

**CITY OF WOBURN
JULY 14, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

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

The City Council observed a moment of silence in memory of Edward J. Pasquarello who passed away recently. Mr. Pasquarello served as Alderman Ward Seven from 1985 through 1993 and as a Member of the Woburn Planning Board from 1995 through 2004.

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 7-0-2 (Drapeau, Galvin absent).

MAYOR'S COMMUNICATIONS:

A communication dated July 7, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Hotel-Motel Local Option Tax

Dear President Doherty and Distinguished Members of the City Council,

As you are aware, during June, 2009, the Legislature passed and the Governor signed the FY 2010 state budget.

The FY 2010 state budget, among other measures, allowed local communities the option of taxing local hotels and motels over and above the taxes that are currently collected. These additional revenues would come back to the local communities in the form of increased revenues. The Legislature and the Governor also allowed local communities the option of a .75% additional increase in meals tax that would also come back to the local community in the form of increased revenues.

Now that these matters have been enacted by the Governor and the State Legislature, I urge you to pass a local option for the allowed Hotel and Motel tax which would increase our local revenues by an estimated \$170,000.00.

I do not urge passage of a local meals tax. I feel that your local restaurants could be adversely impacted by this action and the community would still retain the right, assuming it was deemed necessary, to impose this additional tax at some future date.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated July 9, 2009 with attachment was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear President Doherty and Distinguished Members of the City Council,

Re: Letter from City of Boston Regarding Mary Cummings Property

Attached please find a copy of a letter dated June 18, 2009 that I received from Ms. Lisa Signori, Director of Administration and Finance for the City of Boston.

Ms. Signori points out that the City of Boston has completed the placing of signs at key locations that clearly identify the Cummings Estate. All of the locations are located in the Town of Burlington. The placements of these signs is an attempt by the City of Boston to address some of the concerns raised by various groups who have taken an interest in the land.

Although I made a verbal request to have another sign placed at the intersections of Cambridge Street and South Bedford Road in Woburn, the City of Boston reviewed this suggestion and determined that this location was not within their jurisdiction or control.

The City of Boston has maintained an open line of communication between the City of Woburn and the Town of Burlington via their respective chief executives. I applaud the City of Boston for taking this approach.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A copy of a communication to Lieutenant Governor Timothy P. Murray was received from His Honor the Mayor Thomas L. McLaughlin thanking the Lieutenant Governor for visiting the Career Place and New Boston Street Bridge location in Woburn. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated July 14, 2009 with attachments was received from His Honor the Mayor as follows:

Re: Horn Pond Fuel Spill on April 26, 2004

Dear President Doherty and Distinguished Members of the City Council,

Please be aware that I have forwarded executive session materials on a proposed settlement with Penn Fuel relative to the Horn Pond oil spill that occurred back in April 26, 2004.

I would request that you forward this material to the appropriate committee so that this settlement offer can be discussed in more detail.

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON LIASION, all in favor, 7-0-2 (Drapeau, Galvin absent).

ORDERED That the sum of \$165,000.00 be and is hereby transferred as so stated from ALS Ambulance Receipts Acct #31359-595000 \$165,000.00 to Ambulance Acct #0122058-586020 \$125,000.00, Jaws Replace Acct #0122058-586069 \$40,000.00

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

s/ President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 7-0-2 (Drapeau, Galvin absent).

ORDERED That the sum of \$150,000.00 be and is hereby transferred as so stated from BLS Receipts Acct #31359-595000 \$150,000.00 to Fire Ambulance Salary Acct #0122051-511500 \$100,000.00, Ambulance Maintenance Acct #0122054-544300 \$50,000.00

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

s/ President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 7-0-2 (Drapeau, Galvin absent).

PUBLIC HEARINGS:

On the petition by City of Woburn, Woburn City Hall, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 15.6.C.vi of the 1985 Woburn Zoning Ordinances, as amended, to allow an increase in the impervious surface onsite through the installation of a new parking area in the groundwater protection district at 40 Hudson Street. PUBLIC HEARING OPENED. A communication dated June 25, 2009 was received from City Engineer John E. Corey, Jr., P.E. as follows:

Subject: 40 Hudson St. – Clapp School Permit

The Engineering Department submitted a special permit application for the above referenced property under cover letter dated June 15, 2009. The permit was submitted relative to a parking area that exceeded 2,500 square feet within a ground water protection district.

Subsequent to the filing of the application, we have made modifications in the design to eliminate the parking area and provide only a student drop off area that does not exceed the filing thresholds. On this basis, we withdraw the application from consideration.

I trust the foregoing information suffices for your needs. Should you have any questions or comments regarding this matter, please do not hesitate to contact this office.

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 7-0-2 (Drapeau, Galvin absent). Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor 7-0-2 (Drapeau, Galvin absent).

On the petition by Anthony K. Paone, Trustee of Harrison Avenue Realty Trust, 141 Sylvester Avenue, Winchester, Massachusetts 01890 for a special permit pursuant to Sections 5.1.71 and/or 5.1.72, 5.5 and 8.3.2 to finish grading and filing of lot and to utilize same for parking purposes, for rental to other businesses, on a commercial basis at 7 Harrison Avenue. PUBLIC HEARING OPENED. A communication dated July 14, 2009 was received from Attorney John E. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition: Anthony K. Paone, Trustee
Premises: 7 Harrison, Ave., Woburn, MA

Dear Members of the Council:

As a follow-up to the committee meeting last evening, kindly consider this as a request to continue tonight's public hearing until your August 11th meeting. Thank you for your courtesy.

Sincerely, s/John D. McElhiney

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 11, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 7-0-2 (Drapeau, Galvin absent).

On the petition by Parmjit Singh Bhatti, 470 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 of the 1989 Woburn Zoning Ordinances, as amended, to allow fast food at 470 Main Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Mr. Bhatti and he stated that there is no seating and is take-out only. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 11, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 7-0-2 (Drapeau, Galvin absent).

On the petition by The Cieri Group, LLC, 329 Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42 and 5.1.57b so as to utilize approximately 5,513 square feet of space for a NAPA auto parts business, as a wholesale establishment, with associated overnight parking of commercial vehicles, and such accessory retail use as permitted by right (per line 61, Note 4) at 275 Salem Street. PUBLIC HEARING OPENED. A copy of a communication dated June 23, 2009 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 275 Salem Street NAPA Auto Parts & Commercial Vehicle Parking Special Permit – Special Permit Application Dated June 8, 2009 – Site Plan Dated June 4, 2009

The applicant is seeking a special permit to allow for a NAPA auto parts business with associated overnight parking for commercial vehicles in approximately 5,513 sf of and existing building at the above referenced location.

Accompanying the special permit application is a site plan that shows the existing site and parking layout that surrounds the building and there does not appear to be any proposed exterior site or utility work.

Upon review of the subject materials, this office takes no exception to the 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 July 14, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: The Cieri Group, LLC – 275 Salem Street – To utilize 5,313 S.F. for a NAPA auto parts business, as a wholesale establishment, with associated overnight parking of commercial vehicles pursuant to Sections 5.1.42 and 5.1.57b, and such accessory retail use as permitted by right in 5.1.61, Note 4

Dear Mr. Campbell and members of the City Council:

At the meeting held on June 23, 2009, the Planning Board voted to forward a favorable recommendation to the City Council on the Special Permit application of The Cieri Group, LLC, regarding the property at 275 Salem Street, subject to the following conditions:

1. That the accessory retail use shall be limited to requirements of Section 5.1.61 Note 4;
2. That the parking plan shall be modified such that adequate aisle width shall be provided for all parking spaces; and
3. That the landscaping and revised parking plans be approved by the Planning Board.

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 John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that a special permit is required because of the wholesale use, that the accessory retail is allowed by right, that this is a large site, that the locus is located within the I-G zoning district, that the locus is surrounded by similar properties, that the building is 15,000 square feet in area, that approximately 5,000 square feet will be used for the NAPA auto parts business, that the business will be located in the far left side of the building, that there will be a front display area and counter, that the remainder of the space will be used for storage, that the business is 86% wholesale, that the business is currently operated on Main Street, that the petitioner will use delivery vans for the larger wholesale customers, that the vans will be parked outside at night, that the four delivery vans will be parked at the rear of the property at night, that a retail customer can also purchase parts over the counter, that this is similar to the operation on Main Street in the south end of the city, that this is an opportunity to make improvements to the building with landscaping, façade and signage, that this is the former site of Nelson and Power company, that the company vacated the

building several years ago, that other auto uses have operated from the building for many years, that one unit in the building will remain to be rented, that the Planning Board gave a favorable recommendation, that the petitioner proposes an additional eight conditions, that other buildings in the area have been improved, and that this will allow similar improvements to this building. Attorney McElhiney offered the following document with proposed conditions to the City Council for review:

List of Proposed Conditions

Special Permit – 275 Salem Street, Woburn, MA

Applicant: The Cieri Group, LLC

1. The proposed used for a NAPA auto part business shall be in accordance with the plans submitted on file, including a Landscape Plan, dated June 19, 2009, subject to the Planning Board retaining jurisdiction over the landscape plan, and subject to the parking aisle widths being of sufficient width in accordance with requirements of the City Engineer.
2. Existing areas of pavement and parking areas as shown on the plan shall be ground down and newly paved, and striped according to the parking plan.
3. The accessory retail use shall be limited to requirements of Section 5.1.61 Note 4.
4. The conditions set forth in the Planning Board recommendation of July 14, 2009 shall be incorporated herein as conditions of the Special Permit.
5. This Special Permit is granted for the sole use of NAPA Auto Parts. Any change from NAPA Auto Parts to a new tenant will require approval by the City Council by obtaining a new Special Permit.
6. Outside parking of overnight vehicles shall be limited to four delivery vans, to be parked in the rear of the property.
7. The petitioner will comply with stormwater management act requirements as set forth by DEP to the extent applicable to this site.
8. The existing sign will be refurbished and landscaped.

Motion made and 2nd that the document be received and made part of the record, all in favor, 7-0-2 (Drapeau, Galvin absent). Alderman Mercer-Bruen stated that this use will have no impact on traffic, that she supports the petition, and that a snow removal plan should be filed. President Doherty stated that there is sufficient on-site area to accommodate snow storage. Alderman Denaro stated that the petitioner's vehicles should be registered in Woburn. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that he is in favor of the petition and that it will improve the area. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 7-0-2 (Drapeau, Galvin absent). Motion made and 2nd that

the SPECIAL PERMIT be GRANTED, AS AMENDED, with the amendment as follows:

1. That the recommendations of the Planning Board be adopted as conditions of the special permit, 2. That the proposed conditions of the petitioner be adopted as conditions of the special permit, and 3. That the vehicles used in the NAPA Auto Parts business shall be registered in Woburn, all in favor, 7-0-2 (Drapeau, Galvin absent).

On the petition by M&L Transit Systems, Inc., 60 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit to amend a special permit dated April 27, 2000, as amended by a special permit dated October 17, 2002, pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 5.1.44, 5.1.69 and 7.3 to allow for the alteration and extension of the existing nonconforming use to allow for a commercial vehicle inspection bay and commercial vehicle wash bay at 60 Olympia Avenue. PUBLIC HEARING OPENED. A copy of a communication dated June 22, 2009 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 60 Olympia Avenue Truck Wash and Vehicle Inspection Station Special Permit – Special Permit Application Dated June 15, 2009 – Parking Plan Dated August 29, 2002

The applicant is seeking a special permit under sections 5.1 and 7.3 to allow for the alteration and extension of an existing non conforming use to allow for a commercial vehicle inspection bay and commercial vehicle wash bay at the above referenced location.

The applicant, city engineer and the writer met on September 8, 2008 to discuss the proposed project. The city engineer raised questions on the project that the applicant would need to address, they were the following:

- Location of existing grease traps
- Show vent locations and pipe sizes on plan
- Show existing sewer connection
- Interior plumbing plan for plumbing inspector's review
- Check with DEP and MWRA for any discharge permits or guidelines for this use
- Check with plumbing inspector and permitting
- Check with manufacture of the truck wash equipment for type of filtration being used. The city has high manganese levels and do not want to cause a problem with the filters.
- Check to see if there is high ground water so there will be no problems with the storage tanks.

As of this date none of the requested information was been 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 Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the locus is an industrial building, that the building was constructed in 1962, that the building has been used for a number of uses over the years, that the Planning Board continued its review of the matter to its meeting on August 4, 2009, that the Planning Board is awaiting information from the City Engineer, that the service bays on the plan are currently in use by the petitioner, that the petitioner will use Bay 4 as a commercial vehicle inspection facility, that the petitioner has been approved by the Commonwealth of Massachusetts to conduct the investigations, that the hours of operation of the inspection facility will be Monday through Saturday from 7:00 a.m. to 6:00 p.m., that the inspection of a vehicle takes approximately sixty to seventy minutes to complete, that the maximum number of vehicles that can be inspected per day is 9.4 vehicles, that this use will not seriously impact traffic, that there is a similar facility located on Main Street near Green Street, that the facility does not impact the traffic in the area, that the hours of operation of the commercial vehicle wash bay will be Monday through Saturday 7:00 a.m. to 6:00 p.m., that it takes approximately thirty minutes to wash the vehicles, that the bus company will continue to operate from the site, that the proposal will work well at the site with little impact on traffic, that the facility is located close to the interstate interchange, that the operator of this business has demonstrated his ability to operate the business efficiently, that the petitioner's engineer will be working to address the issues raised by the city engineer, that the petitioner will not be performing new construction and therefore does not have to go before the Conservation Commission, that the wash bay exists and will be used for washing other trucks as well as the petitioner's vehicles, that the truck inspection process is lengthy and there are other inspection facilities located in the state, and that even operating at maximum output there will not be an impact on the truck traffic. Michael D'Ampolo, President of M&L Transit Systems, Inc. stated that that water at the locus is not recycled, that there is an oil and grease trap that is cleaned twice a year, that water is deposited into the MWRA system, that a water recycling system costs \$100,000.00, that he can invest in a recycling system is he is able to generate new business, that if the petition is not granted he will continue to wash his own trucks, that the water bill is quite large, that he operated a shuttle service that helped reduce traffic in the area, that the State grant was eliminated, that the employees heading to work at the companies in this area of town cause more traffic issues than the truck traffic, and that this is a truck route. Alderman Mercer-Bruen stated that condition 9 of the special permit granted in October 2002 specifically provided that these uses will not be allowed on the site, that she is concerned that vehicles will travel residential streets to get to the site, that the turning radius on Olympia Avenue is difficult for trucks, that she has never received complaints about this business, and that if the use would not be supported in good times it should not be approved in bad times. Alderman Denaro stated that the City Engineer has raised a significant number of questions concerning this project and this is unusual when new construction is not involved. Alderman Raymond stated that he is concerned about the additional truck traffic and its impact on the roadway surfaces. Alderman Gately stated that he is concerned with the impact of water discharge in the sewer system. Alderman Wall stated that he is concerned about the increase truck traffic in the area and the impact of the water discharge in the area. IN FAVOR: Paul Meaney, Executive

Director, Woburn Business Association stated that he is in favor of the petition, that the company has an excellent track record, that there are a number of businesses located in the area with trucks which can be serviced by this proposal, that the box is not taken into the facility only the cab is, that most deliveries in the city are by truck, that this proposal will allow the petitioner to operate competitively, and that the business is a very clean operation. OPPOSED: Russ Richardson, 184 Mishawum Road stated that his property is located adjacent to Olympia Avenue, that the traffic in the area should use Wildwood Street, Salem Street and Washington Street, that the truck traffic travels seven days a week and twenty-four hours a year on Olympia Avenue, and that the petitioner's vehicles are not supposed to use Mishawum Road but they do. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 11, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECAIL PERMITS, all in favor 7-0-2 (Drapeau, Galvin absent).

On the petition by President Charles Doherty to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 23 entitled Commerce Way Corridor Overlay District as set forth in the petition (Clerk's Note: See City Council Journal dated July 10, 2008 for a full recitation of the text of the ordinance). PUBLIC HEARING OPENED. President Doherty stated that the final draft of the ordinance has been forwarded to each Alderman for review, that there will be a committee meeting at the beginning of August, that a plan will be provided and notice of the public hearing will be republished, and that he asks that comments be referred to him before the committee meeting so that a working document is available for review. Alderman Gonsalves stated that a document showing the substantial changes should be submitted for review. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 11, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 7-0-2 (Drapeau, Galvin absent).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$2,840,340.63 from Debt Reserve Fund to Debt Principle, Debt Long Term Interest, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 7-0-2 (Drapeau, Galvin absent).

Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009

On the Order to appropriate the sum of \$9,200.00 for Purchasing Salary, committee report was received “ought to pass, as amended, with the amendment as follows: That the sum be reduced from \$9,200.00 to \$7,100.00.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 7-0-2 (Drapeau, Galvin absent).
Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009

On the Order to appropriate the sum of \$75,000.00 for Property & Casualty Insurance Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 7-0-2 (Drapeau, Galvin absent).
Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009

On the Order to appropriate the sum of \$50,000.00 from Infiltration/Inflow Fees Account to Ineligible MWRA Sewer Repairs, committee report was received “ought to pass, as amended, with the amendment as follows: That Dewey Avenue and Maywood Terrace be included and that the consulting fees shall not exceed \$5,000.00.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 7-0-2 (Drapeau, Galvin absent).
**Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009
with notation “subject to all applicable law”**

On the Order to appropriate the sum of \$1,725,500.00 for construction or reconstruction of sewers and drains, sewerage and drainage systems and sewage disposal facilities, including related engineering, consisting of infiltration/inflow improvements, committee report was received “ought to pass, as amended, with the amendment as follows: That the words from “and the Mayor is authorized to contract” through the words “loan for this project” be stricken and replaced with the following ‘and the Mayor is authorized to contract for and expend any federal, state, local or other aid available for the project, including any grant related to such project from the MWRA the amount of which grant shall be used to reduce the amount authorized to be borrowed by this order, and to take any other action necessary to carry out this project; provided that the amount to be borrowed upon passage of this order, shall be based upon a commitment received from the MWRA of a \$776,475.00 grant and a \$949,025.00 interest-free loan for this project.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 7-0-2 (Drapeau, Galvin absent).
Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009

POLICE AND LICENSES:

On the petition by Woburn Cab Co. Inc. for renewal of a Livery License for three vehicles, committee report was received “ought to pass, as amended, with the amendment as follows: That a copy of the new taxi and livery ordinance be sent to the licenseholder

with the license.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 7-0-2 (Drapeau, Galvin absent).

Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009

On the petition by Woburn Cab Co. Inc. for renewal of a Taxi Cab License for twelve vehicles, committee report was received “ought to pass, as amended, with the amendment as follows: That a copy of the new taxi and livery ordinance be sent to the licenseholder with the license.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 7-0-2 (Drapeau, Galvin absent).

Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009

On the petition by American Classic Limousine, Inc. for renewal of a Livery License for thirteen vehicles, committee report was received “ought to pass, as amended, with the amendment as follows: 1. That a copy of the new taxi and livery ordinance be sent to the licenseholder with the license and 2. That all vehicles shall be registered in Woburn.” Motion made and 2nd that the committee report be received, all in favor, 7-0-2 (Drapeau, Galvin absent). Motion made and 2nd that the LICENSE be GRANTED, AS AMENDED, with the conditions as follows: 1. That the amendments in the committee report be adopted, all in favor, 7-0-2 (Drapeau, Galvin absent).

Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009

ORDINANCE:

On the Order to amend Title 5, Article V, Section 5-41 and Title 5, Article V, Section 5-42 relative to transient vendors, hawkers and peddlers, committee report was received: “ought to pass, as amended with the amendments as follows:

V. TRANSIENT VENDORS, HAWKERS AND PEDDLERS

5-30 Definitions.

“Hawker and peddler”: any person, either principal or agent, who goes from place to place within the City selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares or merchandise, either on foot, on or from any vehicle.

“Transient vendor”: any person, either principal or agent, who engages in a transient business selling goods, wares or merchandise, either in one locality or in traveling from place to place.

“Transient business”:, any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least twelve consecutive months.

5-31 License required—Exceptions.

No person shall go place to place in this City selling goods, wares, or merchandise or establish a transient business, as defined above, unless duly licensed by the Director of Standards of the Commonwealth and/or licensed by the City of Woburn except for those articles permitted to be sold without a license under MGLA, c. 101, § 16 & 17. These regulations shall not apply to any City of Woburn resident selling second-hand goods at a yard sale or garage sale at his or her own residence provided that the sale of items does not exceed two days, nor shall the regulations apply to any members of, or agent of, a not-for-profit organization incorporated under Chapter 180 of Massachusetts General Law. Persons acting on behalf of not-for-profit organizations must notify the Office of the City Clerk of their intent to sell goods, wares, or merchandise prior to conducting any such transactions in the City. A sign or badge displaying the name of the not-for profit organization benefiting from the fundraising sales must be visible during all such transactions.

5-32 Procedures for state license holders.

A transient vendor, hawker or peddler who has obtained a license from the Director of Standards of the Commonwealth may not sell, or offer or expose for sale, any of the articles enumerated in Section 17, Chapter 101 of the General Laws, or any acts in 5-14 amendment thereof or in addition thereto, until he or she has recorded his or her name, residence, phone number and a brief description of the business to be conducted within the City with the Office of the City Clerk and provided a copy of his or her state license. Nothing in the ordinance codified in this part shall be construed as conflicting with any license issued under the authority of the commonwealth. (Prior Ch. 22 sec.2(I)).

5-33 Procedures for obtaining a transient vendor, hawker or peddler license from the City of Woburn.

The City Clerk shall have authority to grant a license to any person of good repute for morals and integrity, who is, or has declared his intent to become, a citizen of the United States, upon the approval of the Chief of Police, and where applicable, the Sealer of Weights and Measures and the Board of Health. Persons not licensed by the state shall make an application to the Office of the City Clerk, on a form containing the following information: The applicant's name, type of license (transient vendor or hawker/peddler), signature, home address, the name and address of the owner or parties in whose interest the business is to be conducted, their business address and phone number, cellular telephone numbers for the applicant and business; a brief description of the business to be conducted within the City; the applicant's social security number; the description and registration of any motor vehicles used by the applicant; their sales tax number, and whether the applicant has ever been charged with a felony. The applications shall be made under oath.

A licensing fee in the sum of \$200 shall be payable to the City of Woburn at the time of application.

The Chief of Police shall approve the application within 3 business days of its filing unless he determines either that the application is incomplete, or that the applicant is a convicted felon, or is a fugitive from justice.

No person shall receive a license, as provided in this part, until he presents a certificate from the sealer of weights and measures stating that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law. The use of, or possession by such person with intent to use, any false or unsealed weighing or measuring devices shall be sufficient cause for the revocation of his license, or the cancellation of his registration. (Prior Ch. 22 sec. 2(G)).

Any food selling requires approval from the Board of Health.

5-34 Expiration and Revocation of licenses.

The licenses, unless sooner revoked by the Mayor, the Chief of Police, the Board of Health, the Sealer of Weights and Measures or the City Council shall expire one year after the granting thereof. (Prior Ch. 22 sec. 2(B)).

5-35 Number to be displayed on badge.

Every transient vendor, hawker and peddler licensed by the ordinance codified in this part shall be assigned a number and shall wear in a conspicuous place of such type and design as may be approved by the City Clerk, and which shall contain his number and the words "hawker" "peddler" or "vendor" and "Woburn," and every other such hawker and peddler as described in Section 5-? shall provide himself with a badge, of such type and design as may be approved by the City Clerk, which he shall display in like manner. Whoever neglects to wear, or without authority wears such badge, shall be punished by the penalty provided in Section 5-40. (Prior Ch. 22 sec. 2(E)).

5-36 Vehicles to bear number and expiration date of license.

Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by him shall have attached to it on each side a number plate of such type and design as may be approved by the City Clerk, and bearing the number and the date of expiration of the license. (Prior Ch. 22 sec. 2(F)).

5-37 License to be signed--Exhibit of license on demand.

Every person licensed as described in this part shall endorse his usual 5-15 signature upon his license. Any licensee who fails, neglects or refuses to exhibit his license when the same is demanded of him by the chief of police, or inspector of or sealer of weights and measures, the City Clerk, constable, police officer or justice of the peace, shall be subject to the same penalty as if he had no license. (Prior Ch. 22sec. 2(H)).

5-38 Conduct of business.

All transient vendors, hawkers and peddlers, whether licensed by the State or the City of Woburn, shall be governed by the following restrictions unless otherwise noted:

No person hawking, peddling or carrying or exposing any articles for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the City, nor carry or convey such articles in any manner that will tend to injure or disturb the public health or comfort nor otherwise than in vehicles and receptacles which are neat and clean and do not leak. (Prior Ch. 22 sec. 2(D)).

Hawkers and peddlers may only remain stationary for fifteen minutes at any given location to sell their goods, wares, and merchandise on public land, including without limitation, public streets, public parks, public parking lots, public playgrounds, and public ways. Between such transactions, hawkers and peddlers shall be moving at all times. For vendors on foot, moving shall be walking in a normal manner along a street, path or way with all goods, wares, and merchandise, or service. For vendors operating from vehicles, moving requires the vehicle to be driven along a street, path or way, stopping only to service customers and allow traffic to pass.

Transient vendors may not sell goods, wares, or merchandise on public land, including without limitation, public streets, public parks, public parking lots, public playgrounds, and public ways.

Transient vendors may sell goods, wares, merchandise or services at fixed locations on private commercial property only if such property is properly zoned for such activities and the vendor has written permission to conduct such transactions from the owner of the private land.

Transient vendors may not sell goods, wares, merchandise or services on residential property.

All transient vendors, hawkers and peddlers shall clearly and prominently post prices for all foods, beverages, goods, merchandise and services offered for sale.

Transient vendors, hawkers and peddlers are prohibited from selling or offering goods, wares, merchandise or services between the hours of 8:00pm to 6:00 am.

Transient vendors, hawkers and peddlers shall provide suitable receptacles for the placement of any trash and litter that may be expected to result from the sale of their wares and shall remove said trash and litter.

5-39 Penalties for violation.

Whoever violates any of the provisions described in this part (sections xxx), shall be subject to the following fines issued by the Police Department:

- a. \$ 150 for the first offense
- b. \$200 for each subsequent offense”.

Alderman Gonsalves stated that there are a number of changes that may need to be made. Alderman Gately stated that he would prefer to take the time at this meeting and move forward with the matter. Motion made and 2nd that the MATTER be LAID ON TABLE, all in favor, 7-0-2 (Drapeau, Galvin absent).

NEW PETITIONS:

Petition by NStar Electric Company for a grant of right in a way to install conduit in Mishawum Road northwesterly at pole 30/12 approximately 395 feet west of Commerce Way a distance of about 4 feet. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 7-0-2 (Drapeau, Galvin absent).

Petition by Fabio A. de Souza, 12 Sheridan Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow auto repair at 235 Salem Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 7-0-2 (Drapeau, Galvin absent).

Petition by Quincy Woburn LLC, 66 Long Wharf, Boston, Massachusetts 02110 for a special permit pursuant to Sections 7.3 and 9 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing alignment of a portion of Normac Road and the reconstruction thereof to allow for additional flood storage and drainage improvements within the Floodway and Flood Plain District at 31 Olympia Avenue, 15, 20 and 23 Normac Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 7-0-2 (Drapeau, Galvin absent).

Petition by ACT Leasing Inc., 215 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.45 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of automobiles, trucks, truck trailers and motorcycles at 215 Salem Street, Suite 10 and for a Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 7-0-2 (Drapeau, Galvin absent). Motion made and 2nd that the communication be forwarded to the petitioner that no Second Class Motor Vehicles Sales Licenses are available at this time, all in favor, 6 in favor, 0 opposed, 2 absent (Drapeau, Galvin absent), 1 abstained (Mercer-Bruen abstained).

COMMUNICATIONS AND REPORTS:

A communication dated June 29, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the June meeting of the Council on Aging and the Director's report for the month of June. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Drapeau, Galvin absent).

A communication dated June 18, 2009 was received from Vincent Ferlisi, Superintendent, Department of Public Works as follows:

Dear Aldermen:

In response to the memo of June 10, 2009 regarding the account for the water storage tanks funds not being spent I offer the following.

Merithew Inspections Services was contacted in February, 2009 to do the inspections and they requested additional time to submit quotes for the inspection and maintenance of the tanks.

They have submitted the quotes for the work and they are scheduled to do the inspections the week of June 22, 2009. Any remaining money in that account is needed for repairs and/or maintenance of the tanks.

s/Vincent Ferlisi, Superintendent of Public Works

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Drapeau, Galvin absent).

A communication dated July 14, 2009 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Discontinuance of a portion of Central Street

Dear Mr. Campbell and Members of the City Council:

The Woburn Planning Board voted at their June 23, 2009 meeting voted to forward a favorable recommendation, in accordance with Chapter 41, Section 81I, to the City Council with regard to the request to discontinue a portion of Central Street.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS, all in favor, 7-0-2 (Drapeau, Galvin absent).

A communication dated June 26, 2009 was received from Attorney Judith Cutler, Kopelman and Paige, P.C. relative to calculating minimum lot area. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Drapeau, Galvin absent).

A communication dated June 26, 2009 was received from Attorney Judith Cutler, Kopelman and Paige, P.C. relative to the issuance of certificates of constructive approval of a subdivision plan or a zoning petition. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Drapeau, Galvin absent).

A communication dated June 26, 2009 was received from Attorney Joyce Frank, Kopelman and Paige, P.C. relative to the placement of permanent monuments in public parks. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Drapeau, Galvin absent).

A communication dated June 29, 2009 was received from State Senator Kenneth J. Donnelly relative to the status of Quinn Bill funding in the State budget. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Drapeau, Galvin absent).

A copy of a communication dated July 2, 2009 to the Surface Transportation board was received from Siu Tip Lam, Assistant Attorney General, Environmental Protection Division, Office of the Massachusetts Attorney General relative to change of appearance of counsel for the Commonwealth of Massachusetts in the matter of New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 7-0-2 (Drapeau, Galvin absent).

A communication dated July 10, 2009 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Decision/Robert McSheffrey, 891 Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

As you know, I represented Robert McSheffrey in connection with the above-referenced Special Permit Decision (the "Decision") (copy enclosed), which was issued by your office on June 11, 2009. In connection with my client's Building Permit Application, the Building Commissioner has requested clarification on one of the conditions set forth in the Decision.

Condition 6 of the Decision states "That handicapped parking spaces on the premises shall conform to the requirements in the 1985 City of Woburn Zoning Ordinances, as amended, shall be located near the entrance to the building and shall be marked as handicapped accessible parking spaces". If you recall, the same language was one of the five conditions imposed upon the Special Permit issued to Peck's at the same property. The City Council during the public hearing in Mr. McSheffrey's petition imposed the same conditions it imposed on Peck's to this petition. The Site Plan that was filed with Mr. McSheffrey's petition did not change the location of the handicapped space that was installed by Peck's and located adjacent to the handicapped ramp. There is no change in the plan for which Peck's obtained an Occupancy Permit and which plan the City Council made a condition to the Special Permit granted to Mr. McSheffrey.

I respectfully request that this matter be reviewed by the City Council at its next meeting on July 14, 2009 since Mr. McSheffrey's Occupancy Permit is being held up until the Building Commissioner receives confirmation from the City Council that the handicapped parking space shown on the Site Plan of record has been approved by the City Council.

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

Very truly yours, s/ Joseph R. Tarby, III

Motion made and 2nd to suspend the rules for the purposes of hearing from Attorney Tarby, all in favor, 7-0-2 (Drapeau, Galvin absent). Attorney Tarby stated that there are no changes to the previous plan for the operation of the Peck's restaurant at the locuss with respect to the handicapped parking spaces, and that the Building Commissioner was seeking assurances that the City Council was satisfied with the handicapped parking at the locus. Motion made and 2nd that a communication be forwarded to the Building Commissioner advising that the handicapped parking spaces and accessibility shown on the plan of record under a special permit issued June 11, 2009 to Robert McSheffrey to allow for a fast food restaurant and reduction in the required parking at 891 Main Street is the same as that permitted under a special permit issued on June 26, 2008 to Peck's, Inc. and is acceptable to the City Council, all in favor, 7-0-2 (Drapeau, Galvin absent). Motion made and 2nd to return to the regular order of business, all in favor, 7-0-2 (Drapeau Galvin absent).

A communication dated June 18, 2009 with attachments was received from Amy Vogt, Tenant Coordinator, Cushman & Wakefield of Massachusetts, Inc., 55 Cambridge, Massachusetts 02142 as follows:

Re: Change in Ownership for 235 Presidential Way, Woburn, MA 01801

Dear Joyce,

Please note that 150 MetroNorth Corporate Center, LLC is no longer the owner for 235 Presidential Way. The new owner is VV2 Presidential Way, LLC. Other than the name change needed for the annual garage license fee there are no changes.

Attached is a copy of the check and invoice for the fee so that license would not get revoked. If you have any further questions please contact me.

Thank you for your assistance in this matter.

Very truly yours, s/Amy Vogt, Tenant Coordinator

Motion made and 2nd that the request to change the name for the holder of the Inflammable License at 235 Presidential Way be changed to VV2 Presidential Way, LLC be APPROVED, all in favor, 7-0-2 (Drapeau, Galvin absent).

Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009

UNFINISHED BUSINESS OF PRECEDING MEETING:

Pursuant to a vote of the City Council at its Regular Meeting on June 16, 2009, on the petition by June G. Ross 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 38, Block 8, Parcel 1 and known and numbered as Lot 1B 35 Pine Street as shown on the plan filed with the petition from partially in the R-2 zoning district and partially in the I-G zoning district to the R-2 zoning district. Alderman Mercer-Bruen stated that she wants this matter dispose of, that the proposed restrictive covenant would not help the abutting residents or businesses, and that the plans mean nothing is a special permit is not sought. Alderman Gately stated that he was told that the deed restriction would not be available until after this meeting and therefore a committee meeting was not scheduled. Alderman Gonsalves stated that a deed restriction if given would not substantially change the vote. Alderman Gately stated that a couple of reasons the deed restriction would be provided was to permit the construction of only one house, and that there had been misinformation that more than one house would be built. Alderman Mercer-Bruen stated that the covenant was considered a method to protect the neighbors, that no matter where the house is located on the property the nine abutters do not want the zoning amendment, and that this matter should be voted on at this meeting. Alderman Denaro stated that the chairman has asked to allow the matter to stay in committee, that the process of the City Council with respect to the chairs should have integrity, and that this action violates the principles of how the City Council operates. Alderman Mercer-Bruen stated that this matter was not taken from committee but placed on the agenda pursuant to a vote of the City Council. Motion made and 2nd that the ORDER be DENIED, ROLL CALL: Denaro

- No, Drapeau - Absent, Galvin - Absent, Gately - No, Gonsalves - Yes, Mercer-Bruen - Yes, Raymond - Yes, Wall - No, Doherty - Yes, MOTION PASSES.

APPOINTMENTS AND ELECTIONS:

Motion made and 2nd to take the following five matters collectively, all in favor, 7-0-2 (Drapeau, Galvin absent). Motion made and 2nd to suspend Rule 34 and to confirm the following appointments, all in favor, 7-0-2 (Drapeau, Galvin absent). Motion made and 2nd to restore Rule 34, all in favor, 7-0-2 (Drapeau, Galvin absent).

A communication dated June 18, 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 re-appoint Joanne Collins, Director of the City of Woburn Council on Aging, as a Member of the Human Rights Commission as required in the City of Woburn Municipal Code Title 2-236. Please be advised that the effective date of this appointment will be the date of confirmation by the City Council, and the term will expire on July 31, 2012.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

See collective vote above: Motion made and 2nd to suspend Rule 34 and to confirm the following appointments, all in favor, 7-0-2 (Drapeau, Galvin absent).

Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009

A communication dated June 18, 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 re-appoint Jean P. Cullinane, 8 Carroll Road, Woburn, Massachusetts 01801, as a Member of the Human Rights Commission as required in the City of Woburn Municipal Code Title 2-236. Please be advised that the effective date of this appointment will be the date of confirmation by the City Council, and the term will expire on July 31, 2012.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

See collective vote above: Motion made and 2nd to suspend Rule 34 and to confirm the following appointments, all in favor, 7-0-2 (Drapeau, Galvin absent).

Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 22, 2009

A communication dated June 18, 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 re-appoint Philip L. Mahoney, Chief of Police for the City of Woburn, as a Member of the Human Rights Commission as required in the City of Woburn Municipal Code Title 2-236. Please be advised that the effective date of this appointment will be the date of confirmation by the City Council, and the term will expire on July 31, 2012.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

See collective vote above: Motion made and 2nd to suspend Rule 34 and to confirm the following appointments, all in favor, 7-0-2 (Drapeau, Galvin absent).

Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009

A communication dated June 18, 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 Mark Donovan, Superintendent of Woburn Public Schools, as a Member of the Human Rights Commission as required in the City of Woburn Municipal Code Title 2-236. Please be advised that the effective date of this appointment will be the date of confirmation by the City Council, and the term will expire on July 31, 2010.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

See collective vote above: Motion made and 2nd to suspend Rule 34 and to confirm the following appointments, all in favor, 7-0-2 (Drapeau, Galvin absent).

A communication dated July 9, 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 Mark Donovan Superintendent of Schools as a member of the Human Rights Commission. Mr. Donovan will replace Dr. Carl Batchelder and his appointment will be effective on the date of confirmation by the City Council; Mr. Donovan's appointment term will expire July 31, 2010.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

See collective vote above: Motion made and 2nd to suspend Rule 34 and to confirm the following appointments, all in favor, 7-0-2 (Drapeau, Galvin absent).

Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That representatives of the M&P Realty Trust appear before the Committee on Special Permits Review to discuss the status of a special permit granted by the City Council for the property located at 375 Main Street.

s/Alderman Gately

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor, 7-0-2 (Drapeau, Galvin absent).

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install granite curbing along the southeastern portion of Elijah Street.

s/Alderman Gonsalves and Alderman Galvin

Motion made and 2nd that the RESOLVED be ADOPTED, all in favor, 7-0-2 (Drapeau, Galvin absent).

**Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009
with notation "subject to funding"**

RESOLVED That His Honor the Mayor instruct the Superintendent of the Department of Public Works to remove the railroad tracks at the intersection of

Washington Street and Montvale Avenue as this was supposed to be part of the overall improvement plan to this intersection. The road is subject to constant flooding and freezing in the winter causing significant safety issues at an already dangerous intersection. The railroad tracks and this portion of the road were deeded to the city several years ago with the intent of fixing this issue.

s/Alderman Mercer-Bruen

Alderman Mercer-Bruen stated that this has been an issue for over two years, that it has caused issues in the area, and that it needs to be addressed. Motion made and 2nd that the RESOLVED be ADOPTED, all in favor, 7-0-2 (Drapeau, Galvin absent).

Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 16, 2009 with notation "subject to funding"

RESOLVED That the Superintendent of Public Works work with Keyspan to repave Mayflower Road from curb to curb in the area of the recent emergency repair.

s/President Doherty

Alderman Gately stated that Keyspan is opening streets and leaving them a mess, that this should be addressed with an ordinance, and that the city has been notifying the utility companies that work needs to be done before roads are repaved. President Doherty stated that the city cannot afford to repave the roads that are opened up by the utility companies. Alderman Raymond stated that a utility patch was put in without notice and the condition of the street has not been repaired, that this patch occurred in the State section of the roadway, that he is seeking to reclaim that portion of Main Street, and that if notation of the work had been given this condition may have been prevented. Motion made and 2nd that the RESOLVED be ADOPTED, AS AMENDED, with the amendments as follows: 1. That any future work in a roadway be considered before roadway paving is completed, and 2. That a request be forwarded to the Superintendent of the Department of Public Works to consider any future work when a street is to be opened, all in favor, 7-0-2 (Drapeau, Galvin absent).

Presented to the Mayor: July 16, 2009 s/Thomas L. McLaughlin July 21, 2009 with notation "subject to funding"

Motion made and 2nd for a five minute recess, all in favor, 7-0-2 (Drapeau, Galvin absent).

President Doherty called the meeting back to order.

Motion made and 2nd to take from table the matter relative to the report of the Committee on Ordinances concerning the Order to amend Title 5, Article V, Section 5-41 and Title 5, Article V, Section 5-42 relative to transient vendors, hawkers and peddlers, all in favor, 7-0-2 (Drapeau, Galvin absent). Motion made and 2nd to accept the memorandum dated July 14, 2009 with comments to the proposed amendments and make it part of the record, all in favor, 7-0-2 (Drapeau, Galvin absent). Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 7-0-2 (Drapeau, Galvin absent).

Motion made and 2nd to suspend the rules for the purposes of taking from Committee on Ordinances the petition to amend the 1985 Woburn Zoning Ordinances, as amended, relative to the definition of "Lot Line, Front" under Section 2, 6 in favor, 1 opposed (Gonsalves opposed), 2 absent (Drapeau, Galvin absent). Alderman Gately stated that the Planning Board voted in favor of the matter and that the City Council should adopt the amendment. Alderman Mercer-Bruen stated that she will not support this petition, that if the intent is to clarify the corner lot issue this proposal does not accomplish this clarification, and that it provides benefit to corner lot owners but she is not certain of the impact on abutting lots. Alderman Gately stated that the current ordinance causes confusion, and that this proposal will allow the Building Department the opportunity to interpret the ordinance. Motion made and 2nd that the ORDER be ADOPTED, ROLL CALL: Denaro – Yes, Drapeau – Absent, Galvin – Absent, Gately – Yes, Gonsalves – No, Mercer-Bruen – No, Raymond – Yes, Wall – Yes, Doherty – Yes, MOTION FAILS.

Motion made and 2nd to ADJOURN, all in favor, 7-0-2 (Drapeau, Galvin absent). Meeting adjourned at 9:38 p.m.

A TRUE RECORD ATTEST:

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