

**CITY OF WOBURN
FEBRUARY 3, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately – Absent	Wall
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 8-0-1 (Gately absent).

MAYOR'S COMMUNICATIONS:

On a communication received by His Honor the Mayor Thomas L. McLaughlin requesting time before the City Council for a presentation by Michael D. Goodman, Ph.D., Director of Economic and Public Policy Research, Office of the President, University of Massachusetts Donahue Institute. Motion made and 2nd to suspend the rules for the purposes of hearing the presentation from Mayor McLaughlin and Dr. Goodman, all in favor, 8-0-1 (Gately absent). Dr. Goodman presented an analysis of the present state of the economy in Massachusetts while referring to several charts and he estimated that by 2011 the decline in the economy may begin to level out. Dr. Goodman 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 8-0-1 (Gately absent).

PUBLIC HEARINGS:

On the petition by Boys & Girls Club of Woburn, Inc., Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit to conduct a six-day carnival from May 5, 2009 to May 10, 2009 at the National Amusements site (Showcase Cinemas), 25 Middlesex Canal Park. PUBLIC HEARING OPENED. A communication dated January 29, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Boys & Girls Club of Woburn – 25 Middlesex Canal Park – Special Permit to conduct carnival

Dear Mr. Campbell and Members of the City Council:

At the meeting held on January 27, 2009, the Planning Board voted to forward a favorable recommendation to the City Council, subject to the condition that the applicant comply with Note 14 of the Notes to Section 5.1 of the 1985 Zoning Ordinance as amended.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was James Haggerty and he stated that he is the Carnival Chair, that the operator of the carnival will be Dean & Flynn Fiesta Shows, that the annual budget of the Boys & Girls Club of Woburn, Inc. is now over \$1,000,000.00, that the membership has increased over the last five to seven years from 1,200 members to 2,700 members, and that all monies from the carnival go to the annual operating costs of the Boys & Girls Club of Woburn, Inc. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 8-0-1 (Gately absent). Motion made and 2nd that the SPECIAL PERMIT be GRANTED, all in favor, 8-0-1 (Gately absent).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the re-appointments of Vincent Simeone, Jean Cronin and William Capone as Members of the Woburn Council on Aging, committee report was received "ought to be confirmed." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Gately absent).

Presented to the Mayor: February 6, 2009 s/Thomas L. McLaughlin Feb. 5, 2009

FINANCE:

On the Order to appropriate the sum of \$150,000.00 from Unreserved Fund Balance Account to DPW Overtime Account, committee report was received "ought to be confirmed." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Gately absent).

Presented to the Mayor: February 6, 2009 s/Thomas L. McLaughlin Feb. 5, 2009

ORDINANCES:

On the Order to establish a stop sign restriction on Seneca Road in a westerly direction at the intersection with Squanto Road, committee report was received “ought to be confirmed.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Gately absent).

Presented to the Mayor: February 6, 2009 s/Thomas L. McLaughlin Feb. 5, 2009

On the Order to amend Title 15, Article I, Section 15 of the 1989 Woburn Municipal Code, as amended, relative to certificate of inspection fees and re-inspection fees, committee report was received “ought to be confirmed.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Gately absent).

Presented to the Mayor: February 6, 2009 s/Thomas L. McLaughlin Feb. 11, 2009

NEW PETITIONS:

Petition by Hammond Square Realty LLC, 92 Merrimac Street, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property found and identified in the Assessors records on Map 38, Block 8, Lot 1, and known and numbered as Lot 1A 35 Pine Street and Lot 1B 35 Pine Street partially in the R-2 zoning district and partially in the I-G zoning district to the R-2 zoning district. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Gately absent).

Petition by Robert W. Murray, Trustee of 330 Lexington Street Realty Trust, 27 Cambridge Street, Burlington, Massachusetts 01803 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property found identified in the Assessors records on Map 81, Block 6, Parcels 12, 14, 15 and 16 and also the roadway known as Seaman Robert H. Doherty Drive and known and numbered as 330 Lexington Street a/k/a 4 lots on Seaman Robert H. Doherty Drive and inclusive of said roadway from the R-1 zoning district to the R-3 zoning district. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 7 in favor, 0 opposed, 1 absent (Gately absent), 1 abstained (Wall abstained).

Petition by Robert W. Murray, Trustee of 330 Lexington Street Realty Trust, 27 Cambridge Street, Burlington, Massachusetts 01803 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. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 7 in favor, 0 opposed, 1 absent (Gately absent), 1 abstained (Wall abstained).

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 December 2008: number of parking violations issued 1,328, number of violations paid 755, number of violations outstanding 702, amount collected and submitted to the Office of the Collector \$56,321.00. There exists a backlog of 4,886 tickets for 1982 through 2007. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$8,700.00.

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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE with a copy to the Woburn Handicapped and Disabled Citizens Commission, all in favor, 8-0-1 (Gately absent).

A communication dated January 29, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the January meeting of the Council on Aging and the Director's report for the month of January. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Gately absent).

A communication dated January 29, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the calendar year 2008 annual report for the Council on Aging. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Gately absent).

A communication dated January 20, 2009 with attachments was received from Robert McNabb, Executive Director, Woburn Housing Authority as follows:

Re: Library Park Initiative

Dear Mr. Doherty:

This is to request that the City Council, with the support of Mayor Thomas McLaughlin, consider a modification of the "Deed of Grant and Reservation" of the parcel known as Lot B Library Park.

The current deed contains language that states "This conveyance is subject to a reservation, here in after described, in favor of the Grantor for the purpose of preserving

open space for the benefit of the general public". In addition there are surface restrictions. (see attached)

The language as it stands today would imperil any future development on this site.

The Authority, through its contracted engineering firm, Weston and Sampson, has received a favorable sub surface report and preliminary foundation recommendations. Additionally a formal survey has been conducted, that includes the Woburn Public Library property and an historical investigation.

The next two phases will include site development services and geotechnical services.

On behalf of the Board of Commissioners and myself I wish to thank you for your support in this matter.

Sincerely, s/Robert McNabb, Executive Director

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS, all in favor, 8-0-1 (Gately absent).

A communication dated January 20, 2009 was received from Robert McNabb, Executive Director, Woburn Housing Authority as follows:

Re: Clapp/Goodyear Schools

Dear Mr. Doherty:

The Woburn Housing Authority's Board of Commissioners, through this office, are expressing interest in any disposition of the Clapp and/or Goodyear Schools.

The Authority would like to go on record as having made formal contact with regard to these two properties for possible future affordable housing needs.

If it is possible to take this request into consideration the Authority would greatly appreciate it.

Sincerely, s/Robert McNabb, Executive Director

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS, all in favor, 8-0-1 (Gately absent).

A communication dated January 20, 2009 was received from Robert McNabb, Executive Director, Woburn Housing Authority as follows:

Re: Empty Lot

Dear Mr. Doherty:

This is to request that the City Council, upon support of Mayor Thomas McLaughlin, grant control of the empty lot at the corner of Wade Avenue and Campbell Street to the Woburn Housing Authority.

The reason for this is to relieve 59 Campbell Street residents and guests of the parking shortfall at our facility.

The Woburn Housing Authority (WHA) would like to investigate any underground utilities or surface requirements and would bear all costs of surfacing, drainage, maintenance and landscaping.

Perhaps a long term lease may be of consideration?

Thank you for your assistance in this matter.

Sincerely, s/Robert McNabb, Executive Director

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS, all in favor, 8-0-1 (Gately absent).

A communication dated January 21, 2009 from City Solicitor Mark Reich relative to the participation of a board member in a quasi-judicial proceeding when the member has missed more than one public hearing concerning the matter. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Gately absent).

A communication dated January 21, 2009 was received from Attorney Lauren F. Goldberg and Attorney Shirin Everett of Kopelman and Paige, P.C. relative to the use of Community Preservation Act funds. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Gately absent).

A communication dated January 23, 2008 was received from Attorney Lauren F. Goldberg, Kopelman and Paige, P.C. relative to implementation of "An Act Establishing a Sensible State Marihuana Policy." Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Gately absent).

A copy of a communication dated January 28, 2009 to Mayor Thomas L. McLaughlin from Alderman Darlene Mercer-Bruen and Tom Ferraguto, School Building Committee was received as follows:

To: The Honorable Thomas L. McLaughlin

Dear Mayor McLaughlin:

Thank you for your recent phone call regarding the Goodyear School and Leland Park. We are glad to see that quick attention is being given to “plan B options” to keep this project moving.

At this point however, we want to express our concerns on what appears to be a focus, once again, on only “one” plan. The idea that is currently being floated has been previously vetted by the council in financial terms, not as an option for a school, but the “fit up” that was discussed then and would have to be discussed now is relatively the same. It could not only be extremely costly, perhaps as costly as remediation of the Leland Site, but more time consuming hence jeopardizing an already delicate time table.

In conjunction with the idea you are currently considering, we respectfully request that the school committee members be prepared to discuss more than one option on February 11th by seriously exploring the use of portable classrooms or alternative temporary class room space with an eye on meeting our March time line.

The recent cost estimates for the site “preparation” for Leland Park make it even more imperative that School Committee, the Office of the Mayor and City Council work collectively on determining a workable solution that is cost effective and as importantly, allows for implementation in the 2009 school year so as not to impact our funding from the MSBA.

Thank you for your consideration of this matter. We look forward to seeing you on February 11th.

Sincerely, s/Darlene Mercer-Bruen, Alderman, Ward 5
Tom Ferraguto, School Building Committee

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Gately absent).

A confidential communication was received from Attorney Jonathan Silverstein, Kopelman and Paige, P.C. concerning the pending litigation known as Extra Space Storage v. City Council of the City of Woburn, et al., Land Court No. 08-MISC-373888. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Gately absent).

A communication dated January 22, 2009 with attachments was received from John E. Corey, Jr., PE, City Engineer as follows:

Subject: Rag Rock Tank – Article 97 Land Transfer

The Conservation Commission during their January 15, 2009 meeting, voted to accept a parcel of land adjoining Horn Pond Mountain in exchange for land under the care and custody of the Conservation Commission to be used in the erection or the replacement water storage facility on Rag Rock.

A copy of the vote and the applicable plans has been enclosed. This transfer, with the approval of the City Council would result in the following land transfer:

- The City will obtain approximately 2.2 acres of land on Rag Rock, currently under the care and custody of the Conservation Commission for the purposes of erecting a new water storage tank with an access road to Hillside Ave. and appurtenant water mains, security fencing and ancillary water facilities.
- Easements providing access to the existing storage facility will no longer be needed and they will be extinguished after the existing tank is removed.
- In return for the 2.2 acre Rag Rock Parcel, the Conservation Commission will receive care and custody over two parcels. The existing tank site comprising approximately 0.5 acres will be transferred following removal of the existing tank, remediation of surface soils and site restoration. The second parcel comprising approximately 3.0 acres is located adjacent to the Woburn Parkway along the Winchester side of Horn Pond Mountain.

Following a favorable action by the City Council on the land transfer, the matter will be submitted to EOEEA for their approval and then legislative action will be required by the state to finalize the land transfers.

We are available to discuss the matter in detail and answer any questions or comments the Council may have relative to the matter.

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS, all in favor, 8-0-1 (Gately absent).

A copy of a communication dated January 7, 2009 with attachment to Steven Paris, Woburn Inspectional Services was received from Jared Tucker, Project Representative and Stephen J. Fautsch, AIA, Architect-of-Record/Principal, 1220 Marshall Street NE, Minneapolis, Minnesota, 55413-1036 as follows:

Re: Remodel of Target Store in Woburn – T-1266 Woburn, MA – Stephen J. Fautsch, Architect Comm. No.: 9108.041.00

Dear Mr. Paris:

Thank you for your telephone call on Monday, 5 January 2009 concerning the proposed revisions of the Target store located at 101 Commerce Way, Woburn, MA. Per our conversation, I am writing to summarize the work that will be done as part of this project.

The majority of this work will be within the interior of the building. There will be no building expansion and minimal work to the exterior.

Exterior work would include removing the "Greatland" signage on three elevations and moving the "Target" signage to reflect the current Target brand. Exterior painting will be minimal, and will only include areas required to be touched up due to the signage relocation. The entry fascia will be re-painted. Six (6) exterior spherical bollards will be installed in the sidewalk in front of the store. The store will receive a new self-contained compactor to replace the existing unit. The new unit will be installed at the existing location. Additional rooftop equipment will be added to the roof for additional sales floor market cases and walk-in coolers/freezer.

Interior work will not affect current exiting and no exit access will be moved, altered or relocated. There will be no work done to the front office area including, but not limited to, employee services, guest restrooms, food service, pharmacy, portrait studio, one hour photo, or guest service. There will be no work done to the core services, including but not limited to water service, maintenance areas, employee restrooms in the stock areas located at the rear of the store. Work on the sales floor will include updating finishes, updating neon on each sales floor interior elevation, and expanding the market area. In addition to Target's traditional food offerings, Target will be expanding the food assortment to include additional bakery, deli, meat and produce items.

Relocation of the jewelry showcase and relocation of the fitting rooms will occur on the sales floor. The rear stock room will have some fixturing updated due to the addition of three (3) walk-in coolers and one (1) walk-in freezer. A Dry Produce/Labeling Room will be added. The Dry Produce/Labeling Room includes a hand washing sink, a single compartment sink, scale labeling devices and storage areas (dry and refrigerated). The single compartment sink will only be used to wash bulk produce, if needed, prior to being stocked on the sales floor. Scale labeling devices will be used to weigh and label all random weight case ready items. This will eliminate the need to weigh items at the point of sale check out lanes.

A condensate vacuum pump system will be utilized to remove condensate from the refrigerated coolers and freezers. This room will be located adjacent to the Dry Produce/Labeling Room in the rear stock area.

All work will be done under the Massachusetts State Building Code, Seventh Edition. Two (2) site visits by the Architect will be conducted during construction as well as one (1) site visit each by the Mechanical, Electrical, and Structural Engineers. Any special inspections required will be done per the building code.

Please let me know if this scope of work would require City Council approval. If so, I will begin the process immediately. Construction documents are planned to be issued to the City of Woburn, MA for review on 22 January 2009. If you should have any questions, please feel free to contact me.

Sincerely, s/Jared Tucker, Project Representative
s/Stephen J. Fautsch, AIA, Architect-of-Record/Principal

Motion made and 2nd to suspend the rules for the purposes of hearing from the petitioner, all in favor, 8-0-1 (Gately absent). Appearing for the petitioner was Jerome Rego, Construction Representative for Target Corporation and he stated that there will be no change outside or in the parking lot with the exception of removing the “Greatland” signs from the exterior of the building and the monument sign. Motion made and 2nd to return to the regular order of business, all in favor, 8-0-1 (Gately absent). Motion made and 2nd that adjustment requested by Target Corporation to the floor plan at the Target Store, 101 Commerce Way set forth in a plan entitled “Target – Floor Plan – A111” prepared by Stephen J. Fautsch Architect dated January 2009 be APPROVED, all in favor, 8-0-1 (Gately absent).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Chief of the Police Department is hereby authorized to transfer the following vehicles to the Department of Public Works as the Chief of the Police Department has determined the vehicles are of no value to the Police Department and the Department of Public Works has expressed an interest in obtaining the vehicles.

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN</u>
2001	Ford	Crown Victoria	2FAFP71W41X191626
1998	Ford	Crown Victoria	1AFAP71W6VX113292
1996	Jeep	Cherokee	1J4FJ78SXTL327864
1995	Ford	Crown Victoria	2FALP71W1VX224686
1997	Ford	Crown Victoria	2FALP71W5VX224707
1997	Ford	Taurus	1FAFP52U9VG284108
1997	Ford	Taurus	1FALP52U6VG284101

s/President Doherty (per request)

Motion made and 2nd that MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0-1 (Gately absent).

ORDERED Pursuant to Title 3, Article II, Section 3-12(H) of the 1989 Woburn Municipal Code, as amended, the School Department is hereby authorized to solicit from and award to a food services management company a contract for the school cafeterias with a term of one year together with four one-year options, such options to be exercised at the discretion of the school department.

s/President Doherty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0-1 (Gately absent).
Presented to the Mayor: February 6, 2009 s/Thomas L. McLaughlin Feb. 5, 2009

ORDERED That the Committee on Liaison determine the status of the Memorandum of Understanding executed on May 25, 2007 by and between the City of Woburn and Winchester Hospital relative to the contribution in the amount of Two Hundred Thousand Dollars (\$200,000.00) to be made to the City of Woburn for public safety improvements along Washington Street and for the Project at 620 Washington Street, Winchester

s/Alderman Wall and
Alderman Mercer-Bruen

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 8-0-1 (Gately absent).

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install sidewalks along the northerly side of Newbury Street its entire length for the safety of pedestrians and in particular the children who walk to the Wyman School.

s/Alderman Wall and
Alderman Denaro

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0-1 (Gately absent).

Presented to the Mayor: February 6, 2009 s/Thomas L. McLaughlin Feb. 5, 2009

Motion made and 2nd to suspend the rules for the purposes of adding the following items to the Order of the Day as late filed matters, all in favor, 8-0-1 (Gately absent).

COMMITTEE REPORTS:

PERSONNEL:

On the reappointment of Russell S. Braese as a Member of the Woburn Golf & Ski Authority, committee report was received “ought to be confirmed.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Gately absent).
Presented to the Mayor: February 6, 2009 s/Thomas L. McLaughlin Feb. 5, 2009

On the reappointment of Alexander Avola, Jr. as a Member of the Woburn Golf & Ski Authority, committee report was received “ought to be confirmed.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Gately absent).
Presented to the Mayor: February 6, 2009 s/Thomas L. McLaughlin Feb. 5, 2009

POLICE AND LICENSE:

On the petition by Saeed Rajabi dba Woburn Sky Cab for a new Taxi Cab License, committee report was received “that the petition be given leave to withdraw without prejudice.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Gately absent).

A communication dated February 3, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear President Doherty and Distinguished Members of the City Council,

Re: FY 2009 Local Aid Cuts

In am pleased to inform you that working in conjunction with Gerald Surette, our City Auditor, we have identified offsets to the approx \$726,000 in FY 2009 local aid cuts that were recently announced by the Governor.

Approximately \$580,000 of this offset will come from reductions that were identified in FY 2009 appropriations. The remaining \$146,000 will come from additional unanticipated revenues in our hotel-motel tax revenues.

The City of Woburn continues to be in a very strong financial condition to deal with this economic slowdown. I am sure that FY 2010 will present us with further fiscal challenges. However, I am confident that we will be able to meet these challenges without experiencing a significant impact on local services.

Please contact me if you have any question.

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0-1 (Gately absent).

RESOLVED That the Superintendent of Public Works provide a status report to the City Council relative to the road repair prioritization study for which funds have been appropriated.

s/President Doherty and
Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0-1 (Gately absent).

Presented to the Mayor: February 6, 2009 Returned unsigned February 10, 2009

Motion made and 2nd to return to the regular order of business, all in favor, 8-0-1 (Gately absent).

Motion made and 2nd to ADJOURN, all in favor, 8-0-1 (Gately absent). Meeting adjourned at 8:35 p.m.

A TRUE RECORD ATTEST:

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