

*Waltham City Council Minutes of the meeting of May 14, 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, LeBlanc, Marchese, McMenimen, Romard, Rourke, Tarallo, Vizard and Waddick (15)

Councillor Curtin moved to accept the minutes of the meeting of April 23, 2012. On a voice vote, the motion was adopted and the minutes were accepted.

Councillor Curtin moved to take a resolution out of order. On a voice vote, the resolution was taken out of order. Councillor Curtin moved to suspend the rules and act on the resolution without committee reference. On a voice vote, the rule was suspended. Councillor Curtin congratulated the Relay for Life Group on their efforts to raise funds for cancer research. Marie Tsacogianis and Stephaine Rogers represented the Relay for Life group. Marie Tsacogianis thanked the City Council for helping in fund raising. Councillor Curtin moved for approval of the resolution. On a voice vote, the resolution was adopted.

Councillor Logan moved to recognize David Sandirson for receiving the Democratic City League Hero Award.

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

**Public Hearing Street Resurfacing**

Due notice having been given, President Waddick opened the public hearing on the petition for the resurfacing of the private way known as Crestview Road, in accordance with the provisions of Section 17-80 of the General Ordinance of the City of Waltham. Betterments to be assessed.

President Waddick asked if anyone present wanted to speak in favor of the petition. Speaking in favor were Paul J. Brasco, resident and City Councillor, Robert Brennan, 80 Crestview Road, Robert J. Davis, 80 Crestview Road, Waltham, Matt McGee, 60 Crestview Road, Waltham, Dana Hakins, 59 Crestview Road, Waltham, Ralph Leaman, 67 Crestview Road, Waltham, Joyce Glynn, 40 Crestview Road, Waltham, Michael Bernardi, 46 Crestview Road, Waltham, Daniel Davis, 54 Crestview Road, Waltham, Joyce Crone, 32 Crestview Road Waltham, Jack Davis, 74 Crestview Road, Waltham, and Arakel Arakelian, 76 Mountain Road, Waltham. Standing in favor were 20. No one stood or spoke in opposition. President Waddick closed the public comment portion of the hearing and opened it to questions from Councillors. Councillor Brasco expressed the need of the road to be resurfaced. Councillor Darcy submitted into the record photos showing the condition of the road. Councillor Darcy requested that the CPW Director inform the Public Works Committee by Monday, May 21, 2012 of any scheduled or anticipated work to be done in the road. Councillor Rourke called a Public Works Committee meeting for Monday, May 21, 2012 at 6:30 PM. The petition was referred to the Public Works Committee

**Public Hearing Relocation of Utility Poles**

Due notice having been given, President Waddick opened the public hearing on the petition of NSTAR ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC petitioning for permission for the relocation of one pole.

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**Main Street– Southerly side at and westerly from Prospect Hill Road**

President Waddick asked if anyone present wanted to speak in favor of the petition. Ms. Carroll representing Nstar spoke in favor. Ms. Carroll revised the petition to be one pole. President Waddick asked if anyone wanted to speak in opposition. No one spoke or stood in opposition. President Waddick closed the public comment portion of the hearing and opened it to questions from Councillors. Councillor Marchese had questions on the petition where it was revised could the hearing proceed? Councillor Logan noted that the petition was asking for less thus the hearing could proceed. President Waddick then closed the public hearing and referred the matter to the Licenses & Franchises Committee.

**Public Hearing Relocation of Utility Poles**

Due notice having been given, President Waddick opened the public hearing on the petition of NSTAR ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC petitioning for permission for re-location poles:

Weston Street ;

Northwesterly side approximately 125 ' feet southwest of Elm Ave

Install one (1) new pole 294/5

Remove one (1) pole

Northwesterly side 401' feet southwest of Elm Ave

Install one (1) new pole 294/9

Remove one (1) pole

President Waddick asked if anyone present wanted to speak in favor of the petition. Ms. Carroll representing Nstar spoke in favor. President Waddick asked if anyone wanted to speak or stand in opposition. No one spoke or stood in opposition. President Waddick closed the public comment portion of the hearing and opened it to questions from Councillors. Councillor Marchese had questions on the petition. Ms Carroll addressed his concerns. President Waddick then closed the public hearing and referred the matter to the Licenses & Franchises Committee.

**Public Hearing Conduit**

Due notice having been given, President Waddick opened the public hearing on the petition of NSTAR ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC petition for conduit:  
Main Street:

Southwest@ pole 183/109 approximately 130' feet east of Eddy Street a distance of about 9' ± feet - conduit

President Waddick asked if anyone present wanted to speak in favor of the petition. Ms. Carroll representing Nstar spoke in favor. President Waddick asked if anyone wanted to speak in opposition. No one spoke in opposition or stood in opposition. President Waddick closed the public comment portion of the hearing and opened it to questions from Councillors. Councillor Marchese had questions on the petition. President Waddick then closed the public hearing and referred the matter to the Licenses & Franchises Committee.

**FUEL STORAGE**

The City Clerk requested the receipts from the certified mailing.

Due notice having been given, President Waddick opened the public hearing on the petition of

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96 Linden Street Realty Trust, 535 Boylston Street, Brookline, MA 02445, Owner and Operator of the facility located at 96 Linden Street hereby petitions the City Council for an aboveground Fuel Storage License for twenty two (22) vehicles.

Property is located at 96 Linden Street.

Said property is shown on the City of Waltham Atlas as Map 52, Block 4, Lot 2 and is in a Business B Zoning District.

Councillor Curtin moved to recess the public hearing until after Mayor McCarthy presented her budget. With mutual agreement with the petitioner, the public hearing was recessed.

The City Council Meeting was recessed. President Waddick reconvened the City Council at 9:10 PM.

The public hearing continued.

President Waddick asked if anyone present wanted to speak in favor of the petition. Speaking in favor were Terrence Morris, 57 Elm Road, Newton, Attorney for the petitioner and Mr. David O'Sullivan, Architect for the project. President Waddick asked if anyone wanted to speak in opposition. Speaking in opposition were Mr. Thomas Creonte, 33 Jennings Road, Waltham, Mr. Stan Bloomenthal, 635 Beaver Street, Waltham, Kenneth Lopez, 50 Woodcliff Drive, Waltham. President Waddick closed the public comment portion of the hearing and opened it to questions from Councillors. Councillor Curtin asked Attorney Morris if he was aware of how serious the flooding was in the area? He stated that the petitioner was aware of the flooding. Councillor Curtin requested an opine from the Law Department regarding the Conservation Commission set of conditions. Councillor Tarallo requested a set of complete plans. Councillor Darcy had drainage concerns. Attorney Morris agreed to have all the answers to all the Councillors requests for the June 4, 2012 meeting of 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 adoption of the attached loan order in the amount of \$325,000.00 to provide funding for the water main replacement project on Smith Street as recommended in the FY2013 capital improvement plan.

Referred to the Long Term Debt Committee

**2.** Respectfully request the acceptances of the FFY 2012 Traffic Enforcement Grant in the amount of \$ 6,600. The grant will be disbursed in two mobilizations. One mobilization will be the "Click It or Ticket" for the period May 14, 2012 through June 3, 2012. The second mobilization will be the "Drive Sober or Get Pulled Over" for a period August 15, 2012 through September 3, 2012.

Referred to the Finance Committee

Licenses All license are referred to the License and Franchises Committee

Resolution commending Pat DiIeso for having a dock at Hardy Pond named in her honor Councillor Curtin invoked Section 2.9 of the City Charter. The resolution is tabled on the City Council floor.

Councillor Tarallo moved that the resolution commending Pat DiIeso be taken from the table. On a voice vote, the motion was adopted and the matter was taken from the table.

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Councillor Tarallo moved to act on the resolution without committee reference. On a voice vote, the motion was adopted. Councillor Tarallo commended Pat DiIeso on all her service to the City. Councillor Tarallo submitted an order to name a dock after Pat DiIeso.

That the dock at Hardy Pond at Lazazzero Park from this point on be known as the Patricia DiIeso Dock in order to show Waltham's appreciation to Pat for he years of service to the City of Waltham. Councillor Logan had a friendly amendment. That a suitable sign be made and maintained. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, Vizard and Waddick. By a 15 to 0 vote the order was adopted. Order # 31715

**New Business**

Councillor Tarallo moved to act on the time extension without committee reference. On a voice vote, the motion was adopted. Councillor Curtin moved to act on the time extensions collectively. On a voice vote, the motion carried. Each time extension was read and acted on collectively. 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 time extensions were granted.

**Special Permit Time Extension**

Watch City Ventures LLC, 121 High Street c/o Berkley Investments, Inc. 121 High Street, Boston, Massachusetts 02110 hereby petition the Waltham City Council for an extension of time to act on a special permit with mutual agreement for properties located at 183-241 Crescent Street, 261 Crescent Street, 267-269 Crescent Street 180 Crescent Street and 224 Crescent Street until June 30, 2012. Order # 31712

**Special Permit Time Extension**

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, 34 Bear Hill Road, Weston, MA 02493 hereby petition the Waltham City Council for an extension of time to act on a special permit with mutual agreement for properties located at 110 Bear Hill Road until September 30, 2012. Order # 31711

**Special Permit Time Extension**

Hilltop 110 Bear Hill LLC, 1575 Tremont Street PH 2, Boston MA, 02120 hereby petition the Waltham City Council for an extension of time to act on a special permit with mutual agreement for properties located at 110 Bear Hill Road until September 30, 2012. Order # 31710

**Special Permit Time Extension**

TC Saracen, LLC, 6 Oliver Street, Boston MA 02109, hereby petitions the City Council for an extension of time to act on a special permit with mutual agreement for properties located at 36 River Street until September 28, 2012. Order # 31713

**Special Permit Time Extension**

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200 Moody Street, LLC be granted permission by the City Council for an extension of time to act on a special permit with mutual agreement until June 30, 2012 for property located at 210 Moody Street. Order # 31714

**Community Preservation Committee**

The Clerk read the following communications from the Community Preservation Committee and each, in turn, was referred to the appropriate committee by President Waddick as indicated below:

The CPC (Community Preservation Committee) submits the proposed FY 2013 Administration Budget.

Referred to the Long Term Debt Committee.

**Committee Reports**

**Licenses and Franchises Committee**

The Licenses and Franchises Committee recommended that the draft ordinance amending fuel storage be sent out to the City Council without recommendation.

Councillor Logan moved that the ordinance be recommitted to the Ordinances and Rules Committee. On a voice vote, the General Ordinance Amend was referred to the Ordinances and Rules Committee.

**Committee of the Whole**

The Committee of the Whole recommended that the resolution relative to Veteran's Fields be placed on file.

Councillor Doucette moved the action of the committee be the action of the City Council  
The resolution was filed.

**Ordinances and Rules Committee**

The Ordinances and Rules Committee recommended that the Ordinance Amendment Chapter 10 of the General Ordinances of the City of Waltham, entitled "OFFENSES— MISCELLANEOUS," ARTICLE IV entitled "REGISTERED SEX OFFENDER RESTRICTIONS," Section 10-73 entitled "Other restrictions and prohibitions" be given a first reading.

Councillor Tarallo moved the action of the committee be the action of the City Council. The Ordinance Amendment was given a first reading.

The Ordinances and Rules Committee recommended that the resolution relative to site review process be placed on file.

Councillor Tarallo moved the action of the committee be the action of the City Council. The resolution was placed on file.

**Finance Committee**

The Finance Committee recommended that an appropriation in the amount of \$ 70,000.00 from Unreserved Fund Balance to account 001-630-5400 Recreation Conservation Trust for a financial commitment from the City of Waltham to the Commonwealth of Massachusetts Conservation Trust. This is for the anticipated seasonal (June 25 through August 26, 2012) expenses for the Connors Memorial Pool, conditioned on liability issues and agreement being

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resolved. Inquiry about pro-rated fees if the pool doesn't open on time, and whether any local people will be hired.

Councillor Curtin moved the action of the committee be the action of the City Council. On a voice vote, the order was adopted. Order # 31716

Councillor Marchese requested that an amended request be sent to the Mayor regarding 287 AFT Grove Street. On a voice vote, the request was approved

Councillor Tarallo moved to adjourn. On a voice vote, the motion to adjourn was approved.  
Adjourn