

**CITY OF WOBURN
SEPTEMBER 7, 2010 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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

MAYOR'S COMMUNICATIONS:

A communication dated September 3, 2010 was received from His Honor the Mayor Scott D. Galvin as follows:

Re: Deputy Auditor Salary

Dear President Denaro and Members of the City Council:

I have forwarded an ordinance regarding the above referenced matter for your consideration. I believe the present ordinance covering the salary of the Deputy Auditor needs to be adjusted.

This ordinance change will bring the salary of the position to the level approved in the budget, and which was used as the basis of advertisements to attract candidates to fill the position. I also believe the new figure of \$59,000.00 is fair to a new appointee, while also being more in line and consistent with comparative positions in the City.

Please let me know if you have an questions.

Sincerely, s/Scott D. Galvin

Attached thereto was that following:

ORDERED BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOBURN, AS FOLLOWS:

That Title 2, Article XII, Section 120A (“Deputy Auditor”) of the Woburn Municipal Code, as amended, be further amended, by deleting the present stated amount of salary of “\$63,000.00,” and inserting in place thereof “\$59,000.00.”

s/President Denaro

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

A communication dated September 3, 2010 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

Re: MSBA Green Repair Program

Dear President Denaro and Members of the City Council:

The Massachusetts School Building Authority (MSBA) has recently announced the creation of the Green Repair Program. The Statement of Interest period is open from August 11, 2010 and will close on September 22, 2010. The purpose of the Green Repair Program is to help municipalities fix leaking roofs, drafty windows, and boilers, which will improve teaching and learning conditions and help save energy and capital expenses.

In order to meet the September 22, 2010 deadline to apply for the grant program, I am requesting the Woburn City Council authorize Superintendent of Schools Mark Donovan to submit a Statement of Interest to the MSBA for the repair of the Kennedy Middle School roof and the Joyce Middle School gymnasium. We are anticipating at least 50 percent reimbursement for costs, if the application is approved.

Given the short period to apply, I am requesting the City Council’s prompt action. As always, I am available to answer any questions.

Thank you.

Sincerely, s/Scott D. Galvin

Attached thereto was the following:

RESOLVED Having convened in an open meeting on September 7, 2010, the City Council of Woburn, Massachusetts in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated September 3, 2010 for the Joyce Middle School located at 55 Locust Street, Woburn, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which the City of

Woburn may be invited to apply to the Massachusetts School Building Authority in the future

Priority 5: Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. The roof over the gymnasium at the Joyce Middle School has experienced some significant leaks and needs to be replaced.

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Woburn to filing an application for funding with the Massachusetts School Building Authority.

s/President Denaro

RESOLVED Having convened in an open meeting on September 7, 2010, the City Council of Woburn, Massachusetts in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated September 3, 2010 for the Kennedy Middle School located at 41 Middle Street, Woburn, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which the City of Woburn may be invited to apply to the Massachusetts School Building Authority in the future

Priority 5: Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. The roof at the Kennedy Middle School has experienced some significant leaks and needs to be replaced.

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Woburn to filing an application for funding with the Massachusetts School Building Authority.

s/President Denaro

Motion made and 2nd that the RESOLVES be ADOPTED, all in favor, 9-0.
Presented to the Mayor: September 10, 2010 s/Scott D. Galvin September 10, 2010

PUBLIC HEARINGS:

On the petition to determine the need for repairs of that portion of a private way traversing from Russell Street to Lexington Street and shown on Assessors Map 65 as a forty (40) foot right of way. PUBLIC HEARING OPENED. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCOTBER 5, 2010, all in favor 9-0.

Motion made and 2nd to take the next two matters collectively, all in favor, 9-0

On the petition by Roman Catholic Archbishop, a Corporation Sole, 66 Brooks Drive, Braintree, Massachusetts to further amend the 1985 Woburn Zoning Ordinances, as amended, by revising Section 22 entitled “Senior Housing Overlay District (SHO)” by deleting in its entirety and replacing with a new Section 22 entitled “Residential Overlay District (ROD) District” to allow congregate elderly apartments, assisted living residences, nursing homes, Alzheimer care residences, continuing care facilities, multi-family housing, and accessory offices, clubhouse, personal services and recreation amenities, as set forth in the petition filed with the City Clerk. [Note: A complete recitation of the petition can be found in the City Council Journal for June 15, 2010.] PUBLIC HEARING OPENED. A communication dated September 2, 2010 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Roman Catholic Archbishop of Boston Zoning Ordinance Amendment/Zoning Map Amendment, Lot 2, Lot A, Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent the Roman Catholic Archbishop of Boston. On behalf of my client, I respectfully request that the public hearings on the above matters be continued from September 7, 2010 to September 21, 2010. The proposed amendments are being reviewed by the Planning Board on the same evening and a written recommendation from the Planning Board will not be available for the City Council public hearings. Therefore, the continuance to September 21, 2010 is being requested. Thank you.

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

Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Kate Connolly, Murtha Cullina, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and she requested that the matter be continued. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 21, 2010 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

On the petition by Roman Catholic Archbishop, a Corporation Sole, 66 Brooks Drive, Braintree, Massachusetts to further amend the Woburn Zoning Map, as amended, for a parcel of land containing approximately 6.00 acres of land identified as Lot 2 Main Street as shown on a plan by Allen & Major Associates, Inc., entitled "St. Anthony of Padua, 859 Main Street, Woburn, MA" Revised 1/04/08 from the Senior Housing Overlay District to the Residential Overlay District and by adding the parcel of land containing approximately 1.091 acres of land identified as Lot A, Main Street, as shown on a plan by Holmberg & Howe entitled "Plan of Land, 859 Main Street, Woburn, Massachusetts" dated May 24, 2010 to the Residential Overlay ("ROD") District. PUBLIC HEARING OPENED. SEE MINUTES OF PRECEDING MATTER. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 21, 2010 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

On the petition by Hughes Entertainment dba Lasercraze, 1600 Osgood Street, North Andover, Massachusetts 01845 for a special permit pursuant to Section 5.1.17b, 5.1.29 and 5.1.64 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an indoor commercial playground for laser tag and containing automatic amusement devices and a snack bar at Suite C, 15 Presidential Way. PUBLIC HEARING OPENED. A communication dated September 2, 2010 with attachments was received from Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Hughes Entertainment, Inc., 15 Presidential Way, Woburn, Massachusetts

Dear Bill:

Enclosed please find for filing two full-sized and one ½ size copies of the revised Site Plan entitled "Proposed Parking Layout Plan" dated July 27, 2010, revised September 2, 2010, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01888-0118 for the above-referenced petition. A copy of the revised Site Plan will be hand delivered by my office to members of the City Council tomorrow.

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

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

A further communication dated September 3, 2010 with attachments was received from Attorney Joseph Tarby, Murtha Cullina LLP as follows:

Re: Petition of Hughes Entertainment, Inc., 15 Presidential Way, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find for filing a Memorandum relative to the above-referenced Petition. Please note that a copy of the Memorandum was hand delivered to each City Council member.

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

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

A copy of a communication dated September 7, 2010 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director as follows:

Subject: 15 Presidential Way Indoor Playground (Laser Tag) Special Permit – Special Permit Application dated July 29, 2010 – Revised Plan Dated September 2, 2010

The applicant is seeking permission allow for an indoor commercial playground for laser tag, automatic amusement devices, and snack bar at the above referenced location.

The submitted site plan shows the location of the compact vehicle parking, standard parking and handicap parking spaces as well as the breakdown of where the different uses in the building would be.

The off-street parking summary breaks down the parking by use and appears to be sufficient for all the intended uses.

It appears that there are no exterior improvements being made to the building or site utilities other than parking space striping.

Upon review of the subject materials, this office takes no exception to the plan or special permit application as submitted.

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

Appearing for the petitioner was Attorney Kate Connolly, Murtha Cullina LLP and she stated that this is a laser tag business, that they request leave to withdraw the portion of the petition relative to Section 5.1.29 as the Building Commissioner has determined that this is not a fast food use requiring a special permit, that this is recreational entertainment, that laser tag is the primary business with inflatable bounce houses as

well, that this is the fourth facility owned by the petitioner, that there is a Lazerzone in Marlboro in Randolph and a Lazercraze in North Andover, that this will be a 6,000 square foot black lit room, that the clients will be children age six to adults, that there will be three to four bounce houses, that there will be thirty-six coin-operated games, that there will be a pizza area and a function area, that they will operate seven days per week, that 85% of the business will be on Saturday and Sunday, and that the matter is being reviewed by the Planning Board. Attorney Connolly offered a copy of a letter dated September 7, 2010 from Brett F. Gonsalves, Senior Engineer to Edmund Tarallo, Planning Director and a letter dated September 7, 2010 from Lt. John Carney, Operations Division Commander, North Andover Police Department, 566 Main Street, North Andover, Massachusetts -1845 to 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. Tim Williams, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the building is currently vacant. Alderman Mercer-Bruen stated that this is a good location for this business, and that she is familiar with the business as her family has used the facility in North Andover. IN FAVOR: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the locus is in an industrial area, that he is in favor of the petition, and that this is the first building constructed in that industrial area before Presidential Way and Commerce Way were connected. OPPOSED: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 21, 2010 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

On the petition by Andrew G. Eromin and Mary Eromin, both of 13 Waverly Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to modify a special permit granted June 12, 2008 and extended on May 16, 2010 to allow for the alteration and change of a pre-existing non-conforming structure by razing the same and constructing a new, two-family structure conforming to all dimensional requirements excepting frontyard setback and lot size at 7 Richmond Avenue. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Kate Connolly, Murtha Cullina, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and she stated that the petitioner seeks to modify an earlier special permit decision, that the proposal will comply with all requirements except for the frontyard setback and lot size, that the previous special permit allowed for the razing of a building and construction of a new two-family structure, that at the time the petition was submitted in 2008 it was a foundation plan, that a design plan has been completed, that there is now a thirteen foot setback, that this is the same setback as the current location, that the matter is being reviewed by the Planning Board, that the petitioner requests the matter be continued pending Planning Board review, and that the petitioner does not have to return to the Conservation Commission for further review. Alderman Raymond stated that he was concerned about the impact on the drainage. Alderman Anderson stated that he is concerned about the jurisdiction of the City Council over this petition, and that the Board of Appeals should be the body that reviews the matter. 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 5, 2010 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS and that a communication be forwarded to the City Solicitor, Engineering Department and Conservation Commission regarding the matter, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer of the \$200,000.00 from BLS Ambulance Receipts and ALS Ambulance Receipts to Ambulance Salaries, 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: September 10, 2010 s/Scott D. Galvin September 10, 2010

On the Order to transfer the sum of \$25,000.00 from Fire-Van Truck to Fire-SCBA, 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: September 10, 2010 s/Scott D. Galvin September 10, 2010

PERSONNEL:

On the re-appointment of Ralph Coakley to the Human Rights Commission, 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: September 10, 2010 s/Scott D. Galvin September 10, 2010

On the re-appointment of Jan Robbins Cox to the Human Rights Commission, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 1 opposed (Gately opposed).

Presented to the Mayor: September 10, 2010 s/Scott D. Galvin September 10, 2010

On the appointment of Dean Solomon to the Human Rights Commission, 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: September 10, 2010 s/Scott D. Galvin September 10, 2010

On the appointment of Mark Donovan to the Human Rights Commission, 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: September 10, 2010 s/Scott D. Galvin September 10, 2010

POLICE AND LICENSES:

On the petition by Stephen Stahl dba Silver Cue Billiards for a Billiard Table License for ten (10) billiard tables at 435 Main Street, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED, with the conditions as follows: 1. Hours of operation shall not exceed 3:00 p.m. to 1:00 a.m., 2. That the common dumpster at the locus shall be kept clean, and 3. All signs shall be in accordance with the downtown sign ordinance, all in favor, 9-0.

Presented to the Mayor September 10, 2010 and ten days having elapsed without same being approved, said license became effective without his signature on September 21, 2010

ORDINANCE:

On the Order to amend Title 9, Article III of the 1989 Woburn Municipal Code, as amended by adding a new Section 9-16(D) relative to the prohibition of signs on Woburn Common, committee report was received “back for action”. Alderman Gately stated that this ordinance will prohibit signs of any kind, at any time on the Common. Alderman Drapeau stated that this proposal could impact the right of free speech if someone holding a political sign is prohibited from standing on the common with a sign. Alderman Gately stated that the city has to bar any signs on the Common other than the signs of the landscaper or organization that maintains the sign, and that this proposal has nothing to do with political signs. Alderman Mercer-Bruen stated that this is a great ordinance, that she is not ready to vote on the ordinance at this meeting as its application should be extended to other areas of the city, that she wants to support the ordinance, and that other areas of the city also have signs erected. Alderman Gately stated that the United Veterans Council asked the City Council to do something about signs on the Common, that the ordinance was drafted with this in mind, that other areas of the city can be addressed with additional ordinance provisions, and that he wants action on this matter. Alderman Haggerty stated that he agrees with the spirit of the ordinance but is concerned with the language, that First Amendment rights are involved, that it is not just people holding political signs but others such as unions expressing their opinions on issues, and that signs should not be erected on the Common however prohibiting someone standing with a sign could be an issue. Alderman Anderson stated that if there is a wholesale prohibition this may not be an issue but the proposal leaves discretion and the language needs to be tighter. Alderman Raymond stated that he supports the ordinance, that there are signs erected all over the city, and that enforcement should be through the Building Department however there will not be enforcement in one area of the city if signs are permitted in other areas of the city. Alderman Mercer-Bruen stated that the proposal does

need to be enforced throughout the whole city and this proposal does not do that, and that there needs to be due diligence. Alderman Gately stated that it appears that there is not enough support to pass the ordinance at this meeting without additional work, that the matter should go back to committee for further review with input from the City Solicitor, and that there is a \$300.00 fine for violation of the ordinance. Alderman DiTucci stated that there are other sign issues in the city but this is a particular issue, that the City Council should resolve the issue and not hold up the matter because of other area of the city, and that this should be handled as a discrete issue. Alderman Anderson stated that this proposal is specific to the Common, that in other areas of the city it may be an enforcement issue, and that the City Council should move forward with the Common area issue. Alderman Mercer-Bruen stated that the City Council should deal with all sign issues where veterans' memorials are present in other areas of the city. Alderman DiTucci stated that there are three veterans' memorials near the Clapp School which is a polling place, and that expanding the proposal may prevent candidates from holding signs at the polling place could be problematic. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCE and that a communication be forwarded to the City Solicitor to review and comment on the matter, all in favor, 9-0. Motion made and 2nd that a communication be forwarded to the Veteran's Agent requesting that his office provide a list of all veterans' memorials located in the city, all in favor, 9-0.

NEW PETITIONS:

Petition by Ram Electrical Consulting & Contracting Corporation, 128 New Boston Street, Woburn, Massachusetts 01801 for a new Livery License for one vehicle. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

Petition by National Grid for a grant of right in a way to install approximately eighty (80) feet of four (4) inch plastic service to feed 371 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by NASDI, LLC, 62 Holton Street, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended, for the storage of building equipment pursuant to Section 5.1.43, storage and parking of commercial motor vehicles pursuant to Section 5.1.57b, and storage of storage containers and trailers pursuant to Section 5.1.57a, at 62 Holton Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR CITY COUNCIL MEETING ON OCTOBER 5, 2010, all in favor, 9-0.

Petition by Yankee Environmental Services, LLC, 62 Holton Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances,

as amended, for the storage of its commercial vehicles pursuant to Section 5.1.57b and for the storage of containers pursuant to Section 5.1.57a, at 62 Holton Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR CITY COUNCIL MEETING ON OCTOBER 5, 2010, all in favor, 9-0.

Petition by Mishawum Properties LLC, 275 Mishawum Road, Woburn, Massachusetts 01801 as landowner to amend the 1985 Woburn Zoning Ordinances, as amended, as follows:

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

Paragraph 5.f of Section 21 entitled “Mishawum Station Transit Oriented Development Overlay District” shall be amended by deleting the existing language in Section 21 5.f which states:

“Parking: Parking shall be provided as set forth in Section 8.2. For mixed-use projects, parking requirements may be varied by special permit as provided under Section 8.2 All parking and circulation driveways shall meet the design and dimensional requirements of Section 8 of this Ordinance.”

And replacing with the following language:

“Parking: 1.55 spaces per unit. For mixed-use projects, parking requirements may be varied by special permit as provided under Section 8.2. All parking and circulation driveways shall meet the design and dimensional requirements of Section 8 of this Ordinance.”

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING AT THE REGULAR CITY COUNCIL MEETING ON OCTOBER 5, 2010, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated August 18, 2010 was received from Charles L. O’Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending July 2010: number of parking violations issued 849, number of violations paid 446, number of violations outstanding 291, amount collected and submitted to the Office of the Collector \$33,741.60. There exists a backlog of 5,213 tickets for 1982 through 2009. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$7,100.00.

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 communication dated August 27, 2010 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the August 2010 meeting of the Council on Aging and the Director's report for the month of August 2010. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated August 10, 2010 with attachments was received from City Solicitor John D. McElhiney as follows:

Re: Land Use Permit Extensions

This is to notify you that on August 5, 2010, the Governor signed an "Act Relative to Economic Development & Reorganization" which took effect immediately. The Act contains an important provision relative to extending any local approvals or permits which were in effect or in existence at any time between August 15, 2008 through August 15, 2010. The permit or approval is automatically extended for an additional two years.

This applies to a wide variety of permits and approvals, including zoning approvals (special permits, subdivisions, variance, etc), wetlands approvals, building permits, and permits issued under local ordinances.

The Act specifically does not apply to federal approvals, comprehensive permits issued under Chapter 40B, or hunting, fishing or aquaculture approvals issued under Chapter 131.

The specific language of the Act is set forth in Section 173 of Chapter 56 of the Acts of 2010. I am enclosing herewith for your further review a copy of said Section 173.

Should you have any questions or require clarification as to any particular permit or approval, please do not hesitate to contact me.

Sincerely, s/John D. McElhiney

Alderman Gately stated that Planning Director Edmund Tarallo would be preparing a list of affected decisions. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated June 2010 was received from Park Superintendent James H. DeLong as follows:

Re: Landscape Projects to be funded by Appropriations from Parks 584003

1. Park Street – Walsh Playground – new park equipment for toddlers with landscape fiber and new plantings - \$10,000.00
2. Gonsalves Park – Tennis/Basketball area – new flagpole, plantings and irrigation - \$5,000.00.
3. Weafer Park – Tot area – new fiber, plantings, fencing and benches - \$6,000.00.
4. Restore existing playground, fiber and landscaping at Kids Kingdom, Golden Pool at Leland Park - \$8,000.00.
5. Change landscaping and install new playground – fiber and mulching at Library Field Playground; install new handicap ramp - \$11,000.00.
6. Restore Gazebo area – add benches and plantings at Library Tennis area - \$5,000.00.
7. Improvements with plantings and irrigation at Beach Street Green - \$3,000.00.
8. More landscaping improvements to Veteran’s Park at Senior Center - \$4,000.00.
9. Irrigation system and tree pruning project at Ryan Park - \$8,000.00.

Sincerely yours, s/James H. DeLong, Park Supertindents

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

A communication dated August 31, 2010 with attachment was received from Patricia Bergeron George, Clerk of the License Commission as follows:

Dear President Denaro and Aldermen:

At a meeting of the Woburn License Commission held Thursday, August 26, 2010, the Commission voted to send the attached Order for your consideration.

As background, the Commission had met on several occasions relative to gaining additional liquor licenses in the City. After seeking a legal opinion from the City Solicitor, the meetings have resulted in the targeting of two areas in the City, namely Business Downtown (B-D) District and the Commerce Way Corridor Overlay District (CWCOD), for the addition of ten (10) licenses to be used at the Commission’s discretion within said two districts.

In summary, the Commission is requesting your review and consideration in supporting the enclosed Order at your next meeting of the City Council.

Thank you for your courtesy and consideration.

Sincerely, s/Patricia Bergeron George, Clerk of the License Commission

Attached thereto was the following Order:

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

An Act authorizing the licensing authority of the City of Woburn to issue ten additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

Section 1

- (a) Notwithstanding section 17, of chapter 138 of the General Laws, the licensing authority of the City of Woburn may issue ten additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138, provided said licenses shall be issued to establishments within the area of the city zoned either Business Downtown (B-D) or Commerce Way Corridor Overlay District (CWCOD).
- (b) Notwithstanding any general or special law or rule or regulation to the contrary, the licensing authority shall not approve the transfer of a license so issued within one or either of said above referenced zoning districts to another location outside of one of the above zoning districts, provided a license may be transferred from the B-D district to the CWCOD district or vice-versa.
- (c) If any licensee of a license granted hereunder terminates or fails to renew its license, the license shall revert to the Licensing Commission and shall only be re-issued to qualified applicants doing business within one of the aforementioned zoning districts in the City of Woburn.

Section 2 This Act shall take effect upon its passage.

s/Alderman Haggerty and Alderman Gaffney

Motion made and 2nd that the matter be received, all in favor, 9-0. Alderman Haggerty stated that the licenses will be in the downtown and Commerce Way Overlay District areas, that this will encourage new growth particularly in the Commerce Way area, that this will go to the legislature as a home rule petition, and that some members of the public spoke on this matter at the License Commission meeting although it was not to the degree of a public hearing. Alderman Raymond stated that there should be a public

hearing on the matter, and that even if the economic impact is substantial as larger restaurants are waiting to come to the area if the licenses are available there are some in the community who would like to speak on this issues. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 10, 2010 s/Scott D. Galvin September 10, 2010

A communication dated August 13, 2010 was received from His Honor the Mayor Scott D. Galvin and Council on Aging Director Joanne Collins as follows:

Dear President Denaro and City Council Members:

Sincere thanks for pitching in to make “Senior Red Sox Day” a resounding success. We appreciate your help to ensure a memorable evening for everyone. With your support, more than 300 local seniors enjoyed a fun night out with great food, music, sing-alongs, prizes, and dancing.

Your generosity and support of Woburn residents is genuinely appreciated.

Sincerely, s/Scott D. Galvin, Mayor
s/Joanne Collins, Director, Woburn Council on Aging

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

A communication dated August 20, 2010 with attachment was received from Janet M. Rabbitt, President, Board of Trustees, Woburn Public Library as follows:

Enclosed is a copy of the cover letter, an Executive Summary and Alternatives Sites Report for and Additional Building for the Woburn Public Library. A copy of this presentation has been forwarded to Mayor Galvin and the members of the City Council. Would you please add this report to the September 7th City Council meeting agenda under “Communications” so it can be formally accepted by the City Council.

If you have any questions, I can be reached during the day. Thank you for your assistance.

Very truly yours, s/Janet M. Rabbitt, President, Board of Trustees

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

A Conservation Restriction was received from Stephen H. Boyle and Margaret E. Boyle, pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws

granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land consisting of approximately 16,087 square feet of land shown on a plan "Conservation Restriction Plan of Land for Lot 3 Arbor Estates, Woburn, MA" prepared by Edward J. Farrell, Professional Land Surveyor, dated August 30, 2010 filed herewith. Motion made and 2nd that the CONSERVATION RESTRICTION be ACCEPTED, all in favor, 9-0.

Presented to the Mayor: September 10, 2010 s/Scott D. Galvin September 10, 2010

A communication dated August 30, 2010 was received from Alene Reich, Executive Director, Freedom's Way Heritage Association, Inc., 100 Sherman Avenue, Devens, Massachusetts 01434 as follows:

To the City Council:

You certainly know that we live in a part of the country that is rich with history. You may not know that the United States Congress also believes in the unique contribution of our area to the history of our Nation; in March 2009, Congress honored 45 communities in Massachusetts and New Hampshire with the distinction of being "Freedom's Way National Heritage Area". It didn't start there – dedicated residents had been working for years to earn this designation. It doesn't end there, either – we are now embarking on a management planning process and we need your community's support!

National Heritage Areas are a program of the National Park Service meant to create partnerships between Federal, State, and Local governments, local history and conservation groups, non-profits, schools, Chambers of Commerce and Tourism Boards. The Freedom's Way National Heritage Area supports vibrant downtowns, protects natural resources and open spaces, and highlights each town's contributions to our Nation's story. You can learn more about us through the enclosed brochures or by visiting our website: www.freedomsway.org.

We hope that your community will take an active part in the management planning process. As a first step, we would like to set up a meeting with representatives from interested parties: Government Officials, Historical Commissions and Societies, Conservation Commissions and Trusts, and Community Development and Tourism groups. Please complete the enclosed contact list and appointment card to get the ball rolling.

Thank you for taking the time to learn more about Freedom's Way. We look forward to working with you in highlighting the history, natural beauty, and recreation in your town.

Sincerely yours, s/Alene W. Reich, Executive Director

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

Alderman DiTucci recused herself from participating in the following matter and left the Council Chamber.

A communication dated June 21, 2010 with attachments was received from James Coronis, 38 Lake Avenue as follows:

Re: Reconstruction of Existing Residential Stairway Entrance w/Modifications

Dear President Denaro & City Alderman,

At this time, we have filed for a building permit seeking reconstruction of my existing wood stairway entrance to my home. All departments required for permit sign off have been obtained with exception to engineering department.

We would like to rebuild an existing 20 year old wood frame stair and small platform (approx 4' x 7') which has served as my entrance since my home was built in 90/91. The proposed rebuilt stairway will be in same location and will connect the existing platform to an upper existing deck, allowing me to move my entry door from the side of my home to the front. Connecting the two decks together will involve adding approximately 5 wooden stairs and extend a 4' x 4' platform from my existing upper deck.

Currently, a sewer easement 20' wide runs thru the entire length of our property along the easterly edge of our foundation. It is at this location where two existing 10" sono tubes support our platform. To complete our stair connection, we will require two additional sono tube footings. These existing footings and the new footings encroach approximately three to four feet onto the edge of the sewer easement.

We respectfully ask our Alderman's permission to allow to additional sono tubes for our entrance project. Due to the configuration of our lot, (wedge shaped) the proximity of Horn Pond Brook and all required setbacks, we have exhausted all possible alternatives. Please note: In an extreme circumstance, was the easement ever to be excavated, a two how window to place some temporary 45 degree supports to the existing foundation wall would support our wooden stairs and platform for the excavation period required.

We hope our Alderman can help us on this technicality given the existing permit conditions and non-detrimental impact our request would have.

Respectfully, s/James Coronis

Motion made and 2nd to suspend the rules to hear from the petitioner, all in favor, 8-0-1 (DiTucci absent). Appearing was James Coronis and he stated that a conservation easement runs by his house, that he wants to rebuild his deck, that an issue is whether there would have to be excavation in the easement, that he could not excavate near the foundation as it would undermine the structure, and that it would take approximately two

hours to erect a temporary foundation for the stairs if the deck had to be removed. Alderman Gately stated that the petitioner has been a good neighbor to the Scalley Dam and the city should assist with this matter. Alderman Mercer-Bruen asked whether the Building Department or City Engineer ever said that this work could not be done. Mr. Coronis stated that the Building Department needed the City Engineer to sign off on the proposal and the City Engineer requested that the City Council approve the request. Motion made and 2nd to return to the regular order of business, 8-0-1 (DiTucci absent). Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON MUNICIPAL LANDS and that a communication be referred to the City Engineer, Department of Public Works and City Solicitor for comments and further that the City Solicitor comment on whether this is a precedent with respect to easements with responses due by October 5, 2010, all in favor, 8-0-1 (DiTucci absent).

Alderman DiTucci entered the Council Chamber.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A copy of a communication dated August 25, 2010 to His Honor the Mayor from President Denaro was received as follows:

Re: Green Communities/Woburn Clean Energy Committee

Dear Mayor Galvin:

Please be advised that by virtue of my authority as President of the Woburn City Council, I have appointed Alderman Richard Haggerty to serve as the Woburn City Council representative to the Green Communities/Woburn Clean Energy Committee.

Thank you for your attention to this matter.

Very truly yours, s/Paul J. Denaro, President

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

A copy of a communication dated August 25, 2010 to His Honor the Mayor from President Denaro was received as follows:

Re: Agricultural Advisory Committee

Dear Mayor Galvin:

Please be advised that by virtue of my authority as President of the Woburn City Council, I have appointed Alderman Michael Anderson to serve as the Woburn City Council representative to the Agricultural Advisory Committee.

Thank you for your attention to this matter.

Very truly yours, s/Paul J. Denaro, President

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Committee on Charter and Rules review and make recommendations relative to Rule 19 of the Rules and Orders of the City Council with respect to the filing deadline for matters submitted to the City Council in view of the recent changes to the State Open Meeting Law.

s/President Denaro

President Denaro stated that this matter concerns changes to the Open Meeting Law. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON CHARTER AND RULES, all in favor, 9-0.

RESOLVED Whereas, the former Plympton School building is no longer in service, the city continues to pay the cost of maintenance of the building, and the neighborhood has little public open space available for the use and enjoyment of the residents,

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that His Honor the Mayor instruct the Superintendent of Public Works to demolish the former Plympton School building and restore the lot to open space.

s/Alderman Gaffney

Motion made and 2nd that the MATTER be LAID ON TABLE, all in favor, 9-0.

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

Motion made and 2nd to take from the Committee on Municipal Lands the Order to amend the Zoning Map of the City of Woburn by amending the present zoning district of a certain parcel of land owned by the City of Woburn containing approximately 30,900 square feet of land shown on the assessors' map and designated as 42-8-16, located on Plympton Street and the site of the former Plympton Elementary School from the R-2 zoning district to the O-S zoning district and refer to public hearing on October 5, 2010, all in favor, 9-0.

Petition by NSTAR Electric Company and Verizon New England, Inc. for a grant of right in a way to relocate joint occupancy pole 115/12 easterly side of Central Street at intersection of Orange Street and relocate joint occupancy pole 37/11 easterly side of Central Street at intersection of Montvale Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Canal Park REO, LLC dba Holiday Inn Select, 15 Middlesex Canal Park, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.20 of the 1989 Woburn Zoning Ordinances, as amended, to amend a special permit issued October 11, 2001 by amending Condition 1 site plan of record at 15 Middlesex Canal Park. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING ON OCTOBER 19, 2010, all in favor, 9-0.

RESOLVED That the Traffic Commission establish a regulation prohibiting the parking of school buses on city streets and in municipal parking lots except when picking up or discharging passengers.

s/Alderman Gately

Alderman Gately stated that he is receiving complaint about school buses being parked on substandard city streets and on sidewalks, that this issue was previously resolved with a telephone call, that there should be an ordinance to end this issue, that after dropping off school children the busses should go back to their parking lot and not be parked in residential area, and that this is taking place during the day. Alderman Anderson stated that there is an ordinance that would prohibit the bus parking on the streets overnight. Alderman DiTucci stated that this is an issue in her Ward as well. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

A communication dated September 7, 2010 was received from City Solicitor John D; McElhiney as follows:

Re: Disposal of Personal Property (Printer)

Dear Members of the Council:

This office no longer has a need of a certain printer (HP Laserjet 8150N). I have sent an email around to all departments to see if they could utilize the same and the Senior Center responded that they would like to have it.

Your permission to allow this transfer of equipment to the Senior Center is respectfully requested pursuant to Title III, Article I, Section 3-6.

Thank you for your anticipated cooperation.

Sincerely, s/John D. McElhiney

Motion made and that the TRANSFER OF THE PRINTER FROM THE CITY SOLICITOR TO THE COUNCIL ON AGING be APPROVED, all in favor, 9-0.
Presented to the Mayor: September 10, 2010 s/Scott D. Galvin September 10, 2010

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:39 p.m.

A TRUE RECORD ATTEST:

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