

**CITY OF WOBURN
MARCH 16, 2010 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

MAYOR'S COMMUNICATIONS:

Joint meeting with His Honor the Mayor, City Council, School Committee Members, Northeast Regional Metropolitan Vocational School Representative and the city's State legislative delegation.

ORDERED That the sum of \$2,710.00 be and is hereby transferred as so stated from Recreation Plumbing Repairs Acct #0162052-526200 \$1,000.00, Recreation Bus Rentals Acct #0162052-527301 \$1,710.00, Total \$2,710.00 to Parks Equipment Acct #0163058-585000 \$2,710.00.

I hereby recommend the above: s/James Delong, Parks Superintendent
I hereby recommend the above: s/Rory Lindstrom, Recreation Director
I have reviewed the above. s/Gerald W. Surette, City Auditor
I hereby approve the above. s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the sum of \$2,205.70 be and is hereby transferred as so stated from Veterans Salary Account #0154351-511000 \$2,205.70 to Treasurer Salary Acct #0113851-511000 \$882.28, Recreation Salary Acct #0116251-511000 \$1,323.42, Total \$2,205.70.

I hereby recommend the above: s/Lawrence Guissepe, Veterans Agent
I hereby recommend the above: s/Donald Jensen, City Treasurer
I hereby recommend the above: s/Rory Lindstrom, Recreation Director

I have reviewed the above. s/Gerald W. Surette, City Auditor
I hereby approve the above. s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the sum of \$80,000.00 be and hereby transferred as so stated from DPW Street Lights Acct #0142052-521104 \$50,000.00, DPW Administrative Salary Acct #0141151-511000 \$30,000.00, Total \$80,000.00, to DPW Overtime Acct #0141151-513100 \$80,000.00.

I hereby recommend the above: s/Thomas Quinn, Acting DPW
Superintendent

I have reviewed the above. s/Gerald W. Surette, City Auditor
I hereby approve the above. s/Scott D. Galvin, Mayor

s/Alderman _____

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company for a grant of right in a way on Russell Street northerly from pole 257/16 approximately 620 feet northeast of Brook Road a distance of approximately 71 feet to install conduit. PUBLIC HEARING OPENED. A communication dated March 9, 2010 was received from Acting Superintendent of Public Works Thomas C. Quinn as follows:

Dear Mr. Campbell:

I have attached Title 12 Rules to this permit and it is mandatory that the contractor for NSTAR follow our Title 12 Rules for this project on Russell Street. Russell Street is a busy street and Police details will be necessary.

- Russell Street must remain open at all time during construction.
- Police detail as needed.
- Notify Woburn Public Works (3) three days in advance before opening street.
- It is mandatory that all trench openings shall be infrared processed.
- NSTAR must apply for trench permit.

Thank you, s/Thomas C. Quinn

On the petition by Town Fair Tire Centers of Massachusetts LLC, 460 Coe Avenue, East Haven, Connecticut 06512 for a special permit pursuant to Section 5.1.22b of the 1985 Woburn Zoning Ordinances, as amended, to allow for a retail establishment between 5,000 square feet to 15,000 square feet (7,600 square feet) at 422-424 Washington Street.

PUBLIC HEARING OPENED. A communication dated March 15, 2010 was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Town Fair Tire Centers of Massachusetts LLC/422-424
Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

As you know, the above-referenced Petition to allow for a retail establishment is scheduled for a public hearing before the Woburn City Council on March 16, 2010. In addition, the Planning Board will be continuing its review of the Petition on the same date. In the event that we do not complete review with the Planning Board in time to be present at the scheduled City Council public hearing, we respectfully request that the public hearing be continued to April 6, 2010 which is the scheduled date of the Special Permit Petition for the repair of tires.

Thank you for your cooperation.

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

A copy of a communication to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: Washington Street – Town Fair Tire Special Permit
Plans Dated January 15, 2010
Drainage Calculations Dated January 15, 2010
Development Impact Statement Dated January 15, 2010
Traffic Impact and Assessment Report January 15, 2010

This office has reviewed the plans, drainage calculations, development impact statement for the above referenced project and offers the following comments.

The applicant is proposing a 7,600 SF building on Washington Street for retail sales and tire installation. The building will be serviced by municipal utilities and access will be off of Washington Street.

Water

The site utility plan SU-1 shows the proposed building being serviced by an 8” ductile iron water main for their fire suppression system with a 2” copper domestic water service. Both connections conform to city standards and this office takes no exception to the connections as shown. Typically a tapping sleeve and valve are not allowed, however, the Water Department has approved this type of installation at this facility.

Sewer

The site utility plan SU-1 shows the building will be serviced by a 6" PVC sewer service to the existing sewer main on Old Washington Street. This service conforms to city standards and this office takes no exception to the sewer service as shown.

Drain

The Grading and Drainage Plan GD-1 shows the site will be mitigated by site catch basins connecting to a series of underground detention system to mitigate the onsite runoff. There is a 12" line that connects underground detention system 2 to the municipal drainage system. The submitted drainage calculations show that the post development conditions are reduced from predevelopment conditions. This office takes no exception to the drainage design and calculations as submitted.

Traffic

The applicant has submitted a traffic report which outlines the impacts under the build and no build scenarios for the proposed developments. The report also states that the project expects to generate 190 new trips during the average weekday and approximately 35 and 40 new trips during the weekday evening and Saturday midday peak hour.

The report concludes that the No-Build and Build conditions indicate that the traffic operations will continue to operate at acceptable levels (LOS D) or better and that does not expected to have any noticeable effect on traffic operations at the study intersections.

Although the project will not have an appreciable effect on the LOS, due to the existing level of service, it would be prudent to accept mitigation funds for this project to upgrade local traffic signals in the general project area. The applicant has indicated that the mitigation funds would be approximately \$21,000 and these monies would be applied to traffic signal upgrades.

Miscellaneous

The development impact statement outlines traffic and utility assessments as per Section 18 of the Woburn Zoning Ordinances.

An as-built drawing in AutoCAD format along with a hard copy of the plan will need to be submitted to this department upon completion of the project as part of the permanent record.

If you or the board have any questions concerning this information, do not hesitate to contact this office.

A copy of a communication dated March 1, 2010 was received from Patricia A. Leavenworth, P.E., District Highway Director, MassDOT, Highway Division, District 4, 519 Appleton Street, Arlington, Massachusetts 02476 advising that an application for a permit to access the state highway has not been received at this location at this time. OPPOSED: A communication dated February 21, 2010 was received from Ralph J. Callahan, 12 Garden Terrace opposed to the petition. A communication dated March 2, 2010 was received from Barbara Pinkham and Doreen Pinkham opposed to the petition.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$100,000.00 from ALS Ambulance Receipts Account to Ambulance Salaries, committee report was received "ought to pass".

On the Order to transfer the sum of \$62,500.00 from Ambulance Salaries to Fire Department Overtime (\$50,000.00) and Apparatus maintenance (\$12,500.00), committee report was received "ought to pass".

On the Order the transfer the sum of \$8,575.00 from Fire Sick Leave Buyback Account to Fire Department Overtime Account, committee report was received "ought to pass".

On the Order to transfer the sum of \$18,821.75 from Non-Contributory Retirement Account to Engineering/Sick Leave Buy Back Account, committee report was received "ought to pass".

On the Order to rescind certain authorized and unissued bond authorizations for the White Elementary School and Woburn Memorial High School, the Shamrock Elementary School, the Reeves Elementary School, the Refinancing – Police station, School Remodeling, and the Water Treatment Plant, committee report was received "ought to pass".

MUNICIPAL LANDS/HIGHWAYS:

On the matter relative to the sewer easement at 23 Rainin Road, committee report was received that the following Order "ought to pass":

ORDERED That the Mayor be authorized to release and convey, for nominal consideration, the fee interest in a certain parcel of land located at 23 Rainin Road, Woburn, MA, being shown as "City of Woburn – Sewer Easement 20.00 Wide," as is located on Lot 5 on that certain Land Court Plan No. 33379D, filed with the Middlesex South District Registry of Deeds with Certificate of Title 157417, subject to the retention by the City of Woburn of a sewer easement over said parcel conveyed.

NEW PETITIONS:

Petitions for renewal of Taxi Cab Licenses by Abdulla Nasser dba AACO Travel Taxi Services, 329 Washington Street; Mourad Djiar dba ABCE Cab of Woburn, 165 New Boston Street, Suite M241; Bombay Taxi Inc., 165U New Boston Street; Mohamad S. Moharam dba First Cab of Woburn, 29 Cummings Park, Suite 440; and Ali A. Saleb dba Metro Cab Service, 21 Cummings Park, #224.

Petition for renewal of Livery License by Patricia Porrazzo dba Hollywood Limousine Co., 4 Skyview Lane.

Petition for renewal of Common Carrier License by Boston Tours, Inc., 56 Williams Street, Woburn, Massachusetts 01801.

Petition by Woburn Bowladrome Inc., 32 Montvale Avenue for renewal of a Bowling Alley License.

Petition by 88 Winn Street LLC, 89 Winn Street, Woburn, Massachusetts 01801 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. To allow for accessory storage or parking of commercial motor vehicles under Section 5.1.57b, and 2. To allow for the alteration of an existing use in the Groundwater Protection District under Section 16.6.C, both at 88 Winn Street.

Petition by Nextel Communications c/o of Clear Wireless LLC, 960 Turnpike Street, Suite 28, Canton, Massachusetts 02021 for a special permit pursuant to Section 5.6 of the 1985 Woburn Zoning Ordinances, as amended, to replace three (3) panel antennas with three (3) panel antennas and to install two (2) backhaul antennas below the existing antennas at 21 Warren Avenue.

Petition by Mario Abruzzese, 80 School Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow the placements of approximately 1,200 cubic yards of fill to construct a level backyard at 80 School Street.

Petition by Bradco Supply Inc., 8 Draper Street, Woburn, Massachusetts 01801 for three special permits pursuant to Sections 5.1.42, 5.1.57b and 8.2.5 of the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. To allow for warehouse/wholesale use under Sec. 5.1.42; 2. To allow for accessory parking of commercial vehicles under Sec. 5.1.57b; and 3. A reduction of one-third of the required parking spaces for a mixed use under Sec. 8.2.5, all at 8 Draper Street.

COMMUNICATIONS AND REPORTS:

A communication dated March 11, 2010 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 February 2010: number of parking violations issued 386, number of violations paid 201, number of violations outstanding 155, amount collected and submitted to the Office of the Collector \$12,918.60. There exists a backlog of 5,288 tickets for 1982 through 2009. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$2,700.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the communication relative to a Notice of Intent to Sell pursuant to M.G.L. Chapter 61A a certain parcel of land known as the Spence Farm Stand Parcel located between Lowell Street and Wyman Street. On March 3, 2010 at 3:46 p.m., President Denaro filed a notice of intention to move for reconsideration of his vote made on March 2, 2010 in support of the motion to receive and place on file the communication.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be It Ordained by the City Council of the City of Woburn that Title 2, Article XXXVI of the 1989 Woburn Municipal Code, as amended, be hereby further amended by adding a new Section 2-234 as follows:
2-234 Woburn Conservation Commission

A member of the Woburn Conservation Commission shall be considered a special municipal employee under Massachusetts General Laws Chapter 268A.

s/Alderman Gaffney

RESOLVED Whereas, the United States Census Bureau will mail census forms to 130 million addresses across the nation over the next few weeks; and

Whereas, the information collected during the census will be used to determine the allocation of representatives in Congress, will be used to calculate federal and state funding available to communities, and will be used to redistrict wards and precincts in the city of Woburn; and

Whereas, the Census Bureau will hire more than 1,200,000 people to conduct field operations to obtain data from households which do not respond to the census by mail; and

Whereas, the Census Bureau will save \$60.00 to \$70.00 for each census form that is returned by mail rather than requiring a field visit; and

Whereas, the Census Bureau will save approximately \$85,000,000.00 for every one percent increase in mail return participation; and

Whereas, the census form used this year will be one of the shortest in U.S. Census history asking ten questions and taking ten minutes to complete;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that all the residents of the city be urged to take a few moments to respond to the U.S. Census by mail in order to ensure the city's representation in Congress, to qualify the city for federal and state funding it is entitled to, and to save the unnecessary expense of field visits.

s/President Denaro

RESOLVED Whereas, the purpose of the Boy Scouts of America, incorporated on February 8, 1910, and chartered by Congress in 1916, is to provide an educational program for boys and young adults to build character, to train in the responsibilities of participating citizenship, and to develop personal fitness; and

Whereas, for nearly 100 years, the Boy Scouts of America has been teaching values and leadership and preparing young people to make ethical choices over their lifetimes by instilling in them the values of the Scout Oath and Law; and

Whereas, Scout Law provides that Scouts be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

Whereas, the Boy Scouts of America endeavors to develop American citizens who are physically, mentally, and emotionally fit; have a high degree of self-reliance as evidenced in such qualities as initiative, courage, and resourcefulness; have personal values based on religious concepts; have the desire and skills to help others; understand the principles of the American social, economic, and governmental systems; are knowledgeable about and take pride in their American heritage and understand our nation's role in the world; have a keen respect for the basic rights of all people; and are prepared to participate in and give leadership to American society; and

Whereas, to earn the Eagle Scout rank, the highest advancement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills; and

Whereas, Andrew Krause has been recognized for fulfilling all the requirements necessary to advance to the rank of Eagle Scout;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the residents of the City of Woburn extend their warm and proud congratulations to Andrew Krause for his dedicated work and accomplishments in attaining the rank of Eagle Scout and their best wishes for his continued success in his future endeavors.

s/Alderman Drapeau

Motion made and 2nd to ADJOURN.