

**CITY OF WOBURN
FEBRUARY 7, 2012 - 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:

A communication dated February 2, 2012 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Denaro and Members of the Woburn City Council:

With interest rates hitting historic lows, the City may be in a position to achieve budgetary savings by issuing advance refunding of its outstanding debt.

I am requesting the City Council approve the attached Order to take advantage of this opportunity, and will be available to discuss the matter in Committee.

Thank you.

Sincerely, Scott D. Galvin, Mayor

Attached thereto was the following Order:

Loan Order
(Refinancing Outstanding Bonds for Interest Cost Savings)

ORDERED That in order to reduce interest costs, the Treasurer, with the approval of the Mayor, is authorized to provide for the sale and issuance of refunding bonds under G.L. c. 44, Sec. 21A to refund all or any portion of the remaining principal of and redemption premium and interest on any bonds of the City outstanding as of the date of adoption of this Order, and for the payment of all other costs incidental and related thereto, and that the

Mayor and the Treasurer are each authorized to take any and all other action necessary to carry out the purposes of the Order.

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

s/Alderman _____

ORDERED That the sum of \$20,000.00 be and is hereby transferred from the Cemetery Interest Fund to the following accounts: \$10,000.00 to Burial Section Account #0149058-586601, \$3,100.00 to Fence Account #0149058-586602, \$1,400.00 to Tool Account #0149054-546100, \$3,500.00 to Building/Maint. Account #0149054-543000, \$2,000.00 to New Equip. Account #0149058-586600

I hereby approve the above: s/William Kerns, Chairperson

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

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

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Boys and Girls Club of Woburn, Inc., Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.14 of the 1985 Woburn Zoning Ordinances, as amended, to conduct a six-day carnival from May 15 through May 20, 2012 at the National Amusements (Showcase Cinema) site at 25 Middlesex Canal Park Drive. PUBLIC HEARING OPENED. A communication dated February 3, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Boys and Girls Club of Woburn, Inc. – 25 Middlesex Canal Park – To conduct a six-day carnival from May 15 – May 20 at the National Amusement Showcase Cinemas site for fundraising purposes.

Dear Mr. Campbell and Members of the City Council:

At the meeting held on January 24, 2012, the Planning Board voted to forward a favorable recommendation to the City Council, subject to the condition that the applicant comply with Note 14 of the Notes to Section 5.1 of the 1985 Zoning Ordinance as amended.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by Northeast Tree, Inc. 60 Louanis Drive, Reading, Massachusetts 01867 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Section 5.1.42 to allow for the interior storage of equipment, 2. Section 5.1.43 to allow for the outside storage of new or used building materials and equipment, 3. Section 5.1.45 to allow for the sale of chippers, and 4. Section 5.1.57b to allow for accessory parking of commercial vehicles and equipment, and for a First Class Motor Vehicles Sales Licenses, at 62 Holton Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass, as amended, with the conditions as follows:

1. The Petitioner shall be limited to the overnight parking on the premises of twenty (20) commercial vehicles, two (2) bobcats, three (3) chippers used in business and five (5) trailers.
2. That all registered vehicles parked or stored overnight on the site shall be registered in the City of Woburn.
3. The hours of operation shall be Monday through Friday from 7:00 a.m. to 8:00 p.m. and Saturday from 8:00 a.m. to 5:00 p.m. except for emergencies.
4. That materials (loam, mulch and firewood) used in conjunction with petitioner’s business shall be stored in bins as shown on plan dated Dec. 5, 2007.
5. That landscaping of the premises shall be the jurisdiction of the City Council.
6. That a snow removal plan be filed with the Department of Public Works;
7. That there shall be no parking of vehicles in front of the wall at the petitioner’s premises located at 246-248 Salem Street.
8. That dumpster shall be placed on the existing pad as shown on plan dated Dec. 5, 2007 and shall be screened.
9. The Petitioner shall not use that portion of Nashua Street which runs to Draper Street as a cut-through.
10. That this Special Permit shall not be transferable.”

On the petition by Motive Auto Works, Alberto Rodriguez, 35 Wyman Street, #105, Lynn, Massachusetts 01905 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow an automobile and truck repair garage at 21-V Olympia Avenue. PUBLIC HEARING OPENED. A communication dated February 3, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Motive Auto Works – Alberto Rodriguez – 21V Olympia Ave. – To allow a special permit for an automobile and truck repair garage pursuant to Section 5.1.44

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 24, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Motive Auto Works – Alberto Rodriguez, regarding the property at 21V Olympia Ave., to allow a special permit for an automobile and truck repair garage pursuant to Section 5.1.44 subject to the following conditions:

1. That the automobile and truck repair garage shall be limited to 21V Olympia Ave. as shown on Lease Plan Alberto Rodriguez d/b/a Motive Auto Works 21V Olympia Ave. dated 12/22/11; and
2. That the Plumbing Inspector shall determine that the gas/oil separator is an approved device and that the interior floor drains comply with the plumbing code, and that they shall all be in place prior to occupancy.

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 January 19, 2012 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 21-V Olympia Avenue Automobile and Truck Repair Garage Special Permit – Plan Dated December 22, 2011 – Special Permit Application Dated January 12, 2012

The applicant is seeking permission to allow for an automobile and truck repair garage at the above referenced location.

Upon review of the lease plan, there is a note on the gas/oil separator denoting non-building standard. The applicant will need to check with the plumbing inspector to determine that the gas/oil separator is an approved device and that the interior floor drains comply with the plumbing code.

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

On the petition by Motion Industries Inc., 11 Cabot Road, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.42 and 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to operate a wholesale business and for accessory parking of commercial vehicles for no more than three (3) vehicles at 35 Industrial Parkway. PUBLIC HEARING OPENED. A communication dated February 3, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Motion Industries INC – 35 Industrial Parkway – To allow a special permit for a wholesale business pursuant to Section 5.1.42 and for accessory parking of commercial vehicles pursuant to Section 5.1.57b, for no more than 3 vehicles

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on January 24, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Motion Industries INC, regarding the property at 35 Industrial Parkway, to allow a special permit for a wholesale business pursuant to Section 5.1.42 and the accessory parking of not more than three commercial vehicles pursuant to Section 5.1.57b. 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 January 19, 2012 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 35 Industrial Parkway Wholesale Business and Accessory Parking of Commercial Vehicles Special Permit – Plan Dated September 10, 2007 – Special Permit Application Dated January 1, 2012

The applicant is seeking permission to allow for a wholesale business and for accessory parking of commercial vehicles at the above referenced location.

Upon review of the site plan and special permit application, this office takes no exception to the special permit 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 transfer in the sum of \$75,000.00 from BLS Receipts Account to Ambulance Maintenance Account and Apparatus Maintenance Account, committee report was received “ought to pass”.

On the appropriation in the sum of \$20,000.00 from Unreserved Fund Balance Account to Historical Expenses Account, committee report was received “ought to pass”.

On the Loan Order in the sum of \$876,000.00 for Whispering Hill improvements, committee report was received “ought to pass, as amended with the Order to read as follows:

ORDERED That \$876,000.00 is appropriated to pay costs for the design and development of a new park that includes but is not limited to, a multi-purpose field, a parking area and the restoration of an existing garage into a storage facility including the costs of consulting and engineering services, plans, documents, cost estimates, bidding services and all expenses incidental thereto and necessary in connection therewith, at the Whispering Hill Property, located at Cambridge Road containing approximately 74.5 acres which has been dedicated to park and recreation purposes under Chapter 45 Section 14 of the General Laws as amended; to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$876,000.00 under Chapter 44, Section 7(25) of the General Laws as amended or any other enabling authority; and that the Mayor is authorized to enter into any and all contracts and agreements, and take any other action necessary or convenient to carry out this project.

Further Ordered: That the Mayor is authorized to contract for, accept and expend any federal or state aid available for such development, including but not limited to, applying for, accepting and expending a Parkland Acquisitions and Renovations for Communities (PARC) grant (301 CMR 5.00) in the amount of \$500,000 from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, and to take any and all other action that may be necessary or convenient to carry out the purposes of this Order.”

PERSONNEL:

On the appointment of Carolyn Turner to the Woburn Planning Board, committee report was received “ought to pass”.

On the appointment of David S. Ryan to the Woburn Redevelopment Authority, committee report was received “ought to pass”.

On the appointment of John D. Ray to the Woburn Board of Appeals, committee report was received “ought to pass”.

On the appointment of John J. Ryan, III to the Woburn Board of Appeals, committee report was received “ought to pass”.

On the appointment of Joseph McDonough to the Woburn Board of Cemetery Commissioners, committee report was received “ought to pass”.

On the reappointment of Geraldine Benecke to the Woburn Council on Aging, committee report was received “ought to pass”.

On the reappointment of Jean Cronin to the Woburn Council on Aging, committee report was received “ought to pass”.

On the reappointment of Mary Foley to the Woburn Council on Aging, committee report was received “ought to pass”.

On the reappointment of Vincent Simeone to the Woburn Council on Aging, committee report was received “ought to pass”.

PUBLIC SAFETY AND LICENSE:

On the petition by Capelo’s Auto Service, Inc. dba J.C. Auto Sales for renewal of a Second Class Motor Vehicle Sales License, committee report was received “ought to pass”.

On the petition by Woburn Gas & Service, Inc. for renewal of a Second Class Motor Vehicle Sales License, committee report was received “ought to pass”.

NEW PETITIONS:

Petition by Wade V. Suleiman, 3600 Mystic Valley Parkway #210, Medford, Massachusetts 02155 and Mourad Elbaciti, 40 Saint Margaret Street #2, Dorchester, Massachusetts 02125, for a new Common Carrier License.

Petition by Boomers Family Fun Center LLC dba Boomers Lazer Tag, 5 Cedar Street, Burlington, Massachusetts 01803 for a special permit pursuant to Section 5.1.64 of the 1985 Woburn Zoning Ordinances, as amended, to allow for coin operated recreational

and entertainment machines to be used in connection with its Lazer Tag entertainment center at 10 Micro Drive.

Petition by Gold Star Homes, LLC, 83 Cambridge Street, Suite 2D, Burlington, Massachusetts 01803 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three family dwelling) to allow for the construction of a four family dwelling at 960 Main Street.

Petition by Mike Fantasia and Maryellen Fantasia, 11 Winn Valley Drive, Burlington, Massachusetts 01803 for a special permit pursuant to Section 5, Paragraph 15 to convert a 1,984 s.f. area of the basement into a garage at 0 Cpl. Charles J. McMahon Drive.

COMMUNICATIONS AND REPORTS:

A communication dated December 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 2011: number of parking violations issued 1,311, number of violations paid 621, number of violations outstanding 436, amount collected and submitted to the Office of the Collector \$48,647.40. There exists a backlog of 5,541 tickets for 1982 through 2010. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$9,500.00.

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

A communication dated January 19, 2012 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director’s Report and the minutes of the Council on Aging for the month of December 2011.

A communication dated February 2, 2012 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director’s Report and the minutes of the Council on Aging for the month of January 2012.

A communication dated January 20, 2012 with attachments was received from City Solicitor Ellen Callahan Doucette relative to Title 17 of the Woburn Municipal Code “Responsible Employer Ordinance” and the recent decision of the U.S. District Court for

the District of Massachusetts in UCANE v. City of Fall River and suggesting that the City Council review the ordinance in view of the decision.

A communication dated January 31, 2012 was received from Attorney Brian R. Cook, Burke and Foskett, LLC, 738 Main Street, Hingham, Massachusetts 02043 relative to a request for relief from sewer use charges at 8 Glade Street.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Committee on Public Safety meet with the Chief of Police at the committee meeting to be held on February 13, 2012 for an update on public safety issues.

s/Alderman Haggerty

ORDERED That the City Council of the City of Woburn does hereby approve an Easement over a parcel of land, which parcel is shown as "Access Easement" on a plan entitled "Site Plan 30 Merrimac Street Condominium 30 Merrimac Street, Woburn, Mass. Scale 1" = 20' January 31, 2011 Prepared by Edward J. Farrell, Professional Land Surveyor", which plan is to be recorded in the Middlesex South District Registry of Deeds and a copy is attached hereto.

Said easement is described in a document titled "Grant of Easement" to be recorded in said deeds, a copy of which is attached hereto.

Further it was voted to authorize the Mayor to execute such Easement or other Instrument in favor of the owner of record of such affected parcels in consideration of such sum as be in the best interest in the City of Woburn.

s/Alderman Raymond

ORDERED That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in Primaries to assemble at the polling places in their respective wards as designated herein, on **TUESDAY, the SIXTH DAY OF MARCH, 2012**

from 7:00 a.m. to 8:00 p.m., then and their to cast their votes in the Presidential Primary for the candidates of Democratic, Republican and Green-Rainbow political parties for the following offices:

PRESIDENTIAL PREFERENCE..... FOR THIS
COMMONWEALTH
STATE COMMITTEE MAN..... 4TH MIDDLESEX
SENATORIAL DISTRICT
STATE COMMITTEE WOMAN..... 4TH MIDDLESEX
SENATORIAL DISTRICT
WARD COMMITTEE..... WARD 1, 2, 3, 4, 5, 6, 7
WOBURN

Ward-Precinct Polling Place Location

- 1-1 Joyce Middle School Library, 55 Locust Street
- 1-2 Clapp School Cafeteria, Hudson Street and Arlington Road
- 2-1 Shamrock School Gym, 60 Green Street
- 2-2 Shamrock School Gym, 60 Green Street
- 3-1 Hurd School Gym, 75 Bedford Road
- 3-2 Hurd School Gym, 75 Bedford Road
- 4-1 Wyman School Auditorium, Main Street and Eaton Avenue
- 4-2 White School Gym, 36 Bow Street
- 5-1 Goodyear School Gym, 41 Central Street
- 5-2 Goodyear School Gym, 41 Central Street
- 6-1 Altavesta School Gym, 990 Main Street
- 6-2 Altavesta School Gym, 990 Main Street
- 7-1 Reeves School Gym, 240 Lexington Street
- 7-2 Reeves School Gym, 240 Lexington Street

s/Alderman _____

Motion made and 2nd to ADJOURN.