

**CITY OF WOBURN
OCTOBER 7, 2008 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Raymond
Doherty	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$100,000.00 be and is hereby appropriated as so stated from I&I Reserve Acct #641-359600 \$100,000.00 to Enterprise Retained Earnings Acct #641-359000 \$100,000.00 – Purpose: Utilization of Reserve Account to Lower Rate.

I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

s/Alderman _____

ORDERED Be it Ordained by the Woburn City Council of the City of Woburn, that the expenses of the Enterprise Fund be reduced for the Fiscal Year July 1, 2008 and ending June 30, 2009. The following sums of money be, and they are respectfully reduced from the accounts and for objects and purposes herein after stated: Indirect Costs Acct #64259-595000 \$100,000.00, Preventative Maintenance Acct #64258-584018 \$100,000.00,

I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

s/Alderman _____

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended in Title 3, Article VI, Section 3-3(E) as follows:

City Council	2.00%
Mayor	4.50%
City Auditor	7.00%
Purchasing Agent	7.00%
Assessors	1.00%
City Treasurer/Collector	12.50%
City Solicitor	5.00%
Data Processing	5.00%
City Clerk	1.00%
Human Resources	2.55%
Conservation	4.50%
Planning	5.00%
City Engineer	40.00%
DPW Administration Salary	35.00%
DPW Building Salary	8.00%
DPW Highway Salary	18.00%
DPW Overtime	20.00%
DPW Admin Maintenance	20.00%
DPW City Hall Maintenance	0.00%
DPW Vehicle Insurance	25.00%
DPW Surface Drainage	0.00%
DPW Street Maintenance	10.00%
DPW Snow Removal	5.00%
DPW Traffic Control	0.00%
DPW Street Lighting	0.00%
DPW Repair and Resurface	10.00%
DPW Sidewalk Repair	20.00%
DPW City Garage	20.00%
DPW Telephone	0.00%
DPW Gas and Oil	20.00%
DPW Vehicle Maintenance	25.00%
DPW Public Buildings Maintenance	10.00%
DPW Outlays	20.00%
Board of Health	5.00%
Unemployment Compensation	1.00%
Health Insurance	1.00%
Worker's Compensation	1.00%
Retirement	1.00%
Non-Contributory Retirement	1.00%
Medicare	1.00%

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Trade Center Park, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801 for a special permit with site plan review pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to allow Research and Testing Laboratory use at TradeCenter 128, and seeks correspondingly, to modify the Certificate of Appeal of Special Permit dated December 22, 2006 by amending condition number 2 to allow such Research and Testing Laboratory use at 100 Sylvan Road. PUBLIC HEARING OPENED.

On the petition by Fabio A. DeSouza, 12 Sheridan Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended to allow an automobile and truck repair garage at 317 Montvale Avenue. PUBLIC HEARING OPENED.

On the petition by Metro PCS Massachusetts, LLC, 285 Billerica Road, Chelmsford, Massachusetts 02124 for a special permit pursuant to Section 5.1.80B of the 1985 Woburn Zoning Ordinances, as amended, to install a wireless communications facility on the roof of 44 Montvale Avenue. PUBLIC HEARING OPENED.

On the petition by MetroPCS Massachusetts, LLC, c/o Attorney Brian Grossman, Prince Lobel Glovsky and Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 for a special permit pursuant to Section 5.1.80b and 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to allow the attachment of a wireless communications link on an existing structure off Waltham Street. PUBLIC HEARING OPENED.

On the petition by Erica L. Wright and Dennis C. Wright III, both of 14 Grape Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.2a, 5.1.69 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the conversion of the existing nonconforming single family dwelling to a two family dwelling at 14 Grape Street. PUBLIC HEARING OPENED. A communication dated September 29, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board, 10 Common Street, Woburn, Massachusetts 01801 as follows:

Re: Erica L. Wright & Dennis Wright III – 14 Grape St. – To convert existing nonconforming single family house to a two family dwelling under Section 5.1.2a, 5.1.69, and 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 23, 2008, the Board voted to send a favorable recommendation to the City Council regarding the property at 14 Grape St. to convert existing nonconforming single family house to a two family dwelling under Sections 5.1.2a, 5.1.69, and 7.3.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A copy of a communication dated September 22, 2008 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer was received as follows:

Subject: 14 Grape Street – Single to Two Family Dwelling Conversion Special Permit – Plot Plan Dated April 26, 2008 – Special Permit Application Dated August 22, 2008

This office has reviewed the site plan for the above referenced location and offers the following comments.

The applicant is seeking a special permit to convert an existing nonconforming single family dwelling to a two family dwelling in an R-2 zoning district.

The submitted plot plan only shows the existing dwelling and does not show the proposed second family nor how far off the property lines the structure will be.

A revised plan showing the proposed structure with existing and proposed setback lines to the property should be submitted for review.

This office will complete its review when the above referenced information is submitted.

If you or the board have any questions concerning this information, do not hesitate to contact this office.

On the petition by President Charles Doherty to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 23 entitled Commerce Way Corridor Overlay District as set forth in the petition. PUBLIC HEARING OPENED.

On the petition by Alderman Gonsalves to further amend the 1985 Woburn Zoning Ordinances, as amended, by striking from the first sentence in Section 11.11.1 the words and numbers “Sections 5.1.3(a) through 3(d), and Section 5.1.4” and replacing same with the words and numbers “Sections 5.1.3(a) through 3(d), Section 5.1.4, Section 5.1.69, Section 5.1.70, and Section 7.3” meaning and intending that the conditions of Section

11.11 shall apply to any development of more than two units of townhouse, garden, or elevator apartments. PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by Hugo G. Moraes, dba Taste of Brazil, Tuda Na Brasa, 6 Park Drive, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow authorize restaurant establishment and to allow for expansion of same at 414 Main Street.

COMMUNICATIONS AND REPORTS:

A communication dated September 30, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the September meeting of the Council on Aging and the Director’s report for the month of September.

A communication dated October 2, 2008 with attachments was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority, 371 Main Street including the information package for the September 30, 2008 meeting of the Woburn Redevelopment Authority.

A copy of a communication dated October 2, 2008 with attachments to Attorney General Martha Coakley from Jane L. Chew, Burlington, Massachusetts Town Clerk was received relative to Town of Burlington Resolution #1 adopted October 1, 2008 requesting the Attorney General investigate how the trust established by Mary P.C. Cummings over property to be held as a public pleasure ground in Burlington and Woburn is being managed.

A communication dated September 2008 entitled “Preliminary Evaluation of Renewable Energy Sources Horn Pond Water Treatment Plant” was received from the Woburn Engineering Department.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated September 29, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint Veronica Andrews of 164 Green Street as a Member of the Handicapped & Disabled Citizens Commission. Please be advised that the term will expire on April 30, 2011. Ms. Veronica Andrews, whose term has expired will be reappointed. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin

A communication dated September 29, 2008 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint Alfred Tancreti of 20 Bow Street as a Member of the Handicapped & Disabled Citizens Commission. Please be advised that the term will expire on December 31, 2010. Mr. Alfred Tancreti, whose term has expired will be reappointed. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED

That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in the State Election to assemble at the polling places in their respective wards as designated herein, on TUESDAY, the FOURTH DAY OF NOVEMBER, 2008 from 7:00 a.m. to 8:00 p.m., then and their to cast their votes in the State Election for the candidates for the following offices and for the following ballot questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT	STATEWIDE
SENATOR IN CONGRESS	FOR THE COMMONWEALTH
REPRESENTATIVE IN CONGRESS	SEVENTH DISTRICT
COUNCILLOR	SIXTH DISTRICT
SENATOR IN GENERAL COURT	2 ND MIDDLESEX DISTRICT (Ward 2)
SENATOR IN GENERAL COURT	4 th MIDDLESEX DISTRICT (Wards 1, 3, 4, 5, 6, 7)
REPRESENTATIVE IN GENERAL COURT.	15 th MIDDLESEX DISTRICT (Wards 1,7)
REPRESENTATIVE IN GENERAL COURT.	30 th MIDDLESEX DISTRICT (Wards 2, 3, 4, 5, 6)
REGISTER OF PROBATE	MIDDLESEX COUNTY
REGIONAL SCHOOL COMMITTEE.	CITYWIDE

QUESTION 1: Law Proposed by Initiative Petition

Do you approve of a law summarized below, on which no vote was taken by the Senate of the House of Representatives before May 6, 2008?

Summary

This proposed law would reduce the state personal income tax rate to 2.65% for all categories of taxable income for the tax year beginning on or after January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

The personal income tax applies to income received or gain realized by individuals and married couples, by estates of deceased person, by certain trustees and other fiduciaries, by person who are partners in and receive income from partnerships, by corporate trusts, and by persons who receive income as shareholders of “S corporation” as defined under federal tax law. The proposed law would not affect the tax due on income or gain realized in a tax year beginning before January 1, 2009.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES Vote would reduce the state personal income tax rate to 2.65% for the tax year beginning on January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

A NO VOTE would make no change in state income tax laws.

QUESTION 2: Law proposed by Initiative Petition

Do you approve of a law summarized below, on which no vote was taken by the Senate of the House of Representatives before May 6, 2008?

Summary

This proposed law would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties, to be enforced by issuing citations, and would exclude information regarding this civil offense from the state’s criminal record information system. Offenders age 18 or older would be subject to forfeiture of the marijuana plus a civil penalty of \$100. Offenders under the age of 18 would be subject to the same forfeiture and, if they complete a drug awareness program within one year of the offense, the same \$100 penalty.

Offenders under 18 and their parents or legal guardian would be notified of the offense and the option for the offender to complete a drug awareness program developed by the state Department of Youth Services. Such programs would include ten hours of community service and at least four hours of instruction or group discussion concerning the use and abuse of marijuana and other drugs and emphasizing early detection and prevention of substance abuse.

The penalty for offenders under 18 who fail to complete such a program within one year could be increased to as much as \$1,000, unless the offender showed an inability to pay, an inability to participate in such a program, or the unavailability of such a program. Such an offender's parents could also be held liable for the increased penalty. Failure by an offender under 17 to complete such a program could also be a basis for a delinquency proceeding.

The proposed law would define possession of one ounce or less of marijuana as including possession of one ounce or less of tetrahydrocannabinol ("THC"), or having metabolized products of marijuana or THC in one's body.

Under the proposed law, possessing an ounce or less of marijuana could not be grounds for state or local government entities imposing any other penalty, sanction, or disqualification, such as denying student financial aid, public housing, public financial assistance including unemployment benefits, the right to operate a motor vehicle, or the opportunity to serve as a foster or adoptive parent. The proposed law would allow local ordinances or bylaws that prohibit the public use of marijuana, and would not affect existing laws, practices, or policies concerning operating a motor vehicle or taking other actions while under the influence of marijuana, unlawful possession or prescription forms of marijuana, or selling, manufacturing, or trafficking in marijuana.

The money received from the new civil penalties would go to the city or town where the offense occurred.

A YES VOTE would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties.

A NO VOTE would make no change in state criminal laws concerning possession of marijuana.

QUESTION 3: Law proposed by Initiative Petition

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

Summary

This proposed law would prohibit any dog racing or racing meeting in Massachusetts where any form of betting or wagering on the speed or ability of dogs occurs.

The State Racing Commission would be prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating the proposed law could be required to pay a civil penalty of not less than \$20,000 to the Commission. The penalty would be used for the Commission's administrative purposes, subject to appropriation by the state Legislature. All existing parts of the chapter of the state's General Laws concerning dog and horse racing meetings would be interpreted as if they did not refer to dogs.

These changes would take effect January 1, 2010. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit dog races on which betting or wagering occurs, effective January 1, 2010.

A NO VOTE would make no change in the laws governing dog racing.

QUESTION 4 (Wards 1 and 7 only): This Question is Not Binding

Shall the state representative from this district be instructed to vote in favor of legislation that: (1) reduces greenhouse gas emissions in Massachusetts by 80% by 2020; and (2) phases out tax incentives for energy-intensive projects, while expanding job creation programs for locally-owned businesses and cooperatives involved in renewable energy, conservation, and sustainable agriculture?

Ward-Precinct Polling Place Location

- 1-1 Joyce Middle School Library, 55 Locust Street
- 1-2 Clapp Elementary School Cafeteria, Hudson Street and Arlington Road
- 2-1 Shamrock Elementary School Gymnasium, 60 Green Street
- 2-2 Shamrock Elementary School Gymnasium, 60 Green Street
- 3-1 Hurd Elementary School Gymnasium, 75 Bedford Road
- 3-2 Hurd Elementary School Gymnasium, 75 Bedford Road
- 4-1 Wyman Elementary School Auditorium, Main Street and Eaton Avenue
- 4-2 White Elementary School, 36 Bow Street
- 5-1 Goodyear Elementary School Gymnasium, 41 Orange Street
- 5-2 Goodyear Elementary School Gymnasium, 41 Orange Street
- 6-1 Altavesta Elementary School Gymnasium, 990 Main Street
- 6-2 Altavesta Elementary School Gymnasium, 990 Main Street
- 7-1 Reeves Elementary School Gymnasium, 240 Lexington Street
- 7-2 Reeves Elementary School Gymnasium, 240 Lexington Street

s/Alderman _____

ORDERED Due to the State Election to be conducted on November 4, 2008, the Regular Meeting of the City Council scheduled for November 4, 2008 is hereby canceled.

s/President Doherty

RESOLVED That His Honor the Mayor hold a meeting with representatives from the town of Wilmington, the Massachusetts Water Resources Authority and the city of Woburn to review and discuss the Municipal Aid Agreement dated April 21, 2006 by and between the town of Wilmington and the city of Woburn and the assessment of water charges by the Massachusetts Water Resources Authority to the town of Wilmington and the city of Woburn.

s/Alderman _____

RESOLVED Upon request of the Woburn School Committee that His Honor the Mayor establish a committee to look at the special education out of district costs for the city of Woburn, examine the financial impact to the city of Woburn, and to work with the City Auditor, the Assistant Superintendent of Schools for Business and Administration, the Mayor and the City Council for the purposes of assessing the financial impact, the needs and provide recommendations for solutions for any issues raised.

s/President Doherty

RESOLVED Whereas, Christine Showman Farrar is the Assistant Reference/Young Adult Librarian for the Woburn Public Library; and

Whereas, since her appointment in 2006, Christine Showman Farrar has established a Teen Advisory Group consisting of middle and high school students, planned and executed teen oriented events and determined that the use of the young adult book collection at the Woburn Public Library has increased 192% during this period; and

Whereas, Christine Showman Farrar has been appointed by the President of the Association for Library Service to Children to serve as Member of the Randolph Caldecott Award Selection Committee for a two year term; and

Whereas, the Caldecott Award Selection Committee, consisting of seven elected members and seven appointed members from across the United States, selects from published books the most distinguished American picture book for children; and

Whereas, Christine Showman Farrar will serve on the committee to select the 2010 Caldecott Medal, one of the two most prestigious honors in children's books awarded yearly since 1938;

Now, Therefore, the City Council of the City of Woburn on behalf of the residents of the city of Woburn extend their warm and proud congratulations to Christine Showman Farrar for her recognition in being chosen to serve on the 2010 Randolph Caldecott Award Selection Committee, for her commitment to the serving the youth of the city at the Woburn Public Library and further extend their best wishes for her continued success.

s/Alderman Gonsalves

Motion made and 2nd to ADJOURN.