

*Minutes of the Waltham City Council, Monday, January 23, 2012, City Council Chambers,  
610 Main Street, Waltham*

President Waddick called the joint meeting of the Board of Survey & Planning and the City Council to order at 8:00 PM. City Clerk Rosario C. Malone called the roll for the City Council. Present at roll call were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo, Stanley, Waddick and Vizard. (15). City Clerk Rosario C. Malone called the roll for the Board of Survey and Planning. Present at the roll were M. Justin Barrett, Kathleen Callahan, William Creonte, Jr., John Duffy, S. Anthony DeVitto, Brian Moroney and Mila Tarallo. (7)

Councillor Giordano called a moment of silence for the troops

Councillor Brasco moved to take two resolutions out of order. On a voice vote, the resolutions were taken out of order. Councillor Brasco moved to act on two resolutions without committee reference. On a voice vote, the motion was adopted. Councillor Brasco commended Waltham Police Officer Jeff Fogg and Massachusetts State Trooper Russell Phippen. Councillor Brasco then moved approval of the resolution. On a voice vote, the resolution was adopted.

Councillor Doucette moved to accept the minutes of the January 9, 2012 as amended. On a voice vote, the minutes were accepted.

The City Clerk read rule 29 A

**Public Hearing**

Due notice having been given, President Waddick opened the public hearing on the petition of John Generoso, principal, of 511 Totten Pond Road, LLC petitions the City Council pursuant to M.G.L. c 40A § 5 to amend Chapter 21 of the General Ordinance of the City of Waltham entitled “ZONING,” is hereby amended as follows:

Article III entitled “Establishment of Districts,” Section 3.6 entitled “Special Permit Criteria for Specific Uses”, §3.634 entitled “Retail Gasoline Station”, is hereby amended by deleting the definition in its entirety and inserting in place thereof the following:

Retail gasoline stations. A convenience food store may be operated as part of a gasoline station in existence on November 23, 1992, whether by right, by use variance, or as a nonconforming use, and in existence as of the date of this Amendment, but shall require a special permit from the City Council. However, no such convenience food store shall have a public floor area in excess of 1,000 square feet. As a part of the special permit application, a parking plan drawn to scale shall be submitted indicating the location of the additional off-street parking areas required for retail businesses in accordance with Section 5.2 of this chapter.

President Waddick asked if anyone present wanted to speak in favor of the petition. Attorney Joseph Connors, 404 Main Street, Waltham and John Generoso, petitioner spoke in favor of the petition. No one spoke against the petition. President Waddick closed the public hearing and opened it to questions from Councillors and members of the Board of Survey and Planning. Councillor Tarallo inquired who suggested a text change; Attorney Connors response was the Law Department. Councillor Marchese commended the Generoso family for being good residents of the city. Councillor Logan requested a list of gas stations. Councillor McMenimen had various questions. Mr. Duffy, Member of the Board of Survey and Planning minutes

*Minutes of the Waltham City Council, Monday, January 23, 2012, City Council Chambers,  
610 Main Street, Waltham*

had questions dealing with the square footage of the convenience store. President Waddick inquired when the Board of Survey & Planning would be addressing the issues. The Board will address the Zoning Amendment at their next meeting on February 1, 2012

**Public Hearing**

**EXTENDED HOURS**

Due notice having been given, President Waddick opened the public hearing on the petition of Khaled Grainawi, 190 High St. Express Services, operator of the facility and George Kariotis, owner of the property hereby petitions the City Council for Extended Retail Hours under the provisions of Chapter 8 article XIII for 196 High Street, to remain open between the hours of 5:00 A.M. to 6:00 A.M. for the property located at 196 High Street.

Parcel ID R070-026-0009. The property is in a Business B Zone.

President Waddick asked if anyone present wanted to speak in favor of the petition. Mr. Khaled Grainawi, petitioner spoke in favor of the petition. No one spoke against the petition. President Waddick closed the public hearing and opened it to questions from Councillors. Councillor Logan asked what hours of extension were needed. Mr Grainawi's response was possibly 5 to 5:30 am. Councillor Logan inquired if any fleet sales would be using the station. The answer was no. The petition for Extend Hours 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 Waddick as indicated below:

**1.** Respectfully request the appointment of Lawrence Merrill, Jr., 114 Riverview Avenue, Waltham, as a constable for a three-year term.

Referred to the Committee of the Whole

**2.** Respectfully request a transfer of funds in the amount of \$25,000.00 from account # 0011-480-5100-5111 Traffic Salaries to account # 001-480-5400-53 Traffic Consultant. These funds will be used to continue the services of the Traffic Consultant until such time a Traffic Engineer is hired.

Referred to the Finance Committee

**3.** Respectfully request adopting of a loan order totaling \$ 3,465,757.00 to provide funding for several of the capital projects recommended in the FY 2013-2017 capital improvement plan.

Equipment	\$ 864,757.00
Sewer / Drain	\$ 300,000.00
Technology	\$ 251,000.00
Water	\$2,050,000.00
Total	\$3,465,757.00

Referred to the Long Term Debt Committee

**4.** Respectfully request a transfer of capital improvement funds in the amount of \$87,000.00 for the pump station rehab project, specifically to replace the emergency generator at the Legion Road pump station.

From # 603-440-2010-7310 Sewer – Marlborough / Humbolt Rehab

To #603-440-2010-7355 Sewer – Pump Station Rehab

*Minutes of the Waltham City Council, Monday, January 23, 2012, City Council Chambers,  
610 Main Street, Waltham*

Amount \$60,000000  
From # 603-440-2005-7360 Sewer – Sewer Rehab (various)  
To #603-440-2005-7355 Sewer – Pump Station Rehab  
Amount \$27,000.00  
Referred to the Long Term Debt Committee

5. Respectfully submitting a copy of the expiring lease and other pertinent documents received from the Building Department regarding 892 Lexington Street. Please advise as to whether or not you wish to send out a RFP.  
Referred to the RFP Committee

6. Respectfully submitting :  
I Balance of existing cumulative CIP accounts as of 12/9/2011  
II Department/Board/Commission request for FFY13 – FY17  
III Mayor’s recommendation FY-13  
IV Mayor’s Recommendation FY 14-FY17  
Referred to the Long Term Debt Committee

All licenses are referred to the License and Franchises Committee

Renewal application for Extended Hours CVS Harvard Street.  
Renewal application for a Class II Motor Vehicles for Absolute Auto Sales 50 River Street  
Renewal application for a Class II Motor Vehicles for Waltham Auto Tow Inc 279 R Crescent Street

**New Business**

**Mass Port request**

Judith Kobusinge 3 Charles Street Avenue # E, Waltham, MA requested a Mass Port Letter.  
Referred to the Licenses and Franchises Committee

**Permission to withdraw**

Correspondence from Attorney McCourt to withdraw a non- advertised application for a Special Permit for 36 River Street, T.C. Saracen petitioner.  
Councillor Tarallo moved to suspend the rules and act without committee reference. On a voice vote, the rules were suspended. Councillor Tarallo moved to accept the withdrawal without prejudice. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 14 to 0 vote, the order was adopted. Order # 31666

**Request for time to act on a Special Permit**

Hilltop 110 Bear Hill LLC, 1575 Tremont Street PH 2, Boston MA, 02120 petition the Waltham City Council with mutual agreement for an extension of time to act on a special permit until April 11, 2012.  
Councillor Tarallo moved to suspend the rules and act on the request without committee reference. On a voice vote, the rules were suspended. Councillor Tarallo moved to grant the time extension. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 14 to 0 vote, the order was grant. Order # 31667

*Minutes of the Waltham City Council, Monday, January 23, 2012, City Council Chambers,  
610 Main Street, Waltham*

**Election Order**

Correspondence from the City Clerk for an election order.

Councillor Tarallo moved to suspend the rules and act without committee reference.

On a voice vote the rules were suspended. Councillor Logan and Councillor Curtin amended the order. On a voice vote, the order was amended. Councillor Tarallo moved to adopt the order. On a voice vote, the order was adopted. Order # 31669

**Community Preservation Committee**

The Clerk read the following communications from the Community Preservation Committee which were referred to the Long Term Debt Committee by President Waddick as indicated below:

The Community Preservation Committee respectfully requested supplemental spending for meeting notices.

Referred to the Long Term Debt Committee

**Committee Reports**

**Licenses and Franchises Committee**

The Licenses and Franchises Committee recommended that the Fuel Storage License application for 1265 Main Street be approved with the committee's eleven (11) conditions to the license.

Councillor Logan moved that the action of the committee be the action of the City Council.

On a voice vote, the Fuel Storage License was granted with conditions.

The Licenses and Franchises Committee recommended that the Mass Port Letter request for A. Burns, 15 Middlesex Road #2, Waltham be granted.

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 granted.

The Licenses and Franchises Committee recommended that the application for Extended Hours for Pro-Tech 205 Willow Street be granted.

Councillor Logan moved that the action of the committee be the action of the City Council.

On a voice vote, the Extend Hours License was granted.

The Licenses and Franchises Committee recommended that the application for renewal of a Class II Motor Vehicle License for E & T Auto Body 153 Elm Street be granted with the standard conditions.

Councillor Logan moved that the action of the committee be the action of the City Council.

On a voice vote, the Class II Motor Vehicle License was granted with the standard restrictions.

The Licenses and Franchises Committee recommended that the request for a Mass Port Letter from Guy Cadet be denied. The reason being no response to the Committee's requests.

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.

*Minutes of the Waltham City Council, Monday, January 23, 2012, City Council Chambers,  
610 Main Street, Waltham*

**Long Term Debt Committee**

The Long Term Debt Committee recommended that a transfer of capital improvement funds in the amount of \$ 100,000.00 to award the contract for the Lakeview Area 12A sewer rehab project-\$16,389.00 and to provide a construction contingency of approximately 5%- \$ 83,611.00. These funds will be added to the \$1,700,000.0 previously approved for this project under Council Order 31615 for this ACO project.

From # 603-440-2002-7360 Sewer Rehab (various)

To #603-440-2002-7350 Sewer Rehab (Lakeview 12A)

Amount \$ 56,642.14

From # 603-440-2005-7360 Sewer Rehab (various)

To #603-440-2005-7350 Sewer Rehab (Lakeview 12A)

Amount \$43,357.86 be approved.

Councillor Stanley moved the action of the committee be the action of the City Council. On a voice vote the order was adopted. Order # 31663

**Economic and Community Development Committee**

Councillor Brasco moved to act on the following items collectively. On a voice vote, the items were acted on collectively.

The Economic and Community Development Committee recommended that the resolution to rededicate Prospect Hill as Park Land be placed on file.

The Economic and Community Development Committee recommended that the resolution regarding Prospect Hill taking Polaroid land be placed on file.

The Economic and Community Development Committee recommended that the resolution regarding 99 Moody Street be placed on file.

The Economic and Community Development Committee recommended that the Historic District and Downtown signage be placed on file.

The Economic and Community Development Committee recommended that the possible land taking in executive session be placed on file.

The Economic and Community Development Committee recommended that the resolution regarding the Boston and Maine railroad spur be placed on file.

Economic and Community Development Committee recommended that the resolution regarding economic development in Waltham be placed on file.

The Economic and Community Development Committee recommended that the resolution regarding Boards and Commissions be placed on file.

The Economic and Community Development Committee recommended that the resolution regarding contractor signs be placed on file.

The Economic and Community Development Committee recommended that the resolution regarding improved energy efficiency cost be placed on file.

On a voice vote, the ten (10) items were placed on file.

*Minutes of the Waltham City Council, Monday, January 23, 2012, City Council Chambers,  
610 Main Street, Waltham*

**Committee of the Whole**

The Committee of the Whole recommended that the resolution on the Tax Amnesty Program be placed on file.

Councillor Doucette moved that the action of the committee be the action of the City Council. On a voice vote, the resolution was placed on file.

The Committee of the Whole recommended that the disposition of 73 Charles Street be approved. Order reads:

That the City Council authorizes the Mayor to auction the property located at 73 Charles Street pursuant to MGL, Chapter 60, Section 77B with the following conditions;

1- The custodian to be appointed consider for rejection any bid that does not recover the property taxes, interest and related fees.

2- The City provides notification of the auction to the abutters.

Councillor Doucette moved that the action of the committee be the action of the City Council.

The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 14 to 0 vote, the order was adopted. Order # 31661

The Committee of the Whole recommended that the appointment of Harold "Jerry" Walker, 33 Leitha Drive, Waltham as a member of the Waltham Recreation Board to fill the vacancy created by the retirement of Joseph Salvo be confirmed.

Councillor Doucette moved that the action of the committee be the action of the City Council.

The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 14 to 0 vote, the appointment was confirmed.

The Committee of the Whole recommended that the reappointment of Robert Millian as Constable be confirmed. Councillor Doucette moved that the action of the committee be the action of the City Council.

The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 14 to 0 vote, the reappointment was confirmed.

The Committee of the Whole recommended that the continuation of the temporary appointment of Patrick Powell as Acting Superintendent of Buildings for three (3) months be confirmed. Councillor Doucette moved that the action of the committee be the action of the City Council. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 14 to 0 vote, the temporary was confirmed.

**Ordinances and Rules Committee**

The Ordinances and Rules Committee recommended that the Compensation Ordinance of the City of Waltham, Article V, Section 2-29.B. Positions Paid on Salary Rates, as most recently amended, is hereby further amended by the following:

**B.2 Non Union Positions Paid on Salary Rates. is hereby further amended by deleting**

Grade 13                      Assistant to Transportation Director

and inserting

Grade 13                      Assistant to Traffic Engineer

minutes

*Minutes of the Waltham City Council, Monday, January 23, 2012, City Council Chambers, 610 Main Street, Waltham*

be approved for a second reading. Councillor Tarallo moved for a second reading. On a voice vote, the ordinance was given a second reading. Councillor Tarallo moved to suspend the rules and give the ordinance a third and final reading. On a voice vote, the rules were suspended. The roll was called for the third and final reading. Voting yea were Councillor Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 14-0 vote, the General Ordinance Amendment was adopted. Order # 31664

The Ordinances and Rules Committee recommended that the Compensation Ordinance of the City of Waltham, Article V, Section 2-29.B. B.2 Non Union Positions Paid on Salary Rates is hereby further amending Section 2-30 B2 The following positions, in addition to the compensation as herein above set forth, shall receive the sum herein set forth, which sums shall become a part of the total compensation:

Deleting

2 Senior Traffic Engineering Aid for assisting in the supervision of the Parking Control Supervisor and Officers. \$2,500.00  
and inserting

2 Assistant to Traffic Engineer for assisting in the supervision of the Parking Control Supervisor and Officers. \$2,500.00  
be given a second reading.

Councillor Tarallo moved for a second reading. On a voice vote the ordinance was given a second reading. Councillor Tarallo moved to suspend the rules and give the ordinance a third and final reading. On a voice vote, the rules were suspended. The roll was called for the third and final reading. Voting yea were Councillor Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 14-0 vote, the General Ordinance Amendment was adopted. Order # 31665

The Ordinances and Rules Committee recommended that the Auditor's budget adjustment be approved. Councillor Tarallo moved that the action of the committee be the action of the City Council. On a voice vote, the order was adopted. Order # 31662

The Ordinances and Rules Committee recommended that the request from TC Saracen LLC, of 130 Turner Street, 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 be granted by the City Council for an extension of time for all necessary permits to be issued within one (1) year from the date of approval of Special Permit # 31498. The extension is until January 24, 2013.

Councillor Tarallo moved the action of the committee be the action of the City Council. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 14-0 vote, the time extension was granted.

The Ordinances and Rules Committee recommended that the resolution regarding Trash Violations be placed on file.

Councillor Tarallo moved the action of the committee be the action of the City Council. On a voice vote, the resolution was placed on file.

*Minutes of the Waltham City Council, Monday, January 23, 2012, City Council Chambers,  
610 Main Street, Waltham*

The Ordinances and Rules Committee recommended that the resolution regarding under age drinking be placed on file.

Councillor Tarallo moved the action of the committee be the action of the City Council.

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

The Ordinances and Rules Committee recommended that the General Ordinance Amendment amending Chapter 8 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 General Ordinance Amendment is placed on file.

The Ordinances and Rules Committee recommended that the Zone change for Children's Hospital be placed on file.

Councillor Tarallo moved that the action of the committee be the action of the City Council.

Councillor McMenimen requested a roll call vote. The roll was called. Voting to file zone change for Children Hospital were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 14 to 0 vote, the zone change was placed on file.

The Ordinances and Rules Committee recommended that the Zone change for 135 Lexington Street be placed on file.

Councillor Tarallo moved that the action of the committee be the action of the City Council.

Councillor McMenimen requested a roll call vote. The roll was called. Voting to file zone change for Children Hospital were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 14 to 0 vote, the zone change was placed on file.

**Finance Committee**

The Finance Committee recommended that the appropriation in the amount of \$258,000.00 for the Metropolitan State Hospital Parking Lot Reconstruction Project be placed on file.

Councillor Curtin moved that the action of the committee be the action of the City Council. On a voice vote, the appropriation is placed on file.

The Finance Committee recommended that the appropriation in the amount of \$150,000.00 for the Prospect Hill Park Phase III-Park Use Enhancements be placed on file.

Councillor Curtin moved that the action of the committee be the action of the City Council. On a voice vote, the appropriation is placed on file.

Resolution presented by Councillor LeBlanc regarding establishing a Robust and Multifaceted Municipal Award Program Councillor LeBlanc requested that the resolution be referred to the Ordinance and Rules Committee. On a voice vote, the resolution was referred to the Ordinances and Rules Committee.

Resolution presented by Councillor Doucette relative to reducing financial claims against claims during road construction. Councillor Doucette requested that the CPW Director attend the next meeting of the Public Works Committee. On a voice vote, the request was approved. The resolution was referred to the Public Works Committee.



*Minutes of the Waltham City Council, Monday, January 23, 2012, City Council Chambers,  
610 Main Street, Waltham*

Resolution presented by Councillor Giordano commending Children's Hospital Boston at Waltham being awarded the Energy Star Award. Councillor Giordano moved to adopt the resolution without committee. On a voice vote, the rules were suspended. Councillor Giordano moved to adopt the resolution. On a voice vote, the resolution was adopted.

Resolution presented by Councillors Logan and Tarallo about cut backs to public transportation due to budget deficits. Councillors Logan and Tarallo spoke on the resolution and the effects of the cuts backs and fare increases. Councillor Logan moved to suspend the rules and act on the resolution without committee reference. On a voice vote, the rules were suspended. Councillor Logan moved to adopt the resolution. On a voice vote, the resolution was adopted. Councillor Logan made a request that the resolution be forwarded to the State Delegation and other State Legislators.

Councillor Curtin moved to adjourn. On a voice vote, the City Council adopted the motion and the Council meeting was adjourned at 9:50 PM.

**Adjourned**