

**CITY OF WOBURN  
JUNE 2, 2009 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Wall
Doherty	

---

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

---

**MAYOR'S COMMUNICATIONS:**

ORDERED That the sum of \$57,802.00 be and is hereby appropriated as so stated from Insurance Reimbursement Acct #211-359000 \$57,802.00 to Police Building Maintenance Acct #21158-585006 \$57,802.00 – Insurance reimbursement for damage to police range.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor  
I hereby recommend the above: s/Philip L. Mahoney, Chief of Police  
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman \_\_\_\_\_

\*\*\*\*\*

ORDERED That the sum of \$732.00 be and is hereby transferred as so stated from Fire Sick Leave Buy Back Acct #0122051-515400 \$732.00 to Fire – Holiday Pay Acct #0122051-514500 \$732.00

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

s/Alderman \_\_\_\_\_

\*\*\*\*\*

A communication dated May 28, 2009 with attachment to Mayor Thomas L. McLaughlin was received from Carl R. Batchelder, Ed.D., Superintendent of Schools, Woburn Public Schools as follows:

Dear Mayor McLaughlin:

At their meeting of May 27, 2009, the School Committee voted to send this letter to you regarding necessary funding in the area of special education which has exceeded the FY09 school district budget. As you are aware the Out-of-District Special Education Oversight Committee has been meeting regularly throughout the year to review those extraordinary costs which have been incurred relative to out-of-district tuition and transportation. This topic has been well reviewed by both school and city officials; and, therefore, the School Committee is asking that you request the City Council to appropriate a supplemental amount of \$535,220 to the FY09 budget for the purpose stated above.

Thank you in advance for your attention to this matter.

Sincerely, s/Carl R. Batchelder, Ed.D., Superintendent of Schools

ORDERED That the sum of \$535,220.00 be and is hereby transferred as so stated from Unreserved Fund Balance Acct #01-359000 \$535,220.00 to Special Department Special Education Section 15 – Out of District \$535,220.00 Total \$535,220.00

I hereby approve the above: s/Thomas L. McLaughlin, Mayor  
I recommend the above: s/Carl R. Batchelder, Superintendent of Schools  
I have reviewed the above: s/Gerald S. Surette, City Auditor

s/Alderman \_\_\_\_\_

**PUBLIC HEARINGS:**

On the petition by Alderman Richard Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 320 Main Street, Woburn, Massachusetts, commonly referred to as the Woburn Armory, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.  
PUBLIC HEARING OPENED.

\*\*\*\*\*

On the petition by Alderman Scott Galvin concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 17-19 Franklin Street, Woburn, Massachusetts for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the

neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED.

\*\*\*\*\*

On the petition by J. Sallese & Sons, Inc., 7 Hart Street, Wakefield, Massachusetts 01880 for s special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the parking of petitioner’s vehicles at 5 Crescent Avenue. PUBLIC HEARING OPENED.

\*\*\*\*\*

On the petition by Anthony K. Paone, Trustee of Harrison Avenue Realty Trust, 141 Sylvester Avenue, Winchester, Massachusetts 01890 for a special permit pursuant to Sections 5.1.71 and/or 5.1.72, 5.5 and 8.3.2 to finish grading and filing of lot and to utilize same for parking purposes, for rental to other businesses, on a commercial basis at 7 Harrison Avenue. PUBLIC HEARING OPENED.

\*\*\*\*\*

On the petition by President Charles Doherty to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 23 entitled Commerce Way Corridor Overlay District as set forth in the petition (Clerk’s Note: See City Council Journal dated July 10, 2008 for a full recitation of the text of the ordinance). PUBLIC HEARING OPENED.

---

**CITIZEN’S PARTICIPATION:** None.

---

**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to appropriate the sum of \$4,000.00 from Cemetery Interest Fund to Over-Time Salary Account, committee report was received “ought to pass.”

\*\*\*\*\*

On the Order to appropriate the sum of \$245,000.00 from School Stabilization Fund Account to Traffic Study Plan Implementation at the Clapp School Account, committee report was received “ought to pass.”

\*\*\*\*\*

On the Order to appropriate the sum of \$495,062.26 from the Designated for Reduction of Debt Account to Debt Principle Account and Debt Long Term Interest Account, committee report was received “ought to pass.”

\*\*\*\*\*

**MUNICIPAL LANDS:**

On the matter of discontinuing a portion of Central Street, committee report was received “That the portion of Central Street shown as “Area of Proposed Discontinuance of Central Street” as shown on a plan entitled “Portion of Central Street, Montvale Ave – Orange Street, Woburn, Massachusetts” prepared by the City of Woburn Engineering Department dated 03/30/03 be discontinued and the land turned over to the jurisdiction of the School Department.”

---

**NEW PETITIONS:**

Petition by Ali A. Saleh dba Metro Car Service requesting that he be permitted to change his place of business under his Taxi Cab License from 329 Washington Street, Woburn to the new address 21 Cummings Park, Woburn.

---

**COMMUNICATIONS AND REPORTS:**

A copy of a communication dated May 7, 2009 to Mayor Thomas L. McLaughlin was received from Patricia A. Leavenworth, P.E., District Highway Director, Commonwealth of Massachusetts, Executive Office of Transportation, District 4, 519 Appleton Street, Arlington, Massachusetts 02476 advising that the construction bid documents for the resurfacing and related work on a section of I-93 in the city of Woburn has been completed and bids were solicited, that the work to be done under this contract shall consist of resurfacing and related work on Interstate I-93 both northbound and southbound in the town of Stoneham, town of Winchester, city of Woburn and town of Reading, that the project is expected to be completed within 1,095 Calendar Days from receipt of the Notice to Proceed, and advising that the construction plans and specifications are available for review at the District office.

\*\*\*\*\*

A communication dated June 1, 2009 with attachment was received from Dennis A. Clarke, President and CEO, Cummings Properties, 200 West Cummings Park, Woburn, Massachusetts 01801 as follows:

Re: Special permit granted to Woburn Properties, LLP, c/o Cummings Properties, LLC – 8 Cabot Road – to construct 48,240 NSF building for Offices and Research and Testing Laboratories pursuant to Section 5.1.30b and 5.1.41

Dear Mr. Campbell:

We are writing to request that the City Council clarify the language in Condition 8 of the written Decision recording the City Council’s grant of a special permit for the above-

referenced mixed-use building at 8 Cabot Road. Accordingly, we ask that language be added to Section 8, as shown below in italics.

8. That a communication be forwarded to the City Engineer that *the City* use standard practice under the mitigation ordinance to determine the estimated costs of construction and to seek documents from the petitioner to determine the estimated costs *for the purpose of determining that the estimated construction costs reported by applicant on its building permit application are reasonable estimates of the applicant's costs to construct the approved building.*

Please call me at 781-932-7019 with any questions.

Sincerely, Cummings Properties, LLC s/Dennis A. Clarke, President and CEO

\*\*\*\*\*

A communication dated June 1, 2009 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Decision/Self Storage Group, LLC, 420-422 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised this office represents Self Storage Group LLC of 637 Washington Street, Suite 200, Brookline, Massachusetts. On July 31, 2008, a Landowner's Decision and Notice of Special Permit ("Decision") was issued by your office, which Decision allows for a self storage warehouse at 420-422 Washington Street, Woburn, Massachusetts (copy enclosed). Condition 8 of the Decision requires that the Woburn City Council adopt methodology relative to the administration of the Blasting Fund.

Enclosed please find a document entitled "Administration of Blasting Fund Per Condition 8 of Landowner's Decision and Notice of Special Permit Dated July 31, 2008 Issued to Self Storage Group LLC". Please submit to the City Council for approval at its meeting on June 2, 2009.

If you have any questions or need further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III

\_\_\_\_\_

**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

\_\_\_\_\_

**APPOINTMENTS AND ELECTIONS:** None.

---

**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED Be It Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended by further amended by striking Title 2, Article V, Section 3-25(H)(1) in its entirety and inserting in its place the following: "1. Income limitations on eligibility shall be \$45,000.00 for single household and \$55,000.00 for a couple."

s/Alderman Drapeau

\*\*\*\*\*

ORDERED That the supervision granted to the City Clerk pursuant to Title 2, Article IV, Section 2-21 of the 1989 Woburn Municipal Code, as amended, with respect to the Clerk of Committees shall include the authority to discipline the incumbent in said office up to and including suspension.

s/Alderman \_\_\_\_\_

\*\*\*\*\*

RESOLVED That the Department of Public Works clean the stream that runs from Hope Lane through Forest Park Road up Westview Terrace and to the Middlesex Canal; and

Further, Resolved that the Department of Public Works obtain any necessary permits for cleaning the stream; and

Further, Resolved that the Department of Public Works repair the headwall at Forest Park Road.

s/Alderman Wall and Alderman Raymond

---

Motion made and 2<sup>nd</sup> to ADJOURN.