

**CITY OF WOBURN
FEBRUARY 17, 2015 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen - absent
Drapeau	Raymond
Haggerty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 8-0-1 (Mercer-Bruen absent).

MAYOR'S COMMUNICATIONS:

A communication dated February 12, 2015 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear Members of the City Council:

I am submitting for the City Council's consideration an Order to adopt the provisions of M.G.L. c.60A, §1 (copy attached), which establishes an exemption from motor vehicle excise tax for Massachusetts residents who are on active military duty, and for residents who are deployed outside of Massachusetts for at least 45 days of the excise calendar year. Acceptance of this provision will not be effective until January 1, 2016. The relevant paragraph states as follows:

In any city or town accepting the provisions of this paragraph, the excise imposed by this chapter shall not apply to a motor vehicle owned and registered by or leased to a resident who is in active and full-time military service as a member in the armed forces of the United States or the national guard, army or air, of any state, and has been deployed or stationed outside the territorial boundaries of the commonwealth for a period of at least 45 days in the calendar year of the exemption. If the military member is wounded or killed in an armed conflict, he shall not be subject to the foregoing period of service qualification for the calendar year in which he is wounded or killed. This exemption shall apply only to a motor vehicle owned and registered by or leased to a military member in his own name or jointly with a spouse for a noncommercial purpose and a military member may qualify for this exemption for only 1 motor vehicle for each calendar year. A municipality which accepts the provisions of this paragraph shall, in connection with the issuance of warrant to collect unpaid motor vehicle or trailer excise tax from a delinquent taxpayer, add \$3 to the fee prescribed in clause 9 of section 15 of chapter 60. The acceptance by a municipality of this paragraph shall take effect on the first day of January next occurring after the approval by the municipality to accept this paragraph.

Thank you for your anticipated support of this Order, which shows our continued support and appreciation for our residents' military service to our country.

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto was the following Order:

ORDERED Be it ordained that the City Council of the City of Woburn hereby accepts and adopts the provisions of M.G.L. c.60A, §1, para. 8, which provides an exemption from motor vehicle excise tax for residents who are on active military duty or have been deployed or stationed outside the territorial boundaries of the continental United States for a period of at least 45 days in the calendar year of the exemption.

s/President Haggerty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 8-0-1 (Mercer-Bruen absent).

Presented to the Mayor: February 19, 2015 s/Scott D. Galvin February 19, 2015

PUBLIC HEARINGS:

On the petition by Jennifer Hardin and Scott Hardin, 35 Avalon Road, Reading, Massachusetts 01867 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 residential units within two structures on one lot) to allow for the addition to one of the structures to provide for a total of four (4) dwelling units (two in each structure) and for a finding the such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood, at 19 Traverse Street. **PUBLIC HEARING OPENED.** A communication dated February 11, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Jennifer and Scott Hardin, 19 Traverse Street, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for February 17, 2015 be continued to the City Council meeting on March 3, 2015. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III

Motion made and 2nd that the communication be received and made part of the record, all in favor, 8-0-1 (Mercer-Bruen absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 17, 2015, all in favor 8-0-1 (Mercer-Bruen absent).

On the petition by Constitution Park Eight LLC, Robert W. Murray, Manager, 27 Cambridge Street, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.30b to allow construction of a new 97,200 sq. ft. general office building with an additional 55,420 sq. ft. of under building parking space with associated improvements and landscaping at Constitution Way and Dragon Court. PUBLIC HEARING OPENED. A communication dated February 11, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Constitution Park Eight LLC, Building 6, Constitution Way, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for February 17, 2015 be continued to the City Council meeting on March 3, 2015. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III

Motion made and 2nd that the communication be received and made part of the record, all in favor, 8-0-1 (Mercer-Bruen absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 17, 2015, all in favor 8-0-1 (Mercer-Bruen absent).

On the petition by NSTAR Electric Company for a grant of right in a way to install conduit in Wyman Street easterly from pole 242/33 approximately 110 feet east of Jericho Road a distance of about 112 feet continuing northerly a distance of about 36 feet. PUBLIC HEARING OPENED. A communication dated January 16, 2015 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Petition for Grant of Way on Wyman Street

Pursuant to the request from NStar Electric for the installation of approximately 148 feet of conduit on the southerly side of Wyman Street and subsequently crossing the road in a northerly direction to provide service to 89 Wyman Street, I recommend the following. Based upon my inspection, it appears that the conduit could be relocated in the shoulder of the roadway prior to crossing the road to the property at 89 Wyman Street. This work must be coordinated with the existing Wyman Estates Subdivision and the location of the

proposed sidewalk and curbing that must be installed as a condition of the approved subdivision plans. I recommend that this be physically marked out for review and approval prior to the installation. If the applicant chooses to install it in the paved area as shown, the disturbed area should be restored by grind and inlay or by infrared paving after filed review by this office. There is a sewer manhole structure in the vicinity of the proposed crossing and this work must not interfere with the City of Woburn infrastructure.

Please feel free to call with any questions or concerns.

Appearing for the petitioner was Jacqueline Duffy, Right of Way Agent, NSTAR Electric Company and she stated that the proposal is to install 148 feet of conduit on Wyman Street to service to a four-lot subdivision at 89 Wyman Street, that the petitioner understands the recommendations of the Superintendent of Public Works, and that the petitioner has no objections to the recommendations of the Superintendent of Public Works. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor 8-0-1 (Mercer-Bruen absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the amendments as follows: 1. That the recommendations of the Superintendent of Public Works be adopted as conditions of the grant, 7 in favor, 0 opposed, 1 absent (Mercer-Bruen absent), 1 abstained (Gately abstained).

Presented to the Mayor: February 19, 2015 s/Scott D. Galvin February 19, 2015

On the petition by 4 Montvale Avenue Realty Trust, 1820 Turnpike Street, 3203, North Andover, Massachusetts 01845 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.5, 5.1.29, 8.3 and 12 to allow for: 1. A fast food restaurant on the first story of the property, 2. Four (4) residential dwelling units above the first story in a commercial structure, and parking within the municipal parking lot, for the property at 4 Montvale Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, ought-to-pass conditioned upon the comments from the Planning Board dated December 30, 2014 along with five additional conditions as follows: 1. As to the fast food restaurant aspect of this Special Permit, the hours of operation shall be 7:00 am through 10:00 pm, seven days per week; 2. That that indoor trash disposal area shall be accessible to both tenants and restaurant; 3. That there shall be daily pick up of trash/debris; 4. That resulting from the construction, the sidewalk shall be reconditioned as needed; and 5. That the Plan of Record shall be plan Revision dated Nov. 04, 2014." Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he offered proposed conditions to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 8-0-1 (Mercer-Bruen absent). PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (DiTucci absent). PUBLIC HEARING CLOSED. Alderman Concannon stated that it is good to have a business located in what was once a vacant lot and also bringing a mix of commercial and residential use to the locus however there are issues with limited parking

in the area, and that he wants to continue to attract businesses to the downtown but the city has to address downtown parking issues. Alderman Drapeau stated that he supports this proposal as he supports anyone who takes the initiative to start a business however parking is going to be a challenge for the petitioner's customers, that if parking solutions are not provided then customers will continue onto other areas, and that the installation of parking kiosks could encourage turnover in parking and prohibit all day parking. Alderman Gately stated that there were many vacancies in the center for a period of time, that there has been a good effort to attract businesses, that a parking deck may be a solution but in the meantime the city should continue to encourage new businesses, that there are few vacancies downtown now, that the Walnut Hill parking lot is an ideal location for a parking garage because it is on ledge with little site work needed, and that there continues to be an interest in the community for residential units in the downtown area. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. As to the fast food restaurant aspect of this Special Permit, the hours of operation shall be 7:00 a.m. through 10:00 p.m., seven days per week; 2. That indoor trash disposal area shall be accessible to both the residential tenants and restaurant; 3. That there shall be daily pick up of trash/debris; 4. Upon completion of construction, the sidewalk shall be reconditioned as needed; and 5. That the Plan of Record shall be plan Revision dated Nov. 04, 2014, all in favor, 8-0-1 (Mercer-Bruen absent).

On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 20 Garfield Avenue, 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. Alderman Gately stated that he communicated with the Building Commissioner, that the owner is trying to get heat and electricity to the building, that some progress has been made, and that the matter should be continued. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 21, 2015, all in favor 8-0-1 (Mercer-Bruen absent).

On the petition by President Haggerty and Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 118 Eastern Avenue, 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. Alderman Gately stated that he spoke to the Building Commissioner concerning the property, that a fine

was levied by the Clerk-Magistrate and has been paid, that a vehicle has been removed from the property, that the owner will remove additional equipment in the Spring and repair the lawn where the equipment was stored, and that the matter should be continued. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 21, 2015, all in favor 8-0-1 (Mercer-Bruen absent).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$13,000.00 from Unemployment Compensation Acct to Mayor's Salary Acct, Mayor's Maintenance Acct and Law Dept Salary Acct, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Mercer-Bruen absent).

Presented to the Mayor: February 19, 2015 s/Scott D. Galvin February 19, 2015

On the Order to appropriate the sum of \$750.00 from Cemetery Interest Fund to Cemetery Salary Acct, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Mercer-Bruen absent).

Presented to the Mayor: February 19, 2015 s/Scott D. Galvin February 19, 2015

On the Order to transfer the sum of \$25,000.00 from BLS/Ambulance Receipts Acct to Fire/Ambulance Maintenance Acct, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Mercer-Bruen absent).

Presented to the Mayor: February 19, 2015 s/Scott D. Galvin February 19, 2015

On the Order rescind the bond authorization for Leland Park Remediation and Construction of a Splash Park, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Anderson – Yes, Concannon – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Mercer-Bruen – Absent, Raymond – Yes, Haggerty – Yes, MOTION PASSES.

Presented to the Mayor: February 19, 2015 s/Scott D. Galvin February 19, 2015

PERSONNEL:

On the re-appointment of David Gilgun as a Member of the Woburn License Commission, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Mercer-Bruen absent).
Presented to the Mayor: February 19, 2015 s/Scott D. Galvin February 19, 2015

On the re-appointment of William Kerns as a Member of the Woburn Board of Cemetery Commissioners, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Mercer-Bruen absent).
Presented to the Mayor: February 19, 2015 s/Scott D. Galvin February 19, 2015

On the re-appointment of John Sawyer as a Member of the Woburn Board of Cemetery Commissioners, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Mercer-Bruen absent).
Presented to the Mayor: February 19, 2015 s/Scott D. Galvin February 19, 2015

PUBLIC SAFETY AND LICENSES:

On the petition by Jeffrey Pollock dba Exclusive Automobile for a renewal of Second Class Motor Vehicle Sales License, committee report was received “back for action”. Alderman Concannon stated that there are a few outstanding issues with the Buildign Department, and that the matter should be returned to committee. Motion made and 2nd that MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 8-0-1 (Mercer-Bruen absent).

LIAISON:

On the Order to establish the Preliminary Election for the Municipal Election on August 25, 2015, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Mercer-Bruen absent).
Presented to the Mayor: February 19, 2015 Veto Message received March 2, 2015

NEW PETITIONS:

Petition by Adamo Rufo dba Route 16 Auto Broker, 280 Salem Street, Woburn, Massachusetts 01801 for transfer of a Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 8-0-1 (Mercer-Bruen absent).

COMMUNICATIONS AND REPORTS:

A communication dated February 5, 2015 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 2015. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Mercer-Bruen absent).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to ADJOURN, all in favor, 8-0-1 (Mercer-Bruen absent). Meeting adjourned at 7:25 p.m.

A TRUE RECORD ATTEST:

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