

**CITY OF WOBURN
JUNE 6, 2006 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau -Absent	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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

Motion made and 2nd to suspend the rules for the purposes of hearing from State Senator Robert Havern, all in favor, 8-0-1 (Drapeau absent). Senator Havern stated that the New Boston Street Bridge project is moving forward, that the money for the project will be available July 1, 2006 if the rest of the budget passes by that time, that there will be an increase of \$600,000.00 from Chapter 70 funds, that lottery distributions will increase \$799,000.00, that lottery funds will be dedicated for the next five years, that the foundation level will increase and Woburn would no longer be at the floor of local aid, that Woburn's share would increase from 12% to 20% with the goal of raising local aid to 50%, that this would relieve pressure on local property taxes, that the aggregate wealth of the community would now be used to determine local aid, that this will allow the community to plan its budget without waiting for a local aid determination, that it appears that the legislature will again fund Chapter 90 funds at \$150,000,000.00, that local officials should contact the State legislature to encourage passage of these matters, and that a community will no longer penalized for having free cash.

RESOLVED That His Honor the Mayor appropriate funds to appeal the matter known as Woburn Appeals Board v. Housing Appeals Committee, pending in the Appeals Court for the Commonwealth at docket number 05-P-219.

s/Alderman Ciriello

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

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$12,000.00 be and is hereby transferred as so stated from Non-Contributory Retirement Acct #0197051-517800 \$12,000.00 to DPW Overtime Acct #0141151-513100 \$12,000.00

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

s/President Doherty (per request)

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

ORDERED That the sum of \$42,260.00 be transferred as follows from Account #0122051-511500 Fire Ambulance Salary \$42,260.00 to Account #0122051-513100 Fire/Overtime \$20,000.00, Account #0122052-524100 Building Maintenance \$22,260.00.

s/Chief Paul Tortolano
s/Auditor Gerald Surette
s/Mayor Thomas L. McLaughlin

s/President Doherty (per request)

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

ORDERED That the sum of \$42,260.00 be transferred as follows from Account #31359-595000 Receipts Reserved for Appropriation Ambulance BLS \$42,260.00 to Account #0122051-513100 Fire Ambulance Salary \$42,260.00.

s/Chief Paul Tortolano
s/Auditor Gerald Surette
s/Mayor Thomas L. McLaughlin

s/President Doherty (per request)

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

ORDERED That the sum of \$1,300.00 be and is hereby transferred as so stated from GIS Needs Implementation Account No. 0141058-586620 \$1,300.00 to Part-Time Help Account No. 0141051-511400 \$1,300.00 – Reason: The sum is requested to allow for an increased use in part-time help to meet the current construction layout and design schedules through the ENF of the Fiscal Year.

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

s/President Doherty (per request)

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

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

1. By deleting from Title 2, Article XXXIV, Section 2-213 the word “and” before the word “one” and add after the words “Assistant Civil Engineer” the words “, the Sealer of Weights and Measures” thereby placing the Sealer of Weights and Measures under the City Engineer.
2. By deleting from Title 2, Article XXIX, Section 2-193(22) the words “Sealer of Weights and Measures” and inserting in its place the word “[Reserved]” thereby removing the position of Sealer of Weights and Measures as a full-time position.

s/President Doherty

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

PUBLIC HEARINGS:

On the petition by Verizon New England, Inc. for a grant of right in a way to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of Lexington Street starting at existing pole number 131/121, located on the westerly side of Lexington, place conduit in a south-southwesterly

direction, a distance of 34 feet+/- into private property into Seaman Robert H. Doherty Road. PUBLIC HEARING OPENED. A communication dated May 23, 2006 was received from Frederick W. Russell, Superintendent, Department of Public Works as follows: "Lexington Street owned by Mass. Highway Dept. (MHD) State road opening permit previously issued by MHD for subject property." Appearing for the petitioner was Bob Parks of Verizon New England, Inc. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 8-0-1 (Drapeau absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, all in favor, 8-0-1 (Drapeau absent).

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

On the petition by Verizon New England, Inc. for a grant of right in a way to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of Pento Road starting at existing Verizon handhole, located on the easterly side of Pento Road and 44 feet southerly of the driveway at 19 Pento Road, place conduit in a northerly direction, a distance of 225 feet+/- to pole #487/2A).

PUBLIC HEARING OPENED. A communication dated May 23, 2006 was received from Frederick W. Russell, Superintendent, Department of Public Works as follows: "Work area must be limited to the roadway shoulder. Any work requiring excavation of the pavement is not allowed. Loam & seed disturbed areas." Appearing for the petitioner was Bob Parks of Verizon New England, Inc. Alderman Denaro stated that there needs to be communication between Verizon, NStar and the cable television company as to the structural integrity of the utility poles that have been sawed off and attached to a new pole, that he is concerned about public safety, and that the city may require indemnification from the utility companies' insurance carriers covering the city for any injury or damages that may occur. Alderman Gonsalves stated that it is not only an issue of public safety but it is also unsightly. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0-1 (Drapeau absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, with the recommendations of the Superintendent of Public Works adopted as conditions, all in favor, 8-0-1 (Drapeau absent).

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

On the petition by Boston Edison Company and Verizon New England, Inc. for a grant of right in a way to install conduit in Lowell Street westerly at and opposite Sendrick Road from pole 136/33 a distance of about 31 feet and westerly approximately 214 feet west of Sendrick Road from pole 136/36 a distance of about 41 feet. A communication dated May 25, 2006 was received from Frederick W. Russell, Superintendent, Department of Public Works as follows: "Approved – Standard trench restoration in accordance with D.P.W. regulations required." PUBLIC HEARING OPENED. Appearing for the petitioner was Susan McGrath of Boston Edison Company and she stated that this was for underground services on Lowell Street to be provided to fifteen new homes. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 8-0-1 (Drapeau absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the

GRANT OF RIGHT IN A WAY be APPROVED, with the recommendations of the Superintendent of Public Works adopted as conditions, all in favor, 8-0-1 (Drapeau absent).

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

On the petition by Boston Edison Company and Verizon New England, Inc. for a grant of right in a way to install one joint occupancy pole and remove one joint occupancy pole on Lowell Street southerly side approximately 260 feet west of Sendrick Road (p136/36). A communication dated May 25, 2006 was received from Frederick W. Russell, Superintendent, Department of Public Works as follows: "Approved". PUBLIC HEARING OPENED. Appearing for the petitioner was Susan McGrath of Boston Edison Company and she stated that this was to relocate an existing utility pole. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 8-0-1 (Drapeau absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, all in favor, 8-0-1 (Drapeau absent).

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

On the petition by James Bumann and Tracey Bumann, 74 Leighton Lane, Tewksbury, Massachusetts 01876 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an automobile and truck repair garage at Unit 27, 10 Draper Street. PUBLIC HEARING OPENED. A communication dated May 26, 2006 was received as follows:

Re: James & Tracey Bumann – 10 Draper St. Unit 27 – To allow for an automobile & truck repair garage

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 9, 2006, the Planning Board voted to send an unfavorable recommendation to the City Council on the Special Permit request to allow for an automobile & truck repair garage at 10 Draper St. Unit 27. However, if the City Council were to grant this Special Permit, the Planning Board recommends imposing the following two conditions:

1. That the entire 10 Draper Street site be limited to this one auto repair use and that no more Special Permits for this use will be issued; and
2. That if the petitioner seeks to transfer this unit to another automobile and truck repair garage such transfer must be approved by the City Council.

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

Sincerely, Edmund P. Tarallo, Planning Director

A copy of a communication dated May 8, 2006 from Brett F. Gonsalves, Senior Engineer and Edmund P. Tarallo, Planning Director as follows:

Subject: 10 Draper Street – Unit 27 – Special Permit – Special Permit application dated 4/3/06 – Plan dated 10/24/05

This office has reviewed the Special Permit application and plan for the above referenced project and offers the following comments:

The submitted site plan shows unit 27 being used as an automobile and truck repair facility. This office has verified with the Plumbing Inspector's office that floor drains and oil and water separators have been installed. Therefore 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.

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner wants to use one of forty units at the locus, that the petitioner is not a major corporation but a small family business, that the petitioner currently rents his space and will own this unit, that the unit is approximately 1,500 square feet in area, that it is located in the I-G zoning district, that the use is allowed by special permit, that on October 8, 2004 the Planning Board granted site plan approval for the construction of a building with forty condominium units at the locus, that on May 12, 2005 the Planning Board granted modification of the site plan reducing the size of units 27 to 40 from 1,800 square feet to 1,500 square feet, to allow a mezzanine, the allow parking and to allow a building size of 74,400, that there were 26 Planning Board conditions attached to the approval, that the project required site plan approval because it was in excess of 15,000 square feet, that site plan approval is limited to conditions directly related to the use of the land although some of the conditions exceeded this by agreement of the landowner, that the petitioner currently operates an auto service business at 306 Montvale Avenue, that the petitioner works on between two and ten vehicles per day with the petitioner and one other mechanic performing the work, that the hours of operation are 7:30 a.m. to 5:00 p.m. Monday through Friday and 7:30 a.m. to 3:00 p.m. Saturday which is less than the Planning Board conditions allowed hours, that this is a low volume business, that the customers leave their vehicles at the locus in the morning and pick them up later in the day, that there is low traffic volume, that the business is clean, that the use will fit well in the property, that in addition to the special permit conditions there are condominium association restrictions, that the use will be limited to the petitioner only and if the unit was to be conveyed the City Council would have to approve the transfer of the special permit, that electricians, plumbers, woodworking and similar uses were anticipated for the building when it was constructed, that the Planning Board recommendation was three in favor and two opposed, that access to the property is controlled by gates, that the petitioner meets the conditions of Section 11.5 of the zoning ordinances by the conditions

of the Planning Board as well as by the particular use that will locate in the unit, that a business service establishment can have office space which would be allowed in these units, that the proposed use is not a retail establishment but an industrial use allowed in the zoning district by special permit, that this unit is only using 1,500 square feet in a 74,400 square foot unit, and that currently the petitioner does have some unexpected drop-off business because he is operating from a gas station. Attorney Tarby offered a memorandum to the City Council dated May 26, 2006, a copy of a Planning Board Certificate of Approval of Special Permit dated October 8, 2004, a Planning Board Certificate of Approval of Special Permit dated May 12, 2005, a copy of minutes for the September 28, 2004 Planning Board meeting, and minutes for the April 26, 2005 Planning Board meeting for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 8-0-1 (Drapeau absent). James Bumann, the petitioner, stated that he has been in the auto repair business for twenty years, that he has operated at his current location for eleven years, that he has one employee along with himself, that he wants to own his building rather than rent, that he typically services two to ten vehicles each day, that currently he is servicing less than ten each day, that all work is set up by appointment with the vehicles dropped off in the morning and picked up at the end of the day, and that he is willing to give up drop-off business which is when a customer comes in with a vehicle issue without making an appointment to drop-off the vehicle. James Castellano stated that he owns the property, that he has fourteen units from units 27 through 40 under construction with ten under agreement, that this unit has been on the market for a little more than a year, that the commercial market has changed, that they have not had high recent sales, that they have been selective on the type of users, that the development of this property has been beneficial to the area compared to the former use which was a gravel yard with old equipment stored on site, that the size of units 27 through 40 have been reduced to allow for additional parking, and that an oil company with two trucks may locate at the locus for the storage of its two oil trucks. Alderman Mercer-Bruen stated that the project when developed was described as self-storage units in the original presentation to the Planning Board, that the project was to allow small contractors to store vehicles and equipment, that the contractors would leave the units in the morning to service their clients off site and return to the unit to store the vehicles at night, that the gate is to remain closed at all times except from 6:00 a.m. to 9:00 a.m. Monday through Friday which indicated that there would not be vehicles entering and exiting during the day, that she has no issue with the petitioner's business but is concerned with the impact that such use may have on Draper Street, that this use was to minimize the impact on residences in this area, that she is concerned that this may be one user but that it is not the type of use that was contemplated to be in the building, that there is no such thing as just this one time, that the City Council struggled with a similar use in North Woburn, that the residents of Nashua Street spoke in opposition to the proposal, that a neighbor presented a document that said no motor vehicle repairs would be allowed at the locus, that there is always going to be an allowed use under the zoning code that will be worse than a proposed use, and that there are 1,000 special permits and only four people in the city to enforce them. Alderman Mercer-Bruen offered documents to the City Council for their review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 8-0-1 (Drapeau absent). Alderman Denaro stated that this proposal sounds like a low

impact use that would be no more intrusive than a landscaper, that this use will not generate much more traffic, and that this use would likely have been granted if the proposal was to eliminate the gravel yard. Alderman Ciriello stated that this use was not what the original use was to be, that there cannot be a restriction for this use at the locus to this one business, and that he does not see the purpose of the gates if the access code for the gates will be disclosed to allow customers to enter and exit the locus each day. Alderman Dwyer stated that the process has to have integrity, that it is difficult to vote against this petitioner but that he has to vote against the petition, and that he will therefore oppose the petition. Alderman Galvin stated that the original intent for the building was business service establishments, and that this use may not fit that category but there will be business service establishments at the locus that may be more intensive uses. IN FAVOR: Kevin McDonough, 295 Salem Street stated that he supports the petitioner, that he would not support the petition is he believed that it would hurt the residents in the area, that the petitioner is a good businessman, that the petitioner is a known entity, that he has worked next to the petitioner for four years and can assure the City Council that it is a good use as presented. Dan Kenney, 6 Hawthorne Street stated that this is a clean shop, a good business and that he supports the petition. Kathy Bailey, 4 Utica Street stated that she supports the petition, that she has used the automotive services of the petitioner, and that this is a good business. Bill McDermott, 1 Chase Street stated that the petitioner is a known entity, that he does not store vehicles overnight, that he is a customer of the petitioner, that he supports the petition, and that this would be the same type of traffic as a landscaper or other business that may locate there. OPPOSED: Loren Baccari, 50 Nashua Street stated that she does not challenge the integrity of the petitioner, that she just wants the building to remain for the type of uses previously planned, that slow marketing of the building should not affect her quality of life, that the volume of traffic will become an issue, and that the other units will generate traffic in addition to this use with vehicles entering and exiting. David Kimmelman, 6 Arnold Street stated that the issue here is the use not the integrity of the petitioner, that this appears to be a change of the type of use that was supposed to locate at the building, and that this is the type of issue that often impacts the East Woburn neighborhoods. Joy O'Brien, 6 Nashua Street stated that in a letter from the petitioner's attorney when the building construction was originally proposed to be used by business service establishments such as plumbers, electricians and the like there were to be no vehicle repairs, and that this was a better use than the former gravel yard however she wants to stay with the proposed use. William Mulrenan, 101 Washington Street stated that the industrial condominiums was a good concept, and that the Planning Board has recommended that the proposed use not be allowed. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be DENIED, all in favor, 8-0-1 (Drapeau absent).

On the petition by Anderson Estates, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 and Section 5.1.69 of the 1985 Woburn Zoning Ordinances, as amended, so as to alter a pre-existing nonconforming structure and/or use, so as to construct an awning/canopy over an outside patio area at the southwest corner of the structure at 345 Washington Street. PUBLIC

HEARING OPENED. A communication dated May 26, 2006 was received from Edmund P. Tarallo, Planning Director, as follows:

Re: Anderson Estates, LLC – 345 Washington St. – To construct an awning/canopy over outside patio pursuant to Section 7.3 and 5.1(69)

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 9, 2006, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit request to allow for the construction of an awning/canopy over the outside patio at 345 Washington Street pursuant to Section 7.3 and 5.1(69) of the Woburn Zoning Ordinance.

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

A copy of a communication dated May 8, 2006 Brett F. Gonsalves, Senior Engineer to Edmund P. Tarallo, Planning Director was received as follows:

Re: 345 Washington Street – Special Permit – Special Permit application dated 4/13/06 – Plan dated 4/7/06

This office has reviewed the Special Permit application for the above referenced project and takes no exception to the construction of the proposed awning as shown on the submitted plan.

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

Appearing for the petitioner was Attorney John McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that the petitioner is the landowner, that the property is located in the Cummings Properties complex, that this is a large building with many uses, that Fresh City is located at the corner of the building, that there is a large patio area outside the unit, that although the patio is not part of the Fresh City unit their patrons use the area to consume their lunches with the permission of the landlord, that the awning is proposed for seasonal use, that the Building Commissioner stated that a special permit will be required for the canopy, and that the canopy will cover this common area. Alderman Denaro stated that he has known about this issue for about three years as he knows the owner of Fresh City, that it is the landlord seeking the petition because it is a common area, that Fresh City has been an employer of local residents, and that this is a growing business. Alderman Ciriello stated that he supports the petition, that this is a good business, and that this will allow the patrons to use the area during variable weather conditions. Alderman Mercer-Bruen stated that she supports the petition. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, 10 Tower Office Park, Woburn stated that he is in favor of the petition.

OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0-1 (Drapeau absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, all in favor, 8-0-1 (Drapeau absent).

On the petition by Yannian Ji, 7 Blake Road, Braintree, Massachusetts 02184 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow muscular therapy at 340 Washington Street aka 400 Cummings Park. PUBLIC HEARING OPENED. A communication dated May 26, 2006 was received from Edmund P. Tarallo, Planning Director, as follows:

Re: Yannian Ji – 340 Washington St. (400 West Cummings Park Suite 1050) – To Occupy for Muscular Therapy

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 23, 2006, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit request to occupy 340 Washington St., also known as 400 West Cummings Park, Suite 1050 for Muscular Therapy subject to the following condition:

1. That prior to execution of this Special Permit that the Board of Health validate the proper licensing of a massage therapist at the site and to limit the use of the suite to duly licensed massage therapists only.

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

A copy of a communication dated May 18, 2006 from Brett F. Gonsalves, Senior Engineer to Edmund P. Tarallo, Planning Director was received as follows:

Subject: 400 West Cummings Park – Massage Therapy – Special Permit – Special Permit application dated 4/13/06

This office has reviewed the Special Permit application for the above referenced location and finds that the applicant will be occupying an existing suite and no exterior work is proposed.

This office takes no exception to the application as submitted.

If you or the Board have any questions, please do not hesitate to contact this office.

Appearing for the petitioner was Sonnie Phong and she stated that she was the translator for the petitioner, that the hours of operation will be Monday through Friday from 10:00

a.m. to 9:00 p.m., Saturday 11:00 a.m. to 7:00 p.m. and no hours of operation on Sunday, that there will be two employees, that they will fire two certified employees and the petitioner will be on site also, that the business will be generated by advertisement for massage therapy by appointment rather than associating with a doctor or similar referral, that he does not operate a business of this type in another community, that he is not associated with a business of this type in another community, that he expects to serve eight to ten clients per day, that he is not operating this business currently at another location, and that this will be a new venture. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor 8-0-1 (Drapeau absent). Public Hearing closed. Motion made and 2nd that the special permit be granted, no vote was called on the motion. Motion made and 2nd that the following amendments be added to the special permit: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, and 2. That the hours of operation shall be 10:00 a.m. to 9:00 p.m. Monday through Friday, 11:00 a.m. to 7:00 p.m. Saturday and no hours of operation on Sunday, all in favor, 8-0-1 (Drapeau absent). Alderman Mercer-Bruen stated that she would not be opposed to sending this to committee, and that more discussion would be appropriate as from where the business would be generated. Alderman Denaro stated that he thought more discussion would be needed as this is a new business and he wants to know from where the business would come. Motion made and 2nd to reconsider the motion to close the public hearing, all in favor, 8-0-1 (Drapeau absent). The motion to grant the special permit was withdrawn. Motion made and 2nd to continue the public hearing to the City Council Regular Meeting on June 20, 2006 and that the matter be referred to the Committee on Special Permits for further review, all in favor, 8-0-1 (Drapeau absent).

On the petition by Nextel Communications of the Mid-Atlantic, Inc., P.O. Box 614, Stowe, Vermont 05672 for a special permit pursuant to Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to install a wireless communications link on the Boston Edison Co. utility pole #12 at 168 Rear Lexington Street. PUBLIC HEARING OPENED. A communication dated May 26, 2006 was received from Edmund P. Tarallo, Planning Director as follows:

Re: Nextel & Boston Edison – 168 Rear Lexington St. – To construct 6 antennas on Utility Pole #12, a 12’x20’ equipment shelter, a 6’x10’ generator pad, and 2 GPS antennas

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 23, 2006, the Planning Board voted to send an unfavorable recommendation to the City Council on the Special Permit request to construct 6 antennas on Utility Pole #12, a 12’x20’ equipment shelter, a 6’x10’ generator pad, and 2 GPS antennas at 168 Rear Lexington St. based on the fact that the use, a free standing exterior wireless facility, is not allowed in an R1 zone.

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

A copy of a communication dated May 18, 2006 from Brett F. Gonsalves, Senior Engineer to Edmund P. Tarallo, Planning Director as follows:

This office has reviewed the Special Permit application for the above referenced location and offers the following comments:

The proposed submission shows an 11x16 foot equipment shelter under the existing transmission lines, with antennas and GPS receivers situated on the existing pole. This structure will be serviced via access easements and utility serviced areas.

Every effort should be made to minimize any impacts to Shaker Glen Brook, and, if any proposed work is within 150 feet of a bordering vegetated wetland or 200 feet of the river, the Conservation Department will need to be notified. Additional screening may be required around the proposed equipment shelter so that this structure will not be visible to residents on Lexington Street, Totman Drive and Mayflower Road.

This office takes no exception to the Special Permit application as submitted.

If you or the Board have any questions, please do not hesitate to contact this office.

Appearing for the petitioner was Attorney Michael Rose and he stated that he was counsel for the petitioner, that there has been an objection raised not to the substance of the petition or the site but as to the form, that there is not an absolute exclusion to wireless facilities in residential areas under the ordinance, that every antenna is carrier specific, that every carrier's network is separate and independent, that Linda Street would be a possible additional site and would replicate the coverage, that the sites are essentially equidistant keeping in mind the terrain such as hills and buildings in the particular area, and that the package contains photos of how the facility currently exists and will exist after the unit is affixed as well as the location from which each picture was taken. Joshua Dellman stated that he is an agent acting on behalf of Nextel, that they are licensed by the FCC to provide coverage to customers located in Woburn and surrounding areas, that they are mandated to provide this service, that they have attempted to locate on other existing structures to service the demand but could not locate any with a height significant enough to provide the coverage that is needed, that the antennas will be flush mounted, that there will be a twelve foot by twenty foot shelter which will be an unmanned facility, that access will be from Lexington Street utilizing existing access, that coverage is the most obvious benefit, that they are looking at Linda Street as a possible site for location, and that an additional special permit application has been filed for another location on Cambridge Road and may submit a proposal for a Linda Street location. Alderman Gonsalves stated that if this is approved the site may become a target site for other carriers to locate at the site. Alderman Galvin stated that a prior petitioner

provided the city \$5,000 in mitigation funds which was to allow the city to study where there would be pressure points in the community so as to assist the city and carriers to find suitable locations. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to continue the public hearing to the City Council Regular Meeting on June 20, 2006 and that the matter be referred to the Committee on Special Permits for further review, all in favor, 8-0-1 (Drapeau absent).

On the petition by Monster Paintball, LLC, 139 Nichols Street, Wilmington, Massachusetts 01887 for a special permit pursuant to Section 5.1.17b of the 1985 Woburn Zoning Ordinances, as amended, to operate an indoor commercial playground/sports facility for indoor paintball and associated pro shop, all in an area containing approximately 25,400 square feet, within the existing building at 481 Wildwood Avenue aka 479 Wildwood Avenue. PUBLIC HEARING OPENED. A communication dated May 26, 2006 was received from Edmund P. Tarallo, Planning Director as follows:

Re: Monster Paintball, LLC – 481 (aka 479) Wildwood Ave. – To allow for an Indoor Playground/sports facility for Indoor Paintball and associated pro shop

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 23, 2006, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit request to allow for an Indoor Playground/sports facility for Indoor Paintball and associated pro shop at 481 (aka 479) Wildwood Ave. subject to the following conditions:

1. That the parking shall be in accordance with the parking plan dated April 2004 previously submitted for this site.
2. That the petitioner shall provide video surveillance with recording capability to the satisfaction of the Police Chief.
3. That the parking lot includes lighting satisfactory to the Police Chief and Planning Board.
4. That a landscaping plan be provided to the Planning Board and that the Planning Board shall retain jurisdiction over the landscaping.
5. That no activity related to the proposed use be conducted outside of the building.
6. That the parking lot shall be re-striped and extended with appropriate lighting.
7. That cameras shall be installed inside and outside of the building with a DVR recorder.
8. That the manager shall meet at regular intervals with Woburn Police to review safety and security issues.
9. That the property shall be properly posted for no trespassing in parking areas.
10. That the hours of operation shall not exceed 8:00 a.m. to 11:00 p.m. Monday thru Saturday and 10:00 a.m. to 10:00 p.m. Sunday.
11. That no liquor sales of any kind shall be allowed or granted for the premises now or in the future.

12. That the Special Permit is non transferable.
13. That there shall only be one free-standing sign at the main entrance common driveway at Wildwood Street for all users and tenants of the site in compliance with current City of Woburn zoning ordinances.
14. That all Cape Cod berm shall be maintained and replaced as required as it falls into disrepair, in perpetuity.
15. That if parking becomes an issue or is deemed insufficient by the Woburn Police or any other city agency after the facility is open and operating the City Council reserves the right to re-visit the matter and have the petitioner seek additional parking from the property owner.

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

A copy of a communication dated May 18, 2006 from Brett F. Gonsalves, Senior Engineer to Edmund P. Tarallo, Planning Director was received as follows:

Subject: 481 Wildwood Avenue – Monster Paintball – Special Permit – Special Permit application dated 5/10/06

This office has reviewed the Special Permit application for the above referenced location and offers the following comments:

The City Council granted a Special Permit on July 8, 2004 for this property. The plan for that was accompanied that submission showed a usage of 39,457 square feet for paintball and amenities. The new submission shows the same number of parking spaces but only 25,400 square feet utilized for paintball and amenities.

As the new plan shows a smaller area and a Special Permit was granted for the same use, this office takes no exception to the application as submitted.

If you or the Board have any questions, please do not hesitate to contact this office.

Appearing was the petitioner Anthony Brown who stated he owns Monster Paintball, that this use will be lesser than a similar facility that was approved for the site, that this is a family owned business, that the safety of the customers and players is the biggest concern, that goggles and face protection are required, that there will chest shields in the rental package, that the markers will be kept at 265 feet per second, that the markers will be checked when brought in from the outside and adjusted to 265 feet per second, that there will be adequate safety nets, that the referees will control the game to ensure that the safety rules are followed, that they will cater to their core market which is active, recurring, semi-pro or tournament players, that they will have separate areas for beginners to learn the game, that they will have team training during non-public hours, that they will offer the facility for non-live fire tactical training for police departments,

that they will have a pro shop with equipment, that they will have vending machines with soft drinks, water and snacks, that they will not have food service, that there will be a registration desk, retail pro shop, and staging area with tables for players to clean their markers, reload and prepare for the next games, that there will be two birthday rooms, that there will be an equipment room and area for the CO2 cartridge refills, that the hours of operation will be 8:00 a.m. to 11:00 p.m. Monday through Friday and 10:00 a.m. to 12:00 p.m. Saturday, that this is a new venture, that they have not operated a paintball establishment in the city, that they are working with a consultant who formerly worked for a paintball facility, that the incidence of injury nationally is less than for hockey, skateboarding and other sports, that this is a safer alternative than outdoor paintball use, that this is a controlled environment, that the safety equipment has not tested to higher than the conditions that will exist inside the facility, that the markers for pros are set at 300 feet per second and higher levels than that cause safety concerns, that a marker can be checked with a chronograph within the play area if there is a concern that it is set too high, that in Massachusetts the minimum age for paintball is ten years old, that is an affordable sport, that this is a rental package that can be used in the facility, that high end markers are generally not available in the retail setting, that there are 12 million players nationally, that they will use a back padded artificial turf that will be safer for users, that play depends on the particular users, that a player may participate for a couple of hours or for several hours, that this is generally a continuous game that players can join and leave at any time, that the regular players play for longer hours, that because of the surface that they will use the paintballs can be corralled using a blower and if the paintballs break on the carpet they can be cleaned with a commercial wetvac, that the paintballs are biodegradable, that the paintballs are gelatin capsules which enclose the paint, that most of the paint will go into the dumpster, that there are no floor drains and the waste does not empty into the city sewer, that children under the age of ten can watch the players from behind a glass door but cannot enter the field of play or the staging area, and that they do not intend to have video games but rather will focus on the sport. Mr. Brown offered documents to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 8-0-1 (Drapeau absent). Dan Fire stated that every night the facility is open it will be cleaned, that he was the manager for the petitioner, that he has been in the business for five years, that he has managed three facilities, that he also plays paintball, that if a child is under the age of ten years they cannot play paintball by State law and by insurance requirements, that the few accidents are generally caused by slipping and falling, that the paintballs can bruise but cannot cut the skin or break bones, that the capsules are made of gelatin and the paint is water soluble, that the units are called markers, that the players are temporarily marked with paint, and that the players are not being shot to kill someone. Alderman Denaro stated that he would like to see condition 7 of the Planning Board recommendations changed from "DVR recorder" to "a recorder approved by the police department as technology develops", that the police department cannot enforce a special permit however the police department is referred to in some of the recommended conditions, and that the police generally do not have these type of enforcement authorities with special permits. Alderman Gonsalves stated that she was concerned with the previous petition in that she was concerned that it would make the equipment available for use in the city's outside conservation areas, and that she now knows that the equipment is more readily

available and that it may not have this impact. Alderman Dwyer stated that he would like the petitioner to consider making certain hours available for the city Recreation Department to use for the city's youth and that he would like the petitioner to consider Woburn residents as employees. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition, and that if it is strictly the sport of paintball without the other uses such as videogames it should be able to stand on its own. Sonni Stanton, no address given, stated that she is the certified public accountant for the petitioner, that they have a good business plan, and that she is in favor of the petition. Peter Golden, no address given, stated that he is a neighbor of the petition and that he is in favor of the petition. Linda Golden, no address given, stated that she is in favor of the petition. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0-1 (Drapeau absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the dumpster on site be screened, and 2. That the recommendations of the Planning Board be adopted as conditions, all in favor, 8-0-1 (Drapeau absent).

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$2,000.00 from Cemetery Interest Fund Account to Cemetery Utility Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Drapeau absent).

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

On the Order to appropriate the sum of \$17,000.00 from Cemetery Interest Fund Account to various Cemetery Accounts, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Drapeau absent).

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

On the Order to appropriate the sum of \$30,000.00 from Overlay Reserve Account to Assessor Residential Re-Inspection Program Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Drapeau absent).

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

On the Order to appropriate the sum of \$9,900.00 from various Recreation Department Accounts to Recreation Salary Account, committee report was received "ought to pass."

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

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

CITIZEN'S PARTICIPATION: None.

NEW PETITIONS:

Petition by Satisfaction Transportation, Inc., 2 Cedar Street, Woburn, Massachusetts 01801 for renewal of Livery License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Drapeau absent).

Petition by Boston Edison Company and Verizon New England, Inc. for a grant of right in a way to install one joint occupancy pole on the easterly side of Hart Place at Curtis Road and to remove one joint occupancy pole on the northerly side of Curtis Road at Hart Place at Curtis Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Drapeau absent).

Petition by Boston Edison Company and Verizon New England, Inc. for a grant of right in a way to install on hip guy and anchor on the westerly side of Willow Street approximately 84 feet south of Burlington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Drapeau absent).

Petition by Boston Edison Company and Verizon New England, Inc. for a grant of right in a way to install one joint occupancy pole and anchor guy and remove on existing anchor guy on the easterly side of Albany Street approximately 210 feet south of Erie Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Drapeau absent).

Petition by Gold Beef Grill Restaurant, 428 Main Street, Woburn, Massachusetts 01801 for a special permit to operate a fast food restaurant and to allow for hours in excess of 6:00 a.m. to 11:00 p.m. at 428 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Drapeau absent).

Petition by E.C. Inc. dba XPress Fuel, 505 Main Street, Woburn, Massachusetts 01801 for a special permit for the operation of a self service gas station pursuant to Section 5.1.46b of the 1985 Woburn Zoning Ordinances, as amended at 505 Main Street. Motion

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

COMMUNICATIONS AND REPORTS:

A request for approval of exemption as required by M.G.L. Chapter 268A, Sections 20(c) and 20(d) was received from Charles T. Culhane as Veteran's Director and Vice-Chair of the Woburn Golf & Ski Authority. Motion made and 2nd that the EXEMPTION be APPROVED, all in favor, 8-0-1 (Drapeau absent).

A request for approval of exemption as required by M.G.L. Chapter 268A, Sections 20(c) and 20(d) was received from Tracey A. Harwood as Administrative Assistant to the Mayor and Chair of the Woburn Historical Commission. Motion made and 2nd that the EXEMPTION be APPROVED, all in favor, 8-0-1 (Drapeau absent).

A copy of a communication dated May 16, 2006 with attachments to Mayor Thomas McLaughlin was received from Alderman Ciriello, Alderman Dwyer and Alderman Drapeau relative to a request for information sent to Building Commissioner Paris concerning property located at 100 Ashburton Avenue. Motion made and 2nd to RECEIVE AND PLACE ON FILE, all in favor, 8-0-1 (Drapeau absent).

A communication dated May 19, 2006 with attachments was received from Joanne Collins, Director, Council on Aging along with a copy of the Director's report for May and a copy of the minutes for the May meeting of the Council on Aging. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Drapeau absent).

A communication dated May 15, 2006 was received from Attorney Patricia A. Cantor, Kopelman and Paige, P.C., 101 Arch Street, Boston, Massachusetts 02110-1109 relative to water runoff from public ways onto private property. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Drapeau absent).

A communication dated May 17, 2006 was received from Attorney Michele E. Randazzo, Kopelman and Paige, P.C., 101 Arch Street, Boston, Massachusetts 02110-1109 relative to the impact of reauthorization of the USA Patriot Act on library operations. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Drapeau absent).

A communication dated May 19, 2006 was received from Attorney Lauren F. Goldberg, Kopelman and Paige, P.C., 101 Arch Street, Boston, Massachusetts 02110-1109 relative to transfers of appropriations. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Drapeau absent).

A communication dated May 25, 2006 was received from Attorney Joyce Frank and Attorney Michele E. Randazzo, Kopelman and Paige, P.C., 101 Arch Street, Boston, Massachusetts 02110-1109 relative to development of policies for use of computers and electronic communications. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Drapeau absent).

A communication dated May 31, 2006 was received from Jan Robbins Cox, Director, Human Resources Department relative to findings on the requirements for conducting an analysis of job descriptions for the department heads. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Drapeau absent).

A communication dated June 1, 2006 was received from Theresa Murphy, Administrator, Conservation Commission relative to indirect costs of the department to the Water and Sewer Enterprise Fund. Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 8-0-1 (Drapeau absent).

A communication dated June 1, 2006 was received from Steven M. Paris, Building Commissioner relative to indirect costs of the department to the Water and Sewer Enterprise Fund. Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 8-0-1 (Drapeau absent).

A communication dated June 1, 2006 was received from City Clerk William C. Campbell relative to indirect costs of the department to the Water and Sewer Enterprise Fund. Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 8-0-1 (Drapeau absent).

A copy communication dated May 16, 2006 to Honorable Thomas M. Menino from Mayor Thomas L. McLaughlin and Gary J. Gianino, Chairman, Burlington Board of Selectmen was received relative to the status of the land bequeathed to the City of Boston by the Mary Cummings Trust. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Drapeau absent).

A communication dated May 9, 2006 was received from the Kennedy Middle School P.T.O., John F. Kennedy Memorial Middle School, Middle Street, Woburn relative to their support of new auditorium seating at the Kennedy Middle School. Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 8-0-1 (Drapeau absent).

A copy of a communication dated May 17, 2006 with attachments was received from the Massachusetts Department of Environmental Protection, One Winter Street, Boston, Massachusetts 02108 and the Massachusetts Office of the Attorney General, Environmental Protection Division, One Ashburton Place, Boston, Massachusetts 02108 relative to comments of the Commonwealth of Massachusetts on environmental review under the National Environmental Policy Act concerning the New England Transrail, LLC proposal for land in Wilmington and Woburn. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Drapeau absent).

A copy of a communication dated May 17, 2006 submitted by J. Patrick Berry and Jeffrey M. Bauer, Baker Botts LLP, 1209 Pennsylvania Avenue, N.W., Washington, D.C. 2004 to the Surface Transportation Board entitled Reply to National Solid Wastes Management Association's Petition for Expedited Consideration concerning the New England Transrail, LLC proposal for land in Wilmington and Woburn was received. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Drapeau absent).

A copy of a communication dated May 11, 2006 with attachments from Stephen M. Richmond, Beveridge & Diamond, PC, 45 William Street, Suite 120, Wellesley, Massachusetts 02481-4004 to Phyllis Johnson-Ball, Surface Transportation Board concerning the New England Transrail, LLC proposal for land in Wilmington and Woburn was received. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Drapeau absent).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated June 2, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Robert F. Doherty of 4 Valley Road as a member of the Planning Board for a period of five years.

Mr. Doherty will replace James Garvey, whose appointment expired April 30, 2003.

Mr. Doherty's appointment will be effective on the date of confirmation by the City Council, and his five-year term will expire on that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 2, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Martin J. McGah of 20 Hight Avenue as a member of the Planning Board for a period of five years.

Mr. McGah will replace Michael Maher, whose appointment expired April 30, 2006.

Mr. McGah's appointment will be effective on the date of confirmation by the City Council, and his five-year term will expire on that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 2, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Daniel Parrish of 6 Parkview Road, whose term expired May 31, 2006, as a member of the Board of Appeals for a period of three years.

Mr. Parrish's reappointment will be effective on the date of confirmation by the City Council, and his three-year term will expire on that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 2, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Margaret Pinkham of 3 Frances Street whose term expired May 31, 2006, as a member of the Board of Appeals for a period of three years.

Mr. Pinkham's reappointment will be effective on the date of confirmation by the City Council, and his three-year term will expire on that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 2, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Robert Swain of 2 Hammond Place as a member of the Handicapped and Disabled Citizens Commission for a term of three years.

The effective date of this appointment will be the date of confirmation by the City Council, and the appointment will expire three years from that date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated May 24, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Charles T. Culhane of 27 Glenwood Avenue as a member of the Golf & Ski Authority. The effective date of this appointment will be the date of confirmation by the City Council. This appointment will be for a term of six years.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 1, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby 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 term will expire on July 31, 2009. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 1, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby 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 term will expire on July 31, 2009. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 1, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby 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 term will expire on July 31, 2009. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 1, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Lori Medeiros of the Commission for Disabled and Handicapped Citizens, 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 term will expire on July 31, 2008. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 1, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Reverend Dr. Neal Pearson, a clergyman at St. John's Baptist Church, 38-40 Everett Street, 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 term will expire on July 31, 2008. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 1, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Robert McNabb, Executive Director of the Woburn Housing Authority, 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 term will expire on July 31, 2008. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 1, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Jose Santiago of the Woburn Council of Social Concerns, 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 term will expire on July 31, 2007. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 1, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Jan Robbins Cox, Director of Human Resources 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 term will expire on July 31, 2007. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 1, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Police Officer Ralph Coakley, Crime Prevention Officer and Member of the Woburn

Community Policing Unit, 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 term will expire on July 31, 2007. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated June 1, 2006 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Carl Batchelder, 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 term will expire on July 31, 2007. The effective date of this appointment will be the date of confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be It Ordained by the City Council of the City of Woburn that Title 13 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By adding to Article I, Section 13-4(B) a new paragraph 11 to read as follows: "11. Service Clubs – The American Legion, Woburn Lodge of Elks, Irish American Club, Woburn Lodge of Moose, St. Anthony's Club, Sons of Italy, South End Italian Club, Towanda Club, VFW, and Woburn City Athletic Club as they many remain active and organized for their current purposes as a fraternal or charitable organization shall be entitled to a twenty percent (20%) reduction in the water charges

assessed to the organization in recognition of their in-kind support to the community.”

2. By adding to Article II, Section 13-25(A) a new paragraph 5 to read as follows: “5. Service Clubs – The American Legion, Woburn Lodge of Elks, Irish American Club, Woburn Lodge of Moose, St. Anthony’s Club, Sons of Italy, South End Italian Club, Towanda Club, VFW, and Woburn City Athletic Club as they many remain active and organized for their current purposes as a fraternal or charitable organization shall be entitled to a twenty percent (20%) reduction in the sewer charges assessed to the organization in recognition of their in-kind support to the community.”

s/Alderman Denaro

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

ORDERED Whereas, that the Order adopted at the Regular Meeting of the City Council on May 16, 2006 to hold a public hearing pursuant to Mass. General Laws Ch. 139, Section 1 for the property located at 434 Main Street which was referred to public hearing be referred to the Committee on Liaison for review before any public hearing is scheduled.

s/Alderman Galvin

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

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

ORDERED Whereas, that the Order adopted at the Regular Meeting of the City Council on May 16, 2006 to hold a public hearing pursuant to Mass. General Laws Ch. 139, Section 1 for the property located at 49 Church Street which was referred to public hearing be referred to the Committee on Liaison for review before any public hearing is scheduled.

s/Alderman Dwyer

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

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

ORDERED That the City Council President establish a committee to determine whether or not the city would benefit from performing A.L.S. ambulance

services “in house” and that the membership of the committee shall consist of two Aldermen one of whom shall serve as chair, the Mayor or his designee, the Fire Chief or his designee, and a representative of the Local 971, International Association of Fire Firefighters union.

s/Alderman Galvin

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

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

RESOLVED Whereas, good government arises from an informed and engaged citizenry; and

Whereas, the City of Woburn is committed to making key government documents accessible to the public; and

Whereas, the City of Woburn maintains an excellent public website;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the City of Woburn post on its website the annual City Budget beginning with FY2006 and every proposed and approved budget henceforth.

s/Alderman Gonsalves

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

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

RESOLVED Whereas, many electronics contain lead, mercury, and other toxics which can damage kidneys, nervous and reproductive systems.

Whereas, the volume of electronic waste in MA is an estimated 300,000 tons per year and rising due to the emergence of flat panel screens, HDTV, and other video technologies.

Whereas the high cost for collecting electronic waste falls onto our City’s taxpayers

Whereas the manufacturers of this hazardous waste should take responsibility for its recycling and disposal or produce electronics that do not pose such hazards

Be it Resolved the Woburn City Council send a correspondence to State Representative DeLeo of Winthrop, Chair of the House Committee on Ways and Means, to express our support of the Electronic Product Producer Responsibility Act (House-4764) and urge Representative DeLeo to move this Bill forward before the end of the 2006 legislative session and that a copy of this resolve be forwarded to State Representative Natalie, State Representative Kaufman, and Kara Reeve, Clean Water Action, 262 Washington Street, Room 301, Boston, MA 02108.

s/Alderman Gonsalves, Alderman Ciriello
and Alderman Drapeau

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

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

RESOLVED Whereas, the recent flooding in the community caused by excessive rains placed a heavy burden on the public safety departments of the city government; and

Whereas, the City of Woburn has an Auxiliary Fire Department which provides assistance to the regular department during these emergencies; and

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the appreciation of the community be extended to the members of the Auxiliary Fire Department for their service to the community during the recent flooding and at other times of need.

s/Alderman Denaro and
Alderman Ciriello

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

Presented to the Mayor: June 9, 2006 s/Thomas L. McLaughlin June 12, 2006

Motion made and 2nd to ADJOURN, all in favor, 8-0-1 (Drapeau absent). Meeting adjourned at 10:40 p.m.

A TRUE RECORD ATTEST:

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