

**CITY OF WOBURN
JUNE 3, 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:

ORDERED That the amount of \$1,000.00 be and is hereby appropriated from Sand & Gravel Acct #0141754-553300 \$1,000.00 to Flag Day Acct #0142452-521108 \$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/Alderman _____

ORDERED That the amount of \$38,000.00 be and is hereby appropriated from BLS/Ambulance Receipts Acct #31359-590000 \$38,000.00 to Fire/Salary Acct #012201-511000 \$20,000.00, Fire/Clerk Salary Acct #0122051-511200 \$3,000.00, Ambulance/Salary Acct #0122051-511500 \$15,000.00, Total \$38,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Timothy J. Ring, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Lynch-Cantillon Funeral Home, Inc., 263 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 and 15 of the 1985

Woburn Zoning Ordinances, as amended, to allow for a new entryway and exterior alterations to the structure located at 263 Main Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A communication dated May 20, 2014 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 Lynch-Cantillon Funeral Home, Inc., 263 Main Street, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent Lynch-Cantillon Funeral Home, Inc. in connection with the above-referenced Special Permit Petition. Since the Planning Board will not be reviewing the above Petition until its meeting on June 10, 2014, I respectfully request that the City Council public hearing on this matter presently scheduled for June 3, 2014 be continued to the City Council meeting on June 17, 2013. If you need any further information, please contact me. Thank you.

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

On the petition by 4 Montvale Avenue Realty Trust, 1820 Turnpike Street, #03, North Andover, Massachusetts 01845 for a special permit pursuant to Sections 5.1.5, 8.3 and 12 of the 1985 Woburn Zoning Ordinances, as amended, to allow for two (2) residential dwelling units above the first story in a commercial structure at 4 Montvale Avenue, with parking in the municipal parking lot. PUBLIC HEARING OPENED. A communication dated May 20, 2014 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 Giuseppe C. Fodera, 4 Montvale Avenue, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent Guiseppe C. Fodera in connection with the above-referenced Special Permit Petition. Since the Planning Board will not be reviewing the above Petition until its meeting on June 10, 2014, I respectfully request that the City Council public hearing on this matter presently scheduled for June 3, 2014 be continued to the City Council meeting on June 17, 2013. If you need any further information, please contact me. Thank you.

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

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. A communication dated May 29, 2014 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 Strete, Woburn, Massachusetts

Dear Mr. Campbell:

As you know I represent Herb Chambers 128, Inc. on the above-referenced matter. I respectfully request that the City Council Public Hearing on this matter presently scheduled for June 3, 2014 be continued to the City Council Public Hearing on June 17, 2014. If you need any further information, please contact me. Thank you.

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

On the petition by Kiwanis of Woburn, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the annual Flag Day celebration and carnival on June 14, 2014 and June 15, 2014 including bands, carnival and fireworks at Library Park, 0 Harrison Avenue. PUBLIC HEARING OPENED. A communication dated May 22, 2014 was received from Erin E. Wortman, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Kiwanis of Woburn – Library Park - To operate a carnival June 14 & 15, 2014 under Section 5.1.75

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 20, 2014, the Planning Board voted to forward a favorable recommendation to the City Council, regarding the Special Permit application of the Kiwanis Club of Woburn for their Annual Flag Day Celebration and Carnival on June 14-15, 2014 at Library Park with the condition that the applicant comply with Section 5.1, Note 14 of the Woburn Zoning Ordinance.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Erin E. Wortman, City Planner/Grant Writer

On the petition by Lawless Chrysler Jeep, Inc., 196 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.71 of the 1985 Woburn

Zoning Ordinances, as amended, to allow for a commercial parking lot at 317 New Boston Street. PUBLIC HEARING OPENED. A communication dated May 22, 2014 was received from Erin E. Wortman, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Lawless Chrysler Jeep, Inc. – 317 New Boston Street – To allow for a commercial parking lot pursuant to Section 5.1.71

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 20, 2014, the Planning Board voted to forward a favorable recommendation to the City Council, regarding the Special Permit application of Lawless Chrysler Jeep, Inc at 317 New Boston Street to allow for a commercial parking lot pursuant to the following conditions:

1. The Petitioner shall be limited to parking up to 60 cars on the Property subject to said number being reduced as the building becomes occupied so that there are sufficient parking spaces as required under the Woburn Zoning Ordinance.
2. The Petitioner shall park its vehicles in the area designated on the plan entitled “317 New Boston Street located in Woburn, Massachusetts” prepared by Eagle Brook Engineering and Survey LLC, 491 Maple Street, Suite 304, Danvers, Massachusetts 01923 dated October 23, 2012, revised February 6, 2013, revised February 12, 2013.
3. The Petitioner shall file with the Building Commissioner on the 15th day of each month a report with the number of vehicles parked on the Property.
4. There shall be no parking of vehicles on New Boston Street at any time.
5. There shall be no parking of vehicles in designated handicapped parking spaces on the Property.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Erin E. Wortman, City Planner/Grant Writer

On the petition by Vivint Solar, Inc., 24 Normac Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of petitioner’s commercial vehicles at Lot 6C, 29 Draper Street. PUBLIC HEARING OPENED. A communication dated May 22, 2014 was received from Erin E. Wortman, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Vivint Solar – 29 Draper Street, Lot 6C – To allow for the overnight parking of commercial vehicles pursuant to Section 5.1.57b

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 20, 2014, the Planning Board voted to forward a favorable recommendation to the City Council, regarding the Special Permit application of Vivint Solar at 29 Draper Street, Lot 6C to allow for the overnight parking of commercial vehicles subject to the following conditions:

1. That the commercial vehicles be limited to 20 vehicles which vehicle parking spaces shall be limited to the parking area located behind the northeast corner of the building as shown on the plan entitled "Site Plan in Woburn, Mass." Prepared by Hayes Engineering, Inc., 603 Salem Street, Wakefield, Mass. Dated August 5, 2004 last revised on April 28, 2014.
2. That the Petitioner shall offer proof that all vehicles are leased and the evidence of the Lease Agreement shall be made part of the record and if the vehicles are not leased the vehicles shall be registered in the City of Woburn.
3. The Company shall post signs within its loading area requesting both its employees and delivery companies to obey the rules of the road while traveling on City of Woburn streets and use caution while traveling on Nashua Street to and from Draper Street.
4. The Petitioner's commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site.
5. The Petitioner shall instruct employees not to use the section of Nashua Street between Draper Street and Holton Street for traveling to and from the site.
6. The Special Permit shall be limited to Vivint Solar Inc. and shall not be transferrable.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Erin E. Wortman, City Planner/Grant Writer

On the petition by Benchmark Senior Living, 40 Williams Street, Wellesley, Massachusetts 02481-3904 for a special permit pursuant to Section 5.1.19a of the 1985 Woburn Zoning Ordinances, as amended, to construct an assisted living/memory care facility and associated improvements at 320 Salem Street. PUBLIC HEARING OPENED.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the petition by Assene Guerrier dba Omega Transportation for a new Livery License, committee report was received "ought not to pass".

On the petition by Boston Super Transportation Inc. for a new Common Carrier License, committee report was received “ought not to pass”.

On the petition by GameStop #3315 for renewal of a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received “ought to pass”.

FINANCE:

On the Order to appropriate the sum of \$525,000.00 from BLS/Ambulance Receipts Acct to Fire Regular Salary Acct, committee report was received “ought to pass”.

On the Order to transfer the sum of \$1,000.00 from Library/Snow Removal Acct to Library/Audio Visual Acct, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$190,000.00 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, committee report was received “ought to pass, as amended with the amendment as follows: 1. Conditioned that the funds be encumbered by December 31, 2014.”

NEW PETITIONS:

Petition by Winchester Cooperative Nursery School, 478 Main Street, Winchester, Massachusetts 01890 for a special event permit to allow a fun run on October 5, 2014 at Horn Pond.

Petition by Cambridge Road Auto Service, Inc. dba Woburn Plaza Shell, 293 Cambridge Road, Woburn, Massachusetts 01801 for renewal of a Second Class Motor Vehicle Sales License.

Petition by Linear Retail Woburn #1 LLC, 5 Burlington Woods Drive, Burlington, Massachusetts 01803 for a special permit pursuant to the provisions of 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.29 and 12 to approve the modification of a special permit dated March 27, 2014 to allow for the substitution of Hamra Noodles LLC d/b/a Noodles and Company in place of b.good as the fast food restaurant to occupy Tenant Space A at 299 Mishawum Road.

COMMUNICATIONS AND REPORTS:

A communication dated May 28, 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 May 2014.

A communication dated May 23, 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 April 2014: number of violations issued 386, number of violations paid 207, number of violations outstanding 160, amount collected and submitted to the Collector’s Office \$17,784.40. There exists a backlog of 3,213 tickets from 1982 through 2013. Demand will be sent until all tickets have been paid. Parking fines referred to the Handicapped Commission \$2,700.00.

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 Woburn City Council hereby authorizes the Mayor to utilize a Department Revolving Fund under M.G.L. Chap. 44, Sec. 53E1/2. Mayor may spend funds received without further appropriation during Fiscal Year 2015. The “Spence Farm Revolving Fund”, is to be credited with all fees and charges not to exceed \$50,000.00 received during Fiscal Year 2015 from donations and money raised. Any remaining balance at June 30, 2015 is to revert to the General Fund, unless the fund is re-established. The “Spence Farm Revolving Fund”, under M.G.L. Chap. 44, Section 53E½ must be re-established on a year-to-year basis. The City Council, upon recommendation of the mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby approve the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the Woburn City Council hereby authorizes the Conservation Commission to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. The Conservation Commission may spend funds received without further appropriation during Fiscal Year 2015 for the purpose of environmental public benefit and open space acquisitions and/or protection. The “Conservation Commission’s Revolving Fund”, is to be credited with all fees and charges not to exceed \$10,000.00 received during Fiscal Year 2015 from gifts, donations and monies raised. Any remaining balance at June 30, 2015 is to revert to the General Fund, unless the fund is re-established. The “Conservation Commission’s Revolving Fund”, under M.G.L. Chap. 44, Sec. 53E½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the Woburn City Council hereby authorizes the Woburn Police Department School Resources Officer to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. The Woburn Police Department School Resources Officer may spend funds received without further appropriation during Fiscal Year 2015. The “Woburn Police Department School Resources Officer Revolving Fund”, is to be credited with all fees and charges not to exceed \$25,000.00 received during Fiscal Year 2015 from donations and money raised. Any remaining balance at June 30, 2015 is to revert to the General Fund, unless the fund is re-established. The “Woburn Police Department School Resources Officer Revolving Fund”, under M.G.L. Chap. 44, Sec. 53E½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the Woburn City Council hereby authorizes the Board of Health to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E½. The Board of Health may spend funds received without further appropriation during Fiscal Year 2015 for the purpose landfill closure. The “Board of Health Revolving Fund”, is to be credited with all fees and charges up to \$100,000.00 received during Fiscal Year 2015. Any remaining balance at June 30, 2015 is to revert to the General Fund, unless the fund is re-established. The “Board of Health Revolving Fund”, under M.G.L. Chap. 44, Sec. 53E½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the Woburn City Council hereby authorizes the Council on Aging to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E½. The Council on Aging may spend funds received without further appropriation during Fiscal Year 2015 for the purpose of operating the Senior Center. The “Council on Aging Revolving Fund”, is to be credited with all fees and charges received during Fiscal Year 2015 up to \$80,000.00. Any remaining balance at June 30, 2015 is to revert to the General Fund, unless the fund is re-established. The “Council on Aging Revolving Fund”, under M.G.L. Chap. 44, Sec. 53E½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the Woburn City Council hereby authorizes the Recreation Department to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E½. The Recreation Department may spend funds received without further appropriation during Fiscal

Year 2015 for the purpose of a basketball league. The "Recreation Basketball Revolving Fund", is to be credited with all fees and charges not to exceed \$40,000.00 received during Fiscal Year 2015 from donations and monies raised. Any remaining balance at June 30, 2015 is to revert to the General Fund, unless the fund is re-established. The "Recreation Basketball Revolving Fund", under M.G.L. Chap. 44, Sec. 53E½ must be re-established on a year-to-year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the Woburn City Council hereby authorizes the Department of Public Works to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Section 53E½ . The Department of Public Works may spend funds received without further appropriation during Fiscal Year 2015 for the purpose of the Liberty Elm Tree Program. The "Liberty Elm Tree Revolving Fund", is to be credited with all fees, charges and donations not to exceed \$10,000.00 received during Fiscal Year 2015 from donations and monies collected. Any remaining balance at June 30, 2015 is to revert to the General Fund, unless the fund is re-established. The "Liberty Elm Tree Revolving Fund" under M.G.L. Chap. 44 Section 53E½ must be re-established on a year-to-year basis. The City Council, upon recommendation of the mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the Woburn City Council hereby authorizes the Office of the Mayor to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E½. The Office of the Mayor may spend funds received without further appropriation during Fiscal Year 2015 with the purpose of unanticipated special education costs for out of district tuition and transportation. The Special Education Departmental Revolving Fund is to be credited with Medicaid

revenue not to exceed \$300,000.00 received during Fiscal Year 2015. Any remaining balance at June 30, 2015 is to revert to the General Fund, unless the fund is re-established. The “Special Education Department Revolving Fund”, under M.G.L. Chap. 44, Sec. 53E½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Departmental Revolving Fund effective for the ensuing Fiscal Year only.

I hereby approve the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the Woburn City Council hereby authorizes the Office of the Mayor to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. The Office of the Mayor may spend funds received for cable television and telecommunications franchise fees as required under the CATV operator license agreement with the City of Woburn without further appropriation during Fiscal Year 2015 for the purpose of cable related expenditures. The “Cable Television and Telecommunications Revolving Fund”, is to be credited with all fees and charges up to \$80,000.00 received during Fiscal Year 2015. Any remaining balance at June 30, 2015 is to revert to the General Fund, unless the fund is re-established. The “Cable Television and Telecommunications Revolving Fund”, under M.G.L. Chap. 44, Sec. 53 ½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the Woburn City Council hereby authorizes the Historical Commission to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E1/2. The Historical Commission may spend funds received without further appropriation during Fiscal Year 2015 for the purpose of expending for Historical Plaques. The “Historical Commission Revolving Fund”, is to be credited for all gifts, charges and donations not to exceed \$3,000.00 received during Fiscal Year 2015. Any remaining balance at June 30, 2015

is to revert to the General Fund, unless the fund is re-established. The limit on the total amount which may be expended from the Historical Commission shall not exceed \$3,000.00. The “Historical Commission Revolving Fund”, under M.G.L. Chap. 44, Section 53E½ must be re-established on a year-to-year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby approve the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the Woburn City Council hereby authorizes the Board of Health to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Section 53E½. The Board of Health may spend funds received without further appropriation during Fiscal Year 2015 for the purpose of expending for vaccines and expenses associated with the distribution. The “Board of Health Revolving Fund”, is to be credited for all gifts, charges and donations not to exceed \$20,000 received during Fiscal Year 2015. Any remaining balance at June 30, 2015 is to revert to the General Fund , unless the fund is re-established. The limit on the total amount which may be expended from the Board of Health shall not exceed \$20,000. The “Board of Health Revolving Fund”, under M.G.L. Chap. 44, Section 53E½ must be re-established on a year-to-year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above: s/Scott D. Galvin, Mayor

s/Alderman _____

Motion made and 2nd to ADJOURN.