 Felton Street be granted.

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

The Licenses and Franchise Committee recommended that the renewal of the Class II Motor Vehicles Licenses for Newton Street Service, 255 Newton Street be granted.
Councillor Logan moved that the action of the Committee be the action of the City Council.
On a voice vote, the license was granted.

Extended Hours

The Licenses and Franchise Committee recommended that Extended Hours for Burger King, 881 Moody Street be granted.
Councillor Logan moved that the action of the Committee be the action of the City Council.
On a voice vote, the license was granted.

The Licenses and Franchise Committee recommends that Extended Hours for Tiki House, 559 Moody Street be granted.
Councillor Logan moved that the action of the Committee be the action of the City Council.
On a voice vote, the license was granted.

The Licenses and Franchise Committee recommended that Extended Hours for Dargon Chef, 671 Moody Street be granted
Councillor Logan moved that the action of the Committee be the action of the City Council.
On a voice vote, the license was granted.

The Licenses and Franchise Committee recommended that Extended Hours for Dunkin Donuts, Main Street be granted.
Councillor Logan moved that the action of the Committee be the action of the City Council.
On a voice vote, the license was granted.

The Licenses and Franchise Committee recommended that Extended Hours for Tedeschi, 10 High Street be granted
Councillor Logan moved that the action of the Committee be the action of the City Council.
On a voice vote, the license was granted.

Mass Port Letters

The Licenses and Franchise Committee recommended that the Mass Port Letter for Richard Byakuleka, 115 South Street be denied. Reason stated on file.
Councillor Logan moved that the action of the Committee be the action of the City Council.
On a voice vote, the Mass Port Letter was denied.

The Licenses and Franchise Committee recommended that the Mass Port Letter for James Kiwanuka, 72 Charlesbank Way be approved.
Councillor Logan moved that the action of the Committee be the action of the City Council.
On a voice vote, the Mass Letter Port was granted.

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Committee of the Whole

The Committee of the Whole recommended that the appointment of Jacquelyn M. Mawhinney of Bartlett Way, Unit 204, Waltham, as a member of the Board of Library Trustees to fill the vacancy created by the passing of Rev. William Mawhinney be confirmed. Councillor Logan moved the action of the Committee be the action of the City Council. The roll was called voting yes were Councillors Collura, Curtin, Darcy, Doucette, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, Waddick, and Brasco. On a vote 15 to 0 the appointment was confirmed.

The Committee of the Whole recommended that the appointment of Patrick Powell of 229 Florence Road, Waltham, as Acting Superintendent of Public buildings for three months pending a posting for a permanent appointment be confirmed. Councillor Logan moved the action of the Committee be the action of the City Council. The roll was called voting yes were Councillors Collura, Curtin, Darcy, Doucette, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, Waddick, and Brasco. On a vote 15 to 0 the appointment was confirmed.

Ordinances and Rules Committee

Councillor Tarallo moved to take the Zone Change at 1433 Trapelo Road from Committee and give it a first reading. On a voice vote, the Zone Change was given a first reading. Councillor Tarallo moved to recommit the Zone Change. On a voice vote, the Zone Change was recommitted.

The Ordinances and Rules Committee recommended that the General Ordinance Amendment for Livery and Limousine Licenses be given a second reading. Councillor Tarallo moved that the action of the Committee be the action of the City Council. Councillor Collura excused herself due to a conflict of interest. Councillor Romard moved to recommit the matter for further study. Councillor Logan objected, with several reasons. One of which was public safety. Councillor Logan requested that the Chief of Police be invited in to explain the drawbacks of the ordinance. On a voice vote, the request was approved. Councillor Logan moved to recommit the ordinance amendment.

The Ordinances and Rules Committee recommended that the correspondence from Attorney Edward Pare be placed on file.

Councillor Tarallo moved that the action of the Committee be the action of the City Council. On a voice vote, the correspondence was filed.

The Ordinances and Rules Committee recommended that the General Ordinance Amendment to Chapter 23 "Delayed Demolition" be given a first reading.

Councillor Logan moved that the action of the Committee be the action of the City Council. Councillor Romard spoke on the matter and thanked Councillor Logan for co-authoring the amendment. Councillor LeBlanc moved to amend the ordinance time after discussion regarding the time.

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Finance Committee Recommends

The Finance Committee recommended that an appropriation of funds in the amount of \$14,000 from the Sale of Lots & Graves account # 216-420-1745-5205 to Cemetery Improvements & Additions account # 216-420-1745-5208 be approved.

Councillor Curtin moved that the action of the Committee be the action of the City Council .

On a voice vote, the order was adopted. Order # 31626

The Finance Committee recommended that an appropriation of funds in the amount of \$ 55,000 from the Library State Grant #224-610-1065-5205 to Library Educational Expenses # 001-610-5200-5510. These funds will be used towards the FY2012 education expenses account budget and to build the e-book collection be approved.

Councillor Curtin moved that the action of the Committee be the action of the City Council.

On a voice vote, the order was adopted. Order # 31625

The RFP Committee recommended that the City Council approve the lease between the City of Waltham and Boy Scouts Troop 250 Waltham for certain interior portions of the property known as and numbered as 260 Grove Street, Waltham. Councillor Logan excused himself due to a conflict of interest. The roll was called. Voting Collura, Curtin, Darcy, Giordano, LeBlanc, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Waddick. By a 12 to 0 vote the lease was approved. Order # 31628

Councillor s Rourke and Darcy presented a resolution commending Ingeborg Uhler for her decades of dedication to varied civic causes in the City of Waltham. Coucillor Darcy moved to act on the resolution without committee reference. On a voice vote, the resolution was adopted.

Councillor Collura moved to adjourn. The motion was adopted. On a voice vote, the City Council adjourned at 10:10 PM.