

**CITY OF WOBURN
JUNE 1, 2010 - 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, all in favor, 9-0.

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 4 Ellis Court, 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 Anderson stated that he spoke to the homeowner and Building Inspector Quinn, that the issues of concern have been remedied, that the property is no longer in a condition that would lead to a nuisance finding, and that the proceedings can be dismissed. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the PROCEEDINGS be DISMISSED, all in favor, 9-0.

On the petition by Alderman Richard Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 320 Main Street aka 286 Main Street, Woburn, Massachusetts, commonly referred to as the Woburn Armory, 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 a twenty-three point package of improvements was put in place to improve the condition of the property and prevent a nuisance declaration from being adopted, that 99% of the work in that package has been completed, that the grass and weeds at the property must be cut, that the matter should be continued, and that the principal's attorney is attending this meeting. Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated that almost all of the items on the list have been completed, and that the owner is in the process of evaluating a couple of offers for the property. IN FAVOR: Mark Sanborn, 12 Caulfield Road stated that he is a direct abutter to the property, that the owner has complied with a number of requests, and that he hopes the work to improve the property will continue. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 5, 2010, all in favor 9-0.

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

On the petition by Alderman Michael Raymond to amend the 1985 Woburn Zoning Ordinances, as amended, by establishing a new Section 25 Upper Main Street Overlay (UMS) District. [For a full recitation of the Ordinance, see Journal of the City Council for the Regular Meeting held on May 4, 2010.] PUBLIC HEARING OPENED. Alderman Raymond read the following statement:

Re: Petition to amend 1985 Woburn Zoning Ordinances by establishing a new Section 25 Upper Main Street Overlay District – Petition to amend Zoning Map of the City dated April 7, 1980 as revised by adding a parcel of land known as 1071 Main Street

Dear Mr. President and fellow Alderman:

I must excuse myself from the City Council hearings regarding the Upper Main Street Overlay District, known as 1071 Main Street because of a possibility of Conflict of Interest. Under the advice of an Attorney, I can make no further comment regarding this issue.

s/Michael L. Raymond, Alderman Ward 6

Alderman Raymond left the Council Chamber. Appearing was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that he represents Scott Seaver, that the property has been under agreement since 1999 with a proposal to develop residential units, that in 1992 former Alderman Richard Corsetti labeled the locus as the worst piece of property from the Winchester town line to the Wilmington town line, that Mr. Seaver executed an agreement in 1999 to develop apartments, that Alderman Donald Galante at the time filed a petition to rezone the property from the R-2 zoning district to the R-3 zoning district, that the proposal was

approved by the City Council and the Planning Board, that the petitioner could have filed a petition to develop 61 condominium units, that Anthony Santullo owned property across the street and appealed the rezoning decision to the Land Court, that city was successful in the Land Court, that the matter was then appealed to the Appeals Court and the city was successful in the Appeals Court, that in the meantime the zoning changed which reduced the allowable special permits to 41 units, that the Board of Appeals granted variances that allowed for 57 residential units, that in 2009 the Board of Appeals issued and amended and restated decision which put the matter back on track, that the variance is valid for one year with one six month extension, that an extension was granted in October 2010 after which the variances will expire, that with the current economic conditions the variances will expire before construction can begin, that the zoning amendment overlay will provide more open space and buffer at the locus with 57 units in one four-story building, that the original plan had most of the locus covered with 57 units, that the locus was the site of the Woburn Hide and Leather Company, that the locus was later used for various industrial-type businesses over the years although the property is located in the middle of a residential area, that the overlay district promotes development and encourages the redevelopment of a commercial/industrial lot to a residential use, that any proposals are subject to site plan review, mitigation and the affordable housing requirements, that there are no by-right uses in the overlay district, that the maximum building ground coverage is 30% and the minimum open space is 40%, that the building is 60 feet in height and four stories, that there will be no more than 57 units, that the proposed overlay district is the matter before the City Council, that information is being offered in the presentation of what is planned to be developed if the zoning district is adopted, that the Planning Board will meet on the matter next week and the members have not seen the plan for the property, that if the variance was issued before the rezoning amendment it would have tolled the zoning, that Mr. Seaver first signed the purchase and sale agreement in 1999, that the rezoning from the R-2 zoning district to R-3 zoning district was required to proceed with the plan, that Mr. Seaver has the property under agreement contingent upon obtaining approval to construct 57 units, that there was never a permit to develop 61 units at the locus but there was a right to seek 61 units under the zoning in place at the time however Mr. Seaver never had an opportunity to obtain to the permit due to the appeal process, that the same purchase and sale agreement since 1999 is in place with the exception of several amendments to keep the document active, that if an additional extension of variance could be granted then the petitioner would seek that extension, that the petitioner is seeking 57 units as the Board of Appeals permitted, that there is no issue with setbacks, that this is a more generous proposal with respect to open space, that the matter has been in litigation since 1999, and the matter will be before the Planning Board at its meeting on June 8, 1999. Scott Seaver, Seaver Construction displayed a plan to the City Council and stated that the plan is for two deeded parking spaces for each two-bedroom unit, that all the units will have two bedrooms, that the owners can also purchase a garage space, that there will be eleven visitor parking spaces, that there are soil management issues under the proposed parking lot which will be capped by the parking lot, that because of the soil management issues the original proposed ground coverage of the lot is not practicable, that the variance is still in place but be cannot commence the work before the expiration of the variance, that originally 57 scattered town house units were proposed but with the DEP and other issues

the plan has been amended to have the 57 units in one building, that the DEP review of the site continues, that much of the area is clean however in the area of the proposed parking lot the land will likely have to be capped because of conditions in the soil, that the civil engineering of the locus has not begun which will include review of the drainage issues, that he has not held up development of the locus, that the proposal was appealed three times, that testing of the locus has continued during this time, that the building will be tucked into a hill elevation of 126 feet, that the building will be placed in front of the hill so that the height of the building will not exceed the peak of the houses on the hill, that this plan was developed because he cannot build with total lot ground coverage anymore, that the plan is that the drainage will not leave the site, that when the engineering is completed there will be a system to keep drainage on the site, that the grading work will be to direct drainage back on site rather than off site, that these will be two-bedroom, two-bath condominium units, and that this process is holding up the environmental review. Alderman Gately stated that he is in favor of the overlay proposal but drainage will be a concern for this property. Alderman Anderson stated that he wants to see progress on the site as it has been ten years for this process. Alderman Haggerty stated that he is in favor of the overlay and improving this blighted property, and that picking up the additional open space strikes the right balance. Alderman Drapeau stated that he is in favor of the proposal. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that is in favor of the proposal, and that this will improve the property. Linda Raymond, 10 North Maple Street stated that she is in favor of the proposal, that the sight has deplorable conditions that the residents in the area have had to endure, that in 1984 Assistant City Solicitor John Darcy sent a notice of violations at the locus to the owner, that in 1992 Alderman Corsetti submitted a petition and resolution with ten issues to be addresses and these issues are still evident today, and that she surges the City Council to move forward with this proposal to clean the site. Ms. Raymond offered a letter dated July 16, 1984 from Assistant City Solicitor John Darcy to Stanley P. Roketenetz, Jr, and a resolution dated January 3, 1993 prepared by Ward Six Alderman Richard J. Corsetti to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Raymond absent). John Paladino, 72 Pearl Street stated that he is in favor of the proposal. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 15, 2010 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Raymond absent).

On the petition by Alderman Michael Raymond to amend the “Zoning Map of the City of Woburn, dated April 7, 1980, as revised” by adding the parcel of land known as 1071 Main Street (Map 8, Parcel 18) consisting of approximately 4.92 acres and shown on plan on file to the “Upper Main Street Overlay District” (“UMS”) zoning district. PUBLIC HEARING OPENED. SEEE RECORD NOTES FROM PRECEDING MATTER. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 15, 2010 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Raymond absent).

Alderman Raymond entered the Council Chamber.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$7,000,000.00 for the costs of acquiring Whispering Hill Property, so-called, located at Cambridge Road, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Anderson – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – No, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – Yes, Denaro – Yes, MOTION PASSES.

Presented to the Mayor: June 3, 2010

s/Scott D. Galvin June 3, 2010

On the Order to appropriate the sum of \$2,700,000.00 for the costs of acquiring the Spence Farm Property, so-called, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Anderson – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – No, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – Yes, Denaro – No, MOTION PASSES.

Presented to the Mayor: June 3, 2010

s/Scott D. Galvin June 3, 2010

On the Order to appropriate the sum of \$1,700,000.00 for the costs of replacing the roof at the Kennedy Middle School, committee report was received "ought to pass with the amendment as follows: That any excess monies of the awarded bid may be applied towards the repair/replacements of the Police Station roof." A document entitled "Suggested Form of Revised Loan Order Kennedy Middle School and Police Station Roof Repairs" was received as follows:

ORDERED: That \$1,700,000 is appropriated to pay costs of replacing the roof at the Kennedy Middle School, including costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,700,000 under Chapter 44, Section 7(3A) of the General Laws as amended or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid available for the project; and that the Mayor is authorized to take any other action necessary to carry out this project. To the extent that all costs of the Kennedy Middle School roof replacement project have been paid and such project has been completed, any amounts authorized to be borrowed and expended pursuant to this order but which have not

been utilized for the Kennedy Middle School roof replacement project may be expended to pay costs of police station roof repairs.

Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the REVISED ORDER be ADOPTED, ROLL CALL: Anderson – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – Yes, Denaro – Yes, MOTION PASSES.

Presented to the Mayor: June 3, 2010

s/Scott D. Galvin June 3, 2010

On the Order to transfer the sum of \$3,500.00 from ALS Ambulance Receipts Account to Fire/Holiday Pay 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: June 3, 2010

s/Scott D. Galvin June 3, 2010

On the Order to transfer the sum of \$4,434.27 from Medicad Direct Billing Account to Election Printing Account and Election Workers Salary 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: June 3, 2010

s/Scott D. Galvin June 3, 2010

SPECIAL PERMITS:

On the petition to amend special permits granted to Perennial Landscape Corp., 955 Main Street, Unit 204, Winchester, Massachusetts 01890 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, committee report was received as follows: “That Condition Number 8 shall be amended to require a fence six (6) feet in height on three-quarters of the property line with the exception of the portion of the property on Torrice Drive.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

ORDINANCES:

On the Order to establish a new Section 12-14B of the 1989 Woburn Municipal Code, as amended, to provide for temporary repairs to private ways, 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: June 3, 2010

s/Scott D. Galvin June 3, 2010

On the Order to accept a grant of easement for public way purposes between Lexington Street and Russell Street, committee report was received "To accept the easement for public way." A communication dated May 26, 2010 was received from Michelle Roselli, Fairway Drive relative opposed to the acceptance of the proposed easement from Lexington Street to Russell Street. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Anderson – No, DiTucci – No, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Haggerty – Yes, Mercer-Bruen – No, Raymond – Yes, Denaro – Yes, Motion Passes.

Presented to the Mayor: June 3, 2010

s/Scott D. Galvin June 3, 2010

POLICE AND LICENSES:

On the petition by Amy Vogt, Tenant Coordinator, Cushman & Wakefield, 55 Cambridge Parkway, Cambridge, Massachusetts 02142 requesting the change of name of owner of the Inflammable License at 225 Presidential Way from 150 MetroNorth Corporate Center, LLC to VV2 Presidential Way, 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 Mayor June 3, 2010 and ten days having elapsed without same being approved, said Order became effective without his signature on June 15, 2010.

NEW PETITIONS: None.

COMMUNICATIONS AND REPORTS:

A communication dated May 19, 2010 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 April 2010: number of parking violations issued 628, number of violations paid 353, number of violations outstanding 277, amount collected and submitted to the Office of the Collector \$23,911.60. There exists a backlog of 5,250 tickets for 1982 through 2009. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$5,300.00.

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 May 26, 2010 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the May meeting of the Council on Aging and the Director's report for the month of May. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated May 2, 2010 was received from the Woburn Traffic Commission relative to traffic queuing on Commerce Way at the easterly entrance to the Woburn Mall requesting that appropriate action, if necessary, be taken to remedy the issue. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

A communication dated May 22, 2010 was received from Richard J. Mahoney, Vice President of Woburn Public Library Board of Trustees requesting to postpone the presentation to the City Council concerning the library renovation plans in order to accommodate the City Council meeting schedule. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated May 20, 2010 with attachments was received from Steven J. Chilton, Senior Vice President, MassDevelopment, 160 Federal Street, Boston, Massachusetts 02110 advising of the preliminary approval to issue a revenue bond on behalf of Agiltron, Inc. at 15 Presidential Way and requesting that the department be notified if the proposed project conflicts with an existing local or regional comprehensive plan. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated May 25, 2010 was received from Attorney Diane S. Byrnes, Hanley, Hassett & Fitzsimmons, LLC, 40 Willard Street, Suite G101, Quincy, Massachusetts 02169-1252 relative of notification of intent to withhold educational incentives on behalf of Woburn Patrol Officers' Union, NEPBA Local 56. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated May 25, 2010 was received from Joanne Lux, 218 School Street relative to a condition to install a fence for a special permit issued to her abutter Anne M. Beauchamp and John J. Beauchamp pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to alter and change a pre-existing non-conforming structure by razing the same and constructing a new, two-family structure which will also be non-conforming with respect to some dimensional requirements and changing the use from single family to two-family at 222 School Street. Alderman Raymond stated that the matter should be send to committee, and that if the matter is not resolved within sixty days then a public hearing can be scheduled. Motion made and 2nd that the MATTER be

REFERRED TO COMMITTEE ON SPECIAL PERMITS UNTIL THE CITY COUNCIL REGULAR MEETING OF SEPTEMBER 7, 2010, all in favor, 9-0.

A communication dated May 28, 2010 was received from Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Minor Modification to Special Permit Granted to Chair 5 Restaurants – Woburn LLC, d/b/a Qdoba Mexican Grill, 300 Mishawum Road, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent Chair 5 Restaurants – Woburn LLC, d/b/a Qdoba Mexican Grill. On September 16, 2008, your office issued a Landowner’s Decision and Notice of Special Permit setting forth approval by the Woburn City Council of the Special Permit granted to my clients (the “Decision”)(copy enclosed). The Decision allowed for a Qdoba Mexican Grill in the outparcel building at the Woburn Mall.

Since the time of issuance of the Decision, Chair 5 Restaurants – Woburn LLC (a Qdoba franchisee) has been experiencing financial difficulty and is in the process of transferring its twenty-eight (28) locations, including the Woburn location, to other Qdoba restaurant operators. The proposed transferee of the Woburn store is ZRC Operations Company Inc., d/b/a Qdoba Mexican Grill of 4865 Ward Road, Suite 500, Wheat Ridge, Colorado 80033 (“ZRC”). ZRC is the corporate owner of the Qdoba Mexican Grill restaurants. ZRC, as restaurant operator, will operate a Qdoba restaurant at 300 Mishawum Road consistent with the Decision.

Therefore, on behalf of my client, I respectfully request approval by the City Council at its meeting on June 1, 2010 of the transfer of the Decision from Chair 5 Restaurants – Woburn LLC, d/b/a Qdoba Mexican Grill to ZRC Operations Company Inc., d/b/a Qdoba Mexican Grill as a minor modification to the Decision.

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

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

Motion made and 2nd to suspend the rules for the purposes of hearing from Attorney Joseph Tarby, all in favor, 9-0. Attorney Tarby stated that ZRC is the corporate entity that owns all of Qdoba, that ZRC will operate and run this as a corporate store, and that ZRC will abide by all conditions of the special permit. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd that the MINOR MODIFICATION OF A NAME CHANGE be ALLOWED, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

A communication dated June 1, 2010 was received from His Honor the Mayor as follows:

Dear William Campbell, City Clerk:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint William Callahan as a member of the Historic Commission subject to City Council confirmation with a term expiring on 3/2/2012. Mr. Callahan will replace Peter Lennon who has resigned.

Sincerely, 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 June 1, 2010 was received from His Honor the Mayor as follows:

Dear William Campbell, City Clerk:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Peter Lennon as an alternate member of the Historic Commission subject to City Council confirmation. Mr. Lennon's term will expire on 3/2/2012.

Sincerely, 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 June 1, 2010 was received from His Honor the Mayor as follows:

Dear William Campbell, City Clerk:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint William E. Kerns to the Board of Cemetery Commissioners subject to City Council confirmation. Mr. Kerns term will expire on 4/1/2014

Sincerely, 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:

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 19 Day Circle; and

WHEREAS, the condition of said building or buildings has been allowed to deteriorate, the property is generally not being maintained, and the property is not secured;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. 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.

s/Alderman DiTucci

Motion made and 2nd that the MATTER be SET UP FOR PUBLIC HEARING AT THE CITY COUNCIL REGULAR MEETING ON JUNE 15, 2010, all in favor, 9-0.

Presented to Mayor June 3, 2010 and ten days having elapsed without same being approved, said Order became effective without his signature on June 15, 2010.

ORDERED That the City Council Regular Meetings scheduled for July 20, 2010 and August 17, 2010 are hereby canceled.

s/President Denaro

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

ORDERED Be it ordained by the City Council of the City of Woburn, that Title 13, Article II "Water System" of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That Section 13.2.35.A.1 be amended by striking the amount “\$117.50” and inserting in its place the amount “\$102.50”.
2. That Section 13.2.35.B.1 be amended by striking the amount “\$4.83” and inserting in its place the amount “\$4.60”.
3. That Section 13.2.35.B.8 be amended by striking the amount “\$117.50” and inserting in its place the amount “\$102.50”.

s/President Denaro

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

Motion made and 2nd to suspend the rules for the purpose of adding the following late filed matters to the Order of the Day, all in favor, 9-0.

A communication dated June 1, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Members of the Woburn City Council:

President Denaro and I are submitting for your approval tonight, a proposed Special Act relative to the acceptance of streets as public ways. Approval of the Special Act will allow the City to expedite the process of accepting streets as public ways.

The legislation was drafted by City Solicitor John McElhiney, City Clerk William Campbell, Planning Board Director Ed Tarallo, and City Engineer Jay Corey.

Approval of this Special Act will result in approximately \$227,000.00 of additional Chapter 90 funding from the State. The increased Chapter 90 funding will be used to repair and pave more streets throughout the City.

Upon approval by the City Council, the legislation will be forwarded to State Representative Dwyer, who will move the Special Act through the legislative process.

Sincerely, s/Scott D. Galvin

Attached thereto was the following:

ORDERED The City of Woburn hereby petitions the Great and General Court of the Commonwealth of Massachusetts to enact the following proposed Special Act:

An Act relative to the Acceptance of Streets as Public Ways in the City of Woburn

Section 1. Notwithstanding sections 1-13, inclusive, of chapter 82 of the General Laws, or any other general or special law to the contrary, the city of Woburn may accept, in accordance with the terms hereof, either:

- a. Any street or way which has been or is subsequent hereto approved pursuant to chapter 41 of the General Laws, and which approval results in a definitive subdivision plan recorded with the registry of deeds, or
- b. Any heretofore private way in existence and which has been improved as of the effective date of this act and which has been open to public use and maintained by the city for a period of 20 years or more.

Acceptance as a public way shall become final only after:

- a. The layout of the way has been ordered and approved by the city council after a duly called public hearing of which 14 days prior notice in a newspaper of general circulation in the city has been given, and of which notice is sent by mail, postage prepaid, to the owners of record, as determined by assessors' records, who abut said street or way ; and
- b. An order of layout has been filed in the office of the city clerk, containing a description of or reference to a plan showing, the boundaries and measurements of the way, which plan may be the approved and recorded definitive subdivision plan; and
- c. Either (1) the city council has determined that the city already holds land or easements for the purposes of the public way and has filed that determination with the City Clerk, provided that there shall be a presumption that the city already holds said easements or land for these purposes with respect to any way that has been opened to public use and maintained by the city for 20 years or more; or (2) the city council has determined it is necessary to acquire land or easements for the purposes of the public way and the City Council has acquired said land or easements by gift, purchase or eminent domain, provided further, notwithstanding chapter 79 of the General Laws, no appraisal of damages shall be required prior to any taking for the purposes of this Act.

Section 2. This Act shall take effect upon its passage.

s/President Denaro

Alderman Drapeau stated that this will allow the city to accept the streets and allow the city to obtain additional Chapter 90 reimbursement funds, that if more than twenty years pass with the city maintaining the road then it can be accepted, that this will bring more streets on the city's rolls which the city has been maintaining anyway, that if this will allow the city to circumvent the lengthy process then it should be pursued, that this is a piece to be put in place to improve the street acceptance process, and that this is another tool to complete this process. Alderman Haggerty stated that there are a significant number of streets that are not accepted, that this proposal makes sense, and that the proposal was drafted by the City Clerk, City Solicitor, Planning Board Director, City Engineer and the Mayor. Alderman Mercer-Bruen stated that a developer builds houses and the roadway and the city can accept the street if it meets certain requirements, that she supports accepting streets, that there is no list of streets to be accepted attached to the proposal, that it is not the job of the department heads to establish policy, that she is nervous about the use of the words "circumvent" and "streamline" when she is just seeing this proposal for the first time, and that she will reconsider her vote after investigation in the morning if she is not comfortable with the answers to her inquiry. Alderman Raymond stated that it took eighteen months to develop a list of thirty-one streets to be accepted, that this is similar to a provision used in Burlington, that he would prefer to have a meeting in which the parties involved can answer questions, and that he would prefer a committee meeting on the matter. Alderman Gately stated that this proposal will streamline the street acceptance process, that the Planning Board still has control over a number of streets under the subdivision control law that may never be accepted without starting the roadway construction over, and that there are substandard streets with regard to width and the like within the city. Alderman Anderson stated that this appears to facilitate the process for the city to approve certain roads as public ways and then seek Chapter 90 reimbursement, and that this proposal provides that easements still have to be in place. President Denaro stated that the City Council should take the time needed to review this even if the process is delayed. City Clerk Campbell responded to inquiries concerning the process. Motion made and 2nd that the ORDER be ADOPTED, ROLL CALL: Anderson – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Haggerty – Yes, Mercer-Bruen – Yes, Raymond – Yes, Denaro – Yes, MOTION PASSES.

Presented to the Mayor: June 3, 2010

s/Scott D. Galvin June 3, 2010

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:51 p.m.

A TRUE RECORD ATTEST:

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