

**CITY OF WOBURN
JULY 7, 2009 - 7:00 P.M.
SPECIAL MEETING OF THE CITY COUNCIL**

Roll Call

| | |
|---------|-----------------------|
| Denaro | Gonsalves |
| Drapeau | Mercer-Bruen - absent |
| Galvin | Raymond |
| Gately | Wall |
| Doherty | |

Pursuant to Title III, Section 12 of the Charter of the City of Woburn, His Honor the Mayor has called a Special Meeting of the City Council to be held in the City Council Chambers, Woburn, City Hall, 10 Common Street, Woburn on Tuesday, July 7, 2009 at 7:00 p.m. for the purpose of receiving financial matters presented for a first reading and any other matters that may legally come before the City Council.

Voted that Joyce M. Gray be named Clerk of the City Council, Pro-Tem, for the Special Meeting of July 7, 2009.

I do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the Constitution thereof, as Clerk of the City Council, Pro-Tem, so help me God.

I do hereby accept the position of Clerk of the City Council, Pro-Tem, to act in this capacity for the purpose of the Special City Council Meeting of July 7, 2009, and do hereby promise to act in accordance with the statutes and ordinances to the best of my ability.

Joyce M. Gray, Assistant City Clerk

Sworn before me this 7th day of July, 2009.

Charles E. Doherty, President
Woburn City Council

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

MAYOR'S COMMUNICATIONS:

A communication dated July 2, 2009 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Appointment of Purchasing Agent

Dear President Doherty and Other Members of the Council:

I am please to inform you that I have selected Sarah A. Stanton as the City's new Purchasing Agent, replacing William McGowan who is retiring effective July 31, 2009.

Ms. Stanton is an extremely well-qualified and well-recommended choice for this position. She graduated cum laude from Plymouth State University with a Bachelor of Arts in Political Science and is expecting to complete a Masters Degree in Public Administration at Northeast University in May 2010. Ms. Stanton is state certified as a Public Purchasing Official, a designation that is requires for projects now underway in the city. Currently, she is the Purchasing Director and Special Assistant to the Town Manager for the Town of Ipswich and previously worked in a similar role for the Mayor of the City of Haverhill. Additionally, while in college she worked as an Intern for the Mayor of Amesbury. She is fully knowledgeable about her required duties, very professional and career focused as well as enthusiastic about the opportunity to work as the Purchasing Agent for the city of Woburn.

I would like to have Ms. Stanton begin her position effective July 27, 2009. This will require an additional appropriation of \$9,200.00 which I am submitting to you for a first reading at the special meeting of the City Council to be held on Tuesday, July 7, 2009. The additional appropriation will allow the City to pay Mr. McGowan his requires salary, including longevity, through July, and enable us to pay Ms. Stanton the salary amount plus education incentive which is governed by the applicable labor contract effective with the July 27, 2009 start date. It is exceptionally important for the City to have a certified purchasing official to carry out the purchasing duties relative to the Goodyear School construction and other important projects that must proceed in late July and early August.

Thank you for your consideration,

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd to Receive and Placed on file, all in favor 8-0-1 (Mercer-Bruen absent).

Motion made and 2nd to take the next four matters collectively, all in favor 8-0-1 (Mercer-Bruen absent).

ORDERED Supplemental Budget Fiscal 2010 - That the sum of \$9,200.00 be and is hereby appropriated as so stated to Purchasing Salary 0113651-511000.

I hereby approved the same: s/Mayor Thomas L. McLaughlin
I have reviewed the above: s/Auditor Gerald Surette

s/President Doherty (per request)

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0-1 (Mercer-Bruen absent).

ORDERED Supplemental Budget Fiscal 2010 - That the sum of \$75,000.00 be and is hereby appropriated to Property & Casualty Insurance Acct# 0198051-517540

I hereby approved the same: s/Mayor Thomas L. McLaughlin
I have reviewed the above: s/Auditor Gerald Surette

s/President Doherty (per request)

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0-1 (Mercer-Bruen absent).

ORDERED That the sum of \$50,000.00 be and is hereby transferred as so stated from Infiltration/Inflow Fees Acct#641-359600 to Ineligible MWRA Sewer Repairs \$50,000.

Reason: The sum is required to allow for funding sewer work that is not eligible under the MWRA Program

I hereby approved the same: s/Mayor Thomas L. McLaughlin
I have reviewed the above: s/Auditor Gerald Surette

s/President Doherty (per request)

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0-1 (Mercer-Bruen absent).

ORDERED Be it Ordained by the City Council of Woburn that \$1,725,500.00 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 \$1,725,500.00 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 \$1,725,000.00 may be borrowed upon passage of this order, based upon a commitment received from the MWRA of a \$776,475.00 grant and a \$949,025.00 interest-free loan for this project.

I hereby approved the same: s/Mayor Thomas L. McLaughlin

s/President Doherty (per request)

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0-1 (Mercer-Bruen absent).

Motion made and 2nd to take the next two matters collectively, all in favor 8-0-1 (Mercer-Bruen absent).

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By adding at the end of Section 7.1.5, the following "... except for small-scale additions per subsection 7."
2. By adding at the end of Section 7.1.6, the following "... except for small-scale additions per subsection 7."
3. By adding a new Section 7.1.7, "to any small-scale alterations, additions, or renovations to a single or two-family dwelling on a residentially zoned lot, which does not cause an intensification of the existing non conformity. In addition, there must be no further reduction of any legally existing setbacks and no further conflicts with the table of dimensional regulations (excluding ground coverage and useable open space). Examples of said small-scale alterations, additions, or renovations that do not cause an intensification of the

non-conformity are; attached garages, enclosed porches, decks and family rooms.”

And by further deleting the following: “A residential structure, used as a residence, and conforming to the zoning district in which it lies, shall not be non conforming by virtue of the lot on which it sits comprising less than the existing minimum square footage for the district.”

s/Alderman Galvin

Motion made and 2nd that the MATTER be REFERRED PUBLIC HEARING and to COMMITTEE ON ORDINANCE, all in favor, 8-0-1 (Mercer-Bruen absent).

ORDERED Be it ordained by the City Council of the City of Woburn that the Zoning Map of the City of Woburn shall be further amended by amending the present zoning district of a certain parcel of land owned by the City of Woburn containing approximately 2.8 acres of land shown on the assessors’ map and designated as 59-26-20, located at 40 Hudson Street and known as Flemming Field and the site of the clap Elementary School from the R-2 zoning district to the O-s zoning district.

s/President Doherty
s/Alderman Gately

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING and COMMITTEE ON ORDINANCE, all in favor, 8-0-1 (Mercer-Bruen absent).

RESOLVED The Superintendent of Public Works supply to the City Council a detailed inspection report for all water tanks for the Fiscal Year 2008/2009.

s/President Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0-1 (Mercer-Bruen absent).

Presented to the Mayor: July 9, 2009

s/Thomas L. McLaughlin July 13, 2009

RESOLVED That His Honor the Mayor working with Kopelman & Paige prepare the appropriate paperwork needed to propose a Special Act request to the State House for legislation to have Flemming Field of the Clapp School site included under Article 97.

s/President Doherty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0-1 (Mercer-Bruen absent).

Presented to the Mayor: July 9, 2009

s/Thomas L. McLaughlin July 13, 2009

A communication date July 2, 2009 was received from Attorney James Mawn, Mawn and Mawn, P.C. 215 Lexington Street, Woburn, Massachusetts 01801 as follows:

Re: 275 Mishawum Road, Special Permit dated January 2, 2007

Ladies & Gentlemen:

Request is hereby made for clarification as to Condition No. 3 contained in the above referenced Special Permit.

Please note that the petitioner has been in communication with the City Engineering Office as to the full compliance with all mitigation measures, and through discussion with the City Engineers Office, the petitioner was of the belief that a temporary Certificate of Occupancy would issue as to the occupancy of 50% of the building, and the final occupancy permit would not issue until completion of all mitigation issues.

The Petitioner has submitted to the City Engineer a complete design report, full specifications, and plans, the same being prepared by Howard/Stein Hudson. The Petitioner has also provided surety for the performance of all required mitigation measures and intends to complete same.

In recent discussions, the planning director has asked for clarification from the city council that the same plan for issuance of a Temporary Occupancy permit is satisfactory to the council. Therefore the petitioner respectfully requests that the council clarify Condition No. 3 so as to allow temporary occupancy of 275 Mishawum Road and further state that the final Certificate of Occupancy will not issue until the petitioner fully complies with mitigation measures.

By: Attorney James J. Mawn
NBTC Realty LLC

Motion made and 2nd to suspend the rules for the purpose of hearing from Attorney James Mawn on the matter, all in favor, 8-0-1 (Mercer-Bruen absent). Appearing Attorney James Mawn of Mawn, Mawn and Mawn P.C., 215 Lexington Street, Woburn, MA 01801 stated that in meeting several times with the Planning Director and City Engineer a clarification has been requested from the City Council that the same plan used for and issuance of a temporary occupancy permit is satisfactory to the council. A surety has been set up for just under \$300,000.00 which is more than enough money to complete the mitigation requirements. The developer does not want this hanging over head so the mitigation will be completed. The Bank will be occupying the first, fourth and fifth floors. Planning needs a clarification of a temporary occupancy and that a final occupancy will not be issued until all the mitigation is complete. Most of the mitigation should

be completed by August all but the Mishawum Road section. City Engineer Jay Corey stated that the traffic impact at Washington Street and Mishawum Road in the pm hours is the factor. Where the building is only 50% occupied it should not be an issue. Motion made and 2nd to return to the regular order of business, all in favor, 8-0-1 (Mercer-Bruen absent). Motion made and 2nd that a communication be sent to Edmund Tarallo, Planning Director to allow a temporary occupancy at 275 Mishawum Road and further state that the final Certificate of Occupancy will not be issued until the petitioner fully complies with mitigation measures is acceptable to the City Council, all in favor, 8-0-1 (Mercer-Bruen absent).

Alderman Scott Galvin reconsidered his vote on the transfer of \$50,000.00 for MWRA Sewer Funding to hear from City Engineer Jay Corey, all in favor 8-0-1 (Mercer-Bruen absent). Motion made and 2nd to suspend the rules for the purpose of hearing from City Engineer Jay Corey on the matter, all in favor, 8-0-1 (Mercer-Bruen absent). City Engineer Jay Corey stated that at the last water meeting it was noted that there was additional MWRA money available. On the amount of \$1,725,500.00 the city would receive a grant of 45% on the total of \$775,475 and a five year 0% interest on the balance of \$949,025.00, that the MWRA assessed flow has decreased 4% on the sewer side, that there has not been an increase do to the money the city council has given. The request for transfer of \$50,000 is to cover the costs that are ineligible under the MWRA program. Motion made and 2nd to return to the regular order of business, all in favor, 8-0-1 (Mercer-Bruen absent).

Motion made and 2nd to ADJOURN, all in favor, 8-0-1 (Mercer-Bruen absent). Meeting adjourned at 7:20 p.m.

A TRUE RECORD ATTEST:

Joyce M. Gray
Assistant City Clerk and
Clerk of the City Council Pro-tem