

***Waltham City Council Draft Minutes of the meeting of Tuesday, October 9, 201, 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, McMenimen, Romard, Rourke, Tarallo, Stanley, Waddick and Vizard. (14)

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.

Councillor Curtin requested a moment of silence for Larry Reynolds. Councillors Stanley , McMenimen, and Darcy spoke commending Larry Reynolds for all his good works.

Councillor McMenimen requested that the minutes from September 24, 2012 be accepted. On a voice vote, the minutes were accepted.

City Clerk Malone read Rule 29 A

**Public Hearing            Street Opening- Villa Street**

Due notice having been given, President Waddick opened the public hearing on the petition by Gerald Bingham, 53 Villa Street, Waltham, for permission under the provisions of Section 17-25 for the installation of natural gas utilities. The property is numbered 53 Villa 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 were Mr. Gerald Bingham, petitioner and Dennis Regan, representative from Nationalgrid. President Waddick asked if any one wanted to stand in favor. There were 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. Councillor Giordano requested that the permission be granted without committee reference. Councillor Vizard agreed with Councillor Giordano. Councillor Rourke inquired as to where the gas main was located. Councillor Curtin asked Mr. Regan to confirm the date of the last possible time for Nationalgrid to open the street. His response was it was the city's deadline. Councillor Romard inquired as to who paid the cost. Mr. Regan responded it was figured into the cost for the customer. Councillor Giordano moved for suspension of the rules. On a voice vote, the rules were suspended. Councillor Giordano moved to grant permission. On a voice vote, the order was adopted. Order # 31801

**Public Hearing            Street Opening Azalea Road**

Due notice having been given, President Waddick opened the public hearing on the petition by Nationalgrid respectfully requesting the consent of 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:

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To install and maintain approximately 54 feet more or less of 2 inch gas main in Azalea Road, from the existing 2 inch gas main at House # 44 northerly to House # 40 for a new gas service. President Waddick asked if anyone present wanted to speak in favor of the petition. President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor was Dennis Regan, representative from Nationalgrid. President Waddick asked if any one wanted to stand in favor. There were none. President Waddick asked if anyone wanted to speak in opposition. There were none. President Waddick asked if anyone wanted to stand in opposition. There were none. President Waddick closed that portion of the public hearing and opened it to questions from Councillors. Councillor Logan questioned if the matter was properly before the City Council . Azalea Road is a private way. Councillor Curtin supplied the Massachusetts General Law that clarified the City Council's authority in this situation. President Waddick ruled the petition was not property before the City Council.

**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 acceptance of the State 911 Department Training Grant and EMD Grant in the amount of \$34,313.00.

Referred to the Finance Committee

**2.** Respectfully request an appropriation for the remaining asbestos abatement at Banks School.

Referred to the Finance Committee

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

Respectfully request a transfer of \$25,000.00 from Account # 310-192-2006-6261 Building Renovations t-25 Lexington St to Account 310-192-2006-6267 Building renovations – Banks School for asbestos abatement at Banks School.

Referred to the Finance Committee

Late File Communication

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

Respectfully request that the late file for a transfer of \$ 25,000.00 for Banks School be tabled until a determination is made as to if a new bid is needed.

Referred to the Finance Committee

**3.** Respectfully submit a package from Stantec on behalf of DCR. They are asking certification and assent from the City regarding constructing Phase 3c of the Charles River Reservation Pathway and Restoration Project.

Referred to the Committee of the Whole

**4.** Respectfully submit an environmental report from Sheryl Waddick, Environmental Specialist. Referred to the Committee of the Whole

**5.** Respectfully submit for evaluation by the City Council a RFP for the sale of an easement on land adjacent to 230 Moody Street. Mayor's evaluation is attached.

Councillor Logan presented a resolution relative to the easement on land adjacent to 230 Moody Street. It also stated that the evaluation for the land be 1.1. Councillor Logan moved for suspension of the rules to act on the resolution without committee reference. On a voice vote,

draft 10-9-12

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the rules were suspended. Councillor Logan moved approval of the resolution. On a voice vote, the resolution was adopted. The communication was placed on file and the adopted resolution was forwarded to the Mayor.

All license were referred to the License and Franchises Committee

*Class II Motor Vehicles Renewals*

DW Enterprise dba Waltham Auto Gallery 712 Moody Street

Diamond Automotive 614 Moody Street

Absolute Auto Sales 50A River Street

Pilicy Auto 935 R Main Street

*Extended Hours Renewals*

Masteran Company – Burger King 881 Moody Street

*Lodging House Renewals*

Charles Pintabone 6 Park Place

Renewal Josephine Furdon 38 Floyd Street

Renewal – Michael Colomba – 107 Adams Street

Renewal Michael Cotton - 26 Myrtle St

**New Business**

**Late File Communication**

Councillor Logan moved to accept the late file communication. On a voice vote, the communication was accepted. Councillor Tarallo recused himself due to a conflict of interest. Walter E. Ohnemus, III and Richard N. Pizzi, Jr., Trustees of Del Mar Realty Trust, 495 Lincoln Street, Waltham, MA 02451, hereby petition the City Council for a leave to withdraw an application for a zone change on Lake Street.

Councillor Logan moved to act on the withdrawal without committee reference. On a voice vote, the withdrawal was acted on without committee reference.

Councillor Logan moved to grant the withdrawal. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Stanley, and Vizard. By a 12 to 0 vote, the zone change was withdrawn. Order # 31802

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

**Late File Communication**

Waltham Ventures, LLC, 119 Bare Hill Road, Boxford, MA and Panera, LLC, 3630 South Geyer Road, Sunset Hills, MO hereby petitions the City Council an extension of time to act on a special permit with mutual agreement for properties located at 1030 Main Street until November 30, 2012. Councillor Tarallo moved to act on the time extension without committee reference. On a voice vote, the motion was approved. Councillor Tarallo moved to grant the time extension for the special permit. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 13 to 0 vote, the order was granted. Order # 31804

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

**Late File Communication**

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200 Moody Street, LLC hereby petitions the City Council for an extension of time to act on a special permit with mutual agreement until November 30, 2012 for property located at 210 Moody Street. Councillor Tarallo moved to act on the time extension without committee reference. On a voice vote, the motion was approved. Councillor Tarallo moved to grant the time extension for the special permit . The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 13 to 0 vote, the order was granted. Order # 31805

**Late File Communication**

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

Stellar Restaurant Group, Inc d/b/a Boloco and Somerset Waltham LLC hereby petitions the City Council for an extension of time to act on a special permit with mutual agreement until November 30, 2012. Councillor Tarallo moved to act on the time extension without committee reference. On a voice vote, the motion was approved. Councillor Tarallo moved to grant the time extension for the special permit . The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 13 to 0 vote, the order was granted. Order # 31806

**Late file communication**

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

Chipotle Mexican Grill of Colorado, LLC hereby petitions the City Council for an extension of time to act on a special permit with mutual agreement for properties located at 1030 Main Street until November 30, 2012. Councillor Tarallo moved to act on the time extension without committee reference. On a voice vote, the motion was approved. Councillor Tarallo moved to act on the time extension without committee reference. On a voice vote, the motion was approved. Councillor Tarallo moved to grant the time extension for the special permit . The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 13 to 0 vote, the order was granted. Order # 31807

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

Trustees of Zee Em Trust II, Owner, and Boston Properties Limited Partnership, Petitioner, both with an address of Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA 02199 hereby petitions the City Council for an extension of time to act on a special permit with mutual agreement for properties located at 470, 486, and 504 Totten Pond Road until November 30, 2012. Councillor Tarallo moved to act on the time extension without committee reference. On a voice vote, the motion was approved. Councillor Tarallo moved to grant the time extension for the special permit . The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 13 to 0 vote, the order was granted. Order # 31808

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

PD Winter Street, LLC with an address c/o Jan Machnik, Davis Marcus Partners, 930 Winter Street, Waltham, Massachusetts 02451 hereby petitions the City Council for an extension of draft 10-9-12

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time to act on a special permit with mutual agreement for properties located 850 Winter Street, 910 Winter Street, 920-940 Winter Street until November 30, 2012. Councillor Tarallo moved to act on the time extension without committee reference. On a voice vote, the motion was approved. Councillor Tarallo moved to grant the time extension for the special permit . The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 13 to 0 vote, the order was granted. Order # 31809

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

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 November 30, 2012. Councillor Tarallo moved to act on the time extension without committee reference. On a voice vote, the motion was approved. Councillor Tarallo moved to grant the time extension for the special permit . The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Giordano, LeBlanc, Logan, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 13 to 0 vote, the order was granted. Order # 31810

**Mass Port Letter Requests**

President Waddick referred the requests listed below.

Request for a Mass Port Letter Mohamed Darradji, 356 Lincoln Street, Waltham.

Referred to the Licenses and Franchises Committee

Request for a Mass Port Letter Hamdi B. Tlili, 12 Appleton Street, Waltham.

Referred to the Licenses and Franchises Committee

Request for a Mass Port Letter Franklin Ngo, Hillcrest Street Waltham

Referred to the Licenses and Franchises Committee

**Resolutions**

Resolution presented by Councillors Darcy, McMenimen, LeBlanc, Tarallo and Stanley regarding water safety and quality. Councillor Darcy spoke regarding the resolution. The resolution was referred to the Committee of the Whole.

Resolution presented by Councillors Darcy and Giordano regarding control of nuisance and dangerous dogs. Councillor Darcy spoke regarding the resolution. The resolution was referred to the Committee of the Whole.

**Committee Reports**

**Licenses and Franchises Committee**

The Licenses and Franchises Committee recommended that the Order naming the intersection of Harvard St. and Harvard Pl. from this point on be known as the Ernest Caramanica Square be adopted. Councillor Logan moved the action of the Committee be the action of the Council. On a voice vote, the order was adopted. Order # 31803

The Licenses and Franchises Committee recommended that the Mass Port Letter for Yun Huang 72 Beaver St. be granted Councillor Logan moved the action of the Committee be the action of the Council. On a voice vote, the Mass Port Letter was granted.

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The Licenses and Franchises Committee recommended that the petition for the 280 ft of Gas Main in Galen St. be granted Councillor Logan moved the action of the Committee be the action of the Council. On a voice vote, the order was granted. Order # 31811

The Licenses and Franchises Committee recommended that the Renewal Class II Motor Vehicle License for Newton St. Service be granted. Councillor Logan moved the action of the Committee be the action of the Council. On a voice vote, the Class II Motor Vehicle License was granted.

The Licenses and Franchises Committee recommended that the Renewal Class II Motor Vehicle License for Colvin's Prospect St. be granted. Councillor Logan moved the action of the Committee be the action of the Council. On a voice vote, the Class II Motor Vehicle License was granted.

The Licenses and Franchises Committee recommended that the Renewal for Extended Hours for Dunkin Donuts 859 Main Street be granted. Councillor Logan moved the action of the Committee be the action of the Council. On a voice vote, the Extended Hours License was granted.

The Licenses and Franchises Committee recommended that Renewal for Extended Hours for Tedeschi 10 High St. be granted. Councillor Logan moved the action of the Committee be the action of the Council. On a voice vote, the Extended Hours License was granted.

The Licenses and Franchises Committee recommended that Renewal for Extended Hours for Mobile 1335 Main St. be granted. Councillor Logan moved the action of the Committee be the action of the Council. On a voice vote, the Extended Hours License was granted.

**Public Works Committee**

The Public Works Committee recommended that the resolution regarding Nstar poles in the middle of the sidewalk on Beaver 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 placed on file.

The Public Works Committee recommended that the resolution relative to double poles 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 placed on file.

The Public Works Committee recommended that the resolution regarding protective manhole rings 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 placed on file.

The Public Works Committee recommended that resolution dated 4-24-2006 and the Mayor's communication dated 9-10-2007 relative to Banford Way be placed on file after all information is added to the resident petition for accepting of Banford Way as a public street dated 6-13-2011. Councillor Rourke moved the action of the Committee be the action of the Council. On a voice vote, the resolution was placed on file.

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The Committee of the Whole recommended that the resolution on crime review be placed on file. Councillor Curtin moved the action of the Committee be the action of the Council. On a voice vote, the resolution was placed on file.

**Ordinances and Rules Committee**

The Ordinances and Rules Committee recommended that the special permit for Sprint, 1 International Blvd, Mahwah, NJ 0745 and Pinnacle Towers, Inc. Sarasota, FL. for property located at 39 Sachem Street (Atlas Map R0033, Block 001, Parcel 0005), be denied.

Councillor Tarallo moved to have the special permit application referred back to the Ordinances and Rules Committee. On a voice vote, the application was recommitted.

The Ordinance & Rules Committee recommended that the special permit for Sprint, 1 International Blvd, Mahwah, NJ 0745 and Stonybrook Holdings, 130 Turner St. Waltham, MA 02453. for property located at 130 Turner Street (Atlas Map 0074, Block 005, Lot 019), be denied.

Councillor Tarallo moved to have the special permit application referred back to the Ordinances and Rules Committee. On a voice vote, the application was recommitted.

Councillor Darcy moved to adjourn.. On a voice vote, the meeting adjourned at 9:55 PM.