

**CITY OF WOBURN
APRIL 16, 2013 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney absent	Raymond
Denaro	

The City Council observed a moment of silence in memory of the citizens lost and injured during the bombing at the Boston Marathon yesterday.

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$300,000.00 be and is hereby transferred as so stated from Fire-Ambulance Receipts Acct #31359-595000 \$300,000.00 to Fire – Salary Acct #0122051-511000 \$300,000.00

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

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department

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

s/President Denaro

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

ORDERED That the sum of \$110,000.00 be and is hereby transferred as so stated from DPW Operations Salary Acct #0141151-511002 \$40,000.00, Wellness Recreation Acct #0154152-530111 \$15,000.00, Police Sick Leave Buy Back Acct #0121051-515400 \$40,000.00, Auditor Salary Acct #0113451-511000 \$15,000.00, Total \$110,000.00 to Fire/Overtime Acct #0122051-511000 \$110,000.00

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department

I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby approve the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Rory Lindstrom, Director of Recreation
I hereby approve the above: Robert Ferullo, Jr. Chief of Police
I hereby recommend the above: s/Thomas C. Quinn,
Deputy Superintendent

s/President Denaro

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

ORDERED That the sum of \$40,000.00 be and is hereby transferred as so stated from DPW Administration Salary Acct #0141151-511000 \$23,000.00, DPW Operations Acct #0141151-511002 \$17,000.00, Total \$40,000.00 to DPW/Overtime Acct #0141151-513100 \$40,000.00

I hereby recommend the above: s/Thomas C. Quinn,
Deputy Superintendent
I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby approve the above: s/Scott D. Galvin, Mayor

s/President Denaro

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

PUBLIC HEARINGS:

On the petition by Lowe's Companies, Inc., 15 Commerce Way, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Section 5.1.57a, Note 17 to allow for the storage of trailers for the collection of used appliances and pallets; 2. Section 8.2.5 and Section 11 to allow for a further reduction in the number of parking spaces from 589 to 554; and 3. To replace the site plan of record with the site plan entitled "Proposed Outdoor/Seasonal Storage, 15 Commerce Way, Woburn, MA" dated January 31, 2013 prepared by Allen & Major Associates, Inc., for the property located at 15 Commerce Way. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass." Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that with the revised plan the storage area is being relocated to the rear of the building and there is less reduction in the parking, that the revised plan of record is dated march 22, 2013, and that he requests that the committee report be adopted. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favorm,

9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the plan of record shall be the plan entitled "Proposed Outdoor/Seasonal Storage, 15 Commerce Way, Woburn, MA" prepared by Allen & Major Associates, Inc. dated 1/31/13, revised 3/22/13, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

On the petition by Woburn Auto Sales LLC, P.O. Box 158, North Billerica, Massachusetts 01862 for a special permit pursuant to Sections 5.1.45 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of automobiles, trucks, truck trailers and motorcycles and for a Second Class Motor Vehicles Sales License at 1095R Main Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as to the petitioner for a special permit as follows: "ought to pass, as amended with the amendments as follows: 1. That there be no 'used car' sign on Main Street, and 2. That the number of vehicles be limited to ten (10)." A report was received from the Committee on Public Safety and Licenses as to the petition for a Second Class Motor Vehicle Sales License as follows: "ought to pass." Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner met with both committees, that favorable recommendations were issued from the committees, and that he requests that the committee reports be adopted. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Gaffney absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the REPORT OF THE COMMITTEE ON SPECIAL PERMITS AND THE REPORT OF THE COMMITTEE ON PUBLIC SAFETY AND LICENSES be ADOPTED, AS AMENDED as follows: 1. That the conditions in the report of the Committee on Special Permits also be conditions of the Second Class Motor Vehicle Sales License, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor: April 18, 2013

s/Scott D. Galvin August 18, 2013

Alderman Gately recused himself from participating in the following matter and left the Council Chamber.

On the petition by Corner Office Gourmet, 600 West Cummings Park, Suite 1950, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow a lunch take-out business for consumption of premises at 600 West Cummings Park, Suite 1950/322 Washington Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Mike Tracy and he stated that he was the owner of the petitioner, that the request is for a special permit to allow the sale of sandwiches, salads, soups and lunch meats, that this catering kitchen as Italian Express, that they took out the seating area and created a cold prep area, that they rented additional space for a refrigerator and freezer, that the petitioner will be a "grab-and-go" service, that there will be no seating, that there will be no public restrooms, that there are nine employees, that the Building Department indicated that this was a fast food

service rather than a continuation of the original use, that the Planning Board indicated that a traffic report would be needed for impact on Washington Street, that most business would be generated from employees of businesses at the office park, that there will be no drive thru component, that the operation may reduce traffic in the area by servicing the employees in the office park, that the hours of operation are 8:00 a.m. to 4:00 p.m. Monday through Friday with no hours of operation on weekends, and that the Board of Health inspected the facility today with no violations. Aldermen Mercer-Bruen stated that she takes no exception to the business, that the use is similar to the prior use, that she has no concerns with the petition, and that this sounds like the perfect fit for the area. Alderman Haggerty stated that there was a similar establishment at this location, and that he will support the adoption of the petition at this meeting. Alderman Raymond stated that he agrees with the business model, and that the use may reduce traffic on the street. Alderman Drapeau stated that he takes no exception to the proposal, and that a traffic study is not warranted. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, 7 in favor, 0 opposed, 2 absent (Gaffney, Gately). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS). AMENDED with the conditions as follows: 1. That the hours of operation shall be Monday through Friday between 8:00 a.m. and 4:00 p.m., 2. That the special permit shall be granted to Corner Office Gourmet LLC only and shall not be transferable, and 3. That the decision shall reflect that the business will not increase traffic and will not be detrimental to traffic flow on Washington Street, 7 in favor, 0 opposed, 2 absent (Gaffney, Gately).

Alderman Gately entered the Council Chamber.

Motion made and 2nd that the next two public hearings be held collectively, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

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. A communication dated April 15, 2013 was received from City Solicitor Ellen Callahan Doucette with a document entitled "Declaration of Restrictive Covenant attached which read as follows:

Attached is a copy of the Declaration of Restrictive Covenant for the Armory, which I received today from Attorney Tarby. I reviewed it again regarding changes requested by the City Council. In my opinion, this final version is in proper form.

Regards, Ellen Callahan Doucette, City Solicitor

Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that he has not spoken directly with the petitioner but that he believes the covenant is in a form that the petitioner would sign, that the covenant has to be enacted by May 10, 2013 or it would be terminated, that he would recommend to the petitioner that the petitioner sign the covenant, that the covenant would then be recorded and filed with the City Clerk, that there may not be need for additional committee work, that the covenant would be effective once the Mayor signs, and that the date of May 10th is arbitrary and could be changed. Alderman Gately stated that there is not a full City Council at this meeting and that six votes would be required to adopt the ordinance. Alderman Anderson stated that the petitioner has not advised as to whether he will sign the covenant, that the matter will be delayed due to this reason, that if the Mayor does not sign the covenant quickly then there would be a zoning change with no covenant, and that the reason this matter is being further delayed is waiting for action by the petitioner. PUBLIC COMMENTS: Mark Sanborn 12 Caulfield Road stated that he does not like the covenant as it can be easily broken, that if the property is sold another entity could break the covenant, that he does not see a reason for the covenant, that the first plan offered by the petitioner did not require a covenant, and that this process has been ongoing for four or five years. Lisa Roche, 5 Myrtle Street stated that she has not seen the covenant, that she is not in support of the zoning change as this would be all businesses uses and the property could be developed all the way to her property line, that the neighborhood has to be protected, and something needs to be done. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 7, 2013, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

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. See record notes from preceding matter. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 7, 2013, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$39,000.00 from Inspections Salary Account to Inspections/Vehicle & Copier Account, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor: April 18, 2013 **s/Scott D. Galvin August 18, 2013**

On the Order to transfer the sum of \$60,000.00 from Unreserved Fund Balance Account to Elections Workers Account, Voting Machine Repair Account and Election Printing Account for State Election, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor: April 18, 2013 **s/Scott D. Galvin August 18, 2013**

On the Order to authorize the Mayor to purchase a 13,000 square foot parcel at the Dix Road Pumping Station, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor: April 18, 2013 **s/Scott D. Galvin August 18, 2013**

INFRASTRUCTURE AND PUBLIC LANDS:

On the Order relative to accepting a deed and exchanging easements with NSTAR Electric Company over property near Merrimac Street, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor: April 18, 2013 **s/Scott D. Galvin August 18, 2013**

On the Order to grant a drainage easement to Main Street Woburn RX, LLC in accordance with a proposed Easement Agreement, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor April 18, 2013 and ten days having elapsed without same being approved, said Order became effective without his signature on April 30, 2013.

PERSONNEL:

On the reappointment of Gary Fuller as a Member of the Woburn Redevelopment Authority, committee report was received “ought to pass”. Motion made and 2nd that the

COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor: April 18, 2013

s/Scott D. Galvin August 18, 2013

PUBLIC SAFETY AND LICENSES:

On the petition by Checker Cab of Woburn, Inc. for renewal of Livery License for seven (7) vehicles, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor April 18, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on April 30, 2013.

On the petition by Checker Cab of Woburn, Inc. for renewal of Taxi Cab License for seven (7) vehicles, committee report was received “ought to pass, as amended with the amendment as follows: 1. Approval only for four (4) registered vehicles.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor April 18, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on April 30, 2013.

NEW PETITIONS:

Petition by Boston Tours, Inc., 56 Williams Street, Waltham, Massachusetts 02452 for renewal of Common Carrier License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Petition by Boston Super Transportation, Inc., 29 Cummings Park, Suite 440, Woburn, Massachusetts 01801 for renewal of Common Carrier License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Petition by Soper 470 LLC, 470 Wildwood Avenue, Unit 5, Woburn, Massachusetts 01801 for transfer of Inflammable License from 470 Wildwood Realty Trust to Soper 470 LLC. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Petition by Soonyoung, Inc. dba Fashion Cleaners, 18 Swanton Street, Winchester, Massachusetts 01890 for a special permit pursuant to Section 7 of the 1985 Woburn Zoning Ordinances, as amended, to allow a professional cleaners at 102-104 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE CITY COUNCIL REGULAR MEETING ON MAY 7, 2013, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Petition by Stephanie Almeida, 24 Grace Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended to allow filling of yard at 24 Grace Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE CITY COUNCIL REGULAR MEETING ON MAY 7, 2013, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Petition by Woburn Kiwanis, c/o Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Ordinances, as amended to allow a carnival on June 14 and 15, 2013 at Library Park. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE CITY COUNCIL REGULAR MEETING ON MAY 7, 2013, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

COMMUNICATIONS AND REPORTS:

A communication dated April 9, 2013 was received from Building Commissioner Thomas C. Quinn, Jr. as the quarterly nuisance report for the period January 1, 2013 through March 31, 2013. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the petition by Rafi Lalayan dba Milano Jewelry for a new License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles. Motion made and 2nd to take the matter from the table, 8 in favor, 0 opposed, 1 absent (Gaffney absent). Alderman Haggerty stated that the Chief of Police communicated that took no exception to the license, and that the petitioner currently operates a similar business in Burlington and there have been no complaints with that operation. Motion made and 2nd that the LICENSE be GRANTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent). **Presented to the Mayor April 18, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on April 30, 2013.**

APPOINTMENTS AND ELECTIONS:

ORDERED That Paul Tobin of 10 Stevin Drive, Woburn be reappointed as a Member of the Woburn Recreation Commission for a term expiring April 1, 2018.

s/President Denaro

Motion made and 2nd that the re-appointment of Paul Tobin as a Member of the Woburn Recreation Commission be APPROVED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas the Mayor and City Council have discussed providing more expansive technological support to City Hall and municipal departments; and

Whereas technology continues to play a larger and more complex role in the day to day operations of the City of Woburn and its schools; and

Whereas the Woburn Public School system already has five Full Time Management Information System employees that handle the software, hardware and networking needs of students, teachers and the school department; and

Whereas the creation of one citywide department would ensure we are not duplicating duties within the city and could lead to efficiencies and cost-savings for our city;

Now, therefore, be it Resolved by the City Council that we encourage the Mayor, School Committee and Superintendent of Schools to consider developing one citywide department to meet the software, hardware and networking needs of the school department and other municipal departments.

s/Alderman Haggerty and President Denaro

Alderman Haggerty stated that the intention of the Resolution is to save some taxpayer dollars, that there are opportunities to combine school and city functions for savings, that an example is the Parks Department now maintains the school grounds but did not in the past, that technology will continue to grow in importance, that the community will continue to rely on technology, that the Mayor submitted a proposal for \$89,000.00 to fund a position last year which was not approved, that there is agreement that technology improvements are necessary, that this is not in the form of an Order, that the intention is

to start the discussion on the issue, and that this should also be sent to the School Committee and Superintendent of Schools as a communication. Alderman Haggerty offered a copy of the School Department educational technology budget for review. Motion made and 2nd that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Gaffney absent). Alderman Raymond stated that the Resolution might be outside the scope and authority of the City Council, that he worked on a proposal that would combine the maintenance of the school and city buildings, that there were concerns as to whether the schools or the city would have oversight of the petition, and that he supports the concept but that it may be the responsibility of the Mayor to work on this with the School Department. Alderman Mercer-Bruen stated that the concept of combining the efforts of the departments makes sense. Alderman Drapeau stated that he support the decision to suggest this proposal to handle technology issues, that the technology issues are currently handled by city personnel who have other duties as well, that this method limits the staff from attending to their own duties as well, that he also supported a maintenance proposal for the schools and city to combine their efforts, that this concept has been adopted in many communities, that the proposal eliminates duplication, that the City Council will not be part of the discussion, and that they have to hope that the Mayor and School Committee will work on this issue. Motion made and 2nd that the RESOLVE be ADOPTED, AS AMENDED with the amendment as follows: 1. That a copy of the Resolution be sent as a communication to the School Committee and the Superintendent of School, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor April 18, 2013 and ten days having elapsed without same being approved, said Resolution became effective without his signature on April 30, 2013.

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXXVI, Section 2-234 shall be amended by adding the following:

2-234 Woburn Agricultural Commission

The members of the Woburn Agricultural Commission shall be considered special municipal employees under Massachusetts General Laws Chapter 268A.

Motion made and 2nd that the MATTER be LAID ON THE TABLE in order to obtain clarification from the City Solicitor, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

ORDERED Be it Ordained by the City Council of the City of Woburn by adding a new Title 9, Article I, Section Title 5 as follows:

9-5 Notice of Planned Disturbances in Neighborhoods

The Mayor and all city departments including the School Department shall notify the Aldermen at Large and the Ward Alderman of the area affected

whenever an event is planned that may cause potential disruption to traffic and pedestrian flow or cause increased noise and activity in a neighborhood or its environs. Events that impact the residents and affects their ability to enjoy clean air, quiet environment or the peace and comfort of their home and property are subject of this ordinance, excluding routine maintenance or emergency repairs conducted by the Department of Public Works, but including street paving or extended infrastructure work such as gas line repairs or water pipe relining. Recurring community events, such as weekly concert series, farmers' markets, fun runs, road races shall be exempt from this ordinance. Such notice shall be given to the Aldermen at least three (3) weeks prior to the event. If the Aldermen deem that the impact is significant enough to warrant a notice be sent to the residents of the affected area, the city shall inform the residents either by printed notifications or a Reverse 911 call at least two weeks prior to the event.

s/Alderman DiTucci

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Motion made and 2nd to ADJOURN, 8 in favor, 0 opposed, 1 absent (Gaffney absent).
Meeting adjourned at 7:42 p.m.

A TRUE RECORD ATTEST:

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