

**CITY OF WOBURN
NOVEMBER 16, 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: None.

PUBLIC HEARINGS:

On the petition by National Grid for a grant of right in a way to replace an existing underground regulator vault and associated piping on the corner of Montvale Avenue and Washington Street with a new prefabricated regulator station on Washington Street, approximately 150 feet north of Montvale Avenue and the installation of approximately 150 feet of six (6) inch plastic gas main from the intersection of Montvale Avenue to the new regulator station. PUBLIC HEARING OPENED. A communication dated October 25, 2010 was received from Acting Superintendent of Public Works Thomas Quinn as follows: "1. Night work only, hours 7:00 p.m. to 7:00 a.m.; 2. Replace all granite curb, if necessary; 3. Replace any concrete that is damaged; 4. Replace any sidewalk that is damaged; 5. Do not start any work without police details on site; 6. Control cabinets must be set for handicapped access on the sidewalk; 7. All plates on streets must be recessed (no exceptions)."

On the petition by Ruth Lennon, 22 Hart Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow import of approximately 300 cubic yards of gravel to raise elevation to 96.00 feet at 22 Hart Street. PUBLIC HEARING OPENED. A communication was received from Rick Lennon as follows:

Subject: 22 Hart Street Permit

Dear Sir,

I have a pending application to import fill at 22 Hart Street scheduled for Tuesday, November 16th, 2010. Due to lack of permit information, I respectfully request a continuance to Dec. 7th, 2010.

Thank you, Rick Lennon

On the petition by 2 Merrill Street LLC, 3 Merrill Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing non-conforming use and structure to provide for the addition of an approximately 34 foot by 22 foot cold storage unit to the rear of the existing building; an 8 foot by 10 foot hydraulic loading dock on the existing paved surface, and exterior building improvements as shown on plan filed with petition, at 3 Merrill Street. PUBLIC HEARING OPENED. A communication dated November 10, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 2 Merrill Street LLC – 3 Merrill Street – To allow for the alteration of the existing non-conforming use and structure to provide for the addition of a 34'x 22' cold storage unit to the rear of the existing building; an 8'x10' hydraulic loading dock on the existing paved surface; and exterior building improvements pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on November 9, 2010, the Board voted to send a favorable recommendation to the City Council to allow for the alteration of the existing non-conforming use and structure to provide for the addition of a 34'x 22' cold storage unit to the rear of the existing building; an 8'x10' hydraulic loading dock on the existing paved surface; and exterior building improvements pursuant to Section 7.3 at 3 Merrill Street based on the "Proposed Site Plan" DWG. NO 1 revised 11/9/10 subject to the following conditions:

1. That the proposed parking shall be for 11 spaces as shown on the revised plan;
2. That two dumpsters shall be enclosed by a sight impervious fence as shown on the revised plan;
3. That the permission from Massachusetts Water Resource Authority to cross the 20 foot wide easement that is required shall be provided to the City Engineer prior to the obtaining of a building permit;
4. That all construction shall be in compliance with the requirements of the Woburn Conservation Commission; and
5. That the Planning Board shall retain jurisdiction over the landscaping.

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

On the 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. PUBLIC HEARING OPENED. A communication dated November 4, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Francis Sindoni – 58 Fowle Street – To alter existing non-conforming 3 residential units and first floor commercial unit building to 4 apartments

Dear Mr. Campbell and members of the City Council:

At the meeting held on October 19, 2010, the Planning Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Francis Sindoni, 58 Fowle Street, to alter existing non-conforming 3 residential units and first floor commercial unit building to 4 apartments, subject to the following conditions:

1. That Parcels A and B be required to be used as one lot in accordance with this Special Permit;
2. That the petitioner provide prior to occupancy an agreement for access to the parking from the abutting parking area;
3. That the parking aisle as shown on the plan shall be at least 24’;
4. That the Planning Board shall approve a landscaping plan and the Board shall retain jurisdiction over the landscaping; and
5. That the dumpster shall be screened by a sight impervious fence.

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

Sincerely, s/Erin Rowe, City Planner

On the petition by 335 Washington Street LLC, 394 Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 7.3 and 57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the pre-existing non-conforming use and structure containing approximately 53,379 square feet of gross floor area and 228 parking spaces to allow for: 1. An automotive parts store in Unit 3 consisting of approximately 7,000 square feet of net floor area, 2. The overnight parking of commercial vehicles, and 3. To provide for 221 parking spaces, at Unit 3, 335 Washington Street. PUBLIC HEARING OPENED. A communication dated November 12, 2010 was received from the Woburn Planning Board stating that the matter had been continued until the Planning Board’s meeting on November 30, 2010.

On the 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. PUBLIC HEARING OPENED. A communication dated November 4, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Oliveiras Steak House – 428 Main Street – To transfer ownership from Bahamas Grill to Oliveiras Steak House

Dear Mr. Campbell and members of the City Council:

At the meeting held on October 19, 2010, the Planning Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Oliveiras Steak House, 428 Main Street, to transfer ownership from Bahamas Grill to Oliveiras Steak House, subject to the following conditions:

1. That the hours of operation shall be limited to between 6:00 A.M. and 11:00 P.M.; and
2. That the Special Permit is for Oliveiras Steak House only and shall not be transferable.

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

Sincerely, s/Erin Rowe, City Planner

On the petition by Monarch Homes, Inc., 13 Wheeling Avenue, Woburn, Massachusetts 01801 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 22.E.d to allow for a 33 unit, 35 bed Alzheimer’s Residence, and 2. Pursuant to Sections 8.6.2 and 22.H.2 to allow for an exception to the area and landscaping requirements in Section 8.6.2, at Lot A, 859 Main Street. A communication dated November 12, 2010 was received from the Woburn Planning Board stating that the matter had been continued until the Planning Board’s meeting on November 30, 2010. PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$25,000.00 from BLS Ambulance Receipts Account to Ambulance Maintenance Account, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$117,341.75 from Overlay Reserve Account to Sick Leave Buy Back Teamsters Local Union 25 Account, committee report was received “ought to pass”.

On the Order to purchase certain real property owned by Northeastern University for a total purchase price of \$6,700,000.00 and to authorize the acceptance of a Land and Water Conservation Fund Act in the sum of \$500,000.00, committee report was received “ought to pass”.

On the Order to declare a permanent and perpetual restriction on the use of the land to be acquired from Northeastern University, committee report was received “ought to pass”.

On the Order to amend the authorization to borrow \$7,000,000.00 to acquire Whispering Hill Property adopted on June 1, 2010, committee report was received “ought to pass”.

On the Order to authorize a bond in the sum of \$1,250,000.00 for roof repairs at the Joyce Middle School, committee report was received “ought to pass”.

On the Order to authorized a bond in the sum of \$1,650,000.00 for roof repairs at the Kennedy Middle School, committee report was received “ought to pass”.

On the Order to rescind an Order adopted May 11, 2010 to authorize borrowing of \$1,700,000.00 for roof repairs at the Kennedy Middle School, committee report was received “ought to pass”.

ORDINANCES:

On the Order to add a new Section 9-17D to the 1989 Woburn Municipal Code, as amended, relative to signs on Woburn Common, committee report was received “ought to pass”.

PERSONNEL:

On the appointment of Angela Amato as a Member of the Woburn Council on Aging, committee report was received “ought to pass”.

POLICE AND LICENSES:

On the petition to allow the transfer of an Inflammable License to Global Companies LLC at 23 Pleasant Street, committee report was received “ought to pass, with the conditions as follows: 1. That the conditions of the previous license at the location be adopted, and 2. That the license shall be non-transferable.”

On the petition to allow the transfer of a Second Class Motor Vehicle Sales License to Capelo’s Garage Inc. at 22 Winn Street, committee report was received “ought to pass, with the conditions as follows: 1. That the conditions of the previous license be adopted, and 2. That the license shall be non-transferable.”

On the petition by Ram Electrical Consulting & Contracting Corporation for a new Livery License, committee report was received “ought to pass, with the conditions as follows: 1. That the license shall be non-transferable, 2. That the license shall be subject to the applicable provisions of the Woburn Municipal Code, 3. That the company shall be in good standing with the Office of the Massachusetts Secretary of State, and 4. That the vehicle shall be registered in Woburn.”

NEW PETITIONS:

A communication dated November 4, 2010 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 Alderman Gately and Council Members:

Request is made for a removal of condition #2 of a special permit granted on March 25, 2010 for the property at 22 Torrice Drive. That condition stated that:

“prior to a 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.”

That slope has been graded at the side and rear area for over 6 months and has proven to be well established and stable. It is our position that the stability of the slope has been

established to a degree of certainty which would render and engineer's certification unnecessary. The storm water runoff has also provide to be completely contained on site.

Therefore, we would respectfully request that condition #2 be permanently removed from the special permit approval.

Very truly yours, s/Mark J. Salvati

A communication dated November 15, 2010 was received from John Beauchamp and Anne Beauchamp, 224 School Street

Dear Mr. Campbell and members of the City Council,

Please find the following amendment to the condition attached to the special permit related to the installation of a fence @ 222-224 School St.

The New Condition shall read as such:

Two - 8' foot sections of 4' white vinyl fence will be installed along the westerly property line beginning 28 feet from the property line along School street and continuing at a height of 6' for the remaining length of the property.

Please advise if you have any questions

Thank you.

John & Anne Beauchamp

Petition by NSTAR Electric Company and Verizon New England, Inc. for a grant of right in a way to install two new poles 187/3, 187/4 on Massachusetts Avenue southeasterly side approximately 275 feet northeast of Wheeling Street.

Petitions for renewal of First Class Motor Vehicle Sales Licenses by Lawless Chrysler Jeep, Inc., 196 Lexington Street; R.C. Olsen Cadillac, Inc., 199-201 Cambridge Road; Woburn Foreign Motors, Inc., 394 Washington Street; and Woodco Machinery, Inc., 22 North Maple Street.

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Bob McSheffrey Auto Sales, 891 Main Street; C.N. Wood Company, Inc., 200 Merrimac Street; EC Inc. dba XPress Fuel, 505 Main Street; Jeffrey Pollock dba Exclusive Automobiles, 7 Independence Drive; George J. Hamilton dba George's Auto Body, 19 Jefferson Avenue, Unit C; J.C. Auto Sales, 84-86 Winn Street; Joseph P. Mahoney Co., Inc., 293 Salem

Street; Oliver M. McDermottroe dba McDermottroe Auto Sales, 229 Lexington Street; Velozo Enterprises, Inc. dba Rogers Radiator; Francis Garbino dba Tom's Auto Body, 10R Green Street; Donald J. Socorelis dba Woburn Glass Co., 243 Main Street; David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue #4.

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

COMMUNICATIONS AND REPORTS:

A communication dated October, 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 September 2010: number of parking violations issued 963, number of violations paid 508, number of violations outstanding 331, amount collected and submitted to the Office of the Collector \$39,890.80. There exists a backlog of 5,188 tickets for 1982 through 2009. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$8,000.00.

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

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

A communication dated November 5, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 159-175 Main Street – Special Permit – Review of Compliance

Dear Mr. Campbell and Members of the City Council:

The Woburn Planning Board voted at their October 19, 2010 meeting to request that the City Council review the special permit granted by the City Council on April 15, 2009 to the property at 159-175 Main Street. The Planning Board is presently reviewing compliance with condition 3 based on a complaint from Alderman Gately. However, the Board believes that the City Council should also conduct a complete review of the entire decision for compliance with the decision.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

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

Re: Woburn Armory – 320 Main Street (aka 286 Main Street)

Dear Members of the Council:

This is in response to your request for an opinion regarding how the restrictions and/or covenant on the deed to the above referenced property will affect the City of Woburn, and also as to whether the property can be taken by eminent domain.

Historic Covenants in Deed

The Deed to the current owner, from the Commonwealth of Massachusetts, contains several historic covenants (a copy of which deed and covenants is attached hereto), which covenants have the effect of requiring advance written approval from the Massachusetts Historical Commission (hereafter “MHC”) before any structural change can be made to the Armory. A demolition would fall within that term “structural change.”

Private deed restrictions are generally enforceable between the parties only, or their successors in interest, meaning that the owners of the property, as well as succeeding owners, are bound by the restrictions, which are enforceable against them by the party which imposed the restrictions, in this case the Commonwealth of Massachusetts, acting through the MHC.

The Council, of course, is in the midst of a proceeding under G.L. Chapter 139, relative to the declaration of a nuisance and the appropriate remedy or action to be imposed. It is my understanding that the Council has already voted to declare the property a nuisance, but has continued the question of what specific remedial action it will order, for a period of ninety (90) days. Assuming that the Council may be contemplating an order to demolish the building, the question arises as to whether the deed restrictions will preclude the same. For the reasoning set forth below, I am of the opinion that they would not.

There are no cases of which I am aware which address the specific issue at hand, i.e. does a City Council order to demolish a building, made pursuant to G.L. Chapter 139, have the effect of superseding or trumping a private deed restriction which requires the approval of a prior owner in order to demolish the structure?

In the absence of any such case law, and notwithstanding that the holder of the right to enforce the historic covenants is a public agency (MHC), I would lean towards giving more weight to the statutory authority of a City Council to abate and remove a nuisance pursuant to the G.L. Chapter 139, which, in my view, would effectually supersede any conflicting authority held by virtue of a private deed restriction. The City of Woburn is not a party to the deed. Thus while the existence of such a private deed restriction may well prevent the owner, or any subsequent owner, from voluntarily demolishing the building without prior approval from the MHC, the Council has separate and distinct authority with which to avail itself of the full range of remedies provided under the nuisance statute (G.L. Chapter 139) including an Order relative to the demolition or removal of any “burnt, dangerous, or dilapidated building or structure, or the securing of the same.”

Whether the drastic step of demolition is appropriate under all the circumstances is a decision left to the sound discretion of the City Council. It may well be hoped, of course, that the next ninety days will produce a resolution which will avoid such action, and which will not put the action of the Council in conflict with the terms of the private deed restriction. In the event that a conflict cannot be avoided, however, it is my view that action pursuant to the public nuisance statute would prevail over the ability of MHC to enforce the private deed restriction.

I would note, however, that any order of demolition under the public nuisance statute would not necessarily relieve the city from compliance with its own “Demolition Delay Ordinance,” presently set forth in Title 15, Article V. The Ordinance has the force of law, and is binding on all who seek to voluntarily demolish buildings over seventy-five years of age. There is, as you may know, provision within the Demolition Delay Ordinance for an “emergency demolition” if, after inspection, the Building Commissioner finds that the building subject to the Ordinance poses “an immediate threat to the public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure.” Short of such a finding by the Building Commissioner, however, any voluntarily demolition by the City following an Order under the nuisance statute would require compliance with the normal provisions of the Demolition Delay Ordinance, i.e. Woburn Historical Commission approval, or the passage of one year from an application to demolish.

Eminent Domain

As to the issue of whether the property can be taken by eminent domain, virtually any property within the City can, in theory, be taken by eminent domain, provided that requisite steps are taken under G.L. Chapter 79, which steps include the requirement that an appraisal be performed in order to determine fair market value. Following such an appraisal, the Council could, if it saw fit, adopt an Order of Taking, which Order must state the purpose for which the property is being taken, and must also set forth an award of damages for the fair value of the property so taken. The Mayor and City Council would also have to appropriate the necessary monies to pay the damages which have been ascertained.

Normally, a taking by eminent domain wipes out any easements or restrictions that are held on the property. There is an open question, however, as to whether such a taking would have the effect of wiping out the historic covenants. In other words, if the City becomes the new owner of the property by virtue of taking it by eminent domain, there is a special statute that might allow the covenants to endure and be enforceable against the City. G.L. Chapter 79, Section 5A indicates that no property “owned, preserved, and maintained by any historical organization as property of historical or antiquarian interest shall be taken without leave of the general court.” While the MHC does not, in a practical sense, “own, preserve, and maintain” the Armory, it does “own and maintain” certain rights to the property, i.e. the rights to enforce the historical covenants. Whether the holding of those covenants is enough to bring MHC within the provisions of Section 5A, meaning the covenants would survive an eminent domain taking, is a debatable question. I will respectfully defer further answering that question at present. If the Council should seriously wish to pursue the eminent domain process, however, I would be glad to revisit the question, and attempt to provide a more definitive answer.

In summary as to the eminent domain question, the City could theoretically take the property by eminent domain if it goes through the appraisal process, determines fair damages, appropriates the money for the same, and designates a public purpose for which the property is taken. An open question remains on whether the City would still be subject in such event to the historic covenants on the deed.

I am hopeful that this provides the Council with some guidance in this matter, and I stand ready to be of further assistance.

Sincerely, s/John D. McElhiney

A communication dated November 9, 2010 with attachments was received from City Solicitor John D. McElhiney as follows:

Re: Special Legislation Allowing the Acceptance of Streets as Public Ways

Dear Members of the Council:

Enclosed please find a revised Order relative to the Special Legislation to allow the City to accept streets as public ways in a relatively simplified manner. I believe the revised Order addresses the comments which had previously been forwarded by the State Delegation. In addition, there is attached to the Order “Exhibit A” which contains a list of the streets which might be subject to the new procedure.

Please note that even if the legislation is passed, each street on the list would have to separately go through the process. However, the legislation would allow that process to be somewhat expedited and simplified.

Thank you for your anticipated cooperation in adopting the Order.

Sincerely, s/John D. McElhiney

Attached thereto was the following Order:

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

An Act relative to the Acceptance of Streets as Public Ways in the City of Woburn

- Section 1. Notwithstanding sections 1-13, inclusive, of chapter 82 of the General laws, or any other general or special law to the contrary, the city of Woburn may accept as public ways, in accordance with the terms hereof, any one or more of the streets and ways listed on Exhibit A, attached hereto and incorporated herein, provided, however, that acceptance as a public way shall become final only after:
- a. The layout of the way has been ordered and approved by the city council after a duly called public hearing of which 14 days prior notice in a newspaper of general circulation in the city has been given, and of which notice is sent by mail, postage prepaid, to the owners of record, as determined by assessors' records, who abut said street or way; and
 - b. An order of layout has been filed in the office of the city clerk, containing a description of or reference to a plan showing, the boundaries and measurements of the way, which may be an already existing approved and recorded definitive subdivision plan; and
 - c. Either (1) the city council has determined that the city already holds land or easements for the purposes of the public way and has filed that determination with the City Clerk, provided that there shall be a presumption that the city already holds said easements or land for these purposes with respect to any way that has been opened to public use and maintained by the city for 20 years or more; or (2) the city council has determined it is necessary to acquire land or easements for the purposes of the public way and the City Council has acquired said land or easements by gift, purchase or eminent domain, provided further,

notwithstanding chapter 79 of the General Laws, no appraisal of damages shall be required prior to any taking for the purposes of this Act.

Section 2. This Act shall take effect upon its passage.

EXHIBIT A - STREETS FOR ACCEPTANCE CONSIDERATION

Street	From Street to Street
1 ADELE ROAD	NEW INDUSTRIAL ROAD - CUL_DE_SAC
2 ALBERT DRIVE	MILL STREET - DEAD END
3 ALTAVESTA CIRCLE	MAIN STREET - CUL_DE_SAC
4 ANTHONY DRIVE	BEACH STREET - CUL_DE_SAC
5 ARROW DRIVE	WILDWOOD ROAD - DEAD END
6 ATLANTIC AVENUE	COMMERCE WAY - DEAD END
7 BATTLEMARCH WAY	SYLVANUS WOOD LANE - CUL_DE_SAC
8 BELFORD CIRCLE	STEVIN DRIVE - CUL_DE_SAC
9 BIRCHWOOD LANE	MISHAWUM ROAD - CUL_DE_SAC
10 BLUEBERRY HILL ROAD	GARFIELD AVENUE - DEAD END
11 BONNIE WAY	ROCK STREET - CUL_DE_SAC
12 BRADFORD ROAD	BLUEBERRY HILL ROAD - CUL_DE_SAC
13 BRIARWOOD ROAD	WINTER STREET - CUL_DE_SAC
14 BURLWOOD LAND	STONEWALL DRIVE - DEAD END
15 CABOT ROAD	COMMERCE WAY - DEAD END
16 CARMEN TERRACE	PINE STREET - CUL_DE_SAC
17 CEDARWOOD ROAD	BRIARWOOD ROAD - CUL_DE_SAC
18 CHANDLER STREET	WOOD STREET - PACKARD STREET
19 COLUMBUS ROAD	CUL_DE_SAC - LOCUST STREET
20 COMMONWEALTH AVENUE	COMMERCE WAY - DEAD END
21 EMELINE STREET	EDITH STREET - CUL_DE_SAC
22 EVERBERG ROAD	NEW INDUSTRIAL ROAD - CUL_DE_SAC
23 FOX ROAD	BLUEBERRY HILL ROAD - CUL_DE_SAC
24 HENRY AVENUE	PAUL AVENUE - WILLIAM AVENUE
25 HERITAGE DRIVE	RIDGEWOOD LANE - CUL_DE_SAC
26 KATIE WAY	ROCK STREET - CUL_DE_SAC
27 KOSCIUSKO CIRCLE	SYLVANUS WOOD LANE - CUL_DE_SAC
28 LAKE CIRCLE	LAKE TERRACE - CUL_DE_SAC
29 LAKE TERRACE	DEAD END - LAKE AVENUE
30 LAUREL STREET	HARVARD STREET - DEAD END
31 LOKER LANE	MAPLE AVENUE - CUL_DE_SAC

32	LYDON COURT	MAIN STREET - DEAD END
33	MANNY TERRACE	PLEASANT STREET - CUL_DE_SAC
34	MCDEVITT DRIVE	BURLWOOD LAND - CUL_DE_SAC
35	MORNINGSIDE CIRCLE	NEW VILLAGE ROAD - CUL_DE_SAC
36	MORNINGSIDE DRIVE	NEW VILLAGE ROAD - HIGHVIEW ROAD
37	NASON CIRCLE	WASHINGTON CIRCLE - CUL_DE_SAC
38	NEW INDUSTRIAL ROAD	NEW BOSTON STREET - MISHAWUM ROAD
39	NEW VILLAGE ROAD	CAMBRIDGE STREET - DEAD END
40	OAKKNOLL ROAD	RAG ROCK DRIVE - CUL_DE_SAC
41	OREGON AVENUE	DEWEY AVENUE - DEAD END
42	PIGEON ROAD	EAGLE ROAD - CUL_DE_SAC
43	RAG ROCK DRIVE	BEDFORD ROAD - CUL_DE_SAC
44	RIDGEWOOD LANE	WALTHAM STREET - CUL_DE_SAC
45	SONAR DRIVE	GARFIELD AVENUE - CUL_DE_SAC
46	SPARTAN CIRCLE	PENTO ROAD - CUL_DE_SAC
47	STATE STREET	OLYMPIA AVENUE - DEAD END
48	STEPHANIE CIRCLE	SALEM STREET - CUL_DE_SAC
49	STEVIN DRIVE	RUSSELL STREET - WINDSOR DRIVE
50	STRAWBERRY LANE	LEXINGTON STREET - CUL_DE_SAC
51	SYLVAN ROAD	BURLINGTON TOWN LINE - DEAD END
52	SYLVANUS WOOD LANE	CAMBRIDGE STREET - CUL_DE_SAC
53	TEDESCO DRIVE	MERRIMAC STREET - CUL_DE_SAC
54	TORY ROW	SYLVANUS WOOD LANE - DEAD END
55	WESTVIEW TERRACE	SALEM STREET - DEAD END
56	WILLIAM AVENUE	MONTVALE AVENUE - PAUL AVENUE
57	WINDSOR DRIVE	STEVIN DRIVE - DEAD END

s/Alderman _____

A copy of a communication dated November 4, 2010 with attachment to His Honor the Mayor Scott D. Galvin was received from Maureen T. Marcucci, Retirement Administrator, Woburn Retirement System as follows:

Re: Updated Funding Schedule and FY11 Appropriation/Woburn Retirement System

Dear Mayor Galvin:

Attached you will find a copy of the latest Public Employee Retirement Administration Commission (PERAC) approved funding schedule as most recently adopted by the Woburn Retirement Board after conducting an updated January 1, 2010 Actuarial

Valuation of the City of Woburn Contributory Retirement System. A copy of the complete updated valuation report is enclosed.

This PERAC approved funding schedule includes a FY11 Employer Cost amounting to \$4,662,616.00. The City of Woburn's share of this appropriation equals \$4,464,665.00 as previously verified in our December 4, 2009 written notice to the City Auditor for inclusion in the City of Woburn FY11 Budget. However, the FY11 Budget adopted by the City included an amount equal to \$4,333,616.00, a \$131,049.00 shortfall from the required appropriation. Note the G.L. c. 32, s. 22(7)(c)(iv) states:

If any governmental unit fails to include any amounts so certified in its appropriations for such fiscal year, the assessors or other taxing authorities shall nevertheless include such amounts in the next tax levy. All amounts so certified shall be a legal obligation of any such governmental unit and may be recovered in an action or contract by the retirement board of any such contributory retirement system.

Since the approved funding schedule is predicated on receipt of the full appropriation in each fiscal year, and the statute requires inclusion of any amounts so certified, this \$131,049.00 shortfall is currently due and payable to the City of Woburn Contributory Retirement System.

Very truly yours, Woburn Retirement Board
s/Maureen T. Marcucci, Retirement Administrator

A copy of a communication dated November 2, 2010 with attachments to Woburn Retirement System was received from Joseph E. Connarton, Executive Director, Massachusetts Public Employee Retirement Administration Commission as follows:

Re: Appropriation for Fiscal Year 2012

Required Fiscal Year Appropriation: \$4,913,904

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2012 which commences July 1, 2011.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2012 appropriation to be paid by each of the governmental units within your system.

If your System has a valuation currently in progress, you may submit a revised funding schedule to PERAC upon its completion. The current schedule is/was due to be updated by Fiscal Year 2014.

If you have any questions, please contact PERAC's actuary, Jim Lamenzo.

A communication dated October 25, 2010 was received from Jack Ahern, Professor, University of Massachusetts Amherst, Department of Landscape Architecture and Regional Planning, 109 Hills North, 111 Thatcher Road, Ofc 1, Amherst, Massachusetts 01003-9357 as follows:

Dear Mayor Galvin, Council President Denaro and Planning Director Tarallo,

Enclosed are 20 copies of our report on the Western Greenway Study for Woburn – including specific comments and recommendations pertaining to the potential acquisition of Whispering Hill and Shannon Farm, and for recommended use(s) for the new city property at Winning Farm. The report was devised to respond to specific comments from Planning Director Tarallo. I am also including a digital pdf copy of the full report, which can be distributed electronically, or printed if additional copies are needed.

With this submission the contract agreement is complete and the balance of \$2500 is payable to: Dept. of Landscape Architecture and Regional Planning, 109 Hills North, University of Massachusetts, Amherst, MA 01003.

Thank you all for this opportunity, I wish each of you and your fine city all the best for the future, and thank you for this rewarding opportunity.

Sincerely, s/Jack Ahern, Professor

A communication dated October 27, 2010 was received from Gary Fuller, Chairman, Festival on the Common, as follows:

Dear Members of the Council,

The members of Festival on the Common respectfully request the opportunity to address the City Council. This matter simply regards the Committee’s desire to openly thank the city of all the support given to this event. We are truly appreciative and would like to acknowledge the mayor, council members and the city as a whole.

Respectfully, s/Gary Fuller, Chairman, Festival on the Common

A communication dated November 10, 2010 was received from Mary F. Piazza and Frank C. Piazza, 15 Cummings Avenue requesting the assistance of the City Council in resolving a public safety issue relative to a bush blocking line of sight to vehicles.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Regular Meeting of the City Council to be held on December 21, 2010 shall begin at 7:00 p.m.

s/Alderman _____

ORDERED That pursuant to the 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the City of Woburn Police Department request to dispose of a 2007 Dodge Charger Police Cruiser (VIN #2B3KA43G47H648406) which the police department has determined is of no value to the department and which no other department has expressed an interest in obtaining.

s/Alderman _____

ORDERED That pursuant to the 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the City of Woburn Police Department request to dispose of the following undercover police vehicles that are no longer operational and which the police department has determined is of no value to the department and which no other department has expressed an interest in obtaining. Both of these vehicles were seized during narcotics investigations and were obtained at no cost to the city of Woburn.

1. 1995 Ford Bronco Utility VIN #1FMEU15H7SLA67061 mileage in excess of 100,000 miles.
2. 1990 Toyota Sedan VIN #JT2SV21E2L0351456 mileage in excess of 150,000 miles.

s/Alderman _____

ORDERED That due to increased costs of advertising, the filing fee for petitions to the City Council for special permits, inflammable licenses and zoning amendments shall be \$200.00 effective January 1, 2011.

s/Alderman _____

Motion made and 2nd to ADJOURN.