

**CITY OF WOBURN
SEPTEMBER 2, 2008 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Raymond
Doherty	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$509,500.00 be and is hereby appropriated as so stated from Overlay Reserve Acct #01-322000 \$509,500.00 to School Capital Projects Per Attachment \$509,500.00

I hereby approve the above: s/Thomas L. McLaughlin
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 \$150,000.00 be and is hereby transferred as so stated from BLS Receipts Acct #31359-595000 \$150,000.00 to Fire Ambulance Salary Actt #0122051-511500 \$125,000.00, to Ambulance Maintenance Acct #122054-544300 \$25,000.00

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

s/President Doherty

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

Motion made and 2nd to suspend the rules for the purposes holding an oath ceremony, all in favor, 9-0.

His Honor the Mayor Thomas L. McLaughlin and Woburn Police Chief Philip L. Mahoney made brief remarks and the City Clerk administered the oath of office as Permanent Police Officer to Robert J. Curran, Ian M. Hunt, Michael E. Pacheco and Charles E. Stock.

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

PUBLIC HEARINGS:

Motion made and 2nd to take the following two matters out of order, all in favor, 9-0.
Motion made and 2nd to hold the public hearings on the next two matters collectively, all in favor, 9-0.

On the petition by Alderman Michael Raymond to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 22 entitled Senior Housing Overlay (SHO) District as set forth in the petition. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “That the Order ought to pass with the following amendments: 1. That a new definition for Assisted Living Housing be added to Section 2 Definitions of the 1985 Woburn Zoning Ordinances, as amended, as follows: “Assisted Living – residents require significant personal care/assistance with Activities of Daily Living (ADLs) such as bathing, dressing/undressing, using the restroom, eating, walking/wheeling, medication management, etc.; 2. The recommendations of the Planning Board dated August 11, 2008 on both petitions be adopted; 3. That Section 22.E.1.a be amended by deleting ‘Independent Living Senior Housing restricted to ages 62 and over, in townhouse or multi-family housing design’ and replacing with ‘Congregate Elderly Apartments as defined in Section 2. Definitions’, 3. That Section 22.G.1.a be amended deleting ‘Independent Living Senior Housing restricted to ages 62 and over’ and replacing with ‘Congregate Elderly Apartments’; and 4. That Section E.1. be amended to read ‘A special permit issued by the Woburn City Council for a continuing care facility shall include a combination of the following three uses’. Appearing was Attorney Joseph Tarby and he asked that the City Council move the committee reports. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORTS be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Sept. 4, 2008 s/Thomas L. McLaughlin Sept. 4, 2008

On the petition by Alderman Michael Raymond to further amend the Zoning Map of the City of Woburn as follows: By adding the parcel of land containing approximately 6.00 acres of land identified as Lot 2 Main St. at as shown on a plan by Allen & Major Associates, Inc. entitled St. Anthony of Padua 859 Main Street Woburn, MA Revised 1/04/08 to the "Senior Housing Overlay (SHO)" zoning district. PUBLIC HEARING OPENED. See record notes from preceding public hearing. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORTS be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Sept. 4, 2008 **s/Thomas L. McLaughlin Sept. 4, 2008**

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

Motion made and 2nd for a five minute recess, all in favor, 9-0.

President Doherty called the meeting back to order.

On the petition by Keyspan Energy Delivery/National Grid, 100 Commercial Street, Malden, Massachusetts 02148 for a grant of right in a way to install approximately 125 feet of two inch plastic main on Naples Avenue. PUBLIC HEARING OPENED. A communication was received from Superintendent of Public Works Vincent Ferlisi as follows: "OK, no restrictions." Appearing for the petitioner was Hugh Small, Construction Supervisor for Keyspan Energy and he stated that this will extend the gas main from 10 Naples Avenue to 11 Naples Avenue, that on an emergency basis there will be street openings but not in the construction department, that they try to locate thirteen feet from the side of the street, and that if a list is provided of streets that require work he will look into those issues. Alderman Gately stated that many of the excavations are being made by the petitioner before approval is obtained, that the streets are never completed properly, that there is a lot of work that the petitioner must complete in the city, that he would like the petitioner to meet with the Superintendent of the Department of Public Works on these street repair issues, and the petitioner must follow Article 12 of the Woburn Municipal Code. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, all in favor 9-0.

Presented to the Mayor: Sept. 4, 2008 **s/Thomas L. McLaughlin Sept. 4, 2008**

On the petition by NStar Electric Company, 101 Linwood Street, Somerville, Massachusetts 02143 for a grant of right in a way to install conduit on Washington Street at and southeasterly from Dragon Court from MH22619 thence turning and running easterly to pole 228/114-1X a distance of about forty (40) feet and to install conduit on Washington Street at and southeasterly from Dragon Court from MH22619 thence turning and running southerly to pole 8/138 a distance of about 117 feet. PUBLIC

HEARING OPENED. A communication was received from Superintendent of Public Works Vincent Ferlisi as follows: "OK, night work." Appearing for the petitioner was Jacqueline Duffy of NStar and she stated that this is the installation of a new circuit to upgrade the existing electric service. Alderman Gately stated that some work needs to be done on the petitioner's street openings in the city but by and large the work is completed well. Alderman Mercer-Bruen stated that this work was completed during the summer on an emergency basis with the approval of the Department of Public Works. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, all in favor 9-0.

Presented to the Mayor: Sept. 4, 2008

s/Thomas L. McLaughlin Sept. 4, 2008

On the petition by Woburn Cemetery Commission, 100 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.79 and 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow the installation of an architectural retaining wall and appurtenant earthwork to create additional space for internment at Woodbrook Cemetery. PUBLIC HEARING OPENED. Appearing for the petitioner was City Engineer John Corey and he stated that this will provide additional space for internment, that the commission has been looking for additional space for ten years, that the cemetery goes back to the 1870s, that the additional space is necessary, that the municipal use requires a special permit and in addition a fill special permit is required, that the locus is north of Salem Street, that the work will be done by a contractor, that the retaining wall extends 125 feet and is not higher than five feet in height, that this creates a flat slope, that drainage retained on the property will have less runoff than in the past, that there will be green space to screen abutting properties, that there will be 700 additional sites with double deep depth on the plots, that notice to abutters during the construction phase can be a condition of the special permit, and that the cost of construction will be approximately \$85,000.00. William Kerns of the Woburn Cemetery Commission stated that the funding for the project will come from commission resources, that there is approximately three to five years of space left in the cemetery without the expansion, that with these 350 new units the life of the cemetery will extend an approximately and additional ten years, that on October 30, 1845 the cemetery opened, that there are approximately 225 internments per year, that twelve lot parcels were sold back in the 1800s, that now on four lot parcels are sold on an as-needed basis, that they cannot use lots that were sold and never used, that the price is \$1,500.00 for a lot and \$3,000.00 for a double deep lot, that if they can find an owner the lot can be bought back, that they are concerned about drainage onto abutters property, that the retaining wall will mitigate this drainage issue, that the commission will take up roads as needed, that they are running out of veterans' burial lots, and that 1,400 veterans qualify for single lot burials without spouses.. Alderman Dwyer stated that he wants the neighbors to know when the work will take place. Alderman Denaro stated that creating new space of acquiring new land would be helpful, and that the vaults should be eliminated. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, all in favor, 9-0.

On the petition by petition to further amend the 1985 Woburn Zoning Ordinances, as amended, by striking from Section 2 Definitions the definition for “Sign, Window” in its entirety and replacing same with the following: “Sign, Window: A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building.” PUBLIC HEARING OPENED. Appearing for the petitioner was Maureen Vallis, Chair of the Woburn Sign Review Board and she stated that there is room for misinterpretation of the present ordinance, that this amendment will help the board with enforcement and businesses in understanding the ordinance, that the Salem Five signs at the moment do not comply with the ordinance as to the 25% rule and the lighting of the signs, that she cannot state whether this ordinance will effect that situation without speaking to the board but currently the signs do not conform to the ordinance, that window signs are defined as applied to the window or six inches from the glass, that the interpretation is that if the signs is set back at least a fraction greater than six inches from the glass then the 25% rule and the flashing light rules do not apply, and by removing the measurement from the definition it is intended to remove the misunderstanding. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the Salem Five office has signs with advertising that they were told was not legal, that they went to the Board of Appeals and then to the Sign Review Board, and that he wants to know the impact of this ordinance on those signs. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 30, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.

On the petition by OCS America, Inc., 27 Draper Street, Woburn, Massachusetts 01801 for two special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.42 to allow for warehouse and distribution use and 2. Pursuant to Section 5.1.57b to allow for the parking of commercial vehicles, both at Suite B, 29 Draper Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “That the special permit ought to be approved with the recommendations of the Planning Board and the four following conditions adopted as conditions of the special permit: 1. The petitioner shall post signs within its customer pick up area and loading area requesting both its customers and delivery companies to obey the rules of the road while traveling on city of Woburn streets and to use caution while traveling on Nashua Street to and from Draper Street; 2. The petitioner’s commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the Site; 3. The petitioner shall instruct its employees not to use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the Site; and 4. This special permit shall be limited to OCS America Inc. and shall not be transferable.” Motion made and 2nd that the committee report be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner is presently

operating at 27 Draper Street, that the petitioner will move to 29 Draper Street to operate business as currently operating, that the petitioner will have one straight truck and five cargo trucks, and that the petitioner requests that the committee report be adopted. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition. 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 COMMITTEE REPORT be ADOPTED, AS AMENDED with an additional condition as follows: 1. That there may be five cargo vans and one 26 foot straight truck on the locus, all in favor, 9-0.

On the petition by Sprint Spectrum, L.P. and its affiliate, Sprint Wireless Broadband Company, LLC, 9 Company Drive, Bedford, Massachusetts 01730 for a special permit pursuant to Sections 5.6 and 11.5 of the 1985 Woburn Zoning Ordinances, as amended, to modify its existing wireless communications facility within the steeple and to allow it to mount one (1) WiMAX GPS antenna on the rooftop of the church next to existing GPS antenna at 523 Main Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Anne Malone, Prince, Lobel, Glovsky & Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 and she stated that the petitioner is deploying a fourth generation wireless system, that WiMAX allows the generation of a large amount of data at very high speeds, that they will mount an antenna on the roof of the building, that the antenna will not extend higher than the existing antenna, that the antenna will be painted to match the rooftop, that the antenna will be twelve inches in length, that an additional twelve inch GPS antenna will be visible from outside the building with the rest of the equipment within the steeple, that nothing will be seen higher than the present antenna, that since most of the installation is inside the facility no artist's rendering was presented, that the roof slopes and the antenna runs against the slope, and that she will provide an artist's rendering and a response to the study contribution at the committee meeting. Alderman Gonsalves stated that the City Council has requested funding from wireless communications companies to fund a study to close the gaps in service in the city and will offer this as a condition. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, AS AMENDED with the following requirements: 1. That the petitioner shall provide an artist's rendering of the project at the committee meeting and 2. That the petitioner will respond to the request for a contribution towards the wireless services coverage study, all in favor, 9-0.

On the petition by Metro PCS Massachusetts LLC, 285 Billerica Road, Chelmsford, Massachusetts 01824 for a special permit pursuant to Section 5.1.80b of the 1985 Woburn Zoning Ordinances, as amended, to install a wireless communications facility on the roof of 304 Cambridge Road. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Brian Grossman, Prince, Lobel, Glovsky & Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 and he stated that the petitioner provides personal wireless service and voice service through wireless, that an existing installation is in place, that they will co-locate at this building, that it is similar to

other installations in the city, that this is an unmanned, passive use, that the facility is only serviced twice per month, that a GPS antenna will also be installed to enhance 911 emergency service, that there will be no water or sewage needed or generated, that there will be no trash generated, that there is one company with six antennas on the building, that the network is designed to worker together with other locations, that this is below the Verizon extension, that at the moment there are seven location, that some locations require a special permit and others are by right locations, and that he needs to know if the wireless study coverage contribution is per site or per carrier. Attorney Grossman offered documents 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. Sohail Usmani stated that he is an engineer for MetroPCS, that this site has a good coverage footprint on Route 3 through the area, and that this is a very terrain prohibitive area. Alderman Drapeau stated that the facilities on Waltham Street are getting crowded and this site seems to be close to that other facility. Alderman Gonsalves stated that she wants a coverage plan submitted relative to the sites, that the city seeks contributions from wireless companies in the sum of \$5,000.00 for a study as to the coverage needs in the city, and that the city prefers co-locations sites. Alderman Galvin stated that he would like to see an artist's rendering of the view from the neighboring residential properties. IN FAVOR: Jack Carpenter stated that he is the Property Manager for 304 Cambridge Road, that this is a 4.3 acre site, that the exterior of the building will be upgraded, and that this will not have a detrimental impact on the building or the abutting properties. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 30, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Dole & Bailey Inc., 16 Conn Street, Woburn, Massachusetts 01810 for a special permit pursuant to Section 5.1.61, 5.1.69 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow the alteration of a nonconforming use to install an accessory retail area containing approximately 2,500 square feet of net floor area as allowed by right at 16 Conn Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner will install a retail area, that the use is allowed under the zoning code as a matter of right, that the petitioner is one of the oldest businesses in Massachusetts, that it was found ed in 1868, that they were located in the Fanueil Hall farmers market, that the business grew and is not operated by the Matheson family, that the petitioner moved the business to Woburn in 1979 to the former Borden Ice Cream facility which commenced operation on the site in 1952, that the accessory retail use is allowed by right under the zoning ordinance if it is no more than 2,500 square feet in area or 25% of the gross floor area whichever is less, that the Building Commissioner determined that the primary use is nonconforming and therefore this use requires a special permit to alter, that the petitioner will close two loading docks, that the hours of operation will be Monday through Friday 7:30 a.m. to 6:00 p.m. which is consistent with the petitioner's office hours, that the petitioner will not add space but will use the area of two loading docks, that there would be signs over the door on Conn Street, and that they will provide an artist's rendering of

the front design of the building. Attorney Taarby offered documents 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. Nancy Matheson-Burns of the Dole & Bailey, Inc. stated that there are close to 100 parking spaces around the building, that there will be no change of traffic flow of trucks with the retail but it will be different where the truck traffic enters as it will no longer be at the front entrance, that they are not using the loading dock at the front of the building as much as they did in the past, that the tractor trailer currently in that area is used for storage and will be moved to the rear of the lot, that there are three doors at the front of the building, and that they will use the door with the level entrance. President Doherty stated that the business currently operates under a special permit, that the refrigerator truck at the back of the locus has always been a concern, and that the sound barrier has to be dealt with. Alderman Gately stated that he would like to see the trucks and fence on the truck taken out of the area, that he would like to see a sound barrier fence constructed, that it is time to clean up the locus as it is out of sync with the neighborhood, and that with the new buildings going into the area it needs to be cleaned up. Alderman Denaro stated that having been a customer of the petitioner he appreciates their business, and that he will review trucks affect the area. Alderman Gonsalves stated that the parking and facilities must be handicapped accessible. Alderman Galvin stated that he is concerned with the impact of the increased retail traffic in the neighborhood. IN FAVOR: Carol Gill stated that she was speaking on behalf of Patrick J. Gill Co. which is an abutter of the petitioner, that she is in favor of the petition, that the project will improve the neighborhood, and that it will be an asset to the city to have access to these products. Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the petitioner made \$1,000,000.00 in improvements to the building when they purchased it, that the petitioner pays to the city \$54,000.00 in real estate taxes, \$30,000.00 in water and sewer charges and \$6,000.00 in excise taxes, that the company has 110 employees and ten are Woburn residents. OPPOSED: Russ McKinley, 16 John Street stated that he has lived in the neighborhood for 42 years, that the trailer trucks and noise at the locus is disturbing, that trailer trucks are left running fifteen to twenty feet from his house, that there are lights shining from the building onto abutters properties, that the property is an embarrassment, and that he is opposed to the project. Mr. McKinley offered photographs to the City Council for review. Motion made and 2nd that the photographs be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 30, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by David Taylor, 37 Tufts Road, Winchester, Massachusetts 01890 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to allow a doggie daycare at 280 Salem Street. PUBLIC HEARING OPENED. Appearing was the petitioner was David Taylor and he stated that he has been operating the facility for 1½ years without complaint, that he has complied with all conditions, that this petition will allow the dog owners to drop off dogs and pick them up after their work day, that the hours of operation will be 7:00 a.m. to 6:00 pm., that this is a brick building

which will be essentially sound proof, that they will use 2,500 square feet in the building, and that there is a lot of room at the locus. Alderman Mercer-Bruen stated that the Building Department viewed the property and that it does comply with the prior special permit, that twenty-five dogs will be the total number of dogs that could be allowed on site, and that she has not received any complaints about the business. Alderman Gately stated that he has been working next to the site for the last four months and that he does not even hear dogs barking at the site. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 30, 2008 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of David Gilgun as a Member of the Woburn License Commission, committee report was received "appointment ought to be confirmed." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Sept. 4, 2008 **s/Thomas L. McLaughlin Sept. 4, 2008**

FINANCE:

On the Order to appropriate the sum of \$2,903,977.81 from Debt Reserve Account to Long Term Debt Principal Account and Interest 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: Sept. 4, 2008 **s/Thomas L. McLaughlin Sept. 4, 2008**

On the Order for a supplemental appropriation in the sum of \$81,881.00 for City Hall Union Negotiations, 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: Sept. 4, 2008 **s/Thomas L. McLaughlin Sept. 4, 2008**

Motion made and 2nd to suspend the rules for the purposes of taking a matter from the Committee on Police Licenses, all in favor, 9-0.

Motion made and 2nd that the petition by Amandeep Singh dba Hi FI Limo for a new Livery License be taken from the Committee on Police and Licenses, all in favor, 9-0. Appearing was the petitioner Amandeep Singh and he stated that he owned a hotel in Dallas, Texas, that he held a liquor license also, that he moved to Woburn, that he has two limo vehicles and leased two parking spaces at 193 Main Street, that he does not park the vehicles on Summer Street, that the vehicles are parked at 193 Main Street, and that he has a bus also. Alderman Gately stated that the vehicles cannot be parked on Summer Street nor can the business be run from the house, that this is a substandard street near a school, and that he will support the livery licenses as long as the vehicles are not parked on Summer Street. Motion made and 2nd that the LIVERY LICENSE be GRANTED, AS AMENDED with the conditions as follows: 1. That the license shall be limited to three (3) vehicles, 2. That the vehicles shall not be parked in residential areas, and 3. That the vehicles shall be parked at leased property at 193 Main Street, Woburn only, all in favor, 9-0.

Presented to the Mayor: Sept. 4, 2008 **s/Thomas L. McLaughlin Sept. 4, 2008**

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

NEW PETITIONS:

Petition by RCN Limo LLC, 331 Montvale Avenue, Suite 650, Woburn, Massachusetts 01801 for a new Livery License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by Metro PCS Massachusetts, LLC, 285 Billerica Road, Chelmsford, Massachusetts 02124 for a special permit pursuant to Section 5.1.80B of the 1985 Woburn Zoning Ordinances, as amended, to install a wireless communications facility on the roof of 44 Montvale Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Gibbs Oil Company LP, 6 Kimball Lane, Lynnfield, Massachusetts 01940 for a special permit pursuant to Section 15.6(C)(i), (iv) and (vi) of the 1985 Woburn Zoning Ordinances, as amended, to allow for 1. replacement of existing approximately 525 square foot convenience building with a new convenience building approximately 600 square feet; 2. relocation and replacement of the existing canopy and self service gasoline pumps, 3. alternative screening devices; and 4. exception to the area and landscaping requirements by allowing the proposed landscaping plans on the site plan at 107 Winn Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Trade Center Park, LLC, 200 West Cummings Park, Woburn, Massachusetts 01801 for a special permit with site plan review pursuant to Section 5.1.41 of the 1985 Woburn Zoning Ordinances, as amended, to allow Research and Testing Laboratory use at TradeCenter 128, and seeks correspondingly, to modify the Certificate of Appeal of Special Permit dated December 22, 2006 by amending condition number 2 to allow such Research and Testing Laboratory use at 100 Sylvan Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Erica L. Wright and Dennis C. Wright III, both of 14 Grape Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.2a, 5.1.69 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the conversion of the existing nonconforming single family dwelling to a two family dwelling at 14 Grape Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Metro PCS Massachusetts, LLC, c/o Attorney Brian Grossman, Prince Lobel Glovsky and Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 for a special permit pursuant to Section 5.1.80b and 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to allow the attachment of a wireless communications link on an existing structure off Waltham Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated 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 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending July 2008: number of parking violations issued 769, number of violations paid 478, number of violations outstanding 377, amount collected and submitted to the Office of the Collector \$39,673.00. There exists a backlog of 4,953 tickets for 1982 through 2007. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$6,900.00.

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 communication dated August 11, 2008 was received from Attorney John W. Giorgio, Kopelman and Paige, P.C. relative to intermunicipal agreements. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated August 28, 2008 with attachments was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority including a copy of the meeting package for the June, July and August 2008 meetings of the Woburn Redevelopment Authority. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A Conservation Easement and Restriction was received from David Tracy and Jayne Tracy, Trustees of the Drew Place Realty Trust pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a portion of a parcel of land located in Woburn, Massachusetts and shown a Lot 3 on a plan entitled "Plan of Land in Woburn, Massachusetts, Conservation Restriction, Drew Place prepared by Edward Farrell PLS dated July 14, 2008". Motion made and 2nd that the CONSERVATION RESTRICTION be ACCEPTED, all in favor, 9-0.

Presented to the Mayor: Sept. 4, 2008 s/Thomas L. McLaughlin Sept. 4, 2008

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated August 28, 2008 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as mayor of the City of Woburn, I hereby appoint Carol Seitz, 149 Pleasant Street as a Member of the Board of Trustees of the Woburn Public Library. Please be advised that the term will expire on August 28, 2011. The effective date of this appointment will be 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.

A communication dated September 2, 2008 was received from His Honor the Mayor as follows:

Dear Mr. Campbell:

By the power vested in me as mayor of the City of Woburn, I hereby appoint Jean Cullinane of 8 Carrol Road as an alternate member of the Board of Appeals for a period of three years.

Ms. Cullinane's appointment will be effective on the date of confirmation by the City Council, and her term will expire three years from that confirmation date.

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

Sincerely, s/Thomas L. McLaughlin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by striking from the first sentence in Section 11.11.1 the words and numbers "Sections 5.1.3(a) through 3(d), and Section 5.1.4" and replacing same with the words and numbers "Sections 5.1.3(a) through 3(d), Section 5.1.4, Section 5.1.69, Section 5.1.70, and Section 7.3" meaning and intending that the conditions of Section 11.11 shall apply to any development of more than two units of townhouse, garden, or elevator apartments.

s/Joanna Gonsalves

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

ORDERED Be it ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended by adding a new Title 15, Article VI as follows:

Title 15 – Maintenance of vacant property

15-23 Intent and purpose

It is the intent of this section to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters and neighborhoods by (1.) requiring all Mortgagee's that have initiated the foreclosure process, to properly maintain vacant, foreclosing or foreclosed property (2.) regulating the maintenance of vacant, foreclosing and foreclosed residential properties to prevent blighted and unsecured residences.

15-24 Definitions

Mortgagee - the creditor, including but not limited to service companies, lenders in a mortgage agreement, and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

Initiation of the Foreclosure process - taking any of the following actions (1.) taking possession of residential property pursuant to MGL c. 244 (2) delivering the mortgagee's notice of intention to foreclose to the borrowers pursuant to MGL c. 244 or (3) commencing a foreclosure action on a property in either the Land Court or Suffolk Superior Court.

Residential Property - any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

15-25 Registration

All Mortgagee's must register vacant, foreclosing and foreclosed residential property with the Building Commissioner on forms provided by The Commissioner. All Registrations must state the Mortgagee's(or their agents) phone number and mailing address located within The Commonwealth as required by MA General Laws 59 sec. 57D and 156D sec 5.02. The Registration must designate and retain a local individual or local property management company responsible for maintenance of the property.

An annual registration fee of \$100.00 must be paid until property is sold to third party and no longer vacant.

15-26 Maintenance and Inspections

Properties subject to this section must be maintained in accordance with the relevant sanitary codes, building codes, MA General Laws and local regulations concerning external and or visible maintenance. The Building Commissioner shall have the authority to inspect properties subject to this section and issue citations for any violations. This ordinance shall not prevent the WoburnCity Council from Scheduling a nuisance hearing under Ma General Laws c. 139.

15-27 Penalties

Failure to Register with the building commissioner is punishable by a fine of \$300.00. Failure to maintain property is punishable by a fine of \$ 300.00 for each week the property is not maintained.

15-28 Notice

A copy of this ordinance will be mailed to all lenders licensed to do business in the Commonwealth of Massachusetts.

15-29 Severability

If any provision of this ordinance is held to be invalid or unconstitutional by any court, every other section shall continue in full force and effect

s/Alderman Galvin

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

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended by deleting Section 5-33 of Title 5, Article V in its entirety and inserting in its place the following:

5-33 Disturbing the peace prohibited; Use of public parks, ways prohibited.

No person hawking, peddling or carrying or exposing any articles for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the City, nor carry or convey such articles in any manner that will tend to injure or disturb the public health or comfort nor otherwise than in vehicles and receptacles which are neat and clean and do not leak. No person hawking, peddling or carrying or exposing any articles for sale under a hawker, peddler or transient vendor license shall park or otherwise remain on public streets, ways, parking lots, conservation areas or any other public property within the city of Woburn for any period of time other than such time as is reasonably necessary to consummate a particular transaction and shall thereafter remove from that particular public property.

s/Alderman Gately

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

RESOLVED Be It Resolved by the City Council of the City of Woburn that:

1. The Sovereign Bank New England is designated as a depository for the funds of the City of Woburn.
2. This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Sovereign Bank New England.
3. All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the City of Woburn with the Sovereign Bank New England prior to the adoption of this resolution are hereby ratified, approved and confirmed.
4. Any of the persons named below, so long as they act in a representative capacity as agents of the City of Woburn, are authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with the Sovereign Bank New England, concerning funds deposited in the Sovereign Bank New England, moneys borrowed from the Sovereign bank New England, or any other business transacted by and between the City of Woburn and the Sovereign Bank New England subject to any restrictions stated below.
5. Any and all prior resolutions adopted by the City Council of the City of Woburn and certified to the Sovereign Bank New England as governing the operation of the City of Woburn's account(s), are in full force and effect, unless supplemented or modified by this authorization.
6. The City of Woburn agrees to the terms and conditions of any account agreement, properly opened by any authorized representatives(s) of the City of Woburn, and authorizes the Sovereign Bank New England named above, at any time, to charge the City of Woburn for all checks, drafts, or other orders, for the payment of money, that are drawn on the Sovereign Bank New England, regardless of by whom or by what means the facsimile signature(s) may have been affixed so long as they resemble the facsimile signature specimens in section C (or the facsimile signature specimens that the City of Woburn files with the Sovereign Bank New England from time to time) and contain the required number of signatures for this purpose.
 - A. Donald N. Jensen, Treasurer/Collector
 - B. Timothy J. Donovan, Deputy Treasurer/Collector
 - C. Carol Nagle, Secretary

s/President Doherty

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

Presented to the Mayor: Sept. 4, 2008 **s/Thomas L. McLaughlin Sept. 4, 2008**

RESOLVED That His Honor the Mayor investigate the feasibility of acquiring land along the intersection of Burlington Street, Locust Street and South Bedford Street for the purposes of making improvements to the intersection for the safety and convenience of motorists and pedestrians.

s/President Doherty

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

Presented to the Mayor: Sept. 4, 2008 **s/Thomas L. McLaughlin Sept. 4, 2008**

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:35 p.m.

A TRUE RECORD ATTEST:

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