

**CITY OF WOBURN
JUNE 5, 2018 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

A communication dated May 31, 2018 was received from His Honor the Mayor as follows:

Re: Retiree Health Insurance Contributions - Supplemental

As you know, the City faces a major financial obligations related to funding post-employment health insurance benefits and costs. In our most recent actuarial study, the City had an unfunded liability for the cost of retiree health insurance of more than \$218,000,000. In addition, GASB 43&45 requires all cities to report the financial costs and obligations of employees' insurance as they are incurred—just like pensions—and *not* when employees retire.

This requirement has and will continue to have an adverse effect on our City balance sheet when the OPEB liability is not fully funded on an annual basis. In addition, Bond rating agencies are becoming more concerned about the challenges in funding OPEB liability when assigning ratings. We started addressing this issue with the creation of an OPEB Trust, which currently has a balance of just more than \$4,000,000.

However, in order to fully fund the OPEB liability, our annual contribution would need to be significantly greater than our current budgetary restraints allow. As we move forward, additional funding sources must be identified or difficult decisions regarding which municipal services to cut will have to be made in order to fund retiree health insurance costs.

The following proposal will allow the City to further reduce our significant OPEB liability by reasonably increasing contributions for retiree health insurance for those employees retiring after July 1, 2018. The contribution rate for existing retirees will not change.

To reiterate, I am asking the City Council to adopt a local option statute to cure an oversight made by the City in the early 1990s concerning retiree health insurance. At that time, the Legislature passed a number of provisions regulating a municipality's contribution levels to the evolving market of health maintenance organizations (HMOs) and preferred provider organizations (PPOs). Essentially, under §16 of c. 32B, the Legislature required a city or town to make a minimum contribution of 50%, and set a maximum contribution of 90%, to the cost of these health plans for both active and retired employees.

Under M.G.L. c. 32B, §§9, 9A, and 9E contribution rates are determined based on which section applies. Without accepting a local option statute, §9 applies and the full cost of health insurance is borne by retirees. Again, upon the adoption of §9A, the contribution rate is set at 50% City, 50% retiree or, if a municipality adopts §9E, it is permitted (but not required) to contribute more than 50% to the cost of the retiree health insurance plan up to the 90% maximum. We now know that the City Council adopted §9A on January 31, 1965, but did not adopt §9E. Accordingly, the City's contribution rate above 50% is not in conformance with law.

I therefor recommended that the City Council vote to accept §9E to permit a contribution above 50% for retirees. I will continue the 90% contribution rate for those already retired and for those employees who retire on or before June 30, 2018. For those who retire on and after July 1, 2018, it is my intention to set the City's contribution rate for retirees at the same 75% rate which went into effect on January 1, 2018 for the City's active employees. That 75/25% rate was voluntarily accepted by our teachers, DPW, City Hall and other unionized employees in agreements reached in 2015, and it was ordered in three recent arbitration awards involving our firefighters union and the two police unions. (However, the city contribution for Medex 2 w/PDP and BCEP policies, which is currently 75%, will become 65%)

I will be attending your meeting on June 5, 2018 to discuss this important issue and answer any questions you might have. Please feel free to contact my office if you would like to discuss prior to the meeting.

Sincerely, s/Scott D. Galvin

ORDERED That the sum of \$56,000.00 be and is hereby appropriated from Cemetery Interest Fund and distributed as follows for Fiscal Year 2019: \$8,000.00 to Utility Acct 0149052-521103, \$12,000.00 to New Equipment 0149058-586600, \$2,000.00 to Office Supplies 0149054-542000, \$5,000.00 to Equip/Bldg Maint 0149054-543000, \$10,000.00 to Tools/Supplies Acct 0149054-546100, \$4,000.00 to Over-Time Acct 0149051-513100, \$15,000.00 to Burial Sections Acct 0149058-586601

I hereby approve the above. s/John Sawyer, Chairman Cemetery Commission

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

I have reviewed the above. s/Charles E. Doherty, Auditor

s/Alderman _____

ORDERED That the sum of \$4,000.00 be and is hereby transferred as so stated from Outside Survey Consultants Acct #0141058-586622 \$4,000.00 to Engineering Part Time Salary Acct #0141051-511400 \$4,000.00

I hereby approve the above. s/John E. Corey, City Engineer
I hereby recommend the above. s/Scott D. Galvin, Mayor
I have reviewed the above. s/Charles E. Doherty, Auditor

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Sports Management Services, Inc., 41 East Street, Winchester, Massachusetts 01890, an individual owning land to be affected by change or adoption, to amend the Zoning Map of the City of Woburn by changing the zoning district for two parcels of land known as Lot 69-08-07 on Garfield Avenue and Lot 69-08-08 on Garfield Avenue together containing approximately 2.92 acres of land as shown on a plan by Allen & Major Associates, Inc. entitled "Parcel Rezoning Plan" dated November 10, 2016 from R-2/I-G to R-2. PUBLIC HEARING OPENED.

On the petition by 285 Locust LLC, c/o Duffy Bros Management Co., Inc., Kevin Duffy, 465 Waverley Oaks, Suite 500, Waltham, Massachusetts 02452 for a special permit and site plan review pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3c, 12.2 and 15.6(C) for the demolition of the existing commercial building and site improvements, and for the construction of a 41 unit, attached townhouse development with integrated parking, landscaping and infrastructure improvements at 285 Locust Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass with the conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Site Plan for 285 Locust Street, Woburn, Massachusetts" Cover Sheet, Sheets EX-1, C-1, C-2, C-3, C-4, L-1, L-2, C-5, C-6, C-7, C-8, SL-1, A1.0, A1.1, A1.2, A1.3, A1.4 and A1.5 dated June 13, 2017, January 18, 2018, January 22, 2018, January 26, 2018, revised March 22, 2018, revised April 6, 2018, prepared by RJ O'Connell & Associates, Inc., 80 Montvale Avenue, Stoneham, Massachusetts 02180, William Fleming Associates, Inc., 375 Main Street, Suite 3, Stoneham, Massachusetts 02180, and HDS Architecture, 625 Mount Auburn Street, Cambridge, Massachusetts 02138 (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. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
3. Except in the event of an emergency, exterior construction activities on the Site shall be from 7:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 4:00 p.m. on Saturdays. No construction activities on Site shall be permitted on Sundays or federal or state holidays.
4. The applicant shall comply with the requirements of Section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of a minimum of four (4) affordable housing units.
5. Any bituminous curbing that is installed within the property as part of the project shall be maintained by the property owner and/or condominium association and not the city.
6. All sidewalks installed within the property as part of the project shall be made of concrete or concrete pavers.
7. The petitioner shall provide a copy of an environmental report for the property, when available, to the City Council and the Woburn Board of Health.
8. Sheet C-4 of the Plan of Record shall be modified to reflect the island inside the development shall be bounded by sloped granite curbing, and the residential area shall be bounded by Cape Cod berm.
9. The snow storage areas on the plan of record shall be used only for snow. No snow removal-related equipment shall be stored on the property unless authorized by the City Council.
10. The Petitioner shall be responsible for snow removal until such time when all its legal rights in the development are transferred to the Townhouse Association or similar association. Once the Townhouse Association, or similar association, has been created and its legal rights vested in the development, the townhouse Association or similar association, will be responsible for snow removal.
11. The mitigation for this proposal shall be as indicated below and in accordance with the City Engineer's memoranda dated March 26, 2018, April 3, 2018 and April 23, 2018. The total mitigation fee shall be \$300,000 which shall be paid to the city prior to the issuance of an occupancy permit, temporary or otherwise, and the mitigation funds shall be used for the following purposes:
 - (a) Up to \$150,000 of the funds under the project shall be applied to the Bedford Road/Cambridge Road Traffic Signal Redesign Plans. Any of the funds remaining upon completion of the design study shall be applied to further upgrades of the Locust Street sidewalks.
 - (b) \$150,000 of the funds shall be used to install sidewalks with granite curbing on Locust Street beginning at the intersection with Willow Street, as determined by the DPW Superintendent.

- (c) Any money designated in paragraph (a) not used for the Bedford Road/Cambridge Road Traffic Signal Redesign Plans within 18-24 months shall be used for the upgrades of Locust Street sidewalks.
- (d) Any funds not expended or encumbered within 48 months after the issuance of the permanent occupancy permit shall be returned to the Petitioner.
- 12. Adequate rodent and pest control shall be put in place before demolition and reviewed by the Board of Health.
- 13. During construction, all vehicles shall be parked on Site. All staging and deliveries shall occur on Site.
- 14. During construction, no vehicles shall be parked on Locust Street, Kelly Drive or Cambridge Road.
- 15. Sidewalks and roadways shall be kept open and clear during construction.
- 16. This project shall not exceed forty-one (41) units.
- 17. All signage shall comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance, unless modified herein.
- 18. All landscape shall be maintained by property owner, Townhouse Association or similar association. Any dead trees, shrubbery, plants, or grass shall be replaced with new plants within a reasonable amount of time.
- 19. All landscaped areas on property shall have an irrigation system.
- 20. Interior roadway shall be assigned a name and unit numbers assigned. No letters shall be used to identify units as requested by Police Department and Fire Department.
- 21. Units in development shall be serviced by weekly private trash collection and collection of recyclable materials.
- 22. That an ADA accessible sidewalk be established on Locust Street as determined in the field by the Police Chief and DPW Superintendent.

On the petition by The Dough Connection Corp., 32A, 32B and 32C Holton Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57b and 8.2.5 to allow for the overnight parking of petitioner's commercial vehicles and a reduction in the required number of parking spaces at 32A, 32B and 32C Holton Street. PUBLIC HEARING OPENED. A communication dated May 29, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on Special Permit application for 32A, B & C Holton Street/The Dough Connection Corp.

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks special permits, pursuant to Sections 5.1 (57b) and 8.2.5 of the Woburn Zoning Ordinance (WZO), to authorize overnight parking for commercial vehicles and to reduce the amount of parking onsite. The number of proposed commercial vehicles was not specified in the application although the plot plan appears to indicate six (6) commercial trucks are being proposed for

overnight storage. The subject property is in an I-G (Industrial General) zoning district, and as such the requested use may be authorized by City Council special permit.

The application raises a number of questions and issues:

1. The Petitioner is requesting “a reduction in the required number of parking spaces” but it is not clear that the Council can grant this permission. Although Section 8.2.5 of the ordinance would allow the Council to reduce the total number of required parking stalls “in the case of a combination in a single integrated development or two or more...uses”, the Planning Department does not see proof that this site meets the intent of that provision. The application includes only three of the four industrial condo units in the building at #32 Holton Street and no information is provided about the three operations to determine if the parking demands of those uses occur at different times of day (perhaps supporting the notion of a reduction) or whether the hours of peak parking demands coincide with each other (in which case the notion of a parking reduction is unwise). The Planning Department recommends the Council consult with the Building Commissioner on this point.
2. The Petitioner has submitted an 11” x 17” surveyor-certified plot plan which identifies a general location of “*existing* truck parking.” However, it is not clear whether this is the portion of the lot where the *proposed* commercial vehicles are intended to be placed overnight. This should be clarified, in addition to determining the exact number of commercial vehicles proposed to be stored on site overnight.
3. As the Petitioner notes in Exhibit A, the premises is currently used for light manufacturing, office and warehouse space, which require one (1) parking space for every 400 sq. ft., 350 sq. ft., and 800 sq. ft. of floor space respectively, in accordance with Section 8.2 of the WZO. Based on the parking calculation cited in the plot plan, the parking requirement is exceeded by a total of 5 spaces (18 required versus 23 proposed). If true, this would seem to obviate the need for the Petitioner’s request to reduce the number of required parking spaces. If they’re providing more spaces than the WZO requires, why would a reduction be needed? Is the calculation on the plot plan incorrect?
4. Despite being shown on the plot plan, the existing parking spaces are not currently demarcated in the field (either marked with four-inch painted lines, permanent curbing or other marking system) as required by Section 8.5.5 of the WZO. The Council should require the marking of all parking spaces shown on the proposed site plan and the Petitioner should be informed that the current condition (lack of parking demarcation) constitutes a zoning violation.

Additionally, much of the parking shown on the plan is proposed to be located within the front yard setback which is not permitted in this zoning district. While some of the spaces may in fact be legally non-conforming, the lack of pavement markings does nothing to prove that and no other information has been provided as evidence of their pre-existence.

Moreover, some of the parking spaces shown on the plan appear to be newly-proposed (not pre-existing), based on reviews of aerial photos of the property that were reviewed by Planning staff. If newly-established, parking spaces cannot be placed within the front setback without a variance from the Zoning Board of Appeals. And, if a variance is required, then the application is not properly before the Council (Section 11.3.1 of the WZO states in part *“No application shall be accepted or considered complete that does not have any necessary variances required from the Board of Appeals. All appeal periods associated with granted variances must be expired before an application is submitted. If there is a dispute between the building commissioner and the petitioners on whether a variance is necessary this dispute must be presented to the Board of Appeals for resolution. No application with such disputed variances shall be considered complete and shall not be accepted until the Board of Appeals makes a decision.”*)

5. The employment data for the tenant’s commercial vehicle driver workforce should be required so that the Council and Building Commissioner can determine the sufficiency of onsite parking for their personal vehicles, in addition to the commercial vehicles that will be stored on site as well as the parking required for other onsite uses and employees. This has direct bearing on both of the Petitioner’s requests (for a reduction in parking and the request for overnight commercial vehicle storage).
6. Provisions (and corresponding plan modifications) should be required to verify and ensure that **(a)** the site will maintain adequate, designated space for snow storage; **(b)** any Dumpsters or other refuse/recycling containers are screened from view; **(c)** security lighting adequate for parking facilities used at night is provided (per Section 8.5.1); and **(d)** if applicable, the plan provides sufficient interior parking lot landscaping (5% of the parking facility area) for an outdoor parking facility containing twenty (20) or more parking stalls (per Section 8.6.2).
7. Details relative to the size of all commercial vehicles that will be stored on site should be submitted to ensure that they will be accommodated by the parking spaces designated on site for their storage.

Please feel free to contact me if you have any questions relative to this recommendation.

Respectfully, s/Dan Orr, City Planner/Grant Writer

On the petition by Diprio Construction Corp., 271 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57a to allow for overnight parking of three commercial vehicles and Section 5.1.57b to allow for accessory parking of one storage container at 271 Salem Street. PUBLIC HEARING OPENED.

On the petition by President Richard Haggerty and Alderman Michael Anderson to further amend the 1985 Woburn Zoning Ordinances, as amended, Section 11.6.12 Rooftop Dining

in the B-D District by deleting 7(a) in its entirety and inserting in its place the following: “7(a). Not to exceed ten feet (10’) in height. Equipment and structures associated with an elevator providing access to the rooftop area may be authorized by the Special Permit Granting Authority to exceed the height limitation in order to provide access to the rooftop dining to the extent reasonably necessary.” PUBLIC HEARING OPENED. A communication dated May 23, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed amendment to Section 11.6.12 of the Woburn Zoning Ordinance relative to rooftop dining establishments

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, May 22, 2018, members conducted its public hearing on the above-referenced zoning amendment.

After the hearing and after considering the matter, members of the Board voted 5-1 (Callahan, Edmonds, Ventresca, Bolgen and Donovan in favor, Turner against) to forward to you a favorable recommendation on this proposed amendment SUBJECT TO two recommendations:

1. That the elevator and all equipment associated with the elevator be required to be enclosed (contained within the interior of the building as opposed to being located outside the elevator shaft/enclosure); and
2. That rather than allowing a waiver of the height requirement to an unspecified and unknown number, the Council instead determine and insert a specific number limiting the extent to which the height may be waived. In other words, the Board recommends replacing the 10’ exemption permitted in the existing ordinance with some other, specific number to safeguard against the possibility that an offensively-tall structural element could be authorized which far exceeds the height limit otherwise established.

Please feel free to contact me if you have any questions relative to the Board’s vote.

Respectfully, s/Tina P. Cassidy, Planning Board Director

On the petition by Hill Hockey Clinic LLC, 16 Seabrook Road, Salisbury, Massachusetts 01952 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.17b and 7.3 to allow for use of the legal existing nonconforming structure for a hockey training facility at 90 Blueberry Hill Road. PUBLIC HEARING OPENED. A communication dated May 29, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on Special Permit application for 90 Blueberry Hill Road/Hill Hockey Clinic LLC

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit, pursuant to Sections 5.1 (17b) and 7.3 of the Woburn Zoning Ordinance (WZO), to authorize a “physical fitness training and recreation facility” (or more specifically, a “hockey training facility”) in an existing, non-conforming former warehouse structure. The applicant’s Exhibit A indicates that the existing structure, existing parking spaces and loading area are all non-conforming although there are no explanations/details provided in the application to explain those non-conformities. The subject property is in an I-G (Industrial General) zoning district, and as such the requested use may be authorized by City Council special permit. No structural modifications are noted in the application.

The Planning Department has a number of questions and issues with respect to this application but is unable to fully complete its review due to two general pieces of critical information that have not been included with the filing. The Department’s current recommendation is that the Council require the applicant to submit the following baseline information about the proposed reuse of this site so that a thorough review of the application and plan will be possible.

1. INFORMATION AS TO PROPOSED USE

The Petitioner should be required to provide existing and proposed floor plans of the interior of the building along with a detailed summary of proposed employment projections and employee and visitor parking needs. Floor plans will answer a number of questions germane to the request including: Will the ice sheet be capable of hosting tournaments and/or games? Are retail sales of equipment or food planned? How many employees are expected to be on site during the busiest of times?

The Planning Department strongly urges the Council to require the Petitioner to provide this information to the Council and to the Building Commissioner so that he can determine whether or not the nineteen (19) planned parking spaces are in fact enough to satisfy the parking requirements of zoning. Section 8.2 of the WZO 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.”

Planning staff conferred with the Building Commissioner who reports that no such satisfactory documentation has been provided to him to date. This question should be answered now, because if the Building Inspector determines the amount of proposed parking is insufficient, the Petitioner will either need to revise the plan to add more parking or perhaps seek a variance from the Zoning Board of Appeals if in fact a variance is even possible (a

variance will not be possible if parking is considered a use, per Section 11.9 of the WZO which states *“No use variance shall be granted”*).

And, if a variance *is* possible and required, then this Special Permit is not appropriately before the Council for consideration. (Section 11.3.1 of the WZO states in part “*No application shall be accepted or considered complete that does not have any necessary variances required from the Board of Appeals. All appeal periods associated with granted variances must be expired before an application is submitted. If there is a dispute between the building commissioner and the petitioners on whether a variance is necessary this dispute must be presented to the Board of Appeals for resolution. No application with such disputed variances shall be considered complete and shall not be accepted until the Board of Appeals makes a decision.*”)

2. TRAFFIC-RELATED INFORMATION

The application provides no information about existing or proposed traffic flows. How much additional traffic will this use create on Blueberry Hill Drive? What are the expected peak hours of traffic generation (e.g. at what times of day will be the busiest)? The site is immediately adjacent to established single-family neighborhoods, some residents of which travel this part of Blueberry Hill Drive to access their homes. Important details about the operation of the proposed use are unknown and may bear on the big-picture question as to whether a hockey training facility is an appropriate use to abut residences.

Additionally, no information has been provided relative to the location and sufficiency of any exterior refuse/recycling containers on the site or information on security lighting, the adequacy of which must be evaluated for parking facilities that will be used at night per Section 8.5.1 of the WZO. The plan also has conflicting notes as to what is the front setback. The plan notes the building’s front setback as being both 20’ and 25’, though the 20’ notation appears correct. The conflict should be corrected.

Finally, the parking spaces shown on the submitted plan are not currently demarcated in the field. Several of the parking spaces shown on the plan project into the required front yard which is not permitted (Section 8.4.2.2. states “*No parking shall be permitted within the required front yard setback in any industrial, mixed use, office park, or multi family residential district...*”). While these spaces may be legal non-conforming parking spaces (in which case they could remain), no information has been provided to prove the parking spaces existed on the ground prior to the date parking within the front setback became illegal.

The Planning Department is more than willing to complete its review of this application once the information noted above is available.

Please feel free to contact me if you have any questions relative to this initial communication

Respectfully, s/Tina P. Cassidy, Planning Director

A communication dated May 31, 2018 with attachment was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit petition of Hill Hockey Clinic LLC, 90 Blueberry Hill Road, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find ten (10) copies of a revised Site Plan relative to the above-referenced matter.

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

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

On the petition by Montvale Land LLC, c/o Leggatt McCall Properties, 10 Post Office Square, Boston, Massachusetts 02109 to amend the Zoning Map of the City of Woburn by changing the zoning district for three parcels of land known as 0 Hill Street (54-05-04); 0 Hill Street (54-05-01); and 1 Washington Avenue (62-01-29), Woburn, Massachusetts together containing approximately 60.95 acres of land as shown on a plan entitled "Zoning Amendment Plan" dated April 25, 2018 from I-G/B-I to Technology and Business Mixed Use Overlay District (TBOD). PUBLIC HEARING OPENED.

On the petition by Montvale Land LLC, c/o Leggatt McCall Properties, 10 Post Office Square, Boston, Massachusetts 02109 to amend the 1985 Woburn Zoning Ordinances, as amended, Section 28.6.2 Uses Allowed by Special Permit with Site Plan Review by adding the following: 9. Hospital, Extended Care Facility. PUBLIC HEARING OPENED.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the petition by Steven Alicandro dba SureRide Taxi for renewal of a Taxi Cab License, committee report was received "ought to pass".

On the petition by Musto Jewelers for a renewal of a Secondhand Dealers and Secondhand Collectors License, committee report was received "ought to pass".

FINANCE:

On the Order to transfer the sum of \$113,000.00 from DPW/Overtime Acct to various DPW Accounts, committee report was received “ought to pass”.

On the Order to transfer the sum of \$815,000.00 from Fire/BLS Ambulance Acct to various Fire Department Accounts, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$260,000.00 from Unreserved Fund Balance Acct to Demolition of Clapp School Acct, committee report was received “ought to pass”.

On the Order to appropriate the sum \$50,000.00 from PEG Cable fund to purchase projector, tv, digital signage for media enhancement to City Hall, committee report was received “ought to pass”.

NEW PETITIONS:

Petition by New England Orienteering Club, Inc., 9 Cannon Road for a Special Event Permit to allow a map and compass navigation event at Horn Pond on August 26, 2018.

Petition by Yuying Huang, 3 Unicorn Avenue, Stoneham, Massachusetts 02180 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 5.1.33b to allow muscular therapy at 7 Montvale Avenue #15.

COMMUNICATIONS AND REPORTS:

A communication dated May 22, 2018 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 January 2017 to April 2018: Number of violations issued 166, Numbers of violations paid 72, Number of violations outstanding 83, Amount collected and submitted to Collectors Office \$17,205.80, Parking fines referred to the Handicap Commission \$9,000.00.

There is a backlog of 1,527 tickets dating from January 2004 to December 2017. 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

A communication dated May 23, 2018 to City Clerk William C. Campbell was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Review of Insurance Coverage – Kiwanis International Carnival Permit

I received the request to review the Certificate of Liability Insurance submitted by Kiwanis International for their special event permit. Although I have approved such certificate in the past, I took the liberty of consulting with the City's insurer to obtain their input into how best to ensure that the City is protected when such events are held on City property.

I have been advised that the City should request the following minimum coverages, all of which would require the City to be named as an "Additional Insured";

- General Liability of at least \$1,000,000. Occurrence/\$3,000,000 General Aggregate.
- Automobile Liability (applicable for anyone who has an automobile operating on City Property) of at least \$1,000,000 Combined Single Limit.
- Umbrella Liability of at least \$2,000,000/occurrence, \$2,000,000/ aggregate.
- Liquor Liability (applicable for any Liquor Exposure – Served or Sold at any of the Event of City Property) of at least \$1,000,000/occurrence, \$3,000,000 aggregate.

According to the coverage page submitted by Kiwanis, the City is only an "Additional Insured" for purposes of General Liability. If a special alcoholic beverage license is sought, the License Commission will require additional insurance coverage.

Though it would be preferable if Kiwanis were able to increase the insurance liability to comply with the above recommendations, I fully understand that the group may not be able to provide the above minimum coverages at this late date.

Going forward, it is my recommendation that the WMC be amended to set out the requisite minimum insurance coverages for special event permits, rather than sending the proffered coverage to this office for approval after the permit has been issued.

Sincerely, s/Ellen Callahan Doucette

A copy of a communication dated May 16, 2018 with attachment to Joseph Lemay, PE, EPA Region New England was received from Michael L. Raymond, Chairman, Aberjona Study Coalition, Inc., 10 North Maple Street, Woburn, Massachusetts 01801 relative to Industri-Plex Draft Explanaation of Significant Differences (ESD) Comments.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the communication dated May 10, 2018 with attachments received from Mayor Scott D. Galvin relative to retiree health insurance contributions.

On the Order to approve deficit spending that is in excess of appropriation for removal of snow and ice.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas several street lights along Olympia Avenue and all street lights on Normac Road have been inoperable for over two months, and

Whereas, Eversource determined that this is an issue that can only be addressed by Eversource;

Now, therefore, be it resolved that a communication be sent to Eversource requesting that the street lights be repaired immediately for the safety of the public.

s/Alderman Mercer-Bruen

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Zoning Ordinances, as amended, be further amended by adding a new paragraph 13 to Section 11, Special Permits and Variances, 11.6 Additional Conditions for Special Permits for Specific Uses and Conditions as follows:

13. Townhouses or Garden Apartment: Detached dwellings in a cluster development (5.1.3a); Townhouse or Garden Apartment: Congregate Elderly Housing (5.1.3b); Townhouse or Garden Apartment: Townhouse Development (5.1.3c); Townhouse or Garden Apartment: Garden Apartment (5.1.3d); and Elevator Apartment (5.1.4).

All streets, ways or access roads within the interior of any development that are shown on an approved Plan of Record and which provide access to dwelling units, shall be named after a man and woman killed in action in World War II, the Korean War, the Vietnam War or any other armed conflict involving the United States military forces. A list of those who were killed in action in war shall be assembled by the Veteran's Agent and filed with the City Clerk.

s/Alderman Gately

ORDERED Be it ordained by the City Council of the City of Woburn that the 1989 Municipal Code, as amended, be further amended as follows: (added language shown underlined)

12-1 Naming of streets.

The several streets, ways and squares in the city shall continue to be called and known by the names heretofore established; and all private streets and ways, and all streets, ways and squares hereafter laid out and accepted as public, shall be named by the City Council after a man and woman killed in action in World War II, the Korean War, the Vietnam War or any other armed conflict involving the United States military forces. A list of those who were killed in action in war shall be assembled by the Veteran's Agent and filed with the City Clerk. The city council may change the name of any street or way at any time, and the superintendent of public works shall place and maintain suitable street signs on each street heretofore and hereafter named by the city council.

s/Alderman Gately

Motion made and 2nd to ADJOURN.