

***Waltham City Council Minutes of the meeting of Monday,  
October 22, 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)

Councillor McMenimen moved to accept the minutes from October 9, 2012. On a voice vote, 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. The resolution relative to the twenty-six anniversary of breast cancer awareness month. Councillor Curtin spoke encouraging support and involvement in Breast Cancer fund raising programs. 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 for approval of the resolution. On a voice vote, the resolution was adopted.

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 by NSTAR ELECTRIC COMPANY for permission from the City Council 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, and notice has been given and a hearing held on said petition as provided by law.

**Trapelo Road** - Southerly @ pole 274/132 approximately 86'  $\pm$  feet west of  
Kingston Road. A distance of about 7'  $\pm$  feet – conduit

President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor was Maureen Carroll from Nstar. 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 Darcy spoke in favor of the project. The petition by the homeowner was to install the service connector underground. Councillor Logan inquired as to the location of the installation. Ms. Carroll responded. It was in the grassy strip in front of the address. Councillor Darcy moved for approval without committee reference. On a voice vote, the approval was given. Councillor Darcy moved to adopt the order. On a voice vote, the order was adopted. Order # 31817

**Public Hearing- Special Permit**

Due notice having been given, President Waddick opened the public hearing on the petition by Waltham Ventures, LLC, 119 Bare Hill Road, Boxford, MA 01921 and Mass Burgers Waltham, LLC d/b/a Five Guys Hamburgers & Fries, 211 Main Street, Natick, MA 01760, 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 1030 Main Street (formerly known as 1006 Main Street and 1022 Main Street) and is shown in the “Atlas, City of Waltham, Massachusetts 1988”, as Map 58, Block 18, Lot 18. The property is situated in a Business B Zoning District.

President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor were Joseph Connors, Attorney for the petitioner, Kevin Dandrade, Tec, Inc. Attorney Connors described the project. President Waddick asked if anyone wanted to stand in favor. There were none. President Waddick asked if anyone wanted to speak in opposition.

***Waltham City Council Minutes of the meeting of Monday,  
October 22, 2012, City Council Chambers, 610 Main Street, Waltham***

Speaking in opposition was Thomas Felis. His concerns were relative to parking. President Waddick closed that part of the public hearing and opened it to questions from Councillors. Councillor Marchese Ward Councillor had concerns. The questions were size of the freezer, peak hours, traffic and parking. Attorney Connors would bring the responses to the next Ordinances and Rules Committee. Councillor Tarallo inquired if the plans were the same as the approved plans from the special permit. They were not. Councillor Tarallo instructed Attorney Connor to bring a set of the plans from the special permit to the next Ordinances and Rules Committee Meeting.

**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 that the City council accepts the bequest/gift in the amount of \$ 86,108.55 , to establish the Irene L. Kallow and Ragnhild Kallow Scholarship Trust and authorize the Mayor to sign all documents necessary to effectuate the gift and Trust.  
Referred to the Finance Committee

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

Renewal of Class II Motor Vehicles Licenses Route 60 Motors Inc 96 Linden Street

**New Business**

Late File Communication from the City Clerk

Councillor Tarallo moved to accept the late file communication form the City Clerk On a voice vote, the late file communication was accepted. Councillor Tarallo moved to act on the Election Order without Committee reference. On a voice vote, the order was adopted.  
Order # 31813

**Community Preservation Committee**

Community Preservation recommended the allocation of the FY 2012 State Match as follows:

Actual FY 2012 State Preservation Fund Matching Grant	\$ 642,082.00
Community Housing Reserve (10%)	64,208.20
Historic Preservation Reserve (10%)	64,208.20
Open Space Reserve (10%)	64,208.20
CPC Administration Reserve (5%)	32,104.10
CPA Budget Reserve (65%)	417,353.30

Be approved.

Referred to the Long Term Debt Committee

**Resolutions**

Councillor Romard presented a resolution along with Councillors Stanley, Rourke and Marchese regarding the Massachusetts Department of Elementary and Secondary Education overall review and assessment of the Waltham Public Schools.

President Waddick ruled that the resolution was not properly before the City Council. In accordance to City Council Rule Three and Section 4.2 of the General Ordinances.

Councillor Romard challenged the ruling. Councillor Logan rose in support of President Waddick. Councillor Vizard rose in support of the President. President Waddick called for a minutes

***Waltham City Council Minutes of the meeting of Monday,  
October 22, 2012, City Council Chambers, 610 Main Street, Waltham***

roll call. Councillor McMenimen rose to inquire if the Councillors with connection to the schools would be in conflict by voting. President Waddick responded no. The roll was called. Voting that the resolution was improperly before the City Council were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, McMenimen, Tarallo and Vizard. Voting against the ruling were Councillors Romard, Stanley, Rourke, and Marchese. The resolution was ruled improperly before the City Council by a 10 to 4 vote.

Councillor Curtin presented a resolution recognizing November as Pancreatic Cancer awareness month. 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 for adaptation of the resolution. On a voice vote, the resolution was adopted.

Councillor Tarallo and Marchese presented a resolution regarding special permits and extended hours licenses issued to CVS on Lexington Street and Harvard Street. Referred to the Ordinances and Rules Committee.

**Committee Reports**

**Licenses and Franchises Committee**

The Licenses and Franchises Committee recommended that the renewal of a Second Hand Dealers License for Paul's 132 High St. BE GRANTED

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

The Licenses and Franchises Committee recommended that the renewal of a Second Hand Dealers License for Absolute 50 River St. BE GRANTED

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

**Committee of the Whole**

The Committee of the Whole recommended that the Phase 3c of the River walk / DCR package BE APPROVED

Councillor Doucette moved the action of the committee be the action of the council. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo, Stanley, and Vizard. By a 14 to 0 vote, the order was adopted. Order # 31812

**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 the action of the committee be the action of the council. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo, Stanley, and Vizard. By a 14 to 0 vote, the order for denial was adopted. Order # 31815

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 minutes

***Waltham City Council Minutes of the meeting of Monday,  
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02453. for property located at 130 Turner Street (Atlas Map 0074, Block 005, Lot 019), be denied.

Councillor Tarallo moved the action of the committee be the action of the council. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo, Stanley, and Vizard. By a 14 to 0 vote, the order for denial was adopted. Order # 31816

**Finance Committee**

The Finance Committee recommended that the State Training & EMD Grant be approved Councillor Curtin moved the action of the committee be the action of the council. On a voice vote, the order was adopted. Order # 31814

The Finance Committee recommended that request for tabling of the \$25,000.00 appropriation for the Banks School bid be placed on file.

Councillor Curtin moved the action of the committee be the action of the council. Councillor Tarallo moved for clarification of the recommendation. Councillor Curtin explained it was the request for tabling that was being placed on file. The request for the appropriation of \$ 25, 000.00 was still in the Finance Committee. On a voice vote, the matter was placed on file.

Councillor McMenimen moved to adjourn. On a voice vote, the City Council adjourned at 9:25 PM.