

**CITY OF WOBURN  
MARCH 2, 2010 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

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**MAYOR'S COMMUNICATIONS:**

A communication dated February 3, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear Council President Denaro:

I am respectfully requesting time on the City Council's Tuesday, March 16<sup>th</sup> agenda, under Mayor's Communications, for the purpose of holding a joint session of the City Council, School Committee and members of the Massachusetts Legislative delegation.

The joint session should last approximately one hour.

Respectfully, s/Scott D. Galvin

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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 \_\_\_\_\_

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ORDERED That the sum of \$62,500.00 be and is hereby transferred as so stated from Ambulance Salaries Acct #0122051-511500 \$62,500.00 to Fire Department Overtime Acct #0122051-513100 \$50,000.00, Apparatus Maintenance Acct #0122054-544400 \$12,500.00

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 \_\_\_\_\_

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ORDERED That the sum of \$8,575.00 be and is hereby transferred as so stated from Fire Sick Leave Buyback Acct #0122051-511500 \$8,575.00 to Fire Department Overtime Acct #0122051-513100 \$8,575.00

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 \_\_\_\_\_

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ORDERED That the sum of \$18,821.75 be and is hereby transferred as so stated from Non Contributory Retirement Acct #0197051-517800 \$18,821.75 to Engineering/Sick Leave Buy Back Acct #0141051-515400 \$18,821.75 Purpose: Sick Leave Buy Back due to Virginia Babineau's retirement

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

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

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ORDERED That the following authorized and unissued bond authorizations be and hereby rescinded:

1. Original Purpose: White Elementary School & Woburn Memorial High School; Original Date Authorized 6/8/2002; Original Amount Authorized: \$81,400,000.00; Amount to Rescinded: \$41,479,400.00;

2. Original Purpose: Shamrock Elementary School; Original Date Authorized 3/8/2001; Original Amount Authorized: \$12,500,000.00; Amount to Rescinded: \$7,938,000.00;

3. Original Purpose: Reeves Elementary School; Original Date Authorized: 3/18/1999; Original Amount Authorized: \$11,250,000.00; Amount to Rescinded: \$6,975,000.00;

4. Original Purpose: Refinancing – Police Station, School Remodeling; Original Date Authorized: 7/6/1999; Original Amount Authorized: \$3,000,000.00; Amount to Rescinded: \$250,000.00;

5. Original Purpose: Water Treatment Plant; Original Date Authorized 4/4/2000; Original Amount Authorized: \$5,500,000.00; Amount to Rescinded: \$1,760,482.40.

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

**PUBLIC HEARINGS:**

On the 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. PUBLIC HEARING OPENED. A communication dated February 11, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Boys & Girls Club of Woburn, Inc. – 25 Middlesex Canal Park – To conduct a six-day carnival from may 4 – May 9 at the National Amusement Showcase Cinemas site for fundraising purposes

Dear Mr. Campbell and Members of the City Council:

At the meeting held on February 2, 2010, the Planning Board voted to forward a favorable recommendation to the City Council, subject to the condition that the applicant comply with Note 14 of the Notes to Section 5.1 of the 1985 Zoning Ordinance as amended.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

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On the petition by City of Woburn, Woburn City Hall, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.79 Municipal Use, 5.1.80b Wireless Communications Link Building Mounted, and 7.3 Extension or alteration of a non-conforming use, 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. PUBLIC HEARING OPENED. A communication dated February 11, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: City of Woburn – Rag Rock Water Tank – To allow temporary free standing wireless communication link under Section 7.3, to allow up to 8 vendors to erect on the new tank mounted wireless communication links under Section 5.1.80b, and Section 5.1.79

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on February 2, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of the City of Woburn, regarding the Rag Rock Water Tank, subject to the following conditions:

1. That the temporary monopole shall not exceed 62' in height with the antennas no more than 5' above the monopole and be in place for not more than 18 months;
2. That the temporary monopole shall be enclosed by an 8' high gated fence;
3. That the permanent wireless facility consist of not more than 8 ground pads enclosed by an 8' high gated fence with each separate provider having fencing around their ground facilities; and
4. That the number of antennae on the new water tank shall not exceed 50 antennae and that the antennae shall be affixed to the new tank and not be free-standing facilities.

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

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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 February 11, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Perennial Landscape Corp. – 22 Torrice Drive – To allow for open or outside storage of new or used building materials or equipment pursuant to Section 5.1.43

and to allow for accessory storage or parking of commercial motor vehicles pursuant to Section 5.1.57(b)

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on February 2, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Perennial Landscape Corp., regarding the property at 22 Torrice Drive, subject to the following conditions:

1. That the registered and unregistered lots shall be used as one lot and shall not be sold separately or used for different purposes as long as this Special Permit is in effect;
2. That prior to Building permit or Occupancy permit whichever occurs first, the petitioner shall provide to the City a certification by a registered engineer of the stability of the slope at the side and rear property lines and that all storm water runoff shall be retained on site;
3. That if the gravel parking area is going to be paved then onsite grading will need to be approved by the Engineering Department;
4. That a gated solid 8 foot fence in height shall completely enclose at least the gravel and mulch storage areas as required by Note 6 of Table 5.1;
5. That the approval shall be based on the plan entitled "Existing Conditions Plan of Land 22 Torrice Drive Woburn, Mass." dated January 18, 2010 stamped January 25, 2010 prepared by Edward J. Farrell, PLS except as modified by the conditions of this Special Permit;
6. That not more than 20 commercial vehicles shall be stored or parked at the site and all vehicles parked on the site overnight shall be registered in the City of Woburn;
7. That there shall be no storage of diesel fuel on the site;
8. That at least a 6 foot fence in height shall enclose the area labeled "Proposed Gravel Parking Area";
9. That the trash area shall be within the fenced area; and
10. That the hours of operation shall be 6 AM to 6 PM Monday through Saturday.

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 report dated February 23, 2010 was received from the Committee on Special Permits as follows: "At the meeting of the Special Permit Committee held on Monday, February 23, 2010, the Committee made the following recommendation/motion relative 22 Torrice Drive: Motion was made and seconded to bring (the matter) out of Committee and send back ought to pass, accepting the Planning Board's conditions (letter from Planning Board dated February 11, 2010, attached thereto), and modifying said conditions as

follows: 1. The Petitioner is required to submit a snowplowing plan; 2. Amendment to No. 3 of the Planning Board's condition to include: 'any modification of paving at the site will require approval by the Engineering Department'; and 3. Amendment to No. 7 of Planning Board's conditions to read: 'That there shall be no storage of any fuel on the site;'.’”

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On the petition by John F. Duran, 16 Highland Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow the alteration of a pre-existing non-conforming structure by replacing an existing structure with a new two family dwelling at 17 Richardson Street. PUBLIC HEARING OPENED. A communication dated March 1, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: John F. Duran – 17 Richardson St. – To allow alteration of preexisting single family to a new two family dwelling pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on February 23, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of John F. Duran to allow the alteration of a preexisting single family dwelling to a new two family dwelling pursuant to Section 7.3 regarding the property 17 Richardson Street, subject to the following conditions:

1. That the razing of the existing house shall be in accordance with the City's demolition delay ordinance;
2. That the parking shall consist of two parking spaces on each side of the new houses each space being 9' x 18' with the two spaces being side by side; and
3. That at least a 3' planting screen and/or a fence shall be located between the spaces and the side lot lines in accordance with the desires of the direct abutters and the City Council after the public hearing.

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

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On the 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. PUBLIC HEARING OPENED. A communication dated February 25, 2010 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 Town Fair Tire Centers of Massachusetts LLC/422-424  
Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Town Fair Tire Centers of Massachusetts LLC. On behalf of my client, I respectfully request that the public hearing on this matter be continued from March 2, 2010 to March 16, 2010. At the Planning Board meeting on February 23, 2010, the Planning Board requested that my client's traffic consultant study three additional intersections and provide the data from those studies to the Planning Board. The additional traffic studies will not be able to be completed prior to the City Council meeting on March 2, 2010. Therefore, the continuance to March 16, 2010 is being requested. Thank you.

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

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PERSONNEL:**

On the appointment of Peter Murphy as a Member of the Woburn Golf & Ski Authority, committee report was received "ought to pass."

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**NEW PETITIONS:**

Petition by A.A. Transportation, 600 West Cummings Park, Suite 1175, Woburn, Massachusetts 01801 for a Taxi Cab License for one (1) vehicle.

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Petition by NSTAR Electric Company for a grant of right in a way on Russeel Street northerly from pole 257/16 approximately 620 feet northeast of Brook Road a distance of approximately 71 feet to install conduit.

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Petition by Clear Wireless LLC, 200 5th Avenue, Waltham Massachusetts 02451 for a special permit pursuant to Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to locate a wireless broadband communications site on an existing NSTAR utility structure at Russell Street aka back of 3 Linda Street.

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Petition by Town Fair Tire Centers of Massachusetts LLC, 460 Coe Avenue, East Haven, Connecticut 06512 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an automobile and truck repair garage at 422-424 Washington Street.

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**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 January 2010: number of parking violations issued 245, number of violations paid 119, number of violations outstanding 106, amount collected and submitted to the Office of the Collector \$6,104.20. There exists a backlog of 5,320 tickets for 1982 through 2009. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$1,400.00.

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

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A communication dated January 18, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the February meeting of the Council on Aging and the Director's report for the month of February.

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A communication dated March 1, 2010 was received from City Solicitor John D. McElhiney as follows:

Re: Request for Authorization to Settle Claim  
Incident: A.L. Prime Energy-Oil/Gas Spill  
Premises: 117 Pleasant Street, Woburn, MA 01801  
Date of Loss: November 28, 2008

Dear Members of the City Council:

Pursuant to the provisions of Title II, Article 10, Section 2-57 of the Woburn Municipal Code, your approval is respectfully requested for the settlement of a claim which the City has brought against the above entity for costs incurred by the City as a result of the oil/gas spill which occurred as referenced above. The full extent of the City's costs totaled \$36,203.77, broken down as follows:

- |   |                    |
|---|--------------------|
| a) Additional MWRA water -                  | \$19,177.86        |
| b) Additional MWRA/Lab Testing Fees -       | \$ 4,701.24        |
| c) Contract for cleaning out catch basins - | \$10,877.85        |
| d) Additional Water Dept. staff costs -     | <u>\$ 1,446.82</u> |

TOTAL

\$36,203.77

This office made demand upon the insurance company for the above amount and they have tendered a check in full settlement thereof.

The above-cited provision of the Woburn Municipal Code requires City Council approval, in cases wherein the City seeks money damages, for the settlement of any claim in excess of \$1,000.00. Thus, your authorization to accept the above-reference amount of damages is respectfully requested.

I might add that the Ordinance in question, approved in 1973, may well conflict, in my view, with certain provisions of the City Charter. That point aside, however, the settlement of this matter for the full amount of damages claimed would be in the best interests of the City. Thus to expedite the same, your approval of the settlement is respectfully requested.

Thank you for your courtesy and if I could answer any further questions on this matter, please do not hesitate to contact me.

Sincerely, s/John D. McElhiney

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Requests for Approval of Exemption pursuant to M.G.L. Chapter 268A, §20(b) by Roy N. Cudmore, Anthony Giglio and John Golles, John J. Loughlin III.

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A communication dated February 16, 2010 was received from Attorney Richard H. Murphy, Jr., Murphy Law Offices, P.C., 300 Trade Center, Suite 2700, Woburn, Massachusetts 01801 as follows:

Re: Notice of Intent to Sell pursuant to M.G.L. Chapter 61A – City of Woburn Assessor’s Map/Block/Lot No. 29-17-07

Dear Mayor Galvin, City Councilors, Members of the Board of Assessors, Members of the Planning Board, Members of the Conservation Commission, State Forester and Commissioner of the Department of Conservation and Recreation:

This firm represents Thomas W. Spence, as Trustee of the Spence Family Nominee Trust, William C. Carlson, Robert J. Spence, Jr. and Paul J. Kennedy, who are the owners of the real estate that is the subject of this Notice (the “Owners”). On the Owners’ behalf, we submit this Notice of Intent to Sell under M.G.L. c. 61A. Please be advised that a Purchase and Sale Agreement constituting a bona fide offer to purchase has been received and accepted by the Owners from Melanson Development Group, Inc., as the Buyer, with respect to the premises described therein, which premises are known as City

of Woburn Assessor's Map/Block/Lot No, 29-17-09 and contain approximately 7.58 acres of land, more or less, according to said Assessor's records.

A certified copy of said executed Purchase and Sale Agreement dated February 9, 2010 is attached hereto and incorporated herein. A map drawn at the scale of the Assessor's Map showing the location and acreage of the land is also enclosed for your reference.

As provided in M.G.L. Chapter 61A §14, please be advised that the Owners hereby make a Statement of Intent to Sell the premises pursuant to the Purchase and Sale Agreement. As to a Statement of Proposed Use, the Owners understand that the Buyer intends to use the premises for residential use from and after the time such sale is consummated. The following information is provided for your reference:

Owners: Thomas W. Spence, as Trustee of the Spence Family Nominee Trust, William C. Carlson, Robert J. Spence, Jr. and Paul J. Kennedy, all with a mailing address of Mailing address: c/o 30 Wyman Street, Woburn, MA 01801  
Telephone No.: (781) 820-6168  
Owner's Attorney: Richard H. Murphy, Jr., Esq.  
Mailing Address: Murphy Law Offices, P.C., 300 Trade Center, Suite 2700, Woburn, MA 01801  
Telephone No.: (781) 820-6168

If the City of Woburn decides that it does not wish to exercise its first refusal option to meet the bona fide offer to purchase the premises, then it would be greatly appreciated if his honor the Mayor would kindly sign a written Notice of Non-Exercise that the option will not be exercised and forward it to undersigned as soon as any such decision is made. Thank you for your consideration of this matter.

Very truly yours, s/Richard H. Murphy, Jr., Attorney for the Owners

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

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**APPOINTMENTS AND ELECTIONS:**

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 reappoint the following individuals to serve on the Woburn Historic District Commission; subject to approval by the City Council:

Arthur Duffy, 38 Alfred Street, Woburn, Mass., with an expiration date of Dec. 15, 2010;

Kevin Meaney, 55 Arlington Road, Woburn, Mass., with an expiration date of Aug. 18, 2010.

Respectfully, s/Scott D. Galvin, Mayor

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A communication dated February 2, 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 reappoint the following individuals, with terms to expire Dec. 31, 2010, to the Woburn Council on Aging; subject to approval by the City Council:

Ann Alongi, 79 Prospect Street, Woburn, Mass.;  
Margaret Casey, 23 Wade Avenue, Woburn, Mass.;  
John DeCata, 57 Wood Street, Woburn, Mass.; and  
Theresa Donovan, 74 Kilby Street, Woburn, Mass.

Respectfully, s/Scott D. Galvin, Mayor

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A communication dated February 9, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Brian Kisiel, a student of the Woburn Memorial High School, as a Member of the Human Rights Commission as required in the City of Woburn Municipal Code Title 2-236. Please be advised that the term will expire on August 31, 2010. 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/Scott D. Galvin, Mayor

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED That a communication substantially in the form attached hereto be forwarded by the City Clerk on behalf of the City Council to the Committees on Municipalities and Regional Government of the Great and General Court relative to the pending Home Rule Petition concerning the

Clapp School property at the intersection of Arlington Road and Hudson Street.

s/Alderman DiTucci

Attached thereto was a document as follows:

The Honorable James B. Eldridge  
State Senator  
State House – Room 213-A  
Boston, MA 02133

The Honorable Paul J. Donato  
State Representative  
State House – Room 540  
Boston, MA 02133

Re: Joint Committee on Municipalities and Regional Government  
House Bill No. 4449 – An Act relative to use of a parcel of land in the City of Woburn for recreational purposes

Dear Senator Eldridge and Representative Donato:

This letter is to confirm that at its Regular Meeting on March 2, 2010, the Woburn City Council voted to express support for the passage of House Bill No. 4449 “An Act relative to use of a parcel of land in the City of Woburn for recreational purposes.” This petition is part of an agreement reached with the cooperation of the City of Woburn, the Woburn School Department, the Office of the Massachusetts Attorney General and the community. It will result in the protection of land for recreational and open space use in a high density neighborhood. This petition does not preclude the use of the site for educational purposes, if so desired by the Woburn School Department/.

Thank you for your attention and consideration of this matter.

Respectfully submitted,  
WOBURN CITY COUNCIL,  
By its Clerk,  
William C. Campbell, City Clerk and Clerk of Council

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**ORDERED** That the Committee on Water meet to review, receive reports and make recommendations to the full City Council concerning an update of the water filtration plant project, the Rag Rock water tank project, Phase V of the water and sewer projects city-wide, Phase II of the I&I program, the Stormwater Management program, and any other matters concerning the water and sewer systems in the City of Woburn.

s/Alderman Gately

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RESOLVED That the City Solicitor be requested to review a document entitled "Draft of Proposed Contract Between Burlington Water and Sewer District and City of Woburn for Joint Use of Woburn's Sewerage System" dated May 4, 1965, a copy of which is annexed hereto, for the purposes of determining the responsibilities of the Town of Burlington under the agreement.

s/Alderman Gately

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From the Traffic Commission:

ORDERED HUDSON STREET – no parking northerly side between the hours of 7:45 a.m. and 8:45 a.m. and between the hours of 2:15 p.m. and 3:15 p.m. except during the months of July and August; this order shall expire on July 1, 2012.

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ORDERED That the Regular Meeting of the City Council scheduled for April 20, 2010 be rescheduled for April 13, 2010.

s/President Denaro

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ORDERED That the Regular Meeting of the City Council scheduled for March 16, 2010 shall begin at 7:00 p.m.

s/President Denaro

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RESOLVED That His Honor the Mayor direct the Superintendent of Public Works to repave and repair with new sidewalks Colonial Road

s/Alderman Gaffney

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