

**CITY OF WOBURN
JANUARY 26, 2010 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$37,500.00 be and is hereby transferred as so stated from Ambulance Salaries Acct #0122051-511500 \$37,500.00 to Fire Sick Leave Buyback Acct #0122051-515400 \$37,500.00.

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

s/Alderman _____

ORDERED That the sum of \$100,000.00 be and is hereby transferred as so stated from ALS Ambulance Receipts Acct #31359-595000 \$100,000.00 to Ambulance Salaries Acct #0122051-511500 \$100,000.00

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

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. A communication dated January 19, 2010 with attachment was received from Building Inspector Thomas C. Quinn, Jr., Inspectional Services Department as follows:

Re: 17-19 Franklin

With regard to the above referenced address which has been the subject of a Nuisance Hearing for the last few months, attached you will find a copy of the Occupancy Permit issued January 15, 2010 for Permit 686-09.

As of this time all concerns that the Inspectional Services Department have had have been resolved. If there are any further issues with this locus as always do not hesitate to contact me.

On the petition by Perennial Landscape Corp., 955 Main Street, Unit 204, Winchester, Massachusetts for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.43 to allow for open or outside storage of new or used building materials or equipment, and 2. Pursuant to Section 5.1.57b to allow for accessory storage or parking of commercial motor vehicles, both at 22 Torrice Drive. PUBLIC HEARING OPENED. A communication dated January 11, 2010 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department was received as follows:

Subject: 22 Torrice Drive Special Permit – Plan Dated December 13, 2009 – Special Permit Application dated December 12, 2009

This office has reviewed the special permit application for the above referenced project and offers the following comments:

The applicant is seeking a special permit to allow for outside storage of new and or used building materials, equipment and accessory storage of commercial motor vehicles.

The submitted site plan shows the locations of the vehicle parking, landscape materials and mulch.

The conceptual plan does not show any property line information and a notation on the plan states that accuracy was taken from a mortgage plan.

Accurate property line information will need to be shown to determine if the site and the proposed parking configuration conforms to zoning requirements.

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

A copy of a communication dated January 25, 2010 with attachment to Ed Tarallo, Woburn Planning Board was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: Perennial Landscape Co., 22 Torrice Drive

Dear Mr. Tarallo and Board Members:

Attached please find a revised plan regarding a special application for the property at 22 Torrice Drive. Because the property is listed as two lots, albeit on one deed, one proposed condition will be that the special permit will be valid only to both lots as one lot. Also, based on the surrounding industrial area and lack of proximity to any residential neighborhoods, a request is made to waive the requirement for an 8 foot fence to allow for a 6 foot fence.

The following conditions are proposed:

1. That the approval shall be based on the plan entitled "Existing Conditions Plan of Land 22 Torrice Drive" dated January 12, 2010 prepared by Edward J. Farrell PLS;
2. That the special permit will encompass both lots as shown on the recorded deed and any division of the lots or discontinuance of use by a single entity, shall nullify the special permit;
3. That no more than 20 commercial vehicles and 7 non-commercial vehicles be parked at the site and all registered vehicles to be parked on the locus overnight shall be registered in the City of Woburn;
4. That there shall be no storage of diesel fuel on the locus;
5. That a six foot high fence shall enclosed the area of labeled: "Proposed gravel parking area";
6. That there shall be no storage of material or parking vehicles in the front, non fenced, area.
7. That the trash area shall be within the fenced area;
8. That the hours of operation shall be 6 am to 6 pm, Monday through Saturday.

Thank you for your consideration in this matter and please call with any questions.

Very truly yours, s/Mark J. Salvati

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$150,000.00 from City Stabilization Fund Account to New Boston Street Bridge Account, committee report was received “ought to pass.”

On the Order to transfer the sum of \$3,000.00 from Inspections Temp. Help Account to Inspections Office Supplies Account and Inspection Vehicle Maint. Account, committee report was received “ought to pass.”

On the Order to transfer the sum of \$15,000.00 from City Solicitor Salary Account to City Solicitor Supplies Account, committee report was received “ought to pass.”

On the Order to appropriate the sum of \$22,000.00 from Unreserved Fund Balance Account to Sick Leave Buy Back Account, committee report was received “ought to pass.”

On the communication from Public Employee Retirement Administration Commission relative to the required Fiscal Year 2011 appropriation, committee report was received “receive and place on file.”

POLICE AND LICENSES:

On the petitions for renewal of Second Class Motor Vehicle Sales Licenses by Cambridge Road Auto Service, Inc., Robert Fucarile dba Classic Auto Sales, Francis Garbino dba Tom’s Auto Body, Kenneth L. O’Connor dba City Line Motors, and Woburn Gas & Service, Inc., committee report was received “ought to pass.”

On the petition by Ali A. Saleh dba Metro Car Service for an additional Tax Cab License to allow for two taxi cab vehicles, committee report was received “ought to pass.”

NEW PETITIONS:

Petition by Boys and Girls Club of Woburn, Inc., Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, to conduct a six-day carnival from May 4 through May 9, 2010 at the National Amusements (Showcase Cinema) site at 25 Middlesex Canal Park Drive.

Petition by City of Woburn, Woburn City Hall, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.70, 5.1.80a, and 5.1.80b of the 1985 Woburn Zoning Ordinances, as amended, to allow the temporary location of a single, free standing, mobile communications link until the new Rag Rock Tank is erected following completion and commissioning of the new tank, the free standing tower will be disassembled and up to eight vendors will be selected for erection of cell arrays on the new tank at Rag Rock Water Tank.

Petition by Town Fair Tire Centers of Massachusetts LLC, 460 Coe Avenue, East Haven, Connecticut 06512 for a special permit pursuant to Section 5.1.22b of the 1985 Woburn Zoning Ordinances, as amended, to allow for a retail establishment between 5,000 square feet to 15,000 square feet (7,600 square feet) at 422-424 Washington Street.

COMMUNICATIONS AND REPORTS:

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

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending December 2009: number of parking violations issued 1,787, number of violations paid 902, number of violations outstanding 621, amount collected and submitted to the Office of the Collector \$55,111.00. There exists a backlog of 4,699 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$9,050.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

A communication dated January 20, 2010 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the January meeting of the Council on Aging and the Director's report for the month of January.

A communication dated January 8, 2010 was received from City Solicitor John D. McElhiney as follows:

Re: Second Class Motor Vehicle Licenses

Dear Members of the Council:

You have inquired as to whether or not a new public hearing would be required prior to a vote on the above-referenced application. It is my understanding that only four members of the present City Council participated in the public hearing, held prior to the change in the composition of the Council.

The issuance of a license of the type in question is an adjudicatory action, as it involves particular legal rights affecting particular persons and/or their property. This is as opposed to a question involving governmental policy which affects the public at large (such as, for example the adoption of an ordinance). For any such adjudicatory action, only those members who have participated in the public hearing may vote. See Mullin v. Planning Bd. of Brewster, 17 Mass.App. 139 (1983) and cases cited therein. Accordingly, it is my opinion that a new public hearing is required in order for the new members of the Council to vote on this matter.

While the provisions of General Laws, Chapter 39, Section 23D (part of the so-called “Open Meeting Law”) provide certain allowances for members to participate in decisions when they have missed the public hearing, I am skeptical as to whether this avenue would be available to newly inaugurated Aldermen, who were not yet in office or members of the Board at the time of the original hearing. In this instance, therefore, it is my view that a new hearing is the more appropriate course of action.

I trust this response adequately addresses your inquiry, and I invite any further questions you might have in this regard.

Respectfully, s/John D. McElhiney, City Solicitor

A communication dated January 21, 2010 was received from Carol Seitz, Chair, Woburn Historical Commission as follows:

Re: Demo Delay Ordinance

This memo is an attempt to inform city boards and commissions about the necessity of the Historical Commission participating in all projects, both municipally and privately owned, involving the demolition of any property.

The Historical Commission is charged with administering the provisions of the City demolition delay ordinance for historically and culturally significant buildings seventy-five years of age and older. Twice in recent months the Historical Commission has been in the uncomfortable position of possibly delaying projects (the Goodyear School and Busa Liquors) in order to fulfill the mandate of the city’s Demo Delay ordinance.

This places all parties in an awkward situation – the property owner is faced with the possibility of a one-year demolition delay at a most inopportune time in his project, the Commission is faced with the possibility of having to choose between executing its charge under the demolition delay ordinance and not stopping a project at the eleventh hour, and the City agency or board that required the demolition in the first place is placed in the embarrassing position of having acted contrary to the City ordinances.

The Historical Commission requests, therefore, that when a proposal involving demolition of an existing building comes before your board/agency, you notify the Commission, so that we can work with you and the property owner to carry out the Commission’s mandate, and avoid the potential for last-minute surprises that can be so disruptive for all concerned.

We are attaching a copy of that ordinance to assure that other boards and commissions involved in such proceedings can refer to the ordinance.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the communication dated December 30, 2009 received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 to allow for a minor modification to a special permit issued on December 27, 2008 and later modified on September 24, 2009 to Allied Building Products Corp. for the property located at 41 Atlantic Avenue. Motion made and 2nd that the MATTER be TAKEN FROM TABLE, all in favor, 9-0. A communication dated January 12, 2010 was received from Attorney Joseph R. Tarby III as follows:

Re: Minor Modification to Landowner’s Decision and Notice of Special Permit dated December 27, 2007, as amended by Notice of Modification of Special Permit dated September 24, 2009 (the “Decision”) Granted to Allied Building Products Corp., 41 Atlantic Avenue, Woburn, MA

Dear Mr. Campbell:

On behalf of Allied Building Products Corp. (“Allied”) of 41 Atlantic Avenue, Woburn, Massachusetts, I hereby withdraw the request that was filed with the City Council dated December 30, 2009 requesting a minor modification to the above-referenced Decision. The business discussions with American Builders and Contractors Supply Company, Inc. d/b/a ABC Supply Co. Inc. have terminated. Allied will continue to operate its business at 41 Atlantic Avenue, Woburn, Massachusetts as it has been so in the City of Woburn for the past twenty-five years. Thank you.

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

On the petition by Viewpoint Sign & Awning, 35 Lyman Street, Northboro, Massachusetts 01532 for a special permit for an additional sign at 65 Winn Street.

Motion made and 2nd that the MATTER be TAKEN FROM TABLE, all in favor, 9-0. A communication dated January 8, 2010 was received from Darlene McCarthy, Office Manager, Viewpoint Sign and Awning as follows:

To Whom It May Concern,

Please accept this letter to withdraw a Special Permit application for Benjamin Moore located at 65 Winn Street.

Please mail back the check that was paid on 12-22-09, check #22630 for \$100.00.

Thank you, s/Darlene McCarthy, Office Manager



APPOINTMENTS AND ELECTIONS:

ORDERED That Lori Medeiros of 9 Marietta Street, Woburn be and is hereby reappointed as the business representative to the Woburn Traffic Commission for a term expiring December 5, 2011.

s/President Denaro

ORDERED That Myles M. Collins of 19 Squanto Road, Woburn be and is hereby reappointed as the resident representative to the Woburn Traffic Commission for a term expiring December 5, 2010.

s/President Denaro

A communication dated January 25, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Santo Bernardo, 43 Duren Avenue, Woburn, to serve on the Golf and Ski Authority, with an expiration date of December 31, 2014; subject to confirmation by the City Council.

Respectfully, s/ Scott D. Galvin, Mayor

A communication dated January 25, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Douglas Murphy, 11 Marion Avenue, Woburn, to serve on the License Commission with an expiration date of June 30, 2015; subject to confirmation by the City Council.

Respectfully, s/ Scott D. Galvin, Mayor

A communication dated January 25, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Larry Rideout, 2 Kennedy Road, Woburn, to serve on the Housing Authority Board, with an expiration date of March 31, 2014; subject to confirmation by the City Council.

Respectfully, s/ Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOBURN, AS FOLLOWS:

That Title II, Section II (Purchasing) of the Municipal Code of The City of Woburn, as amended, be further amended by the insertion of a new section, 3-18B, as follows:

3-18B Designer Selection Procedures

- A. The provisions of this section shall apply to contracts for design services for any building construction, reconstruction, alterations, remodeling or repair project that has both an estimated construction cost of more than \$100,000 and a estimated design fee of \$10,000 or more, provided, however, that the estimated said dollar amount thresholds may be increased pursuant to General Laws, Chapter 7, Section 38C. The provisions hereof shall apply only to such contracts for design services at or in excess of said dollar threshold amounts.

The terms “design services” and “designer” shall have the meanings as set forth in General Laws, Chapter 7, Section 38A 1/2, as the same may be amended from time to time.

- B. The City of Woburn, acting by and through its Mayor, (“Approving Authority”) has the authority to conduct the design selection process for the City, the Approving Authority may delegate any duties described herein to the extent such delegation is permissible by law.
- C. The Approving Authority may designate the individual or group of individuals (hereinafter referred to as “the Committee”) who will conduct the design selection process.

No member of the Committee shall participate in the selection of a designer for any project if the member, or any of the member’s immediate family:

- a. has a direct or indirect financial interest in the award of the design contract to any applicant;
 - b. is currently employed by, or is a consultant to or under contract to, any applicant;
 - c. is negotiating or has an arrangement concerning future employment or contracting with any applicant; or
 - d. has an ownership interest in, or is an officer or director of, any applicant.
- D. A Request for Qualifications (RFQ) for each contract subject to these procedures shall be advertised in a newspaper of general circulation in the locality of the building project, in the Central Register published by the Secretary of the Commonwealth, and in any other place required by the Approving Authority, at least two weeks before the deadline for filing applications.
 - E. The advertisement shall contain the following information:
 - a. a description of the project, including the specific designer services sought, the time period within which the project is to be completed, and if available, the estimated construction cost;
 - b. if there is a program for the building project, a statement of when and where the program will be available for inspection by applicants;

- c. when and where a briefing session (if any) will be held;
 - d. the qualifications required of applicants;
 - e. the categories of designers' consultants, if any, for which applicants must list names of consultants they may use;
 - f. whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement;
 - g. when and where the RFQ can be obtained and the applications must be delivered.
- F. The RFQ shall include the current "Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction," which is available for download from the Massachusetts Designer Selection Board website at Designer Selection Board (DSB) Procedures for Municipalities. The Application Form may be amended to include additional information on a project-specific basis.
- G. The Committee shall evaluate applicants based on the following criteria:
- a. prior similar experience;
 - b. past performance on public and private projects;
 - c. financial stability;
 - d. identity and qualifications of the consultants who will work with the applicants on the projects; and
 - e. any other criteria that the Committee considers relevant to the project.
- H. The Committee shall select at least three finalists. Finalists may be required to appear for an interview or provide additional information to the Committee, provided that all finalists are afforded an equal opportunity to do so.

- I. The Committee shall rank the finalists in order of qualifications and transmit the list of ranked finalists to the Approving Authority. In the alternative, the Approving Authority may allow the Committee to select the designer and/or negotiate the fee, provided, however, in any event that no selected fee shall be final until approved by the Approving Authority.

No person or firm, including applicants' listed consultants, debarred pursuant to M.G.L. Chapter 149, section 44C shall be included as a finalist on the list.

The list must be accompanied by a written explanation of the reasons for selection including the recorded vote, if any. The written explanation and recorded vote, if any, shall be public records and shall be maintained in the contract file.

- J. If the fee was set prior to the selection process, the Approving Authority shall select a designer from the list of finalists. If the Approving Authority selects a designer other than the one ranked first by the Committee, the Approving Authority shall file a written justification for the selection with the Committee and maintain a copy in the contract file.
- K. If the fee is to be negotiated, the Approving Authority shall review the list of finalists and may exclude any designer from the list if a written explanation of the exclusion is filed with the Committee and maintained in the contract file. The Approving Authority shall request a fee proposal from the first ranked designer remaining on the list and begin contract negotiations. If the Approving Authority is unable to negotiate a satisfactory fee with the first ranked designer, negotiations shall be terminated and undertaken with the remaining designers, one at a time, in the order in which they were ranked by the Committee until agreement is reached. In no event may a fee be negotiated which is higher than the maximum fee set by the Approving Authority prior to selection of finalists.
- L. If the Approving Authority is unable to negotiate a satisfactory fee with any of the finalists, the Approving Authority shall recommend that the Committee select additional finalists.

M. The Approving Authority may allow a designer who conducted a feasibility study to continue with the design of a project. However, the Approving Authority may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to insure its reasonableness and its adequacy before allowing the designer to continue on the project, provided the Approving Authority otherwise complies with the statutory requirements for selecting a designer under Chapter 7 of the General Laws, including those set forth in M.G.L. 7, S38K(a)(1).

N. Every contract for design services shall include the following:

- a. certification that the designer or construction manager has not given, offered, or agreed to give any person, corporation, or other entity any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
- b. certification that no consultant to, or subcontractor for, the designer or construction manager has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;
- c. certification that no person, corporation, or other entity, other than a bona fide full-time employee of the designer or construction manager, has been retained or hired by the designer or construction manager to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and
- d. certification that the designer has internal accounting controls as required by M.G.L. Chapter 30, Section 39R(c) and that the designer has filed and will continue to file an audited financial statement as required by M.G.L. Chapter 30, Section 39R (d).

All fees shall be stated in design contracts and in subsequent amendments thereto, as a total dollar amount. Contracts may provide for equitable adjustments in the event of changes in scope or services.

- O. The Approving Authority shall not enter into a contract for design services unless the Approving Authority or the designer has obtained professional liability insurance covering negligent errors, omissions, and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of the contract. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the Approving Authority may require, for the applicable period of limitations. A designer required by the Approving Authority to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate or certificates of insurance coverage to the Approving Authority prior to the award of the contract.
- P. Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the individual responsible for administering the design contract.
- Q. In the event of an emergency that precludes the normal use of these designer selection procedures, the Approving Authority may elect to authorize expedited procedures to address the emergency. The Approving Authority shall document in writing the reasons for the emergency declaration, the proposed scope of work, the estimated cost of construction, the established fee for the needed design services, and any other relevant information.

The Approving Authority may select three finalists from any standing list of designers who have applied for projects of a similar nature, or may otherwise select three designers to be considered as finalists for the project. The Approving Authority shall rank the finalists in order of qualification and select the designer for the emergency work.

- R. The Approving Authority shall publish the name of any designer awarded a contract in the Central Register.
- S. The following records shall be kept by the Approving Authority:
 - a. all information supplied by or obtained about each applicant;
 - b. all actions taken relating to the project; and
 - c. any other records related to designer selection.

All records shall be available for inspection by the state Designer Selection Board and other authorized agencies.

- T. The Approving Authority shall evaluate designers' performance on contracts using the Designer Selection Board evaluation form(s) in accordance with M.G.L. Chapter 7, Section 38E(g), and file completed evaluations with the Board and any other agency named in M.G.L. c.7, Section 38E(g).
- U. Nothing in these Procedures shall be interpreted to require the establishment of a board or waive or reduce the requirements of any other applicable law or regulation.
- V. For any municipal design or construction project that includes funding provided by the Commonwealth, in whole or in part (such as reimbursements, grants and the like), the City shall incorporate minority-owned business enterprise and women-owned business enterprise participation goals, and in such instances, the Approving Authority shall take steps to assure that it complies with all State Office of Minority and Women Business Assistance requirements.

s/ Alderman Denaro

ORDERED The City of Woburn hereby petitions the Great and General Court of the Commonwealth of Massachusetts to amend the Charter of the City of Woburn by adopting the following proposed Special Act:

AN ACT DESIGNATING THE MAYOR AS CHAIR OF THE SCHOOL COMMITTEE IN THE CITY OF WOBURN

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 28 of Chapter 172 of the Acts of 1897, as amended by Chapter 194 of the Acts of 1928, Chapter 589 of the Acts of 1952, Chapter 128 of the Acts of 1953, Chapter 636 of the Acts of 1954, and Chapter 174 of the Acts of 1960 is hereby further amended by striking the first sentence in its entirety and inserting in its place the following: The management and control of the public schools of said city of Woburn shall be vested in a school committee, consisting of eight members. Seven members shall be elected at large by and from qualified voters of said city, as set forth herein. One member shall be the Mayor who shall serve by virtue of holding office.

SECTION 2. Section 29 of Chapter 172 of the Acts of 1897 is hereby amended by striking therefrom the first sentence, the second sentence and the third sentence in its entirety and inserting in its place the following: The Mayor shall be present at all sessions of the School Committee, and when present shall participate in the discussions and shall preside, and shall have the right to vote. The School Committee shall meet on the first Monday in January in each year, and shall at such meeting, or as soon thereafter as may be, choose by ballot a Vice-Chairman from among its members who shall serve in the absence of the Mayor, and the votes of a majority of all the members of the School Committee shall be required in order to elect. The Committee shall be the judge of the election and qualifications of its members, with the exception of the Mayor, and shall determine the rules of its proceedings.

SECTION 3. This Act shall take effect upon its passage.

s/Alderman Drapeau

ORDERED That the Regular Meeting of the City Council scheduled for February 16, 2010 be and is hereby canceled.

s/President Denaro

ORDERED That Rule 20 of the Rules and Orders of the City Council be amended by consolidating the Standing Committees so that Rule 20, as amended, shall read as follows:

Rule 20. Standing committees

The following standing committees shall consist of five Aldermen: a. Finance; b. Ordinances; c. Public Safety; d. Special Permits; e. Water.

The following standing committees shall consist of three Aldermen: a. Accounts and Audits; b. Charter and Rules; c. Municipal Lands and Highways; d. Open Space and Recreation; e. Personnel; e. Police and License.

The Committee on Liaison shall consist of all nine Aldermen with the President serving as chairman.

Appointments shall be made to all Committees by the President as soon after the organization of the City Council as possible.

A quorum of any committee shall consist of a majority of its members.

s/President Denaro

ORDERED That the Human Resources Director investigate the process whereby a qualifying examination can be prepared and administered by the Massachusetts Division of Human Resources for the purposes of providing the Superintendent of the Department of Public Works with civil service status.

s/Alderman Gately

RESOLVED That His Honor the Mayor in conjunction with the Committee on Charter and Rules review the method of appointment of the Superintendent of the Department of Public Works with respect to establishing a term certain as permitted by law.

s/Alderman Drapeau

From Traffic Commission:

ORDERED MANNING STREET – No parking for a distance of seventy (70) feet from the intersection with Main Street.

RESOLVED That His Honor the Mayor investigate the feasibility of acquiring on behalf of the City of Woburn, for present or future purposes, the property at the intersection of Lowell Street and Wyman Street consisting of approximately 7.58 acres as described in the Deed dated December 27, 1991 and recorded January 27, 1992 at the Middlesex South District Registry of Deeds at book 21709, Page 182.

s/Alderman Anderson

RESOLVED That His Honor the Mayor enter into an agreement with the Department of Landscape Architecture and Regional Planning at the University of Massachusetts Amherst for the purposes of preparing an urban landscape and (re)development plan for the City of Woburn, which will offer conceptual plans and designs to enhance the city’s landscape while recommending appropriate locations and types of future residential and commercial development.

s/President Denaro and Alderman Haggerty

RESOLVED That working in collaboration with the Mayor, the Department of Public Works and the City Auditor, a flashing speed radar sign be installed in the proximity of the corner of Salem Street and Bow Street. The device should be at a location that will deter speeding on Salem Street and specifically at the corner of Bow Street and Salem Street. This is a crosswalk to the White Elementary School and also a busy intersection with incoming traffic to downtown Woburn. These devices have a proven track record of providing traffic calming measures and have been approved for use throughout the city by the Woburn Traffic Commission. With approval from the Mayor and City Council, funding for the sign can be provided through the Ward 5 Infrastructure Mitigation Account in the Salem Street area whereas mitigation accounts are established for the purpose of lessening the impact of development to our neighborhoods.

s/Alderman Mercer-Bruen, Alderman Haggerty and Alderman Anderson

Motion made and 2nd to ADJOURN.