

**CITY OF WOBURN
MARCH 21, 2006 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

| | |
|----------|--------------|
| Ciriello | Gately |
| Denaro | Galvin |
| Drapeau | Gonsalves |
| Dwyer | Mercer-Bruen |

Doherty

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

Motion made and 2nd to suspend the rules for the purposes of taking the report of the Committee on Personnel relative the report of the Independent Investigator concerning the allegations by the Director of Human Resources relative to the former Mayor, out of order and separately to hear from Senator Robert Havern, all in favor, 9-0.

On the Committee on Personnel report relative to the report of the Independent Investigator concerning the allegations by the Director of Human Resources relative to the former Mayor, committee report was received "back for action". Motion made and 2nd that the City Council go into Executive Session for the purposes of discussing potential litigation pursuant to Massachusetts General Laws, Chapter 39, Section 23B(3), ROLL CALL: Ciriello – Yes, Denaro – Yes, Drapeau – Yes, Dwyer – Yes, Gately – Yes, Galvin – Yes, Gonsalves – Yes, Mercer-Bruen – Yes, Doherty – Yes. President Doherty stated that the City Council would reconvene in open session once the matter to be discussed in executive session is concluded. The City Council removed to the Committee Room at 7:33 p.m. along with Mayor Thomas McLaughlin, Attorney Jonathan Silverstein of Kopelman and Paige, P.C., Attorney Michael Cusack of Massachusetts Interlocal Insurance Association (MIIA), and the city clerk. The City Council reconvened in the Council Chambers at 8:17 p.m.

Appearing was State Senator Robert Havern and State Representative Patrick Natale. Senator Havern stated that the New Boston Street bridge project is moving forward. Alderman Ciriello stated that this will be an important development for the residential uses in that area and it will be a benefit to the community in connecting two commercial areas. Alderman Denaro stated that this is an important issue and he asks that the Senator also continue work on the Montvale Avenue/Washington Street intersection roadway improvements.

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$3,100.00 be and is hereby transferred from Election and Registration Election Workers Account #0116251-512005 to City Clerk Equipment Account #0116152-528100.

I hereby approve the above. s/William C. Campbell, City Clerk
I hereby recommend the above. s/Mayor Thomas L. McLaughlin
I have reviewed the above. s/Gerald W. Surette, Auditor

s/President Doherty

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

A communication dated March 15, 2006 with attachment was received from Carl R. Batchelder, Ed.D, Superintendent of Woburn Public Schools as follows:

Dear Mayor McLaughlin:

At the March 14th meeting of the School Committee, it was voted to request the City Council transfer \$150,000 from the School Department Energy Receipts Reserved for Appropriation Account to the FY2006 School Department Budget Energy Account (0229604-521200).

As you are aware, this account is used to deposit payments received from Woburn Youth Hockey for the electricity and gas used at the O'Brien Ice Rink and also the energy payments by outside groups who use school buildings for their activities.

We do not include in our budget the cost of the utilities used by these groups, in anticipation of payments from the user, which are deposited into the Reserve Account. We pay utility bills each month and now must recover the user receipts from the Reserve Account to fund these unbudgeted utility expenses.

It would be greatly appreciated if you would submit to the Council the attached Order so they may act on this request as expeditiously as possible.

Sincerely, s/Carl R. Batchelder, Ed.D, Superintendent

Attached thereto was the following Order:

ORDERED That the sum of \$150,000.00 be transferred from the School Department Energy Receipts Reserved for Appropriation Account to FY2006 School Department Budget Energy Account 0229604-521200.

I hereby approve the above. s/Carl R. Batchelder, Ed.D., Superintendent
I hereby recommend the above. s/Thomas L. McLaughlin, Mayor
I have reviewed the above. Gerald S. Surette, City Auditor

s/President Doherty

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

A communication dated March 20, 2006 with attachment was received from Edmund McGrath, Chairman, Board of Cemetery Commissioners as follows:

Re: Equipment Purchase

Dear City Council Members:

Please find attached an appropriation for \$35,000.00 from the Cemetery Interest Fund to the new equipment account. The Board would like to combine this appropriation with a previously approved appropriation with a previously approved appropriation of \$35,000.00 to purchase a new backhoe.

In February of this year the Council approved an appropriation for the purchase of a new dump truck. Due to the age of the backhoe (20 years old) and the continued cost for repairs (approximately \$10,000 over the last 2 years), the Board felt it was more feasible to put these funds towards the purchase of a new backhoe.

The Cemetery Commission is asking that you approve this additional appropriation to allow the Board to purchase this much-needed piece of equipment.

Thank you, s/Edmund McGrath, Chairman, Board of Cemetery Commissioners

Attached thereto was the following Order:

ORDERED That the sum of \$35,000.00 be and is hereby appropriated from Cemetery Interest Fund and distributed as follows \$35,000.00 to New Equipment Acct. 0149058-586600

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

s/President Doherty

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

ORDERED That the sum of \$3,500.00 be and is hereby appropriated from Cemetery Interest Fund and distributed as follows \$3,500.00 to Burial Section Acct. 0149058-586601

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

s/President Doherty

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

PUBLIC HEARINGS:

On the petition by Zen Associates, Inc., 124 Boston Post Road, Sudbury, Massachusetts 01776-2406 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow parking of twenty vehicles overnight at 10 Micro Drive. PUBLIC HEARING OPENED. A copy of a communication dated March 14, 2006 from Brett F. Gonsalves, Senior Engineer to Edmund P. Tarallo, Planning Director was received as follows:

Subject: 10 Micro Drive – Special Permit – Proposed parking plans dated November 4, 2005 – Special permit application dated

It appears that the proposed plan for overnight parking would reduce by four spaces the overall parking requirements as shown on the plans prepared by Allen & Major, dated 5/20/05.

There will be a reduction of 17 spaces due to landscape screening and fencing. The 20 dedicated spaces for overnight parking, which appears to be a gated area, reduces the number of available spaces to 244 for this site. The requirement is 248 spaces.

The applicant should verify if the zoning requirements are met under the current submission.

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

A communication dated March 21, 2006 was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 10 Micro Drive – Special Permit – Proposed Parking plans dated November 4, 2005 – Special permit application dated February 16, 2006 – Planning Board Memo dated March 14, 2006 – Allen & Major Response Memo received March 20, 2006

This office is in receipt of supplemental information for the above reference project and offers the following comments.

Upon review of this application for the Planning Board, the permit plans did not clearly outline if the site would be compliant with the parking requirements under the zoning regulations.

The applicants engineer has submitted a letter outlining in greater detail the parking summary with how many spaces would be modified and or affected with the proposed site changes.

The summary clearly shows that the parking configuration and number of parking spaces do meet the zoning requirement and there will be no parking deficiency.

With the submission of this new information, this office takes no exception to the materials as submitted.

If you have any questions regarding this information, please do not hesitate to contact this office.

Appearing for the petitioner was Peter White of Zen Associates, Inc. and he stated that they are operating at 10 Micro Drive, that they are seeking a special permit to allow the parking of twenty vehicles on the property, that they have sixteen vehicles now, that the petitioner is a landscape architect and performs design/build services, that they expect to have twenty vehicles, that they have located in Woburn from Sudbury, that they do not own the building, that none of the trucks requires a special license to operate, that approximately 50% of their work is out of the state with the rest being local, that 70% of the work is residential and the remainder is commercial, that a large part of the business is design and the remainder is construction, that the vehicles will be registered in Woburn, that they work 7:00 a.m. to 5:00 p.m., that there is no work on weekends except for occasional office work, that the storage area is for bulk stone, plant material, boulders and bags of loam for their jobs, that at time materials are stored at the locus until delivery to the job site, that the busiest time of the day is 7:00 a.m., that the business does not generate a lot of vehicle traffic, that the use is compatible with the neighboring tenants in the area, that a typical project last three to four months and vehicles are stored at the job site during that time, that the winter is when most vehicles are parked on site, that the remainder of the year the vehicles stored on site will likely be half the requested amount, that many vehicles are taken home by the employees and they travel directly to the job

site, that he would not object to a restriction limiting the transferability of the license, that the length of the vehicles are limited as they have no tri-axle vehicles, that they have some space in the yard to off-load materials for sale, that there is no gas operated machinery, that there is no fertilizer application or chemical treatments, that stored materials are within a fenced in area, and that they do no perform snowplowing services. Mr. White offered photographs of the vehicles operated by the petitioner for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Mr. White offered an aerial photograph of the locus for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that she will request that the special permit not be transferable, that the City Council should conduct periodic review of special permits as some businesses outgrow their initial use and there is not any review of this, and that she is not saying that a special permit should be revoked but that it should be reviewed. Alderman Dwyer stated that he would support this type of periodic review of special permits. Alderman Denaro stated that special permit have generally been granted for the life of the special permit although more recently there has been a condition added that they not be transferable, and that the issue will be what will happen upon a two year review if the City Council decides that something must be done about a situation. Alderman Doherty stated that there is a special permit review committee that can take up this task. Alderman Gonsalves stated that a list could be periodically generated of special permits that should be brought in for review. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, 10 Tower Office Park, Woburn stated that he is in favor of the petitioner, that the building is approximately 35 years old, and that the landowner is trying to improve the exterior appearance of the building. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd that the following conditions be added to the special permit: 1. That the plan of record shall be the plan dated November 4, 2005 supplemented by the letter of the City Engineer dated March 21, 2006 and the letter of Allen & Major Associates, Inc. dated March 20, 2006; 2. That the special permit shall be granted to Zen Associates, Inc. only and shall not be transferable; 3. That all vehicles used in association with the business shall be registered in Woburn; 4. That only two-axle vehicles shall be allowed on site; and 5. That the hours of operation shall be 6:00 a.m. to 6:00 p.m. Monday through Saturday with no operations on Sunday, all in favor, 9-0. Motion made and 2nd that the following condition be added to the special permit: 6. That the special permit shall be reviewed two years after the issuance of the special permit, 6 in favor, 3 opposed (Denaro, Galvin, Doherty opposed). Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, all in favor, 9-0.

On the petition by AvalonBay Communities, Inc., Suite 804N, 1250 Hancock Street, Quincy, Massachusetts 02169 for a special permit to modify the site plan of record referenced in a special permit issued by the City Council on April 7, 2005 which allowed for 450 apartment units at Lot 2, Inwood Drive by increasing the footprint of Building 9 as shown on revised Sheet 8 and Sheet 12 of the plans filed herewith. PUBLIC HEARING OPENED. A communication dated March 17, 2006 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: AvalonBay Communities, Inc. –Inwood Drive – Modify the Special Permit/Site Plan by increasing the footprint of Building 9

Dear Mr. Campbell and Members of the City Council:

At the March 14, 2006 Planning Board meeting, the Board voted to send a favorable recommendation to the City Council regarding the Special Permit application of Avalon Bay Communities, Inc. to modify the previously approved special permit on Lot 2 Inwood Drive in accordance with the following condition:

1. That all the conditions of the April 7, 2005 Special Permit shall remain in effect except that the Revised Sheet C8 and C12 shall be substituted for the previously approved sheets C8 and C12.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLC, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that this special permit will permit the petitioner to alter the footprint of one building, that the original plan was for 730 bedrooms in 446 apartment units, that after this modification there will be the same number of bedrooms and apartment units, and that this is a slight increase in the size of the building from 3,952 square feet to 5,948 square feet. Scott Dale, AvalonBay Communities, Inc. stated that the project is currently under development, that the first occupancy is projected for September 2006, and that they are pouring foundations and slabs and the framing has begun. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, 10 Tower Office Park, Woburn stated that he is in favor of the petition and that this is not a big change to the plan. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the special permit be granted, all in favor, 9-0. Motion made by Alderman Denaro to reconsider his vote, 2nd by Alderman Gonsalves, 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 a condition of the special permit, all in favor, 9-0.

On the petition by East Shore LLC, David Bernstein, Member, 10 Overlook Drive, Bedford, Massachusetts for a special permit pursuant to Section 11.3.12 of the 1985 Woburn Zoning Ordinances, as amended, to modify a current special permit for a six (6) unit building on a single lot with a two family dwelling and a single family dwelling for the reconstruction and the addition of a second floor to the two family dwelling and a deck to be added to the six (6) unit building at 37 Kilby Street. PUBLIC HEARING RE-OPENED. A report from the Committee on Special Permits was received as follows:

“That the matter remain in committee.” A communication dated March 20, 2006 was received from Fire Chief Paul Tortolano as follows:

Re: 37, 27R, 37A Kilby Street

Dear Mr. Campbell and Councilors:

The Plot Plan dated March 20, 2006 for this location addresses the parking concerns as they impacted site access expressed by the Fire Department in regard to earlier plans. The current plan meets the need of the department.

Respectfully submitted, s/Paul Tortolano, Fire Chief

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that that petition should be amended to note that the petitioner has officially withdrawn the request for a deck on the six-unit building. Motion made and 2nd that the public hearing be continued to the Regular Meeting of the City Council on April 18, 2006, all in favor, 9-0.

On the petition by Anthony Cierri, 19 Thornton Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b and Section 5.1.58 of the 1985 Woburn Zoning Ordinances, as amended, for the parking of up to seven (7) construction vehicles at Maple Street and Knight Avenue. PUBLIC HEARING RE-OPENED. A communication dated March 17, 2006 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Anthony Cierri – North Maple Street and Knight Av. – Special Permit for the parking of up to 7 Construction Vehicles pursuant 5.1(57b) and (58)

Dear Mr. Campbell and Members of the City Council:

At the March 14, 2006 Planning Board meeting, the Board voted send an unfavorable recommendation to the City Council regarding the Special Permit application of Anthony Cierri for the parking of up to seven construction vehicles at 1 North Maple Street.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

A report from the Committee on Special Permits was received as follows: “That the matter remain in committee and that Building Commissioner Paris and Building Inspector LaLumiere appear the at Regular Meeting of the City Council on March 21, 2006 for the purposes of providing additional information to the City Council and that the Building Commissioner have in his possession at the meeting all records and other papers

on file in his office which will assist the City Council in making a determination relative to this petition.” Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that he is present to answer questions, that the matter should be forwarded to committee, that the container storage issue is being addressed, that the petitioner will comply with the 75% office use requirement, that the only citation that the petitioner received was for parking of the vehicles on the property and they have been moved from the site, and that the petitioner offers to allow the City Council to visit the building to see its interior use. Building Commissioner Paris stated that Building Inspector LaLumiere is available to address questions, that the approval of a foundation only permit is covered by the Building Code, that he understands the concerns of the City Council, that the Building Inspector reviewed the petition and accepted the word of the petitioner on the building permit application, that it is an office building with storage, that he was not aware that there was an issue with the location of fences on the locus, that there was no wrongdoing with the building permit, that the Building Inspector was justified in issuing the building permit, that he has faith in his employees, that his signature on the building permit is a rubber stamp, that he thought that he had obtained the satisfaction of the City Council after addressing issues with the building permit, that if there are more issues he will address them, that he does not patrol the city like the police, that the structure of the building permit application has changed which avoids multiple sign offs and requires additional information, and that the department personnel took the word of the petitioner that the storage container was for use in conjunction with the special permit for the project being built. Commissioner Paris offered a copy of 780 CMR 111.13 to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Building Inspector LaLumiere stated that foundation permits are issued quite frequently, that often they are sought by the petitioner in order to begin construction before the frost sets in, that the petitioner is always aware that the foundation permit is issued at risk, that the determination as to whether a use is appropriate to a site is at the time of the building permit application, that the building commissioner must take on its face a building permit application that states the intended use of a structure as it is signed under the pains and penalties of perjury, that the petitioner is at risk with a foundation only permit as no plans are on file as to what the building will look like or what materials it will be constructed with or whether the foundation was constructed at the appropriate setbacks, that the petitioner has to go to various boards and departments to obtain a foundation only permit, that the only reason this matter is before the City Council is that the petitioner seeks a special permit to allow parking of trucks, that if there was no special permit requested then this is an office building and there would be no issues, that this was a speculative building, that often these buildings are constructed with no specific tenants in mind, that no occupancy permit can issue until the tenants and actual use are known, that the only reason the Department of Public Works would review the building permit would be to be certain that water and sewer service is adequate at the site for the building, that he would not question the authority of someone in another department to sign a permit application, that the only items on site are the storage container and a pile of loam, that the storage container is in association with the construction and the pile of loam is for site improvements, and that he is willing to copy the entire contents of the file and submit it to the City Council. Motion was made and 2nd to requires that a copy of the

file be submitted to the City Council, however no vote was taken on the motion. Inspector LaLumiere offered a memorandum outlining the time line of the building permit application for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 8-0-1 (Galvin was absent from the chamber for this vote). Alderman Denaro stated that there is a perception that the use of the building is not an office but a construction use, and that the petitioner has a significant financial investment based on the underlying building permits. Alderman Drapeau stated that it seems that there must be more due diligence by the city in reviewing permits, and that there was some loose interpretation in the approval of the building permit. Alderman Ciriello stated that this matter will have to go back to committee for review, that the plan for this project shows fences, boulders and the dumpster being over the boundary lines, that there would have to be at least 75% use of the building for office but it does not appear to be, that the site is a mess, that the city depends upon the Building Department to be certain that the work is done correctly, that ultimately the petitioner is the victim because he would not have spent the money if he was told that he could not locate the project at the site and would have located elsewhere, that there were letters missing from the file, that there is an issue with fencing and a large storage container on the site, and that this matter needs to be returned to committee to review the information received at this meeting. President Doherty stated that Superintendent of Public Works Russell stated that his subordinates are not authorized to sign building permit applications. Alderman Dwyer stated that there should be no rubber stamps used in the approval process, that the integrity of the whole special permit process is questioned with this, and that the city must move forward to ensure that this is a fair process. IN FAVOR: Jack Doherty, 1 Joseph Terrace stated that he supports the petitioner and that he does not see an issue with parking on the site. Kevin Flaherty, 89 Merrimac Street stated that he supports the petition, that there is no problem with the parking, and that the property will be upgraded with this petition. Dave Boyd, 7 Woodside Terrace stated that he is in favor of the petition and that there is no issue with the parking. Arthur Brussard, 59 Dragon Court stated that he has been a landowner in that area for twenty years, that he could not use the property for anything by office use, that he had a successful business locate at the area but they could not park trucks at the building, that they had one truck of a tenant parked at the site but the city required the truck to be removed, that he owns approximately seven acres of property in that area, that he has nothing against the petitioner but the petitioner should not be allowed to use the property for any use that he could not use it for under the zoning, that there are approximately twenty contiguous acres of land in that area that could be used for residential purposes, and that the petitioner should be allowed to use the property until a global solution could be made for the property in that area. Dan Riley, 7 Silvermine Road stated that some damage has been done but that he respects the work of Inspector LaLumiere. Motion made and 2nd to continue the public hearing to the Regular Meeting of the City Council on April 18, 2006, all in favor, 9-0.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of Richard Miliano as a member of the Woburn Redevelopment Authority, committee report was received "ought to be confirmed". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: March 22, 2006 s/Thomas L. McLaughlin Mar. 22, 2006

On the appointment of Lorrin Ferlisi as a member of the Woburn Redevelopment Authority, committee report was received "ought to be confirmed". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: March 22, 2006 s/Thomas L. McLaughlin Mar. 22, 2006

FINANCE:

On the Order to transfer the sum of \$12,000.00 from Grant Writer Salary Account to various Veterans' Agent Accounts, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: March 24, 2006 s/Thomas L. McLaughlin Mar. 27, 2006

On the Order to transfer the sum of \$6,225.00 from Treasurer Postage/Mailing Fees Account to Treasurer Tax Taking Account, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: March 24, 2006 s/Thomas L. McLaughlin Mar. 27, 2006

POLICE AND LICENSE:

On the petition by Cambridge Road Auto for renewal of Second Class Motor Vehicle License, committee report was received "back for action." Motion made and 2nd that the COMMITTEE REPORT be RECEIVED, all in favor, 9-0. Alderman Drapeau stated that he spoke to the petitioner, that the petitioner is complying with the terms of the original license, that the petitioner wants to continue to maintain the license, and that he will support this petition. Motion made and 2nd that the LICENSE be GRANTED with the same conditions as the original license, all in favor, 9-0.

Presented to the Mayor: March 24, 2006 s/Thomas L. McLaughlin Mar. 27, 2006

CITIZEN'S PARTICIPATION: None.

NEW PETITIONS:

Petition by New Boston Auto Exchange, 210 New Boston Street for renewal of Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSE, all in favor, 9-0.

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

Petition by Checker Cab of Woburn, Inc., 289R Salem Street for renewal of a Taxi Cab License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSE, all in favor, 9-0.

Petition for renewal of Livery Licenses by Checker Cab of Woburn., Inc., 289R Salem Street; Hollywood Limousine Co., 4 Skyview Lane; and A Quality Limousine LLC, 9 Emerson Road. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSE, all in favor, 9-0.

Petition by Steven Sousa dba Silver Cue Billiards, 435 Main Street for renewal of Billiard Table License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSE, all in favor, 9-0.

Petition by Peter Carpenter and Julia Carpenter, 43 Burlington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, so as to convert a pre-existing non-conforming use and two pre-existing non-conforming structures the main house and the detached carriage house/barn/garage to a total of four residential units, with three residential units in the main dwelling and one unit in the detached carriage house at 14 Highland Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Winning Auto Services, Inc., 280 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the outside storage of commercial motor vehicles at 280 Salem Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated March 8, 2006 was received from Attorney Shirin Everett, Kopelman and Piage, P.C. relative to the use of Leland Park land for school building. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication with attachment was received from Thomas G. Gatzunis, P.E., Commissioner, Department of Public Safety, One Ashburton Place, Room 1301, Boston, Massachusetts 02108-1628 requesting that the City Council amend and resubmit the license fees for licenses for games and entertainment on Sunday pursuant to Massachusetts General Laws Chapter 136, Sections 2-4. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

A copy of a communication with attachment to Vernon A. Williams, Secretary, Surface Transportation Board, 1925 K Street NW, Washington, D.C. 20423 was received from Siu Tip Lam, Assistant Attorney General, Environmental Protection Division, Office of the Attorney General, One Ashburton Place, Boston, Massachusetts 02108-1598 relative to the Commonwealth of Massachusetts' opposition to petitioner's motion for leave to file consolidated reply to comments in the matter of New England Transrail, LLC d/b/a Wilmington & Woburn Terminal Railway. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication with attachment to Vernon A. Williams, Secretary, Surface Transportation Board, 1925 K Street NW, Washington, D.C. 20423 was received from Stephen M. Richmond, Beveridge & Diamond PC, 45 William Street, Suite 120, Wellesley, Massachusetts 021481-4004 relative the National Solid Wastes Management Association's opposition to request of New England Transrails, LLC for leave to file sur-reply. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a Policy Brief 06-1 from the New England Public Policy Center at the Federal Reserve Bank of Boston relative to an overview of Chapter 40R and 40S was received from His Honor the Mayor. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated March 16, 2006 was received from Attorney Steven A. Torres, P.O. Box 710, Taunton, Massachusetts 02780 as attorney for former Mayor John Curran relative to the confidential report to the City of Woburn regarding allegations made by the Director of Human Resources concerning the former mayor. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated March 20, 2006 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 relative to a special permit that issued to Wendy's International, Inc., 303 Montvale Avenue on December 7, 2004 and requesting that the City Council forward a communication to the Building Commissioner stating that it understood that the petitioner would have both a free standing sign and a menu order board and imposed conditions on both. Alderman Denaro stated that a request was made to the Zoning Ordinance Review Committee to make a recommendation relative to this issue of signs. Alderman Gonsalves stated that recommended amendments will be forthcoming from ZORC that will exclude order boards from the definition of freestanding signs. Motion made and 2nd that a communication be forwarded to the Building Commissioner stating that an order board is not deemed to be a freestanding sign, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended by deleting from Title 2, Article XXVIII, Section 2-180 the following language:

“Department Head salaries shall be set in accordance with the provisions of the Department Head Compensation Plan submitted to the City Council on July 31, 2001. Department Head positions will be evaluated and placed into an appropriate band with other similar positions, and the salaries will be set to move to the Target Rate for each band over a period of time. The following salaries will reflect the annual implementation of the provisions of the Department Head Compensation Plan for Department Head employees.”

s/Alderman Galvin and President Doherty

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

ORDERED Whereas, it appears from the records of the assessor's office that the city of Woburn is the owner of the following lots of vacant real estate, being more particularly described in and shown upon the records and maps of the Woburn Board of Assessors as follows:

| <u>Parcel ID</u> | <u>Address</u> | <u>Land Area</u> |
|------------------|----------------|-----------------------------|
| 62/1/1 | A Street | 2,786 sq. ft., more or less |
| 54/11/7 | A Street | 2,790 sq. ft., more or less |
| 54/11/5 | A Street | 2,790 sq. st., more or less |

Now, Therefore, Be It Ordered by the City Council that the Mayor of the city of Woburn be authorized and empowered, pursuant to the provisions of M.G.L. Chapter 40, Section 3, and the 1989 Woburn Municipal Code, as amended, Title III, Section 3-23 and Title II, Section 2-10, to sell, transfer and convey whatever right, title, and interest the city of Woburn may have in and to said lots, pursuant to M.G.L. Chapter 30B (the Uniform Procurement Act) and/or M.G.L. Chapter 60.

s/Alderman Gately

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

RESOLVED That His Honor the Mayor direct the Superintendent of Public Works to repair and replace the sidewalks along both sides of Hilltop Parkway and Hilltop Terrace.

s/Alderman Dwyer

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

Presented to the Mayor: March 24, 2006 s/Thomas L. McLaughlin Mar. 27, 2006

RESOLVED Whereas, as a condition of the resolution of the civil matter known as Scrivanos v. Martin, et. al. with Land Court docket number Misc. 290120, the city executed a settlement agreement; and

Whereas, paragraph 5 of the Settlement Agreement required a payment in the sum of \$215,000.00 from the plaintiff to the city of Woburn;

Now, Therefore, Be It Resolved that the use of the funds received by the city in the amount of \$215,000.00 from the Settlement Agreement be restricted for Montvale Avenue/Washington Street intersection roadway improvements and that the City Auditor ensure that the account in which the funds are held be so designated.

s/Alderman Mercer-Bruen

Alderman Mercer-Bruen stated that there will be \$215,000.00 and some land coming to the city as the result of the settlement of an appeal, that she wants the language in the

settlement agreement clarified so that when the funds are placed in the mitigation account it is used exclusively for the Montvale Avenue/Washington Street roadway improvements. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 24, 2006 **Returned Unsigned Mar. 28, 2006**

RESOLVED Whereas, the sidewalks along Utica Street are pitted and failing apart and are a direct access to the Goodyear School;

Now, Therefore, Be It Resolved that His Honor the Mayor direct the Superintendent of Public Works to repair and replace the sidewalks on Utica Street with concrete sidewalks and granite curbs.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 24, 2006 s/Thomas L. McLaughlin Mar. 27, 2006

RESOLVED That His Honor the Mayor direct the Superintendent of Public Works to repave Tremont Street for its entire length.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 24, 2006 s/Thomas L. McLaughlin Mar. 27, 2006

RESOLVED That His Honor the Mayor direct the Superintendent of Public Works to repave Lillian Street for its entire length.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 24, 2006 s/Thomas L. McLaughlin Mar. 27, 2006

RESOLVED That the City Clerk forward correspondence on behalf of the City Council to Representative Edward Markey in substantially the form attached hereto relative to Verizon's petition to Congress to allow for a national franchise for their fiber optic network.

s/Alderman Gonsalves and President Doherty

Attached thereto was a communication as follows:

Representative Edward Markey
5 High Street, Suite 101
Medford, MA 02155

Re: National Verizon Franchise Initiative

Dear Congressman Markey,

The Woburn City Council is writing this letter of concern over Verizon's petition to Congress to allow for a national franchise for their fiber optic network. Local municipalities, such as the City of Woburn, have benefited from negotiating local franchises with cable and phone companies in the past. Without the support of telecommunications companies the City would not be able to provide local cable programming and broadcasting. Furthermore, upgrades to our public safety communication systems are made possible through mitigation funds from telecommunication companies. Given that our budgets have been strained by cuts in local aid and rising operational costs, municipalities in Massachusetts do not have the revenues to replace lost resources that may result from national or state franchising. Woburn is excited to be one of the first communities to enjoy Verizon's fiber optic network and we hope your office can ensure that the mutual cooperation between local communities and telecommunication companies continues in the future.

Sincerely,

The Woburn City Council

cc: Mayor Thomas L. McLaughlin, Senator Edward Kennedy, Senator John Kerry, State Senator Robert Havern, State Senator Patricia Jehlen, State Representative Jay Kaufman, State Representative Patrick Natale

Alderman Gonsalves stated that Verizon is attempting to obtain a national franchise that would weed out local licenses, that the city has received money from Verizon, that the community benefits from being able to negotiate with these communities, that if this passes Verizon may not be required to honor the negotiations, and that the community process could be streamlined by requiring negotiations to be completed within 90 days. President Doherty stated that this proposal by Verizon could also nullify the ability of a community to renegotiate a contract. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: March 24, 2006 s/Thomas L. McLaughlin Mar. 27, 2006

RESOLVED That His Honor the Mayor communicate with the city of Boston for the purposes of requesting that the city of Boston mark the property lines along the boundary between the property owned by the city of Boston under the so-called Cummings Trust in the city of Woburn and the property in the city of Woburn which property is proposed to be used for a

residential development by Archstone in order to facilitate the resolution of future issues concerning this property.

Alderman Drapeau

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

Presented to the Mayor: March 24, 2006 s/Thomas L. McLaughlin Mar. 27, 2006

RESOLVED Whereas, Sergeant Walter A. Callahan, Jr. has had a long and distinguished career as an officer of the Woburn Police Department; and

Whereas, during his career Sergeant Callahan rose through the ranks of the police force having been appointed a Reserve Police Officer on November 2, 1969, a Regular Patrolman on December 21, 1969, Detective on April 20, 1980, Sergeant on November 16, 1986 and Traffic Sergeant in 1992; and

Whereas, as a member of the Traffic Division, Sergeant Callahan was the Traffic Safety Officer and received advanced training, oversaw the operation of the department, supervised the personnel assigned to the division, conducted numerous thorough investigations of accident scenes, and worked to improve driver compliance with local ordinances in the interest of public safety; and

Whereas, as a member of the Detective Division, Sergeant Callahan improved his skills in service to the community including receiving training in areas such as arson investigations, criminal investigations, rape investigations, child abuse investigations, and fingerprinting; and

Whereas, Sergeant Callahan was one of the original members of the Woburn Police Honor Guard and for many years has led the Honor Guard spending many hours training the members and participating in the Honor Guard in many community events over the years, including the inaugural of city officials, memorial services and parades; and

Whereas, Sergeant Callahan received several letters of commendation during his career recognizing his service on many occasions including the capture of bank robbers and rescuing along with a fellow officer three children from a house fire;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Woburn City Council recognizes the many achievements, accomplishments and contributions of Sergeant Walter Callahan to the citizens of the City of Woburn during his career as an officer of the Woburn Police Department, thanks him for his service to the community as well as to the City Council, and extends the best wishes of the

community for continued health, happiness and success upon his retirement.

s/President Doherty

Motion made and 2nd that the MATTER be TABLED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 4, 2006, all in favor, 9-0.

Alderman Mercer-Bruen advised the City Council that there would be a meeting concerning the I93/I95 Task Force on April 5, 2006.

President Doherty advised the City Council that he will invite the utility companies back before the Committee on Liaison to discuss the issue of double utility poles.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:22 p.m.

A TRUE RECORD ATTEST:

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