

**CITY OF WOBURN
APRIL 2, 2013 - 7:00 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, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$39,000.00 be and is hereby transferred as so stated from Inspections Salary Acct #0125151-511000 \$39,000.00 to Inspections/Vehicle & Copier Acct #0112158-588114 \$39,000.00 – Purpose: New vehicle and copier for Inspections Dept.

I hereby recommend the above: s/Thomas C. Quinn, Jr.,
Building Commissioner

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

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

s/President Denaro

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

ORDERED That the sum of \$60,000.00 be and is hereby transferred as so stated from Unreserved Fund Balance Acct #01-356000 \$60,000.00 to Election Workers Acct #0116251-512005 \$49,000.00, Voting Machine Repair Acct #0116252-524905 \$5,000.00, Election Printing Acct #0116252-534305 \$6,000.00, \$60,000 – Purpose: State Election

I hereby recommend the above: s/William C. Campbell, City Clerk

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

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

s/President Denaro

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

ORDERED That the Mayor be and is hereby authorized on behalf of the City to: (i) accept a deed from NSTAR Electric Company (“Nstar”) for a strip of land two hundred fifty feet (250’) wide, comprising 404,935 square feet or 9.30 acres, more or less, and is shown on the plan captioned “PLAN OF LAND IN WOBURN, MASSACHUSETTS, PREPARED FOR THE CITY OF WOBURN”, dated January 3, 2013, prepared by LeBlanc Survey Associates, Inc., (the “Plan”) described on the Plan as “N/F Boston Edison Company Burlington-Woburn Right-of-Way, to be conveyed to the City of Woburn”; (ii) accept an access easement for purposes of access from said Merrimack Street to portions of the City’s property as shown on said Plan as “Proposed Access Easement, to be used exclusively to access the landfill”, comprising 29,160 square feet, or 0.67 acres; (iii) accept a drainage easement shown on the Plan as a strip of land twenty feet (20’) feet wide and identified as “Proposed 20’ Wide Drain Easement”, comprising 6,575 square feet or 0.15 acres; (iv) accept the release of NSTAR’s rights, title and interest in and to a strip of land one hundred and fifty feet (150’) wide, constituting a transmission right-of-way easement, and described as “Existing Easement to be Discontinued” on the Plan, comprising 112,871 square feet, or 2.59 acres; and (v) grant to NSTAR a perpetual and exclusive easement to maintain its fixtures, equipment and appurtenances deemed necessary for the transmission and distribution supply of electric energy for light, heat, power, and for telecommunications or any other purpose over, along, across, under and upon a strip of land one hundred fifty (150) feet in width, shown on the Plan and identified as “Proposed Easement, 2.56 acres” and “Relocated Right-of-Way 14, 150’ wide easement”.

s/Alderman Raymond

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor, 9-0.

A communication dated March 28, 2013 was received from His Honor the Mayor Scott D. Galvin as follows:

Re: Order authorizing Mayor to Purchase 13,000 s.f. parcel

This memorandum shall serve to explain the Order seeking authorization for the Mayor to purchase a 13,000 s.f. parcel of land from the Shannon Farm Nominee Trust for the

sum of \$5,000. This parcel is the site of the Dix Road Pumping Station. It was recently discovered that the City does not own the parcel on which the Pumping Station is located.

To explain, on February 3, 1970, the City Council voted to take by eminent domain, numerous temporary and permanent interests in land for a project identified on plan as “the Southwest Area Sanitary Sewers” and a 2,698 s.f. parcel of land on Dix Road for the construction of a sewer pumping station. The separate 13,000 s.f. parcel of land (the “Parcel”) is directly adjacent to the 2,698 s.f. parcel, and is clearly identified on the plans filed with the Orders of Taking as “Proposed Area of Taking.” The Orders of Taking and a portion of the plan are attached hereto for the Council’s information.

In preparing documents for the issuance of Request for Proposal for the Dix Road Sewer Station Repair Project (the “Project”), the Engineering Department was unable to locate title information for this parcel. I undertook to do a title search and was unable to confirm that the 1970 Orders of Taking included the Parcel among the other properties taken, nor could I locate a separate deed conveying the parcel to the City. Thereafter I retained a Title Examiner to conduct a title search and prepare a title report. The Title Examiner confirmed that the City did not have title to the Parcel.

Thereafter I contacted the attorney for the Shannon Farm Nominee Trust to explain the situation, and to discuss conveyance of the parcel to the City. The attorney had a title examination conducted with the same result. Thereafter we engaged in negotiations regarding the terms upon which the Trust would convey the parcel to the City.

I am available to meet with the City Council to discuss this matter further.

Attached thereto was the following Order:

ORDERED That the Mayor be and is hereby authorized to purchase a 13,000 s.f. parcel of land, more or less, located at the rear of 298 Lexington Street from the Shannon Farm Nominee Trust for the sum of \$5,000.00 for the Dix Road Pumping Station, and to accept a deed to such parcel in the name of the City of Woburn

s/President Denaro

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

PUBLIC HEARINGS:

Motion made and 2nd that the public hearing on the next two matters be held collectively, all in favor, 9-0.

On the petition by Woburn Armory LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the entire parcel known as 286 Main Street a/k/a 320 Main Street, containing approximately 38,344 square feet of land as shown on a plan by Design Consultants, Inc., entitled "Plan of Land in Woburn, Massachusetts" dated June 23, 2005 from the R-2/B-D zoning districts to the B-D zoning district. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner met with the Committee on Ordinances, that suggestions were received for amendments to the proposed covenant, that the needs additional time to review these proposed amendments with the petitioner, and that the petitioner will want to make some changes such as allowing a bank or physical fitness studio to be located at the locus. Attorney Tarby offered a document entitled "Declaration of Restricted Covenant" and a document entitled "Additional Prohibitive Uses Per Committee on Ordinances, Charter and Rules of March 25, 2013". Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. IN FAVOR: None OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON PRIL 16, 2013, all in favor, 9-0.

On the petition by Woburn Armory LLC to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By revising Section 11.11 entitled "Affordable Housing Requirement" by adding a new Paragraph 8 to Section 11.11 as follows: "8. The City Council by majority vote, may waive the requirements of this Section 11.11 if the development includes dwelling units in a building deemed "Significant" by the Woburn Historical Commission.", and 2. By revising Section 18.8.2 "Waivers" by adding the following language to the end of Paragraph 18.8.2 as follows: The "period" after "site" shall be deleted and the following language added: "or the renovation, rehabilitation or redevelopment of a building deemed "Significant" by the Woburn Historical Commission." PUBLIC HEARING OPENED. See record notes from preceding matter. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON PRIL 16, 2013, all in favor, 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$875,000.00 for the purpose of paying costs of a feasibility study for the Wyman School, which may include an evaluation of the deficiencies at the Hurd School, committee report was received "ought to pass". Alderman DiTucci stated that she is not a member of the Committee on Finance and was not able to ask questions concerning this matter at the recent committee meeting, that the

Order indicates that the report “may” include an evaluation of the Hurld School, and that she wants to know why this is “may” and what the city is receiving for the study. Alderman Haggerty stated that the language came directly from the Massachusetts School Building Authority (MSBA). Alderman DiTucci stated that this does not answer her question, and that she wants to know what happens to the 51% reimbursement if the project does not go forward. Alderman Mercer-Bruen stated that this would be similar to the proposed library project in that the city would receive the reimbursement once the project moves forward, that the Mayor provided some information by email to the Alderman prior to the Committee on Finance meetings, and that it is beneficial for the city to be 100% behind the project. Alderman DiTucci stated that it appears that the school will be constructed at the current Hurld School site with the former Clapp School used as a swing school, that the Clapp School is not a safe environment for school children in the current condition, that the school was closed because it was deemed unsafe and should not be used as swing space merely because it is cheaper, that the Spence Farm property was purchased under the provisions of M.G.L. Ch. 44, Sec. 7(3) which makes it available for use as a school site, that the Clapp School should not be considered for use as part of the study and the Spence Farm property should be included as a possible site in the study. Alderman Gaffney stated that the study will determine the best site for the new Hurld-Wyman School, and that the site will not be known until the study is conducted. Alderman Gately stated that not enough information has been provided, that there has been talk of taking land on Wyman Street which is owned by the Mormon Church or property at the former Spence Farm but both properties are already under agreement, that this is a large authorization without enough information concerning the particulars, and that there has to be discussion as to whether one of the schools will be closed and the impact on the students in the neighborhoods. Alderman Anderson stated that 128 communities submitted statements of interest, that sixteen communities were approved and Woburn was one of those approved communities, that interest rates are currently low, that the feasibility study will determine an appropriate location for a new school, that the Mayor does not have final say in this matter, that the City Council has a role in the process, that the Clapp School is not an ideal solution but the city should move forward with the study to determine a good location, that the Spence Farm property is not off the table for consideration, and that the farmers market is a good community asset but that property will be considered. Alderman Raymond stated that he is against spending this money without seeing a plan of what projects the city will pursue over the next five years, that the library needs work, that other school buildings will need work, that the fire stations need work, that in the past money was available only for new schools but now money is available to rehabilitate buildings, that parity among the schools does not mean a new building but technological parity of resources such as reading rooms or libraries, that if there is not a library in one school and there is a library in another school then an enlargement of the building could be built to address the issue, that the city is being spoon fed these projects, that three weeks from now a library expansion plan may be proposed and three weeks later a fire station study, that all of these issues should be submitted as part of a comprehensive plan, and that he will vote against this Order not because he does not support the concept but because a comprehensive plan is not being provided. Alderman Haggerty stated that the City Council passed a resolution in favor of this process 1½ years ago, that this Order puts the city into position to fund the study but the

cost of the study will not likely be this high, that the Mayor said he would ask to look at three different locations, that the property owned by the Mormon Church sold for \$3,800,000.00 and it would be hard for the city to take that land be eminent domain, that if the students do not go the Clapp School as a swing school there will be a double student population at one of the other schools with portable classrooms, that there should be a single school size population rather than burden another neighborhood with a double student size population, that the Wyman School was built in the 19th century and is not safe, that the interest rates and building costs are lower today than they will be in the future, that the MSBA rules may change, and that waiting will result in higher interest rates, higher building costs and potentially lower reimbursement. Alderman Drapeau stated that the study has to be funded to get answers to the questions being asked by the Aldermen, that the Aldermen support the schools, want answers to questions that the study will answer and funding the study will put the City Council into position to debate the issue further, that no decisions are being made on where the school will be built or where students will be attending school during construction, and that he opposed using the Clapp School as a swing school. Alderman DiTucci stated that once the money for the study is appropriated the City Council has had its opportunity to participate, that she does not have a problem with the children at the Hurd School and Wyman School getting a new school but this Order does not have the parameters that the City Council wants as part of the study such as having the Spence Farm property under consideration, that the Clapp School was rated a 4 by the MSBA, that no students should be put in the Clapp School, that the appropriation will be for a location where the Mayor wants the school to be located, that the interest rates will not change in two weeks and the MSBA program will not change its rules in two weeks however two weeks will allow time for answers to be obtained, that the last study cost \$489,000.00 so it is not clear why this study is being funded for \$875,000.00, that she will support the project but the city deserves a better answer as to what the study will pay for and where the school will be located, and that it has been 1½ years since the resolve was adopted and now the City Council is being asked to vote immediately because condition will change that quickly. Alderman Haggerty stated that the Clapp School is suitable for a one student body school provided that the building can be brought up to date and made safe for the students, that once the information as to costs are determined then a decision can be made, and that the feasibility study will result in these answers. Alderman Mercer-Bruen stated that six years ago there was a study that included the concept of closing the Clapp School, and that the neighbors did not complain about closing the Clapp School until there was an opportunity to raze the building and put in a park. Alderman DiTucci stated that the first time she heard as a non-parent about the closing of the Clapp School was when a flyer was delivered by a neighbor and she attended meetings to save the school, that the closing of the Clapp School was “a done deal” but she was not going to let the land be sold to develop forty condominiums at the site, and that the city agreed to support the residents in the Clapp School neighborhood by taking the building down. Alderman Mercer-Bruen stated that when the building was no longer being used for school purposes was the criteria for razing the building. Alderman DiTucci stated that she wants to know what the \$875,000.00 is buying, that she wants to know what will be included in the report, and that Ward One has been beaten down and used. At the request of the City Council President, the City Clerk read aloud the Order in its entirety. President Denaro

stated that the Order requires a roll call vote and two-thirds of the City Council for adoption. Alderman DiTucci stated that she asks for two weeks to obtain additional information, that the Spence Farm farmer's market and the new school could co-exist on the same site, and that she does not want to kill the project but wants more time to obtain information. Alderman Haggerty stated that the Order can be amended as the City Council sees fit, and that his understanding is that the Mayor is looking at the other Spence Farm property, the property owned by the Mormon Church and that current Hurld School site as possible locations. Alderman Drapeau stated that the language of the Order is drafted broadly for bond purposes, that the city can include specifications in the bid papers when the call for bids is issued, and that the language is drafted broadly on purpose. Alderman Mercer-Bruen stated that she will support having the Mayor, School Department representatives and the finance team before the City Council to answer the questions that the Aldermen have. Alderman DiTucci stated that if the Order is approved at this meeting then the City Council will have no additional influence on the process, that the matter will be out of the hands of the City Council once the appropriation is approved, that she wants to offer an amendment to appropriate less than the full amount of money so that the Mayor and School Committee will have to come back to the City Council for additional funds at which time the City Council can influence the documentation for the process, and that the Order could be amended to the \$450,000.00 to \$500,000.00 range. President Denaro stated that the School Building Committee is responsible for hiring the project management team for the feasibility study, that the process takes approximately three months, and that the money is then used for design, soil testing and the like. Alderman Drapeau stated that the School Building Committee would develop a formal plan and then seek the management team to move forward. Alderman Anderson stated that the Mayor explained in the Committee on Finance that there would be public hearings as the process moves along. Motion made and 2nd that the Order be amended by reducing the amount authorized to \$500,000.00, ROLL CALL: Anderson – No; DiTucci – Yes; Drapeau – No; Gaffney – No; Gately – Yes; Haggerty – No; Mercer-Bruen – No; Raymond – Yes; Denaro – No, Motion Fails. Motion made and 2nd that the ORDER be ADOPTED, ROLL CALL: Anderson – Yes; DiTucci – No; Drapeau – Yes; Gaffney – Yes; Gately – No; Haggerty – Yes; Mercer-Bruen – Yes; Raymond – No; Denaro – Yes, Motion Passes. Motion made by Alderman Anderson to reconsider his vote to adopt the Order being duly 2nd by Alderman Haggerty, all in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, ROLL CALL: Anderson – Yes; DiTucci – No; Drapeau – Yes; Gaffney – Yes; Gately – No; Haggerty – Yes; Mercer-Bruen – Yes; Raymond – No; Denaro – Yes, Motion Passes.

Presented to the Mayor: April 4, 2013

s/Scott D. Galvin April 4, 2013

On the Order to appropriate the sum of \$871,000.00 for infiltration/inflow improvements, committee report was received "ought to pass". Alderman Raymond stated will vote against the Order as the full plan relative to water improvement projects are not before the City Council, that for example water meters are not before the City Council and will have to be acquired and should be part of the process, that he wants to know what the priorities of the city are in total, and that the priorities should be part of a larger plan and not be spoon fed. Alderman Anderson stated that this matter was reviewed in committee,

that half of the money is a grant that does not have to be repaid by the city and the remainder will be through an interest-free loan from the Massachusetts Water Resources Authority, that this is necessary work, that the work will save the city money, and that he also supports the concept of a five-year capital plan. Alderman Gately stated that this work is necessary, that the work will save the city money, that half of the funds come in the form of a grant and half of the funds are in an interest-free loan, and that this work will improve the infrastructure of the city for years to come. Alderman DiTucci stated that there is enough information available about this project for the City Council to make a decision, and that the benefits will outweigh the costs. Alderman Raymond stated that he understands that the project has benefits but he wants to know how the project fits in to the needs of the city, and that he is not saying that the work should not be done but it should be determined how the project fits in to the next five years of work. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 1 opposed (Raymond opposed).

Presented to the Mayor: April 4, 2013

s/Scott D. Galvin April 4, 2013

On the Order to appropriate the sum of \$100,000.00 from Fire BLS Receipts Account to Fire Overtime Account, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 4, 2013

s/Scott D. Galvin April 4, 2013

On the Order to appropriate the sum of \$98,000.00 from Unreserved Fund Balance Account to Veteran’s Cash Aid Account, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 4, 2013

s/Scott D. Galvin April 4, 2013

On the Order to transfer the sum of \$449,000.00 from Eastside System Evaluation Design Account to Dix Road Pumping Sewer Station Account, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 4, 2013

s/Scott D. Galvin April 4, 2013

On the Order to transfer the sum of \$60,000.00 from Enterprise Fund Chemicals Account and Federal Testing Account to Enterprise Fund Preventative Maintenance Account, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 4, 2013

s/Scott D. Galvin April 4, 2013

On the Order to transfer the sum of \$18,000.00 from Cemetery Interest Fund to various Cemetery Accounts, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: April 4, 2013

s/Scott D. Galvin April 4, 2013

ORDINANCES:

On the Order to amend Section 3-3(G) of Title 3 of the 1989 Woburn Municipal Code, as amended, relative to review of appropriations and transfers in excess of \$100,000.00, committee report was received “ought to pass, as amended with the amendment to add the following provision “The City Council may, by unanimous vote, vote to suspend this provision”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor April 4, 2013 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on April 16, 2013.

PUBLIC SAFETY AND LICENSES:

On the petitions for renewal of Livery Licenses by LifeLine Ambulance Service, LLC dba CoachLine Transportation; and Patricia Porrzaao dba Hollywood Limousine, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor April 4, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on April 16, 2013.

On the petitions for renewal of Tax Cab Licenses by Ahmad Abbas dba A.A. Transportation; Mourad Djiar dba ABCE Taxi of Woburn; Bombay Taxi Inc.; Hashem Obaid dba Logan Taxi; Saeed Rajabi dba Sky Taxi of Woburn; and SureRide LLC, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor April 4, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on April 16, 2013.

On the petition for renewal of Common Carrier License by M&L Transit Systems Inc., committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor April 4, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on April 16, 2013.

On the petition for renewal of Bowling Alley License by Woburn Bowladrome, Inc., committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor April 4, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on April 16, 2013.

On the petition for renewal of License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles by GameStop, Inc. dba GameStop #3315 , committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor April 4, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on April 16, 2013.

On the petition for a new License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles by Rafi Lalayan dba Milano Jewelry, committee report was received “back for action”. Motion made and 2nd that the MATTER be LAID ON THE TABLE, all in favor, 9-0.

PERSONNEL:

On the reappointment of Edward S. Robertson, Margaret M. Pinkham and Daniel Parrish as Members of the Woburn Board of Appeals, committee report was received “ought to pass”. Motion made and 2nd that the APPOINTMENT OF EDWARD S. ROBERTSON AND DANIEL PARRISH be CONFIRMED, all in favor, 9-0. Motion made and 2nd that the APPOINTMENT OF MARGARET M. PINKHAM be CONFIRMED, 8 in favor, 0 opposed, 1 abstained (Anderson abstained).

Presented to the Mayor: April 4, 2013 **s/Scott D. Galvin April 4, 2013**

On the appointment of Sheila T. McElhiney as Alternate Member of the Woburn Board of Appeals, committee report was received “ought to pass”. Motion made and 2nd that the APPOINTMENT OF SHEILA T. McELHINEY be CONFIRMED, all in favor, 9-0.

Presented to the Mayor: April 4, 2013 **s/Scott D. Galvin April 4, 2013**

On the appointment of a Member of the Woburn Recreation Commission, committee report was received “Recommend the appointment of Eugene Demers of 1 Manny Terrace, Woburn as Member of the Woburn Recreation Commission”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

NEW PETITIONS:

A communication with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Main Street Woburn RX, LLC, Special Permit Decision

Dear Mr. Campbell:

As you know, this office represents Main Street Woburn RX, LLC. On January 10, 2013 your office issued a Landowners Decision and Notice of Special Permit (the "Decision") to my client. Condition 5 of the Decision states "That if a drainage easement to allow the connection of the overflow to a City drain is not granted, the Applicant may revert back to the original design depicting a free outlet on the CVS property. In order to comply with this Condition, my client will need to obtain an easement from the City of Woburn as we discussed at the public hearing.

Therefore, on behalf of my client I respectfully request that the City of Woburn grant said Easement. I have enclosed a draft of an Easement for review by the City Council as well as the City Solicitor. I also request that the City Council at its Meeting on April 2, 2013 refer this matter to its Committee on Infrastructure and Public Lands for review.

If you have any question, please feel free to contact me.

Very truly yours, s/Joseph R. Tarby III

Attached thereto was a proposed Easement Agreement and the following proposed Order:

ORDERED That the Mayor be and is hereby authorized to grant a drainage easement to Main Street Woburn RX, LLC, a Massachusetts limited liability corporation with a principal place of business at 300 Trade Center, Suite 7700, Woburn, Middlesex County, Massachusetts over and upon the property located and shown as "Drainage Easement Area", 2,102 sq. ft. on a plan dated March 11, 2013 prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01888-0118 in accordance with a proposed Easement Agreement, a copy of which is annexed hereto and incorporated herein by reference.

s/Alderman Raymond

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor, 9-0.

Petition by Checker Cab of Woburn, Inc., 289R Salem Street for renewal of Taxi Cab License for seven (7) vehicles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Checker Cab of Woburn, Inc., 289R Salem Street for renewal of Livery License for seven (7) vehicles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by ecoATM, Woburn Mall, 295 Mishawum Road for a new License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Great Dog Rescue, NE, Joanna Reck, 9 Bartlet Street, #316, Andover, Massachusetts for a special permit to amend a special permit issued February 28, 2013 pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, 1. To allow for the addition of a residential dishwasher and 2. To move partition wall forty (40) inches to the left, at 34D Holton Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT REGULAR MEETING OF CITY COUNCIL ON MAY 7, 2013, all in favor, 9-0.

Petition by Robert W. Murray, Trustee, Three Hundred Thirty Lexington Street Trust, 27 Cambridge Street, Burlington, Massachusetts 01803 for a special permit to modify a special permit dated June 11, 2009 as modified by Notice of Modification dated September 3, 2009 by 1. Deleting the reference to the plan of record in Condition 2 of the Decision and replacing with the plan filed with this Petition entitled "Plan of Land in Woburn and Lexington, 330 Lexington Street, Middlesex County, Massachusetts" dated January 30, 2009 as revised on January 30, 2013 prepared by Commonwealth Engineering Inc, Civil Engineers and Land Surveyors, 27 Cambridge Street, Suite 106, Burlington, MA 01803 as the plan of record, and 2. Revising Condition 9 of the Decision which states: "That this proposal shall comply with the requirements of Section 11.11 the Affordable Housing Requirement of the Woburn Zoning Ordinance" by allowing the Petitioner to substitute a cash payment for the provision of affordable housing units pursuant to Section 11.11.1 of the Zoning Ordinances, at 500 Lexington Street a/k/a 330 Lexington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT REGULAR MEETING OF CITY COUNCIL ON MAY 7, 2013, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated March 15, 2013 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 February 2013: number of parking violations issued 240, number of violations paid 118, number of violations outstanding 112, amount collected and submitted to the Office of the Collector \$11,385.80. There exists a backlog of 6127 for 1982 through 2012. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$1,900.00.

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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated March 28, 2013 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 March 2013. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated March 21, 2013 was received from State Senator Kenneth J. Donnelly as follows:

Dear Mr. Campbell:

I have received your request for the reimbursement of the election costs to the City of Woburn for the amount of approximately \$60,000.00.

I will do my best to assist you in this matter and will respond in due course.

Sincerely yours, s/Senator Kenneth J. Donnelly, 4th Middlesex District

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated March 28, 2013 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear President Denaro and Members:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Gary Fuller, 80 Arlington Road, to the Woburn Redevelopment Authority, subject to confirmation by the City Council, with a term to expire November 12, 2017.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

A communication dated March 28, 2013 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

In accordance with Title 2, Article XL of the 1989 Woburn Municipal Code, and by the power vested in me as Mayor of the City of Woburn, I hereby appoint Christopher Doherty, 175 Lexington Street, to The Woburn Agricultural Commission, with a term to expire December 31, 2015. Mr. Doherty's appointment fills a position vacated by Joseph Patrissi, who resigned.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That Chief of Police appear before the Committee on Public Safety and Licenses to present a briefing on public safety issues in the city

s/Alderman Haggerty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 5 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting Article XI, Section 5-66 in its entirety and inserting in its place the following:

XI. POOL AND BILLIARD ROOMS AND BOWLING ALLEYS

5-66 Licenses required—Conditions

- A. Licenses to keep a billiard, pool or bowling alley shall be granted subject to the following conditions:
1. The licensed premises shall not be open or in use later than 12:30 a.m., in any day,
 2. that no intoxicating liquors shall be sold or kept on the licensed premises unless the licensed premises has food for sale to the general public and the licensed premises has not less than 100 seat capacity,
 3. that the arrangements of the premises shall be subject to the approval of the chief of police, and
 4. that the license shall be forfeited upon violation of any condition thereof or any ordinance of the City, law of the Commonwealth, or police regulation of the City applicable thereto.
 5. The license shall be placed in a conspicuous position occupied by the licensee.
 6. The licensed premises must have a valid certificate of occupancy.

s/Alderman Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:25 p.m.

A TRUE RECORD ATTEST:

William C. Campbell
City Clerk and Clerk of the City Council