

**CITY OF WOBURN
JANUARY 6, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

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

Pursuant to Title 2, Article III, Section 2-13 of the 1989 Woburn Municipal Code, as amended, His Honor the Mayor Thomas L. McLaughlin delivered the State of the City Address. In addition to the Members of the City Council, the following School Committee Members were seated in the legislative area of the Council Chambers for that portion of the meeting in which His Honor the Mayor made his address: Chairman Dr. John Wells, Member Patricia Chisholm, Member Joseph Crowley, Member Christopher Kisiel, Member Margarette Masotta, Member Michael Mulrenan and Member Denis Russell. State Senator Patricia Jehlen, State Senator-Elect Kenneth Donnelly, State Representative Jay Kaufman and State Representative-Elect James Dwyer were also in attendance. The Mayor's address was as follows:

Mr. President and Distinguished Members of the City Council and School Committee.

It is my pleasure to be before you this evening to talk about the State of our City.

Since my last presentation on the State of our City at our inaugural ceremonies just a year ago the financial and economic situation has changed dramatically. The nation and the Commonwealth are now caught in the grips of a recession resulting in a number of bankruptcies, bailouts, closings, foreclosures, layoffs and reduced revenues. This is sure to have a significant impact on local economies and municipalities. Hence, my state of the city speech tonight will place emphasis on fiscal issues and how all of this may eventually impact us here in the City of Woburn.

As you already know, on October 15th, the Governor initially announced 1.4 billion dollars in cuts to the FY 2009 state budget sparing cuts to local aid. Recently, Governor Patrick announced another one billion dollar shortfall in projected FY 2009 revenues and he stated that additional cuts would have to be made. The Governor will speak in more detail about these mid-year cuts at his State of the State address on January 15th. The Governor has also indicated that in this second wave of cuts that local aid will also be on the table.

A few weeks ago, Speaker of the House Di Masi spoke and also warned communities to expect anywhere between a 5 to 10% cut to local aid for FY 2010.

Hence, it is very clear that the situation in the Commonwealth is becoming quite concerning when you consider that the state budget was originally projected on higher revenue estimates that have not materialized.

Now, what does all of this mean to local communities and what does it mean for Woburn. I guess you could say that it depends - it depends to some degree on how much a community receives in local aid in the first place.

For example, the City of Somerville with a 160 million dollar budget gets 29% of its local aid revenue from the state which is approx 56 million dollars the City of Woburn on the other hand with its 112 million dollar budget receives only 11.4% of its local aid revenue from the state, or approximately 1.5 million dollars. Hence, a 10% reduction in revenue for Somerville could result in a cut of 5.6 million dollars whereas for Woburn it could interpret to a cut of 1.5 million dollars. In a survey conducted by our city auditor, we find that Woburn depends less on local aid than seventeen other Massachusetts cities that were surveyed on the D.O.R. web site.

The fact that the City of Woburn relies significantly less on state aid as opposed to Somerville and other communities essentially puts us in a much better position to withstand potential cuts in local aid.

I would add that if there ever there was a community that has been a model of fiscal responsibility...it is the City of Woburn. Woburn is one of a few communities that I know of that is prepared to face a fiscal crisis without having to experience the harshest cutbacks in services, like those that you may soon see occur in other communities.

This results from our reliable tax base and the fact that we have been proactive and placed great value in managing our finances. We currently have an impressive \$27 million dollars in reserves and we are 1.3 million under Prop 2 ½.

Other factors that favor Woburn is that despite the economic slowdown, our FY 2009 projected revenues either exceed or are on target with our own estimates.

Although I have pointed out that the City of Woburn is in a far better financial condition, this is not the case in the vast majority of the Commonwealth's other cities and towns. Tonight, I have provided copies to members of our honorable state delegation of a Boston Globe article that appeared in today's newspaper.

This article, co-authored by Somerville Mayor Joe Curtatone and Gloucester City Council President Bruce Tobey, outlines the plight of most other Massachusetts Communities and includes some suggested legislative changes that will assist other cities and towns to get beyond this fiscal crisis without having to rely upon additional increases in regressive property taxes.

I would like to point out so some of our other cost savings measures:

We have managed to save approximately \$750,000 in personnel costs associated with a hiring freeze that was implemented over a year ago. We have consolidated our workforce and have achieved economy and efficiency in the delivery of services.

We have realized a savings of approximately \$100,000 in our legal costs since we moved to the outside law firm of Kopelman and Paige.

We have settled all of our labor contracts with fair and competitive wage and benefit settlements through the end of July, 2011. For the first time, we have managed to obtain reductions in the city's contribution to health insurance costs, which will result in significant savings to the city coupled with an additional \$200,000 in Medicare reimbursements which will continue to be realized on an annual basis

We have also successfully held the line on property tax increases with the average residential tax bill seeing a drop of \$14.00. Clearly, lower residential valuations played a part in this reduction. But, when compared to other communities that experienced similar lower residential valuations, this is still very good news for our residents. Also, despite the decrease in residential property taxes, we did not experience any significant cutbacks in the services and activities that Woburn residents have come to expect.

Aside from the fact that we had a good year here in Woburn, I have taken some precautionary steps in response to the anticipation of possible FY 2009 cuts in local aid. However, I should caution at this point, that details from the State are not available and it would be premature to make any final decisions until we have all the information that is needed.

I have asked the school and other larger city departments to prepare draft adjustments to their budgets that would reflect the possibility of FY 2009 cuts.

We are currently exploring other economies and consolidations of certain city functions and services that, upon completion, will be presented to the City Council for approval.

A joint Committee has been formed in cooperation with the school superintendent, members of the school committee, the City Council President and my office in an effort to try and better manage special education costs which are mandated by state law.

In 2009, we may see some tough financial decisions and choices being made throughout the Commonwealth. I am still of the conclusion, that despite all the current fiscal woes you will hear and read about in the newspapers and see on television, our ability to deal with this financial crisis is strong. This is because the City of Woburn remains one of the most stable, viable and well-managed communities in the Commonwealth.

Other costs saving measures include:

Despite a reduction in personnel, the DPW workforce has managed to bring Woburn's reputation for snow plowing and street clearing to a new level that has become, in my opinion, the standard of excellence in the greater metropolitan area. I would like to commend all those at DPW for attaining this distinction.

In the area of increased efficiencies, our DPW staff and employees, working in cooperation with private donors, supervised the design and landscaping of the courtyard of our highly regarded senior center at very little cost to the city. This has afforded our seniors citizens and senior center staff the opportunity to engage in more outside activities during seasonal weather all the while being able to enjoy this attractive courtyard. I would like to thank all the numerous donors who contributed to this effort.

Again, the DPW working in cooperation with the school department came together after Woburn residents Mr. & Mrs. John Flaherty donated the monies necessary to complete four new tennis courts at WMHS. This facility will be dedicated to the memory of Vice Principal James Brennan. The entire project was completed in just seven weeks at little cost after having received a vote of approval by the Woburn School Committee. I would like to publicly thank Mr. & Mrs. Flaherty for their generous donation.

I would like to mention some other highlights that our city has attained in the past year:

We have successfully completed all phases of the new Woburn Memorial High School. Woburn now has a highly regarded, energy efficient, and attractive new high school along with new stadium and athletic facilities that are the talk of surrounding communities.

We were authorized by the Mass School Building Authority to hire a project manager for the proposed new Goodyear Elementary School in East Woburn. Last week, we were given the go ahead by the MSBA to send out our RFP for Architectural services relating to the new Goodyear. In the meantime, the Recreation Commission voted in favor of a resolve that indicates they are in support of our plan to put the new school on a portion of Leland Park.

I am extremely pleased to say to you this evening that the construction of a new Goodyear Elementary school is becoming more of a reality each day as we move forward to receiving final approvals from the MSBA. I would like to thank everyone for their spirit of cooperation in this endeavor.

In a surprising Supreme Judicial Court decision, we won the long standing Chap 40B litigation surrounding the proposed Archstone Development. Also, it appears that our efforts were highly successful in preserving the integrity of our North Woburn neighborhoods by beating back another irresponsible Chap 40B proposal at Kimball Court.

After a recent review by the Attorney General's Office, it appears that Woburn and Burlington have prevailed in preserving the use of the Mary Cummings property in the spirit of her now famous conveyance of this property to the City of Boston back in the 1800's.

We have an energized business community and in fiscal year 2009, we realized in excess of \$2 million dollars in new growth. This fact alone demonstrates that Woburn is a desirable and accessible location to come and do business.

We have knocked down the eyesore referred to as the Berlandi building in the South End and it has been replaced with new and much more eye appealing condominiums. Hopefully, with the continued efforts of Woburn Loop Advisory Committee, we will see a new rail trail running behind this former eyesore from the Winchester line to Woburn Center. I would like to acknowledge the joint efforts of the City Council and our law firm of Kopelman and Paige in finally resolving the long standing issues surrounding this previously neglected property.

We continue to make our downtown area more attractive and vibrant. New restaurants including the just opened Taipei Tokyo, the old Gavin Market has finally been renovated, there are two new business start ups on Montvale Avenue just off of Main Street. The pending sale and renovation of the W.R.A. building will eventually allow us the opportunity to enjoy lunch or dinner alongside the waterfall at Marlowe Park.

We have re-designed and re-vitalized Woburn Common making it more attractive, inviting and accessible. We saw a refurbishing of our one hundred year fifty year old civil war statue with an appropriate rededication ceremony on Veterans Day.

The Magazine Hill Parking lot project is on track and will serve to assist the downtown business, patrons and commuters. We expect to start construction on this new ninety six space downtown parking facility next Summer

We have already secured the \$350,000 in design funds for the New Boston Street Bridge and are now working very closely with our state delegation to attain the additional funds necessary to complete the project. The completion of this bridge will enhance commerce, allow for increased commuter access to the Anderson Transportation Center and assist us in getting commercial traffic off Main Street in North Woburn.

We will continue to see major water quality and water infrastructure improvements in 2009. Later this evening you will consider the special permit for our new 12 million dollar water filtration plant.

Also, in 2009 we plan to replace the Rag Rock water tank and continue with phases of the cleaning and relining of our water distribution infrastructure. I would like to thank the City Council for being so supportive of all these vital water quality initiatives. The anticipated sale and renovation of the WRA building will also allow us to finally keep our commitment to our handicap citizens with the long awaited handicap access

elevator from the Walnut Street Parking area to downtown. I also pledge my assistance in continuing to work with the school department and the handicapped commission to resolve any remaining handicapped access issues at the WMHS stadium.

For the second year in a row, Common Cause awarded the City of Woburn's its 2008E award for its contribution to open government regarding the quality of information that can be attained on our Web site cityofwoburn.com.

The senior appreciation dinner was another huge success this year. This dinner reflects the community at its best and I would like to thank everyone who volunteered or contributed in any way to this memorable event. The dinner included a special remembrance to Lolly Gilgun and Jimmy Queeno who were honored at this year's dinner for their years of dedication.

We saw another expansion of our abundant recreation activities with the generous donation from the Schelzi family at Ferullo Field in North Woburn. A completely rehabilitated swimming pool and the addition of a new tennis and basketball court were all contributed in memory of Rocco Schelzi at no cost to the city. I would like to publicly thank the Schelzi family for their generous contributions.

We are continuing to upgrade and improve our emergency preparedness plans and capabilities for Woburn. One only needs to look at the recent ice storm that temporarily crippled communities just West and North of Woburn. Woburn will continue to remain a leader in local emergency preparedness.

In 2008, we saw the creation of the Mayor's Clean Energy Committee. In a short period of time, this enthusiastic eight member volunteer committee has already had an impact on promoting energy efficiency, reducing our dependence on fossil fuels and exploring new energy technologies.

Also, I am proud to announce that our City joined the U.S. E.P.A.'s energy challenge program back in October 2007. We committed to make the effort to reduce energy consumption in our public buildings by 10%. As a result of our efforts, we were recently awarded four separate energy star designations for four of our elementary schools. Again, teamwork and partnership between the city and the school department led to these notable achievements.

As we go forward in 2009:

I will work closely with the Council, the School Committee and all of our departments to insure that Woburn responds appropriately to any and all financial challenges that may come our way.

We will continue to explore suitable and responsible business opportunities for the former W.R. Grace and Crest Buick sites in East Woburn and to create a new overlay

district off Commerce Way that will combine a mixed use of retail, commercial and residential opportunities.

We will continue to work together with the Woburn Housing Authority and our Planning Department to explore the expansion of new senior and other affordable housing initiatives.

New growth will likely continue in Woburn because of its strategic location, its sound financial position, its abundance of services, its responsible government and its commitment to balance the needs of both our residents and business communities.

Conclusion

Please allow me to conclude my remarks by extending a sincere thanks to our residents, our public officials, our civic organizations and the business community of Woburn.

All of Woburn's good fortune would be impossible without the collective efforts and contributions made daily by all of these individuals and organizations. Woburn is built on the foundation of those who value and nurture the special sense of community that we, and others around us, have come to realize, respect and admire.

Woburn is a caring and inclusive community where diverse groups live, go to school, work and relax in harmony with each other. There is a deep source of pride in being a Woburnite and I would like to say that being the mayor of such a highly regarded community is a personal honor and privilege. Thank You.

Motion made and 2nd to receive a copy of the State of the City Address from His Honor the Mayor and make it part of the record, all in favor, 8-0-1 (Denaro absent).

Motion made and 2nd for a five minute recess, all in favor, 8-0-1 (Denaro absent).

President Doherty called the meeting back to order.

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, 8-0-1 (Denaro absent).

FINANCE:

On the Order to appropriate the sum of \$124,343.31 from Unreserved Fund Balance to School Lunch Fund and Department Heads Salary, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Denaro absent).

Presented to the Mayor: January 8, 2009 **s/Thomas L. McLaughlin Jan. 9, 2009**

On the Order to transfer the sum of \$150,000.00 from BLS Receipts Account to Fire Ambulance Salary Account and Ambulance Maintenance Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Denaro absent).

Presented to the Mayor: January 8, 2009 **s/Thomas L. McLaughlin Jan. 9, 2009**

On the Order to appropriate the sum of \$76,750.14 from Fund Balance Designate for I/I Study Account to Unreserved Fund Balance, committee report was received “ought not to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Denaro absent).

RESOLVED That a communication be forwarded to the Woburn Housing Authority requesting a meeting to discuss progress on grant-seeking for new elderly housing, the site conditions near Library Place and future elderly housing needs in the city of Woburn.

s/President Doherty and Alderman Gonsalves

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

Presented to the Mayor: January 8, 2009 **s/Thomas L. McLaughlin Jan. 9, 2009**

RESOLVED Whereas, an incident involving the alleged discharge of a firearm and alleged dog attack occurred on or about the property located at 2 Kimball Road in Woburn in or about June 2008;

Now, Therefore, Be it Resolved by the City Council of the City of Woburn as follows:

1. That a copy of all minutes, records or other documents, including electronic recordings of any public meetings held by a board, commission, authority or department of the city of Woburn on or about June 15, 2008, August 23, 2008 and August 30, 2008 concerning the above incident be forwarded to the City Council;
2. That copies of any correspondence sent by or received by the Department of Public Works or Police Department concerning the installation of street lights along Kimball Road between January 1, 2008 and December 31, 2008 be forwarded to the City Council;
3. That copies of any correspondence received between June 1, 2008 and December 31, 2008 by the a board, commission, authority or

department of the city of Woburn from the Massachusetts Society for the Prevention of Cruelty to Animals or the American Society for the Prevention of Cruelty to Animals concerning the above matter be forwarded to the City Council.

4. That copies of documents of any court or government agency concerning the granting or denial of a license to carry relating to the above matter be forwarded to the City Council.
5. That the Committee on Liaison meet in Executive Session regarding complaints concerning the Woburn Chief of Police relative to the above matter and that the Woburn Chief of Police receive notice at least 24 hours prior to the meeting.

s/President Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, 6 in favor, 2 opposed (Drapeau, Galvin opposed), 1 absent (Denaro absent).

Presented to the Mayor: January 8, 2009

Returned Unsigned January 9, 2009

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

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

MAYOR'S COMMUNICATIONS:

None.

PUBLIC HEARINGS:

On the Order to consider whether to lay out as public ways the following streets: Arbor Lane, Brae Circle, Christin Way, Connors Drive, Coventry Lane, Crossman Road (to Love's 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 and Charles O'Neill Drive. PUBLIC HEARING OPENED. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0-1 (Denaro absent). Motion made and 2nd that the STREETS be ACCEPTED AS PUBLIC WAYS, AS AMENDED, with the amendment as follows: That a communication be forwarded to MassHighway District 4 advising that the streets have been accepted as public ways, all in favor, 8-0-1 (Denaro absent).

Presented to the Mayor: January 8, 2009

s/Thomas L. McLaughlin Jan. 9, 2009

On the petition by Woburn Department of Public Works, 55 North Warren Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.79 of the 1985 Woburn Zoning Ordinances, as amended, to allow the construction of a water treatment plant addition and appurtenant facilities at the existing Horn Pond Water Works site. PUBLIC HEARING OPENED. A communication dated December 8, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Department of Public Works – Horn Pond Water Treatment Facility Cove Street – To allow construction of an addition to the water treatment plant and appurtenant facilities at the existing Horn Pond Water Works site under Section 5.1.79

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 2, 2008, the Board voted to send a favorable recommendation to the City Council to allow construction of an addition to the water treatment plant and appurtenant facilities at the existing Horn Pond Water Works site under Section 5.1.79 in accordance with the material submitted dated November 1, 2008 subject to the condition that the Planning Board shall approve a landscaping plan for the site and shall retain jurisdiction over the landscaping.

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 City Engineer John E. Corey, Jr., P.E. and he stated that the project size was reduced in response to comments received from Aldermen, that no additional lighting will be added, that there will be the same number of lights however the lights will not be as visible from off-site, that the lighting is for employee safety and security of the facility, that 4,070,000 gallons is the current permitted withdrawal rate, that the project requires a special permit, that the Department of Environmental Protection (DEP) has been reviewing the matter since October 15, 2008, that after final comments are received from the DEP the project will be ready for bid, that the funding is in place pursuant to an SFP, that whenever there is a sewer overflow the water pumps are shut off, the degree of the issue is analyzed, remedied and then the system is put back on line, that the city can draw on Massachusetts Water Resources Authority (MWRA) water sources in an emergency when necessary, that the city is up against the Administrative Consent Order (ACO) deadline of February 1, 2009 to get the matter out to bid, and that he does not want to see the approval process delayed. City Engineer Corey offered a plan entitled "Treatment Support Building Elevations 1 and 2" prepared by Camp Dresser & McKee Inc. dated December 2008 and a plan entitled "Treatment Support Building Plan" prepared by Camp Dresser & McKee Inc. dated December 2008 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 (Denaro absent). Carol Rego, the city's consultant from Camp Dresser

& McKee Inc. stated that there are skylights down the center of the building to bring in natural light, that translucent panels are also used to bring in light, that solar panels were not installed as it would not have been cost effective based on the size of the building, that 4,000,000 gallons of water can be processed per day with one stand by unit, that two units provide 4,000,000 gallons per day with the additional unit on stand-by, that with the circulation system most sludge will be reclaimed, that this is an efficient process, that the DEP indicated that their comments after review would be sent by the end of 2008, and that the comments are expected to be received any day. Alderman Gonsalves stated that the second building will be a high quality, good looking building, and that there will be space for additional facilities within the building if necessary. Alderman Galvin stated that he supports the concept and need for the building but the matter should be sent to committee to see what other design concepts may be available and to review the cost estimates. Alderman Gately stated that this project is long overdue for the city, and that he wants the special permit granted tonight so that the city can move forward with the project. Alderman Raymond stated that he is concerned with sewer overflow given the proximity to the pumping station. Alderman Drapeau stated that he will support the petition tonight as this is a favorable environment to go out to bid, that the money is in place to construct the building, that this petition is for approval a building plan, and that the cost of the project will not be known until it goes out to bid. President Doherty stated that he believes that a review of the cost estimates in committee would be valuable, and that when the City Council approves a plan to construct a building it should also review the cost estimate for the proposal. IN FAVOR: Charles Viola stated that he is in favor of the petition and would like the matter to be voted on tonight. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 8-0-1 (Denaro absent). Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 6 in favor, 2 opposed (Gately, Drapeau opposed), 1 absent (Denaro absent).

On the petition by Tibbetts Landscaping, Inc., 15 University Road, Arlington, Massachusetts 02474 for a special permit pursuant to Section 5.1.57B of the 1985 Woburn Zoning Ordinances, as amended, to allow outside parking of five (5) motorized commercial vehicles (pick-up trucks and small dump trucks, less than seventeen (17) feet in length) related to business of landscaping at 7 Breed Avenue. PUBLIC HEARING OPENED. A copy of a communication dated December 2, 2008 with attachment to Edmund Tarallo, Planning Director from Brett F. Gonsalves, Senior Engineer was received as follows:

Subject: 7 Breed Avenue – Outside Parking of Commercial Vehicles Special Permit – Special Permit Application Dated November 13, 2008

The applicant is requesting permission to park 5 motorized commercial vehicles outside for the related business. The part plan that accompanies the special permit application shows 5 parking spaces for the site. We have attached a aerial photograph on how the current parking configuration exists.

Are there sufficient parking spaces available for the proposed business and the employees?

This office will complete its review when the above mention information is addressed.

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

A communication dated December 8, 2008 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Gary Tibbetts, Tibbetts Landscaping, Inc. – 7 Breed Ave. – To allow outside parking of 5 commercial vehicles (pick-up and small dump trucks, less than 17 feet in length) related to landscaping business under Section 5.1.57B

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 2, 2008, the Board voted to send a favorable recommendation to the City Council subject to the following conditions:

1. That any outside storage of material such as mulch shall require the approval of the Conservation Commission.
2. That in addition to the five spaces designated for the commercial vehicles at least two parking spaces for employees shall be provided on the Park Ave. side of the building in compliance with the Woburn Zoning Ordinance.
3. That the dumpster shall be screened and shall be located on the paved surface so as to not impede the commercial vehicles parking area and the garage doors.
4. That all vehicles kept at this site that shall be registered in the City of Woburn upon the renewal of their registration.

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 Daniel Braese, 132 Pleasant Street, Woburn, Massachusetts 01801 and he stated that the hours of operation are 7:00 a.m. to 6:00 p.m., that the vehicles will be less than seventeen feet in length, that the vehicles will be less than 25,000 pounds gross weight, and that these will be vehicles used in a typical landscaping business. Attorney Braese offered a copy of a site plan, a copy of a letter from the Woburn Planning Board dated December 8, 2008, a copy of a letter from the Woburn Conservation Commission dated December 16, 2008 and a copy of the petition cover sheet 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 (Denaro absent). Gary Tibbetts of the petitioner stated that mulch is delivered by train from Canada, that there are approximately 65 to 90 yards depending on the dampness, that this is bark mulch which

tends to have less odor, that if there is ever an odor he will take care of it, that when grass clippings come in they are delivered to Lexington on trucks and brush to Landscape Express for processing, that work begins at 7:00 a.m. and ends at approximately 5:00 p.m. or 5:30 p.m. five days per week with occasional work on Saturdays, that there is rarely work on Sundays, that mulch is generally delivered in 65 to 70 yard bulk but when it is light a larger amount is delivered, that he has been in the business for thirty years in Arlington and Medford in closer quarters without complaints from neighbors, that he does not intend to run plumbing operations from Woburn, that no sand or salt will be stored on site, and that the storage of sand and salt is restricted in the deed. Alderman Raymond stated that he is in favor of the project but wants the mulch pit only to be of a size necessary for the normal business operations, that if 100 yards of mulch is on-site this will cause on odor, that if the odor becomes an issue he will bring the petition back in regarding the issue, that 100 yards of mulch is excessive, that he has received mulch odor complaints emitting from other landscape companies and from the town of Wilmington compost pit, and that he does not want another source of odor in north Woburn. Alderman Gonsalves stated that there should be a limit on the size of the compost pit so that large amounts are not allowed on site, that the type of materials should be monitored by the Conservation Commission, and that Board of Health monitors mulch at other locations. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that this is a good business, and that the business has been in operation for thirty or forty years. OPPOSED: None. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the storage of landscaping mulch on-site shall be limited to one hundred (100) yards or less, 2. That a snow removal plan shall be filed, 3. That the special permit shall be issued to Tibbetts Landscaping, Inc. only and shall not be transferable, 4. That the recommendations of the Planning Board shall be accepted as conditions of the special permit, all in favor 8-0-1 (Denaro absent).

On the petition to further amend the 1985 Woburn Zoning Ordinances, as amended, be further 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. Alderman Gately stated that the Mayor will come forward to the Committee on Ordinances wil a proposal for amendments to the sign review process. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 17, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 8-0-1 (Denaro absent).

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

A communication dated December 30, 2008 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Lot 1, Inwood Drive, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Avalon Bay Communities Inc. ("Avalon") in connection with its Landowner's Decision and Notice of Special Permit issued by the City Clerk on April 7, 2005 as extended by Notice of Extension of Special Permit dated December 21, 2006 (the "Special Permit"). As you know, Avalon's plans were to concentrate its efforts initially on the build out of Lot 2 before beginning the development on Lot 1. On Lot 2 all buildings as well as the community center have been built out and subject to the Planning Board's approval of the subdivision roadway on January 13, 2009 final certificates of occupancy will thereafter be issued by the Building Department. As a result of that process as well as current market conditions for condominiums, the development of Lot 1 has not yet commenced.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council further extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two (2) year period to April 7, 2011.

Should you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2nd that the REQUEST THAT THE TIME BY WHICH THE SPECIAL PERMIT SHALL LAPSE BE EXTENDED FOR AN ADDITIONAL TWO YEAR PERIOD TO APRIL 7, 2011 be GRANTED, all in favor, 8-0-1 (Denaro absent).

Petition by O'Rourke's Service Station, Inc., 183 Cambridge Road for renewal of a Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Denaro absent).

Petition by Nicolas Saba dba Montvale Service, 289 Salem Street for transfer of a Second Class Motor Vehicle Sales License from William Garvey dba Garvey's Auto Repair.

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

Petition by Saeed Rajabi dba Woburn Sky Cab, One Walnut Hill Park, 2nd Floor, Woburn, Massachusetts 01801 for a new Taxi Cab License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Denaro absent).

Motion made and 2nd to suspend City Council Rule 20a with respect to the following matter, all in favor 8-0-1 (Denaro absent). Petition by Lifeline Ambulance Service, LLC, 6A Gill Street, Woburn, Massachusetts 01801 for a new Livery License. Appearing was Brian Connor and stated that he is President and CEO of the petitioner, that he created a medical limousine service, that he was approached by George Pike to take over his client base, that he needs the limousine permit to continue the business, that Mr. Pike's business will close on Friday, that in order to obtain tag permits the petitioner needs a license from the city, that he currently has six limousines and needs four additional to absorb Mr. Pike's business, that he applied for twelve licenses for future growth, that he has seven offices, that there are ambulance services, a chair car and medical limousine service at each of the offices, and that he has amply parking. Alderman Gonsalves stated that the petition can be approved for six vehicles tonight and then a determination can be made as to whether there is sufficient parking. Mr. Connor stated that there is no 911 emergency service, that the company serves clients in nursing homes and hospitals such as when parents are discharged from nursing homes or transporting for medical service, that all twelve vehicles can be registered in Woburn, that Mr. Pike had ten vehicles licensed but used only three or four vehicles per day, that Mr. Pike had six or seven vehicles in service, that the petitioner does not have a livery license in the city of Woburn, that he currently operates his medical limousine service under the ambulance service, that this license will allow the business to expand to a corporate service and Logan Airport service, and that Mr. Pike will still be associated with the business. Alderman Gately stated that he went by the facility, that there is a lot of parking at the site, and that the parking is sufficient for the business. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition, and that there is sufficient parking inside and outside of the building. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 8-0-1 (Denaro opposed). Motion made and 2nd that the LIVERY LICENSE be GRANTED, AS AMENDED, with the conditions as follows: 1. That the number of licensed livery vehicles shall be limited to twelve (12), 2. That all livery vehicles associated with the business shall be registered in the city of Woburn, 3. That the license shall be granted to Lifeline Ambulance Service, LLC only and shall not be transferable, and 4. That the livery licensed is limited to a principal place of business at 6A Gill Street, Woburn, all in favor, 8-0-1 (Denaro absent).

Presented to the Mayor: January 7, 2009 s/Thomas L. McLaughlin Jan. 7, 2009

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

Petition by NSTAR Electric Company and Verizon New England, Inc. for a grant of right in a way to install one joint occupancy pole on the southwesterly side of Ledgewood Road approximately 470 feet northwest of Country Club Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Denaro absent).

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. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Denaro absent).

COMMUNICATIONS AND REPORTS:

A communication dated December 23, 2008 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the December meeting of the Council on Aging and the Director's report for the month of December. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Denaro absent).

A copy of a communication dated December 22, 2008 from Eric Worrall, Deputy Regional Director, Bureau of Resource Protection, Department of Environmental Protection, Northeast Regional Office, 205B Lowell Street, Wilmington, Massachusetts 01887 was received to Vincent Ferlisi, Superintendent, Department of Public Works was received relative to the city's progress in assessing the Horn Pond Interceptor as required by ACO-NE-06-1N003 and stating that on or before January 15, 2009 the city shall submit to MassDEP, for review and approval, a definitive schedule to complete the Horn Pond Interceptor investigation, analysis and final report. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Denaro absent).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated December 23, 2008 was received from His Honor the Mayor as follows:

Re: Vincent Simeone – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint Vincent Simeone of 140 Mishawum Road as a Member on the Council on Aging. Please be advised that the term will expire on December 31, 2011. 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, 8-0-1 (Denaro absent).

A communication dated December 23, 2008 was received from His Honor the Mayor as follows:

Re: Jean Cronin – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint Jean Cronin of 18 Mayflower Road as a Member on the Council on Aging. Please be advised that the term will expire on December 31, 2011. 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, 8-0-1 (Denaro absent).

A communication dated December 23, 2008 was received from His Honor the Mayor as follows:

Re: William Capone – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint William Capone of 7 Maura Drive as a Member on the Council on Aging. Please be advised that

the term will expire on December 31, 2011. 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, 8-0-1 (Denaro absent).

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That His Honor the Mayor and the City Engineer provide to the City Council a status report concerning the Salem Street/Wildwood Road intersection improvement project.

s/Alderman Mercer-Bruen

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

Presented to the Mayor: January 8, 2009 Returned Unsigned January 9, 2009

RESOLVED That the City Engineer provide to the City Council a status report concerning the recent traffic signal upgrades at the Montvale Avenue and Washington Street intersection.

s/Alderman Mercer-Bruen

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

Presented to the Mayor: January 8, 2009 Returned Unsigned January 9, 2009

A recommendation was received from the Woburn Traffic Commission as follows:

ORDERED Seneca Road – Stop sign on Seneca Road in a westerly direction at the intersection with Squanto Road.

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

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 15, Article I, Section 15 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By deleting the following in its entirety “CERTIFICATE OF USE/OCCUPANCY – Existing Structures: \$50.00. Where a Certificate of Use/Occupancy is required for new construction, fee is included in permit cost.”
2. By deleting the following in its entirety “CERTIFICATE OF INSPECTION – Based on schedule of fees as per Mass. State Building Code.” and replacing same with the following: “CERTIFICATE OF INSPECTION FEE: \$100.00 annually or as specified by table 106 of the Massachusetts State Building Code 780 C.M.R., Seventh Edition.”
3. By deleting the following in its entirety “When re-inspection is necessary due to violations or work not ready on scheduled inspection date, an additional fee of \$20.00 will be paid in advance of inspection.” and replacing same with the following: “When re-inspection is necessary due to violations or work not ready on scheduled inspection date, an additional fee of \$25.00 will be paid in advance of inspection.”

s/President Doherty

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

Motion made and 2nd to ADJOURN, all in favor, 8-0-1 (Denaro absent). Meeting adjourned at 9:16 p.m.

A TRUE RECORD ATTEST:

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