

**CITY OF WOBURN  
FEBRUARY 1, 2011 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the sum of \$17,803.22 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-356000 \$17,803.22 to Purchasing Salary Sick Leave Buy Back Acct #0113651-515400 \$17,803.22 – Purpose: William McGowan

I hereby approve the above: s/Scott D. Galvin, Mayor

I have reviewed the above: s/Gerald W. Surette, City Auditor

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

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ORDERED That the Woburn City Council hereby authorizes the Mayor to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E ½. Mayor may spend funds received without further appropriation during Fiscal Year 2011 with the purpose of encouraging the wellness and healthy lifestyles in the City of Woburn. The “Be Well Woburn Committee Departmental Revolving Fund”, is to be credited with all fees and charges not to exceed \$50,000.00 received during Fiscal Year 2011 from donations and money raised. Any remaining balance at June 30, 2011 is to revert to the General Fund, unless the fund is re-established. The “Be Well Woburn Committee Departmental Revolving Fund”, under M.G.L. Chap. 44, Sec. 53 ½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Departmental Revolving Fund effective for the ensuing Fiscal Year only.

I hereby recommend the above: s/Scott D. Galvin, Mayor

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

**PUBLIC HEARINGS:** None.

**CITIZEN'S PARTICIPATION:** None.

**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$14,466.65 from ALS Ambulance Receipts Account to Hazardous Clothing Account, committee report was received "ought to pass".

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On the Order to transfer the sum of \$75,000.00 from BLS Ambulance Receipts Account to Fire/Overtime Account, committee report was received "ought to pass".

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On the Order to transfer the sum of \$25,000.00 from BLS Ambulance Receipts Account to Ambulance Maintenance Account, committee report was received "ought to pass".

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

**NEW PETITIONS:**

A communication dated January 31, 2011 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn as follows:

Re: Minor Modification to Landowner's Decision and Notice of Special Permit dated December 27, 2007 as Modified by Notice of Modification Special Permit dated September 24, 2009 (the "Decision") Granted to Allied Building Products Corp., 41 Atlantic Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Allied Building Products Corp. ("Allied") of 41 Atlantic Avenue, Woburn, Massachusetts (the "Property"). On December 27, 2007, the

City Council granted a Special Permit to Allied for the use of the Property as a wholesale establishment, warehouse and distribution center, outside storage of new or used building materials and equipment and the accessory parking of commercial motor vehicles. On September 24, 2009 a Notice of Modification of Special Permit was issued allowing for a modified site plan. Enclosed please find ten (10) copies of the Decision and the approved modified site plan described in Condition 1.

In addition, I have enclosed ten (10) copies of a further revised site plan showing the following minor revisions:

1. A “squaring off” of the sliding gate at the rear of the fenced in area.
2. The relocation of the fence line at the front of the fenced in area to include the side entrance within the fenced in area. This was an inadvertent error since the purpose of the fencing is for security purposes.
3. The addition of three (3) handicap spaces which are required as a condition of occupancy under the Massachusetts State Building Code.
4. The addition of four (4) additional parking spaces which are four more than originally approved.
5. The relocation of the dumpster from the side entrance to the rear of the fenced in area.

I respectfully request approval by the City Council of the above improvements as a minor modification to the Special Permit by substituting the Plan entitled: “41 Atlantic Avenue, Woburn, MA” prepared by Allen & Major Associates Inc., 100 Commerce Way, Woburn, MA dated September 25, 2007, as revised October 18, 2007, August 26, 2009, April 27, 2010, May 14, 2010, October 11, 2010 and November 22, 2010 in place of the plan entitled: “41 Atlantic Avenue, Woburn, MA” prepared by Allen & Major Associates Inc., 100 Commerce Way, Woburn, MA dated September 25, 2007, as revised October 18, 2007, as revised August 26, 2009 as the plan of record. I would appreciate it if you would place this matter on the agenda of the City Council meeting scheduled for February 1, 2011. If you have any questions, please feel free to contact me. Thank you.

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

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Petition by Wireless PCS, LLC dba AT&T Mobbity, 580 Main Street, Bolton, Massachusetts 01740 for a special permit pursuant to Sections 5.1.80b and 56 of the 1985 Woburn Zoning Ordinances, as amended, to install three (3) panel antennas, in addition to the existing antennas, to the existing 69 feet, 5 inch utility transmission structure at an antenna centerline height of 65 feet, 5 inch, remote radio heads and surge arrestor for new network service upgrade with associated antenna and electronic equipment, fiber and coax conduits, and install additional equipment in the existing AT&T equipment compound located at the base of the existing utility transmission structure, at 9 Waltham Street.

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Petition by Avalon WFS, LLC, c/o Avalon Bay Communities, Inc., 51 Sleeper Street, Suite 750, Boston, Massachusetts 02110 for a special permit to modify a special permit issued April 5, 2005, extended December 21, 2006 and extended January 8, 2009, pursuant to Section 5.1.4 of the 1985 Woburn Zoning Ordinances, as amended, by amending Conditions 1, 20, 21, 22, 23, 24 and 25 as shown in petition to allow for 34 apartment units at 0 Inwood Drive, Lot 1.

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**COMMUNICATIONS AND REPORTS:**

A communication dated January 21, 2011 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 December 2010: number of parking violations issued 1,627, number of violations paid 809, number of violations outstanding 645, amount collected and submitted to the Office of the Collector \$53,023.40. There exists a backlog of 5,157 tickets for 1982 through 2009. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$10,500.00.

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

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A communication dated January 20, 2011 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the January meeting of the Council on Aging and the Director's report for the month of January.

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A communication dated January 20, 2011 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the Woburn Council on Aging Annual Report for the period January 1, 2009 through December 31, 2009.

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A communication dated January 19, 2011 was received from Woburn Council on Aging Member Barbara Ridley thanking the City Council for supporting the purchase of computers in the Senior Center computer room and inviting the Aldermen to visit the Senior Center.

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED That the Mayor be and is hereby authorized to enter into a certain Easement Agreement calling for the construction of sidewalks and installation of lighting on a portion of Middlesex Canal Park, so called, said easement to be granted over property as shown on Exhibit A, attached hereto, with construction to be performed by National Amusements, Inc., in accordance with condition No. 17 of a certain Special Permit granted to National Amusements, Inc. by the Woburn City Council dated April 20, 1993.

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

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ORDERED Pursuant to Chapter 53 of the Acts of 2007, the Preliminary Election for the Municipal Election shall be held on Tuesday, September 13, 2011.

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

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From the Traffic Commission:

ORDERED ELLIS COURT – That a stop sign restriction be established on Ellis Court at the intersection with Wade Avenue.

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ORDERED CAMPBELL STREET – Handicapped parking space shall be established at 46 Campbell Street.

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ORDERED Be it ordained by the City Council of the City of Woburn as follows:

That current Section “5.2.4 (6)” be re-numbered, by deleting said subsection (6) and inserting the same provision as part of Section 5.2.1(“General Requirements for All Districts”), by adding a new subsection (4)

The provision, thus renumbered, would read as follows:

5.2.1 (General Requirements for All Districts).....

(4) “Access to the buildable portion of a lot shall be gained from a lot’s legal street frontage only. Access to lots by so-called “common driveways or access easements shall be prohibited.”

s/Alderman Denaro

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WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 33 Sylvanus Wood Lane; and

WHEREAS, the said building or buildings and the property is generally not being properly maintained;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. 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.

s/Alderman Drapeau

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