

*Waltham City Council Minutes of the meeting of April 9, 2012,  
City Council Chambers, 610 Main Street, Waltham*

President Waddick 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, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo, Stanley, Waddick and Vizard. (15)

The Clerk read the Council prayer, and then the President led the City Council in the Pledge of Allegiance.

Councillor Giordano requested a moment of silence for our men and women in the armed services serving around the world. A moment of silence was observed.

President Waddick requested that the minutes from March 26, 2012 be accepted. On a voice vote, the minutes were accepted.

The Clerk read rule 29A for the upcoming public hearings.

**Public Hearing Conduit**

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

**Main Street-** Easterly from manhole #20736 approximately 298' ± feet east of Cutting Lane. A distance of about 49' ± feet – conduit.

President Waddick asked if anyone present wanted to speak in favor of the petition. Ms. Rene Bank Clark, representing Nstar Electric spoke in favor. President Waddick asked if anyone wanted to speak in opposition. No one spoke in opposition. President Waddick closed the public comment portion of the hearing and opened it to questions from Councillors. Ward Councillor Giordano had questions on the location of the project. Ms. Clark's response explained the location. Councillor Logan inquired if it was due to a street widening project. Ms. Clark's response was yes. Councillor Romard asked for a timetable of the project. Ms. Clark stated it would take a few days. President Waddick then closed the public hearing and referred the matter to the Licenses & Franchises Committee.

**Public Hearing Re-location Pole**

Due notice having been given, President Waddick opened the public hearing on the petition of **NSTAR ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC** petition the City Council for permission for joint or identical locations for the erection or construction of poles, a line of wires, and other such fixtures, to be owned and used in common by them upon, along and across the public way or ways of the City hereinafter specified,

**Main Street– Northerly side approximately 166'± feet west of Cutting Lane**

**Install one (1) New Pole 183 / 134-X**

**Remove one (1) existing pole**

President Waddick asked if anyone present wanted to speak in favor of the petition. Ms. Rene Bank Clark, representing Nstar Electric spoke in favor. President Waddick asked if anyone wanted to speak in opposition. No one spoke in opposition. President Waddick closed the public comment portion of the hearing and opened it to questions from Councillors. Ward Councillor Romard had various questions regarding the project. President Waddick then closed the public hearing and referred the matter to the Licenses & Franchises Committee.

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**Public Hearing Location Pole**

WHEREAS, **NSTAR ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC** petition for permission for joint or identical locations for the erection or construction of poles, a line of wires, and other such fixtures, to be owned and used in common by them upon, along and across the public way or ways of the City hereinafter specified,

**Milner Street– Northeasterly side approximately 254'± feet north of Ode Street**

**Install one (1) New Pole 185/O –A**

President Waddick asked if anyone present wanted to speak in favor of the petition. Ms. Rene Bank Clark, representing Nstar Electric spoke in favor. President Waddick asked if anyone wanted to speak in opposition. No one spoke in opposition. President Waddick closed the public comment portion of the hearing and opened it to questions from Councillors. Ward Councillor Tarallo had various questions regarding the project. Councillor Tarallo asked for a lot line plan and how much paving would be done. All responses would be supplied at the committee meeting. President Waddick then closed the public hearing and referred the matter to the Licenses & Franchises Committee.

**Public Hearing Special Permit-Wireless**

Petitioners, MetroPCS Massachusetts LLC, 285 Billerica Road, Chelmsford, MA 01824; Crown Castle, tower owner, and Interstate Tower Communications, Inc., property owner, hereby petition the Waltham City Council for a special permit pursuant to Sections 3.512, 3.621, 10.55 and 10.56 of the City of Waltham Zoning Ordinance, to install, operate and maintain a wireless communication facility on and next to the existing 200-foot tall tower located on the property located at 39 Sachem Street (Atlas Map R033, Block 001, Lot 0005), including six (6) wireless communications panel antennas mounted at a height of 105' above ground level. The Petitioners also propose to install up to five (5) ancillary cabinets within and next to an equipment shelter located within the existing fenced compound. A small Global Positioning System (GPS) antenna, which is necessary for E911 compliance, will be mounted to the cable bridge within the existing fenced compound, and the cables will connect the antennas to the base equipment. The proposal is shown on the Plans submitted by the Petitioners, which are incorporated herein by reference.

President Waddick asked if anyone present wanted to speak in favor of the petition. Speaking in favor was Scott Lacey, Attorney for the petitioner. President Waddick asked if anyone wanted to speak in opposition. No one spoke in opposition. Five stood in opposition to the petition. President Waddick closed the public comment portion of the hearing and opened it to questions from Councillors. Councillor Tarallo inquired why the questions stated in the clockshot review were not answered. Attorney Lacey responded there was no need to. Councillor Tarallo requested plans for the committee meeting. Councillor Darcy inquired as to the noise, Attorney Lacey answered his inquires. Councillor LeBlanc requested an inventory of the various uses at the location. All responses would be supplied at the committee meeting. President Waddick then closed the public hearing and referred the matter to the Ordinances and Rules Committee.

**Public Hearing Special Permit-Wireless**

Petitioners, MetroPCS Massachusetts LLC, 285 Billerica Road, Chelmsford, MA 01824 and 144 Moody Street, LLC, property owner, hereby petition the Waltham City Council for a special permit

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pursuant to Sections 3.512, 3.621, 10.51, 10.52, 10.53 and 10.55 of the City of Waltham Zoning Ordinance, to install, operate and maintain a wireless communication facility on the existing building located on the property located at 144-146 Moody Street (Atlas Map R060, Block 027, Lot 0002), including six (6) wireless communications panel antennas mounted to the façade of the Building and painted to match same. The Petitioners also propose to install up to four (4) ancillary cabinets within an equipment room located in the basement of the building, and a small doghouse and condenser on the rooftop, which will be setback from the roof edge and concealed behind the parapet. A small Global Positioning System (GPS) antenna, which is necessary for E911 compliance, will be mounted to the equipment installed on the rooftop and will be concealed by the parapet. The proposal is shown on the Plans submitted by the Petitioners, which are incorporated herein by reference.

President Waddick asked if anyone present wanted to speak in favor of the petition. Speaking in favor was Scott Lacey, Attorney for the petitioner. President Waddick asked if anyone wanted to speak in opposition. No one spoke in opposition. One stood in opposition to the petition. President Waddick closed the public comment portion of the hearing and opened it to questions from Councillors. Councillor Tarallo inquired why the questions stated in the clockshot review were not answered. Attorney Lacey responded there was no need to. All responses would be supplied at the committee meeting. President Waddick then closed the public hearing and referred the matter 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 a transfer of funds totaling \$10,000.00 for the following:**

From

Wires – Communication

Account # 001-245-5100-5246                      \$10,000.00

To

Wires - Wages- PT

Account # 001-245-5100-5122                      \$5,000.00

Wires – Overtime

Account #001-245-5100-5131                      \$5,000.00

Referred to the Finance Committee

**2. Respectfully request a transfer of funds totaling \$5,000.00 for the following:**

From

Police – Medical Boarding Care of Animals

Account # 001-210-5400-5306                      \$5,000.00

To

Police Safety Equipment

Account # 001-210-5400-5850-                      \$3,500.00

Police Cruiser Equipment

Account # 001-210-5400-5372                      \$1,500.00

Referred to the Finance Committee

**3. Respectfully request approval of the following financing plan for a land acquisition purchase, including closing cost in the amount of \$ 975,000.00**

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Since a loan order cannot be approved within a needed time frame, I respectfully request an appropriation in the amount of \$975,000.00 from Unreserved Fund Balance to account # 001-121-5800 Mayor – Land Acquisition.

In addition, I respectfully request the City Council approve the loan authorization in the amount of \$975,000.00. The appropriation request from Unreserved Fund Balance will be rescinded after the loan authorization is finally approved.

Councillor Doucette moved to place this matter on the table for the purpose of taking it up at the end of the docket. On a voice vote, the motion was approved.

**4.** Respectfully request that the way leading to the Veterans Memorial Fields be named Vokey Way.

Referred to the Policy Committee

**Late file communication from the Mayor**

Respectfully request an opportunity to confer with the City Council in the Committee of the Whole regarding a tabled matter (possible acquisition of real estate), possible Executive Session.

Councillor Doucette moved to accept the late file communication. On a voice vote, the late file communication was accepted.

Councillor Doucette moved to place this matter on the table for the purpose of taking it up at the end of the docket.

*Licenses All license are referred to the License and Franchises Committee*

General Ordinance Amendment amending Chapter 2 of the General Ordinances Section 2-187(3) Sheet metal permits. Order # 31687 Veto by the Mayor 3-29-12

Councillor Tarallo moved to file the veto. On a voice vote, the motion to file was adopted.

Councillor Tarallo moved to accept a request to the Mayor. That the Mayor send a letter to the State Auditor requesting reimbursement for an unfunded State mandate i.e. the issuance of separate sheet metal permit by city and town inspectors. On a voice vote, the request was adopted.

**Tabled 3-26-12**

That the loan order in the amount of \$ 56,500.00 to provide funding for the purchase of a copy machines for the following departments as recommended in the FY2013 capital improvement plan.

|           |           |
|-----------|-----------|
| Assessors | \$ 9,000. |
| Clerk     | \$13,500. |
| Health    | \$ 9,000. |
| Personnel | \$ 7,000. |
| Traffic   | \$ 9,000. |
| Treasurer | \$ 9,000. |

Having had a first reading it is before the City Council for a second and final reading.

Councillor Stanley moved that the matter be taken from the table. On a voice vote, the motion was adopted and the matter was taken from the table. Councillor Stanley that the matter be given second and final reading. The roll was called. Voting yea for second and final reading were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese,

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Romard, Rourke, Tarallo, Stanley, Waddick and Vizard. The order was adopted by a 14 to 0 vote. Order # 31696

**Resolutions**

Councillor Tarallo presented a resolution regarding Earth Day. Councillor Tarallo spoke on the matter and encouraged residents to participate in the various citywide cleanups. Councillor Marchese informed the City Council of the cleanup schedule in Ward Five aided by the Sacred Heart Church. Councillor Rourke's Ward Eight has plans with the Charles River Water Shed and the DCR plans to give assistance.

Councillor Tarallo moved to suspend the rules and act on the resolution without committee reference. On a voice vote, the motion was approved. Councillor Tarallo moved for adoption of the resolution. On a voice vote, the resolution was adopted.

Councillor Curtin presented a resolution regarding cell phone coverage by the Mayor proposing that city owned property that can support a cellular antenna be rented.

**Committee Reports**

**Licenses and Franchises Committee**

The Licenses and Franchises Committee recommended that the Mass Port Letter for Inna Boguslavskaya, 133 Bishops Forest Drive, Waltham be granted.

Councillor Logan moved the action of the committee be the action of the City Council. On a voice vote, the Mass Port Letter was granted.

**Public Works Committee**

The Public Works Committee recommended that the plan regarding Hillcrest Street be approved.

Councillor Rourke moved the action of the committee be the action of the City Council. Councillor Tarallo commented on the need of the project. He also stated as abutters to the project, the City should have some responsibility to the cost, especially if the money has already been budgeted for the project. On a voice vote, the plan was adopted.

Order # 31698

**Long Term Debt Committee**

The Long Term Debt Committee recommended that a transfer of capital improvement funds in the amount of \$ 50,000.

From:

Building Renovations- Moody Street Fire Station - # 310-192-2006-5256

To:

Building Renovations – Police Station Roof- # 310-192-2006-6249

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 # 31697

Omitted from the March 12, 2012 committee report was approved in Committee 3-5-12 That the City Council approves a transfer of Capital Improvement Funds totaling \$ 83,875.00

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|                         |                   |             |
|-------------------------|-------------------|-------------|
| 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 |

Councillor Stanley moved the action of the committee be the action of the City Council.  
On a voice vote, the order was adopted. Order # 31701

**Committee of the Whole**

The original order was for the sum of \$2,000,000.00 appropriated for water improvements had a first reading on 2-27-12 and was tabled on the floor. On 3-12-12, the loan order was referred to the Committee of the Whole.

The Committee of the Whole recommended that the following loan order be given a first reading, as amended.

THAT THE SUM OF \$1,320,000 BE APPROPRIATED FOR WATER IMPROVEMENTS; THAT TO MEET THIS APPROPRIATION THE TREASURER, WITH THE APPROVAL OF THE MAYOR, IS AUTHORIZED TO BORROW THE SUM OF \$1,320,000 UNDER THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 8; THAT THE TREASURER, WITH THE APPROVAL OF THE MAYOR IS AUTHORIZED TO BORROW ALL OR A PORTION OF SUCH AMOUNT FROM THE MASSACHUSETTS WATER RESOURCES AUTHORITY (MWRA) AND IN CONNECTION THEREWITH TO ENTER INTO A LOAN AGREEMENT AND/OR SECURITY AGREEMENT WITH THE MWRA WITH RESPECT TO SUCH LOAN; THAT THE MAYOR IS AUTHORIZED TO CONTRACT FOR AND EXPEND ANY FEDERAL, STATE OR OTHER AVAILABLE AID FOR THE PROJECT, INCLUDING ANY GRANT RELATED TO SUCH PROJECT FROM THE MWRA.

|                                   |              |
|-----------------------------------|--------------|
| WATER – Meters (Commercial Phase) | \$ 1,320,000 |
|-----------------------------------|--------------|

Councillor Doucette moved the action of the committee be the action of the City Council. On a voice vote, the loan order was given a first reading.

**Ordinances and Rules Committee**

The Ordinances and Rules Committee recommended that the Zoning Amendment Sec. 3.226F Pet Shops be given a first reading. Councillor Marchese moved the action of the committee be the action of the City Council. Councillor Marchese was in favor. Councillor Logan spoke against the amendment citing that as the ordinances reads a change is not necessary. Councillor Tarallo stated his opposition. The roll was called for a first reading. Voting for a first reading were Councillors Curtin, Marchese, and Stanley. Voting nay were Councillors Brasco, Darcy, Doucette, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Tarallo, and Vizard. By a 3 to 11 vote, the first reading did not pass. The Zoning Amendment was filed

**Finance Committee**

The Finance Committee recommended that the donation of 1,000.00 feet of fencing from Berkeley Investments be accepted.

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

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Councillor Rourke requested that a condition be added. The condition was the gift be subject to the donor delivering the fence in a re-usable condition to a city location determined by the Mayor. On a voice vote, the order was adopted. Order # 31699

The Finance Committee recommended that the City Council transfer \$28,000.00 from CPW snow account # 001-422-5200-5276 to CPW paving account # 001-420-5400-5394-47 be adopted.

Councillor Curtin moved the action of the Committee be the action of the City Council  
On a voice vote, the order was adopted. Order # 31701

Councillor Doucette moved to go into Executive Session with the following motions. That the City Council elect City Clerk Malone as Clerk, and hear from off Council members necessary for the executive session and that the City Council would reconvene in public session. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo and Vizard. By a 14 to 0 vote, the motion was adopted. The City Council went into executive session.

President Waddick reconvened the City Council meeting.

Councillor Doucette moved that the matter be taken from the table. On a voice vote, the motion was adopted and the matter was taken from the table.

That the appropriation in the amount of \$975,000.00 from Unreserved Fund Balance to account # 01-121-580 Mayor Land Acquisition Councillor Doucette moved for approval. The roll was called. Voting to adopt the order were Councillors Brasco, Curtin, Darcy, Giordano, LeBlanc, Logan, Rourke, Tarallo, and Vizard. Voting nay were Councillors McMenimen, Romard and Stanley. By a 11 to 3 vote, the order was adopted. Order # 31695

Councillor Doucette moved that the matter be taken from the table. On a voice vote, the motion was adopted and the matter was taken from the table.

Respectfully request an opportunity to confer with the City Council in the Committee of the Whole regarding a tabled matter (possible acquisition of real estate), possible Executive Session.

Councillor Doucette moved to refer the matter to the Committee of the Whole.

Councillor Doucette moved that the matter be taken from the table. On a voice vote the motion was adopted and the matter was taken from the table.

That the City Council approves the loan authorization in the amount of \$975,000.00 to have a first reading Councillor Stanley moved to refer the loan order to the Committee of the Whole.

Councillor Doucette moved to adjourn. On a voice vote, the City Council adjourned at 11:54 PM.