

**CITY OF WOBURN
APRIL 7, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin - Late	Raymond
Gately	Wall
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 8-0-1 (Galvin absent).

MAYOR'S COMMUNICATIONS:

A communication dated April 3, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Request for Executive Session at April 7, 2009 City Council Meeting

Dear President Doherty and Other Members of the City Council:

I request to come before you in executive session along with the City's attorney at the April 7, 2009 City Council meeting to discuss pending litigation regarding Paul Uek v. City of Woburn and Woburn Public Library.

Thank you for your consideration.

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd to suspend the rules for the purposes of going into Executive Session pursuant to Massachusetts General Laws Chapter 39, Section 23B(3) to discuss pending litigation, ROLL CALL: Denaro – Yes, Drapeau – Yes, Galvin – Yes, Gately – yes, Gonsalves – Yes, Mercer-Bruen – Yes, Raymond – Yes, Wall – Yes, Doherty – Yes. President Doherty stated that the City Council would reconvene in the Council Chamber upon completion of the Executive Session. The City Council, Mayor Thomas L. McLaughlin, Human Resources Director Jan R. Cox and counsel for the city Attorney Deborah I. Ecker, Brody, Hardoon, Perkins and Kesten, LLP removed to the Committee Room. The City Council removed to the Committee Room. THIS PORTION OF THE MEETNG WAS HELD IN EXECUTIVE SESSION.

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

ORDERED That the sum of \$11,000.00 be and is hereby transferred as so stated:
Transferred Out of Sick Leave BB 0121051-515400 \$11,000.00
Transferred Into Directed Control Patrol 0121051-515800 \$11,000.00

I hereby approved the same: s/Mayor Thomas L. McLaughlin

I have approved the above: s/Chief Philip L. Mahoney

I have reviewed the above: s/Auditor Gerald Surette

s/President Doherty (per request)

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition by Robert McSheffrey, Trustee for an Inflammable License to allow the storage of flammable fluids as follows: 40,000 gallons underground of gasoline and diesel product stored in two tanks at 306 Montvale Avenue. PUBLIC HEARING OPENED. Appearing for the petitioner was Jim Cranston, Bohler Engineering and he stated that there are four existing underground tanks on the premises, that the capacity is 24,000 gallons, that the license allows for up to 30,000 gallons of storage, that the petitioner will be redeveloping the property and is seeking additional volume of up to 40,000 gallons, that the current tanks are single wall tanks, that the current tanks are just over twenty years old, that two new underground double wall fiberglass tanks will be installed, that one tank holds 20,000 gallons of regular gasoline, that the second tank is compartmentalized with 12,000 gallons diesel and 8,000 gallons premium gasoline, that there are currently four dispensing aisles but there will be six dispensing aisles at the new station, that larger tanks will require fewer deliveries to the property, that the tanks will be protected with overfill protection, that one the tank reaches programmed capacity a shut off device will automatically shut off the filling operation, that there are spill buckets at the filling device which can capture five to fifteen gallons typically, that spill response procedures are in place, that spills are rare occurrences, that the tanks are double walled fiberglass but not vaulted, and that the tanks will be secured with concrete deadmen so that they cannot float if they are at a low fill level. Andrew Lautenbacher, Hess Corporation stated that there is a mechanical connection between the nozzle that fills the tanks and the fill point in the tank that will shut off the flow, that this is similar to a float, that there is a brine solution between the double walls of the tank, that if there is a leak in the inner wall the brine sets off an alarm, that if there is a leak in the outer wall the brine sets off an alarm, that the site is monitored by satellite from a base in New Jersey, and that if an employee on site ignores the alarm then the satellite base is also watching. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower

Office Park, Woburn, Massachusetts 01801 stated that the road improvements at this intersection need to be completed, and that he is in favor of the petition. OPPOSED: None. Motion made and 2nd that the INFLAMMABLE LICENSE be GRANTED, as amended with the amendment as follows: That the plan of reference for the tanks shall be the plan entitled "Preliminary Land Development for Amerada Hess Corporation, 306 Montvale Avenue: prepared by Bohler Engineering with a revision date December 8, 2008, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009

On the petition by Bahamas Grill, 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 restaurant fast food with hours in excess of 6:00 a.m. to 11:00 p.m. at 428 Main Street. PUBLIC HEARING OPENED. A communication dated April 2, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Bahamas Grill/Mark Shaughnessy – 428 Main St. – To allow Fast Food Restaurant and hours of operation in excess of 6:00 A.M. to 11:00 P.M. pursuant to Section 5.1.29 and Note 16

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on March 24, 2009, the Board voted to send a favorable recommendation to the City Council to allow a Fast Food Restaurant pursuant to Section 5.1.29 and Note 16 at 428 Main Street 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 Bahamas Grill 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/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Manuel Isaac Da Silva Neto, 182 Dean Street, Norwood, Massachusetts and he stated that he was speaking on behalf of the owner. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendment as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor 9-0.

On the petition by John S. Russo and Stephanie Rodman, both of 36 Day Circle, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn

Zoning Ordinances, as amended, to allow bringing fill onto the site at 36 Day Circle. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Thomas Lawton and he stated that the Planning Board will review the matter at their meeting next week, that the Committee on Special Permit has not met yet to review the matter, that the site plan will be filed with the Committee on Special Permit by the next meeting, and that he requests that the public hearing be continued. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 28, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition to further amend the 1985 Woburn Zoning Ordinances, as amended, by striking from Section 2 Definitions the definition for “Sign, Window” in its entirety and replacing same with the following: “Sign, Window: A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building.” PUBLIC HEARING OPENED. A communication dated April 7, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear President Doherty and Members of the City Council:

In my capacity as a member of the Sign Review Board, I respectfully request that you vote to Leave to Withdraw without Prejudice the matter before you tonight concerning the petition to amend the 1985 Woburn Zoning Ordinance by replacing the definition for “Sign Window.”

As you know, the Sign Review Board has been working diligently on a complete re-write of the Sign Review Ordinance. The Board is nearing completion of this arduous task. Hence, you will eventually receive a more comprehensive document which will take into consideration the definition contained in this pending petition.

Sincerely, s/Thomas L. McLaughlin, Mayor

IN FAVOR: None. OPPOSED: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn, Massachusetts 01801 stated that he is not opposed to this petition but he is also not in favor until this issue is printed in some form that a person can understand what is expected of him with respect to this ordinance, and that he wants better clarity and understanding of the law. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by Checker Cab of Woburn, Inc., 289R Salem Street, Woburn for renewal of a Taxi Cab License for seven (7) vehicles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Checker Cab of Woburn, Inc., 289R Salem Street, Woburn for renewal of a Livery License for seven (7) vehicles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Frances L. Lucas dba Professional Livery, 4 Maura Drive, Woburn for renewal of Livery License for one (1) vehicle. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by M&L Transit Systems, Inc., 60 Olympia Avenue, Woburn for renewal of Common Carrier License for two (2) vehicles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Amandeep Singh dba Hi-Fi Limo, 193 Main Street, Woburn for renewal of Livery License for three (3) vehicles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by New Boston Auto Exchange, 210 New Boston Street, Woburn for renewal of Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Ali A Saleb dba Metro Car Service, 329 Washington Street, Woburn for renewal of a Taxi Cab License for one (1) vehicle. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by NSTAR Electric Company for a grant of right in a way to allow conduit and two (2) manholes on Main Street southerly from MH7828 at Campbell Street to MH7821 at Walnut Street a distance of approximately 1,082 feet. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Robert McSheffrey, 891 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of motor vehicles and for a Second Class Motor Vehicle Sales License both at 891 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Robert McSheffrey, 891 Main Street, Woburn, Massachusetts for a special permit pursuant to Section 5.1.29 and Section 8.2.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant and a reduction in the required parking at 891 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Woburn Properties, LLP, c/o Cummings Properties, LLC, 200 West Cummings Parks, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.30b and 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended to redevelop existing parking lot by constructing a four-story, 58,689 G.S.F. mixed-use building at 8 Cabot Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated April 1, 2009 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending January 2009: number of parking violations issued 211, number of violations paid 125, number of violations outstanding 89, amount collected and submitted to the Office of the Collector \$5,954.60. There exists a backlog of 4,975 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$650.00.

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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 1, 2009 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 2009: number of parking violations issued 387, number of violations paid 223, number of violations outstanding 178, amount collected and submitted to the Office of the Collector \$11,316.40. There exists a backlog of 4,956 tickets for 1982 through 2008. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$1,950.00.

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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 1, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the Director's report for the month of March 2009 and a copy of a newsletter of the Massachusetts Association of Councils on Aging and Senior Center Directors. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication date March 31, 2009 was received from the Woburn License Commission requesting that a meeting be scheduled with the City Council to discuss "a designated area for liquor licenses." Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 9-0.

A communication dated April 1, 2009 was received from Attorney William Hewig, III, Kopelman and Paige, P.C. relative to Verizon initial cable television licenses. Alderman Gately stated that Verizon has been an issue for the city, and that he would like the city solicitor to confer with Verizon before any license issues. Alderman Drapeau stated that the City Council is not the issuing authority, and that this is just a communication as to how these licenses issue. Alderman Denaro stated that he would prefer not to waste money paying the city solicitor on this matter. Motion made and 2nd that a communication be forwarded to His Honor the Mayor asking for a briefing on any negotiations with Verizon and comments of the city solicitor concerning the matter be forwarded to the City Council for review, all in favor, 9-0. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated March 17, 2009 was received from Building Commissioner Steven Paris requesting that the public hearing on the proposed zoning amendment to amend the 1985 Woburn Zoning Ordinances, as amended, by deleting under Section 2 Definitions the second sentence from Paragraph "a" for "Lot Line, Front" the words "On a corner lot, the shorter street frontage shall be considered the front lot line unless

otherwise specified by deed restriction” be rescheduled. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 2, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Ad Hoc Dragon Court Committee

Dear Mr. Campbell:

At the meeting of March 24, 2009, the Planning Board appointed Planning Board Member James F. Callahan, 32 Van Norden Road, Woburn, MA 01801, as the Board’s designee to the Ad Hoc Dragon Court Committee.

If you have any questions or concerns regarding the foregoing, please contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated March 30, 2009 was received from Craig R. Carswell, President and Chief Executive Officer, Lytron, 55 Dragon Court, Woburn, Massachusetts 01801 as follows:

Re: Lytron Designee to AD Hoc Dragon Court Committee

Dear Mr. Campbell,

Pursuant to your request, please regard myself as the Lytron, Inc. representative to the ad hoc committee for purposes of investigating roadway improvements in the area of Dragon Court as established by the Woburn City Council. My contact information is listed below.

Respectfully, s/Craig R. Carswell, President and Chief Executive Officer

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

Motion made and 2nd to suspend the rules for the purposes of hearing from Attorney Mark Salvati concerning the following matter, all in favor, 9-0. A communication dated April 3, 2009 was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 239 Main Street

Dear Council Members:

Request is made for an approval of a minor change to a special permit for the above address issued on May 6, 2008. At that time, the Council approved a special permit to allow for a four unit building replacing a multiple unit building pursuant to Section 7.3 of the Woburn Zoning Code.

Since that decision, the petitioners have determined that the layout of the parking and driveway area will severely hinder the access to the neighboring property, My Glass Company. The owners of 239 Main Street would like to continue to allow My Glass Company to use and travel over approximately 3 feet of their property which abuts the My Glass property. As such, this proposed change would shift the parking area 3 feet over towards the new building but would not reduce the width of the drive, nor the length of the spaces. The only change would be the setback to Main Street for the first parking space from 6 feet to 2 feet. A plan showing the proposed change will be provided at the meeting.

Your consideration in this matter would be greatly appreciated.

Very truly yours, s/Mark J. Salvati

Attorney Salvati stated that this is the site of the former Berlandi building, that there was a request that the fence be set three feet off the abutting My Glass Co. property line, that nothing in the building has changed, that the setbacks have not changed, that this is an accommodation for the abutting property, and that the abutting property also has a near zero foot setback. Attorney Salvati offered a plan to the City Council for review. Motion made and 2nd that the plan be received and made part of the record, all in favor, 9-0. Alderman Denaro stated that he wants to be certain that there will not be a line of site issue. Alderman Gately stated that there have been discussions between the principal and the abutter My Glass Co. about a strip of land that My Glass Co. has been using for some time, and that this is a favorable resolution. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd that the minor modification requested by the petitioner relative to the property located at 239 Main Street be granted, as amended, with the amendment as follows: 1. That the plan of record shall be the plan entitled "Amended Site Plan for 239-241 Main Street Residences at 239-241 Main St., Woburn, MA" prepared by Civil Environmental Consultants, Inc. with a revision date of 3/31/2009, and 2. That the fence abutting the property at 243 Main Street shall be three (3) feet in height in an easterly direction from the front lot line on Main Street a distance of ten (10) feet, in all in favor, 9-0.

Motion made and 2nd to suspend the rules for the purposes of hearing from Attorney Mark Salvati relative to the following matter. A communication dated March 24, 2009

was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 371 Main Street

Dear Council Members:

Request is made for an approval of a minor change to a special permit for the above address issued on October 18, 2007. At that time, the Council approved a special permit to allow for dwelling units above the first story in a commercial structure, pursuant to Section 5.1.5 of the Woburn Zoning Code.

Since that decision, the petitioners, Nicholas and Vincent Leo, have determined that the proposed restaurant would require more seating than originally planned to make this project economically viable. The new plans show additionally seating in the basement of the structure. A copy of the basement seating plan is attached herewith. That plan has been approved by the Woburn Fire Department and is currently under review by the Woburn Building Department.

Because the special permit was for the dwellings above the restaurant, and no special permit is required for the full service restaurant in the downtown district, it is our position that the proposed additional seating is a minor change as it relates to this special permit.

Your consideration in this matter would be greatly appreciated.

Very truly yours, s/Mark J. Salvati

Attorney Salvati stated that there are dwellings above a commercial use on the downtown area, that no use was shown for the basement area, that this will now allow seating in the basement area, that the extra seating is required to make the project economically viable, that the restaurant use is allowed by right, that if no special permit was required for the dwelling above the commercial use then this issue would not be before the City Council, that the Fire Chief has already signed the building permit, that the Police Chief stated that this was not a matter within his jurisdiction, that food will be served downstairs, that the food will be lighter fare and is what people look for, that this will be similar to the Tanner Tavern restaurant but on two floors, and that this will be a casual atmosphere. Alderman Gately stated that he has no problem with the additional seating downstairs, that he will support the request, and that he is pleased with what he has learned about these plans. Alderman Gonsalves stated that she is not comfortable with the extra bar downstairs, and that there is an upstairs bar with twelve seats. Alderman Gonsalves made a motion to eliminate the second bar downstairs but received not second. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd that the minor modification for the property located at 371 Main Street be granted as requested, all in favor, 9-0.

A communication dated March 25, 2009 was received from Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: ExecuSpace Construction Corporation, 140 Garfield Avenue, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent ExecuSpace Construction Corporation in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on August 11, 2005 (the "Special Permit") which Special Permit was extended to August 11, 2009. As a result of the current status of the economy, construction has not commenced pursuant to said Special Permit.

Therefore, on behalf, of the Petitioner, I respectfully request that the City Council further extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two (2) year period to August 11, 2011.

Should you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

A communication dated March 25, 2009 was received from Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: 4-K Realty Trust, 27 Montvale Avenue, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent the 4-K Realty Trust in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on August 14, 2003, as amended by a Landowner's Confirmatory Decision and Notice of Special Permit issued by the City Clerk on January 12, 2004, as extended by Notice of Extension of Special Permit issued by the City Clerk on June 14, 2005 (the "Special Permit"). Although the petitioner has been issued a building permit as of this date, construction has not commenced pursuant to said Special Permit.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council further extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two (2) year period to August 14, 2011.

Should you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

A communication dated April 3, 2009 was received from Bart Hogan, 38 Buckman Street relative to the continuing problem of dirty tap water in his home. Motion made and 2nd that the matter be referred to Tony Blazejowski of the Water Department to investigate, determine the cause of the issues and to report his findings to the Committee on Water, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated April 1, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Beulah M. Burnett of 64 Pearl Street as a Member of the Board of Registrars of Voters. Ms. Beulah Burnett, whose term has expired will be reappointed. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated April 1, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Oliver C. Galante – Board of Registrars of Voters

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Oliver C. Galante of 43 Poole Street as a member of the Board of Registrars of Voters.

Mr. Galante's appointment will be effective subject to the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated April 1, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Patricia Dyer – Woburn Housing Authority

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Patricia Dyer of 6 Mount Pleasant Court as a member of the Woburn Housing Authority for a period of five (5) years.

Ms. Dyer's appointment will be effective subject to the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated April 1, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Lori Medeiros of 9 Marietta Street as a Member of the Handicapped & Disabled Citizens Commission. Ms. Medeiros, whose term has expired will be reappointed. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That His Honor the Mayor investigate the feasibility of the city purchasing one of the three parcels of vacant land comprising the Spence Farm located in the area of Wyman Street to be used for the future development of school facilities.

s/Alderman Wall, Alderman Galvin, President Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009

RESOLVED Whereas, the School Committee is considering closing and consolidating some elementary schools within the city; and

Whereas, the City Council will be requested to approve appropriations and other matters relative to the construction of new school buildings; and

Whereas, Section 31 of the City Charter requires, in addition to a two-thirds votes of the School Committee, a two-thirds vote of the City Council if a public school in the city will be closed unless the School Committee votes to construct a new school on the same lot; and

Whereas, this provision of the Charter and the responsibility of the City Council in the appropriation process requires that the Aldermen be fully informed of all facts leading to a decision to close a school or to construct a new school;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that a communication be forwarded to the School Committee and the School Department requesting their attendance at a Committee on Liaison meeting for the purposes of hearing the preliminary redistricting plans that are being prepared and processed, including, but not limited to, the preliminary information as to what wards, neighborhoods and schools will be impacted.

s/Alderman Gately

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 14, 2009

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 320 Main Street commonly referred to as the Woburn Armory; and

WHEREAS, the condition of said building or buildings has been allowed to deteriorate and the property is generally not being maintained;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. 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.

s/Alderman Gately

Motion made and 2nd that the ORDER be ADOPTED with a public hearing at the April 28, 2009 Regular Meeting of the City Council and a communication to the Fire Department and Building Department for copies of any complaints received regarding the property for the last two years and a communication to the Police Department for copies of any complaints received regarding the property for the last five years, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009

RESOLVED Whereas, the cut through portion of Nashua Street from Holton Street to Draper Street is flanked by industrial parks at both ends of the street, that the cut through motor vehicle traffic is excessive as outlined by a traffic study conducted in 2007 by an independent traffic consultant and in public hearings held by the Planning Board; and

Whereas, this matter was the subject of a prior resolution adopted by the City Council at its Regular Meeting on November 19, 2007;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that His Honor the Mayor instruct the Superintendent of Public Works to install granite curbing and concrete sidewalks on the even side

of the cut through portion of Nashua Street from Holton Street to Draper Street in the interest of improving public safety.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009
- subject to funding**

RESOLVED Whereas, a prior resolution adopted by the City Council at its Regular Meeting on March 6, 2007 requesting the construction of sidewalks with granite curbing on the portion of Nashua Street between Montvale Avenue and Green Street; and

Whereas, the requested work will improve public safety in the area;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that His Honor the Mayor instruct the Superintendent of Public Works to install sidewalks with granite curbing on the portion of Nashua Street between Montvale Avenue and Green Street during the Spring 2009 in the interest of improving public safety.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009
- subject to funding**

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works and the City Engineer to provide the necessary paperwork for a property easement at 66 Nashua Street for the purpose of alleviating flooding issues.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 17, 2009

RESOLVED Whereas, a traffic regulation was adopted effective December 2, 1965 restricting through traffic on Maywood Terrace;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that His Honor the Mayor instruct the Superintendent of Public

Works in collaboration with the Fire Chief to repair the fire gate located on Maywood Terrace so that the gate remains in the locked position unless otherwise dictated by the Fire Department for emergency access or snow removal.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009

ORDERED That a Stimulus Committee be established to investigate the possibility of significant funding opportunities that exist under the American Recovery and Reinvestment Act of 2009, including the following areas:

1. Community and Economic Development.
2. Affordable and Senior Housing.
3. Education.
4. Energy Conservation.
5. Environment and Water Quality.
6. Public Safety.
7. Telecommunications.
8. Transportation.

Each Alderman shall be assigned an area for investigation by the President of the City Council. The findings of the Aldermen shall be reported back to the full City Council.

s/President Doherty and Alderman Galvin

Alderman Mercer-Bruen stated that the city must be aggressive in lobbying efforts to secure these funds. President Doherty stated that the first meeting will be next week and that he will call the State delegation for Woburn into a meeting. Alderman Gonsalves stated that the Federal representative of liaison should be invited to attend the meeting, and that the committee should look at the list of submitted projects to be certain that they are presented in the best possible light. Alderman Raymond stated that there is significant money available for energy conservation efforts. Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: 1. That the assignments be made by the City Council president, all in favor, 9-0.

RESOLVED That His Honor the Mayor with the assistance of the Recreation Commission create a clean-up and recreational use plan for the contaminated area at Leland Park; and

Further, that the project be designed so that the city is eligible for self-help funding from the Commonwealth of Massachusetts.

s/Alderman Denaro and Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Montvale Road as it has not been paved in many years and is in poor condition.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 Returned Unsigned April 17, 2009

ORDERED That representatives of the Woburn Gas and Service, Inc. automotive service facility located at 545 Main Street be requested to attend a meeting of the Committee on Police and Licenses for the purposes of discussing conditions at the property including the excess storage of vehicles on site.

s/Alderman Wall

Motion made and 2nd that the ORDER be ADOPTED and referred to Committee on Police and Licenses, all in favor, 9-0.

ORDERED Be It Ordained by the City Council of the City of Woburn that Title 19 of the 1989 Woburn Municipal Code, as amended, be further amended by adding a new Appendix 2 as follows:

Expanded Baldwin Homestead Historic District

The Expanded Baldwin Homestead District shall be a DISTRICT area under this Title. The location and boundaries of the Expanded Baldwin Homestead Historic District are defined and shown on the Expanded Baldwin Homestead Historic District Map of the City of Woburn, Sheet 1 and Sheet 2, which is a part of this Title. Sheet 1 and Sheet 2 are based on the 2009 City Map database created by the City of Woburn's Engineering Department. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1 and Sheet 2.

s/Alderman Raymond

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

ORDERED Be It Ordained by the City Council of the City of Woburn that a new Title 2, Article XXXV, Sections 2-217 to 2-225 Biomedical Oversight Committee be added to the 1989 Woburn Municipal Code, as amended, as follows:

XXXV BIOMEDICAL OVERSIGHT COMMITTEE

There is established in the government of the City a Biomedical Oversight Committee with the following new sections:

2-217 Purpose

The purpose of this ordinance shall be the establishment of the Biomedical Oversight Committee (BOC) which will be responsible for issuing permits to Biomedical Facilities located in the City of Woburn and carrying out the requirements of this Article.

2-218 Definitions

BIOMEDICAL FACILITY – Any facility or research laboratory engaged in the use of Recombinant DNA, live animals for testing, the use of potentially infectious cell lines, or infectious material.

FACILITY REPRESENTATIVE – Each Biomedical facility will appoint one employee of the facility to act as a company representative to the BOC. This person shall be the same individual who is designated as the institution’s Safety Officer.

GUIDELINES – Unless otherwise specified, are defined as:

- a) *National Institute of Health (NIH) Guidelines for Research Involving recombinant DNA molecules* as published in the Federal Register on May 7, 1986.
- b) Any amendments, revisions, or substitutions subsequent to the above referenced “Guidelines”.
- c) Any further amendment to a) or b) above, wherever published, which are adopted by NIH.

RECOMBINANT DNA MOLECULES (RDNA) – are those defined in the “Guidelines”, as defined above.

ORGANISMS AND VIRUSES CONTAINING RDNA – are those defined in the “Guidelines”, as defined above.

Any other terms, not specifically defined herein, shall have the meaning as defined in the “Guidelines”. If the “Guidelines” do not define the term, it shall have the meaning as is commonly used.

2-219 Biomedical Oversight Committee

- A. Biomedical facilities are required to apply and receive a permit from the Biomedical Oversight Committee (BOC). This Committee shall consist of three members:
 - 1. The City of Woburn Health Agent, and
 - 2. Two citizens of the City of Woburn, appointed by the Mayor subject to confirmation by the City Council, at least one of the citizens shall be well versed in the area of Recombinant DNA and the federal regulations that apply to it.
 - 3. The BOC shall appoint a clerk.
- B. All members and the clerk of the BOC shall have the compensation as approved in the City’s budget. The initial citizen appointees to the BOC shall be one for two years and one for four years. Thereafter, all citizen appointments shall be for a term of four years.

2-220 Duties

The responsibilities of the BOC shall include:

- A. Establishing policies procedures and criteria to aid in the implementation of this ordinance.
- B. Determining the manner in which permit holders make reports or applications to the BOC and the type of information required in such reports or applications. Reviewing reports applications and recommendations by the facility representative and approving them where appropriate. Carrying out site visits to permitted facilities.
- C. Reviewing manuals and worker training programs, approving health-safety programs and monitoring the procedures required by this ordinance.
- D. Developing a procedure for persons to report to the BOC violations of this ordinance, the guidelines or any health regulations.

2-221 Permit Requirements

- A. All persons proposing to establish a Biomedical facility must obtain a permit from the BOC. Permits shall, at a minimum, include written agreement to:
 - 1. Follow the guidelines as defined in this ordinance.
 - 2. Follow other conditions set forth by the BOC.
 - 3. Allow reasonable inspections of facilities and pertinent records by the BOC or the Board of Health.
 - 4. Demonstrate the establishment of a comprehensive safety procedure and an emergency contingency plan relevant to the use of Biomedical Technology at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable, federal, state and local laws and regulations. This procedure shall be submitted to the BOC for review.
 - 5. Demonstrate the establishment of a training program of safeguards and procedures for all personnel that is in compliance with all applicable, federal, state and local laws and regulations. This program shall be submitted to the BOC for review.
- B. Permits shall be issued and renewed on an annual basis by the BOC. All fees for the permit shall be set by the BOC. All Biomedical facilities in existence before this ordinance is accepted shall be required to apply for a permit and comply with this ordinance within 365 days. Compliance with this ordinance is in addition to any requirements or prohibitions under the Woburn Zoning Ordinance or State Building Code.
- C. The BOC shall reserve the right to refuse a permit to any individual or any firm whose presence in the City is deemed not to be in compliance with this ordinance or in the best interest of the health and safety of the City as determined by the BOC.

2-222 Reports

The applicant shall present a report which will outline their compliance to state and federal laws and the guidelines of this ordinance. Each holder of a permit shall file annual update reports with the BOC at the time of renewal. The requirement of this report shall be set by the BOC and given to the petitioner at the time an application is requested. Copies of building department and fire department certifications will be forwarded to the BOC for review.

2-223 Restrictions

- A. Any use defined as “BL3” and “BL4” by the NIH Guidelines promulgated in the Federal Register on May 7, 1986 and any subsequent federal amendments shall not be permitted in the City of Woburn.

- B. Any accidental release which represents a potential hazard to employees, the public, or the environment shall be reported to the Board of Health, the police department, fire department and the BOC immediately, and in no case more than twenty-four hours after the release.

2-224 Violation – Notification

The permit holder shall report, within thirty days, any problems with or violations of this ordinance or any local, state or federal law or regulation. Any accidents or illnesses involving individuals involved in activities regulated by the BOC shall be reported to the BOC within thirty days.

2-225 Enforcement

The enforcement of this ordinance shall be interpreted by the BOC and carried out by the Board of Health, who shall undertake the enforcement themselves or report the violation to the appropriate state or federal agencies, who will initiate their own enforcement procedures.

- A. Any person who violates the provisions of this ordinance shall be subject to a fine of three hundred dollars per violation. Each day of the violation shall constitute a separate and distinct offense.
- B. Once a permit has been issued, it may be revoked, suspended, or modified by the BOC after due notice that the permit holder has materially failed to comply with this ordinance or the permit agreements. Appropriate state and federal offices shall be notified of this action.
- C. Notwithstanding the above, the Health Agent for the City of Woburn, upon determination of the BOC that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing. Appropriate state and federal offices shall be notified of this action.

s/Alderman Raymond

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

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

1. By deleting in Section 2 Definitions the following definitions:
“RESEARCH LABORATORY”

2. By inserting in Section 2 Definitions the following definitions:

“BIOMEDICAL FACILITY: Any facility or research laboratory engaged in the use of Recombinant DNA, live animals for testing, the use of potentially infectious cell lines, or infectious material.”

“RESEARCH AND TESTING LABORATORY: A laboratory which engages in research, experimental and testing activities, including but not limited to the fields of chemistry, electronics, engineering, geology, and physics but not including biomedical facilities. Some prototype development may be included, but the primary function is research.”

3. By inserting the following in Section 5 Use Regulations, Section 5.1 Table of Use Regulations:

“41a Biomedical Facility: under R-1, R-2, R-3, R-4, B-N, B-H, B-D, B-I, S-1, S-2 and O-S shall be “-” not a permitted use; under, I-P, IP-2, I-G, O-P, and OP-93 shall be “X” a by right use.”

s/Alderman Raymond

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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

By adding to Section 8.4.3 a new second sentence in the paragraph for “Residential” as follows: “For a detached two-family dwelling in the R-2 zoning district, the maximum driveway width serving the lot shall be forty-eight (48) feet.”

s/Alderman Wall

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Motion made and 2nd that the following matter be taken from the Committee on Police and Licenses under suspension of the rules, all in favor, 9-0.

On the petition by Woburn Bowladrome Inc. for renewal of Bowling Alley License. Motion made and 2nd that the LICENSE be GRANTED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009

On the petition by 3M Taxi Inc. for renewal of Taxi Cab License. Motion made and 2nd that the LICENSE be GRANTED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009

On the petition by Abdulla Nasser dba AACO Travel Taxi for renewal of Taxi Cab License. Motion made and 2nd that the LICENSE be GRANTED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009

On the petition by Patricia Porrazzo dba Hollywood Limousine Co. for renewal of Livery License. Motion made and 2nd that the LICENSE be GRANTED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009

On the petition by Boston Tours Inc. for renewal of Common Carrier License. Motion made and 2nd that the LICENSE be GRANTED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009

Motion made and 2nd to take the following matter from the Committee on Personnel under suspension of the rules, all in favor, 9-0.

On the appointment of Antonetta Fuller as a Member of the Sign Review Board. Motion made and 2nd that the APPOINTMENT be CONFIRMED, all in favor, 9-0.

Presented to the Mayor: April 10, 2009 s/Thomas L. McLaughlin April 13, 2009

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:50 p.m.

A TRUE RECORD ATTEST:

William C. Campbell
City Clerk and Clerk of the City Council