

**CITY OF WOBURN
OCTOBER 20, 2020 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Ferullo
Concannon	Gately - absent
Demers	Mercer-Bruen
Dillon	Tedesco
Higgins	

VOTED to dispense with the reading of the previous meeting’s Journal and to APPROVE, 8 in favor, 0 opposed, 1 absent (Gately absent).

MAYOR’S COMMUNICATIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to accept on behalf of the City an access easement over 5 Robertson Way from Bryan and Brenda Melanson and shown on a plan entitled Definitive Subdivision Plan Right-of Way & Lot Plan, Pondview Estates, Woburn, MA,” by Duran Associates, dated October 30, 2008, Scale 1” = 40’, and recorded with Middlesex South District Registry of Deeds as Plan No. 295 of 2009 to be used for emergency access and access by the Conservation Commission as necessary.

s/President Higgins

Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gately absent).

Presented to the Mayor: October 22, 2020

s/Scott D. Galvin October 22, 2020

ORDERED Be it Ordained by the City Council of the City of Woburn, that pursuant to M.G.L. c.59, §38H and c.164, §1, and any other relevant enabling authority, the Mayor, in consultation with the Board of Assessors, is hereby authorized to negotiate an agreement with Presidential Way Solar Project 1, LLC and Presidential Way Solar Project 2, LLC of Boston, Massachusetts, and its successors and assigns, for a payment in lieu of taxes for the personal property associated with the privately owned and operated solar photovoltaic facilities installed on the garage rooftops at 225 and 235 Presidential Way, Woburn shown on the Woburn Assessors Maps respectively as Parcel 05-01-08 and 05-01-09, for a term of twenty (20) years, on such terms and conditions as the

Mayor and the Board of Assessors deem in the best interest of the City, and to take all necessary action and to execute all necessary documents to implement, administer and enforce such agreement, or to take any relevant action thereto.

s/President Higgins

Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gately absent).

Presented to the Mayor: October 22, 2020

s/Scott D. Galvin October 22, 2020

NEW PETITIONS:

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by George's Auto Body of Woburn, Inc., 19 Jefferson Avenue; Robert McSheffrey dba Bob McSheffrey Auto Sales, 880 Main Street; Oliver M. & Bridget McDermottroe dba McDermottroe Auto Sales, 229 Lexington Street; McSheffrey Auto Sales, Inc., 878 Main Street; McSheffrey's-SE, LLC dba McSheffrey's of the South End, 75 Main Street; Ollie's Service Center, 310 Main Street; David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue #4; Donald J. Socorelis dba Woburn Glass Co., 243 Main Street; Wassim (Sam) Nicolas dba Woburn Square Mobil, 23 Pleasant Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gately absent).

Petition for approval pursuant to M.G.L. Ch. 268A, Sec. 20(b) of contract for snowplowing services by Robert Hammond. Motion made and 2nd that the AUTHORIZATION TO PROVIDE PERSONAL SERVICES PURSUANT TO M.G.L. CH. 268A, SEC. 20(b) be APPROVED, 8 in favor, 0 opposed, 1 absent (Gately absent).

Presented to the Mayor: October 22, 2020

s/Scott D. Galvin October 22, 2020

Alderman Mercer-Bruen recused herself from participating in the following matter.

Petition by Lahey Hospital & Medical Center, 41 Mall Road, Burlington, Massachusetts 01805 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.56, 5.1.57a, 5.1.63a and Section 12 to allow for a drive-thru COVID-19 testing facility containing approximately 3,000 square feet at 8 Presidential Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 7 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained), 1 absent (Gately absent).

Petition by UDR Inwood LLC, c/o UDR, Inc., 1745 Shea Center Drive, Suite 200, Highlands Ranch, Colorado 80129 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify and amend special permit dated April 7, 2005, amended April 13, 2006,

November 9, 2006, March 19, 2007, July 13, 2007, January 25, 2008, December 12, 2013, September 3, 2015 and July 5, 2019 by adding plan entitled "Site Improvements Plan Set, Proposed Cardboard Recycling Area, #1 Inwood Drive, Woburn, MA 01801" dated October 13, 2020 prepared by Allen & Major Associates, Inc. to the Plan of Record at 1 Inwood Drive. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Gately absent).

PUBLIC HEARINGS:

On the petition by Alderman Mercer-Bruen concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 11 Montvale Road, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. A communication dated October 2, 2020 with attachment was received from Attorney Julie Johnson, P.O. Box 12, Townsend, Massachusetts 01469 as follows:

Subject: 11 Montvale

Good afternoon Mr. Campbell,

This email is to inform you that the above referenced property sold on September 30th. The deed went on record at the Registry of Deeds on October 1st; see deed attached.

Sincerely, Julie Johnson, Attorney at Law

Motion made and 2nd that the communication be received and made part of the record, 7 in favor, 0 opposed, 1 abstained (Demers abstained), 1 absent (Gately absent). Alderman Mercer-Bruen stated that the property has been sold, that the new owner has applied for a demolition permit, that the matter has been effectively resolved, that the matter can be dismissed, that the new owner is required to keep the property clean and rodent control in place, and that it would be beneficial to keep the matter open for one month to be certain the demolition takes place. Alderman Tedesco stated that he is not opposed to leaving the matter open for one additional month but after that the matter should be dismissed. Motion made and 2nd that the public hearing be opened for public comments, 7 in favor, 0 opposed, 1 abstained, (Demers abstained), 1 absent (Gately absent). PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 17, 2020, 7 in favor, 0 opposed, 1 abstained (Demers abstained), 1 absent (Gately absent).

President Higgins stepped down from the chair and Alderman Tedesco assumed the chair.

On the petition by President Higgins concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 8 Russell Court, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. President Higgins offered to the City Council for review a letter dated October 16, 2020 from the doctor for the property owner and an email dated October 14, 2020 from Board of Health Agent John Fralick. Motion made and 2nd that the communications be received and made part of the record, 7 in favor, 0 opposed, 1 abstained (Demers abstained), 1 absent (Gately absent). President Higgins stated that she spoke to the property owner, that the property owner will not be at this meeting, that the matter has been pending before the City Council since November 2019, that the Building Commissioner issued notices to the property owner about issues at the property in July 2019, that there has been little improvement in the conditions, that the property owner said he was going to sell the vehicles but has said that in the past and has not done so, that the Ward Two Alderman and herself have tried to assist the property owner but he has not accepted their offers, that the property owner has not come to any of these meetings over the past year, that the City Council should adopt the recommendation of the Building Commissioner and declare the property a nuisance, and that the city is not trying to take the property but wants there to be progress made in cleaning up the conditions. Alderman Mercer-Bruen stated that she supports the action, that no progress has been made at the property, that the Ward Alderman has been patient with the property owner, and that offers of assistance to the property owner have been declined. Motion made and 2nd that the public hearing be opened for public comments, 7 in favor, 0 opposed, 1 abstained (Demers abstained), 1 absent (Gately absent). PUBLIC COMMENTS: None. Motion made and 2nd that the following Order be adopted:

ORDERED That after a public hearing held on November 19, 2019 at 7:00 p.m. in the Council Chamber, Woburn City Hall, 10 Common Street, Woburn, Massachusetts, and a further hearing held on January 21, 2020 at 7:00 p.m. in the Council Chamber, Woburn City Hall, 10 Common Street, Woburn, Massachusetts, and a further hearing held on May 19, 2020 at 7:00 p.m. as a remote meeting pursuant to the authority granted under an Executive Order of the Governor on March 12, 2020 and Section 17(d) of Chapter 53 of the Acts of 2020, and a further hearing held on July 21, 2020 at 7:00 p.m. as a remote meeting pursuant to the authority granted under an Executive Order of the Governor on March 12, 2020 and Section 17(d) of Chapter 53 of the Acts of 2020, and a further hearing held on September 8, 2020 at 7:00 p.m. as a remote meeting pursuant to the authority granted under an Executive Order of the Governor on March 12, 2020 and Section 17(d) of Chapter 53 of the Acts of 2020, pursuant to Massachusetts General Laws Chapter 139, Section 1, et. seq., and a further hearing held on and a further hearing held on October 20, 2020 at 7:00 p.m. in the Council Chamber, Woburn City Hall, 10 Common

Street, Woburn, Massachusetts, it is hereby ORDERED by the City Council of the City of Woburn that the real property located at 8 Russell Court, Woburn, Massachusetts (hereinafter “the Property”), be declared a public nuisance, a nuisance to the neighborhood, and a dilapidated or dangerous or other structure for the following reasons:

1. The Property is a single-family residential structure located in a neighborhood in near proximity to many other single-family residential structures.
2. The Property is in poor condition and disrepair.
3. The exterior upkeep and care of the Property is inadequate.
4. The exterior grounds are overgrown, numerous items are scattered throughout the property.
5. The exterior also contains many vehicles that appear to not be operational and loaded with trash. There have been several inquiries into whether all these vehicles have been registered. There have been consistently more vehicles on property that have been registered with the City of Woburn.
6. Further, the Property owner has only provided four (4) Massachusetts Vehicle Registrations for vehicles located at this Property.
7. The Deputy Treasurer/Director confirmed the number of vehicles registered to the owner on November 18, 2019, July 15, 2020, and September 8, 2020.
8. Garbage has been stored outside the Property and has been allowed to build up.
9. The conditions of the Property adversely affect the quality of life in the neighborhood, and is adverse to the health, safety and welfare of the residents in the area and the general public.
10. On September 5, 2019, the Building Commissioner contacted the Property Owner by regular and certified mail, indicating that site inspection were conducted on July 22, 2019, and September 4, 2019 and that it was evident that the exterior grounds along the street have overgrown bushes and there is also trash and other debris including disabled motor vehicles which are all violations of the Woburn Municipal Code Title 15 Article VII.
11. After items were not addressed in the Building Commissioner’s September 5, 2019 letter, a public nuisance hearing was filed with the Woburn City Council and a public hearing was opened on November 19, 2019 at 7:00 p.m. in the Council Chamber, Woburn City Hall, 10 Common Street, Woburn, Massachusetts. The public hearing was then continued until January 21, 2020. A further public hearing was held on January 21, 2020 at 7:00 p.m. in the Council Chamber, Woburn City Hall, 10 Common Street, Woburn, Massachusetts. The public hearing was then continued to May 19, 2020. The public was and a further hearing held on May 19, 2020 at 7:00 p.m. as a remote meeting pursuant to the authority granted under an Executive Order of the Governor on March 12, 2020 and Section 17(d) of Chapter 53 of the Acts of 2020, and a further hearing held on July 21, 2020 at 7:00 p.m. as a remote meeting pursuant to the

authority granted under an Executive Order of the Governor on March 12, 2020 and Section 17(d) of Chapter 53 of the Acts of 2020, and a further hearing held on September 8, 2020 at 7:00 p.m. as a remote meeting pursuant to the authority granted under an Executive Order of the Governor on March 12, 2020 and Section 17(d) of Chapter 53 of the Acts of 2020. A further hearing held on and a further hearing held on October 20, 2020 at 7:00 p.m. in the Council Chamber.

12. On September 3, 2020, the Building Commissioner reported that there have been no improvements made to the property. The Building Commissioner has performed continuous site visits with the most recent site inspection occurring on August 31, 2020. At the time of this inspection it was evident that there has been no progress made by the owner to resolve the issues, the exterior grounds are overgrown, numerous items are scattered throughout the property and there are also many vehicles that appear to not be operational and loaded with trash. The City of Woburn Inspectional Services has made numerous attempts to work with the current owner to resolve issues and at this time and the owner has not made any attempts to resolve the issues. The Building Commissioner recommends that the City Council declare this property a public nuisance as the owner has not made any attempt to resolve.
13. The Health Inspector stated in correspondence dated October 14, 2020, that he checked out the property and that there was a potential violation of 105cmr410.602 trash and debris that exist outside of the dwelling.
14. The City Council has given the Property owner several opportunities to address the concerns of the Property. The public hearing and nuisance proceedings began in November 2019 and have been continued through October 20, 2020. Allowing for over a year to address the concerns as outlined in addition to the time provided from July 2019 as outlined in the Building Inspector's September 5, 2019 certified letter.
15. On October 20, 2020, the City Council of the City of Woburn opened and held a public hearing pursuant to Massachusetts General Laws Chapter 139, Section 1, et seq., concerning the Property.

NOW, THEREFORE, IT IS ORDERED by the City Council of the City of Woburn pursuant to Massachusetts General Laws Chapter 139, Section 1, et. seq., as follows:

1. That the property located at 8 Russell Court, Woburn, Massachusetts is hereby declared a nuisance to the neighborhood, and a dilapidated or dangerous building or other structure as those terms are used in Massachusetts General Laws Chapter 139, Section 1, et. seq.; and
2. That a communication shall be sent to the City Solicitor requesting that Receivership proceedings be commenced relative to the property located at 8 Russell Court, Woburn Massachusetts.

7 in favor, 0 opposed, 1 abstained, (Demers abstained), 1 absent (Gately absent).
Presented to the Mayor October 22, 2020 and ten days having elapsed without same being approved, said Order became effective without his signature on November 3, 2020.

Alderman Tedesco stepped down from the chair and President Higgins assumed the chair.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS: None.

CITIZEN'S PARTICIPATION: None.

COMMUNICATIONS AND REPORTS:

A communication dated October 8, 2020 was received from Mike Hager, Projectr Manager, Woburn to Wakefield Line Project, Eversource, 247 Station Drive, Westwood, Massachusetts 02090 relative to the construction status of the 345kV transmission line. Alderman Mercer-Bruen stated that the communication does not contain enough information, that she had a telephone conference with the team, and that she is anticipating addition information for the residents. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Gately absent).

APPOINTMENTS AND ELECTIONS:

A communication dated October 15, 2020 was received from Mayor Scott D. Galvin as follows:

Dear President Higgins and Members of the Woburn City Council:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Rosemary Valente-Hubbard, 3 Kennedy Road to the Commission on Disability to a three-year term beginning November 1, 2020, subject to approval of the City Council.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, 8 in favor, 0 opposed, 1 absent (Gately absent).

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn, that the Woburn Municipal Code, as amended, be further amended by changing the title of the “Woburn Commission on Handicapped and Disabled Citizens” wherever such title appears in the Woburn Municipal Code, to the “Woburn Commission on Disability;” and by also removing the term “handicapped” wherever it shall appear in the Woburn Municipal Code.

s/President Higgins

Motion made and 2nd that the MATTER be LAID ON THE TABLE, 8 in favor, 0 opposed, 1 absent (Gately absent).

Motion made and 2nd to ADJOURN, 8 in favor, 0 opposed, 1 absent (Gately absent). Meeting adjourned at 7:20 p.m.

A TRUE RECORD ATTEST:

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