

**CITY OF WOBURN  
APRIL 6, 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:**

ORDERED That the sum of \$149,586.00 be and is hereby transferred as so stated:  
Transferred out of Sick Leave BB 0121051-515400 \$120,733.00,  
Transferred out of Police Holiday \$28,853.00, Transferred Into Police  
Cruiser Outlay \$149,586.00

I hereby approve the above: s/Mayor Scott D. Galvin  
I have approved the above: s/Chief Philip L. Mahoney  
I have reviewed the above: s/Auditor Gerald Surette

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

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ORDERED That the sum of \$4,800.00 be and is hereby appropriated from Cemetery  
Salary Account #0149051-511000 to the Cemetery Over-Time Salary  
Account #0149051-513100.

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

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

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ORDERED That the sum of \$32,512.75 be and is hereby transferred as so stated from  
Medicad Billing Fees Acct #0113452-530405 \$32,512.75 to Audit Acct

#0113452-530200 \$24,000.00, GASB #43 Acct #0113452-530201 \$12.75,  
Audit/Printer Acct #0113452-524900 \$8,500.00, Total \$32,512.75

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

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

**PUBLIC HEARINGS:**

On the petition concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 4 Ellis Court, 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.

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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 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an automobile and truck repair garage at 422-424 Washington Street. PUBLIC HEARING OPENED.

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On the petition by 88 Winn Street LLC, 89 Winn Street, Woburn, Massachusetts 01801 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. To allow for accessory storage or parking of commercial motor vehicles under Section 5.1.57b, and 2. To allow for the alteration of an existing use in the Groundwater Protection District under Section 16.6.C, both at 88 Winn Street. PUBLIC HEARING OPENED.

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On the petition by Nextel Communications c/o Clear Wireless LLC, 960 Turnpike Street, Suite 28, Canton, Massachusetts 02021 for a special permit pursuant to Section 7.3 Pre-Existing Non-Conforming Use of the 1985 Woburn Zoning Ordinances, as amended, to allow modification of an existing wireless communications link by replacing three (3) panel antennas and installing two (2) additional backhaul antennas at 21 Warren Avenue. PUBLIC HEARING OPENED.

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On the petition by Mario Abruzzese, 80 School Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as

amended, to allow the placements of approximately 1,200 cubic yards of fill to construct a level backyard at 80 School Street. PUBLIC HEARING OPENED.

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On the petition by Bradco Supply Inc., 8 Draper Street, Woburn, Massachusetts 01801 for three special permits pursuant to Sections 5.1.42, 5.1.57b and 8.2.5 of the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. To allow for warehouse/wholesale use under Sec. 5.1.42; 2. To allow for accessory parking of commercial vehicles under Sec. 5.1.57b; and 3. A reduction of one-third of the required parking spaces for a mixed use under Sec. 8.2.5, all at 8 Draper Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that \_\_\_\_\_ A communication dated March 31 2010 with attachment was received from Attorney Mark Salvati as follows:

Re: Bradco Supply Corp. - Special Permit – 8 Draper Street

Dear Council Members:

Enclosed please find 22 copies of supplemental plans for a petition for a Special Permit for the property at 8 Draper Street. There are the architectural plans showing the elevation and proposed layout of the building.

Thank you for your cooperation and please call with any questions.

Very truly yours, s/Mark J. Salvati

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On the 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. PUBLIC HEARING OPENED. A communication dated March 18, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Clear Wireless, LLC – 3 Linda Street – To locate a wireless broadband communication link on an existing NStar utility pole pursuant to Section 5.6

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 16, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Clear Wireless, LLC, regarding the property at 3 Linda Street, subject to the following conditions:

- 1. That the maximum height of the extended pole shall be 70'; and

2. That the approval be in accordance with the plans revised through 11/04/09 except as modified by the conditions of this decision.

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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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**MUNICIPAL LANDS:**

On the communication relative to a Notice of Intent to Sell pursuant to M.G.L. Chapter 61A a certain parcel of land known as the Spence Farm Stand Parcel located between Lowell Street and Wyman Street, committee report was received "That a communication be forwarded to His Honor the Mayor requesting his reconsideration of the purchase of the 'Spence Farm' property or make a suggestion of any alternative action to purchase the property."

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**FINANCE:**

On the Order to transfer the sum of \$2,710.00 from various Recreation Department Accounts to Park Equipment Account, committee report was received "ought to pass".

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On the Order to transfer the sum of \$2,205.70 from Veterans Salary Account to Treasurer Salary Account and Recreation Salary Account, committee report was received "ought to pass".

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On the Order to transfer the sum of \$80,000.00 from various Department of Public Works Accounts to DPW Overtime Account, committee report was received "ought to pass".

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On the communication relative to a request for authorization to settle a claim concerning an oil/gas spill at A.L. Prime Energy, 117 Pleasant Street, Woburn, MA 01801 on November 28, 2008, committee report was received "That the settlement offer of \$36,203.77 be accepted."

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On the Order to rescind certain authorized and unissued bond authorizations for the White Elementary School and Woburn Memorial High School, the Shamrock Elementary School, the Reeves Elementary School, the Refinancing – Police station, School Remodeling, and the Water Treatment Plan, committee report was received “ought to pass”.

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**PERSONNEL:**

On the reappointment of Arthur Duffy and Kevin Meaney as Members of the Woburn Historic District Commission, committee report was received “ought to pass”.

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On the reappointment of Ann Alongi, Margaret Casey, John DeCata and Theresa Donovan as Members of the Council on Aging, committee report was received “ought to pass”.

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On the reappointment of Lori Medeiros and Edward Quinn and the appointment of Jean Rooney and Veronica Andrews as Members of the Woburn Handicapped and Disabled Citizens Commission, committee report was received “ought to pass”.

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On the appointment of Brian Kisiel as a Member of the Human Rights Commission, committee report was received “ought to pass”.

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**POLICE AND LICENSES:**

On the petition by Ahmad Abbas dba A.A. Transportation for a new Taxi Cab License for one vehicle, committee report was received “ought to pass subject to all rules.”

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On the petition by Ali A. Saleb dba Metro Cab Service for renewal of a Taxi Cab License for one vehicle, committee report was received “ought to pass”.

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On the petition by Patricia Porrazzo dba Hollywood Limousine Co. for renewal of Livery License for one vehicle, committee report was received “ought to pass with all existing conditions”.

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On the petition by New Boston Auto Exchange for renewal of Second Class Motor Vehicle Sales License, committee report was received “ought to pass”.

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On the petition by Woburn Bowladrome Inc. for renewal of Bowling Alley License for forty bowling alleys, committee report was received “ought to pass”.

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**CHARTER AND RULES:**

On the Order to designate the Mayor as Chair of the School Committee, committee report was received “ought not to pass”. A communication dated March 25, 2010 was received from Alderman Drapeau as follows:

Subject: Charter Change

I would like to formally request the withdrawal of my charter proposal that would install the Mayor as the School Committee Chair. After discussions in committee it appears to me that the city would be better served by the formation of a Charter Commission to update our city charter.

Respectfully, Ray Drapeau

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**NEW PETITIONS:**

Petition by Saeed Rajabi dba Sky Taxi of Woburn, 21 Cummings Park, Suite 232 for renewal of a Taxi Cab License for one vehicle.

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Petition by Checker Cab of Woburn, 289R Salem Street for renewal of a Taxi Cab License for seven vehicles.

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Petition by Checker Cab of Woburn, Inc., 289R Salem Street for renewal of a Livery License for six vehicles.

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Petition by Lifeline Ambulance Service, LLC, 6A Gill Street for renewal of a Livery License for seven vehicles.

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Petition by Amandeep Singh dba HI FI Limo, 193 Main Street for renewal of Livery License for three vehicles.

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Petition by M&L Transit Systems, Inc., 60 Olympia Avenue for renewal of Common Carrier License.

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Petition by GameStop 3315, 103 Commerce Way for renewal of License to Sell Second-Hand and Personal Articles of Value and Collectibles.

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Petition by Kiwanis Club of Woburn, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Ordinances, as amended, to conduct a carnival on June 18 and 19, 2010 at Library Park.

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Petition by Bo-Peep Realty LLC, 28 Torrice Drive, Woburn, Massachusetts 01801 for two special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.7.57b to allow for accessory parking of commercial vehicles, and 2. Pursuant to Section 8.2.5 for a reduction of one-third in the required number of parking spaces for a mixed use, both at 28 Torrice Drive.

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**COMMUNICATIONS AND REPORTS:**

A communication dated March 29, 2010 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the March meeting of the Council on Aging and the Director’s report for the month of March.

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A communication dated March 17, 2010 was received from Joanne Collins, Director, Woburn Council on Aging, as follows:

Re: Woburn Senior Center “Time Capsule”

On Friday, September 18, 2008, the Woburn Senior Center held its Annual “Fall Festival”, Health and Resource Day, at the 144 School Street location. At this time a “Time Capsule”, created by Chris Doherty of the Woburn Department of Public Works, was buried in the Woburn Senior Center Courtyard. The contents of the “Time Capsule” included Woburn Council on Aging information, the Woburn Senior Center Newsletter, local newspapers, etc.

The Woburn Council on Aging plans to “open” the “Time Capsule” after it has been in the ground for twenty-five years during September 2033. We would like the future Council on Aging Board to have a sense of who we are and what life was like for seniors during the early years of the millennium. The Woburn Council on Aging Chair and Director will ensure that their successors know of the location and plan for “opening”.

Sincerely, s/Doris Stanton, Chair, Woburn Council on Aging  
s/Joanne Collins, Director, Woburn Council on Aging

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A communication dated March 29, 2010 with attachments was received from the Traffic Commission as follows:

Re: Flashing Speed Radar Signs

At its Regular Meeting on March 18, 2010, the Woburn Traffic Commission voted to forward to the City Council a copy of a written legal opinion received from the City Solicitor regarding the above matter. In brief, the opinion indicates that the Traffic Commission has jurisdiction to authorize the placement of flashing speed radar signs and that authorization should be presented to the Traffic Commission for approval prior to the actual installation of any such signage. A copy of the opinion is attached.

Further, the Traffic Commission voted to advise the City Council that the Traffic Commission will abide by the advice in the legal opinion.

Thank you for your attention to this matter.

s/William C. Campbell, City Clerk

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A communication dated April 5, 2010 with attachment was received from City Solicitor John D. McElhiney as follows:

Re: Acceptance of Easement Agreement – Trade Center Park, LLC, 100 Sylvan Road, Woburn, MA 01801

Dear Members of the City Council:

Attached is a draft Easement Agreement with attached Plan, relative to the above site, wherein the owner of the property will formally grant the necessary easements for the City water and drain lines which traverse the property in their current locations. Also included is a grant of a Pedestrian Access Easement, from Pearl Street. Finally, the acceptance of the new location of the water line will release and terminate an older location which will no longer be necessary.

The enclosed draft Easement Agreement is acceptable to both this office and the City Engineer.

Thank you for your cooperation in considering this matter.

Sincerely, s/John D. McElhiney

Attached thereto in addition to the proposed Easement Agreement was the following Order:

ORDERED That the Mayor be and is hereby authorized to execute a certain Easement Agreement by and between Trade Center Park, LLC and the City of Woburn so as to accept certain water line, drain line, and pedestrian access easements as shown on a Plan entitled "Easement Plan, 100 Sylvan Road, Woburn, MA 01801 Plan showing City of Woburn water, drain and pedestrian easement areas, scale 1" = 60' September 3, 2008" and so as to further release and terminate certain water easement rights acquired by Document No. 1379394 recorded with the Land Registration Division of the Middlesex South Registry of Deeds.

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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED

Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By deleting Section 4.4 in its entirety and replacing same with the following:
  - 4.4 In addition to the 16 districts listed in 4.2, Floodway and Flood Plain Districts are established as overlay districts and shown on the Middlesex County Flood Insurance Rate Maps for the City of Woburn dated June 4, 2010 as special Floodway and Flood Plain areas in zone AE or as shown on the Local 100 Year Floodplain Map of Woburn, Massachusetts, prepared by the City of Woburn Engineering Department, dated June 4, 2010 for 100 Year Floodplain Areas. (amended 4/15/97).
2. By deleting Section 4.5.4 in its entirety and replacing same with the following:
  - 4.5.4 Floodway and Flood Plain Districts are established as overlay districts and shown on the Middlesex County Flood Insurance Rate Maps for the City of Woburn dated June 4, 2010 as special Floodway and Flood Plain areas in zone AE. The map panels of the Middlesex County FIRM that are wholly or partially within the City of Woburn are map numbers 25017C0293E, 25017C0294E, 25017C0313E, 25017C0402E, 25017C 0404E, 25017C0406E, 25017C0407E, 25017C0408E, 25017C0409E and 25017C0426E dated June 4, 2010 or as shown on the Local 100 Year Floodplain Map of Woburn,

Massachusetts, prepared by the City of Woburn Engineering Department, dated June 4, 2010 for 100 Year Floodplain Areas.

The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk and the City Engineer.

3. By deleting Section 9.2 in its entirety and replacing same with the following:

#### 9.2 Establishment of Districts

Floodway and Floodplain Districts are established as overlay districts. The Floodway district is shown for Floodway Areas in Zone AE on the Middlesex County Flood Insurance Rate Maps for the City of Woburn, prepared by FEMA for the National Flood Insurance Program, dated June 4, 2010. The Floodplain District is shown for Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood in Zone AE on the Middlesex County Flood Insurance Rate Maps for the City of Woburn, prepared by FEMA for the National Flood Insurance Program, dated June 4, 2010, or as shown on the Local 100 Year Floodplain Map of Woburn, Massachusetts, prepared by the City of Woburn Engineering Department, dated June 4, 2010 for 100 Year Floodplain Areas.

4. By deleting Section 9.5.3 in its entirety and replacing same with the following:
  3. No occupancy permit shall be issued until the City Council, the Building Commissioner, Building Inspector, and the Board of Health have received and the City Clerk has filed a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all other permits are satisfied.
5. By deleting Section 9.6.2.1 in its entirety and replacing same with the following:
  - 1) Within zone AE where base flood elevations are provided on the FIRM: exact base elevations should be located by using the flood profiles in the Flood Insurance Study.

Within the areas shown on the Local 100 Year Floodplain Map of Woburn, Massachusetts, prepared by the City of Woburn Engineering Department, dated June 4, 2010 for 100 Year Floodplain Areas, where the base flood elevation is not shown on the Map, the applicant shall obtain any existing base flood elevation data as a basis for the elevation and flood-proofing requirements of this section and shall submit such base flood elevation data to the City Council at the time of making application for a special permit under this section. Under the Wetland

Protection Act Regulations, 310 CMR 10.57, applicants may be required to determine base flood elevations by engineering calculations.

6. By inserting a new Section 9.7 "Reference to Existing Regulations" as follows:

9.7 Reference to Existing Regulations

The Floodway and Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

1. Appendices Section of the Massachusetts State Building Code seventh edition which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
5. Woburn Wetlands Ordinance (currently Title VIII of the Woburn Municipal Code) and regulations promulgated there under.

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ORDERED Whereas, a special committee of the City Council known as the Kraft Ad Hoc Committee had been appointed to work with the Kraft Company relative to air quality control matters at the One Hill Street plant;

Now, Therefore, Be It Ordered by the Woburn City Council that the Kraft Ad Hoc Committee be reauthorized for the purposes of continuing its work and that the members shall include two Aldermen appointed by the President of the City Council, one member appointed by the Mayor, one member appointed by the Board of Health, one Business Representative appointed by the President of the City Council, and one Resident Representative appointed by the President of the City Council.

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

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RESOLVED Whereas, the Woburn School Committee approved a motion at its meeting on March 24, 2010 to bid out a School Bus Transportation Contract for a

period of five (5) years consisting of three (3) years with two (2) one-year options, the options being at the sole discretion of the School Department;

Now, Therefore, Be it Resolved by the City Council of the City of Woburn that the Woburn School Department and Woburn School Committee is hereby authorized to enter into an agreement for regular bus services for a contract duration of three (3) years with two (2) one-year options.

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

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RESOLVED Whereas, the way that runs from Lexington Street to Russell Street is in need of repair for the safety of the traveling public;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that His Honor the Mayor instruct the appropriate departments to take whatever action is necessary that will allow the city to repair and maintain the way, including obtaining any easements or other permission necessary to do so and provide a report to the City Council by its Regular Meeting on May 4, 2010.

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

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RESOLVED That His Honor the Mayor be authorized to grant an easement for the benefit of 10 Hillside Avenue a distance of five feet into the abutting city property

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

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RESOLVED Whereas, pursuant to the Help America Vote Act of 2002, Massachusetts established a process to reimburse communities for replacing lever voting machines after the 2000 election with so-called Section 102 funds disbursed to the states by the U.S. Election Assistance Commission; and

Whereas, the City of Woburn replaced its lever voting machines by vote of the City Council and approval of the Mayor effective August 7, 2001 and was eligible for such reimbursement; and

Whereas, the City of Woburn received the application package for reimbursement from the Commonwealth on August 3, 2004 and submitted a request for reimbursement on August 18, 2004 in the sum of \$96,400.00; and

Whereas, the City of Woburn has renewed its request for reimbursement from time to time since submitting the original application; and

Whereas, on February 3, 2010, the U.S. Election Assistance Commission issued a report entitled "Annual Report on Grant Programs FY2008" which indicated that the Commonwealth received \$1,519,497.00 in Section 102 funds and had on hand as of December 31, 2008 Section 102 funds in the sum of \$85,224.00; and

Whereas, if the Commonwealth does not expend the remaining Section 102 funds by November 4, 2010, the Commonwealth will be required to return the funds to the U.S. Election Assistance Commission thereby depriving the City of Woburn of the reimbursement;

Now, therefore, the City Council of the City of Woburn hereby requests that the Commonwealth of Massachusetts reimburse the City of Woburn up to \$96,400.00 from the Section 102 funds remaining in possession of the Commonwealth of Massachusetts as soon as practicable and in no event later than November 3, 2010 or such earlier date when the funds will no longer be available for reimbursement.

s/President Denaro

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RESOLVED Whereas, on March 7, 2010, while playing in her yard, six-year-old Isabella Sgroi became entangled and was in serious jeopardy of serious injury; and

Whereas, her twin sister, Grace Sgroi, seeing that Isabella was caught and having difficulty breathing, rushed to her aid, lifted her so that she could breath freely, and called out to their mother for help; and

Whereas, by her quick action, Grace Sgroi, saved her sister from more serious harm;

Now, therefore, the City Council of the City of Woburn recognizes the heroic efforts of Grace Sgroi and wishes her and her sister Isabella Sgroi the best wishes of the community and continued good luck and good health.

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

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