

*City Council Minutes
Council, Committee, Council Monday, August 6, 2012*

President Waddick called the Special meeting of the Waltham City Council to order at 7:00 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, Tarallo, Waddick and Vizard. (13)

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

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

Councillor Marchese requested a moment of silence for David Savoy

Council President Waddick requested a moment of silence for Richard (Nipper) Maher and Mr. John J. O'Connor

Councillor Curtin moved to take a resolution out of order. On a voice vote, the resolution was taken out of order. Councillor Curtin spoke on the condition of the Police Station and the whereas of the resolution requesting the mayor to appoint a Blue Ribbon Committee. Councillor Curtin moved to act on the resolution without committee reference. On a voice vote, the resolution was acted on without committee reference. Councillor Curtin moved to adopt the resolution. On a voice vote, the resolution was adopted.

Councillor Logan moved to take a resolution out of order. On a voice vote, the resolution was taken out of order. Councillor Logan commended Sean McGowan for achieving Eagle Scout. Councillor Logan requested to act on the resolution without committee reference. On a voice vote, the resolution was acted on without committee reference. Councillor Logan moved to adopt the resolution. On a voice vote, the resolution was adopted.

Councillor Logan moved to accept the minutes from 6-25-12 on a voice vote, the minutes were accepted.

Clerk reads rule 29 A

Councillor Darcy moved to take a item out of order the street opening 20 Smith Street. On a voice vote, the item was taken out of order.

Street Opening

Due notice having been given, President Waddick opened the public hearing on the petition for Irving P. Connolly, 20 Smith Street, Waltham, petitions the Waltham City Council for permission under the provisions of Section 17-25 for the installation of gas utilities. The property is numbered 20 Smith Street. All work and resurfacing to be done in accordance with the provisions of said Section 17-25. President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor was Claire Connolly, she explained

City Council Minutes
Council, Committee, Council Monday, August 6, 2012

that they were converting from oil to gas. President Waddick asked if any one else wanted to speak in favor. There were none. President Waddick asked if any one wanted to stand in favor. There was one. President Waddick asked if any one wanted to speak in opposition. There were none. President Waddick asked if any one wanted to stand in opposition. There were none. President Waddick closed that portion of the public hearing and opened it to questions from Councillors. As Ward Councillor, George Darcy asked when the street was last paved Claire Connolly said it will be three years in November Councillor McMenimen asked why they just don't wait until November to do the work Claire Connolly explained November first is the last day the gas company will open a street to install gas. Councillor Romard had a couple of questions. No Additional speaker. President Waddick closed the Public Hearing. President Waddick recognized Councillor Darcy who requested to act on the petition without committee reference. On a voice vote, the petition was acted on without committee reference. Councillor Darcy moved to adopt the order on a voice vote. The order was adopted.

Public Hearing
Special Permit

Due notice having been given, President Waddick opened the public hearing on the petition for Stellar Restaurant Group, Inc. d/b/a Boloco, 2 Park Place, Boston, MA 02116 and Somerset Waltham LLC, 411 Waverly Oaks Road, Suite 340, Waltham, MA 02452 hereby petition the City Council for a Special Permit pursuant to §3.5 and §3.620 of the Ordinance to operate a fast food establishment as defined by §3.229. The locus is known and numbered as 475 Winter Street and is shown in the "Atlas, City of Waltham, Massachusetts 1988", as Map 30, Block 1, Lot 2. The property is situated in a Commercial Zoning District and a Residence A-1 Zoning District. The legal owner of the locus is Somerset Waltham LLC, 411 Waverly Oaks Road, Suite 340, Waltham, MA 02452. President Waddick asked if anyone wanted to speak in favor of the petition. Joseph Connors, Attorney for the petitioner's stood to speak in favor. Then Ron Mullen the Traffic consultant for the petitioner's spoke.. President Waddick asked if any one else wanted to speak in favor. There were none. President Waddick asked if any one wanted to stand in favor. There was none. President Waddick asked if any one wanted to speak in opposition. There were none. President Waddick asked if any one wanted to stand in opposition. There were none. President Waddick closed that portion of the public hearing and opened it to questions from Councillors. As Ward Councillor, George Darcy asked .several questions on the property, parking, building and operation. Councillors Vizard and Curtin expressed concerns on the parking. Councillor Tarallo asked about their other operations and if any were similar to this, i.e. the excess road and parking. Councillor McMenimen spoke on the great character of the landlord Mr. Duffy, and then expressed concern on the parking. Councillor Logan asked about the Engineers seven comments, parking by right, number of spaces for compact cars and the width of the excess road. Councillor Romard asked about deliveries and compliance with the I&I, then expressed concerns on the parking. No further speaker President Waddick closed the Public Hearing and referred the special permit application to the Ordinances and Rules Committee.

Speaking for the Petitioners:

Joseph Connors, Attorney for the Petitioner's

Ron Mullin, Traffic Consultant, for the Petitioner's

John Pepper, CEO of Boloco

Patrick Renna, Marketing Boloco

City Council Minutes
Council, Committee, Council Monday, August 6, 2012
Communications from the Mayor

1. COA Parking Update and Request possible Executive Session. Enclosed confidential Information in your packet including conceptual plan with the original communication. Referred to the Committee of the Whole

2. Respectfully request acceptance of (4) car seats and (4) belt positioning boosters from Dorel Juvenile Group/International Brands. The Acting Chief or his designee is available to answer any questions you may have regarding this request.
Referred to the Finance Committee

3. Respectfully request that the budgeted part-time positions of junior office assistant (5-3) and customer service assistant (5-6) be combined into one full-time customer service position (5-6) due to a recent unexpected resignation. The COA Director is available to answer any questions you may have regarding this request.
Referred to the Finance Committee

4. Respectfully request Section F of said ordinance Section 14-3 be deleted regarding Chief of Police Office Established. The Mayor will be available to answer any questions you may have.
Referred to Ordinance and Rules

5. Respectfully request transfers of CDBG residue accounts in the amount of \$170,176.00 specifically:

From: Account #290-175-2000-8000 in the amount of \$170,176.00

To: Account #290-175-2011-8035 in the amount of \$120,176.00 – McKenna Playground

Account #290-175-2011-8038 in the amount of \$25,000.00 – Logan Park

Account #290-175-2011-8044 in the amount of \$25,000.00 – Prospect Terrace

The Assistant Planning Director and Principal Planner will be available to answer any questions you may have.

Referred to Finance Committee

6. Respectfully request transfers of surplus Worcester Lane Capital Improvement paving funds (98,526.24) to a new Account Worcester Lane Culvert and Wing Walls, specifically:

From: CPW Streets – Worcester Lane #001-420-5800-6710 \$77,193.58

CPW Streets – Worcester Lane #310-420-2001-6710 \$21,322.66

To: CPW Worcester Lane Culvert #001-420-5800-7210 \$77,193.58

CPW Worcester Lane Culvert #310-420-2007-7210 \$21,322.66

President Waddick recognized Councillor Romard who requested to act on this communication without committee reference. On a voice vote, the petition was acted on without committee reference. Councillor Romard, the Ward Councillor explained his reason for moving this communication without committee reference. Councillor Romard moved to adopt the transfer. On a voice vote, the transfer was adopted.

*City Council Minutes
Council, Committee, Council Monday, August 6, 2012*

7. Respectfully request the approval of the School Committee's request regarding relocation of the Parent Information Center (PIC) to Rooms 218 and 219 at South Community Center. The Superintendent is available to answer any questions you may have regarding this request. Referred to the Committee of the Whole

8. Ad-Hoc Committee Former Fitch School request. I will be looking into that as a potential Police Facility (provided that the current police locations at Carter Street, Lexington Street, and Bright School are all consolidated into this one location. Referred to the Committee of the Whole

Licenses All license are referred to the License and Franchises Committee

Renewal of Second Hand More Than Words

New Business

Application for Special Permit – Bank with a Drive-through, Two (2) Fast Food Facilities and Reduced Parking for 1019 Trapelo Road, Waltham, MA hereby request to withdraw a Special Permit Application without prejudice. President Waddick recognized Councillor Tarallo who moved to suspend the rules and act on the leave to withdraw without prejudice, without committee reference. On a voice vote, the rules were suspended. Councillor Tarallo moved to grant the leave to withdraw without prejudice. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Tarallo and Vizard. 12 in favor, none opposed Order # 31778

Election Warrant

Clerk's Office respectfully requests in accordance with the provisions of the law that the Council approve a warrant for the State Primary by order to be held on September 6, 2012.

Councillor Tarallo moved to suspend the rules and act on the Election Warrant without committee reference. On a voice vote, the rules were suspended. Councillor Tarallo moved to approve the Election Warrant. The roll was called voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Tarallo, Vizard and Waddick. 13 in favor none opposed Order # 31784

Committee Reports

The Ad Hoc Committee on the Re Use of the Fitch School recommends:

1. Lot B the Spray Park be extended for a park and parking as the attached plan shows Councillor Curtin moves the action of the committee be the action of the council.

2. Create a new Lot A and create an RFP for hotel concept and retaining the historic nature of the building.

Councillor Curtin explained where the Mayor had sent a communication on the Fitch.

Councillor Curtin moved that this order be referred to the Committee of the Whole and can be addressed with her communication. The motion was adopted on a voice vote and the order was referred too Committee of the Whole.

City Council Minutes
Council, Committee, Council Monday, August 6, 2012

Loan Order (Tabled)

Respectfully request adoption of a loan order in the amount of \$2,407,000 to fund the following streets:

Trapelo Road (Marguerite to the Belmont Line)	# 310-420-2013-6710	\$ 40,000
Main Street (Linden to Watertown Line)	# 310-420-2013-6710	\$414,000.
River Street	# 310-420-2013-6710	\$276,000.
Lexington Street (Piety Corner to Main St)	# 310-420-2013-6710	\$418,000.
First Avenue	# 310-420-2013-6710	\$95,000
Winter Street	# 310-420-2013-6710	\$403,000.
Moody Street(Main St to train track)	# 310-420-2013-6710	\$ 81,000
Main Street (Rt 117 Bridge to Weston Line)	# 310-420-2013-6710	\$ 183,000
Vernon Street	# 310-420-2013-6710	\$207,000
Beaver Street (Forest St to Waverly Oaks Rd	# 310-420-2013-6710	\$290,000

Loan Order having had a first reading is before the Council for a Second and Final Reading. Councillor Vizard moved to give the Loan Order a second reading. The roll was called. Voting for the Loan Order were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Tarallo and Vizard.

The Loan Order was passed 12 in favor, none opposed. Order # 31780

Councillor Tarallo moved to take both special permits, Sprint, 130 Turner Street and 39 Sachem Street off the table. The motion was adopted on a voice vote. Councillor Tarallo explained to the council that Sprint responded to the shot clock comments from the Law Department and those comments were sent to the Law Department. The Law Department has responded with a recommendation that a letter be sent to the Petitioner. The packet you have contains all the correspondences from the Petitioner, the Law Department and a draft letter for the Petitioner. Councillor Tarallo movd that the letter be sent to the Petitioner. The motion was adopted a voice vote Councillor Tarallo moved to place the two matters back on the table. The motion was adopted on a voice vote the two matters were tabled.

Recess into Committees will reconvene in Public Session

Reconvening

President Waddick asked if there was a motion to continue after midnight. Councillor Doucette moved to suspend the rules to go after midnight. The motion was adopted on a voice.

Committee Reports

The Finance Committee Recommends

1, The Finance Committee recommended acceptance of (4) car seats and (4) belt positioning boosters from Dorel Juvenile Group/International Brands. 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 # 31783

2, The Finance Committee recommended that the budgeted part-time positions of junior office assistant (5-3) and customer service assistant (5-6) be combined into one full-time customer service position (5-6) due to a recent unexpected resignation. 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 # 31781

City Council Minutes
Council, Committee, Council Monday, August 6, 2012

3, The Finance Committee recommended the transfers of CDBG residue accounts in the amount of \$170,176.00 specifically:

From: Account #290-175-2000-8000 in the amount of \$170,176.00

To: Account #290-175-2011-8035 in the amount of \$120,176.00 – McKenna Playground

Account #290-175-2011-8038 in the amount of \$25,000.00 – Logan Park

Account #290-175-2011-8044 in the amount of \$25,000.00 – Prospect Terrace

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

On a voice vote, the order was adopted. Order # 31782

4, The Finance Committee recommended that the communication, transfer of \$55,693.60

Worcester Lane Paving to Streets/Sidewalks tabled in committee. Be Placed on File,

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

On a voice vote, the communication was placed on File.

5, The Finance Committee recommended that the Resolution, regarding the repairs and

replacement of head wall and wingwalls \$55,694.00 Worcester Lane tabled in committee. Be

Placed on File

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

On a voice vote, the Resolution was placed on File.

Committee of the Whole

The Committee of the Whole recommended the approval of the School Committee's request regarding relocation of the Parent Information Center (PIC) to Rooms 218 and 219 at South Community Center as amended in committee Be Approved

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

On a voice vote, the request as amended was approved.

No other matters before the Council, Councillor Doucette moved to adjourn. The motion was adopted on a voice vote and the President, Councillor Waddick declared the meeting.

Adjourned at 12:50 A.M.