

**CITY OF WOBURN  
FEBRUARY 2, 2010 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 9-0.

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**MAYOR'S COMMUNICATIONS:** None.

**PUBLIC HEARINGS:**

On the petition by Perennial Landscape Corp., 955 Main Street, Unit 204, Winchester, Massachusetts for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.43 to allow for open or outside storage of new or used building materials or equipment, and 2. Pursuant to Section 5.1.57b to allow for accessory storage or parking of commercial motor vehicles, both at 22 Torrice Drive. PUBLIC HEARING OPENED. Alderman Gately stated that the Committee on Special Permits had questions concerning this petition, that the matter is still pending before the Planning Board, and that he asks that the matter be continued. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 2, 2010 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0

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Alderman Mercer-Bruen stated that she would recuse herself from participating in the following matter and left the Council Chamber.

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On the petition by ACT Leasing Inc., 215 Salem Street, Woburn, Massachusetts 01801 for a Second Class Motor Vehicle Sales License at 215 Lexington Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and she stated that the petitioner had previously obtained a special permit for the sale or rental of

motor vehicles at 215 Salem Street, that there is a cap on the number of Second Class Motor Vehicle Sales Licenses that can be issued, that when the petitioner applied for the license there were two or three licenses pending in September, that the petitioner submitted this petition while awaiting the resolution of those issues, the matters were subsequently resolved and no licenses being available this petition was sent to committee, that a license has since become available, that the City Solicitor was asked if a new public hearing would be required for the matter due to the changes in the membership on the City Council, that the City Solicitor rendered an opinion that a new public hearing was required on this petition, that the petitioner leases 1,250 square feet in a building at 215 Salem Street, that this is a full-service automobile and truck-leasing company, that customers do not go to the location, that the petitioner's sales staff travel to the customers' place of business, that 75% of the leased vehicles are retained by the lessee at the end of the lease, that the petitioner owns and sells the remaining 25% of the vehicles at auction, that the petitioner does not sell motor vehicles at retail at the location, that there is no retail traffic, that the petitioner is willing to abide by the conditions of the special permit with respect to this license, that the petitioner is a long-time Woburn business, that the petitioner requests that Rule 20a be waived for this matter, and that a license for another holder expired on December 31, 2009 and is therefore now available. Attorney Tarby offered a copy of a special permit issued to the petitioner on September 24, 2009 for the City Council to review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he is in favor of the petition. OPPOSED: None. Motion made and 2<sup>nd</sup> to close the public hearing, all in favor, 9-0. Motion made and 2<sup>nd</sup> to suspend Rule 20a, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the LICENSE be GRANTED, all in favor, 9-0. Motion made and 2<sup>nd</sup> to restore Rule 20a, all in favor, 9-0.

**Presented to the Mayor February 8, 2010 and ten days having elapsed without same being approved, said Order became effective without his signature on February 19, 2010**

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Alderman Mercer-Bruen returned to the Council Chamber.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

Committee reports filed pursuant to Rule 19.

**FINANCE:**

On the Order to transfer the sum of \$100,000.00 from ALS Ambulance Receipts Account to Ambulance Salaries Account, committee report was received "ought to pass." Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: February 8, 2010**

**s/Scott D. Galvin February 9, 2010**

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On the Order to transfer the sum of \$37,500.00 from Ambulance Salaries Account to Fire Sick Leave Buyback Account, committee report was received “ought to pass.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: February 8, 2010**

**s/Scott D. Galvin February 9, 2010**

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**ORDINANCES:**

On the Order to amend the 1989 Woburn Municipal Code, as amended, by adding a new Section 3-18B “Designer Selection Procedures”, committee report was received “back for action pending a response from the City Solicitor to inquiry.” Motion made and 2<sup>nd</sup> that the committee report be received, all in favor, 9-0. A communication dated February 2, 2010 was received from City Solicitor John D. McElhiney as follows:

Re: Designer Selection Procedures

Dear Members of the Council:

This is meant to clarify questions that arose at last evening’s Committee meeting.

Section M of the Ordinance allows, but does not require, a designer who has performed a feasibility study to be selected to perform the main designer services contract. Any such applicant who had done the feasibility study would also have to go through the same selection and RFQ (Request for Qualifications) process as would anyone else. Section M also allows the City to hire a peer review of a feasibility study, when the author of that feasibility study is under consideration for the main contract.

As to fees, they are always best left to competition and negotiation, as set forth in the ordinance. Please note, however, that the Ordinance requires that fees for any designer services contract must be stated as a whole dollar amount. (See Section N, at the very end). In essence, this requirement is also imposed by G.L. Chapter 7, Sections 38G(c) and 38K , and does away with the concept that fees in these types of contracts can be based on a percentage of the cost of construction.

I hope this adequately responds to your questions. I will be present at your meeting in the event you should require further clarification.

Sincerely, s/John D. McElhiney

Motion made and 2<sup>nd</sup> that the communication dated February 2, 2010 from the City Solicitor be received and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: February 8, 2010**

**s/Scott D. Galvin February 9, 2010**

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**NEW PETITIONS:**

Petition by John F. Duran, 16 Highland Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow the alteration of a pre-existing non-conforming structure by replacing an existing structure with a new two family dwelling at 17 Richardson Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated January 28, 2010 with attachment was received from City Engineer John E. Corey, Jr., PE as follows:

Subject: Special Permit Application Rag Rock Tank – Amendment

Based on a review of the submitted Rag Rock tank special permit application with Ed Tarallo and John McElhiney, we are submitting an amended copy of the special permit application. It is our understanding that the amendment can be accepted prior to advertising the application.

The amendment deletes “Section 5.1.80a, Telecommunications Link, Free Standing and inserts the Section 7.3, Extension or alteration of a non-conforming uses” therefore.

Kindly contact this office if there are any questions regarding this matter.

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

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:**

A communication dated February 2, 2010 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, pursuant to M.G.L. chapter 115, sections 3 and 10, I hereby appoint Lawrence Guiseppe, 2 Minchin Drive, as Veterans’ Agent, and Director of Veterans’ Services.

To the extent that City Council approval is required for Mr. Guiseppe's appointment as Director of Veterans' Service, I request the City Council confirms him, pursuant to M.G.L. c. 115, s. 10, at its earliest convenience.

A copy of his resume is attached.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> to suspend Rule 34, all in favor, 9-0. Motion made and 2<sup>nd</sup> for a five minute recess, all in favor, 9-0. President Denaro called the meeting back to order. Motion made and 2<sup>nd</sup> to receive the communication from His Honor the Mayor as a late filed matter, all in favor, 9-0. Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of hearing from Lawrence Guiseppe, all in favor, 9-0. Mr. Guiseppe stated that he has been a resident of the City of Woburn for his entire life, that he served two tours in Vietnam with the United States Marine Corps, that he has volunteered to assist with veteran's issues since 1971, that he is the Past Commander of the Veterans of Foreign Wars Post #543, that he has been involved with the Lions Breakfast Club and Woburn Youth Hockey, and that there are more veterans living in Woburn now than at any time in the past. Motion made and 2<sup>nd</sup> that the APPOINTMENT be CONFIRMED, all in favor, 9-0.

**Presented to the Mayor: February 8, 2010**                      **s/Scott D. Galvin February 9, 2010**

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A communication dated January 29, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Peter Murphy, 3 Akesson Road, Woburn, to serve on the Golf and Ski Authority, filling a vacant seat that expires on December 31, 2010; subject to confirmation by the City Council.

Respectfully, s/Scott D. Galvin, Mayor

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

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Motion made and 2<sup>nd</sup> to restore Rule 34, all in favor, 9-0.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED That pursuant to the 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Woburn Police Department is hereby authorized to dispose of 45 used and obsolete holsters and magazine pouches for Smith and Wesson firearms which the Woburn Police Department no longer carries. Therefore they are of no value to the department, nor are they of value to any other city department. No other city department has expressed interest in obtaining this equipment.

s/President Denaro

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor February 8, 2010 and ten days having elapsed without same being approved, said Order became effective without his signature on February 19, 2010**

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 7:55 p.m.

A TRUE RECORD ATTEST:

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