

**Waltham City Council**  
**Minutes of the Meeting of November 14, 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 Giordano requested a moment of silence for the troops.

Councillor Romard moved to take a resolution out of order commending the Piety Corner Club on celebrating its 125 Anniversary. On a voice vote, the resolution was taken out of order. Councillor Romard spoke on the age and good works of the Piety Corner Club. Speaking for the club was Frank McNamara. Also in attendance were Patricia McGregor, Jackie Beaudoin and others. Councillor Romard moved to suspend the rules and act on the resolution without committee reference. On a voice vote, the resolution was adopted.

Councillor Marchese moved to take the resolution commending the Salvation Army out of order. On a voice vote, the resolution was taken out of order. Councillor Marchese commended the Salvation Army on all its good work. Councillor Marchese moved to suspend the rules and act on the resolution without committee reference. On a voice vote, the resolution was adopted.

Councillor McMenimen moved to take resolutions commending the Firefighters retiring out of order. On a voice vote, the resolution was taken out of order. Councillor McMenimen commended the following firefighters on their many years of service.  
Chief Richard Cardillo, October 19, 1975 to July 22, 2011  
Lieutenant Michael J. Martin, January 27, 1985 to February 27, 2011  
Lieutenant Joseph Y. Aucoin, December 4, 1983 to March 1, 2011  
Deputy Stephen A. Turner, April 24, 1983 to June 30, 2011  
Lieutenant Michael G. Galvin, August 26, 1979 to August 10, 2011  
Lieutenant John R. Castellano, October 13, 1974 to November 18, 2011  
Councillor McMenimen moved to act on the resolution without committee reference. On a voice vote, the resolution was adopted.

Councillor Tarallo moved to accept the minutes of the October 24, 2011. The motion prevailed and the minutes were adopted on a voice vote.

The Clerk will read Rule 29 A

**Public Hearing**

Due notice having been given, President Brasco opened the public hearing on the petition of **NSTAR ELECTRIC COMPANY** petitions 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.

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**Russell Street** - Northwesterly @ pole 246/16 approximately 170' ± feet east of South Street. A distance of about 8' ± feet – conduit

President Brasco asked if anyone present wanted to speak in favor of the petition. Arletha Wade the representative from Nstar spoke in favor of the petition. President Brasco closed the public hearing and open it to questions from Councillors. Councillor Logan inquired on the status of the Garnder Street project. Ms. Wade said she would inquire to its status. The petition was referred to the Licenses and Franchises Committee.

**Public Hearing**

Due notice having been given, President Brasco opened the public hearing on the petition of **NSTAR ELECTRIC COMPANY** petitions 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.

**Winter Street** - Northerly @ pole 301/63 approximately 300' ± feet west of Second Avenue. A distance of about 14' ± feet – conduit

President Brasco asked if anyone present wanted to speak in favor of the petition. Arletha Wade the representative from Nstar and Peter Cameron, representative for Davis Marcus spoke in favor of the petition. President Brasco closed the public hearing and opened it to questions from Councillors. Councillor Romard inquired on the design of the pump. Ms. Wade responded that Nstar would supply the design drawings. The petition 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 appropriated committee by President Brasco as indicated below:

**1.** Respectfully request the acceptance of a grant through the Executive Office of Public Safety and Security State 911 Department in the amount of \$150,307.00 for the State 911 Department Support and Incentive Public Safety Answering Point (PSASP) Grant- FY2012.

Referred to the Finance Committee

**2.** Respectfully request the acceptance of a grant through the Executive Office of Public Safety and Security State 911 Department in the amount of \$36,751.00 for the State 911 Department Training Grant – FY 2012.

Referred to the Finance Committee

**3.** Respectfully request an appropriation in the amount of \$83,397.00 from account # 237-560-2300-3591 Fund Balance Reserved for Handicap Projects to the following:

|                     |                                   |             |
|---------------------|-----------------------------------|-------------|
| # 237-560-2311-5205 | Library – Books on Tape           | \$5,000.00  |
| # 237-560-2315-5205 | Police Details                    | \$50,000.00 |
| # 237-560-2316-5205 | Defibrillator                     | \$9,186.00  |
| # 237-560-2324-5205 | Veterans Rink HP Doors            | \$5,339.00  |
| # 237-560-2328-5205 | Scholarship – WHS Disable Seniors | \$5,000.00  |
| # 237-560-2329-5205 | Bright School – HP Locks          | \$ 8,872.00 |

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Councillor Curtin moved to suspend the rules and act on the order without committee reference. On a voice vote, the motion was adopted. Councillor Curtin moved to adopt the appropriation. On a voice vote, the order was adopted. Order # 31638

**4.** Respectfully request the re-appointment of Paul Maillet of 160 Hardy Pond Road, Waltham, as a constable.

Referred to the Committee of the Whole

**5.** Respectfully request the appointment of Janet Lee of 135 Midland Drive, Waltham, to the Board of Cemetery Commissioners to fill the vacancy created by the resignation of Edwina Cox.

Referred to the Committee of the Whole

Licenses All Licenses are referred to the Licenses and Franchises Committee

Lodging House Renewals

Lodging House 403 River St

Mark Leger – 240 Crescent St

10-12 Maple St

**Extended Hours Renewals**

Extended Waltham Fuel, Inc. 1335 Main Street

Wendy's International – Extended Hours

**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.

Councillor Stanley moved for 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. The order was adopted by a 14 to 0 vote. Order # 31633

**NEW BUSINESS**

Communication from 200 Moody Street, LLC petitioning the City Council for an extension of time to act on a special permit with mutual agreement until December 31, 2011 for property located at 200 Moody Street.

Councillor Tarallo moved to suspend the rules and act on the time extension without committee reference. The roll was called voting yea were Collura, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Waddick. By a 14 to 0 vote the time extension was granted. Order # 31634

Request for a Mass Port Letter Guy Cadet, 161 R South Street Apt #1, Waltham MA.

Referred to the Licenses and Franchises Committee

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**COMMITTEE REPORTS**

**Licenses and Franchises Committee**

The Licenses and Franchise Committee recommended that the City of Cambridge be granted by the Waltham City Council 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 of the facilities is running electrical power to the buildings to power new gates and a lighting system.

Councillor Logan moved the action of the committee be the action of the council. On a voice vote, the order was granted. Order # 31632

Councillor Logan moved to act on the licenses collectively. On a voice vote, the Licenses were granted.

The Licenses and Franchise Committee recommended that the Class II Motor Vehicle for ABKO be granted.

Class II Motor Vehicle for Classic Cars , 251 High Street be granted.

Class II Motor Vehicle for Pilicy Auto 935 R Main Street be granted.

Class II Motor Vehicle for Don's Auto Service 825 Main Street be granted.

**Public Works Committee**

The Public Works Committee recommended that the Resolution regarding the Jackson Street Bridge be placed on file.

Councillor Rourke moved the action of the committee be the action of the council.

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

The Public Works Committee recommended that the resolution regarding cable and collecting fees for overhead be placed on file.

Councillor Rourke moved the action of the committee be the action of the council. On a voice vote, the resolution was placed on file.

**Long Term Debt**

The Long Term Debt Committee recommended that That the City Council adopts the recommendation of the Community Preservation Committee to grant the City Clerk's application for a fire suppression system for the Bright School's Archives /Permanent Record Center in the amount of \$259,000.00.

Councillor Stanley moved the action of the committee be the action of the council. On a voice vote, the order was adopted. Order # 31630

The Long Term Debt Committee recommended that the CPC recommendation for approval of the FY 2012 State Matching Funds .

Councillor Stanley moved to amend the order and include the administrative reserve amount of \$30,973.60. On a voice vote, the order was adopted.

That the City Council approved the recommendation of the Community Preservation Committee to allocate the FY 2012 State Match as follows:

Actual FY2012 State Preservation fund Matching Grant      \$619,472.00

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|                                     |              |
|-------------------------------------|--------------|
| Community Housing reserve (10%)     | \$61,947.20  |
| Historic Preservation Reserve (10%) | \$61,947.20  |
| Open Space Reserve (10 %)           | \$61,947.20  |
| CPC Administration Reserve (5%)     | \$30,973.60  |
| CPA Budget Reserve (65 %)           | \$402,656.80 |

The Long Term Debt Committee recommended that the CPC recommendation for approval of the FY 2012 surcharge Councillor Stanley moved to amend the order to include the five percent administrative reserve amount (\$56,996.00). On a voice vote, the order was adopted. Order # 31637

That the City Council approved the recommendation of the Community Preservation Committee to allocate the FY 2012 State Surcharge as follows:

|  |                |
|--|----------------|
| Estimated FY2012 Net Surcharge                             | \$2,200,000.00 |
| Community Housing reserve (10%)                            | \$220,000.     |
| Historic Preservation Reserve (10%)                        | \$220,000.     |
| Open Space Reserve (10 %)                                  | \$ 220,000.    |
| CPC Administration Reserve (5%)                            | \$110,000.     |
| Less the CPC FY2012 Budget Appropriation 53,004. = 56,996. |                |
| CPA Budget Reserve (65 %)                                  |                |
| Including Any excess over Administration of                | \$1,483,004    |

**Committee of the Whole**

The Committee of the Whole recommended that the resolution regarding improving “Reverse 911” be placed on file.

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

The Committee of the Whole forwarded to the City Council the Stretch Energy Code matter without committee recommendation.

Councillor Rourke rose to speak on the “Stretch Code”. Councillor Rourke moved to hear from off City Council members Brian Bower and John Millian On a voice vote, the motion carried. The following Councillors spoke regarding the matter, Councillors Rourke, Curtin, Marchese, Waddick, Giordano, Stanley, Doucette, LeBlanc, Tarallo, and Darcy. After a lengthy debate, Councillor Rourke moved for approval. The roll was called. Voting yea Councillors Collura, Darcy, Doucette, LeBlanc, Logan, McMenimen, Romard, Rourke, Stanley, Tarallo, and Waddick. Voting nay were Councillors Curtin, Giordano, and Marchese. The order was adopted on a 11 to 3 vote. Order # 31631

**Ordinances and Rules Committee**

The Ordinances and Rules Committee recommended that the Special Permit for

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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 for property located at 1022 Main Street be granted.

Councillor Tarallo moved the action of the committee be the action of the council. Councillor Romard rose to speak against the approval of the special permit due to concerns about the special permit. First was parking, second ATM use and third the number of handicapped spots. Councillor Giordano had concerns on the entry and exit on to Weston Street. Councillors in support spoke. They were Councillor Stanley, Curtin, Marchese and Tarallo. The roll was called. Voting yea were Councillors Collura, Curtin, Darcy, Doucette, LeBlanc, Logan, Marchese, McMenimen, Rourke, Stanley, Tarallo, and Waddick. Voting nay were Councillors Romard and Giordano. Councillor Brasco excused himself due to a conflict. The Special Permit was granted by a 12 to 2 vote. Order # 31635

The Ordinances and Rules Committee recommended that the Zoning Amendment for 1433 R Trapleo Road be given a second reading.

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, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Waddick. On a 14-0 vote, the Zoning Amendment was adopted. Order # 31629

Resolution presented by Councillor Logan regarding Gardner and High Street. referred to the Licenses and Franchises Committee.

Councillor Darcy moved to adjourn. The motion was adopted. On a voice vote, the City Council adjourned at 11:00 PM.