

**CITY OF WOBURN
MAY 15, 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:

Presentation of the FY2013 City of Woburn Budget by His Honor the Mayor Scott D. Galvin.

A communication dated May 14, 2012 with attachment was received from His Honor the Mayor as follows:

Dear President Denaro and Honorable Members of the City Council:

I am forwarding a conservative, revised bond authorization in the amount of \$6 million for the residential water meters. I have attached a cost spread sheet estimate prepared by Weston and Sampson. The final contract will be determined after a full-price RFP.

In addition, the Department of Environmental Protection has granted an extension for a final vote on the appropriation for the cost of water meters until June 19, 2012.

I will be available to further discuss this matter in committee.

Sincerely, s/Scott D. Galvin

Attached thereto was the following:

ORDERED That the City of Woburn appropriates the sum of Six Million Dollars (\$6,000,000) to pay costs of replacing water meters throughout the City, including the payment of all costs associated therewith, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is

authorized to borrow said sum under and pursuant to Chapter 44, Section 8(7A) of the General Laws, or any other enabling authority.

s/Scott D. Galvin, Mayor

s/Alderman _____

ORDERED That the sum of \$50,000.00 be and is hereby transferred as so stated from BLS Ambulance Receipts Acct #31359-595000 \$50,000.00 to Fire Department Overtime Acct #0122051-513100 \$40,000.00, Ambulance Maintenance Acct #0122054-544300 \$10,000.00

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department
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 \$170,000.00 be and is hereby transferred as so stated from BLS Ambulance Receipts Acct #31359-595000 \$170,000.00 to Ambulance Maintenance Acct #0122054-544300 \$170,000.00

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department
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 National Grid for a grant of right in way to replace the existing regulator station in School Street opposite Lord Terrace with a new prefabricated regulator station around the corner in School Street at Merrimac Street, install approximately 375 feet of 4 inch PL 25 psig main to feed inlet of new regulator station to existing 4 inch PL 25 psig main, install approximately 150 feet of 6 inch PL 2 psig to connect outlet of new regulator station to existing 6 inch PL 2 psig main .
PUBLIC HEARING OPENED.

On the petition by Paul Carniero, 49 Olive Street, Methuen, Massachusetts 01844 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow for auto body repair at 3 Green Street. PUBLIC HEARING OPENED.

A communication dated May 9, 2012 was received from the petitioner Paul Carneiro as follows:

To: The Woburn City Council

If I could please request continuance of hearing for 3 Green St. from May 15, 2012 to June 5, 2012 due to additional information requested by the Planning Board and Engineering Dept. If any questions, please contact me. Thank you.

s/Paul Carneiro

On the petition by Ron Martignetti, One Arlington Street, Winchester, Massachusetts 01890 for a special permit pursuant to Section 5.1.57 of the 1985 Woburn Zoning Ordinances, as amended, to allow inside storage of personal motor vehicles, watercraft and boats as well as personal property with no outside storage at 10 John Street PUBLIC HEARING OPENED. A communication dated April 25, 2012 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Ron Martignetti – 10 John St. - To allow a special permit for the storage of personal motor vehicles, watercraft, and boats as well as various sundry personal property pursuant to Section 7.3.

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on April 24, 2012, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Ron Martignetti, regarding the property at 10 John St. subject to the following conditions:

1. That the building shall be used for the personal storage of not more than 20 collector cars and a boat and trailer;
2. That petitioners shall install a wet sprinkler system, which they have volunteered to do, to the satisfaction of the Fire Chief;
3. That the plumbing inspector determine if any floor drains or oil separators are needed for the proposed use and if required that they shall be installed prior to occupancy of the building;
4. That the petitioner shall comply with Section 15 of the Zoning Ordinance prior to occupancy; and
5. That a landscaping plan shall be presented to the Planning Board for approval and the Planning Board shall retain jurisdiction over the landscaping.

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

Sincerely, sEdmund P. Tarallo, Planning Director

A copy of a communication dated April 10, 2012 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer as follows:

Subject: 10 John Street Special Permit – Plot Plan Dated January 25, 2012 – Special Permit Application Dated February 1, 2012

The applicant is seeking permission to store personal motor vehicles, watercraft, boats and personal property at the above referenced location. The applicant has indicated that there will be no outside storage.

The plot plan shows that the applicant is proposing two five foot wide landscaped islands at the front of the existing building which will help with stormwater management.

The applicant should check with the plumbing inspector to determine if any floor drains or oil separators are needed for the proposed use.

The subject property is located within a groundwater protection district and will need to comply with section 15 of the zoning ordinance.

Upon review of the special permit 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.

A report was received from the Committee on Special Permit as follows: “ought to pass with the conditions as follows: 1. That the building shall be used for the personal storage of not more than 20 collector cars and a boat and trailer; 2. That petitioners shall install a wet sprinkler system, which they have volunteered to do, to the satisfaction of the Fire Chief; 3. That the plumbing inspector determine if any floor drains or oil separators are needed for the proposed use and if required that they shall be installed prior to occupancy of the building; 4. That the petitioner shall comply with Section 15 of the Zoning Ordinance prior to occupancy; 5. That a landscaping plan shall be presented to the Planning Board for approval and the Planning Board shall retain jurisdiction over the landscaping; and 6. That there shall be no accessory fuel storage on site.

On the petition by Lytron, Inc., 55 Dragon Court to amend an Inflammable License to allow storage of the following flammables: Acetylene, flammable gas, 5,000 cubic feet, cylinder; Hydrogen, flammable gas, 788 cubic feet, cylinder, at 55 Dragon Court. PUBLIC HEARING OPENED. A report dated April 12, 2012 was received from Fire Chief Paul Tortolano as follows: “Approval – results in considerably less deliveries.”

On the petition by Alderman Mercer-Bruen concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known

and numbered as 11 Montvale Road, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts 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.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$80,000.00 from Police Salary Acct to Police Overtime Acct, committee report was received "ought to pass".

On the Order to transfer the sum of \$30,000.00 be and is hereby transferred as so stated from Inspectional Salaries Acct to Mayor Outlay Acct – purpose: building vehicle replacement, committee report was received "ought to pass".

On the Order to transfer the sum of \$10,000.00 from Cemetery Interest Fund to Burial Section Account, committee report was received "ought to pass".

On the Order to transfer the sum of \$780.00 from Library Snow Removal Account to Library Telephone Account and to transfer the sum of \$1,000.00 from Library Binding/Microfilm Account to Library Records (AV) Account, committee report was received "ought to pass".

NEW PETITIONS:

Petition by FWM RRI II LLC, Attn: Tax Department, 605 S. Front Street, Columbus, Ohio 43215 for change in ownership of Inflammable License to allow the storage of fuel stored in gas tanks of approximately 30 vehicles parked in parking garage at 19 Commerce Way.

Petition by Enterprise Rent-A-Car Company of Boston, LLC, 248 Mishawum Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued February 4,

1992, which currently allow the sale of automobiles and trucks, to include commercial trucks with fixed trailers, at 248 Mishawum Road.

Petition by Jaton Management Co., LLC, 853 Turnpike Street, #241, North Andover, Massachusetts 01845 for a special permit pursuant to Sections 5.1.29 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant and building signage at 305 Mishawum Road.

COMMUNICATIONS AND REPORTS:

A communication dated May 3, 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 April.

A communication dated March 1, 2011 was received from City Solicitor Ellen Callahan Doucette with a copy of the Complaint filed in the matter of The Woburn Armory, LLC v. Woburn City Council, found at Civil Docket #MICV2012-01528-D.

A communication dated May 9, 2012 with attachments was received from Thomas C. Quinn, Jr., Acting Building Commissioner relative to a complaint filed with the Commonwealth of Massachusetts Division of Professional Licensure with respect to the project located at 880 Main Street.

A communication dated May 1, 2012 was received from Larry Guisepe, Director of Veteran's Services inviting the City Council to participate in the annual Memorial Day parade and ceremonies.

A communication dated May 10, 2012 with attachment from City Clerk William C. Campbell relative to a proposed form of Woburn Traffic Code.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated May 10, 2012 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in my as Mayor of the City of Woburn, I hereby appoint Barry M. Aldoriso, 2 Jessica Drive, to the Woburn Golf and Ski Authority, subject to confirmation by the City Council with a term to expire Dec. 31, 2017. Mr. Aldoriso's appointment replaces Edward McLaughlin, whose term expired.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City Auditor provide the City Council with a projected amortization schedule, based on current bond rates, for the proposed four million dollar Water Meter Bond;

Be it further Ordered that the City Auditor provide an up to date break down of debt obligations, principal and interest, in the Water and Sewer Enterprise Fund.

s/Alderman Haggerty

ORDERED That the City Solicitor provide the City Council with a legal opinion as to:

1. The City of Woburn's legal options regarding the Massachusetts Department of Environmental Protection's Administrative Consent Order (the ACO);
2. An assessment as to the enforceability of the ACO as it relates to the required installation of residential Water Meters;
3. The likelihood of success of contesting the enforceability of the ACO as it applies to the required installation of residential Water Meters; and
4. The possible ramifications of an unsuccessful challenge of the ACO.

s/Alderman Haggerty and Alderman Anderson

ORDERED That the City Engineer provide a formal breakdown of the anticipated expenditures, in general terms, associated with the four million dollar Water Meter Bond;

Be it further Ordered that the City Engineer provide an analysis of the cost to buy and install residential water meters, the cost of the Water Rate

Study, planned contingencies and any other relevant information within the scope of work related to the Water Meter Bond.

s/Alderman Haggerty and Alderman Raymond

ORDERED That pursuant to the 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the City Clerk is hereby authorized to dispose of two Dell Dimension PCs with service tag numbers GBZHR21 and 699HT21 and one HP Omnibook computer with serial number S-TW00503680 and the ancillary accessories for same which the City Clerk has determined are of no value to the department and which no other department has expressed an interest in obtaining.

s/Alderman _____

RESOLVED Be it Ordained by the City Council of the City of Woburn, as follows:

That Title 2, Article XXVII, Section 2-181, sub-paragraph "A" of the 1989 Woburn Municipal Code, as amended, be further amended by changing the base salary amount of the Superintendent of Public Works to \$95,950.00.

s/Alderman _____

Motion made and 2nd to ADJOURN.