

**City Council Agenda**  
**Monday, December 13, 2010**

The regular meeting of the Waltham City Council will be held on Monday, December 13, 2010 at 8:00 PM in the Council Chamber at City Hall, 610 Main Street, Waltham and the following matters will be considered

Accepting minutes from November 22, 2010 Special Meeting and Regular Meeting of the City Council.

**Agenda**

***Public Hearing – Street Opening***

The Mayor and the City Engineer petitions the City Council for permission in accordance to the City Ordinances Chapter 17 Section 25” Excavation of Resurfaced Street” to allow a “relief “ sewer to be installed in Lexington Street. This project, located on Lexington Street between Lake Street and the YMCA driveway, will provide a partial solution to the chronic sewer system overflow at Lake Street and Lexington Street.

***Public Hearing – Fuel Storage***

Waverley Oaks, LLC, owner and petitioner, c/o Duffy Properties, LLC, 411 Waverley Oaks Road, Suite 340, Waltham, Massachusetts 02452 hereby petitions the City Council to amend the existing fuel storage license by changing the address of the existing stand-by emergency generator from 309 Waverley Oaks Road to 355 Waverley Oaks Road, and adding a fuel storage license for a new 30 space parking garage. Property located at 355 Waverley Oaks Road. Map, Block Lot numbers: R 043 003 0005.

***Public Hearing Special Permit***

Clear Wireless, LLC, an affiliate of Sprint Wireless Broadband Company, LLC and Nextel Communications of the Mid-Atlantic, Inc., 303 Wyman Street, Waltham, MA 02451 and Clematis, LLC, 411 Waverley Oaks Road, Waltham, MA 02452 hereby petition the Waltham City Council for a special permit pursuant to Sections 3.512, 10.521(b), 10.531(b), 10.55 and 10.56 of the City of Waltham Zoning Ordinance, to modify an existing wireless communication facility, and install, operate and maintain wireless communication equipment on the rooftop of the existing building located on the property at 271 Waverley Oaks Road (Atlas Map R054, Block 004, Lot 0001), including three (3) backhaul antennas mounted at a height of 69’ above ground level and three (3) WiMax antennas mounted at a height of 68’-75” above ground level. Cabling will connect the antennas to existing equipment located on the rooftop of the building, and to one (1) WiMax cabinet, which is proposed to be added next to the existing equipment cabinets already located on an existing platform located on the rooftop of the building. A small Global Positioning System (GPS) antenna, which is necessary for E911 compliance, will also be installed and mounted to an existing cable support frame post located on the rooftop of the building. The proposal is shown on the Plans submitted by the Petitioners.

**Communications from the Mayor**

1. Respectfully request an appropriation in the amount of \$7,500.00 from Library State Aid to Account 01-601-5200-5510 Library – Expenses.
2. Respectfully request an appropriation in the amount of \$10,000.00 from Unreserved Fund Balance to Account 001-151-5400-5760 Law Dept. – Claims and Damages. (possible Executive Session)

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3. Respectfully request the acceptance of a donation from Gordon LeBlanc for \$500.00 for holiday lights.
4. Respectfully request the City Council to accept a grant from the Massachusetts Emergency Management Agency in the amount of \$25, 000.00.
5. Respectfully request the City Council to accept a gift in the amount of \$60,000.00 from Spectra Energy for repaving an area of Trapelo Road east of Smith Street that was required to be excavated to comply with the U.S. Department of Transportation's pipeline safety and maintenance regulations.
6. Respectfully request rescinding the prior Stabilization Fund request for public safety radios. As of this date, the required 20-day statutory appeal period for public safety radios.

***Licenses***

Renewal of a Lodging house License Dennis Dyer – 403 River Street  
Renewal Prospect Auto Sales and Services – 143 Prospect Street – Class 2  
Renewal Chrislins dba Metrowest Motors - 477 Main Street Class 2

Renewal of a Lodging House License Michael Cotton 26 Myrtle Street  
Renewal of a Lodging House License Richard Fennelly 24-26 High Street  
Renewal of a Lodging House Stigmatine Fathers Lexington Street

***The following Matters were tabled on the Council Floor:***

***New Tabled items***

2. Respectfully request a transfer of capital improvement funds totaling \$300,000.00 to fund the sewer rehab project on Lexington Street between Lake Street and the YMCA, increasing the sewer pipe from 10" to 18".

From #603-440-2006-7360 Sewer Rehab-General  
To #603-440-2006-7395 Sewer Rehab-Lexington Street  
Amount \$191,275.00  
From #603-440-2005-7360 Sewer Rehab General  
To #603-440-2005-7395 Sewer Rehab Lexington Street  
Amount \$108,725.00

Councillor Curtin moved to table the matter on the floor, the motion carried. The communication was tabled on the floor.

THAT THE SUM OF \$102,000 BE APPROPRIATED FOR EQUIPMENT  
AND TO RAISE THIS APPROPRIATION, THE TREASURER, WITH THE  
APPROVAL OF THE MAYOR, IS AUTHORIZED TO BORROW THE SUM OF \$102,000  
UNDER THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS, CHAPTER 44,  
SECTION 7, CLAUSE 9. CPW \$102,000 having had a first reading is before the City Council  
for a second and final reading

***Tabled Matters***

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Respectfully request pursuant to subsection (3) and (6) of Mass. General Laws c. 39 sec. 23B to address the Committee of the Whole in Executive Session on Monday, October 16, 2006 regarding global traffic plan for the 128 area and other related items.

***Executive Session tabled on the City Council floor.***

Respectfully request pursuant to subsection (6) of Mass. General Laws c. 39 sec. 23B to address the Committee of the Whole in Executive Session on Monday, October 16, 2006 regarding encroachment to our land.

***Executive Session tabled on the City Council floor.***

Respectfully submit Executive Session Matter dealing with real estate.

**Table in Executive Session 11-13-06**

**Mayor's Veto of Council Order # 30971**

That the City Council hereby authorizes the Mayor to sign and accept, on behalf of the City, in the form attached hereto: Fifth Amendment complete text on file

**New Business**

**Resolutions**

Resolution presented by Councillors Marchese and Collura regarding access road for the Francis Cabot Lowell Mill residents and the Charles River Museum of Industry.

**Community Preservation Committee**

Community Preservation Committee recommends a time extension to spend for the City Hall Roof Grant.

Community Preservation Committee recommends that the number of Members of the Waltham CPC be expanded by the addition of two At-Large Members to a total of seven Members.

Community Preservation Committee recommends approval of the request regarding expert and Administration Assistance.

That Waltham Towers Inc., of 370 Prospect Hill Road, Waltham, Massachusetts, and Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, c/o Daniel D. Klasnick, Duval, Klasnick & Pastel LLC of 10 Cedar Street, Suite 17, Woburn, Massachusetts hereby petitions the City Council for an extension of time to act on a Special Permit for property at 50 Bear Hill Road (Atlas Map R57, Block 1, Lot 1A), until February 15, 2011.

TC Saracen LLC, of 130 Turner Street, Waltham, Massachusetts, and Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, c/o Daniel D. Klasnick, Duval, Klasnick & Pastel LLC of 10 Cedar Street, Suite 17, Woburn, Massachusetts hereby petitions the City Council for an extension of time to act on a Special Permit for property located at 190 Willow Street (Atlas Map R071, Block 003, Lot 0019) until February 15, 2011.

Winter Street Trust, c/o Hale & Dorr, of 60 State Street, Boston, Massachusetts, and Bell Atlantic Mobile of Massachusetts Corporation, Ltd., d/b/a Verizon Wireless, c/o Daniel D. Klasnick, Duval, Klasnick & Pastel LLC of 10 Cedar Street, Suite 17, Woburn, Massachusetts hereby petitions the City Council for an extension of time to act on a Special Permit for property located at 385-387 Winter Street (Atlas Map R031, Block 001, Lot 0001) until February 15, 2011.

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**Committee reports**

**Licenses and Franchises Committee**

License & Franchise Committee recommends that the Fuel Storage license for Watertown Ford 20 Seyon St. with Conditions to the license **BE GRANTED**

License & Franchise Committee recommends that the renewal of (2) Two Class II Licenses with restrictions attached to the License **BE GRANTED**

Ace Motor Sales

Waltham Central School Transportation Inc.

License & Franchise Committee recommends that the Mass Port Letter for Angelo Girginis **BE GRANTED**

License & Franchise Committee recommends hat the renewal for Extended Hours New Dragon Chef 671 Moody Street with conditions **BE GRANTED**

**Long Term Debt Committee**

Long Term Debt Committee recommends that the Community Preservation Committee (CPC ) recommendation relative to 2 Jackson Street parcel be placed on file.

**Economic and Community Development Committee**

Economic and Community Development Committee recommends that the resolution regarding the rededication of Prospect Hill as Park Land be placed on file.

Economic and Community Development Committee recommends that the resolution regarding Prospect Hill taking Polaroid property be placed on file.

Economic and Community Development Committee recommends that the resolution regarding Block Grant funding be placed on file.

**Committee of the Whole**

Committee of the Whole recommends that the reappointment of John Ciaramaglia, 157 Warren Street, Waltham as a constable for a term of three years be confirmation.

**Ordinance and Rules Committee**

Ordinance and Rules Committee recommends that the Livery License Ordinance be given a second reading.

**Finance Committee**

Finance Committee recommends that the sum of \$30,000.00 from account #237-560-2300-3591 Fund Balance reserve for Handicap Projects to the following accounts

# 237-560-2315-5205	Police Details	\$25,000.00
#237-560-2325-5205	Hardy School (HP access)	\$5,000.00

be approved.

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Finance Committee recommends that an appropriation in the amount of \$44,182. from Unreserved Fund Balance to the following account #001-420-5800-6720 Private Way-Mt Walley Road Paving with betterments be approved.

Finance Committee recommends that the City Council accept a grant from the State 911 Public Safety Answering Point and regional and Regional Emergency Communication Center support and incentive grant program in the amount of \$150,307.00 be approved.

**Adjourned**