

**CITY OF WOBURN  
MAY 21, 2013 - 7:00 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:**

ORDERED That the sum of \$9,500.00 be and is hereby transferred as so stated from Payroll Fees Acct #0113852-525800 \$9,500.00 to Treasurer/Bill Printing Acct #0113852-539003 \$9,500.00.

I hereby approve the above: s/Timothy Donovan, Treasurer/Collector  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby recommend the above: s/Scott D. Galvin, Mayor

s/President Denaro

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

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ORDERED That the sum of \$3,540.01 be and is hereby transferred as so stated from COA/Senior Van Acct #0154158-585190 \$3,540.01 to COA/Misc. Expenses Acct #0154157-578908 \$3,540.01 – Purpose: Senior Center Security System Upgrade.

I hereby approve the above: s/Joanne Collins, COA Director  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby recommend the above: s/Scott D. Galvin, Mayor

s/President Denaro

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

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ORDERED That the sum of \$950,000.00 be and is hereby appropriated as so stated from Sale of Cemetery Lots Acct #391-359000 \$950,000.00 to Cemetery Paving Acct #391058-589700 \$950,000.00 – Purpose: Pavement for Woodbrook Cemetery

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

s/President Denaro

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE, AS AMENDED with the amendments as follows: 1. That a communication be forwarded to the City Auditor for a breakdown of money expended from the account over the last three years, 2. That a communication be forwarded to the Cemetery Commission provide a plan of the work to be completed and an estimate of costs for the work at the Committee on Finance Meeting, and 3. That the Cemetery Commission attend the Committee on Finance Meeting regarding the matter, all in favor, 9-0.

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ORDERED That the Woburn City Council hereby authorizes the Office of the Mayor to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E½. The Office of the Mayor may spend funds received for cable television and telecommunications franchise fees as required under the CATV operator license agreement with the City of Woburn without further appropriation during Fiscal Year 2014 for the purpose of paying the expenses of the M.I.S. Director, excluding salaries. The “Cable Television and Telecommunications Revolving Fund”, is to be credited with all fees and charges up to \$80,000.00 received during Fiscal Year 2014. Any remaining balance at June 30, 2014 is to revert to the General Fund, unless the fund is re-established. The “Cable Television and Telecommunications Revolving Fund”, under M.G.L. Chap. 44, Sec. 53E½ must be re-established on a year-to-year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Revolving Fund effective for the ensuing Fiscal Year only.

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

s/Alderman Anderson (per request)

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

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ORDERED That the Woburn City Council hereby authorizes the Office of the Mayor to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Sec. 53E½. The Office of the Mayor may spend funds received without further appropriation during Fiscal Year 2014 with the purpose of unanticipated special education costs for out of district tuition and transportation. The Special Education Departmental Revolving Fund is to be credited with Medicaid revenue not to exceed \$300,000.00 received during Fiscal Year 2014. Any remaining balance at June 30, 2014 is to revert to the General Fund, unless the fund is re-established. The “Special Education Department Revolving Fund”, under M.G.L. Chap. 44, Sec. 53E½ must be re-established on a year-to year basis. The City Council, upon recommendation of the Mayor, must have an annual vote prior to the start of the Fiscal Year. This authorization makes the approved Departmental Revolving Fund effective for the ensuing Fiscal Year only.

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

s/President Denaro

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

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**PUBLIC HEARINGS:**

On the petition by Alderman Anderson concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 18-20 Campbell Street, Woburn, Massachusetts, which was declared a nuisance as said term is used in Massachusetts General Laws Ch. 139, Sec. 1, and to order further disposition of the matter. PUBLIC HEARING OPENED. Alderman Anderson stated that this matter has been pending for almost a year, that a receiver has been appointed by a Judge of the Woburn District Court to oversee the property, that the tenants in 18 Campbell Street have vacated the property and an eviction proceeding has commenced against the tenants residing in 20 Campbell Street, that the receiver will continue the process under supervision of the court in view of which there is no need to continue this proceeding before the City Council, and that it is his understanding that the tenants in 20 Campbell Street have two weeks remaining to vacate the property or additional court proceedings will be taken. PUBLIC COMMENTS: Maria Pasola stated that she is the co-owner of 14-16 Campbell Street and that she thanks the city officials who have participated in resolving this matter. Motion made and 2<sup>nd</sup> to close the public

hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the MATTER BEFORE THE CITY COUNCIL UNDER M.G.L. CH. 139, SEC. 1, ET. SEQ. be DISMISSED, all in favor, 9-0.

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On the petition by Stephanie Almeida, 24 Grace Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended to allow filling of yard at 24 Grace Road. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass, as amended with the amendment as follows: 1. That the plan of record shall be the plan entitled “Topographic Site Plan of Land, 24 Grace Road, Woburn, Mass. (Middlesex County)” prepared by Medford Engineering & Survey dated May 6, 2013. A copy of a communication dated May 21, 2013 to Edmund Tarallo, Planning Director was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 24 Grace Road – Fill & Earth Removal – Special Permit Application Dated April 2, 2013 – Topographic Site Plan dated May 6, 2013

The applicant is seeking a special permit for earth removal and fill at the above referenced location.

The special permit application includes a topographic plan of the existing and as-built grading. Based on a site visit, it appears that the applicant has completed the fill prior to applying for the special permit application. The applicant will need to maintain a 2 to 1 slope (2 foot horizontal and 1 foot vertical) and install jute matt until the slope can be stabilized with vegetative cover.

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

A communication dated May 21, 2013 was received from Planning Director Edmund P. Tarallo, Woburn Planning Board as follows:

Re: Stephanie Almeida – 24 Grace Road – To fill lot pursuant to Section 5.5

Dear Mr. Campbell and members of the City Council:

At the Woburn Planning Board meeting held on May 21, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Stephanie Almeida, regarding the property at 24 Grace Road in accordance with the plan dated May 6, 2013 except as modified by the following conditions:

1. That the applicant shall maintain a 2:1 slope (2 foot horizontal: 1 foot vertical):  
and
2. That the applicant shall install a jute mat until the slope can be stabilized with vegetative cover.

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

Motion made and 2<sup>nd</sup> to accept and make part of the record the communication from the Planning Board and the communication from the City Engineer, all in favor, 9-0. Appearing for the petitioner was Thomas Almeida and he said that he had nothing to add. IN FAVOR: None. 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> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendments as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, and 2. That the recommendation of the Committee on Special Permits be adopted as a condition of the special permit, all in favor, 9-0.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$132,500.00 from BLS Receipts Account to Ambulance Salaries Account, Ambulance Maintenance Salaries Account, Apparatus Maintenance Account and Medical Attention 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: May 23, 2013**                      **s/Scott D. Galvin May 23, 2013**

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On the Order to transfer the sum of \$10,000.00 from Police Roof Account to Police Stairs 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: May 23, 2013**                      **s/Scott D. Galvin May 23, 2013**

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On the Order to transfer the sum of \$56,826.36 from Police Roof Account to Stabilization Fund 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: May 23, 2013**                      **s/Scott D. Galvin May 23, 2013**

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**ORDINANCES:**

On the Order to authorize the Mayor pursuant to M.G.L. c.40, §4A to enter into an Intermunicipal Agreement with the Towns of Winchester and Lexington for the appointment of a Municipal Hearing Officer in accordance with M.G.L. c.148A, §2, committee report was received “ought to pass, as amended with the amendment that a communication be forwarded to the City Auditor for information to establish a revolving fund with respect to this matter.” Alderman Haggerty stated that the city should consider these agreements for other area, and that this is a good opportunity to realize savings and share resources where it works. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 23, 2013**

**s/Scott D. Galvin May 23, 2013**

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**INFRASTRUCTURE AND PUBLIC LANDS:**

On the request by the Veterans Agent for authorization to the Friends of Woburn Veterans to make improvements to the Horn Pond flag pole by Foley Beach, the restoration of the housing of the USS Maine cowl on Woburn Common and the restoration on the Dallin monument at Woodbrook Cemetery, committee report was received “to allow the Friends of Woburn Veterans to enter upon city land for action on the requested projects”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor May 23, 2013 and ten days having elapsed without same being approved, said approval became effective without his signature on June 4, 2013.**

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**PUBLIC SAFETY AND LICENSES:**

On the petition by American Classic Limousine, Inc. for renewal of Livery Licenses for thirteen (13) livery vehicles, 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 May 23, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on June 4, 2013.**

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On the petition by Woburn Cab Company Inc. for renewal of Taxi Cab Licenses for twelve taxi cab vehicles, committee report was received “that the license be approved for three (3) registered taxi cab vehicles and that the applicant may reapply for additional licenses with registered taxi cab vehicles.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor May 23, 2013 and ten days having elapsed without same being approved, said License became effective without his signature on June 4, 2013.**

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**NEW PETITIONS:**

Petition by Check Cab of Woburn Inc., 289R Salem Street for a new Taxi Cab License for three (3) taxi cab vehicles. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

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Petition by Dave & Busters of Massachusetts, Inc., 2481 Manana Drive, Dallas, Texas 75220 for a special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Sections 5.1.72 and 8.3.2 to allow for its parking requirements to be met on a separate lot from the use to be served by allowing 104 parking spaces at Lot B, 275 Mishawum Road, 2. Section 5.1 Note 16 to allow for hours of operation consistent with the hours of operation approved by the Woburn License Commission 11:00 a.m. to 1:00 a.m. seven days per week, and 3. Section 5.1 Note 22 to allow for two hundred (200) con operated, recreational, or entertainment machines, all at Lot A, 275 Mishawum Road. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING AT THE JUNE 18, 2013 REGULAR MEETING OF THE CITY COUNCIL, all in favor, 9-0.

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#### **COMMUNICATIONS AND REPORTS:**

A communication dated May 13, 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 April 2013. 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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A report was received from the City Auditor in response to the City Council resolution adopted May 7, 2013 requesting information related to snow plowing related costs for the last three fiscal years. 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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A communication dated May 9, 2013 was received from Veterans Agent Larry Guiseppe and Commander of United Veterans Council George Poole inviting the Alderman and residents of the city to participate in the annual Memorial Day parade and ceremonies to be held on Monday, May 27, 2013. 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:**

A notice of intent to move for reconsideration was filed by Alderman Drapeau on May 8, 2013 at 12:17 p.m. on the vote made on May 7, 2013 in support of the motion to deny the proposed amendment of the Woburn Zoning Ordinances 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.” Motion made and 2<sup>nd</sup> that Alderman Drapeau be allowed to reconsider his vote, all in favor, 9-0. Motion made and 2<sup>nd</sup> to suspend the rules to hear from Attorney Joseph R. Tarby, Murtha Cullina LLP the attorney for the petitioner, all in favor, 9-0. Attorney Tarby stated that after consulting with the City Solicitor and reviewing the ordinance that the petitioner is satisfied with the language in the ordinance and seeks to withdraw this zoning ordinance. Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED That His Honor the Mayor or his designee provide a presentation to the City Council Committee on Liaison relative to the status, progress and operation of the CityStat program.

s/President Denaro

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

**Presented to the Mayor: May 23, 2013**

**s/Scott D. Galvin May 23, 2013**

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RESOLVED That during the month of August 2013 a representative of MassHighway appear before the City Council or an appropriate committee thereof for the purposes of providing an update concerning the I-93/I-95/128 interchange project.

s/Alderman Mercer-Bruen

Alderman Mercer-Bruen stated that it would be beneficial to receive a presentation and to determine that the plans previously agreed upon are still viable for this proposed project. Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 23, 2013**

**s/Scott D. Galvin May 23, 2013**

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 7:25 p.m.



A TRUE RECORD ATTEST:

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