

**CITY OF WOBURN
MAY 19, 2015 - 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:

Fiscal Year 2016 Municipal Budget.

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. The Office of Mayor may spend funds received for Green Energy Revolving Fund receipts without further appropriation during Fiscal Year 2015 for the purpose of paying the expenses of Energy Consultants, capital projects and other expenses. The "Green Energy Revolving Fund" may be credited with receipts up to \$150,000.00 received during Fiscal Year 2015 from energy saving projects. Any remaining balance at June 30, 2015, is to revert to the General Fund, unless the fund is re-established. The "Green Energy Revolving Fund", under M.G.L. Chap. 44, Section 53E1/2 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 current Fiscal Year.

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

s/Alderman _____

ORDERED That the sum of \$50,420.80 be and is hereby transferred as so stated from Unemployment Compensation Acct #0198051-517300 \$50,420.80 to Police Sick Leave Buy Back Acct #0121051-515400 \$50,420.80

I hereby approve the above: s/Robert J. Ferullo, Jr., Chief of Police
I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby recommend the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the sum of \$9,921.14 be and is hereby transferred as so stated from unemployment Compensation Acct #0198051-517300 \$9,921.14 to Non Union Department Heads Acct #0113451-511000 Auditor \$2,071.90, Acct #0115151-511000 Solicitor \$1,811.38, Acct #0116151-511000 City Clerk \$1,945.55, Acct #0141151-511000 DPW Admin. \$2,162.88, Acct #0161051-511000 Library \$1,929.43, Total \$9,921.14 – Purpose: 2% base salary increase, retro to July 1, 2014

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

s/Alderman _____

ORDERED That the sum of \$2,000.00 be and is hereby transferred as so stated from Library/Snow Removal Acct #0161052-529300 \$1,000.00, Library/Telephone Acct #0161052-534100, \$1,000.00, Total \$2,000.00 to Library Records (AV) Acct #0161054-558704 \$2,000.00

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

s/Alderman _____

ORDERED That the sum of \$1,000,000.00 be and is hereby transferred as so stated from Overlay Reserve Acct #01-322000 \$1,000,000.00 to OPEB Trust Fund Acct #750048-483011 \$1,000,000.00

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

s/Alderman _____

ORDERED That the sum of \$240,000.00 be and is hereby transferred as so stated from BLS/Ambulance Receipts Acct #31359-595000 \$240,000.00 to Fire Regular Salary Acct #0122051-511000 \$240,000.00

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

s/Alderman _____

ORDERED That the sum of \$135,970.00 be is hereby transferred as so stated from Police/Gasoline Acct #0121054-548100 \$15,000.00, Police/Bldg Maint Acct #0121054-543000 \$5,000.00, Police/Telephone Accts #0121052-534100 \$2,000.00, Police/Heat Acct #0121052-521102 \$8,000.00, Police/Lighting Acct #0121052-521101 \$15,000.00, Police/Det. Photo Acct #0121054-558505 \$3,000.00, Police/Matrons Acct #0121051-512800 \$20,000.00, Police/Reg Salary Acct #0121051-511000 \$50,000.00, Police/Animal O/T Acct #0121051-515600 \$1,500.00, Police/Reserve Tr Acct #0121051-519111 \$13,000.00, Police/Leaps /NCIC Acct #0121055-534101 \$1,770.00, Police/Dog Maint Acct #0121052-538301 \$1,200.00, Police/Diesel Acct #0121054-548101 \$500.00, Total \$135,970.00 to Police/Court Time Acct #0121051-515000 \$23,000.00, Police/Recruit Ac. Acct #0121051-519100 \$2,500.00, Police/Crossing Guard Acct #0121051-512700 \$24,500.00, Police/Reserve Salary Acct #0121051-512700 \$58,000.00, Police/Overtime Acct #0121051-513100 \$27,970.00, Total \$135,970.00

I have approved the above: s/Robert J. Ferullo, Jr., Chief of Police
I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby recommend the above: s/Scott D. Galvin, Mayor

s/Alderman _____

PUBLIC HEARINGS:

On the petition by President Haggerty and Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 118 Eastern Avenue, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts 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. PUBLIC HEARING OPENED.

On the petition by Philip J. Malonson, Trustee, Step Two Realty Trust, 171 Cambridge Road, Woburn, Massachusetts 01801, Melanson Development Group, Inc., 5 Robertson

Way, Woburn, Massachusetts 01801 and Eileen C. Marsan, 165 Cambridge Road, Woburn, Massachusetts 01801 to amend the Woburn Zoning Map as follows: 1. By changing the zoning district of the land located at Cambridge Road R found on Assessors Map 65-08-13 described as vacant land from B-H to R-3, and 2. By changing the zoning district of the land located at 165 Cambridge Road found on Assessors Map 65-08-18 and 65-08-19 described as single family home and vacant land from R-1 to R-3. PUBLIC HEARING OPENED. A communication dated May 13, 2105 with attachments was received from Tin P. Cassidy, Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed Zoning Map amendment for property at 165 Cambridge Road and Cambridge Road Rear

Dear Members of the Council:

The Woburn Planning Board conducted a public hearing on Tuesday, April 28, 2015 relative to the pending request to rezone three parcels of land at Cambridge Road Rear (Map 65, Block 8, Lot 13) and at 165 Cambridge Road (Map 65, Block 8, Lots 18 and 19) from B-H and R-1 respectively to R-3. The property owners are Philip Malonson, Trustee, Step Two Realty Trust and Eileen C. Marsan, and the applicant is Melanson Development Group, Inc.

Following the public hearing on April 28th, Board members elected to table discussion in order to obtain the following additional information:

- The maximum number of units that could be placed on the parcel if the zoning was changed to R-3, given density and lot coverage and other zoning regulations;
- An analysis of the types of uses that are allowed by right in the B-H zoning district, both on the existing B-H zoned lot and on the entire parcel, if all were to be rezoned to B-H instead of R-3;
- The proximity (distance) between the proposed development and the existing residential neighborhood, the closest R-1 zoned lot, and the abutting vacant lot owned by Murray;
- The dimensions of the abutting open space parcel and Battle Road site; and
- The need for a better locus map depicting these lots in context with surrounding properties.

The above information is attached and was discussed at the Board's meeting on May 12th.

At the conclusion of discussion on May 12, 2015 a motion was made to forward a favorable recommendation to the City Council on this zoning map amendment. Board members voted 3-3-1 on that motion (Turner, Callahan, Doherty in favor, Ventresca, Edmonds, Bolgen against, Donovan abstaining due to absence at the public hearing).

Absent a definitive recommendation, Board members elected to summarize the reasons behind the yes and no votes here:

In favor of a positive recommendation:

- The petitioners have expressed a willingness to resolve long-standing issues associated with the Battle Road site (formalization of public access) and to consider future plan modifications to address at least some of the potential issues that might arise from eventual development of this site (i.e. traffic and drainage mitigation).
- The townhouse development contemplated by the petitioners is a better “fit” for the existing neighborhood because it provides a logical land use buffer (transition zone) between the single-family residences nearby and the business/commercial district immediately abutting it.
- The project will require additional review by the City in the form of a future Special Permit/site plan review application, and that process provides opportunities at a later date for refining the plan and imposing development conditions.
- The project has the support of the councilor who represents the ward as well as the City’s Historical Commission.

Against a positive recommendation:

- The proposal for 22 townhouse units is too dense for this location. As a result, it would not be in the public interest to rezone the parcels to accommodate it.
- The site is located in an area that already experiences difficult traffic conditions which would be exacerbated by traffic from 20+ additional homes. In particular, the intersection of Cambridge Road and Russell Street (“Four Corners”) is already heavily congested. Creating additional traffic by “up-zoning” these parcels to permit additional residential units is not in the public’s interest.
- Rezoning this site to multi-family use may inspire a similar, future rezoning request from the owner of the vacant R-1 zoned parcel abutting this site. If that were to occur, there may be no way to distinguish between the two and, therefore, that lot would also be redeveloped for multi-family use. This scenario would lead to the construction of even more units in the area which would in turn exacerbate the density and traffic concerns already present in this neighborhood.

The Board respectfully thanks you for considering its points of view. If you have any questions with respect its deliberations please feel free to contact me.

Respectfully, s/Tina P. Cassidy, Director

A communication dated May 11, 2015 was received from Carol Seitz, Chairperson, Woburn Historical Commission as follows:

Re: Petition by Melanson Development Group, Inc. for Zoning Map Amendment – 165
Cambridge Road

Ladies and gentlemen,

At a duly noticed meeting of the Woburn Historical Commission held on March 25, 2015, representatives of the Melanson Development Group (“Melanson”) met with the Commission to discuss their plans for the proposed redevelopment of the property at 165 Cambridge Road. That redevelopment abuts the Battle Road Woodland property and shares a boundary with Old Lexington Street (the so-called Battle Road). Three principal areas of concern were discussed:

- 1) At present the driveway to the property includes a portion of Old Lexington Street, which effectively blocks public access to the Battle Road from Cambridge Road. The legal status of this arrangement appears to have been the subject of a long-standing dispute between the current owner of the property and the City.

Melanson told the Historical Commission that they propose to work with the Commission, the Planning Board, your Council, and the City Solicitor to produce an arrangement for public access to the Battle Road, including a public parking area and appropriate historical signage.

- 2) In 1973 the Battle Road was designated a Scenic Road under Mass. Gen. Laws Chapter 40, Sec. 15C. Melanson has stated that they will follow the associated requirements in the redesign and reconstruction of the existing driveway. They will not disturb or alter any part of the existing stone wall(s) along the Battle Road.
- 3) The existing house on the property was built in 1920 and was formerly the home of William J. Tarkey. Melanson proposes to demolish that structure, maintaining that it has long been undermaintained and that its loss will be “of minimal significance and no detriment to the City.”

The Commission’s responses to Melanson’s points follow:

- 1) The Commission applauds Melanson’s intention to improve access to and interpretation of the Battle Road, and looks forward to working with them to develop and implement those improvements.
- 2) So long as Melanson conforms to the regulations and procedures concerning Scenic Roads under Mass. Gen. Laws Chapter 40, Section 15C, and does not disturb or alter the existing stone wall(s) along the Battle Road, the Commission does not anticipate having any objection to the reconstruction of the existing driveway into the property.

- 3) The existing house on the property is more than seventy-five years old, and therefore any request for a demolition permit will have to go through the demolition delay process described in Article V of Title 15, Buildings and Construction, of the Woburn Municipal Code. The process of determining whether the house at 165 Cambridge Road is “preferably preserved” (in the words of the Ordinance) is set forth in the Ordinance. The Commission notes, however, that when circumstances have warranted, it has allowed alternatives to delaying demolition for a full year.

In summary, the Historical Commission is pleased that the proposed development promises to improve public access to one of the City’s important historical resources. We look forward to working with the Melanson Development Group and the other City agencies as the project moves forth.

Sincerely, s/Carol Seitz, Chairperson, Woburn Historical Commission

A communication dated May 15, 2015 was received from Attorney Shaun W. Briere, Mawn and Mawn, P.C., 275 Mishawum Road, Woburn, Massachusetts 01801 as follows:

Re: Petition to amend Zoning Map – 165 Cambridge Road & Cambridge Road Rear – Melanson Development Group, Inc.

Dear Mr. Campbell:

The applicant respectfully requests a continuance of the above reference matter scheduled for public hearing before the City Council at its upcoming meeting on May 19, 2015. The Petitioners request this continuance to allow the opportunity to meet with the Ordinance Subcommittee on May 26, 2015. As such, the Petitioner respectfully requests a continuance to the next meeting of the City Council on June 2, 2015.

Please do not hesitate to contact the undersigned should you have any questions or require any additional information regarding the above. Again, I thank you for your consideration and respect in this matter.

Very truly yours, s/Shawn W. Briere

On the petition by Madison Properties, 20 Park Place Plaza, Suite 433, Boston, Massachusetts 02116 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction at 369 Washington Street of a Mixed Use Hotel/Restaurant Use as follows: 1. Special Permit pursuant to Section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to Section 5.1.29 and Section 11.6.10 to allow for a fast food restaurant with a drive up customer service facility; 3. Special Permit pursuant to Section 5.1.28, Note 16 to allow for restaurant hours in excess of 11:00 p.m.; 4. Special Permit pursuant to Section 5.7.6 to allow alternative screening devices; 5. Special Permit pursuant to Section 6.1, Note 8 to

allow for the height of the proposed hotel to be in excess of thirty-five (35) feet; 6. Special Permit pursuant to Section 8.7.6 to allow for a reduction in off street loading requirements; 7. Site Plan Approval pursuant to Section 12.2.1 and 12.3.2 to allow for a fast food restaurant; and 8. Site Plan Approval pursuant to Section 12.2.4 and 12.3.2 to allow for construction in excess of 15,000 square feet and more than 100 parking spaces, all at 369 Washington Street. PUBLIC HEARING OPENED. A communication dated May 13, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Madison Properties, 369 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for May 19, 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

On the petition by Jennifer Hardin and Scott Hardin, 35 Avalon Road, Reading, Massachusetts 01867 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three residential units within two structures on one lot) to allow for the addition to one of the structures to provide for a total of four (4) dwelling units (two in each structure) and for a finding the such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood, at 19 Traverse Street. 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 the water meter shall be located in the common area, and 2. That the plan of record is the plan dated January 20, 2015."

On the petition by George W. Gately III, 1 Summit Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.5 to allow for the filling of a portion of the petitioner's property to allow for the construction of a two (2) family dwelling at Lot 1B, Pine Street. PUBLIC HEARING OPENED. A communication dated May 14, 2015, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Special Permit application for authorization to fill using more than one hundred (100) cubic yards of material at Lot 1B, Pine Street/June Ross (owner) and George W. Gately III (Applicant)

Dear Honorable Council:

This office has reviewed the above-referenced petition which seek authorization to introduce more than one hundred (100) cubic yards of fill material to a lot known as Lot 1B on Pine Street, in accordance with Section 5.5 of the Woburn Zoning Ordinance. The application does not specify how much fill will be needed.

The Planning Department notes the following:

- The applicant obtained a variance from the Zoning Board of Appeals in April relative to the height of the retaining wall that is planned for the rear of the property. The applicant's attorney indicates the appeal period has expired without an appeal and the decision has been recorded at the Registry of Deeds.
- The project is mostly located in the buffer zone to a wetland so the applicant has filed a Notice of Intent with the Woburn Conservation Commission. A public hearing on the application is slated for the Commission's May 28th meeting.
- A review of the City's GIS records shows this property is not located within a FEMA flood zone or flood plain or within a groundwater protection zone.

The Planning Department recommends that before it takes action on the Special Permit application, the City Council should require the developer to provide the following information:

- A specific estimate of the amount of material that will be brought to the site, expressed in terms of both literal quantity (cubic yards) and the number of truck trips that will be necessary to deliver that amount of fill material to the site; and
- Proof that the proposed site plan meets the parking requirements of the Zoning Ordinance. Two duplex units require four (4) parking spaces and the site plan shows a 25' wide driveway which is sufficiently sized to park two (2) vehicles. Either the applicant should provide information showing there are at least two (2) parking spaces in/under the house or be required to revise the site plan to create four (4) surface parking spaces.

The Planning Department recommends the City Council impose the following as conditions of approval of the Special Permit:

1. This Special Permit authorizes the introduction of no more than _____ cubic yards of fill material on the lot shown on the Plan of Record which shall be "City Council Plan Lot 1B, Pine Street; Dated: April 1, 2015; Drawn by: Commonwealth Engineering Inc. Civil Engineers & Land Surveyors, 27 Cambridge Street, Suite 106, Burlington, MA 01803; Applicant: George Gately III, 1 Summit Street, Woburn, Massachusetts 01801; Sheet 1; Scale: 1"=20"; and

2. Any retaining wall in excess of four (4) feet in height shall be designed by a structural engineer and copies of plans stamped by the structural engineer shall be presented to the Building Inspector prior to the issuance of a building permit. Further, all fences and walls to be constructed must comply with the provisions of Section 5.3 of the Woburn Zoning Ordinance.

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

Respectfully, s/Tina P. Cassidy, Director

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the On the Order to transfer the sum of \$155,000.00 from various DPW accounts to DPW/Overtime Acct, committee report was received “ought to pass”.

INFRASTRUCTURE AND PUBLIC LANDS:

On the Order to discontinue a certain portion of Revere Road, committee report was received “ought to pass”.

On the Order to release any rights in paper streets known as Baldwin Avenue and White Street, committee report was received “ought to pass”.

On the Order to release any rights in paper streets known as Beacon Street, committee report was received “ought to pass, as amended with the amendment as follows: 1. Conditioned upon criteria of the City Engineer.”

PUBLIC SAFETY AND LICENSES:

On the petition by Steven Alicandro dba SureRide, 400 Trade Center Park #5900 for renewal of a Taxi Cab License, committee report was received “ought to pass”.

On the petition by Saeed Rajabi dba Sky Taxi of Woburn, 21 Cummings Park #232 for renewal of a Taxi Cab License, committee report was received “ought to pass”.

On the petition by Robson L. Dias, 2 Westgate Drive #202 for renewal of a Livery License, committee report was received “ought to pass”.

ORDINANCES:

On the Order to review of the Woburn Municipal Code relative to the City Auditor, a committee report was received with the following proposed amendments and a recommendation “ought to pass”:

ORDERED

Be it ordained by the City Council of the City of Woburn, that the Municipal Code of the City of Woburn be amended by deleting Title 2, Article XIII, Auditing Department, in its entirety, and inserting a new Article XIII as follows:

XIII. AUDITING DEPARTMENT

2-100 Election of City Auditor.

In accordance with Title III, Section 14, of the City Charter, the City Council shall elect a City Auditor. The City Auditor shall have charge of the auditing department, and to the extent consistent with statutes, be subject to supervision of the standing Committee on Audits and Accounts. (Prior Ch. 3 sec.1).

2-101 Powers, duties and responsibilities.

In addition to the powers, duties and responsibilities imposed upon the City Auditor by the City Charter, M.G.L. c.41, §§ 48 through 54A, and any other applicable general and special statutes, the City Auditor shall have such additional powers, responsibilities and duties as are established by ordinance. (Prior Ch. 3 sec.2).

2-102 Books and records to be kept.

The City Auditor shall cause a complete set of books to be kept, consistent with the uniform accounting systems prescribed by M.G.L., c.44, §38, in which books shall be entered the amount of each specific appropriation, the amounts and purpose of expenditures made therefrom, and receipts from all sources of income, and disbursements therefrom. In such books shall also be entered records of charges against the Treasurer/Collector and other administrative officials for accounts for which they are responsible and collections or other credits applicable thereto. Such records shall also include a detailed record of the City debt, showing the purpose for which it was incurred, maturity date and the rate of interest. (Prior Ch. 3 sec.3).

2-103 Filing of records and reports with City Auditor.

All administrative boards, commissions and officers shall keep such records and reports of bills, payrolls and accounts as may be prescribed by the Auditor and in such form as he may determine, consistent with M.G.L. c.44, §38, the uniform accounting system. . All administrative boards, commissions and officers shall furnish the City Auditor with such records and reports as the City Auditor may require. (Prior Ch. 3 sec.4).

2-104 Bill collection schedules to be filed with City Auditor.

All administrative boards, commissions and officers shall file with the City Auditor a schedule of bills which are to be committed to the Treasurer/Collector for collection. The Treasurer/Collector shall report to the City Auditor, in prescribed detail, collections to be credited thereto. (Prior Ch. 3 sec.5).

2-105 Statement of departmental receipts to be filed with City Auditor.

All boards, officers and departments receiving fees, costs, charges, commissions or other moneys allowed by law for and in behalf of the City shall, upon paying the same to the Treasurer/Collector, file with the City Auditor an itemized statement of the sources from which such fees or moneys were received, together with the amount thereof.(Prior Ch.3 sec.6).

2-106 Countersigning of bonds, notes and certificates; Records to be kept.

The City Auditor shall countersign all bonds, notes and certificates of indebtedness issued by the Treasurer/Collector, as authorized by the Mayor and the City Council. The City Auditor shall keep a record of all bonds, notes and certificates which have been countersigned and approved. (Prior code Ch. 3 sec.7).

2-107 Custodian of bonds, contracts and other legal instruments--Register of sureties of bonds.

The bonds of the Treasurer/Collector, City Clerk, assistant City Clerk and any other administrative officials and employees and all other contracts, deeds, agreements and other legal instruments to which the City may be a party shall be in the custody of the City auditor, unless otherwise specifically provided for in the Charter, General or Special Laws, or in this code. The City auditor shall direct the keeping of a register of the sureties of all bonds of indemnity given to the City. (Prior Ch.3 sec.8).

2-108 Annual report to Mayor and City Council.

- A. The City Auditor shall make an annual report to the Mayor and the City Council which shall include a statement of the following: 1. All receipts and expenditures of the City for the preceding financial year; 2. Trust and investment funds; 3. Debt transactions during the year including the outstanding debt as of the end of financial year; 4. The reduction or increase of the City debts; 5. Detailed amounts of each specific appropriation and the expenditures therefrom; 6. The receipts from each source of income.
- B. The statement shall be arranged as far as practicable to conform to the accounts of the Treasurer/Collector, and shall be accompanied by a schedule of the property belonging to the City, and by an exhibit showing the debts due from the City, the interest thereof, and the years in which such debt will become due. (Prior Ch. 3 sec.9).

2-109 Examination of bills and demands.

The City Auditor shall examine all bills and demands against the City, shall see that the clerical computations are correct, and that there are on hand funds appropriated for such purpose sufficient for the payment of such demand or bill. In case of any error or informality, the City Auditor shall make note of the fact, and return the bill or demand, with his objections, to the officer or board presenting the same. Such bills as the City Auditor approves, he shall present to the Committee on Audits and Accounts as provided in Section 2-110. Such bills shall be subject to deduction for any and all sums due to the City and the City Auditor shall certify the amount to be deducted to the Treasurer/Collector who shall thereupon withhold such amount due the City. (Prior Ch. 3 sec.11).

2-110 Committee on Audits and Accounts to examine accounts and claims.

The City Council's standing Committee on Audits and Accounts shall meet weekly, and carefully examine all accounts and claims against the City which shall be presented to it by the City Auditor, and after comparing them with his record, shall allow and pass the same if found to be properly entered; but no bill shall be allowed or passed by the committee unless the same shall have been approved and certified in the manner prescribed by M.G.L. c.41, § 52, and by the provisions of this Article. When the Committee on Audits and Accounts has doubt concerning any bill or account, it shall return the same to the board or committee approving, for explanation, and if not satisfactorily explained, it shall be reported to the City Council for consideration and final decision. (Prior Ch. 3 sec.12).

2-111 Presentation of accounts to Mayor.

- A. Each week the City Auditor shall present to the Mayor all accounts against the City which have been allowed and passed by the Committee on Audits and Accounts, or which have been approved by him if the Committee on Audits

and Accounts has failed to hold the meeting provided for in Section 2-110. The provisions of this section shall not limit the authority of the Mayor to draw orders on the Treasurer/Collector for payment of accounts and claims approved by the City Auditor or the authority of the Treasurer/Collector to pay such accounts and claims in any week in which the committee on Audits and Accounts does not hold the meeting as provided for in Section 2-110.

- B. The City Auditor shall examine and, if he finds them correct and in conformity with the provisions of M.G.L. c.41, §52, he shall approve all weekly payrolls submitted to him under the provisions of Section 3-8 of this code, and on Tuesday of each week he shall present to the Mayor such payrolls as he approves. (Prior Ch. 3 sec.13).

2-112 Approval of certain large bills.

Whenever a contract with the City or any department thereof is in excess of one hundred thousand dollars, the City Auditor may approve and present to the Mayor such bill or part thereof as may be set forth in a properly approved requisition for prompt payment without requiring that a discount be given, provided that the officer or agent of the City or department thereof who contracted the bill shall have approved. (Prior Ch. 3 sec. 15)

2-113 Appropriations.

- A. The City Auditor shall keep a complete set of books, in which shall be entered the amount of each specific appropriation and of sums accredited thereto, and each amount that has been expended on account of such appropriation. He shall notify the Mayor whenever the expenditure of a department has been wholly expended, immediately make a report of the fact to the department, to the Mayor and to the Committee on Audits and Accounts, which Committee shall not pass or allow any claim or account chargeable against such appropriation until the City Council provides the means of paying for same with the Mayor's approval. The City Auditor shall once in each month, furnish the Mayor and City Council with a statement, showing the condition of each account, giving the amount of appropriation, expenditures and unexpended balances under the same, and showing the amount of receipts itemized in the same manner as estimated receipts in the annual budget.
- B. In accordance with Section 40 of the City Charter, the annual budget, together with any supplemental appropriations passed by the City Council, shall be considered to have been passed as, and shall be set up and maintained as, a line item budget. Each line and separate account, as shown on the annual budget, shall be considered a separate and distinct appropriation. (Prior Ch. 3 sec.16).

2-114 Accounts with Treasurer/Collector.

The City Auditor shall keep an account with the Treasurer/Collector, charging him with the whole amount of taxes assessed for collection, and the amount of loans and sums that may be borrowed for the City and with all securities and such receivables. He shall also keep a schedule of all property belonging to the City. (Prior Ch. 3 sec.17)

2-115 Signing of orders and bonds drawn by Mayor.

The City Auditor shall sign all orders drawn by the Mayor on the Treasurer/Collector as provided in Section 3-1 of this Code; and with the Mayor and Treasurer/Collector shall sign all bonds and certificates of indebtedness issued by the City. (Prior Ch. 3 sec.18).

2-116 Examination of accounts of other officers.

The City Auditor shall from time to time examine the books and accounts of all officers of the City entrusted with the receipt, custody or expenditures of money, and all original bills and vouchers on which moneys have been or may be paid from the Treasurer/Collector to the City. The City Auditor shall have free access to the books, accounts, bills and vouchers at all times and may make examination thereof, but he shall examine the same at least once a year. (Prior Ch. 3 sec.19).

2-117 Deputy Auditor.

The City Auditor may in writing appoint, with the approval of the Mayor, a Deputy Auditor, who shall be sworn to the faithful performance of his/her duties, and a record shall be made of his appointment and oath so taken. Unless a temporary officer is appointed in accordance with law, the Deputy Auditor may, in the absence of the City Auditor, perform those duties and when performing such duties shall have the powers, not in derogation of the statute and be subject to the requirements and penalties applicable to him/her. The Deputy Auditor shall assist in the daily management of the office and is authorized to direct and supervise the employees in their tasks and the conduct of the department. The person appointed as Deputy Auditor hereunder may receive a salary from the City for services as such in the amount of \$59,000. (Prior Ch. 3 sec.21; amended 5/10/2004; 12/10/2004; 9/12/2006; 12/23/2010).

2-118 Clerical Assistance

The City Auditor shall appoint one administrative assistant, one head clerk and one junior clerk who shall do the clerical work in the office of the City Auditor and perform such other duties in the office as the City Auditor may prescribe. (Ord. dated 06/10/88. Prior Ch. III sec.21; amended 7/10/98). (Prior Ch. 3 sec.21; amended 5/10/2004).

(Sections 2-119 through 2-120 reserved)

s/Alderman _____

NEW PETITIONS:

Petition by Woburn Host Lions Club Inc., P.O. Box 81, Woburn, Massachusetts 01801 for a Special Event Permit to allow Lions Club Horn Pond Day on June 20, 2015 at Lions Park – Horn Pond.

Petition by Social Capital Inc., 165M New Boston Street, Suite #233, Woburn, Massachusetts 01801 for a Special Event Permit to allow Horn Pond Summer Concert Series on June 26, 2015, July 10, 2015, July 24, 2015, August 7, 2015 and August 21, 2015 with rain dates of July 2, 2015, July 17, 2015, July 31, 2015, August 14, 2015 and August 28, 2105 respectively, all at Horn Pond Ice House Park.

Petition by National Grid for a grant of right in a way to install approximately 720 feet of four-inch plastic main to supply house numbers 2-14 Westview Terrace.

Petition by National Grid for a grant of right in a way to install approximately 380 feet of four-inch plastic main to supply house numbers 2, 4, 5, 6 and 8 Manning Street.

Petition by Comcast of Massachusetts I, Inc. for a grant of right in a way to install two four-inch conduits starting at pole no. 161/65 on New Boston Street a distance of approximately 441 feet and continuing on Presidential Way a distance of approximately 4,431 feet ending at the entrance to number 300 Presidential Way.

Petition by U-Haul Moving & Storage of Woburn, 31 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.69 to allow alteration of a non-conforming freestanding sign at 31 Olympia Avenue.

Petition by Huong Vong and My Thi Vong, 6 Albany Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.56 Note 15 and 7.3 to allow for a garage larger than 900 square feet and possible extension of a nonconforming use at 6 Albany Street.

Petition by Next Day Moulding, 10 Industrial Parkway, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow for parking of three commercial vehicles overnight at 10 Industrial Parkway.

COMMUNICATIONS AND REPORTS:

A communication dated May 5, 2015 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 2015.

A communication dated May 4, 2015 was received from Planning Director Tina Cassidy relative to a proposed M.G.L. Ch. 40B residential housing development at 416 Cambridge Street, Winchester and in Woburn.

A communication was received from Mark J. Salvati, Woburn Kiwanis, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 clarifying that the dates of the Flag Day celebration as allowed by a Special Event Permit are June 12, 2015 and June 13, 2015.

A communication was received entitled “Mystic to Woburn Transmission Project – Environmental Notification Form” prepared for NSTAR Electric Company d/b/a Eversource Energy, dated April 30, 2015, and prepared by Tighe & Bond, Inc., 53 Southampton Road, Westfield, Massachusetts 01805-5308.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

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 place the following question on the November 3, 2015 municipal 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 city clerk no later than September 4, 2015 for the purposes of submitting a fair, concise summary of the law to be acted upon for printing on the November 3, 2015 municipal election ballot with said question; and

Be it further Ordered that the Order adopted effective April 9, 2015 and the Order adopted effective May 7, 2015 relative to the Community Preservation Act are hereby rescinded.

s/Alderman _____

RESOLVED That the Mayor schedule a meeting with Donald Hamilton and Dorothy Hamilton of 31 Columbus Road, the appropriate city department heads, including but not limited to Engineering and Department of Public Works, and the Aldermen-at-Large in order to determine a course of action for repair and replacement of the concrete blocks in the Willow Street Brook, which were originally installed by the Woburn Department of Public Works and damaged and displaced by the floods of 2010;

That the situation has become increasingly dire and their home may be in imminent danger of serious damage should a high water event occur. Currently, the rapidly moving water has eroded a large portion of their yard and has reached the area directly behind their deck and kitchen;

That in spite of repeated attempts over the past five years, they have been unable to ascertain what, if anything, the City of Woburn is planning to do to remedy the situation; and

That clarification and direction from the Mayor to the appropriate city departments to complete the necessary work is required.

s/Alderman DiTucci

ORDERED That the Office of the City Auditor review the 1989 Woburn Municipal Code, as amended, Title 2, Article XXVIII, Compensation of Officers and Employees. The review shall include providing the City Council with an updated list of Section 2-180 and Section 2-181 base salaries and said list shall reflect all salaries accurately in accordance with the Mayors proposed FY2016 budget; and

Be it further Ordered that a communication be sent to the City Solicitor seeking a review of said Sections 2-180 and 2-181 and requesting a report of any recommended changes to the sections for consideration by the City Council.

s/President Haggerty

ORDERED Be it ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended by amending the second sentence in Title 5, Section 5-72(3) Livery Car Service Use Qualification to read as follows:

This type of license DOES NOT APPLY to taxis (5-71), scheduled limousine service (Section 5-73), or any vehicle that is used in any of the following ways:

- A. stationed at a railroad, bus or gasoline station, club, stand, parking lot, street, highway, or airport.
- B. operated with a fare structure determined by zones or taximeter or primarily by distance traveled.
- C. used to pick up, transport and discharge passengers along a route or on a schedule.

Any private livery engaged in the foregoing not applicable uses shall be considered an unlicensed taxi.

s/President Haggerty

Motion made and 2nd to ADJOURN.