

**CITY OF WOBURN
OCTOBER 20, 2015 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

MAYOR'S COMMUNICATIONS:

A communication dated October 15, 2015 was received from His Honor the Mayor Scott D. Galvin as follows:

I am pleased to submit a bond authorization in the amount of \$35,000,000 for the construction of the new Wyman /Hurld elementary school, in furtherance of our commitment to provide first class educational facilities for our students and teachers. The Massachusetts School Building Authority grant program will reimburse the city 54.74% of the eligible approved project costs up to a maximum total grant of \$14,387,427.

We plan on commencing site work construction starting September of 2016 and completing this important capital project by February of 2018. I look forward to discussing this matter with the finance committee meeting as a committee of the whole.

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto was the following Order:

ORDERED That the City of Woburn appropriate the sum of \$35,000,000.00 Dollars for the replacement of the Wyman Elementary and Daniel P. Hurld Elementary School with a combined K-5 facility located on an alternative site at 41 Wyman Street, identified at Assessors Map-29, Block 17, Parcel 07, and further described in owner's deed recorded in the MSRD Book 55177 Page 397 Plan 566 of 2010, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, said sum to be expended under the direction of the School Building Committee, and to meet said

appropriation the Mayor of Woburn is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the City of Woburn acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Woburn; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) 54.74 percent (%) of eligible, approved costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Woburn and the MSBA.

s/President Haggerty and Alderman Gaffney

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

PUBLIC HEARINGS:

On the petition by 80 Holton Street LLC, 80 Holton Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42, 5.1.57b and 7.3 to allow for the alteration of the existing nonconforming use and structure for a warehouse and distribution business; overnight parking of commercial vehicles; and to allow for the continuance of the existing area, parking and landscaping requirements, at 80 Holton Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action, with the following conditions if granted: 1. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be "Layout and Materials Plans", 80 Holton Street, Woburn, MA prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01888-0118 dated August 31, 2015 and revised September 15, 2015 at a scale of 1"=20' (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; 2. That no deliveries shall be allowed to the site prior to 8:00 a.m. or after 4:00 p.m. Monday through Friday and there shall be

no deliveries on Saturday or Sunday; 3. The petitioner shall post signs within its customer pick up area and loading area requesting that its delivery companies obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Holton Street; 4. The petitioner's commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street or Blueberry Hill Road when traveling to and from the site; 5. The petitioner shall instruct its employees not to use the section of Nashua Street between Draper Street and Holton Street or Blueberry Hill Road when traveling to and from the site; 6. That the commercial vehicles parked on the site shall be limited to 15 vehicles (Twelve (12) vans and three (3) box trucks); 7. This Special Permit shall be limited to 80 Holton Street LLC d/b/a Jack Young Company and shall not be transferable unless approved by the City Council; 8. That all commercial vehicles shall be registered in the City of Woburn; 9. There shall be no more than seven (7) tractor trailer deliveries per week; 10. That the Petitioner shall provide a landscape plan; and 11. That the Petitioner shall provide a list of improvements to the property. A communication dated October 15, 2015 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby, III and he offered a plan entitled "Landscape Plan L-1" dated 08-31-15, rev. 9/10/15, rev. 9/15/15, rev. 10/15/15 prepared by Allen & Major Associates, Inc., a document entitled "Special Permit Petition, 80 Holton Street, Woburn, Massachusetts Proposed Exterior Improvements" and two photographs for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Attorney Tarby stated that the building was constructed in 1967, that distribution centers were allowed by right under the zoning code, that since 1985 a special permit is required for the use, that the building is nonconforming due to a loading dock at the front of the building and the parking does not meet the setbacks, that there was an issue as to whether an easement would be needed for future street widening but the City Engineer has determined that an easement is not needed, that he asks the City Council to adopt the committee report, that the prior owner phased the former business down and left in the Spring 2015 but did not abandon the business, and that a similar business could operate from the location. Brian Pluck for the petitioner stated that there will be common carriers going to and from the locus, and that the exterior improvements can be completed within six months. Alderman Mercer-Bruen stated that the prior company at the location had cranes and that the business had become significantly smaller than it had been, that she wants to know the how the number of vehicles on site will be limited, that she is concerned about the extent of the business that will locate at the property, that she cannot support the petition with the current roadway conditions, and that a communication should be sent to the Superintendent of Schools expressing concern about students being dropped off by school bus and having to walk along Holton Street. Alderman Gately stated that he was satisfied that there will be no more than seven tractor-trailer deliveries to the site each week, that the special permit could be reviewed in a year to be certain there has been compliance with the condition relative to deliveries. Alderman Concannon stated that he understands the concerns of the neighbors, that the use and structure exist at the location although now have nonconforming status, and that the proposed use is not substantially more detrimental than the current use. Alderman

Anderson stated that the significant traffic caused by the prior use was a concern, that a representation was made that the petitioner's box trucks go out in the morning and return at the end of the day, and that based on these factors he will support the petition. PUBLIC COMMENTS: Karen Hunt, 147 Green Street stated that the city cannot control trucks going in and out of the locus, that there have been several traffic accidents in that area this past year, that an elderly man was hit by a motorcycle at the intersection, that trucks drive through the area 24 hours a day, that the city will not be able to limit the trucks to seven vehicles, that there is a lack of enforcement, and that she is opposed to the petition. Cindy Nickerson, 31 Nashua Street stated that Nashua Street and Holton Street have truck traffic all year round, and that there has been discussion about the seven tractor-trailer deliveries but not about the box trucks that will also be traveling on the roadway from the locus. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the eleven conditions recommended by the Committee on Special Permits be adopted as amended as conditions of the special permit; 2. That condition 10 be amended to read as follows: 10. Petitioner will install the landscaping set forth in the plan entitled "Landscape Plan" 80 Holton Street, Woburn, MA, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01888-0118 dated August 31, 2015, revised September 10, 2015, revised September 15, 2015, and revised October 15, 2015. The plan shows the proposed landscaping in the front of the building along with a planting schedule as requested by the Special Permits Committee.; 3. That condition 12 shall read as follows: 12. That the following exterior improvements shall be completed within six (6) months of the issuance of the special permit: a. New signage will be installed over the doors, b. On the side of the building new dock doors will be installed and at some point in the future the overhand will be replaced, c. The weeds and shrubs on the side of the building where the railroad tracks are located are completely overgrown and will be removed and the area cleaned up, d. The weeds and shrubs along the rear of the building will also be cleaned up, e. The front doors will be replaced, f. The front overhang will either be painted or replaced, and g. The front of the building will be repainted; 4. That condition 13 shall read as follows: 13. That the special permit shall be reviewed by the Committee on Special Permits within one year of the issuance of the special permit, 8 in favor, 1 opposed (Mercer-Bruen opposed). Motion made and 2nd that a communication be forwarded to the Superintendent of Schools requesting a review of the student bus route and drop-off at the Holton Street area to ensure students are not required to walk on Holton Street, all in favor, 9-0.

On the petition by The Boston Solar Company LLC, 55 Sixth Road, Suite 1, 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 commercial vehicles at 42 Sixth Road a/k/a 55 Sixth Road. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the conditions as follows: 1. That the Plan of Record shall be plan entitled "Project: Parking Plan 42 Sixth Road Woburn, MA Drawing Parking Plan: Scale 1" = 30'-0" Date June 23, 2015 ACAD REF: 1409" prepared by: Eugene T. Sullivan Inc. Consulting Engineers 230 Lowell Street Suite 2A Wilmington,

MA 01887 Date: 9/10/15 Revisions per Planning Board Comments (which was submitted by Attorney Joseph R. Tarby on September 11, 2015 with the City Clerk's Office; 2. That this Special Permit is used to "The Boston Solar Company LLC" and shall be non-transferrable; 3. That there shall be fourteen parking spaces clearly marked with twelve (12) allotted for the business vehicles, said vehicles shall be of similar size and shape as submitted on September 28, 2015 to the Committee on Special Permits, a copy of which is on file; 4. That there shall be no washing of vehicles on site; 5. That all vehicles parked overnight on the site shall be registered in the City of Woburn; and 6. That the hours of operation shall be Monday through Friday from 6:00 am to 8:00 pm; Saturday from 7:00 am to 12:00 pm; and no Sundays." Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner is seeking approval of a special permit to allow overnight parking at the locus. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the six conditions recommended by the Committee on Special Permits be adopted as conditions of the special permit, all in favor, 9-0.

On the petition by Burns Landscaping & Construction, LLC, 68 Delwood Drive, Tewksbury, Massachusetts 01876 for a special permit pursuant to Sections 5.1.57a, 5.1.57b and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow a modification of a special permit issued April 9, 2015 by amending Condition One to allow for a revised site plan at 1095R Main Street. PUBLIC HEARING OPENED. A communication dated October 15, 2015 was received from Neil Cronin, City Planner, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for Burns Landscaping & Construction, LLC at 1095R Main Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to modify the Landowner's Decision and Notice of Special Permit dated April 9, 2015 by amending Condition No# 1 to allow for a revised site plan.

The Planning Department notes the following proposed changes to the plan of record:

1. The thirteen (13) parking spaces along Kensington Avenue have been removed from the proposed plan;
2. The snow storage area has been moved, but to a location that has approximately the same area;
3. The dumpster has been moved next to the building at 1095R Main Street, but is still enclosed with a gate;

4. The four (4) mulch and stone bins originally along Kensington Avenue have been removed, but two stone storage bins have been added alongside the storage containers;
5. The eleven (11) 9' x 18' parking spaces along Ingelow Avenue originally called for 5 (five) spaces for employee parking and six (6) spaces for "Truck parking". The proposed plan keeps the five (5) employee spaces, but the remaining six (6) spaces have been relabeled "Truck and trailer parking"; and
6. Parking has been added to the plan in the form of "Eight (8) spaces for bus parking" where the dumpster was originally stored along Kensington Avenue.

After review, the proposed changes result in eleven (11) parking spaces onsite; not including the eight (8) spaces for bus parking. In Planning Director Tina Cassidy's memo dated March 9, 2015 (attached), Director Cassidy noted that a landscaping business is defined by Building Commissioner, Tom Quinn, as a "business service and business sales establishment". Therefore, the "it is up to the City Council, as the Special Permit Granting Authority, to determine whether the proposed number of parking spaces is sufficient to accommodate all users of the facility".

In addition, Condition No# 1 of the Landowner's Decision and Notice of Special Permit dated April 9, 2015 calls for " An updated plan of record be prepared that identifies adequate snow storage area(s)". It is not clear if The Council deemed the 2,700 square foot snow storage area as adequate.

Lastly, if the site is to be used to park eight (8) commercial vans onsite, it is the interpretation of the Building Commissioner Tom Quinn, that the site has an additional eight (8) spaces to accommodate the personal vehicles of the drivers operating the commercial vehicles.

If the Council decides to grant the special permit, I recommend the Council impose the following conditions:

1. Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Proposed Site Plan 1095R Main Street Woburn, MASS.; Scale: 1"=40'.; Dated March 17, 2015 Revised on September 3, 2015 AND September 18, 2015.; Prepared by Edward J, Farrell Professional Land Surveyor 110 Winn Street, Suite 203 Woburn, MA.";
2. All other conditions of the Landowner's Decision and Notice of Special Permit dated April 9, 2015 remain intact.

If you have any questions or comments on these recommendations, please do not hesitate to contact me.

Respectfully, s/Neil Cronin, City Planner

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he offered a revised plan entitled "Proposed Site Plan 1095R Main Street, Woburn, Mass." dated March 17, 2015, revised September 3, 2015, revised September 18, 2015 prepared by Edward J. Farrell for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Attorney Tarby stated that the petitioner is seeking a modification of a special permit to allow a revised plan of record, that the truck and trailer parking has been moved, that the dumpster has been moved and that the snow storage has been moved, that there is no plan to downsize the business, and that the original plan had five employee parking spaces and six truck parking spaces and that there revised plan re-labels the five employee parking spaces and six truck parking spaces for truck and trailer parking. Bob Holland, 1 Overlook Avenue stated that there business has been downsized, and that he can provided a list of what trucks and equipment the petitioner currently has but some pieces may be sold in the future as conditions change in business. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the petitioner shall file with the City Council a list of the trucks and equipment to be kept on the locus, and 2. That the two conditions recommended by the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

On the petition by The Bostonian, 20 Brookbridge, Stoneham, Massachusetts 02180 for a special permit pursuant to Section 5.1.57b and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the outside storage and overnight parking of commercial vehicles at 1095R Main Street. PUBLIC HEARING OPENED. A communication dated October 15, 2015 was received from Neil Cronin, City Planner, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for The Bostonian at 1095R Main Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the overnight parking of commercial vehicles and for the alteration or extension of non-conforming uses; Sections 5.157(b) and 7.3 respectively. The property is located in an Industrial-General (IG) zoning district and the requested uses are allowed by City Council Special Permit.

After a discussion with Matt Robitaille of The Bustonian, the petitioner is seeking to park seven (7) buses with lengths ranging from 20' to 40' onsite. The Bustonian is a livery service, and the buses will be largely parked on site 24 hours a day Sunday through Thursday. However, on Friday and Saturday, the buses will be picked up by a driver around 8 p.m. and returned at 2 a.m.

If the Council decides to grant the special permit, I recommend the Council impose the following conditions:

1. The plan of record be modified such that it is identical to that of Burns Landscaping at the same address including any changes the Council may require to that plan;
2. Section 8.5.1. of the Zoning Ordinance requires security lighting for all parking facilities “which are used at night”. If the Council determines that the overnight parking of vehicles (and the specifics of this business’s activities) will equate to the lot being “...used at night”, then the following condition of approval should be included:

“The plans should be revised to incorporate details of security lighting, and be shielded in such a manner that will prevent direct light from impacting abutting properties.”

3. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections;
4. The special permit shall be issued to The Bustonian and shall not be transferrable.

If you have any questions or comments on these recommendations, please do not hesitate to contact me.

Respectfully, s/Neil Cronin, City Planner

Appearing for the petitioner was Matthew Robitaille, 1095R Main Street, Woburn, Massachusetts 01801 of the petitioner and he stated that the petitioner provides a livery service, that the petition is to allow the petitioner to park buses on the locus overnight, that the employees come to the site to get a bus and park their vehicle in the same parking space, that the petitioner has been operating in Charlestown for nine years, that the buses go to the customer’s houses or place of business and then are driven to their destination, that the customers do not come to the Woburn location, that the company is called The Bustonian, that the company has been in business for thirteen years, that the company is Red Beard Entertainment Inc. dba The Bustonian, that the petitioner has eight buses the largest being 45 feet in length, that the petitioner converts old school buses into 32 passenger vehicles, that the buses will leave the locus at approximately 8:00 p.m. and return at 1:00 a.m. or 2:00 a.m. Friday and Saturday nights, that they also provide corporate services at other times during the week, that the customers will not come back to the site, that no music or lights will be on in the buses at the site, that the drivers will return to the site at the end of the night, clean the buses and leave in their own vehicles, that he is not certain what the nonconformity refers to in the petition, that there is no office on site, that the office will be located in Medford center where it is currently located, that he has a small office to answer calls but this can be done from anywhere,

that he operates another business from the Medford location as well, that the buses will be washed offsite at a bus wash that they use in Charlestown, that the buses bring customers back to the location where they were originally picked up, that they would never pick up a customer at a parking lot or a park and ride lot but from homes, that the petitioner has ten drivers, that these are part-time positions and some of his drivers also drive for the MBTA, that no alcohol is served on the bus but customers may bring their own alcohol on the bus, that he was told that the lot was non-conforming, and that 90% of the business is from 8:00 p.m. to 2:00 a.m. but that they would prefer a greater number of hours of operation to accommodate the occasional corporate customer. Mr. Robitaille offered a photograph of the buses for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Brian Napoleon for the petitioner stated that all livery services have a certificate of compliance from the State that allows alcohol on the vehicle, that there is a dumpster on site for the trash, that the only need for water would be for a mop to clean the buses, that the buses currently fuel at a location in Charlestown but they are looking for a local source, that typically the business is on Friday, Saturday and an occasional Sunday, and that business during the week is minimal and is usually in the black bus rather than the colorful buses. Alderman Raymond stated that the area where the buses will come onto Main Street is dangerous, that he wants a condition that the special permit be reviewed in a year to determine whether there are traffic issues, and that the buses will have to be registered in Woburn. Alderman Drapeau stated that the hours of operation should allow for the corporate business which would be earlier in the day. Alderman Concannon stated that this is not a bad use or is he opposed to the petition but that he wants to know what the nonconformity is and the information is not available at this meeting. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. Motion made and 2nd that the conditions of the special permit shall be as follows: 1. Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Proposed Site Plan 1095R Main Street Woburn, MASS.; Scale: 1"=40' .; Dated March 17, 2015 Revised on September 3, 2015 and September 18, 2015.; Prepared by Edward J, Farrell Professional Land Surveyor 110 Winn Street, Suite 203 Woburn, MA."; 2. That security lighting shall be provided and shall be shielded in such a manner that will prevent direct light from impacting abutting properties; 3. All signage shall comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections; 4. The special permit shall be issued to The Bustonian and shall not be transferrable; 5. That all vehicles parked overnight on the site shall be registered in the City of Woburn; 6. That the special permit shall be reviewed one year after the date of issuance of the special permit; 7. That the petitioner may park up to a total of eight (8) buses on the locus; 8. That there shall be no washing of the buses on site; 9. That the special permit petition shall be amended to correct the name of the petitioner to The Bustonian, all in favor, 9-0. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the nine conditions, 7 in favor, 2 opposed (Anderson, Concannon absent).

On the petition by Lord Hobo Brewing Co., 5 Draper Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 8.2 of the 1985 Woburn Zoning Ordinances, as amended, to allow a reduction in the number of required parking spaces at 5 Draper Street. PUBLIC HEARING OPENED. A communication dated October 15, 2015 was received from Neil Cronin, City Planner, Woburn Planning Board as follows:

Re: Planning Department recommendations on special permit application of Lord Hobo Brewing Company for a one-third (1/3) reduction in the parking requirement under Section 8.2 (Mixed Use)

Dear Members of the Council:

The Planning Department has reviewed the above-referenced special permit application filed in accordance with Section 8.2 which seeks permission to reduce the total number of parking stalls required by no more than one-third (1/3).

After a conversation with Building Commissioner, Tom Quinn, it is his interpretation that this petition is best reviewed under the "Other Uses" of Section 8.2 which states:

"Spaces sufficient to accommodate on the site all users of the facility, as established through documentation submitted to satisfy special permit or site plan review requirements, whichever may apply, or if no such requirements apply, documentation to the satisfaction of the Building Commissioner."

Therefore, the petitioner has provided a narrative (attached) which explains the different uses of the facility and the number of employees required to staff each shift.

In sum, the parking ratios in the ordinance require 123 stalls on site and the petitioner is seeking to reduce that number to 82; the site currently has 92 stalls.

If you have any questions, please do not hesitate to contact me.

Respectfully, s/Neil Cronin, City Planner/Grant Writer

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the Building Department determined that the business was mainly manufacturing and not storage, that the petition obtained a special permit from the Planning Board, that the beer in the vats is storage but since they are moved occasionally the Building Commissioner determined this is manufacturing, that the petitioner does not have a local liquor license to allow tasting as there are currently no licenses but the Building Commissioner determined that the area where the tastings would occur is considered a restaurant use which has higher parking requirements, that the petitioner has obtained thirty one-day special liquor licenses to allow the tastings to occur, that the petitioner intends to obtain a beer and wine license when one is available, that the Planning Board gave permission to put snow storage on the landscaped area, and that the sampling area is designated as a restaurant because there

is no other designation in the zoning code, and that there is no kitchen and no food served. Attorney Salvati offered a copy of a letter dated October 14, 2015 to Neil Cronin, Planner, Woburn Planning Department regarding staffing and a plan dated September 10, 2015 entitled "Lord Hobo Brewing Co. Building, 5 Draper Street, Woburn, MA, Occupancy/Areas" prepared by DiLullo Associates, Inc. for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that she was advised by the Building Commissioner that he reviewed the revised plan but a written report has not been provided. Alderman Anderson stated that he has visited the facility, and that there appears to be sufficient parking. Alderman Concannon stated that he would prefer to have a report from the Building Commissioner before acting on the petition. Motion made and 2nd that a communication be forwarded to the Building Commissioner requesting a written opinion regarding this petition relative to sufficiency of the parking, all in favor, 9-0. PUBLIC COMMENTS: Cindy Nickerson, 31 Nashua Street stated that she wants to know if the number of vehicle parking spaces will accommodate the number of patrons, and that at one of the events the vehicles were parking along Draper Street. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 17, 2015 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Allan Danley, Food Truck Builders Group, 2 Draper Street, Unit 1, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow overnight parking of commercial vehicles at 2 Draper Street, Unit 1. PUBLIC HEARING OPENED. A communication dated October 15, 2015 was received from Neil Cronin, City Planner, Woburn Planning Board as follows:

Re: Planning Department recommendations on special permit application of Food Truck Builders Group for overnight parking of commercial vehicles at Two Draper Street

Dear Members of the Council:

The Planning Department has reviewed the above-referenced special permit application filed in accordance with Section 5.1(57b) which seeks permission to park two (2) 20' - 24' long commercial vehicles on the site overnight. The property is zoned Industrial General (IG) and the use is allowed by City Council Special Permit.

Food Truck Builders Group manufactures the interior of food trucks and trailers by way of metal work. According to the ratios in the Woburn Zoning Ordinance, the site requires twenty-seven (27) spaces on site to accommodate the uses (manufacturing and office). However, there are only eight (8) striped spaces onsite. Food Truck Builders Group is the only tenant at Two Draper Street and their largest shift consists of three (3) employees.

After reviewing the site plan, the Planning Department notes the following deficiencies:

- The plan does not show any areas for snow storage;
- The plan does not include details about the location and type of security lighting for the parking lot (Section 8.5.1. of the Zoning Ordinance requires securing lighting for all parking facilities "...which are used at night."); and
- The two spaces for the overnight vehicles are not striped and must be per Section 8.5(5) of the Woburn Zoning Ordinance.

If the Council decides to grant the special permit, I recommend the Council impose the following conditions:

1. An updated plan of record shall be submitted that identifies adequate snow storage area(s), provides an appropriate level of detail on the security lighting, and shows the striped two (2) spaces to be used for overnight parking. Once the plans have been revised to meet zoning, they should be cited in the blank space in the following condition of approval:

“Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be “_____”;

2. The Special Permit be issued to Food Truck Builders Group only and shall not be transferrable; and
3. There shall be no parking of any vehicle in the front yard setback per Section 8.5.2.

If you have any questions, please do not hesitate to contact me.

Respectfully, s/Neil Cronin, City Planner/Grant Writer

Appearing for the petitioner was Attorney Justin Kadich, J. Scott Law PC, 67 Batterymarch Street LL, Boston, Massachusetts 02110 and he stated that snow storage has been provided on site as indicated on the plan submitted. Attorney Kadich offered a plan entitled “Mortgage Survey Plan” dated September 2, 1976 to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that for a few months she has received complaints about the business operating at this location, that the matter has already been through the courts in an action brought by the Building Department, that there is no room on site for the food trucks, that there is noise from the work being done on the trucks, and that she cannot support the petition. Attorney Kadich stated that he was not aware of the complaints raised, that he has visited the premises, that the petitioner manufactures food trucks, that the petitioner is an engineer, that the food trucks are the type seen at food truck festivals in Boston, that these are driveable vehicles with food prepared on the vehicles, that he understands that there is another tenant in the building, and that the petitioner has a maximum of three employees on site including himself. Alderman Gately

stated that the snow storage plan is inadequate. Attorney Kadich stated that he is not certain if any vehicles are stored in the building. Alderman Gately stated that the petitioner has to provide more information for the questions being raised. Alderman Mercer-Bruen stated that the petitioner has been performing work at the location for at least four months. Alderman Gately stated that perhaps the petition should be withdrawn until the petitioner provides the additional information. President Haggerty stated that the petition could be sent to Committee on Special Permits to obtain additional information rather than being withdrawn. Alderman Mercer-Bruen stated that the petitioner is operating without a special permit and is subject to fines. PUBLIC COMMENTS: Cindy Nickerson, 31 Nashua Street stated that the location is the former Arlington Candy Factory, that the building has six bay doors, that the petitioner operates from the first bay door, that there is a paper street on which the food trucks are being parked and repaired, and that she wants to know how many trucks will be parked overnight at the location, how the number of trucks will be controlled and if the parking spaces will be striped. Motion made and 2nd that a communication be forwarded to the Building Commissioner requesting an inspection of the locus for code violations, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 17, 2015 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

CITIZEN'S PARTICIPATION:

Barbara Freeman Locke for Citizen's Participation Time to "to raise the question and concern about the health insurance that is purchased and provided by the City of Woburn and why this is not put out to bid." Alderman DiTucci requested that the City Council hear from the petitioner who is in attendance at the meeting. President Haggerty stated that these petitions are generally sent to committee to allow other residents who may wish to speak on the issue to attend. Alderman DiTucci stated that she does not want the matter to be buried in committee. Alderman Drapeau stated that this is a sensitive subject, that the City Council must be careful not to interfere in contract negotiations, that he respects the right of individuals to speak to the City Council on any subject, that this is part of an issue raised in contract negotiations which the City Council cannot be involved in, and that this is an issue for the Purchasing Agent. Alderman Raymond stated that he understood that the City Council can listen to the matter but cannot comment. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 9-0.

COMMITTEE REPORTS:

ORDINANCES:

A report was received with a communication from City Solicitor Ellen Callahan Doucette and a proposed Ordinance as follows:

Re: Review of WMC Sections 2-180 and 2-181 – Base Salaries

At the Council's request, I am submitting herewith a redlined and a clean version of my suggested revisions for Sections 2-180 through 2-189 of the Woburn Municipal Code ("WMC").

As stated in my June 1, 2015 memorandum, the majority of the City's employees are represented by collective bargaining units and through the collective bargaining process, the terms and conditions of employment are established. In reference to the attached redlined version, the suggested revisions and reasons therefore, are as follows:

Section 2-180 Base Salaries.

- The first paragraph and its references to the "Department Head Compensation Plan have been deleted.
- All union positions have been removed
- The City does not employ civilian dispatchers
- With the exception of the Parking Clerk, Sealer of Weights and Measures, Reserves, School Traffic Guards and Election workers, all part-time positions have been removed. Most of the part-time positions at the Library are covered by the CBA, and the salaries for others are set by the departments.
- I took the liberty of revising the base salaries in accordance with the FY2016 Budget.

Further to this section, please note that the "rates" for part-time employees had not been revised in some time and were quite low. Although the Massachusetts minimum wage statute, M.G.L. c.151, §§1 and 2, does not apply to public employees, the rates paid to part-time employees with particular skills should perhaps, be left to the departments which employ those workers. See new Section 2-181 for suggested language.

For the Council's edification, the following rates are paid for part-time/seasonal employees. At the Library: the Bookkeeper is paid at \$20.75/hr, the Archivist at \$20.55/hr, and the two custodians at \$16.47/hr. For seasonal help, the DPW/Summer crew is paid \$10.00/hr., Parks Laborers at \$9.00/hr., Parks Instructors at \$10-\$11/hr., and Lifeguards at \$11-\$12/hr.

Section 2-181 Police and fire chiefs – Compensation; Section 2-182 Acting police and fire chief – Compensation.

The salaries of the Police and Fire Chiefs were inserted into Section 2-180. As stated in my June 1 memorandum, M.G.L. c.41, §108O authorizes the appointing authority (Mayor) to enter into employment contracts with the Police and Fire Chiefs and provides that, "[s]aid contract shall prevail over any conflicting provision of any local personnel by-law, ordinance, rule or regulation". Therefore the balance of Section 2-181 conferring benefits on the Chiefs "granted under existing ordinances" is of no effect. Section 2-182, (A) conflicts with and intrudes upon the Chiefs' managerial right of assignment within their respective departments; and (B-D) conflict with the terms of the applicable collective bargaining agreements. As such, that section was also deleted.

Section 2-183 Acting Building Commissioner – Compensation.

I deleted this provision as the compensation of individuals performing in an “acting” capacity is already covered under Section 2-189(A).

Section 2-184 Clerical salary schedules.

This section was also deleted as clerical positions are subject to the City Hall union collective bargaining agreement.

Section 2-185 – Part-time employees – Salary increases.

Deleted. See proposed new Section 2-181.

Section 2-186 Overtime Pay.

Deleted.

Section 2-187 Salaries for temporary help or employment.

Deleted.

Section 2-188 Full-time salaried employees – Overtime.

No change other than the deletion of subsection (C) Reserved.

Section 2-189 Miscellaneous salary restrictions.

Additional language added to subsections (A) and (C).

As always, please don't hesitate to contact me if there are any further questions regarding this matter. I am available to discuss at your convenience.

Sincerely, s/Ellen Callahan Doucette

Attached thereto was the following:

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 Sections 2-179 through 2-189 in their entirety and replacing same with the following:

2-179 Salaries of Mayor, members of City Council, officers and employees.

The officers and employees while in the service of the City shall receive yearly as established by statute, ordinance or contract, and at the same rate for any portion of a year, which shall, unless otherwise specifically provided by ordinance be in full for all services which the officers are authorized or required by statute or ordinance or contract to perform, and shall be subject to the deduction of any and all sums due the City from the officers entitled thereto. (Prior Ch. 15 sec.1).

2-180 Base salaries.

Base salaries for City employees and officers not otherwise covered by contract, and stipends for members of the City’s boards, committees and commissions shall be as designated in this section:

Appeals, Board of.....Members (5).....	\$ 4,000.00
Appeals, Board of.....Alternate (1).....	\$ 2,000.00
Assessors-----Chairman	\$ 7,800.00
Board Member	\$ 7,200.00
Cemetery Commissioners (5)	\$ 2,000.00
City Auditor	\$ 96,232.25
Deputy Auditor	\$ 61,997.44
City Clerk.....	\$ 78,986.18
City Council-----Members (8).....	\$ 9,000.00
President (1)	\$ 10,000.00
Clerk of	\$ 11,110.60
City Solicitor.....	\$ 94,485.94
Assistant City Solicitor	\$ 49,710.40
Secretary/Paralegal	\$ 42,872.80
Conservation— Members, per year, each member (7).....	\$ 3,000.00
Fire Chief	\$106,802.77
Deputy Fire Chief	\$ 92,099.48
Board of Health—Chairman	\$ 5,000.00
Members (2).....	\$ 4,500.00
Human Resources Director	\$ 93,405.82
Human Resources Assistant.....	\$ 49,281.79
Library --	
Director	\$ 94,687.90
Assistant Director.....	\$ 68,411.45
Licensing Commission--Members (3)	\$ 4,000.00
Mayor	\$ 73,000.00
	(effective January 15, 2016) \$ 93,000.00
	(effective July 1, 2016) \$103,000.00
	(effective July 1, 2017) \$113,000.00
	(effective July 1, 2018) \$123,000.00
Secretary/Receptionist	\$ 40,174.35
Administrative Assistant to the Mayor	\$ 59,302.80
Parking Clerk (part-time).....	\$ 17,038.70

Planning Board--	
Members (7).....	\$ 4,000.00
Police Chief.....	\$ 101,771.50
Recreation--	
Members (5).....	\$ 2,100.00
Cell Monitors....per hour.....	\$ 14.17
Reserve police officers, per hour	\$ 18.00
School Committee--	
Chairman.....	\$ 3,600.00
Members	\$ 3,000.00
School Traffic Guards.....per hour	\$ 14.00
Sealer of Weights and Measures.....	\$ 15,848.56
Superintendent of Public Works -	\$102,831.06
Deputy Superintendent.....	\$ 94,466.52
Tax Title Custodian.....	\$ 50.00
Voters, Board of Registrars of	
Members (3).....	\$ 3,500.00
Clerk of	\$ 11,110.60
Machine Custodians (2)	\$ 2,505.88
Supervisor of (1)	\$ 3,194.79
Warden, each election	\$ 220.00
Clerk, each election.....	\$ 175.00
Inspectors, each election	\$ 100.00
Substitute election workers, each election cycle.....	\$ 20.00
Water Treatment Plant Manager.....	\$ 84,931.09

The police chief is to submit a monthly report of hours that the parking clerk works to the City council. (Ord. dated 12/29/86 (part); two Ords. dated 4/12/86; Ord. dated 11/7/86; two ords. dated 10/24/86; Ord. dated 6/6/86; two ords. dated 5/14/86; Ords. dated 5/6/86; 4/18/86; 4/7/86; 2/10/86; two ords. dated 12/20/85; Ords. dated 9/20/85; 6/21/85 (part); two ords. dated 4/16/85; Ords. dated 4/15/85; 12/21/84; 12/6/84; two ords. dated 9/27/84; two ords. dated 8/20/84; Ord. dated 7/20/84; two ords. dated 6/21/84; Ord. dated 4/20/84 and ord. dated 4/20/84 (part); Ord. dated 9/9/83 (part); prior Ch. 15 sec.1(A)); Ord. dated 3/12/87; Ord. dated 06/16/87; Ord. dated 09/09/88; Ord. dated 03/31/88; Ords. dated 05/18/88, 06/10/88, 07/25/88, 06/16/87, 02/02/88; 08/19/88, 09/06/88, 09/09/88; Ord. dated 11/18/88; Ords. dated 12/21/88; 3/21/89; 06/09/89; 7/21/89; 10/18/90; 11/26/90; 04/19/91; 8/15/95; 11/22/96 7/23/97; 1/6/98; 6/19/98; 6/26/98; 9/1/98; Human Resources Director salary amended 1/6/98 effective 12/8/97; amended 6/4/99; amended 9/30/99; amended 6/6/2000; amended 8/16/1999; amended 8/24/2000; amended 8/24/2000; amended 8/27/2001 effective 7/1/2001; amended 9/26/2001 effective 9/1/2001; amended 7/22/2002 effective 7/1/2002; amended 4/8/2004; amended 5/10/2004; amended 9/27/2004; amended City Clerk, Clerk of Council, Clerk of Board of Registrars of Voters, Human Resources Director, City Auditor, Library Director 6/16/2008; amended

Police Matrons, Reserve Police Officers, School Traffic Guards, Election Warden, Election Clerk, Election Inspector, Election Substitute 8/19/2008; amended City Auditor, Human Resources Director, Library Director, City Solicitor, City Clerk, Clerk of the Council, Clerk of Board of Registrars of Voters 7/8/2010; Administrative Assistant to Mayor 12/15/2011; amended City Auditor, City Clerk, Clerk of City Council, Clerk of Board of Registrars of Voters, Human Resources Director, Library Director, City Solicitor, Human Resources Clerk 7/12/2012; Recreation Wellness Coordinator 7/12/2012; amended City Auditor, City Clerk, Clerk of the City Council, Clerk of Board of Registrar of Voters, Human Resources Director, Library Director, City Solicitor 6/20/2013 eff. 7/1/2013; Mayor amended 4/29/2014; amended City Auditor, City Clerk, Clerk of the City Council, Clerk of Board of Registrar of Voters, Human Resources Director, Library Director, City Solicitor 4/23/2015 eff. 7/1/2014 and 7/1/2015; Deputy Fire Chief 9/3/2015; .Superintendent of Public Works amended 2/15/94; 1/6/98; 6/19/98; 6/6/2000; 8/27/2001 effective 7/1/2001; amended 7/22/2002 effective 7/1/2002; amended 4/22/2011; amended 6/8/2012; amended 7/12/2012; 6/20/2013 eff. 7/1/2013; amended 5/7/2015, eff. 7/1/2014 and 7/1/2015).

2-181 Part-time and seasonal employees – Compensation

All part-time and seasonal employees shall be paid at an hourly rate as set by the individual department, board, committee or commission in consultation with the Mayor.

2-182 Temporary/seasonal help in the Department of Public Works - Age

No person under seventeen years of age shall be employed by the department of public works under any circumstances.

2-183 Full-time salaried employees--Overtime.

The following listed full-time employees of the City are considered by their employer, namely the City of Woburn, as salaried employees holding salaried positions. Non-union, salaried employees may temporarily adjust their hours with the approval of the Mayor to reflect the needs of the City as a result of an excessive amount of required hours within a time period.

A. Department Heads.

B. Non-union, non – Department Head employees.

(Prior Ch. 15 sec. 7; Ord. dated 6/24/1987; Amended 8/27/2001 effective 7/1/2001)

2-184 Miscellaneous salary restrictions – non-union full-time employees.

A. Any officer or person temporarily holding or performing the duties of any office by authority of the Mayor or by any ordinance for a period of not less

than two weeks shall receive a salary at the rate fixed in this chapter for the office he holds.

- B. Every officer shall be allowed a reasonable compensation for expenses actually incurred in performing the duties of their office.
- C. All non-union employees, including full and part time, except department heads, elected officials and appointed members of commissions and boards, shall be entitled to the same rate of increase as is negotiated in the collective bargaining agreement between the City of Woburn and SEIU Local 888, City Hall Union. The increase shall take effect on July 1 of each fiscal year. (Ord. dated 6/19/86; prior Ch. 15 sec.8; amended 2/15/94)
- D. The City Council shall, by the second meeting in March determine the rate of increase, if any, of the non-union department heads' salaries. This provision shall not preclude the City Council from adjusting the salaries at other times during the year. (added 6/3/2014 effective 7/1/2014)

(Sections 2-185 through 2-189 Reserved)

s/Alderman Anderson

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

FINANCE:

On the Order to transfer the sum of \$125,000.00 from BLS Ambulance Receipts Acct to Fire Ambulance Salary Acct, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 23, 2015 s/Scott D. Galvin October 22, 2015

PUBLIC SAFETY AND LICENSES:

On the petition to transfer the Inflammable License from Hess Retail Operations LLC to Speedway LLC at 306 Montvale Avenue, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: October 23, 2015 s/Scott D. Galvin October 22, 2015

On the petition by ACT Leasing Inc. for renewal of Second Class Motor Vehicle Sales License, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained).

Presented to the Mayor October 22, 2015 and ten days having elapsed without same being approved, said License became effective without his signature on November 3, 2015.

On the petition by Gevorg Melikyan dba Milano Jewelry for a new License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be adopted, all in favor, 9-0.

Presented to the Mayor October 22, 2015 and ten days having elapsed without same being approved, said License became effective without his signature on November 3, 2015.

On the petition by Sam S. Avakian dba SA Livery Service for a new Livery License, committee report was received “ought to pass.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor October 22, 2015 and ten days having elapsed without same being approved, said License became effective without his signature on November 3, 2015.

SPECIAL PERMITS:

A communication dated October 15, 2015 was received from the Committee on Special Permits as follows:

The City Council Committee on Special Permits pursuant to the provisions of Condition #1 of a Special Permit issue on September 4, 2014 to Benchmark Senior Living, held a meeting on October 14, 2015 relative to: Request of Benchmark Senior Living for review of amendment to plan relating to landscaping enhancements pertaining property located at 320 Salem Street.

Motion was made and seconded to accept Plan of Record dated 8/4/2015. The Vote was all in favor, 5-0.

Thank you for your consideration.

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

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicles Sales Licenses by: Lannan Chevrolet, Inc., 40 Winn Street and Winn Street; and R.C. Olsen Cadillac, Inc., 199-201 Cambridge

Road. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by: Capelo's Garage, Inc., 22 Winn Street; Kenneth L. O'Connor dba City Line Motors, 39 Rear Torrice Drive; George J. Hamilton dba George's Auto Body; and Donald J. Socorelis dba Woburn Glass Co., 243 Main Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petitions by Stephen Miele for approval of an exemption under M.G.L. Ch. 268A, §20(b) to allow the provision of snowplow services to the city. Motion made and 2nd that the EXEMPTION PURSUANT TO M.G.L. Ch. 268A, Section 29(b) be GRANTED all in favor, 9-0.

Presented to the Mayor: October 23, 2015 s/Scott D. Galvin October 22, 2015

Petition by Woburn Ventures, LLC, 39 Industrial Parkway, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57b and 7.3 to allow for the outside storage and parking of commercial motor vehicles and contractor's equipment at 39-41 Industrial Parkway. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit and site plan approval pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3a, 5.7.3 and 12.2.2 to allow for forty one (41) residential townhouse units, and a waiver of the required buffer zone of seventy (70) between the R-3 zoned property and O-P zoned property at 98 Baldwin Avenue; 100 Baldwin Avenue, Chester Avenue (09-11-01); Chester Avenue (09-11-02), Dexter & Warren Avenue (09-13-01). Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated October 15, 2015 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of Jan. 2015 to September 2015: Number of violations issued 631, Numbers of violations

paid 302, Number of violations outstanding 245, Amount collected and submitted to Collectors Office \$36,486.40, Parking fines referred to the Handicap Commission \$10,400.00.

There is a backlog of 1,691 unpaid tickets dating from January 2004 to September 2015. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully submitted, s/Charles O'Connor, Parking Clerk

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

A communication dated October 8, 2015 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: 20 Garfield Avenue, Woburn

I received the City Council's correspondence asking that I seek a court appointed receiver for the property at 20 Garfield Avenue (the "property), if appropriate. A copy of that request is attached hereto. The potential for obtaining the appointment of a receiver for this property was the subject of a May 29, 2014 memorandum to the City Council, a copy of which is also attached. This correspondence will serve to supplement that memorandum.

Sometime after I submitted the May 29, 2014 memorandum to the City Council, one of the later property owner's heirs, Joseph Schenck, contacted the Building Commissioner and inquired about obtaining building permit to undertake some repairs at the property. Afterward, Mr. Schenck came to my office but I could only suggest that he retain legal counsel to probate the estate and have an administrator appointed who would be authorized to act on behalf of the estate in regard to the condition of the property and the outstanding tax lien. To my knowledge no steps have been taken to have an administrator appointed.

As to the tax lien, the City's tax title counsel for this matter told me that at the September 3, 2015 Land Court hearing on the City's Motion for Judgment on the Tax Lien, several of the heirs appeared and again requested time within which they could file with the Probate Court. Upon information and belief, the 18 or so heirs of the late property owner have yet to agree on a plan regarding the disposition of the property. Nevertheless, the Judge continued the City's Motion until December 3, 2015 to allow the heirs additional time though I understand that the Judge's patience is wearing thin. The current tax tile account, exclusive of costs and attorneys fees, is approximately \$68,000.00.

Unless and until the heirs make a concerted effort to resolve their differences, in all probability the Land Court will grant the City's Motion for Judgment on the Tax Lien. Though an auction of the property will not happen for some time, the City will take possession of the property.

To the issue of a receivership, as stated in the May 29, 2014 memorandum, evidence of building/health code violations is a prerequisite to the filing of a Petition for Appointment of a Receiver. After examining the property from the street, the Health Agent informed me that some violations of the Sanitary Code are evident and he has provided me with a report. The Building Commissioner has no concerns at this time.

Given the current condition of the property and the amount of the tax lien, the potential for a receivership depends upon whether in the end; the value of the property would cover the costs of rehabilitation and the tax lien. I asked the individual who served as the receiver for the 18-20 Campbell Street property to look into the matter, and I am awaiting his response. Regardless of that response, it is likely that the City will be foreclosing on the tax title in the next couple of months.

In the interim, I suggest that the Council table the nuisance hearing under M.G.L. c.139, §1 as it unlikely that notice was served upon all parties with an interest in the property.

Thank you for your attention to this matter and please do not hesitate to contact me if you have any questions regarding the above.

Sincerely, s/Ellen Callahan Doucette

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

A communication dated October 1, 2015 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 meeting for the month of September 2015. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated October 5, 2015 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Franson, et al v. Anderson, et al, No. 15 MISC 00038

On the City Council's behalf I accepted service of the above-referenced complaint, which challenges the recently enacted zoning amendment for the property at 165 Cambridge Street pursuant to M.G.L. 240, §14A. A copy of the complaint is attached hereto.

In sum, the complaint alleges that the rezoning amendment constitutes illegal spot zoning and contract zoning in violation of M.G.L. c.40A, §4 (requiring uniformity of districts) and is of no effect. Despite the filing of this complaint, please be advised that the zoning amendment is and will remain valid unless and until the Land Court determines otherwise. Therefore, should the property owner file an application for a special permit to develop the property, such application is properly before the City Council, and action may be taken thereon.

I will keep the City Council apprised as this matter progresses. I am currently preparing the Answer to the Complaint and after the Answer is filed, the Land Court will issue notice of the Scheduling Conference.

Sincerely, s/Ellen Callahan Doucette

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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:40 p.m.

A TRUE RECORD ATTEST:

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