

**CITY OF WOBURN
NOVEMBER 17, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Wall
Doherty	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the amount of \$18,000.00 be and is hereby appropriated: Historical Commission Acct #0165054-558800 \$18,000.00 Purpose: Survey & Planning.

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

s/Alderman _____

ORDERED That the amount of \$54,000.00 be and is hereby appropriated to Election & Registration Budget: Election Workers Acct #0116251-512005 \$48,800.00, Voting Machine Maintenance Acct #0116252-524905 \$4,000.00, Office Supplies Acct #0116254-542000 \$1,200.00, Total \$54,000.00

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

s/Alderman _____

ORDERED That the amount of \$45,000.00 be and is hereby appropriated: Insurance Claims Acct #0115157-576005 \$45,000.00

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

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Alderman Scott Galvin concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 17-19 Franklin Street, 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 Alderman Michael Raymond, Alderman Darlene Mercer-Bruen and President Charles Doherty to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 24 entitled Wind Energy Facilities and changes to Section 2 Definitions as set forth in the petition [Note: A full recitation of the proposed zoning amendment can be found in the Journal for the City Council Regular Meeting of September 15, 2009 at Page 511. PUBLIC HEARING OPENED. A communication dated November 5, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Michael Raymond, Alderman Darlene Mercer-Bruen and City Council President Charles Doherty – Zone Change – New Section entitled Wind Energy Facilities and changes to Section 2 Definitions

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on October 27, 2009, the Board voted to forward a favorable recommendation to the City Council regarding Zoning amendments that add a new section entitled Wind Energy Facilities and amend Section 2 Definitions as modified by the enclosed document. The modifications prohibit these facilities in R-1, R-2, R-3, R-4, S-1, and O-S zones and the Planning Board has referred the use of wind energy facilities in these zones to the ZORC committee for further study.

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by President Doherty to further amend the 1985 Woburn Zoning Ordinances, as amended, by adding to Section 23.5.4 Hours of Operation the following: “Section 5.4 Hours of Operation - Except by the grant of a special permit by the City Council, the hours of operation for supermarkets, retail uses, fast food restaurants and gasoline service stations shall be from 5:00 a.m. to midnight.” PUBLIC HEARING OPENED.

On the petition by President Charles Doherty to further amend the 1985 Woburn Zoning Ordinances, as amended, by deleting in Section 23.2.2.1 the dashes between the words “CWCOD dated” and “and as may be amended” and inserting in its place the effective date of this ordinance and to amend the Woburn Zoning Map by establishing the Commerce Way Corridor Overlay District generally bordered by the Wilmington Town Line to the north; Route 93, Dragon Court, and Commerce Way to the east; Mishawum Road to the south; and the MBTA commuter rail tracks and Newberg Avenue to the west. PUBLIC HEARING OPENED.

On the petition by Lowe’s Companies, Inc., 15 Commerce Way, Woburn, Massachusetts 01801 for a special permit seeking an extension of the Landowner’s Decision and Notice of Special Permits both dated September 4, 2008 allowing, in part, the storage of trailers for the collection of used appliances and pallets pursuant to Section 5.1, 57(a), Note 17 of the 1985 Woburn Zoning Ordinances, as amended, at 15 Commerce Way. PUBLIC HEARING OPENED.

On the petition by Nextel Communications of the Mid-Atlantic Inc., c/o Clear Wireless, LLC, 960 Turnpike Street, Suite 28, Canton, Massachusetts 02021 for a special permit pursuant to Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to allow a wireless communications link on the NSTAR Electric Company utility structure at 168 Rear Lexington Street. PUBLIC HEARING OPENED.

On the petition by Anthony K. Paone, Trustee of Harrison Avenue Realty Trust, 141 Sylvester Avenue, Winchester, Massachusetts 01890 for a special permit pursuant to Section 15 of the 1985 Woburn Zoning Ordinances, as amended, Groundwater Protection District to accommodate the filling and parking of motor vehicle use authorized by a special permit issued on October 9, 2009 at 7 Harrison Avenue. PUBLIC HEARING OPENED.

On the petition by Michael H. Riccardi dba Mike’s Auto Body, 17 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to operate an auto body repair shop at 219 New Boston Street. PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION:

Petition by Francis P. Dawson, Jr., 2 Kimball Road, Woburn for citizen’s participation time to discuss issues interactions between his family and the Mayor and Woburn Police Department.

Petition by Sal’s Pizza, 299 Washington Street for citizen’s participation time to provide a status report of the Sal’s Pizza project.

COMMITTEE REPORTS:

POLICE AND LICENSES:

On the petitions for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc., Lannan Chevrolet-Olds, Inc., Woburn Foreign Motors, Inc., and Woodco Machinery, Inc., committee report was received “approve”.

On the petitions for renewal of Second Class Motor Vehicle Sales Licenses by Jeffrey Pollock dba Exclusive Automobiles, J.C Auto Sales, Velozo Enterprises, Inc. dba Rogers Radiator, David Dellarocco dba Woburn Auto Sales, and Donald J. Socorellis dba Woburn Glass Company, committee report was received “approve”.

On the petition for renewal of Second Class Motor Vehicle Sales License by Capelo’s Auto Service, Inc., committee report was received “approve with the additional condition that the license is specifically limited to the 22 Winn Street location.”

NEW PETITIONS:

Petition by 3M Taxi, Inc., 165U New Boston Street, Suite #275, Woburn, Massachusetts 01801 to change the name of the holder of a Taxi Cab License from 3M Taxi, Inc. to Bombay Taxi, Inc.

Petitions for renewal of First Class Motor Vehicle Sales Licenses by Lawless Chrysler Jeep, Inc., 196 Lexington Street; M&L Transit Systems, Inc., 60 Olympia Avenue; and R.C. Olsen Cadillac, Inc., 199-201 Cambridge Road.

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Anchor Body Corp., 3 Breed Avenue; Robert McSheffrey dba Bob McSheffrey Auto Sales, 891 Main

Street; Enterprise Rent-A-Car Company of Boston, Inc., 248 Mishawum Road; George J. Hamilton dba George's Auto Body, 19 Jefferson Avenue, Unit C; Joseph P. Mahoney Co., Inc., 293 Salem Street; Larade's Collision Repair Center, Inc., 20 High Street; McDermottroe Auto, 229 Lexington Street; McSheffrey Auto Sales, Inc., 878-880 Main Street; Nicolas Saba dba Montvale Service, 289 Salem Street; Ollies Service Center, 310 Main Street; and Southside Associates, Inc. dba Burke's Garage, 71 Main Street.

Petition for renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc., 1095R Main Street.

COMMUNICATIONS AND REPORTS:

A communication dated November 3, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the October meeting of the Council on Aging and the Director's report for the month of October.

A communication dated November 16, 2009 was received from Sarah A. Stanton, Purchasing Director as follows:

Re; Horn Pond Water Treatment Plant Upgrade

Dear President Doherty and Council Members:

This letter is to inform you that the City has awarded the Horn Pond Water Treatment Plan Upgrade contract to the firm of R.H. White Construction, in accordance with their bid of \$8,494,775. All contract documents have been executed and the work is scheduled to begin.

This firm has been given a notice to proceed, effective November 4th, 2009 with work commencing on November 24th, 2009. The duration of the contract will be five hundred and fifty (550) days with a completion date of Saturday, May 28, 2011.

Please do not hesitate to contact me if you have any questions or concerns.

Best, s/Sarah A. Stanton, Purchasing Director

A communication dated November 6, 2009 was received from Attorney Brian W. Riley, Kopelman and Paige, P.C. relative to conflict of interest – changes to mandatory education requirements.

A communication dated October 6, 2009 was received from Lauren F. Goldberg, Kopelman and Paige, P.C. relative to retention of electronic mail.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to transfer the care, custody and control to the Woburn Recreation Commission of the land commonly known as the Clapp School and surrounding fields on October 21, 2009 at 2:41 p.m. Alderman Denaro filed a notice of intention to move for reconsideration at the next regular or special meeting of the City Council of his vote taken on October 20, 2009 approving the Order. Motion made and 2nd that reconsideration be granted, all in favor, 9-0. A communication dated November 9, 2009 was received from Mayor Thomas L. McLaughlin as follows:

Re: Special Act Concerning Clapp School Property

Dear President Doherty and Distinguished Members of the City Council:

I would like to express my full support for the revised language of the Special Act for the Clapp School and surrounding fields that is before you for Reconsideration.

This Act will serve to protect this valuable piece of land, preserve open space and fulfill our commitment to the Clapp School neighborhood.

I would also like to thank the Council for your previous actions and votes to protect and preserve the Clapp School site.

Sincerely, s/Thomas L. McLaughlin

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Millyan Road – Stop sign on Millyan Road in a southerly direction at the intersection with Lowell Street.

From the Traffic Commission

ORDERED Ellen Road – Stop sign on Ellen Road in a southerly direction at the intersection with Millyan Road.

From the Traffic Commission

ORDERED That pursuant to the 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the City Clerk is hereby authorized to dispose of a Dell personal computer system with service tag number 7FQBH11 together with the accessories for same which the City Clerk has determined is of no value to the department and which no other department has expressed an interest in obtaining.

s/Alderman _____

RESOLVED That His Honor the Mayor appropriate the funds necessary to complete the design phase for construction of the New Boston Street bridge.

s/Alderman Denaro, Alderman Raymond
and Alderman Mercer-Bruen

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to investigate the feasibility on continuing the installation of a sidewalk from 12 Stonewall Drive.

s/Alderman Drapeau

Motion made and 2nd to ADJOURN.