

**CITY OF WOBURN
MAY 15, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin - late
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 8-0-1 (Galvin absent).

Motion made and 2nd to suspend the rules for the purposes of meeting with the Ad Hoc Water Advisory Committee, all in favor, 8-0-1 (Galvin absent).

Alderman Gately introduced members of the Ad Hoc Water Advisory Committee and stated that through their efforts as an advisory board a \$33,000,000.00 bond issue for water issues became a reality, that he acknowledges the work of the committee, that there is still a lot of work to do, and that through the efforts of the committee the city will have good clean water for years to come.

Motion made and 2nd to return to the regular order of business, 8-0-1 (Galvin absent).

Alderman Galvin arrived in the Council Chamber.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$40,000.00 be and is hereby transferred as so stated from DPW Administration Salary Acct #0141151-511000 \$20,000.00 to DPW Overtime Acct #0141151-513100 \$20,000.00 from DPW Water Enterprise Salary Acct #64251-511000 \$20,000.00 to DPW Overtime Acct #0141151-511000 \$20,000.00 Total \$40,000.00

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/Fred Russell, DPW Superintendent

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 \$20,397.00 be and is hereby transferred as so stated from Mayor's Outlays – Excavator Acct #0112158-586571 \$20,397.00 to Mayor's Outlays – Sidewalk Plow Acct #0112158-586531 \$20,397.00

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/Fred Russell, DPW Superintendent

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 relative to the building located at 434 Main Street for the purposes of determining whether the building is public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as defined in M.G.L. Ch. 139, Sec. 1. PUBLIC HEARING OPENED. Appearing for the property owner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the property owner made progress, that the property was transferred to a new owner today, that the new owner owns several restaurants in the Boston area, that an Indian restaurant will be opened at that location, and that the new owner expects the work to begin in early June. Attorney Salvati offered a copy of a communication from Amrik S. Pabla and a copy of a quitclaim deed dated May 15, 2007 to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Alderman Galvin stated that the issue has been worked out, that this will be a good addition to the center, and that he would not object to the City Council dismissing this petition. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PETITION be DISMISSED, all in favor 9-0.

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

May 14, 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 Members:

Request is made for leave to withdraw the above petition without prejudice. My client intends to file a new special permit petition to address the issues involved.

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

Very truly yours, s/Mark J. Salvati

Appearing for the petitioner was Attorney Salvati and he stated that that petitioner will not make the additions as anticipated, and that the petitioner would like to withdraw the petition and continue with the use as a three-family residence. Alderman Denaro stated that he is concerned with the present circumstances at the property, that the tenants have little regard for the neighbors, that the petitioner should clear up the situation before coming to the City Council for future permits, that he is not pleased with the boarding house setting, and that the noise from the site is a disturbance to the neighbors. President Doherty stated that the petitioner will come back to the City Council with a plan to make a true three-family residence, that changes to be proposed later will be intended to be less detrimental, and that there will be an open format to eliminate the closed board house atmosphere. IN FAVOR: None. OPPOSED: Dennis McElhiney, 12 Innitou Road stated that he is opposed to the petition, that the last couple of years a lot of loud music has emanated from the building, that the police have been called to the building many times, that these changes will results in more tenants, and that this is nothing but a boarding house. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

On the petition by Woburn Kiwanis, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the Woburn Zoning Ordinances, as amended, to operate a carnival from June 15, 2007 to June 17, 2007 at Library Park. PUBLIC HEARING OPENED. A communication dated May 14, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Kiwanis Club of Woburn – Library Park – Annual Flag Day

Dear Mr. Campbell and Members of the City Council:

At the meeting held on May 8, 2007, the Planning Board voted to forward a favorable recommendation to the City Council regarding the Special Permit for the Annual Flag

Day Festival at Library Park with the condition that the applicant comply with Section 5.1, Note 14 of the Woburn Zoning Ordinance.

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 Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that this is an annual event. IN FAVOR: A communication dated May 10, 2007 was received from Susan Kolodko, 26 North Warren Street asking that consideration be given to one side of the street parking during the event in the interest of public safety for the residents in the surrounding neighborhoods. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the condition as follows: 1. That a communication be forwarded to the Traffic Commission to take up the matter of parking on North Warren Street at the time of the carnival and to determine whether a temporary parking restriction can be imposed, all in favor 9-0.

On the petition by Atlantic Plywood, 8 Roessler Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.53 of the 1985 Woburn Zoning Ordinances, as Amended, to allow a flammable storage room at 8 Roessler Road. PUBLIC HEARING OPENED. A communication dated April 30, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Atlantic Plywood – 8 Roessler Road – To build a 2 hour rated room for storage of woodworking stains and finishes under Section 5.1.53

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on April 24, 2007, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request of Atlantic Plywood to build a 2 hour fire rated room for storage of woodworking stains and finishes under Section 5.1.53 subject to the condition that the petitioner shall comply with any and all fire safety requirements of the Woburn Fire Department.

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 Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the I-P zoning district, that the proposed use is allowed as a high hazard use

with a special permit, that the Planning Board made a unanimous favorable recommendation, that this is a single story building with the exception of a two story office buildings, that the petitioner is a wholesale supplier of hardwood plywood, that the petitioner will build the storage room within the building, that it is a 60,000 square foot building on a three acre lot, that the business has been operating since 1974, that the petitioner is a wholesale distributor, that this petition will allow the storage of stain and a painting mixing room for purposes of mixing colors and then send it out to customers, and that in the retail setting this is done in the open but in the wholesale setting it will be done in the building. Steve Puppo, Director of Operations for Atlantic Plywood stated that a two hour fire rated wall is the burn through time in the event of a fire, that the company is doing more business and needs more room, and that they will have dry chemical suppression in the room and wet fire suppression in the remainder of the building as well as a third fire suppression system if needed. Alderman Mercer-Bruen stated that she spoke to the fire chief and that he indicated that this petition will improve the situation in the building. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that this petitioner has been in Woburn for 33 years, that the petitioner employs fifty people with six Woburn residents, that the petitioner pays \$69,000.00 in taxes, water and sewer charges to the city, that the petitioner donated in excess of \$15,000.00 to the Social Concern food pantry in the last few years, and that the petitioner has been in that area of the city for a long time dating to the time when there were piggeries and automotive parts dealers in the area. OPPOSED: None. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the condition as follows: 1. That the Planning Board recommendation be adopted as conditions of the special permit, all in favor 9-0.

On the petition by Robert Adams and Greg Adams, c/o Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to replace two multi-family buildings with one building containing five dwelling units at 239 Main Street. PUBLIC HEARING OPENED. A communication dated May 7, 2007 was received from John E. Corey, Jr., PE, City Engineer was follows:

SUBJECT: 239-241 Main Street – Proposed 5 Townhouse Special Permit
Special Permit Application Dated 4/10/07
Plans Dated April 9, 2007 & 11/1/2006

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The submitted plans show one building with 5 three story residential units on 7,955 SF of land and a schematic of the building layout and parking configuration. This site is bisected by two zoning districts B-I and S-1. The zoning line should be shown on the plans as well as any zoning offset restrictions for the respective zones should be noted.

A more detailed plan showing existing and proposed utilities that will be servicing the site, a zoning regulation table showing required and provided zoning information, how the onsite drainage will be mitigated and a development impact statement per section 18 of the Woburn Zoning Ordinance will need to be submitted for review. The parking and access appear to be substandard and do not meet zoning requirements. There are neither existing nor proposed contours.

The submitted plans do not contain sufficient information to complete our review and it would be a waste of our time and resources to regurgitate the rules and regulations. This office will complete its review of this project at such time as sufficient information is submitted.

I trust the foregoing comments are clear as to the engineering departments position at this time.

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that he represents the petitioners, that the property was declared a public nuisance by the City Council, that the decision was appealed, that the petitioners are looking to improve the property by constructing five condominium units similar to those on the property across Main Street from this property, that the Planning Board was not able to make a recommendation, that the petitioners are working to obtain a new site plan, that the petitioner's expect to have the surveyor's plan in June, that the petitioners admittedly rushed the filing of this petition in order to show their interest in working on this issue, that the petitioner's will look at new designs and layouts, that the petitioners would like additional time to work on the plans, and that the current buildings on the property may be razed before there are additional hearings on this petition. Alderman Ciriello stated that he would like to see more work on the proposed buildings with better architectural quality, and that he does not want to see a box building constructed in the downtown area. Alderman Gately stated that he is willing to extend time to the petitioner however the building must be kept secure during this time. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 17, 2007, all in favor 9-0.

CITIZEN'S PARTICIPATION:

On the request for Citizen's Participation filed by Christopher Doherty seeking to meet with the City Council Committee on Personnel. Motion made and 2nd to receive the communication from the City Solicitor dated May 15, 2007, all in favor, 9-0. Motion made and 2nd to TAKE FROM TABLE, all in favor, 9-0. Motion made and 2nd to DENY the request for citizen's participation time, all in favor, 9-0. Motion made and 2nd that a copy of the City Solicitor's opinion be given to the petitioner, all in favor, 9-0.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$1,000,000.00 from School Stabilization Fund Account to Mayor’s Capital Outlay WMHS Turf Field Account, committee report was received “To remove the bid process language from the original order.” Motion made and 2nd to receive the committee report, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED AND APPROVE, all in favor, 9-0.

Presented to the Mayor: May 18, 2007 s/Thomas L. McLaughlin May 21, 2007

On the Order to transfer the sum of \$15,000.00 from Interest on Temporary Loans Account and Professional Liability Insurance Account to Veterans 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: May 18, 2007 s/Thomas L. McLaughlin May 21, 2007

On the Order to appropriate the sum of \$250,000.00 for the purpose of financing and implementing portions of the City’s Stormwater Management Plan, 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: May 18, 2007 s/Thomas L. McLaughlin May 21, 2007

On the Loan Order in the sum of \$1,016,000.00 for construction or reconstruction of sewers and drains, committee report was received “ought to pass as amended with the amendment being that language in the letter dated May 3, 2007 from Edwards Angell Palmer & Dodge be substituted.” Motion made and 2nd to LAY ON TABLE until later in the meeting, all in favor, 9-0.

PERSONNEL:

On the reappointment of Oliver C. Galante as a Member of the Board of Registrars of Voters, 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: May 18, 2007 s/Thomas L. McLaughlin May 21, 2007

On the appointment of John DeCata as a Member of the Council on Aging, 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: May 18, 2007 s/Thomas L. McLaughlin May 21, 2007

On the appointment of a Member of the Recreation Commission, committee report was received "That Paul Tobin of 10 Stevin Drive, Woburn, Massachusetts be appointed as a Member of the Recreation Commission," Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

POLICE AND LICENSE:

On the petition to transfer the Inflammable License at 878 Main Street from Robert C. McSheffrey to McSheffrey Auto Sales, Inc., 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: May 18, 2007 s/Thomas L. McLaughlin May 21, 2007

On the petition for renewal of the Second Class Motor Vehicle Sales License by Cambridge Road Auto Service, Inc., 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: May 18, 2007 s/Thomas L. McLaughlin May 21, 2007

NEW PETITIONS:

Petition by Noel McDermottroe and Lesley McDermottroe, 4 Rag Rock Drive, Woburn, Massachusetts to transfer flammable license from Lexington St. Realty Trust c/o Shirley Parker to Noel McDermottroe and Lesley McDermottroe. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Sam Gandor, 290 Turnpike Road, Suite 354, Westborough, Massachusetts 01581 for a special permit pursuant to Section 7.1.3 of the 1985 Woburn Zoning Ordinances, as amended, for reconstruction or structural change to a pre-existing and non-conforming four family frame residential dwelling to allow the construction of a deck or porch structure at the rear elevation of principal dwelling at 11-13 Porter Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Pacer Electronics, Inc., owner of the land located at 112 Commerce Way, Woburn, Massachusetts 01801 to amend the 1985 Woburn Zoning Ordinances, as amended, as follows:

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinance, as amended, be further amended by adding the following:

That a new Accessory Use be added to Section 5.1 as follows: "Section 5.1.67 Accessory Kennel used in conjunction with a retail establishment greater than 15,000 square feet". In addition, an "x" shall be inserted in the BI column and a "-" in all other columns.

Pacer Electronics, Inc., property owner
By its Attorney,
Joseph R. Tarby III, Esquire
Murtha Cullina LLP
600 Unicorn Park Drive
Woburn, Mass. 01801

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

Petition by 400 MetroNorth Corporate Center LLC, owner of the property located at 400 Presidential Way to amend the 1985 Woburn Zoning Ordinances, as amended, as follows:

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinance, as amended, be further amended by adding the following:

That line 5.1.65b Accessory muscular therapy facility be amended by deleting the "-" in the IP2 column and replacing with "x". This amendment would allow muscular therapy as an accessory use with physical fitness training and recreation facilities as set forth on lines Section 5.1.16, 5.1.16a, 5.1.17a and 5.1.17b.

400 MetroNorth Corporate Center LLC,
property owner
By its Attorney,
Joseph R. Tarby III, Esquire
Murtha Cullina LLP
600 Unicorn Park Drive
Woburn, Mass. 01801

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

COMMUNICATIONS AND REPORTS:

A communication dated May 8, 2007 was received from Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: 4-K Realty Trust, 27 Montvale Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent the 4-K Realty Trust in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on August 14, 2003, as amended by a Landowner's Confirmatory Decision and Notice of Special Permit issued by the City Clerk on January 12, 2004, as extended by Notice of Extension of Special Permit issued by the City Clerk on June 14, 2005 (the "Special Permit"). Although the Petitioner has been issued a building permit as of this date, construction has not commenced pursuant to said Special Permit.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council extend the time period for the Petitioner to exercise his rights under the Special Permit for an additional two (2) year period to August 14, 2009.

Should you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2nd that the time period for the Petitioner to exercise this rights under the Special Permit issued on Jun 14, 2005 be extended for an additional two (2) year period to August 14, 2009 and that the owner continue to maintain the property, cut the grass and pick up trash as necessary, all in favor, 9-0.

A communication dated May 8, 2007 was received from Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: ExecuSpace Construction Corporation – 140 Garfield Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent ExecuSpace Construction Corporation in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on August 11, 2005 (the "Special Permit"). As a result of the current status of the office market in Massachusetts and elsewhere, construction has not commenced pursuant to said Special Permit.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council extend the time period for the Petitioner to exercise his rights under the Special Permit for an additional two (2) year period to August 11, 2009.

Should you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2nd that the time period for the Petitioner to exercise his rights under the Special Permit issued on August 11, 2005 be extended for an additional two (2) year period to August 11, 2009, all in favor, 9-0.

Motion made and 2nd to TAKE FROM TABLE the Loan Order in the sum of \$1,016,000.00 for construction or reconstruction of sewers and drains, all in favor, 9-0. The committee report was received "ought to pass as amended with the amendment being that language in the letter dated May 3, 2007 from Edwards Angell Palmer & Dodge be substituted." The copy of the communication dated May 3, 2007 to Treasurer/Collector Donald Jensen from Attorney Roger P. Vacco of Edwards Angell Palmer & Dodge was received as follows:

Re: Woburn MWRA

Dear Don:

Based on our discussion I suggest the following revised form of loan order relating to the MWRA borrowing:

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, §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 order, and to take any other action necessary to carry out this project; provided, that \$181,775 may be borrowed upon passage of this order, based upon a commitment received from the MWRA of a \$148,725 grant and a \$181,775 interest-free loan for a portion of this project, and provided, further, that no additional amount may be borrowed

pursuant to this order until the City has received a commitment from the MWRA of an additional \$308,475 grant and an additional \$377,025 interest-free loan for the remaining portion of this project.

We understand that the original loan order was introduced at the May 1, 2007 city council meeting. When the order is next before the city council, a motion should be made to amend the order in the form suggested above and upon approval of the amendment the order should be passed as amended by a two-thirds roll call vote of the city council.

Because of the city's referendum requirement, in order to close the borrowing from the MWRA by May 31, 2007, the order as amended will need to be given its final approval no later than May 10, 2007.

Please call me if you have any questions about the suggested proceedings.

Yours faithfully, s/Roger P. Vacco

Motion made and 2nd to suspend the rules for the purposes of hearing from the Superintendent of Public Works on this matter, all in favor, 9-0. Appearing was the Superintendent of Public Works Frederick W. Russell and stated that the city's consultant has information concerning the I&I (Inflow and Infiltration) program for the City Council to consider. David Elmer of Weston and Sampson Engineers appeared and stated that the focus of most of these projects is in the Horn Pond overflow, that this is caused by I&I into the sewer system, that the city must implement the program to reduce SSO in the area, that the leaks into the sewer system are through leaks, manholes and connections, that the rain drain is supposed to be completely separate from sewers and pipes, that west of Main Street all of the waste ends up in one place, that the inflow is rainwater and the infiltration is ground water, that rainwater can get into the system and impede the capacity of the sewer line, that the inflow is the biggest contributor to the wet weather situation, that infiltration is longer term and costs more in reduced sewer capacity, that the Dix Road and Sylvan Road interceptor project included investigation and inspection of all structures in that area, that it costs \$8.15 per gallon per day over a twenty year period to transport and treat sewer water, that private inflow source material will be targeted in 2008, that a field investigation was just finished and they are analyzing the data for tributaries to Horn Pond, that the Administrative Consent Order (ACO) requires progress on the private inflow sources, that there is an estimated peak inflow removal of 260,000 gallons per day, and that sump pumps and floor drains are sources of private inflow. Superintendent Russell stated that the hydraulic model will dictate which water improvements can be made to the sewer pipe along Horn Pond. Mr. Elmer stated that the project will reduce SSO at Horn Pond, that the events are fewer, that the activate in more intense storms than in the past and for shorter periods, that they are focusing on cost effective repairs, that many of the pipes are fifty plus years old, that inspections are necessary to analyze the condition, and that in some cases sewer rates can be reduced but stabilizing the rates is a good goal. Alderman Drapeau asked why the city has to put up with the sewerage from the town of Burlington heading this way and why was the system placed where it was near Horn Pond. Superintendent Russell stated that both Woburn and

Burlington contribute to this problem that when the lines were installed the elevation of Horn Pond was lower, that when the level of the pond is low remnants of walkways can be seen, that the level of the pond was raised significantly when the Scalley Dam was constructed, that the water that runs around the same is overflow and was designed that way, that 55% of the cost of the project is a zero interest loan over a five year period and 45% is a grant that does not have to be repaid, and that the assessment will never be reduced \$500,000.00 because of these improvements but it reduces the portion of costs assessed to the city as compared to other communities. Mr. Elmer stated that most of the repairs will require excavation which is more expensive. Alderman Galvin stated that the city cannot keep spending money in these amounts or there will be a point where the city will be paying the debt forever but without a benefit. President Doherty stated that the city was mandated by the Department of Environmental Protection (DEP) to do this and if the city does not then the assessment will be raised. Mr. Elmer stated that the DEP mandates work and is not concerned with the cost of the community, that the conditions at Horn Pond are driving this, that the town of Burlington has an ACO, and that the DEP wants Woburn and Burlington to together on this issue. Superintendent Russell stated that there is an amnesty period where any deficiencies located will be repaired at the expense of the city with no fines or penalties if completed within twelve months. Alderman Drapeau stated that the city needs to eliminate overflows. Alderman Gonsalves stated that the city needs to ensure that once an issue is fixed there should be stiff penalties if an illegal hook-up is later made. Superintendent Russell stated that penalties are provided in Title 13 of the Woburn Municipal Code, that the city is also allowed to inspect the property under Title 13 of the Woburn Municipal Code, and that there should not be any money out of the property owners pocket if they come forward and let the city make repairs. Motion made and 2nd that the committee report be received, all in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the amendment being that the language in the letter dated May 3, 2007 from Edwards Angell Palmer & Dodge be substituted and adopted, ROLL CALL: Ciriello – Yes, Denaro – Yes, Drapeau – Yes, Dwyer – Yes, Gately – Yes, Galvin – Yes, Gonsalves – Yes, Mercer-Bruen – Yes, Doherty – Yes, MOTION PASSES.

Presented to the Mayor: May 18, 2007 s/Thomas L. McLaughlin May 21, 2007

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

ORDERED That the sum of \$15,000.00 be and is hereby appropriated from Cemetery Interest Fund and distributed as follows: \$5,000.00 to Burial Sections 0149058-586601 for Preventive Spraying of Trees, \$10,000.00 to Over-time 0149051-513100 for Preparations for Memorial Day Celebration

I hereby approve the above: Edmund McGrath, Chairperson

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

I have reviewed the above: John Danizio, Auditor

s/President Doherty

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

A communication was received from the Town of Winchester Planning Board advising of a public hearing to be held on May 24, 2007 at 8:00 p.m. in the Winchester Room, Town Hall, 71 Mt. Vernon Street, Winchester, Massachusetts regarding two zoning warrant articles to create a new zoning overlay district Health Services Overlay District and to include a specific property located at 620 Washington Street in the Health Services Overlay District. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy communication dated May 10, 2007 to Superintendent Carl R. Batchelder, Woburn School Department, was received from Edward R. Quinn, 4 Laurel Street, Woburn, Massachusetts 01801 relative to his concerns about the status of compliance of the Woburn School Department and Woburn Memorial High School in implementing a comprehensive recycling program. 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: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City Council Regular Meetings scheduled for July 3, 2007 and August 7, 2007 are hereby canceled.

s/President Doherty

Alderman Drapeau stated that last year there were long meetings in July and August, that if the meetings are canceled then the City Council should avoid a reoccurrence of the long meetings, that it may have been unique to the period, and that he would rather have a second meeting to avoid a long meeting. President Doherty stated that when matters get pushed to another meeting it tends to increase the length of the agenda, and that if the agendas get too lengthy the City Council can schedule a meeting to clear the agenda. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

RESOLVED That the Superintendent of Public Works reconstruct and repave Tidd Avenue

s/Alderman Ciriello

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

Presented to the Mayor: May 18, 2007 s/Thomas L. McLaughlin May 21, 2007

RESOLVED That in order to improve public safety the Traffic Commission investigate the feasibility of establishing a resident traffic only restriction on Coolidge Road.

s/Alderman Dwyer

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

Presented to the Mayor: May 18, 2007 s/Thomas L. McLaughlin May 21, 2007

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:11 p.m.

A TRUE RECORD ATTEST:

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