

**CITY OF WOBURN  
MARCH 20, 2007 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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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:** None.

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**PUBLIC HEARINGS:**

On the petition by National Development Acquisitions LLC, c/o National Development of New England, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 5.00 acres of land at 112 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 02 from the IP-2 zoning district to the B-I zoning district. PUBLIC HEARING OPENED. A communication dated March 14, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Zoning Map Amendments for 112 Commerce Way, Woburn, MA

Dear Mr. Campbell:

Due to the unavailability of both myself and Bryan Clancy of National Development on March 20, 2007, I respectfully request that the above-referenced petition be continued to the next City Council meeting scheduled for April 3, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

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 3, 2007, all in favor 9-0.

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On the petition by Nodraer Realty Corporation, 120 Commerce Way, Woburn, Massachusetts 01801 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 3.42 acres of land at 120 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 03 from the IP-2 zoning district to the B-I zoning district. PUBLIC HEARING OPENED. A communication dated March 14, 2007 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Zoning Map Amendments for 120 Commerce Way, Woburn, MA

Dear Mr. Campbell:

Due to the unavailability of both myself and Bryan Clancy of National Development on March 20, 2007, I respectfully request that the above-referenced petition be continued to the next City Council meeting scheduled for April 3, 2007. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

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 3, 2007, all in favor 9-0.

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On the petition by Extra Space Storage, 15 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit to modify the hours of operation condition on a prior special permit issued on February 8, 1989 pursuant to Section 11.3.12 of the 1985 Woburn Zoning Ordinances, as amended at 15 Olympia Avenue. PUBLIC HEARING OPENED. A communication dated March 13, 2007 was received from Attorney Kenneth J. Hill, Adler Pollock & Sheehan P.C., 175 Federal Street, Boston, Massachusetts 02110 as follows:

Re: Extra Space Storage Special Permit Application – 15 Olympia Ave., Woburn, MA

Dear Mr. Campbell:

My name is Ken Hill and I am an attorney representing Extra Space Storage. As you may be aware, Extra Space recently appeared before the Planning Board and the City Council concerning its application for a special permit modifying its hours of operation. Following these appearances and after great consideration, Extra Space has determined that it would like to withdraw its application without prejudice so that it can further

evaluate and, more importantly, meet with various city officials to discuss their concerns with Extra Space.

Accordingly, Extra Space requests leave to withdraw its application for a special permit modifying its hours of operation, as established by a condition placed upon the special permit granted on February 8, 1989 (Volume 45, page 211), without prejudice. I thank you in advance for your attention to this matter. Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours, s/Kenneth J. Hill

IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor 9-0.

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On the petition by Alderman Scott Galvin concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 434 Main Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. Alderman Galvin stated that he spoke to the petitioner's attorney, that the property is scheduled to be sold to a new owner on April 15, 2007, that preliminary design plans have been prepared, and that he suggests that this matter be continued to a Regular Meeting in May 2007 to verify that progress is being made with the property. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE CITY COUNCIL REGULAR MEETING ON MAY 15, 2007, all in favor, 9-0.

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On the petition by Alderman Richard Gately concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 239 Main Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. Alderman Gately stated that the building is familiar to the City Council, that this is a 7,900 square foot lot, that there are two buildings, that there is a ten unit building with 6,934 square feet of living area to the front of the lot in the S-1 zoning district and a four unit building with 1,600 square feet of living area to the rear of the lot located in the B-N zoning district, that there are six studio apartments and eight one bedroom apartments, that this is a rooming house, that the structural condition of the property is unknown, that this building has been a problem for

many years, that the city on at least eleven occasions had to clear rubbish from the back of the building including car parts, appliances, and hypodermic needles, that the railroad bed has been used as a garbage dump, that the new owners intend to “flip” the property as an apartment, that there have been 83 responses by police to the building including assaults, domestic violence and part of the ceiling that fell on a girl, that part of the building has fallen on the street and neighboring properties, and that he wants the property demolished as a public nuisance. Peter Socorelis stated that he owns the property next to the locus, that this has been an eyesore for the last four years, that he is concerned with the abandoned building catching on fire, that this could spread to his neighboring business, that the shingles fall off the building, and that a vehicle on his property was damaged by shingles from the building during the last wind storm. MaryLee Garvey, 10 Mt. Pleasant Court stated that she is in favor of the petition, that parking is poor in this area, that letting this property be redeveloped would not be in the best interest of the city, and that the petitioner should remove the property. Woburn Fire Chief Paul Tortolano stated that he is not in favor or opposed to the petition, that the fire department had extensive runs to the building prior to the current owner taking ownership, that they have not been called to the property as often since it was abandoned, that late last summer they noticed unauthorized entry into the building, that the trash and debris was excessive, that all old couches, furniture, hypodermic needles and paraphernalia were taken from the building, that there was someone living in the building to watch the building, that he was concerned about the safety of those residents in the event of fire, that the watchperson left the building and the building was secured with locks, that access was gained to the property by someone breaking off the locks, that people have gained access to the building through a second floor door by going up a poor exterior wooden staircase, that he noted work being done inside of the building including ceiling tiles, painting and preliminary plumbing work, that copper pipes in the baseboard heater had been taken from the property in the past, that the building was marked with an “X” as he was concerned about firefighters having to respond to interior fires, that he met with the owner and ordered the building secured, that an hour before this meeting he noticed that windows have been left open further exposing the building to deterioration, that if there was a fire in the building the fire department would likely have to make a determination that the neighboring glass company building would be lost as there is only three feet between the buildings and the combustion would be excessive, that their efforts would be moved to the residents to the north of the building which might be saved, that the commercial property to the south is constructed of block but could be susceptible to fire and difficult to control, and that with this information in mind he is now in support of the petition. Alderman Denaro stated that he was concerned with the threat to neighboring buildings. Fire Chief Tortolano stated that if there was good reason to believe that there was someone in the building who could be saved and that firefighters could get out of the building they would try to save the individual however interior firefighting in the building would be dangerous. Alderman Galvin requested that the chief submit a written statement relative to the danger of the conditions in the building. Fire Chief Tortolano stated that he could do this if necessary. Fire Chief Tortolano stated that he looks at the neighboring glass company as a building having auto repair items such as acetylene and would approach that building during a fire accordingly, that the subject building is a maze, that it is difficult to find your way around in the building, that the windows are

substandard under today's code, and that major renovations would be required to make the building habitable including a sprinkler system and fire alarm system. Building Inspector Mark LaLumiere, Woburn Building Department stated that he inspected the building on November 16, 2006, that there was a dumpster in the driveway blocking access, that there was construction debris in the dumpster, that he saw fresh paint and new ceiling tiles indicating that some renovations were being made, that the building was a maze, that there was no power in the building during the inspection, that there would be a plethora of building code violations, that this is a rooming house, that anything can be renovated but this would likely still be a rooming house, that there are no fire separators, that there are no clear egress paths, that fire is one of the big issues at the property now, that past violations involved open gas containers, oil rags and tanks stored on site, that there are numerous police reports of ceiling tiles falling down and bare wires, that copper pipes are missing, and that there are numerous existing code violations in the building.

OPPOSED: Bob Adams stated that he owns the building, that the property is for sale for \$529,000.00, that if the building was knocked down the property would be worth \$200,000.00 to \$250,000.00, that he had the gas was shut off, that the tanks were removed from the site, that he boarded the building at the order of the fire chief, that he is working on selling the property, that he has had some good leads, that the property has been on the market since November 2006, that he purchased the property on October 13, 2006, that he purchased the property for \$330,000.00, that he was going to knock it down and put in townhouses with the proposed bicycle path to the rear, that he owns the property with his brother, that he spoke to Woburn Redevelopment Authority Executive Director Donald Borchelt about the building, that he and his brother are not developers, that he could not get a deal to work out so they set up the property for sale, that this has been a poor winter for sales, that the average residence has been on the market for 167 days and this property has been on the market for 120 days, the he purchased the Berlandi estate which included a building in Burlington as well as this property, that John Dussi purchased the building in Burlington, and that the development of that property has been stalled. Alderman Cirello stated that he was concerned with people getting into the building, and that it endangers not only those people but rescuers and neighboring buildings. Mr. Adams stated that he had the gas and electric service to the building shut off, that there have been no police reports at the property since he purchased the building, that there are nine units in the building on the city's records, that he is not certain how many rooms are inside the building, that the units are set up as studio apartments, that he checks up on the property, that when he checked the property on Sunday the neighbors had piled snow from their site in front of the building, that three to five cars could be parked on site, that there is a driveway, and that he never worked on the building except to board it up and to remove the exterior staircase as requested by the fire chief.

Alderman Drapeau stated that the City Council is not concerned with whether or not he loses money on the property but is concerned with public safety, that he is concerned with the safety of the neighbors and public safety officers going to the scene, that he is in support of demolition of the property, that the owner assumes the risk when making a deal, that it is not unusual these days to lose money on a real estate deal, that he is more concerned with public safety, and that he will support demolition of the property. Mr. Adams stated that he is willing to drop the price down to what he paid for the property to find someone who would purchase the lot to develop it, and that he would apply for a

permit to demolish the property. Alderman Gonsalves stated that the building is assessed at \$49,000.00 and the property at \$316,000.00, that by demolishing the building the owner loses \$49,000.00 in value, that the property can be rehabbed and brought up to code, and that it would likely be cheaper to remove the structure and build something new. Mr. Adams stated that if the building is taken down it is questionable as to what can be developed. Alderman Gonsalves stated that this is a great location for a community block grant program, that a new owner may be able to work with the city, that a project in the city obtained \$800,000.00 recently to develop a piece of property, and that the property could be saved. Mr. Adams stated that the cinder block building at the rear of the property is in pretty good condition. President Doherty stated that the building at the rear of the property was never permitted as a residence, and that after a fire at the location an office was allowed above with storage below. Mr. Adams stated that the original intent was to work with some developers. Alderman Dwyer asked whether the intent was to put some new paint on the property and sell it as a rooming house. Mr. Adams responded no and stated that he did not do anything to the property such as painting, that there was a dumpster on site prior to their purchasing the property, that they have only been getting rid of items from the property, and that some furniture was removed. Alderman Dwyer stated that he would be willing to do anything within reason to improve the property but that he would have to support the petition at this time. Attorney Robert Tedesco, 88 Main Street, Woburn stated that he represents the other owner of the property Greg Adams, that this building was part of an estate package when he purchased another building in Burlington, that he is surprised to hear that work was being done on the property and that this was done likely before his client purchased the building, that the property has been vacant since the Adams purchased it, that there has been no consideration given to making this a rooming house, that his client was living in Woburn but has moved back to Florida, that the owners grew up in Woburn, that the petitioners will keep the building until it is sold, that the armory building is also in poor condition, has open windows and is open to the elements, that there is nothing different there, that the owners are trying to sell the property, that they have only owned the property since October 2006, that the history of the building has been laid at their feet, and that the deed consideration for their portion of the property was \$365,000.00. President Doherty stated that the armory building is open to inspection by the police department and fire department. Mr. Adams stated that the estate was settled as a block and prices were fixed to each building as a mortgage could be obtained for the single family building in Burlington and they could not obtain a mortgage for this property in Woburn. President Doherty stated that the property was purchased for \$365,000.00 and put on the market at \$700,000.00 so it appears to have been to make a quick profit. Alderman Denaro stated that the matter is before the city council for public safety reasons, that the city is not looking to get firefighters injured responding to the building, that if the owners need fifteen days to get a demolition permit he would support that, and that either the owner takes down the property or the city will take it down. Alderman Mercer-Bruen stated that she agrees with Alderman Denaro, that there may be an issue between the owners but that is not a concern of the city, and that she would support an Order to take down the building within a certain period of time. Alderman Ciriello stated that the property is more dangerous in an empty state than if it was occupied, that the armory building is made of granite, that the armory building has wooden components but it is not a maze of rooms, that there are

probably 28 rooms in the structure, and that the armory building is not as close to neighboring properties. Alderman Gately stated that he had a conversation with Bob Adams, that Mr. Adams represented that work would be done to improve the building but instead he tried to “flip” it, and that the property has to come down. Mr. Adams stated that once he closes the Burlington deal he will have money available to demolish the building. Alderman Gately stated that he wants a fire watch on the building at the owners expense, and that he is concerned that the building will be torched and that half of the south end of Woburn will be lost. Attorney Tedesco stated that the Adams have only owned the building for five months, that the property has been a problem for many years, that he asks the city council to work with the owners, and that he has power of attorney for Greg Adams. Alderman Denaro stated that there be a five minute recess to allow the owners to come up with a definite date by which a demolition permit will be obtained and the City Council can work with that date. Motion made and 2<sup>nd</sup> for a five minute recess, all in favor, 9-0. The city council went into recess at 8:27 p.m. President Doherty called the meeting back to order at 8:34 p.m. Attorney Tedesco stated that they cannot come up with a date, that they will need to find a contractor willing to do the work as well as find the funding to do so, that he requests that the matter be continued to the next Regular Meeting of the City Council in two weeks and that they will come back with a plan, that the Adams have only owned the building for five months, that the history of the building has been placed on the Adams, and that it is not unreasonable to ask for two weeks to respond. Mr. Adams stated that he did all that he was asked to do by the city, that the building was boarded up, that he had the gas service shut off, that except for the discussion with the fire chief this is the first that he heard of this, and that as soon as he received the letter about the hearing he dropped the price by \$160,000.00. Alderman Gately stated that the recommendation is sixty days to remove the building and that the owners give up their right to appeal to any court if the sixty day period is granted, that this allows time to demolish the property, that the property must be demolished within sixty days, and that the sale of the property is gone. Alderman Dwyer stated that this is a gracious proposal however the building is to be sealed off during the sixty days so that access cannot be gained. Mr. Adams stated that there are sixteen sheets of plywood covering the windows, that the exterior stairwell has been removed, and that there is another exterior stairwell that goes to a boarded porch. Alderman Dwyer stated that he would like the other exterior stairs removed. Mr. Adams stated that the property is being advertised for sale, that he had a survey made of the property which took some time, that he spoke to contractors and the Woburn Redevelopment Authority, and that they have not been dragging their feet. Alderman Gately stated that he spoke to Fire Chief Tortolano, that the building is secure on the first floor depending upon how long this will take to be demolished, and that therefore a fire watch is not needed. Mr. Adams stated that he cannot agree to anything tonight without talking to his attorney. Alderman Mercer-Bruen stated that she understands the Order to be for the building to be removed within sixty days and not sold as a building to be remodeled. Alderman Galvin stated that the intent is to give more time to market the property and take it down, and that the City Council is asking that the Order not be appealed to court in exchange for sixty days to market or remove the property so that this is not extended to six months by being appealed to court. Alderman Denaro stated that the matter could be continued to the April 3, 2007 City Council Regular Meeting, that this allows the owners to work on the issue and for the

City Council to review the matter, and that this will not be to take the building down within fifteen days but to take action as needed at that time. Alderman Galvin stated that this allows the Order to be drafted by the Clerk of the Council and reviewed if needed at that time. Alderman Gately stated that without having a date for demolition proposed he would prefer an Order tonight declaring the property to be a public nuisance, that he is concerned that the property will be sold and the matter will be back to the same place, and that he wants this property declared a nuisance and demolition be scheduled. Alderman Drapeau stated that continuing the matter and allowing sixty days to act will not change the dangerousness of the situation, and that he would support demolishing the property as a nuisance. Alderman Ciriello stated that he will support demolition, that a fire can travel very quickly in and out of the building, and that he is concerned with the impact on neighboring properties. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the buildings located at 239 Main Street be declared a nuisance pursuant to the provisions of Massachusetts General Laws Chapter 139, Section 1, et. seq., and that the following be Ordered by the City Council: 1. That the buildings be demolished within thirty (30) days of the date of the Order, 2. That the foundations of the buildings be taken out and good fill brought in to fill the foundations to the same grade as the neighboring properties so as to prevent run-off from the property to the neighboring properties, 3. That all utilities to the property be cut off at the street, 4. That the property be kept clear of debris, and 5. That a snow fence be installed to keep debris from being deposited on site, all in favor, 9-0

**Presented to the Mayor: March 22, 2007 s/Thomas L. McLaughlin March 23, 2007**

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Alderman Gately recused himself from participation in the following matter and left the Council Chamber.

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On the petition by Edmund F. Wall, 4 Waite Avenue, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.5.56 Note 15 to construct a single family home with garage within, approximately 420 square feet of garage area at 7 Sherman Place Court. PUBLIC HEARING OPENED. A communication dated March 13, 2007 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 7 Sherman Place Court Special Permit– Special Permit Application Dated 2/5/07

This office has reviewed the submitted special permit application for the above referenced project and takes no exception to the application as submitted.

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

A communication dated March 19, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:



Re: Edmund F. Wall – 7 Sherman Place Court – To construct an additional garage

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on March 13, 2007, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to construct an additional garage at 7 Sherman Place Court in accordance with the following condition:

1. That the garage areas be limited to the storage of cars and accessory storage of the single family house and no commercial vehicles shall be allowed.

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 was the petitioner Edmund F. Wall and he stated that he purchased the property, that he intends to build a home on the site and move there, that the home has a 420 square foot garage, that there are two existing garages on site, that one garage is 12 feet by 20 feet in size and is to the rear of the lot, that he is going to use this for a cabana for an in-ground swimming pool that he will build, that he will store vintage cars in the other garage, that there is a garage in the existing building, that he has no commercial vehicles, and that the accessory space over 900 square feet is larger than allowed without a special permit even though it is pre-existing. Sal Patrizio, Montvale Avenue stated that he wanted to know what the garages would be used for. IN FAVOR: John Paladino, 72 Pearl Street stated that he is in favor of the petition. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing closed, all in favor, 9-0. Motion made and 2<sup>nd</sup> 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, all in favor, 8-0-1 (Gately abstained).

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Alderman Gately returned to the Council Chamber.

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**ORDINANCE:**

On the Order to amend Section 2-99 of the 1989 Woburn Municipal Code, as amended, relative to fire department fees and charges, 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 22, 2007 s/Thomas L. McLaughlin March 23, 2007**

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**FINANCE:**

On the Order to transfer the sum of \$23,400.00 from Short Term Interest to Unemployment Compensation and Workers Compensation, 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 22, 2007 s/Thomas L. McLaughlin March 23, 2007**

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On the Order to transfer the sum of \$150,000.00 from School Department Energy Receipts Reserved for Appropriation Account to FY2007 School Department Budget energy Account, 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 22, 2007 s/Thomas L. McLaughlin March 23, 2007**

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On the Order to transfer the sum of \$5,000.00 from Cemetery Interest Fund to Cemetery Utility Account, 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 22, 2007 s/Thomas L. McLaughlin March 23, 2007**

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On the Order to appropriate the sum of \$186,458.33 from Debt Reserve Fund to Interest on Temporary Loans, 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 22, 2007 s/Thomas L. McLaughlin March 23, 2007**

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On the Order to appropriate the sum of \$340,124.09 from Free Cash to various accounts, committee report was received as follows: "That the sum of \$178,809.09 to Police and Medical Account, Northeast Regional Voc. Account, Alternative Energy Initiative Study Account, Fire Salary Account, Chain Link Fence at Council on Aging Account, Medicare Billing Account, and Preventative Maintenance Account ought to pass, and that the sum of \$161,315.00 to Claims and Damages be voted upon by separate claims." Motion made and 2<sup>nd</sup> that the portion of the Order relative to the account except Claims and Damages totaling \$178,809.09 set forth in the committee report be ADOPTED, all in favor, 9-0. Alderman Galvin stated that it is clear pursuant to Woburn Municipal Code Section 2-57 that City Council approval is required to settle matters over \$1,000.00, that the opinion of the City Solicitor on this issue fails to recognize this, that the first settlement in the package was the Human Resources Director matter which was settled a year ago with City Council approval, that there are seven or eight other matters in the package which

have already been settled without City Council approval and the City Council is merely asking for an appropriation, that the ordinance is clear that City Council approval is needed to settle these matters, that he voted against the Human Resources Director settlement, that he cannot vote for the remaining settlements without an explanation as to the cases, that the Human Resources Director matter was settled through MIIA and the City Council authorization of the settlement was approved, that the merits of the cases may be that they should be settled, that this is no indictment of the Administration, that if the case is settled the court is going to order that the money be paid, and it is the process that is important, that the ordinance is an “and/or” situation which contemplates both instances of seeking and paying damages. Alderman Drapeau stated that he does not want the City Council to lose authority although he understands that the Mayor wants to clear these matters from the docket, that there was only background as to what these cases were without a discussion of why they were settled, that the legal opinion looks like the City Solicitor who was appointed by the Mayor was picking and choosing laws favorable to the opinion, that the Mayor has made a great effort to avoid the city being involved in litigation and many of these settlements are matters that arose under prior mayors, that they City Council can deny a settlement through the appropriation process but this is not responsible, that if the facts are not provided the City Council cannot do anything but support the settlement, that he would like some assurances that the Mayor is willing to work with the City Council on settlements, that if the City Council is going to be asked to approve an appropriation he finds it helpful to have a discussion seeking settlement authority which makes it easier to approve the appropriation in the end, that lawyers can argue any matter from both sides, and that the matters are already settled so denying the settlement would put the city in a bad place. President Doherty stated that these are for deductibles under the MIIA insurance, that this does not change the ordinances settlement structure, that something should be done to solidify the authority of the City Council to settle matters, that these matters have been handled haphazardly by mayors in the past, that the City Council has little to do but to approve the appropriation, and that if City Council involvement is not allowed he will vote to cut the claims account to \$1.00 next year so that all matters come to the City Council. Alderman Gonsalves stated that having the Mayor seek City Council settlement authority provides a public record as to why matters are settled, that she wants the Mayor to be aware why the City Council wants to be involved, that the City Council should move these matters forward, that there is no sense to holding these up, and that the City Council should examine the opinion of the City Solicitor and the ordinances as these settlements are being made differently than prior administrations. Alderman Denaro stated that the opinion clearly states that City Council has appropriation authority in these settlements, that these matters derived from the prior Administration, that some are deductibles but some did not reach the deductible level, and that the City Council could refuse to pay the settlement by not authorizing the appropriation. Alderman Gately stated that the City Council should look at the ordinance again in committee, that the cases have been settled, and that the City Council cannot do much more than approve the appropriation. Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of hearing from Mayor McLaughlin on the matter, all in favor, 9-0. Mayor McLaughlin stated that Section 2-57 of the Woburn Municipal Code refers to settlements where the city is seeking damages not paying damages, that the ordinance is read to grant broad settlement authority to the City Council, that ordinances are not garden picked by

the City Solicitor, that if the City Council is seeking to approve settlements this may set up a conflict between the Mayor and City Council, that if an ordinance is intended to be proposed regarding this issue it should be reviewed by the City Solicitor to avoid conflict between the executive and legislative bodies, that the City Solicitor reviewed the Section 2-57 of the Woburn Municipal Code and does not agree with the interpretation of the City Council, that he has no problem discussing pending litigation with the City Council although settlement is a different issue, that the Mayor needs to be able to make these executive decisions on behalf of the city, that the City Solicitor is the city's attorney and not the mayor's attorney, that the City Solicitor does act in the city's interest, that he would not settle a case if he believed funding was not in place nor sufficient resources were available to settle a matter, that these amounts are deductible amounts, and that he did come to the City Council for the appropriation of the deductible and discussed the cases although they were already settled. Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the portion of the Order relative to Claims and Damages totaling \$161,315.00 be ADOPTED, 8 in favor, 1 opposed (Galvin opposed).

**Presented to the Mayor: March 22, 2007 s/Thomas L. McLaughlin March 23, 2007**

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**POLICE AND LICENSE:**

On the petition for renewal of Taxi Cab License by Woburn Cab Co. Inc., 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 22, 2007 s/Thomas L. McLaughlin March 23, 2007**

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On the petitions for renewal of Livery Licenses by Woburn Cab Co. Inc., Patricia Porrazzo dba Hollywood Limousine, and Frances Lucas dba Professional Livery, 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 22, 2007 s/Thomas L. McLaughlin March 23, 2007**

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On the petition for renewal of Common Carrier License by Boston Tours Inc., 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 22, 2007 s/Thomas L. McLaughlin March 23, 2007**

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**AD HOC COMMITTEE ON PUBLIC WAYS:**

Committee report was received as follows: "That a public hearing be held for the purposes of accepting the following streets: Arbor Lane, Arthur J. Pernokas Way, Brae Circle, Christin Way, Connor Drive, Coventry Lane, Crossman Road to Loves Lane, Fairway Drive, Presidential Way and Shaker Hill Lane." Motion made and 2<sup>nd</sup> that the

MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS/HIGHWAYS, all in favor, 9-0.

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**NEW PETITIONS:**

Petitions for renewal of Livery Licenses by A Quality Limousine LLC, 9 Emerson Road; and George B. Pike dba Pike Executive Transportation. Motion made and 2<sup>nd</sup> that the MATTERS be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition for renewal of Taxi Cab License by Abdulla Nasser dba AACO Travel Taxi Svcs, 329 Washington Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition for renewal of Common Carrier License by M&L Transit Systems, Inc., 60 Olympia Avenue. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition for renewal of Billiard Table License by Marc E. Dionne dba Silver Cue, 435 Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by Atlantic Plywood, 8 Roessler Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.53 of the 1985 Woburn Zoning Ordinances, as Amended, to allow a flammable storage room at 8 Roessler Road. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated March 13, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the February Council on Aging meeting and the March Director's Report. 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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A communication dated March 13, 2007 was received from Edmund P. Tarallo, Director, Woburn Planning Board relative to proposed streets for acceptance. 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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A copy of a communication dated March 10, 2007 to President Charles Doherty was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority relative to copies of meeting packages from the Woburn Redevelopment Authority made available to the City Council in the interest of improved communication between the boards. 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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A communication dated March 9, 2007 was received from Attorney William Hewig III, Kopelman and Paige, P.C., relative to FCC order regarding competitive cable television licenses (Verizon). 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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A communication dated March 14, 2007 was received from Attorney Jeanne S. McKnight, Kopelman and Paige, P.C. relative to a municipal real estate acquisitions table and checklists for the acquisition of real property by gift, purchase or eminent domain. 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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A communication dated March 6, 2007 entitled “Supplemental Comments of the New Jersey Department of Environmental Protection and the New Jersey Meadowlands Commission” in the matter of New England Transrail, LLC dba Wilmington & Woburn Terminal Railway Petition for Exemption, Surface Transportation Board Finance Docket No. 34797 was received. 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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A copy of a communication dated February 21, 2007 to the Surface Transportation Board was received from Attorney G. Paul Moates and Attorney Paul A. Hemmersbaugh, Sidley Austin LLP, 1501 K Street N.W., Washington, D.C. 20005 along with a copy of a Decision in a related matter filed with the Surface Transportation Board relative to STB Docket No. 34797, New England Transrail, et. al. 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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A copy of a communication dated March 13, 2007 the Surface Transportation Board was received from Austin LLP, 1501 K Street N.W., Washington, D.C. 20005 along with a copy of a document entitled “Response of the New York, Susquehanna and Western Railway Corporation to the Supplemental Comments of the New Jersey Department of Environmental Protection et. al.” in the matter of New England Transrail, LLC dba Wilmington & Woburn Terminal Railway Petition for Exemption, Surface Transportation Board Finance Docket No. 34797 was received. 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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A copy of a communication dated March 15, 2007 to the Surface Transportation Board was received from Attorney J. Patrick Berry, Baker Botts L.L.P., 1299 Pennsylvania Avenue NW, Washington, D.C. 20004 relative to the matter of New England Transrail (FD 34797). 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 Whereas, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 111 Montvale Avenue; and

Whereas, the condition of said building or buildings has been allowed to deteriorate, the property is generally not being maintained and there are unregistered vehicles on the property;

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

s/Alderman Gately

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

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ORDERED Be It Ordained by the City Council of the City of Woburn that Article III, Section 9-17 of the 1989 Woburn Municipal Code, as Amended, be further amended by adding a new Section C as follows:

C. Portable Signs.

1. Portable sign: Any sign not permanently attached to the ground or a building.
2. Portable or wheeled signs are prohibited on public ways and on public property. This shall not be interpreted to prohibit lettering on motor vehicles or buses traveling on a public way.
3. Any portable sign that is being transported or driven within or through the city shall not be illuminated with lighting fixtures that are not factory installed lighting fixtures, such as head lights and tail lights.

s/Alderman Mercer-Bruen

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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RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave James Street its entire length and to construct concrete sidewalks with granite curb.

s/Alderman Dwyer

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

**Presented to the Mayor: March 22, 2007 s/Thomas L. McLaughlin March 26, 2007**

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RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Lowell Street.

s/Alderman Dwyer

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

**Presented to the Mayor: March 22, 2007 s/Thomas L. McLaughlin March 26, 2007**

\*\*\*\*\*

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Hart Place and to repair and replace the sidewalks.

s/Alderman Dwyer

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

**Presented to the Mayor: March 22, 2007 s/Thomas L. McLaughlin March 26, 2007**



\*\*\*\*\*

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Harold Avenue.

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

**Presented to the Mayor: March 22, 2007 s/Thomas L. McLaughlin March 26, 2007**

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Schedule of Committee Reports Filed with the Office of the City Clerk on March 20, 2007 pursuant to Rule 19 of the Rules and Orders of the City Council:

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**COMMITTEE REPORTS:**

**SPECIAL PERMITS:**

On the petition by Extra Space Storage for a special permit to modify the hours of operation condition on a prior special permit issued on February 8, 1989 a 15 Olympia Avenue, committee report was received “that the current special permit be referred to the Committee on Special Permits Review for further review.” Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT FOR 15 OLYMPIA AVENUE ISSUED ON FEBRUARY 1, 1989 TO UNIFIRST CORPORATION be REFERRED TO COMMITTEE ON SPECIAL PERMITS REVIEW FOR REVIEW, all in favor, 9-0.

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**AD HOC COMMITTEE ON PUBLIC WAYS:**

Committee report was received as follows: “That a public hearing be held for the purposes of accepting the following streets: Industrial Parkway, Markham Terrace, Maud Place, Mawn Drive, Mikaila Way, Murray Road, Old Cambridge Road, Paris Way, Ryan Road, Sheila Avenue, and Strawberry Lane.” Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS/HIGHWAYS, all in favor, 9-0.

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A communication dated March 20, 2007 was received from His Honor the Mayor as follows:

Re: Patricia Dyer – Woburn Housing Authority

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Patricia Dyer of 6 Mount Pleasant Court as a member of the Woburn Housing Authority for a period of two (2) years.

Ms. Dyer will replace Steven A. Tomeo, whose term will expire April 1, 2007.

Ms. Dyer's appointment will be effective subject to the date of confirmation by the City Council, and her year term will expire March 31, 2009.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

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Motion made and 2<sup>nd</sup> to return to the regular order of business.

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Alderman Mercer-Bruen stated that the final hearing on the proposed I-93/I-95 interchange project is tomorrow night and the members of the City Council and the public are invited to attend that meeting.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:25 p.m.

A TRUE RECORD ATTEST:

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