

**CITY OF WOBURN  
APRIL 19, 2016 – 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen - absent
Gaffney	Tedesco
Haggerty	

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

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**MAYOR’S COMMUNICATIONS:**

A communication dated April 13, 2016 with attachment was received from His Honor the Mayor as follows:

Re: Participation in MAPC Electricity Aggregation Program

Dear President Haggerty and Council Members:

Electricity rates in Massachusetts are some of the most expensive and volatile in the country. This is due to a combination of factors including power plant retirements, overdependence on natural gas as a generation fuel, lack of consistent supply of natural gas, rigid power procurement rules at the state level, and increasingly common extreme weather events – all of which drive up wholesale power prices. As a result, it is increasingly difficult for residents and businesses to budget for their electricity bills.

The City can, and should, help residents with this problem. The Metropolitan Area Planning Council (MAPC) is assembling a consortium of municipalities to offer “Community Electricity Aggregation.” Municipalities moving forward with aggregation include Somerville, Arlington, Stoneham and Brookline. These communities are targeting a November 2016 bid, so we must act swiftly.

The goal of the aggregation program is to save money and provide budget stability by maximizing buying power and strategic purchasing. Aggregation is an opt-out program. Anybody can leave at any time without penalty, unlike some of the more predatory vendors currently approaching residents.

In 1997, Massachusetts passed a law that gives municipalities the authority to act as “community aggregators” (MGL, Chapter 164, Section 134(a)). In essence, this means

the City of Woburn can go out to bid for all eligible residential and business electric accounts within the City, to maximize buying power and secure the best market rate with the most advantageous contract terms. Eligible accounts are those that have not already selected a third-party supplier.

I respectfully request the City Council consider approving a motion to pursue electricity aggregation. An aggregation plan, compiled with the assistance of the MPAC team, goes to Department of Energy Resources (DOER) and the Department of Public Utilities (DPU). After approval by DOER and DPU, Woburn would be eligible to participate in a November bid process, along with the aforementioned MAPC communities.

Any bid procured can be accepted or rejected at the time. The City is not obligated to accept a bid. If we believe a bid is in the best interest of our residents, only then do we choose to accept the bid price.

I will be available, with a representative from MAPC, to meet at your next committee to discuss the issue.

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto was the following Order:

ORDERED Be it Ordained by the City Council of the City of Woburn pursuant to M.G.L. c.164, §134, that the City be and is hereby authorized to initiate the process to aggregate the electricity load of the residents and businesses in the City and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation; and to authorize the Mayor to execute all documents necessary to accomplish same.

s/President Haggerty

Motion made and 2<sup>nd</sup> that communication be accepted, referred to Committee on Liaison and to suspend the rules to hear from His Honor the Mayor on the matter, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Mayor Galvin stated that with deregulation this proposal allows the city to go out to bid for electricity, that he was approached by the Metropolitan Area Planning Council (MAPC) to join with Somerville, Arlington, Saugus and other communities, that this proposal could lead to savings for homeowners and businesses for electric charges, that he will have a consultant attend the committee meeting to provide additional information, and that the City Council would then have to authorize the Mayor to pursue the program. Motion made and 2<sup>nd</sup> to return to the regular order of business, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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A communication dated April 13, 2016 with attachments was received from His Honor the Mayor as follows:

Re: Adoption of updated Hazard Mitigation Plan for the City of Woburn

Dear Members of the City Council:

I respectfully request your approval of the attached resolution/certificate which memorializes the City of Woburn's adoption of a revised Hazard Mitigation Plan (HMP).

As you may know, hazard mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. It is most effective when implemented under a comprehensive, long-term mitigation plan. The Federal Emergency Management Agency (FEMA) encourages State and local governments to engage in hazard mitigation planning – and to develop hazard mitigation plans – in order to identify risks and vulnerabilities associated with natural disasters and to develop long-term strategies for protecting people and property from future hazard events. Adoption of an updated HMP will also ensure the City of Woburn remains eligible for certain grant funds and certain types of non-emergency disaster assistance.

Our plan identifies and then assesses the potential impacts on the City from a variety of hazards: flooding, high winds, winter storms, brush fires and geologic hazards. It also lays out and prioritizes goals and strategies for dealing with each type and occurrence of hazardous conditions.

Please be advised that FEMA is steadfast with respect to the wording of the resolution; it requires the wording of the attached resolution to remain as drafted. Please feel free to contact City Planner Tina Cassidy or City Engineer Jay Corey if you have any questions about the Plan.

Respectfully, s/Scott D. Galvin, Mayor

Attached thereto was a document entitled "City of Woburn Hazard Mitigation Plan 2015 Update" Final Plan, FEMA Approval Pending Adoption, prepared by Metropolitan Area Planning Council dated April 13, 2016 and the following:

**RESOLVED** Be it resolved the City Council of the City of Woburn Massachusetts adopt the attached resolution regarding the City of Woburn's Hazard Mitigation Plan 2015 Update.

Certificate of Adoption

City Council  
City of Woburn Massachusetts

A Resolution Adopting the City of Woburn Hazard Mitigation Plan 2015 Update

WHEREAS, the City of Woburn Massachusetts established a Committee to prepare the City of Woburn Hazard Mitigation Plan 2015 Update; and

WHEREAS, the City of Woburn Hazard Mitigation Plan 2015 Update contains several potential future projects to mitigate potential impacts from natural hazards in the City of Woburn; and

WHEREAS, duly-noticed public meetings were held by the City on March 25, 2015 and June 23, 2015; and

WHEREAS, the City of Woburn authorizes responsible departments and/or agencies to execute their responsibilities demonstrated in the plan update;

NOW, THEREFORE BE IT RESOLVED that the Woburn City Council adopts the City of Woburn Hazard Mitigation Plan 2015 update, in accordance with M.G.L. Chapter 40 section 4 or the charter and ordinances of the City of Woburn.

ADOPTED AND SIGNED this date:

s/President Haggerty

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON ORDINANCE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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ORDERED That the amount of \$190,000.00 be and is hereby appropriated from BLS/Ambulance Receipts Acct #31359-595000 \$190,000.00 to Fire O/T Acct #0122051-513100 \$125,000.00, Fire/16<sup>th</sup> Man Acct #0122051-513101 \$65,000.00, Total \$190,000.00

I hereby recommend the above. s/Scott D. Galvin, Mayor  
I hereby approve the above: s/Timothy J. Ring, Chief, Fire Department  
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Haggerty

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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**PUBLIC HEARINGS:**

On the petition to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 27 entitled Technology and Business Mixed Use Overlay District (TBOD), by amending Section 6.1 Table of Dimensional Regulations, by adding the definition for Adult Day Care to Section 2 Definitions, and by amending the definitions for Research

and Testing Laboratory and Biomedical Facility in Section 2 Definitions as set forth in the Journal of the March 15, 2016 Regular Meeting of the City Council. PUBLIC HEARING OPENED. A communication dated April 13, 2016 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Proposed zoning amendment to adopt a new zoning overlay district Section 27, entitled "Technology and Business Mixed-Use Overlay District (TBOD) and related amendments"/Alderman Anderson

Dear Mr. Campbell:

At a meeting of the Planning Board held on Tuesday, April 12, 2016 members of the Planning Board voted (7-0) to continue the public hearing and discussion on the aforementioned zoning amendment to the Board's meeting on Tuesday, April 26, 2016 at 7:00 p.m.

If you have any questions, please do not hesitate to contact me.

Respectfully, s/Tina P. Cassidy, Planning Director

Appearing was Mayor Galvin and he stated that he has worked the past four or five months with the Planning Director, Building Commissioner and City Solicitor reviewing the zoning of the former Kraft Foods site, that they determined that an overlay district which could be used in other areas of the city would provide a powerful tool for the City Council, that the ordinance would serve as a master concept plan for the particular parcel, that this would be a mixed use comprised of retail, office and some residential, that if the City Council did not like a particular proposed plan the plan could be rejected, that technology, biomedical and advanced medical research are uses that the city wants to pursue for the future, that this is known as a work, play, stay concept, and that Attorney Robert Buckley assisted with writing this ordinance and has drafted similar ordinances such as Marlboro. Tina Cassidy, Planning Director stated that there is no request that this overlay district be applied to any particular parcel of property at this time, that the ordinance will allow landowners to come to the City Council with a proposal under the ordinance, that the ordinance requires a parcel with a minimum of ten acres, that the City Council is the permitting authority under either site plan or special permit with site plan review, that a number of boards have to review and comment on the proposals, that the concept plan would show where residential, commercial and retail uses would be located as well as the road layout, that the number of units to be built would be specified, that there are by-right and special permit uses, that the ordinance attempts to encourage land use as an employment center and then have services available to support the users, that if over 150 residential units are proposed then a special permit would be required, that there can be a maximum of 200 residential units, that the residential unit is to be supportive of the retail and offices uses on the site, that the building heights could be built to a maximum of 80 feet which is appropriate given the location and relative distance from residential uses, and that a complete application with all relevant supporting documents must be filed to begin the process. Attorney Robert Buckley, Riemer and Braunstein,

Seven New England Executive Park, Burlington, Massachusetts 01803 stated that he is not representing anyone with regard to this proposal, that he has previous experience with this type of zoning and was contacted by the Mayor and Planning Director for assistance in developing this proposed ordinance, that the master plan proposal is proactive, that the proposal strikes a balance between the land developer and the city, that the developer will know what the city will support as the development grows, that this is a flexible and responsive initiative, that only a handful of communities have similar zoning ordinances, that the former Hewlett Packard site in Marlboro was transformed with over \$200,000,000.00 in investment over eighteen months with this type of ordinance, that the City Council will at all times be the gatekeeper and will have knowledge of plans for future use of a large parcel, that the ordinance creates a vision for the use of the land, and that this ordinance will provide notoriety that may attract businesses from areas such as Cambridge. Alderman Gately stated that he is excited about this proposal and the impact that it may have on the Kraft site, and that there is a lot of work that has to be completed at the site such as demolition before this ordinance will provide benefit at that location. Attorney Buckley stated that Marlboro had a larger minimum lot size in their ordinance, that the Kraft site in Woburn is 100 acres but there has to be a lower lot size requirement as a ten acre parcel developed in the manner of this ordinance would benefit the community, that any parcel less than ten acres would not provide similar benefits under this ordinance, that the downtown area, Presidential Way, Commerce Way and other areas of the city would be suitable areas where this zoning could be used, and that there has to be flexibility that allows particular uses to be accommodated and in particular a use that may not even currently exist. President Haggerty stated that this is one of the most progressive pieces of legislation that has been proposed in many years. PUBLIC COMMENTS: A communication was received from Erin Wortman, Town Planner, Town of Stoneham, 35 Central Street, Stoneham, Massachusetts 02180-2087 with comments on the proposed zoning code amendment. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 17, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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On the petition by President Haggerty and Alderman Anderson to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: By deleting in its entirety Section 14.5, Paragraph 3 and by inserting in its place the following: 3. All land shown on a plan for which a Special Permit is granted under this Section, which is not included in the building footprints, roadways or easements shall comprise one contiguous tract. The open space parcel shall be conveyed to the City for the purpose of conserving open space and promoting passive recreation/naturalist uses of the premises which may include the use of some or all of the property as a cemetery. Use of some or all of the property as a cemetery shall only be permitted provided that (1) no gravestones, monuments, or ornate tombs shall interrupt the landscape and instead memorials, monuments, markers and gravestones shall only be permitted if they are flush with the ground; and (2) such use does not interfere with the passive recreation/naturalist uses of the property including use of trails, scenic areas for viewing, preservation of natural resources and the general use of the premises as Open Space. The Conservation Commission shall have jurisdiction over

said parcel to promote the use of the premises as Open Space and, in the event that some or all of the premises is used for a cemetery, then the Cemetery Commission shall have jurisdiction over that portion of the premises allocated to the cemetery subject to the same mandate to promote the use of the premises as Open Space. PUBLIC HEARING OPENED. A communication dated April 13, 2016 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed zoning amendment to requirements for open space parcels in R-1 and R-2 townhouse developments (Section 14.5.3 of the Woburn Zoning Ordinance)

Dear Mr. Campbell:

The Planning Board held a public hearing on the above-referenced amendment at its meetings on February 23, 2016, March 8, 2016, March 22, 2016 and April 12, 2016. Following the public hearing and subsequent Board discussion, members of the Planning Board voted 5-2 to send a favorable recommendation to the City Council on the aforementioned zoning amendment. The Board also recommended that the City Council consider adding language that the City Council consider adding language that requires a decision regarding cemetery use to be made early, during the special permitting process. A decision reached up front about the open space parcel's future use would serve to avoid conflicts and issues with the residential abutters that might otherwise arise post-construction.

Finally, the Board considered and voted to recommend that the additional suggested amendments submitted by Attorney Joseph Tarby be adopted as well.

If you have any questions, please do not hesitate to contact me.

Respectfully, s/Tina P. Cassidy, Planning Director

President Haggerty stated that this ordinance was submitted to provide an opportunity to establish new cemetery space with larger parcels of land, that the easement restrictions under the Eversource wires in the Shannon Farm area prohibits nearly all uses, that the easement is too restrictive and will not allow the development of cemeteries in that area, that this information concerning the easement restrictions was received today from Eversource, that ne appreciates the work by the Planning Board on the matter, and that this ordinance will not be moving forward. PUBLIC COMMENTS: Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated that he represents Scott Seaver who will submit plans to develop the Shannon Farm property, that the Planning Board recommended amendments that he proposed be adopted, and that he is not certain whether the proposed ordinance will move forward with the intention to withdraw at this time. Attorney Tarby offered documents including a Shannon Farm townhouse concept plan and proposed amendments to the ordinances for the City Council to review. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Alderman

Gately stated that he was not certain from where the concept of townhouses on this property came. Alderman Concannon stated that he wanted a copy of the information received from Eversource to be made part of the record. Alderman Anderson stated that the email from Eversource to the Planning Board was shared, and that he will file a copy of the email for the record. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2<sup>nd</sup> that the ORDER be DENIED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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On the petition by Speedway LLC, 500 Speedway Drive, Enon, Ohio 45323 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.46(a), 5.1.22(a), 5.1 Note 16 and 7.3 to amend the special permit issued December 26, 2008 as amended by a special permit issued September 6, 2012 for self-service/full-service gasoline station with convenience store to allow for a new 6 foot 6 inch by 6 foot 6 inch concrete pad with remote condensers at the rear of the property at 306 Montvale Avenue PUBLIC HEARING OPENED. A communication dated April 14, 2016 was received from Dan Orr, Planner, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for Speedway at 306 Montvale Avenue

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition submitted by Speedway LLC which requests approval of an amendment to a previous Special Permit that allowed for extended business hours at the site of a self-service/full-service gasoline station with convenience store, dated December 26, 2008, and modification, dated September 6, 2012. The pending application seeks approval of a new concrete pad with remote condensers. The self-service/full-service gasoline station remains a Special Permit use, and the convenience store remains a by-right use, in the Highway Business (B-H) zoning district.

After a conversation with the petitioner, the Planning Department learned that the hours of operation, trash storage, stormwater infiltration, and the non-conforming features (front- and side-setbacks for existing structures and the driveway width) will remain the same.

If the City Council grants the Special Permit, the Planning Department recommends the Council consider imposing the following as conditions:

- The Plan of Record for this petition shall be “Site Plans Issued for Speedway LLC #2435 306 Montvale Avenue Woburn, Massachusetts; Prepared for Speedway LLC 500 Speedway Drive, Enon, OH 45323; Prepared by Bohler Engineering Southborough, MA 01772; Sheet 1, Dated March 7, 2016; Project No. W161038”;
- A snow storage to plan must filed with the Building Commissioner;



- The Special Permit be issued to Speedway LLC only and shall not be transferrable; AND
- That all other conditions of the December 26, 2008 Special Permit decision and September 6, 2012 modification shall remain in full force and effect unless modified by this decision. However, the Department is not recommending re-imposition of Condition #12 of the December 26, 2008 decision regarding the Planning Board's jurisdiction over landscaping, per the opinion of City Solicitor Ellen Callahan Doucette that the Council, as the Special Permit granting authority, may not impose conditions upon the grant of a Special Permit which delegate matters that belong to the Council to another board.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Respectfully, s/Dan Orr, Planner

Appearing for the petitioner was Attorney William Proia, Riemer and Braunstein, Seven New England Executive Park, Burlington, Massachusetts 01803 and he stated that the petitioner seeks to modify a special permit, that the property was formerly a Hess service station and is not operated as a Speedway service station, that the petitioner seeks to add a concrete pedestal for four condensers, that the petitioner has a different business concept than Hess, that more refrigeration will be needed for the services to be provided than was needed for the prior operation, that this change will bring the site up to conformity with the Speedway concept in offering services and products to its customers, that there are currently three condensers on the site, that the condensers cycle like any refrigerator and will not likely all be running at the same time, and that with the ambient noise in the area he believes that there will be zero impact on noise with the units. Andy Lautenbacher of Speedway stated that the existing units are larger than those being added, that the four units will be added adjacent to the three existing units, that there is no fence proposed to be erected around the units, and that a fence could be added but there is no need due to the thick evergreen buffer surrounding the units. Alderman Gately stated that he does not see an issue with the proposal. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendments as follows: 1. That the four recommendations of the Planning Department be adopted as conditions of the special permit, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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On the petition by John Tremblay and Theresa Tremblay, both of P.O. Box 372, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1 Note 15 to allow for a garage in excess of 900 square feet to allow for a two car attached garage on a lot with an existing detached

garage at 10 Lexington Street PUBLIC HEARING OPENED. A communication dated April 14, 2016 was received from Dan Orr, Planner, Woburn Planning Board as follows:

Re: Special Permit application for construction of residential garage to exceed 900 sq. ft. in size at 10 Lexington Street/John and Theresa Tremblay (Owners and Applicants)

Dear Honorable Council:

This office has reviewed the above-referenced petition which seeks authorization for the construction of an attached garage at this residential property. The applicants are seeking a special permit in accordance with Section 5.1.56, Note 15, because the sum of the existing, non-conforming detached garage, along with the newly-constructed attached garage, will total more than 900 sq. ft.

In conversation with the petitioner's attorney, the Planning Department has noted that this matter will be before the Zoning Board of Appeals to address the encroachment of the proposed single-family home on the required front-setback. In addition, Note 15 to Section 5.1.56 limits the height of the garage doors to eight (8) feet, measured from the ground to the top of the door(s). It is not clear from the plans whether the proposed doors exceed that height. If the doors are taller than eight (8) feet, an additional special permit would be needed.

The Department recommends that the City Council consider imposing the following as conditions of approval of this petition:

1. That the Plans of Record shall be "Plot Plan 10 Lexington Street, Woburn, Mass.; dated 19 February 2016; Sheets entitled 'Front Elevation, Basement/Foundation Plan, First Floor Plan, and Second Floor Plan (all at a scale of 1/4" = 1'0")'; drawn by Robert M. Connell, Residential Designs, 22 North Street, Wilmington, Mass.; all dated March 2016; and 'Plot Plan 10 Lexington Street, Woburn, Mass.; Scale: 1" = 30'; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA (781)-933-9012."
2. No business activity or home occupation shall be conducted in/from the garage; and
3. The applicant shall be required to provide plans proving that the height of the garage doors meets the requirements of zoning, and that the plans be incorporated into the approved plan set.

If members of the City Council have any questions or concerns regarding this recommendation, please feel free to contact me.

Respectfully, s/Dan Orr, Planner

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the petitioners are tearing down a

residential property and constructing a large single family home with a two-car attached garage, that the petitioners will retain the barn on the property, that the Building Department calls the barn a garage, that retaining the barn and having the two-car attached garage will result in a total of 1,500 square feet of garage space making the special permit necessary, that the doors to the garage will be standard eight foot high by nine foot wide doors, that the petitioners will mark the garage door size on the plan of record, that the lot meets the 25 foot front yard setback on Lexington Street except for a 22 foot setback where there is a jog in from the State highway, that the neighbors want to keep the barn as a screen from the homes, and that the petitioners are willing to accept a condition that there be no business or home occupancy in the barn. John Tremblay stated that that barn has some history, that the barn needs work but is in decent shape, that he wants to retain the barn, that the Historical Commission favored retaining the barn, that it is a two-story barn with storage on the second floor, and that the barn has no plumbing but does have electricity. PUBLIC COMMENTS: Joanna Gonsalves, 16 Lexington Street stated that she wants the barn to be retained as it provides privacy to abutting properties, that the proposed home is a large long structure which will improve the property value of the other properties, that the present home which is being razed is uninhabitable, and that she is in favor of the new home being constructed. John Tancredi, 8 Lexington Street stated that he also owns 6 Lexington Street, that he is in favor of the proposal, and that he is in favor of the barn being retained and rehabbed. Robert Gonsalves, 12 Lexington Street stated that he is in favor of the proposal, and that this proposal will be a nice project. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the three recommendations of the Planning Department be adopted as conditions of the special permit, and 2. That the special permit be granted subject to any necessary approval by the Board of Appeals, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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On the petition by Allan Danley, Food Truck Builders Group, 2 Draper Street, Unit 1, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57B to allow overnight parking of two (2) commercial vehicles at 2 Draper Street PUBLIC HEARING OPENED. A communication dated April 14, 2016 was received from Dan Orr, Planner, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for Food Truck Builders Group (2 Draper Street, Unit 1)

Dear Honorable Council:

The Planning Department has reviewed the request to allow for overnight parking of two (2) commercial motor vehicles at 2 Draper Street pursuant to Section 5.1 (57b) of the Woburn Zoning Ordinance (WZO). The property is located in the I-G zoning district and the requested use is allowed by City Council special permit.

After a conversation with the petitioner, the Department learned the Food Truck Builders Group will employ two (2) employees. The petitioner is seeking overnight parking for two (2) vehicles, which will fit within two (2) designated spaces with the dimensions of 12' x 24'. The petitioner uses the site for manufacturing/metal work, storage, and office space. Past conversation with the petitioner has also indicated that trash storage will be indoors.

The petitioner is currently occupying approximately 2,800 square feet of the building at 2 Draper Street. An engineer-certified plot plan submitted with the petition indicates there are ten (10) parking spaces on site with only five (5) spaces required for the warehouse, manufacturing, and office needs of the Food Truck Builders Group, per the WZO as shown below:

- 1,200 sq. ft. of manufacturing (1 space / 400 sq. ft.) requires 3 spaces
- 1,450 sq. ft. of warehouse (1 space / 800 sq. ft.) requires 2 spaces
- 150 sq. ft. of office (1 space/350 sq. ft.) requires 0 spaces

However, it is the opinion of Building Commissioner Tom Quinn, that a site must be able to support the requested parking in addition to the amount dictated by the ordinance. Given the aforementioned number of commercial vehicles, this would necessitate an additional two (2) parking spaces, requiring a total of seven (7) parking spaces.

In an effort to produce a more comprehensive parking requirement assessment for 2 Draper Street, the Planning Department also contacted the landlord for additional tenant information and total occupied square footage. The landlord was unable to respond as of the deadline for this memorandum. Therefore the City Council will need to independently confirm that the site has sufficient parking to meet zoning requirements for all tenants of the building, in addition to the two (2) spaces that would be used for overnight parking.

If the City Council chooses to grant the special permit, the Department recommends the Council consider imposing the following as conditions of the Special Permit:

1. All vehicles that will be parked on site overnight must continue to be registered in the City of Woburn;
2. There shall be no parking of any vehicle in the front yard setback, per Section 8.5.2;
3. Paved surfaces shall be marked with four-inch painted lines or some other permanent curb or marking system so as to clearly indicate the stall to be occupied by each vehicle per Section 8.5.5;
4. The Special Permit shall be issued only and shall not be transferrable; and
5. The Plan of record shall be, "Proposed Commercial Parking 2 Draper Street Assessors Map 53 Block 13 Lot 26 in Woburn, MA; Prepared for Kendall RC, LLC. 2 Draper Street Woburn, MA; Prepared by Stephen M. Melesciuc Professional Land

Surveyor #39049 117 Hill Street Stoneham, MA 02180; Scale: 1"=20'; Date: December 10, 2015.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely, s/Dan Orr, Planner

Appearing for the petitioner was the petitioner Allan Danley and he stated that the zoning ordinances prohibits commercial vehicles from parking in industrial areas, that he never ran into this situation in other communities, that he located his business in Woburn due to its proximity to Boston and the highways, that the business is located in the industrial area because of the type of work he performs including metal fabrication, installing cooking equipment and outfitting the food trucks, that he does not perform mechanical work such as brakes, that the food trucks operate from approximately 10:00 a.m. to 2:00 p.m. each day, that if the vehicles need work this must be completed so that the vehicle is ready by the next morning, that by the time the trucks are cleaned and dropped off to his location it is 6:00 p.m. and his company is closed for the night, that the customers cannot get the vehicles into his building as he is closed, that his customers need to park the vehicles at his site for him when he returns the next day, that the Building Commissioner stated that the vehicles cannot be parked overnight at the site although he sees many vehicles parked at locations overnight when he arrives at the office at 5:00 a.m., that his hours of operation are 6:00 a.m. to 4:00 p.m. or 5:00 p.m., that some nights a truck has to be finished and he will stay until 7:00 p.m. or 8:00 p.m. to finish the work, and that he works Saturdays and Sundays as well. Alderman Gately stated that he went by the location on a Sunday and saw work being done and several vehicles parked on the lot, that the dumpster is outside as well, and that the petitioner indicated that the trash could be put inside. Mr. Danley stated that he is one unit of six units. Alderman Gately stated that there are two box trucks on the site that block access to the property, and that the proposed snow storage plan does not work. Mr. Danley stated that the certified plot plan is designed to accommodate a fire truck at the locus. Alderman Gately stated that when he visited the site access around the building was impassable due to vehicles parked on the lot. Mr. Danley stated that he has never seen the vehicles being referred to as blocking access. Alderman Gately stated that there have been no changes since the last proposal submitted to the petitioner for this use. Mr. Danley stated that his unit is the first unit in the building, and that there are eight parking spaces in front of his units where he cannot park commercial vehicles. Alderman Anderson stated that there does not seem to be enough parking on site for all of the units, and that the City Council needs to know who is using the parking. Mr. Danley stated that another company has the dumpster, that he has a service agreement with a company that has fourteen trucks which is located in Cambridge, that the company may have a truck requiring a water pump, that he will fix the vehicle so that it is ready for use the next day, that these are customer trucks, that he has some parking inside the building, that there is no restriction during the day for commercial vehicles but a commercially plated vehicle cannot be parked onsite overnight, and that if he leaves the office before a vehicle is delivered the vehicle can only be left outside overnight. Alderman Gately stated that the property owner has been asked to provide parking information for the lot but has not done so, that the Building

Commissioner also issued a cease and desist order for parking vehicle overnight, that the site is a disaster, and that there are violations of the zoning code with these vehicles parked overnight. President Haggerty stated that a parking plan for the entire property must be available, and that the matter must be send to committee for further review. Mr. Danley stated that he has not had the cooperation of the property owner, and that he rented the property with the understanding that that parking was allowed. Alderman Gately stated that the City Council could subpoena the landowner before the City Council to answer questions about the property. Alderman Anderson stated that he does not believe that the City Council should subpoena the landowner into the meeting, that this is a matter between a landlord and tenant, and that the landlord may lost a tenant if the special permit is not granted. PUBLIC COMMENTS: Cindy Nickerson, 31 Nashua Street stated that a business should be able to be run their business in an appropriate space, that the petitioner was duped into renting a space that is not big enough for what he wants to do, that vehicles have been parked down on Draper Street and not in the building, that the street is not big enough to accommodate the traffic, that the petitioner cannot expect the food truck companies to be dropping off vehicles after hours to park in the correct parking space unless the spaces are marked for the particular uses, that there are many businesses on the site, and that the vehicles are the petitioner's customers parking. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 17, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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On the petition by Shell Tech Works, 281 Albany Street, Cambridge, Massachusetts 02139 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.41 to install a 20 foot high 8 foot by 8 foot data collections structure on secure footings and equipment shelter to store computers for data collection at 2 Gill Street PUBLIC HEARING OPENED. A communication dated April 14, 2016 was received from Dan Orr, Planner, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for Shell Tech Works at 2 Gill Street

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition submitted by Shell Tech Works to allow for the construction of a data collection structure (research and testing device) and the presence of an accessory equipment shelter (monitoring room), pursuant to Section 5.1 (41 and 57 respectively). The property (Assessors Map #14 Block #18 Lot #02) is located in the Industrial-Park (I-P) zoning district and currently contains an existing one-story structure. The research and testing laboratory is a special permit use, and accessory storage of the trailer is a by right use, in the I-P district.

As no full-time personnel will be required to be present at this site, there is no need for increased parking, nor consideration for snow storage. The data collection structure and

accessory equipment will be located at the rear of the existing building, in a fenced, outdoor storage area.

If the City Council grants the Special Permit, the Planning Department recommends the Council consider imposing the following as conditions:

- a. The Plan of Record for this petition shall be “Plot Plan, 2 Gill Street Woburn, Massachusetts; Prepared By Edward J. Farrell 110 Winn Street, Suite 203 Woburn, MA 01801, Dated February 1, 2016; Revised January 19, 2016”;
- b. That prior to receiving a building permit, the petitioner has received all licenses of approval from pertinent agencies (e.g., FAA);
- c. That this Special Permit shall be non-transferrable, but shall include Shell Tech Works, its affiliates and subsidiaries;
- d. That the trailer shall be stored within the outside storage area as shown on the plan and shall not be used for sleeping or dwelling purposes;
- e. That when the data collection structure and accessory trailer are no longer in use for the purpose intended in the special permit application, Shell Tech Works agrees to remove the data collection structure and accessory trailer within ninety (90) days;
- f. Per Note 24 to the 5.1 Table of Use Regulations, the petitioner must verify that the research and testing device use is not classified as “BL3” or “BL4” by the NIH Guidelines promulgated in the Federal Register on May 7, 1986;
- g. There shall be no advertising on said data collection structure of any kind, including the use of company logos and other kinds of signage; and
- h. That mandatory government signage, such as that required by the Federal Aviation Administration (FAA) and the FCC Federal Communications Commission (FCC), and site level emergency signage, as required by the Carriers and the Petitioner, be permitted.

If members of the City Council have any questions or concerns regarding the foregoing recommendations, please feel free to contact me.

Respectfully, s/Dan Orr, Planner

Appearing for the petitioner was Jerry Earl of Speed Tech Works and he stated that the structure will be used for testing and research, that the tower is less than twenty feet tall, that a special permit is required for research and testing in the zoning district, that there will be 48 different sensors on the structure with cable leading to a trailer that will collect the data, that they will be measuring the sensitivity of the sensors, that the intention is to put these sensors in towers in the Midwest of the United States, that this is a three year

project with the Massachusetts Institute of Technology (MIT), that MIT students will conduct the research and make reports, that the parcel is vacant, that there tower is 19 feet 8 inches tall, that the engineering work has been performed by Daigle Engineers, Inc., that this is a portable trailer, that all electrical and data feeds into the trailer will be from the sensors, that the cables will be trenched underground in four inch conduits, that the sensor measure movement in the towers, that if successful these sensors will eliminate the necessity for onsite costly inspections of towers, that the petitioner is testing the sensors to see if they will help with the process, that the mobile unit and tower will all be removed after the three years of research is complete, that the current use of the parcel is for parking, that there was some equipment stored on the site before the petitioner leased the property, that the parcel has been cleaned, that a shed could be installed which may be less expensive than the trailer but the petitioner thought that a temporary trailer would be more acceptable to the city, that a locked fence will be installed, that security cameras may be installed towards the structure, that the fence will be six feet in height, and that the petitioner planned on an eight foot fence but the zoning code only allows for a six foot fence. Mr. Earle offered plans and photographs to the City Council for review. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Alderman Anderson stated that construction trailers can be left on site for the life of a construction project but that a storage trailer can only remain on site for one year. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 17, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$125,000.00 from BLS/Ambulance Receipts Acct #31359-595000 to Fire Ambulance Salary Acct #0122051-511500 \$100,000.00, Medical Attention/Fire Acct #0122054-558103 \$10,000.00, Equipment/Fire Acct #0122058-585000 \$15,000.00, Total \$125,000.00, committee report was received "ought to pass." Motion made and 2<sup>nd</sup> that COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: April 21, 2016**

**s/Scott D. Galvin April 21, 2016**

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**ORDINANCES:**

On the Traffic Commission regulation to repeal the heavy commercial vehicle restriction on Holton Street, committee report was received "ought not to pass." Alderman





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On the petition by M&L Transit Systems Inc. for renewal of Common Carrier License, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: April 21, 2016** **s/Scott D. Galvin April 21, 2016**

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On the petition by TransAction Corporate Shuttles, Inc. for renewal of Common Carrier License, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: April 21, 2016** **s/Scott D. Galvin April 21, 2016**

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On the petition by Checker Cab of Woburn for renewal of Taxi Cab License, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: April 21, 2016** **s/Scott D. Galvin April 21, 2016**

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On the petition by Checker Cab of Woburn for renewal of Livery License, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: April 21, 2016** **s/Scott D. Galvin April 21, 2016**

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On the petition by Woburn Autotrade LLC for transfer of Second Class Motor Vehicles Sales License from Jean B. Louis dba Woburn Motors, committee report was received “ought to pass with existing restrictions and conditions.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: April 21, 2016** **s/Scott D. Galvin April 21, 2016**

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**NEW PETITIONS:**

Petition by Friends of Mary Cummings Park, 101 Middlesex Turnpike, Suite 6, #343, Burlington, Massachusetts 01803 for a special event permit at Horn Pond for a memorial walk on May 29, 2016. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: April 21, 2016** **s/Scott D. Galvin April 21, 2016**

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Petition by St. Mary's School, 162 Washington Street, Winchester, Massachusetts 01890 for a special event permit at Horn Pond for a walk-a-thon and family day on June 4, 2016. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: April 21, 2016** **s/Scott D. Galvin April 21, 2016**

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Petition by St. Anthony Parish, 80 Elm Street, Woburn, Massachusetts 01801 for a special event permit at Ferullo Field for a religious festival on June 4, 2016. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: April 21, 2016** **s/Scott D. Galvin April 21, 2016**

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Petition by Blues for Veterans, P. O. Box 507, Woburn, Massachusetts 01801 for a special event permit at Library Field for a blues music festival on September 17, 2016. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: April 21, 2016** **s/Scott D. Galvin April 21, 2016**

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Petition by SureRide LLC, 400 TradeCenter, Suite 5900, Woburn, Massachusetts 01801 for renewal of a Taxi Cab License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Petition by ecoATM, Inc., 296 Mishawum Road, Woburn, Massachusetts 01801 for renewal of a Secondhand Dealers and Secondhand Collectors License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Petition by Gevorg Melikyan dba Milano Jewelry, 494B Main Street, Woburn, Massachusetts 01801 for renewal of a Secondhand Dealers and Secondhand Collectors License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Petition by Robson L. Dias, 2 Westgate Drive #202, Woburn, Massachusetts 01801 for renewal of a Livery License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

\*\*\*\*\*

Petition by Bulbs and Lamps Corp., 75 Stockwell Drive, Avon, Massachusetts 02322 for special permits pursuant to Sections 7.3 of the 1985 Woburn Zoning Ordinances, as amended, and modification of a special permit issued January 12, 2011 to allow for: 1. A retail store in Unit 2 consisting of approximately 21,971 square feet of net floor area, and 2. To provide for 232 parking spaces, at 335 Washington Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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**COMMUNICATIONS AND REPORTS:**

A communication dated April 4, 2016 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly report for the period of January 1, 2016 - March 31, 2016.

6 East Dexter Avenue matter is still with District Attorney's office, I will provide further updates when available.

124 Dragon Court all matters have been resolved.

As of this time there are no other pending matters.

s/Thomas C. Quinn, Jr., Building Commissioner, City of Woburn

Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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A communication dated April 1, 2016 with attachment was received from Deborah Boyce, First Vice President, MassDevelopment, 99 High Street, Boston, Massachusetts 02110 advising of a public hearing held on April 12, 2016 in connection with approval of a revenue bond financing for a project being undertaken by Hallmark Health Properties, Inc. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

\*\*\*\*\*

A communication dated March 31, 2016 with attachment was received from Robert Keane, Jr., Paralegal, Keegan Werlin LLP, 265 Franklin Street, Boston, Massachusetts 02110-3113 with a copy of a Final Decision in the matter of NSTAR Electric Company d/b/a Eversource Energy relative to a request for exemption from zoning ordinances for

the facility located on Cove Street. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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A communication dated April 6, 2016 with attachment was received from Linda A. Raymond, Aberjona Study Coalition, Inc., 10 North Maple Street, Woburn, Massachusetts 01801 relative to the 100% Remedial Design Report Part 2 dated February 26, 2016. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED That the Committee on Special Permits meet with representatives of Dollar Tree Stores to address concerns of neighbors regarding compliance with a special permit issued on November 10, 2011 for the property located at 425 Washington Street.

s/Alderman Mercer-Bruen

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED and referred to Committee on Special Permits, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

\*\*\*\*\*

RESOLVED That His Honor the Mayor direct the Superintendent of Public Works to repave Hawthorne Street.

s/Alderman Mercer-Bruen

Alderman Concannon asked if this action will have any effect on the street being paved. Alderman Gately stated that if the street is not on the list of streets to be paved this action will bring the concern about the condition of the roadway to attention, and that the action could result in the street being added to the paving list if it is not already included. Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor April 21, 2016 and ten days having elapsed without same being approved, said Resolve became effective without his signature on May 3, 2016.**

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RESOLVED That the City Solicitor meet with the City Council or the Committee on Liaison in Executive Session to discuss the process and legal options available to the city regarding the proposed project to be located on Mill Street under the provisions of M.G.L. Chapter 40B which is now pending before the Board of Appeals.

Alderman Concannon stated that the City Solicitor stated that executive session for this matter was not appropriate. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: "That the words ", if appropriate" be added after the words "Executive Session", 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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ORDERED WHEREAS, the Ordinance Committee recommended that the non-union department heads receive a 3% raise to their base salaries as of July 1, 2016;

NOW THEREFORE, Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the City Auditor be amended to \$99,119.22;
2. That the base salary of the City Clerk be amended to \$81,355.77;
3. That the base salary of the Clerk of City Council be amended to \$11,443.92;
4. That the base salary of the Clerk of Board of Registrars of Voters be amended to \$11,443.92;
5. That the base salary of the Human Resources Director be amended to \$96,207.99;
6. That the base salary of the Library Director be amended to \$97,528.54;
7. That the base salary of the City Solicitor be amended to \$97,054.61;
8. That the base salary of the DPW Superintendent be amended to \$105,915.99; and
9. That this section shall be effective July 1, 2016.

s/Alderman Anderson

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Motion made and 2<sup>nd</sup> to ADJOURN, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Meeting adjourned at 8:44 p.m.

A TRUE RECORD ATTEST:

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