

**CITY OF WOBURN
APRIL 17, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 9-0.

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by Atlantic Plywood, 8 Roessler Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.53 of the 1985 Woburn Zoning Ordinances, as Amended, to allow a flammable storage room at 8 Roessler Road. PUBLIC HEARING OPENED. A communication dated April 11, 2007 was received from Steve Puppo, Director of Operations, Atlantic Plywood Corporation, 8 Roessler Road, Woburn, Massachusetts 01801 as follows:

Dear Mr. Campbell:

Atlantic Plywood Corporation would like a continuance of our hearing before the city council on April 17, 2007, and would appreciate a later date in May 2007.

Sincerely, s/Steve Puppo, Director of Operations, Atlantic Plywood Corporation

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 15, 2007, all in favor 9-0.

Motion made and 2nd to hold the public hearing on the next two matters collectively, all in favor, 9-0.

On the petition by National Development Acquisitions LLC, c/o National Development of New England, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 5.00 acres of land at 112 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 02 from the IP-2 zoning district to the B-I zoning district. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "ought to pass." Appearing for the petitioner was Attorney Joseph R. Tarby III and he stated that the Planning Board forwarded a favorable recommendation, that the Committee on Ordinances returned a favorable recommendation, and that a full presentation of the matter was made at the prior public hearing. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the petition by Nodraer Realty Corporation, 120 Commerce Way, Woburn, Massachusetts 01801 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 3.42 acres of land at 120 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 03 from the IP-2 zoning district to the B-I zoning district. PUBLIC HEARING OPENED. SEE NOTES FROM PRECEDING MATTER. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the petition by Alderman Scott Galvin concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 21 Plympton Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. Alderman Galvin stated that he spoke to the landowner, that the owner has not been able to complete the work, that the landowner is working on several projects with his partner, that the landowner will be applying within fifteen days of this date for a building permit to install siding on the building, that there will be a \$25.00 fine for each day after the fifteen days that the landowner fails to apply for the permit to install the siding, that the landowner will finish installing the siding within 45 days of this date, that there will be a \$25.00 fine for each day after the 45 days that the landowner fails to install the siding, that he wants to enter an order adjudging the property as nuisance and to send the matter to the Committee on Liaison for further review, that the City Council has given the petitioner two months to complete the work and have "put the hammer over the head" to get the work done, and that the nuisance

order will enter to have the fine order be effective. Thomas Russo, 353 Washington Street, Winchester, Massachusetts appeared and stated that he was not able to complete the work due to the winter weather. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd that an Order enter adjudging the property at 21 Plympton Street, Woburn to be a nuisance pursuant to Massachusetts General Laws Chapter 139, Section 1, et. seq.; be it further Ordered that the landowner shall apply for a building permit within fifteen days of April 17, 2007 to install siding on the building and that for each day after the fifteen day period that the landowner fails to apply for the building permit the landowner shall be fined \$25.00 per day until such time as the landowner does apply for the building permit; and be it further Ordered that the landowner shall complete the installation of the siding on the building within 45 days of April 17, 2007 and that for each day after the 45 day period that the landowner fails to apply for the building permit the landowner shall be fined \$25.00 per day until such time as the landowner does complete the installation of the siding, all in favor, 9-0. Motion made and 2nd that the matter be referred to the Committee on Liaison for further review, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the petition by Alderman Richard Gately concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 111 Montvale Avenue, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. Alderman Gately stated that he met with the landowner William O'Neill and members of the Historical Commission, that there has been a lot of work done at the property since that meeting, that the landowner removed debris and the abandoned cars from the site, that the owner was concerned about the property, that the Historical Commission members indicated that this was a significant building, that there is an 1806 marker on the building however it appears to be older than originally thought, and that the landowner has done all the work he has been asked to do. Alderman Gately offered photographs of the property to the City Council for review. Motion made and 2nd that the photographs be received and made part of the record, all in favor, 9-0. Alderman Ciriello stated that the house is salvageable, that it has been modified over the years, that the exterior appears to require only cosmetic improvements, that the porch needs to be repaired, that the landowner can extend the rear of the house and maintain the character of the house in the front, that it would cost a lot of money to do this if it was being maintained as a single family house, and that the property could be converted to a condominium to save the house. Attorney August Niewenhaus, 60 Valdora Drive, Stoneham, Massachusetts 02180 stated that he represents the estate of Alice O'Neill, that Marjorie O'Neil Stewart is the executor of the estate and William O'Neill is the occupant of the property, that William O'Neill met with Alderman Gately on April 5, 2007, that the property has been secured since that time, that the landowner has begun to clean up the property, that the intent of the estate is to sell the property to a qualified

bidder for rehabilitation or rebuilding, that the landowner has one interested buyer and interest has been expressed from the real estate community, that the landowner asks for ninety days to complete the purchase and sale process and to prepare a plan of action, that one potential buyer wishes to rehabilitate the property, that the owners want to sell the property to a qualified buyer with the intent of rehabilitating the property if possible, and that this would depend upon the condition of the lease after further examination. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 17, 2007, all in favor 9-0.

On the petition by Alderman Gonsalves to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: “By adding a new Section 11.11 as follows: PROPOSED AFFORDABLE HOUSING AMENDMENT 11.11 Affordable Housing Requirement 1. Whenever a request under this section for a Special Permit from the City Council seeks approval for the development of Townhouse, Garden, or Elevator apartments as specified under Sections 5.1.3(a) through 3(d), and Section 5.1.4, under the zoning classification for the subject parcel existing, at the time of the request, the City Council shall require as a condition of any such grant of a permit, the provision on site and within the development of affordable housing units equal to ten (10%) percent of the development's total number of dwelling units. The affordable units to be provided shall be equivalent in size, quality, and characteristics to the other units within the development, including tenure type, i.e., whether the overall development is intended for rental or homeownership. The distribution of unit sizes and determination of occupancy characteristics shall be made by the City Council at the time of granting the special permits. 2. The units required above shall be affordable to persons and households of low and moderate income, in accordance with the guidelines and regulations of the Massachusetts Local Initiative Program (LIP), administered by the Massachusetts Department of Housing and Community Development (DHCD), or a successor program, as they may be promulgated from time to time. The Applicant shall be responsible for preparing a Massachusetts Local Initiative Program, Units Only Application, under the direction of the Mayor or his designee, for execution and submission by the City of Woburn, and to complete all other work and fulfill all other requirements related thereto, to ensure that the units will be considered subsidized low and moderate income units as defined by MGL Ch.40B, Section 20. 3. The Applicant may, with the approval of and at the sole discretion of the City Council, as a condition of any such grant of a special permit, meet the affordable housing requirements by the provision of off-site units within the same ward at a location or locations owned by, or under option to purchase by the petitioner and identified prior to the granting of and included as a condition of the special permit. Said affordable housing shall be equal to 10% of the requested development's total number of dwelling units, and shall meet the requirements of Paragraph 2, above. 4. The Applicant may, under certain circumstances, and with the approval of and at the sole discretion of the City Council, as a condition of any such grant of a special permit, may substitute a cash payment for the provision of some or all of the low and moderate income housing units required under Section 1, above. Circumstances under which a cash payment may be made include, but are not limited to: 1) the lack of shopping,

schools, or other facilities near the proposed location, 2) the lack of access to public transportation, or 3) any other condition which at the sole determination of the City Council renders the site inadequate as a site for affordable housing for the benefit of Woburn residents. Such payment shall be equivalent to the present value of the difference between the affordable rent or price as required under Section 2, above, and the projected market rent or price of the units as of the date the application is submitted. The Applicant shall propose an appropriate method for determining the amount of such payment, which shall be approved by the City Council at its sole discretion. Such payments shall be placed in the Affordable Housing Fund, as specified in Paragraph 5, below. 5. An Affordable Housing Fund shall be established in the City Treasury to receive all payments made under this Section, and shall be kept separate and apart from other monies by the City Treasurer. Any moneys in said fund shall be expended only at the discretion of the City Council, with the approval of the Mayor, to support the creation of low and moderate income housing units which meet the requirements of Section 2, above. All moneys which are collected as a result of any contribution to this fund shall be transferred to the principal of said fund, and the City Treasurer shall be the custodian of the fund and shall deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth of Massachusetts, or in federal savings and loan associates situated in the Commonwealth. Any interest earned thereon shall be credited to and become a part of such fund. Any moneys in the fund shall be expended only by a majority vote of the entire membership of the City Council, with the approval of the Mayor. The cost of acquiring land or property for future affordable housing development by the City of Woburn or one of its public authorities is an allowed expenditure of funds held in the Affordable Housing Fund. 6. In the event that the requirements of this section impose a severe economic hardship on the Applicant, the City Council, may, at its sole discretion, modify the requirements of this Section. Such hardship must be caused by unusual site conditions which substantially increase the cost of development, including: 1) the need to remediate conditions of environmental contamination, 2) the need to preserve an existing structure of significant historic value, 3) the need to preserve a critical area of open space, or 4) a similar site condition which the City Council determines at its sole discretion substantially increases the cost of development. Such modification shall be limited to a reduction in the number of affordable housing units to be provided under this Section, or acceptance of a cash payment less than the full amount specified in Paragraph 4, above, to be placed in the Affordable Housing Fund. 6. In determining the number of units to be provided in accordance with Paragraph 1, above, a fractional unit of .5 or more shall be regarded as a whole unit. When less than a .5 unit is required, the Application may, at the sole discretion of the City Council, satisfy the requirements of this Section by making a cash payment, as specified in Section 4, above.” PUBLIC HEARING OPENED. A communication dated April 17, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Joanna Gonsalves – to add a new Section 11.11 entitled Affordable Housing Requirement

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on April 10, 2007, the Board voted to recommend to the City Council that they refer this matter to the ZORC committee for further study to establish an Affordable Housing requirement for the City of Woburn that best addresses the needs of Woburn and is in compliance with the various Massachusetts laws and regulations that regulate the powers of cities and towns regarding housing.

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Alderman Gonsalves stated that she attended the Planning Board meeting on this matter, that the Planning Board was generally in favor of the amendment, that this issue is encompassed in their work on Vision 2020, that the Planning Board wanted to see how this conforms with the Master Plan and to ensure that it allows the city to obtain its affordable housing units credit, that she will see that the Woburn Housing Authority (WHA) and its executive director are invited to the Zoning Ordinance Review Committee (ZORC) meeting, that the money should be used to replicate housing such as senior housing and not be used for anything else, that currently the funds are in the Stabilization Fund which can be used for any purpose and the city needs to be certain that it is used for housing, that there is affordable housing in the city that does not count in the 10% affordable housing requirement, that Woburn Redevelopment Authority Executive Director Donald Borchelt should be credited with drafting the ordinance, that this is a planning document, that that units should be developed in a manner so that they are counted to the 10% housing requirement, that sending this to the ZORC for review is a cautious approach, and the ZORC is now reestablished and meeting regularly, that this is a high priority matter for the ZORC, and that ZORC is working on the Master Plan. Alderman Denaro stated that it has been the City Council getting the housing units and obtaining funds and not the WHA, that there should be some type of yearly meeting between the City Council and the WHA as to what each board can do on this issue, and that we cannot have the legal department for the City Council and the WHA fighting on this issue and wasting tax money. Alderman Gately stated that he sat down with the WHA executive director during the AvalonBay project and received good input, that the Planning Board action should be to obtain legal counsel on this issue, and that the intent is to make the plan unbreakable. Alderman Galvin stated that the City Council had received some guidance from the Woburn Redevelopment Authority and established a method to set up the fund, that he cannot imagine an Alderman voting to use the money for anything but affordable housing issues, that he wants to see elderly housing developed at Library Park, that he is waiting for a plan to come forward on that issue, that he wants this amendment reviewed in a City Council committee rather than sending it to someone else, that the City Council obtained the money, that the City Council is waiting for plans to utilize the funds to come forward, that the Planning Board has already had an opportunity to take action on this matter, and that the issue has been around for years and now the Planning Board wants to step up with recommendations. Alderman Mercer-Bruen stated that she wants to be certain that an independent audit is made, that the City

Council chooses the independent auditor and that the developer pays for the audit, that further review is valuable but that she does not see the need for extended review as the amendment as already drafted provides protection. President Doherty stated that this should be reviewed further, that the City Council intends to make the fund ironclad so that it cannot be used for other purposes, that the City Council saw the need for affordable housing in the community, and that the City Council took a lead to establish the fund. IN FAVOR: Paul Meaney, Member of the Woburn Housing Authority stated that he has not completely read the ordinance, that the WHA meets next Thursday. That the WHA executive director should be brought into this process, that the executive director has expertise that he can bring to the issue, that the WHA is managing units in developments, that the plan should be structured to protect and defend the funds in a manner that it cannot be broken and the funds used for other purposes, that the WHA and the City Council have legal counsel who will look to do this, that he is speaking only as a member of the WHA, that he does not have authority to speak for the WHA, that no vote has been taken, that he is not one to recommend lawyers but there is a lot of money involved, and that it must be certain that some later City Council cannot use the money for another purpose. John Paladino, 72 Pearl Street stated that he lives near the Kimball Court apartments, and that he is not against affordable housing but developers take advantage of the situation. Donald Borchelt, Executive Director, Woburn Redevelopment Authority stated that that there is a misconception with the way the ordinance is drafted, that it is based on ordinances in effect in other communities for some time, that the purpose of the ordinance is to create units on site, that the units should be indistinguishable from other units in the development, that this is an excellent policy, that this sends a message to developers that these requirements for affordable housing exist and can be worked into their development financing, and that Lexington voted down and affordable housing ordinance. Dan Riley, 7 Silvermine Road stated that this is a good idea, that the city is not afraid of low or moderate income housing but is concerned with the size of the projects, and that the city can no longer be reactive to Chapter 40B projects. OPPOSED: None. Motion made and 2nd to continue the public hearing to the City Council Regular Meeting on May 1, 2007, all in favor, 9-0. Motion made and 2nd that a copy of the Order be forwarded to the Woburn Housing Authority, all in favor, 9-0.

On the petition by Alderman Gonsalves, Alderman Mercer-Bruen and Alderman Gately to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: That Section 5.1 "Table of Use Regulations" of the 1985 Woburn Zoning Ordinances, as amended be further be amended as follows: 1. By striking from line 5.1.71 "Commercial Parking Garage or Parking Lot" the "X" under the B-H, I-P, IP-2, I-G, S-2, O-P and OP-93 zoning districts and inserting in its place a "P" meaning and intending thereby to change the use from a by-right use to a use requiring a special permit in those zoning districts. 2. By adding to Section 2 "Definitions" in the appropriate alphabetical order a new definition as follows: "Commercial Parking Lot: Any open air parking lot or parking garage used in whole or in part for parking three (3) or more motor vehicles and where a fee/payment for parking is charged to individuals, businesses or organizations." PUBLIC HEARING OPENED. A communication dated April 17, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Alderman Joanna Gonsalves, Alderman Darlene Mercer-Bruen & Alderman Richard Gately – to amend Section 5.1.71 Commercial Parking Garage or Parking Lot in the BH, IP, IP-2, IG, S2, OP, and OP-93 from a by-right use to a use by Special Permit and adding under Section 2 a definition for a Commercial Parking Lot

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on April 10, 2007, the Board voted to send a favorable recommendation to the City Council with the modifications to the definition of Commercial Parking Lot by replacing the words “three (3)” with the words “fifty (50)” and by adding the following sentence “A license is required under Woburn’s Municipal Code Sections 5-87 and 5-88 for all commercial parking lots of three (3) or more parking spaces.” In addition the Planning Board recommended adding in line 5.1.71 “Commercial Parking Garage or Parking Lot” under “Notes; other sections” the words “See Definition, License Required”.

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Alderman Gonsalves stated that the Planning Board recommended one significant change to the ordinance, that the Planning Board Director believed that the special permit trigger should be 100 vehicles with site plan review and a special permit being issued by the City Council, that some Planning Board members believed that 100 vehicles was too high and suggested fifty vehicles, that under fifty vehicles and over three vehicles would require an annual license under the Municipal Code, that fifty vehicles to 99 vehicles would require an annual license under the Municipal Code and a special permit under the Zoning Code, and 100 vehicles and over would require a license under the Municipal Code and a special permit and site plan review under the Zoning Code, that Winchester Hospital is leasing the lot to park vehicles on the property and this provision would apply to that situation, that there is an ordinance that governs licensing of these lots, that if the property is being leased to park vehicles then a license would be required, that the Holton Street parking lot will not need the special permit because it is grandfathered but that she does want them to pay the annual licensing fee, and that this allows the city to know that businesses are not leasing their parking spaces and then not having enough parking space available for its own use. Alderman Denaro stated that this issue derives from the Winchester Hospital Holton Street parking lot, that if the employees are paying a fee to park in the lot then this would become effective but that this is only a satellite parking lot at this time, that there are auto dealers and other who rent off-site property to park vehicles and this could impact them, that the City Council sometimes requires a limousine company to lease space for their vehicles and they may have to now obtain a parking lot license, and that St. Barbara Church has vehicles parked on site and relies on this income to offset parish expenses. Alderman Mercer-Bruen stated that this proposal is not making it impossible for businesses, that this proposal closes a loophole that

benefited businesses but not the residents, that if St. Barbara Church is doing the right thing it should not be a burden on them, that there are commercial properties in north and east Woburn with large parcels of abutting residences where parking spaces could be leased, and that she would like to see an exception for non-profit organizations.

Alderman Galvin stated that this will have a trickle down effect, that it will have to be enforced by the Building Commissioner, and that the Winchester Hospital is a non-profit organization. Alderman Gately stated that he does not want to see St. Barbara Church harmed and that it will have to be determined how this would affect non-profit organizations, and that satellite parking lots should not be allowed in Woburn without a building attached to it. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED, with the amendment as follows: 1. That the Planning Board amendments be adopted, 8 in favor, 1 opposed (Denaro opposed).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of Patricia Dyer as a member of the Woburn Housing Authority, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the appointment of Edward E. Reil, Jr. as a member of the Board of Registrars of Voters, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the reappointment of Claudia Leis Bolgen as a member of the Planning Board, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the reappointment of Ann D. Alongi as a member of the Council on Aging, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the reappointment of Margaret Casey as a member of the Council on Aging, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the reappointment of Theresa Donovan as a member of the Council on Aging, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the reappointment of Roland French as a member of the Council on Aging, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

POLICE AND LICENSES:

On the renewal of the Livery License by Checker Cab of Woburn, Inc., committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the renewal of the Taxi Cab License by Checker Cab of Woburn, Inc., committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the renewal of the Livery License by American Classic Limousine Inc., committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the renewal of the License to Sell Second-Hand and Personal Articles of Value and Collectibles by GameStop #3315, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the renewal of the Bowling Alley License by Woburn Bowladrome, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

FINANCE:

On the Order to appropriate the sum of \$1,000,000.00 from School Stabilization Fund Account to Mayor's Capital Outlay WMHS Turf Field Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED, with the amendment as follows: "That bid process take place for field surfaces," all in favor, 9-0.

Presented to the Mayor: April 20, 2007 Veto Message Received April 30, 2007

On the Order to appropriate the sum of \$128,000.00 from Free Cash Account to Emergency Repairs Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the Order to transfer the sum of \$85,438.00 from various Police Departments accounts to various other Police Department accounts, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the Order to transfer the sum of \$50,000.00 from Ambulance ALS Account to Ambulance Salaries Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the Order to transfer the sum of \$87,525.00 from Ambulance BLS Account to Fire Department Holiday Salary Account and Ambulance Salaries Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the Order to transfer the sum of \$3,451.00 from Outside Survey Consultants Account to Engineering Department Overtime Account and Engineering Department GIS Equipment Maintenance Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

On the Loan Order to appropriate the sum of \$33,850,000.00 for the purposes of financing water system improvements, committee report was received "ought to pass." Motion made and 2nd to LAY ON TABLE, all in favor, 9-0.

NEW PETITIONS:

On the petition by Woburn Kiwanis, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the Woburn Zoning Ordinances, as amended, to operate a carnival from June 15, 2007 to June 17, 2007 at Library Park. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

On the petition by Robert Adams and Greg Adams, c/o Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to replace two multi-family buildings with one building containing five dwelling units at 239 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated April 13, 2007 was received from Richard G. Cutts, PE, Chairman, Woburn Conservation Commission as follows:

Re: Rag Rock

Dear President Doherty and Members of the City Council:

At the Conservation Commission meeting on April 12, 2007, the Commission voted unanimously that the portion of the Conservation Commission land being sought by the City is surplus to municipal, conservation and open space needs, in exchange for the three City parcels presented to the Commission by the City Engineer during a power point presentation. The City Engineer said that the proposal is for the Commission to receive more replacement land in the swap than it is giving up. He also indicated to the Commission that once the new water tank is online, the old tank will be immediately dismantled, so that upon completion of the dismantling and removal of debris from the old tank, including foundations, the land would be landscaped, and conveyed to the Commission in a safe and acceptable condition without undue delay.

During the Public Hearing, the Commission also expressed interest in the City land that abuts the Conservation land to the south, contains the lookout point and extends down the side of the hill, and is bounded by Houghton Street, Harrison Avenue, and Bacon Street. This land has long been presumed to be Conservation land, but is not under the custody and control of the Commission currently. The Commission's unanimous vote was for the plan in concept only, since the Commission was not presented with a metes and bounds plan to review, nor with an appraisal of the properties (either for monetary value or for conservation functions and values). The Commission expects that a metes and bounds plan will be submitted for their review, and that there will be further discussions regarding the landscaping, planting, and other potential improvements of the land which it is to receive.

Sincerely, s/Richard G. Cutts, PE, Chairman, Woburn Conservation Commission

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

A communication dated April 4, 2007 was received from David Epps, Commander, United Veterans Council and Charles Culhane, Veteran's Director inviting the City Council to participate in the Memorial Day parade and commemorative activities on May 28, 2007. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 3, 2007 was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority along with a copy of the WRA April 2007 meeting package. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 12, 2007 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of minutes of the April Council on Aging meeting and the April Director's Report. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication date March 29, 2007 was received from the Surface Transportation Board relative to notice of oral argument in the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 2, 2007 was received from State Representative James Miceli, Massachusetts State House relative to his notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC.

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

A copy of a communication dated April 4, 2007 was received from Carter H. Strickland, Jr., Rutgers Environmental Law Clinic, Newark, New Jersey relative to Raritan Baykeeper, Inc. and Hackensack Riverkeeper, Inc.'s notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 6, 2007 was received from Frank S. DeMasi, Wellesley, Massachusetts relative to his notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 6, 2007 was received from Baker Botts LLP, Washington, D.C. relative to New England Transrail, LLC's notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 6, 2007 was received from Beveridge & Diamond PC, Wellesley, Massachusetts relative to National Solid Wastes Management Association, Solid Waste Association of America, Massachusetts Municipal Association, Construction Materials Recycling Association, Integrated Waste Services Association and New Bedford Waste Service, LLC's notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 6, 2007 was received from the Massachusetts Office of the Attorney General and the Massachusetts Department of Environmental Protection relative to their notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 6, 2007 was received from Deutsch Williams, Boston, Massachusetts relative to the town of Wilmington's notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 5, 2007 was received from Galland Kharasch Greenberg Fellman & Swirsky, PC of Washington, DC relative to the New Jersey Department of Environmental Protection and the New Jersey Meadowlands Commission's notice of intent to participate in the Surface Transportation board hearing in the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated March 23, 2007 was received from Baker Botts LLP, Washington, DC along with a Motion for a Protective Order by New England Transrail, LLC in the matter of New England Transrail, LLC before the Surface Transportation Board. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 9, 2007 was received from Baker Botts LLP, Washington, DC along with a Response to National Solid Wastes Management Association's Notice of Intent to Participate by New England Transrail, LLC in the matter of New England Transrail, LLC before the Surface Transportation Board. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 9, 2007 was received from Baker Botts LLP, Washington, DC entitled Opposition to Motion to Strike in the matter of New England Transrail, LLC before the Surface Transportation Board. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 6, 2007 was received from the United States Environmental Protection Agency, Boston, Massachusetts relative to the matter of New England Transrail, LLC before the Surface Transportation Board indicating that it does not intend to participate in the oral argument hearing and providing the Surface Transportation Board with and update on its investigation into the Olin Chemical Superfund Site. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 14, 2007 was received from Deutsch Williams of Boston, Massachusetts along with a document entitled Position Statement of Town of Wilmington Re: Hearing on Jurisdictional Matters relative to the matter of New England Transrail, LLC before the Surface Transportation Board indicating that it does not intend to participate in the oral argument hearing and providing the Surface Transportation Board with and update on its investigation into the Olin Chemical Superfund Site. Motion

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

A copy of a communication dated April 10, 2007 was received from Beveridge & Diamond PC of Wellesley, Massachusetts along with a document entitled Opposition to NET's Request for Limited Oral Argument relative to the matter of New England Transrail, LLC before the Surface Transportation Board indicating that it does not intend to participate in the oral argument hearing and providing the Surface Transportation Board with an update on its investigation into the Olin Chemical Superfund Site. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 4, 2007 was received from Elizabeth Ware, Winchester Planning Board relative to Winchester Hospital expansion issues. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn that the Title 8, Article IV, Section 8-8 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By striking from Section 8-8(2)(A) the words and numbers "Class IA" and inserting in its place the words and numbers "Class I";
2. By striking from Section 8-8(2)(A) the words and numbers "Class IB" and inserting in its place the words and numbers "Class II"; and
3. By striking from Section 8-8(2)(C) the words and numbers "Class IC" and inserting in its place the words and numbers "Class III",

This being a technical amendment of the ordinances.

s/President Doherty

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

ORDERED That the City Clerk be and is hereby directed to set up and give notice of a public hearing to be held at the Regular Meeting of the City Council on May 1, 2007 relative to the construction of traffic control signals and other street improvements at the intersection of Salem Street and Wildwood Street and that such notice include posting on the official bulletin board in city hall, publication at least once in a newspaper of general circulation in the city and by mail to the owners of land abutting the public ways at the intersection of Salem Street and Wildwood Street and the intersection of Wood Street and Wildwood Street along each street a distance of three hundred feet from the said intersections at least ten days prior to said public hearing.

s/Alderman Mercer-Bruen

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

RESOLVED That the Traffic Commission establish a no parking restriction on the westerly side of Warren Avenue from the intersection of Porter Street to the northern boundary line of the property at 61R Warren Avenue.

s/President Doherty

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

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

Motion made and 2nd for a five minute recess, all in favor, 9-0.

President Doherty called the meeting back to order.

On the Loan Order to appropriate the sum of \$33,850,000.00 for the purposes of financing water system improvements, committee report was received "ought to pass." Motion made and 2nd to TAKE FROM TABLE, all in favor, 9-0. Galvin stated that if the bid figure for the section is less than the bond authorization then it will be reduced to the amount of the bid but the full bond authorization will be approved but likely not be needed. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED, with the amendments as follows: 1. That the final bid authorization to be reduced to the sum of the accepted bid for each of five separate line items; 2. That for each of the five separate lines items the amounts shall not exceed the following sums: a. Shaker Glen Pump Station \$800,000.00, b. Rag Rock Tank \$5,900,000.00, c. Water Quality Capital Improvements \$5,378,000.00, d. Fire Protection Capital Improvements

\$5,972,000.00, and e. Water Treatment Plant Design and Construction \$15,800,000.00,
ROLL CALL: .

Presented to the Mayor: April 20, 2007 s/Thomas L. McLaughlin April 20, 2007

Motion made and 2nd to suspend the rules for the purposes of adding the following late filed matter to the Order of the Day, all in favor, 9-0.

A communication dated April 17, 2007 was received from John E. Corey, Jr., PE, City Engineer as follows:

Subject: Natural Hazards Mitigation Plan – Public Hearing

The engineering department is preparing a Natural Hazards Mitigation Plan in conjunction with the City public safety to meet FEMA guidelines. This plan is required to obtain FEMA and MEMA funding and a public hearing is a necessary component of the plan.

As the plan must be submitted no later than May 15, 2007, it would appear that the May 1 City Council meeting would be the best date for holding the hearing. The engineering department will be the presenter at the hearing.

I trust the foregoing request meets with your approval. Should you have any questions or comments regarding this matter, please do not hesitate to contact this office.

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 1, 2007, all in favor, 9-0.

The Clerk of the Council reported on the status of the Home Rule petition relative to preliminary elections which is pending in the General Court awaiting assignment to committee.

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 9:14 p.m.

A TRUE RECORD ATTEST:

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