

**CITY OF WOBURN
OCTOBER 18, 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 Journals and to APPROVE.

MAYOR'S COMMUNICATIONS: None.

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicles Sales Licenses by the following: M&L Transit Systems, Inc., 60 Olympia Avenue; and Northeast Tree, Inc., 62 Holton Street.

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: Kenneth L. O'Connor dba City Line Motors, 30 Rear Torrice Drive; and Cargotiators LLC d/b/a Cargotiator Auto Sales, 104 Winn Street

A communication dated October 7, 2022, was received from Robert D. Hewitt, Fairfield Residential, 5 Burlington Woods, Suite 203, Burlington, Massachusetts 01803 as follows:

Dear Ms. Higgins,

As discussed, the purposed of this letter is to request that the license for the above referenced property be terminated. You have informed us that the License number is 2022-34 and was originally granted in 1940.

The indoor, above ground tank was removed by Cyn Environmental in December. Please see attached documentation.

Please let me know if you have any questions, comments, or require additional information.

Sincerely, Robert D. Hewitt.

A communication dated October 7, 2022, was received from Attorney Gordon T. Glass, Johnson & Borenstein, LLC, 12 Chestnut Steet, Andover, Massachusetts 01810-3706 regarding “Willow Street Brook/31 Columbus Road” on behalf of Donald and Dorothy Hamilton.

Petition by Marcelo Goncalves Gonzaga, 708 Main Street, Woburn, Massachusetts, 01801, for a special permit pursuant to Section 5.5 of the 1985 City of Woburn Zoning Ordinance, as amended, to bring in additional fill for a retaining wall, at 708 Main Street.

PUBLIC HEARINGS:

On the petition by NStar Electric Company, d/b/a Eversource Energy, for grant of right in a way to install 52 feet of conduit, in East Dexter Avenue [easterly from pole 60/25, approximately 485 feet west of Merrimac Street, to private property, install approximately 26 feet of conduit; and westerly form pole 60/26, approximately 395 feet west of Merrimac Street, to private property, install approximately 26 feet of conduit].

On the petition by NStar Electric Company d/b/a Eversource Energy and Verizon New England Inc., for grant of right in a way: (1) on the north side, approximately 486 feet west of Merrimac Street, to install new pole 60/25 approximately 94 feet east of current location; and (2) on the north side, approximately 394 feet west of Merrimac Street, to install new pole 60/26 approximately 31 feet north of current location, in East Dexter Avenue.

On the petition by Verizon New England, Inc. for a grant of right in a way to install: (1) four (4) four-inch conduits approximately 244 feet from existing manhole 204A to the DOT/City jurisdiction line at the intersection of Montvale Avenue and Hill Street; and (2) four (4) four-inch (4”) conduits approximately seven hundred six (706) feet in length with two (2) manholes on Hill Street. Starting from the DOT/City jurisdiction line at the intersection of Montvale Avenue and Hill Street place $\pm 60'$ southeasterly to proposed manhole, MH1, then an additional $\pm 350'$ of conduit to proposed manhole, MH2. From MH2 place $\pm 96'$ of conduit easterly to the private property line of 1 Hill Street and then an additional $\pm 200'$ of conduit to be placed southeasterly to the private property line at the end of Hill Street.

On the petition by National Grid for a grant of right in a way to install approximately 1900 feet of 2-inch, plastic gas main in New Boston Street for both new and replacement mains as shown in and accordance with plans.

On the petition by National Grid for a grant of right in a way to install approximately 60 feet of 4-inch, plastic gas main in Grape Street to connect to an existing main in Albany Street as shown in and accordance with plans.

On the petition by NAI Entertainment Holdings LLC, 846 University Avenue, P.O. Box 9108, Norwood, Massachusetts 02062-9108, for a special permit pursuant to Section 7.3 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for the alteration of its existing nonconforming pylon sign by replacing said sign with a new sign having the same dimensions, at 25 Middlesex Canal Park. PUBLIC HEARING OPENED: A communication dated October 13, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT PETITION FOR ALTERATION OF EXISTING NON-CONFORMING FREE-STANDING SIGN AT 25 MIDDLESEX CANAL PARK DRIVE / NAI ENTERTAINMENT HOLDINGS

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks a special permit in accordance with Section 7.3 (Extension or Alteration of Non-conforming Uses) of the Woburn Zoning Ordinance (WZO). The proposal calls for renovating an existing non-conforming sign by (a) replacing both of the sign's faces, (b) adding new LED lighting fixtures on each side, and (c) removing the railings above the existing catwalk.

Planning staff offers the following comments on this Petition:

1. The Petition indicates the proposed sign faces will be the same size as the existing faces. The Petition does not note the size of the existing faces but it does specify the size of the ones being proposed (182" high by 572" wide, or roughly 15' high by 48' wide). See paragraph #7 below for a related suggested condition.
2. The plans note that five (5) LED flood lighting fixtures will be added to each side of the sign which will be "...pointed up" onto the face of the sign. While illumination of the sign faces is reasonable, the placement/orientation of the fixtures will mean the lighting will not be dark sky compliant. Planning staff recommends the Council explore whether the lighting fixtures can be mounted on the top of the sign and pointed downward onto the sign faces instead, to ensure the lighting is dark sky compliant.

Alternatively, staff recommends the Council explore ways to minimize the extent to which light glare will be cast above/beyond the sign faces.

3. Section 7.3 requires a finding that the proposed change/alteration of this non-conforming use will not be substantially more detrimental than the existing non-conforming use to the neighborhood.
4. The property is located in a flood plain district, and the work appears to technically meet a filing threshold for a special permit in accordance with Section 9.4.2.1. of the WZO. That section authorizes the Council to approve a special permit to allow *“Substantial improvements to...any building or structure. For the purposes of this section, substantial improvement shall be taken to mean: any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure...before the improvement is started...”*. Despite this, all parties should recognize that the nature of the contemplated work explained in the application will seemingly have no effect at all on the flood plain.
5. The existing sign and supporting structure are within twenty (20) feet of a watercourse and, as noted above, are also within a flood plain. While the nature of the proposed work would seem to have no negative impact on either resource, any earth work or stockpiling of material on the ground could raise a concern with the Conservation Commission. Planning staff recommends the Council require the Petitioner to amend the plans by adding the physical limits of the flood plain district to the plan. It also recommends the Council impose the following as a condition of any approval: *“No earth work or soil disturbance, or stockpiling of any material, within the flood plain or other area of flooding shall take place unless and until the Woburn Conservation Commission has authorized same.”*
6. Though there is a narrow exception for time and temperature displays, Section 13.3.4. of the WZO prohibits *“Signs or other advertising devices with visible or moving parts or with flashing animated or intermittent illumination...”*. Respectfully, Planning staff recommends the Council reinforce this prohibition by explicitly conditioning any approval of this Petition upon the following:
 - a. The images shown on both sign faces shall remain steady and stationary at all times, and without changeable/changing messages of any kind; and
 - b. Both sign faces shall at all times reflect only the stationary image shown on the submitted plan entitled: *“Showcase Cinema De Lux, Woburn, MA, Drawing Name 30566.12, drawn by Mandeville Sign, 676 George Washington Highway, Lincoln, RI 02865-4255, dated 6/2/22 and revised 8/24/22”*.
7. The following submitted plans should be cited as the official Special Permit Plans of Record:

“Marquee Signage Plan, Sheet No. C-1 drawn by Allen & Major Associates, Inc., 100 Commerce Way, Suite 5, Woburn, MA 01801-8501; Dated: 08-22-22, Scale: 1”=50”;

“Showcase Cinema De Lux, Woburn, MA, Drawing Name 30566.12, drawn by Mandeville Sign, 676 George Washington Highway, Lincoln, RI 02865-4255, dated 6/2/22 and revised 8/24/22”;

“Showcase Cinema De Lux, Woburn, MA, Drawing Name 30566.13, drawn by Mandeville Sign, 676 George Washington Highway, Lincoln, RI 02865-4255, dated 6/2/22”; and

“Showcase Cinema De Lux, Woburn, MA, Drawing Name 30566.14, drawn by Mandeville Sign, 676 George Washington Highway, Lincoln, RI 02865-4255, dated 1/24/2018 and revised 6/2/22”.

Respectfully, s/Tina P. Cassidy, Planning Board Director

On the petition by Trio Community Meals LLC, 100 Valley Drive, Pearl, Mississippi 39208, for a special permit pursuant to Section 5.1(57b), Section 7.3 and Section 9 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for a modification to the Landowner’s Decision and Notice of Special Permit dated May 19, 2020, to allow for an increase in the overnight parking of commercial vehicles from twenty (20) to twenty-eight (28), at 39 Olympia Avenue. PUBLIC HEARING OPENED: A communication dated October 13, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT PETITIONS FOR PROPERTY AT 39 OLYMPIA AVENUE: (A) FOR CORPORATE CHEFS LLC, TO ALLOW FOR A WHOLESALE ESTABLISHMENT, WAREHOUSE AND DISTRIBUTION CENTER, OVERNIGHT PARKING OF SEVEN (7) COMMERCIAL MOTOR VEHICLES AND CONTINUED USE OF NON-CONFORMING PARKING AND LOADING DOCKS; and (B), FOR TRIO COMMUNITY MEALS, TO ALLOW FOR AN INCREASE IN THE OVERNIGHT PARKING OF COMMERCIAL VEHICLES FROM TWENTY (20) TO TWENTY-EIGHT (28)

Dear Council:

The Planning Department has reviewed both of the above-referenced Petitions and respectfully informs you it is unable to provide any meaningful commentary on either application. The plan accompanying both applications appears to be obsolete and/or provides either incomplete or conflicting information.

Here is an illustrative but not exhaustive list of the deficiencies that make it impossible to develop adequate recommendations for your consideration:

1. The plan is dated April 16, 2020 and is virtually identical to the plan filed by a previous tenant of the site several years ago (Preferred Meal Systems). The plan submitted in 2020 identified multiple areas of “proposed snow storage” and locations where parking spaces were to be eliminated or added. However, the plans submitted recently and which are now under review show the exact same things: The parking spaces labeled as being proposed or slated to be eliminated in 2020 are still labeled as “proposed” or “to be removed” on the plan now under review. Does that mean the 2020 Petitioner never implemented the approved site plan? Or, were the site plan changes implemented but the plans not simply updated to accurately reflect on the ground conditions today? If the latter, the plan should be revised to accurately show existing conditions.

Similarly, the plan notes the addition of a proposed grease trap, the replacement of a drain manhole with a Stormceptor, and proposed snow storage areas. If the grease trap and Stormceptor have been installed, and if the snow storage areas have been in use for the previous two years, the plan should be updated to reflect the fact that this work is not in fact being proposed now, but rather has already been implemented under a previous special permit.

2. The parking calculations included on the plan are confusing and incomplete. They are confusing in that parking requirements are listed for a “future tenant” and for “unused spaces”. Which business is the “future tenant” – Corporate Chefs or Trio Community Meals? Is the other the “unused spaces”? The parking table should be revised to clearly note which business is which in terms of floor

area calculations, uses, and parking requirements. The floor areas, proposed floor uses, and parking calculations remain unchanged from the 2020 plan. Are they accurate for the two tenants with pending applications?

The parking calculations are incomplete in other ways. The plans identify the location for twenty (20) vans which were the subject of the 2020 Petition, but not the twenty-eight (28) commercial vehicles now being requested by Trio Community Meals. Are the vehicles vans as proposed with the 2020 Petition, or are they larger? If larger, will the spaces created for them be adequate in terms of size? The parking location for the seven (7) commercial vehicles (vans) being requested by Corporate Chefs are not shown on the plan either.

The parking calculations do not account for the additional parking spaces needed to house any authorized overnight commercial vehicles. The Inspectional Services Department requires one (1) additional parking space for each commercial vehicle stored on site overnight, to account for the personal vehicles of employees who will drive to work and park at the site and then leave in the company’s commercial vehicles for their work shift. The parking table (and site plan) should be revised to account for all proposed commercial vehicles for which overnight parking authorization is being sought.

Finally, the site plan indicates that a total of 145 parking spaces are needed for the proposed uses and that 162 spaces will be provided. Those numbers do not account for the thirty-five (35) spaces that will be needed for the commercial vehicles being requested by the two pending petitions; 145 parking spaces plus 35 overnight vehicle spaces equals 180 spaces and the site plan only shows 162. Additionally, the extra parking spaces the Inspectional Services Department will require for the personal vehicles of the employees who will use the commercial vehicles have not been accounted for on the site plan either.

1. There were several other points raised in the Planning Department's comment letter on the 2020 petition of Preferred Meal Systems that also apply to these filings but remain unaddressed to staff's knowledge. A copy of that letter is attached for your information.

The Planning Department would be happy to review an updated/corrected site plan and offer more insightful comments and observations.

Respectfully, s/Tina P. Cassidy, Planning Board Director

On the petition by Corporate Chefs LLC, 39 Olympia Avenue, Woburn, Massachusetts 01801, for a special permit pursuant to Section 5.1(42), Section 5.1(57b), Section 7.3 and Section 9 of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for: (1) a wholesale establishment, warehouse and distribution center; (2) overnight parking of seven (7) commercial motor vehicles (vans); and (3) for the continued use of the nonconforming parking and loading docks, at 39 Olympia Avenue. PUBLIC HEARING OPENED: A communication dated October 13, 2022, was received from Tina P. Cassidy, Woburn Planning Board Director as follows:

RE: SPECIAL PERMIT PETITIONS FOR PROPERTY AT 39 OLYMPIA AVENUE: (A) FOR CORPORATE CHEFS LLC, TO ALLOW FOR A WHOLESALE ESTABLISHMENT, WAREHOUSE AND DISTRIBUTION CENTER, OVERNIGHT PARKING OF SEVEN (7) COMMERCIAL MOTOR VEHICLES AND CONTINUED USE OF NON-CONFORMING PARKING AND LOADING DOCKS; and (B), FOR TRIO COMMUNITY MEALS, TO ALLOW FOR AN INCREASE IN THE OVERNIGHT PARKING OF COMMERCIAL VEHICLES FROM TWENTY (20) TO TWENTY-EIGHT (28)

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Similarly, the plan notes the addition of a proposed grease trap, the replacement of a drain manhole with a Stormceptor, and proposed snow storage areas. If the grease trap and Stormceptor have been installed, and if the snow storage areas have been in use for the previous two years, the plan should be updated to reflect the fact that this work is not in fact being proposed now, but rather has already been implemented under a previous special permit.

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all proposed commercial vehicles for which overnight parking authorization is being sought.

Finally, the site plan indicates that a total of 145 parking spaces are needed for the proposed uses and that 162 spaces will be provided. Those numbers do not account for the thirty-five (35) spaces that will be needed for the commercial vehicles being requested by the two pending petitions; 145 parking spaces plus 35 overnight vehicle spaces equals 180 spaces and the site plan only shows 162. Additionally, the extra parking spaces the Inspectional Services Department will require for the personal vehicles of the employees who will use the commercial vehicles have not been accounted for on the site plan either.

- 2. There were several other points raised in the Planning Department’s comment letter on the 2020 petition of Preferred Meal Systems that also apply to these filings but remain unaddressed to staff’s knowledge. A copy of that letter is attached for your information.

The Planning Department would be happy to review an updated/corrected site plan and offer more insightful comments and observations.

Respectfully, s/Tina P. Cassidy, Planning Board Director

On the petition by Atlantic Power Cleaning Corp., 92 Merrimac Street, Woburn, Massachusetts 01801, for a special permit to modify the Landowner’s Decision and Notice of Special Permit dated May 29, 1997 and Section 5.1(57b) of the 1985 City of Woburn Zoning Ordinance, as amended, to allow for an increase in the indoor accessory storage of commercial vehicles from eight (8) to twelve (12), with all of said commercial vehicles being stored overnight inside an approximately 4,022 square foot addition to the existing building(s) on the Property, at 92 Merrimac Street.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS:

FINANCE:

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

ORDERED That the sum of \$80,000.00 be and is hereby transferred as so stated

From: Cemetery Interest Fund \$80,000.00

Acct# 65259-595000

To: New Equipment/Cemetery \$80,000.00
Acct# 0149058-586600

I hereby approve the above: s/John Sawyer, Chairman, Cemetery Commission
I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Michael P. Concannon

LIAISON:

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 a petition be filed with the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court. The Mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT TO EXTEND THE TIME FOR THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES IN THE CITY OF WOBURN

SECTION 1. Subsection (f) of section 1 of chapter 86 of the acts of 2020 is hereby amended by striking out the words “within 3 years after the effective date of this act” and inserting in place thereof the following words: “on or before May 29, 2026”.

SECTION 2. This act shall be effective upon its passage.

s/President Michael P. Concannon

PERSONNEL:

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

A communication dated September 15, 2022, was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Meg Ann Meaney, 3 Dearborn Terrace, Woburn, MA, to the Board of Trustees for the Woburn Public Library, subject to the approval of the City Council, with a term to expire on April 13, 2024.

Respectfully, s/Scott D. Galvin, Mayor

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

A communication dated September 15, 2022, was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Higgins:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint James A. Juliano, 21 Watson Lane, to the Board of Trustees for the Woburn Public Library, subject to the approval of the City Council, with a term to expire on April 13, 2024.

Respectfully, s/Scott D. Galvin, Mayor

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

ORDERED That Paul Tobin of 10 Stevin Drive be reappointed as a Member of the Woburn Recreation Commission for a term expiring September 1, 2027.

s/President Michael P. Concannon

PUBLIC SAFETY AND LICENSE:

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

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by the following: ACT Leasing, Inc., 215 Salem Street; David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue, #4; and Capelo’s Auto Service, Inc. dba Capelo’s Auto Sales, 22 Winn Street.

CITIZEN’S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated October 1, 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 April 1, 2022 thru June 30, 2022.

8 Russell Court owner did not continue to clean exterior grounds, fines were issued on August 2, 2022 which were not paid and a request for a court hearing has been filed for failure to pay fines and to comply with municipal code.

43-45 Church Street owner failed to comply with Court Order on resolving fines, a criminal complaint has been filed with court.

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

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

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, Elaine Pruyne is retiring after over 40 years of dedicated service to the City of Woburn, starting as a Page in the Woburn Public Library during high school, and culminating in the Director of Human Resources; and

Whereas, Elaine was appointed first step Junior Clerk in the City Treasurer's Department in 1980, where she reconciled City and School payroll checks, and then moved on to administering health and life insurance, and providing payroll back support; and

Whereas, Elaine became the Human Resources Assistant in 1998, which gave her the opportunity to interact with employees, retirees and department heads.

Whereas, Elaine was appointed the Director of Human Resources in 2015; and

Whereas, during her seven (7) years as Director, Elaine, in addition to the day to day duties regarding employment, hiring, and contract administration, has provided employee assistance and wellness programs aimed to assist our employees with their overall health and wellness; and

Now, therefore, the City Council of the City of Woburn hereby recognizes the long and distinguished career of Elaine Pruyne and her many accomplishments and contributions in improving the quality of life of the citizens of the City of Woburn, thanks her for her service to the city, and extends the best wishes of the community for a long, happy and well-deserved retirement.

s/Michael P. Concannon, President, Councilor Robert J. Ferullo, Jr., Councilor Joanne E. Campbell, Councilor Richard F. Gately, Jr., Councilor Jeffrey P. Dillon, Councilor Joseph E. Demers, Councilor Lou DiMambro, Councilor Darlene Mercer-Bruen, and Councilor Charles Viola

ORDERED Whereas, Corporal Charles J. Robertson was born in Woburn on August 15, 1917; and

Whereas, Corporal Charles J. Robertson enlisted in the United States Army effective January 4, 1941; and

Whereas, Corporal Charles J. Robertson served our nation honorably in the European theater of combat during World War II with the 66th Regiment 2nd Army Division; and

Whereas, Corporal Charles J. Robertson was killed in action on July 27, 1944 in France, as verified through military records and archives by the Veterans Service Department in conjunction with the United Veterans Council;

Now, Therefore, the City Council of the City of Woburn hereby Orders that an appropriate veterans memorial square be erected at the intersection of Water Street and Robertson Way in honor of Corporal Charles J. Robertson.

s/Michael P. Concannon, President, Councilor Robert J. Ferullo, Jr., Councilor Joanne E. Campbell, Councilor Richard F. Gately, Jr., Councilor Jeffrey P. Dillon, Councilor Joseph E. Demers, Councilor Lou DiMambro, Councilor Darlene Mercer-Bruen, and Councilor Charles Viola

ORDERED Be it Ordained by the City Council of the City of Woburn, that pursuant to the Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6, the Fire Chief is hereby authorized to dispose of the following vehicles and equipment which the Fire Chief has determined is of no value to the department and which no other department has expressed an interest in obtaining.

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
1971	Mack / Rescue	MB477T1682

s/President Michael P. Concannon

Motion made and 2nd to ADJOURN.