

**CITY OF WOBURN
SEPTEMBER 26, 2006 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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 September 5, 2006 was received from His Honor the Mayor as follows:

Re: 29th Annual Mayor's Senior Appreciation Day Dinner

Dear President Doherty and Members of the City Council:

On Sunday, November 5, 2006, the 29th consecutive Mayor's Senior Appreciation Day Dinner will be held at Woburn Memorial High School at 12:00 noon. It is my pleasure to continue this tradition that attracts approximately 700 of Woburn's Senior Citizens each year.

As part of that tradition, I would like to invite all members to participate in the dinner by serving our seniors.

I look forward to seeing you there.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXXVII, Section 2-177 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By deleting from the first sentence in Paragraph A the words “or simply ‘Woburn’,”.
2. By adding to the first sentence in Paragraph A after the words “and shall include” and before the words “the department to which” the words “the city seal and”.
3. By deleting the second sentence in Paragraph A in its entirety.
4. By deleting from the third sentence in Paragraph A the words “two-and-one-half inches” and inserting in its place the words “three inches”.
5. By deleting the fourth sentence in Paragraph A in its entirety.
6. By deleting the fifth sentence in Paragraph A in its entirety.
7. By deleting the sixth sentence in Paragraph A in its entirety and inserting in its place the following: “A list of all vehicles, including license plate numbers that are used for unmarked purposes shall be provided to the Mayor and City Council by the police and fire chiefs. A list of police vehicles used primarily for undercover or surveillance purposes shall be kept on file in the office of the Chief of Police and should not be disclosed without the explicit approval of the Chief of Police.”
8. By deleting the seventh sentence in Paragraph A in its entirety.
9. By deleting Paragraph B in its entirety and inserting in its place the following: “B. When newly purchased vehicles are put into service, excluding those of the police and fire departments and department heads, they shall be painted orange. All marked police vehicles shall be ordered, lettered and painted the same color scheme as determined by the Chief of Police upon approval of the mayor. All unmarked and undercover police vehicles shall be ordered and painted or repainted as determined by the Chief of Police. Undercover, Unmarked and Surveillance Police vehicles are not required to be lettered. All fire vehicles shall be lettered in accordance with Paragraph A and shall be painted red, or red and white. All other vehicles assigned to department heads shall be painted white and shall be lettered in accordance with Paragraph A.
10. By adding a sixth sentence to Paragraph C as follows: “The mayor may, during an emergency or any other unusual event as the mayor determines, temporarily authorize certain city employees to retain their assigned city vehicles at all times to facilitate their response or recall to the emergency or other unusual event. The mayor will notify the city council in writing, within 24 hours, when he/she exercises this discretion.”

s/President Doherty

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

PUBLIC HEARINGS:

On the petition by Boston Edison Company and Verizon New England, Inc. for a grant of right in a way to install three joint occupancy poles and remove three joint occupancy poles on the northerly side of Mishawum Road approximately 470 feet west of Commerce Way (P30/13, 30/14, 3015) and to install an anchor guy on the northerly side of Mishawum Road approximately 470 feet west of Commerce Way (P30/12). PUBLIC HEARING OPENED. A communication was received from Frederick Russell, Superintendent of Public Works as follows: "Approved". Appearing for the petitioner was Jacqueline Duffy of NStar and she stated that this is for off-site improvements of Woburn Mall and the new driveway opposite the Hampton Inn. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, all in favor, 9-0.

Presented to the Mayor: Sept. 29, 2006 s/Thomas L. McLaughlin Sept. 29, 2006

On the petition by HPH Realty, LLC, 9 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b and Section 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, so as to allow for the parking of commercial vehicles on the property at 3 Oakland Street and the abutting lot identified on Assessors Maps 9-6-2 and 9-6-1. PUBLIC HEARING OPENED. A communication dated September 11, 2006 was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit – HPH Realty, LLC

Ladies and Gentlemen:

Please consider this as a request by the Petitioner to continue the Public Hearing scheduled for September 26, 2006, to the meeting of October 17, 2006 or the meeting following, as additional time will be necessary to clarify the plans for Planning Board review.

Thank you for your consideration.

Sincerely, s/John D. McElhiney

IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 17, 2006, all in favor, 9-0. Motion made and 2nd that the City Engineer review the new drainage plan, all in favor, 9-0.

On the petition by Lytron, Incorporated, 55 Dragon Court, Woburn, Massachusetts 01801 for a special permit pursuant to Section 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, to allow for accessory parking and access from the private way known as Derry Lane for the benefit of petitioner's building at 41 Dragon Court on the lot known and numbered as 41A-41B Dragon Court. PUBLIC HEARING OPENED. A communication dated September 11, 2006 was received from Attorney Malcolm H. Houck, 7 Winn Street, Woburn, Massachusetts 01801 as follows:

In re: Lytron Incorporated – 41A-41B Dragon Court

Dear Mr. Campbell:

A conclusion reached in several recent discussions with City Planner Ed Tarallo, is that the Special Permit for Lytron, Inc., concerning the above property represented a development plan that was not fully formulated at the time of filing. Several versions of proposed plans have been prepared and revised, in process, as discussed with Mr. Tarallo on several occasions.

The most recent revision of the proposed plan now eliminates formal access over the unbuilt way known as Derry Lane: -- as one portion of the original proposal that was the most difficult, if not impossible, to resolve. Based upon a most recent meeting and with more fully and completely revised engineering plans in the offing, the petitioner has concluded that a proper and foundational next step is to address the zoning relief required in order for any proposal for the intended use of this parcel to meet with success.

Specifically, there must be a resolution of those restrictions contained in a May 1982 ZBA Decision. Since, without a current resolution of the Zoning Relief any Special Permit Granting Authority action upon this petition is premature, Lytron, Inc. is now requesting the City Council for leave to withdraw its petition in this case, without prejudice.

Once the zoning has been resolved, and if favorably, then this petitioner will be in a position to file a new petition for Special Permit. Any new and subsequent petition, with a corresponding final and complete plan, will be free of those more difficult features that have both confused and encumbered the present petition.

Thank you in advance for your help in this matter. If you require any additional information, or have any questions, please feel free to contact me.

Very truly yours, s/Malcolm H. Houck

A communication dated September 22, 2006 was received from Edmund P. Tarallo, Planning Director, as follows:

Re: Lytron, Incorporated – 41A – 41B Dragon Court – Special Permit for accessory parking and access from Private Way, Derry Lane

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on September 12, 2006, the Board voted to support the petitioner's request to withdraw the above referenced matter without prejudice.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney Malcolm H. Houck and he stated that there is still one issue that could not be resolved relative to what appears to be a 1982 variance, that until that issue is resolved the petitioner would like to withdraw the petition without prejudice, and that the petitioner would submit a new petition at a later date if these issues can be resolved working with the Planning Board. IN FAVOR: None. OPPOSED: 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 MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

On the petition by ten taxpayers and citizens of the City of Woburn for the acceptance of the entire length of Presidential Way in Woburn, Massachusetts as more accurately depicted on Definitive Subdivision Plan Dundee Park I – Modification in Woburn, MA prepared for National Development of New England with a date of April 28, 2003 Sheets 1 through 6, prepared by Hancock Survey Associates, Inc. and recorded at the Commonwealth of Massachusetts South District Registry of Deeds, Cambridge, Massachusetts Plan #33 of 2004. PUBLIC HEARING OPENED. Appearing for the petitioner was Carols Defrias, Hancock Associates and he stated that the Planning Board gave subdivision plan approval in June and the Committee on Highways gave a favorable recommendation. Bryan Clancy, National Development stated that acceptance of the way was a condition of developing this property and this action will conclude this. The report of the Committee on Municipal Lands/Highways was as follows: "ought to pass". Motion made and 2nd to accept the report of the Committee on Municipal Lands/Highways, all in favor, 9-0. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn and he stated that he is in favor of accepting the roadway in view of the value of the work of National Development in developing the office park in that area, that a portion of this property being accepted belongs to someone other than National Development and that landowner may request remuneration for this taking, that accepting this street also is a blessing by the City Council on the waterline that will go through that area to Wilmington, that the City Council must be concerned with public safety and he is concerned about the land in that area being disturbed, that the hours of operation for construction should be reviewed so that the majority of the work is done at night rather than during the day, and that there should be a clerk of the works overseeing the project for the city on site. Mark Bonright, Vice President of Responsible Site Management stated that acceptance of the streets is a critical part of the

redevelopment of the property. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that PRESIDENTIAL WAY be ACCEPTED, all in favor, 9-0.

Presented to the Mayor: Sept. 29, 2006 s/Thomas L. McLaughlin Sept. 29, 2006

On the petition by Burlington Massachusetts Department of Public Works, Town Hall Annex, 25 Center Street, Burlington, Massachusetts 01803 for a special permit to construct improvements to the Burlington Mill Pond Water Treatment Facility including improvements to existing water treatment process systems and the existing building interior, a building addition to house administrative and maintenance functions, the relocation of a 48 inch storm drain, relocation of access and parking areas and addition of storm water retention systems at 62 Winter Street. PUBLIC HEARING OPENED.. A communication dated September 22, 2006 was received from Edmund P. Tarallo, Director, Woburn Planning Board as follows:

Re: Town of Burlington Department of Public Works – 62 Winter Street – To construct an addition to Burlington’s Mill Pond Water Treatment Facility

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on September 12, 2006, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to construct an addition to Burlington’s Mill Pond Water Treatment Facility subject to the following conditions:

1. The petitioner shall dredge the silt deposits at the 48 in. and two-24 in. drain outlets and stream bed prior to start-up of the new facilities and the drain lines shall be cleaned and maintained at least once a year.
2. That the spill containment curbing provided in the storage and feed areas shall be designed to contain 110% of the storage tank volume.
3. That “No Parking After Dark” signs shall be posted at the reservoir gate.
4. That the drainage system and maintenance plan shall be approved by the City Engineer.
5. That the Planning Board shall approve a landscaping plan for the site and shall retain jurisdiction over the landscaping.

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

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Al Fay, Chair of the Burlington Board of Selectman and he stated that there will be a tie into the reservoir for the city of Woburn if there was ever a need, that they will install a wood grain guardrail at the front to replace the current guardrail which will be more aesthetically pleasing, that they will increase the patrols and

monitoring cameras to prevent parking after dark, that there is no issue with neighbors parking in the area but they do not want it to be a hang out, that security concerns at these types of facilities are heightened, that there is no increase in the discharge to Woburn, that this is an upgrade of the building that is required for water treatment facilities, that a portion of the facility is in Woburn, that they will use a vac-truck once a year to clear silt from the drains, that he believes this originates in Wilmington and perhaps Woburn, Burlington and Wilmington municipal engineers can discuss this issue, that they have to follow conditions of the Conservation Commission on the erosion issues, that they cannot go into Wilmington to clean drains but will contact Wilmington to do so, that at one time there was water on both side of the road in that area, that an inspection of the dam is done by the Army Corps of Engineers, that their report is a public document, that there will be no additional offices or loading dock as they are already located at the current facility, that the current structure was built in 1972, that there are two truck trips per month to the site, and that they will do their best to install video monitoring when the facility opens. Hank Wainstroff, Metcalf & Eddy, stated that the property is located in the northwest corner of the city, that the existing water treatment plant is entirely within Burlington, that the addition is located on the municipal boundary of Woburn and Burlington, that Burlington owns the entire site, that there will be a complete rehabilitation of the facility, that the addition is for additional administrative area, that there will be additional paved areas for parking, that there will be two major filtration basins for storage of any increased stormwater, that they will relocated the 48 inch drain around the facility, that approximately 2,300 square feet of the building will be in Woburn together with parking, that the original building is over thirty years old, that the current facility does not meet the current code, that extensive monitoring is now required which was not required thirty years ago, and that the generator is enclosed within the current building. Brian Norton stated that he is the principal architect for the project, that the existing facility is just under 6,000 square feet in area, that the new addition is under 4,000 square feet, that the filter and pump room in the existing building will have some minor modifications, that there will be major renovations in a section next to the pump section, that the existing loading dock area will be where the new addition connects, that the new loading dock will be at the back of the building, that the dumpster is located behind the building, that there will be a new lab, offices, control room, employee break room, file room, storage, support facilities, showers, bathrooms and a two car garage in the new section, that this will bring the existing facility up to code, that the front of the building will be re-landscaped with a new sidewalk to the entrance of the facility, that it will be like the existing red brick building with a flat roof fourteen to fifteen feet high, that they will match the construction with the addition of concrete copings and sills, that they will use the geography to lower the grade about four feet to reduce the sight of vehicles on the locus, that the current building is rated at 6,000,000 gallons per day, that after construction there will be a 5,300,000 gallons per day capacity, that they will not change the processes although they will be eliminating gaseous chlorine for one of the treatments which is hazardous, that the staffing will remain the same, and that there will be a gate to control access. Syamal Chaudhuri, Superintendent of the Burlington Department of Public Works stated that there is a meter of the discharge from the building that is monitored by the Massachusetts Water Resources Authority (MWRA) and the town of Burlington is billed by the MWRA for the discharge. Alderman Ciriello stated that a

majority of the issues have been addressed and met, that the town of Burlington has been cooperative, that he would not support this if it was more detrimental to the neighborhood, that he believes that this will be an improvement to the neighborhood, and that the town of Burlington has been responsive to the concerns of the city of Woburn. IN FAVOR: Bill Livolsi, 57 Winter Street stated that there is a stream that runs next to his property, that the flow of the river has silt from Wilmington that dumps into the drains and impedes the flow, that this causes flooding on the main street, that neither Woburn nor Wilmington takes responsibility for this, that Wilmington does not show up and Woburn has sent heavy equipment which will damage his property, that they has had to evacuate the plant due to chemical issues at the plant over the years, that there is little oversight at the plant, that hazmat has been called to the plant for chemical spills, that he has to clean the two storm drains to prevent flooding at this home, that he has had water come up to his foundation and cover his lawn, that water has been percolating up in a greater amount as the contractor has been digging at the site, and that he is concerned that when the construction is complete as to how much water will percolate. Mr. Livolsi offered photographs to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Mike Millette, 53 Winter Street stated that soil erosion behind his house is a concern brought about by the silt and stream, and that he would like the height or level of the ground examined each year and if it erodes that it be rebuilt. OPPOSED: Glyn Jacobs, 6 Robinlea Circle stated that the first that he knew of this was when approximately three weeks ago construction started at the site, that he is concerned that this is an industrial building that is located in a strictly residential area, that the building is huge, that the footprint is much larger than anything in the area, that some of the work requested in the petition is already commenced, that this may benefit Burlington and some upgrades may be necessary but it does not belong in this area, and that in six years he has never seen any enforcement of the no trespassing signs. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Alderman Denaro stated that if the video monitoring equipment is a condition and is not installed then the Building Department will not issue an occupancy permit until it is installed, and that the word of the town be taken on that issue. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED, with the conditions as follows: 1. That the Planning Board recommendations be adopted as conditions of the special permit; 2. That Planning Board condition number 3 be amended to state "along entire length of property as Burlington determines to be necessary; 3. That there be an emergency tie-in to Woburn; 4. That the current guardrail shall be replaced with a metal wood finish guardrail; and 5. That the special permit shall be reviewed within six (6) months of date of issue for compliance, all in favor, 9-0.

On the petition by Alderman Richard Gately to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: By amending in Section 2 Definitions, the definition "LEGAL STREET FRONTAGE" by deleting the word "LEGAL" and by further amending said definition by striking the last sentence which states "On a corner lot, the shorter street frontage shall be considered the legal street frontage unless otherwise specified by deed restriction." And by further amending Section 2, the definition of "LOT

LINE, FRONT” by striking the last sentence which states “On a corner lot, the shorter street frontage shall be considered the legal street frontage unless otherwise specified by deed restriction.” And by further amending in Section 5 Use Regulations, by deleting in Section 5.2.4.6 the word “legal” in the first sentence. And by further amending in Section 6 Dimensional Regulations, Section 6.1 Table of Dimensional Regulations by adding under the column title “Front Yard Setback”, “Side Yard Setback” and “Rear Yard Setback” the following “(Note 9)”. And by further amending Said Section 6, by adding at the end of the Footnotes to 6.1 Table of Dimensional Regulations the following “9. The definition of lot line, front; lot line, rear; and lot line, side as stated in Section 2 shall be used to calculate the front yard setback, side yard setback, and rear yard setback.”

PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought to pass”. Motion made and 2nd that the committee report be received, all in favor, 9-0. IN FAVOR: None. OPPOSED: John Sawyer, 14 Frank Street Court stated that he is in opposition to this proposal, that this has been offered to correct earlier mistakes on this issue, that this validates those mistakes and does not correct the problem, that it eliminates a neighbors ability to challenge a decision, that this will allow developers to build larger buildings on the streets, that this may not create new buildable lots but eliminates eighteen feet of setback, that this will create lots with two 25 foot and two twelve foot setbacks, that this is contrary to the intent of the zoning code as it will increase overcrowding, and that he asks that this proposal be voted down or be sent back to committee to benefit the citizens of Woburn and not builders and developers.

Alderman Gately stated that he takes exception to the comment that this will help builders and developers, that this was offered to assist people such as Mr. Sawyer, and that other zoning code sections still control how big the houses can be. Mr. Sawyer stated that two houses were erected next to him and they would have been built whether this amendment is adopted or not, that other communities have the frontage as the way the house faces and the driveway empties, that the language in Woburn is ambiguous which allowed the Building Commissioner to incorrectly issue a building permit, and that interior lots have thirty foot setbacks. Alderman Gately stated that the Planning Board is unanimously in favor of this ordinance amendment. Alderman Gonsalves stated that both positions are right, that you cannot build bigger than a 3,000 square foot house on a corner lot but the house can be built closer to a second abutter. Alderman Gately stated that this was offered not to help builders and contractors but to help residents. Alderman Drapeau stated that this has been a confusing issue to understand. Alderman Gately stated that there will be a 25 foot setback for the front and side of the house with twelve feet on one side and thirty feet on the rear., that the 25 foot setback remains, and that a lot cannot have two thirty foot setbacks as there will not be enough room for the construction of a house. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED.

Alderman Ciriello stated that this may require more discussion, that although houses may not be bigger they may be closer and there has to be a decision as to how the city will look, and that he does not want to see Woburn become congested. Alderman Gately stated that he would prefer to have a vote on this up or down. President Doherty stated that this benefits the corner lot because there will be two 25 foot setbacks and a twelve foot side setback and a thirty foot rear setback. Alderman Gately stated that this clarifies what the setbacks are on corner lots, and that new subdivisions generally will not have an issue because the corner lots are large enough. Alderman Galvin stated

that this proposal does not give any one any extra protection. Alderman Gately stated that this eliminates making the shortest street as the legal street frontage and makes the longest street frontage as the legal street frontage. Alderman Drapeau stated that he is uncomfortable with this proposal, that this ordinance would not help Mr. Sawyer because of the ordinance and that if he is not helped then neither would many other people be helped, and that he will not support this. Motion made and 2nd that the ORDINANCE be ADOPTED, ROLL CALL: Ciriello – No, Denaro – No, Drapeau – No, Dwyer – No, Gately – Yes, Galvin – No, Gonsalves – No, Mercer-Bruen – No, Doherty – No, MOTION FAILS.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$250,000.00 from Receipts Reserved for Appropriation Ambulance to Ambulance Salary Account and Ambulance Maintenance Account, committee report was received “ought to pass”. Motion made and 2nd to received committee report, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Sept. 29, 2006 s/Thomas L. McLaughlin Sept. 29, 2006

SPECIAL PERMITS:

On the request by Donald Hasty to amend the special permit granted October 18, 2005 for the property located at 45 Commerce Way, committee report was “that the request be denied.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

CITIZEN’S PARTICIPATION:

A request for citizen’s participation was received from Nicholas Rallo relative to manning an emergency shelter for the city of Woburn. Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON LIAISON, all in favor, 9-0.

NEW PETITIONS:

Petition by Town of Wilmington for a grant of right in a way to install a 20-inch diameter water main in Presidential Way in the City of Woburn to connect the Town of Wilmington municipal water system with the Massachusetts Water Resources Authority water system as shown on the plan filed with the City Clerk entitled “Town of Wilmington, Massachusetts MWRA Connection Transmission Main” by SEA

Consultants, Inc. dated April 2006. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Joseph A. Pecora, Pecora Contracting Co., Inc., 25 Murray Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Municipal Code, as amended, for accessory outside parking of commercial motor vehicle's or contractor's equipment in conjunction with the petitioner's contracting business and office in Unit #6 at 5 Crescent Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Richard Lichoulas, 5 Tory Row, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.15 and Section 11 of the 1985 Woburn Zoning Code, as amended, in order to construct an accessory detached garage at 5 Tory Row. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc., c/o Brian S. Grossman, Esq., Prince Lobel Glovsky and Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 for a special permit to install and operate a wireless communications link consisting of three (3) wireless communications antenna flush-mounted to an existing Boston Edison Company wood utility transmission structure #14 with the accessory radio equipment placed in an area adjacent to the structure within a fenced compound at 145 Lexington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated September 15, 2006 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending August 2006: number of tickets issued 1,262, number of tickets paid 1,158, number of hearings scheduled 621, number of tickets voided or dismissed 134, number of tickets outstanding 287, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$50,422.00. There exists a backlog of 4,805 tickets for 1982 through 2005. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$11,100.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

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

A copy of a communication to the Appeals Court, One Pemberton Square, Suite 1200, Boston, Massachusetts 02108-1705 was received from Attorney Jonathan M. Silverstein, Kopelman and Paige, P.C. along with a copy of a Defendants-Appellants' Motion for Waiver of Additional Filing Fees in the matter of Gibbs Oil Company Limited Partnership v. Scott Galvin, et. al. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated September 11, 2006 was received from Attorney Lauren F. Goldberg, Kopleman and Paige, P.C. relative to recent legislation applicable to local adjudicatory hearings. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated August 29, 2006 was received from Robert McNabb, Executive Director, Woburn Housing Authority relative to the interest of the Woburn Housing Authority in working with the City Council concerning the future development of the former Tarky School site and to explore the best methods to provide additional affordable housing facilities that may assist a cross-section of the City of Woburn's elderly population at the location. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated August 21, 2006 was received from Andrew Creen Chief Appraiser, Woburn Board of Assessors relative to Chapter 260 of the Acts of 2006 An Act Establishing the Massachusetts Military Enhanced Relief Individual Tax (Merit) Plan. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated September 7, 2006 was received from Attorney Kathleen M. O'Donnell and Attorney Laura H. Pawle, Kopleman and Paige, P.C. relative to municipal affordable housing trust funds. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated September 25, 2006 with attachments was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 relative to the petition of Gibbs Oil Company Limited Partnership, 107 Winn Street, Woburn, Massachusetts for a special permit which was denied by the City Council and pending appeal of that decision. 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:

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 3, Article V, Section 3-25 Senior Citizen Property Work-Off Program of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By deleting Paragraph E in its entirety and inserting in its place the following:
 - E. Abatement Guidelines
 1. The hourly rate for services cannot exceed the state's minimum wage or be lower than the federal minimum wage. Therefore, the rate shall be set to the state's current minimum wage.
 2. The maximum abatement credited to an individual shall be \$750.00 per fiscal year or the maximum allowed by Chapter 184, Section 52 of the M.G.L as amended from time to time. The maximum abatement allowed per household shall be \$750.00 or the maximum allowed by Chapter 184, Section 52 of the M.G.L. as amended from time to time.
 3. The maximum number of hours worked will be determined according to the current state minimum wage.
 4. The abatements will be charges against the overlay account. No checks will be issued.
 5. Upon completion of the required hours of work service or a fraction there of an abatement in accordance with chapter 184, Section 52 of MGL, will be applied to the corresponding fiscal year's tax bill. Earned reductions must be applied to the actual tax bills for the fiscal year.
 6. The maximum abatement to any senior during a program year shall be \$750.00 per year or the maximum allowed by Chapter 184, Section 52 of the M.G.L. Applicants shall be aware that the abatement allowed is considered taxable income although the city of Woburn is not obligated to issue an IRS Form 1099 for payments less than \$600.00. The amount of the property tax abatement by the taxpayer under this program is not considered income or wages for the purposes of state income tax withholding,

unemployment compensation or workmen's compensation. The IRS has ruled out that under current Federal laws the abatement amount is included in the taxpayer's gross income for both federal income tax and FICA tax purposes.

2. By deleting Paragraph H in its entirety and inserting in its place the following:

H. Additional Rules

1. Income limitations on eligibility shall be \$30,000.00 for single household and \$40,000.00 for a couple.
2. State the Senior Citizens Property tax Work-Off Program so no more than thirty (30) individuals participate in the program. Positions will be offered on the basis of qualification, availability, location and physical limitation. No job will require heavy physical exertion.

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES and that the Chief Appraiser shall be invited to the discussion or provide written testimony as to the impact of the proposed changes, all in favor, 9-0.

ORDERED That due to the State Election, the Regular Meeting of the City Council scheduled for November 7, 2006 will be rescheduled for November 14, 2006.

s/President Doherty

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

ORDERED That the President of the City Council shall appoint three Aldermen to the committee to be known as the Ad Hoc Committee on Wildlife Control which shall investigate and make recommendations on waterfowl and other wildlife in the conservation areas of the city.

s/President Doherty

Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED, to read as follows: "That there shall established an Ad Hoc Committee on Wildlife Control which shall consist of three Aldermen appointed by the President of the City Council, two representatives of the Golf & Ski Authority appointed by the Golf & Ski Authority, one member of the Woburn Residents Environmental Network (WREN) appointed by

WREN, one representative of the Board of Health appointed by the Board of Health, and one representative of the Conservation Commission appointed by the Conservation Commission which shall investigate and make recommendations on waterfowl and other wildlife in the conservation areas of the city”, all in favor, 9-0.

Presented to the Mayor: Sept. 29, 2006 s/Thomas L. McLaughlin Sept. 29, 2006

ORDERED That the City Clerk be and is hereby directed to set up and give notice of a public hearing to be held at the Regular Meeting of the City Council on October 17, 2006 relative to the construction of traffic control signals and other street improvements at the intersection of Salem Street and Wildwood Street and that such notice include posting on the official bulletin board in city hall, publication at least once in a newspaper of general circulation in the city and by mail to the owners of land abutting the public ways at the intersection of Salem Street and Wildwood Street and the intersection of Wood Street and Wildwood Street along each street a distance of three hundred feet from the said intersections at least ten days prior to said public hearing.

s/Alderman Mercer-Bruen

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

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the City Clerk is hereby authorized to dispose of a 1986 Maxim Fire truck, a 1990 Crown Victoria motor vehicle and a 1993 Crown Victoria motor vehicle which the Fire Chief has determined are of no value to the department and which no other department has expressed an interest in obtaining.

s/President Doherty (per request)

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

Presented to the Mayor: Sept. 29, 2006 s/Thomas L. McLaughlin Sept. 29, 2006

Alderman Denaro stated that without funding for the Traffic Commission some of these studies requested in resolves cannot be conducted. Alderman Mercer-Bruen stated that she does not understand the funding issue as city departments are being utilized so the costs should be under their budgets. Alderman Denaro stated that when studies are requested it often involves expenses for manpower and other services, and that the requests in the past were not as extensive.

RESOLVED That the Traffic Commission research and investigate the possibility of establishing a secondary means of access for motor vehicles to the Dartmouth Street neighborhood

s/Alderman Ciriello

Alderman Denaro stated that without funding for the Traffic Commission some of these studies cannot be conducted. Alderman Mercer-Bruen stated that she does not understand the funding issue as city departments are being utilized so the costs should be under their budgets. Alderman Denaro stated that when studies are requested it often involves expenses for manpower and other services, and that the requests in the past were not as extensive. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Sept. 29, 2006 s/Thomas L. McLaughlin Sept. 29, 2006

RESOLVED That the Traffic Commission report on the feasibility and cost estimate to install traffic control signals at the intersection of Main Street and Cross Street, that the signal should be a four-way stop with two lights on Main Street, one on Cross Street and one on Border Street in order to alleviate traffic congestion and improve pedestrian and vehicle safety at this intersection.

s/Alderman Gately

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Sept. 29, 2006 s/Thomas L. McLaughlin Sept. 29, 2006

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install curbing on the south side of Carter Street from 16 Carter Street to Garfield Avenue due to the street breaking up from erosion and drainage issues.

s/Alderman Gately

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Sept. 29, 2006 s/Thomas L. McLaughlin Sept. 29, 2006

RESOLVED That the Traffic Commission adopt an Order providing for no parking on Torrice Drive.

s/Alderman Ciriello

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor: Sept. 29, 2006 s/Thomas L. McLaughlin Sept. 29, 2006

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

A TRUE RECORD ATTEST:

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