

**CITY OF WOBURN
MAY 20, 2014 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

A communication dated May 15, 2014 was received from His Honor Mayor Scott D. Galvin to present the FY2015 City Budget as follows:

Dear President Haggerty and Members of the Woburn City Council:

I am respectfully requesting that I be allowed to present the FY2015 City Budget to your Honorable Council on Tuesday, May 20, 2014, at 7 p.m. in the City Council Chambers.

I would like to deliver a very brief overview of the budget, and then be available for Council Members' questions before the budget is sent to the Committee on Finance for review.

Thanks you.

Sincerely, s/Scott D. Galvin, Mayor

A Veto Message dated May 14, 2014 was received from His Honor Mayor Scott D. Galvin follows:

Re: Moratorium Order

Dear President Haggerty and Members of the Woburn City Council:

In accordance with Section 25 of the Charter of The City of Woburn (Chapter 172 of the Acts of 1897), I am returning the Order "that until further Order of the City Council, no memorials, plaques, benches or structures of any kind, name or nature shall be placed or

erected on any land owned or controlled by the City of Woburn, its departments, commissions and authorities in or around Horn Pond and its environs. ...”

I am vetoing this Order in its entirety. As reasons therefore, Section 16 of the City Charter specifically prohibits the City Council from directly or indirectly taking part in the care, custody or management of City property.

Furthermore, as you know, the City Council approved an appropriation request from my office in the amount of \$100,000.00 to fund the commission of a new Master Plan for the City of Woburn.

The Planning Board will be updating the Master Plan, in accordance with MGL c41, §81D. The Comprehensive Master Plan will be a statement designed to provide a basis for decision-making regarding the long-term development of the City, and shall include the following elements:

- 1) Goals and polices determined by interactive public process
- 2) Land use
- 3) Housing
- 4) Economic Development
- 5) Natural and Cultural Resources
- 6) Public Facilities
- 7) Traffic
- 8) Implementation

In further accordance with Section 81D, the Comprehensive Master Plan shall also include an Open Space and Recreation element, which will provide an inventory of recreational and open space areas of the municipality, and policies and strategies for the management and protection of such areas and resources.

Additionally, the City will be updating its Open Space and Recreation Plan over the next several months. This Plan will also detail the City’s current and future use of passive and recreational space it owns.

Clearly, Horn Pond, often referred to as the “Crown Jewel of the City,” will be included in both documents. The planning process will be subject to numerous interactive public meetings, and will be open to ALL residents of the City to express their opinions about every element of the Master Plan and Open Space and Recreation Plan, including the use of Horn Pond.

Sincerely, s/Scott D. Galvin, Mayor

ORDERED That the amount of \$1,000.00 be and is hereby appropriated from
Library/Snow Removal Acct #0161052-529300 \$1,000.00 to
Library/Audio Visual Acct #0161054-558704 \$1,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Haggerty

ORDERED That the sum of \$190,000.00 be and hereby appropriated from the School Department Energy Receipts Reserved for Appropriation Account to an account established by the Mayor and City Auditor for the purchase of an emergency generator for the Joyce Middle School.

s/President Haggerty

I hereby approve the above: s/Mark Donovan, Superintendent
I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

ORDERED That the amount of \$525,000.00 be and is hereby appropriated from BLS/Ambulance Receipts Acct #31359-595000 to Fire Regular Salary Acct # 0122051-511000

I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Haggerty

PUBLIC HEARINGS:

On the petition by National Grid for a grant of right in a way to extend gas main 175 feet of two inch plastic to serve 3 Sendick Road. PUBLIC HEARING OPENED. A communication dated May 14, 2014 was received from Superintendent of Public Works John Duran as follows:

Subject: National Grid- Sendick Road

Pursuant to the request from National Grid for the Grant of Location for the installation of a new 2" gas main on Sendick Road, I offer the following. The gas main is located in the southerly sidewalk of Lowell Street and across the entrance to the newly paved Darling Drive (November 2013). The gas main would have to cross Lowell Street which is also under moratorium since this roadway was paved in October of 2011. Based upon the connection location crossing 2 roads under moratorium, I can **not** issue a favorable recommendation for this Grant of Location.

Please feel free to call with any questions or concerns,

On the petition by Woburn Truck & Auto, Inc., 1095 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow for the alteration and extension of the preexisting nonconforming use (motor vehicle junkyard) to allow heavy manufacturing at 1095R Main Street; Lot 04-01-01, 04-01-02, 04-01-03, 04-01-04; Kensington Avenue; 03-06-02, 03-05-05 Ingelow Avenue 03-05-06; Florence Avenue 03-05-12. PUBLIC HEARING OPENED.

On the petition by Herb Chambers 128, Inc., c/o The Herb Chambers Companies, 47 Eastern Boulevard, Glastonbury, Connecticut 06033 for a special permit pursuant to Section 7.3 and Section 15 of the 1985 Woburn Zoning Ordinances, as amended to allow for the alteration, change and extension of the existing nonconforming use (overnight parking of commercial vehicles) to allow for the storage, reconditioning and preparation of motor vehicles at 285 Locust Street. PUBLIC HEARING OPENED. A communication dated May 19, 2014 with attachments was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Herb Chambers 128, Inc., 285 Locust Street, Woburn, Massachusetts

Dear Bill:

Enclosed please find for filing in connection with the above Special Permit Petition, the following:

1. Ten (10) copies of Plan entitled "Herb Chambers, 285 Locust Street, Woburn, Massachusetts, Layout Plan prepared by Kelly Engineering Group Inc., 0 Campanelli Drive, Braintree, MA dated may 19, 2014; and
2. Ten (10) copies of List of Proposed Conditions to Special Permit.

If you have any questions please feel free to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III

On the petition by City of Woburn, c/o Engineering Department for a special permit pursuant to 1989 Woburn Zoning Ordinances, as amended, Sections 5.1.79 and 15 to allow for construction of a bathroom/concession stand at Gonsalves Park and Groundwater Protection District. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the conditions as follows: 1. That there shall be no dumpster(s) at the subject premises; 2.

That the area shall be kept cleaned and maintained by the Woburn Little League; 3. That there shall be a water meter attached to the water line; 4. That lighting shall not be directed on residential abutters; 5. That the building shall be screened; 6. That the bathrooms shall be open for recreational purposes; and 7. That the building shall be 'stick built' construction and not 'block built'."

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$4,500.00 from Fire/Sick Leave Buy Back Acct to Fire/Natural Gas Acct, committee report was received "ought to pass".

On the Order to transfer the sum of \$5,000.00 from Treasurer/Payroll Acct to Treasurer/Postage & Mailings Acct, committee report was received "ought to pass".

On the Order to transfer the sum of \$20,000.00 from DPW Operations Acct and DPW Street Tree Program Acct to DPW Repairs Acct, committee report was received "ought to pass".

On the Order to authorize the Board of Health Revolving Fund for the purpose of expending for vaccines and expenses associated with the distribution, committee report was received "ought to pass".

PUBLIC SAFETY AND LICENSES:

On the petition by Portuguese American Club for a Special Event Permit, committee report was received "ought to pass".

On the petition by Assene Guerrier dba Omega Transportation for a Livery License, committee report was received "back for action pending City Solicitor's opinion".

On the petition by Boston Wholesale Motorcars, Inc. for a Second Class Motor Vehicle Sales License, committee report was received "ought to pass, subject to review by Building Commissioner and City Solicitor and the following conditions: 1. That the hours

of operation shall be Monday through Saturday from 10:00 a.m. to 6:00 p.m.; 2. That the petitioner furnish the Department of Public Works with a snow plan; 3. That the petitioner shall construct a new façade, hot top the parking lot, and install a chain link fence; 4. That the premises shall be clean and maintained at all times; 5. That exterior lights shall be directed downward and not upon any residential abutters; and 6. That there shall be no outdoor storage.” A communication dated May 15, 2014 was received from Building Commissioner Thomas Quinn as follows:

Re: 20 High Street

This memo clarifying that Attorney Robert Tedesco and I have had discussions with regard to the above address that was granted a Special Permit pursuant to the Woburn Zoning Ordinances Section 5.1.45 on August 14, 1003 to buy, sell, exchange or assemble motor vehicles.

During the review of the file a determination was made by this writer that the Special Permit was for the premises of 20 High Street with no conditions that it was to be terminated upon sale of premises.

If you wish to discuss this matter further as always feel free to contact me.

s/Thomas C. Quinn, Jr., Building Commissioner

A communication dated May 15, 2014 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Transfer of Class 2 License – 20 High Street

I write in response to the Committee on Public Safety & Licenses’ request for comment regarding the application for the transfer of a Class 2 motor vehicle license for the property located at 20 High Street. A copy of the Committee’s request is attached hereto for reference.

According to the Committee’s request, a representation was made at the Committee’s May 12, 2014 meeting that I (and/or the Building Commissioner) had reviewed the subject application and the Committee wants to confirm that I “have no issue with the transfer of said license”. In fact, I have never seen the application nor would I have had the opportunity to review it unless a City official or board had a legal question regarding same.

To the extent that I would have any comment, it would be to counsel the City Council that where both a special permit and a license are required in order to conduct the use, that the conditions imposed upon one form of relief be consistent with those imposed upon the other.

Very truly yours, s/Ellen Callahan Doucette, City Solicitor

A communication dated May 20, 2014 was received from Superintendent of Public Works John Duran as follows:

Subject: 20 High Street

Pursuant to the request from Attorney Robert Tedesco for approval of a Snow Plan, I offer the following. The Site Plan of record does not identify an area for snow storage. However, a letter report dated May 16, 2014 from NESIM states that there is adequate storage in the back right corner of the property and that a loader would be available to stack snow within the boundaries of the property. I concur that this would be the correct location for storage and that this should be adequate for most storms. However, the following conditions should be added: In the event of larger storms, the snow should be hauled off site and that no snow or runoff that will cause icing conditions shall be permitted within the right of way. This lot is located on a sharp curve with limited visibility and could prevent a safety concern. In addition, the snow storage area should be clearly shown on the record plan and NESIM letter shall become part of the Snow Plan.

Please feel free to call with any questions or concerns.

ORDINANCES:

On the Order to further amend 1989 Woburn Municipal Code, as amended, Title 2, Article V, Section 3-25 relative to the Senior Citizen Property Work-Off Program, committee report was received “ought to pass”.

On the Order to further amend 1989 Woburn Municipal Code, as amended Title 3, Article II, Section 3-12(D) relative to purchasing threshold limits, committee report was received “ought to pass”.

On the Order to revoke the acceptance of the provisions of M.G.L. Ch. 60, Sec. 23A and to accept the provisions of M.G.L. Ch. 60, Sec. 23B relative to the municipal lien certificate fee, committee report was received “ought to pass”.

On the Order to further amend 1989 Woburn Municipal Code, as amended Title 2, Sections 1-189(C), 2-190(A) and 2-190(B), committee report was received “ought to pass, as amended to read as follows:

“ORDERED Be it ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended be further amended as follows:

1. By adding a new sentence to the end of Section 2-189(C) that provides as follows: " The City Council shall, by the second meeting in March determine the rate of increase, if any, of the non-union department heads' salaries. This provision shall not preclude the City Council from adjusting the salaries at other times during the year."
2. By adding in the first paragraph of Section 2-190(A) a new second sentence as follows: "All non-union department heads who are not under written personal contract shall be entitled to the Vacation Leave, Bereavement Leave, Personal Days and Education Incentive Benefits as negotiated in the Department Head Union Contract."
3. By striking from the first sentence of Section 2-190(B) the words " , except department heads, " and by adding a new second sentence to Section 2-190(B) as follows "All non-union department heads who are not under written personal contract shall be entitled to the Sick Leave, Accumulation of Sick Leave and Buy Back of Sick Leave as negotiated in the Department Head Union Contract for all days earned on or after July 1, 2014. All days accumulated prior thereto shall be compensated as provided under Section 2-190(D).
4. The effective date of this ordinance shall be July 1, 2014."

NEW PETITIONS:

Petition by Cub Scout Pak 502, St. Charles Church, 280 Main Street, Woburn, Massachusetts 01801 for a Special Event Permit to allow a fishing derby at Horn Pond on June 7, 2014.

Petition by the Friends of Mary Cummings Park, Blanchard Road, Burlington, Massachusetts 01803 for a Special Event Permit to allow a memorial lantern walk at Horn Pond on May 25, 2014.

Petition by GameStop #3315, 103 Commerce Way, Suite #B, Woburn, Massachusetts 01801 for renewal of a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles.

Petition by Boston Super Transportation Inc., 29 Cummings Park, #440, Woburn, Massachusetts 01801 for a new Common Carrier License for three vehicles.

Petition by The Wendy's Company, 4288 West Dublin-Granville Road, Dublin, Ohio 43017 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1(29), Note 16 to modify a Special Permit granted December 30, 2004 as follows: 1. Amend Condition 1 by replacing the existing Site Plan of record with the plan entitled "Site Development Plans for Wendy's" prepared by Bohler Engineering, 352 Turnpike Road, Southborough, Massachusetts 01772 dated May 15, 2014; 2. Amend Condition 3 which states "that the hours of operation shall be as follows: (a) restaurant – 10:00 a.m. to 10:00 p.m., (b) drive through – 10:00 a.m. to 12:00 a.m." as follows: "(a) restaurant 10:00 a.m. to midnight, (b) Drive thru – 10:00 a.m. to 2:00 a.m."; 3. Amend Condition 15 which states "that the façade shall be constructed of brick as shown in the illustration marked 'Concept B' received in City Council on December 7, 2004" with revised plans filed with the Special Permit Petition; 4. Amend Condition 22 which states "that all signs shall be externally illuminated" as follows: that "all signs shall be internally illuminated," 5. Amend Condition 23 that states "That the free-standing sign be no more than fifteen (15) feet in height and thirty (30) feet in area consistent with requirements of the B-N zoning district in the 1985 Woburn Municipal Code, as amended" by deleting same; and 6. Amend Condition 26 that states "that no exterior banners on the roof, windows or building sides be allowed" by deleting said condition, at 303 Montvale Avenue.

A communication was received from Beth Monroe, Executive Administrator, NELCO Worldwide, 2 Burlington Woods Drive, Suite 300, Burlington, Massachusetts 01803 as follows:

Re: 98 Baldwin Avenue Flammable License Renewal

Dear Mr. Campbell:

I am writing to let you know that we will no longer need a flammable license for 98 Baldwin Avenue. The building on this site has recently been demolished and the tanks removed.

Our license has expired on April 30, 2014 and will not be renewed. We have no plans now or in the future to store flammable gases or liquids on this site.

If you have any questions, please give me a call at the number below.

Thank you for your attention in this matter.

Yours truly, s/Beth Monroe, Executive Administrator

COMMUNICATIONS AND REPORTS:

A communication dated May 9, 2014 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of April 2014.

A communication dated May 5, 2014 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting this report to you on the parking violations within the city of Woburn for the period ending March 2014: number of violations issued 297, number of violations paid 158, number of violations outstanding 125, amount collected and submitted to the Collector's Office \$13,081.60. There exists a backlog of 3,223 tickets from 1982 through 2013. Demand will be sent until all tickets have been paid. Parking fines referred to the Handicapped Commission \$1,900.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City of Woburn accept Clause 56 of G.L. c. 59, § 5, which would allow members of the Massachusetts national guard or military reservists who are on active duty to obtain a reduction of all or part of their City of Woburn real and personal property taxes for any fiscal year they are serving in a foreign country, to be effective beginning in fiscal year 2015.

s/President Haggerty and Alderman Drapeau

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 20 Garfield Avenue; and

WHEREAS, the said building or buildings and the property is generally not being properly maintained;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws

Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.

s/Alderman Gately

ORDERED Be it ordained by the City Council of the City of Woburn that pursuant to M.G.L. c.44, §53A½, that the City Council accept from the Woburn Redevelopment Authority all of its right, title and interest in the elevator situated and installed at Marlowe Park, Main Street, Woburn.

s/President Haggerty

ORDERED Be it Ordained by the City Council of the City of Woburn that Section 11, Special Permits and Variances, of the 1985 Zoning Ordinances, as amended, be further amended by revising Section 11.3 as follows (deletions in ~~strike through~~, additions in **bold**):

11.3 Procedures for Special Permits

1. The applicant shall submit a written application for a special permit with ~~12~~ **12** Copies to the City Clerk. The application shall also be subject to Rules and Regulations adopted by the City Council pursuant to G.L. Chapter 40A, Section 9, and incorporated herein. No application shall be accepted or considered complete that does not have any necessary variances required from the Board of Appeals. All appeal periods associated with granted variances must be expired before an application is submitted. If there is a dispute between the building commissioner and the petitioners on whether a variance is necessary this dispute must be presented to the Board of Appeals for resolution. No application with such disputed variances shall be considered complete and shall not be accepted until the Board of Appeals makes a decision.
2. The City Clerk, within three (3) business days of receipt of the application, Shall distribute nine (9) copies of the application and all other required special permit submission materials to the City Council, ~~(8)~~ **(2)** copies to the Planning Board- **Director** and one (1) copy each

to the Conservation Commission and the City Engineer for review and comment.

s/President Haggerty

Motion made and 2nd to ADJOURN.