

**CITY OF WOBURN
MARCH 3, 2009 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Wall
Doherty	

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by John S. Russo and Stephanie Rodman, both of 36 Day Circle, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow bringing fill onto the site at 36 Day Circle. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Thomas Lawton, Lawton and Lawton, 4 Bennett Street, Woburn, Massachusetts 01801 and he stated that the petitioners purchased the home about twelve months ago, that there was erosion at the side of the house, that the petitioner brought fill on site and spread the fill to correct the condition, that an abutter filed a complaint with the Building Department, that the Building Department issued a cease and desist order, that he discussed this with the building inspector, that the property backs sharply down, that the catchbasin is directly in front of the petitioner's driveway where the erosion occurs, that he advocated that the city failed to address a legitimate concern, that if the neighborhood had curbing and an additional catchbasin many of these issues would be resolved, that the petitioner decided to apply for a special permit, that the petitioner has not been able to get a surveyor on site to conduct engineering surveys due to the winter conditions, that the petitioner is willing to have this matter referred to committee, that the Department of Public Works indicated that they would be willing to install the curbing but it is not certain for what length, that one catchbasin is wholly insufficient for proper drainage on the street, that there is an easement through the petitioner's property that empties into the conservation area, that the petitioner brought in about twice as much fill as is allowed without a special permit, that there is a riprap wall to the rear, that the petitioner plans to hire an engineer to prepare a plan, that the fill has already been brought on site and been spread, and that it is the intent of the petitioner to loam and seed the area. The petitioner

John Russo stated that there is a boulder wall on site and that will be the extent of the wall, that he will add grass to the area, that there is a sewer easement that runs about 100 yards back, and that the soil is from Winchester. Alderman Gately stated that the drainage system in that area failed in the past, that they area does need curbing and a catchbasin, and that there is erosion as the area handles a lot of water. President Doherty stepped down from the chair and Alderman Galvin assumed the chair. President Doherty stated that the neighbors want to know the extent of the planned rehabilitation and would like to see a site plan of the proposed design. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 7, 2009 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by President Charles Doherty to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 23 entitled Commerce Way Corridor Overlay District as set forth in the petition (Clerk's Note: See City Council Journal dated July 10, 2008 for a full recitation of the text of the ordinance). PUBLIC HEARING OPENED. President Doherty stated that there have been several Zoning Ordinance Review Committee meetings on this matter, that the review process has gone well, that he requested that an updated version of the ordinance be provided to the City Council from Planning Director Edmund Tarallo and the planning consultant Connery Associates, and that this matter should be reviewed further during the second meeting in April with input from residents and businesses. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE SECOND REGULAR MEETING OF THE CITY COUNCIL IN APRIL 2009, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS: None.

COMMUNICATIONS AND REPORTS:

A communication dated February 26, 2009 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the February meeting of the Council on Aging and the Director's report for the month of February. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated February 26, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Andrea Callahan – Sign Review Board

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Andrea Callahan of 155 School Street as a Member of the Sign Review Board for a period of two years. This appointment is subject to confirmation by the City Council.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be It Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by deleting under Section 2 Definitions the second sentence from Paragraph “a” for “Lot Line, Front” the words “On a corner lot, the shorter street frontage shall be considered the front lot line unless otherwise specified by deed restriction.”

s/President Doherty (per request)

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

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

PERSONNEL:

On the appointment of Loretta Schuck as a Life Trustee of the Board of Trustees of the Woburn Public Library, 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 5, 2009 s/Thomas L. McLaughlin March 5, 2009

On the appointment of Joanne McNamee as a Life Trustee of the Board of Trustees of the Woburn Public Library, 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 5, 2009 s/Thomas L. McLaughlin March 5, 2009

On the appointment of Rosa DiTucci as a Member of the Board of Trustees of the Woburn Public Library, 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 5, 2009 s/Thomas L. McLaughlin March 5, 2009

On the appointment of William Angelo as a Member of the Board of Trustees of the Woburn Public Library, 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 5, 2009 s/Thomas L. McLaughlin March 5, 2009

On the appointment of William Callahan as an Alternate Member of the Historic District Commission, 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 5, 2009 s/Thomas L. McLaughlin March 5, 2009

On the re-appointment of Peter Lennon as a Member of the Historic District Commission, 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 5, 2009 s/Thomas L. McLaughlin March 5, 2009

On the appointment of re-appointment of Peter Lennon as a Member of the Sign Review Board, 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 5, 2009 s/Thomas L. McLaughlin March 5, 2009

FINANCE:

On the Order to appropriate the sum of \$7,500.00 from Cemetery Interest Fund Account to Burial Sections 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 5, 2009 s/Thomas L. McLaughlin March 5, 2009

On the Order to transfer the sum of \$20,000.00 from Tax Title/Foreclosure Account to Treasurer/Payroll Account, committee report was received “ought to pass.” Alderman Galvin stated that this is an interdepartmental transfer but the Treasurer/Collector did not state that this would save money or man hours, and that this is a small amount but if it is not essential it should be denied. Alderman Denaro stated that he understands that the project has already been completed and that the payment is due. President Doherty stated that the Treasurer/Collector indicated that there would be no savings if this was done. Alderman Raymond stated that the current system is complicated to run reports and that the Treasurer/Collector is looking to set up a web-based reporting system. Alderman Drapeau stated that the Treasurer/Collector said that the department’s job would be easier as there would be more access from additional terminals, and that there will be a back-up feature. Alderman Gonsalves stated that the Treasurer/Collector could be brought back in to describe the proposal in more detail. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE and that a communication be forwarded to the Treasurer/Collector requesting additional details on the proposal, all in favor, 9-0.

On the Order to appropriate the sum of \$100,000.00 from Unreserved Fund Balance Account to Veteran’s Cash Aid 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 5, 2009 s/Thomas L. McLaughlin March 5, 2009

On the Order to appropriate the sum of \$45,000.00 from Unreserved Fund Balance Account to Woburn Redevelopment Authority Account, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the condition: 1. When the building at 371 Main Street, Woburn is sold by the Woburn Redevelopment Authority the city’s General Fund will be reimbursed for the amount of this appropriation, all in favor, 9-0.

Presented to the Mayor: March 5, 2009 s/Thomas L. McLaughlin March 5, 2009

On the Order to appropriate the sum of \$775,000.00 from School Stabilization Fund Account to Goodyear School Project Account, committee report was received “ought to pass.” Alderman Denaro stated that he met with the Mayor and Superintendent of Schools to discuss these issues, that he will support the project with the caveat that the building be of a size to accommodate special education, that there can be a discussion to allow an upsize, and that the city needs to see where the numbers will be and what the project will bring. Alderman Drapeau stated that he will support the proposal, that he does not want to get off the agenda of getting another school built, that as part of this

process the city should take a look at the next step so that the rest of the city will not be forgotten, that he wants to know if additional schools will be built, and that it will be clear that certain pockets of the city will not have the same amenities. Alderman Galvin stated that he will support the appropriation, that he supports moving off the Leland Park site and back to the Goodyear School site, that the city had information about contamination on the Goodyear School site and moved ahead with the Leland Park site at the urging of the Mayor, and that if the decision was made in October 2008 based on the knowledge of the land at that time the city would be much further along with this project and that has cost the city. Motion made and 2nd to suspend the rules to hear from His Honor the Mayor concerning this matter, all in favor, 9-0. His Honor the Mayor Thomas L. McLaughlin stated that he has no regrets about the process, that the only thing known was that dumping took place at Leland Park during the 1970s, that Leland Park would have been an ideal site for the new school, that test borings were done and contaminated hot spots were found, that it became clear that it was not only contamination of the site but also that construction material had caused voids in the site making the site unstable for the building of a school, that the costs to rectify this exceeded the cost to clean up the contamination, that the costs of rectifying the soil suitability and cleaning the contamination may not have been reimbursed under the school building program, and that there was a lot of investigation and discussion that went on with respect to this decision other than the briefings before the City Council. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Alderman Raymond stated that he will support the appropriation but he is looking for answers from the residents of north Woburn, and that the north Woburn area of town wants to know when it will be their turn for school improvements greater than parking lot repaving. President Doherty stated that there has to be more open communication with the community, that the recommendation of the school building task force was to create parity across the city, and that the Mayor is clear what his goal is but there is indecision. Alderman Gonsalves stated that she supports the proposal because the city needs this information to determine where the new Goodyear School will be built. Alderman Wall stated that the Wyman School should be next in line for improvements, and that the city will go from nine elementary schools to six elementary schools. Alderman Gately stated that the new school has been promised for a time, that this should have been the first school built, and that the city has to be certain that the right decisions are being made. Alderman Mercer-Bruen stated that there are other schools that will have to be built, that the city must continue planning, and that she will provide reports to the City Council from the School Building Committee if necessary. President Doherty stated that any action necessary to convey to the control of the School Department the grass strip along Central Street in front of the Goodyear School should be completed. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the condition as follows: 1. That the appropriation is to the necessary level for the services to be provided after negotiation of the contracts and that any excess funds shall be returned to the Stabilization Account, all in favor, 9-0.

Presented to the Mayor: March 5, 2009 s/Thomas L. McLaughlin March 5, 2009

Petition by Bahamas Grill, 428 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.29 and Section 5.1 Note 16 of the 1985 Woburn Zoning

Ordinances, as amended, to allow restaurant fast food with hours in excess of 6:00 a.m. to 11:00 p.m. at 428 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

ORDERED That the sum of \$25,000 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359000 \$25,000.00 to Police Emergency Generator Repairs Acct #0112158-587010 \$25,000.00

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

s/President Doherty (per request)

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE and that a written report detailing the balances of the accounts and the purposes of the appropriation be filed with the Committee on Finance before the committee meets on this matter, all in favor, 9-0.

ORDERED That the sum of \$100,000.00 be and is hereby transferred as so stated from Ambulance Salaries Acct #0122051-511500 \$100,000.00 to Apparatus Maintenance Acct #0122054-544400 \$50,000.00, Fire Overtime Acct #0122051-513100 \$50,000.00

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

s/Alderman President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE and that a written report detailing the balances of the accounts and the purposes of the appropriation be filed with the Committee on Finance before the committee meets on this matter, all in favor, 9-0.

ORDERED That the sum of \$250,000.00 be and is hereby transferred as so stated from BLS Ambulance Receipts Acct #39359-595000 \$250,000.00 to Ambulance Salaries Acct #0122051-511500 \$225,000.00, Ambulance Maintenance Acct #0122054-544300 \$25,000.00.

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

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE and that a written report detailing the balances of the accounts and the purposes of the appropriation be filed with the Committee on Finance before the committee meets on this matter, all in favor, 9-0.

A communication dated February 27, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Dear City Council Members,

I am in receipt of your letter to me dated February 24, 2009 concerning your request for an update on the Memorandum of Understanding with Winchester Hospital as it relate to the \$200,000 negotiated for public safety improvements.

The City has yet to receive these monies. Receipt of these funds was contingent upon the issuances of all building permits for the further development of the hospital site. Hence, since this has not occurred at this point, receipt of the funds is still pending.

Please don't hesitate to contact me if you have any further questions of concerns.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:21 p.m.

A TRUE RECORD ATTEST:

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