

**CITY OF WOBURN
APRIL 2, 2013 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$39,000.00 be and is hereby transferred as so stated from Inspections Salary Acct #0125151-511000 \$39,000.00 to Inspections/Vehicle & Copier Acct #0112158-588114 \$39,000.00 – Purpose: New vehicle and copier for Inspections Dept.

I hereby recommend the above: s/Thomas C. Quinn, Jr.,
Building Commissioner

I have reviewed the above: s/Gerald W. Surette, City Auditor

I hereby approve the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the sum of \$\$60,000.00 be and is hereby transferred as so stated from Unreserved Fund Balance Acct #01-356000 \$60,000.00 to Election Workers Acct #0116251-512005 \$49,000.00, Voting Machine Repair Acct #0116252-524905 \$5,000.00, Election Printing Acct #0116252-534305 \$6,000.00, \$60,000 – Purpose: State Election

I hereby recommend the above: s/William C. Campbell, City Clerk

I have reviewed the above: s/Gerald W. Surette, City Auditor

I hereby approve the above: s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the Mayor be and is hereby authorized on behalf of the City to: (i) accept a deed from NSTAR Electric Company (“Nstar”) for a strip of land two hundred fifty feet (250’) wide, comprising 404,935 square feet or 9.30 acres, more or less, and is shown on the plan captioned “PLAN OF LAND IN WOBURN, MASSACHUSETTS, PREPARED FOR THE CITY OF WOBURN”, dated January 3, 2013, prepared by LeBlanc Survey Associates, Inc., (the “Plan”) described on the Plan as “N/F Boston Edison Company Burlington-Woburn Right-of-Way, to be conveyed to the City of Woburn”; (ii) accept an access easement for purposes of access from said Merrimack Street to portions of the City’s property as shown on said Plan as “Proposed Access Easement, to be used exclusively to access the landfill”, comprising 29,160 square feet, or 0.67 acres; (iii) accept a drainage easement shown on the Plan as a strip of land twenty feet (20’) feet wide and identified as “Proposed 20’ Wide Drain Easement”, comprising 6,575 square feet or 0.15 acres; (iv) accept the release of NSTAR’s rights, title and interest in and to a strip of land one hundred and fifty feet (150’) wide, constituting a transmission right-of-way easement, and described as “Existing Easement to be Discontinued” on the Plan, comprising 112,871 square feet, or 2.59 acres; and (v) grant to NSTAR a perpetual and exclusive easement to maintain its fixtures, equipment and appurtenances deemed necessary for the transmission and distribution supply of electric energy for light, heat, power, and for telecommunications or any other purpose over, along, across, under and upon a strip of land one hundred fifty (150) feet in width, shown on the Plan and identified as “Proposed Easement, 2.56 acres” and “Relocated Right-of-Way 14, 150’ wide easement”.

s/Alderman _____

A communication dated March 28, 2013 was received from His Honor the Mayor Scott D. Galvin as follows:

Re: Order authorizing Mayor to Purchase 13,000 s.f. parcel

This memorandum shall serve to explain the Order seeking authorization for the Mayor to purchase a 13,000 s.f. parcel of land from the Shannon Farm Nominee Trust for the sum of \$5,000. This parcel is the site of the Dix Road Pumping Station. It was recently discovered that the City does not own the parcel on which the Pumping Station is located.

To explain, on February 3, 1970, the City Council voted to take by eminent domain, numerous temporary and permanent interests in land for a project identified on plan as “the Southwest Area Sanitary Sewers” and a 2,698 s.f. parcel of land on Dix Road for the construction of a sewer pumping station. The separate 13,000 s.f. parcel of land (the “Parcel”) is directly adjacent to the 2,698 s.f. parcel, and is clearly identified on the plans

filed with the Orders of Taking as "Proposed Area of Taking." The Orders of Taking and a portion of the plan are attached hereto for the Council's information.

In preparing documents for the issuance of Request for Proposal for the Dix Road Sewer Station Repair Project (the "Project"), the Engineering Department was unable to locate title information for this parcel. I undertook to do a title search and was unable to confirm that the 1970 Orders of Taking included the Parcel among the other properties taken, nor could I locate a separate deed conveying the parcel to the City. Thereafter I retained a Title Examiner to conduct a title search and prepare a title report. The Title Examiner confirmed that the City did not have title to the Parcel.

Thereafter I contacted the attorney for the Shannon Farm Nominee Trust to explain the situation, and to discuss conveyance of the parcel to the City. The attorney had a title examination conducted with the same result. Thereafter we engaged in negotiations regarding the terms upon which the Trust would convey the parcel to the City.

I am available to meet with the City Council to discuss this matter further.

Attached thereto was the following Order:

ORDERED That the Mayor be and is hereby authorized to purchase a 13,000 s.f. parcel of land, more or less, located at the rear of 298 Lexington Street from the Shannon Farm Nominee Trust for the sum of \$5,000.00 for the Dix Road Pumping Station, and to accept a deed to such parcel in the name of the City of Woburn

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Woburn Armory LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the entire parcel known as 286 Main Street a/k/a 320 Main Street, containing approximately 38,344 square feet of land as shown on a plan by Design Consultants, Inc., entitled "Plan of Land in Woburn, Massachusetts" dated June 23, 2005 from the R-2/B-D zoning districts to the B-D zoning district.
PUBLIC HEARING OPENED.

On the petition by Woburn Armory LLC to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By revising Section 11.11 entitled "Affordable Housing Requirement" by adding a new Paragraph 8 to Section 11.11 as follows: "8. The City Council by majority vote, may waive the requirements of this Section 11.11 if the development includes dwelling units in a building deemed "Significant" by the Woburn Historical Commission.", and 2. By revising Section 18.8.2 "Waivers" by adding the following language to the end of Paragraph 18.8.2 as follows: The "period" after "site" shall be deleted and the following language added: "or the renovation, rehabilitation or

redevelopment of a building deemed “Significant” by the Woburn Historical Commission.” PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought not to pass.”

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$875,000.00 for the purpose of paying costs of a feasibility study for the Wyman School, which may include an evaluation of the deficiencies at the Hurd School, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$871,000.00 for infiltration/inflow improvements, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$100,000.00 from Fire BLS Receipts Account to Fire Overtime Account, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$98,000.00 from Unreserved Fund Balance Account to Veteran’s Cash Aid Account, committee report was received “ought to pass”.

On the Order to transfer the sum of \$449,000.00 from Eastside System Evaluation Design Account to Dix Road Pumping Sewer Station Account, committee report was received “ought to pass”.

On the Order to transfer the sum of \$60,000.00 from Enterprise Fund Chemicals Account and Federal Testing Account to Enterprise Fund Preventative Maintenance Account, committee report was received “ought to pass”.

On the Order to transfer the sum of \$18,000.00 from Cemetery Interest Fund to various Cemetery Accounts, committee report was received “ought to pass”.

ORDINANCES:

On the Order to amend Section 3-3(G) of Title 3 of the 1989 Woburn Municipal Code, as amended, relative to review of appropriations and transfers in excess of \$100,000.00, committee report was received “ought to pass, as amended with the amendment to add the following provision ‘The City Council may, by unanimous vote, vote to suspend this provision’”.

PUBLIC SAFETY AND LICENSES:

On the petitions for renewal of Livery Licenses by LifeLine Ambulance Service, LLC dba CoachLine Transportation; and Patricia Porrazzo dba Hollywood Limousine, committee report was received “ought to pass”.

On the petitions for renewal of Tax Cab Licenses by Ahmad Abbas dba A.A. Transportation; Mourad Djar dba ABCE Taxi of Woburn; Bombay Taxi Inc.; Hashem Obaid dba Logan Taxi; Saeed Rajabi dba Sky Taxi of Woburn; and SureRide LLC, committee report was received “ought to pass”.

On the petition for renewal of Common Carrier License by M&L Transit Systems Inc., committee report was received “ought to pass”.

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

On the petition for renewal of License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles by GameStop, Inc. dba GameStop #3315 , committee report was received “ought to pass”.

On the petition for a new License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles by Rafi Lalayan dba Milano Jewelry, committee report was received “back for action”.

PERSONNEL:

On the reappointment of Edward S. Robertson, Margaret M. Pinkham and Daniel Parrish as Members of the Woburn Board of Appeals, committee report was received “ought to pass”.

On the appointment of Sheila T. McElhiney as Alternate Member of the Woburn Board of Appeals, committee report was received “ought to pass”.

On the appointment of a Member of the Woburn Recreation Commission, committee report was received “Recommend the appointment of Eugene Demers of 1 Manny Terrace, Woburn as Member of the Woburn Recreation Commission”.

NEW PETITIONS:

A communication with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Main Street Woburn RX, LLC, Special Permit Decision

Dear Mr. Campbell:

As you know, this office represents Main Street Woburn RX, LLC. On January 10, 2013 your office issued a Landowners Decision and Notice of Special Permit (the “Decision”) to my client. Condition 5 of the Decision states “That if a drainage easement to allow the connection of the overflow to a City drain is not granted, the Applicant may revert back to the original design depicting a free outlet on the CVS property. In order to comply with this Condition, my client will need to obtain an easement from the City of Woburn as we discussed at the public hearing.

Therefore, on behalf of my client I respectfully request that the City of Woburn grant said Easement. I have enclosed a draft of an Easement for review by the City Council as well as the City Solicitor. I also request that the City Council at its Meeting on April 2, 2013 refer this matter to its Committee on Infrastructure and Public Lands for review.

If you have any question, please feel free to contact me.

Very truly yours, s/Joseph R. Tarby III

Attached thereto was a proposed Easement Agreement and the following proposed Order:

ORDERED That the Mayor be and is hereby authorized to grant a drainage easement to Main Street Woburn RX, LLC, a Massachusetts limited liability corporation with a principal place of business at 300 Trade Center, Suite 7700, Woburn, Middlesex County, Massachusetts over and upon the property located and shown as “Drainage Easement Area”, 2,102 sq. ft. on a plan dated March 11, 2013 prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01888-0118 in accordance with a proposed Easement Agreement, a copy of which is annexed hereto and incorporated herein by reference.

s/Alderman _____

Petition by Checker Cab of Woburn, Inc., 289R Salem Street for renewal of Taxi Cab License for seven (7) vehicles.

Petition by Checker Cab of Woburn, Inc., 289R Salem Street for renewal of Livery License for seven (7) vehicles.

Petition by ecoATM, Woburn Mall, 295 Mishawum Road for a new License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles.

Petition by Great Dog Rescue, NE, Joanna Reck, 9 Bartlet Street, #316, Andover, Massachusetts for a special permit to amend a special permit issued February 28, 2013 pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, 1. To allow for the addition of a residential dishwasher and 2. To move partition wall forty (40) inches to the left, at 34D Holton Street.

Petition by Robert W. Murray, Trustee, Three Hundred Thirty Lexington Street Trust, 27 Cambridge Street, Burlington, Massachusetts 01803 for a special permit to modify a special permit dated June 11, 2009 as modified by Notice of Modification dated September 3, 2009 by 1. Deleting the reference to the plan of record in Condition 2 of the Decision and replacing with the plan filed with this Petition entitled "Plan of Land in Woburn and Lexington, 330 Lexington Street, Middlesex County, Massachusetts" dated January 30, 2009 as revised on January 30, 2013 prepared by Commonwealth Engineering Inc, Civil Engineers and Land Surveyors, 27 Cambridge Street, Suite 106, Burlington, MA 01803 as the plan of record, and 2. Revising Condition 9 of the Decision which states: "That this proposal shall comply with the requirements of Section 11.11 the Affordable Housing Requirement of the Woburn Zoning Ordinance" by allowing the Petitioner to substitute a cash payment for the provision of affordable housing units pursuant to Section 11.11.1 of the Zoning Ordinances, at 500 Lexington Street a/k/a 330 Lexington Street.

COMMUNICATIONS AND REPORTS:

A communication dated March 15, 2013 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 February 2013: number of parking violations issued 240, number of violations paid 118, number of violations outstanding 112, amount collected and submitted to the Office of the Collector \$11,385.80. There exists a backlog of 6127 for 1982 through 2012. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$1,900.00.

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

A communication dated March 28, 2013 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of March 2013.

A communication dated March 21, 2013 was received from State Senator Kenneth J. Donnelly as follows:

Dear Mr. Campbell:

I have received your request for the reimbursement of the election costs to the City of Woburn for the amount of approximately \$60,000.00.

I will do my best to assist you in this matter and will respond in due course.

Sincerely yours, s/Senator Kenneth J. Donnelly, 4th Middlesex District

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated March 28, 2013 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Denaro and Members:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Gary Fuller, 80 Arlington Road, to the Woburn Redevelopment Authority, subject to confirmation by the City Council, with a term to expire November 12, 2017.

Respectfully, s/Scott D. Galvin, Mayor

A communication dated March 28, 2013 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

In accordance with Title 2, Article XL of the 1989 Woburn Municipal Code, and by the power vested in me as Mayor of the City of Woburn, I hereby appoint Christopher Doherty, 175 Lexington Street, to The Woburn Agricultural Commission, with a term to expire December 31, 2015. Mr. Doherty's appointment fills a position vacated by Joseph Patrissi, who resigned.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That Chief of Police appear before the Committee on Public Safety and Licenses to present a briefing on public safety issues in the city

s/Alderman Haggerty

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 5 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting Article XI, Section 5-66 in its entirety and inserting in its place the following:

XI. POOL AND BILLIARD ROOMS AND BOWLING ALLEYS

5-66 Licenses required—Conditions

- A. Licenses to keep a billiard, pool or bowling alley shall be granted subject to the following conditions:
1. The licensed premises shall not be open or in use later than 12:30 a.m., in any day,
 2. that no intoxicating liquors shall be sold or kept on the licensed premises unless the licensed premises has food for sale to the general public and the licensed premises has not less than 100 seat capacity,
 3. that the arrangements of the premises shall be subject to the approval of the chief of police, and
 4. that the license shall be forfeited upon violation of any condition thereof or any ordinance of the City, law of the Commonwealth, or police regulation of the City applicable thereto.
 5. The license shall be placed in a conspicuous position occupied by the licensee.
 6. The licensed premises must have a valid certificate of occupancy.

s/AldermanHaggerty

Motion made and 2nd to ADJOURN.