

**CITY OF WOBURN  
DECEMBER 2, 2008 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Doherty

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

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Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of allowing the administration of the oath of office by the City Clerk to the following new Reserve Police Officers: Edward J. Chisholm, John P. Connolly, Kevin S. Hamilton, Erik C. Hill, Tomas Morales, Scott F. Quigley, David W. Ralli, Derek J. Ryan, Oliver M. Silva III, and Joseph M. Wells. Mayor Thomas L. McLaughlin and Police Chief Philip L. Mahoney offered words of congratulations and encouragement to the new reserve officers and their families.

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Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 8-0.

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Motion made and 2<sup>nd</sup> to take the following communication out of order, all in favor, 8-0. A communication dated November 20, 2008 was received from Richard J. Mahoney, Woburn Public Library as follows:

Dear Bill:

The trustees of the Woburn Public Library would like to meet with the City Council at the December 2, 2008 meeting.

We want to inform the council of our upcoming Expansion "Ideas" Competition for the library. The competition will take place in January of 2009.

We have notified some of the council members of our request.

Thank you for your consideration.

Best regards, s/Richard Mahoney

Jessica Lohnes, pro bono consultant to the Woburn Public Library Board of Trustees, stated that she is a volunteer coordinating a design competition for the enlargement of the library, that there have been public efforts to raise awareness of the needs for the library expansion, that it is believed that an “ideas” competition will best result in a better plan, that conditions surrounding the building have changed since it was first constructed, that it is difficult to find a point to add on as the building has no “back” but was designed to be seen from each side, and that she encourages the Mayor and the City Council to attend the juried competition on January 30, 2009. Richard Mahoney, Trustee of the Woburn Public Library Board of Trustees and Chair of the Library Building Committee, stated that the intent of this presentation is a status report, that last year there were over 280,000 patron visits to the library, that 225,000 items were checked out of the library, that there were 213 programs attended by 6,600 people, that the library opened in 1877 to serve a town of 10,000 residents, that the city now has a population of 38,000 with a larger daytime population, that over 200 cities and towns have received grants to expand and improve their libraries, that the improvement of the library leads to increased use, that a downturn in the economy results in higher library use, that the Mayor established a committee consisting of the City Engineer, Purchasing Agent, City Auditor and four library Trustees, that the committee developed a Request for Quotes (RFQ), that the committee received eleven proposals and culled these to five, that \$300,000.00 was appropriated for a project manager, that the project manager selected has worked with about fifteen libraries in Massachusetts, that the Mayor put the project on hold due to economic conditions, that grant money is available, that the library project needs to build on its momentum and go to the next level, that the Board will do this by engaging a project manager to prepare an RFQ for an architect and to determine the development cost, that it is a challenge to move forward with the project, that the country will build its way out of this recession, and that the city can do this by developing the new library. Alderman Drapeau stated that he thought the \$300,000.00 was appropriated to move forward with the project, and that he is disappointed that changes in economic conditions have slowed progress. Alderman Denaro stated that the city can do this project based on the notoriety of the building and its architect, that this is a unique project, that the Board may be able to do this project with minimal public expenditure, and that the city must let the Board move forward to determine the cost with architectural designs.

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Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 8-0.

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#### **MAYOR’S COMMUNICATIONS:**

A communication dated November 25, 2008 with attachment was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear President Doherty and Distinguished Members of the City Council,

The attached communication regarding the Cummings Trust matter, was received at my office on November 24, 2008, and is forwarded for your information.

Sincerely, s/Thomas L. McLaughlin, Mayor

Attached thereto was a copy of a communication dated November 20, 2008 to Laurel J. Francoeur, Esquire, Francoeur Law Office, 13 Freedom Road, Woburn from David G. Spackman, Chief, Non-Profit Organizations/Public Charities Division, Office of the Massachusetts Attorney General, One Ashburton Place, Boston, Massachusetts 02108 as follows:

Re: Mary Cummings Park

Dear Attorney Francoeur:

This office is in receipt of your correspondence dated July 22<sup>nd</sup> and August 4<sup>th</sup>, with respect to the Mary Cummings Park (the "Property"). While we will continue to evaluate the issues you have raised, please be advised as follows.

As you and I have discussed, any proposed sale or change in the use of the Property for a purpose other than recreation would face extraordinary hurdles. First, a sale or change in purpose would require the City of Boston, which holds the Property in charitable trust, to obtain the approval of a Single Justice of the Supreme Judicial Court. The Attorney General is a necessary party to any such a proceeding and routinely invites public input on matters of public interest. The court, as a condition of granting any such approval, would have to find that changes in circumstances since the Property was first conveyed make it impossible or impractical for the City to continue to hold and use the Property for recreational purposes. Second, the City's own counsel concluded that any sale or change in use would implicate Article 97 of the constitution and would thus require the affirmative approval of a 2/3 of both branches of the legislature. Moreover, while in the past it has considered the possibility of such a sale or change, the City has made it clear to us that it has no intention of selling the Property or changing its use to a purpose other than recreational.

Finally we note that no proposal to sell or change the use of the Property is before us nor do we have any basis to believe that one is contemplated.

With respect to the existing structure, we have physically viewed the facility and discussed with the City its basis for seeking a demolition permit. We have identified no basis to conclude that the City's decision is unreasonable or inconsistent with its obligations as trustee.

It is quite clear that the Property's size and location present unique challenges. We look forward to working with the City and the constituents of Woburn and Burlington to address those challenges in a manner that is fiscally realistic and consistent with the wishes of Mary Cummings.

Sincerely, s/David G. Spackman, Chief

Non-Profit Organizations/Public Charities Division

Mayor McLaughlin stated that he had no conversation with the Attorney General concerning this matter, that his office only received a copy of the above letter, that he did meet with the Burlington Town Administrator and two representatives from the City of Boston, that there have been some proposals for the property including a tree farm, and that what transpired before notwithstanding the City of Boston is coming to realization that the property will have to be used for recreation purposes. Alderman Drapeau stated that this is a great victory for the city to keep this land for open space in perpetuity. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

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ORDERED That the sum of \$76,750.14 be and is hereby appropriated as so stated from Fund Balance Designate for I/I Study Acct #641-359600 \$76,750.14 to Unreserved Fund balance Acct #641-359000 \$76,750.14

Purpose: Remove deficit from 2008 Enterprise Fund

I hereby approve the above: s/Thomas L. McLaughlin, Mayor  
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty (per request)

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0.

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ORDERED That the sum of \$8,582.87 be and is hereby transferred as so stated from Library Salary Acct #0161051-511000 \$8,582.87 to Fire Salary Acct #0122051-511000 \$8,582.87

I hereby approve the above: s/Thomas L. McLaughlin, Mayor  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I recommend the above: s/Paul Tortolano, Chief, Fire Department  
I recommend the above: s/Kathleen O'Doherty, Director, Library

s/President Doherty (per request)

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0.

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**PUBLIC HEARINGS:**

Motion made and 2<sup>nd</sup> that the public hearing on the following two matters be held collectively, all in favor, 8-0.

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On the petition by NSTAR Electric Company for a grant of right in a way to install conduit in Richardson Street Ext. northeasterly from pole 186/1A approximately 150 feet northeast of Main Street a distance of about eighteen (18) feet. PUBLIC HEARING OPENED. A communication was received from Superintendent of Public Works Vincent Ferlisi approving the petition. Appearing for the petitioner was Sheila Gillis of NSTAR Electric Company and she stated that the work is necessary to provide service to a new building at 159 Main Street. Alderman Gately stated that some pole work has been completed, that a junction box has to be moved by Verizon, and that he has no concern with this grant of right in a way. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 8-0. Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, all in favor, 8-0.

**Presented to the Mayor: Dec. 5, 2008                      s/Thomas L. McLaughlin Dec. 8, 2008**

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On the petition by NSTAR Electric Company and Verizon New England, Inc. for a grant of right in a way to remove one existing joint occupancy pole on the southeasterly side of Richardson Street Ext. approximately 78 feet northeast of Main Street (P186/1), to install one joint occupancy pole on the northwesterly side of Richardson Street Ext. approximately 60 feet northeast of Main Street (P186/1), and to install one joint occupancy pole and anchor guy on the northwesterly side of Richardson Street Ext. approximately 150 feet northeast of Main Street (P186/1A). PUBLIC HEARING OPENED. A communication was received from Superintendent of Public Works Vincent Ferlisi approving the petition. See record notes from preceding matter. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 8-0. Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, all in favor, 8-0.

**Presented to the Mayor: Dec. 5, 2008                      s/Thomas L. McLaughlin Dec. 8, 2008**

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On the petition by Trade Center Park, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801 for a special permit with site plan review pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to allow Research and Testing Laboratory use at TradeCenter 128, and seeks correspondingly, to modify the Certificate of Appeal of Special Permit dated December 22, 2006 by amending condition number 2 to allow such Research and Testing Laboratory use at 100 Sylvan Road. PUBLIC HEARING OPENED. A communication dated December 2, 2008 was received from Craig J. Ziady, General Counsel, Cummings Properties, 200 West Cummings Park, Woburn, Massachusetts 01801 as follows:

Re: City Council Public Hearing – December 2, 2008

Dear Mr. Campbell:

Please accept this correspondence as a formal request on behalf of Trade Center Park, LLC (“Trade Center Park”) that the public hearing on its request for a special permit to allow research and testing laboratory use at TradeCenter 128 be continued until your first meeting in January, 2009.

Following the Council’s decision at the November 18, 2008 public hearing to refer the matter to the Zoning Ordinance Review Committee (“ZORC”) for further discussion, representatives of Trade Center Park appeared at the November 20, 2008 ZORC meeting, but the request for a special permit was not on ZORC’s agenda and was not addressed at the meeting.

With the next ZORC meeting scheduled for December 18, 2008; and with Trade Center Park intending to appear at said meeting to present additional information and support for its special permit request, I respectfully request that the public hearing before the City Council be continued until the first meeting after the ZORC meeting – i.e., in January 2009 – so that it will have an opportunity to work through the open issues with the ZORC members prior to presenting the request to the City Council at a public hearing.

I intend to appear at tonight’s hearing but do not plan on making a formal presentation unless requested to do so. Thank you in advance for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours, s/Craig J. Ziady, General Counsel

Motion made and 2<sup>nd</sup> to accept the communication and make it part of the record, all in favor, 8-0. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 20, 2009, all in favor 8-0.

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On the petition by Hess Corporation f/k/a Amerada Hess Corporation, One Hess Plaza, Woodbridge, New Jersey 07095 for a special permit pursuant to Sections 5.1.46a, 5.1.46b, 5.1.22a Note 16 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow self-service/full service gasoline station with convenience store at site of already existing gasoline station, convenience store, car sales and repairs at 306 Montvale Avenue. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Mark Vaughan, Riemer and Braunstein, Seven New England Executive Park, Burlington, Massachusetts 01803 and he stated that a prior presentation was made on this matter, that the proposal is a significant improvement at the property in terms of aesthetics and operations, that the petitioner met with the Committee on Special Permits, that by reducing the number of diesel pumps and curb cuts this should lead to a reduction of truck traffic, that signs could also reduce the truck traffic on Washington Street during prohibited hours, that the petitioner will provide vegetation along the northerly boundary near the two family dwelling and granite curbing on the site, that the property is owned by Robert McSheffrey, that there will be a lease agreement with the petitioner, that the landowner wants proposed Condition 16 amended so that the special permit applies to

Hess Corporation and Robert McSheffrey, that he does not represent Robert McSheffrey however it is Mr. McSheffrey's understanding that this special permit would apply to Mr. McSheffrey as owner/operator but not as a lessor, that a change from either Hess Corporation or Robert McSheffrey would require a new special permit, that the issue of adding the owner to the transferability clause was raised by the owner coming into this meeting tonight, that the special permit would be restricted to Hess Corporation and Robert McSheffrey and not to a third party, and that he has had additional opportunity to speak to Mr. McSheffrey and there is no need to change the transferability language as proposed. Mr. Vaughan offered a set of proposed conditions for review by the City Council. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 8-0. Alderman Gonsalves offered a copy of a letter dated December 1, 2008 received from Attorney Vaughan for the record. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 8-0. Attorney Vaughan offered a copy of site plans with a revision date November 17, 2008 which were presented to the Planning Board for the record. Motion made and 2<sup>nd</sup> that the plans be received and made part of the record, all in favor, 8-0. Russ Wells and Phil Navarro from Hess Corporation appeared. A representative of Hess Corporation stated that snow removal could be a safety issue and that a snow removal plan would be established. A representative of Hess Corporation stated that there is not back-out date on the lease of the property, that this is a thirty year lease, that there is not clause in the lease that states the property can be turned back except for some conditions that have to be met. Alderman Mercer-Bruen stated that because of the location of the property near residences and the nature of the operations there is a valid reason to limit this petition to Hess Corporation only, that otherwise this allows the landowner to lease the facility to anyone else, that the traffic study stated that the traffic to the site will double with the new project, that the petitioner has a strong reputation of maintaining its sites, that this matter was first reviewed two weeks ago and this is the third meeting, that the matter is moving quickly, that the condition restricting transferability is looking ten years out as conditions in the area may change, that there was significant time spent on the transferability restriction clause, that she is willing to send the matter back to committee for further review if the petitioner wishes, and that the current hours of operation under the current special permit are 6:00 a.m. to 12:00 midnight. Alderman Gately stated that there is no snow removal plan and that a snow removal plan should be on the record, that he has a convenience store in his Ward, that it is difficult to find out who is responsible for the conditions at the store, and that having the transferability restriction allows the city to know who is responsible for preparing at any given time. Alderman Galvin stated that if a gasoline station continues to operate at the site the traffic will not change with the operator, that this is a convenient location but will not be a destination location, that the condition restricting transferability is not necessary, that the City Council should make it easier for businesses to operate not more difficult, that there would be no change in operations from one convenience store to another convenience store, and that if there was always a gasoline station operating from the site it would be difficult to deny a transfer because the new station may be busy as that is a sign it is successful. President Doherty stated that Section 5.1, note 16 of the 1985 Woburn Zoning Ordinances, as amended, requires City Council approval of the transfer of any special permit for a convenience store use, that there should be a fence and arborvitae plantings between the property and the residence to the north of the

property, that this will prevent the lights from the station penetrating the residential property, and that when there is a business located next to a residential zone then a greater buffer is required to protect the residence. Alderman Gonsalves stated that the special permit should allow transferability rather than naming specific parties, that there is an argument for having a high impact special permit run with the petitioner, and that she cannot recall denying a request to transfer a petition. Alderman Drapeau stated that there is no difference if the type of convenience store is changed. Alderman Raymond stated that if the property is transferred to a discount gasoline station it may bring lines of traffic to that location. IN FAVOR: Kathy Bailey, 4 Utica Street stated that she is concerned that the hours of operation may serve as precedent for the Wendy's restaurant nearby to seek 1:00 a.m. closing hours, that the landowner is a good business person, that she is looking forward to the new landscaping, and that the project will enhance the area. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 8-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows:

1. That at least two attendants shall be required onsite at all times.
2. That the applicant shall comply with all the requirements of the fire department.
3. That the hours of operation shall be limited to Sunday-Thursday 5am-12am and Friday & Saturday 5am-1am.
4. That the two parking spaces in front of the dumpster be signed as employee only 9am-4pm Monday-Saturday.
5. That signage shall be installed that limits entering and exiting to right in and right out only on Montvale Ave and the applicant shall work with the city to determine an appropriate location for signage to be installed by the city along the westerly side of Washington street (facing the applicant's northerly curb cut) warning trucks about the no heavy trucking restriction on Washington Street between 9pm-6am.
6. That trash pick up shall be limited to 9am-4pm Monday-Saturday.
7. That fuel deliveries shall be limited to 9am-4pm and that fuel deliveries may enter from Montvale Ave and exit via Washington Street.
8. That storm water runoff from the convenience store roof shall be collected and infiltrated to the ground water.
9. At the request of the City of Woburn, the applicant (Hess Corporation) and the landowner (Robert McSheffrey) shall convey to the City of Woburn the land required for the proposed Montvale Avenue widening project (as shown on plans provided to the applicant by the city engineer) and which land shall be used for

the Montvale Avenue widening project. The conveyance of land must be executed upon issuance of the building permit.

10. That the sign located in the widening area shall be of similar size and height as the existing sign and shall be relocated at the applicant's expense to the location shown on the plans (Sign Plan, sheet number ID-1) prior to the Montvale Avenue widening project. The agreement with the city conveying the rights to the land for the widening will address the relocation of the sign so that it does not impede vehicular or pedestrian traffic.
11. That no auto sales or auto repair shall be allowed at this site.
12. That the planning board shall retain jurisdiction over the landscaping.
13. The landscaping shall include the installation and maintenance of several mature evergreens (including 6' tall arborvitae as shown on the landscaping plan as well as a six foot high solid fence) to act as a buffer between the residential property on Washington Street and the gasoline dispensing area. The landscaping on the proposed widening area shall be completed and maintained until such time that the widening project begins. Landscaping shall include seasonal annuals such as mums and impatiens.
14. All proposed curbing shall be granite curbing.
15. Lighting shall be directed inward away from residential area in accordance with the lighting plan submitted.
16. The Special Permit shall apply to Hess Corporation (and any affiliates or successors through merger or acquisition, and any franchisees, licensees or dealers using the Hess name).
17. Construction hours shall be Monday-Saturday 7am-6pm.
18. That the plan of record shall be the plans entitled "Site Development Plans for Hess, 306 Montvale Avenue" prepared by Bohler Engineering dated September 22, 2008, revised through November 17, 2008.
19. The number of gas dispensers shall be 6 gasoline and 1 diesel dispenser.
20. That a snow removal plan shall be provided and snow shall be removed off site.

all in favor 8-0.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**ORDINANCES:**

On the Order to establish a Recreation Department Youth Basketball Revolving Fund, committee report was received “ought to pass.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0.

**Presented to the Mayor: Dec. 5, 2008**                      **s/Thomas L. McLaughlin Dec. 8, 2008**

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**MUNICIPAL LANDS:**

A report was received from the Committee on Municipal Lands with a recommendation “ought to pass” as follows:

**ORDERED**    By this report, the Committee on Municipal Lands hereby recommends to the City Council that the following streets, as set forth in the plans on file in the Office of the City Clerk, be accepted as public ways in the city of Woburn:

- Arbor Lane
- Brae Circle
- Christin Way
- Connors Drive
- Coventry Lane
- Crossman Road (to Loves Lane)
- Fairway Drive
- Industrial Parkway
- Markham Terrace
- Maud Place
- Mawn Drive
- Mikaila Way
- Murray Road
- Old Cambridge Road
- Sheila Avenue
- Presidential Way
- Shaker Hill Lane
- Arthur G. Pernokas Drive
- Charles O’Neill Drive

s/Alderman Drapeau, Chair  
Committee on Municipal Lands

Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0.

**Presented to the Mayor: Dec. 5, 2008**                      **s/Thomas L. McLaughlin Dec. 8, 2008**

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**POLICE AND LICENSES:**

On the petition by Mugerwa Nasser for a new Taxi Cab License, committee report was received "ought to be denied." Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0.

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On the petitions for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc.; Lannan Chevrolet, Inc.; Lawless Chrysler Jeep, Inc.; M&L Transit Systems, Inc.; Woburn Foreign Motors, Inc.; and Woodco Machinery, Inc., committee report was received "ought to pass." Motion made and 2<sup>nd</sup> that the COMMITTEE  
**Presented to the Mayor: Dec. 5, 2008                      s/Thomas L. McLaughlin Dec. 8, 2008**

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On the petitions for renewal of Second Class Motor Vehicles Sales Licenses by Anchor Body Corp.; Capelo's Auto Service, Inc.; Kenneth L. O'Connor dba City Line Motors; Enterprise Rent-a-Car of Boston; George J. Hamilton dba George's Auto Body; J.C. Auto Sales; Larade's Collision Repair Center, Inc.; McSheffrey Auto Sales, Inc.; Ollie's Service Center; Robert McSheffrey dba McSheffrey Auto Sales; Donald J. Socorelis dba Woburn Glass Company; Southside Associates, Inc. dba Burke's Garage; and Velozo Enterprises, Inc. dba Rogers Radiator, committee report was received "ought to pass." Motion made and 2<sup>nd</sup> that the COMMITTEE REPORTS be ADOPTED, AS AMENDED with the amendment as follows: That the license for Robert McSheffrey dba McSheffrey Auto Sales, 306 Montvale Avenue shall expire upon the issuance of a building permit to Hess Corporation at 306 Montvale Avenue, all in favor, 8-0.  
**Presented to the Mayor: Dec. 5, 2008                      s/Thomas L. McLaughlin Dec. 8, 2008**

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On the petition for renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc., committee report was received "ought to pass." Motion made and 2<sup>nd</sup> that the COMMITTEE REPORTS be ADOPTED, all in favor, 8-0.  
**Presented to the Mayor: Dec. 5, 2008                      s/Thomas L. McLaughlin Dec. 8, 2008**

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**NEW PETITIONS:**

Petition for renewal of First Class Motor Vehicle Sales License by Azure Dynamics US Inc., 9 Forbes Road. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0.

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Petition by EC Inc. dba XPress Fuel, 505 Main Street; Francis Garbino dba Tom's Auto Body, 10R Green Street; Joseph P. Mahoney Co. Inc., 293 Salem Street; McDermottroe Auto Sales, 229 Lexington Street; Tracy M. Batten dba Tracy's Auto Body, 62R Winn

Street; Wassim (Sam) Nicolas dba Woburn Square Mobil, 23 Pleasant Street; and Woburn Gas and Service, Inc., 545 Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated 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 October 2008: number of parking violations issued 951, number of violations paid 588, number of violations outstanding 491, amount collected and submitted to the Office of the Collector \$49,827.20. There exists a backlog of 4,897 tickets for 1982 through 2007. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$7,900.00.

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

Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

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A communication dated November 26, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the November meeting of the Council on Aging and the Director's report for the month of November. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

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A copy of a communication dated November 25, 2008 with attachments to the Cemetery Commission was received from John E. Corey, Jr., PE relative to conceptual plans for a proposed cemetery at Forest Park. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

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A communication dated November 17, 2008 was received from Attorney Brian W. Riley, Kopelman and Paige, P.C. relative to municipalities as creditors in bankruptcy proceedings. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

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A communication dated November 17, 2008 was received from Attorney Thomas W. McEnaney, Kopelman and Paige, P.C. relative to fixed price fuel contracts. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

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A communication dated December 1, 2008 with attachment was received from Steven M. Paris, Building Commissioner as follows:

Re: Zoning Ordinance – Window Signs – B-D Zoning District

My response to the questions attached to the referenced are as follows:

1. There have been no citations issued for violation of the window sign ordinance.
2. This office inspected business’s along Main Street from Cross Street to Central Square for compliance with the window signage ordinance. Any business that was in violation was given a “Notice of Sign Ordinance Violation” (see attached notice).
3. All business’s that were in violation of the window sign ordinance had seven (7) days to comply.

Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0.

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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:**

ORDERED Pursuant to Chapter 224 of the Acts of 1900 amending Chapter 172 of the Acts of 1897, known as the Charter of the City of Woburn, the position of Alderman of Ward Four shall be filled for its unexpired term by ballot of the City Council at its Regular Meeting on Tuesday, December 16, 2008 at 7:00 p.m.

s/President Doherty

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 8-0.

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ORDERED That the Regular Meeting of the City Council scheduled for December 16, 2008 shall begin at 7:00 p.m.

s/President Doherty

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 8-0.

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ORDERED That the City Clerk publish in a newspaper of general circulation in the City of Woburn the following notice of public hearing:

Notice to Property Owners of Public Hearing Street Layouts

The Woburn City Council will meet on January 6, 2009 at 7:30 p.m. in the Council Chambers, Woburn City Hall, 10 Common Street, Woburn, Massachusetts, to consider whether to lay out as public ways the streets listed below. Plans showing the boundaries and measurements of the streets are available for inspection at the Office of the City Clerk at the Woburn City Hall. For information contact William C. Campbell, City Clerk at (781) 897-5850.

- Arbor Lane
- Brae Circle
- Christin Way
- Connors Drive
- Coventry Lane
- Crossman Road (to Loves Lane)
- Fairway Drive
- Industrial Parkway
- Markham Terrace
- Maud Place
- Mawn Drive
- Mikaila Way
- Murray Road
- Old Cambridge Road
- Sheila Avenue
- Presidential Way
- Shaker Hill Lane
- Arthur G. Pernokas Drive
- Charles O'Neill Drive

s/Alderman Gately

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0.

**Presented to the Mayor: Dec. 5, 2008**

**s/Thomas L. McLaughlin Dec. 8, 2008**

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ORDERED That the operator of the Minit Mart convenience store located at 111 Main Street and the owner of the real estate located at 111 Main Street be requested to appear before the Committee on Liaison to discuss issues concerning site conditions and the impact on the surrounding neighborhood.

s/Alderman Gately

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 8-0.

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RESOLVED That on or before December 15, 2008 the Board of Assessors shall submit to the City Council a copy of the documentation submitted to the Department of Revenue that will serve as the basis for the determination by the City Council of the tax classification by selecting a residential factor.

s/President Doherty

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 8-0.  
**Presented to the Mayor: Dec. 5, 2008 s/Thomas L. McLaughlin Dec. 8, 2008**

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RESOLVED That the Chief of Police provide a status report to the City Council concerning the amended take-home car policy in the Police Department.

s/President Doherty

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 8-0.  
**Presented to the Mayor: Dec. 5, 2008 s/Thomas L. McLaughlin Dec. 8, 2008**

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Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of adding the following late filed matter to the Order of the Day, all in favor, 8-0.

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On the petition by Fabio A. DeSouza, 12 Sheridan Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended to allow an automobile and truck repair garage at 317 Montvale Avenue. Alderman Mercer-Bruen stated that a clarification was needed for the Building Commissioner concerning the type of landscaping required along Albany Street at 317 Montvale Avenue. Motion made and 2<sup>nd</sup> that a communication be forwarded to the Building Commissioner to clarify that landscaping along Albany Street shall be six foot arborvitae starting at the southwesterly corner of the lot for a distance of twenty (20) feet, all in favor, 8-0.

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Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 8-0.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 8-0. Meeting adjourned at 9:18 p.m.

A TRUE RECORD ATTEST:

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