

**CITY OF WOBURN
JANUARY 4, 2011 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond (absent)
Denaro	

The City Council observed a moment of silence in memory of Police Officer John B. Maguire who was killed in the line of duty on December 26, 2010. President Denaro read the following statement:

John B. Maguire was appointed a Reserve Police Officer by Mayor Edward Gilgun effective June 26, 1977. He was appointed a Regular Police Officer by Mayor Thomas Higgins. Coincidentally he subscribed his oath of office as a Regular Police Office on January 4, 1980 – thirty-one years ago today.

Our prayers go out to Jack’s family and colleagues. They will need our love and support to help heal from this horrific event.

In closing I offer special thanks to the following for their dedication of resources and expertise that allowed Jack a proper send off.

The Massachusetts State Police
The Middlesex District Attorney’s Office
NEMLIC
The thousands of Police Departments from across the United States and Canada
The 99 Restaurants
The Target Corporation
The Moose and Towanda Clubs

And last but by no means least Mayor Galvin along with all the Woburn Fire Department, the Woburn Department of Public Works, and Cemetery workers.

Officer Maguire you will not be forgotten and may you rest in peace.

VOTED to dispense with the reading of the previous meeting’s Journal and to APPROVE, 8 in favor, 0 opposed, 1 absent (Raymond absent).

MAYOR’S COMMUNICATIONS:

ORDERED That the sum of \$9,000.00 be and is hereby appropriated as so stated from Treasurer/Payroll Acct #0113852-525800 \$9,000.00 to Treasurer/Salary Acct #0113851-51100 \$9,000.00.

I hereby approve the above: s/Scott D. Galvin, Mayor
I hereby recommend the above: s/Donald N. Jensen, Treasurer
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Denaro

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8 in favor, 0 opposed, 1 absent (Raymond absent).

ORDERED That the sum of \$125,000.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359600 \$125,000.00 to Veteran’s Cash Aid Acct #0154357-577000 \$125,000.00.

I hereby approve the above: s/Scott D. Galvin, Mayor
I hereby recommend the above: s/Lawrence Guisepe, Veterans Agent
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Denaro

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8 in favor, 0 opposed, 1 absent (Raymond absent).

PUBLIC HEARINGS:

On the petition by National Grid for a grant of right in a way to replace an existing underground regulator vault and associated piping on the corner of Montvale Avenue and Washington Street with a new prefabricated regulator station on Washington Street, approximately 150 feet north of Montvale Avenue and the installation of approximately 150 feet of six (6) inch plastic gas main from the intersection of Montvale Avenue to the new regulator station. PUBLIC HEARING OPENED. A report was received from the Committee on Municipal Lands as follows: “ought to pass with the conditions as follows: 1. Night work only, hours 7:00 p.m. to 6:00 a.m.; 2. Replace all granite curb, if necessary; 3. Replace any concrete that is damaged; 4. Replace any sidewalk that is damaged; 5. Do not start any work without police details on site; 6. Control cabinets must be set for handicapped access on the sidewalk; 7. All plates on streets must be recessed (no exceptions); 8. That the plan of record shall be the plan entitled ‘Engineering Design – Proposed Scope of Work, 82-131 Washington St, Utica St, Hawthorne St, & Washington

Cir, Woburn MA (1 of 2) and (2 of 2) prepared by National Grid and dated 01/02/2011'; 9. That the petitioner shall replace as noted on the plan of record dated 01/02/2011; 10. That the petitioner shall comply with Title 12 of the 1989 Woburn Municipal Code, as amended and shall be enforced by the Department of Public Works, and 11. That the existing regulator vault shall be taken out in its entirety.” IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the conditions set forth in the committee report, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor: January 6, 2011

s/Scott D. Galvin January 6, 2011

On the petition by Boston Billiards Supply, Inc., 343 Medford Street, Somerville, Massachusetts for a special permit pursuant to Sections 5.1.69 and 7.3 of the 1989 Woburn Municipal, Code, as amended, for the alteration of a pre-existing nonconforming use and structure to allow for a billiards table sales and service retail facility at 102-104 Main Street. PUBLIC HEARING OPENED. A communication dated December 17, 2010 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Boston Billiards Supply Inc. – 102-104 Main Street – To allow for the alteration of a pre-existing nonconforming use and structure to allow for a billiards table sales and service retail facility pursuant to Sections 5.1.69 and 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on December 14, 2010, the Board voted to forward a favorable recommendation to the City Council on the Special Permit application of Boston Billiards Supply Inc., regarding the property at 102-104 Main Street, subject to the following condition:

1. That the parking area shall be in compliance with the “Plot Plan 102-104 Main Street, Woburn, Mass.” Dated November 10, 2010 prepared by Edward J. Farrell, 110 Winn Street, Suite 203, Woburn, MA.

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 December 10, 2010 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 102-104 Main Street Special Permit – Special Permit Application Dated 12/3/2010 – Plot Plan Dated November 10, 2010

The applicant is seeking permission to alter a pre-existing nonconforming use by raising the residential dwelling that exists over a commercial building and rebuild the commercial portion of the building to facilitate storage for a proposed billiard supply store.

The submitted plans show the existing and proposed layout along with onsite parking at the rear of the building.

It appears that the only work being proposed will be within the building and façade and there is no proposed site work being shown. Upon review of the special permit application, this office takes no exception to the application as submitted.

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

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the locus currently has a two-family dwelling with a commercial structure attached, that the resident was built in the 1920s and the commercial unit was built in the 1960s, that this was the former site of a NAPA Auto Parts store, that the business is currently located in Somerville, that the petitioner will raze the two-family structure, that there will be no residential component in the new building, that a single story commercial space will be built in place of the residential structure, that the commercial square footage will not change, that this will be a low impact use, that the business will have one or two customers a day, that there will be two to four cars each day at the locus, that there is sufficient parking in the rear, that the Fire Department has asked for a restriction prohibiting parking twenty feet from the intersection along both Main Street and Ash Street, that the petitioner will retain their Somerville location, that the locus will be a showroom, that no chemicals will be stored on site and no venting will be required, that most work has to be performed off-site at customers establishments as a pool table is difficult to move, that there will be a façade on the building, that vehicles will enter the locus parking area from Main Street but will not exit onto Main Street, and that this will be a one tenant use. Stephen Kelly, 90 Sagamore Avenue, Medford stated that he is the president of the company, that the company uses Econoline Ford Vans, that on occasion a larger truck such as a tractor trailer will deliver to the site but that would not be more than once per month, that the receiving area is located on the Ash Street side, that deliveries to the business are by common carrier and therefore he has no control over the type of delivery truck that will arrive, and that he understands that a commercial water meter may have to be installed. Alderman DiTucci stated that this proposal is for billiard tables sales and service but is not a pool room. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that this is a vacant building, that this is a proposed clean use of the building, that the business will be a good fit in that area, and that he looks forward to this business locating in Woburn. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 18, 2011 AND THAT THE

MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Raymond absent).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS: None.

COMMUNICATIONS AND REPORTS:

A communication dated December 22, 2010 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the December meeting of the Council on Aging and the Director's report for the month of December. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8 in favor, 0 opposed, 1 absent (Raymond absent).

A communication dated December 23, 2010 with attachment was received from Barbara K. Cook, P.E., Vice President, Weston & Sampson, Five Centennial Drive, Peabody, Massachusetts 01960-7985 as follows:

Re: Residential Water Meter Pilot Study Report

Dear Aldermen:

Please find enclosed for your reference, a copy of the Residential Water Meter Pilot Study Report that was submitted to the Massachusetts Department of Environmental Protection on December 12, 2010 in accordance with the requirements of the City's Administrative Consent Order No. ACOP-NE-08-5D004.

Very truly yours,
Weston & Sampson
s/Barbara A Cook, P.E., Vice President

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8 in favor, 0 opposed, 1 absent (Raymond absent).

A communication dated December 17, 2010 was received from Attorney Frederick V. Gilgun, Jr., Nicholson, Sreter & Gilgun, P.C., 33 Bedford Street, Suite 4, Lexington, Massachusetts 02420 as attorney for the Irish American Club, Inc. of Woburn relative to

a special permit issued for the property located at 159-175 Main Street. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8 in favor, 0 opposed, 1 absent (Raymond absent).

A communication dated December 29, 2010 with attachment was received from John J. Slater III, Sherin and Lodgen, 101 Federal Street, Boston, Massachusetts 02110 as attorney for Packet Realy Trust relative to a special permit issued on April 15, 2008 and modified on October 20, 2009 for the property located at 159-175 Main Street. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8 in favor, 0 opposed, 1 absent (Raymond absent).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS: None.

Schedule of Committee Reports Filed with the Office of the City Clerk on January 4, 2011 pursuant to Rule 19 of the Rules and Orders of the City Council. Motion made and 2nd to add the following matters to the Order of the Day as late filed matters, all in favor, 8 in favor, 0 opposed, 1 absent (Raymond absent).

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$25,000.00 from Overlay Reserve Account to Assessors Personal Property Account, committee report was received “back for action.” Alderman Mercer-Bruen stated that she wanted to know how much of the \$25,000.00 would be used to locate new accounts, that she spoke to Chief Appraiser Andrew Creen and was informed that \$10,000.00 of the appropriation would be used to maintain the current accounts and that the remainder would be used to generate new revenue, and that she was concerned that the entire sum was to be used for maintenance, and that seemed like a high amount for maintenance. Alderman Gately stated that nothing was mentioned about a yearly fee when this program was established. Alderman Haggerty stated that according to the Mayor this appropriation will have more impact in FY2012 than the current FY2011, that this program has been successful, and that this is money well spent. Alderman Drapeau stated that he was willing to support a \$25,000.00 investment which generates \$1,000,000.00 in revenue. Alderman DiTucci stated that the personal property tax program is a good example that an outside consultant can work if managed well and

can be more beneficial than a full-time position with the associated legacy costs such as pensions. Appearing was Robert E. Maguire, Jr., Chair of the Woburn Board of Assessors and he stated that the city has been very successful in generating personal property revenue in the past few years, that a vacant position in the office was filled and the individual is concentrating on commercial accounts, that no staff member has been dedicated to the personal property accounts exclusively, that it is more economical to use an outside consultant for the personal property accounts, that the city may need to implement a similar system next year and then look at the matter again, that the original program was completed and this request is for maintenance, and that a report can be filed by the Board of Assessors with the City Council demonstrating the success of this program. Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor: January 6, 2011

s/Scott D. Galvin January 6, 2011

POLICE AND LICENSES:

On the petition by Woburn Gas & Service, Inc. for renewal of Second Class Motor Vehicle Sales License, committee report was received “ought to pass with existing conditions as follows: 1. No parking in front of the property, 2. No change in lighting, 3. No increase in signage, 4. Six (6) foot stockade fence to be installed along the north rear lot line, and an additional condition as follows: 5. That employees shall park on the premises.” Motion made and 2nd that the committee report be received, all in favor, 8 in favor, 0 opposed, 1 absent (Raymond absent). Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Presented to the Mayor January 6, 2011 and ten days having elapsed without same being approved, said license became effective without his signature on January 18, 2011.

Motion made and 2nd to return to the regular order of business, all in favor 8 in favor, 0 opposed, 1 absent (Raymond absent).

Motion made and 2nd to ADJOURN, all in favor, 8 in favor, 0 opposed, 1 absent (Raymond absent). Meeting adjourned at 8:00 p.m.

A TRUE RECORD ATTEST:

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