

**CITY OF WOBURN
MARCH 2, 2010 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

The City Council observed a moment of silence in memory of former Ward Three Alderman James P. Doherty who passed away recently.

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order, all in favor, 9-0.

ORDERED That a communication substantially in the form attached hereto be forwarded by the City Clerk on behalf of the City Council to the Committees on Municipalities and Regional Government of the Great and General Court relative to the pending Home Rule Petition concerning the Clapp School property at the intersection of Arlington Road and Hudson Street.

s/Alderman DiTucci

Attached thereto was a document as follows:

The Honorable James B. Eldridge
State Senator
State House – Room 213-A
Boston, MA 02133

The Honorable Paul J. Donato
State Representative
State House – Room 540
Boston, MA 02133

Re: Joint Committee on Municipalities and Regional Government
House Bill No. 4449 – An Act relative to use of a parcel of land in the City of
Woburn for recreational purposes

Dear Senator Eldridge and Representative Donato:

This letter is to confirm that at its Regular Meeting on March 2, 2010, the Woburn City Council voted to express support for the passage of House Bill No. 4449 “An Act relative to use of a parcel of land in the City of Woburn for recreational purposes.” This petition is part of an agreement reached with the cooperation of the City of Woburn, the Woburn School Department, the Office of the Massachusetts Attorney General and the community. It will result in the protection of land for recreational and open space use in a high density neighborhood. This petition does not preclude the use of the site for educational purposes, if so desired by the Woburn School Department.

Thank you for your attention and consideration of this matter.

Respectfully submitted,
WOBURN CITY COUNCIL,
By its Clerk,
William C. Campbell, City Clerk and Clerk of Council

Alderman DiTucci stated that the City Council voted unanimously on October 20, 2010 to approve the Home Rule petition, that after reconsideration the City Council voted unanimously with two members absent on November 17, 2010 to approve the Home Rule petition, that the matter was forwarded to the General Court for action, that the Mayor sent a communication to the legislative committee reviewing the matter requesting that no action be taken on the matter, that this petition was pursued because portable classrooms were being placed on the protected land, that in return for two years of disruption the neighbors agreed to have the entire parcel as open land once the school use was complete, that this issue is what happens after the school use is finished, that she was not aware of the hearing at the State House on the petition although notice was sent to the Mayor’s office, that she has heard of discussions that the Article 97 process may not be completed, that this has not been a transparent process, that the Home Rule petition is already at the State House, that the matter before the City Council at this meeting is whether the city will keep its promises to the citizens, that the Mayor received a land transfer form from the General Court and without his signature the process cannot continue, that the issue with the school is the expanded school now on the site, that the former use of the school building was acceptable to the neighbors, that the former City Solicitor drafted language in the Home Rule petition that provided flexibility to the city, that the School Committee must determine whether the school building is still to be used for educational purposes, and that this will be a vote that the School Committee must make. Alderman Drapeau stated that she supports Alderman DiTucci’s position, when the city starting talking about a new Goodyear School the city was in favor of eliminating the cost of keeping a building maintained in perpetuity, that it is not financially prudent to do

so, that he is in favor of leaving the building standing until all school projects are completed so that it can be used for swing space, that a building can become a hazard and a danger if not used, and that the building cannot be looked at as only an asset as the city has to consider what it will cost over the next ten years to maintain or renovate the building for new purposes. Alderman Gately stated that he agrees that a promise was made to the residents of the area, that he co-sponsored the legislation to protect the property as open space, and that he will keep his promise. Alderman Mercer-Bruen stated that the property can be used for education purposes as long as the School Committee sees that necessity, that she supported the project earlier and continues to support the project, and that if the School Committee does not vote to close the school then the building will not be closed. Alderman Raymond stated that he supports the request to send a letter showing support for the Home Rule petition, and that the City Council was aware of what the vote was for when it was made. Alderman Anderson stated that in general the city should exercise flexibility with regards to land because there may be a need in the future, that he understands that this was a negotiated matter, and that the language seems to be restrictive in that it seems to be tied to the Goodyear School project. Motion made and 2nd that the ORDER be APPROVED, 8 in favor, 1 opposed (Gaffney opposed).

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

MAYOR'S COMMUNICATIONS:

A communication dated February 3, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear Council President Denaro:

I am respectfully requesting time on the City Council's Tuesday, March 16th agenda, under Mayor's Communications, for the purpose of holding a joint session of the City Council, School Committee and members of the Massachusetts Legislative delegation.

The joint session should last approximately one hour.

Respectfully, s/Scott D. Galvin

Motion made and 2nd that the MATTER be REFERRED TO THE CITY COUNCIL REGULAR MEETING ON MARCH 16, 2010, all in favor, 9-0.

ORDERED That the sum of \$100,000.00 be and is hereby transferred as so stated from
ALS Ambulance Receipts Acct #31359-595000 \$100,000.00 to
Ambulance Salaries Acct #0122051-511500 \$100,000.00

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

s/President Denaro

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

ORDERED That the sum of \$62,500.00 be and is hereby transferred as so stated from Ambulance Salaries Acct #0122051-511500 \$62,500.00 to Fire Department Overtime Acct #0122051-513100 \$50,000.00, Apparatus Maintenance Acct #0122054-544400 \$12,500.00

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

s/President Denaro

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

ORDERED That the sum of \$8,575.00 be and is hereby transferred as so stated from Fire Sick Leave Buyback Acct #0122051-511500 \$8,575.00 to Fire Department Overtime Acct #0122051-513100 \$8,575.00

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

s/President Denaro

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

ORDERED That the sum of \$18,821.75 be and is hereby transferred as so stated from Non Contributory Retirement Acct #0197051-517800 \$18,821.75 to Engineering/Sick Leave Buy Back Acct #0141051-515400 \$18,821.75 Purpose: Sick Leave Buy Back due to Virginia Babineau's retirement

I hereby recommend the above: s/John E. Corey, City Engineer

I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby approve the above: s/Scott D. Galvin, Mayor

s/President Denaro

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

ORDERED That the following authorized and unissued bond authorizations be and
hereby rescinded:

1. Original Purpose: White Elementary School & Woburn Memorial High
School; Original Date Authorized 6/8/2002; Original Amount Authorized:
\$81,400,000.00; Amount to Rescinded: \$41,479,400.00;

2. Original Purpose: Shamrock Elementary School; Original Date
Authorized 3/8/2001; Original Amount Authorized: \$12,500,000.00;
Amount to Rescinded: \$7,938,000.00;

3. Original Purpose: Reeves Elementary School; Original Date
Authorized: 3/18/1999; Original Amount Authorized: \$11,250,000.00;
Amount to Rescinded: \$6,975,000.00;

4. Original Purpose: Refinancing – Police Station, School Remodeling;
Original Date Authorized: 7/6/1999; Original Amount Authorized:
\$3,000,000.00; Amount to Rescinded: \$250,000.00;

5. Original Purpose: Water Treatment Plant; Original Date Authorized
4/4/2000; Original Amount Authorized: \$5,500,000.00; Amount to
Rescinded: \$1,760,482.40.

s/President Denaro

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

PUBLIC HEARINGS:

Alderman Haggerty recused himself from participating in the following matter and left
the Council Chamber.

On the petition by Boys and Girls Club of Woburn, Inc., Charles Gardner Lane, Woburn,
Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning

Ordinances, as amended, to conduct a six-day carnival from May 4 through May 9, 2010 at the National Amusements (Showcase Cinema) site at 25 Middlesex Canal Park Drive. PUBLIC HEARING OPENED. A communication dated February 11, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Boys & Girls Club of Woburn, Inc. – 25 Middlesex Canal Park – To conduct a six-day carnival from may 4 – May 9 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 2, 2010, 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/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was James Haggerty, Carnival Chair, Boys & Girls Club of Woburn, Inc. and he stated that there are 2,400 boys and girls involved in the club, that the funds from the carnival go toward funding the annual cost of operating the club which is now over \$1,000,000.00, that the carnival company has been in business since 1929, and that they run several carnivals in the area including the Topsfield Fair. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Haggerty absent). Motion made and 2nd that the SPECIAL PERMIT be GRANTED, 8 in favor, 0 opposed, 1 absent (Haggerty absent).

Alderman Haggerty entered the Council Chamber.

On the petition by City of Woburn, Woburn City Hall, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.79 Municipal Use, 5.1.80b Wireless Communications Link Building Mounted, and 7.3 Extension or alteration of a non-conforming use, of the 1985 Woburn Zoning Ordinances, as amended, to allow the temporary location of a single, free standing, mobile communications link until the new Rag Rock Tank is erected following completion and commissioning of the new tank, the free standing tower will be disassembled and up to eight vendors will be selected for erection of cell arrays on the new tank at Rag Rock Water Tank. PUBLIC HEARING OPENED. A communication dated February 11, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: City of Woburn – Rag Rock Water Tank – To allow temporary free standing wireless communication link under Section 7.3, to allow up to 8 vendors to erect on the new tank mounted wireless communication links under Section 5.1.80b, and Section 5.1.79

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on February 2, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of the City of Woburn, regarding the Rag Rock Water Tank, subject to the following conditions:

1. That the temporary monopole shall not exceed 62' in height with the antennas no more than 5' above the monopole and be in place for not more than 18 months;
2. That the temporary monopole shall be enclosed by an 8' high gated fence;
3. That the permanent wireless facility consist of not more than 8 ground pads enclosed by an 8' high gated fence with each separate provider having fencing around their ground facilities; and
4. That the number of antennae on the new water tank shall not exceed 50 antennae and that the antennae shall be affixed to the new tank and not be free-standing facilities.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was City Engineer John Corey and he stated that the city will receive \$1,500.00 per month under the temporary lease, that the final project will generate approximately \$150,000.00 per year, that the lease charge is generally \$25,000.00 per year per vendor for best location of on the tank although not all location on the tank are ideal, that the location of the unit perimeters in relation to the neighbors is governed by the F.C.C, and that the Request for Proposals will set the parameters which will be incorporated into the contract. IN FAVOR: Chuck Dictas, 46 Houghton Street stated that he wanted to know where the revenue for the lease space would go, that the money should go into the water and sewer fund, that the location and the tank are in close proximity to a lot of residences on Rag Rock Drive, that the towers emit rays, and that he wants to know the distance to the residences. Mary Perry, 40 Houghton Street stated that she is not in favor nor against the proposal but she wants to know who is responsible to make sure the location of the towers are appropriate in regard to the neighboring residences. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the Planning Board recommendations be adopted as conditions of the special permit, and 2. That the revenues from the cell tower lease agreements be deposited in the Water and Sewer Enterprise Fund if allowed under State statutes and local ordinances, 8 in favor, 1 opposed (Anderson opposed).

On the petition by Perennial Landscape Corp., 955 Main Street, Unit 204, Winchester, Massachusetts for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.43 to allow for open or outside storage of new or used building materials or equipment, and 2. Pursuant to Section 5.1.57b to allow for accessory storage or parking of commercial motor vehicles, both at 22 Torrice Drive. PUBLIC HEARING OPENED. A communication dated February 11, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Perennial Landscape Corp. – 22 Torrice Drive – To allow for open or outside storage of new or used building materials or equipment pursuant to Section 5.1.43 and to allow for accessory storage or parking of commercial motor vehicles pursuant to Section 5.1.57(b)

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on February 2, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Perennial Landscape Corp., regarding the property at 22 Torrice Drive, subject to the following conditions:

1. That the registered and unregistered lots shall be used as one lot and shall not be sold separately or used for different purposes as long as this Special Permit is in effect;
2. That prior to Building permit or Occupancy permit whichever occurs first, the petitioner shall provide to the City a certification by a registered engineer of the stability of the slope at the side and rear property lines and that all storm water runoff shall be retained on site;
3. That if the gravel parking area is going to be paved then onsite grading will need to be approved by the Engineering Department;
4. That a gated solid 8 foot fence in height shall completely enclose at least the gravel and mulch storage areas as required by Note 6 of Table 5.1;
5. That the approval shall be based on the plan entitled “Existing Conditions Plan of Land 22 Torrice Drive Woburn, Mass.” dated January 18, 2010 stamped January 25, 2010 prepared by Edward J. Farrell, PLS except as modified by the conditions of this Special Permit;
6. That not more than 20 commercial vehicles shall be stored or parked at the site and all vehicles parked on the site overnight shall be registered in the City of Woburn;
7. That there shall be no storage of diesel fuel on the site;
8. That at least a 6 foot fence in height shall enclose the area labeled “Proposed Gravel Parking Area”;
9. That the trash area shall be within the fenced area; and
10. That the hours of operation shall be 6 AM to 6 PM Monday through Saturday.

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 report dated February 23, 2010 was received from the Committee on Special Permits as follows: "At the meeting of the Special Permit Committee held on Monday, February 23, 2010, the Committee made the following recommendation/motion relative 22 Torrice Drive: Motion was made and seconded to bring (the matter) out of Committee and send back ought to pass, accepting the Planning Board's conditions (letter from Planning Board dated February 11, 2010, attached thereto), and modifying said conditions as follows: 1. The Petitioner is required to submit a snowplowing plan; 2. Amendment to No. 3 of the Planning Board's condition to include: 'any modification of paving at the site will require approval by the Engineering Department'; and 3. Amendment to No. 7 of Planning Board's conditions to read: 'That there shall be no storage of any fuel on the site;.'" Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that this matter was reviewed in the Committee on Special Permits, and that he asks for approval of the special permit. Alderman Mercer-Bruen stated that the matter should be non-transferable. Alderman Gately stated that there will no hot top, drainage on site and that if any of the locus will be resurfaced the petitioner will have to have the matter reviewed by the City Engineer for approval of the grading. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten 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 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the condition as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, as amended, all in favor, 9-0.

On the petition by John F. Duran, 16 Highland Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow the alteration of a pre-existing non-conforming structure by replacing an existing structure with a new two family dwelling at 17 Richardson Street. PUBLIC HEARING OPENED. A communication dated March 1, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: John F. Duran – 17 Richardson St. – To allow alteration of preexisting single family to a new two family dwelling pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on February 23, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of John F. Duran to allow the alteration of a preexisting single family dwelling to a new two

family dwelling pursuant to Section 7.3 regarding the property 17 Richardson Street, subject to the following conditions:

1. That the razing of the existing house shall be in accordance with the City's demolition delay ordinance;
2. That the parking shall consist of two parking spaces on each side of the new houses each space being 9' x 18' with the two spaces being side by side; and
3. That at least a 3' planting screen and/or a fence shall be located between the spaces and the side lot lines in accordance with the desires of the direct abutters and the City Council after the public hearing.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was John Duran, Duran Associates, P.O. Box 571, Woburn, Massachusetts 01801 and he stated that the petition will center a new two-family house on the locus with parking on both sides, that the lot is flat and drainage is not an issue, that this will provide parking for the units, that the locus is not 15,000 square feet in area but is in excess of the lots in the area with two-family houses, that they have not applied for a demolition permit, that they will apply for the demolition permit after obtaining approval to build, that they may rent the property as a duplex or sell the property depending on market conditions when the project is completed, that they intend to use Richardson Street for construction vehicles, that the plans reflect the drainage towards Richardson Street, that the lot will be cleaned, that the start date of the project will be approximately May 15, 2010 if progress is made in the permitting process, and that once the foundation is in place there is room to move around the lot during construction.

Alderman Gately stated that the drainage on the rear of the property at the northeast corner of the lot should not drain to the rear of the lot, that the property should be graded towards Richardson Street, that all trucks to the property should use Richardson Street, and that the lot should be cleaned. Alderman DiTucci stated that this is a congested area with significant traffic. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

On the petition by Town Fair Tire Centers of Massachusetts LLC, 460 Coe Avenue, East Haven, Connecticut 06512 for a special permit pursuant to Section 5.1.22b of the 1985 Woburn Zoning Ordinances, as amended, to allow for a retail establishment between 5,000 square feet to 15,000 square feet (7,600 square feet) at 422-424 Washington Street. PUBLIC HEARING OPENED. A communication dated February 25, 2010 was received from Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Town Fair Tire Centers of Massachusetts LLC/422-424
Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Town Fair Tire Centers of Massachusetts LLC. On behalf of my client, I respectfully request that the public hearing on this matter be continued from March 2, 2010 to March 16, 2010. At the Planning Board meeting on February 23, 2010, the Planning Board requested that my client's traffic consultant study three additional intersections and provide the data from those studies to the Planning Board. The additional traffic studies will not be able to be completed prior to the City Council meeting on March 2, 2010. Therefore, the continuance to March 16, 2010 is being requested. Thank you.

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

Appearing for the petitioner was Attorney Joseph R. Tarby III and he stated that he asks that the matter be continued to the Regular Meeting on March 16, 2010 and be sent to Committee on Special Permits for review. Alderman Mercer-Bruen stated that she does not want the petition sent to committee until after presentation of the petition at a public hearing, that the neighbors were told that that matter would not be heard at this meeting and it should not be shuffled off to committee, that she will oppose the matter being sent to committee before the public hearing, and that traditionally these matters are continued rather than being sent to committee. Alderman Gately stated that some of the issues such as traffic can be discussed in committee before the public hearing. Alderman Drapeau stated that sending the matter to committee may be more expedient and the neighbors right to speak will not be prevented. Attorney Tarby stated that the Planning Board review will not be concluded until March 16, 2010 and that therefore it is unlikely that the committee will take up the matter before that time. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 16, 2010, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

Motion made and 2nd for a five minute recess, all in favor, 9-0.

President Denaro called the meeting back to order.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of Peter Murphy as a Member of the Woburn Golf & Ski Authority, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: March 4, 2010 s/Scott D. Galvin March 4, 2010

NEW PETITIONS:

Petition by A.A. Transportation, 600 West Cummings Park, Suite 1175, Woburn, Massachusetts 01801 for a Taxi Cab License for one (1) vehicle. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by NSTAR Electric Company for a grant of right in a way on Russell Street northerly from pole 257/16 approximately 620 feet northeast of Brook Road a distance of approximately 71 feet to install conduit. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Clear Wireless LLC, 200 5th Avenue, Waltham Massachusetts 02451 for a special permit pursuant to Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to locate a wireless broadband communications site on an existing NSTAR utility structure at Russell Street aka back of 3 Linda Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Town Fair Tire Centers of Massachusetts LLC, 460 Coe Avenue, East Haven, Connecticut 06512 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 422-424 Washington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

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

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending January 2010: number of parking violations issued 245, number of violations paid 119, number of violations outstanding 106, amount collected and submitted to the Office of the Collector \$6,104.20. There exists a backlog of 5,320 tickets for 1982 through 2009.

Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$1,400.00.

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

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

A communication dated January 18, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the February meeting of the Council on Aging and the Director's report for the month of February. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated March 1, 2010 was received from City Solicitor John D. McElhiney as follows:

Re: Request for Authorization to Settle Claim
Incident: A.L. Prime Energy-Oil/Gas Spill
Premises: 117 Pleasant Street, Woburn, MA 01801
Date of Loss: November 28, 2008

Dear Members of the City Council:

Pursuant to the provisions of Title II, Article 10, Section 2-57 of the Woburn Municipal Code, your approval is respectfully requested for the settlement of a claim which the City has brought against the above entity for costs incurred by the City as a result of the oil/gas spill which occurred as referenced above. The full extent of the City's costs totaled \$36,203.77, broken down as follows:

a) Additional MWRA water -	\$19,177.86
b) Additional MWRA/Lab Testing Fees -	\$ 4,701.24
c) Contract for cleaning out catch basins -	\$10,877.85
d) Additional Water Dept. staff costs -	<u>\$ 1,446.82</u>
TOTAL	\$36,203.77

This office made demand upon the insurance company for the above amount and they have tendered a check in full settlement thereof.

The above-cited provision of the Woburn Municipal Code requires City Council approval, in cases wherein the City seeks money damages, for the settlement of any claim in excess of \$1,000.00. Thus, your authorization to accept the above-reference amount of damages is respectfully requested.

I might add that the Ordinance in question, approved in 1973, may well conflict, in my view, with certain provisions of the City Charter. That point aside, however, the settlement of this matter for the full amount of damages claimed would be in the best interests of the City. Thus to expedite the same, your approval of the settlement is respectfully requested.

Thank you for your courtesy and if I could answer any further questions on this matter, please do not hesitate to contact me.

Sincerely, s/John D. McElhiney

Alderman Gately stated that this matter relates to the second spill at the locus, and that the claim for the first spill was settled. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

Requests for Approval of Exemption pursuant to M.G.L. Chapter 268A, §20(b) by Roy N. Cudmore, Anthony Giglio and John Golles, John J. Loughlin III. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated February 16, 2010 was received from Attorney Richard H. Murphy, Jr., Murphy Law Offices, P.C., 300 Trade Center, Suite 2700, Woburn, Massachusetts 01801 as follows:

Re: Notice of Intent to Sell pursuant to M.G.L. Chapter 61A – City of Woburn Assessor’s Map/Block/Lot No. 29-17-07

Dear Mayor Galvin, City Councilors, Members of the Board of Assessors, Members of the Planning Board, Members of the Conservation Commission, State Forester and Commissioner of the Department of Conservation and Recreation:

This firm represents Thomas W. Spence, as Trustee of the Spence Family Nominee Trust, William C. Carlson, Robert J. Spence, Jr. and Paul J. Kennedy, who are the owners of the real estate that is the subject of this Notice (the “Owners”). On the Owners’ behalf, we submit this Notice of Intent to Sell under M.G.L. c. 61A. Please be advised that a Purchase and Sale Agreement constituting a bona fide offer to purchase has been received and accepted by the Owners from Melanson Development Group, Inc., as the Buyer, with respect to the premises described therein, which premises are known as City of Woburn Assessor’s Map/Block/Lot No, 29-17-09 and contain approximately 7.58 acres of land, more or less, according to said Assessor’s records.

A certified copy of said executed Purchase and Sale Agreement dated February 9, 2010 is attached hereto and incorporated herein. A map drawn at the scale of the Assessor’s Map showing the location and acreage of the land is also enclosed for your reference.

As provided in M.G.L. Chapter 61A §14, please be advised that the Owners hereby make a Statement of Intent to Sell the premises pursuant to the Purchase and Sale Agreement. As to a Statement of Proposed Use, the Owners understand that the Buyer intends to use the premises for residential use from and after the time such sale is consummated. The following information is provided for your reference:

Owners: Thomas W. Spence, as Trustee of the Spence Family Nominee Trust, William C. Carlson, Robert J. Spence, Jr. and Paul J. Kennedy, all with a mailing address of Mailing address: c/o 30 Wyman Street, Woburn, MA 01801

Telephone No.: (781) 820-6168

Owner's Attorney: Richard H. Murphy, Jr., Esq.

Mailing Address: Murphy Law Offices, P.C., 300 Trade Center, Suite 2700, Woburn, MA 01801

Telephone No.: (781) 820-6168

If the City of Woburn decides that it does not wish to exercise its first refusal option to meet the bona fide offer to purchase the premises, then it would be greatly appreciated if his honor the Mayor would kindly sign a written Notice of Non-Exercise that the option will not be exercised and forward it to undersigned as soon as any such decision is made. Thank you for your consideration of this matter.

Very truly yours, s/Richard H. Murphy, Jr., Attorney for the Owners

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

Note: President Denaro filed a notice of intent to move for reconsideration of this vote pursuant to Rule 13 on March 3, 2010 at 3:46 p.m.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated January 25, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint the following individuals to serve on the Woburn Historic District Commission; subject to approval by the City Council:

Arthur Duffy, 38 Alfred Street, Woburn, Mass., with an expiration date of Dec. 15, 2010;

Kevin Meaney, 55 Arlington Road, Woburn, Mass., with an expiration date of Aug. 18, 2010.

Respectfully, s/Scott D. Galvin, Mayor

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

A communication dated February 2, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint the following individuals, with terms to expire Dec. 31, 2010, to the Woburn Council on Aging; subject to approval by the City Council:

Ann Alongi, 79 Prospect Street, Woburn, Mass.;
Margaret Casey, 23 Wade Avenue, Woburn, Mass.;
John DeCata, 57 Wood Street, Woburn, Mass.; and
Theresa Donovan, 74 Kilby Street, Woburn, Mass.

Respectfully, s/Scott D. Galvin, Mayor

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

A communication dated February 9, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Brian Kisiel, a student of the Woburn Memorial High School, 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 August 31, 2010. 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/Scott D. Galvin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Committee on Water meet to review, receive reports and make recommendations to the full City Council concerning an update of the water filtration plant project, the Rag Rock water tank project, Phase V of the water and sewer projects city-wide, Phase II of the I&I program, the Stormwater Management program, and any other matters concerning the water and sewer systems in the City of Woburn.

s/Alderman Gately

Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED, with the condition as follows: 1. That the meeting be held as a Committee of the Whole, all in favor, 9-0.

RESOLVED That the City Solicitor be requested to review a document entitled “Draft of Proposed Contract Between Burlington Water and Sewer District and City of Woburn for Joint Use of Woburn’s Sewerage System” dated May 4, 1965, a copy of which is annexed hereto, for the purposes of determining the responsibilities of the Town of Burlington under the agreement.

s/Alderman Gately

Alderman Gately stated that this is an intermunicipal agreement regarding the sewer trunk line to Horn Pond, that this resolution will allow the City Solicitor to investigate the matter and seek money for work being done on the system. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: March 4, 2010 Returned Unsigned March 8, 2010

From the Traffic Commission:

ORDERED HUDSON STREET – no parking northerly side between the hours of 7:45 a.m. and 8:45 a.m. and between the hours of 2:15 p.m. and 3:15 p.m. except during the months of July and August; this order shall expire on July 1, 2012.

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

Presented to the Mayor: March 4, 2010 s/Scott D. Galvin March 4, 2010

ORDERED That the Regular Meeting of the City Council scheduled for April 20, 2010 be rescheduled for April 13, 2010.

s/President Denaro

Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 1 opposed (Raymond opposed).

ORDERED That the Regular Meeting of the City Council scheduled for March 16, 2010 shall begin at 7:00 p.m.

s/President Denaro

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

RESOLVED That His Honor the Mayor direct the Superintendent of Public Works to repave and repair with new sidewalks Colonial Road.

s/Alderman Gaffney

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

Presented to the Mayor: March 4, 2010 Returned Unsigned March 8, 2010

Motion made and 2nd to suspend the rules for the purpose of adding the following late filed matters to the Order of the Day, all in favor, 9-0.

A communication dated March 2, 2010 was received from His Honor the Mayor as follows:

Re: Whispering Hill and Woburn Western Greenway Study; analysis, plan and strategies for implementation

Dear President Denaro:

In response to your resolve, I will execute a contract with Professor Jack Ahern of the Department of Landscape Architecture and Regional Planning, UMass Amherst.

The study will explore open-space opportunities regarding the possible purchase of Whispering Hill. The study will also analyze and explore the possibility of creating a "Western Greenway," focusing on concepts for open space, recreational and mixed use of

multiple, large parcels of city interest – Whispering Hill, Cummings Property, Winning Farm, and Shannon’s Farm.

On Wednesday, March 10, 2010, at 2:30 p.m., an initial meeting with city officials to tour the property will be conducted. Following which, an introductory workshop for city officials and interested citizens/landowners will be held in City Hall Chambers at 7 p.m.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that MATTER be RECEIVED AND PLACED ON FILE with a communication forwarded to His Honor the Mayor requesting that the matter be advertised, all in favor, 9-0.

A communication dated March 2, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Lori Medeiros, 9 Marietta Street, and Edward Quinn, 4 Laurel Street, to the Woburn Handicapped and Disabled Citizens Committee, with terms to expire on Dec. 31, 2011 and Dec. 31, 2012, respectively.

In addition, I hereby appoint Jean Rooney, 59 Campbell Street, and Veronica Andrews, 164 Green Street, to serve as new members of the Woburn Handicapped and Disabled Citizens Committee, with each term set to expire on March 2, 2013.

Respectfully, s/Scott D. Galvin

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

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:08 p.m.

A TRUE RECORD ATTEST:

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