

**CITY OF WOBURN
MAY 1, 2007 - 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 receiving the Fiscal Year 2008 from His Honor the Mayor Thomas L. McLaughlin, all in favor, 9-0.

A communication dated May 1, 2007 was received from His Honor as follows:

Dear President Doherty and Distinguished Members of the City Council:

Attached is a copy of the FY 2008 budget for the City of Woburn. The entire budget, including the water and sewer enterprise fund, requires a total appropriation of \$107,304,358.38. The regular City appropriation is \$92,053,973.49 and the water and sewer appropriation is \$15,250,384.89. The total budgetary increase for FY 2008 is \$4,785,887.43. You will note, as in FY 2007, that a good portion of the FY 2008 increase is tied to nondiscretionary cost increases in pensions, benefits, energy and trash collection.

GENERAL OPERATING AND SCHOOL BUDGETS

The general operating and school budgets reflect an approximately 4.34% increase from FY 2007. I am pleased to inform you that this serves to place the City of Woburn well below the Proposition 2 1/2 allowable increase. This is a further indication of the financial strength of the City of Woburn.

The FY 2008 Budget for Woburn Schools and Northeast Regional Vocational totals \$43,575,211.98. This figure represents a modest 3.7 % increase allowing primarily for anticipated increases in collective bargaining and utility costs.

WATER & SEWER ENTERPRISE FUND

The budget reflects 6.6 % increase in the water and sewer enterprise fund. This includes MWRA increases, along with other capital improvements to our water and sewer infrastructure.

CAPITAL IMPROVEMENTS

Attached to this submittal are capital improvement requests carried forward from a seven-year capital improvement plan. This \$942,074.00 is accompanied by a request for an appropriation from the overlay reserve account to pay for these much needed capital requests. I fully support these requests, as a way to continue our investment in the capital improvement needs of the City. Woburn is fortunate to have the reserves necessary to maintain our buildings, equipment and infrastructure in light of the tight fiscal restraints facing a number of other communities. Investing in capital needs serves to reduce the need for more expensive repairs and replacements.

RESERVES

In FY 2008, the City of Woburn will continue to maintain healthy reserves along with our Aa3 bond rating.

Sincerely, s/Thomas L. McLaughlin, Mayor

Attached thereto was the following:

ORDERED That for the purpose of defraying expenses for the fiscal year July 1, 2007/June 30, 2008 the following sums of money be and they are respectfully appropriated to the accounts and for objects and purpose herein after stated and explained:

CITY OF WOBURN			FISCAL 2008 BUDGET		
ORDERED: that for the purpose of defraying expenses for the fiscal year July 1,2007 / June 30, 2008 the following sums of money be and they are respectfully appropriated to the accounts and for objects and purpose herein after stated and explained:					
Page	Department	Dept Code #		Summary	Total
1	City Council	0111	Salary	91,027.15	
			Maintenance	11,700.00	102,727.15
2	Mayor	0121	Salary	171,428.84	
			Maintenance	36,800.00	208,228.84
3	Community Services	0122	Maintenance	132,000.00	132,000.00
4	Auditor	0134	Salary	236,002.86	
			Maintenance	94,600.00	330,602.86

5	Purchasing	0136	Salary Maintenance	116,354.96 2,700.00	119,054.96
6	Assessor	0137	Salary Maintenance	387,122.46 28,800.00	415,922.46
7	Treasurer / Collector	0138	Salary Maintenance	350,378.00 135,300.00	485,678.00
8	Law	0151	Salary Maintenance	182,000.00 120,500.00	302,500.00
9	Data Processing	0154	Salary Maintenance	30,000.00 98,300.00	128,300.00
10	City Clerk	0161	Salary Maintenance Outlays	225,787.30 7,000.00 1,500.00	234,287.30
11	Election & Reg	0162	Salary Maintenance Outlays	59,527.15 25,650.00 0.00	85,177.15
12	License Commission	0164	Salary Maintenance	12,000.00 0.00	12,000.00
13	Human Resources	0170	Salary Maintenance	115,851.88 15,900.00	131,751.88
14	Conservation	0171	Salary Maintenance Outlays	80,005.70 7,350.00 8,250.00	95,605.70
15	Planning Board	0172	Salary Maintenance	168,647.30 7,125.00	175,772.30
16	Board of Appeals	0173	Salary Maintenance	22,000.00 0.00	22,000.00
17	Sundry Boards	0174	Maintenance	34,600.00	34,600.00
18-21 22 23	Police	0210	Salary Maintenance Outlays	7,155,500.96 738,650.00 0.00	7,894,150.96

Page	Department	Dept Code #	Summary		
24-25 26 27	Fire	0220	Salary Maintenance Outlays	5,371,764.70 347,689.00 0.00	5,719,453.70

28	Inspection Services	0251	Salary	409,330.31	
			Maintenance	14,750.00	
			Outlays	0.00	424,080.31
29	Sealer of Weights	0254	Salary	14,574.43	
			Maintenance	650.00	15,224.43
30	Civil Defense	0291	Salary	33,788.79	
			Maintenance	1,850.00	35,638.79
31	Woburn School	0300	Budget	42,120,180.00	
31	Northeast Regional	0301	Budget	1,356,459.00	
31	Teachers Retirement Incentive	0302	Budget	98,572.98	43,575,211.98
32	Engineering	0410	Salary	276,110.50	
			Maintenance	13,025.00	
			Outlays	10,000.00	299,135.50
33-36	Public Works	0411	Salary	2,202,030.39	
37	Public Works	0412	Administration	35,000.00	
37	Public Works	0413	City Hall Maint	126,000.00	
37	Public Works	0414	Tree Moth	37,500.00	
38	Public Works	0416	Surface Drain	30,000.00	
38	Public Works	0417	Street Maint	232,000.00	
39	Public Works	0418	Snow Remove	279,000.00	
39	Public Works	0419	Traffic Control	104,900.00	
39	Public Works	0420	Street Lighting	600,000.00	
40	Public Works	0421	Repair & resur	46,000.00	
40	Public Works	0422	Sidewalk Rep	36,000.00	
40	Public Works	0424	Comm. Events	15,500.00	
40	Public Works	0425	Bridge Repair	1,000.00	
40	Public Works	0426	Fence Repair	4,000.00	
41	Public Works	0428	City Garage	68,500.00	
41	Public Works	0429	Telephone	32,500.00	
41	Public Works	0430	Gas & Oil	217,500.00	
42	Public Works	0432	Trucks & equip	157,000.00	
42	Public Works	0435	Public building	120,000.00	
43	Public Works	0436	Outlays	0.00	
44	Total Public Works		Budget		4,344,430.39
45	Cemetery	0490	Salary	378,275.51	
46			Maintenance	0.00	
46			Outlays	10,000.00	388,275.51
47	Board of Health	0512	Salary	307,190.16	
48			Maintenance	99,650.00	
49	Rubbish Removal	0495	Maintenance	2,704,700.00	3,111,540.16

50	Council on Aging	0541	Salary	168,299.40	
			Maintenance	61,100.00	229,399.40
Page	Department	Dept Code #	Summary		
51	Veterans Benefits	0543	Salary	31,000.00	
			Maintenance	2,000.00	
			Benefits	66,000.00	99,000.00
52	United Veterans	0544	Maintenance	7,450.00	7,450.00
53	Public Library	0610	Salary	841,463.76	
54			Maintenance	214,790.00	
					1,056,253.76
55	Recreation	0620	Salary	68,000.00	
55			Programs	99,320.00	
56-57			Maintenance	94,370.00	261,690.00
58	Parks	0630	Salary	338,991.70	
59			Maintenance	57,225.00	
59			Outlays	144,000.00	540,216.70
60	Historical Comm.	0650	Maintenance	10,000.00	10,000.00
61	Handicap Commission	0660	Maintenance	500.00	500.00
62	Biotech Commission	0670	Maintenance	500.00	500.00
63	Traffic Commission	0640	Maintenance	5,000.00	5,000.00
64	Human Rights Commission	0685	Maintenance	5,000.00	5,000.00
65	Historical District Commission	0690	Maintenance	1,000.00	1,000.00
66	Maturing Debt	0710	Principal	1,508,448.00	
			Interest	655,487.65	2,163,935.65
67	Interest Temp Loans	0715	Interest	41,350.00	41,350.00
68	Woburn Retirement	0970	Salary&Maint	4,086,559.00	4,086,559.00
69	Non Contributory Pensions	0970	Salary	132,544.14	132,544.14
70	Unemployment	0980	Maintenance	45,000.00	45,000.00

71	Insurance	0980	Maintenance	13,945,224.52	13,945,224.52
72	Medicare Tax	0980	Maintenance	600,000.00	600,000.00
TOTAL GENERAL FUND BUDGET					92,053,973.49
73-74	Water & Sewer Enterprise Fund Budget				
75-78		Water = 0450		4,974,040.86	
79-83		Sewer = 0440		10,276,344.03	
			Direct Charges to Enterprise Fund		15,250,384.89
			Indirect Charges Reflected in General fund	1,726,132.25	
Total Enterprise Fund Budget				16,976,517.14	15,250,384.89
Grand Total Fiscal 2008 Budget					107,304,358.38

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 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 suspend the rules to allow for a ceremony for new reserve police officers to subscribe their oath of office, all in favor, 9-0. The Mayor and Chief of Police Philip Mahoney congratulated the officer and their families and shared comments. The City Clerk proceeded to administer the oath of office to the following individuals for the office of Reserve Police Officer: Paul J. Doherty, Ian M. Hunt, Mark E. O’Hearn, Brendan P. Maher, Michael E. Pacheco and John P. Walsh.

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

MAYOR’S COMMUNICATIONS:

A communication dated April 30, 2007 from his Honor the Mayor Thomas L. McLaughlin as follows:

Re: Order Relative to Turf Surface at Woburn Memorial High School

Dear President Doherty:

Pursuant to Section 25 of the City Charter, I am returning to the City Council the Order to appropriate the sum of \$1,000,000.00 from the School Stabilization Fund Account to Mayor's Capital Outlay WMHS Turf Field Account adopted at the meeting of April 17, 2007. My particular concern is with the amendment to the appropriation that requires the "bid process take place for field surfaces".

As you are aware, the turf at the Woburn Memorial High School playing field is part of the larger construction project at the site. The general contractor for the project has obtained quotes for the turf surfaces which will meet the intent of the amendment to the Order. My concern is that the language used in the amendment may create uncertainty and duplicity and therefore I ask that the City Council reconsider the earlier vote.

I continue to support the completion of the construction project as I know the City Council does. Your support of the Order with this minor revision will allow the city to move forward with the field and site improvements.

Sincerely, s/Thomas L. McLaughlin, Mayor

Alderman Galvin stated that he can understand the concern of the mayor, that the bid laws are not obstacles, that if the law department does not have an issue with this matter than it can proceed, that the amendment was not wrong, that it seemed that the project had to go to bid, and that the City Council should remove the amendment and let the order be adopted. President Doherty stated that the City Council could have the contractor CTA in to make a presentation concerning the field surfaces, that the contractor has ownership of the grass fields project, that the contractor believes that they can move forward with the grass fields, that to allow the existing contractor to move forward it may be less expensive for the project, that there are outstanding schedules because CTA took over the contract, that on principal the bid process does have merit, that the appropriation of \$1,000,000.00 is outstanding, that he is concerned that the City Council does not know what the \$1,000,000.00 will purchase, that he would like to receive clarification from CTA, that this is a large project, and that he would prefer to have additional information. Alderman Drapeau stated that it is his understanding that since the original field was under the bid that the practice field will be supplemental work, that if this was not in the original plan why would this not be subject to the bid process, that he is concerned that when a contractor does not have bid competition they do not have to provide the best price, and that he would like to see the change order quotes. Alderman Denaro stated that there was a mistake made in the authorization vote, that he was under the impression that with the economy of scale the city would receive the same surface for both fields, that he thought that the field surfaces were bid and bought, that the change order process has worked successfully, that all of the city's projects have had change orders, that this would change the scope from grass to an artificial surface, that the contractor can install grass which will then have to be removed when artificial turf is installed later, that the matter can be tabled for two weeks, that CTA can be asked to appear before the Committee on Finance, and that the matter can be

taken up at the next meeting. Alderman Mercer-Bruen stated that she does not understand why this information was not available at the Committee on Finance meeting, that she supports the field, and that this information should have been provided earlier. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

A communication dated April 26, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Subject: Commonwealth Sewer Rate Relief Fund
Massachusetts State Franchising Bill, Senate Docket 1987/House Docket 1298

Attached are two resolutions I would like to submit for adoption by the City Council.

The first is a resolution in support of restoring the 40% cut in the FY08 Commonwealth Sewer Rate Relief Fund.

The second is a resolution urging the state legislature to oppose the proposed Verizon legislation to eliminate municipal control of cable franchising authority.

If you have any questions, please feel free to contact me. Thank you for considering in adopting these resolutions.

Attached thereto were the following two resolutions:

RESOLVED Resolution in Support of Restoring the 40% Cut in the FY08
Commonwealth Sewer Rate Relief Fund

WHEREAS, the *Commonwealth Sewer Rate Relief Fund* is a statewide program providing over \$60 million to 140 communities throughout the Commonwealth at its peak in 2002 and funded at \$25 million in FY07;
and

WHEREAS, Governor Patrick cut 40% of the *Sewer Rate Relief Fund* in the FY08 Budget, reducing the line item from \$25 million to \$15 million;
and

WHEREAS, the State has continued its commitments to other wastewater relief projects such as the Septic System Repair Tax Credit, which costs approximately \$20 million annually and provides a 40% tax credit up to \$6,000 over four years for repair or replacement for 15,000 septic users; and

WHEREAS, 2.5 million ratepayers in the MWRA Service Area annually pay the debt on over \$6.4 billion in capital projects, including the Boston Harbor cleanup and other infrastructure projects; and

WHEREAS, the payments on debt on these capital projects represent nearly 60% of the Massachusetts Water Resources Authority's operating budget; and

WHEREAS, absent the *Sewer Rate Relief Fund*, rate revenue requirements for MWRA communities are estimated to increase from FY07 to FY13 by over \$271 million; and

WHEREAS, homeowners in the MWRA system already pay some of the highest rates in the nation; and

WHEREAS, a 2004 affordability analysis found rates in the MWRA service area present a substantial social and economic burden to homeowners and are threatening the economic viability of the region;

NOW THEREFORE BE IT RESOLVED that the City of Woburn requests that the Governor and Legislature at a minimum restore the 40% cut to the *Commonwealth Sewer Rate Relief Fund* providing at least \$25 million to offset water and sewer rates in FY08.

s/President Doherty

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

Presented to the Mayor: May 4, 2007 s/Thomas L. McLaughlin May 3, 2007

RESOLVED WHEREAS, Verizon Communications has built facilities through which competitive cable television services can be offered in over 38 Massachusetts communities, yet it is not clear whether or when any other municipality in which Verizon also operated will enjoy the benefits of competition to the same extent as these communities; and

WHEREAS, The Commonwealth provides a primary role for local government to negotiate the terms and conditions under which a wireline cable television company may provide cable television to its residents pursuant to a municipal consent ordinance, and this requirement of law is consistent with long-standing principle of ascertaining and addressing community cable-related needs at the local level; and

WHEREAS, The Commonwealth's wireline cable television companies constructed and now operate cable television systems under municipal

consents that address the specific needs of local communities with specific agreed-upon terms; and

WHEREAS, Federal law explicitly prohibits cable companies and municipalities from entering into exclusive franchises. Yet, notwithstanding non-exclusivity, construction of competitive wireline cable television systems in Massachusetts has not occurred to the extent desired due to economic factors beyond the control of local government; and

WHEREAS, Competition in the provision of cable television service is desirable and has the potential for producing consumer benefits through increased choice and the Woburn City Council supports competition; and

WHEREAS, In order to ensure nondiscriminatory and equal access to competitive services consistent with federal and state law, the City of Woburn has an obligation to ensure that its residents are among those to whom Verizon's competition services will be made available by a date certain; and

WHEREAS, Verizon Communications is seeking state legislation that would exempt it from municipal consent process to which all cable television companies now operate and, if such legislation were enacted, would be permitted to offer competitive cable services under a state-issued franchise that would bypass municipal authorization and approval; and

WHEREAS, The process for an award of such a state-issued franchise will have the effect of eliminating any meaningful opportunity for the City of Woburn to address the specific cable-related needs that otherwise might be fulfilled by Verizon Communications and prevent the City of Woburn the ability to ensure that competition is offered on equal terms; and

WHEREAS, Municipalities and their residents have a significant and specific interest in the terms and conditions attendant to the award of a cable television franchise;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Woburn, that it does hereby urge the Massachusetts Legislature, in the strongest possible manner, to oppose any effort to eliminate the municipal consent process for competitive providers of cable television service until, at a minimum, a thorough evaluation is completed of the current system and the effect of any proposed changes on local governments, residents, competitors, and incumbents is analyzed.

BE IT FURTHER RESOLVED that the Massachusetts Legislature request from the Department of Telecommunications and Energy a report on the status of Verizon Communications' commitments, operations, and intent

to utilize municipal rights of way for the purpose of providing cable television service and exempts it from the requirements that provide or intend to provide cable television service.

AND, BE IT FURTHER RESOLVED that a copy of this resolution shall be certified and forwarded to Governor Patrick, Lt. Governor Murray, Senate President Murray, House Speaker DiMasi, Attorney General Coakley, members of the Telecommunications Committee, and the New England Cable Telecommunications Association for their records.

s/President Doherty

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

Presented to the Mayor: May 4, 2007 s/Thomas L. McLaughlin May 3, 2007

ORDERED Be it ordained by the City Council of the City of Woburn that \$250,000 is appropriated for the purpose of financing the implementation of portions of the City's Stormwater Management Plan (as required for compliance with the Phase II EPA Stormwater Permit) including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Mayor and the is authorized to borrow \$250,000 and issue bonds or notes therefore under G.L. c. 44, sec. 7(1), and/or Chapter 29C, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the Auditor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

I hereby recommend the above: s/Thomas L. McLaughlin, Mayor

s/President Doherty (per request)

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

ORDERED Be it Ordained by the City Council of the City of Woburn that \$1,016,000.00 is appropriated for construction or reconstruction of sewers and drains, sewerage and drainage systems and sewage disposal facilities, including related engineering, consisting of infiltration/inflow improvements; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow an amount not to exceed \$1,016,000.00 under G.L. c.44, sec 7(1); that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority (MWRA) and in connection therewith to enter into a loan agreement and/or security agreement with the MWRA with respect to such loan; and the mayor is authorized to contract for and expend any federal, state, local or other aid available for the project, including any grant related to such project from the MWRA, which shall be expended in addition to the amount appropriated by this vote, and to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the City has received a commitment from the MWRA for an interest-free loan of at least \$558,800.00 and a grant of at least \$457,200.00 relating to the project.

I hereby recommend the above: s/Thomas L. McLaughlin, Mayor

s/President Doherty (per request)

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

PUBLIC HEARINGS:

On the petition by Manuel Jose and Marie Celeste Jose, both of 7 Dewey Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow the alteration of a pre-existing non-conforming 3-family residence to add a dormer and exterior staircases to rear of building located at 40-42 Porter Street. PUBLIC HEARING OPENED. A communication dated April 19, 2007 was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 40 Porter Street

Dear President Doherty and Council Member,

Please continue the above matter, scheduled for May 1, 2007 to May 15, 2007 in order for the engineer to finalize plans.

Thank you for your anticipate cooperation and please call with any questions.

Very truly yours, s/Mark J. Salvati

Appearing for the petitioner was Attorney Mark Salvati and he stated that the petitioner is attempting to realign the rooms and lessen the number of bedrooms, and that he has a meeting scheduled with the building commissioner next week. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 15, 2007, all in favor 9-0.

On the petition by Boston Onnuri Church, 73 Pine Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1989 Woburn Zoning Ordinances, as amended, to allow temporary storage at 73 Pine Street. PUBLIC HEARING OPENED. A communication dated April 30, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Boston Onnuri Church – 73 Pine Street – To allow temporary storage under Section 5.1.57a

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on April 24, 2007, the Board voted to forward an unfavorable recommendation to the City Council on the Special Permit request of Boston Onnuri Church to allow a temporary storage container at 73 Pine Street.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Joseph Cho, Director of Boston Onnuri Church and he stated that they use the container for temporary storage, that it is parked far from the street in an area of the site not used for parking, that the trailer is on site, that it was behind the building, that they created a play area for the children and moved the trailer to this new location, that this trailer has been on the site for three or four years, that they were not aware that a special permit was needed, that they plan to expand the building, that the current site does not have enough storage, that they need this trailer for temporary storage, and that the expansion of the building may take place in the next two years but there is no definite date. Taeminn Song, Director of Boston Onnuri Church stated that the trailer was on site when they purchased this property, that there were containers on site which have been removed, that this trailer is not in the way of any area, that he was not

certain why the Planning Board gave an unfavorable recommendation, that there was an IPOD container on site but it was not leased by them and he is not certain why it was located there, that he believed that the IPOD container was on the 71 Pine Street property, that their trailer is on the left of the building, that the trailer can be seen from the streets, that the trailer was previously located at the back of the building, that there were previously three containers on site, and that three containers were removed with one remaining. Alderman Mercer-Bruen stated that there was on IPOD container parked on the property in the middle of the lot in December 2006, that the IPOD container was being lease as location to deliver goods with the benefit of a permit, that the Building Commissioner visited the site and determined that other trailers were also located on the property, that the IPOD container was located on the other property, that she believes that the Planning Board had to look at both locations similarly, that she understood that one of the containers was located on a paper street and this was an issue, that a container is parked on the side of the building, that the site is located near residential property, and that one of the petitions had a trailer parked on a paper street. Alderman Denaro stated that he can understand the need for temporary storage, that if the special permit is approved he would want to see aesthetic improvements such as the location or shrubbery. IN FAVOR: Margaret Bose, 70 Pine Street stated that she lives across the street from the site, that she is in favor of the petition however with qualifications, that the church is a good neighbor, that she understands the storage problem, that the parking lot is filled on weekends and used heavily during the week, that the petitioner has respect for the neighborhood, that the trailer is visible, that it has been at the site for several years, that she can see the trailer from the street, and that she supports the petition but wants to minimize the visibility of the trailer. Ms. Bose offered a letter to the City Council from Pamela Doherty, 1 Felton Street, William Doherty, 1 Felton Street and Donna Lisacki, 3 Felton Street in opposition to permanent storage containers at 71 Pine Street. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Mustapha Mahfoudi, 63 Pine Street stated that this is a residential neighborhood, that he wants the visibility of the trailer to be improved with ornamental trees and the like, and that he supports the need for storage. John Lally, Felton Street stated that he sees the property every day, and that behind the property there is an area at the rear of the site that goes down to the railroad track where the trailer must be parked. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING ON JUNE 5, 2007 AND THAT THE MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Philip Marshall, Trustee Marshal Family Trust, 71 Pine Street, Woburn, Massachusetts 01801 for a special permit to allow parking of storage containers at 71 Pine Street. PUBLIC HEARING OPENED. A communication dated April 30, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Philip Marshall, Trustee Marshall Family Trust – 71 Pine Street – To allow parking of storage containers

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on April 24, 2007, the Board voted to forward an unfavorable recommendation to the City Council on the Special Permit request of Philip Marshall, Trustee of Marshall Family Trust, to allow for the temporary parking of two storage containers at 71 Pine Street.

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

No one appeared for the petitioner. Alderman Mercer-Bruen stated that this petition is for the containers on site at the back of the building. IN FAVOR: Margaret Bose, 70 Pine Street stated that she is in favor of the petition if the visibility issues can be addressed, and that she wants the petition to be restricted to the two trailers and that the petitioner be required to come back to the City Council if he wants to add new containers. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING ON JUNE 5, 2007 AND THAT THE MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Michael R. Tyminski, 14 Otis Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1989 Woburn Zoning Ordinances, as amended, to allow earth removal or filling at 14 Otis Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the Planning Board continued this matter to their May 8th meeting, that the petitioner is seeking to fill his backyard to make it flat with better grading, that it is a large lot of 38,000 square feet, that there is no retaining wall as part of the proposal, that he is trying to fill the contour of the current yard and make it more uniform, that this project will require a lot of fill although some of the current soil will be scraped over, that the petitioner will be working in two foot increments, that plantings will help to control erosion, and that the city engineer may have comments to address this project. Alderman Drapeau stated that he visited the site, that the neighbors are concerned with the steep drop-off and that the soil may erode to their property, and that a retaining wall may be the resolution of any erosion. Alderman Denaro stated that the petitioner will have to make certain in the final engineering work that there will not be erosion issues. IN FAVOR: Kathleen Tetrault, 16 Otis Street stated that all the yards in the neighborhood have a drop, and that the petitioner will do the project the right way. OPPOSED: Ronald Duggan, 55 Revere Road stated that he lives behind the petitioner's property, that he is not necessarily opposed but has some questions, that there is a runoff problem in this area, that the area is also all ledge, that there is no place for water to do into the ground, that four extra catch basins were put in this area, that he is concerned that the fill will redirect the runoff to neighbors yards and basements, that there is an approximately thirty foot drop-off, that there should be some type of retaining wall to hold the fill, that the area is a wet area even in the summer, that

he wants to know how much fill will be brought in, that his property is forty to fifty feet from his yard, and that this may require a retaining wall of fifty feet in height. Diane Carlson, 57 Revere Road stated that there is a severe drop-off at the back of the property, that there is an open culvert behind her property and an easement, that there is enough water for ducks to swim, that she is concerned that the change in grade will cause run-off to her property, and that she does not want more water to flow towards her property. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMIT FOR FURTHER REVIEW AND THAT THE PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 5, 2007, all in favor, 9-0.

On the petition by regarding the installation of traffic control signal lights at the intersection of Salem Street and Wildwood Avenue and the intersection of Salem Street and Wood Street, to review final construction plans and to discuss land rights and acquisition. PUBLIC HEARING OPENED. Appearing was City Engineer John Corey and he stated that VHB is the traffic consultant for the city, that VHB completed the design of the intersection recently, that three residential and two commercial properties will be affected, that he will meet with the neighbors over the next few weeks to discuss acquisition and compensation in order to proceed with the work, that the city must continue to work with the landowners, that the land agreements will have to be brought back to the City Council, that he is looking at land swaps, purchases and other alternatives, that this will be concluded in approximately the next four to five weeks, that audible pedestrian signals will be installed to assist hearing impaired pedestrians, that once acquisition is complete the project will be put out to bid for construction, that the final inspection of the Kilby Street/Winn Street traffic control signals has not been made yet, that the Department of Public Works will be in that area to put an overlay down and to install thermoplastic striping, that they continue to work on the operation of that signal, that there are ongoing discussions to improve the situation, that the safety of the intersection was improved but the city is trying to minimize the inconvenience to the abutters, that this meeting was informational, that the project will be put out to bid with construction taking place during the summer, and that it may be Spring 2008 before the lights are completed. Don Cooke of VHB stated that this matter was before the City Council in December 2006 to discuss the plans, that the design is close to implementation, that there is a bad combination of a high volume intersection and the geometrics of the intersection, that 17,000 vehicles per day travel on Salem Street and 4,000 vehicles per day travel on Wildwood Avenue and Wood Street, many cars need to cross from Wood Street to Wildwood Avenue, that twenty-four motor vehicle accidents were on record during the study period, that the accident rate is 50% higher than the State average for an unsignalized intersection, that he reviewed the geometric changes to make the intersection operate safely, that this project will fully signalize the intersection, that there will be a four lane cross section between Wildwood Avenue and Wood Street, that this allows turning traffic without blocking the through traffic, that there will be a split phase traffic operation system, that Wildwood Avenue and Wood Street will operate at different phases for improved safety, that there will be full pedestrian phasing, that there will be a push button activated pedestrian crossing, that there will be a traffic signal

controller with a fiber optic connection allowing observation of the traffic from the police station and city hall, that this is a more easily maintained and operated system, that there will be a five foot widening on Salem Street, that there will be a slight modification to the corners with some minor widening of 200 to 300 feet along the roadway, that there will be new roadway construction, granite curbing, concrete sidewalks and improved drainage, that there is not level of service currently on Salem Street as it is unsignalized, that for Wood Street and Wildwood Avenue it is currently a level of service "F" but this will improve to level of service "B" or "C", that the traffic signals are light emitting diodes with lower energy use and longer life, that there is always a six month period or breaking in a new signal, that a monitoring feed will be available from the intersection, that it is designed for monitoring traffic, that the intersection activity can be taped, that a record can be created if an accident occurs, and that often these tapes are re-recorded after a time. Alderman Gonsalves stated that there is a lot more traffic in the city, and that the city cannot control that but can work to increase the safety of intersections. Alderman Mercer-Bruen stated that she spoke to the neighbors to let them know that there will be a meeting for discussions of acquisition of property, that this may be difficult for the abutters but this is a safety issue, that detectors in driveways may assist, that she will reserve comment on the issues of water, and that she asks members of the City Council to endorse the preliminary plan to move forward with discussions with neighbors. Alderman Drapeau asked how the traffic signals at the Kilby Street/Winn Street intersection were working. Alderman Galvin stated that he was pleased with the work at the Kilby Street/Winn Street intersection however the abutters are not pleased, and that with new traffic signals the traffic patterns change which impacts the immediate abutters. President Doherty stated that the issue before the City Council tonight is traffic signals, and that funding water issues for the whole city is a concern not just for businesses. IN FAVOR: Jacqueline Duffy, 197 Salem Street stated that she is in favor of the proposal, that there are many motor vehicle accidents at the intersection, that this is a dangerous intersection, and that she would like to know how long it will take to construct the lights. Veronica Andrews, 164 Green Street stated that she is speaking as a member of the Woburn Handicapped and Disabled Citizens Commission and a resident of the city, that audible signals are a good improvement, that all new installations should have audible pedestrian signals, that a no parking restriction for 200 feet from the intersection is necessary, and that she wants to know if the cameras are taping. Paul Meaney, Executive Director, Woburn Business Association, 10 Tower Office Park stated that he is in favor of the installation of the traffic control signals, that this forum is a little advanced, that the plan is not final, that this matter could have been held in committee rather than as another public hearing, that if easement or land takings are required this may require another public hearing, that the Alderman wants this project done soon but it must be done right, that there are other issues that do not relate to the traffic control signals however if a business owner is asked to give up land it is the time to address other issues of concern of the business owner, that the City Council and Planning Board require businesses to install plantings, that the business owners install sprinklers for the plants which increases the sewer bill to the business when the water is not going into the sewer, that if the City Council gets aggressive on separate water meters for outside watering or on the rate charged business owners then this is an issue, that this should not hold up this project, and that if land takings are needed this could delay the project when easements with

agreements can move the project forward. Tim Donovan, 30 Vernon Street stated that he is Chair of the Woburn Handicapped and Disabled Citizens Commission, that they are in support of safe and accessible access such as this project, that they recommend the Traffic Commission on upgrades or new installations review for handicapped accessibility, that the equipment in Woburn center is not even accessible because of the age and location of the units, that they want this policy added to the Municipal Code, and that vehicular as well as pedestrian safety is an issue. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor 9-0. Motion made and 2nd that the preliminary plan be endorsed and that the City Engineer move forward with discussions with the neighbors, all in favor, 9-0.

On the petition by City Engineer John Corey concerning a natural hazards mitigation plan to meet FEMA guidelines. PUBLIC HEARING OPENED. Appearing was City Engineer John Corey and he stated that in order to obtain FEMA grants there must be a natural hazards mitigation plan, that he is working with the Police Department, Fire Department, Board of Health and Department of Public Works to prepare a plan, that the plan will circulate to the City Council within the next week or two, that this public hearing is required as part of the process, that most of the critical databases with sensitive information are secured by the particular departments, that the Massachusetts Area Planning Council receives the document but not the critical documents behind the plan. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that public hearing be closed, all in favor 9-0. Motion made and 2nd that the natural hazards plan be adopted, all in favor, 9-0.

On the petition by Alderman Gonsalves to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: "By adding a new Section 11.11 as follows: PROPOSED AFFORDABLE HOUSING AMENDMENT 11.11 Affordable Housing Requirement 1. Whenever a request under this section for a Special Permit from the City Council seeks approval for the development of Townhouse, Garden, or Elevator apartments as specified under Sections 5.1.3(a) through 3(d), and Section 5.1.4, under the zoning classification for the subject parcel existing, at the time of the request, the City Council shall require as a condition of any such grant of a permit, the provision on site and within the development of affordable housing units equal to ten (10%) percent of the development's total number of dwelling units. The affordable units to be provided shall be equivalent in size, quality, and characteristics to the other units within the development, including tenure type, i.e., whether the overall development is intended for rental or homeownership. The distribution of unit sizes and determination of occupancy characteristics shall be made by the City Council at the time of granting the special permits. 2. The units required above shall be affordable to persons and households of low and moderate income, in accordance with the guidelines and regulations of the Massachusetts Local Initiative Program (LIP), administered by the Massachusetts Department of Housing and Community Development (DHCD), or a successor program, as they may be promulgated from time to time. The Applicant shall be responsible for preparing a Massachusetts Local Initiative Program, Units Only Application, under the

direction of the Mayor or his designee, for execution and submission by the City of Woburn, and to complete all other work and fulfill all other requirements related thereto, to ensure that the units will be considered subsidized low and moderate income units as defined by MGL Ch.40B, Section 20. 3. The Applicant may, with the approval of and at the sole discretion of the City Council, as a condition of any such grant of a special permit, meet the affordable housing requirements by the provision of off-site units within the same ward at a location or locations owned by, or under option to purchase by the petitioner and identified prior to the granting of and included as a condition of the special permit. Said affordable housing shall be equal to 10% of the requested development's total number of dwelling units, and shall meet the requirements of Paragraph 2, above. 4. The Applicant may, under certain circumstances, and with the approval of and at the sole discretion of the City Council, as a condition of any such grant of a special permit, may substitute a cash payment for the provision of some or all of the low and moderate income housing units required under Section 1, above. Circumstances under which a cash payment may be made include, but are not limited to: 1) the lack of shopping, schools, or other facilities near the proposed location, 2) the lack of access to public transportation, or 3) any other condition which at the sole determination of the City Council renders the site inadequate as a site for affordable housing for the benefit of Woburn residents. Such payment shall be equivalent to the present value of the difference between the affordable rent or price as required under Section 2, above, and the projected market rent or price of the units as of the date the application is submitted. The Applicant shall propose an appropriate method for determining the amount of such payment, which shall be approved by the City Council at its sole discretion. Such payments shall be placed in the Affordable Housing Fund, as specified in Paragraph 5, below. 5. An Affordable Housing Fund shall be established in the City Treasury to receive all payments made under this Section, and shall be kept separate and apart from other monies by the City Treasurer. Any moneys in said fund shall be expended only at the discretion of the City Council, with the approval of the Mayor, to support the creation of low and moderate income housing units which meet the requirements of Section 2, above. All moneys which are collected as a result of any contribution to this fund shall be transferred to the principal of said fund, and the City Treasurer shall be the custodian of the fund and shall deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth of Massachusetts, or in federal savings and loan associates situated in the Commonwealth. Any interest earned thereon shall be credited to and become a part of such fund. Any moneys in the fund shall be expended only by a majority vote of the entire membership of the City Council, with the approval of the Mayor. The cost of acquiring land or property for future affordable housing development by the City of Woburn or one of its public authorities is an allowed expenditure of funds held in the Affordable Housing Fund. 6. In the event that the requirements of this section impose a severe economic hardship on the Applicant, the City Council, may, at its sole discretion, modify the requirements of this Section. Such hardship must be caused by unusual site conditions which substantially increase the cost of development, including: 1) the need to remediate conditions of environmental contamination, 2) the need to preserve an existing structure of significant historic value, 3) the need to preserve a critical area of open space, or 4) a similar site condition which the City Council determines at its sole discretion

substantially increases the cost of development. Such modification shall be limited to a reduction in the number of affordable housing units to be provided under this Section, or acceptance of a cash payment less than the full amount specified in Paragraph 4, above, to be placed in the Affordable Housing Fund. 6. In determining the number of units to be provided in accordance with Paragraph 1, above, a fractional unit of .5 or more shall be regarded as a whole unit. When less than a .5 unit is required, the Application may, at the sole discretion of the City Council, satisfy the requirements of this Section by making a cash payment, as specified in Section 4, above.” PUBLIC HEARING OPENED.

Alderman Gonsalves stated that she met with the Zoning Ordinance Review Committee (ZORC) and the Woburn Housing Authority (WHA), that it was a productive meeting, that there will be substantial edits, that she wants to continue this to the next meeting to complete the revisions, that this can be reviewed in the Committee on Ordinance, that there must be a monitoring agreement to determine the perpetuity units, that the Planning Director believes that this should be a State recognized fund, that the City Council should consult with the City Auditor, that the City Council will authorize expenditures from the funds, that the Planning Director believes that the affordable housing trust should be established, and that she is not certain that the current fund is the best way to go.

Alderman Ciriello stated that he wants the phrase “in perpetuity” included in the revisions. President Doherty stated that if a trust is established the City Council will have control over the members of the trust, that currently there is not an ironclad guaranty that the funds will be used for affordable housing, and that there is a consensus to move towards a trust that the City Council controls. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES and that the PUBLIC HEARING be CONTINUED TO THE REGULAR CITY COUNCIL MEETING ON JUNE 5, 2007, all in favor, 9-0.

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

Alderman Gately left the Council Chamber. A communication dated April 30, 2007 was received from Edmund F. Wall, 4 Waite Avenue, Woburn, Massachusetts 01801 as follows:

Re: Special Permit - & Sherman Place Court

To whom it may concern,

We were granted a special permit at 7 Sherman Place Court to allow a home with an attached garage to be constructed in addition to the garages that are already existing on the property.

We have received the paperwork for the special permit and it states that the 420 square feet of garage being built has been accepted; however, we would like the wording to state the 420 square feet is an “additional” 420 square feet.

Thank you, s/Edmund F. Wall

Alderman Denaro stated that the language of the special permit has to state “additional 420 feet” and not simply “420 feet”. Edmund Wall, 7 Sherman Place appeared and stated that he wanted “additional 420 feet” language added to the special permit. President Doherty stated that this was a minor modification to clarify the special permit. Motion made and 2nd that the language of the special permit be modified to state that the special permit allowed and additional 420 feet of garage space, 8 in favor, 0 opposed, 1 absent (Gately absent).

Motion made and 2nd to return to the regular order of business, 8 in favor, 0 opposed, 1 (Gately absent).

CITIZEN’S PARTICIPATION:

Petition by Christopher Doherty to address the City Council under Citizen’s Participation Time relative to meeting with the Committee on Personnel. Alderman Galvin stated that this matter may require the City Council to go into executive session. Appearing was Christopher Doherty and he stated that this is about a member of the City Council. Alderman Galvin stated that it may be up to the City Council member to decide whether this goes into executive session. Alderman Denaro stated that if this is a constituent issue then it could be handled here but if it is an employment issue then this should be addressed by the Human Resources Department. President Doherty stated that this has not been addressed by the Human Resources Department, that the matter can be sent to the Committee on Personnel, and that the City Council can receive advice from the City Solicitor and hear the matter in executive session. Alderman Dwyer stated that the City Council should receive advice from the City Solicitor, that he understands why this matter is before the City Council but wants to be certain that this is the appropriate forum, and that if this is not addressed he wants to know why. Alderman Drapeau stated that it must be decided whether this matter is properly before the City Council, and that the City Council should ask the City Solicitor if this matter is properly before the City Council. Christopher Doherty stated that he wants to see this matter through. President Doherty stated that the City Council should have the City Solicitor advise whether its appropriate to have this matter before the City Council and to ask the Mayor as to the status of the issue. Alderman Denaro stated that the City Solicitor should be instructed to ask for the information that they may need to resolve this issue. Motion made and 2nd that a communication be forwarded to the City Solicitor requesting a written opinion as to the role of the City Council in this matter and for advice as to how the City Council should proceed, 8 in favor, 0 opposed, 1 absent (Gately absent). Mayor McLaughlin appeared in the Council Chambers and stated that the mayor’s office does have information involving Alderman Gately and Christopher Doherty at the Department of Public Works and at the American Legion Hall, that if that is the issue it has been fully addressed, that it was fully addressed after consulting with the City Solicitor, that there as a police investigation, that

a determination was made, that both parties were advised of the decision, that he can have the City Solicitor available to address this issue, that the Aldermen answer to the electorate but not to the Mayor, that the City Solicitor made it clear that the City Council had no jurisdiction to address the matter, that he will provide the City Council with correspondence in this matter, that this was investigated, that the police department made conclusions and advised the parties of options available, that the mayor's office determined that no further action was needed and the matter was closed, and that no grievance was subsequently received. President Doherty stated that he would like to see any correspondence from the Human Resources Department that the issue was resolved. Alderman Drapeau asked why the Human Resources Department was not involved. Mayor McLaughlin stated that the Human Resources Department was not necessarily directly involved because the police department and the city's labor attorney were involved, that the Human Resources Director would not be involved where there was a police investigation or where a legal issue was involved, and that the Human Resources Director would not have any disciplinary involvement with an Alderman. Alderman Denaro stated that he is not certain why the police department was involved, that the City Council does not have any business in the police or labor issue, that he questions whether the City Council has any rights in this while both parties may have rights in other venues. Alderman McLaughlin stated this did involve the police department and subsequently became a legal issue. President Doherty stated that the Human Resources Department may not have jurisdiction over a City Council member but that he is not certain that assistance cannot be provided to an employee from the department, that if any employee finds a threatening work issue then the Human Resources Department has to put a plan in action to address that, and that the Human Resources Department does have a right to protect an employee. Alderman Galvin stated that the Human Resources Department has no jurisdiction over a City Council member, and that the Mayor and City Solicitor states that there is no jurisdiction over an Alderman. Alderman Denaro stated that he is not certain how much the Human Resources Department was involved with this matter and that there may be a need for more information. Alderman Galvin stated that he is not blaming the Human Resources Department. President Doherty stated that the City Council is not aware what if anything was done by the Human Resources Department to address this issue. Alderman Drapeau stated that the Human Resources Department is in place and responsible for making all employees comfortable in their work environment and has an obligation to create an action plan, that on a regular basis the Human Resources Director should address this, that the Human Resources Director may not be able to discipline an Alderman but can create a buffer for the employee, that anybody can come before the City Council at any time to discuss any matter, that there are right of two parties involved which may have to be discussed in executive session to avoid disparaging the character of someone, and that the City Solicitor should address whether this can be allowed in the citizen's participation format. Christopher Doherty stated that he was not advised to get a restraining order and that there is still an option to obtain one. Mayor McLaughlin stated that this type of restraining order would be from a Superior Court and is not a typical District Court restraining order, that the Human Resources Department did her job and brought the matter to the attention of the Mayor, the police department became involved to do an investigation, that labor counsel then became involved, and that if a party is not satisfied with the outcome it does not mean that the

city did not do everything it could have done. Alderman Dwyer stated that the question is what was the recommendation of the Human Resources Director. Mayor McLaughlin stated that the decision was a police investigation should occur because of alleged assault. Alderman Dwyer stated that there were two issues one which was on city property and one which was off city property, that the police should be involved in the off-site matter but the Human Resources Department should be involved for the on-site matter. Alderman Gonsalves stated that she is concerned with moving into the details of this matter. President Doherty stated that the City Council should have the City Solicitor address the citizen's participation issue. Motion made and 2nd that a communication be forwarded to the City Solicitor to inquire as to whether this matter can be addressed during citizen's participation, 8 in favor, 0 opposed, 1 absent (Gately absent). Christopher Doherty stated that this issue does involve the issues that the Mayor discussed at this meeting. Motion made and 2nd to LAY ON TABLE until the Regular Meeting of the City Council on May 15, 2007, 8 in favor, 0 opposed, 1 absent (Gately absent).

Alderman Gately returned to the Council Chamber.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by Shawn P. McSheffrey for a transfer of a Flammable License from Robert C. McSheffrey to McSheffrey Auto Sales, Inc. at 878 Main Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Cambridge Road Auto Service, Inc., 293 Cambridge Road for renewal of Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Anchor Body Corp., 3 Breed Avenue, Woburn, Massachusetts 01801 for two special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows:
1. Pursuant to Section 5.1.45 to allow for the sale of five (5) used motor vehicles and
2. Pursuant to Section 8.3.2 to allow for off-site parking of twenty (20) vehicles and for a Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Andrew Mitrano and Nancy Mitrano, individually and as Trustees of 25 Naples Avenue Realty Trust, 269 Edgewater Drive, West, East Falmouth, Massachusetts 02536 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning

Ordinances, as amended, to convert the existing dwelling to a two-family dwelling at 25 Naples Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Anthony Cierri, 1 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended to allow for the accessory storage and parking of five (5) commercial vehicles on the property at 1 North Maple Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEAIRNG, all in favor, 9-0.

Petition by Anthony J. Cierri, 1 North Maple Street, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by changing the zoning district for a parcel of land located at 1 North Maple Street with Assessors Map Reference Map 09, Block 05, Lot 01 containing approximately 1.31 acres of land at 1 North Maple Street as shown on the plan filed in the Office of the City Clerk with the petition from the O-P zoning district to the I-P zoning district. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated April 20, 2007 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending March 2007: number of tickets issued 770, number of tickets paid 625, number of hearings scheduled 312, number of tickets voided or dismissed 50, number of tickets outstanding 253, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$22,039.80. There exists a backlog of 4,899 tickets for 1982 through 2006. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$3,560.00.

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

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

A copy of a communication dated April 26, 2007 to the Traffic Commission was received from Timothy Donovan, Chairperson, Woburn Commission for Handicapped and Disabled Citizens as follows:

After external consultant presentations, discussions with the City Engineer's department and thorough review by our Commission, we fully recommend by way of a 6 to 0 vote of our voting members and in accordance with our Powers & Duties that policy and code of the City of Woburn dictate that the Traffic Commission be required to perform an evaluation for utilization of Accessible Pedestrian Signal (APS) devices for all new traffic light proposals and upgrades to existing signal location.

Sincerely, s/Timothy Donovan, Chairperson

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

A communication dated April 30, 2007 was received from Elizabeth Ware, Winchester Planning Board relative to a meeting on May 1, 2007 concerning the fiscal impacts and benefits, the development agreement and the proposed signing bylaw relative to a project at 620 Washington Street in Winchester. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication was received from the Winchester Planning Board relative to a public hearing on May 3, 2007 on the petition by Winchester Hospital to rezone a certain parcel of property on Washington Street in Winchester. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication was received from Barbara Lucas, Chair, Suburban Mobility/TDM Subcommittee, Boston Region Metropolitan Planning Organization, 10 Park Plaza, Suite 2150, Boston, Massachusetts 02116 relative to the organization seeking responses from interested suburban municipalities regarding the Regionwide Suburban Transit Opportunities Study, Phase III. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 19, 2007 was received from Steven J. Chilton, Senior Vice President, Massachusetts Development Finance Agency, 160 Federal Street, Boston, Massachusetts 02110 advising that the agency gave preliminary approval to issue a revenue bond to Eliot Community Health Services Trust at 7 South Street, Woburn and asking whether such project conflicts with an existing local or regional comprehensive plan. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 12, 2007 was received from the Surface Transportation Board entitled "Decision" in the matter of New England Transrail. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 16, 2007 was received from the Surface Transportation Board entitled "Decision" in the matter of New England Transrail. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 13, 2007 to the Surface Transportation Board was received from the Wilmington-Woburn Collaborative, 14 Powder House Circle, Wilmington, Massachusetts 01887 relative to the matter of New England Transrail. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 16, 2007 to the Surface Transportation Board was received from the Office of the Massachusetts Attorney General, One Ashburton Place, Boston, Massachusetts 02108 relative to the matter of New England Transrail. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication to the Surface Transportation Board was received from the Massachusetts Department of Environmental Protection in the matter of New England Transrail. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 16, 2007 to the Surface Transportation Board was received from Norfolk Southern Corporation, Three Commercial Place, Norfolk, Virginia 23510 in the matter of New England Transrail. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 16, 2007 to the Surface Transportation Board was received from Rutgers Environmental Law Clinic, 123 Washington Street, Newark, New Jersey 07102 in the matter of New England Transrail. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 16, 2007 to the Surface Transportation Board was received from Baker Botts LLP, 1299 Pennsylvania Avenue, NW, Washington, DC 20004 in the matter of New England Transrail. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 19, 2007 to the Surface Transportation Board was received from Baker Botts LLP, 1299 Pennsylvania Avenue, NW, Washington, DC 20004 in the matter of New England Transrail. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated April 30, 2007 to the Surface Transportation Board was received from Deutsch/Williams, 99 Summer Street, Boston, Massachusetts 02110 in the matter of New England Transrail. 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 April 20, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Olive C. Galante – Board of Registrars of Voters

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Oliver C. Galante of 43 Poole Street as a member of the Board of Registrars of Voters.

Mr. Galante's current term will expire May 6, 2007, and his reappointment will be effective subject to the date of confirmation by the City Council.

Mr. Galante's reappointment will expire March 30, 2009.

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.

A communication dated April 19, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: John P. DeCata – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint John P. DeCata of 57 Wood Street as a member of the Council on Aging for a period of three years.

Mr. DeCata's appointment will be effective subject to the date of 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 Title 2, Article I of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By adding a new designation "A" to the current paragraph in Section 2-1; and
2. By adding a new paragraph "B" as follows:
 - B. Every officer appointed by the Mayor, with or without confirmation by the City Council, or elected by the City Council, or appointed by any administrative officer or municipal board, within thirty (30) days after the expiration of the term of office that the officer holds, shall be given written notification as to whether the officer will be reappointed or reelected to a new term.

s/President Doherty

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

RESOLVED That the Traffic Commission study the intersection of Burlington Street, South Bedford Street and Locust Street and determine the appropriate location of stop signs or other restrictions to improve the safety of this intersection.

s/President Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: May 4, 2007 s/Thomas L. McLaughlin May 3, 2007

Motion made and 2nd to Suspend the Rules for the purposes of adding the following to the Order of the Day as late filed matters, all in favor, 9-0.

ORDERED That the sum of \$942,074.00 be and is hereby appropriated as so stated from Overlay reserve Acct #01-322000 \$942,074.00 to Mayor – Capital Project Program Per Attached List of Projects \$942,074.00. Upon completion of the project, any surplus shall revert back to the Stabilization Fund.

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, all in favor, 9-0.

ORDERED That the sum of \$15,000.00 be and is hereby transferred as so stated from Interest on Temporary Loans Account #0171559-592500 \$2,000.00, Professional Liability Ins Acct #0198051-517550 \$13,000.00 to Veterans Cash Aid Acct #0154357-577000 \$15,000.00.

I hereby approve the above. s/Thomas L. McLaughlin, Mayor
I have reviewed the above. s/Gerald W. Surette, City Auditor
I recommend the above. s/Charles Culhane, Veterans Agent

s/President Doherty (per request)

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

The Clerk of the Council reported on the status of the Home Rule petition relative to preliminary elections which was pending in the General Court Committee on Election Laws, the Committee held a hearing on the matter on April 26, 2007 and it was expected to be referred to second reading.

Alderman Gately stated that he wanted to invite the member of the member of the Water Advisory Committee be invited to attend the next Regular Meeting of the City Council. Motion made and 2nd that a communication be forwarded to the members of the Water Advisory Committee inviting them to attend the Regular Meeting of the City Council on May 15, 2007, 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 10:12 p.m.

A TRUE RECORD ATTEST:

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