

**CITY OF WOBURN
MAY 17, 2011 - 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:

ORDERED That the sum of \$281,919.66 be and is hereby transferred as so stated from Pump Station Repair Acct #64158-584094 \$16,919.66, Control Panels Acct #64158-585230 \$5,000.00, Horn Pond Sanitary Rehab Acct #64158-589592 \$200,000.00, SI-52 & SI-51 Manhole Liner Acct #64158-589594 \$60,000.00, Total \$281,919.66 to Dix Road Sewer Station Repair Acct #64158-584100 \$281,919.66.

I hereby recommend the above: s/John Corey, City Engineer
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 \$2,500.00 be and is hereby transferred as so stated from Auditor Salary Acct #0113451-511000 \$2,500.00 to Library Salary Acct #0161051-511000 \$2,500.00, Total \$2,500.00 Re: Library Overtime.

I hereby recommend the above: s/Kathleen O'Doherty, Director, Library
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 Oliver Enterprises, 278 Salem Street, Woburn, Massachusetts 01801 for a Special Permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. To allow for the alteration of the existing non-conforming use and structure (single family home) to provide for an addition to the existing structure to allow for the Petitioner's landscaping business pursuant to Section 7.3, and 2. To allow for the overnight parking of commercial vehicles pursuant to Section 5.1.57b, at 5 Hancock Street. PUBLIC HEARING OPENED. A communication dated May 11, 2011 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Oliver Enterprises, 5 Hancock Street, Woburn, MA

Dear Mr. Campbell:

Due to the fact that the Planning Board has not yet completed its review of the above petition, I respectfully request that the public hearing on this matter be continued from May 17, 2011 to June 7, 2011.

If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby

On the petition by Accurate Auto Services, 7 Harrison Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1 (44) and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction of a new building containing approximately 2,100 square feet to allow an automobile and truck repair garage within the Ground Water Protection District at 7 Harrison Avenue. PUBLIC HEARING OPENED. A communication dated May 11, 2011 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Accurate Auto Services, 7 Harrison Avenue, Woburn, MA

Dear Mr. Campbell:

Due to the fact that the Planning Board has not yet completed its review of the above petition, I respectfully request that the public hearing on this matter be continued from May 17, 2011 to June 7, 2011.

If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby

On the petition by Woburn Kiwanis, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Code, as amended, to allow for a carnival and fireworks on June 17 and June 18, 2011 at Library Field. PUBLIC HEARING OPENED. A communication dated May 11, 2011 was received from Planning Director Edmund P. Tarallo as follows:

Re: Kiwanis Club of Woburn – Library Park – To operate a carnival from June 17 & 18, 2011 under Section 5.1.75

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 10, 2011, the Planning Board voted to send a favorable recommendation to the City Council regarding the Special Permit application of the Kiwanis Club of Woburn for their Annual Flag Day Festival at Library Park with the condition that the applicant comply with Section 5.1, Note 14 of the Woburn Zoning Ordinance.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by 859 Main Development, LLC, 57 Russell Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 22 of the 1985 Woburn Zoning Ordinances, as amended for a proposed 98 unit condominium development at 859 Main Street. PUBLIC HEARING OPENED.

On the petition by 88 Winn Street LLC, Fran Murray , Manager, 89 Winn Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.(45) of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale of a maximum of five (5) used cars at 88 Winn Street. PUBLIC HEARING OPENED. A communication dated May 11, 2011 was received from Planning Director Edmund P. Tarallo as follows:

Re: 88 Winn Street LLC, Fran Murray, Manager – 88 Winn Street – To allow for the sale of a maximum of 5 used cars pursuant to Section 5.1.45

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 10, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of 88 Winn Street LLC, Fran Murray, Manager, regarding the property at 88 Winn Street to allow for the sale of a maximum of 5 used cars pursuant to Section 5.1.45 subject to the following conditions:

1. That the vehicles to be sold shall only be those towed by Murray's Towing in the normal course of business;
2. That the vehicles for sale shall be parked within the fenced area; and
3. That no signs, banners or other advertising for Used Car Sales shall be allowed at the site.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by Murray Enterprises, Inc., 88 Winn Street, Woburn, Massachusetts 01801 for a Second Class Motor Vehicle Sales License at 88 Winn Street. PUBLIC HEARING OPENED.

On the petition by J&S Landscaping, Inc./Joseph Constantino, 1 Oakland Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Code, as amended, to allow accessory storage or parking of commercial vehicles at 1 Oakland Street. PUBLIC HEARING OPENED. A communication dated May 11, 2011 was received from Planning Director Edmund P. Tarallo as follows:

Re: J&S Landscaping Inc. / Joseph Costantino – 1 Oakland Street – To allow use of the property at 1 Oakland Street for accessory storage or parking of commercial vehicles pursuant to Section 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 10, 2011, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of J&S Landscaping Inc. / Joseph Costantino, regarding the property at 1 Oakland Street for the accessory storage and parking of no more than 30 commercial vehicles pursuant to Section 5.1.57b subject to the following conditions:

1. That all of the vehicles shall be parked as shown on the revised plan, with 20 parked in 2 rows in the narrow part of the lot, and another ten within the fenced area;
2. That employee and customer parking shall be provided in accordance with Section 8.2 of the Woburn Zoning Ordinance;
3. That the employee and customer parking shall be in compliance with the Regulations of the Americans with Disabilities Act and the Massachusetts Architectural Access Board;
4. That all the small equipment shall be stored within the fenced area;
5. That one bin (i.e. Pod) divided into two sections one section to store sand and the other section to hold mulch shall be allowed and located to the rear of the 20 spaces in the narrow part of the lot; and

6. That all registered vehicles parked or stored overnight on the site shall be registered in the City of Woburn.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by Amerco Real Estate Company, Inc., 2727 North Central Avenue, Phoenix, Arizona 85004 for three special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to convert an existing property into a U-Haul Center as follows: 1. Pursuant to Section 5.1.42a self-storage warehouse facility, 2. Pursuant to Section 5.1.45 rental of U-Haul equipment, autos, trucks and trailers, and 3. Pursuant to Section 5.1.57b storage and parking of motor vehicles, all at 31 Olympia Avenue. PUBLIC HEARING OPENED. A communication dated May 11, 2011 was received from Edmund P. Tarallo, Planning Director as follows:

Re: Amerco Real Estate Company, Inc. – 31 Olympia Ave. – To allow for the occupancy of the existing building as a U-Haul Center including use and occupancy as a self-storage warehouse facility; the rental of U-Haul equipment, autos, trucks, and trailers; and the storage or parking of motor vehicles pursuant to Sections 5.1.42a, 5.1.45, and 5.1.57b

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on May 10, 2011, the Planning Board voted to request the City Council defer making a decision on the Special Permit application of Amerco Real Estate Company, Inc. regarding the property at 31 Olympia Ave. until the Planning Board has had enough time to make a reasoned and needed evaluation of this proposal. This request is made based on concerns identified by the Fire Chief and Planning Director specifically dealing with the proposed utilization of the building; the fire access to the building; and the incompleteness of the traffic report. In addition, the lack of complete information has also made it impossible to review the remainder of the proposal in its entirety.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

A copy of a communication dated May 9, 2011 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 31 Olympia Avenue Proposed U-Haul Special Permit – Special Permit
Application dated April 9, 2011 – Site Plans dated April 8, 2011 – Traffic Impact
Assessment dated April 2011

The applicant is seeking permission to allow for a proposed U-Haul facility at the former Charette building at above referenced location.

The accompanying site plan shows the existing building along with the proposed parking layout. It appears that there is no exterior work being proposed.

The traffic assessment has analyzed the traffic patterns in the area for the 2016 build and no build scenarios. The report indicates that the proposed use would generate less vehicle trips than the previous use.

Stormwater improvements have been made on the site when portions of Normac Road were relocated.

This office requests an electronic copy of the site plan for the department's permanent records.

Upon review of the application, this office takes no exception to the special permit application as submitted.

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

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$19,000.00 from Cemetery Salary Account to Cemetery Burial Sections Account (\$10,000.00), Cemetery Fence Account (\$7,000.00) and Cemetery Tools/Supply Account (\$2,000.00), committee report was received "ought to pass".

On the Order to appropriate the sum of \$30,500.00 from Cemetery Interest Account to Cemetery New Equipment Account for a new pick-up truck, committee report was received "back for action with the recommended amendment 'that the truck be outfitted with a plow package' ".

On the Order to transfer the sum of \$1,200.00 from Election & Registration Printing Account, \$300.00 from Election & Registration Voting Machine Maintenance Account and \$980.00 from Election & Registration Workers Account to Election & Registration Census Postage Account, committee report was received “ought to pass”.

POLICE AND LICENSE:

On the petition by Woburn Cab Company Inc. for renewal of Taxi Cab License for twelve (12) vehicles, committee report was received “ought to pass”.

On the petition by Woburn Cab Company Inc. for renewal of Livery License for three (3) vehicles, committee report was received “ought to pass”.

On the petition by GameStop 3315 for renewal of License to Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received “ought to pass”.

On the petition by Scott W. Payne dba Landjet for new Livery License for two (2) vehicles, committee report was received “ought to pass on the condition or receipt of registration paperwork for two vehicles”.

On the petition by American Classic Limousines for renewal of Livery License for fourteen (14) vehicles, committee report was received “ought to pass”.

ORDINANCES:

On the Order to amend Title 15, Article VII of the 1989 Woburn Municipal Code, as amended, entitled “Minimum Maintenance Standards for Historical Resources” by changing the numbering of each section, committee report was received “ought to pass”.

NEW PETITIONS:

Petition by Dave’s Automotive Inc. dba Arlex Taxi Corp., 640 Boston Avenue, Medford, Massachusetts 02155 for renewal of expired Taxi Cab License for two (2) vehicles.

Petition by Peterson Party Center, Inc., 139 Swanton Street, Winchester, Massachusetts for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of commercial vehicles at 36 Cabot Road.

COMMUNICATIONS AND REPORTS:

A communication dated May 11, 2011 was received from Philip L. Mahoney, Chief of Police as follows:

Re: Accreditation On-Site

A team of assessors from the Massachusetts Police Accreditation Commission, Inc. is scheduled to arrive on June 14, 2011, to begin examining various aspects of the Woburn Police Department's policies and procedures, operations, and facilities.

Verification by the assessment team that the Department meets the Commission's standards is part of a voluntary process to gain state accreditation – a self-initiated evaluation process by which police departments strive to meet and maintain standards that have been established for the profession, by the profession.

The accreditation program consists of 257 mandatory standards as well as 125 optional standards. In order to achieve accreditation status, the Department must meet all applicable mandatory standards as well as 60% of the optional standards.

Achieving accreditation is a highly prized recognition of law enforcement excellence. Anyone interested in learning more about the accreditation program may contact Captain James Martin, the Department's Accreditation Manager, at 781-932-4531.

A communication dated April 22, 2011 was received from Larry Guisepe, Veterans Director, and George Poole, Commander of the United Veterans Council City of Woburn as follows:

Ladies and Gentlemen;

On behalf of the United Veterans Council of Woburn, I would like to invite you to participate in our annual Memorial Day parade and ceremonies on Monday May 30, 2011. The parade will start at the Armory on Main Street; call to order will be at 8:15 AM.

The parade will march from the Armory to Woburn Common for a ceremony, then proceed to Woodbrook Cemetery for a ceremony, a bus will take us to the East Woburn Fire Station where we will muster and march to Calvary Cemetery where we will pay tribute to our veterans laid to rest and re-dedicate the United Veteran's Council grave site at Calvary Cemetery, with stops at the Jewish Cemetery and Knights of Columbus Memorial.

You are additionally invited to:

- Sunday May 29th at 10 AM: Veteran’s Mass at St. Charles
- Sunday May 29th, following the church service at St. Charles: Veteran’s breakfast at the Moose Lodge, 4 Federal Street
- Sunday May 29th at 1 PM: We are dedicating a Memorial Square to Private Rupp, who was killed in action, on May 27th 1918, on Arlington Road across from Hudson Street
- Thursday June 2nd at 12:30 PM: We also would like to invite you to the Veterans Services at the Woburn Senior Center, 144 School Street, on Thursday June 2nd at 12:30 PM.

Please join us for these events to honor those veterans that have served our country, many at great cost. Please feel free to contact George or myself if there are any questions. We look forward to your participation in our tribute.

If you are participating in the ceremonies, please contact our office to confirm – thank you!

Sincerely, s/Larry Guiseppe, Veterans Director
 s/George Poole, Commander of the United Veterans Council City of Woburn

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install jersey barriers in the Ferullo Field parking lot to define the northern property line of the parcel owned by the City of Woburn property.

s/Alderman Raymond

RESOLVED That His Honor the Mayor be and is hereby authorized and empowered in accordance with M.G.L. Chapter 40, Section 3, and Section 3-23(C) of the 1989 Woburn Municipal Code, as amended, to execute, in such form as he may deem proper, and in consideration of such sum as he deems to be in the best interest of the City of Woburn, a Massachusetts Quitclaim Deed for the following parcels of land:

1. A parcel designated by the Woburn Assessors as Map 03/Block 05/Lot 3 containing 2,400 square feet located on Kensington Avenue; and

2. A parcel designated by the Woburn Assessors as Map 03/Block 06/Lot 1 containing 4,800 square feet located on Ingelow Avenue.

s/Alderman Raymond

ORDERED Be It Ordained by the City Council of the City of Woburn that Title 2, Section 2-5 of the 1989 Woburn Municipal Code, as amended, be further amended by adding a new Paragraph C as follows:

2-5(C) Exemptions from Conflict of Interest Education Training

The following municipal employees shall be exempt from the mandatory conflict of interest education and training requirements set forth in Sections 27 and 28 of Massachusetts General Laws Chapter 268A. This does not exempt the municipal employees from any other requirement of the so-called conflict of interest law. The list of exempt employees are as follows:

1. Unpaid volunteer positions in which employees do not have or exercise governmental authority and do not participate in or have responsibility for government decision-making, contracting, hiring, investigation or any other discretionary governmental action including:
 - a. Public Library volunteers;
 - b. School volunteers;
 - c. Conservation Commission volunteers at clean-up days or similar events;
 - d. Senior Center, Parks and Recreation volunteer teacher positions;
 - e. Volunteers at any city sponsored celebration or field day events.
2. Short-term temporary or seasonal compensated positions in which employees do not have or exercise governmental authority and do not participate in or have responsibility for government decision-making, contracting, hiring, investigation or any other discretionary governmental action including:
 - a. Poll worker positions;
 - b. Non-supervisory seasonal positions of lifeguards and snowplow operators;
 - c. Substitute teachers who work less than one day per week;
 - d. Participants in the senior citizen tax abatement program;
 - e. Medical Reserve Corps volunteers;
 - f. High school, college and graduate students participating in summer and work-study employment, whether paid or unpaid;
 - g. Participants in programs of the Department of Mental Health who are patients in a therapeutic program that includes employment;

- h. Individual vendors and contractors to the city who provide one day or less of services per calendar year;
- i. Participants in volunteer programs whose names are not available or known to any public agency, such as, city residents who help shovel snow or clean up after a flood.

s/Alderman _____

Motion made and 2nd to ADJOURN.