

**CITY OF WOBURN
OCTOBER 3, 2006 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by the Town of Wilmington for a grant of right in a way to install a 20-inch diameter water main in Presidential Way in the City of Woburn to connect the Town of Wilmington municipal water system with the Massachusetts Water Resources Authority water system as shown on the plan filed with the City Clerk entitled "Town of Wilmington, Massachusetts MWRA Connection Transmission Main" by SEA Consultants, Inc. dated April 2006. PUBLIC HEARING OPENED. Appearing for the petitioner was Michael Caira, Town Manager for the town of Wilmington and he stated that this petition will allow Wilmington to install a water pipeline along Presidential Way, that the city accepted the right of way, that the petitioner now seeks the grant of right in a way in this section of Presidential Way, that there is a provision in the contract for independent oversight for the 600 feet in question, that the mayor's office in Woburn will decide who that person is, that Wilmington will pay the charges for this person, that they have not gone out to bid on the contract while waiting for this approval, that they will seek authorization from the Woburn Superintendent of Public Works to enter Woburn, and then they will go out to bid. Alderman Gately stated that night work is dangerous because of limited vision, that it is unsettled ground in that area, and that he wants a municipal inspector for Woburn and the Woburn Superintendent of Public Works to keep an eye on the impact on businesses in the area. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he wants someone on site who is approved by the Woburn Superintendent of Public Works and the Woburn City Engineer to oversee the whole project not just 600 feet, that this individual should be made available to the city council to answer questions, that he does not totally agree with this project but the city council has made up its mind,

that he does not want problems in that area, and that he wishes that digging would not take place in that area. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Alderman Drapeau offered as an amendment that a representative for the city should be appointed who is chosen by the Woburn Superintendent of Public Works and the Woburn City Engineer with approval of the City Council for the entire project not just 600 feet. Alderman Denaro stated that he does not understand why the city council should have oversight over the selection of the individual inspecting the project as they do not have the expertise to judge the credentials, and that the department heads are qualified to do this. Alderman Drapeau stated that he would be willing to withdraw the requirement of city council involvement. Alderman Galvin stated that the mayor should make the selection of the clerk of the works who will oversee the interests of the city. Alderman Gately stated that the city council should be involved so that the clerk reports bi-weekly or monthly on the progress of the project, and that perhaps this could be done through the committee on special permits. Alderman Galvin stated that until now the mayor was not included in the approval process. Alderman Drapeau stated that it is the will of the city council to be involved so he will leave the amendment as originally proposed, that the individual will be selected by the Woburn Superintendent of Public Works and the Woburn City Engineer and then the city council will approve the selection, and that the superintendent of public works and the city engineer have the expertise to make the selection and the mayor does not. Alderman Galvin stated that the mayor makes these appointment decisions. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED, with the amendments as follows: 1. That the mayor will make an appointment of a city representative for oversight of the project in its entirety with recommendations from the Woburn superintendent of public works and Woburn city engineer and that the name of the appointee will be brought forward to the city council for approval, and 2. That the conditions from the original grant of right in a way for this project shall be adopted as conditions of this grant of right in a way, all in favor, 9-0.

Presented to the Mayor: October 6, 2006 s/Thomas L. McLaughlin Oct. 11, 2006

On the petition by Winn Street Realty Corporation, 50 Dodge Street, #2, Beverly, Massachusetts 01915 for a special permit pursuant to Sections 5.1.5, 11.6.5 and to the extent deemed applicable Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, so as to convert third floor space in the building at 65-67 Winn Street, into two apartment units, with parking as shown on the accompanying plans (reduced requirements per Section 8.2.5 for mixed use of property), the proposed use also constitutes a request to change the terms of a Special Permit previously issued April 26, 2001 at 65-67 Winn Street PUBLIC HEARING OPENED. A communication dated September 22, 2006 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Winn Street Realty Corporation – 65-67 Winn Street – Convert third floor into two additional apartment units making a total of 6 units with first floor retail

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on September 12, 2006, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to convert the third floor into two additional apartment units, resulting in a total of six units with first floor retail, at 65-67 Winn Street subject to the following conditions:

1. That there shall be no outside storage on the lot.
2. That the third floor shall maintain sprinkler coverage in accordance with NFPA 13 – Standard for the Installation of Sprinkler Systems as approved by the Fire Chief.
3. That the Planning Board shall approve a landscaping plan for the site and shall retain jurisdiction over the landscaping.

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

A report was received from the Committee on Special Permits as follows: “Back for action.” A communication dated October 2, 2005 was received from John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows;

Re: Special Permit – Winn Street Realty Corp.

Dear Aldermen:

In consideration of the comments of the Ward Alderman and the members of the Special Permits committee, the petitioner respectfully requests that its petition be given leave to withdraw without prejudice. The petitioner understands the concerns raised on the parking, and may explore further options with respect to addressing those concerns.

I wish to thank the Council for its time and consideration in reviewing this matter.

Sincerely, s/John D. McElhiney

Motion made and 2nd to accept the communication from Attorney McElhiney, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2nd to close the public hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

On the petition by Anthony J. Giunta, Jr., 188 Ridge Lane, Apt 311, Waltham, Massachusetts 02452 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow an auto repair/custom exhaust facility at 315 New Boston Street PUBLIC HEARING OPENED. A copy of a communication dated

September 7, 2006 from Brett F. Gonsalves, Senior Engineer, Engineering Department, to Edmund Tarallo, Planning Director, Woburn Planning Board, was received as follows:

Subject: 315 New Boston Street – Auto Repair/Custom Exhaust Facility Special Permit –
Special Permit Application Dated August 18, 2006

This office has reviewed the special permit application for the above referenced location and finds that the submission contains no site plan depicting existing or proposed site conditions. This office will need at a minimum a site plan showing the location of the proposed use and parking.

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

A copy of a communication dated October 2, 2006 from Brett F. Gonsalves, Senior Engineer, Engineering Department, to Edmund Tarallo, Planning Director, Woburn Planning Board, was received as follows:

Subject: 315 New Boston Street – Auto Repair/Custom Exhaust Facility Special Permit –
Special Permit Application Dated August 18, 2006 – Previous Memo Dated
September 7, 2006

This office has not received any additional information since my previous memo dated September 7, 2006.

This office will complete its review when additional information is submitted.

A communication was received from Anthony Giunta, Jr. as follows

In regards to: Special Permit for 315 New Boston Street

I am still in the process of getting all plans required by the city council together. Therefore I am asking for a continuance on this matter until the November 14th meeting.

Thank you, Anthony Giunta, Jr., Unique Custom Exhaust

A report was received from the Committee on Special Permits as follows: “Back for Action.” IN FAVOR: None. OPPOSED: None. Alderman Drapeau stated that the petition failed to appear at the recent meeting of the Committee on Special Permits regarding this matter. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 14, 2006 and that a communication be forwarded to the petitioner stating that if plans are not prepared by the meeting then the city council will take action on the petition at that time, all in favor, 9-0.

On the petition by AvalonBay Communities, Inc., Suite 804N, 1250 Hancock Street, Quincy, Massachusetts 02169 for a special permit to modify Condition No. 23 of a special permit issued on April 7, 2005 by deleting the language of Condition No. 23 and inserting in its place the following: "The developer/owner will provide forty-nine (49) affordable units, of which 46 will be affordable to persons and households of low and moderate income. The remaining three (3) affordable units will be handicapped equipped. The forty-nine (49) units shall remain affordable in perpetuity." at Lot 2, Inwood Drive
PUBLIC HEARING OPENED. A communication date October 3, 2006 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Avalon Bay Communities, Inc. – Lot 2 Inwood Drive – To modify Condition #23 of the April 7, 2005 Special Permit

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on October 3, 2006, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to modify Condition #23 of the April 7, 2005 Special Permit for Lot 2 Inwood Drive as follows:

That the City Council amend Condition No. 23 to read:

"23. The developer/owner shall provide that forty-nine (49) of the units shall be restricted as "Low or Moderate Income Housing" as such term is defined in the Department of Housing and Community Development's Local Initiative Program Regulations, 760 CMR 45.02 (the "Affordable Units"). The percentage of the handicapped accessible units among the Affordable Units shall be equal to the percentage of required handicapped accessible units in the development as a whole under applicable federal and state law, but in no event shall there be fewer than three handicapped accessible Affordable Units. The forty-nine (49) Affordable Units shall remain affordable in perpetuity to Low or Moderate Income households as such term is defined in the Department of Housing and Community Development's Local Initiative Program Regulations, 760 CMR 45.02. In addition, the forty-nine (49) Affordable Units shall comply with the Department of Housing and Community Development's Local Initiative Program Regulations, 760 CMR 45.00 et seq. in effect as of the date hereof, and the Developer and the City shall submit an application to DHCD for the affordable units to be counted as "Local Action Units" in compliance with 760 CMR 45.03 as in effect as of the date hereof."

All other conditions of the April 7, 2005 Special Permit shall remain in effect except as amended by the April 13, 2006 decision and this amendment.

If member 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 mayor asked that the petitioner file petition so that the city can get credit for the 49 units, that Planning Director Tarallo contacted DHCD, that the units would be approved as affordable without the age restriction, that the age restriction will not allow the units to be counted as affordable, that the petitioner is only here at the request of the city, that the petitioner is fine with the amendment staying as it is, that the petitioner is willing to discuss buyback of units later but would prefer to move forward with this amendment, that the petitioner spent a number of meetings with Woburn Housing Authority Executive Director McNabb but he is not certain whether the mayor requested input from the Woburn Housing Authority, that \$40,000.00 per unit for 24 units was originally the buyout proposal, that they would prefer that the petition not go to committee although they are willing to discuss the issue of buybacks in committee, that there are two lots, that one lot contains 44 market rate condominium units and that the second lot has thirteen buildings with 446 units, that if the age restriction was removed he is confident that the city would then get credit for those units as affordable, and that an alternative is to buy down the units to 25 affordable and to create 24 affordable units elsewhere in the city with the buy-down funds. Scott Delgado of AvalonBay Communities, Inc. stated that they will continue to market the project with the current conditions, that the units will not be counted under the State program, that if there is a buy down he would prefer it be sooner rather than later as when marketing progresses this will impact their ability to do this, that the only economic benefit is the spread between the affordable units and the market rate units, and that the units are identical except for the rent and the affordable restriction. Alderman Denaro stated that he is concerned if there will not be the control as originally intended, that if affordable housing continues under Section 8 provisions such as at Kimball Court there will be issues further down the road, that he would prefer that the project goes market rate, that there is urban sprawl in the city, that he would prefer to fight the battle in one location rather than in several different areas, and that the age restricted use controls the school use issue. Alderman Galvin stated that he will support the amendment tonight, that he appreciates the petitioner's willingness to do it, that the question whether the petitioner will buy back some of the units and use the funds to establish other alternatives such as senior housing, that there are a number of sites in the city which could benefit this, that the Committee on Special Permits can review this, and that the buyback provision can be addressed later as it is not related to this petition. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the city has been dealing with this petition for 2½ or three years, that the project is moving fast and it looks good from the street, that he is in favor of the petition because the petitioner is and that he would not be in favor of the petition if the petitioner was not, that there is a need for affordable housing, that he is also a member of the Woburn Housing Authority (WHA), that the WHA was never asked to participate in this discussion, that a communication has been sent from the WHA board to various city boards asking to be permitted to be more involved in these discussions, that he is not certain whether the WHA is support of the buyback, that he does not want the money to go to the city's General Fund nor to the Woburn Housing Authority but it should go to the WHA, and that there is a bit of a turf war here. Jack Marlowe, Chair of the Woburn Redevelopment Authority (WRA) stated that the position of the WRA is to create affordable housing

whenever possible, that there is no intention of interfering with the WHA activities, that he was invited to a meeting at the mayor's office, that there is no intent to be involved in affordable housing if the WHA wants to show initiative, that the WRA has done so downtown, that he will do whatever he can to develop affordable housing in the community for those who cannot afford it, that he is 100% in support of the project, that the buyout will put the city in the position to locate opportunities to establish affordable housing in the city, that the city would be proactive rather than reactive, and that there are some projects that may require a couple of hundred thousand dollars as seed money. Alderman Dwyer stated that there should be some discussion among the boards to come up with some strategy on affordable housing in the city. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED AS REQUESTED, all in favor, 9-0.

[Note: On October 4, 2006 at 12:18 p.m., President Doherty filed a notice of intent to move for reconsideration at the next regular or special meeting of the City Council on his vote to support the special permit.]

On the petition by Monster Paintball, LLC, 139 Nichols Street, Wilmington, Massachusetts 01887 for a special permit pursuant to Section 5.1.17b of the 1985 Woburn Zoning Ordinances, as amended, to operate an indoor commercial playground, sports facility for indoor paintball and associated pro shop, all in an area containing approximately 25,000 square feet at 5 Crescent Avenue. PUBLIC HEARING OPENED. A copy of a communication dated September 7, 2006 from Brett F. Gonsalves, Senior Engineer, Engineering Department, to Edmund Tarallo, Planning Director, Woburn Planning Board, was received as follows:

Re: 5 Crescent Avenue Monster Paintball Special Permit – Special Permit Application
Dated August 11, 2006

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

The proposed Paintball special permit application was previously approved by City Council at a previous location of 479 Wildwood Avenue. Upon a review of the new application, this office takes no exception to the special permit as submitted.

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

A communication dated September 22, 2006 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board, as follows:

Re: Monster Paintball, LLC – 5 Crescent Ave. – To allow for an Indoor
Playground/sports facility for Indoor Paintball and associated pro shop

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on September 12, 2006, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for an Indoor Playground/sports facility for Indoor Paintball and associated pro shop at 5 Crescent Avenue subject to the following conditions:

1. That the parking shall be in accordance with the "Site Plan, Crescent Avenue, Woburn, MA for: 5 Crescent Avenue LLC, Tax Map 38, Block 1, Lot 6-1" prepared by Benchmark Survey, 38 Montvale Avenue, Suite 180, Stoneham, MA 02180 dated 9/13/05 as revised on 10/05/05, 11/14/05, 12/12/05, and 4/27/06, Sheet C3.
2. That the trash area be screened and gated as shown on the "Plans" as "trash area".
3. That no outside storage of materials or dumpster shall be allowed on the premises except in the "trash area" as shown on the "Plans".
4. That the daily flow volume of sewerage shall be recalculated and approved by the engineering department at the time of occupancy to insure that the proper sewer connection fee has been provided.
5. That the petitioner shall provide video surveillance with recording capability to the satisfaction of the Police Chief.
6. That the parking lot includes lighting satisfactory to the Police Chief and Planning Board.
7. That the Planning Board shall retain jurisdiction over the landscaping.
8. That no activity related to the proposed use be conducted outside of the building.
9. That cameras shall be installed inside and outside of the building with a DVR recorder.
10. That the manager shall meet at regular intervals with Woburn Police to review safety and security issues.
11. That the hours of operation shall not exceed 8:00 a.m. to 11:00 p.m. Monday thru Saturday and 10:00 a.m. to 10:00 p.m. Sunday.
12. That no liquor sales of any kind shall be allowed or granted for the premises now or in the future.
13. That the Special Permit is non transferable.

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 were the petitioners Anthony Brown and Nancy Brown. Anthony Brown stated that they previously obtained a special permit for this use at 479 Wildwood Street, that the negotiations did not go well and they property was pulled from the market, that this property is a little further down the road, that it is set off from the road, that it is below grade level, that the building was a mail distribution area in the past, that there is little retrofitting our upgrading needed to ready this for business, that they will provide entertainment in a controlled environment, that there will be two filed, a function room and prop shop, there will be no arcade and no food service, that they will teach players

how to play and enjoy the sport, that if the door is open an audible sound can be heard five to ten feet away, that the fields are separated and there are high ceilings, that the sounds will not be audible from the parking lot, that there will be forty to sixty vehicle trips per day, that this is a half or full day event, that even a corporate function during the day would be for four hours, that they have an agreement in principal to execute the lease once the special permit is approved, that the goal is to be a good citizen, that the principals will be on site at most times, that CO2 cartridges are noisier than nitrogen cartridges, that CO2 is a liquid that has to warm and vaporize, that it is harder louder than the nitrogen, that they will use more nitrogen, that CO2 can also damage the marker units, that he does not have decibel monitoring equipment but will get some scientific data on this, and that there are no floor drains. Dan Flight of Monster Paintball stated that you will barely hear this noise in the residential area from markers, that the property is below grade level, that you will not hear the noise until you enter the facility, and that the ambulance service in the area creates more noise. Alderman Denaro stated that he would like to amend proposed condition number 11 that states "except for public safety officer training" to allow such use during off hours. Alderman Mercer-Bruen stated that this is an industrial area but is located nearer to residential uses as opposed to the prior location, that he would prefer reduced hours because of residences nearby, that she is concerned with the insulation in the building and sounds emanating to the residences, that the whole side of Pine Street is residential, that this is a good use but she is concerned about the noise, that she wants to have a test to determine whether noise can be heard from the residences, that she wants a site visit to resolve the issue now rather than have it as an issue later, that Sunday hours of 12:00 noon to 6:00 p.m. would be preferred, that she would prefer a weekday closing of 10:00 p.m. because of nearby residences, that she wants this referred to committee for further review, and that she wants to know the number of trips per day and the number of cars per day that the use would generate. Alderman Dwyer stated that depending on the noise issue he would likely support this petition, and that he would like the petitioner to work with the Recreation Department on using this facility. Alderman Galvin stated that he likes the concept. Alderman Drapeau stated that if the noise test is conducted in an empty building that is not built out this would not be a proper demonstration, that the petitioners will limit the noise, that he understands that nitrogen cartridges are noisier than CO2 cartridges, that he would like decibel readings information for the committee meeting, that there must be a technical data sheet with this information, and that he wants to know how the rifle range affects neighbors with noise. Alderman Gately stated that the drainage in the area is to Walker's Pond and he does not want to see it turned colors, and that he will look to the issue of drainage during the site visit. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he does not see any serious problems with this location since the property is down in the valley. Peter Golden and Linda Golden, both of 132 Nichols Street, Wilmington appeared and he stated that guns will not be heard by the neighbors. OPPOSED: Colin Carney, 2 Walnut Hill Park stated that he has lived at the top of Crescent Avenue/Walnut Hill Park since 1994, that except for ambulances on occasion on a Sunday that after noon on Saturday there is little traffic until Monday, that these buildings are across from a couple of residences with driveways onto Crescent Avenue, that the intersection is terrible, that Crescent Avenue goes out to Pine Street not Salem Street, that it is a difficult angle for vehicles, that the

nitrogen guns are as loud as police revolvers, and that the rifle club generates noise from 10:00 a.m. to noon on Sunday and until 8:00 p.m. on weekday nights. Motion made and 2nd that the public hearing be continued to the Regular Meeting of the City Council on October 17, 2006 and to refer the matter to the Committee on Special Permits for further review, all in favor, 9-0.

On the petition by Jim Bumann and Tracey Bumann, 74 Leighton Lane, Tewksbury, Massachusetts 01876 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow an auto and truck repair garage at 5 Crescent Avenue. PUBLIC HEARING OPENED. A communication dated September 11, 2006 from Brett F. Gonsalves, Senior Engineer, Engineering Department, to Edmund Tarallo, Planning Director, Woburn Planning Board, as follows:

Subject: 5 Crescent Avenue Auto and Truck Repair Garage Special Permit – Special Permit Application Dated August 18, 2006

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

The site is comprised on an existing 1 story 25,000 sf building with an addition consisting of 10 3,600 sf units. The proposed repair facility will be located in unit 3. With this information, this office takes no exception to the special permit application as submitted.

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

A communication dated September 22, 2006 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board, as follows:

Re: Jim & Tracey Bumann – 5 Crescent Ave. Unit 3 – To allow for an auto & truck repair garage

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on September 12, 2006, the board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for an auto & truck repair garage at 5 Crescent Avenue Unit 3 subject to the following conditions:

1. That the trash area be screened and gated as shown on the “Plans” as “trash area”;
2. That no outside storage of materials or dumpster shall be allowed on the premises except in the “trash area” as shown on the “Plans”;
3. That no outside storage of vehicles overnight shall be permitted;

4. That the daily flow volume of sewerage shall be recalculated and approved by the engineering department at the time of occupancy to insure that the proper sewer connection fee has been provided; and
5. That the Planning Board shall approve and retain jurisdiction over the landscaping.

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 Jim Bumann and he stated that he has been doing business at the corner of Montvale Avenue and Washington Street for eleven years, that he will purchase the unit, that the business operated Monday through Friday, and that he work on a few cars each day. IN FAVOR: Colin Carney, 2 Walnut Hill Park stated that these hours of operation are favorable to residents in the area, and that he has no problems with hours of operation for that type of business. Wilma McDermott, 8 Westview Terrace stated that the petition runs a clean operation presently. Kathy Bailey, 4 Utica Street states that she has used the petitioner's service for eleven years, that it is a clean shop, that it is efficient, that he schedules clients, and that there are no drop-in customers. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the amendments as follows: 1. That the hours of operation shall be Monday through Friday from 7:30 a.m. to 5:00 p.m., and 2. That the Planning Board recommendations be adopted as conditions of the special permit, all in favor, 9-0.

[Note: On October 4, 2006 at 12:18 p.m., President Doherty filed a notice of intent to move for reconsideration at the next regular or special meeting of the City Council on her vote to support the special permit.]

COMMITTEE REPORTS: None.

CITIZEN'S PARTICIPATION: None.

NEW PETITIONS: None.

COMMUNICATIONS AND REPORTS:

A communication dated September 27, 2006 with attachments was received from Joanne Collins, Director, Woburn Council on Aging, including a copy of the minutes of the September Council on Aging meeting and the September Director's Report. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated September 26, 2006 was received from Andrew Creen Chief Appraiser, Woburn Board of Assessors supplementing his earlier correspondence dated August 21, 2006 relative to Chapter 260 of the Acts of 2006 An Act Establishing the Massachusetts Military Enhanced Relief Individual Tax (Merit) Plan. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated September 28, 2006 from Robert McNabb, Executive Director, Woburn Housing Authority, to Ned Robertson, Chairman of the Board of Appeals, was received relative to the Woburn Housing Authority providing expertise in the field of affordable housing programs for senior citizens and families of low and moderate income levels to city boards. 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:

RESOLVED That the Traffic Commission install a “Not a Through Street” sign at the end of Lincoln Road.

s/Alderman Mercer-Bruen

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

Presented to the Mayor: October 6, 2006 s/Thomas L. McLaughlin Oct. 11, 2006

RESOLVED Pursuant to Chapter 40, Section 3 of the Massachusetts General Laws, the City Council of the City of Woburn shall and hereby does authorize His Honor the Mayor to enter into a Lease Agreement by and between the City of Woburn and the Woburn Public Media Center, Inc. dated August 31, 2006 in a form as set forth in the copy annexed hereto.

s/President Doherty (per request)

Motion made and 2nd that a communication be forwarded to the Mayor requesting that the Media Center look into the sound system in the Council Chambers with the goal of modernizing the system, all in favor, 9-0. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 6, 2006 s/Thomas L. McLaughlin Oct. 11, 2006

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 \$127,000.00 be and is hereby appropriated as so stated from Free Cash Acct #01-356000 \$127,000.00 to Board of Health Acct #0151258-585109 Phase IV – Remediation Plan – 50 Sturgis Street

I hereby approve the above. s/Thomas L/ McLaughlin, Mayor
I hereby recommend the above. s/Jack Fralick, Board of Health
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.

POLICE AND LICENSE:

On the petition by Marc E. Dionne for a Billiard Table License, committee report was received “ought to pass with hours of 11:00 a.m. to 12:00 midnight Monday through Sunday, license to expire December 31, 2006 and limit of twelve (12) tables). Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 6, 2006 s/Thomas L. McLaughlin Oct. 11, 2006

WATER AND SEWER:

A committee report was received as follows: “to recommend to the full Council a Clerk of the Works for the Wilmington Municipal Agreement water project at Presidential Way, to facilitate to businesses that the project is going as planned. Attached to the next approval plan or amend the Municipal Agreement to include in the project. This person is to be selected by Woburn. Also, to get an opinion from Kopleman and Paige, whether the wording is already in the Municipal Agreement or not.” Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

AD HOC COMMITTEE ON PERFORMANCE REVIEW:

A committee report was received as follows: “To allow Mayor McLaughlin to put out to bid an outside consultant to provide the Council a job description for all department heads.” Alderman Drapeau stated that he had a discussion in committee that in order to

develop performance reviews standards then job descriptions need to be in place, that he spoke to the Mayor about this, that the Mayor is in support of this, that the Mayor will be doing much of the oversight in this except for the City Council employees, that this gets the process going, that the genesis of this was it arose out of the last budget, that there is no knowledge as to how the department heads are performing, that across the board raises for department heads was uncomfortable, that there should be a formal process to interact with the Mayor to give some input into department head performance review, that he does not want to politicize this, that there must be a process that respects the department heads and it should not be a tool for punishment but as tool as to how the city is operated with better response time, that this will be driven by constituents rather than the City Council as they do not get to see the department heads on a daily basis, that he has already begun work in his own by contacting the Massachusetts Municipal Association (MMA), that there are already job descriptions from other cities, and that this is a right thing to do. Alderman Denaro stated that this is clearly a difficult task, that they do not need a bid for a consultant, that the city can go out on a Request for Proposals, and that spending money for an outside consultant where the Human Resources Director and MMA is available may be able to meet our needs without costly outside consultant. Alderman Drapeau stated that whatever is most cost effective is fine, that if there is no costly outside consultancy that would be fine, that the Human Resources Director is part of the group, that there should be an objective outsider, that the City Council can use the Human Resources Director's advice but should take however she organized the department heads and is part of that group, that she cannot look at this objectively, and that he is looking for a vote of confidence that the City Council wants to do this. Alderman Denaro stated that regardless of what comes down it must be funded and that the city may be committing tot his up front. Alderman Drapeau stated that he was okay with that. Alderman Galvin stated that he can understand the concern about the Human Resources Director being involved, that she was trying to justify the raises under the band program, that she is more than competent to do job descriptions and is unbiased, that he would prefer this to a Request for Proposals, and that the city can go with a consultant if this was later found to be necessary. President Doherty stated that the city has had ten years to get job descriptions and it has not gotten done, that he does not want to rely on the Human Resources Director to get the information now, that the MMA and Human Resources Director would be useful but the city needs to go outside, that the City Council found itself unable to justify the bands because they did not know what the jobs were, and that the city needs to know how the departments run and how they can best assist the city. Alderman Gonsalves stated that the Human Resources Director is fully capable of doing the project but she is not certain if she has the time to do it, and that the consultant should work closely with the Human Resources Director on this. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 1 opposed (Galvin opposed). [Note: On October 4, 2006 at 12:18 p.m., Alderman Gonsalves filed a notice of intent to move for reconsideration at the next regular or special meeting of the City Council on her vote to adopt the committee report.]

A communication dated October 3, 2006 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit – CPH Realty LLC

Ladies and Gentlemen:

You have been kind enough thus far to continue the Public Hearing dates on the above matter, with the most recently scheduled continuance being to October 17, 2006. Unfortunately, additional time was still necessary in order to revise the plan for Planning Board purposes. On a positive note, however, the plans have been submitted to the Planning Board and they are expected to take final action on this matter at their meeting on October 24, 2006. For that reason, I am respectfully asking for the Council to continue this matter one additional time to its next available meeting following October 24, 2006, at which point the Petitioner will be ready to go forward with a Planning Board recommendation on hand.

Thank you for your cooperation.

Sincerely, s/John D. McElhiney

Motion made and 2nd that the public hearing in this matter be continued to the Regular Meeting of the City Council on November 14, 2006, all in favor, 9-0.

Alderman Gonsalves stated that she wanted to have the Chief Appraiser of the Board of Assessors in to discuss the recent statute relative to veterans in order to determine the impact on property tax bills before the hearing on tax classification.

Motion made and 2nd to take from Committee on Liaison the Order relative to a hearing for the purposes of determining whether the property located at 434 Main Street is a nuisance pursuant to M.G.L. Chapter 139, Section 1, et. seq. and to set the matter up for public hearing, all in favor, 9-0.

Alderman Gately stated that the City Council passed a Resolve which was approved by the Mayor relative to Chapter 90 work being done in the city, that the intent was to allow the Alderman to know the work being done, that all wards in the city need work on roads and sidewalks, that there should be a fair and equal share of work in the city, that Jefferson Avenue is an embarrassment, that the street has been on the roads program since 1998, that 100 tons of hot top as a leveling course is needed at the least, that there are weeds and potholes on the street, that he has been waiting for curbing and sidewalk work on Leonard Street and Fulton Street since February, that he has asked the city engineer to do the engineering work properly, that the sidewalk on Bedford Road is an

embarrassment and waste of money, that the city cannot get a sidewalk tractor down that sidewalk, that the resolve was for a list of the work to be done, that he has not seen the list, that the Mayor has the lists and he as Alderman wants to see the list, that there were fifteen original streets and other were added, that he is not certain whether this was approved by the State, and that Hudson Street and Pleasant Street are on the list but they will be dug up with the South End water projects. Motion made and 2nd that an updated list of Chapter 90 road and streets projects be obtained from the Superintendent of Public Works, 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 9:20 p.m.

A TRUE RECORD ATTEST:

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