

**CITY OF WOBURN
JUNE 19, 2012 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

The City Council honored former Woburn City Clerk John J. Ryan, Jr. (1966-1986) for his service to the City of Woburn with the unveiling of a portrait which will hang in the Office of the City Clerk. Following brief remarks, Mr. Ryan read the roll call to start the meeting.

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$45,000.00 be and is hereby transferred as so stated from Ward 5 Infrastructure Acct #360058-588325 \$19,674.00, from Cummings Property Mitigation Acct #360058-588330 \$25,326.00, Total \$45,000.00 to Dewey Ave Sewer Improvements Acct #0112158-586678 \$45,000.00.

I have reviewed the above: s/Charles Doberty, Deputy City Auditor
I hereby approve the above: s/Scott D. Galvin, Mayor

s/President Denaro

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

Motion made and 2nd to suspend the rules for the purposes of hearing from a representative of the Korean Society of New England and to take a matter out of order, all in favor, 9-0.

Appearing was Kenny Seungmin Kang, Secretary General of the Korean Society of New England, 13 Campbell Street and he stated that the organization will present the 62nd Anniversary of Korean War Memorial Service and Korean War Veteran Appreciation Event on July 29, 2012 in Woburn, that this will include a parade in Woburn center that will begin at 3:30 p.m. and end at 5:00 p.m., that the parade will be followed by a celebration dinner, that they expect 300 guests, and that it is important to maintain the legacy of the soldiers. Alderman Gately stated that he supports the event. No further action was required or taken on the matter.

On the petition by Alderman Mercer-Bruen concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 11 Montvale Road, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. Alderman Mercer-Bruen stated that the conditions at the property have improved, that Building Inspector Quinn has reported progress, and that the matter can be closed at this time. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the MATTER be DISPOSED WITHOUT FURTHER ACTION, all in favor, 9-0.

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

PUBLIC HEARINGS:

On the petition by Paul Carniero, 49 Olive Street, Methuen, Massachusetts 01844 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow for auto body repair at 3 Green Street. PUBLIC HEARING OPENED. A communication dated June 12, 2012 was received from the petitioner Paul Carniero as follows:

To: The Woburn City Council

If you would please postpone June 19, 2012 into the next July 10, 2012. Thank you. For the hearing on 3 Green Street.

Thank you, s/Paul Carniero

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 10, 2012, all in favor 9-0.

On the petition by Pier 1 Imports, Inc., 101 Pier 1 Place, Fort Worth, Texas for a special permit pursuant to Section 7.3, 8.7.2.10 and 13.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing nonconforming structure and use; use of a previously used loading dock as a loading ramp; and alterations to the petitioner's nonconforming signage; said alterations include but are not limited to exterior design elements, entry doors, loading ramp and new signage, all at 425 Washington Street. PUBLIC HEARING OPENED. A communication dated June 7, 2012 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Pier 1 Imports, Inc., 425 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for June 19, 2012 be continued to the City Council meeting on July 10, 2012.

If you have any questions, please contact me. Thank you.

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

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 10, 2012, all in favor 9-0.

On the petition by Enterprise Rent-A-Car Company of Boston, LLC, 248 Mishawum Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued February 4, 1992, which currently allow the sale of automobiles and trucks, to include commercial trucks with fixed trailers, at 248 Mishawum Road. PUBLIC HEARING OPENED. A communication dated June 8, 2012 was received from Becky L. Marcinkevich, Regional Operations Manager, Enterprise Rent-A-Car Company of Boston, LLC, 248 Mishawum Road, Woburn, Massachusetts 01801 as follows:

Re: Special Permit to include use of commercial trucks with fixed trailers at 248 Mishawum Road, Woburn, MA 01801

Dear President Denaro and Aldermen:

Enterprise Rent-A-Car has submitted an application to the City Council requesting a special permit to include the use of commercial trucks with fixed trailers at the property we lease at 248 Mishawum Road. Based on feedback from the Planning Board and Fire

Chief we are working on revising our parking plan to provide a more suitable, to-scale drawing to the city, and would like to request a continuance of our June 19th meeting until the next meeting (July 10th) to allow us more time to finalize a plan that is acceptable to all parties.

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

Very truly yours, Enterprise Rent-A-Car Company of Boston, LLC, a Delaware limited liability company by: s/Becky L. Marcinkevich, Regional Operations Manager

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 10, 2012, all in favor 9-0.

On the petition by NSTAR Electric Company for a grant of right in a way to install conduit in Locust Street southeasterly from pole 50/2 a distance of approximately 95 feet southwest of South Bedford Street a distance of about 31 feet. PUBLIC HEARING OPENED. A communication dated June 14, 2012 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Grant of Way – Locust Street

I am providing this memorandum pursuant to the request for the Grant of Right in a Way on Locust Street from Carl Forrester Lane per their attached sketch dated May 31, 2012. All work shall be performed in compliance with all Woburn DPW and MassDOT specifications. Applicant shall secure all pertinent permits from the DPW prior to construction to ensure public safety and minimize impacts on traffic during the proposed construction.

Appearing for the petition was Christine Cosby of NStar and she stated that this will provide electric service to five new house lots, and that a police detail will be present. Alderman Gately stated that he would abstain from the vote as he worked on the project and wants to avoid any appearance of conflict. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the condition as follows: 1. That a police detail be obtained for the project, 8 in favor, 0 opposed, 1 abstained (Gately abstained).

On remand pursuant to an Order of the Land Court in the Matter of A.L. Prime Energy Consultant, Inc. d/b/a A.L. Prime Energy v. Charles E. Doherty, Member of Woburn Council City of Woburn, et. al. found at Docket No. 08-MISC-370678(KFS), concerning the petition by A.L. Prime Energy, 319B Salem Street, Wakefield, Massachusetts 01880 for a special permit pursuant to Sections 5.1.46a, 51.46b and 5.1.22a of the 1985 Woburn Zoning Ordinances, as amended, to allow for a self service gasoline station and

convenience store with hours in excess of 7:00 a.m. to 10:00 p.m. at 1 Hill Street.

PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Kathleen E. Connolly, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and she stated that the matter is before the City Council on a remand order enter by the Land Court for the purposes of imposing reasonable conditions, that she has negotiated proposed reasonable conditions with the City Solicitor, that the property is located in the B-I zoning district, that an office use less than 5,000 square feet is a by-right use, that a convenience store less than 5,000 square feet is a by-right use, that a self-service gasoline station requires a special permit, that the proposed hours in excess of 7:00 a.m. to 10:00 p.m. requires a special permit, that the building will be approximately 13,790 gross square feet, that there will be eighteen employees on site, that two employees in the security department will be on site 24 hours per day and 365 days a year, that the convenience store will not be a fast food restaurant, that there will be four gasoline pumping stations, that the Planning Board voted on December 18, 2007 to forward a favorable recommendation for the proposal, that the ground floor with the convenience store will not exceed 10,850 foot net floor area, that the Land Court annulled the previous denial of the special permit and order the issuance of a special permit with the Planning Board recommended conditions as well as additional conditions, that the petitioner requests that the special permit be granted with six proposed conditions as follows: 1. Plaintiff must provide an easement along the property line of the Project Site starting just west of the western driveway and going up to the east-northeast corner of the Project Site, reset all of the curbing, and push it further back; 2. Plaintiff must install an impressed asphalt crosswalk from the Project Site to a new handicap ramp in the sidewalk on the opposite side of Hill Street to provide pedestrian access from the commuter lot to the Project Site; 3. Plaintiff must install an impressed asphalt as a median divider to separate the traffic heading north on Hill Street from the traffic heading south on Hill Street into the Project Site and other businesses on Hill Street; 4. Plaintiff must construct a new sidewalk along Hill Street from Montvale Avenue to the Project Site; 5. Plaintiff must construct a sight triangle to improve the safety of people exiting the Project site from the driveways of the gas station area; 6. Plaintiff must secure approval for and complete roadway improvements for the Hill Street approach to the Project Site, including an exclusive right-turn lane and center islands to define the two lanes approaching Montvale Avenue at the Hill Street intersection; that two conditions were consolidated which results in six rather than eight conditions, that there have been no changes in the footprint of the building, that the building will be built into the hillside, and that there will be a ground floor plus five stories above. Attorney Connolly offered a document entitled "City of Woburn, City Council Public Hearing, Special Permit Petition of A.L. Prime Energy, 1 Hill Street, Woburn, MA 01801, June 19, 2012, Proposed Special Permit Conditions – Decision After Remand" for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that she does not agree with the decision of the court but the city has to move forward, that she understood there to be eight proposed conditions, and that the matter can be reviewed in committee. **IN FAVOR:** Paul Meaney, Woburn Business Association, Ten Tower Office Park stated that this is a good location for a gasoline station, that there is currently an unsightly building at this entrance to the city, that the gasoline station next to a major highway is a good location, that he has dealt with the

petitioner for approximately sixteen years, that the petitioner used to supply gasoline to the Police Department, and that the petitioner's office will move from Wakefield to Woburn. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 10, 2012 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Light Tower Fiber Networks, 80 Central Street, Boxborough, Massachusetts 01719 for a grant of right in a way to install one four inch conduit in Main Street from Salem Street to Harlow Court. PUBLIC HEARING OPENED. A communication dated June 14, 2012 was received from Superintendent of Public Works John Duran as follows:

Re: Light Tower Fiber Optics – Main Street

I am providing this memorandum pursuant to the request for the Grant of Right in a Way on Main Street from Harlow Court to Salem Street, as shown on the attached sketch. I have walked the subject area of construction with the applicant and offer the following as conditions of approval. The proposed path of the installation of the conduit shall be altered per the attached sketch based upon the Dig-Safe and City of Woburn utility mark out to mitigate the amount of disturbance. It is my understanding that 1-4 inch conduit will be installed at a depth of approximately eighteen inches and will be backfilled with flow fill and 6 inch minimum of asphalt pavement. I recommend that a second conduit be installed for exclusive use of the City of Woburn. In addition, the disturbed area will have a uniform trench configuration to the maximum extent practical from the centerline of the roadway to the adjacent curb on the westerly edge of Main Street. The area will be pre-marked for approval prior to construction to avoid any disturbances with adjacent utilities. Appropriate permits and associated DPW insurance requirements shall be applied if this petition is granted. Traffic plan must be implemented in conjunction with the Woburn Police and DPW and discussed for approval at a pre-construction meeting. It is recommended that the work be performed on Sundays through Wednesday during the hours of 7 pm and 5 am to minimize impacts on traffic in the downtown area and the adjacent businesses. Costs associated with the inspections of this work shall be covered by the applicant. In addition, an "As-Built Plan" shall be prepared and delivered to the Woburn DPW and Engineering Departments upon completion. If you have additional questions or concerns please feel free to contact me on this matter.

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 petitioner intends to install a one four-inch conduit on Main Street, that the petitioner will install approximately 583 feet of communication link, that the work will be from utility pole 191/2 to utility pole 100-0, that the project consists of saw cutting a twelve inch wide trench eighteen inches deep, that the trench will be backfilled with flow fill and paving, that the project will take approximately three days to complete, that the petitioner reviewed the recommendations of the Superintendent of the Department of Public Works

and has no issues with the recommendations, that the petitioner is a fiber optic company that has been in business for over ten years providing fiber networks for businesses, that the local office is located in Boxborough, and that the connection will lead to a tower in Methodist Church. Anthony Rosciti of Rosciti Constrcution stated that they have performed similar work in Cambridge, New Bedford and Brockton, that they perform all of their own work, that they are owner operators of the business, that representative clients include AT&T, Amtrak and the U.S. Air Force, that the work will tie into the tower at the church, and that one conduit was planned to be installed but a second conduit will be installed at the request of and for the exclusive use of the city. Alderman Gately stated that he is concerned because a conduit is being installed and the Salem Street repaving project will be stalled because of the project, that the paving project has been planned for 1½ years, and that the city needs earlier notice of these projects as they interfere with the city's projects. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the condition as follows: 1. That recommendations of the Superintendent of Public Works be adopted as conditions of the grant of right in a way, all in favor, 9-0.

On the petition by Jaton Management Co., LLC, 853 Turnpike Street, #241, North Andover, Massachusetts 01845 for a special permit pursuant to Sections 5.1.29 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant and building signage at 305 Mishawum Road. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that this proposal is for a Dunkin Donuts restaurant, that the property is located in the B-I zoning district, that the use is allowed by special permit, that the Planning Board will review the matter at its June 26, 2012 meeting, that the building area will be approximately 1,200 square feet, that there will be no drive-thru, that there will be 20 employees at the location, that there will be seating for twelve in the building, and that the current DeAngelo's restaurant will be in the remaining portion of the building. Douglas Miller, GRP, Inc., 39 Main Street, Suite 301, Ayer, Massachusetts 01432 stated that there will be two handicapped accessible parking spaces, the landscaping remains, and that there will be no increase in the impervious surface of the site. Giles Ham, Vanasse & Associates, Inc., 101 New England Business Center Drive, Suite 314, Andover, Massachusetts 01810-1066 stated that there will be no drive-thru at the locus, that the morning is the peak hour, that there are 1,900 cars in the area during the morning peak hour with 58 vehicles currently exiting the site at peak hour, that the use will attract pass-by traffic as opposed to destination traffic, that the Joe's Bar and Grill at the rear of the lot has no morning peak hour traffic, that this is a busy intersection but it works well, that the study was completed on May 4, 2012, that the study includes new traffic counts, and that this is a new study for the project. Alderman Mercer-Bruen stated that she supports seeing the project move forward. IN FAVOR: Paul Meaney, Woburn Business Association, Ten Tower Office Park stated that this is a good business and he supports the petition. OPPOSED: Bryna Furze, Linear Retail Property stated that he is not in support of nor does he oppose the proposal but has some concerns, that his company owns the former Office Depot building, that they are concerned about the impact of the proposal on their property, that a left turn lane was added when the

traffic light was installed in the area which now requires crossing three lanes of traffic to make a left turn into their property, and that they want to be certain that the project is not detrimental to their property. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUL 10, 2012 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

Motion made and 2nd to take the Order to appropriate the sum of \$2,801,780.00 from Unreserved Fund Balance Account to Mayor's Capital Budget from the Committee on Finance, all in favor, 9-0. Motion made and 2nd to suspend the rules for the purposes of hearing from a representative of the School Department on the matter, all in favor, 9-0. Alderman Gately stated that he wants the money appropriated to be used for the specific authorized purpose. David Dunkley, Building Facilities Director, Woburn Public Schools stated that the beam detectors go out of sync from roof top unit vibrations, that they want to eliminate the beam detectors, the Shamrock School is now eleven years old, that \$30,000.00 is needed to complete the district-wide replacement of smoke detectors and upgrade the beam detectors but he does not have an exact breakdown per school available, that the stucco at the Altavesta School is popping off and they will hire a contractor to inspect and repair the area, that the Linscott School work will be performed by the Department of Public Works employees if possible or an outside contractor will be hired, that the Wyman School grading is needed due to washouts, that the Joyce Middle School acoustics are poor which prohibits other uses of the cafeteria, that rain falling at the Shamrock School freezes and causes the doors to jam and runoff to the playground freezes and causes a dangerous condition, that they will install commercial aluminum gutters, and that the High School has concealed vertical rods which if used heavily can be damaged and that these will be replaced. Alderman Anderson stated that all capital budget expenditures except for the DPW Remedial Yard Work/ACO should be completed by December 31, 2012 or the funds return to the General Fund. Mayor Galvin stated that he would prefer the funds be available for the fiscal year and therefore asks that the date be extended to June 30, 2013. Alderman Drapeau stated that he has learned that the School Department may be having trouble obtaining permits for plumbing repairs. Mayor Galvin stated that this was not true. Alderman Gately stated that the money appropriated should be spent on dedicated purposes. Mayor Galvin stated that the funds would be used for the purposes stated. Alderman DiTucci stated that she is concerned with the work taking place at the former Clapp School building, and that she wants to ensure that the funds are spent as authorized in the appropriation. Director Dunkley stated that the funds will be spent through the Mayor's office. Alderman Gately stated that a request could be made for a quarterly report from the City Auditor to ensure that the funds are spent as provided. Alderman Drapeau stated that funds appropriated have been spent appropriately, and for example amounts authorized to be bonded that have not used have been turned back. Mayor Galvin stated that the City Council can receive as many reports as needed. Motion made and 2nd to return to the regular order of

business, all in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: 1. All funds so appropriated will be disbursed by June 30, 2013, with the exception of the DPW/Remedial Yard Work/ACO, after which any funds remaining or unencumbered as of June 30, 2013 shall be returned to the General Fund and further that the City Auditor shall provide to the City Council a quarterly account of funds expended, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$220,000.00 from Ambulance Receipts Account to Fire/Salary Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to transfer the sum of \$4,000.00 from Police Lighting Account and \$8,000.00 from Police Salary Account to Police Telephone Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to transfer the sum of \$20,000.00 from Police Holiday Pay Account and \$11,000.00 from Police Salary Account to Cruiser Outlay Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to transfer the sum of \$3,610.00 from Senior Tax Workoff Program Account to Senior Van Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to appropriate the sum of \$35,000.00 from Cemetery Interest Fund to various Cemetery Accounts, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to transfer the sum of \$65,000.00 from DPW/Overtime Account to Mayor/DPW Trucks Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to transfer the sum of \$40,000.00 from DPW/Water-Electric Account to Mayor/Water & Sewer Trucks Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to reauthorize the Conservation Commission’s Revolving Fund, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to reauthorize the Recreation Basketball Revolving Fund, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to reauthorize the Liberty Elm Tree Revolving Fund, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to reauthorize the Spence Farm Revolving Fund, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to reauthorize the Be Well Woburn Committee Departmental Revolving Fund, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012 **s/Scott D. Galvin June 21, 2012**

On the Order to reauthorize the Council on Aging Revolving Fund, committee report was received “ought to pass, as amended, with the amendment as follows: That the spending limit be increased to \$80,000.00.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012

s/Scott D. Galvin June 21, 2012

On the Order to reauthorize the Kids' Kingdom Revolving Fund, committee report was received "ought not to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

On the Order to reauthorize the Leland Park Street Hockey Revolving Fund, committee report was received "ought not to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

On the Order to reauthorize the Board of Health Revolving Fund for the purpose of purchasing compost bins, committee report was received "back for action pending a response from the Board of Health." A communication dated June 19, 2012 was received from Board of Health Agent John Fralick as follows: "This account is no longer active. This office currently is no longer in need of it. If you have any question please give me a call." Motion made and 2nd that the REVOLVING ACCOUNT NOT be RE-ESTABLISHED, all in favor, 9-0.

On the Order to reauthorize the Woburn Police Department School Resources Officer Revolving Fund, committee report was received "back for action pending a response from the Police Department." A communication dated June 18, 2012 was received from Police Chief Robert Ferullo as follows: "The account is active and used and should remain open. Please let me know if there are any other steps that I need to take." Motion made and 2nd that REVOLVING ACCOUNT be RE-ESTABLISHED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012

s/Scott D. Galvin June 21, 2012

On the Order to Order to reauthorize the Board of Health Revolving Fund for the purpose of landfill closure, committee report was received ""back for action with the recommendation that the spending level be reduced from \$400,000.00 to \$100,000.00." Motion made and 2nd that REVOLVING ACCOUNT be RE-ESTABLISHED, AS AMENDED with the amendment as follows: 1. That the spending level be reduced from \$400,000.00 to \$100,000.00, all in favor, 9-0.

Presented to the Mayor: June 21, 2012

s/Scott D. Galvin June 21, 2012

On the Order to reauthorize the Cable Television and Telecommunications Revolving Fund, committee report was received "back for action with the recommendation that the Order be amended to read as follows: 'That the Woburn City Council hereby authorizes the Office of the Mayor to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E½. The Office of the Mayor may spend funds received for cable television and telecommunications franchise fees as required under the CATV operator license

agreement with the City of Woburn without further appropriation during Fiscal Year 2013 for the purpose to pay the Woburn Public Media Center contract fee and to set spending limit at \$700,000.00 and payment of software, hardware and license fees. The "Cable Television and Telecommunications Revolving Fund", is to be credited with all fees and charges up to \$500,000.00 received during Fiscal Year 2013. Any remaining balance at June 30, 2013 is to revert to the General Fund, unless the fund is re-established. The "Cable Television and Telecommunications Revolving Fund", under M.G.L. Chap. 44, Sec. 53E½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.'" Alderman Haggerty stated that he is not comfortable with the proposed amended language which needs clarification, that by the end of this year there will be \$310,000.00 in this account, that this revolving account gives wide latitude to one person to spend a lot of money, that the City Council is responsible for appropriating funds, that the revolving fund is the equivalent to writing a blank check to spend \$310,000.00 on hardware and software and is not appropriate, that he supports the Woburn Public Media Center (WPMC), that he will offer legislation to fix funding for the WPMC, that any other funds received above that level should go through the appropriation process, that as an example the Fire Department goes through the appropriation process to spend ambulance receipts, that the revolving fund circumvents the important appropriation process, that expanding this account for the use of technology is not appropriate, and that there should be a thorough appropriation process. Alderman Mercer-Bruen stated that if the revolving account is not renewed by the end of the fiscal year the money in the account will revert to the General Fund, and that a new revolving fund can be approved after July 1st if necessary with no impact on the tax base. Alderman Mercer-Bruen offered a copy of an email memorandum from the City Auditor dated June 19, 2012 for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Alderman DiTucci stated that she has tried to work on appropriate language for the Order, that there is a need for technology improvements, and that if the money reverts to the General Fund she is concerned there is no mechanism to ensure the money will be used for technology improvements. Alderman Mercer-Bruen stated that the Mayor will go forward with the plans he laid out relative to technology improvements. Alderman DiTucci stated that the mayoral priorities can change. Alderman Mercer-Bruen stated that the Mayor will have to obtain City Council approval to spend the funds. Alderman DiTucci stated that if the Mayor does not move forward with technology improvements then the money will not be spent in that manner. Alderman Drapeau stated that if the revolving account is not reauthorized the funds will revert to the General Fund on July 1st, that the City Council will not meet again until July 10th, and that after July 1st the funds will not be available to the WPMC. Alderman Haggerty stated that the money would not be needed for payment to the WPMC until the end of July, and that the over \$200,000.00 in the account will revert to the General Fund. Alderman Drapeau stated that the money will not be available for payments. Alderman Mercer-Bruen stated that the \$200,000.00 in the revolving account is residual. Alderman Haggerty stated that the WPMC receives 4% under the contract. Alderman Drapeau stated that this fund was going to have a mechanism for a new MIS position. Alderman Mercer-Bruen stated that the Mayor can take money from

the General Fund and come to the City Council to approve a contract for the MIS position. Motion made and 2nd to suspend the rules for the purposes of hearing from His Honor the Mayor, all in favor, 9-0. Mayor Galvin stated that the money spent from the revolving account has been minimal, that there is disagreement about the expenditure for the public safety study, that the funds for the study were used for technology issues, that the money will mix into the General Fund if the revolving account is not reauthorized, that if the account is not renewed this will not harm city operations, that there has not been a raid on the funds, that the city lacks a technology director, that the money could have been used to fund the position without impacting the tax rate, and that he would not object to the City Auditor and the independent auditor reviewing the account. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Alderman Anderson stated that software and hardware improvements are important, that he has reviewed the spreadsheet of expenditures and did not see any issues, and he offered revised language for the revolving account. Alderman Mercer-Bruen stated that her constituents want to know how the city's money is being spent and revolving funds do not allow clarity on this issue. Motion made and 2nd that the ORDER NOT be ADOPTED, ROLL CALL: Anderson – No, DiTucci – No, Drapeau – No, Gaffney – Yes, Gately – Yes, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – Yes, Denaro – Yes, Motion Passes.

INFRASTRUCTURE AND PUBLIC LANDS:

On the Order to authorize the Woburn Agricultural Commission to lease a portion of the Spence Farm property to Soluna Garden Farm, committee report was received “back for action pending a response from the City Solicitor.” A communication dated June 15, 2012 with attachment was received from Ellen Callahan Doucette, City Solicitor as follows:

Re: Spence Farm Lease – Soluna Gardens Farm

I am in receipt of the Committee's inquiry regarding the procedures that were followed leading up to the selection of Soluna Garden Farm as the lessee of a one-acre tract of land at Spence Farm, a copy of which is attached hereto for reference.

I was informed of the selection of Soluna Garden Farm by Paul Medeiros, as Chair of the Agricultural Commission (“Commission”). Mr. Medeiros informed me that the goal was to utilize a portion of Spence Farm in furtherance of one of the Commission's purposes, as stated in the Woburn Municipal Code, to “educate the public about sustainable and ecologically-sound agricultural practices”. He stated that inquiries were made of various farm owners to gauge interest in leasing a small portion of the premises in exchange for providing educational programs to Woburn residents, and only Soluna Garden Farm expressed interest in such an arrangement. I did not find fault in the Commission's approach because in my opinion, despite the fact that consideration for the lease was the provision of educational classes instead of money, it would be unlikely that the cash

value of a lease for a small piece of agricultural land for a one or two-year period would exceed the \$25,000 threshold of the Uniform Procurement Act.

M.G.L. c. 30B, §16 states in pertinent part:

“A governmental body shall solicit proposals prior to: . . . disposing of, by sale or rental to any person, real property or any interest therein, determined in accordance with paragraph (b) to exceed twenty-five thousand dollars in value.” (emphasis added)

The purpose of the requirement that municipal property must be bid is to make certain that public property is leased pursuant to honest methods, to prevent favoritism and to obtain the most favorable price for the municipality; the end goal is to “treat all persons equally” Mangano v. Town of Wilmington, 51 Mass. App. Ct. 857 (2001). When determining the value of the property to be leased, the city must use procedures “customarily accepted by the appraising profession”. It is the value of the leaseholds not the amount of rent charged that is the relevant figure. According to the City’s Chief Appraiser, Andy Creen, the value of the one-acre lease for one year would be between \$642 and \$963. I have attached a copy of Mr. Creen’s email hereto for the Committee’s information.

Please do not hesitate to contact me if you have any other questions regarding this memorandum or the content thereof.

Very truly yours, s/Ellen Callahan Doucette

Motion made and 2nd that ORDER be ADOPTED, AS AMENDED with the amendment as follows: 1. That the term of the lease shall be for one (1) year, all in favor, 9-0.

Presented to the Mayor: June 21, 2012

s/Scott D. Galvin June 21, 2012

PUBLIC SAFETY AND LICENSE:

On the petition to transfer the Inflammable License at 19 Commerce Way to FMW RRI II LLC, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 21, 2012

s/Scott D. Galvin June 21, 2012

On the petition to transfer the Second Class Motor Vehicle Sales License at 104 Winn Street to Luis Jean Brunet dba Woburn Motors, committee report was received “ought to pass, as amended with a condition as follows: “Maximum of five (5) vehicles.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor June 21, 2012 and ten days having elapsed without same being approved, said License became effective without his signature on July 3, 2012.

ORDINANCES, CHARTER AND RULES:

Motion made and 2nd to take the following two matters collectively, all in favor, 9-0.

On the Order to amend 1989 Woburn Municipal Code, as amended, Title 2, Section 13.2.35 relative to water charges, committee report was received "ought to pass, as amended as follows:

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 13, Section 13.2.35 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the section in its entirety and replacing same with the following:

13.2.35 Rates for Various Types of Services.

A. Residential Units.

1. All residential units, metered and non-metered, shall be billed at a base rate charge of \$102.50 dollars semiannually. Multi-residential units shall be billed by the number of units times the flat rate, semiannually. (Amended 6/16/92; 8/20/96; 5/22/2001; 10/29/2001; 12/15/2004; 6/27/2005; 6/14/2006; 1/22/2007; 8/24/2007; 10/9/2008; 7/8/2010)
2. For the purpose of this section, "residential units" means single-family or multifamily units, where one or more persons reside.
3. Any increase in the rates in Subsection 1 herein shall require a majority vote of the City Council for approval. (added 6/14/2006; amended 1/22/2007)

B. Mixed Use Buildings

1. Qualifying Mixed Use Buildings with one residential unit shall be billed for their Residential water use at the base rate set forth in the preceding Section A(1) semi-annually provided that the water supplied to the individual residential unit or units is segregated and metered separately and so long as the requirements of 13.2.35, Section B(7) are satisfied. Qualifying Mixed Use Buildings with multi-residential units shall be billed for their Residential water use by the number of units times the flat rate, semiannually provided that the water supplied to the

individual residential unit or units is segregated and metered separately and so long as the requirements of 13.2.35, Section B(7) are satisfied.

2. All other water services provide to a Mixed-Use Building, other than those that qualify for the base rate as set forth in the preceding Section B(1), shall be charged a base rate of \$4.60 for every one hundred cubic feet of water used. Separate meters will be required where water is supplied to a building with both a residential unit/units and a commercial unit.
3. For the purpose of this section, "Mixed Use Building" means a use that includes a residential use and a commercial use within the same building.
4. For all newly constructed Mixed Use Buildings separate meters will be required where water is supplied to both a residential unit/units and a commercial unit(s).
5. The owner of any existing Mixed Use Building or newly constructed Mixed Use Building may request that the City bill separately for Commercial and Residential water uses provided that the Mixed Use Building complies with all other requirements set forth in Section 13.2.35 including the specific requirements of 13.2.35, Section B(7). Said request shall be made to the Department of Public Works.
6. Upon request by the owner of either an existing Mixed Use Building or newly constructed Mixed Use Building to be billed separately for Commercial and Residential water uses, the Superintendent of the Department of Public Works shall review and respond to such request within 60 days and, if granted, shall be effective as of the date of approval. No such request shall be granted unless the Department of Public Works:
 - a. Determines that the water being supplied to the residential unit(s) and the commercial unit(s) are separately metered;
 - b. Receives confirmation from Inspectional Services that there is a residential component to the mixed use building, confirmation of the number of residential units, confirmation that there are no known or visible violations of the then current Woburn Zoning Code, Woburn Municipal Code and Massachusetts State Building Code. Inspectional Services shall be

granted access to the premises to conduct the inspection within 30 days of the initial request. If Inspectional Services are denied access to inspect the premises then the request for separate billing rates shall be denied;

- c. Receives confirmation from the Treasurer's office that the owner is not in default of any real estate tax bill; and
 - d. Determines that all outstanding water and sewer bills relative to the premises are paid in full.
7. Any Appeal of the Superintendent's disposition of a request to be billed separately for Commercial and Residential water uses shall be as set forth in Section 13.1.0.

C. Metered Services.

1. All water services, other than those defined above as residential or mixed use, shall be charged a base rate of \$4.60 for every one hundred cubic feet of water used. Separate meters shall be required where water is supplied to both a residential unit/units and a commercial unit. Where water is supplied to both a residential unit and a commercial unit through a single service, the rate charged shall be determined by the principal use of said water. The principal use shall be determined by the Superintendent of Public Works. (Amended 08/15/90; 6/16/92, 8/20/96; 5/22/2001; 10/29/2001; 12/15/2004; 6/27/2005; 6/14/2006; 8/24/2007; 10/9/2008; 7/8/2010).
2. Meters and reading devices shall be supplied, owned by and approved by the Department of Public Works upon installation. The installation of said meters shall be performed by a licensed plumber engaged by the property owner and permitted by the Inspectional Services Department. The cost of meters and reading devices shall be charged to the water taker based on the cost of the water meter and reading devices. All meter charges will be put in an escrow account under the Water and Sewer Enterprise account to be used for water meter replacement and maintenance.
3. Water for building purposes shall be supplied by meter, and be charged at the current commercial rate for the total amount of water used.
4. Builders who are not owners of premises where water is supplied may be given service if upon application they make a

cash deposit to pay all costs of installation and to guarantee the safety of the meter.

5. The minimum charge for shutting off and turning on water shall be twenty five dollars during normal operating hours of the DPW. This fee is increased to two hundred dollars if requested during non-business hours.
6. No charge for water shall be made to city-owned buildings.
7. All active services not in regular use shall be known as "standby" services and shall be charged at the rate of thirteen dollars semiannually for each such service.
8. On services subject to metered water there shall be a minimum charge of \$113.21 paid semi-annually July 1st and December 31st. (Amended 08/15/90; 6/16/92; 8/20/96; 5/22/2001; 10/29/2001; 12/15/2004; 8/24/2007; 10/9/2008; 7/8/2010)
9. The above rates schedule must be reviewed one year from the day of passage, and every five years thereafter. (Ord. dated 05/18/88; Ord. of 4/18/86; 4/5/85; prior code Ch. 29 4; ord. 07/01/91).

D. Abatements and Exemptions

1. Request for abatements and exemptions must be filed with the Superintendent of Public Works within thirty (30) days of billing date recorded on water and sewer bill. (Ord. dated 05/04/89).
2. An application for abatement will not be considered unless all prior bills on the account are paid and a payment is made on the bill in dispute in an amount equal to the bill issued for the same period in the prior year
3. Out-of-City customers connected to the water distribution system shall be billed the applicable water rate of the city they reside in, plus a 25% service fee. (Ord. dated 05/04/89; 08/15/90; 07/01/91).
4. Business involved in farming or in horticulture activity shall be entitled to ten percent (10%) of annual water bill charges. (Eff. July 1, 1986. Ord. Dated 04/10/87).

5. Any Appeal of the Superintendent's disposition of a request for an abatement or exemption shall be as set forth in Section 13.1.0.
6. Elderly and Widows /Widowers who are entitled to an exemption under Property Tax Statutory Exemption, M.G.L. c. 59, Sec. 5 Cl. 17C and Cl. 41, shall be entitled to a 20% reduction in water charges for the unit/dwelling occupied by the eligible person. Proof of entitlement shall be presented with the water bill. (Ord. dated 05/18/88).

Alderman Drapeau stated that he is opposed to the city not being charged for water, that if the residents of the city are being metered then the city needs to be held accountable as well, and that this will also encourage conservation by the city. Alderman Gately stated that the issue of city water use will be addressed when the city reviews the ordinances relative to water rates. Alderman Haggerty stated that these ordinances ensure that all residents are being billed and treated fairly. Motion made and 2nd that the COMMITTEE REPORTS be ADOPTED, AS AMENDED with the amendment as follows: 1. That the words "except as provided by City Council and/or ordinance" shall be added after the words "city-owned buildings" in Section 13.2.35(C)(6), all in favor, 9-0.

Presented to the Mayor June 21, 2012 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on July 3, 2012.

On the Order to amend 1989 Woburn Municipal Code, as amended, Title 2, Section 13.3.9 relative to sewer charges, committee report was received "ought to pass, as amended as follows:

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 13, Section 13.3.9 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting the section in its entirety and replacing same with the following:

13.3.9 Rates for Use of Common Sewer.

- A. Every person or owner of an estate who has entered or who may hereafter enter his particular sewer into a common sewer shall pay for the use of such sewer as follows:
 1. For Domestic Use: base rate of \$164.00 for billing cycle. (Ords. 04/05/85; 05/18/88; 05/04/89; 08/15/90; 07/01/91; 6/16/92; 8/20/96; 12/15/2004; 6/27/2005; 6/14/2006; 8/24/2007; 10/9/2008)

2. For Manufacturing Use: The base rates shall be 304% of the Annual Water Bill Charges or ten (10%) percent above the annual MWRA charge for the sewer discharge whichever is highest. (Ords. 04/05/85; 05/18/88; 05/04/89; 08/15/90; 07/01/91; 06/16/92; 6/14/2006)
 3. For Small Business Use: The base rates shall be 304% of the Annual Water Bill Charges. (Ords. 04/05/85; 05/18/88; 08/15/90; 07/01/91; 06/16/92; 6/14/2006)
 4. For Mixed Use Buildings: The base rates shall be \$164.00 per billing cycle for each Domestic Use and 304% of the Annual Water Bill Charges for each separately metered Commercial or Manufacturing Use. Mixed Use Buildings with multi-residential units shall be billed by the number of units times the flat rate, semiannually.
 - a. For the purpose of this section, "Mixed Use Building" means a use that includes a residential use and a commercial use within the same building.
 5. Properties not connected to the Common Sewer where sewer service is available on street, shall be assessed a semi-annual fee of \$5.00 per unit dwelling. (Prior ch. 23 sec. 18). (Amended 9/4/92)
 6. Senior citizens connected to the Common Sewer who are entitled to an exemption under Property Tax Statutory Exemption, Chapter 59 Sec. 5 Cl. 17C and Chapter 59 Sec. 41 will be entitled to a 66% reduction in sewer charges for the unit dwelling occupied by the eligible person. Proof of entitlement shall be presented with the sewer bill. (Ords. Dated 05/18/88, 05/05/89).
 7. Any change in the base rates specified herein shall require a majority vote of the City Council for approval. (added 6/14/2006, amended 1/22/2007)
- B. The quantity of sewerage delivered to a public sewer from a building sewer shall be determined by water meter readings of the appropriate public water system, and said readings are to be taken and recorded under the direction of the Superintendent of Public Works.

- C. Request for abatements and exemptions must be filed, in writing, with the Superintendent of Public Works within thirty (30) days of the billing date recorded on the water and sewer bill except those who have paid sewer charges without being connected to City sewer system. In the latter situation, none of these abatements shall exceed six (6) years. (Ord. Dated 05/04/89 – 3/15/94).
- D. Any Appeal of the Superintendent’s disposition of a request for an abatement or exemption shall be as set forth in Section 13.1.0.
- E. Out-of-city customers connected to the Woburn Sewer System shall be billed the applicable sewer rate plus 25% sewer charge fee. (Ord. Dated 05/04/89).
- F. The rate schedule may be amended from time to time after a public hearing, held in accordance with applicable law.

See record notes from preceding matter. Motion made and 2nd that the COMMITTEE REPORTS be ADOPTED, AS AMENDED with the amendment as follows: 1. That the words “except as provided by City Council and/or ordinance” shall be added after the words “city-owned buildings” in Section 13.2.35(C)(6), all in favor, 9-0.

Presented to the Mayor June 21, 2012 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on July 3, 2012.

NEW PETITIONS:

Petitions by Peterson Party Center Inc., 139 Swanton Street, Winchester, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to modify special permits issued August 11, 2011 and January 26, 2012 by deleting the reference to the plan entitled “Proposed Parking Layout” Sheet PK-1 dated November 15, 2011 in Condition 2 and replacing same with the plan filed with this petition entitled “Proposed Parking Layout” Sheet PK-1 dated June 4, 2012 as the plan of record, at 36 Cabot Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Hess Corporation f/k/a Amerada Hess Corporation, One Hess Plaza, Woodbridge, New Jersey 07095 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.46a, 5.1.46b, 5.1.22a note 16, and 7.3 to amend a special permit dated December 26, 2008 for self-service/full service gasoline station with convenience store to allow for modified location for proposed canopy signage and to

amend Condition #14 regarding proposed curbing, at 306 Montvale Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated June 15, 2012 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending May 2012: number of parking violations issued 347, number of violations paid 165, number of violations outstanding 164, amount collected and submitted to the Office of the Collector \$14,380.00. There exists a backlog of 5,887 tickets for 1982 through 2011. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$1,750.00.

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

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

Communication from City Solicitor seeking to discuss litigation relative to The Woburn Armory LLC v. City of Woburn pending in the Middlesex Superior Court concerning the property located at 320 Main Street aka 286 Main Street commonly referred to as the former Armory Building. Appearing was City Solicitor Ellen Callahan Doucette and she stated that it may be better to discuss this matter in open session rather than executive session, that the 90 days imposed by the Order in this matter expires July 2, 2012, that the landowner wants to come back to the City Council to discuss the matter, that in order to do so the City Council has to grant a stay of the Order and or the landowner will have to seek a preliminary injunction, that she suggests the stay of proceedings be granted to allow further discussion of the matter, and that the City Council authorization for the stay is necessary as the matter is in litigation. Alderman Gately stated that a plan can be worked out for this property, that he suggests a 90 day stay of the demolition order and that a proposed plan be submitted within 30 days, and that it may be possible to enter into an agreement for the property. City Solicitor Doucette that if the 90 day stay is granted there should be a requirement that the landowner take some action such as filing a zoning amendment proposal, and that a condition of the stay would be that the petition has to move forward during this period. Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated that the petitioner could file a rezoning petition within 30 days, that the petitioner would outline what his proposal would be if the zoning petition is approved, and that a special permit petition could not be filed until the rezoning is approved. Alderman Gately stated that the stay could be extended for up to six months. City Solicitor Doucette stated that a six month stay could be granted provided that progress is made. Alderman Anderson stated that a stay of 120

days should be adequate. President Denaro stated that it will take a lot to sell him on this project. Motion made and 2nd that the City Solicitor be authorized to enter into a stay of the demolition order and the pending legal proceedings for 120 days from the date of this action in the matter of The Woburn Armory LLC v. City of Woburn, Land Court No. 2012-MICV-1528, 8 in favor, 1 opposed (Denaro opposed).

Presented to the Mayor: June 21, 2012

s/Scott D. Galvin June 21, 2012

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated June 18, 2012 was received from His Honor the Mayor as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint William J. Angelo, 144 Lexington Street, Woburn, Mass., subject to approval by the City Council, to the Board of Trustees for the Woburn Public Library.

Mr. Angelo's appointment is for a three-year term to expire March 2, 2015.

Respectfully, s/Scott D. Galvin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That Title 2, Article XXII, Recreation Commission of the 1989 Municipal Code, as amended, be further amended by adding a new section as follows:

2-160 Recreation Wellness Coordinator

The Recreation Commission may in writing appoint, with the approval of the Mayor, a Recreation Wellness Coordinator who shall be under the direct supervision of the Recreation Director. The Recreation Wellness Coordinator shall be trained and properly qualified possessing a Bachelor's of Science degree from an accredited four year college with a core emphasis on Wellness programs; Public Health, Physical Education, Sports Management, Medical Wellness or Nutrition. The Recreation Wellness Coordinator shall be responsible for developing, administering,

and managing new and established Wellness programs for the City of Woburn through a variety of recreation services and nutritional and sports programs for all age groups, and shall assist with on site administration of recreation programs as may be required by the Recreation Director;

that all subsequent sections of the Municipal Code shall be renumbered accordingly; and

that Title 2, Article XXVIII, Section 2-180 Base Salaries, Recreation, be further amended by inserting the following position between "Director" and "Members",

Recreation Wellness Coordinator \$45,000.00.

s/President Denaro

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

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 18-20 Campbell Street; and

WHEREAS, the said building or buildings and the property is generally not being properly maintained;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.

s/Alderman Anderson

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Presented to the Mayor: June 21, 2012

s/Scott D. Galvin June 21, 2012

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended be striking "Human Resources, Clerk... \$22,187.33" and inserting in its place the words "Human Resources, Administrative Assistant...\$48,315.48."

And further that this Ordinance shall take effect on July 1, 2012.

s/President Denaro

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

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the City Auditor be amended to \$90,681.80;
2. That the base salary of the City Clerk be amended to \$74,430.45;
3. That the base salary of the Clerk of City Council be amended to \$10,469.79;
4. That the base salary of the Clerk of Board of Registrars of Voters be amended to \$10,469.76;
5. That the base salary of the Human Resources Director be amended to \$89,778.75;
6. That the base salary of the Library Director be amended to \$89,226.52;
7. That the base salary of the City Solicitor be amended to \$88,792.94;

And further that Title 2, Article XXVII, Section 2-181, sub-paragraph "A" of the 1989 Woburn Municipal Code, as amended, be further amended by changing the base salary amount of the Superintendent of Public Works to \$96,900.00;

And further that this Ordinance shall take effect on July 1, 2012.

s/President Denaro

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

ORDERED That an ad hoc committee be established to be known as the Ad Hoc Polling Place Review Committee for the purpose of reviewing current polling locations, studying the feasibility of consolidating and/or

relocating polling places within the city to achieve cost savings, and to make recommendations for any necessary improvements;

That the committee shall consist of eight (8) members including the City Clerk, as chief election official of the city, who serve as Chair, the Mayor or his designee, a member of the City Council, a representative of the School Committee, a representative of the Woburn Handicapped and Disabled Citizens Commission, a representative of the Woburn Democratic City Committee, a representative of the Woburn Republican City Committee, a registered voter not enrolled in a party, and that each member of the committee shall be a registered voter in the City of Woburn; and

That the committee shall hold public hearings, conduct research and make inquiries necessary to provide a thorough and complete report, that the departments of the city shall provide assistance within their purview to the committee as requested, and that the committee report its findings to His Honor the Mayor and the City Council on or before September 4, 2012; and

That upon submittal of its committee report and findings, the Ad Hoc Polling Place Review Committee shall automatically dissolve.

s/President Denaro

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

Presented to the Mayor: June 21, 2012

s/Scott D. Galvin June 21, 2012

RESOLVED Beginning July 1, 2012, the City Auditor will present to the City Council at the end of each quarter, an overview of the department budget status, revolving account activity, mitigation account activity and any other financial information as indicated by the City Council

s/Alderman Mercer-Bruen and
Alderman Haggerty

Motion made and 2nd that the RESOLVE be ADOPTED, AS AMENDED with the amendment as follows: 1. To add the words “citywide including the School Department” after the words “department budget status”, and 2. To add the words “which shall include a spreadsheet that sets forth the amount appropriated, the transactional detail for the funds expended, and funds remaining after the expenditures”, all in favor, 9-0.

Presented to the Mayor: June 21, 2012

Returned Unsigned June 21, 2012

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:33 p.m.

A TRUE RECORD ATTEST:

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