

City Council Minutes
Wednesday, December 26, 2012
Council / Committee / Council

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, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo, Stanley, Vizard and Waddick. (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 Logan moved to accept the minutes from December 10, 2012. On a voice vote, the minutes were accepted.

Councillor Brasco thanked the City Council and the public for all the prayers and well wishes for his father.

Councillor McMenimen thanked retired City Councillor Regan for his gift of oranges and calendars.

City Clerk Rosario C. Malone read Rule 29 A

Public Hearings
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 hereby petitions the City Council to amend the Special Permit granted in City Council Order No. 31635 pursuant to §3.5 and §5.92 of the Zoning Ordinance.

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 (formerly known as Map 58, Block 18, Lot 21 and Lot 18).

The property is situated in a Business B Zoning District. The legal owner of the locus is Waltham Ventures, LLC, 119 Bare Hill Road, Boxford, MA 01921.

Petitioner petitions the Council to amend so much of the Special Permit in Order No. 31635 at §3.538, B, to allow the site plan changes shown in the Site Plan filed herewith and further to amend the required traffic mitigation plan cited in §3.538, C, of the Order as follows:

- (1) relocate mast arm foundation 20 feet at northwest corner of Prospect Hill Road;
- (2) relocate traffic signal post 3 feet to the west to improve visibility;
- (3) add a supplemental westbound signal head on mast arm pole to improve visibility;
- and
- (4) relocate pavement marking on Main Street approach to Eddy Street to maintain parking stall(s).

President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor was Joseph Connors, Attorney for the petitioner. 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 Marchese had several questions.

Councillor Marchese inquired as to the location of the transformer and if the moving of the transformer was dangerous. Attorney Connors stated that it was an improvement. Councillor Marchese inquired as to a central trash room. Attorney Connors was requested to supply the

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Ordinances and Rules Committee with answers at their next meeting. Councillor Tarallo requested a plan with the transformer on it. He also requested a noise analysis and responses on the various changes be supplied to the Ordinances and Rules Committee. Councillor Giordano had concerns about on street parking for the merchants. Attorney Connors stated that the spaces on the street were restored. Councillor Romard inquired as to the disposal of medical waste from the new urgent care facility. Attorney Connors stated it was taken care of. Councillor Darcy had concerns as to the safety of the transformer. He requested the name of the transformer and the specifics regarding the transformer. President Waddick closed the public hearing and referred the application 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 Waddick as indicated below:

- 1.** Respectfully request a transfer of funds in the amount of \$4,166.65 from Police-Wages #001-210-5100-5112 to Police Training Academy Fee # 001-210-5400-5312. Referred to the Finance Committee

- 2.** Respectfully request an appropriation in the amount of \$26, 856.00 from Unreserved Fund Balance to account # 001-630-5800-6340 recreation-McCabe Playground Improvements. Referred to the Finance Committee

- 3.** Respectfully request adoption of a loan order in the amount of \$550,000.00 to provide funding fo the purchase of a new apparatus truck to replace the current Engine 1 located at the Moody Street Fire Station. Referred to the Long Term Debt Committee

- 4.** Respectfully request adoption of a loan order in the amount of \$137, 000.00 to provide funding for the design and construction of a right turn lane at the intersection of Main Street and Newton Street. currently construction. Of this funding \$15, 000.00 will be dedicated to design and the remainder to construction. Referred to the Long Term Debt Committee

Licenses All Licenses are referred to the Licenses & Franchises Committee

Renewal of Class II Motor Vehicles Prospect Auto Sales, 143 Prospect St.

Metrowest Motors, 477 Main St. J.M.H Automotive, 45 Felton St.

Pilgrim Auto Body Inc., 53 Felton St.

Renewal of Extended Hours Licenses

Asia Wok 573 Main St. CVS/pharmacy 12 Harvard St.

Councillors Doucette and President Waddick recused themselves due to a conflict of interest. Councillor Brasco was President Pro-tem.

Having had a first reading the amendment for Article V of Chapter 2 of the General Ordinances of the City of Waltham entitled “Compensation,” as most recently amended, hereby further amend as follows:

Section 2-30, Compensation Schedules, contained in the Appendix to the Compensation Ordinance, as most recently amended, is hereby further amended by deleting the non-union wage and the non- union salary charts as currently contained in the Appendix and substituting

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in place the new non-union wage and non-union salary charts for Non Union Salary rates for **July 1, 2011**. Councillor Tarallo moved for a second reading. On a voice vote, the motion was approved. Councillor Tarallo moved for a third and final reading. The Roll was called. Voting yea were Councillors Brasco, Darcy, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 12 to 0 vote the Order was adopted.
Order # 31854

Councillors Doucette and President Waddick recused themselves due to a conflict of interest. Councillor Brasco was President Pro-tem.

Having had a first reading the amendment for Article V of Chapter 2 of the General Ordinances of the City of Waltham entitled "Compensation," as most recently amended, hereby further amend as follows:

Section 2-30, Compensation Schedules, contained in the Appendix to the Compensation Ordinance, as most recently amended, is hereby further amended by deleting the non-union wage and the non- union salary charts as currently contained in the Appendix and substituting in place the new non-union wage and non-union salary charts for Non Union Salary rates for July 1, 2012. Councillor Tarallo moved for a second reading. On a voice vote, the motion was approved. Councillor Tarallo moved for a third and final reading. The Roll was called. Voting yea were Councillors Brasco, Darcy, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 12 to 0 vote the Order was adopted.
Order # 31855

Committee Reports
Licenses and Franchises Committee

License & Franchise recommended that the Mass Port Letter for Soloman Berhane 1058 Main St. be granted.

Councillor Logan moved the action of the committee be the action of the City Council .
On a voice vote, the Mass Port Letter was granted.

License & Franchise recommended that the application for Extended Hours Dunkin Donuts 591 Moody Street be granted

Councillor Logan moved the action of the committee be the action of the City Council.
On a voice vote, the license for Extended Hours was granted.

License & Franchise recommended that the Renewal Extended Hours Wendy's 806 Main St. be granted

Councillor Logan moved the action of the committee be the action of the City Council.
On a voice vote, the license for Extended Hours was granted.

License & Franchise recommended that the fuel storage license for 76 West Street for 2-1,000 gal. Diesel tanks for 2 generators with two conditions

That the generators be screened to ensure they can not be seen from the public way.

That the installation of the tanks meets all the requirements of 527C.M.R

Be granted.

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

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Long Term Debt Committee

Long Term Debt Committee recommended that the Community Preservation Committee recommendation for approval of the application by the Waltham Housing Authority in the amount of \$848,891.00 for a historic roof at 101 Prospect Street be approved.

Councillor Stanley moved to have the recommendation of the Community Preservation Committee regarding the application of the Waltham Housing Authority recommitted. On a voice vote, the application was recommitted.

Long Term Debt Committee recommended that the Community Preservation Committee recommendation for approval of the application from the Gore Place Society in the amount of \$ 250,000.00 be approved.

Councillor Stanley moved the action of the committee be the action of the City Council . On a voice vote, application was approved. Order # 31849

Long Term Debt Committee recommended that the Community Preservation Committee recommendation for approval of the application from the Mayor for the City of Waltham Paine Estate Universal Access Improves Elevator and Toilet Rooms in the amount of \$354,200. be approved.

Councillor Stanley moved the action of the committee be the action of the City Council. On a voice vote the order was adopted. Order # 31853

Long Term Debt Committee recommended that the Loan Order in the amount of 3,500,000.00 for Bank's School be given a first reading.

Councillor Stanley moved the action of the committee be the action of the City Council . On a voice vote, the loan order was given a first reading.

Committee of the Whole

Committee of the Whole recommended that the appointment of Maria Kidd of 48 Pine Street, Waltham to the Waltham Housing Authority Board of Commissioners to fill the vacancy of Tenant Representative Clifford Adams be confirmed.

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

The roll was called. Voting yea were Councillors Brasco, Darcy, Doucette, Giordano, LeBlanc Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, Vizard and Waddick. By a 14 to 0 vote, the appointment was confirmed.

Committee of the Whole recommended that the appointment of Robert G. LeBlanc of 44 Curve Street Waltham to the Waltham Housing Authority Board of Commissioners to fill the vacancy of General Representative Michael O' Halloran be confirmed. Councillor Doucette moved the action of the committee be the action of the City Council .

The roll was called. Voting yea were Councillors Brasco, Darcy, Doucette, Giordano, LeBlanc Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, Vizard and Waddick. By a 14 to 0 vote, the appointment was confirmed.

Committee of the Whole recommended that the appropriation in the amount of \$45,000.00 from Unreserved Fund Balance to Law- Claims be approved.

Councillor Doucette moved the action of the committee be the action of the City Council . On a voice vote, the order was adopted. Order # 31851

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Councillor Brasco recused himself due to a conflict of interest.
Committee of the Whole recommended that the appropriation in the amount of \$28,743.82 from Unreserved Fund Balance to Arbitration Award be approved. be approved.
Councillor Doucette moved the action of the committee be the action of the City Council.
On a voice vote, the order was adopted. Order # 31850

Ordinances and Rules Committee

Ordinance & Rules recommended that the Resolution regarding Public and Private Ways be placed on file
Councillor Tarallo moved the action of the committee be the action of the City Council.
On a voice vote, the resolution was filed.

The City Council recessed into Committees, and resumed in full Council

Committee Reports

All the Standing Committee recommended that the Committee docketed items be carried over to 2013.
The following Ad-hoc Committees recommended that their docket items be carried over to 2013.
E-Committee Fitch School Committee RFP Committee

Licenses and Franchises Committee

The Licenses and Franchises Committee recommended that the renewal of the Lodging House License for 44-46 Chester Avenue be granted.
On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Lodging House License for 20-22 Adams Street be granted.
On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Lodging House License for 11-13 Walnut Street be granted.
On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Lodging House License for 118-120 Robbins Street be granted.
On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Class II Motor Vehicle License for ABCO Auto Body 97R Linden Street be granted.
On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Class II Motor Vehicle License for PPA Inc 44 Charles Street be granted.
On a voice vote, the license was granted.

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The Licenses and Franchises Committee recommended that the renewal of the Class II Motor Vehicle License for Hull INC 50 Thayer Road be granted.

On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Class II Motor Vehicle License for Don's Auto be granted.

On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Lodging House License for 52-54 Bedford Street be granted.

On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Class II Motor Vehicle License for Euro Brokers, 22 Common Street be granted.

On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Class II Motor Vehicle License for Prospect Street Auto 143 Prospect Street be granted.

On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the request from Nstar for conduit on West Street be granted

On a voice vote, the order was adopted. Order # 31856

The Licenses and Franchises Committee recommended that the request from Nstar for conduit on Orange Street be granted. Order # 31857

The Licenses and Franchises Committee recommended that the Fuel Storage License for 184 Riverview Ave be granted. On a voice vote, the license was granted.

On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Class II Motor Vehicle License for Metrowest Motors, 477 Main Street be granted.

On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Extend Hours License for Burger King 881 Moody Street be granted.

On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Class II Motor Vehicle License for 190 High Street be granted.

On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Class II Motor Vehicle License for Three Sons 103 Felton Street be granted.

On a voice vote, the license was granted.

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The Licenses and Franchises Committee recommended that the renewal of the Class II Motor Vehicle License for Pilicy Auto 935 R Main Street be granted.
On a voice vote, the license was granted.

The Licenses and Franchises Committee recommended that the renewal of the Class II Motor Vehicle License for 251 High Street be granted.
On a voice vote, the license was granted.

Long Term Debt Committee

Long Term Debt Committee recommended that the loan order in the amount of \$550,000.00 to provide funding fo the purchase of a new apparatus truck to replace the current Engine 1 located at the Moody Street Fire Station be given a first reading. On a voice vote, the loan order was given a first reading.

Long Term Debt Committee recommended that a loan order in the amount of \$137, 000.00 to provide funding for the design and construction of a right turn lane at the intersection of Main Street and Newton Street be given a first reading.
On a voice vote, the loan order was given a first reading.

Long Term Debt Committee recommended that the Community Preservation Committee recommendation for approval of the application by the Waltham Housing Authority in the amount of \$848,891.00 for a historic roof at 101 Prospect Street be approved.
Councillor Stanley moved the action of the committee be the action of the City Council .
On a voice vote, application was approved. Order # 31852

Finance Committee

The Finance Committee recommends that the City Council approve a transfer of funds in the amount of \$4,166.65 from Police-Wages #001-210-5100-5112 to Police Training Academy Fee # 001-210-5400-5312.
On a voice vote, the order was adopted. Order # 31848

The Finance Committee recommends that the City Council approve an appropriation in the amount of \$26, 856.00 from Unreserved Fund Balance to account # 001-630-5800-6340 recreation-McCabe Playground Improvements.
On a voice vote, the order was adopted. Order # 31847

Councillor Doucette moved to adjourn. On a voice vote, the meeting adjourns at 10:01 PM.

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