

*Waltham City Council Minutes of the meeting of Monday, September 24, 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)

President Waddick invited Troop 248 to recite the Pledge of Alliance.

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.

Councillor Doucette moved to take a resolution out of order. On a voice vote, the resolution was taken out of order. Councillor Doucette commended the race organizers for all the hard work they had done. Councillor Doucette moved to hear from an off committee member, Tim Irving. On a voice vote, the motion was approved. Mr. Irving thanked the City Council for all their help. Councillor Doucette moved to suspend the rules and approve the resolution without committee reference. On a voice vote, the resolution was approved.

President Waddick requested that the minutes from September 10, 2012 be accepted. Councillor Logan moved to accept the minutes as amended. On a voice vote, the minutes were accepted.

The Clerk read Rule 29A

Public Hearing Street Opening-Galen Street

Due notice having been given, President Waddick opened the public hearing on a petition from Natiogrid for permission from the City Council for the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways, and places of the City of Waltham and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 280 feet more or less of 4 inch gas main in Galen Street, from the existing 4 inch gas main in Summit Street Northerly to House # 22 for a new gas service. President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor was Dennis Regan, representing NationalGrid. No one stood in favor. No one spoke or stood in opposition. President Waddick closed that part of the public hearing and opened it to questions from Councillors. Councillor Romard, Ward Councillor had several questions, such as how long the project would take, if the neighbors were notified and if the street would be repaved properly. Councillor Rourke inquired if the street was repaved within the last 3 years. Councillor LeBlanc inquired if the Waltham Housing Authority was the owner of the property involved. Mr. Regan was instructed to bring the responses to the inquiries to the meeting of the Licenses and Franchises Committee. Councillor Romard requested that the CPW Director be invited to the next Committee meeting. The petition was referred to the Licenses and Franchises Committee.

Public Hearing Street Opening- Walton Street

Councillor Doucette state as a neighbor he had no financial gain from the project and would be able to vote on the mater impartially
minutes 9-24-12

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

NationalGrid petitioning the City Council for permission for the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways, and places of the City of Waltham and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 50 feet more or less of 4-inch gas main in Walton Street, from the existing 4 inch gas main at House # 9 Westerly to House # 15 for a new gas service.

President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor were Dennis Regan, representing NationalGrid, and Ron Vaughan, 15 Walton Street. No one stood in favor. No one spoke or stood in opposition. President Waddick closed that part of the public hearing and opened it to questions from Councillors. Councillor McMenimen stated that the project was needed to aid the resident, and that the CPW Director was on board with the project. Councillor Tarallo inquired as to the length of time the project would take. Councillor Rourke asked if neighbors were asked if they were interested. Mr. Regan responded yes. Councillor Doucette, as a neighbor was not approached. President Waddick closed the public hearing. Councillor Tarallo moved to suspend the rules and act on the petition without committee reference. On a voice vote, the rules were suspended. Councillor Tarallo moved to grant the permission. On a voice vote, the order was adopted. Order # 31800

Special Permit

Recessed from 6-25-12

Due notice having been given, President Waddick opened the public hearing on a petition from Sprint, 1 International Blvd, Mahwah, NJ and Stonybrook Holdings, 130 Turner St. Waltham, MA 02453. Hereby petition the Waltham City Council for a special permit pursuant to Sections 3.512, 3.621, and 10.56 of the City of Waltham Zoning Ordinance, to modify, operate and upgrade a wireless communication facility on the existing building located on the property located at 130 Turner Street (Atlas Map 0074, Block 005, Lot 019), including replacing six (6) wireless antenna with (6) new wireless antennas mounted on existing rooftop and painted to match same. The Petitioners also propose to replace one (1) ancillary cabinets with one (1) new cabinets located inside the existing equipment room in the basement of the building, install nine (9) RRH mounted behind the wireless antenna, install one (1) Fiber Distribution Box mounted to existing equipment room wall. Replace a small Global Positioning System (GPS) antenna, which is necessary for E911 compliance. The proposal is shown on the Plans submitted by the Petitioners, which are incorporated herein by reference. President Waddick opened the public hearing to those wishing to speak in favor of the petition. No one was present to speak in favor of the petition. Councillor Tarallo explained 90-day “shot clock” rule. Councillor LeBlanc inquired if the petitioners were notified. Assistant City Clerk Ritcey stated they were. Councillor Tarallo moved to have the special permit application referred to the Ordinances and Rules Committee and to notify the petitioners. On a voice vote, the application and request was adopted. President Waddick close the public hearing and referred the matter to the Ordinance and Rules Committee.

Special Permit

Recessed from 6-25-12

Due notice having been given, President Waddick opened the public hearing on a petition from minutes 9-24-12

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Sprint, 1 International Blvd, Mahwah, NJ and Pinnacle Towers, Inc. Sarasota, FL. hereby petition the Waltham City Council for a special permit pursuant to Sections 3.512, 3.621, and 10.56 of the City of Waltham Zoning Ordinance, to modify, operate and upgrade a wireless communication facility on the existing building located on the property located at 39 Sachem Street (Atlas Map R0033, Block 001, Parcel 0005), including replacing three (3) wireless antenna with (6) wireless antennas mounted to the Lattice Tower and painted to match same. The Petitioners also propose to replace two (2) ancillary cabinets with two (2) new cabinets located on existing steel dunnage, install nine (9) RRH mounted to the wireless antenna on the tower, install one (1) Fiber Distributions Box mounted to ice bridge supports. Replace a small Global Positioning System (GPS) antenna, which is necessary for E911 compliance. The proposal is shown on the Plans submitted by the Petitioners, which are incorporated herein by reference. President Waddick opened the public hearing to those wishing to speak in favor of the petition. No one was present to speak in favor of the petition. Councillor Tarallo explained 90-day "shot clock" rule. Councillor LeBlanc inquired if the petitioners were notified. Assistant City Clerk Ritcey stated they were. Councillor Tarallo moved to have the special permit application referred to the Ordinances and Rules Committee and to notify the petitioners. On a voice vote, the application and request was adopted. President Waddick close the public hearing and referred the matter to the Ordinance and Rules Committee.

Licenses All license were referred to the License and Franchises Committee
Renewal of a Class II Motor Vehicles Licenses for Newton Street Service
Renewal of a Class II Motor Vehicles Colvin's Inc
Renewal of an Extended Hours Licenses for Tedeschi Food Shops
Renewal of a Lodging House Babu Punnose
Renewal of a Lodging House Hurley House 12-14 Lowell St

New Business

Councillor Tarallo moved to act without committee reference. On a voice vote, the motion to act without committee reference was granted. Councillor Tarallo moved to grant a leave to withdraw. The Roll was called. Voting for the leave to withdraw 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 # 31794
Correspondence from Clear Wireless LLC for a leave to withdraw without prejudice a special permit application for 110 Bear Hill Road.

Yun Rebecca Huang, 72 beaver Street, Waltham petitions the City Council for a Mass Port Letter Referred to the Licenses and Franchises Committee

Resolutions

Councillor Logan presented a resolution regarding the number of serious crimes committed in Waltham. Councillor Logan submitted a requested that the Acting Chief of Police attend the meeting of the Committee of the Whole on Monday, October 1, 2012. On a voice vote, the request was approved. President Waddick referred the resolution to the Committee of the Whole.

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Councillor Curtin presented a resolution regarding upgrades to the cable access equipment in the City Council Chambers. President Waddick referred the resolution to the Committee of the Whole.

Councillor Marchese presented a resolution commending Ernest Caramanica. President Waddick referred the resolution and order to the License and Franchises Committee.

Councillor Darcy presented a resolution regarding natural hookups. Councillor Darcy submitted a request for the CPW Director to report to the City Council the number of natural gas hookups. On a voice vote, the request was approved. President Waddick referred the resolution to the Committee of the Whole.

Committee Reports

Licenses and Franchises Committee

The Clerk read the communication received from Work Out World requesting a leave to withdraw without prejudice. Councillor Logan moved to accept the letter and to act on the matter without committee reference. On a voice vote, the motion was adopted. Councillor Logan moved to grant the leave to without draw. The roll was called. Voting to accept the leave to withdraw were Councillors Brasco, Curtin, Darcy, Giordano, LeBlanc, Logan, m, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 14 to 0 vote the leave was granted. Order # 31795

The Licenses and Franchises Committee recommended that the Extended Hours application for Workout World, 47 Foundry Ave. reasons attached, BE DENIED. The denial was not necessary.

The Licenses and Franchises Committee recommended that the Resolution with the order dedicating the intersection of Moody St. and Brown St. the Francis J. Doherty Square BE APPROVED

Councillor Logan moved the action of the committee be the action of the council. On a voice vote, the order was adopted. Order # 31799.

The Licenses and Franchises Committee recommended that the New Second Hand Dealers License for Clean out your House 1250 Main St BE GRANTED

Councillor Logan moved the action of the committee be the action of the council. On a voice vote, the Second Hand Dealer License was granted.

The Licenses and Franchises Committee recommended that the Renewal of, Second Hand Dealers License for More then Words 376 Moody St BE granted

Councillor Logan moved the action of the committee be the action of the council. On a voice vote, the Second Hand Dealer License was granted.

The Licenses and Franchises Committee recommended that the New Second Hand Dealers License for Computer 563 Moody St BE granted.

Councillor Logan moved the action of the committee be the action of the council. On a voice vote, the Second Hand Dealer License was granted.

The Licenses and Franchises Committee recommended that the Resolution invite Nstar / Gardner St. BE PLACED ON FILE

Councillor Logan moved the action of the committee be the action of the council. On a voice vote, the resolution was filed.

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The Licenses and Franchises Committee recommended that the Resolution issuances of taxi licenses. BE PLACED ON FILE

Councillor Logan moved the action of the committee be the action of the council. On a voice vote, the resolution was file.

Long Term Debt Committee

The Long Term Debt Committee recommended that the City Council approve the following transfers for Capital Improvement Program accounts to close out the project. Funds in a general account may be transferred to another project upon request and approval.

From 310-410-2013-6411 (Engineering –Hybrid Vehicle) \$ 765.00

To 310-410-2013-6400 (Engineering- general)

Reason Vehicle has been received/paid in full to vendor

From 310-410-2010-7110 (Benefit Street – Reconstruction) \$ 250,242.10

To 310-410-2007-7100 (Street Reconstruction – General)

Reason Project complete; no addition expenses anticipated

From 310-410-2007-7110 (Washington Street – Reconstruction) \$ 1,629.00

To 310-410-410-2007-7100 (Street Reconstruction – General)

Reason Project completed; no addition expenses anticipated.

Total \$ 252,636.10

Councillor Stanley moved the action of the committee be the action of the council. On a voice vote, the order was adopted. Order # 31796

The Long Term Debt Committee recommended that the City Council approve the following transfers for Capital Improvement Program accounts to close out the project. Funds in a general account may be transferred to another project upon request and approval.

From Sewer Equipment – Backhoe \$ 723.42

To Sewer Equipment General

Reason Equipment received and paid in full to vendor

From Sewer Equipment – Camera System \$556.00

To To Sewer Equipment General

Reason Equipment received and paid in full to vendor

From Sewer Equipment Compressor \$6,999.90

To Sewer Equipment General

Reason Old generator was located and repaired equipment wasn't needed.

From Drain Improvements Everett Street \$ 13,170.00

To Drain General

Reason Project completed; no additional expenses anticipated

From Sewer Improvements Pipe Rehab Various \$ 119.57

To Sewer General

Reason Project completed; no additional expenses anticipated

From Sewer Improvements Warrendale \$ 34,796.79

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To Sewer General
Reason Project completed; no additional expenses anticipated

From Sewer Improvements Warrendale \$ 1,423.86

To Sewer General
Reason Project completed; no additional expenses anticipated
Total \$ 57,789.54

Councillor Stanley moved the action of the committee be the action of the council. On a voice vote, the order was adopted. Order # 31797

The Long Term Debt Committee recommended that the City Council approve the following transfers for Capital Improvement Program Capital Improvement Program accounts to close out the project. Funds in a general account may be transferred to another project upon request and approval.

From Equipment Cross Conn Tablet \$10.00

To Equipment General
Reason Item Received/vendor paid in full

From Water Improvement Arcadia Ave \$148,421.80

To Water Improvement General
Reason Project completed; no additional expenses anticipated

From Water Improvement Chesterbrook Road \$170,598.13

To Water Improvement General
Reason Project completed; no additional expenses anticipated
Total \$ 319,029.93

Councillor Stanley moved the action of the committee be the action of the council. On a voice vote, the order was adopted. Order # 31798

The Long Term Debt Committee recommended that the City Council file the following transfer.

From Water Improvement Hydrant Program \$6,395.76

To Water Improvement General
Reason Project completed; no additional expenses anticipated

Councillor Stanley moved the action of the committee be the action of the council. On a voice vote, the order was adopted. Order # 31793

Committee of the Whole

The Committee of the Whole recommended that the possible land taking dated 9-11-2006 be placed on file.

Councillor Doucette moved the action of the committee be the action of the council. On a voice vote, the Land purchase request dated 9-11-2006 was placed on file.

The Committee of the Whole recommended that the land acquisition and the review of the fire station dated 1/8/2007 and 9/12/2005 be placed on file.

Councillor Doucette moved the action of the committee be the action of the council. On a voice vote, the review of the fire station dated 1/8/2007 and 9/12/2005 was placed on file.

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The Committee of the Whole recommended that the resolution regarding Drug Take Back Program be placed on file.

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

The Committee of the Whole recommended that the request concerning Fitch School 8-6-2012 be forwarded to the Fitch School Ad-Hoc Committee.

Councillor Doucette moved the action of the committee be the action of the council. On a voice vote, the request was referred to the Fitch School Ad-hoc Committee.

The Committee of the Whole recommended that the City Council approves the eminent domain taking for certain parcel of land on Main and Newton Streets contain 1, 098 square feet more or less per the attachment containing the “ Agreement For Friendly ,” Taking Parcel Plan and Special Permit (CO # 31772 dated June 25, 2012

Councillor Doucette moved the action of the committee be the action of the council. The roll was called. Voting for the taking were Councillors Brasco, Curtin, Darcy, Doucette, Romard, Giordano, LeBlanc, Logan, Marchese, McMenimen, Rourke, Stanley, Tarallo, Vizard and Waddick. By a 15 to 0 vote, the order was adopted. Order # 31789

Ordinances and Rules Committee

The Ordinances and Rules Committee reported to the City Council, the Committee’s recommendation for the following for the Hardy School Comprehensive Permit

That the City Council President appoint the Ward 2 Councillor and Chairman of the Ordinance and Rules Committee to represent the City

Council at the Hardy School Comprehensive Permit public hearing

- That the City Council Support the Hardy School Comprehensive Permit to occupy 19 units for Senior Housing of which 11 units will be affordable in accordance with the deed and order approved June 14, 2010 by the Waltham City Council.
- The proposed use will continue to preserve and reutilize the former Hardy School
- It will continue the residential use that Bentley University had at the site for approximately 20 years.
- The proposal will fulfill a void in the City of Waltham where no affordable rental Senior Housing presently exists in North Waltham

BE APPROVED

Councillor Tarallo moved the action of the committee be the action of the council. On a voice vote, the matters were approved and Councillor Tarallo was confirmed as the City Council representative.

The Ordinances and Rules Committee recommended that the request to amend current Ordinance Vicious Dogs. BE PLACED ON FILE

Councillor Tarallo moved the action of the committee be the action of the council.

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Finance Committee

The Finance Committee recommended that the City Council approve the appropriation of funds in the amount of \$50,000.00 from the Library State Grant # 224-610-1065-5205 to Library Educational Expenses # 001-610-5200-5510.

Councillor Curtin moved the action of the committee be the action of the council. On a voice vote, the order was adopted. Order # 31792

The Finance Committee recommended that the City Council accepts the Hazardous Material Emergency Response grant.

Councillor Curtin moved the action of the committee be the action of the council. On a voice vote, the order was adopted. Order # 31791

The Finance Committee recommends that the City Council approve the transfer of funds in the amount totaling \$ 120,300.00 to fund the collective bargaining agreement between the City and Middle Managers Union for the period July 1, 2010 to June 30, 2013.

Councillor Curtin moved the action of the committee be the action of the council. The roll was called. Voting yea were Councillors Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 13 to 0 vote, the order was adopted. Order # 31790

RFP Committee Recommends

The RFP Committee recommended that all the RFP proposals received for 685 Lexington St. be rejected and the Purchasing Agent re-advertise.

Councillor Tarallo moved the action of the committee be the action of the council. On a voice vote, the proposals were rejected.

Councillor Tarallo moved to adjourn. On a voice vote, the City Council adjourned at 10:50 pm.