

**Waltham City Council Minutes of
Monday, February 27, 2012
City Council Chambers**

President Waddick called the meeting of the City Council to order at 8:00 PM. Assistant City Clerk Kevin M. Ritcey called the roll for the City Council. Present at roll call were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Tarallo, Stanley, Waddick and Vizard. (14).

Councillor Brasco moved to take a resolution out of order. On a voice vote, the resolution was taken out of order. Councillor Brasco had a film clip of the fire at his homestead. Councillor Brasco commended Bobby Singh (as shown on the clip) for saving his uncle and father. Councillor Brasco moved to act on the resolution without Committee reference. On a voice vote, the resolution was acted on without committee reference. Councillor Brasco moved to adopt the resolution. On a voice vote, the resolution was adopted.

The Assistant City Clerk read rule 29 A

Public Hearing

SPECIAL PERMIT 36 River Street

Due notice having been given, President Waddick opened the public hearing on the petition of The Petitioner, TC Saracen, LLC, 6 Oliver Street, Boston MA 02109, hereby petitions the City Council to grant a special permit for a residential use and for an increase in Floor Area Ratio (FAR) to 1.29 pursuant to the provisions of Sections 3.5, 8.431, 8.443 and 8.451 of the Zoning Ordinance of the City of Waltham for the property known as 36 River Street.

The property is located in an Industrial Zoning District and Riverfront Overlay District.

The property is shown in Atlas Page R071, Block 008 as Parcel 0001 and Parcel 0003.

President Waddick asked if anyone present wanted to speak in favor of the petition. Attorney Philp McCourt and Attorney Joshua Davis spoke in favor of the petition. Mr. Paul Pavone, Local 560 spoke in favor. Mr B. Beisel 40 Water Street, Boston and Mr. C. McCarthy, 6 Annabel Lane Franklin spoke in favor of the petition. Speaking in opposition was Sarah Curi 16 Brandley Road, Watertown. President Waddick closed that part of the hearing and opened it to questions from Councillors. Councillor Marchese, as Ward Councillor had several questions regarding the Overlay District and the River Walk. Councillor Marchese inquired if the petitioner was working with the DCR. Attorney Davis responded that there were on going meetings. Councillor Logan inquired about the traffic report not being supplied to the City Council. Attorney Davis assured that copies would be given to all the City Council. Councillor Logan asked when to expect the fuel storage license application. Attorney Davis responded in the near future. Councillor Curtin had concerns with lighting and if the area was contaminated. Responses were to be forwarded to the Ordinances and Rules Committee. Councillor Curtin inquired if the units would be residential. Response was yes. Councillor Tarallo asked how the building of the units impacted the city's affordable housing requirement. Councillor Tarallo requested that all missing information and responses be furnished to all the members of the City Council. Councillor Tarallo stated that the Ordinances and Rules Committee would be addressing the petition on March 19, 2012 Councillor Romard inquired what the tax revenue would be to the city. Councillor LeBlanc inquired if there had been community outreach, if not, if any was planned. Councillor Giordano asked if the units were leased or for sale. Councillor McMenimen asked if the city's affordable housing would be affected. Councillor McMenimen had concerns about the impact to Calvary Street. Councillor McMenimen requested that information requested be given to all the City Council. Councillor Darcy inquired about bike racks and a bike lane. Councillor Darcy was concerned about bus routes.

**Waltham City Council Minutes of
Monday, February 27, 2012
City Council Chambers**

Councillor Doucette was concerned about dumpsters and snow storage. President Waddick referred the special permit application to the Ordinances and Rules 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 approval of the orders which allows the simultaneous approval of two loan order authorizations – one in the amount of \$ 96,125.00 for building renovations, a second in the amount of \$668,750. for equipment and the partial rescission of loan authorization # 28980 on approved April 25, 2000 for building construction (Schools) in the amount of \$ 388,674. and the partial rescission of loan authorization # 29198 approved on March 12, 2001 for architectural services (schools) in the amount of \$ 376,201.00.

Also respectfully request approval of a transfer of Capital Improvement Funds totaling \$ 83,875.00

From #330-300-2000-6212	Northeast	\$17,468.00
#330-300-2000-6221	Kennedy	\$ 8,221.00
#330-300-2000-6213	Plympton	\$40,484.00
#330-300-2003-6310	Leary Field	\$17,702.00
To: #330-300-2000-6230	WHS Culinary Arts	\$83,875.00

The purpose of these actions is to provide funding totaling \$848,750.00 for the following school projects as approved by the School Committee and recommended in the Mayor's FY2013 capital improvement program.

WHS Culinary Arts	\$180,000.00
WHS Classroom Furniture	\$ 20,000.00
Technology Upgrades	\$208,750.00
Computer Equipment Upgrades	\$300,000.00
Interactive Classroom Technology	\$100,000.00
Data Closet A/C Improvements	\$ 40,000.00
Total	\$848,750.00

The other purpose of this action is to rescind a portion of two loan authorizations for the school construction projects that are no longer needed.

Referred to the Long Term Debt Committee.

2. Respectfully request a transfer of funds for the Purchasing Department in the amount of \$4,000.00 .

From Purchasing Auto Insurance # 001-138-5500-5741	\$4,000.00
To Purchasing Postage # 001-138-5200-5242	\$1,000.00
Purchasing Office Supplies # 001-18-5200-5420	\$ 3,000.00

Referred to the Finance Committee

3. Respectfully request the appointment of Paul J. Ciccone, 75 Grassland Street, Lexington, MA as Chief of the Fire Department.

Referred to the Committee of the Whole

4. Respectfully request acceptance of a H.P. laser jet P4015n printer with attachments valued at \$ 2,126.00. This printer is from the Public Health Emergency Preparedness (PHEP) Grant.

Referred to the Finance Committee

*Waltham City Council Minutes of
Monday, February 27, 2012
City Council Chambers*

5. Respectfully request an appropriation of funds in the amount of \$ 3,500.00 from Unreserved Fund Balance to account # 001-121-5400-5303 Mayor – Appraisals.
Referred to the Finance Committee

6. Respectfully request adoption of a loan order in the amount of \$164,185.00 to provide funding for the remainder of the Police Department capital projects recommended in the FY2013 capital improvement plan.
Referred to the Long Term Debt Committee.

7. Respectfully request an appropriation of funds in the amount of \$6,000.00 from Unreserved Fund Balance to account # 001-121-5400-5303 Mayor – Appraisals.
Referred to the Finance Committee

Licenses All license are referred to the License and Franchises Committee
Avinden Inc. Mr. Sweeper 443 Moody Street

Councillor Logan moved to take a resolution out of order. On a voice vote, the resolution was taken out of order. Councillors Logan and Tarallo presented a resolution regarding MBTA cutting routes and raising fares. Councillor Logan spoke on the necessity of the residents to support the City Council against fare hikes and routes being cut. Councillor Logan moved to act on the resolution without committee reference. On a voice vote, the resolution was adopted.

Councillor Marchese moved to take a resolution out of order. On a voice vote, the resolution was taken out of order. Councillor Marchese resolution was regarding purchasing 287 AFT Grove Street with CPC funds, Councillor Marchese is spoke concerning the matter and how beneficial acquiring the land would be. The resolution was referred to the Committee of the Whole.

Councillor Tarallo moved to take a resolution out of order. On a voice vote, the resolution was taken out of order. Councillor Tarallo's resolution was regarding the new Federal Communications Act. Councillor Tarallo spoke on the effect the new act would on the city's zoning regarding wireless communications. The resolution was referred to the Ordinances and Rules Committee.

Councillor Logan moved to take a resolution out of order. On a voice vote, the resolution was taken out of order. Councillors Logan, Waddick, Marchese, Rourke, Marchese, presented a resolution regarding the Bentley University study on Main and Moody Streets The resolution requested that an A-hoc Committee be appointed review the proposals contained in the two reports. The resolution was referred to the Committee of the Whole.

That the loan order in the amount of \$864,757.00 for equipment 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 Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, McMenimen, Romard, Stanley, Tarallo, and Vizard. (12) Councillor Marchese was out of the room. By a 12 to 0 vote, the Loan Order was approved. Order # 31675

**Waltham City Council Minutes of
Monday, February 27, 2012
City Council Chambers**

That the loan order in the amount of \$ 300,000.00 Engineer - Chesterbrook (middle) Flood Storage having had a first reading.

Councillor Stanley moved for a second and final reading. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, McMenimen, Romard, Stanley, Tarallo, and Vizard. (12) Councillor Marchese was out of the room.

By a 12 to 0 vote, the Loan Order was approved. Order # 31674

Councillor Logan moved to accept minutes from February 13, 2012 as amended. On a voice, the minutes were accepted.

New Business

Request for a Bus Route

Boston Super Transportation, Inc. President Wade Suleiman, 3600 Mystic Valley PKWY #210 Medford and Treasurer El Baciti, 40 St Margaret Street, Dorchester petitions the City Council for a license to operate its van in the City of Waltham for the purpose of picking up passengers from Logan Airport to the Waltham hotels and motels and / or picking up passengers at Waltham hotels and motels and transporting them to Logan Airport.

Referred to the Licenses and Franchises Committee

Resolutions

Committee Reports

Licenses and Franchises Committee

The Licenses and Franchises Committee recommended that the Emmanuel Balobyeki, 37 Middlesex Cir # 16, Waltham be granted a Mass Port Letter.

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

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

Public Works Committee

Public Works Committee recommended that the resolution regarding sewer work 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 filed.

Public Works Committee recommended that the resolution regarding sewer backups on Moody Street be placed

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

On a voice vote, the resolution was filed.

Public Works Committee recommended that the resolution regarding the flooding on Hersum Way and Carlton Street 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 filed.

Long Term Debt Committee

The Long Term Debt Committee recommended that the Loan Order in the amount of \$251,000.00 for Technology be given a first reading.

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

On a voice vote, the loan order was given a first reading.

**Waltham City Council Minutes of
Monday, February 27, 2012
City Council Chambers**

The Long Term Debt Committee recommended that the Loan Order in the amount of \$2,000,000.00 for water be given a first reading.

Councillor Stanley moved the action of the Committee be the action of the Council. Councillor Logan moved to discharge the loan order to the Committee of the Whole. The roll was called. Voting to discharge to the Committee of the Whole were Councillors Giordano, Logan, Romard, and Tarallo. Voting nay were Councillors Brasco, Curtin, Darcy, Doucette, LeBlanc, Marchese, McMenimen, Stanley, and Vizard. By a 9 to 4 vote, the motion was not adopted. Councillor Vizard moved for a first reading. The roll was called. Voting for a first reading were Councillors Curtin, Darcy, Doucette, LeBlanc, Marchese, McMenimen, Stanley, and Vizard. Voting nay were Councillors Brasco, Giordano, Logan, Romard, Tarallo. By an 8 to 5 vote, the loan order received a first reading.

Ordinances and Rules Committee

The Ordinance and Rules Committee recommended that the Zoning Amendment for 511 Totten Pond Road was a first reading.

Councillor Tarallo moved the action of the Committee be the action of the Council. Councillor Tarallo requested that the Zoning Amendment be reviewed by the Law Department in accordance with City Council Rule 56. On a voice vote, the Zoning Amendment was given a first reading.

Finance Committee

The Finance Committee recommended that the City Council accept a grant from the Executive Office of Health and Human Services. Department of Health, in the amount of Two Thousand dollars (\$2,000.00) was approved.

Councillor Curtin moved the action of the Committee be the action of the Council. On a voice vote, the order was adopted. Order # 31676

The Finance Committee recommended that an appropriation of funds in the amount of \$3,523.30 fro Unreserved Fund Balance to account # 001-192-5200-5210 Building Department-Utilities. These funds will be used for the building utility cast at the Fitch School. was approved.

Councillor Curtin moved the action of the Committee be the action of the Council. On a voice vote, the order is adopted. Order # 31678

The Finance Committee recommended that School Committee vote to surplus \$ 3,523.30 from B account (Fitch School utilities) be accepted as informational.

Councillor Curtin moved the action of the Committee be the action of the Council. On a voice vote, the matter was accepted as informational.

The Finance Committee recommended that the City Council accept the 2011 HMEP Grant from the Massachusetts Emergency Management Agency in the amount of \$2,389.98.

Councillor Curtin moved the action of the Committee be the action of the Council. On a voice vote, the order is adopted. Order # 31677

Councillor Doucette moved to adjourned. On a voice vote, the City Council adjourned at 11:15 PM.