

*Waltham City Council Minutes of the meeting of Tuesday,
November 13, 2012, City Council Chambers, 610 Main Street, Waltham*

President Pro-tem Doucette 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, 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 McMenimen requested a moment of silence for Assistant City Clerk Ritcey's family due to the loss of his grandson Matthew Caban.

Councillor Marchese moved to take a resolution out of order regarding the Salvation Army. On a voice vote, the resolution was taken out of order. Councillor Marchese commended the Salvation Army on all their hard work within the community. Councillor Marchese moved to hear from an off City Council member, Captain Johnson from the Salvation Army. Captain Johnson thanked the City Council and the residents of Waltham for all the help given over his term of commander for Waltham. Councillor Marchese moved to act on resolution without committee reference. On a voice vote, the resolution was adopted.

Councillor Logan moved to accept the minutes from October 22, 2012. On a voice vote, the minutes were adopted.

City Clerk Malone read Rule 29 A

Public Hearing-

Due notice having been given, President Doucette opened the public hearing on the petition by **NSTAR ELECTRIC COMPANY** for permission 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.

River Street- Westerly @ pole 347/4 approximately 197' ± feet southeast of
Farwell Street. A distance of about 6' ± feet – conduit

President Doucette opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor was Ms. Ward from Nstar. No one stood in favor. No one spoke or stood in opposition. President Doucette closed that part of the public hearing and opened it to questions from Councillors. Councillor Marchese inquired if the double pole in the area of the connection would be removed. Ms. Ward stated it would be removed. Councillor Logan corrected the description;. instead of southeast of Farwell Street, it should be northeast of Farwell Street. Since the petition is connected to the special permit application for 36 River Street, President Doucette referred the petition to the Ordinances and Rules 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 Pro-tem Doucette as indicated below:

Respectfully submitting a real estate agreement relative to Special Permit # 31771 granted on June 25, 2012.

minutes 11-13-12

*Waltham City Council Minutes of the meeting of Tuesday,
November 13, 2012, City Council Chambers, 610 Main Street, Waltham*

Referred to the Ordinance and Rules Committee

Respectfully submitting a draft order of taking for 9 Newton Street, and a portion of 486 Main Street (rear), taking plan for the same and Assessor Valuation.

Referred to the Committee of the Whole

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

Late File Communication

Respectfully request approval of a loan order in the amount of \$400,000.00.

Referred to the Committee of the Whole

Licenses All license were referred to the License and Franchises Committee

SMT Realty Trust 74 Adams

MST Realty Trust 49-51 Brown St

SMT Realty Trust 104 Adams

Bentley Dorms

Max Horn Lodging House License, 21-23 Pine Street and 755 Main Street.

Dennis Dyer – 403 River Street

Class II Motor Vehicles

Classic Cars – 251 High St

Extend Hour Renewal for the New Dragon Chef, 671 Moody Street.

New Business

Waltham Ventures, LLC petitions the City Council for change, pursuant to § 3.552 of the Zoning Ordinance, in the provision of the special permit granted in the City Council

Order # 36635 as it pertains to the property now known and numbered as 1030 Main Street.

Referred to the Ordinances and Rules Committee.

Late file communication

Councillor Tarallo moved to accept all late file time extensions collectively. Councillor McMenimen inquired why the filings were not on the original docket. Councillor Logan and Councillor Tarallo explained that the following time extensions were received after the dockets were sent. Councillor McMenimen inquired why more time extensions were needed. The time extensions were needed to prevent the special permits from being granting due to no action from the City Council.

Councillor Tarallo moved to accept a late file communication. On a voice vote, the communication was accepted. Councillor Tarallo moved to suspend the rules and act without committee reference. On a voice vote, the rules were suspended. The Clerk read the communication.

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 time to act on a special permit with mutual agreement for properties located 850 Winter Street, 910 Winter Street, 920-940 Winter Street until December 30, 2012. The roll was called. Voting for the extension of time were Councillors Brasco, Curtin, Darcy, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard.

By a 13 to 0, vote the order was adopted. Order #31819

*Waltham City Council Minutes of the meeting of Tuesday,
November 13, 2012, City Council Chambers, 610 Main Street, Waltham*

Late file communication Councillor Tarallo moved to accept a late file communication. On a voice vote, the communication was accepted. Councillor Tarallo moved to suspend the rules and active without committee reference. On a voice vote, the rules were suspended. The Clerk read the communication.

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 December 31, 2012. The roll was called. Voting for the extension of time were Councillors Brasco, Darcy, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo, and Vizard.(11) yea. Voting nay were Councillors McMenimen and Curtin. By a 11 to 2 vote, the time extension was granted. Order # 31820

Late file communication Councillor Tarallo moved to accept a late file communication. On a voice vote, the communication was accepted. Councillor Tarallo moved to suspend the rules and active without committee reference. On a voice vote, the rules were suspended. The Clerk read the communication.

Waltham Ventures, LLC, 119 Bare Hill Road, Boxford, MA and Panera, LLC, 3630 South Geyer Road, Sunset Hills, MO 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 December 31, 2012. The roll was called. Voting for the extension of time were Councillors Brasco, Darcy, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo, and Vizard.(11) yea. Voting nay were Councillors McMenimen and Curtin. By a 11 to 2 vote, the time extension was granted. Order # 31821.

Late file communication Councillor Tarallo moved to accept a late file communication. On a voice vote, the communication was accepted. Councillor Tarallo moved to suspend the rules and active without committee reference. On a voice vote, the rules were suspended. The Clerk read the communication.

200 Moody Street, LLC petitions the City Council for an extension of time to act on a special permit with mutual agreement until December 31, 2012 for property located at 210 Moody Street. The roll was called. Voting for the extension of time were Councillors Brasco, Curtin, Darcy, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo, and Vizard.(11) yea. Voting nay was Councillors McMenimen and Curtin. By a 12 to 1 vote, the time extension was granted. Order # 31822.

Late file communication Councillor Tarallo moved to accept a late file communication. On a voice vote, the communication was accepted. Councillor Tarallo moved to suspend the rules and active without committee reference. On a voice vote, the rules were suspended. The Clerk read the communication.

Chipotle Mexican Grill of Colorado, LLC is granted permission by 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 December 31, 2012. The roll was called. Voting for the extension of time were Councillors Brasco, Darcy, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo, and Vizard.(11) yea. Voting nay were Councillors McMenimen and Curtin. By a 11 to 2 vote, the time extension was granted. Order # 31823.

*Waltham City Council Minutes of the meeting of Tuesday,
November 13, 2012, City Council Chambers, 610 Main Street, Waltham*

Late file communication Councillor Tarallo moved to accept a late file communication. On a voice vote, the communication was accepted. Councillor Tarallo moved to suspend the rules and act without committee reference. On a voice vote, the rules were suspended. The Clerk read the communication.

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 December 31, 2012. The roll was called. Voting for the extension of time were Councillors Brasco, Darcy, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo, and Vizard.(11) yea. Voting nay were Councillors Curtin, McMenimen and Vizard. By a 10 to3 vote, the time extension was granted. Order # 31818

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 Doucette as indicated below:

The Community Preservation Committee recommended that the City Council allocate the following:

Community Housing Reserve (10%)	\$98,004.10
Historic Preservation Reserve (10%)	\$98,004.10
Open Space Reserve (10%)	\$98,004.10
CPC Administration Reserve (0%)	\$ 0.00
CPA Budget Reserve (70%)	\$686,028.74
Total	\$980,041.04

Referred to the Long Term Debt Committee

The Community Preservation Committee recommended that the City Council allocate the following :

Community Housing Reserve (10%)	\$220,000.00
Historic Preservation Reserve (10%)	\$220,000.00
Open Space Reserve (10%)	\$220,000.00
CPC Administration Reserve (5%)	\$110,000.00
CPA Budget Reserve (65%)	\$1,430,000.00
Total	\$2,200,000.00

Referred to the Long Term Debt Committee

Resolutions

Councillor Tarallo, Councillor Darcy, Councillor Waddick and Councillor Doucette presented resolution commending Hobbs Brook Management, LLC on their the 60th anniversary and service to the community. Councillor Tarallo moved to act on the resolution without committee reference. On a voice vote, the resolution was adopted.

Committee Reports

Licenses and Franchises Committee

The Licenses and Franchises Committee recommended that the renewal for the Lodging House License for 77-83 Prospect Street be granted.

**Waltham City Council Minutes of the meeting of Tuesday,
November 13, 2012, City Council Chambers, 610 Main Street, Waltham**

Councillor Logan moved the action of committee be the action of the City Council .
On a voice vote, the License was renewed.

Councillor Logan moved to act on the Lodging House renewals collectively. On a voice vote,
the licenses were acted on collectively.

The Licenses and Franchises Committee recommended that the following renewal for the
Lodging House Licenses be granted.

124-126 Ash Street 38 Floyd Street 17-19 Chestnut Street 2 Appleton Street
107 Adams Street 26 Myrtle Street

On a voice vote, the renewal of the Lodging House Licenses were granted.

The Licenses and Franchises Committee recommended that the Mass Port Letter for Mohamed
Darradji, 356 Lincoln Street, Waltham be denied.

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

On a voice vote, the Mass Port letter was denied.

The Licenses and Franchises Committee recommended that the Mass Port Letter Hamdi B.
Tlili, 12 Appleton Street, Waltham be granted.

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

On a voice vote, the Mass Port Letter was granted.

The Licenses and Franchises Committee recommended that the Mass Port Letter Franklin Ngo,
Hillcrest Street Waltham be granted.

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

On a voice vote, the Mass Port Letter was granted.

The Licenses and Franchises Committee recommended that the renewal of the Class II Route
60 Motors, 96 Linden Street be granted.

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

On a voice vote, the Mass Port Letter was granted.

Long Term Debt Committee

The Long Term Debt Committee recommended that the Community Preservation
recommendation for 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.

Councillor Stanley 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, Stanley, Tarallo, and Vizard. By a 14-0
vote, the order is adopted. Order # 31824

*Waltham City Council Minutes of the meeting of Tuesday,
November 13, 2012, City Council Chambers, 610 Main Street, Waltham*

Finance Committee

The Finance Committee recommended that the 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. Councillor McMenimen 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, Stanley, Tarallo, and Vizard. By a 14-0 vote, the order is adopted. Order # 31825

Councillor Darcy moved to adjourned. On a voice vote, the meeting adjourned at 9:15PM.