

**Waltham City Council  
Council, Committee, Council  
Minutes of the Meeting of December 27, 2011  
City Council Chambers, Waltham City Hall**

President Brasco called the meeting 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, and Waddick.  
(14)

Councillor Giordano requested a moment of silence for the troops.

Councillor Logan moved to accept the minutes of the meeting of December 12, 2011 as amended. On a voice vote, the motion was adopted and the minutes were accepted.

**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.** The Mayor respectfully requested acceptance of the FY2012 Student Awareness of Fire Education (S.A.F.E.) grant application from the Executive Office of Public Safety and Security Department of the Fire Services for \$7,665.00.

Referred to the Finance Committee

**2.** The Mayor respectfully requested acceptance of a holiday light donation of \$500.00 from Gordon and Lisa M. LeBlanc.

Referred to the Finance Committee

**3.** The Mayor respectfully submitted a request from the License Commission to discuss a Home Rule petition.

Referred to the Committee of the Whole

**Late Filed Communications**

Councillor Curtin moved to accept two (2) late filed communications from The Mayor. On a voice vote, the motion was adopted and the following communications were accepted:

**4.** The Mayor respectfully requested a transfer of capital improvements funds in the amount of \$ 17,303.68 from account # 310-630-2010-6610 Recreation – Falzone /Lazazzero / McCabe Improvements (design) to account # 310-630-2010-6620 Recreation – Lazazzero / McCabe Improvements (construction).

Referred to the Finance Committee

**5.** The Mayor respectfully requested a transfer of funds in the amount of \$ 45,000.00 from account # 001-121-5400-5810 Mayor – Acquisition of Open Space to account # 001-630-5800-6330 Recreation –Lazazzero / McCabe Improvements (construction).

Referred to the Finance Committee

**Licenses**

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Applications for renewal of the following Class II Motor Vehicle Licenses:

Route 60 Motors, Inc., 96 Linden St.

Chrislins d/b/a Metro West Motors, 477 Main St.

D.W. Enterprise, Inc., 712 Moody St.

Boston Muffler, 251 Lexington St.

Pilgrim Auto Body, Inc., 53 Felton St.

Prospect Auto Sales, 143 Prospect St.

Application for renewal of a Permit for Extended Hours for J & T Shun Lai, Inc. d/b/a Asia Wok, 573 Main Street.

All License Applications were referred to the Licenses and Franchises Committee.

**TABLED MATTERS**

Tabled from 11-28-11

The Ordinances and Rules Committee recommended that the General Ordinance Amendment Amending Chapter 23 of the General Ordinances of the City of Waltham entitled "DELAYED DEMOLITION," ARTICLE I entitled "PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS." Councillor Logan moved that the matter be taken from the table. The motion was adopted on a voice vote, and the matter was laid before the Council. Councillors Curtin and McMenimen then recused themselves from the proceedings in order to avoid the appearance of a conflict of interest.

Having had a first reading on November 28, 2012, Councillor Logan moved for a second reading. The roll was called. Voting yea were Councillors Collura, Darcy, Doucette, Giordano, LeBlanc, Logan, Romard, Rourke, Stanley, and Waddick. Voting nay was Councillor Marchese. By a vote of 10-1 the matter was approved for second reading.

Councillor Logan moved to suspend the rules in order to give the matter a third and final reading. The roll was called. Voting yea were Councillors Collura, Darcy, Doucette, Giordano, LeBlanc, Logan, Romard, Rourke, Stanley, and Waddick. Voting nay was Councillor Marchese. By a vote of 10-1 the matter was approved for third reading and the General Ordinance Amendment was adopted.

Order # 31660

**NEW BUSINESS**

**Time Extension for 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; American Tower, 10 Presidential Way, Woburn, MA 01801, and Hilltop 110 Bear Hill LLC,

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34 Bear Hill Road, Weston, MA 02493 petition the Waltham City Council for an extension of time to act on a special permit until April 11, 2012

Councillor Logan moved to suspend the rules in order to act on the matter without committee reference. On a voice vote, the rule was suspended. Councillor Logan moved to grant the time extension. The roll was called. Voting yea were Councillors Collura, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, and Waddick. By a 13-0 vote, the time extension was granted. Order # 31651

**COMMITTEE REPORTS**

**Public Works Committee**

The Public Works Committee recommended that the matters remaining on the committee docket be carried forward to the 2012 docket. Councillor Rourke moved that the action of the committee be the action of the Council.

Councillor McMenimen requested a call of the roll. Voting to carry the matters forward were Councillors Collura, Curtin, Darcy, Doucette, Giordano, Logan Marchese, Romard, Rourke, and Waddick. Voting nay were Councillors LeBlanc, McMenimen and Stanley. By a vote of 10-3 the motion was adopted and the matters were carried forward.

**Long Term Debt Committee**

The Long Term Debt Committee recommended that the sum of \$405,000.00 be transferred from the Community Preservation Act (CPA) Open Space Reserve Account to purchase 385 Trapelo Road with the following condition: That the building must be demolished.

Councillor McMenimen moved that 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, Rourke, Stanley, and Waddick. Voting nay were Councillors Doucette and Romard. By vote of 11-2, the order was adopted. Order # 31654

**Committee of the Whole**

The Committee of the Whole recommended that the resolution regarding the Swine Flue be placed on file. Councillor Waddick moved that the action of the committee be the action of the Council. On a voice vote, the motion was adopted and the resolution was placed on file.

The Committee of the Whole recommended that the resolution for Public Service Week be placed on file. Councillor Waddick moved that the action of the committee be the action of the Council. On a voice vote, the motion was adopted and the resolution was placed on file.

The Committee of the Whole recommended that the resolution for record retention be placed on file. Councillor Waddick moved that the action of the committee be the action of the Council. On a voice vote, the motion was adopted and the resolution was placed on file.

The Committee of the Whole recommended that the exemption request by Stephen Duffy to plow for the City be approved. Councillor Logan asked the Clerk if an amended application,

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reflecting the changes recommended by the Law Department, had been received by the Clerk's Office as requested. The Clerk indicated that it had. Councillor Waddick then moved that the action of the committee be the action of the City Council. On a voice vote, the motion was adopted and the exemption was granted.

**Finance Committee**

The Finance Committee recommended that the appropriation in the amount of \$100.00 for Handicap Projects be approved.

Councillor Curtin moved that the action of the committee be the action of the Council. On a voice vote, the order was adopted. Order # 31655

The Finance Committee recommended that the Charter Amendment – City Payments for Benefits for Active Elected Officials be placed on file. Councillor Curtin moved that the action of the committee be the action of the Council.

The roll was called. Voting to file were Councillors Collura, Curtin, Darcy, Doucette, Giordano, Logan, Marchese, Romard, Rourke, Stanley , and Waddick. Voting nay were Councillors LeBlanc and McMenimen. By a vote of 11-2 the proposed Charter Amendment was placed on file.

The Finance Committee recommended that the Mayor's request that the Building and Wires Departments, and the Purchasing Department and other existing financial departments be reorganized through consolidation, be placed on file. Councillor Curtin moved that the action of the committee be the action of the Council. On a voice vote, the motion was adopted and the reorganization request was placed on file.

The Finance Committee recommended that the request for an abatement of betterments assessed for 121 Worcester Lane be placed on file. Councillor Curtin moved that the action of the committee be the action of the Council. On a voice vote, the motion was adopted and the abatement request was placed on file.

President Brasco declared a recess in order for Council Committees to meet.

President Brasco called the Council back to order at 9:30 PM

**Committee Reports**

**Veterans Service Committee**

The Veterans Service Committee recommended that the resolution on how to serve veterans be placed on file. Councillor Giordano moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the resolution was placed on file.

The Veterans Service Committee recommended that the update on the Circle of Remembrance be placed on file. Councillor Giordano moved that the action of the Committee be the action of the City Council. On a voice vote, the motion was adopted and the update was placed on file.

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**Economic and Community Development Committee**

The Economic and Community Development Committee recommended that all docket items be carried over to 2012. Councillor Collura moved that the action of the Committee be the action of the Council. Councillor McMenimen requested a roll call. The roll was called. Voting to carry over the matters were Councillors Collura, Curtin, Darcy, Doucette, Giordano, Logan, Marchese, Romard, Rourke, and Waddick. Voting nay were Councillors LeBlanc, McMenimen, and Stanley. The Economic and Community Development Committee docket items were carried over to 2012 by a 10-3 vote.

**Finance Committee**

The Finance Committee recommended that the request for acceptance of the FY2012 SAFE Grant in the amount of \$7,665.00 be approved.

Councillor Curtin moved the action of the Committee be the action of the City Council. On a voice vote, the order was adopted. Order # 31656

The Finance Committee recommended that the acceptance of a holiday donation from Gordon and Lisa LeBlanc in the amount of \$500.00 be approved.

Councillor Curtin moved the action of the Committee be the action of the City Council. On a voice vote, the order was adopted. Order # 31657

The Finance Committee recommended that a transfer of capital improvements funds in the amount of \$17,303.68 for the Lazazzero /McCabe playground projects.

Councillor Curtin moved the action of the Committee be the action of the City Council. On a voice vote, the order was adopted. Order # 31658

The Finance Committee recommended that a transfer of capital improvements funds in the amount of \$45,000.00 for the Lazazzero /McCabe playground projects.

Councillor Curtin moved the action of the Committee be the action of the City Council. On a voice vote, the order was adopted. Order # 31659

The Finance Committee recommended that all docket items be carried over to 2012. Councillor Curtin moved that the action of the Committee be the action of the City Council. Councillor McMenimen requested a call of the roll. The roll was called. Voting to carry over the matters were Councillors Collura, Curtin, Darcy, Doucette, Giordano, Logan, Marchese, Romard, Rourke, Stanley, and Waddick. Voting nay were Councillors LeBlanc and McMenimen, The Finance Committee docket items were carried over to 2012 by an 11 to 2 vote.

**Long Term Debt Committee**

The Long Term Debt Committee recommended that the "CPC request for administrative assistance" dated 12-13-2010 be filed.

Councillor Stanley moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the matter was placed on file.

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The Long Term Debt Committee recommended that the resolution for a pothole machine, dated 02-14-2011, be placed on file. Councillor Stanley moved that the action of the Committee be the action of the Council . On a voice vote, the motion was adopted and the resolution was placed on file.

The Long Term Debt Committee recommended that all remaining docket items be carried forward to 2012. Councillor Stanley moved that the action of the Committee be the action of the Council. Councillor McMenimen requested a call of the roll. The roll was called. Voting to carry the matters forward were Councillors Collura, Curtin, Darcy, Doucette, Giordano, Logan, Marchese, Romard, Rourke, Stanley and Waddick. Voting nay were Councillors LeBlanc and McMenimen. By a vote of 11-2 motion was adopted and the Long Term Debt Committee docket items were carried forward to 2012.

**Committee of the Whole**

The Committee of the Whole recommended that the resolution of Councillor Logan regarding the availability and use of defibrillators be placed on file. Councillor Waddick moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the resolution was placed on file.

The Committee of the Whole recommended that the resolution and request regarding subsidized housing be placed on file. Councillor Waddick moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the resolution was placed on file.

The Committee of the Whole recommended that the resolution regarding the Tower Road connector to Route 20-128 and Totten Pond Road be placed on file. Councillor Waddick moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the resolution was placed on file.

The Committee of the Whole recommended that the resolution of Councillor Collura regarding license plate readers for the police be placed on file. Councillor Waddick moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the resolution was placed on file.

The Committee of the Whole recommended that the resolution regarding the cost of snow and ice be placed on file. Councillor Waddick moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the resolution was placed on file.

The Committee of the Whole recommended that remaining docket items be carried forward to 2012. Councillor Waddick moved that the action of the Committee be the action of the Council. Councillor McMenimen requested a call of the roll. The roll was called. Voting to carry over the matters were Councillors Collura, Curtin, Darcy, Doucette, Giordano, Logan, Marchese, Romard, Rourke, Stanley and Waddick. Voting nay were Councillors LeBlanc and

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McMenimen. The Committee of the Whole docket items were carried over to 2012 by a 11 to 2 vote.

**Ordinances and Rules**

The Ordinances and Rules Committee recommended that the resolution of Councillor Collura regarding licensing cats be placed on file. Councillor Logan moved that the action of the committee be the action of the Council. On a voice vote, the motion was adopted and the resolution was placed on file.

**Licenses and Franchises Committee**

The Licenses and Franchises Committee recommended that license renewal applications for the following rooming house licenses be approved and that the licenses be granted:

124-126 Ash Street	2 Appleton Street	17-19 Chestnut Street
24-26 High Street	75-83 Prospect Street	12-14 Lowell Street
38 Floyd Street	6 Park Place	107 Adams Street
26 Myrtle Street	21-23 Pine Street	755 Main Street
49-51 Brown Street	74 Adams Street	104 Adams Street
118-120 Robbins Street	403 River Street	
44-46 Chester Street	52-54 Bedford Street	Bentley University Dorms (10) Brandeis University Dorms (8)

Councillor Logan moved to act on these matters collectively. The motion carried on a voice vote. Councillor Logan then moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the Licenses were granted.

The Licenses and Franchises Committee recommended that the Class II Motor Vehicle License renewal applications for the following business/locations be approved and that the licenses be granted with restrictions:

JHM Automotive, 45 Felton Street	Route 60 Motors Inc., 96 Linden Street
Boston Muffler, 251 Lexington Street	Chrislins (Metro West), 477 Main Street
Pilgrim Auto Body Inc., 53 Felton Street	

Prospect Auto Sales, 143 Prospect Street     D.W. Enterprise, Inc., 712 Moody Street

Councillor Logan moved to act on these matters collectively. The motion carried on a voice vote. Councillor Logan then moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the Class II Motor Vehicle Licenses were granted with restrictions.

The Licenses and Franchises Committee recommended that the Class I Motor Vehicle License renewal application of Lotus Motor Sports, Inc., 85 Linden Street be approved and that the licenses be granted with restrictions. Councillor Logan moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the Class I Motor Vehicle License was granted with restrictions.

The Licenses and Franchises Committee recommended that application for the renewal of the Extended Hours Permit for Wendy's International, 806 Main Street be approved and that the

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permit be granted with restrictions. Councillor Logan moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the Permit was granted with restrictions.

The Licenses and Franchises Committee recommended that the application for the renewal of Extended Hours Permit of J & T Shun Lai, Inc. d/b/a Asia Wok, 573 Main Street approved and that the permit be granted.

Councillor Logan moved that the action of the Committee be the action of the Council. On a voice vote, the motion was adopted and the Permit was granted.

The Licenses and Franchises Committee recommended that the application for the renewal of Second Hand Dealer License of Gary R. Stone d/b/a/ G. Richards & Co, 316 Moody Street be approved and that the license be granted with restrictions. Councillor Logan moved the action of the Committee be the action of the City Council. On a voice vote, the License was granted with restrictions.

The Licenses and Franchises Committee recommended that remaining docket items be carried forward to 2012. Councillor Logan moved that the action of the Committee be the action of the Council. Councillor McMenimen requested a call of the roll. The roll was called. Voting to carry forward the matters were Councillors Collura, Curtin, Darcy, Doucette, Giordano, Logan, Marchese, Romard, Rourke, Stanley and Waddick. Voting nay were Councillors LeBlanc and McMenimen. By a vote of 11-2 all matters remaining on the Licenses and Franchises Committee docket were carried forward to 2012.

Council President Brasco thanked members of the City Council for all their hard work over the past two years.

Councillor Doucette moved to adjourn. On a voice vote, the City Council adopted the motion and the Council meeting was adjourned at 9:40 PM.