

**CITY OF WOBURN  
OCTOBER 5, 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 September 29, 2010 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Denaro and Members of the City Council,

I am enclosing copies of four separate, proposed administrative consent orders with penalties and notice of noncompliance, for work performed by the Department of Public Works prior to September 2009.

The state Department of Environmental Protection conducted site inspections at four different locations, and determined that the City performed activities in areas subject to jurisdiction of the Wetlands Protection Act without filing a Notice of Intent and receiving an Order of Conditions or without filing a Request for Determination of Applicability or receiving a Determination of Applicability.

The City has agreed to address the violations identified by the DEP, which will be both time-consuming and costly. However, we are still negotiating the terms of the monetary penalty.

If you have any questions, please feel free to call my office.

Sincerely, s/Scott D. Galvin, Mayor

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ORDERED That the sum of \$117,341.75 be and is hereby appropriated as so stated from Overlay Reserve Acct #01-356000 \$117,341.75 to Sick Leave Buy Back Teamsters Local Union 25 \$117,341.75.

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

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

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ORDERED That the sum of \$25,000.00 be and is hereby transferred as so stated from Senior Center Boiler Acct #0112158-586590 \$25,000.00 to Senior Center Acct #0154158-581590 \$25,000.00.

I hereby approve the above. s/Scott D. Galvin, Mayor  
I hereby recommend the above. s/Joanne Collins, Director, Senior Center  
I have reviewed the above. s/Gerald W. Surette, City Auditor

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

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ORDERED That the sum of \$25,000.00 be and is hereby transferred as so stated from BLS Ambulance Receipts Acct #39359-595000 \$25,000.00 to Ambulance Maintenance Acct #122054-544300 \$25,000.00.

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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**PUBLIC HEARINGS:**

On the petition by Mishawum Properties LLC, 275 Mishawum Road, Woburn, Massachusetts 01801 to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: Paragraph 5.f of Section 21 entitled "Mishawum Station Transit Oriented Development Overlay District" shall be amended by deleting the existing language in Section 21 5.f which states: "Parking: Parking shall be provided as set forth in Section 8.2. For mixed-use projects, parking requirements may be varied by special permit as provided under Section 8.2 All parking and circulation driveways shall meet the design and dimensional requirements of Section 8 of this Ordinance." and replacing with the following language: "Parking: 1.55 spaces per unit. For mixed-use projects, parking requirements may be varied by special permit as provided under Section 8.2. All parking and circulation driveways shall meet the design and dimensional requirements of Section 8 of this Ordinance." PUBLIC HEARING OPENED. A communication dated September

23, 2010 was received from Attorney James J. Mawn, Mawn and Mawn, P.C., 275 Mishawum Road, 4<sup>th</sup> Floor, Woburn, Massachusetts 01801 as follows:

Re: Proposed Amendments to Section 21 entitled Mishawum Station Transit Oriented Development Overlay District of the 1985 City of Woburn Zoning Ordinance as amended

Dear Sir or Madam:

Please accept this letter as request to withdraw the petition of Mishawum Properties LLC without prejudice.

Very truly yours, s/James J. Mawn

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On the petition to determine the need for repairs of that portion of a private way traversing from Russell Street to Lexington Street and shown on Assessors Map 65 as a forty (40) foot right of way. PUBLIC HEARING OPENED.

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On the petition by Alderman Richard Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 320 Main Street aka 286 Main Street, Woburn, Massachusetts, commonly referred to as the Woburn Armory, 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 a petition by Alderman Mark Gaffney to further amend the 1985 Woburn Zoning Ordinances, as amended, by amending the present zoning district of a certain parcel of land owned by the City of Woburn containing approximately 30,900 square feet of land shown on the assessors' map and designated as 42-8-16, located on Plympton Street and the site of the former Plympton Elementary School from the R-2 zoning district to the O-S zoning district. PUBLIC HEARING OPENED.

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On the petition by NASDI, LLC, 62 Holton Street, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, for the storage of building equipment pursuant to Section 5.1.43, storage and parking of commercial motor vehicles pursuant to Section 5.1.57b, and storage of storage containers and trailers pursuant to Section 5.1.57a, at 62 Holton Street. PUBLIC HEARING OPENED. A communication dated October 4, 2010 was received from Planning Director Edmund P. Tarallo as follows:

Re: NASDI, LLC – 62 Holton St. – To allow for storage of commercial vehicles, building equipment, and storage containers & trailers pursuant to Sections 5.1.57b, 5.1.57a, and 5.1.43

Dear Mr. Campbell and members of the City Council:

At the meeting held on September 28, 2010, the Planning Board voted to forward an unfavorable recommendation to the City Council on the Special Permit application of NASDI, LLC, regarding the property at 62 Holton Street to allow storage of commercial vehicles, building equipment, and storage containers & trailers pursuant to Sections 5.1.57b, 5.1.57a, and 5.1.43, because of the inadequate infrastructure on Holton Street. If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

A copy of a communication dated September 28, 2010 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 62 Holton Street, Storage of Commercial Vehicles, Building Equipment, Storage Containers, and Trailers Special Permit – Special Permit Application Dated September 2, 2010 – Site Plan dated August 31, 2010

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The petitioner is seeking permission to allow for storage of commercial vehicles and storage containers at the above referenced location.

The submitted plan shows existing conditions for the site which includes parking, and the location of the proposed outdoor storage.

It would appear that there are no proposed site changes or utility work and upon reviewing the submitted application, this office takes no exception to the special permit application as submitted.

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

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On the petition by Yankee Environmental Services, LLC, 62 Holton Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, for the storage of its commercial vehicles pursuant to Section 5.1.57b and for the storage of containers pursuant to Section 5.1.57a, at 62 Holton Street. PUBLIC

HEARING OPENED. A communication dated October 4, 2010 was received from Planning Director Edmund P. Tarallo as follows:

Re: Yankee Environmental Services, LLC – 62 Holton St. – To allow for storage of commercial vehicles, and storage containers pursuant to Sections 5.1.57b and 5.1.57a

Dear Mr. Campbell and members of the City Council:

At the meeting held on September 28, 2010, the Planning Board voted to forward an unfavorable recommendation to the City Council on the Special Permit application of Yankee Environmental Services, LLC, regarding the property at 62 Holton Street to allow storage of commercial vehicles, and storage containers pursuant to Sections 5.1.57b and 5.1.57a, because of the inadequate infrastructure on Holton Street.

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 Hughes Entertainment dba Lasercraze, 1600 Osgood Street, North Andover, Massachusetts 01845 for a special permit pursuant to Section 5.1.17b, 5.1.29 and 5.1.64 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an indoor commercial playground for laser tag and containing automatic amusement devices and a snack bar at Suite C, 15 Presidential Way. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows “ought to pass, as amended, with the amendments as follows: 1. That the special permit shall be for Hughes Entertainment dba Lasercraze only and shall not be transferable, 2. That the petitioner shall file a snowplow plan with the City Clerk, and 3. That the hours of operation shall be established at the continued public hearing.” A communication dated October 4, 2010 was received from Planning Director Edmund P. Tarallo as follows:

Re: Hughes Entertainment dba Lasercraze – 15 Presidential Way Suite C – To allow for an Indoor Commercial Playground for laser tag and containing automatic amusement devices and a snack bar pursuant to Sections 5.1.17b, 5.1.9, and 5.1.64

Dear Mr. Campbell and members of the City Council:

At the meeting held on September 28, 2010, the Planning Board voted to forward an unfavorable recommendation to the City Council on the Special Permit application of Hughes Entertainment dba Lasercraze, regarding the property at 15 Presidential Way Suite C to allow for an Indoor Commercial Playground for laser tag and containing automatic amusement devices and a snack bar pursuant to Sections 5.1.17b, 5.1.9, and 5.1.64, because of the lack of parking. This proposal is 53 spaces short of the 91 spaces required.

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

Sincerely, sEdmund P. Tarallo, Planning Director

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

On the request for approval of exemption pursuant to M.G.L. Ch. 268A, §29(b) for Anthony Giglio, committee report was received "back for action".

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On the request for approval of exemption pursuant to M.G.L. Ch. 268A, §29(b) for Roy N. Cudmore, committee report was received "back for action".

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On the request for approval of exemption pursuant to M.G.L. Ch. 268A, §29(b) for John J. Loughlin III, committee report was received "back for action".

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On the request for approval of exemption pursuant to M.G.L. Ch. 268A, §29(b) for John Golles, committee report was received "back for action".

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**NEW PETITIONS:**

Petition by Capelo's Auto Service, Inc., 22 Winn Street for transfer of a Second Class Motor Vehicle Sales License to Capelo's Garage, Inc. at 22 Winn Street.

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Petition by Francis Sindoni, 76 Marlboro Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to alter an existing non-conforming use, three (3) residential units and one (1) commercial unit on the first floor, to four (4) residential apartments at 58 Fowle Street.

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Petition by Oliveiras Steak House, 428 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 and Section 5.1 Note 16 of the 1985 Woburn Zoning Ordinances, as amended to allow a restaurant at 428 Main Street.

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**COMMUNICATIONS AND REPORTS:**

A communication dated September 22, 2010 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 August 2010: number of parking violations issued 896, number of violations paid 465, number of violations outstanding 314, amount collected and submitted to the Office of the Collector \$36,589.00. There exists a backlog of 5,201 tickets for 1982 through 2009. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$7,400.00.

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

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

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A communication dated September 20, 2010 was received from City Solicitor John D. McElhiney as follows:

Re: Legal Opinion – Condominiums vs. Apartments

Dear Members of the Council:

This is in response to a request generated by the Committee on Ordinances, asking for an opinion on whether the City Council can condition a Special Permit for a multi-family use by limiting the use to condominiums versus apartments, and/or by imposing a restriction that the units are to be owner occupied.

It is my opinion that the Council may not impose such a restriction as to "condominiums versus apartments," and may also not generally require that large multi-family use be owner-occupied.

Appellate courts in Massachusetts have ruled in a series of cases decided in the early 1980s that condominiums are a form of ownership, and not a separate "use," for zoning purposes. See *CHR General, Inc. v. City of Newton*, 387 Mass. 351 (1982), and *Bannermann et al v. City of Fall River*, 391 Mass. 328 (1984). While those particular cases involved efforts to require a Special Permit for conversion of apartments to condominiums, the Courts, in rejecting those efforts, made it clear that they do not consider the use of multi-family property to be different for zoning purposes merely because the properties are in a condominium form of ownership, versus apartments. The cases held that the general zoning powers granted to cities and towns by Chapter 40A do not include the right to regular "condominiums" versus "apartments."

Based on that line of cases, therefore, I conclude that there is no authority under zoning to attach conditions to a multi-family Special Permit which would require that the units be maintained as condominiums, versus apartments.

“Owner occupancy” is a slightly different issue, of course, in that condominiums themselves, though separately owned, may still generally be rented.

As to the imposition of a condition that a multi-family use be “owner occupied,” however, I do not see how such a condition would be upheld, since it essentially attempts to require, at a minimum, that the units be condominiums, a requirement that itself, for the reasons previously stated, cannot be imposed. Thus the Council could seemingly not do indirectly (through an owner-occupied condition), what it cannot do directly (require that units be maintained as condominiums, versus apartments).

I would not that Courts have seemingly upheld “owner-occupied” ordinances and permits, but these cases have usually involved very small, accessory apartments in single family dwellings, for example, or conversion of a single family to a two family, wherein either an ordinance or a special permit condition requires that one of the units be owner occupied. I do not feel that such cases provide any expanded authority for the imposition of a similar condition on a larger development, as such a condition would run afoul of the general principle cited above, to the effect that condominiums, per se, are not a “separate use” which may be regulated by zoning.

I trust this addresses the question posed by the Council, but if I can be of further assistance in this regard, please do not hesitate to contact me.

Sincerely, s/John D. McElhiney

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A communication dated September 13, 2010 was received from Frederick J. Gonsalves, 119 Winn Street relative to review of a special permit issued for the property located at 107 Winn Street.

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A communication was received from Joseph P. Bell, 2 Ellis Street relative to the 9/11 terrorist attack in New York City.

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A communication dated September 30, 2010 with attachments was received from Stephen M. Richmond, Beveridge & Diamond PC, 15 Walnut Street, Suite 400, Wellesley, Massachusetts 02481 relative to New England Transrail.

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A communication dated September 27, 2010 was received from Town of Wilmington relative to objection and comments of Town of Wilmington to New England Transrail, LLC’s status report.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:**

On the Order to authorize the execution of an Access Agreement allowing the installation of groundwater monitoring wells in a portion of New Boston Street.

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**APPOINTMENTS AND ELECTIONS:**

A communication dated September 27, 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 Angela Amato, 289 Washington St., to the Woburn Council on Aging to fill a term set to expire Dec. 31, 2010; subject to approval by the City Council.

The appointment fills the vacant seat of Barbara McCauley, who recently resigned from the Woburn Council on Aging.

Respectfully, s/Scott D. Galvin

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in the State Election to assemble at the polling places in the City of Woburn as designated herein, on TUESDAY, the SECOND DAY OF NOVEMBER, 2010 from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the State Election for the candidates for the following offices at the following polling places:

|                                  |                                    |
|----------------------------------|------------------------------------|
| GOVERNOR/LT. GOVERNOR .....      | FOR THIS COMMONWEALTH              |
| ATTORNEY GENERAL .....           | FOR THIS COMMONWEALTH              |
| SECRETARY OF STATE.....          | FOR THIS COMMONWEALTH              |
| TREASURER .....                  | FOR THIS COMMONWEALTH              |
| AUDITOR.....                     | FOR THIS COMMONWEALTH              |
| REPRESENTATIVE IN CONGRESS ..... | SEVENTH DISTRICT                   |
| COUNCILLOR.....                  | SIXTH DISTRICT                     |
| SENATOR IN GENERAL COURT.....    | 2 <sup>nd</sup> MIDDLESEX DISTRICT |
|                                  | (Ward 2)                           |
| SENATOR IN GENERAL COURT.....    | 4 <sup>TH</sup> MIDDLESEX DISTRICT |

(Wards 1, 3, 4, 5, 6, 7))

REPRESENTATIVE IN GENERAL COURT...15<sup>th</sup> MIDDLESEX DISTRICT  
 (Wards 1, 7)

REPRESENTATIVE IN GENERAL COURT...30<sup>th</sup> MIDDLESEX DISTRICT  
 (Wards 2, 3, 4, 5, 6)

DISTRICT ATTORNEY .....NORTHERN DISTRICT  
 SHERIFF.....MIDDLESEX COUNTY

| <u>Ward-Precinct</u> | <u>Polling Place Location</u>   |
|----------------------|---|
| 1-1                  | Joyce Middle School Library<br>55 Locust Street                         |
| 1-2                  | Clapp Elementary School Cafeteria<br>40 Hudson Street at Arlington Road |
| 2-1                  | Shamrock Elementary School Gymnasium<br>60 Green Street                 |
| 2-2                  | Shamrock Elementary School Gymnasium<br>60 Green Street                 |
| 3-1                  | Hurld Elementary School Gymnasium<br>75 Bedford Road                    |
| 3-2                  | Hurld Elementary School Gymnasium<br>75 Bedford Road                    |
| 4-1                  | Wyman Elementary School Auditorium<br>679 Main Street at Eaton Avenue   |
| 4-2                  | White Elementary School Gymnasium<br>36 Bow Street                      |
| 5-1                  | Kennedy Middle School Gymnasium<br>41 Middle Street                     |
| 5-2                  | Kennedy Middle School Gymnasium<br>41 Middle Street                     |
| 6-1                  | Altavesta Elementary School Gymnasium<br>990 Main Street                |
| 6-2                  | Altavesta Elementary School Gymnasium<br>990 Main Street                |

7-1 Reeves Elementary School Gymnasium  
240 Lexington Street

7-2 Reeves Elementary School Gymnasium  
240 Lexington Street

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

**SUMMARY**

This proposed law would remove the Massachusetts sales tax on alcoholic beverages and alcohol, where the sale of such beverages and alcohol or their importation into the state is already subject to a separate excise tax under state law. The proposed law would take effect on January 1, 2011.

*A YES VOTE* would remove the state sales tax on alcoholic beverages and alcohol where their sale or importation into the state is subject to an excise tax under state law.

*A NO VOTE* would make no change in the state sales tax on alcoholic beverages and alcohol.

**QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

**SUMMARY**

This proposed law would repeal an existing state law that allows a qualified organization wishing to build government-subsidized housing that includes low- or moderate-income units to apply for a single comprehensive permit from a city or town's zoning board of appeals (ZBA), instead of separate permits from each local agency or official having jurisdiction over any aspect of the proposed housing. The repeal would take effect on January 1, 2011, but would not stop or otherwise affect any proposed housing that had already received both a comprehensive permit and a building permit for at least one unit.

Under the existing law, the ZBA holds a public hearing on the application and considers the recommendations of local agencies and officials. The ZBA may grant a comprehensive permit that may include conditions or requirements concerning the height, site plan, size, shape, or building materials of the housing. Persons aggrieved by the ZBA's decision to grant a permit may appeal it to a court. If the ZBA denies the permit or grants it with conditions or requirements that make the housing uneconomic to build or to operate, the applicant may appeal to the state Housing Appeals Committee (HAC).

After a hearing, if the HAC rules that the ZBA's denial of a comprehensive permit was unreasonable and not consistent with local needs, the HAC orders the ZBA to issue the permit. If the HAC rules that the ZBA's decision issuing a comprehensive permit with conditions or requirements made the housing uneconomic to build or operate and was not consistent with local needs, the HAC orders the ZBA to modify or remove any such condition or requirement so as to make the proposal no longer uneconomic. The HAC cannot order the ZBA to issue any permit that would allow the housing to fall below minimum safety standards or site plan requirements. If the HAC rules that the ZBA's action was consistent with local needs, the HAC must uphold it even if it made the housing uneconomic. The HAC's decision is subject to review in the courts.

A condition or requirement makes housing "uneconomic" if it would prevent a public agency

or non-profit organization from building or operating the housing except at a financial loss, or it would prevent a limited dividend organization from building or operating the housing without a reasonable return on its investment.

A ZBA's decision is "consistent with local needs" if it applies requirements that are reasonable in view of the regional need for low- and moderate-income housing and the number of low-income persons in the city or town, as well as the need to protect health and safety, promote better site and building design, and preserve open space, if those requirements are applied as equally as possible to both subsidized and unsubsidized housing. Requirements are considered "consistent with local needs" if more than 10% of the city or town's housing units are low- or moderate-income units or if such units are on sites making up at least 1.5% of the total private land zoned for residential, commercial, or industrial use in the city or town. Requirements are also considered "consistent with local needs" if the application would result, in any one calendar year, in beginning construction of low- or moderate-income housing on sites making up more than 0.3% of the total private land zoned for residential, commercial, or industrial use in the city or town, or on ten acres, whichever is larger.

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

**A YES VOTE** would repeal the state law allowing the issuance of a single comprehensive permit to build housing that includes low- or moderate-income units.

**A NO VOTE** would make no change in the state law allowing issuance of such a comprehensive permit.

### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

#### **SUMMARY**

This proposed law would reduce the state sales and use tax rates (which were 6.25% as of September 2009) to 3% as of January 1, 2011. It would make the same reduction in the rate used to determine the amount to be deposited with the state Commissioner of Revenue by non-resident building contractors as security for the payment of sales and use tax on tangible personal property used in carrying out their contracts.

The proposed law provides that if the 3% rates would not produce enough revenues to satisfy any lawful pledge of sales and use tax revenues in connection with any bond, note, or other contractual obligation, then the rates would instead be reduced to the lowest level allowed by law.

The proposed law would not affect the collection of moneys due the Commonwealth for sales, storage, use or other consumption of tangible personal property or services occurring before January 1, 2011.

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

**A YES VOTE** would reduce the state sales and use tax rates to 3%.

**A NO VOTE** would make no change in the state sales and use tax rates.

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

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**ORDERED** That due to the State Election the Regular Meeting scheduled for November 2, 2010 is canceled.

s/Alderman Gately

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ORDERED That the Committee on Ordinances re-evaluate Title 12 of the 1989 Woburn Municipal Code, as amended with respect to requiring that unless work conducted by utilities on underground service is repair only then a permit must issue from the City Council, and further that any work in excess of forty (40) linear feet shall not be considered repair but work requiring City Council approval.

s/Alderman Gately

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RESOLVED That in the interests of public safety, the Traffic Commission take the steps necessary to establish a four-way stop sign restriction at the intersection of Garfield Avenue and Jefferson Avenue.

s/Alderman Gately

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RESOLVED Whereas all work has been completed in the roadway of Prospect Street and Eastern Avenue, that His Honor the Mayor advise the status of when both public ways will be repaved.

s/Alderman Gately

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RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Fairmount Street side to side from Montvale Avenue to High Street.

s/Alderman Gately

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RESOLVED Whereas all work on Carter Street has been completed, including curbing and sidewalk, cement-lined water main completed, drainage improvements completed and sewer problems have been addressed and resolved, and the street is ready for a final course of hot top, that His Honor the Mayor instruct the Superintendent of Public Works to repave Carter Street from Garfield Avenue to Bryant Street.

s/Alderman Gately

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