

**CITY OF WOBURN  
MAY 6, 2014 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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The City Council observed a moment of silence in honor of former Ward Four Alderman William J. Mulrenan who recently passed away.

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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 Woburn City Council hereby authorizes the Board of Health to utilize a Departmental Revolving Fund under M.G.L. Chap. 44, Section 53E½. The Board of Health may spend funds received without further appropriation during Fiscal Year 2014 for the purpose of expending for vaccines and expenses associated with the distribution. The "Board of Health Revolving Fund", is to be credited for all gifts, charges and donations not to exceed \$20,000 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 limit on the total amount which may be expended from the Board of Health shall not exceed \$20,000. The "Board of Health Revolving Fund", under M.G.L. Chap. 44, Section 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/President Haggerty

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 amount of \$4,500.00 be and is hereby appropriated from Fire/Sick Leave Buy back Acct #0122051-515400 \$4,500.00 to Fire/Natural Gas Acct #0122052-521300 \$4,500.00

I hereby recommend the above: s/Scott D. Galvin, Mayor  
I hereby approve the above: s/Timothy J. Ring, Chief, Fire Department  
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Haggerty

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 amount of \$5,000.00 be and is hereby appropriated from Treasurer/Payroll Acct #0113851-511000 \$5,000.00 to Treasurer/Postage and Mailing Fees Acct #0113852-539003 \$5,000

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

s/President Haggerty

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 amount of \$20,000.00 be and is hereby appropriated from DPW Operations Acct #0141151-511002 \$15,000.00, DPW Street Tree Program Acct #0141454-546505 \$5,000.00, Total \$20,000.00 to DPW Repairs Acct #0143554-554704 \$20,000.00

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

s/President Haggerty

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 Adriano Lopes, 1386 Summit Street #3, Lynn, Massachusetts 01905 for a special permit pursuant to the Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow automotive and truck repair (not mechanical) paint spray booth at 10 Draper Street, Unit 32. PUBLIC HEARING OPENED. A communication dated April 14, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Adriano Lopes, Unit 32, 10 Draper Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the above-referenced Petition be given leave to withdraw without prejudice. If you need any further information, please contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, 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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On the petition by Woburn Truck & Auto, Inc., 1095 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow for the alteration and extension of the preexisting nonconforming use (motor vehicle junkyard) to allow heavy manufacturing at 1095R Main Street; Lot 04-01-01, 04-01-02, 04-01-03, 04-01-04; Kensington Avenue; 03-06-02, 03-05-05 Ingelow Avenue 03-05-06; Florence Avenue 03-05-12. PUBLIC HEARING OPENED. A communication dated April 29, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Truck & Auto, Inc., 1095R Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

As you know I represent Woburn Truck & Auto, Inc. on the above-referenced matter. I respectfully request that the City Council Public Hearing on this matter presently scheduled for May 6, 2014 be continued to the City Council Public Hearing on May 20, 2014. If you need any further information, please contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication be accepted and made part of the record, all in favor, 9-0. 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 MAY 20, 2014, all in favor 9-0.

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On the petition by Herb Chambers 128, Inc., c/o The Herb Chambers Companies, 47 Eastern Boulevard, Glastonbury, Connecticut 06033 for a special permit pursuant to Section 7.3 and Section 15 of the 1985 Woburn Zoning Ordinances, as amended to allow for the alteration, change and extension of the existing nonconforming use (overnight parking of commercial vehicles) to allow for the storage, reconditioning and preparation of motor vehicles at 285 Locust Street. PUBLIC HEARING OPENED. A communication dated April 29, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Herb Chambers 128, Inc., 285 Locust Street, Woburn, Massachusetts

Dear Mr. Campbell:

As you know I represent Herb Chambers 128, Inc. on the above-referenced matter. I respectfully request that the City Council Public Hearing on this matter presently scheduled for May 6, 2014 be continued to the City Council Public Hearing on May 20, 2014. If you need any further information, please contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication be accepted and made part of the record, all in favor, 9-0. 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 MAY 20, 2014, all in favor 9-0.

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On the petition by NStar Electric Company for a grant of right in a way to install approximately 55 feet of conduit south on Water Street northeasterly from pole #299/12 at the intersection of Woburn Parkway and install approximately 890 feet of conduit and also installing two (new) manholes (MH29735 and MH29736) in Woburn Parkway northerly at the intersection of Water Street. PUBLIC HEARING OPENED. A communication dated April 18, 2014 was received from Superintendent of Public Works John F. Duran as follows:

Subject: NStar Petition-Woburn Parkway

Pursuant to the request from NStar Electric for the Grant of Way for the installation of underground conduit and conduit in the Woburn Parkway and Water Street, I have received an updated plan last revised on March 31, 2014. There are a few minor general

construction notes be added to the plan. Once the notes have been added, I recommend that the City Council allow this work to be performed. All trenches must be uniformly saw cut and a minimum 6 foot strip be ground and in-laid and restored with 4 inches minimum of bituminous concrete to the City of Woburn DPW Specifications.

Please feel free to call with any questions or concerns.

A communication dated May 2, 2014 was received from Superintendent of Public Works John F. Duran as follows:

Subject: NStar Petition-Woburn Parkway

Pursuant to the request from NStar Electric for the Grant of Way for the installation of underground conduit and the associated structures in the Woburn Parkway and Water Street, I have received an updated plan on April 28, 2014 last revised on March 31, 2014. The general construction notes have been added to the prior plan per my request. I recommend that the City Council allow this work to be performed. All trenches must be uniformly saw cut and a minimum 6 foot strip be ground and in-laid and restored with 4 inches minimum of bituminous concrete to the City of Woburn DPW Specifications.

Please feel free to call with any questions or concerns.

Motion made and 2<sup>nd</sup> that the communications be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Jacqueline Duffy, Rights of Way Agent and she stated that she spoke to the Superintendent of Public Works regarding the project and that there are no further issues. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor 9-0. Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the amendment as follows: 1. That the work shall be completed in accordance with the recommendations of the Superintendent of Public Works, all in favor, 9-0.

**Presented to the Mayor: May 8, 2014**

**s/Scott D. Galvin May 8, 2014**

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On the petition by National Grid for a grant of right in a way to install approximately 85 feet of 2 inch plastic main to supply house number 3 Hobson Avenue. PUBLIC HEARING OPENED. A communication dated April 18, 2014 was received from Superintendent of Public Works John F. Duran as follows:

Subject: National Grid- Hobson Avenue

Pursuant to the request from National Grid for the Grant of Way for the installation of a new gas main on Hobson Avenue, I have received an updated plan last revised on April 7, 2014. I recommend that the City Council allow this work to be performed as shown. All trenches must be uniformly saw cut and a minimum 6 foot strip be ground and in-laid and restored with 4 inches minimum of bituminous concrete to the City of Woburn DPW Specifications.

Please feel free to call with any questions or concerns.

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. A report was received from the Committee on Infrastructure and Public Lands as follows: "ought to pass with the conditions to include the plan of record and recommendations of the Superintendent of Public Works." No one appeared on behalf of the petitioner. IN FAVOR: None. OPPOSED: None. Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the amendment as follows: 1. That the work shall be completed in accordance with the recommendations of the Superintendent of Public Works, all in favor, 9-0.

**Presented to the Mayor: May 8, 2014**

**s/Scott D. Galvin May 8, 2014**

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On the petition by City of Woburn, c/o Engineering Department for a special permit pursuant to 1989 Woburn Zoning Ordinances, as amended, Sections 5.1.79 and 15 to allow for construction of a bathroom/concession stand at Gonsalves Park and Groundwater Protection District. PUBLIC HEARING OPENED. A communication dated April 20, 2104 was received from Erin E. Wortman, CityPlanner/Grant Writer, Woburn Planning Board as follows:

Re: City of Woburn, MA – Gonsalves Park on South Bedford Street – To allow for construction of a restroom/concession stand pursuant to Section 5.1.79 and Section 15

Dear Mr. Campbell and Members of the City Council:

At the meeting held on April 29, 2014, the Planning Board voted to forward a favorable recommendation to the City Council, to allow for construction of a restroom/concession stand according to the plan "Proposed Service Building, Gonsalves Park, Woburn, Massachusetts" dated March 25, 2014.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Erin E. Wortman, City Planner/Grant Writer

Appearing for the petitioner was City Engineer John Corey and he offered an alternate plan to the City Council for review. Motion made and 2<sup>nd</sup> that the plan be received and made part of the record, all in favor, 9-0. City Engineer Corey stated that the original plan was drafted on the information available at that time, that the proposal is for a 20 foot by 40 foot public restroom and concession stand at the Gonsalves Park softball field, that the city will provide the foundation, sewer and water connections, that Woburn Little League will provide the building and fixtures, that there is an agreement between the city and Woburn Little League as to maintenance and liability, that the proposed building was originally located across the street from the neighborhood homes, that the building has

now been moved to the back of the field between the two softball fields, that the service connections will be from Willow Street, that the building location is a little more difficult in these alternate locations but the building is moved away from the homes, that the plan shows four alternate locations, that the alternate closer to South Bedford Road is likely not acceptable, that the building stands 20 feet above the roadway, that the building may be visible from the homes during the winter months, that the parking area is gravel, that bollards could be installed in the parking area near the building, that there is solid fill in the area and test borings were taken, that a couple of manholes would have to be added, that the building will be slightly bigger than the stand at the Joyce soccer fields, that the building would be constructed of wood and plywood sheathing with clapboard shingles, that the city will only be responsible for the foundation, sewer and water connections, and that the utilities will be underground including electrical service as required in a park.

Tom Skeffington, 9 Bamberg Drive stated that he is the Vice President of Woburn Little League, that Option 3 is the most desirable of the three new proposed locations, that there will be no storage in the buildings except for baseball equipment, that only two softballs and three bases are used per game which are stored in a lockbox, that soccer is no longer played on the field, that the fields are Little League softball fields, that there are no elevated mounds, that softball pitches off dirt and baseball pitches off a mound, that the softball fields at the Senior Center will still be used, that the Woburn Little League will be responsible for the building maintenance including the utility bills, that there will be security lighting at night and a security camera, that supplies will be carried about 30 feet to the concession stand, that gravel is more economical as opposed to a paved parking area with a storm drain, that any dumpster on site would be on the parking lot, that there is a dumpster at Weafer Park with restrictions on pickup times, that other fields in the city pick up the trash from barrels, that if no dumpster is wanted at the location then they will make other arrangements to remove trash, that Option 1 has limited space because of the fencing, that Option 2 has a bigger area for patrons between the fields and access to the bathrooms would be better, that the Woburn Little League has been in operation for 75 years, that no child is cut from the teams, that there are 735 children ages five to sixteen in program, that there are 235 children in the softball program, that there are five junior/senior baseball teams, that last year there was one softball league, this year there are three softball leagues and next year there will be five softball leagues, that there is a Jimmy Fund league in the summer, that they expend \$18,000.00 per year in field upgrades, that they expended \$49,000.00 for fencing at Gonsalves Park, that these expenditures are over what the Parks Department expends, that no other community's facilities compare to those in Woburn, that the Woburn Little League donates \$500.00 to Woburn baseball, \$500.00 to Woburn softball, sponsored two \$500.00 baseball scholarships and two \$500.00 softball scholarships, that they paid \$7,200.00 for an indoor batting cage at the Joyce Middle School, that they run a winter softball school, that all of the work is done by volunteers who are Woburn residents, that they run fundraising events throughout the year, that signs are donated by local businesses, that they have commitments from numerous businesses in the city to build the stand, that they may be able to build the stand without any cost to Woburn Little League, that they want to host the State softball championship but will need restrooms to do so, that the building will be stick built construction with security, that they have volunteers who keep the fields clean, that in order to have a viable softball program this facility is needed, that if no stand is

permitted this will go back to being a regular ballfield, that there are concession stands and/or restrooms at Library Field, Weafer Park and Joyce soccer fields, that there is no intention to lease the field to other communities, that volunteers will run the concession stand, that the concession stand will not be leased to someone else to operate, that the field is open to anyone who wants to use it when no Little League game is being played, that games must end by 7:45 p.m., that no public address system will be used, that the building can be painted white or gray if that is requested, that the bathrooms will be closed and locked when the Little League is not using the field, that there has to be supervision of the facility for security, that having the bathrooms open when the Little League representatives are not there is a concern, that the fields at Leland Park and Weafer park are closed all day until someone arrives at approximately 4:00 p.m., that there will be increased maintenance costs if someone gets into the facility during the day as it opens the building up to vandalism and other damage, that they understand that Woburn Little League does not own the bathrooms, and that the bathrooms will be open when Woburn Little League representatives are at the field. Dave Hill stated that he is the President of Woburn Little League and that complaints for on behalf of handicapped residents for restrooms motivated their action on this issue, that the facility will be handicapped accessible, that the restrooms are also a convenience for the children who may be at the field for two hours for a game, and that the field will be for Woburn residents and the city's children only. Alderman DiTucci stated that she believes that the lot is located in the groundwater protection district which may be why the property is not paved, that she does not want to see the building painted in colors out of character with the residential neighborhood, and that she wants to minimize the impact on the neighbors. Alderman Gaffney stated that some neighbors are concerned about the possibility of a dumpster at the park. Alderman Anderson stated that there are no bathrooms or concession at the Woburn Memorial High School fields, and that these facilities are needed at the High School. Alderman Drapeau stated that he recently assisted with the construction of such a facility in Lexington, that security is necessary, that there should be a schedule that allows access to the bathrooms when the Little League is not at the site, that this will be a public facility and should be available to the public, that air dryers rather than paper towels is a suggestion to minimize trash and expense, that he does not see a reason to send this matter to committee, that this is a simple building, that he did not say that the bathrooms should be open at night but should be open to the public, that the bathrooms should be locked at night, and that he sees this as a public bathroom not just a Little League bathroom. Alderman Concannon stated that there was an initial plan and an three alternative locations were offered at this meeting, that the public has not had an opportunity to consider these alternatives, and that the City Council should take time for consideration of the alternatives to make an appropriate decision. PUBLIC COMMENTS: Marie Flannery, 16 South Bedford Street stated that she wants to know how the alternatives locations were determined, that she is an abutter who currently sees the portable toilets from her kitchen window, that she prefers Option 2 as this seems the better location for trash removal and carrying in supplies, and that all three of the new alternatives are better than the original proposal. Dan Russo, 33 South Bedford Road stated that he prefers Option 3 but there cannot be a dumpster on site. Marilyn Crampton, 35 South Bedford Street stated that she does not believe that the facility should be open at night to the public, and that there are a lot of pickup games at the park. Motion made and





**Presented to the Mayor: May 8, 2014**

**s/Scott D. Galvin May 8, 2014**

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On the Order to transfer the sum of \$370,000.00 from Fund Balance Designated for I&I Acct to Year 1 CIP Design & Year 2 Sewer System Evaluation, 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 8, 2014**

**s/Scott D. Galvin May 8, 2014**

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On the Order to amend the Order adopted April 17, 2007 approving borrowing of \$33,850,000.00 to pay costs of water system improvements and to approve the expenditure of funds to pay costs of completing the Shaker Glen Pump Station Project in the amount of \$300,000.00 and additional costs of the Water Quality Capital Improvement Project in the amount of \$4,900,000.00, committee report was received “ought to pass”. Alderman Gately stated that a scheduled for Year One to Year Five and the total cost of the water distribution capital improvements plan has been provided, that this is a viable and feasible plan, that the work planned for Year Two will save the city money on the other side, that the Mayor will have to come back to the City Council if any facets of the plan need to change, and that he finds the plan acceptable. Alderman Anderson stated that the matter should be returned to committee, that the committee requested this information, that he just received the information on his desk at the beginning of this meeting, and that he would like to review the proposal further. Alderman Mercer-Bruen stated that at the last Committee on Finance meeting this information was requested, that the information provided answers her questions concerning the proposal although she thought that the information would have been provided sooner, and that if any Alderman needs additional time to review the proposal she would support returning the matter to committee. Alderman Concannon stated that he understands that this plan can be amended over time if the need arises. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: 1. That the funds shall be expended in accordance with the Water Distribution Capital Improvements Plan dated January 31, 2014, ROLL CALL: Anderson – No, Concannon – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Mercer-Bruen – Yes, Raymond – Yes, Haggerty – Yes, MOTION PASSES.

**Presented to the Mayor: May 8, 2014**

**s/Scott D. Galvin May 8, 2014**

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On the request by the City Treasurer/Collector to approve the City of Woburn Investment Policy Statement, committee report was received “ought to pass” with a copy sent to Alderman Raymond. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 8, 2014**

**s/Scott D. Galvin May 8, 2014**

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**PUBLIC SAFETY AND LICENSES:**

On the petition by Checker Cab of Woburn, Inc. for renewal of Livery License for seven 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 8, 2014 and ten days having elapsed without same being approved, said License became effective without his signature on May 20, 2014.**

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On the petition by Checker Cab of Woburn, Inc. for renewal of Taxi Cab License for five 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 8, 2014 and ten days having elapsed without same being approved, said License became effective without his signature on May 20, 2014.**

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**ORDINANCES:**

President Haggerty stepped down from the chair and Alderman Anderson assumed the chair.

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On the Order to amend 1989 Woburn Municipal Code, as amended, Title 5, Sections 5-68 to 5-81 relative to taxis and livery vehicles, committee report was received “ought to pass, as amended” with the Ordinance as follows:

ORDERED

Be it Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended by deleting Title 5, Article XII, Sections 5-68 through 5-81 in their entirety and replacing same with the following new Sections 5-68 through 7-75:

Article XII. Taxis and Liveries

5-68 Definitions

For the purpose of this section, the following words shall have the following meanings:

- A. Livery Car Service or Livery Limousine Service - an unmarked vehicle with a seating capacity not to exceed the manufacturer’s recommended seating capacity that is operated for hire and used to provide livery service, by or on behalf of a named insured, or by an employee of the named insured, and which displays a livery registration number plate issued by the Massachusetts Registry of Motor Vehicles. A livery car service

shall:

1. be hired on a prearranged basis only, with a minimum of 12-hour notice;
  2. not pick up fares on the street;
  3. not take on-demand requests for transportation;
  4. manage on a prearranged, scheduled business day and return to the vehicle's base of operation (fixed business address) for a continuous period of least 4 hours in each 24 hour period;
  5. be operated by the licensed, named insured or a licensed employee of the named insured, who shall be in attendance as a chauffeur;
  6. be managed from a base of operation, which is a fixed business address within the City of Woburn that is properly insured and zoned for said business or is a licensee who is allowed to operate at the location as may be otherwise permitted under the Zoning Code and whose vehicles shall each have two-way radio, telephone or mobile phone communications between each driver of a vehicle and the base of operations;
- B. Taxicab - a metered motor vehicle with a seating capacity not to exceed manufacturer's recommended seating capacity, displaying on its exterior, permanently painted or decal identification markings, a light, which shall be affixed to the roof of said vehicle, and a taxi registration number plate issued by the Massachusetts Registry of Motor Vehicles, operated for hire by or on behalf of the named insured or by an employee or independent contractor of said named insured; but which does not pickup, transport, or discharge passengers along a route. A taxicab shall be hired on a hailed, on an on-demand or on a prearranged basis and shall:
1. Must contain a rate meter and charge for service based upon time and miles traveled or on a prearranged billed basis;
  2. be operated by the licensed, named insured, a licensed employee, or licensed independent contractor of the named insured, and who is in attendance as the driver of the

taxicab;

3. be managed from a base of operation, which is a fixed business address within the City of Woburn that is properly insured and zoned for said business or is a licensee who is allowed to operate at the location as may be otherwise permitted under the Zoning Code;
4. have vehicles with a two-way radio dispatching or two-way computerized dispatching communications system with said base of operations;
5. maintain at the start and end of each shift, waybills including all of the following information for each vehicle:
  - a. current date-by-date, month and year;
  - b. the name of the vehicle's associated company and/or licensed owner;
  - c. the name of the vehicle's driver,
  - d. the vehicle's license, Permit, or medallion number,
  - e. the time of pick-up of passenger(s),
  - f. the place of origin by number, street and city of each passenger;
  - g. the place of destination by number, street and city of each passenger; and
  - h. the form of primary payment method and amount received.

C. Special Operator License a document granting formal permission to operate a taxi or livery vehicle in the City of Woburn.

#### 5-69 Licenses/Fees

- A. The number of taxicab licenses to be issued shall not be in excess of twenty-eight. The number of livery licenses to be issued shall not be in excess of forty-one.
- B. No person shall engage in the business of transporting persons

for hire in a vehicle within the limits of the City of Woburn without first having obtained a license from the Woburn City Council. This Ordinance shall apply both to businesses located within the city or to vehicles employed for transportation trips originating within the city.

C. No license shall be required for:

1. hearses and grieving-family transport vehicles used by funeral homes for funerals and burials.
2. taxis/livery vehicles lawfully licensed in other communities, provided that such taxis/livery vehicles shall not originate transportation trips within the city unless:
  - a. no taxi licensed by the City of Woburn is available to respond to a request for transportation; or
  - b. use of such taxi is originated by a Woburn Police Officer.

D. No person having charge of a vehicle licensed hereunder shall demand or receive a rate or fare other than as established by the City Council for the class of license issued hereunder.

E. The following provisions relate to all taxi and livery licenses:

1. Each license shall be effective for one year only, expiring each year on April 30<sup>th</sup>.
2. Each license shall specify the Massachusetts motor vehicle registration number, the Vehicle Identification Number (VIN) and the make and model of the vehicle that may be used under said license.

Before a license may be issued for a vehicle, a copy of the registration issued by the Massachusetts Registry of Motor Vehicles shall be filed with the City Clerk. Said registration shall contain the name of the license holder, the principal place of business and of garaging that is identical to that approved by the City Council, the name of the insurance company through which the vehicle is insured, and the VIN, make and model of the vehicle referenced in the application and approved by the City Council. No amendment of the registration may be made during the term of the license without the approval of the City Council.

3. For every vehicle license so granted each year there shall be

paid for the use of the City the following license fees:

Taxis \$50.00 per year

Livery Car Service and Livery Limousine Service \$50.00 per year

4. No person shall be eligible to receive such a license who cannot demonstrate familiarity with the streets of the City of Woburn and unless they are either a citizen of the United States or a person lawfully documented for work in the United States. With respect to corporations and business entities, no such corporation or business entity shall be eligible to receive such a vehicle license unless (1) such corporation or business entity can produce a Certificate of Good Standing in the Commonwealth of Massachusetts, (2) the manager or principal representative in charge of the business can demonstrate familiarity with the streets of the City and (3) is either a citizen of the United States or a person lawfully documented for work in the United States. Proof of residence within the City by the applicant shall be prima facie evidence of familiarity with the streets of the City.

5. In addition to any insurance requirements established by state law or regulation, the following minimum insurance coverage shall be obtained by any person seeking a license to operate within the City of Woburn:

Taxis \$50,000 per occurrence/ \$100,000 annual aggregate

Private Livery \$75,000 per occurrence/ \$150,000 annual aggregate

Limousines \$100,000 per occurrence/ \$300,000 annual aggregate

a. Upon cancellation, the motor vehicle insurance coverage amounts as required herein or the reduction of the motor vehicle insurance coverage amounts to levels that are less than what are required herein, or upon the motor vehicle no longer being registered with the Massachusetts Registry of Motor Vehicles, or a name change, then the license shall be void with one exception. If the termination of motor vehicle insurance

coverage or the termination of the motor vehicle registration is solely due to the acquisition of a replacement motor vehicle, then the license may be suspended for a period not to exceed 3 months pending the satisfactory inspection of the replacement vehicle, as provided herein and the approval of a new license by the City Council.

- b. Written notice of cancellation, non-renewal, or of any limits reduction change in said policy shall be mailed to the City Clerk, City Hall, 10 Common Street, Woburn, MA 01801 at least ten (10) days in advance of the effective date thereof..
- c. The license holder must provide their insurance company with a copy of this ordinance.
- d. The insurance requirement provisions of this part shall be effective immediately upon adoption, and all licensees shall be required to comply with these provisions within ninety (90) days thereof. The failure to comply with this provision shall be grounds for the suspension or revocation of the license.

All licensees are required to submit a certificate of insurance satisfactory to the City Clerk or his designee, indicating therein the amount of coverage and the maximum number of persons to be carried in each vehicle.

- 6. No license shall be sold, assigned or transferred directly by conveyance, assignment or transfer of the license itself, nor indirectly by sale of the business or ownership interests in a corporation holding the license without City Council approval.
- 7. Any person in whose name a license is taken out for one or more vehicles for hire, for all purposes of this Ordinance shall be considered as the owner of the same and liable to all forfeitures and penalties herein contained.
- 8. There shall be no advertisements or other displays or any references to products or services on or about the licensed vehicles other than references to the licensee's operation.
- 9. Primary payment method shall be by cash, voucher, credit or debit card, check, or prearranged billing including name of billed individual or company.
- 10. All vehicles for hire and registered in the city shall have the



name, trade name, and telephone number of the owner and the word "Woburn" painted on both sides of the exterior body of the taxicab in standard letters not less than four (4) inches high and one-half (1/2) inch wide.

11. All vehicles must be managed from a base of operation, which is a fixed business address within the City of Woburn that is properly insured and zoned for said business and be equipped with two-way radio or mobile phones.

F. Credit Card Payments:

No Taxi Driver shall refuse to accept a credit card as payment for a fare after May 1, 2015 and no Driver may demand a fee above the fare in return for accepting a credit card payment. (M.G.L. c. 140D, §28A).

G. Be Equipped for Credit Card Processing:

1. Effective May 1, 2015 all taxicabs shall be equipped with an electronic credit card processing capability. Such equipment shall allow the passenger to swipe the card in the rear compartment of the taxicab without handing the card to the Driver. Such equipment shall list fare, tolls, fees, and tips separately for processing purposes. Such equipment shall have the ability to electronically authorize the transaction in a timely manner. Such equipment will provide a printed, or electronic receipt that includes:
  - a. Woburn Licensed Taxi Number,
  - b. Date,
  - c. Time,
  - d. Charge Amount,
2. All Taxis shall have a functioning credit card reader at all times. If a Taxi does not have a functioning credit card reader, it shall be deemed unfit for service as a taxi.

5-70 Operation of all licensed vehicles:

- A. No person to which a license has been granted shall suffer or allow any person other than the driver licensed pursuant to Section 5-74 hereof by the Chief of Police to drive such a vehicle for hire.
- B. All vehicles licensed hereunder shall be kept in a good

condition suitable for occupancy and mechanically fit for the safety of the passengers. The interior and exterior shall be clean and sanitary at all times. Owner and driver shall each be held responsible for violations of this provision as the case may be.

- C. No license shall be issued until each vehicle intended to be used has been inspected by the Chief of Police or his designee, as follows:
  - 1. No license shall be issued until each vehicle intended to be used shall have been thoroughly inspected by the Chief of Police or his designee. A list of items to be inspected by the police department shall be furnished to all license applicants by the City Clerk. If the vehicles are found to be safe and suitable for hire and being in the same condition as supplied by the manufacturer with reasonable wear and tear being excepted, the Chief of Police or his designee shall issue a certificate of inspection, which shall designate by registration number, make, model, VIN, seating capacity and intended use of each so approved. Such certificate shall be filed in triplicate with each application with the City Clerk for any license established by this Ordinance. When and if issued by the City Council, any license shall be deemed to cover only the vehicle described in such certificate.
  - 2. Each vehicle shall be inspected each year before any license is renewed by the Woburn Police Department. The certificate of inspection shall be filed with the renewal application. Any vehicle that fails to pass such inspection shall not be used for transportation of persons or things for hire until repaired, or the conditions which caused the inspection failure are addressed, and the vehicle passes re-inspection. The cost of re-inspection shall be \$25.00 per vehicle payable to the City of Woburn.
- D. In no event may any vehicle licensed hereunder carry more persons than the number of available seat belts permanently equipped in such vehicle; every child under forty pounds (40 lbs.) shall be transported only in approved child safety restraint devices.
- E. No vehicle licensed under this Ordinance as one



November 1<sup>st</sup> each year.

E. The City of Woburn Senior Discount Taxi Program shall be exempt from these rates.

#### 5-72 Livery Car Service

A. Any vehicle operated as a livery car service as defined by Section 5-68 (A) must be licensed prior to operation. A Livery Car License may only be issued to those applicants who meet the qualifications below:

1. Rate Qualification: the fares charged for a vehicle is to be exclusively the rates specified as "private livery rates" in Section B below; any private livery vehicle charging taxi rates shall be considered an unlicensed taxi and shall have its private livery license revoked;
2. Size Qualification: a public vehicle of any type with a seating capacity not in excess of eight passengers excluding the driver;
3. Use Qualification: such private livery vehicle may be rented only from a garage or the residence of the owner, with the owner or an employee of the owner in attendance as a chauffeur, for use only in connection with social functions, funeral, touring, shopping trips and similar purposes. This type of license DOES NOT APPLY to taxis (5-71), scheduled limousine service (Section 5-73), or any vehicle that is used in any of the following ways:
  - a. stationed at or for hire from a railroad, bus or gasoline station, club, stand, hotel, parking lot, street, highway, airport or any other public place.
  - b. used to transport persons for a hotel, transportation company or similar organization.
  - c. used under agreement with a hotel, club, or private organization to provide a regular transportation service for its members and guests.
  - d. operated with a fare structure determined by zones or taximeter or primarily by distance traveled
  - e. used to pick up, transport and discharge passengers along a route or on a schedule

Any private livery engaged in the foregoing not applicable uses shall be considered an unlicensed taxi.

4. Vehicles licensed as Private Liveries shall have a livery license plate issued by the Massachusetts Registry of Motor Vehicles, bear no light but shall display at least one of the following methods of identification:
  1. A removable identification card, with the name of the livery company and/or the client printed thereon;
  2. Bear on the right and left side rear windows a livery sign containing only the name of the livery service in letters not to exceed two inches (2") in height;
  3. Small logo on front doors on both driver and passenger sides.

B. Fares for Livery Car Service and Livery Limousine Service

1. The fares for Livery Car Services shall be established primarily by time used rather than distance traveled. The fares shall be a fixed rate and the same rate for all classes of riders (senior citizens and children discounts are recommended). Each licensee shall present its base rate structure at the time of licensing and such structure shall go into effect unless the City Council determines otherwise. The City Council reserves the right to review livery rates if, among other things, a passenger voices a complaint.

C. Every Livery Car Service vehicle licensed hereunder shall have in the vehicle, a chart setting forth the fare and rate schedule and a photocopy of the livery license.

5-73 Special Operator's Licenses

A. No person shall drive or operate a taxi, livery car service or livery limousine service within the limits of the City of Woburn without first obtaining a special operator's license from the Chief of Police or his designee. No person shall be eligible to receive such a license that cannot demonstrate familiarity with the streets of the City of Woburn and must be either a citizen of the United States or a person lawfully documented for work in the United States.

B. For every such special operator's license so granted there

shall be paid the sum of \$20.00. Applications for such license must be filed in person, on a form furnished by the Chief of Police or his designee. The license shall include the name, address and photograph of the licensed driver.

C. No such license shall be granted unless the applicant shall possess a current and valid Massachusetts Motor Vehicle Driver's License, and be at least 18 years of age.

D. Every licensed operator having charge of a licensed vehicle shall at all times have in his/her possession a special operator's license. A copy of this Ordinance shall also be maintained in each vehicle. Every operator of a licensed vehicle while engaged in the operation of the vehicle shall display his Special Operators License in one of the following four ways:

1. a suitable frame or other device upon the dashboard or
2. sun visor of said vehicle where it is in plain view and can be viewed by passengers riding in the rear seat of the vehicle;
3. As an identification badge either pinned on the drivers shirt/jacket, or
4. on strap around his/her neck.

E. Every licensed operator shall be courteous and respectful to the passengers of such vehicles and shall operate the same with due regard to the safety of such passengers, the rights of pedestrians, the occupants of these vehicles and the public generally. Said drivers shall be clean and appropriately dressed.

F. An applicant may be barred from receiving or holding a special operator's license under this Ordinance for any of the following reasons:

1. shows evidence of the use of intoxicating liquors or narcotic drugs while driving;
2. has a criminal record within the past seven years for any of the following:
  - a. Conviction of a felony;
  - b. Violation of parole or probation;
  - c. Illegal possession of firearms;
  - d. 3 or more moving violations of motor vehicle laws in one year.

- G. No person shall be licensed as a driver who:
1. Is not at least 18 years old;
  2. Does not possess Massachusetts RMV driver's license;
  3. Is registered as a sexual offender;
  4. Is neither a citizen of the United States nor a person lawfully documented for work in the United States.
- H. All applicants are required to have a registry of motor vehicle background check and/or CORI check to be conducted by the Woburn Police Department. The Chief of the Woburn Police Department shall provide to the City Council notice of his approval or disapproval of the license application based on the background and/or CORI check to the extent allowed by law.
- I. The Chief of Police may suspend or revoke the special operator's license upon any conviction or a finding of responsibility for a moving violation. Any suspension or revocation of a special operator's license may be appealed to the City Council within seven (7) days of the date of notification.
- J. Notwithstanding the preceding subsections, where evidence shows that the applicant's or license holder's other activities or condition would present a danger to the health, safety, welfare or morals of the inhabitants of the City of Woburn, the City Council may reject an application, or may suspend, revoke or refuse to renew an existing license.
- K. All Special Operator Licenses shall expire 2 years after issuance and may be renewed.

#### 5-74 Enforcement/Temporary Suspension of Licenses/Hearings

- A. It shall be the duty of the Woburn Police Department to enforce the provisions of this Ordinance. Whoever violates any provision of this Ordinance shall be punished by a fine of Seventy Five dollars (\$75.00) for the first offense, one-hundred dollars (\$100) for the second offense and two-hundred (\$200) for each subsequent offense within a 12 month period. This penalty may be enforced by means of the noncriminal disposition provisions of M.G.L. c. 40, § 21D or by

filing of a criminal complaint by any enforcing persons in the Woburn District Court.

- B. In addition to the foregoing, the City Council may, following notice and an opportunity for a hearing, enforce this Ordinance by means of suspension or revocation of any license issued hereunder.
- C. Upon a determination that the public good and safety so requires, the Chief of Police and/or his designee is authorized to immediately suspend any license issued hereunder for up to two weeks, pending a hearing before the City Council,
- D. The Woburn Police Department shall have the authority to impound any vehicle in violation of these sections.

5-75 Effective Date

This Article shall become effective on May 1, 2015.

Alderman Raymond stated that he commended President Haggerty and Alderman Anderson for their work on this ordinance, that the ordinance brings the city in line with other larger cities, and that the ordinance will address complaints that have been received over the years. President Haggerty stated that the intent of the ordinance was for a safe and reliable transportation service, that this is accomplished with this ordinance, that there are clear insurance requirements, that electronic credit card processing will be available in the vehicles, that there will be annual safety inspections of the vehicles by the Police Department, that there will be special operators licenses for drivers to protect the public safety, that there will be meters in the vehicles, and that there will be clear standards for revocation of licenses. Alderman Concannon stated that this will make it easier to process taxi and livery issues through the Committee on Public Safety and Licenses, and that the ordinance goes into effect in May 2015 however the insurance requirements go into effect in 90 days. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor May 8, 2014 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on May 20, 2014.**

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Alderman Anderson stepped down from the chair and President Haggerty assumed the chair.

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**NEW PETITIONS:**



Petition by Woburn Kiwanis, P.O. Box 521, Woburn, Massachusetts 01801 for a special event permit to allow annual Flag Day festival on June 14, 2014 and June 15, 2014 at Library Field. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

**Presented to the Mayor: May 8, 2014**

**s/Scott D. Galvin May 8, 2014**

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Petition by Portuguese American Club, 83 Main Street for a special event permit to allow motorcycle run on June 7, 2014 from 9:00 a.m. to 6:00 p.m. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Omega Transportation, 973 Main Street for a new Livery License for one vehicle. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Boston Wholesale Motorcars, Inc., 20 High Street for transfer of a Second Class Motor Vehicle Sales License at 20 High Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Kiwanis of Woburn, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.75 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the annual Flag Day celebration and carnival on June 14, 2014 and June 15, 2014 including bands, carnival and fireworks at Library Park, 0 Harrison Avenue. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

\*\*\*\*\*

Petition by National Grid for a grant of right in a way to extend gas main 175 feet of two inch plastic to serve 3 Sendick Road. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Benchmark Senior Living, 40 Williams Street, Wellesley, Massachusetts 02481-3904 for a special permit pursuant to Section 5.1.19a of the 1985 Woburn Zoning Ordinances, as amended, to construct an assisted living/memory care facility and associated improvements at 320 Salem Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

\*\*\*\*\*

Petition by Lawless Chrysler Jeep, Inc., 196 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.71 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a commercial parking lot at 317 New Boston Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

\*\*\*\*\*

Petition by Lynch-Cantillon Funeral Home, Inc., 263 Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a new entryway and exterior alterations to the structure located at 263 Main Street within the Groundwater Protection District. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

\*\*\*\*\*

Petition by 4 Montvale Avenue Realty Trust, 1820 Turnpike Street, #03, North Andover, Massachusetts 01845 for a special permit pursuant to Sections 5.1.5, 8.3 and 12 of the 1985 Woburn Zoning Ordinances, as amended, to allow for two (2) residential dwelling units above the first story in a commercial structure at 4 Montvale Avenue, with parking in the municipal parking lot. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

\*\*\*\*\*

Petition by Vivint Solar, Inc., 24 Normac Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the overnight parking of petitioner's commercial vehicles at Lot 6C, 29 Drapet 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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Petition by John P. Flaherty and Kathryn A. Flaherty, 28 West Street, Woburn, Massachusetts 01801, as individuals owning land to be affected by change or adoption pursuant to M.G.L. Ch. 40A, Sec. 5, to amend Section 2, Section 11 and Section 27 of the 1985 Woburn Zoning Ordinances, as amended, as follows:

ORDERED

Be it ordained by the City Council of the City of Woburn as follows:

A. That Section 2 (Definitions) of the 1985 Woburn Zoning Ordinance as amended be further amended by adding the following definition to Section 2:

CHURCH BUILDINGS: Buildings or structures constructed prior to 1950 for religious purposes on land owned by a religious sect or denomination at time of construction.

- B. That a new Section 27 entitled “ADAPTIVE REUSE OF CHURCH BUILDINGS” be added to the 1985 City of Woburn Zoning Ordinance as amended, as follows:

### Section 27 Adaptive Reuse of Church Buildings

#### 27.1 Purpose of District

1. To allow for the reuse of historic church buildings in a manner that will promote economic development and provide housing in the community;
2. To encourage the preservation of historic structures through adaptive reuse for residential purposes; and
3. To provide an alternative to traditional land subdivision in order to minimize the visual impact(s) of redevelopment and reuse on abutting properties.

#### 27.2 Scope of Authority

The “Adaptive Reuse of Church Buildings” Overlay District is an overlay district superimposed on lots in the R-1, R-2, R-3 and R-4 Zoning Districts on which a building or structure was constructed for religious purposes prior to 1950 and which land was owned by a religious sect or denomination at the time of construction.

#### 27.3 Uses By Right

1. Those uses permitted by right in the underlying zoning district.

#### 27.4 Uses by Special Permit

A Special Permit shall be required from the Woburn City Council for the following use:

1. Multi-family dwellings.

#### 27.5 Dimensional and Density Regulations

Dimensional and density regulations for the “Adaptive Reuse of Church Buildings” Overlay District shall be as follows provided, however, that the City Council may grant an additional Special Permit to authorize different dimensional, density and parking regulations for existing buildings or proposed construction:

1. Lot area, frontage and yards
  - a. Minimum Lot Area: 3,000 sq. ft. for the first dwelling unit and 1,800 sq. ft. for each additional unit

- b. Minimum Lot Frontage: 100'
  - c. Minimum Lot Width: 40'
  - d. Minimum Front Yard Setback: 25'
  - e. Minimum Side Yard Setback: 25'
  - f. Minimum Rear Yard Setback: 30'
2. Lot Coverage and Landscaped Usable Open Space
- a. Maximum Building Coverage: 25%
  - b. Minimum Landscaped Usable Open Space: 20%
3. Maximum Building Height
- a. 35' or three (3) stories
4. More Than One Building on a Lot
- a. Projects within an "Adaptive Reuse of Church Buildings" Overlay District projects may have more than one principal building on a lot.

27.6 Off-Street Parking Requirements

1. At a minimum, off-street parking spaces shall be provided as follows:
- a. Studio units: 1.25 spaces per unit
  - b. One-bedroom units: 1.25 spaces per unit
  - c. Two-bedroom units: 1.75 spaces per unit
  - d. Three-bedroom units or larger: 2.0 spaces per unit

C. That the following provision be added to Section 11.6. of this Ordinance as a new 11.6.12

12. Required Additional Findings for Adaptive Reuse of Church Buildings

In granting a Special Permit under Section 27, the City Council must make the following additional findings/conditions:

- a. That some or all of the building(s) or structure(s) proposed for conversion to residential use is/are preferably preserved from an historic or architectural perspective; and
- b. That conversion of the building(s) or structure(s) to residential use facilitates preservation or improvement of the existing character of abutting properties and the district generally.

s/ John P. Flaherty and Kathryn A. Flaherty,  
as individuals owning land to be affected

by change or adoption pursuant to M.G.L.  
Ch. 40A, Sec. 5

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 April 17, 2014 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 March 2014. 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 April 24, 2014 with attachments was received from Stanley Wood, P.E., Highway Design Engineer, MassDOT, Ten Park Plaza, Suite 4160, Boston, Massachusetts 02116 as follows:

Subject: Woburn – W-43-003 Bridge Replacement – Project File No. 603008 – Consultation Notice

Dear Mr. Haggerty,

Enclosed please find the 25% submission documents for the above mentioned project. The submission includes a set of Highway Plans. Please review this submission and return any comments to Sasha Sosa, Project Manager, Boston Highway Design Section.

If you have any questions, please call the Project Manager, Sasha Sosa.

Sincerely, s/Stanley Wood, P.E., Highway Design Engineer

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

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED This His Honor the Mayor engage an outside consultant to perform a study of the drainage issues in the Hart Street area, generally from Lowell Street

and Wyman Street to Hart Street and Hamilton Road and to Winn Street and Kilby Street, to determine the scope of the issues and to identify possible solutions, and that a report of the findings be filed with the City Council.

s/Alderman Concannon, Alderman Haggerty  
Alderman Gaffney, Alderman Anderson

Alderman Concannon stated that this has been an ongoing issue in this area of the city, and that the Mayor agrees that an outside consultant is a reasonable plan to define the scope of the issue. Alderman Gately stated that there have been numerous studies in this area, that the Army Corps of Engineers studied the area in the 1980s, and that there are a number of good plans and surveys. Alderman Raymond stated that a cost proposal might be needed before this Resolve is approved. President Haggerty stated that an appropriation would be needed later. Alderman Gaffney stated that the city must ask the consultant specific questions as to how to fix this problem. Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor May 8, 2014 and ten days having elapsed without same being approved, said Resolve became effective without his signature on May 20, 2014.**

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ORDERED That a Horn Pond Committee shall be established to prepare and present a plan for both the short term and long term use and care of Horn Pond and its environs, including but not limited to regulations governing conservation, recreation, maintenance, management of invasive species, permanent structures, wildlife, boating, noise, overuse, alteration of natural conditions, and traffic, including but not limited to motorized vehicles and snowmobiles, and that the Committee shall consist of the Ward One Alderman who shall serve as Chair, the City Engineer, an Alderman At Large selected by the City Council, a representative from the Conservation Commission selected by the City Council, a representative of the Recreation Commission selected by the City Council, a resident of Ward One preferably residing close to Horn Pond selected by the City Council, and a representative of Woburn Resident's Environmental Network (WREN) selected by the City Council.

s/Alderman DiTucci

Alderman Drapeau stated that there are some benches in the works for decorated war veterans, that he does not want these projects stalled, and that that the benches should be allowed to be installed. Alderman DiTucci stated that she will offer an amendment to allow the installation of the four proposed benches, and that there are well over 200 benches in the Horn Pond area. Alderman Concannon stated that he thinks the proposal could go to committee for review before adoption, and that the City Council should determine what conflicts there might be. Alderman Mercer-Bruen stated that she also

believes that this matter requires further review, that she is concerned about forming this committee, that Horn Pond is for the city, and that the memorial moratorium should also be studied. Alderman Anderson stated that he supports the moratorium as the Horn Pond area is getting to a saturation point with benches, that he understands the sentiment behind forming the committee however the City Council can address this issue without another committee, and that the special event ordinance which affects this area may be reviewed. Alderman DiTucci stated that this is not a new committee, that the original committee was set up by the Ward One Alderman John McElhiney, that it has been 35 years since there was a concerted effort to look at Horn Pond to improve and keep this as a viable resource for the entire city, that Horn Pond has come under a lot of use in the past five to ten years, that the area needs to be managed not in a draconian manner but to preserve the resources, that there is split jurisdiction over Horn Pond between the Department of Public Works and the Conservation Commission, that there is work that needs to be done but which may not be accomplished due to the jurisdictional issues, that the committee could present a list of recommendations that the City Council and Mayor could consider, and that the committee should not be the authority over Horn Pond but provide guidance. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 9-0.

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**ORDERED** That until further Order of the City Council, no memorials, plaques, benches or structures of any kind, name or nature shall be placed or erected on any land owned or controlled by the City of Woburn, its departments, commissions and authorities in or around Horn Pond and its environs, with the exception of those required for health and safety purposes, such as trail markers, informational kiosks, and notice or warning signs.

s/Alderman DiTucci

Alderman Concannon asked if the proposed music pavilion is included in this request. Alderman DiTucci stated that there is no current proposal for a music pavilion, that she opposes the construction of the pavilion in the suggested area due to traffic and congestion, that the intent of the Order is to prevent further placement of memorials until the City Council orders otherwise, that this proposal works with the intent of the proposed committee, that the placement of memorials should be part of a plan that comes out of the committee work, and that there should be a process for the memorials. Alderman Concannon stated that there is a movement in the community to establish a music pavilion at Horn Pond, and that the City Council should not prevent that group's progress. Alderman Mercer-Bruen stated that she has received many calls about the proposed pavilion, and that Horn Pond is for everyone. Alderman DiTucci stated that there is nothing before the City Council for a music pavilion, that Horn Pond belongs to the city but there are neighbors who may be impacted, that the city needs to assess what is right for the area and the residents, and that if this moratorium must be limited then this can be added as an amendment. Alderman Anderson stated that a special permit would be required for a kiosk, that this Order would not prevent a petition for a special permit from

being filed, and that this moratorium by its language is in effect until further order of the City Council. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: 1. That the four benches scheduled for installation in May 2014 be allowed to be installed, 2. That a copy of the Order be forwarded to the Superintendent of Public Works and the Conservation Commission, and 3. That the moratorium expires 90 days from the effective date of the Order, 8 in favor, 1 opposed (Mercer-Bruen opposed).

**Presented to the Mayor: May 8, 2014**

**Veto Message Received May 15, 2014**

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ORDERED Be it ordained by the City Council of the City of Woburn that its April 10, 1978 acceptance of M.G.L. c.60, §23A be revoked, and that the provisions of M.G.L. c.60, §23B be accepted to allow the Treasurer/Collector to furnish a Certificate of Municipal Liens pursuant to M.G.L. c.60, §23 according to the following fee schedule: vacant land of less than one acre, a fee of \$25.00; land with a single family residence and accessory buildings, a fee of \$25.00; land with a two family residence with accessory buildings, a fee of \$25.00; land with a three family residence with accessory buildings, a fee of \$25.00; land with a residence for four or more families, a fee of \$100.00; for land with a commercial, industrial or public utility structure, a fee of \$150.00; for farms, forest land and all other real property, a fee of \$50.00. In no case shall the fee exceed one half of one per cent of the assessed value of the real estate and the money so received shall be paid into the town treasury.

s/Alderman Anderson  
Per request of the Mayor and  
Treasurer/Collector

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

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From the Traffic Commission:

ORDERED EATON AVENUE – No parking on the northerly side of Eaton Avenue beginning at a point 130 feet easterly of Main Street to a point 390 feet easterly of Main Street between the hours of 2:00 p.m. and 3:00 p.m. Monday through Friday from September 1 through June 30.

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

**Presented to the Mayor May 8, 2014 and ten days having elapsed without same being approved, said Order became effective without his signature on May 20, 2014.**

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ORDERED Whereas, at its Regular Meeting on February 4, 2014, the City Council received a petition to accept Mentas Circle as a public way and referred the matter to the Committee on Infrastructure and Public Lands and to the Planning Board; and

Whereas, at its Regular Meeting on March 18, 2014, the City Council received a report from the Committee on Infrastructure and Public Lands recommending that Mentas Circle be accepted as a public way and referred the matter to public hearing; and

Whereas, at its Regular Meeting on April 15, 2014, the City Council held a public hearing on the matter of accepting Mentas Circle as a public way and received a recommendation from the Planning Board pursuant to M.G.L. Ch. 41, Section 81I that Mentas Circle be accepted as a public way;

Now, therefore, be it ordained by the City Council of the City of Woburn that pursuant to M.G.L. c. 82, §21 and Title 12, Article III, Section 12-5 of the Woburn Municipal Code, the City Council lay out Mentas Circle as a public way in the City of Woburn as shown on a plan of land entitled "Mentas Circle As Built, Map 12/Block 4/Lot 31, Cirone Estates, 33 Poole Street, Woburn, MA" dated August 29, 2013 prepared by Cuoco and Cormier Engineering Associates, Inc. for Heritage Builders, a copy of which is on file with the City Clerk, and to authorize the Mayor to accept an instrument conveying the fee or an easement in said Mentas Circle, together with any appurtenant easements.

s/Alderman Anderson

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

**Presented to the Mayor: May 8, 2014**

**s/Scott D. Galvin May 8, 2014**

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ORDERED Whereas, the City of Woburn has adopted M.G.L. c. 59, §5K; and

Whereas, M.G.L. c.59, §5K provides that the City may have a program to allow persons over the age of 60 to volunteer to provide services to the City in exchange for a reduction in their real property tax; and

Whereas, the Woburn Municipal Code provides in Title 3, Article V. Assistance Programs, Section 3-25 Senior Citizen Property Work-Off Program, for a program for persons over the age of 60 to volunteer to provide services to the City in exchange for a reduction in their real property tax; and

Whereas, the current provision sets forth a maximum exemption of \$750 and the General Laws allow the exemption to be \$1,000; and

Whereas, the current provision is inconsistent with state law that requires that the services rendered shall be in exchange for a reduction in the tax bill;

Whereas, the current provision refers to a general law that does not exist;

Whereas, Section 3-25(E) needs to be revised and updated;

Now therefore, be it Ordained by the City Council of the City of Woburn that Title 3, Article V. Assistance Programs, Section 3-25 Senior Citizen Property Work-Off Program, of the Woburn Municipal Code be amended by deleting Section 3-25(E), Reimbursement Guidelines, in its entirety, and inserting in its place the following new section:

E. Exemption Guidelines

1. The hourly rate for services shall be set to the state's current minimum wage in effect at the time the services are provided.
2. The maximum exemption available to any individual or per household during a program year shall be \$1,000.00 per fiscal year, or the maximum allowed by M.G.L. c.59, §5K as that statute may from time to time be amended.
3. Upon completion of the required hours of work service, or a fraction thereof, the number of hours worked will be verified by the appropriate department head and submitted to the Council on Aging Director for submission to the Board of Assessors.
4. This program is exempt from state income taxes, but not federal income taxes. Federal and Medicare taxes must be withheld. Participants must complete a W-4 and the Treasurer/Collector will issue a W-2 form to each participant for federal tax purposes only.
5. Only thirty (30) individuals or households may participate in any program year.
6. Participants are not eligible for City benefits.
7. Current City employees are not eligible.
8. An individual or household may participate in only one Tax Work off Program (Senior or Veterans).

s/Alderman Anderson

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

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ORDERED Be it ordained by the City Council of the City of Woburn that Title 3, Article II, Section 3-12(D) of the 1989 Woburn Municipal Code, as amended, be further amended by striking from the first sentence the words "Five thousand dollars" and inserting in its place the words "Ten thousand dollars"

s/President Haggerty

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

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:24 p.m.

A TRUE RECORD ATTEST:

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