

**CITY OF WOBURN
APRIL 19, 2011 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company, 101 Linwood Street, Somerville, Massachusetts 02143 for a grant of right in a way to install approximately forty-five (45) feet of conduit on Lynn Street northwesterly from pole 328/2 approximately 165 feet northeast of Salem Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Jacqueline Duffy, Rights of Way Agent, NSTAR Electric Company and she stated that the project is necessary to provide underground service to a new residential development off of Lynn Street. Alderman Mercer-Bruen stated that she did not receive any comments in opposition to the project from neighbors. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, all in favor, 9-0.

Presented to the Mayor: April 22, 2011

s/Scott D. Galvin April 22, 2011

On the petition by J&S Landscaping, Inc./Joseph Constantino, 1 Oakland Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Code, as amended, to allow accessory storage or parking of commercial vehicles at 1 Oakland Street PUBLIC HEARING OPENED. A communication dated April 13, 2011 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: J&S Landscaping, 1 Oakland Street, Woburn, Massachusetts

Dear Mr. Campbell:

Due to the fact that the Planning Board has not yet completed its review of the above petition, I respectfully request that the public hearing on this matter be continued from April 19, 2011 to the next available date.

If you need any further information, please contact me. Thank you.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. 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 17, 2011, all in favor 9-0.

On the petition by Alderman Gately relative to the structure or structures located at 52-54 High Street, Woburn for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or buildings or other structure, 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. PUBLIC HEARING OPENED. Alderman Gately stated that the property is located in his Ward, that the condition of the home is deplorable, that the condition of the property has deteriorated over the last six years, that there have been over sixty complaints to the police department and other city services, that some minor clean up has been performed, that there is a lot of trash on the site including barrels and television sets left out front, that neighbors have complained about broken bottles, hypodermic needles and other trash in the yard, that there have been too many complaints, that the condition of the property is affecting other property owners ability to sell their property, and that there are absentee landlords in this area that adversely affect the neighborhoods. Alderman Gately offered a document dated April 19, 2011 regarding calls for assistance to the property for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Alderman Gately offered a memorandum with attachments dated April 19, 2011 prepared by Building Inspector Quinn regarding the property for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Charles Chute stated that he was appeared on behalf of the owner Roy Chute, that they are in the process of cleaning up the property, that he will work to bring the property up to a decent manner, that he has removed trash from the site, that he has talked to the tenants to resolve the issues, that the property will be cleaned over the next two months, that he will work with the City Council on the issue, that he is at the mercy of the City Council at this time, and that he was surprised by the number of calls to the property on the record introduced at this meeting. Alderman Drapeau stated that the landlord has an obligation to attract tenants that will not cause these issue in the neighborhood, and that the landlord should seek legal counsel to correct the issues with the tenants. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY

COUNCIL ON JUNE 21, 2011 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.

On the petition by T-Mobile Northeast, LLC, 15 Commerce Way, Suite B, Norton, Massachusetts 02766 for a special permit pursuant to Section 5.1.80b of the 1985 Woburn Zoning Ordinances, as amended, to add one antenna on the roof in a new faux chimney structure and associated cables to the existing equipment area with no new base equipment at 667 Main Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the condition as follows: 1. That the petitioner shall contribute the sum of \$5,000.00 to the City of Woburn for the wireless communication facilities study fund." Appearing for the petitioner was Dick Man, Site Acquisition Specialist, T-Mobile Northeast, LLC and he stated that he wrote to T-Mobile for the funds for the study and the funding was approved, and that he has a check for the City. Alderman Mercer-Bruen stated that there has been a discussion about the wireless facilities study fund, and that he suggests a communication be forwarded to the City Engineer asking to look into the cost of the study, and that if there are not sufficient funds that the city collect additional funds to move forward with the study. President Denaro stated that he met with the Mayor, Planning Board Director, Purchasing Agent and City Engineer and that the city is in the process of obtaining bid specifications for the work. 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 SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the recommendation of the Committee on Special Permit be adopted as a condition of the special permit, and 2. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor 9-0.

Alderman Haggerty recused himself from participating in the following matter as his employer is an abutter of the property and left the Council Chamber.

On the petition by 859 Main Development, LLC, 57 Russell Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 22 of the 1985 Woburn Zoning Ordinances, as amended for a proposed 98 unit condominium development at 859 Main Street PUBLIC HEARING OPENED. A copy of a communication dated April 12, 2011 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 859 Main Street 98 Unit development Special Permit
Special Permit Application Dated February 28, 2011
Plans Dated January 27, 2011
Drainage Calculations Dated January 27, 2011
Traffic and Parking Assessment Dated February 2011

The applicant is seeking permission to construct a 98 unit condominium complex on an existing 6 acre parcel of land.

Upon review of the special permit application, this office offers the following comments.

Water

Sheet 5 of 8 shows a proposed 8" water main that will service the two condominium buildings and the club house. Both buildings will have a 6" fire service and a 4" domestic water service and the clubhouse will be serviced by a 2" copper water service.

The applicant is proposing to upgrade approximately 210' of the old 6" water main to a 10" CLDI water main to the southerly property.

This office takes no exception to the proposed water main design as shown.

Sewer

The applicant is proposing to service the site with a proposed 6" PVC sewer main which connects to a proposed sewer manhole on Main Street.

This office takes no exception to the sewer design as shown.

Drainage

The site plan shows that the site drainage will be mitigated by a series of infiltration chambers throughout the site. The submitted drainage calculations demonstrate that the post development runoff conditions for the 100 year storm are reduced from predevelopment conditions. However, the engineer should show an overflow pipe where possible from infiltration chambers to the resource area for storm events in excess of 100 years.

Miscellaneous

Sheet 4 of 8 shows the proposed grading for the development. There is a proposed Alzheimer development at the northerly property line that has been recently approved by the planning board. Both projects show grading that slopes toward the common property line. This would create a valley between the two properties which could have an impact on the site drainage.

The applicants for both projects should look at their grading design at the common property line so that neither project will have an adverse impact on one another and create a drainage problem.

This proposed project is subject to section 18 of the Woburn Zoning Ordinance. The applicant has submitted a development impact statement which outlines how the proposed development affects the infrastructure. As part of the mitigation, the applicant is proposing to replace the existing 6" water main on Main Street with approximately 210' of 10" CLDI water main to the southerly property line.

Additionally the applicant is proposing to construct a new walking trail at the rear of the property along the wetland and Middlesex Canal.

The development Impact Statement should also include the total project cost so that the mitigation amount can be determined.

Traffic

The applicant has submitted a traffic and parking assessment study for the proposed project. This study includes the proposed Alzheimer's care facility and the proposed St. Anthony's parish center developments.

The report includes the existing level of service as well as the 2014 no build and build scenarios.

The report indicates minor changes in delay on the 2014 no build scenario compared to the 2014 build scenarios and there is the level of service drops from a C to a D at the School Street intersection on from the 2011 existing level of service to the 2014 build scenario.

The report also indicates that the 2014 build scenario at the un-signalized driveways for the Alzheimer's care facility and the condos will operate at a D level of service during the AM and PM peak hours.

This office has been informed by the planning board that the traffic report review is under a peer review and is awaiting comments.

If you or the board have any questions concerning this information, do not hesitate to contact this office.

Appearing for the petitioner was Attorney James J. Mawn, Mawn and Mawn, P.C., 275 Mishawum Road, 4th Floor, Woburn, Massachusetts 01801 and he stated that that City Council is familiar with this project as it was part of the rezoning process, that the petitioner seeks to build a 98 unit condominium project, that the locus is approximately six acres in area, that this is undeveloped land, that the property fronts on Main Street, is east of Sierra Suites, west of St. Anthony Parish and the wetlands of the Middlesex Canal are to the north, that the land is owned by the Archdiocese of Boston, that the petitioner has the property under agreement for purchase, that there will be two condominium buildings each three stories in height with 49 condominium units in each building, that there will be 208 parking spaces, that the project complies with Section 22 and all requirements of the Woburn Zoning Ordinances, and that the project addresses egress and access, parking, lighting, landscaped area and conforms in general with the neighborhood. Attorney Mawn offered a Project Summary and Development Impact Statement to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Haggerty absent). Alderman Raymond requested that the petitioner provide an oversize set of the plans for each Alderman, that he wants to look at the traffic plan, that the petitioner will only provide a thirty foot easement from the bed of the canal towards the locus property, that

the pathway along the canal will be constructed by the Middlesex Canal Commission, and that there will be sidewalks on each side of the Middlesex Canal. Frederick Russell, Civil Engineer, 154 Aldrich Road, Wilmington, Massachusetts stated that the basement of each building will contain 56 underground parking spaces, that the total of 208 parking spaces complies with the Woburn Zoning Ordinances, that the project will extend the ten inch line and replacing 210 feet of six inch line with ten inch line, that there will be seven subsurface infiltration systems, that all new runoff from the buildings and parking lots will drain to the infiltration systems, that there will be a walking path along the Middlesex Canal to the rear of the westerly building, that there will be access to the locus provided by two driveways off Main Street, that the southerly driveway will be for entrance to the locus and the northerly driveway will be for exiting the locus, that a gully between the locus and the project to the north will be filled to match the contours of the two projects, that the project will tie all services to a ten inch line in the area with a by-pass, that the walking path will stretch along the westerly side from School Street, and that the walking path will be constructed on the locus property. Charles Crevo, Principal 3C Consulting Group, Wellesley, Massachusetts stated that he conducted the traffic study from School Street to the north to the Alfred Street/Elm Street intersection to the south, that these are signalized intersections, that he looked at current operations of the signals as a base study, that 2014 is the proposed completion and occupancy of the project, that 2014 without construction would generate more traffic, that he analyzed 2011 conditions if the project was not built and then if it was built, that he compared 2011 no build and 2014 build conditions, that the School Street intersection approaches level of service D for 2014 whether build or not build, that the intersection does not get any worse, that there is only a five second difference that gets the intersection into the D category, that he analyzed adding the condominium project, the Alzheimer's facility and the proposed St. Anthony's parish center for a worst case scenario, and that the Woburn Zoning Ordinances requires 205 parking spaces. Alderman Gately stated that he wants to see the recommendations of the Planning Board and the traffic peer review and will not schedule a committee meeting until these are received. IN FAVOR: John Martini, 169 Place Lane, stated that he is in favor of the project, that the petitioners are good developers, that the city will generate tax revenue from the project, and that the parish center will be built for St. Anthony's Parish. Michael Martini, 242 Place Lane stated that he was appearing as President of the Woburn Business Association, and that the WBA was in favor of the rezoning of the parcel, the Alzheimer's unit and is in favor of the proposed condominiums. Annette Patti, 10 Newbridge Avenue stated that she was not notified of this project, that her concern is the number of vehicles entering the Route 128 rotary, that she is concerned with the impact on the community of 200 more vehicles in the area from this development, that there are five acres for the condominium project and one acre for the Alzheimer unit but the petition indicates six acres for the condominium project, that this appears to be a nice development that would not hurt the neighborhood, that the undeveloped land has been a concern for safety over the years, and that she is not against the project but have questions about it. Jim Callahan, 32 Van Norden Road stated that he understands that not all of the project documentation is before the City Council, that there should be more dialogue about the traffic study, and that he wants the public hearing to remain open. Susan Nocella, 25R West Street stated that she is in favor of the project, that she hopes the project will be approved, that she is looking forward to the sale of the

property and the development of the parish center, and that the proposals will fit well in the land sale. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 17, 2011 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Haggerty absent).

Alderman Haggerty entered the Council Chamber.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointments of Timothy A. Mooney, Joseph C. Patrissi, Michael J. Benenate, Robert F. Carley and Paul A. Medeiros to the Woburn Agricultural Commission, 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 22, 2011 **s/Scott D. Galvin April 22, 2011**

FINANCE:

On the Order to transfer the sum of \$1,984.80 from Fire/Sick Leave Buyback Account to Fire/Holiday Pay 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 22, 2011 **s/Scott D. Galvin April 22, 2011**

On the Order to transfer the sum of \$146,500.00 from BLS Ambulance Receipts Account to Ambulance Salaries Account, Fire/Overtime Account, Ambulance Maintenance Account and Fire/Holiday Pay 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 22, 2011 **s/Scott D. Galvin April 22, 2011**

On the Order to transfer the sum of \$20,000.00 from Ambulance Salaries Account to Apparatus 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 22, 2011 **s/Scott D. Galvin April 22, 2011**

On the Order to appropriate the sum of \$777,093.00 from Unreserved Fund Balance Account to Capital Improvements – Police Vehicles Account, Fire/Turnout Gear Account, Parks/Groundmaster and Dump Truck Account, Recreation/Library Park Playground – Police Account, Engineering/Leland Park Site Design Account and Public Works/4x4 Pick Up 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 22, 2011 s/Scott D. Galvin April 22, 2011

POLICE AND LICENSES:

On the petition by Abdulla Nasser dba AACO Travel Taxi Service for renewal of Taxi Cab License for two (2) vehicles, 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 22, 2011 and ten days having elapsed without same being approved, said License became effective without his signature on May 3, 2011.

On the petition by Lifeline Ambulance Service, LLC for renewal of Livery License for twelve (12) vehicles, 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 22, 2011 and ten days having elapsed without same being approved, said License became effective without his signature on May 3, 2011.

ORDINANCES:

On the Order to amend Title 2, Article XXVI, Section 2-174 of the 1989 Woburn Municipal Code, as amended, relative to ambulance rates of service, 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 22, 2011 s/Scott D. Galvin April 22, 2011

On the Order to amend Title 2, Article XXVII, Section 2-181 of the 1989 Woburn Municipal Code, as amended, relative to base salary of the Superintendent of Public Works, 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 22, 2011 s/Scott D. Galvin April 22, 2011

On the petition by Alderman Drapeau relative to the structure or structures located at 33 Sylvanus Wood Lane, Woburn for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or buildings or other structure, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, committee report was received “back for action”. A communication dated

April 14, 2011 was received from Thomas C. Quinn, Jr., Inspectional Services Department as follows:

Re: 33 Sylvanus Wood Lane

With regard to the above referenced property. The owner has been unresponsive to the request to enter the premises by the Inspectional Services Department and was issued a Zoning Violation fine on March 9, 2011 in the amount of Three Hundred Dollars per day based on her admittance in an email of having more than the one allowed living units within a Single Family Dwelling to which she failed to respond to. A complaint was issued on April 11, 2001 with the Woburn District Court and as of this time I am awaiting a date for the Hearing.

I will update you as more information becomes available.

Alderman Drapeau stated that this matter is complicated in that the landowner has abandoned the property, that there is a foreclosure proceeding but the lender is not pushing to complete the process, that he wants a declaration that the property is a public nuisance, that there is no need to continue the public hearing as the city is making no progress with the landowner, that he will not talk about the plans of the Police Department as he wants it to be as covert as possible but he is looking for action to rid the neighborhood of these issues, that there are squatters on the property, that the city has to abide by the laws and constitutional rights of the residents, that the owner will not clean up the property, that fines and fees may have to be imposed, that he is working with the legal department on this issue, that this has been a long process, and that it has been more than six months of trying to get action. Alderman Drapeau offered letters dated April 14, 2011 and April 19, 2011 from Thomas Quinn of the Building Department to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Lt. Robert Ferullo, Woburn Police Department stated that he assigned community policing units to the site for three days, that a police vehicle was parked in the area for five days, that there have been five calls for assistance to the property including a significant altercation the evening before this meeting, that the Police Department will take whatever legal and constitutional steps that the department can take to protect the neighborhood, that all efforts of the Police Department are not visible, that some efforts are administrative or covert, and that a police vehicles presence is not the only action that the department can take. Alderman Mercer-Bruen stated that the city will not put up with these issues, that this is a single family neighborhood, and that the property should be preserved in that manner. Alderman DiTucci stated that the trash and other health and safety issues should be remediated by the city if necessary including accessing charges to the landowner for the work. Alderman Gately stated that the Board of Health, Fire Department, Police Department, Department of Public Works and Building Department are resources available to assist in addressing these issues, that the City Council must utilize these resources, that the Board of Health can cite the disposal of rubbish in the yard, and that the utilities are not being paid for and will soon be shut off. Alderman Raymond stated that never every property in the city with similar issues are nuisances, and that often the issues can be addressed by the city departments

without the necessity of declaring the property a nuisance. Motion made and 2nd to suspend the rules for the purposes of hearing from the public on this matter, all in favor, 9-0. Mohammed Milad, 35 Sylvanus Wood Lane stated that there are still issues at the property, that there was a fight at the property last night, that there are twenty bags of trash on the property, that these problems have been going on for years, that he purchased the property in May 2007, that he learned the previous owners of his property sold the property because of the issues at the house, that he wants to sell his property but cannot because of the issues at the locus property, and that the trash must be removed from the yard. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Alderman Anderson stated that there is issue because there are people living in this property, that this differs from the Day Circle property as that was vacant when the city entered to take action, and that the city can enter orders regulating the property. Motion made and 2nd that the property located at 33 Sylvanus Wood Lane, Woburn be declared a public nuisance pursuant to Massachusetts General Laws Chapter 139, Section 1, et. seq., for the following reasons: 1. That the exterior upkeep and care of the building is inadequate, 2. That many hazards including garbage stored outside and allowed to build up, 3. That there is a turned over trailer in the yard, 4. That there is a broken basketball court, 5. That there is generally poor condition and disrepair of the building and property, 6. That there have been over eighty calls to the police department to the property, 7. That there is use of the property for multiple residential units in the single-family zoning district, and 8. That there are egress issues at the property, and Orders the following actions: 1. That there shall be no more than one (1) unregistered vehicle on the property, 2. That the Treasurer/Collector be notified of outstanding issues on the property with regard to zoning violations and that no municipal lien certificate be issued to anyone until such time as the matters have been resolved, 3. That the Woburn Police Department during routine patrols make notes of any vehicles that may be parked within proximity of the dwelling and record in case of further actions, 4. That the Board of Health conduct routine inspections of the exterior of the property, 5. That the Board of Health remove debris from the outside of the property with the assistance of the Department of Public Works, 6. And that appropriate fines be assessed by the city departments for violations, all in favor, 9-0.

Presented to the Mayor: April 22, 2011

s/Scott D. Galvin April 25, 2011

NEW PETITIONS:

A communication dated April 13, 2011 was received from James Haggerty IV, Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 as follows:

Dear Mr. Campbell:

Due to unforeseen circumstances, the Boys & Girls Club of Woburn is asking the City of Woburn for a minor modification to its special permit for the Club's annual carnival.

We are asking for an amendment of the special permit that will change the dates from May 3rd to May 8th to May 17th to May 22nd.

If you have any questions or concerns, please do not hesitate to contact me or Carla Beaudoin at the Boys & Girls Club of Woburn at (781) 935-3777.

Thank you for your assistance in this matter.

Sincerely, s/James Haggerty IV, Boys & Girls Club of Woburn

Motion made and 2nd that the MINOR MODIFICATION OF A SPECIAL PERMIT ISSUED TO THE BOYS & GIRLS CLUB OF WOBURN ON MARCH 10, 2011 be APPROVED BY CHANGING THE DATES FROM MAY 3, 2011 THROUGH MAY 8, 2011 TO MAY 17, 2011 THROUGH MAY 22, 2011, 8 in favor, 0 opposed, 1 abstained (Haggerty abstained).

Petition by Woburn Cab Company Inc., 100 Ashburton Avenue 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 Woburn Cab Company Inc., 100 Ashburton Avenue for renewal of Taxi Cab License for twelve (12) vehicles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Amerco Real Estate Company, Inc., 2727 North Central Avenue, Phoenix, Arizona 85004 for three special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to convert an existing property into a U-Haul Center as follows: 1. Pursuant to Section 5.1.42a self-storage warehouse facility, 2. Pursuant to Section 5.1.45 rental of U-Haul equipment, autos, trucks and trailers, and 3. Pursuant to Section 5.1.57b storage and parking of motor vehicles, all at 31 Olympia Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Woburn Kiwanis, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Code, as amended, to allow for a carnival and fireworks on June 17 and June 18, 2011 at Library Field. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated April 15, 2011 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 March 2011: number of parking violations issued 533, number of violations paid 235, number of violations outstanding 238, amount collected and submitted to the Office of the Collector \$20,834.80. There exists a backlog of 5,627 tickets for 1982 through 2010. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$5,500.00.

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 copy of a communication dated April 12, 2011 to Edmund P. Tarallo, Planning Director was received from Attorney Ellen Callahan Doucette, Brackett & Lucas, 19 Cedar Street, Worcester, Massachusetts 01609 relative to conditions of the special permit granted on April 15, 2008 to American Venture Corporation, Packet Realty and B&D Realty Trust for the property located at 159-175 Main Street. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 11, 2011 was received from City Clerk William C. Campbell as follows:

Re: Conflict of Interest Law

The conflict of interest law legislation passed in 2009 requires certain mandatory education and training requirements for public employees, which includes paid, unpaid and volunteer positions. This includes online training every two years and distribution of the ethics law summaries every year to the employees of the city.

Due to the cost and other practical circumstances, the State Ethics Commission established guidelines to allow the city to exempt certain employee categories from performing the online training or receiving the written summaries. Examples include volunteers in schools, school libraries, conservation day clean-up efforts, senior center and parks and recreation activities, and paid temporary or seasonal position such as poll workers, recreation lifeguards, snowplow operators, senior citizen tax abatement program workers, and a number other positions. A copy of an extract from the Ethics Commission memorandum is enclosed for your review.

The positions would not be exempt from the conflict of interest law, however it would eliminate costs to the city and relieve the burden on the volunteer or short-term temporary or seasonal positions from sitting for on line training.

If the City Council has an interest in examining the exemption further, I am available to meet with the City Council or an appropriate committee.

s/William C. Campbell, City Clerk

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

A communication dated April 12, 2011 from Frank A. Cieri, The Cieri Group, 329 Washington Street, Woburn, Massachusetts 01801 relative to a complaint concerning Ali Saleh dba Metro Cab. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES with a communication sent to Ali Saleh dbd Metro Cab asking that he appear at the Committee meeting, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order relative to the authorization of His Honor the Mayor and the Board of Trustees of the Woburn Public Library to apply for, accept and expend any state grants for the renovation and expansion of the Woburn Public Library. Motion made and 2nd to take the matter from the table, all in favor, 9-0. Alderman Drapeau stated that the meeting should be held in the Council Chambers as there will be many people in attendance, that there are not too many arguments against doing something for the library to improve this resource for the community, that he is interested in getting to agreement on the project size and scope, that the library has his full support but he is only one vote, that the library cannot be kept in this condition for the long-term, and that it will be a tragedy if this opportunity falls by the wayside. Alderman Haggerty stated that the committee meeting should be held in the Committee Room as an informal session would be more accommodating for the process. Alderman Mercer-Bruen stated that there is a need for changes at the library but she does not support the present plan, that there have to be compromises, that there is not support on the City Council for the present plan but the trustees have asked to meet about this matter, that the trustees just keep saying that changes cannot be made to the plan, and that there has to be a consideration as to what sacrifices everyone can make so that this project can move forward. President Denaro stated that there is a proposal for the expansion and renovation of the library already in place, that it is folly to believe an alternate plan can be prepared and completed by the June 16, 2011 filing deadline, that the appearance of the architect at the committee meeting will only cost the trustees money, and that he does not see the likelihood of the current plan being supported by the City Council. Alderman DiTucci stated that the city can only deviate 5% from the overall square footage proposed but can change the project in any other manner including the materials, that the question is whether the city wants to improve the library or not, and that there has not been discussion and that is what is needed. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, AS AMENDED with the following conditions: 1. That a communication be sent to His Honor the Mayor requesting he attend the Committee meeting regarding this

matter, 2. That a communication be sent to the Woburn Public Library Board of Trustees requesting they attend the Committee meeting regarding this matter, 3. That a communication be sent to the City Engineer and City Auditor requesting they attend the Committee meeting regarding this matter and that the City Auditor provide relevant information to determine the impact on the budget of the proposed library expansion and renovation plan, 4. That a communication be sent to the Woburn Public Library Board of Trustees requesting a copy of the substitute designs be provided to each Alderman for the committee meeting, 5. That a communication be sent to the Massachusetts Library Commissioners requesting they attend the Committee meeting regarding this matter to provide information to the City Council as to how this project can move forward, and 6. That a communication be sent to the Woburn Public Library Board of Trustees architect which who worked on the library expansion and renovation plans requesting he or she attend the Committee meeting regarding this matter and be prepared to answer questions from the City Council, all in favor, 9-0.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS: None.

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

ORDERED That the following authorized and unissued bond authorizations be and are hereby rescinded: Original Purpose – Original Date Authorized – Original Amount Authorized – Amount to be Rescinded: Woburn Memorial High School – 06/08/2002 - \$81,400,000.00 - \$7,223,600.00; Refinancing Order – 07/06/1999 - \$3,000,000.00 - \$100,000.00; Water Improvements – 09/04/1998 - \$7,000,000.00 - \$110,000.00; Kennedy Middle School Roof – 11/16/2010 - \$1,650,000.00 - \$1,650,000.00; Joyce Middle School Roof – 11/16/2010 - \$1,250,000.00 - \$1,250,000.00; Spence Farm Land Purchase – 06/10/2010 - \$2,700,000.00 - \$279,000.00; Whispering Hill Land Purchase – 06/10/2010 - \$7,000,000.00 - \$300,000.00.

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

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

s/President Denaro

Motion made and 2nd that the ORDER be ADOPTED, ROLL CALL: Anderson – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – Yes, Denaro – Yes, MOTION PASSES.

Presented to the Mayor: April 22, 2011

s/Scott D. Galvin April 22, 2011

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 9:06 p.m.

A TRUE RECORD ATTEST:

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