

**CITY OF WOBURN
APRIL 19, 2022 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Demers	Gately
Dillon	Mercer-Bruen
DiMambro	Viola
Concannon	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

A communication dated March 31, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Concannon and Council Members:

I am respectfully requesting time to meet at the beginning of your regularly scheduled meeting on Tuesday, April 5, 2022 at 7:00 pm to provide an update on the downtown safety plan with our design consultant, World Tech Engineering, LLC.

In addition, I am requesting time to meet at the beginning of your regularly scheduled meeting on Tuesday, April 19, 2022 at 7:00 pm to provide an update on PFAS testing results and the design of upgrades to our Horn Pond Water Treatment plant to remove PFAS from our water supply.

Thank you for your consideration on these matters.

Sincerely, s/Scott D. Galvin, Mayor

A communication dated April 14, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

I am submitting a final appropriation request in the amount of \$285,000 from free cash for the scope of work that was required to complete the design and permitting of the New Boston Street Bridge.

As a multitude of factors including Mass DOT, MBTA, EPA and utility owner directed or requested changes to the project, as well as those requested by abutter's required several redesigns of significant project elements. These changes exceeded the scope of the original contract and amendment 1 and amendment 2, requirement amendment 3 for \$285,000. As a result, the total design contract for the New Boston Street Bridge project cost \$1,525,000.

I will be available to discuss this appropriation request, as well as provide an update on the timeline and progress of the construction of the New Boston Street Bridge under the recently awarded to AA Will Corp for \$23,549,743 in committee.

ORDERED That the amount of \$285,000.00 be and is transferred as follows from Unreserved Fund Balance Acct# 01-359000 \$285,000.00 to Engineering/New Boston Street Acct# 0112158-589260 \$285,000.00.

I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Michael Concannon

A communication dated April 14, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

I am requesting the City Council approve an appropriation of \$1.7 million form Water and Sewer retained earnings for the design, oversight and replacement of commercial meters and reading devices.

Commercial meters have reached the end of their design life (15 years) and have become less efficient. The cost of meters, miu's, collector's and reading devices will be charged to commercial customers over a five year period.

I will be available to discuss this appropriation request in committee.

ORDERED That the amount of \$1,700,000.00 be and is transferred as follows from Water/Sewer Enterprise Unreserved Fund Balance Acct# 6410-359000 \$1,700,000.00 to Commercial Meters Acct# 623058-580000 \$1,700,000.00.

I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Michael Concannon

ORDERED That the amount of \$1,054,008.53 be and is transferred as follows from BLS/Ambulance Receipts Acct# 31359-595000 \$1,054,008.53 to Fire Regular

Salary Acct# 0122051-511000 \$336,000.00, Fire Ambulance Salary Acct# 0122051-511500 \$381,000.00, Fire / Overtime Acct# 0122051-513100 \$193,000.00, Fire 16th Man Overtime Acct# 0122051-513101, \$87,000.00, Ambulance Maintenance Acct# 0122054-544300 \$21,000.00, Apparatus Maintenance Acct# 0122054-544400 \$15,000.00, Computer Maint / Fire Acct# 0122054-544500 \$6,008.53, and Medical Attention Acct# 0122054-558103 \$15,000.00.

I hereby recommend the above: s/Scott D. Galvin, Mayor
I approve the above: s/Donald Kenton, Fire Chief
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Michael Concannon

NEW PETITIONS:

Verizon New England Inc. for grant of right in a way, to place one new four-inch (4”) conduit ± 42’ from existing conduit located on the southerly side of Montvale Avenue in a northwesterly direction onto private onto private property at 12 Montvale Avenue, in Montvale Avenue.

ARE-MA Region No. 95, LLC for a new inflammable license, for 13,880 gallons of Class B gasoline fuel (stored in 694 vehicles), 400 gallons of Class B diesel fuel (stored in life safety generator), and 3,000 gallons of Class B diesel fuel (stored in UPS generator), at 225 Presidential Way.

ARE-MA Region No. 95, LLC for a new inflammable license, for 15,200 gallons of Class B gasoline fuel (stored in 760 vehicles), at 235 Presidential Way.

Boston Gas dba Nationalgrid for grant of right in a way to install approximately 150 feet of 4 inch, plastic gas main in Porter Street.

PUBLIC HEARINGS:

On the petition by NStar Electric Company, d/b/a Eversource Energy for grant of right in a way to relocate three poles, P591/38, P591/37, and P951/36, and to install one new pole, P951/37A, in Commerce Way. PUBLIC HEARING OPENED: A communication dated April 14, 2022 was received from Jacqueline A. Duff, Right of Way Agent, Eversource, 101 Linwood Street as follows:

Re: 120 Commerce Way, W.O #2264091

Members of the Woburn City Council:

NSTAR Electric Company d/b/a EVERSOURCE ENERGY respectfully requests to remove its Utility Petition dated march 31, 2021 from the hearing on April 19, 2022 for the following location:

120 Commerce Way

Per DPW, poles are going to be relocated on private property. Grant of Location not needed.

If I can be of any further assistance, please contact me at (617) 629-3204.

Very truly yours, s/Jacqueline A. Duffy, Right of Way Agent

On the petition by Reliable Property Management Services, LLC, 283 Salem Street, Woburn, Massachusetts 01801, for special permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, Section 5.1, Subsection 57b for accessory storage and overnight parking of up to 40 commercial vehicles, and Subsection 43 for open or outside storage of new or used building materials or equipment, relating to the operation of a fence assembly and manufacturing business, at 211 New Boston Street. PUBLIC HEARING OPENED: A committee report was received “ought to pass” with the following finding and conditions: Finding: The proposed use will not create more traffic than what previously existed at the site; Conditions: 1. The project shall be developed and/or constructed and maintained as shown on the following plans: (a) Site Plan No. 8553 dated January 13, 2022 prepared by Meridian Associates as revised and dated March 25, 2022 entitled “211 New Boston Street Site Plan Located in Woburn (Middlesex County) Prepared for Reliable Fence Boston”; (b) Existing (conditions) Plan prepared by Ebbrell Architecture + Design dated January 5, 2021; (c) Proposed Plan prepared by Ebbrell Architecture + Design dated January 5, 2021; 2. The height of the garage doors shall not exceed 12 feet in height; 3. Any and all outside storage of materials shall be confined to the “Proposed Storage Area” as shown on the Site Plan (item (a) above). Outside storage of any kind shall be limited to vinyl, metal, aluminum or wood fencing; and equipment related to the Petitioner’s business operation including but not limited to augers, compressors, trailers for transfer of the equipment to job sites, digging equipment and tools, drills, and concrete, as well as equipment and materials required for the management of the property, such as snow plows/blades, ice melt and the like, and any and all equipment and material shall be stored in “designated storage area” ONLY. Reference Meridian Assoc. Site Plan No 8553 dated: Jan 13, 2022 and revised March 25, 2022. With the exception of those items listed herein, no outside storage of any kind shall be allowed outside of the “designated storage area.” Prohibition includes, but is not limited to, building, landscaping, or other material, heavy construction equipment, inventory associated with any tenant's business use, excepting those uses of the Petitioner’s business operation. Further there shall be no unregistered trailers, cars, trucks, vans of any size or capacity. There shall

be no storage of recreational vehicles, boats or campers; no hazardous or non-recyclable waste of any kind to be stored on property. Any and all such waste is to be disposed of properly. Additionally, there shall be no outside storage of recyclable waste materials of any kind. All fencing waste, related to the Petitioner's business operation, to be disposed of properly, daily. There shall be no storage of dumpsters, roll offs or compactors. There shall be no "Conex" box or steel shipping containers unless permitted by the City of Woburn and excepting the provision of condition 12 herein; 4. Vehicles parked on the Property shall be parked in designated parking spaces and all parking spaces, including handicap parking spaces, shall be maintained and clearly striped at all times; and if applicable, separate unit numbers and parking spaces associated with said units shall be marked at all times. Further, Petitioner shall submit a written operations plan for incorporation into the Special Permit decision by reference the setting forth the frequency with which parking space lines and other pavement markings will be periodically refreshed after initial installation since no resurfacing; 5. There shall be no parking or loading on any street abutting the property and further it shall be prohibited for the company, its employees, customers, or deliveries to park vehicles or trailers of any kind on abutting or nearby lots, unless such off-site parking arrangement comply with the applicable provisions of the Woburn Zoning Ordinance, as amended from time to time; 6. Any commercial vehicles used and parked by the Petitioner or other occupants of the building shall be registered in the City of Woburn; 7. The building shall contain a fire sprinkler system as required by the City of Woburn Fire Chief; and a proper turning radius for fire emergency vehicles shall be maintained at all time. Additionally, the City of Woburn Fire Department must be informed and permits must be obtained, as required by law, for any and all possible flammable or combustible materials to be stored inside building. Including any and all mechanical devices that require flammable or combustible fuel; 8. Any dumpsters on the property shall be fenced and located in the designated areas as shown on the Site Plan (item (a) above). No dumpsters shall be emptied before 7a.m; 9. Exterior lighting on the building and as shown on the Site Plan (item (a) above) shall be "Dark Sky Compliant" and shall not shed excessive light into any abutting property; 10. Renovation construction hours shall be limited to Monday to Friday, 7 a.m. to 6 p.m. and Saturday, 7 a.m. to 5 p.m; 11. The building shall contain "oil and gas separators" as required by law, and the design of same shall be approved by the City of Woburn Building Commissioner; 12. The use of any "outside" storage containers shall be limited to the period of renovation and reconstruction of the building; shall not be in place longer than one year or until there shall be available secure storage within the building, whichever is sooner; 13. The Petitioner shall construct and improve the site as substantially described on the Site Plan of Record which for this project shall include 1. (a),(b) and (c) herein above, although design adjustments and modifications generally associated with (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the plans referenced herein above, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make the final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 14. There shall be no automobile, boat or motor vehicle repair of any

kind allowed on the property; 15. Water meter to be installed upon reconnection of the building to municipal water and additional meters may be installed as required upon build-out of the building; 16. The Petitioner shall file a snow removal plan with the City of Woburn Building Department; 17. The Property will be properly landscaped and maintained year-round; and 18. The Building Dept. and the Engineer Dept. shall review any drainage issues at the time of an application for a building permit.

On the petition by True World Foods Boston LLC, 242 Salem Street, Woburn, Massachusetts 01801, for a special permit to modify Landowner's Decision and Notice of Special Permit dated December 28, 2020 as modified by Notice of Modification of Special Permit dated April 12, 2021, by amending Condition 5 limiting the property to twelve (12) box trucks and one (1) dumpster truck, and to modify to allow for overnight parking of the following commercial vehicles: nine (9) box trucks, fourteen (14) vans, and four (4) cars, at 242 Salem Street. PUBLIC HEARING OPENED: A committee report was received "back for action".

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS:

ORDINANCE, CHARTER AND RULES:

A committee report was received "ought to pass" for the following:

ORDERED Be it ordained by the City Council of the City of Woburn that Title 3, Revenue and Finance, of the Woburn Municipal Code as amended, be further amended, as follows: (deletion in ~~striketrough~~, new language in **bold**)

VII DEMAND FEES – UNPAID TAXES [~~numbered as passed~~]

3-34 Demand fees - unpaid taxes

The Treasurer/Collector shall charge a fee of \$105.00 for each written demand issued for unpaid real estate, personal property and excise tax, which fee is to be added to and collected as part of the tax, as authorized by M.G.L. c.60, §15, effective as of July 1, 2014 **2022**, (~~added 7/17/2014~~),

and by renumbering VIII REVOLVING FUNDS,

and that all Tables of Contents be similarly amended and renumbered.

s/President Michael Concannon
Per Request of the Mayor

PUBLIC SAFETY AND LICENSE:

A committee report was received “ought to pass” for the following:

Petitions for renewal for Livery Licenses by the following: Boston Express Livery Service Inc., 165 New Boston Street, No. 275; and Harmony Transportation Inc., 8 Conn Street (renewal for 1 vehicle, request for 1 additional vehicle).

SPECIAL PERMITS:

A committee report was received “minor modification denied” for the following:

Petition by ECA NEMA Brightfields I, LLC and ECA NEMA Brightfields II, LLC requesting a minor modification of special permit issued on June 10, 2021 regarding the site plan and solar array layout, at the Industri-Plex site at 134 Commerce Way, 39 Atlantic Avenue, 132 Commerce Way, four parcels off New Boston Street, 30 Atlantic Avenue and 0 New Boston Street.

Further, a communication dated April 11, 2022 was received from Thomas C. Quinn Jr., Building Commissioner regarding “ECA NEMA Brightfields” as follows: “Regarding the above referenced project, the changes the applicants have requested I would consider them substantial to the working drawings as specified in WZO section 11.12 (4).”

Further, a communication dated April 12, 2022 was received from Michael Redding, ECA Solar, 282 Moody Street, Suite 202, Waltham, Massachusetts 02453 as follows:

RE: Request for Minor Modification of Special Permit, ECA NEMA Brightfields I, LLC and ECA NEMA Brightfields II, LLC, Industri-plex Operable Unit No. 1 Superfund Site

Dear Councilors:

ECA NEMA Brightfields I, LLC and ECA NEMA Brightfields II, LLC (ECA) respectfully withdraws our request for a minor modification. We plan to revise our plans based upon input received from the City Council and will resubmit in the future.

Sincerely, ECA Solar, LLC, s/Michael Redding, P.E., Director of Civil Engineering

CITIZEN’S PARTICIPATION:

Request by Rachel Shapiro for citizen’s participation regarding farmers market.

COMMUNICATIONS AND REPORTS:

A communication dated April 4, 2022 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the Council:

Regarding the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of January, 2022 thru March 31, 2022.

8 Russell Court exterior conditions have not improved, letter has been sent to owner to clean up due to a complain received.

43-45 Church Street matter with District Court

As always if you have any questions do not hesitate to contact me.

s/Thomas C. Quinn, Jr., Building Commissioner

A communication dated April 12, 2022 was received from Charles O’Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting the following parking ticket report. Figures cited below are for the Month of January 2022 to March 2022: Number of Violations Issued 158, Numbers of Violations Paid 68, Number of Violations Outstanding 88, Amount collected and submitted to Collectors Office \$14,161.40, Parking fines referred to the Handicap Commission \$2,700.00.

There is a backlog of 1589 tickets dating from January 2004 to December 2020. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully Submitted, s/Charles O’Connor, Parking Clerk

APPOINTMENTS AND ELECTIONS:

A communication dated April 13, 2022 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

In accordance with Chapter 95 of the Acts of 2021, I am appointing the following to serve a three-year term as Trustees of the Woburn Public Library, effective upon confirmation of the Woburn City Council.

- 1) Seth Libert of 9 Arlington Road, Woburn to a 3 year term; and
- 2) Tracey Jolly of 12 Day Circle, Woburn to a 3 year term; and
- 3) Laurence Rideout of 65 Arlington Road, Woburn to a 3 year term.

I am appointing the following to serve a two-year term as Trustees of the Woburn Public Library, effective upon confirmation of the Woburn City Council.

- 1) *James Juliano of 21 Watson Lane, Woburn to a 2 year term; and
- 2) Maria Soares Alves of 13 North Warren Street to a 2 year term.

I am appointing for a 1 year term to serve as a Trustee of the Woburn Public Library, effective upon confirmation of the Woburn City Council.

- 1) Richard Mahoney of 135 Salem Street, Woburn to a 1 year term.

Respectfully, s/Scott D. Galvin, Mayor

*James Juliano's current term is hereby terminated due to new legislation and his new term will become effective upon Woburn City Council approval of his new appointment term.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that Title 13, Public Services, of the Woburn Municipal Code as amended, be further amended, by revising Article II, Water System, as follows: (additions in **bold**; ~~deletions in strikethrough~~)

Section 13.2.14 Water Meters

On all water service installations other than those solely for the purpose of fire protection, the pipe shall be equipped with such meters and meter reading devices, as the Superintendent of Public Works shall direct. All meters and meter reading devices shall be purchased

by and remain the property of the Department of Public Works. For all residential units in existence as of January 1, 2013, all meters and meter reading devices shall be installed and remain the property of the Department of Public Works at no charge. ~~All meter reading devices shall be purchased by, installed and remain the property of the Department of Public Works at no charge to all commercial units in existence as of January 1, 2013.~~

For all new construction of residential ~~and commercial~~ units after January 1, 2013, the builder shall make payment with the Department of Public Works for the full cost of furnishing the water meter and meter reading unit. No such service shall be installed until payment has been received by the Department of Public Works. No abatement or refunding of the cost of the installation shall be made. The City shall not be required to make connections at its expense. The minimum meter size for all new connections shall be 1-inch.

Multi-family dwelling with six (6) or more units, including condominiums and townhouses, shall be equipped with such meter and meter reading devices, in the manner as the Superintendent of Public Works shall direct. In addition, a separate water meter and meter reading device shall be installed on all services lines for outdoor water use such as irrigation lines, pool houses, etc. in the manner as the Superintendent shall direct. “Multi-family dwelling units with six (6) or more units, including condominiums and townhouses, shall be billed at the commercial water and sewer rates for outdoor water use. Multi-family dwelling units with five (5) or less units, including condominiums and townhouses, that have a separate service line for outdoor water use, shall be billed at the residential water and sewer rates for such use. Townhouse and condominium associations with more than one building on a lot for dwelling purposes shall be billed at the commercial water and sewer rates for outdoor water use.

For all commercial units, meters and reading devices shall be supplied, installed and owned by the Department of Public Works. The cost of meters and reading devices shall be charged to the user based upon the cost of the water meter and reading devices over a 5-year period. All meter charges shall be deposited to the Water and Sewer Enterprise Account and accounted for separately, and are to be used for water meter replacement and maintenance.

s/President Michael Concannon
Per Request of the Mayor

Motion made and 2nd to ADJOURN.