

**CITY OF WOBURN  
MAY 5, 2015 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the sum of \$155,000.00 be and is hereby transferred as so stated from DPW/Administration Salaries Acct #0141151-511000 \$30,000.00, DPW/Public Building Maintenance Acct #0141151-511001 \$20,000.00, DPW/Operations Salary Acct #0141151-511002 \$35,000.00, DPW/Street/Flood Lights Acct #0142052-521104 \$50,000.00, Utilities Acct #0143552-521501 \$20,000.00, Total \$155,000.00 to DPW/Overtime Acct #0141051-513100 \$155,000.00

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

s/Alderman \_\_\_\_\_

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**PUBLIC HEARINGS:**

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated December 5, 2002 which Decision allowed for the alteration of an existing non-conforming structure by the construction of a covered service drive at 394 Washington Street and Special Permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows:  
1. Section 5.1 (45) (69) and 7.3 to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. That the new site plan of record be the plan entitled "Site Plans for Woburn Foreign Motors Proposed Redevelopment, 394 Washington Street, Woburn, MA 01801" dated August 7, 2014, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA

01801 (the Plan); and 3. In addition, the Petitioner seeks approval of the following modifications to the existing Site Plan of record: to allow for a stand-alone car wash within the interior of the building, additional parking spaces, transformer; dumpsters and fuel pump, all as shown on the Plan, at 394 Washington Street. PUBLIC HEARING OPENED. A communication dated May 5, 2015 was received from Attorney Joseph Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for May 5, 2015 be continued to the City Council meeting on June 2, 2015. If you need any further information, please contact me. Thank you.

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

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for special permits pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. Section 5.1 (69) and 7.3 to allow for the replacement of the existing non-conforming six (6) foot fence as shown on the plan with a six (6) foot wall; 3. Section 8.7 to allow for a reduction in the off street loading requirements; 4. Sections 5.1 (69), 7.3 and 13.5 to allow for the alteration of the existing non-conforming signage; 5. Footnote 8 to Section. 6.1 to allow for an increase in the building height from thirty-five (35) feet to forty-five (45) feet, more or less; 6. Section 8.6.3 to allow for an exception to the area and landscaping requirements to allow for alternate landscaping equal or superior in visual appearance; and 7. Sections 12.2.4 and 12.3.2 to allow for the replacement of the existing buildings on the property with a new building containing approximately 152,600 square feet in gross floor area, more or less, at 394R Washington Street. PUBLIC HEARING OPENED. A communication dated May 5, 2015 was received from Attorney Joseph Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for May 5, 2015 be continued to the City Council meeting on June 2, 2015. If you need any further information, please contact me. Thank you.

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

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On the petition by Kiwanis of Woburn, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.75 to allow for a Flag Day celebration and carnival on June 12, 2015 and June 13, 2015 at Library Park. PUBLIC HEARING OPENED. A communication dated April 21, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Special Permit application of Kiwanis of Woburn – To operate a carnival on June 12 & 13, 2015 at Library Field under the provisions of Section 5.1(75) of the Woburn Zoning Code

Dear Honorable Council:

I have reviewed the above-referenced Special Permit application submitted by the Kiwanis of Woburn for its Annual Flag Day Celebration and Carnival on June 12 and June 13, 2015 at Library Park.

I recommend the Council consider imposing a condition requiring the applicant - and all activities authorized by this Special Permit – to comply with Note #14 of Section 5.1 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.

Respectfully, s/Tina P. Cassidy, Director

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On the petition by John P. Flaherty and Kathryn A. Flaherty, 28 West Street, Woburn, Massachusetts 01801 for special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 27 to allow for the conversion of a house of worship (St. Joseph's Church) to allow for the following: 1. Six (6) dwelling units, 2. Landscape useable space of 30.5%, and 3. Front yard setback of 12.3 feet for the front steps, at 100 Washington Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action with a working draft of proposed conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Proposed Site Plan Saint Joseph's Church, 100 Washington Street, Woburn, Massachusetts dated March 5, 2015 and revised on April 22, 2015 prepared by Alan Engineer, L.L.C., 288 Littleton Road, Suite 31, Westford, MA 01886 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-

called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.

2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
3. Exterior construction activities on the Site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday and not all on Sundays. This does not include off site utility work.
4. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
5. At least fifty (50%) percent of the units shall be age restricted and occupied by at least one person who is fifty-five years of age or older.
6. Prior to the issuance of the Special Permit by the City Clerk’s Office, a Deed, Restrictive Covenant or other recorded instrument showing the Petitioner to be the owner of the land to be designated as a Multiple Family Dwelling with fifty (50%) percent of the units restricted for persons 55 years of age or older shall be reviewed by the City Solicitor and approved by the City Council. It shall be a further condition of the Special Permit granted hereunder that said Deed or other recorded instrument shall be recorded at the Middlesex County South District Registry of Deeds prior to the issuance of the Landowner’s Notice of Special Permit Decision by the City Clerk’s Office.
7. The number of units shall be limited to six (6) units.
8. The Petitioner and its successor and assigns in title agree that it will be responsible in perpetuity for all trash removal services.
9. The Petitioner and its successors and assigns in title agree that all trash receptacles shall be maintained on the ground floor level below the upper deck on the front of the building near the sidewalk of the multi-family dwelling and shall be covered at all times.
10. All parking spaces shown on the Plan shall be striped.
11. Wheel stops shall be added to each parking space as shown on the Plan.
12. If during construction any sidewalk panel sections are damaged, Petitioner shall be required to replace said panels.
13. If the areas identified on the Plan for on-site storage prove to be of inadequate capacity at any time in a given season all snow shall be removed from the site. Any ‘plowable’ snow shall be removed from the site.
14. There shall be no satellite dishes allowed on the exterior of the building.
15. That the Petitioners and its successors shall maintain the landscaping plan as presented in perpetuity.

16. That the parking on Washington Street shall be restricted to \_\_\_\_\_ based on the approval of the Traffic Commission. (Note, Alderman Mercer-Bruen is working on this with petitioners' attorney.)
17. That neighbors shall be notified of any asbestos removal from the site.

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On the petition by Draper Realty LLC, 1150 Main Street, Concord, Massachusetts 01742 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57a to allow for a storage container at 31 Draper Street. PUBLIC HEARING OPENED. A communication dated April 29, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Special Permit Application for Storage Container and Overnight Parking of Commercial Vehicles at 31 Draper Street/Draper Realty Trust (Owner) and Superior Contracting Services LLC (Applicant)

Dear Honorable Council:

This office has reviewed the above-referenced petitions which seek authorization for the overnight parking of commercial vehicles in accordance with Section 5.1.57(b) of the Woburn Zoning Ordinance and the placement of an outside storage container in accordance with Section 5.1.57(a) of the Woburn Zoning Ordinance. Staff has confirmed that the applicant is requesting permission to park a total of three (3) commercial vehicles on the property (one [1] van and two [2] box trucks).

The Planning Department notes that the Director of Inspectional Services requires applicants to demonstrate that there is sufficient parking on site to accommodate employees and customers as well as the commercial vehicles that are proposed to be parked overnight. The applicant's attorney indicates there will be a total of sixteen (16) employees on site, and the plan shows a total of sixty (60) parking spaces on the property:

Name of Business	Location in Building	Number of Employees
A's Baseball Center	Bays #1 and #2	5
Superior Contracting Services	Bay #3	2
Prova Inc.	Bays #4 and #5	2
Worldwide Medical	Bay #6	2
Olmstead Flint	Bays #7 and #8	5
<b>TOTAL EMPLOYEES ON SITE</b>		<b>16</b>

The Planning Department recommends that the City Council consider imposing the following as conditions of approval (most of these conditions were included verbatim in previous special permit decisions for other or former tenants of this site):

1. The proposed storage trailer is blocking one of the building's doorways but the doorway is an overhead door intended for shipping and receiving and not for pedestrian access or egress (its threshold is approximately four [4] feet above grade on the exterior). To further ensure the safety of employees in times of emergency, the Planning Department recommends that the applicant be required to post a sign on the interior of the door stating "NOT AN EXIT";
2. A specific area on the site should be identified and designated for the overnight parking of three (3) commercial vehicles and the designated area should be reflected on the plan of record. The applicant's attorney indicates the tenant intends to park the vehicles immediately to the east of the proposed storage trailer, but the Council should consider whether to require the two (2) box trucks to be parked at the tenant's loading docks overnight instead. Doing so would result in only one (1) space in the parking lot being used for overnight parking of the company's van;
3. All Dumpsters shall be enclosed within the building and emptied between the hours of 7:00 a.m. and 5:00 p.m.;
4. Signage on the building shall not be internally illuminated;
5. All lighting on the premises shall be reflected downward to avoid any impact on surrounding properties;
6. There shall be no outside storage of materials allowed on the premises other than the single exterior storage container authorized by this Special Permit;
7. The hours of operation shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Friday; Saturdays from 7:00 a.m. to 4:00 p.m.; and Sundays from noon to 4:00 p.m.;
8. Loading activities shall be limited to 7:00 a.m. to 7:00 p.m., Monday to Friday; 8:00 a.m. to 1:00 p.m. on Saturdays and not at all on Sunday;
9. No deliveries shall be allowed on the site prior to 7:30 a.m. or after 5:00 p.m., Monday to Friday and there shall be no deliveries on Saturday or Sunday;
10. The petitioner shall post signs within its customer pickup area and loading area requesting both its customers and delivery companies to obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Draper Street;
11. 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;

12. The petitioner shall instruct its employees not to use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site;
13. The special permit for the storage container shall be reviewed one (1) year after the date of issue, in accordance with Note 17 to Section 5.1 of the Woburn Zoning Ordinance; and
14. The plan should be revised to include an area for snow storage. The Conservation Commission has expressly prohibited the storage of snow within the storm water management area in the front of the building/parking lot. According to the developer's attorney, the current practice is to store the snow along the base of the ledge cut along the southerly (rear) property line and this arrangement causes no issues with current tenants. The Planning Department recommends that the plan be revised to formally show the area of the site that is and will be used for the storage of snow when needed in the future.

Please feel free to contact me if you have any questions about this recommendation.

Respectfully, s/Tina P. Cassidy, Director

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On the petition by Superior Contracting Services LLC, 201 Prospect Avenue, Revere, Massachusetts 02150 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow for overnight parking of petitioner's commercial vehicles at 31 Draper Street. PUBLIC HEARING OPENED. A communication dated April 29, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Special Permit Application for Storage Container and Overnight Parking of Commercial Vehicles at 31 Draper Street/Draper Realty Trust (Owner) and Superior Contracting Services LLC (Applicant)

Dear Honorable Council:

This office has reviewed the above-referenced petitions which seek authorization for the overnight parking of commercial vehicles in accordance with Section 5.1.57(b) of the Woburn Zoning Ordinance and the placement of an outside storage container in accordance with Section 5.1.57(a) of the Woburn Zoning Ordinance. Staff has confirmed that the applicant is requesting permission to park a total of three (3) commercial vehicles on the property (one [1] van and two [2] box trucks).

The Planning Department notes that the Director of Inspectional Services requires applicants to demonstrate that there is sufficient parking on site to accommodate employees and customers as well as the commercial vehicles that are proposed to be parked overnight. The applicant's attorney indicates there will be a total of sixteen (16)

employees on site, and the plan shows a total of sixty (60) parking spaces on the property:

Name of Business	Location in Building	Number of Employees
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Olmstead Flint	Bays #7 and #8	5
<b>TOTAL EMPLOYEES ON SITE</b>		<b>16</b>

The Planning Department recommends that the City Council consider imposing the following as conditions of approval (most of these conditions were included verbatim in previous special permit decisions for other or former tenants of this site):

1. The proposed storage trailer is blocking one of the building's doorways but the doorway is an overhead door intended for shipping and receiving and not for pedestrian access or egress (its threshold is approximately four [4] feet above grade on the exterior). To further ensure the safety of employees in times of emergency, the Planning Department recommends that the applicant be required to post a sign on the interior of the door stating "NOT AN EXIT";
2. A specific area on the site should be identified and designated for the overnight parking of three (3) commercial vehicles and the designated area should be reflected on the plan of record. The applicant's attorney indicates the tenant intends to park the vehicles immediately to the east of the proposed storage trailer, but the Council should consider whether to require the two (2) box trucks to be parked at the tenant's loading docks overnight instead. Doing so would result in only one (1) space in the parking lot being used for overnight parking of the company's van;
3. All Dumpsters shall be enclosed within the building and emptied between the hours of 7:00 a.m. and 5:00 p.m.;
4. Signage on the building shall not be internally illuminated;
5. All lighting on the premises shall be reflected downward to avoid any impact on surrounding properties;
6. There shall be no outside storage of materials allowed on the premises other than the single exterior storage container authorized by this Special Permit;

7. The hours of operation shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Friday; Saturdays from 7:00 a.m. to 4:00 p.m.; and Sundays from noon to 4:00 p.m.;
8. Loading activities shall be limited to 7:00 a.m. to 7:00 p.m., Monday to Friday; 8:00 a.m. to 1:00 p.m. on Saturdays and not at all on Sunday;
9. No deliveries shall be allowed on the site prior to 7:30 a.m. or after 5:00 p.m., Monday to Friday and there shall be no deliveries on Saturday or Sunday;
10. The petitioner shall post signs within its customer pickup area and loading area requesting both its customers and delivery companies to obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Draper Street;
11. 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;
12. The petitioner shall instruct its employees not to use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site;
13. The special permit for the storage container shall be reviewed one (1) year after the date of issue, in accordance with Note 17 to Section 5.1 of the Woburn Zoning Ordinance; and
14. The plan should be revised to include an area for snow storage. The Conservation Commission has expressly prohibited the storage of snow within the storm water management area in the front of the building/parking lot. According to the developer's attorney, the current practice is to store the snow along the base of the ledge cut along the southerly (rear) property line and this arrangement causes no issues with current tenants. The Planning Department recommends that the plan be revised to formally show the area of the site that is and will be used for the storage of snow when needed in the future.

Please feel free to contact me if you have any questions about this recommendation.

Respectfully, s/Tina P. Cassidy, Director

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$10,000.00 from Cemetery Interest Fund to Cemetery Over-time Account, committee report was received “ought to pass.”

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On the Order to transfer the sum of \$7,938.00 from 7 State Street Acct to Aldis Camera’s Traffic Detection Installation Acct, committee report was received “ought to pass.”

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On the Order to approve deficit spending in excess of appropriation for the removal of snow and ice, committee report was received “ought to pass.”

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**ORDINANCES:**

On the Order to amend the 1989 Woburn Municipal Code, as amended, Section 2-181 relative to base salary for DPW Superintendent, committee report was received “ought to pass”.

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**PUBLIC SAFETY AND LICENSES:**

On the petition by Checker Cab of Woburn for renewal of Taxi Cab License for three (3) vehicles, committee report was received “ought to pass”.

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On the petition by Checker Cab of Woburn Inc. for renewal of Livery License for six (6) vehicles, committee report was received “ought to pass”.

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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”.

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**NEW PETITIONS:**

Petition by Friends of Mary Cummings Park, 101 Middlesex Tpke, Suite 6, PMB #343, Burlington, Massachusetts 01801 for a special event permit to allow memorial lantern walk at Horn Pond on May 24, 2015.

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Petition by Woburn Kiwanis, P.O. Box 521, Woburn, Massachusetts 01801 for a special event permit to allow annual Flag Day festival at Library Field on June 14, 2015 and June 15, 2015.

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Petition by Blues for Veterans, P.O. Box 507. Woburn, Massachusetts 01801 for a special event permit to allow for a music concert at Library Field on August 29, 2015.

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Petition by SureRide, LLC, 400 TradeCenter, Suite 5900, Woburn, Massachusetts 01801 for renewal of a Taxi Cab License for two (2) vehicles.

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Petition by Saeed Rajabi dba Sky Taxi of Woburn, 21 Cummings Park #232, Woburn, Massachusetts 01801 for renewal of Taxi Cab License for one (1) vehicle.

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Petition by Robson L. Dias, 2 Westgate Drive #202, Woburn, Massachusetts 01801 for renewal of Livery License for one (1) vehicle.

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Bloomfield Hospitality LLC, 903A Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.23, 5.1.29, 7.3 and 13 for approval of modification of a Special Permit dated December 27, 2012 to allow for the substitution of Bloomfield Hospitality LLC in place of Mr. Charlie's at 880 Main Street.

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**COMMUNICATIONS AND REPORTS:**

A communication dated April 17, 2015 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. The following figures represent year to date totals for 2015: Number of violations issued 285, Numbers of violations paid 135, Number of violations outstanding 134, Amount collected and submitted to Collectors Office \$14,734.60, Parking fines referred to the Handicap Commission \$5,100.00.

There is a backlog of 1,749 unpaid tickets dating from January 2004 to March 2015. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully submitted, s/Charles O'Connor, Parking Clerk

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A communication was received from the Woburn Conservation Commission relative to the Tree Program in which residents can purchase trees.

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A communication from Janet Cha, Investigator, Massachusetts Commission Against Discrimination, One Ashburton Place, Boston, Massachusetts 02108 relative to a complaint of discrimination which alleges the city committed an act of discrimination against the complainant.

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A communication from Coalition for Responsible Retailing, 574 Boston Road, Billerica, Massachusetts 01821 relative to proposed regulations to reduce minors' access to tobacco.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED** Be it Ordained by the City Council of the City of Woburn that the city hereby accepts Section 3 to 7, inclusive of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation and rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under such Act; that the amount of such surcharge on real property shall be one percent (1%) of the annual real estate tax levy against real property commencing in Fiscal 2017; and that the city hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city as defined in Section 2 of the Act; \$100,000 of the value of each taxable parcel of residential real property, and \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of chapter 59, of the General Laws;

Be it further Ordered that if a majority of the voters voting on said question vote in the affirmative, then the provisions of the Act shall take effect in the city on July 1, 2016;

Be it further Ordered that the city clerk inform the secretary of the commonwealth no later than September 4, 2015 to place the following question on the November 3, 2015 state election ballot:

“Shall this city accept sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?”

Be it further Ordered that the city solicitor communicate with the secretary of the commonwealth no later than September 5, 2014 for the purposes of submitting a fair, concise summary of the law to be acted upon for printing on the November 4, 2015 state election ballot with said question

s/Alderman Drapeau

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Motion made and 2<sup>nd</sup> to ADJOURN.