

**CITY OF WOBURN  
MARCH 18, 2014 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

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**MAYOR'S COMMUNICATIONS:**

**ORDERED** That the City of Woburn appropriates the sum of One Million Three Hundred Thousand Dollars (\$1,300,000.00) to pay costs of for ground remediation at Leland Park and construction of a splash park, including the payment of all costs associated therewith, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(32) of the General Laws, or any other enabling authority; and that the Mayor is authorized to contract for and expend any federal or state aid available for the project; provided that the amount of the authorized borrowing shall be reduced by the amount of aid or other funds received on account of the project prior to the issuance of bands or notes under this order.

s/Alderman Mercer-Bruen

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

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**ORDERED** That the sum of \$250,000.00 be appropriated as follows from Ward 5 Infrastructure Acct #360058-588325 \$250,000.00 to Montvale Widening Design Acct #0112158-588057 \$250,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor

I hereby approve the above: s/John Corey, City Engineer

I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Haggerty

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

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**PUBLIC HEARINGS:**

On the petition Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.14 of the 1985 Woburn Zoning Ordinances, as amended, to allow a carnival from May 13, 2014 through May 18, 2014 at 25 Middlesex Canal Park. PUBLIC HEARING OPENED. A communication dated February 18, 2014 was received from Erin E. Wortman, Interim Planning Director as follows:

Re: Boys and Girls Club of Woburn, Inc. – 25 Middlesex Canal Park – To conduct a six-day carnival from May 13 – May 18, 2014 at the National Amusement Showcase Cinemas site for fundraising purposes.

Dear Mr. Campbell and Members of the City Council:

At the meeting held on February 11, 2014, the Planning Board voted to forward a favorable recommendation to the City Council, subject to the condition that the applicant comply with Note 14 of the Notes to Section 5.1 of the 1985 Zoning Ordinance as amended.

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

Sincerely, s/Erin E. Wortman, Interim Planning Director

Appearing for the petitioner was James D. Haggerty, III, Carnival Chair and he stated that this is the same carnival at the same location as in the past, that the carnival operator is Dean & Flynn Fiesta Shows, that there is no change from prior years, and that the operator is a veteran carnival company. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, all in favor, 9-0.

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On the petition NStar Electric Company for a grant of right in a way to install approximately 55 feet of conduit south on Water Street northeasterly from pole #299/12 at the intersection of Woburn Parkway and install approximately 890 feet of conduit and also installing two (new) manholes (MH29735 and MH29736) in Woburn Parkway northerly at the intersection of Water Street. PUBLIC HEARING OPENED. A communication dated March 13, 2014 was received from Jacqueline Duffy, Right of Way Agent, NStar Electric Company as follows:

Could you please continue the petition presented by NSTAR Electric for Woburn Parkway for the installation of conduit until the next meeting. We are trying to coordinate everything with the DPW

Thank you, Jacqueline Duffy

Motion made and 2<sup>nd</sup> that the communication be accepted and made part of the record, all in favor, 9-0. No one appeared for the petitioner. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 1, 2014, all in favor 9-0.

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On the petition by National Grid for a grant of right in a way to install approximately 85 feet of 2 inch plastic main to supply house number 3 Hobson Avenue. PUBLIC HEARING OPENED. No one appeared for the petitioner. IN FAVOR: None. OPPOSED: None. Alderman Gately stated that the public hearing should be closed, that the Superintendent of Public Works has asked for a plan of record from the petitioner, that none of the requested information has been received, that the petitioner has had sufficient time to present the necessary information, that his intent is not to harm the homeowner but to get the petitioner and its subcontractor to come forward with the completed plans, and that there are other subcontractors who would be willing to work on the project. Alderman Anderson stated that the matter should be dismissed without prejudice or be tabled rather than be denied. Alderman Mercer-Bruen stated that the residents seeking the service may be harmed, and that the residents should be notified before the petition is denied. Alderman Drapeau stated that he does not want to harm to homeowner but that he is disturbed that the papers have not been updated. President Haggerty stated that a communication can be sent to the petitioner advising that action will be taken at the April 1, 2014 meeting. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 1, 2014 and that a communication be sent to the petitioner and the property owner indicating that all necessary paper must be filed with the Superintendent of Public Works by April 1, 2014, all in favor 9-0.

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On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 141-143 Main Street, 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. A communication dated March 18, 2014 to Alderman Richard Gately was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 141-143 Main Street

Alderman Gately

With regard to the above referenced, this memo is to provide you with further information on my observation over the last few months on issues with this property:

1. Parking is still limited on this site; public ways are still being utilized for resident parking.
2. Exterior grounds have accumulated trash in different areas.
3. The owner has not had any further communication with this writer since October 21, 2013.

As always if you wish to discuss further do not hesitate to contact me.

Alderman Gately asked if the petitioner was present at the meeting but no one responded. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 1, 2014 and that the communication from the Building Commissioner be received and made part of the record, 8 in favor, 0 opposed, 1 abstained (Concannon abstained).

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On the petition by Lytron Realty Corp. and Lytron Incorporated to amend the Woburn Zoning Map for the parcels of land known as 73 Dragon Court containing approximately 5.3 acres of land; 41 Dragon Court containing approximately .52 acres of land; 39 Dragon Court containing approximately 1.31 acres of land; Dragon Court, Lot 1 containing approximately .28 acres of land and Dragon Court, Lot 2 containing approximately .28 acres of land, as shown on Assessors Map 16 Block 02 Lot 02, Map 16 Block 02 Lot 04, Map 16 Block 02 Lot 05, Map 16 Block 02 Lot 06 and Map 16 Block 02 Lot 07 from the R-2/I-P zoning district to the I-P zoning district. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "back for action." Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the Committee on Special Permit reviewed this matter on March 10, 2014, that he has submitted a Declaration of Restrictive Covenant, that he incorporated suggestions of the City Council and City Solicitor in the Covenant, that he provided copies of the further revised covenant to the Alderman, City Solicitor and City Clerk, that a number of additions were requested on the plan, that there will be fifty-eight new trees at least six feet in height, that there was a suggestion that no trees, shrubs or vegetation be removed but the City Solicitor changed the language so that dead trees, shrubs and vegetation be removed immediately and replaced, that signs will be installed prohibiting overnight parking of trailers on the lot, that six-inch slope granite curb will be added to the parking area, that the improvements are to be installed before the new parking area may be used, that any overnight parking in the parking area will be limited to employees' parking only, that the City and any direct abutters at the date of the covenant can enforce the covenant, that the petitioner executed the covenant, that it is customary that the covenant be

recorded and the City Council then acts on the proposed amendment, and that he has the original executed covenant, a check in the amount of \$75.00 for the filing fee, a letter to the Middlesex South Registry of Deeds and a prepaid express mail delivery package and offered to turn the package over to the custody of the City Clerk. Motion made and 2<sup>nd</sup> that the original proposed covenant be received and made part of the record, 8 in favor, 0 opposed, 1 abstained (Concannon abstained). Motion made and 2<sup>nd</sup> that the copy of the proposed covenant be received and made part of the record, 8 in favor, 0 opposed, 1 abstained (Concannon abstained). Alderman Mercer-Bruen stated that she is concerned that generally when there is a zoning amendment approved it is followed by a special permit where protection of the neighbors is assured, that in this case there will be no special permit once the zoning amendment is adopted, that the zoning amendment will enhance the value of the petitioner's property but may devalue the property of the abutters, and wants the reference to existing abutters amended. Attorney Tarby stated that the language relative to existing abutters was added by the City Solicitor and reviewed by the Aldermen and this is the first time he is hearing this objection. Alderman Mercer-Bruen stated that the proposed covenant works for the petitioner but has to work for the abutters. Attorney Tarby stated that the language of the covenant without the language suggested by the City Solicitor relative to existing abutters is the same language used in the covenant at 508 Main Street and other locations, and that the city can enforce the covenant. Alderman Anderson stated that he was of the understanding that the covenant was for the protection of the abutters, and that this proposed language indicates that once the existing abutters sell their property that the later abutters are not protected. Attorney Tarby stated that the language relative to existing abutters can be removed, and that land as to the abutters successors and assigns can be added. PUBLIC COMMENT: Paul Meaney, 1 Brandt Drive stated that he was speaking on behalf of the Woburn Business Association, that he has known the petitioner for forty years, that he watched the petitioner come to Woburn, grow their business in Woburn, provide good employment opportunities and pay many taxes to the city, that the petitioner could have moved its business to New Hampshire rather than close their New Hampshire facility and consolidate the business in Woburn, that craftsman and tradesman work at the facility, that cooling elements for planes are manufactured at the locus, that the x-rays, CT-scans and MRI units used in area hospitals have cooling units made at this location in Woburn, that the petitioner business is good for the community, that the petitioner is only asking to provide additional parking, that no new buildings will be constructed, that the petitioner has given up a lot in the property they have purchased and the property that they want to utilize, that the proposed buffer zone is second to none in the city, and that no buffer zone in the city is larger than this buffer zone. Mr. Meaney provided materials manufactured by the petitioner to the City Council to examine. Richard Callahan, Ariston Engraving, 56 Dragon Court stated that his business is across the street from the locus, that the locus is a vacant lot that was the site of a two-family house which was removed, that the removal of the two-family house was beneficial to the neighborhood, that a new two-family house could be constructed on the site which would not be beneficial to the neighborhood, that the proposed work relative to widening the corner, drainage, sidewalk extension, landscape and removing pavement near the residential properties would be beneficial to the neighborhood, and that he asks that the petition be approved. Chris Owen, 3 Florence Terrace stated that he is a direct abutter, that the petitioner is neither evil nor good but is

not a good neighbor and never has been a good neighbor, that he thanks the Aldermen who responded to emails and heard from residents and not just the business association, that the petitioner purchased the property over time knowing that the parcels were residentially-zoned parcels, that the Planning Board unanimously rejected both zoning petitions that had been filed by the petitioner, that covenants do not protect the abutters, the city or residents, that there is no consequence for lack of compliance with the covenant, that there is no landscape plan or lighting plan, that there is no drainage plan, that there is no definition in the zoning ordinances of the term “green space”, that there are 110 parking spaces proposed which is over the number of required parking spaces under the zoning ordinances, and that the zoning change will be on four separate lots and therefore a special permit for parking on a separate lot may be needed. Carol McDonough, 2 Driftwood Drive stated that she represents the petitioner’s employees, that the petitioner is a good neighbor, and that more parking is needed by the petitioner. Tim Swain, 29 Dragon Court stated that the neighbors tried to meet with the petitioner, that he owns his property, that he is at this meeting to protect his rights, that the petitioner has not acted cooperatively with the neighbors, that he does not agree with the petition, and that this matter is being rushed through without review. Mary Owen, 3 Florence Terrace stated that she is a direct abutter, that the extension of the zoning line will be 375 feet closer to her property, that the proposal will have a negative effect on her property, that the Planning Board believed that these were serious issues that would make the property more nonconforming, that the Planning Board determined that the petitioner did not do enough to justify the petition in the way finding alternative parking solutions such as a parking deck, that this will be an continued encroachment on the residential neighborhood, that this issue is not about the petitioner as a company but about the impact of the plan on the neighborhood, that the petitioner has not complied with parking requirements in the past by allowing tractor trailers to be parked on the locus, that there is no certainty as to the type of lighting that will be on the locus, that there is no certainty as to what the effect will be on drainage, that she is opposed to the petition, and that this is a dangerous precedent. Ms. Owen offered a copy of a photograph of a tractor-trailer parked on the locus to the City Council for review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Concannon absent). Ms. Owen offered a copy of a photograph of trees on the locus to the City Council for review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Concannon absent). President Haggerty stated that any construction on the locus will be required to comply with all zoning requirements including lighting, drainage and the like. Alderman Anderson stated that it is possible that the lots will be combined and the building code would be reviewed as part of the process. Attorney Tarby stated that no construction will be allowed in the green space or the parking area, that the Building Commissioner will not be able to issue any building permit for construction of the buildings, that the lighting has to comply with the zoning ordinance, that the drainage has to comply with City Engineer requirements, that this matter has been under review since August 2013 and cannot be described as being rushed through review, and that the covenant was not under consideration at the time that the Planning Board reviewed the petition. Alderman Mercer-Bruen stated that her participation in drafting the covenant should not be construed as support for the petition, that she has not and does not support the petition, that this rezoning is not the same as any

other zoning amendment, that all other zoning amendments have been had a special permit following the approval but this project does not, that this is a change for the economic benefit of the petitioner, that there is no reference to the current Master Plan of the city or of the benefit to the community, and that she asks that the City Council not approve the petition. Alderman Drapeau stated that there is a direct economic benefit to the city, that there is a benefit to the taxpayers by having this business in the city and there are employment opportunities, that the neighbors have real concerns when their neighborhood is affected but the petitioner has offered open space and is only providing for parking, that no buildings are being constructed that would look over their residences, that the petitioner provides high quality work, that he appreciates having this business in the community, and that it would be to the petitioner's benefit to be a good neighbor. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 abstained (Concannon abstained). Motion made and 2<sup>nd</sup> to accept the restrictive covenant as amended in Paragraph 5 by adding the words "and their successors and assigns" after the word "Property" and before the words "(the 'Abutters') and by deleting the words "in existence as of the recording of this Covenant", and with the nine conditions suggested by the City Council and found in Paragraph 1(d), and that the ORDER be ADOPTED, AS AMENDED BY THE TERMS OF THE COVENANT, 7 in favor, 1 opposed (Mercer-Bruen opposed), 1 abstained (Concannon abstained).  
**Presented to the Mayor March 20, 2014 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on April 1, 2014.**

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to appropriate the amount of \$135,000.00 from BLS/Ambulance Receipts Acct to Fire/Ambulance Salary Acct, Fire/Medical Attention Acct, Apparatus Maintenance Acct and Fire/Equipment Acct, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: March 20, 2014**                      **s/Scott D. Galvin March 20, 2014**

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On the Order to transfer the sum of \$65,000.00 from DPW Operations Acct to DPW O/T Acct, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: March 20, 2014**                      **s/Scott D. Galvin March 20, 2014**

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On the Loan Order to appropriate the sum of \$6,800,000.00 for costs of infiltration and inflow reduction, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: March 20, 2014** s/Scott D. Galvin March 20, 2014

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**PUBLIC SAFETY AND LICENSES:**

On the petitions to renew Taxi Cab License by Ahmad Abbas dba A.A. Transportation, Mourad Djar dba ABCE Taxi of Woburn and Saeed Rajabi dba Sky Taxi of Woburn, committee report was received “ought to pass”. Alderman Drapeau stated that every six months the license holders should be required to file a copy of their motor vehicle registration with the City Council to ensure that the vehicles continue to be registered at the correct address. Alderman Concannon stated that he would recommend that this issue be addressed with the new proposed ordinance. Alderman Gately stated that he has been informed that some of the taxi companies are self-insured, that there should be minimal insurance requirements, and that he has learned one taxi company was allowed one vehicle but has two operating. Alderman DiTucci stated that a current taxi owner was questioning why his vehicle had to be parked at a business location but he has been before the City Council three or four times and is aware of the reasoning, and that enforcement is the issue in regards to this matter. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**At 1:53 p.m. on March 19, 2014, Alderman Drapeau filed a notice of intent to move for reconsideration of his vote in favor of adopting the three committee reports at the next regular or special meeting of the City Council.**

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On the petition by Shriners Hospital for Children Burn Center for a special event permit, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: March 20, 2014** s/Scott D. Galvin March 20, 2014

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**INFRASTRUCTURE AND PUBLIC LANDS:**

On the Order that the land commonly referred to as Leland Park be used for park and recreation purposes pursuant to Chapter 54, Section 14 of the General Laws, committee report was received “ought to pass”. President Haggerty stated that the new designation of the property will allow the city to apply for additional grant opportunities, and that at the time the property was originally designated as park property the new designation was not a component of the Massachusetts General Laws. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: March 20, 2014** s/Scott D. Galvin March 20, 2014

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On the request for the city to accept a deed of Mentas Circle as a public way, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED AND THAT THE MATTER BE REFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 15, 2014, all in favor, 9-0.

**Presented to the Mayor: March 20, 2014**

**s/Scott D. Galvin March 20, 2014**

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**NEW PETITIONS:**

Petition by Blues for Veterans Association, P.O. Box 507, Woburn, Massachusetts 01801 for a special event permit to allow a Library Park blue festival to raise money for veterans on August 23, 2014. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by SureRide, LLC, 400 TradeCenter, Suite 5900, Woburn, Massachusetts 01801 for renewal of a Taxi Cab License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by LifeLine Ambulance Service, Inc. dba Coach Line Limousine & Motor Coach, 11 State Street, Woburn, Massachusetts 01801 for renewal of a Livery License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Milano Jewelry LLC, 494B Main Street, Woburn, Massachusetts 01801 for renewal of a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Woburn Bowladrome Inc., 32 Montvale Avenue, Woburn, Massachusetts 01801 for a renewal of a Bowling Alley License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Boston Electrometallurgical Corp., 6C Gill Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.41 to allow for research and testing of master alloys at 6C Gill Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 15, 2014, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated March 12, was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of February 2014. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED Be it ordained by the City Council of the City of Woburn that the City Council lay out Josam Lane as a public way in the City of Woburn as shown on an as-built plan of land entitled "'As Built' Plan and Profile Ingalls Street & Josam Lane, Woburn, MA" dated August 2004 prepared by Global Associates, Inc. on file with the City Clerk, and to authorize the Mayor to accept an instrument conveying the fee or an easement in said Josam Lane, together with any appurtenant easements.

s/Alderman Anderson

Motion made and 2<sup>nd</sup> that the MATTER be REEFERRED TO PUBLIC HEARING AT THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 15, 2014 and be referred to Committee on Infrastructure and Public Lands, all in favor, 9-0.

**Presented to the Mayor: March 20, 2014 s/Scott D. Galvin March 20, 2014**

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ORDERED Whereas the salary of the Office of Mayor should not be an incentive to nor a deterrent to run for said office; and

Whereas the Office of Mayor has not received a salary adjustment since the year 2000; and

Whereas the Office of Mayor is currently compensated more than \$20,000 less than any other community of comparable size in the Commonwealth of Massachusetts; and

Whereas the proposed salary is still less compensation than any other municipal administrator is receiving in a community of comparable size; and

Whereas the proposed salary is lower than the increases received by other Woburn employees during the past 14 years;

Now therefore 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 salary of Mayor be listed as follows:

Mayor	\$93,000
(Effective July 1, 2015)	\$103,000
(Effective July 1, 2016)	\$113,000
(Effective July 1, 2017)	\$123,000

s/President Haggerty, Alderman Anderson, Alderman Gately,  
Alderman Mercer-Bruen, Alderman Drapeau,  
Alderman Gaffney, Alderman Concannon

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

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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 \$105,000.00; and
2. That this section shall be effective July 1, 2014.

s/President Haggerty and Alderman DiTucci

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

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ORDERED

Be it ordained by the City Council of the City of Woburn that Title 15, Buildings and Construction, of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By deleting Section 15-5 Building Permit Fees, in its entirety, and inserting in its place the following new section:

15-5 Building Permit Fees

Building permit fees shall be as follows:

RESIDENTIAL

For construction regulated by 780 CMR – present edition of Massachusetts State

Building Code: \$13 per \$1000 of estimated Construction Value

Minimum Fee: \$30.00

Other: Re-Roof, Siding, Open Decks, Above Ground Pools, Solid Fuel Appliances

\$13 per \$1000 of estimated Construction Value

Minimum Fee: \$30.00

COMMERCIAL

For construction regulated by 780 CMR – present edition of Massachusetts State

Building Code: \$13 per \$1000 of estimated Construction Value

Minimum Fee: \$100.00

ADDITIONAL FEES

Demolition: Commercial \$13 per \$1000 of Demo Costs

Minimum Fee: \$100.00

Demolition: Residential \$13 per \$1000 of Demo Costs

Minimum Fee: \$30.00

Fences: \$13 per \$1000 of Material & Installation Costs

Minimum Fee: \$30.00

Signs: \$4.00 per square foot of signage

Minimum Fee: \$50.00

Storage Sheds up to 200 sq. ft.: \$13 per \$1000 of Construction Value

Minimum Fee: \$30.00

Tents: \$13 per \$1000

Minimum Fee: \$30.00

Temporary Certificate of Occupancy:

Residential: \$30.00 for 30 days

Commercial: \$100.00 for 30 days

Certificate of Inspection Fee: \$100.00

Mobile Home, as a temporary residence

Per Section 5.1(7), Note 2, Table of Use Regulations,

Woburn Zoning Ordinance: \$100.00

MISCELLANEOUS

- 1) Building Permit Fees are non-refundable once the permit has issued.

- 2) Estimated Construction Value: Final determination to be based on Means Cost Data and/or Building Commissioner/Inspector.
- 3) Any activity commenced without a permit: Applicant/Owner will be subject to actions allowed per 780 CMR/State Building Code.
- 4) When re-inspection is necessary due to violations or work not ready on scheduled inspection date, an additional fee of \$50.00 will be paid in advance of inspection.
- 5) Re-issuance of lost inspection record permit card: \$50.00
- 6) Permit Renewal/Extension: \$50.00 per six (6) month extension
- 7) Inspections that take place outside normal hours: cost per hour, based on minimum established by union contract.

2. By deleting Section 15-6, Electrical Permit Fees, in its entirety, and inserting in its place the following new section:

15-6 Electrical Permit Fees

Electrical permit fees shall be as follows:

RESIDENTIAL:

New dwellings - Complete (Including single family, two-family and multi-family) .....	\$150.00
per unit	
Complete remodeling.....	\$150.00
per unit	
Partial remodeling (additions, etc.).....	\$50.00
Heating and/or Air Conditioning System .....	\$25.00
Fire Alarm/Security System.....	\$25.00
Pools	\$25.00
Service Work: Upgrade or replacement	
for each 100 AMP.....	\$25.00
for each Meter .....	\$25.00
Minimum Fee:.....	\$25.00

COMMERCIAL:

Lighting 120 volts 277 volts .....	\$ 2.00
each	
Each 115 volt outlet .....	\$ 2.00
each	
Horsepower, K.V.A. or K.W. Ratings as follows:	
1st horsepower or fraction of each add'l.	
horsepower .....	\$ 2.00
each	
K.V.A. or K.W. Rating .....	\$ 2.00
each	

Transformers .....	\$ 2.00
per KVA	
Generators .....	\$ 2.00
per KW	
100 AMP Service .....	\$ 50.00
Each add'l. 100 AMP or portion thereof .....	\$ 25.00
Distribution Centers including:	
Motor Control Center, Buss Ducts Sub panels .....	\$ 25.00
Each Meter .....	\$ 50.00
Heating/A.C. Systems .....	\$ 25.00
Signs.....	\$ 30.00
Temporary Service.....	\$100.00
Fire Alarm System: Main Panel.....	\$ 10.00
Municipal Box .....	\$ 10.00
Devices: Including horns, strobes, bells, pull stations, heat and smoke detectors, flow switches, tamper switches.....	\$ 2.00
each	
Telephone Systems (per device) .....	\$ 1.00
Communication, Computer Data Systems (per device).....	\$ 1.00
Security Systems .....	\$ 50.00
Lighting Retrofit System (per fixture) .....	\$ 1.00
Fixed Appliances Equipment and Machinery will be calculated by Name Plate Ratings.....	\$ 2.00
A.K.W.	
Demolition Work .....	\$ 50.00
Office Partitions (portable) (per cube).....	\$ 2.00
Minimum Fee:.....	\$ 30.00

MISCELLANEOUS

- 1) Permit fees are non-refundable once the permit issues.
- 2) Permits shall be obtained prior to the start of work.
- 3) Where the amount of work installed is greater than the amount paid, additional fees will be paid in advance of inspection.
- 4) When re-inspection is made necessary because of violations of the Mass. Electrical Code, a fee of \$50.00 shall be paid for such re-inspection prior to said inspection and approval.
- 5) Maintenance Permit - \$200.00 annual fee required per building for Residential, Commercial & Industrial complexes that employs an electrician to do electrical maintenance. Companies with multiple buildings shall pay a \$400.00 annual fee.
- 6) Any activity commenced without a permit – Applicant/Owner will be subject to actions allowed per 527 CMR/State Electrical Code
- 7) Inspections outside of normal business hours - cost per hour, based on minimum established by Union Contract Agreements.
- 8) Temporary occupancy \$100.00 per 30 days (non-residential)

Temporary occupancy \$30.00 per 30 days (residential)

3. By deleting Section 15-14, Plumbing and Gas Permit Fees, in its entirety, and inserting in its place the following new section:

15-14 Plumbing and Gas Permit Fees

The fees for plumbing and gas permits issued under Chapter 358 of the Massachusetts State Plumbing Code shall be amended to be as follows:

RESIDENTIAL PLUMBING:

\$50.00 first fixture; \$10.00 each additional fixture

RESIDENTIAL GAS:

\$50.00 first fixture; \$10.00 each additional fixture

COMMERCIAL PLUMBING:

\$100.00 first fixture; \$10.00 each additional fixture

COMMERCIAL GAS

\$100.00 first fixture; \$10.00 each additional fixture

MISCELLANEOUS

- 1) Permit fees are non-refundable once the permit issues.
- 2) Permits shall be obtained prior to the start of work.
- 3) Any activity commenced without a permit – Applicant/Owner will be subject to actions allowed per 248 CMR/State Plumbing Code
- 4) When re-inspection is made necessary a fee of \$50.00 shall be paid in advance of such inspection.
- 5) Inspections outside of normal business hours - cost per hour, based on minimum established by Union Contract Agreements.

s/Alderman Anderson (per request of the Mayor)

Alderman Drapeau stated that the Building Department is operating in a profit mode even without these proposed increases. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES and that a communication be forwarded to the City Auditor asking for a report as to the amount of fees collected last year by the Department of the Inspectional Services and an analysis of the impact on fee collections with this proposed change, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of adding the following matter to the Order of the Day as a late filed matter, all in favor, 9-0.

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A communication dated March 17, 2014 was received from Ralph A. Bavaro, Vice President, Lawless, Inc. as follows:

Re: Change of name certificate

Dear Counsel,

Please authorize the printing of a First Class Motor Vehicle Sales License for Lawless, Inc. It is critical to present this certificate to the Registry of Motor Vehicle in order to renew our Dealer Plate registration. This certificate must be presented to the Registry so that we can continue to operate our business on April 1, 2014. Since they take about a week to process the needed paperwork, I am requesting your help immediately so that we can get the Registry documents, that the require, on time.

Thank you for your help and consideration on this matter.

Sincerely, s/Ralph A. Bavaro, Vice President

Alderman Drapeau stated that the City Council has been strictly held to the Open Meeting Law guidelines with respect to adding a late matter to the agenda, that if the petitioner does not have the name change approved as requested the company would have to close as they will not be able to obtain their license from the Registry of Motor Vehicles, and that the earliest that the City Council would be able to act is the next Regular Meeting on April 1, 2014. Alderman Concannon stated that it appears that the only issue the public could speak to would be the name change. Alderman Anderson stated that the petitioner changed its corporate name in July 2013 but when they reapplied for renewal of their First Class Motor Sales License in December 2013 the petitioner failed to indicate the name change, that nothing changes with the corporate governance or company operations, and that this is simply a change of the corporate name. Motion made and 2<sup>nd</sup> that the REQUEST TO ALLOW THE TRANSFER OF THE FIRST CLASS MOTOR VEHICLE SALES LICENSE FROM THE NAME OF LAWLESS CHRYSLER PLYMOUTH INC. TO LAWLESS INC. be APPROVED, all in favor, 9-0.  
**Presented to the Mayor: March 20, 2014                      s/Scott D. Galvin March 20, 2014**

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

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:17 p.m.

A TRUE RECORD ATTEST:



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