

**CITY OF WOBURN
NOVEMBER 1, 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 \$157,380.00 be and is hereby appropriated as so stated from Insurance Reimbursement Acct #2110-359000 \$157,380.00 to Goodyear School Acct #626048-48000 \$157,380.00 – Insurance reimbursement for gym floor @ Goodyear School.

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

s/Alderman _____

ORDERED That the sum of \$79,150.00 be and is hereby appropriated as so stated from Insurance Reimbursement Acct #2110-359000 \$29,436.00, Insurance Reimbursement Acct #2110-359000 \$25, 581.00, Insurance Reimbursement Acct #2110-359000 \$24,133.00, Total \$79,150.00 to Police Cruiser Outlay Acct #0112158-586681 \$79,150.00 – Insurance reimbursement for 3 cruisers.

I hereby approve the above: s/Scott D. Galvin, Mayor
I hereby recommend the above. s/Robert Ferullo, Chief of Police
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Denaro

ORDERED Supplemental Appropriation - That the sum of \$23,000.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359600 \$23,000.00 to Veteran's Cash Aid Acct #0154357-577000 \$23,000.00.

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

I hereby recommend the above. s/Lawrence Giuseppe, Veteran's Agent

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

s/President Denaro

PUBLIC HEARINGS:

On the petition by Alderman Gaffney relative to the structure or structures located at 602 Main Street, Woburn for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or buildings or other structure, 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. PUBLIC HEARING OPENED. A copy of a communication with attachments dated November 1, 2011 to Alderman Mark Gaffney was received from Brian Gingras, Building Inspector, Department of Inspection Service as follows:

Re: 602 Main Street

As requested, a follow-up inspection of the property located at 602 Main St was performed, and photos taken, from the public way on November 1, 2011 in conjunction with a complaint of a possible public nuisance. Observations related to this inspection were noted:

- The overgrown vegetation has been partially removed. The grass had been mowed at some point after the initial inspection. With the colder weather setting in, some vegetation has died back as well.
- Egress components remain mostly in a state of disrepair. A permit was obtained (#971-11) on October 20th for the repair of the front stairs, but as of yet, work has not been started.
- The collapsed garage remains in place.
- Multiple unregistered vehicles continue to be stored on the property.
- Portions of the structure continue to be open and from rotted or deteriorated materials.
- Exposed wiring located on the exterior.
- The retaining wall along Main St is still falling in some spots.

Please feel free to contact me at any time regarding these observations, or for any additional information you may need regarding this property.

s/Brian Gingras, City of Woburn Building Inspector

On the petition by Festival on the Common, c/o Gary Fuller, 80 Arlington Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.7.75 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a city festival on Woburn Common on November 26, 2011. PUBLIC HEARING OPENED. A communication dated October 28, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Festival On Common – Woburn Common – To operate a festival under Section 5.1.75

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 25, 2011, the Planning Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Festival on Common, regarding the operating of a festival under Section 5.1.75 on the Woburn Common subject to the following condition:

1. That the all vendors shall be limited to those authorized by Festival on Common, as the operator of the festival.

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 Ava Donuts LLC, 293 Cambridge Road, Woburn, Massachusetts 01801 for a special permit to modify a special permit issued December 9, 2004, as modified by a special permit issued June 20, 2005, as modified by a special permit issued on August 10, 2006, pursuant to Sections 5.1.23, 5.1.29, 5.1.63a, 5.1.69, 7.3, 8.2.5, 8.6.3, 11, 13.5 and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for modifications to the approved site plan as modified to include modifications to the existing landscaping, portions of the parking areas, alteration of the existing nonconforming pylon sign, a Drive-up Customer Service Facility, and to allow for 666 parking spaces, at 350 Cambridge Road. PUBLIC HEARING OPENED. A communication dated October 19, 2011 with attachments was received from Attorney

Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Ava Donuts, LLC, Horn Pond Plaza, LLC, 350 Cambridge Road, Woburn, MA

Dear Mr. Campbell:

Pursuant to your request, enclosed please find the following:

1. Twelve (12) copies of revised Site Plan showing the drive thru and parking calculations; and
2. Twelve (12) copies of modified Conceptual Site Circulation Plan for the proposed Dunkin Donuts drive up window.

Please be advised that I have provided eight copies of the above documents to the Planning Director and a copy to the City Engineer's office.

If you have any questions, please contact me to discuss. Thank you.

Very truly yours, s/Joseph R. Tarby III

A communication dated October 28, 2011 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Ava Donuts LLC – 350 Cambridge Road – To modify existing Special Permit to allow for modifications to the approved site plan by modifying the existing landscaping, portions of the parking areas, alteration to the existing nonconforming pylon sign, a drive-up customer service facility, and to allow for 660 parking spaces pursuant to Sections 5. 1.23, 5.1.29, 5.1.63a, 5.1.69, 7.3, 8.2.5, 8.6.3, 11, 13.5, and 15

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 25, 2011, the Planning Board voted to send an unfavorable recommendation to the City Council on the Special Permit application of Ava Donuts LLC, regarding the property at 350 Cambridge Road for the following reasons:

1. That the drive-up customer service facility does not meet the standards and the required findings in Section 11.6.10 of the Zoning Ordinance; and
2. That the parking is not adequate to meet the needs of this proposal in accordance with Section 8 of the 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

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$5,845.00 from Police Cruiser Account to Cruiser Outlay Account, committee report was received "ought to pass."

On the petitions for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc.; Lannan Chevrolet, Inc.; R.C. Olsen Cadillac, Inc.; Woodco Machinery, Inc.; and Woburn Foreign Motors, Inc., committee report was received "ought to pass."

On the petitions for renewal of Second Class Motor Vehicle Sales Licenses by ACT Leasing Inc.; Murray's Enterprises, Inc. dba Murray's Auto & Truck Sales; Southside Associates, Inc. dba Burke's Garage; and David Dellarocco dba Woburn Auto Sales, committee report was received "ought to pass."

NEW PETITIONS:

Petition for renewal of First Class Motor Vehicles Sales License by M&L Transit Systems, Inc., 60 Olympia Avenue.

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by George J. Hamilton dba George's Auto Body, 19 Jefferson Avenue; Robert Khouzami, 317 Montvale Avenue; Larade's Collision Repair, Inc., 20 High Street; Oliver M. McDermottroe dba McDermottroe Auto Sales, 229 Lexington Street; Ollie's Service Center, 310 Main Street; Velozo Enterprises, Inc. dba Rogers Radiator, 936 Main Street; Donald J. Socorelis dba Woburn Glass Co.; and Abdelaziz Ilaj dba Woburn Motors.

COMMUNICATIONS AND REPORTS:

A communication dated October 28, 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 September 2011: number of parking violations issued 1,080, number of violations

paid 522, number of violations outstanding 365, amount collected and submitted to the Office of the Collector \$40,160.00. There exists a backlog of 5,567 tickets for 1982 through 2010. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$8,600.00.

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

A communication dated October 11, 2011 was received from Mark Donovan, Superintendent of Schools and Secretary to School Committee as follows:

Dear President Denaro:

From time to time, staff members of the Woburn Public Schools are asked directly by city officials to represent the School Department in some way or to take some action on a particular matter. We are more than willing to cooperate with all city officials; however, we respectfully ask that all such requests be made through the Superintendent of Schools.

Sincerely, s/Mark Donovan, Superintendent of Schools & Secretary to School Committee

A communication dated October 19, 2011 was received from Thomas C. Quinn, Jr., Department of Inspection Services as follows:

Re: 11-13 Vining Court Update

With regard to above that has been the subject of a written complaint from Cathy Peterson, 7 Vining Court dated April 28, 2011.

As of this time the matter is still ongoing with the issuance of Citations for violation of the Woburn Zoning Ordinances and the Woburn Municipal Code to the listed owner Mr. James Coronis.

When the issue is resolved wither by compliance or other legal means I will inform the Council to the resolution.

As always it there is a need to discuss this matter further do not hesitate to contact me.

A communication dated October 26, 2011 was received from Police Chief Robert Ferullo as follows:

I would like to request to appear before the Committee on Public Safety sometime in mid-late November to introduce myself and provide and overview of the current activities of the Woburn Police Department.

Chief Robert Ferullo

A communication dated October 25, 2011 was received from Larry Giuseppe, Woburn Veterans Director, and George Poole, Commander, United Veterans Council inviting the City Council to participate in the Veteran’s Day Parade and ceremonies on November 11, 2011 with muster at 10:00 a.m. at Central Square.

A communication dated October 25, 2011 was received from Beibel Su, Architectural Historian, The Ottery Group, 1180 August Drive, Silver Spring, Maryland 20902 inviting the City Council to participate as a consulting party to the Section 106 review of the proposed modification of the existing AT&T Mobility “Woburn Main Street #3166 Telecommunications Facility” regarding the effect of the proposed undertaking on historic properties, namely the Bank Block – Woburn Masonic Hall constructed in 1862.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Having convened in an open meeting on Tuesday, November 1, 2011, the City Council of Woburn, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated Wednesday, October 26, 2011 for the Hurld Elementary School, located at 75 Bedford Road, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future:

Priority 5—Replacement, renovation, or modernization of the heating system in a schoolhouse to increase energy conservation and decrease energy related costs in the schoolhouse.

Justification:

1. A 2005 Feasibility Study from Tappé Associates indicates that the “...HVAC systems installed within this building have exceeded their maximum serviceable life.”

Priority 7--Replacement or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.

Justification:

1. *No dedicated spaces are available for science, music, art, special education, pre-kindergarten or guidance.*
2. *Access to technology is limited because of electrical power constraints.*
3. *Handicapped access is severely limited.*

And hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Woburn to filing an application for funding with the Massachusetts School Building Authority.

s/Alderman _____

RESOLVED Having convened in an open meeting on Tuesday, November 1, 2011, the City Council of Woburn, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated Wednesday, October 26, 2011 for the Wyman Elementary School, located at 677 Main Street, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future:

Priority 5—Replacement, renovation, or modernization of the heating system in a schoolhouse to increase energy conservation and decrease energy related costs in the schoolhouse.

Justification:

1. *A 2005 Feasibility Study from Tappé Associates indicates that the HVAC “systems installed within this building have exceeded their maximum serviceable life...”*

Priority 7--Replacement or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.

Justification:

1. *No dedicated spaces are available for science, pre-kindergarten or guidance.*
2. *Access to technology is limited because of electrical power constraints.*

3. *Handicapped access is severely limited.*

And hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Woburn to filing an application for funding with the Massachusetts School Building Authority.

s/Alderman _____

RESOLVED Whereas Job Creation, Economic Development, the Revitalization of Downtown Woburn and the City as a whole is in the best interest of all Woburn citizens,

Whereas providing a climate where people want to conduct business in the City of Woburn will positively benefit Woburn taxpayers and all Woburn citizens,

Whereas these licenses will assist the Woburn Police Department and Woburn License Commission in the monitoring of alcohol consumption in our City by dissuading the number of Bring Your Own Beverage establishments,

Whereas these Beer and Wine licenses can be a catalyst for future economic development in Woburn and have the potential to encourage companies and restaurants to invest in our City,

Now therefore be it Resolved that the Woburn City Council encourages Woburn voters to vote in favor of the non-binding question appearing on the local election ballot, which reads; Shall the license commission be authorized to grant licenses for the sale of wines and malt beverages to be drunk on the premises in restaurants having not less than 50 seats; provided, however, that not more than 8 licenses or such amount as allowed under section 17 of chapter 138 of the General Laws shall be in effect? Yes ___ No ___

s/Alderman Haggerty and Alderman Denaro

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 320 Main Street aka 286 Main Street commonly referred to as the Woburn Armory Building; and

WHEREAS, on October 5, 2010 pursuant to Mass. General Laws Ch. 139, Sec. 1, et seq., the said real estate, specifically the real property located at 320 Main Street aka 286 Main Street, was declared a public nuisance, a nuisance to the neighborhood, and dilapidated or dangerous buildings or other structures and ordered to be brought into decent standard; and

WHEREAS, the condition of the property has not improved;

NOW, THEREFORE, BE IT ORDERED by 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 prescribing the disposition, alteration or regulation of 320 Main Street aka 286 Main Street commonly referred to as the Woburn Armory Building , as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and entering any enforcement Order or Orders as the City Council deems necessary to remedy the condition of the property.

s/Alderman Gately

ORDERED That the Committee on Personnel solicit statements of interest from members of the business community who may be interested in serving in the position of Business Representative on the Woburn Traffic Commission for a term that expires on December 5, 2011 and to make recommendations to the full City Council.

s/President Denaro

ORDERED Whereas, Section 23.3.2 of the 1985 Woburn Zoning Ordinances, as amended, entitled "Commerce Way Corridor Overlay District" requires the establishment of the Commerce Way Corridor Overlay District Concept Plan Review Committee comprised of five members of the City Council and four members of the Planning Board;

Now, Therefore, Be It Ordered that the Committee on Liaison meet to discuss the composition of the Commerce Way Corridor Overlay District Concept Plan Review Committee and to make recommendations to the full City Council.

s/President Denaro

Motion made and 2nd to ADJOURN.