

**Waltham City Council Minutes of the meeting of March 12, 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, Romard, Rourke, Tarallo, Stanley, Waddick and Vizard. (14)

The Clerk read the Council prayer, then the President led the City Council in the Pledge of Allegiance.

Councillor Giordano requested a moment of silence for our men & women in the armed services serving around the world. A moment of silence was observed.

Councillor Doucette moved to suspend the rules in order to take a matter out of order. On a voice vote, the rules were suspended and the appointment of Paul J. Ciccone, 75 Grassland Street, Lexington as Chief of the Fire Department was taken out of order. Councillor Doucette moved confirmation of the appointment. The roll was called. Voting in favor of confirmation were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Tarallo, Stanley, Waddick, and Vizard. The appointment was confirmed by a 14 to 0 vote. (14)

President Waddick declared a two minute recess.

President Waddick called the Council back to order.

Councillor Tarallo moved to accept the minutes of the meeting of February 27, 2012. On a voice vote, the motion was adopted and the minutes were accepted.

The Clerk read rule 29A for the upcoming public hearings.

**Public Hearing – Grant of Location**

Due notice having been given, President Waddick opened the public hearing on the petition of **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:

**South Street** - Westerly @ pole 23/8 approximately one hundred feet (100'±) north of Charles Street. A distance of approximately six feet (6'±) of conduit.

President Waddick asked if anyone present wanted to speak in favor of the petition. Ms. Arletha Wade, representing Nstar and Mr. Fred Camerato, contractor for the petition spoke in favor of the petition. President Waddick asked if anyone wanted to speak in opposition. No one spoke in opposition. President Waddick closed the public comment portion of the hearing and opened it to questions from Councillors. Councillor Logan, as Ward Councillor, had several questions. Councillor Logan requested that all the responses be brought to the Committee meeting. Councillor Marchese requested that a double pole be removed, if a new installation is granted. Councillor Giordano wanted a reason why the conduit had to cross over South Street. Councillor Tarallo had questions regarding various other poles and conduit. Councillor Logan requested Nstar investigate underground conduit. He also requested a copy of the Board of Survey decision for the project. President Waddick then closed the public hearing and referred the matter to the Licenses & Franchises Committee.

**Waltham City Council Minutes of the meeting of March 12, 2012,  
City Council Chambers, 610 Main Street, Waltham**

**Public Hearing – Fuel Storage License**

The Clerk called the public hearing for the following matter: 96 Linden Street LLC, 535 Boylston Street, Brookline, MA 02445, Owner and Operator of the facility located at 96 Linden Street hereby petitions the City Council for an aboveground Fuel Storage License for twenty two (22) vehicles. Property is located at 96 Linden Street. Said property is shown on the City of Waltham Atlas as Map 52, Block 4, Lot 2, and is in a Business B Zoning District.

Councillor Curtin rose on a point of order, suggesting that the matter was not properly before the City Council due to a defect in the public notice. Mr. Terrence Morris, attorney for the petitioner, agreed. Attorney Morris requested a leave to withdraw without prejudice. President Waddick asked for the request for leave to withdraw in writing. Councillor Curtin moved to accept the petitioner's request and to grant leave to withdraw without prejudice. The roll was called. Voting yea for the withdrawal were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Tarallo, Stanley, Waddick, and Vizard. By a vote of 13 to 0 the motion was adopted and leave to withdraw was granted without prejudice.

**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 adoption of a loan order in the amount of \$ 56,500.00 to provide funding for the purchase of a copy machines for the following departments as recommended in the FY2013 capital improvement plan.

Assessors	\$ 9,000.
Clerk	\$13,500.
Health	\$ 9,000.
Personnel	\$ 7,000.
Traffic	\$ 9,000.
Treasurer	\$ 9,000.

Referred to the Long Term Debt Committee

**2.** Respectfully submit the proposed 2012-2013 Community Development Block Grant Budget.

Referred to the Economic and Community Development Committee

**3.** Respectfully submit a communication from a lawyer. Executive Session required.

Councillor Doucette moved to place this matter on the table for the purpose of taking it up at the end of the docket. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Tarallo, Stanley, and Vizard. By a vote of 13 to 0 the motion to table was adopted.

Councillor Doucette moved to take the following matter out of order, and moved it to the end of the docket. The roll was called. Voting yea were Councillors Brasco, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Tarallo, Stanley, and Vizard. Councillor Curtin voted nay. By a 12 to 1 vote, the matter was tabled.

***Waltham City Council Minutes of the meeting of March 12, 2012,  
City Council Chambers, 610 Main Street, Waltham***

**4.** Respectfully request an opportunity to address the City Council in Executive Session on March 12, 2012.

Councillor Doucette moved to place this matter on the table for the purpose of taking it up at the end of the docket. The roll was called. Voting yea were Councillors Brasco, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Tarallo, Stanley, and Vizard. By a vote of 12 to 0 the motion to table was adopted.

**5.** Respectfully request authority for dealing with pending litigation. Executive Session required.

Councillor Doucette moved to place this matter on the table for the purpose of taking it up at the end of the docket. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Tarallo, Stanley, and Vizard. By a vote of 13 to 0 the motion to table was adopted.

**6.** Respectfully request an appropriation of funds in the amount of \$ 25,000. from an existing Mayoral account # 217-121-1015-5205 Sale of city Owned Land to account # 001-121-5400 Mayor-Tax Lien Litigation. Possible Executive Session

Councillor Doucette moved to place this matter on the table for the purpose of taking it up at the end of the docket. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Tarallo, Stanley, and Vizard. By a vote of 13 to 0 the motion to table was adopted.

**Licenses**

Renewal application for Table and Chairs for Lizzy's Ice Cream – Tables and Chairs

Renewal application for Second Hand Dealers License for GameStop Inc dba GameStop 5470

All licenses were referred to the Licenses & Franchises Committee.

**Tabled from 2-27-12**

That the Loan Order in the amount of \$251,000.00 for Technology having had a first reading is before the City Council for a second and final reading. Councillor Stanley moved that the matter be taken from the table. On a voice vote the motion was adopted and the matter was taken from the table. Councillor Stanley moved that the matter be given second and final reading. The roll was called. Voting yea for second and final reading were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Tarallo, Stanley, Waddick and Vizard. The order was adopted by a 14 to 0 vote. Order # 31680

The Loan Order in the amount of \$2,000,000.00 for Water having had a first reading is before the City Council for a second and final reading. Councillor Doucette moved that the matter be taken from the table. On a voice vote the motion was adopted and the matter was taken from the table. Councillor Doucette spoke on the need to have better information and procedures for the project. Councillor Doucette moved that the loan order be sent to the Committee of the Whole. Councillor Vizard objected. The roll was called to refer the loan order to the Committee of the Whole. Voting yea were Councillors Brasco, Curtin, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, and Tarallo. Voting nay were Councillors Darcy, Stanley, and Vizard. By a vote of 10 to 3 the motion was adopted and the loan order was referred to the Committee of the Whole.

***Waltham City Council Minutes of the meeting of March 12, 2012,  
City Council Chambers, 610 Main Street, Waltham***

The proposed Amendment to Section 3.634 of the Zoning Ordinances, entitled "Retail Gasoline Station," having had a first reading is before the City Council for a second reading. Councillor Tarallo moved that the matter be taken from the table. On a voice vote the matter was taken from the table. Councillor Tarallo moved to give the matter a second reading. On a voice vote the matter was given a second reading. Councillor Tarallo moved to suspend the rules in order to give the matter a third and final reading. On a voice vote the motion to suspend the rules was adopted. Councillor Tarallo moved to give the matter a third and final reading. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Tarallo, Stanley, Waddick and Vizard. The Zoning Amendment was adopted by a 14 to 0 vote. Order # 31681

**Resolutions**

Councillor Logan presented a resolution transporting proposal by Global Oil of Revere to transport ethanol via the railway through downtown Waltham. Councillor Logan spoke on the dangers of the transportation of ethanol through Waltham. Councillor Logan moved to suspend the rules in order to act on the resolution without committee reference. Speaking on the motion to suspend the rules, Councillor Darcy argued that the matter should be sent to committee for study. He had concerns on shipping being done by truck and the number of trucks to be used. On a voice vote the motion to suspend the rules was adopted. Councillor Logan moved approval of the resolution. The roll was called. Voting yea were Councillors Brasco, Curtin, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo and Vizard. Voting nay was Councillor Darcy. By a vote of 12 to 0 the resolution was adopted. Councillor Logan then moved approval of a request to have a copy of the resolution sent to the members of Waltham's legislative delegation and other persons listed on the request. The motion was adopted and the request approved on a voice vote.

Councillor Curtin presented a resolution relative to the police and fire auxiliaries. Councillor Curtin expressed his concern on the suspension of the usage of the two auxiliaries. The resolution and an accompanying request were referred to the Committee of the Whole.

**Committee Reports**

**Licenses and Franchises Committee**

The Licenses and Franchises Committee recommended that the Extended Hours License for Tedeschi's # 426, 91 Moody Street be granted for the Tedeschi's franchisee only to open at 5:30am, with the express stipulation that the extended hours do not apply to the Dunkin' Donuts operation also located at that address.

Councillor Logan moved that the action of the Committee be the action of the City Council. On a voice vote, the Extended Hours License for Tedeshci's was granted.

The Licenses and Franchises Committee recommended that the Mass Port Letter for Alexander Yesjian, 183 Smith Street be granted.

Councillor Logan moved that the action of the 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 Second Hand Dealer License for Marcou Jewelers Moody Street be granted.

Councillor Logan moved that the action of the Committee be the action of the City Council.

***Waltham City Council Minutes of the meeting of March 12, 2012,  
City Council Chambers, 610 Main Street, Waltham***

On a voice vote, the Second Hand Dealer License was granted.

The Licenses and Franchises Committee recommended that the Second Hand Dealers License Mr. Sweeper, 443 Moody Street be granted.

Councillor Logan moved that the action of the Committee be the action of the City Council.

On a voice vote, the Second Hand Dealer License was granted.

The Licenses and Franchises Committee recommended that the Class II Motor Vehicle License for Diamond Auto, 614 Moody Street be granted with restrictions.

Councillor Logan moved that the action of the Committee be the action of the City Council.

On a voice vote, the Class II Motor Vehicle License was granted.

The Licenses and Franchises Committee recommended that the Second Hand Dealers License for the Tool Shed, 471 Main Street be granted.

Councillor Logan moved that the action of the Committee be the action of the City Council.

On a voice vote, the Second Hand Dealer License was granted.

**Long Term Debt Committee**

The Long Term Debt Committee recommended that the sum of \$96,125 be appropriated for building renovations, and that to raise this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow the sum of \$96,125 under the provisions of Massachusetts General Laws, chapter 44, section 7, clause 3a or any other borrowing authority, for the following purpose:

WHS CULINARY ARTS	\$96,125
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and further,

That the sum of \$668,750 be appropriated for equipment, and to raise this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow the sum of \$668,750 under the provisions of Massachusetts General Laws, Chapter 44, Section 7, Clause 9 or any other borrowing authority, for the following purposes:

WHS CLASSROOM FURNITURE	\$ 20,000
TECHNOLOGY UPGRADES	\$208,750
COMPUTER EQUIPMENT	\$300,000
INTERACTIVE CLASSROOM TECHNOLOGY	\$100,000
DATA CLOSET A/C IMPROVEMENTS	\$ 40,000

and further,

That the appropriation of \$388,674 for building construction, to be borrowed under the provisions of Chapter 44 of the Massachusetts General Laws, as previously authorized by Council Order #28980, dated April 25, 2000, be hereby rescinded as follows:

PHASE 1 - GENERAL	\$388,674	Rescinded
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and further,

**Waltham City Council Minutes of the meeting of March 12, 2012,  
City Council Chambers, 610 Main Street, Waltham**

That the appropriation of \$376,201 for architectural services, to be borrowed under the provisions of Chapter 44 of the Massachusetts General Laws, previously authorized by Council Order #28198, dated March 12, 2001, be hereby rescinded as follows:

PHASE 2 – GENERAL	\$351,861	Rescinded
PHASE 2 – MACARTHUR	\$ 7,055	Rescinded
PHASE 2 – NORTHEAST	\$ 17,285	Rescinded

Councillor Stanley moved that the action of the committee be the action of the City Council and that the matter be given a first reading. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo and Vizard. By a vote of 13 to 0 the loan order was approved for a first reading.

The Long Term Debt Committee recommended that the sum of \$164,185 be appropriated for equipment and to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow the sum of \$164,185 under the provisions of Massachusetts General Laws, chapter 44, section 7, clause 9.

Police:	
Unmarked Vehicle (1)	\$27,500
Motorcycles (2)	\$38,000
Vests/Helmets (replacements)	\$ 8,000
Vests/Helmets (cruisers) (26)	\$52,000
Vests/Helmets (SRT Unit) (11)	\$32,615
Cell block alarm system	\$ 6,070

Councillor Stanley moved that the action of the committee be the action of the City Council and that the matter be approved for a first reading. The loan order was approved for a first reading on a voice vote.

**Committee of the Whole**

The Committee of the Whole recommended that the resolution regarding 287 AFT Grove Street be adopted.

Councillor Doucette moved that the action of the committee be the action of the City Council. The roll was called. Voting yea were Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo, and Vizard. The resolution was adopted by a 13 to 0 vote.

The Committee of the Whole recommended that the resolution regarding the Downtown Business District creating a Special Committee to review the proposals contained in the Bentley University Study be adopted.

Councillor Doucette moved that the action of the committee be the action of the City Council. The resolution was adopted on a voice vote.

Council President appointed the Ad-Hoc Committee to Review the Reports of the Bentley University Students on Downtown. The Committee Members were Councillor Robert G.

***Waltham City Council Minutes of the meeting of March 12, 2012,  
City Council Chambers, 610 Main Street, Waltham***

Logan, as Chair, Councillor Gary J. Marchese, Councillor Stephen F. Rourke, Councillor Joseph W. Vizard, and Councillor Robert J. Waddick.

The Committee of the Whole referred the matter regarding the Moody Street Fire Station review to the City Council, without Committee recommendation, for the purpose of discussion with the Mayor.

Councillor Logan moved to table the matter in order to address the matter at the end of the docket. On a voice vote, the matter was tabled.

**Ordinances and Rules Committee**

The Ordinance and Rules Committee recommended that the General Ordinance Amendment amending Chapter 2 of the General Ordinances Section 2-187(3) Sheet Metal Permits be given a first reading.

Councillor Tarallo moved that the action of the committee be the action of the City Council.

The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo and Vizard. Voting nay was Councillor Darcy. By a vote of 13 to 1 the proposed ordinance amendment was approved for a first reading.

**Finance Committee**

The Finance Committee recommended that a transfer of funds for the Purchasing Department in the amount of \$4,000.00.

From	Purchasing Auto Insurance # 001-138-5500-5741	\$4,000.00
To	Purchasing Postage # 001-138-5200-5242	\$1,000.00
	Purchasing Office Supplies # 001-18-5200-5420	\$3,000.00

be approved.

Councillor Curtin moved that the action of the committee be the action of the City Council. On a voice vote, the order was adopted. Order # 31682

The Finance Committee recommended that a acceptance of a H.P. laser jet P4015n printer with attachments valued at \$ 2,126.00. This printer is from the Public Health Emergency Preparedness (PHEP) Grant, be approved.

Councillor Curtin moved that the action of the committee be the action of the City Council. On a voice vote, the order was adopted. Order # 31683

The Finance Committee recommended that an appropriation of funds in the amount of \$3,500.00 from “Unreserved Fund Balance” to account # 001-121-5400-5303 “Mayor – Appraisals” be approved.

Councillor Curtin moved that the action of the committee be the action of the City Council. On a voice vote, the order was adopted. Order # 31684

The Finance Committee recommended that an appropriation of funds in the amount of \$6,000.00 from “Unreserved Fund Balance” to account # 001-121-5400-5303 “Mayor – Appraisals” be approved. Order # 31685

***Waltham City Council Minutes of the meeting of March 12, 2012,  
City Council Chambers, 610 Main Street, Waltham***

Councillor Curtin moved that the action of the committee be the action of the City Council. On a voice vote, the order was adopted.

**E Committee**

The E-Committee recommended that the Resolution implementation of 311 be placed on file. Councillor Rourke moved that the action of the committee be the action of the City Council. On a voice vote, the motion was adopted and the resolution was placed on file.

Councillor Curtin moved to go into Executive Session for the purpose of discussing the possible acquisition of property, to elect City Clerk Malone as Clerk of the Executive Session, and to include the Mayor and our attorney's, City Solicitor John Cervone and Assistant City Solicitor Patricia Azadi, in the Executive Session. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo and Vizard. By a vote of 13 to 0 the motion was approved and the Council was convened in Executive Session.

The following matters were tabled in Executive Session:

3. Respectfully submit a communication from a lawyer. Executive Session required.
4. Respectfully request an opportunity to address the City Council in Executive Session on March 12, 2012.
5. Respectfully request authority for dealing with pending litigation. Executive Session required.

The City Council reconvened in open session.

A motion was made that the following matter be taken from the table:

6. Respectfully request an appropriation of funds in the amount of \$25,000.00 from an existing Mayoral account # 217-121-1015-5205 "Sale of city Owned Land" to account # 001-121-5400 "Mayor-Tax Lien Litigation." On a voice vote the matter was taken from the table. A motion was made to approve the transfer of funds. The roll was called. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 13 to 0 vote, the order was adopted. # Order 31682

Councillor Logan moved that the matter of the Moody Street Fire Station review be taken from the table. The motion was adopted on a voice vote. Councillor Logan then moved that the matter be recommitted to the Committee of the Whole.

The motion was adopted on a voice vote and the matter was recommitted to the Committee of the Whole.

Councillor Logan moved to adjourn. On a voice vote the motion was adopted and the President declared the City Council adjourned.