

**CITY OF WOBURN
FEBRUARY 24, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Wall
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, AS AMENDED, with the amendment as follows: "That in the Order referred to the Committee on Liaison at the Regular Meeting on February 3, 2009 concerning the Memorandum of Understanding the words 'for public safety improvements along Washington Street and for the Project at 620 Washington Street, Winchester' be stricken and inserted in its place the words 'the Montvale Avenue Widening Project as stated in the MOU' which is how 'the Project' is defined in the Memorandum of Understanding," all in favor, 9-0.

Motion made and 2nd to suspend the rules for the purposes of hearing a presentation by Robert McNabb, Executive Director, Woburn Housing Authority relative to progress made on grant-seeking for new elderly housing, the site conditions near Library Place and future elderly housing needs in the city of Woburn, all in favor, 9-0. Mr. McNabb stated that the Woburn Housing Authority (WHA) has conducted subsurface testing on the property behind the library, that Weston & Sampson has been conducting the work, that a summary of the site findings has been provided, that this is the first phase of subterranean analysis, that rock, rubble, some construction debris and ledge was found, that the fill extends eight to ten feet in the area being looked at, that the next phase in Spring 2009 will be to remove some of the fill and take a closer examination, that the next engineering phase will be determining a location on the site for a new building and issuing a Request for Proposals to develop the property, that the cost for development of the building will be \$12,000,000.00 to \$14,000,000.00, that this would create approximately 60 households and create additional parking for the library and the housing development, that funding sources may come from MassDevelopment and a Federal 202 grant which requires more extensive care, that the new building would be blended with the current forty-five unit Library Park senior housing building, that affordable services would be provided to residents at the site, that one test of the conditions found chromium but it was determined that this was below the level requiring further environmental impact studies, that more comprehensive testing would be needed for a better look at the property beyond the current limited borings, that mixed income residences are recommended for the building, that the number of units would depend on the 202 grant, that the 202 grant

requires a partnership with a non-profit organization, that this increases the costs of the project, that the current federal stimulus package is for projects which can be completed within 180 days, that the money will likely be funneled down to municipalities through state agencies such as DHDC, that the money in the affordable housing account is sufficient to move the development to the next phase, that the current building at the site is built on piles and this new building will likely be built on piles also, that the current building has a gravity feed sewer system, that the area is a redevelopment dream with its historic attributes, that a more comprehensive look could be beneficial but the cost of doing so is a consideration, that garage facilities in the area may be helpful, that decisions will have to be made about whether the new building is located closer to the library or closer to the older building, that if the new building is located closer to the older building there would be shared resources between the two buildings, that the development will be for elderly only which is 60 years of age and over but this can be lowered to 55 years of age, that the WHA cannot deny someone a home under fair housing laws, that there will be income requirements, that fifteen or twenty Section 8 units could make up approximately \$3,000,000.00 of collateralized loans if it is a project based program, that people would have to apply for the Section 8 units and qualify but if they leave the Section 8 unit does not go with the person, that the WHA would be subject to a lawsuit to deny an otherwise qualified person a unit just because he does not live in Woburn, that it is not even clear that there are enough people in Woburn to fill the project, that an RFP will determine the need as the WHA does not want to build the project if there is not a need, that currently the WHA cannot stop someone from smoking in their unit but can prohibit smoking in common areas, that there will be a project manager, that the footprint and exact location is not known at this time, that they are waiting for a \$1,100,000.00 grant from the State for improvement to the facade and other issues in the building, that there is only one elevator at the Library Park building, that consideration must be made of the issues at the current building when determining how this second building will be constructed, and that there was \$1,200,000.00 of work done on the Campbell Street property. Mr. McNabb offered documents to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Alderman Drapeau stated that he would like to see the WHA work with the library to develop the area into a focal point for the community which may include taking the Towanda Club property if necessary, and that he would like to see the library and housing development share an entrance. Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$100,000.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359600 \$100,000.00 to Veteran's Cash Aid Acct #0154357-577000 \$100,000.00

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

s/President Doherty

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

A communication dated February 10, 2009 with attachment was received from William E. Kerns, Chairman, Cemetery Commission as follows:

Re: Appropriation Request

Dear President Doherty and City Council Members:

The Board of Cemetery Commissioners is requesting approval for an appropriation of \$7,500.00 from the Cemetery Interest Fund to the Burial Section account to cover the costs for a botanist and boring needed to begin work for preparation of use of a portion of Forest Park as a new cemetery for the City of Woburn.

Should you have any questions regarding this request do not hesitate to contact this office.

Thank you, s/William E. Kerns, Chairman, Cemetery Commission

Attached thereto was the following:

ORDERED That the sum of \$7,500.00 be and is hereby appropriated from Cemetery Interest Fund to the Burial Sections Account #0149058-586601.

I hereby approve the above: s/William E. Kerns, Chair
I hereby recommend that above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, Auditor

s/President Doherty

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

ORDERED That the sum of \$30,000.00 be and is hereby appropriated as so stated from City Stabilization Fund Acct #704059-596300 \$30,000.00 to Leland Park Acct # 626049-497600 \$30,000.00 – Purpose: Weston & Sampson/Site Evaluation.

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 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

ORDERED That the sum of \$20,000.00 be and is hereby transferred as so stated from Tax Title/Foreclosure Acct #0113857-576010 \$20,000.00 to Treasurer/Payroll Acct #0113852-525800 \$20,000.00

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

s/President Doherty

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

ORDERED That the sum of \$775,000.00 be and is hereby appropriated as so stated from School Stabilization Fund Acct #704059-596300 \$775,000.00 to Goodyear School Project Acct #626049-497600 \$775,000.00 – Purpose Owners Project Manager \$203,000.00, Architect Design \$547,000.00, Geotechnical Testing \$25,000.00 Total \$775,000.00

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 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

PUBLIC HEARINGS:

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. Appearing for the petitioner was Attorney Craig Ziady, 200 West Cummings Park, Woburn, Massachusetts 01801 and he stated that the application was filed on September 2, 2008, that the matter has been continued several times, that the

Zoning Ordinance Review Committee has issued recommendations to look at research and testing on a citywide basis, that this public hearing should be closed and the matter moved forward, that the petitioner seeks a research and testing special permit at the location, that the issue of biomedical research will be handled separately from this matter, that the petitioner is seeking to capture non-biomedical research and testing at this time, and that the petitioner is willing to limit research and testing to the front buildings and to limit biomedical research to biomedical level 1 and biomedical level 2. Alderman Denaro stated that the city must be business friendly and protect the neighbors, and that the petition should be supported so that the property can be marketed. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn, Massachusetts 01801 stated that biomedical level 1 and biomedical level 2 are not issues of concern, and that these are common uses. Dennis Clarke, Cumming Properties, Inc., 200 West Cummings Park, Woburn, Massachusetts 01801 stated that they ask for a vote on the petition at this meeting, that the petitioner would not seek a permit for research and testing if they did not believe that it was a safe and responsible use, that they would agree that any biomedical use allowed under a permit granted now would be subject to any subsequent Board of Health regulations later adopted, and that the petitioner will agree to a specific square footage limit for the use in the building. OPPOSED: Jerry McCabe, 22 Elm Street stated that he is opposed to the petition, that the building was developed for office park only, that the Planning Board voted against allowing research and testing at the site, that the neighbors are not comfortable with a self-regulated biomedical facility, that the petition should not be passed as requested but if it is passed biomedical uses should be prohibited, and that he requests that the public hearing be kept open if there will be further discussion. Paul Lyness, 7 Cortland Circle stated that he is opposed to biomedical level 1 and biomedical level 2 uses at the site, that if there is no change in insurance premiums between full office park and office with research and testing then maybe there is not an issue, and that the public hearing should not be closed if there will be further discussion. Motion made and 2nd to close the public hearing, 8 in favor, 0 opposed, 1 abstained (Wall abstained). Motion made and 2nd that the an amendment be added to the special permit as follows: 1. That no Biosafety Level 1, Biosafety Level 2, Biosafety Level 3 or Biosafety Level 4 research and testing shall be permitted at the locus, 6 in favor, 2 opposed (Denaro, Drapeau opposed), 1 abstained (Wall abstained). Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, 8 in favor, 0 opposed, 1 abstained (Wall abstained).

On the petition by Winning Auto Services, Inc., 280 Salem Street for a special permit to modify Condition 19 referenced in a special permit issued on June 8, 2006 by deleting Condition 19 in its entirety for property located 280 Salem Street. PUBLIC HEARING OPENED. A copy of a communication dated February 9, 2009 from Edmund Tarallo, Planning Director to Brett F. Gonsalves, Senior Engineer as follows:

Subject: 280 Salem Street Amendment to Special Permit – Special Permit Application
Dated January 15, 2009 – Plans Dated August 18, 2006

This office has reviewed the submitted materials for the above referenced project and offers the following comments:

The applicant is seeking to modify condition number 19 on a previously approved special permit dated June 8, 2006 which stated “the rights under this special permit, unless further extended by a vote of the City Council, shall expire on the earlier of: the property owner exercising its right under a certain Special Permit Decision filed with the City Clerk’s office on September 24, 2004 allowing for the construction of indoor sports facility; or May 31, 2009.” The applicant seeks to delete this in its entirety.

Upon review of the special permit this office takes no exception to the application as submitted.

If you or the board have any questions concerning this information, do no hesitate to contact this office.

A communication dated February 23, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Winning Auto Services, Inc. – 280 Salem St. – To delete Condition 19 of the June 8, 2006 City Council Special Permit

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on February 10, 2009, the Board voted to send a favorable recommendation to the City Council regarding the request of Winning Auto Services, Inc. to delete Condition 19 of the June 8, 2006 City Council Special Permit granted to 280 Salem St.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner is looking to amend the special permit by eliminating Condition 19 of the prior special permit, that a prior special permit at the locus was appealed and the landowner decided not to move forward with the larger project, that this petitioner is an auto transportation company, that the petitioner ships vehicles, and that the petitioner has been operating at the locus with out issue. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn, Massachusetts 01801 stated that he is in favor of the petition. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, all in favor, 9-0.

On the petition by Hugo G. Moraes, dba Taste of Brazil, Tuda Na Brasa, 6 Park Drive, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow authorize restaurant establishment and to allow for expansion of same at 414 Main Street. PUBLIC HEARING OPENED. A copy of a communication dated February 9, 2009 to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer was received as follows:

Subject: 414 Main Street – Taste of Brazil Restaurant – Special Permit Application Dated October 6, 2008 – Previous Memo Dated October 28, 2008 – Previous Memo Dated January 12, 2009

This office has reviewed the special permit application for the above referenced project and offers the following comments.

The applicant is seeking permission to expand the existing restaurant to 118 seats. This expansion would include two levels of restaurant seating and storage.

This office has not received any addition information since our previous memo dated January 12, 2009. We will continue with our review when additional information outlined in the above mentioned memo is submitted.

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

Appearing for the petitioner was Attorney John McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that the petition was filed in October 2008, that the public hearing has been continued at the request of the petitioner, that the restaurant opened in October 2006, that that there are presently thirty seats, that it is a thriving business, that the expansion plans include one hundred seats and a liquor license, that the License Commission tentatively approved the liquor license contingent on any additional licenses being obtained, that it was determined that the petitioner is not a restaurant but a fast food restaurant because there is no waitstaff, that this is a cafeteria-style use, that the expansion includes parking in the basement, that there have been architectural access board issues and fire department concerns, that the back of the property has access to a narrow right of way, that the petitioner is attempting to address the concerns of the fire chief regarding patrons in the basement seating, that the petitioner is also looking to expand to the right of the present location, that if the basement issues cannot be resolved then the petitioner will still be seeking to expand to the area at the right of the building on the same level, that the petitioner would take the expansion to sixty-six seats at this time if that is all that can be obtained and pursue the additional seating at a later time with revised plans, that the concern of the fire chief is the narrowness of the right of way at the rear of the building and that if a vehicle is parked in that area it may block the access, that the fire chief believes that the access must be to a public way, and that the basement does open to the narrow right of way. Alderman Raymond stated that if the concerns of the fire chief cannot be satisfied he would be

reluctant to vote against those concerns. Alderman Galvin stated that the City Council should inquire of the License Commission as to whether they would be willing to lower the number of seats required for a liquor license in the downtown area. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn, Massachusetts 01801 stated that the License Commission did authorize moving forward with reduced seating for a liquor license and beer and wine sales, that the matter did not proceed to circulating petitions, and that no progress was made. Donald Graham, 10 Clinton Street stated that he is a patron of the restaurant, that he supports the petition, and that the only issue he knows of after attending meetings on this matter was the handicapped access in the basement. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 17, 2009, all in favor 9-0. Motion made and 2nd that a communication be forward to the License Commission inquiring as to the interest of the Commission and the process for lowering the number of seats required for a liquor license to be issued to a restaurant in the downtown area, all in favor, 9-0.

On the petition by Lenny's Auto Repair Inc., 280 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 and Section 7 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an automobile and truck repair garage and signage at 280 Salem Street PUBLIC HEARING OPENED. A copy of a communication dated February 9, 2009 to Edmund Tarallo, Planning Director to Brett F. Gonsalves, Senior Engineer was received as follows:

Subject: 280 Salem Street Automotive Repair Special Permit – Special Permit
Application Dated January 15, 2009 – Plans Dated August 18, 2006

This office has reviewed the submitted materials for the above referenced project and offers the following comments:

The applicant is seeking permission to allow for an automobile and truck repair garage with signage. The accompanying site plan shows the proposed location of the garage and office within the existing building. The applicant should verify with the plumbing inspector to determine if there sufficient floors drains for the proposed use.

This office takes no exception to the request, plans or special permit application as submitted.

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

A communication dated February 23, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Lenny's Auto Repair Inc. – 280 Salem St. – To allow for an automobile and truck repair garage and signage pursuant to Sections 5.1.44 and Section 7

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on February 10, 2009, the Board voted to send a favorable recommendation to the City Council regarding the request of Lenny's Auto Repair Inc. to allow for an automobile and truck repair garage and signage pursuant to Sections 5.1.44 and Section 7 of the Woburn Zoning Ordinance at 280 Salem St. subject to the following conditions:

1. That the automobile and truck repair garage shall be limited to 1,500 S.F. as marked on the plan and the area hashed on the plan shall be for parking of the vehicles associated with this use;
2. That the hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturday;
3. That the Plumbing Inspector shall determine the number and type of floor drains required and that they shall be in place prior to occupancy;
4. That no "junk cars" shall be stored on the premises; and
5. That no more than 10 vehicles of the original 100 vehicles allowed to be stored on this site shall be associated with this use.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner operated its business on Breed Avenue the last seven years and has been in Woburn the last twenty-five years, that the petitioner must move from his current location, that the hours of operation will be 7:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 1:00 p.m. on Saturday and no Sunday hours, that the petitioner works on seven vehicles per day, that there is low traffic volume, that the petitioner will occupy 1,500 square feet of space currently controlled by Winning Auto, that there will be parking for up to ten cars, that the parking will be to the rear of the building, that the unit will be located to the right rear of the property, that the business will not be visible from the street, that Winning Auto has authority to store up to one hundred vehicles but does not store that many vehicles, and that the ten vehicle parking spaces will be taken from the one hundred count allowed by Winning Auto. Attorney Tarby offered documents to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that this an appropriate location for the business, and that she wants a condition stating that the special permit is not transferable. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the special permit shall not be transferable and is issued to Lenny's Auto Repair, Inc. only, and 2. That the

recommendations of the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

On the petition to further amend the 1985 Woburn Zoning Ordinances, as amended, by striking from Section 2 Definitions the definition for "Sign, Window" in its entirety and replacing same with the following: "Sign, Window: A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building." PUBLIC HEARING OPENED. A communication dated February 24, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear President Doherty and Members of the City Council:

In my capacity as a member of the Sign Review Board, I respectfully request that after the completion of tonight's public hearing on the Sign Review Ordinance, that the matter be sent back to Committee to allow the Board the time necessary to complete its proposed revisions of the Ordinances.

If so approved, the Board will then contact the Committee Chair when it has completed its final draft. The draft will then be submitted to the Committee for review and consideration. I can assure you that the Board continues to work diligently on completing this task.

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 7, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by Robert McSheffrey, Trustee, 306 Montvale Avenue, Woburn, Massachusetts 01801 for an Inflammable License to allow the storage of flammable fluids as follows: Underground 40,000 gallons gasoline and diesel product. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Wilson TurboPower, Inc., 55 Sixth Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to allow for research and testing facility at 20-30 Commerce Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated February 23, 2009 with attachment was received from Edmund P. Tarallo, Planning Director as follows:

Re: City Council – Biosafety Level Research and Testing Uses

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on February 10, 2008, the Board voted to forward the following documents to the City Council:

- 1. Review of BioSafety Permitting Procedures.
- 2. Proposed Zone Changes: Biomedical Facility & Research & Testing Laboratory.
- 3. Proposed General Ordinance Amendment: Biomedical Oversight Committee

These documents reflect the research done by the Planning Board staff for the ZORC Committee and the recommended General Ordinance and Zoning Ordinance changes that the Planning Board recommends that the City Council consider in response to the City Council’s request of November, 2008.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

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

A communication dated February 5, 2009 was received from Attorney Katharine I. Doyle, Kopelman and Paige, P.C. relative to changes to the agricultural exemption in the Zoning Act. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated February 5, 2009 with attachment was received from Stan Usovicz, Regional Director of External Affairs, Verizon, 451 Main Street, Wakefield, Massachusetts 01880 as follows:

Dear Mr. Campbell – City Clerk,

Please find enclosed a listing of all Verizon vehicles that are garaged in the City of Woburn. The listing is separated by facilities, Wildwood Avenue and Locust Street, and includes license numbers, make, and year of each vehicle.

If you could let mw know of any meeting dates that may be available for the City Council, I would appreciate it. I am generally available most business hours during the week.

Sincerely, s/Stan Usovicz, Verizon, Regional Director of External Affairs

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE with a copy to the Board of Assessors to crosscheck their records for excise tax purposes, all in favor, 9-0.

A communication dated February 9, 2009 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Request – 330 Lexington Street, Woburn
Applicant: Robert W. Murray, Trustee

Dear Mr. Campbell:

This will confirm the above named applicant's consent to time on the above referenced special permit request, up to an inclusive of May 5, 2009, in order to allow sufficient time for the rezoning application to be processed.

Please present this matter to the City Council for their consent to this request as well.

Thank you for your cooperation, and please contact me should you or the council have any questions.

Sincerely, s/John D. McElhiney

Motion made and 2nd that the time by which the public hearing must be held on the petition by Robert W. Murray, Trustee of 330 Lexington Street Realty Trust for a special permit pursuant to Section 5.1.3(d) for a townhouse development consisting of ten (10) townhouse units, dependant upon a vote to rezone the property to the R-3 zoning district, at 330 Lexington Street a/k/a 4 lots on Seaman Robert H. Doherty Drive and inclusive of

roadway be extended up to and including the Regular Meeting of the City Council on May 5, 2009, all in favor, 9-0.

A communication dated February 20, 2009 with attachment was received from Maqsud Shaikh, 3M Taxi, Inc., 165U New Boston Street, Suite 275, Woburn, Massachusetts 01801 as follows:

Dear Sirs:

Originally I was going to operate as M&M Taxi Inc., but there is a separate cab company operating in Somerville with the name M&M Taxi, Inc. The Massachusetts Secretary of State will not let two companies have the same name in Massachusetts. Therefore, I registered my company as 3M Taxi Inc.

I have attached the Articles of Organization of M&M Taxi Inc. and the annual report they filed in May of 2008.

If you have any questions or comments, please contact me.

Sincerely, s/Maqsud Shaikh

Motion made and 2nd to suspend Rule 20a, all in favor, 9-0. Motion made and 2nd that the name of the business for the Taxi License granted to Maqsud Shaikh be changed from M&M Taxi, Inc. to 3M Taxi, Inc., all in favor, 9-0. Motion made and 2nd to restore Rule 20a, all in favor, 9-0.

Presented to the Mayor: Feb. 25, 2009 s/Thomas L. McLaughlin Feb. 25, 2009

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated February 20, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: William Callahan – Historic District Commission

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint William Callahan of 14 Kennedy road as an alternate member of the Historic District Commission for a period of three years.

Mr. Callahan's appointment will be effective on the date of confirmation by the City Council; Mr. Callahan's appointment term will expire three years from that date.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated February 20, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Joanne McNamee, 5 Sturgis Street as a Life Trustee on the Board of Trustees of the Woburn Public Library. Ms. McNamee will be replacing Robert Maguire. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated February 20, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Rosa DiTucci, 82 Arlington Road as a Member on the Board of Trustees of the Woburn Public Library. The effective date of this appointment will be the date of confirmation by the City Council and will expire in three years.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated February 20, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint William Angelo, 144 Lexington Street as a Member on the Board of Trustees of the Woburn Public Library. The effective date of this appointment will be the date of confirmation by the City Council and will expire in three years.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated February 20, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Loretta Schuck, 44 Leonard Street as a Life Trustee on the Board of Trustees of the Woburn Public Library. Ms. Schuck will be replacing Robert Dever. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Pursuant to Chapter 53 of the Acts of 2007, the Preliminary Election for the Municipal Election shall be held on Tuesday, September 22, 2009.

s/President Doherty

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

Presented to the Mayor: Feb. 26, 2009 s/Thomas L. McLaughlin March 2, 2009

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

MUNICIPAL LANDS:

On the communication from the City Engineer relative to transferring land related to the erection of the replacement water storage facility on Rag Rock, committee report was received “That the following Resolve be Adopted:

RESOLVED BE IT RESOLVED: That the City Council of the City of Woburn hereby transfers the care, custody, management and control of the following parcels of land:

1. Transfer from the Conservation Commission for conservation and passive recreational purposes to the Superintendent of Public Works for water supply purposes, the parcels of land shown as “Proposed Tank Parcel, Area = 95,601 SF (2.195 Ac.) CC-3” and “Existing Access Easements” on a plan entitled “Preliminary Plan of Land Owned by the City of Woburn, Location Hillside Avenue Woburn, Massachusetts,” dated June, 2007, prepared by City of Woburn Engineering Department, a copy of which is on file with the City Clerk, which parcels (the “Conservation Parcels”) are a portion of the premises described in a deed recorded with the Middlesex South District Registry of Deeds in Book 3986, Page 198;
2. Transfer from the Superintendent of Public Works for water supply purposes to the Conservation Commission for conservation and passive recreation purposes, the parcel of land having an area of 24,342 SF, more or less, and shown as “Existing Tank Parcel CC-2” on a plan entitled “Preliminary Plan of Land Owned by the City of Woburn, Location Hillside Avenue Woburn, Massachusetts,” dated June, 2007, prepared by City of Woburn Engineering Department, a copy of which is on file with the City Clerk, which parcel is described in a Order of Taking recorded with the Middlesex South District Registry of Deeds in Book 9609, Page 591;
3. Transfer from the Superintendent of Public Works for water supply purposes to the Conservation Commission for conservation and passive recreation purposes, the parcel of land shown as “Parcel CC-1, Area = 3.0± Ac.” (the “Water Supply Parcel”) on a plan entitled “Land Transfer Plan to Woburn Conservation Commission,” dated January, 2009, prepared by the Woburn Engineering Department, a copy of which is on file with the City Clerk, which parcel of land is a

portion of the premises described in the Order of Taking recorded with the Middlesex South District Registry of Deeds in Book 1258, Page 2, except that the City may continue to use the portion of the land shown on said plan as “Proposed 2 Rod Wide Access Easement over Gravel Roadway” for access to the remaining City-owned land shown on the plan as “City of Woburn Remaining Area = 27 Ac.±.”

and authorize the Mayor to seek, on behalf of the City of Woburn, legislative approval of the transfers of the Conservation Parcels and the Water Supply Parcel from the Commonwealth of Massachusetts under Article 97 of the Amendments to the Massachusetts Constitution, with all of the foregoing transfers to become effective upon the enactment of said Article 97 legislation.

s/Alderman Drapeau

Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Denaro – Yes, Drapeau – Yes, Galvin – Yes, Gately – Yes, Gonsalves – Yes, Mercer-Bruen – Yes, Raymond – Yes, Wall – Yes, Doherty – Yes, MOTION PASSES.
Presented to the Mayor: Feb. 26, 2009 s/Thomas L. McLaughlin March 2, 2009

FINANCE:

On the Order to transfer certain vehicles from the Police Department to the Department of Public Works, committee report was received “ought to pass, as amended with the amendment as follows: 1. That a communication be forwarded to the Department of Public Works inquiring as to whether the vehicles will be used by other departments, used for parts or sold for junk, and 2. That the VIN number for the 1995 Ford Crown Victoria be changed to 2FALP71W1VX224680 and that the VIN number for the 1997 Ford Crown Victoria to 2FALP71W5VX224686.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Feb. 26, 2009 s/Thomas L. McLaughlin March 2, 2009

A communication dated February 23, 2009 was received from Carl R. Batchelder, Ed.D., Superintendent of Schools, Woburn Public Schools as follows:

Dear President Doherty:

This letter is written on behalf of the School Committee’s Collaboration Subcommittee. This Subcommittee, under the Chairmanship of Mr. Joseph Crowley, would like to meet with a Subcommittee of the City Council, if possible, to find common ground in areas which the School Department and the City could collaborate for greater efficiency. Please contact me so that such a meeting can be arranged.

Thank you for your assistance in this manner.

Sincerely, s/Carl R. Batchelder, Ed.D., Superintendent of Schools

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

A communication dated February 23, 2009 with attachment was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Implementation of "An Act Establishing a Sensible State Marijuana Policy"

Dear President Doherty and Distinguished Members of the City Council,

For your information, I am attaching correspondence from Kopelman and Paige, P.C. regarding the new Establishment of a Sensible State Marijuana Policy.

This memorandum may assist you in better understanding the Act approved by Massachusetts voters during the November 4, 2008 election that decriminalized the possession of an ounce or less of marijuana.

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE and that correspondence be forwarded to the Police Department requesting a draft marijuana policy and ordinance for consideration by the Committee on Ordinance, all in favor, 9-0

A communication dated February 20, 2009 was received from Attorney Brian W. Riley, Kopelman and Paige, P.C. relative to the Green Communities Act. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

ORDERED That the sum of \$45,000.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359000 \$45,000.00 to Woburn Redevelopment Authority Acct #0112252-538905 \$45,000.00

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

s/President Doherty

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

RESOLVED FY 2009 P.W.E.D. GRANT APPLICATION

WHEREAS: Dragon Court, a public right of way located in East Woburn, contains both business and residential uses in close proximity to each other; and,

WHEREAS: Dragon Court in the area of the residential use located between Washington Street and Florence Terrace is a narrow right-of-way with inadequate capacity to carry the types and amount of vehicular traffic generated by the businesses uses; and,

WHEREAS: Dragon Court is currently the only existing public vehicular access available to several businesses located above Florence Terrace, whose continued viability and opportunities for expansion are hindered by the lack of adequate vehicular access; and,

WHEREAS: A schematic design which is attached to this resolution has been proposed to build a connecting road between Dragon Court and Constitution Way, which would divert the business related traffic from the residential portion of Dragon Court; and,

WHEREAS: The Commonwealth of Massachusetts Executive Office of Transportation and Public Works (EOT) is now accepting applications for the FY 2009 Public Works Economic Development Program;

NOW THEREFORE, BE IT RESOLVED:

That the City Council hereby authorizes the Mayor to execute and submit an FY 2009 Public Works Economic Development Program application to the Massachusetts Executive Office of Transportation and Public Works (EOT), for the sum of approximately \$600,000, or such other sum as the Mayor deem appropriate, to design and construct the connecting road between Dragon Court and Constitution Way as shown on the attached schematic drawing, or as it may be amended by the City Engineer.

s/President Doherty and Alderman Mercer-Bruen

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

Presented to the Mayor: Feb. 26, 2009 s/Thomas L. McLaughlin March 2, 2009

A communication dated February 24, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Reappointment of Peter Lennon – Historic District Commission

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Peter Lennon of 629 Main Street as a member of the Historic District Commission for a period of three years. This appointment is subject to confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated February 24, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Sign Review Board – Peter Lennon

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Peter Lennon of 629 Main Street as a member of the Sign Review Board for a period of five years. This appointment is subject to confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:36 p.m.

A TRUE RECORD ATTEST:

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