

## TITLE 2

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## I. CITY OFFICERS, BOARDS AND COMMISSIONS GENERALLY

### 2-1 Acceptance of office subject to statute and ordinance- Statement required.

Every officer appointed by the Mayor, with or without the confirmation of the City Council, or elected by the City Council, or appointed by any administrative officer or municipal board, shall be notified of his/her appointment and if said appointee does not, within three (3) months after the date of such appointment, take and subscribe the oaths of office, his/her appointment shall be deemed void. (Prior Ch. 16 sec. 1). (Ord. amended 5/3/94)

### 2-2 Bonds required of officers.

- A. The several officers named in this subsection shall annually give bonds to the City in such form as the City Solicitor shall approve, and in such form and sums as are required by law as follows: 1. The treasurer, according to General Laws, Chapter 41, section 35; 2. The assistant treasurer, according to General Laws, Chapter 41, section 39A; 3. The City collector, according to General Laws, Chapter 60, section 13.
- B. The following persons shall give bonds in the form and amount as shall be fixed by the Mayor and Council: 1. The clerk in the office of the City collector; 2. The clerk in the office of the treasurer; 3. The assistant clerk in the office of the City collector; 4. The City Clerk, according to General Laws, Chapter 41, section 13A.
- C. The condition of each of the bonds in addition to any condition required by law shall be that the officer therein named shall well and truly perform and discharge all the duties of his office and shall account for as required by law and ordinance all moneys and other property coming into his hands by virtue of his office, and that he shall immediately inform the Mayor whenever any surety on his bond has died or become insolvent.
- D. The bond of every officer shall continue in force while he continues to hold the office to which he has been elected or appointed, whether by reelection, reappointment or otherwise.
- E. Each of the bonds shall be signed by an incorporated surety company, approved by the Mayor, as surety, unless the Mayor is satisfied that a satisfactory surety of this kind cannot be obtained at a reasonable premium, in which case he may accept three individuals as sureties (except where the law requires a corporate surety) but in such case the sureties shall be executed and approved and delivered before the officer enters upon the duties of his office, and within the

time prescribed by law, or in absence thereof, within thirty days. Any person required to give bond as aforesaid shall give a new bond satisfactory to the Mayor whenever required by him. Failure to furnish such bond within thirty days after request by the Mayor shall be a sufficient cause for removal.

- F. The amount paid as premium for the corporate surety upon any bond aforesaid shall be allowed and paid as an expense of the department of which the principal on the bond is an officer or employee.
- G. The bond of the treasurer shall be filed with the City Clerk. The bonds of other City officials shall be filed with the treasurer.
- H. The City Council shall annually by vote designate a depository or depositories for City funds. (Ch.16 sec. 2).

#### 2-3 Removal of officers.

The method of procedure in the removal of officers removable by the City Council shall be as follows: The petition, order or other paper asking for such removal, or containing charges or inquiries against any officer shall be referred to a special committee, consisting of members of the City Council. The committee shall give a hearing forthwith to all parties interested; and a meeting of the City Council shall be held within one month after the receipt of report of such committee for its consideration and determination; no testimony shall be heard in such meeting. (Prior Ch. 16 sec. 3).

#### 2-4 Boards and meetings--Organization.

- A. Every board shall, unless otherwise provided, organize annually by designating one of its members as chairman, and by designating a secretary or clerk.
- B. Every board shall, unless otherwise provided, meet at least once a month and may be called together at any time by the chairman or a majority of the members thereof, or by the Mayor.
- C. Should any of the boards and commissions have issues of interest to a particular alderman, or to the Council as a whole, the issue will be brought to their attention. (Prior Ch. 16 sec.10).

#### 2-5 Keeping of records.

- A. Every officer and board in charge of a department shall keep a record of the acts and doings of the department in books kept specially for the purpose, including a

book in which shall be recorded all changes and alterations made in all contracts and specifications for work and materials furnished for each department, and files of its papers. The records of every board shall be made by the clerk thereof upon the day of the meeting, and be read and approved at the next meeting and shall give the names of the members present at the meetings, and their votes and proceedings thereat. All such records and files may be at any time examined by the City Council and with the exception of medical records and files shall, under the supervision of the officer or board in charge, be open to public inspection.

B. All officers and boards entrusted with the receipt and expenditures of money shall keep the books, records, accounts and papers belonging to their several departments in such manner as the director of accounts in the Department of Revenue of the Commonwealth shall direct, making the same conform as far as practicable to the accounts of the auditor. (Prior Ch. 16 sec. 11).

C. Exemptions from Conflict of Interest Education Training

The following municipal employees shall be exempt from the mandatory conflict of interest education and training requirements set forth in Sections 27 and 28 of Massachusetts General Laws Chapter 268A. This does not exempt the municipal employees from any other requirement of the so-called conflict of interest law. The list of exempt employees are as follows:

1. Unpaid volunteer positions in which employees do not have or exercise governmental authority and do not participate in or have responsibility for government decision-making, contracting, hiring, investigation or any other discretionary governmental action including:
  - a. Public Library volunteers;
  - b. School volunteers;
  - c. Conservation Commission volunteers at clean-up days or similar events;
  - d. Senior Center, Parks and Recreation volunteer teacher positions;
  - e. Volunteers at any city sponsored celebration or field day events.
2. Short-term temporary or seasonal compensated positions in which employees do not have or exercise governmental authority and do not participate in or have responsibility for government decision-making, contracting, hiring, investigation or any other discretionary governmental action including:
  - a. Poll worker positions;
  - b. Non-supervisory seasonal positions of lifeguards and snowplow operators;
  - c. Substitute teachers who work less than one day per week;

- d. Participants in the senior citizen tax abatement program, veterans tax abatement program or similar tax abatement programs established by the city from time to time;
- e. Medical Reserve Corps volunteers;
- f. High school, college and graduate students participating in summer and work-study employment, whether paid or unpaid;
- g. Participants in programs of the Department of Mental Health who are patients in a therapeutic program that includes employment;
- h. Individual vendors and contractors to the city who provide one day or less of services per calendar year;
- i. Participants in volunteer programs whose names are not available or known to any public agency, such as, city residents who help shovel snow or clean up after a flood.

(added 6/10/2011; amended 3/22/2013)

2-6 Hours of business.

The offices of the City Clerk, the City treasurer, the superintendent of public works, the board of health and the assessors shall, except as hereinafter provided, be open for the transaction of public business on every day except Saturdays, Sundays and legal holidays from nine a.m. until four-thirty p.m. with the exception of the office of the City collector which shall close at four p.m. and which office shall be opened from seven p.m. to eight-thirty p.m. on Thursday evenings. The office of the chief of police shall be open at all hours of the day and night. All other City offices shall be open for the transaction of public business at such hours and times as the Mayor in writing filed with the City Clerk shall from time to time appoint. It shall be one of the duties of the Superintendent of Public Works to be present at City Hall on all nights when the City Council holds its regular meetings so that he may be available to furnish such information as the City Council may request. (Prior Ch. 16 sec. 12).

2-7 Accident reports.

Any City employee, department head or otherwise, involved in an accident while operating a City-owned vehicle or other equipment shall within twenty-four hours following the accident file a written report with the chief of police. (Prior Ch. 16 sec. 22).

**II. APPOINTMENT OF OFFICERS, EMPLOYEES, COUNCILS AND COMMISSIONS**

2-8 Appointments and terms.

The Mayor shall appoint annually, subject to confirmation by the City Council, eleven members of the local Council on aging for a term of one year (GL Ch. 40, sec. 8B).

1. The Mayor shall appoint, annually during March, subject to confirmation by the City Council and approval of the commissioner of the animal industry, an inspector of animals for the term of one year.
2. The Mayor shall appoint, annually in the month of May, subject to confirmation by the City Council, one member of the board of appeals who shall hold office for a term of three years from the first day in June, in the year of appointment (MGLA Ch. 40A, Sec.12).
3. The Mayor shall appoint three principal assessors who shall constitute the board of assessors, annually in January from the first Monday in February, next ensuing, for a term of three years.
4. The Mayor shall appoint, annually, one of the members of the board of assessors who shall be designated as chairman, and one as secretary. (Charter VI, Title VI, Sec. 32; Prior Ch. II; MGLA Ch. 41, Sec. 24).
5. The Mayor shall appoint a Building Commissioner who shall be a person specially fitted by education, training and experience.
6. The Mayor shall appoint a board of five cemetery commissioners subject to confirmation by the City Council, from the first Monday in April next ensuing for a term of five years. (Charter - Title VI, Sec. 32)
7. The Mayor shall appoint a director of civil defense (no definite term specified).
8. The Mayor shall appoint, annually in the month of May, a weigher of coal, who shall hold office for a term of one year from the first day of May in the year of his appointment.
9. The Mayor shall appoint a chairman and five members of the conservation commission for a term of three years from May 21st.
10. (Deleted in its entirety 8/15/95)
11. The Mayor shall appoint annually, not earlier than July 15th nor later than August 15th, election officers for each voting precinct: a minimum of one warden, one clerk and two inspectors, all of whom shall be registered voters of the City, subject to confirmation by the City Council, and subject to General Laws Ch. 54, sec. 36.
12. The Mayor shall appoint a fire chief of the fire department, subject to state Civil Service Commission Rules and Regulations (GL Ch. 31).
13. (Reserved)
14. The Mayor shall appoint, three fence viewers for one year from the first day of May next ensuing.
15. The Mayor shall appoint, annually in June, a forest warden, subject to confirmation by the state forester, for one year and until his successor is appointed and qualified.
16. The Mayor shall appoint nine members of the golf and ski authority on January first, subject to confirmation by the City Council, three members for six years, three members for four years and three members for two years (Chapter 526, Acts of 1968).
17. The Mayor shall appoint, annually in the month of April, measurers of grain, who shall hold office for a term of one year from the first day in May in the year of their appointment.

18. The Mayor shall appoint three members of the board of health, one of whom shall be a physician practicing in the City. He shall appoint as provided in Chapter 87 of the Special Acts and Resolves and consistently with MGLA Ch. 111, sec.26, for three years from the first Monday in February.
19. The Mayor shall appoint seven members of the historical commission, who shall serve for three years from the first day in June in the year of their appointment (MGLA Ch. 40, Sec 8D).
20. The Mayor shall appoint four members of the housing authority, subject to the confirmation of the City Council, who shall serve for a term of five years from the first day in April in the year of their appointment.
21. The Mayor shall appoint five members of the industrial development financing authority subject to confirmation by the City Council, who shall serve for a term of five years from the first day in April in the year of their appointment (MGLA Ch. 40D).
22. The Mayor shall appoint a superintendent of insect pest control for a three year term, subject to confirmation by the City Council (MGLA Ch. 132, Sec. 13).
23. The Mayor shall appoint, annually in the month of January, a trustee of the Eunice Thompson Library, for a term of three years from the tenth day of January in the year of his appointment. Such appointee shall hold office until his successor is appointed and qualified.
24. The Mayor shall appoint a library trustee for three years from the first Monday in April, subject to confirmation by the City Council.
25. The Mayor shall appoint three members of the licensing commission, subject to the confirmation of the City Council, for a six-year term from June 30th (MGLA Ch.140, Sec. 1).
26. The Mayor shall appoint, annually in the month of April, surveyors of lumber, who shall hold office for a term of one year from the first day of May in the year of their appointment.
27. The Mayor shall appoint, subject to confirmation by the City Council, a public health nurse who shall perform such duties in the office as the board of health may prescribe, who shall hold office until removed in the manner provided by GL Chapter 31.
28. The Mayor shall appoint a City physician, consistent with the Charter, Title VI, Section 32, annually in the month of January, who shall perform duties consistent with Sections 2-43 through 2-46 of this code.
29. The Mayor shall appoint, subject to confirmation by the City Council, annually in the month of April, a member of the planning board of the City, who shall hold office for a term of five years from the first day of May in the year of his appointment (MGLA Ch. 41, Sec. 81A).
30. The Mayor shall appoint the chief of police and subordinate officers in accordance with the Charter, Title VI, Section 32, paragraph six, in so far as it is consistent with MGLA Chapter 31.
31. The Mayor may appoint special police officers in accordance with civil service commission rules and regulations.

32. The Mayor shall, annually in the month of April, appoint the poundkeeper, who shall hold office for a term of one year from the first day of May in the year of his appointment.
33. The Mayor shall appoint a superintendent of public works for a term of two years, who shall be a person specially fitted by education, training and experience to perform the duties of the position, and in so far as the appointment is consistent with the civil service commission rules and regulations.
34. The Mayor shall appoint a purchasing agent annually in the month of January, whose duties are prescribed by Sections 3-12 through 3-19 of this code (MGLA Ch. 41, Sec. 103).
35. The Mayor shall appoint an assistant purchasing agent in accordance with MGLA Chapter 41, section 103, and relative ordinances and civil service commission rules and regulations.
36. The Mayor shall appoint two members of the recreation commission for a term of five years, in accordance with sec. 2-153 through 2-159 of this code and MGLA Chapter 45 as modified by Chapter 358 of the Acts of 1945.
37. The Mayor shall appoint four members of the redevelopment authority, for five years from November 15th, subject to confirmation of the City Council (MGL Ch. 121B).
38. The Mayor shall appoint a board of registrars, subject to confirmation by the City Council, consisting of the City Clerk and three other persons according to the provisions of MGLA Chapter 51, Section 15.
39. The Mayor may annually in the month of January appoint a secretary-receptionist to the Mayor.
40. The Mayor shall appoint a City Solicitor consistent with the Charter, Title VI, Section 32, annually in the month of January, who shall be in charge of the legal department.
41. The Mayor shall appoint annually a tax title custodian.
42. The Mayor shall, annually in the month of April, appoint a veterans' agent, to act in the disbursement of veterans' benefits, consistent with MGLA Chapter 115. (By City-wide vote, tenure was granted to the present agent.)
43. The Mayor shall appoint, annually in March or April, subject to confirmation by the City Council, a registrar of voters, for a term of three years.
44. The Mayor shall appoint, annually in the month of April, a public weigher, who shall hold office for a term of one year from the first day of May in the year of appointment.
45. The Mayor shall appoint, subject to City Council confirmation, a sealer of weights and measures.
46. The Mayor shall appoint, annually in the month of April, measurers of wood and bark, who shall hold office for a term of one year from the first day of May in the year of their appointment.
47. The Mayor shall appoint, subject to City Council confirmation, annually in the month of January, a parking clerk (MGLA Ch. 90, Sec. 20A $\frac{1}{2}$ ). (Ords. dated 4/12/86; 2/4/86 [part]; 4/20/84 [part]; prior Ch. 14 sec. 1).



48. All such appointed members of boards, commissions, committees and authorities shall not be entitled to Health Benefits. All members of boards, commissions, committees and authorities who are presently receiving Health Benefits shall be removed from the City of Woburn's offered Health Plans within ninety (90) days of the effective date of this Ordinance. All appointed members of boards, commissions, committees and authorities shall not work more than twenty (20) hours a week. All appointed members of boards, commissions, committees and authorities may elect, after ninety (90) days, to continue in the group health plan by paying the full rate. (Ord. added 5/3/94 effective 5/16/94)

2-8A Appointment of Constables.

1. The Mayor may appoint constables in January, for a term not exceeding three years, beginning on the first day of February.
2. The total number of constables at any one time, shall not exceed the number which is the equivalent of one constable per 3,000 Woburn residents, according to the latest City of Woburn Census.
3. At least seventy-five percent (75%) of all constables shall be residents of the City of Woburn. For the purpose of this subsection of this ordinance, each such applicant must be able to prove that he has lived in the City of Woburn for at least one (1) year prior to the date of his application.
4. Applicants for constable must submit a written resume and completed application to the Mayor containing such information reasonably required by the City of Woburn for use in determining the fitness, reputation and character of the applicant to hold the office of constable. The Chief of Police shall, upon request, give the Mayor and the City Council all possible assistance in making such investigation. The application shall also include a statement as to the moral character of the applicant signed by a minimum of five (5) citizens of the community in which he resides, one of whom must be an attorney.
5. Immediately upon appointment, a constable must submit to the City Clerk a surety bond in the maximum amount specified under the provisions of M.G.L., Chap. 41, Sec. 92. Said bond to be maintained throughout the term of the constable's appointment.
6. Each constable appointed by the City of Woburn shall annually, on or before the fifteenth of April, file with the Office of the City Clerk, a true copy of the account required to be filed with the office of the County Treasurer in accordance with the provisions of M.G.L., Chap. 262, Sec. 8A.
7. Upon application for renewal of appointment as a constable, each constable

appointed by the City of Woburn shall submit a written statement describing the types of writs and processes served by him under the provisions of M.G.L., Chap. 41, Sec. 92 and any actions undertaken by him in accordance with the provisions of M.G.L. Chap. 41, Sec. 94, during the term of appointment immediately preceding the term for which said application for renewal is submitted.

8. The City Clerk for the City of Woburn shall retain on file in his/ her office and shall attach to each application and reappointment submitted by any constable, the account referred to in Paragraph 6 and the statement referred to in Paragraph 7. Each said account and said statement shall become a permanent part of the record of activity of each constable appointed by the City of Woburn in accordance with the provisions of Section 2-30 (5) of the General Ordinance of the City of Woburn.
9. The Mayor may, with the approval of the City Council, revoke the appointment of a constable for gross misconduct. In any case where a constable has been convicted of a crime, the Mayor shall review such matter to determine if such conviction amounts to a gross misconduct, and if he so determines, he shall revoke said constable's appointment as provided in this section.
10. No constable appointed by the City of Woburn shall carry on his person or be in possession of any firearm while in the exercise and performance of the powers, duties and responsibilities of the position of the constable for the City of Woburn.
11. Any constable found guilty of violating the provisions of Paragraph 10 shall be punished by a fine of \$250.00.
12. All individuals now holding valid constable appointments will continue as constables as long as he so desires and continue to file for reappointment under the ordinance procedure.
13. No additional constables shall be appointed until the list is downsized to the ordained number, i.e., one constable per three thousand (3,000) residents. (Ord. added 8/15/95)

## 2-9 Appointments to fill vacancies.

1. Pursuant to Mass. Gen. L. Ch. 41, § 61A, if the office of city auditor, city treasurer, city collector of taxes, or other officer having charge of a city department, or its deputy, is vacant, or if any such officer, because of disability or absence, is unable to perform his duties, the Mayor, without confirmation by the city council, shall appoint a temporary officer to hold such office and exercise the powers and perform the duties thereof until another is duly elected or appointed

and has qualified according to law, or the officer who was disabled or incapacitated resumes his duties. The Mayor shall notify the City Council of such temporary appointment within forty-eight (48) hours. No such temporary officer shall be appointed by the Mayor under this provision for a period longer than sixty (60) days. If after the sixty (60) days, such office is still vacant, the appointment shall be filled in accordance with the following:

- a. Mayor Appointed Offices: Whenever a vacancy occurs in any office now filled by appointment by the Mayor, the Mayor shall appoint a person in the manner of the original appointment, to fill such a vacancy and to hold office for the balance of the unexpired term and until a successor is appointed and qualified. Whenever any person holding office appointed by the Mayor shall be temporarily unable to discharge the duties of the office, the Mayor may appoint a person to discharge such duties until the Mayor determines that such inability has ceased. The Mayor shall notify the City Council of such appointment within forty-eight (48) hours.
- b. City Council Appointed Offices: Whenever a vacancy occurs in any office now filled by appointment by the City Council, the City Council shall appoint a person in the manner of the original appointment, to fill such a vacancy and to hold office for the balance of the unexpired term and until a successor is appointed and qualified. Whenever any person holding office appointed by the City Council shall be temporarily unable to discharge the duties of the office, the City Council may appoint a person to discharge such duties until the City Council determines that such inability has ceased. The City Clerk shall notify the Mayor of such appointment within forty-eight (48) hours.

2. Definitions – The following shall apply to Section 2-9:

- a. "Appointed" shall mean the act of naming or designating someone to a position or office.
- b. "Temporarily unable to discharge the duties of the office" shall mean the position holder is not able to perform the duties required of the office. Any officer that is unable to perform the duties required of the office due long-term illness, long-term sickness, long-term disability, or leave under the Family Medical Leave Act ("FMLA"), shall be determined by the Human Resources Director. After such determination, the Human Resources Director shall notify the Mayor and the City Council of such determination.
- c. "Temporary vacancy" shall mean the position holder is unable to discharge the duties of the office. A temporary vacancy may occur as a result of a suspension, serious illness of long duration, or a leave of absence. An example of such an absence includes situations under the FMLA. A temporary

vacancy is not created when the position holder is on vacation or out sick for a short period of time.

- d. "Vacancy" or "vacant" shall mean the position is currently unoccupied. If permanent, a position is rendered vacant usually, as a result of the resignation, retirement or termination of the occupant, leaving the position to be newly filled or appointed."

(Prior Ch. 14 sec. 2; amended 3/21/2017).

### **III. MAYOR**

#### **2-10 Execution of conveyances, leases and other instruments.**

The Mayor after being authorized by majority vote of the City Council may execute on behalf of the City all conveyances, leases and other instruments to be executed by the City. This provision shall not be construed to prevent any officer from executing any conveyance, lease or other instrument in performing the duties required of him by the General Laws or by any special act of the General Court of the Commonwealth. (Prior Ch. 14 sec. 3).

#### **2-11 Authority to release City from deeds.**

The Mayor after being authorized by majority vote of the City Council may execute and deliver to any party holding lands, the title of which is derived under a deed given by the City, and creating an estate upon condition, a deed or release, acknowledging that up to the time when such deed or release is given, such condition has been fully complied with, and releasing such land from the possibility of forfeiture to the City for any breach of condition happening prior to the date of release. (Prior Ch.14 sec. 4).

#### **2-12 Authority to close buildings--Display of Flags.**

The Mayor may order the public buildings or any of the public offices to be closed for any period, not exceeding one day at a time, whenever he deems it expedient to do so, and may order flags to be displayed thereon at any time. (Prior Ch. 14 sec. 7).

#### **2-12A Mayor, Clerical Assistance.**

The Mayor may appoint a person who shall hold the title of Secretary-Receptionist to the Mayor; the person so appointed shall perform such duties and assume such responsibilities as the Mayor in his/her sole discretion may from time to time, deem

fit; the person so appointed shall serve in such position solely at the pleasure of the Mayor and shall be deemed a "Confidential" employee as that term is used in G.L. C. 150E; the position of Secretary - Receptionist to the Mayor shall be a full-time position except that (i) the working hours shall be established and may, from time to time, be changed or varied by the Mayor and (ii) the position shall not be covered by a Collective Bargaining Agreement nor included, or includible, within a Collective Bargaining Unit within or without the City of Woburn; the remuneration for such position shall be duly established, but may from time to time be varied, by Ordinance; Employee Benefits incidental to the position of Secretary - Receptionist to the Mayor shall be solely and exclusively determined by the Mayor. (Added 2/6/96)

2-12B Administrative Assistant to Mayor

The Mayor may appoint a person who shall hold the title of Administrative Assistant to the Mayor; the person so appointed shall perform such duties and assume such responsibilities as the Mayor in his/her sole discretion may, from time to time, deem fit; the person so appointed shall serve in such position solely at the pleasure of the Mayor and shall be deemed a CONFIDENTIAL employee as that term is used in G.L. C. 150E; the position of Administrative Assistant to the Mayor shall be a full-time position except that (i) the working hours shall be established and may, from time to time, be changed or varied by the Mayor and (ii) the position shall not be covered by a COLLECTIVE BARGAINING AGREEMENT nor included, or includible, within a COLLECTIVE BARGAINING UNIT within or without the City of Woburn; the remuneration for such position shall be duly established, but may from time to time be varied, by Ordinance; Employee Benefits incidental to the position of Administrative Assistant to the Mayor shall be solely and exclusively determined by the Mayor. The position of Administrative Assistant to the Mayor shall also include the role of Grant Writer/Co-Ordinator for the City. The Administrative Assistant to the Mayor shall not, for any reason, become Acting Mayor for the City. The City Council President, as per the City Charter, shall become Acting Mayor in the case of illness or absence of the Mayor. (Added 7/23/97)

2-13 State of the City address.

- A. At the first regularly scheduled meeting of the City Council in every odd-numbered year the Mayor shall appear before the City Council for the purpose of addressing them on the general welfare and state of the City.
- B. The Clerk of the City Council shall cause the address to be placed first on the agenda, preceded only by a roll call of the members, and no parliamentary vote of the City Council shall change the position of the address on the agenda.

- C. The Clerk of the Council shall also invite the members of the school committee to be present in the legislative area of the Council chambers for that portion of the meeting in which the Mayor makes his address. (Prior Ch. 14 sec.10).

#### **IV. CITY CLERK**

2-14 Duties

The City Clerk shall perform all duties which are now, or may hereafter be, required of him by the laws of the Commonwealth, the City Charter or the ordinances of the City. (Prior Ch. 6 sec. 1).

2-15 Attendance at general meetings.

The City Clerk shall attend all general meetings of the citizens which may be held by virtue of notices issued by the City Council, and open every such meeting by reading the notice therefor, and preside thereat until a moderator is chosen. He shall keep a record of the proceedings of the meetings, including copies of all reports or other documents upon which the proceedings were founded. (Prior Ch. 6 sec. 2).

2-16 Records of elections and appointments.

The City Clerk shall keep a book containing the dates of the election of all officers elected by the City Council, or appointed by the Mayor, and a statement that the officer signing the same accepts his office subject to the statutes and ordinances. (Prior Ch. 6 sec. 3).

2-17 Notices to auditor and treasurer.

The City Clerk shall notify the auditor and treasurer, in writing, of all orders authorizing appropriations, expenditures, assessments, apportionments or abatements immediately after such orders are approved. He shall also notify committees and municipal boards of any orders affecting the appropriations under their control. (Prior Ch. 6 sec. 4).

2-18 Issuance of licenses.

Except as herein otherwise provided, the City Clerk shall issue all licenses authorized by the City Council and shall keep a complete record of all such licenses. (Prior Ch. 6 sec. 5).

2-19 Custody of City records and documents.

The City Clerk shall have custody of all journals, records, papers, contracts and documents of the City and he shall perform such other duties as shall be prescribed by the City Council. The City Clerk shall obtain from the local cable television provider a copy of each video tape recording of the City Council meetings produced by the local cable television provider and retain such copy as a permanent record. The City Clerk shall notify the City Council of any summons pertaining to a federal or state court proceeding served on the city in care of the City Clerk within 48 hours of service. (Prior Ch. 6 sec. 6; amended October 6, 2000; amended 9/19/2014).

2-20 Recording of ordinances.

The City Clerk shall keep a record of all ordinances in a book properly indexed, and shall number such ordinances consecutively in each year. He shall annex to his annual report copies of all ordinances enacted during the year, which shall be published with the annual reports. Failure to comply with this section shall not affect the validity of any ordinance. (Prior Ch. 6 sec. 7).

2-21 Department personnel.

The office of the City Clerk shall consist of a City Clerk, an assistant City Clerk, one principal clerk, one assistant supervisor of census, elections and registration and one senior clerk, appointed by the City Clerk, and who shall do the clerical work in the office of the City Clerk and perform such other duties in the office as the City Clerk may prescribe. (Ords. dated 12/24/86, 12/04/86; Charter, Sec. 37, Prior Ch. 6 sec. 8).

2-22 Display of flags at elections.

The City Clerk shall have American flags placed at or near the ballot boxes in each ward the day of a primary or an election. (Prior Ch. 6 sec. 9).

2-23 Clerk to swear in City engineer.

The City engineer shall be sworn to the faithful performance of his duties by the City Clerk. (Prior Ch. 6 sec. 10).

2-24 Contacting of newly elected Councilors.

The City Clerk, following a City election in November, shall contact by mail, all newly elected members to the City Council and invite them to attend Council

meetings, and to sit at the Council table for the purpose of orientation, without the privilege of speaking or casting a vote. (Prior Ch. 6 sec.11).

## **V. CITY TREASURER/COLLECTOR - DUTIES AS TREASURER \*\***

### **2-25 Duties as Treasurer; Signing of notes and bonds.**

The City Treasurer/Collector shall sign all notes or bonds issued by authority of the city council.(Prior Ch. 27 sec. 1).

### **2-26 Keeping of accounts- Payment of funds only upon order.**

The treasurer/collector shall keep an accurate and true account of all receipts and payments on behalf of the city, making the same conform with the accounts of the auditor. He/she shall pay no money, except upon orders of the mayor drawn in the manner prescribed, or except for special purposes, as provided in Section 3-1 of this code. (Prior Ch. 27 sec. 2)

### **2-27 Monthly Statement--Annual Report.**

The treasurer/collector shall, on the first day of each month, furnish to the auditor a statement, in detail, of all collections, receipts and disbursements during the preceding month and on what account the same were received or paid. His/her annual report to the City Council shall contain a statement in detail of receipts and expenditures for the preceding financial year; a copy thereof shall be furnished to the finance committee. (Prior Ch. 27 sec. 3)

\*\* Sections 2-25 through 2-42 were extensively revised by combining the positions of treasurer and collector, by ordinance passed 12/20/90.

### **2-28 Authority to cancel and reissue bonds counter-signatures.**

Pursuant to the Massachusetts General Laws, Chapter 107, Section 4, the city treasurer/collector at the request of the owner or holder of any bond, promissory note or certificate of indebtedness issued by the city payable to the bearer, is authorized at any time more than one year before the maturity thereof, to issue in exchange thereof a bond, note or certificate of the same effect payable to the owner or holder by name. Coupons or registered bonds, notes or certificates of the city may be surrendered to the city treasurer/collector for cancellation, and in exchange thereof one or more registered bonds, notes or certificates having the same maturity and rate of interest may be issued to the owner or to a new owner or owners. The new bonds, notes or certificates shall be signed by the treasurer/collector and countersigned by the city auditor and the mayor and shall express on their face that they are exempt from taxation in Massachusetts, if it is so



stated in the bonds, notes or certificates of indebtedness surrendered for exchange. The expense involved in surrendering and in making the cancellation and reissue of any bond, promissory note or certificate of indebtedness pursuant to this order or to any law applicable thereto shall be borne by the party requesting such cancellation and reissue. (Prior Ch. 27 sec. 4).

2-29 Receipt and exchange of bonds--countersignatures.

Under the authority of and in compliance with Massachusetts General Laws Chapter 107, Section 4, and Chapter 29, Section 39, and acts in amendment thereof and in addition thereto, the City Treasurer/Collector is authorized from time to time to receive for cancellation coupons or registered bonds, notes or certificates of the city which have been or may be issued at any time, and in exchange thereof issue one or more registered bonds, notes or certificates having the same maturity and rate of interest, to the same or new owner or owners. The bonds or certificates shall be denominated the same as the bonds, notes or certificates surrendered in exchange therefor, and shall be for an aggregate amount no greater than the aggregate amount of the principal of bonds, notes or certificates surrendered as the treasurer/collector is authorized to issue, and shall be signed by the treasurer/collector, countersigned by the city auditor and the mayor. Other particulars as to form and issuance of the bonds, not inconsistent with legal requirements shall be determined by the city treasurer/collector who is authorized in his/her discretion to waive the right of the city to the fee of fifty cents for issuing such bonds, notes or certificates as provided in the General Laws, Chapter 107, Section 6. The City Treasurer/Collector is instructed to cancel such surrendered bonds, notes and certificates as may be exchanged for new bonds or certificates in such form and manner as shall comply with the General Laws, Chapters 106 or 107, Article 8. (Prior Ch. 27 sec. 5).

2-30 A Deputy Treasurer/Collector – Treasurer/Collector functions

The treasurer may in writing appoint, with the approval of the mayor a deputy treasurer/collector who may be an employee in the treasurer/collector's department. The deputy treasurer/collector shall be sworn to the faithful performance of those duties, and a record shall be made of the appointment and oath so taken. The deputy treasurer/collector shall be a citizen of the United States and a resident of the Commonwealth, and shall give bond annually for the faithful performance of these duties in a form approved, and in an amount determined, by the commissioner of revenue. Unless a temporary treasurer/collector is appointed in accordance with law, the deputy treasurer/collector may, in the absence of the treasurer/collector, perform those duties and when performing those duties shall have the powers and be subject to the requirements and penalties applicable to him or her provided, however, that the deputy treasurer/collector shall not be authorized to sign for the collector instruments of taking pursuant to section fifty-

four of chapter sixty. The deputy treasurer/collector shall assist in the daily management of both the treasurer's and collector's office and is authorized to direct and supervise the employees in their tasks and the conduct of the office. The person appointed as deputy treasurer/collector may receive a salary from the city for service as such in an amount of \$50,000.00. This position shall be considered a management position and therefore is not associated with a collective bargaining unit. (Prior Ch. 27 Sec 6; Amended 5/10/2004; 12/10/2004)

2-30 B Clerical Assistance – Treasurer functions

The city treasurer/collector may appoint an assistant treasurer and a head clerk who shall do the clerical work in the office of the city treasurer/collector and perform other such duties in the office as the city treasurer/collector may prescribe. (Prior Ch. 27 sec 6; amended 5/10/2004)

2-31 Discharge of Mortgages.

When a person entitled to redeem an estate mortgaged to the city treasurer/collector makes application for such redemption, the treasurer/collector may, upon payment of the amount due of the mortgage, discharge or release the mortgage, or assign the same without liability of or recourse to the city, and may execute and deliver on behalf of the city all legal instruments that may be necessary for the purpose. (Prior Ch. 27 sec. 7).

2-32 Authority to vest City's Title in persons redeeming estate purchased for nonpayment of taxes.

When a person entitled to redeem an estate sold for nonpayment of taxes or other assessments and purchased by the city makes application for such redemption, the city treasurer/collector may, on payment of the amount due on the estate, execute and deliver on behalf of the city any and all legal instruments that may be necessary to vest in such person the city's title to such estate. (Prior Ch. 27 sec. 8)

2-33 Majority vote of council required for assignment of tax-title property.

The city treasurer/collector shall not assign tax-title property to anybody until authorized by a majority vote of the City Council and the approval of the Mayor. (Prior Ch.27, sec. 9).

**VI. TREASURER/COLLECTOR - DUTIES AS COLLECTOR**

2-34 Duties as Collector.

The treasurer/collector of the city shall do and perform all the duties required of

him/her as the tax collector of the city as embodied in Chapters 31, 41, 44, 58, 59, 60, 100, 132 and any other pertinent chapters of the Massachusetts General Laws and any amendments thereto, together with any ordinances of the city relating to the same. (Prior Ch. 8 sec. 2).

2-35 Bond required.

The city treasurer/collector shall give bond for the faithful performance of his/her duties in accordance with the provisions of M.G.L. Chapter 60, sec.13. The premium for such bond shall be paid by the city. (Prior Ch. 8 sec. 3).

2-36 Collection of accounts.

The city treasurer/collector shall, in addition to the duties specifically provided for in the above sections, collect all accounts and other sums payable to the city, together with interest, costs and charges thereon, in accordance with Massachusetts General Laws Chapter 41, Section 38A. The treasurer/collector shall have authority to make such rules and regulations, conformable to law, as will assist him/her in carrying out the provisions of Massachusetts General Laws Chapter 41, Section 38A and any other powers vested in him/her by law or by these ordinances. With such accounts, the City Treasurer/Collector shall prepare a statement of all moneys received or collected by him/her during the preceding week or lesser period of time on account of taxes, accounts and other sums, together with interest, costs and charges thereon, and the purposes for which the moneys were received and collected. Such statement shall include all fees, charges, costs and commissions allowed by law received or collected by him/her or any deputy collector, clerk, sheriff, deputy sheriff or constable acting under authority of law by their appointment and shall certify collection of the same. A copy of this statement shall be filed with the City Auditor. (part, Prior Ch. 8 sec. 4).

2-37 Annual report.

The treasurer/collector shall make an annual report on or before the fifteenth day of July, to the mayor and the city council, being a complete statement of the financial transactions of his/her department for the preceding financial year. A copy shall also be furnished to the finance committee of the city council. (Prior Ch. 8 sec. 6).

2-38 Deputy collectors.

1. The Treasurer/Collector may appoint, subject to the provisions of Massachusetts General Laws Chapter 60, Section 92, such deputies as he/she deems expedient and they shall have all the powers of collectors.
2. Each Deputy Collector so appointed shall keep a cash book, in which such

Deputy Collector shall enter all sums so collected, specifying the total amounts of each tax collected, all interest, charges, and fees received, the name and address of each party from whom money was received and the date of each such receipt. The Deputy Collector shall prepare a report to the Treasurer/Collector of all uncollected warrants issued to the Deputy Collector at least once each month. Deputy Collectors shall give bond for the faithful performance of their duties. The Deputy Collector shall, at least weekly, turn over sums collected to the Treasurer/Collector, or deposit said funds into an account which is separate from any other account of the community for the purpose of clearing checks and earning interest on deposits. The Treasurer/Collector shall transfer funds which have cleared from such account to the City treasury at least once a week along with any interest earned. The Deputy Collector shall then be paid through the treasury for salary and compensation.

3. The Deputy Collector shall be required to pay all fees received by him/her by virtue of their office into the City treasury and report the amount collected thereof from time to time to the City Council. The report of the Deputy Collector shall be published with the Treasurer/Collector's report in the Annual Report of the City.
4. The salary and compensation of the Deputy Collector shall be established by ordinance of the City Council and such funds necessary to pay such salary and compensation shall be provided for in the Annual Budget of the City effective July 1 of each year.
5. All collection agencies or private entities engaged or hired by the Treasurer/Collector for the purpose of assisting in the collection of delinquent taxes, shall be in accordance with the competitive bidding process on an annual basis in accordance with Massachusetts General Laws Chapter 60, Section 2B.

(Amended 6/26/2000)

2-39 Clerical assistance - Collector's functions.

The City Treasurer/Collector may appoint four clerks; one assistant collector; one head clerk; one principal clerk and one senior clerk to do clerical work as he/she may prescribe. Said appointments shall not be for any specified term but shall run during the term of the appointing treasurer/collector and his/her successors, or until removal as provided in this section. Any clerk shall be removable only by the treasurer/collector or his/her successor and in the manner provided for in the removal of persons holding office classified under the Civil Service Rules and

Regulations and Laws of Massachusetts, or by collective bargaining procedures, if applicable. (Prior Ch. 8 sec. 8; amended 5/10/2004) (Prior Ch. 8 sec. 8).

2-40 ( Reserved )

2-41 Notice of zoning changes (numbered as passed)

The tax collector or his successor shall include a notice on a form prescribed by the City Clerk, in the October tax bill informing all taxpayers of their right and the procedure to receive notice of proposed zoning changes, in accordance with the 1985 Woburn Zoning Code, as amended. (Ord. amended 4/10/98)

## **VII. HUMAN RESOURCES DIRECTOR**

2-41 Human Resources Director; Planning and Direction of Personnel Program.

### Section 1 Purpose

The system of personnel administration established herein shall be consistent with the following merit principles:

- a. Recruitment from all segments of society and selection and advancement on the basis of ability, knowledge and skills under fair and open competition.
- b. Compensation shall be established on an equitable basis.
- c. Training and development opportunities shall be provided as needed to assure high-quality performance by all employees.
- d. Retention of employees shall be on the basis of their performance. A reasonable effort shall be made to assist employees in inadequate performance, and if, following such effort, inadequate performance can not be corrected, separation shall occur.
- e. Fair treatment of applicants and employees shall occur in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age, handicap or other non-merit factors and with proper regard for their privacy and constitutional rights,

Nothing in this ordinance or the administration regulations promulgated hereunder shall be construed to limit any right of employees pursuant to Chapter 31 or Chapter 150E of the General Laws of the Commonwealth of Massachusetts.

### Section 2 Application

All city departments and all positions in the City shall be subject to the provisions of this ordinance with the following specific exceptions:

- a. The School Committee and all of it's employees.
- b. The City Council and all of it's employees.
- c. All elected officials.
- d. Members of boards, committees and commissions who are not employees of the City.

### Section 3 Personnel Department

#### A. Establishment

There shall be in the City of Woburn a Personnel Department, the head of which shall be the Personnel Director.

#### B. Appointment and Qualifications of the Personnel Director

The personnel director shall be qualified for this appointment by reasons of previous education, training and experience and shall be appointed by the City Council.

#### C. Duties of the Personnel Director

1. Administer all functions specified in this ordinance and administrative regulations.
2. Provide advice and assistance to the Mayor, department heads, supervisory personnel and employees in all aspects of personnel management specified in this ordinance.
3. Recommend to the Mayor and to the City Council such changes in this ordinance as may be considered necessary as conditions and situations change.
4. Supervise and maintain, on a centralized basis, all records pertaining to personnel management in the city.
5. Administer the recruitment, interviewing, hiring and promotions and/or transfers, orientation, training and employee development programs whether funded by the City, the Commonwealth, the United States Government or any other source.
6. Establish incentives for improving the performance and productivity of all employees.
7. Oversee the implementation of the City's Affirmative Action Plan as it applies to personnel.
8. Evaluate periodically the effectiveness of the city's personnel system and recommend any changes to the Mayor and the City Council.
9. Administer Employee Benefit Plans as they apply to personnel procedures.
10. Administer the City's Worker's Compensation Program.
11. Serve as the Chair-person of the City's Safety Committee.
12. Recommend to the Mayor and the City Council on an annual basis which system of Unemployment Insurance Payment would be in the best interest of the city.

13. Act as the Mayor's chief negotiator in the Department of Public Works, City Hall Employees, Police Patrolmen, Police Superior Officers and the Firefighters union contract proceedings with direction from the Mayor.
14. Will act as the liaison for the city with the Department of Personnel Administration (Civil Service).
15. Will be the City's Labor Service Director.
16. Will administer the Psychological Testing Program for the Police Department and the Fire Departments new appointees.
17. Will serve on the Drug and Alcohol Screening Program Review Committee.
18. Will coordinate with the Employee Assistance Program Provider to make all employees aware of the program and coordinate the arrangement of training sessions for department heads.
19. Will coordinate personnel procedures for the City's Police Department's Accreditation Plan and the City's Fire Department's Certification Plan.
20. Will act as the liaison to the Massachusetts Commission against Discrimination as it applies to personnel.

#### D. Support

The City shall furnish such staffing, services, office space, equipment and other support as may be necessary for the proper functioning of a Personnel Department.

#### Section 4 Centralized Record Keeping

All personnel record will be kept on a calendar basis and be kept in a confidential manner.

##### A. Individual Personnel Files

Information required to be given to the Personnel Department by employees for their individual personnel records are: Name, address, telephone number, social security number, date of birth, marital status, dependents and information for notification in case of an emergency and other information the Personnel Director determines necessary for the proper functioning of a personnel system.

The personnel director will exercise due diligence to keep the required information within any federal or state laws.

##### B. Sick Leave, Personal Leave, Bereavement Leave and Vacation

Every department head shall submit to the personnel department daily, the required absentee report for every employee within their department that was absent for any period the previous work day.

The personnel department will notify the Treasurer's Office every Monday morning whether an employee will be entitled to be paid for an absence or not.

The personnel department's system will include accumulation of sick leave, vacation leave, personal days and bereavement leave for each employee.

No information contained in any personnel file can be given to anyone without one of the following:

1. Written request or authorization by the Mayor or the City Council.
2. Written request from a department head authorized by the personnel director.
3. Written request by the City Solicitor's Office.
4. Written authorization of the employee to release the information.
5. Court Order with the City Solicitor's opinion that it must be adhered to.
6. An employee's written request for information contained in their file and authorized by the personnel director.

#### Section 5 Recruitment, Interviewing, Hiring, Orientation, Promotions and/or Transfers

The Personnel Department will be notified by department heads when there is an open position within his/her department.

The Personnel Department will decide if the position is Civil Service. If Civil Service, personnel will follow proper procedures under Chapter 31.

Whether the position is Civil Service or not the Personnel Department will follow the guidelines below to fill the position.

##### A. Recruitment

Every reasonable effort shall be made to attract qualified person for the employment opportunities within the city. Every recruitment effort will encourage minorities and women to apply.

##### B. Interviewing/Selection Procedures

The personnel director shall utilize any one or a combination of the following interviewing/selection procedures which in his or her professional judgment will best determine the fitness and ability of applicants for entry-level and promotional positions:

1. Written Examination
2. A structured oral examination
3. A practical/performance test
4. A formal evaluation of education and/or experience



5. A structured interview
6. A physical test of strength, ability and dexterity
7. Any other consistent appropriate measure to judge the applicant's ability to perform the job requirements.

The personnel director, after consultation with the appropriate department head shall determine in each instance what procedures or combination of procedures shall be used and the relative weight assigned to each part of the examination. The personnel director shall also assure that all selection procedures are job related and that they emphasize, to the maximum extent possible, validity, reliability and objectivity.

Every applicant for the same position will be administered the same test or tests. There will be no exceptions other than to make allowances required by law for disabilities.

C. (Reserved)

D. Interviewing by Department Head

After the initial interviewing is done by the Personnel Department and the appropriate tests have been given, the most qualified applicants will be interviewed by the department head for final selection.

The personnel department will supply the department head with the following information in each applicant:

1. Application
2. Resume if available
3. Type of tests given and results
4. Information received from references
5. Any other information that would assist the Department Head in making a decision.

E. Offering of a Position to an Applicant

1. The Department Head will notify the Personnel Department of his/her decision.
2. The Personnel Department will notify the successfully applicant and will send a written job to the applicant that will state:
  - a. The position being offered
  - b. The salary being offered
  - c. Enclose a booklet or statement describing benefits and policies
  - d. Stating the offer is being made subject to the applicant passing a pre-employment physical which will include drug screening and the production of documents required by the Immigration Reform and Control Act of 1986

- e. Requesting signature of the applicants acceptance or rejection of the offer and that it be returned within seven (7) business days.

#### F. Orientation

The Personnel Department will hold an Orientation meeting for new employees when necessary. The personnel department will request that the following departments send a representative:

1. Retirement
2. Employee Insurance Benefits
3. Treasurer's Office/Payroll Procedures

The representative will explain their programs and assist the new employee in the filing of all necessary forms.

Representative from personnel will explain procedures within City Hall and bring the employee to meet individuals he/she will be working with or would have contact with.

The employee will be given a sheet with the names of all Department Heads and their assistants listed as well as the location of each department.

#### G. Promotions and/or Transfers

The Personnel Department, when notified by a department head of an open position, will follow the following procedures:

1. Post the position on a bulletin board outside the Personnel Office.
2. Notify the proper union.
3. If a current employee shows an interest and is believed eligible for the position, if applicable Civil Service Rules or Collective Bargaining requirements will be followed.
4. If there isn't a current employee eligible for transfer and/or promotion to the open position then the procedures established under Section 5 will be followed.

### Section 6 Training and Employee Development Program

#### Section A Training Policy

It shall be the policy of the city to encourage employees at all levels to participate in Training and Development Programs designed to improve their skills; to increase their knowledge of new federal and state laws and programs; new technology, and new

methods of operations; and to reduce gaps between actual and expected performance levels as determined by regular evaluations of performance.

#### Section B Training Needs

The Personnel Director shall, from time to time, conduct a formal or informal training needs assessment to determine the range of needs that exist and develop a priority order for meeting those needs.

#### Section C Developing Training Programs

Wherever practical, the Personnel Director shall develop on-site training programs using the training skills of employees, local experts and various college, universities and vocational schools within or outside the region.

#### Section D Education Incentive Program

The Personnel Director will be available to discuss with employee courses that would be considered as job related and eligible for reimbursement under the Employee Incentive Program.

#### Section 7 Performance Evaluation

##### A. Performance Evaluation Guidelines

Performance Evaluations shall be the continuing responsibility of all department heads and they shall discuss evaluations informally with each employee as often as necessary to insure effective performance. Except where provided otherwise in collective bargaining agreements, each supervisor shall make an appraisal in writing and shall discuss with each employee his or her overall work performance at least once a year. The format and process of such appraisals shall be established by the personnel director after consultation with each department head. Written appraisals shall be filed with the personnel department and each employee shall be supplied with a copy.

##### B. Uses of Performance Evaluations

Performance evaluations shall be used to provide a continuing record of an employee's development; as a means of identifying effective performance and areas needing improvements; as a form for encouraging effective supervisor-employee communications; as a basis for making decisions on merit raises and promotions; provided such evaluation procedures are not in conflict with any collective bargaining agreement.

#### Section 8 Disciplinary Action and Separation

#### A. Applicability

The provisions of this section shall apply to all permanent employees provided any employee covered by Civil Service shall be subject to Civil Service rules governing suspension, demotion and dismissal and any employee covered by a collective bargaining agreement shall be subject to the disciplinary procedures of said agreement.

#### B. Suspension

A department head, following consultation with the Personnel Director, may suspend, without pay and for just cause, any permanent employee in his or her department covered by this ordinance for such length of time as he or she considers appropriate. In any suspension, the Personnel Director shall furnish immediately with a written statement specifically setting forth the reasons for such suspension. A copy of the statement shall be furnished immediately to the employee and the employee shall be informed of his/her rights to a hearing under Civil Service and/or Collective Bargaining agreement and/or before the Mayor.

#### C. Demotion and Dismissal

A permanent employee may be demoted or dismissed for just cause, provided the following procedures are adhered to:

1. The employee shall be notified in writing of the contemplated sanction and the reasons for such action five (5) working days prior to the effective date of such action and a copy of said notice shall be filed with the personnel director.
2. The employee shall be granted a hearing before the mayor within five (5) working days after the notification of dismissal or demotion and the mayor will render a decision five (5) working days thereafter.

#### D. Just Cause Standard

For purpose of this article, just cause shall be defined to include, but not be limited to, any of the following:

1. Incompetency
2. Inefficiency
3. Inexcusable neglect of duty
4. Failure to perform in one or more critical elements of the job.
5. Fraud in securing appointment
6. Insubordination

7. Drunkenness
8. Addiction to narcotics or habit-forming drugs
9. Inexcusable absence without leave
10. Sick Leave Abuse
11. Conviction of a felony misdemeanor involving moral turpitude.
12. Willful disobedience
13. Misuse or unauthorized use of municipal property
14. Other misconduct or violation of work rules or regulations

#### E. Layoff

An appointing authority may layoff a permanent employee when he or she deems it necessary by reason of shortage of work or funds, material change in the departmental organization, or for other related reasons which are outside the employee's control and which do not reflect discredit upon the services of the employee. The employee shall be provided with a written notice of such layoff fourteen (14) working days prior to the effective date of such action.

The order of layoffs shall be determined by the personnel director, in consultation with the mayor, based upon past performance, current and projected employment needs, abilities and length of service in the City.

The duties performed by any employee being laid off may be reassigned to other employees already working who hold position in appropriate classes. No temporary or permanent separation of an employee as a penalty or disciplinary action shall be considered a layoff. The names of employees affected shall be kept on a special employment list and said employees shall be recalled in the same order and based upon the same criteria as were used in determining the original layoff.

#### F. Resignation

To resign in good standing, an employee must give the City at least fourteen (14) calendar days prior notice unless the City, because of extenuating circumstances agrees to permit a shorter period of notice.

A written resignation shall be supplied by the employee to the City giving reasons for leaving. The resignation shall be forwarded to the personnel director with a statement by the department head as to the rescinded employee's service performance and pertinent information concerning the cause for resignation. Failure to comply with the rule shall be entered on the service record of the employee and may be reason for denying future employment by the City.

## Section 9 Employee Benefits

The personnel department will administer the Employee Benefit Plan as they apply to Personnel Procedures:

1. They will inform new employees of the various benefits to which they are entitled
2. They will assist new employees in the filing of forms
3. They will assist employees in resolving questions and problems with benefit plan providers
4. They will inform the treasurer's office of the plans employees have chosen so that proper payroll deductions will be made.
5. They will assist employees in making amendments to their benefits when necessary
6. They will act as liaison between the city and the benefit plan provider.

## Section 10 Workers Compensation

1. Administer the City's Self Insurance Program
2. Verify that the Accident's forms submitted by the Department heads are completed properly
3. Forward all information requested by any/all legal firms handling our Worker's Compensation claims.
4. Verify all vouchers for payment
5. Verify the balance of sick time available to an employee until the Workers Compensation payments begin
6. Notify the Treasurer's Office when the employee is off the payroll and when to resume payments
7. Notify Retirement Board when to cease deduction and when to begin deductions again
8. File all records in an easily retrievable manner
9. Act as a liaison between the employee and any/all legal firms in any situation whether it be the payment of bills, necessary reports and disputes concerning the employee's availability for work, etc.

### A. Safety Committee

The Director of Personnel will be the Chairperson for the Safety Committee.

The Personnel Department will do the follow-up on recommended safety improvements the safety Committee votes to implement.

The Personnel Department will be responsible for the typing of minutes and forwarding a copy of the minutes and a copy of the meeting agenda to each member of the committee before the meeting.

## Section 11 Employee Assistance Program

The Personnel Department will coordinate with the Employee Assistance Program provider procedures to make all employees aware of the program. They will coordinate training sessions for Department Heads. These sessions will assist the Department Heads in recognizing employee problems and will offer suggestions for discussing with the employee.

The personnel department will monitor the use of the program and report once a year on it's effectiveness to the mayor.

## Section 12 Drug and Alcohol Screening Program

The Personnel Department will write procedures for a Drug and Alcohol Screening Program to become part of the union contracts. They will periodically check the procedures to insure that the procedures are updated to meet current legal requirements.

The Director of Personnel will serve on the Drug and Alcohol Screening Program Review Committee. The discipline actions being reviewed by this committee will be kept in a locked file with only the Director having access. The employee's file that has been reviewed will be destroyed when:

1. The Committee did not agree the discipline was warranted
2. The Civil Service Commission rules against the city.
3. The Department Head has informed the director that he employee is following the procedures of the program
4. After one (1) year of the review or the Civil Service ruling whichever is later.

## Section 13 Union Contracts

The Personnel Department will have current copies of all union contracts on file.

### A. Negotiations

The Director of Personnel will act as Chief Negotiator for the City, with direction from the Mayor in the following negotiations:

1. DPW Local RI-96 NAGE
2. Superior Officers – IBOP Local 528
3. Patrolmen – IBOP Local 313
4. Firefighter – Local 971
5. City Hall Workers – Local RI-263 NAGE
6. And/or any other union recognized by the City of Woburn

The director will discuss all union's proposals with the Mayor before the start of any negotiation meeting.

The director will supply the Mayor, the City Solicitor and the Department Head with a summary of each negotiation meeting.

The director will submit all proposed union contracts to the City Solicitor before forwarding a copy to a union.

#### Section 14 Department of Personnel Administration (Civil Service)

##### A. Labor Service

The Personnel Department will be responsible for:

1. Applications:
  - a. Time and date stamping
  - b. Assigning the number to each application
  - c. Following the procedures for filing and updating procedures established by the Department of Personnel Administration
  - d. Supply list to departments with a Labor Service open position.

##### B. Appointments

The Director of Personnel will be the Labor Service Director. The director will be the appointing authority for all Labor Service positions for all departments.

##### C. Liaison

The Director of Personnel will act as the liaison to the Department of Personnel Administration.

##### D. Minorities and Women

The Personnel Department will notify the residents of the City of Woburn monthly of scheduled Civil Service Exams by television, newspaper and the posting of notices at social agencies within the city. These notices will encourage minorities and women to take the exams.

The Director of Personnel will utilize all methods of free advertising to accomplish this, but if said sources are insufficient to meet the requirements of the City's Affirmative Plan, then the Director will place monthly notices in local publications at the least possible cost.



Section 15 Massachusetts Commission Against Discrimination and A.D.A.

The Director of Personnel will act as the liaison to the Massachusetts Commission against Discrimination and for compliance with the ADA Act in the City of Woburn.

Section 16 Police Department

- A. The Director of Personnel will be the coordinator of personnel procedures for the City of Woburn's Police Department Accreditation Plan.
- B. The Director of Personnel will be the Administrator of the Psychological Testing for new appointees.

Section 17 Fire Department

- A. The Director of Personnel will be the coordinator of personnel procedures for the City of Woburn's Fire Department Certification Plan.
- B. The Director of Personnel will be the Administrator of the Psychological Testing for new appointees.

Section 18 Unemployment Procedures

- A. Send inquiries from Department of Employment Security as received to the necessary department for completion.
- B. File copies of benefits payments monthly.
- C. Study once a year the cost of the program and submit report to the Mayor and City Council with a recommendation as to which program should be adhered to.

Section 19 Reserved

Section 20 Standards of Conduct

A. Prohibited Practices

No officer or employee of the City of Woburn, whether covered by this ordinance or exempt from it, shall:

1. Make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provision of their ordinance or the administrative regulations promulgated hereunder, or in the administrative regulations promulgated hereunder, or in any manner commit, or attempt to commit

any act preventing the impartial execution of this ordinance and attendant regulation.

2. Directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion to or advantage in a position in the service of the City of Woburn.
3. Use, or attempt to use official authority to coerce political actions to influence selections or promotions, to require political contributions or to retaliate for refusal to do such things.

## B. Political Rights

Nothing in this ordinance shall be construed to limit the rights of officials or employees to express their views as citizens and to pursue their legitimate involvement in the political system.

## Section 21 Amendments and Administrative Regulations

### A. Amendments

The Director of Personnel shall from time to time recommend to the Mayor and/or the City Council amendments to this ordinance. If approved by the Mayor and/or the City Council such amendments shall become part of this ordinance.

### B. Administrative Regulations

The Personnel Director shall recommend and the Mayor shall promulgate administrative regulations for the purpose of interpreting or giving effect to the provisions of this ordinance and insuring the proper functioning of the personnel system. Any regulation so promulgated shall be consistent with accepted merit principles as stated in Section 1.

## Section 22 Reserved

## Section 23 Severability

If any provision of this ordinance or of the administrative regulations hereunder shall be held invalid, the remainder of their ordinance and the administrative regulations shall not be affected hereby.

## Section 24 Effective Date

This Ordinance shall take effect on \_\_\_\_\_. [written as passed]

(Ord. dated 2/4/86, B[part]; prior Ch. 14 sec. 149.; Ord. dated 3/14/89; Ord. dated 12/19/97)

2-42 (Reserved)

## VIII. CITY PHYSICIAN

### 2-43 Duties--Generally.

The City physician shall, under the direction of the board of health, visit and prescribe for all the sick and poor within the City. (Prior Ch. 17 sec. 1).

### 2-44 Vaccinations.

The City physician may vaccinate, free of charge, all persons sent to him by the board of health for that purpose. (Prior Ch. 17 sec. 2).

### 2-45 Examination of police candidates, officers and prisoners.

The City physician shall, when requested by the Mayor, the City Council or the chief of police, examine candidates for appointment upon the police force, the condition of officers absent from duty, applicants for pensions, and all cases of injury whereby the City may become liable. He shall, at the request of the chief of police, attend prisoners who require medical or surgical treatment. (Prior Ch. 17 sec. 3).

### 2-46 Annual report.

The City physician's annual report shall contain a statement of the amount of professional service rendered during the year preceding and such suggestions and information as he may deem proper or he may be requested to give. (Prior Ch. 17 sec. 4).

## IX. CLERK OF COMMITTEES

### 2-47 Duties.

The Clerk of committees shall act as the Clerk of all the committees of the City Council, either standing or special; and shall make proper records in books kept for the purpose of all the proceedings and transactions of each committee and shall notify the members of the committee, and shall perform such other clerical services as may be required of the Clerk from time to time by the committees. (Prior Ch. 7 sec. 1; Acts of 1900, Ch. 114).

2-48 Contacting of newly elected Councilors.

The Clerk of committees, following a City election in November, shall contact by mail all newly elected members to the City Council and invite them to attend all subcommittee meetings, with the privilege of speaking but not casting a vote, for the purpose of orientation. NOTE: The position of Clerk of committees was established under Chapter 114, Acts of 1900 as amended by Chapter 61, Acts of 1926, providing that a majority of all the members of the City Council shall elect such Clerk for a term of three years from the first Monday in February. (Prior Ch. 7 sec. 2).

**X. LAW DEPARTMENT.**

2-49 City Solicitor--Qualifications.

The law department shall be under the charge of the City Solicitor who shall be an attorney and counselor of the Courts of the Commonwealth. The City Solicitor, whoever it may be, shall appoint an assistant City Solicitor. (Prior Ch. 13 sec. 1).

2-50 Drafting of bonds, deeds and other official documents.

The City Solicitor shall draft all bonds, deeds, obligations, contracts, leases, conveyances, agreements and other legal instruments of whatever nature which may be required of him by any ordinance, or order of the Mayor, the City Council, or may be required of any person contracting with the City and which, by law, usage or agreement, the City should furnish. (Prior Ch. 13 sec. 2).

2-51 Signing of contracts.

All contracts entered into by the City shall be signed by the City Solicitor as to the legality of such contract. (Prior Ch. 13 sec. 2A).

2-52 Prosecution of actions and suits.

The City Solicitor shall prosecute all actions and suits commenced by the City before any tribunal in the Commonwealth, whether at law or in equity, and he shall also appear in, defend and advocate the rights or interests of the City, and when directed by the Mayor and/or the City Council shall defend any of its officers in any suit or prosecution for any act of the City government, or any breach of any ordinance which may be brought in question. (Prior Ch. 13 sec. 3).

2-53 Furnishing of legal opinions.

The City Solicitor shall furnish, when so requested in writing, to the Mayor, the City Council or any committee thereof, or any officer or board that may require it in the official discharge of its duties, his legal opinion on any subject touching the duties of the respective offices, and all opinions furnished by him, having reference to matters of public interest, shall be printed annually with the documents usually printed by order of the City Council. (Prior Ch. 13 sec. 4).

2-54. Annual report.

The annual report of the City Solicitor shall include a brief statement of cases pending or decided during the preceding year, to which the City was a party. (Prior Ch. 1 sec. 5).

2-55 Compensation in excess of established salary--Vote of Council.

The City Council, on recommendation of the Mayor, may in any fiscal year vote the City Solicitor compensation for services rendered in excess of the salary now provided in Section 2-180 of this code. (Prior Ch. 13 sec. 6).

2-56 Clerical and Professional Assistance.

The City Solicitor shall appoint a secretary/paralegal to the City Solicitor and a part-time clerk who shall do the clerical work in the office of the law department and perform such other duties in the office as the City Solicitor may prescribe, and may appoint outside counsel when authorized by the Mayor or by law.(Prior Ch. 13 sec. 7; Ord. dated 12/31/88).

2-57 City Council approval required for settlements in excess of one thousand dollars.

All claims, liens, suits, at law or in equity, and/or all other related matters wherein the City seeks money damages, no settlements, adjustments and/or compromise of any claim or suit in excess of one thousand dollars shall be effected without a 2/3 vote of approval of the City Council of the City. Any such settlement, adjustment and/or compromise effected without the aforementioned vote of approval of the City Council shall be null and void and not binding on the City. (Prior Ch. 13 sec. 8).

2-58 (Reserved)

**XI. POLICE DEPARTMENT**

2-59 Composition of Department.

The Police Department shall consist of the following personnel divisions:

- A. Regular and Reserve Force. This division shall consist of the Chief of Police; three (3) Captains; four (4) Lieutenants; nine (9) Sergeants; fifty-eight (58) Police Officers; sixteen (16) Reserve Police Officers, and five (5) Civilian Dispatchers.
- B. Clerical. This division shall consist of one (1) Secretary; two (2) Principal Clerks, and one (1) Junior Clerk.
- C. Other. Other personnel shall include one (1) full-time Dog Officer, and one (1) part-time Parking Clerk.  
(Prior Ch. 18 sec.1; Ord. dated 02/08/88).

2-60 Appointment of Chief and other Officers.

So far as it is consistent with Massachusetts G.L., Chapter 31, the Chief of Police shall be appointed by the Mayor in accordance with the Charter, Title VI, Section 32, paragraph six, as well as any subordinate Officers as may be prescribed by ordinance. (Prior Ch.18 sec. 2).

2-61 Oath required.

Each member of the Police Department shall be sworn to the faithful discharge of his duties. All persons selected for appointment to the Police Department, either as a Reserve Officer or a Permanent Officer of such Department, shall take and subscribe to the Oath of Office contained in the "Rules and Regulations for the Government of the Police Department of the City of Woburn" , as adopted by the City Council on July 1, 1980, and approved by the Mayor on July 8, 1980. (Prior Ch. 18 sec. 3)

2-62 Physical and mental examinations required.

Before confirming any person to be a member of the Police Department, either as a Reserve Officer or a Permanent Officer of such Department, such person shall be examined both physically and mentally by a physician or physicians designated by the appointing authority, who shall report his examination to the Mayor. (Prior Ch. 18 sec. 4)

2-63 Rules and Regulations of the Department.

"The Rules and Regulations for the Government of the Police Department of the City of Woburn" are hereby adopted for the Woburn Police Department.(Ord. dated July 8, 1980).

2-64 Chief of Police--Duties.

The Chief of Police is the chief administrative officer of the Police Department and the final authority in all matters of policy, operations, and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the Department. Through the Chief of Police the Department is responsible for the enforcement of all laws coming within its legal jurisdiction. The Chief of Police is responsible for planning, directing, coordinating, controlling, and staffing all activities of the Department. He is also responsible for its continued and efficient operation, for the enforcement of rules and regulations within the Department, for the completion and forwarding of such reports as may be required by competent authority, and for the Department's relations with local citizens, the local government, and other related agencies. He is responsible for the training of all members of the Department and shall perform his duties in a manner consistent with the Job Description for the Chief of Police Chief contained, in the "Rules and Regulations for the Government of the Police Department of the City of Woburn ", as adopted by the City Council on July 1, 1980 and approved by the Mayor on July 8, 1980. He shall report to the Mayor, annually in the month of January, the condition of the Department, with a synopsis of its doings for the preceding year. (Prior Ch.18 sec.5).

2-65 Chief of Police--Appearance in court for prosecution of violations.

The Chief of Police shall have charge of all complaints made to the Police Department by citizens or by members thereof for any breach of the criminal law and the ordinances of the City, and either he or his designee shall appear in court to prosecute all violations thereof. (Prior Ch. 18 sec.6).

2-66 Chief of Police--Record of arrests and disposition of complaints.

The Chief of Police shall keep a record, with a suitable index, of all persons arrested, with the name of the arresting officers and the place of birth, age, height, complexion, residence and offense of the person arrested, with such other description or data as may be useful for identification. When complaints are made, the Chief of Police shall make a record of the result thereof, together with the fees of officers and witnesses. (Prior Ch. 18 sec.7).

2-67 Chief of Police--Report to Treasurer of fines and fees--removal of nuisances.

In the months of March, June, September and December, the Chief of Police shall give to the Treasurer correct lists of all fines and fees which inure to the City. Upon notice from the office of public works, the Chief of Police shall cause all nuisances and obstructions to be removed from any highway, lane, square, sidewalk, or bridge in the City and shall perform such other duties as may be required of him by ordinance. (Prior Ch. 18 sec.8).

2-68 (Reserved)

2-69 (Reserved)

2-70 Duties of members.

Each member of the Police Department shall perform his duties in a manner consistent with the Job Description for his position contained in the " Rules and Regulations for the Government of the Police Department of the City of Woburn ", as adopted by the City Council on July 1, 1980 and approved by the Mayor on July 8, 1980. (Prior Ch.18 sec.11).

2-71 Enforcement of laws and ordinances.

It is the duty of all members of the Police Department to enforce the laws of the Commonwealth, the laws and ordinances of the City, and to do or perform such other acts as may be connected with their office or incidental thereto. (Prior Ch. 18 sec.12).

2-72 (Reserved)

2-73 Uniforms and equipment.

All of the members of the Police Department, except plainclothes men, so-called, shall wear the prescribed police uniform and badge while on duty and shall carry a loaded firearm and police baton, as issued and authorized by the Chief of Police in accordance with the " Rules and Regulations for the Government of the Police Department of the City of Woburn ", as adopted by the City Council on July 1, 1980 and approved by the Mayor on July 8, 1980. (Prior Ch. 18 sec.14).

2-74 (Reserved)

2-75 (Reserved)

2-76 (Reserved)



2-77 (Reserved)

2-78 Use of weapons.

- A. No person shall, except as authorized or required by law, fire or discharge any gun, fowling piece or other firearm or an air rifle in the City, but the provisions of this section shall not apply to the Chief of Police or other police officer in the performance of their duties, nor to the use of such weapons at any military exercise, or at an established rifle range, or in the lawful defense of the person, family or property of any citizen, nor to the rights and privileges of an owner or lessee of land as set forth in Chapter 131 of the Massachusetts General Laws; nor shall the provisions of the ordinance codified in this section be applied against any incorporated or unincorporated group of individuals who are organized under the auspices of, and supervised by, the New England Field Trial Association, and when such group, endorsed and supervised by said association, convenes for the purpose of holding field trials.
- B. Whosoever violates the provisions of this section shall be punished by a fine not exceeding two hundred dollars for each offense. (Prior Ch. 18 sec.19).

## **XII. FIRE DEPARTMENT**

2-79 Personnel – Appointing Authority - Reserve List

- A. The Fire Department shall consist of the Fire Chief, one Deputy Fire Chief, five Captains, seventeen Lieutenants, forty-eight Firefighters, two administrative staff positions, and as many other officers and members as the City shall from time to time determine. The Fire Chief shall be the appointing authority for all members of the Fire Department with the exception of the Deputy Fire Chief who shall be appointed by the Mayor. (amended 9/3/2015)
- B. There is established a reserve fire force consisting of up to eighteen Firefighters.

2-80 Fire Chief—Powers and Duties.

- A. The Fire Chief shall be the chief administrator of the Fire Department, shall devote his entire time to the service of the Fire Department, shall be responsible for its efficiency and discipline, and shall have control and supervision of all City property used by the Fire Department.
- B. The Fire Chief shall have sole and absolute control and command of the Fire Department and the Ambulance service and shall be responsible for assigning the members of the Fire Department to their respective duties.

- C. The Fire Chief shall have absolute control at fires and alarms, or whenever the Fire Department is on duty, and shall direct such measures as are necessary for the protection of life and property and for the control and extinguishment of fires.
- D. The Fire Chief or his designee shall issue or revoke all permits required by the provisions of M.G.L. c.148, §1 et seq., or the NFPA Fire Code (NFPA 1, 12<sup>th</sup> Edition) as amended.
- E. Any additional duties as enumerated in the Fire Chief's employment contract with the City.

#### 2-81 Deputy Fire Chief – Duties

- A. The Deputy Fire Chief shall work under the direction of the Fire Chief and will be responsible for the advanced administrative and management responsibilities related to planning, directing, and reviewing the activities and operations of the Fire Department.
- B. The Deputy Fire Chief serves to assist the Fire Chief by assuming administrative responsibility for the operations and resource management of the Fire Department in overseeing areas of fire suppression, emergency medical services (EMS), fire prevention, training, administrative support, and related activities. The Deputy Fire Chief provides highly responsible and complex executive level support to the Fire Chief as part of the management team and performs tasks that require the application of considerable independent judgment and discretion in carrying out daily duties and operations.
- C. Under the direction of the Fire Chief, the Deputy Fire Chief assists in the planning, organizing and directing activities of the Fire Department to ensure uniformity, efficiency and safety.
- D. The Deputy Fire Chief assists in carrying out all operations (emergency and non-emergency) of the Fire Department and assumes the duties of the Fire Chief in his absence.
- E. The Deputy Fire Chief assists with the development and administration of policies and procedures.
- F. The Deputy Fire Chief administers and supports an effective chain of command for flow of information from each work group and their companies to the Fire Chief, and vice versa; placing considerable emphasis on keeping informed of all significant activity within the Fire Department.

(amended 9/3/2015)

- G. The Assistant Fire Chief is on call 24 hours a day: responds to emergencies as necessary and assumes an appropriate role within the Incident Management System on scene.
- H. The Assistant Fire Chief assists the Fire Chief in preparing proposed budgets for each fiscal year, serves as a member of the Fire Chief's staff; attends meetings, conferences and workshops as required, and is responsible for delivering and upholding the mission, vision, and organizational values of the Fire Department with the highest ethical and moral standards.
- I. The Assistant Fire Chief shall perform any other duties assigned by the Fire Chief.

2-82 Fire apparatus not to be removed from City.

Except in cases where mutual aid assistance is requested, no part of the fire apparatus shall be taken from the City without special permission from the Mayor or the Fire Chief. (Prior Ch. 11 sec.12).

2-83 Driving over hoses.

Whenever any hose is placed in any street by order of an officer of the Fire Department, no person shall drive any vehicle upon or over the same without the consent of an officer of the Fire Department. (Prior Ch.11 sec.13).

2-84 Right-of-way.

The members of the Fire Department, with the engines, ambulances and other apparatus thereof, shall have the right-of-way while going to a fire or responding to an alarm or medical emergency call through any street in the City. Owners and drivers of motor vehicles in any street in which any fire or emergency apparatus is approaching while going to a fire or responding to an alarm or medical emergency shall without delay move such vehicles to such positions as will not interfere with a free and unobstructed passage for such fire apparatus. Operators of motor vehicles upon the approach in either direction of any apparatus going to a fire or responding to an alarm or medical emergency shall as quickly as passenger safety will permit bring such motor vehicle to a full stop until the fire apparatus has passed a reasonable distance beyond the motor vehicle. (Prior Ch. 11 sec.14).

2-85 Mutual Aid – Immunities and Privileges

While providing mutual aid assistance to another City, town or fire district and while in the performance of their duties in extending such aid, the members of the Fire Department shall have the same immunities and privileges as if performing the same within the City of Woburn. (Prior Ch. 11 sec.18).

2-86 Cleaning of snow from fire hydrants.

The Fire Department shall be responsible for the cleaning of snow from around the fire hydrants after a snow storm. (Prior Ch. 11 sec.20).

2-87 Fees for inspections and permits.

TYPE OF PERMITS OR INSPECTIONS FEE/TIME

1. Oil burner completions, inspection and permit .....	\$25.00 per job and tank installation for oil burner
2. Propane storage, inspection and permit .....	\$50.00 per job
3. Flammable fluids and gases (M.G.L. c.148, §9) .....	\$40.00 one year
4. Storage of black or smokeless powder .....	\$25.00 one year
5. Blasting Permit .....	\$50.00 per job
6. Tank Removal .....	\$50.00 per tank
7. Installation of combustible/flammable liquid tank.....	\$50.00 per tank
8. Fireworks display .....	\$50.00 per event
9. Flammable decorations (NFPA 1).....	\$15.00 one year
10. Tar kettle .....	\$50.00 per job
11. Tar truck .....	\$50.00 per job
12. Tank truck inspections .....	\$75.00 two years
13. Copies of fire or ambulance reports .....	\$25.00 per copy
14. Smoke and/or Carbon Monoxide detectors (M.G.L. c.148, §26/NFPA 1)	
One Unit .....	\$50.00 per inspection
Two Unit .....	\$100.00 per inspection
Three to Six Unit .....	\$150.00 per inspection
Over Six Units .....	\$500.00 per inspection
15. Buildings, as defined by M.G.L. c. 148, §1 .....	\$50.00 per inspection
16. Motel and hotel .....	\$25.00 per inspection
17. Theatres .....	\$50.00 per inspection
18. Fire Alarm master box connection .....	\$250.00 per year
19. Central office and other signal to fire alarm .....	\$125.00 per year

All other fees not listed, but required by M.G.L. c.148, §10A....\$25.00

2-88 Fees for False Alarms

A. For buildings which have an Automatic Fire Alarm System (AFAS) connected directly to the Fire Department or connected indirectly to said Department through a private alarm company, a fee will be charged by the Fire Department for all responses by the Department to such buildings, where the response is caused by the activation of the AFAS. The fee may be assessed against the owner or tenant of the building.

B. No fee will be charged in the following circumstances:

1. Where the AFAS was activated by an actual fire.
2. Where the AFAS was activated by smoke from a source such as burning food or an overheated motor or overheated electrical appliance or other equipment.
3. Where someone with reasonable cause, activates a manual pull station.
4. For 60 days following the installation of a new AFAS.

C. No fee will be charged for the first 3 responses in any six-month period, i.e., between January 1 and June 30, or between July 1 and December 31. After the third response in any six-month period as stated above, the following fees will be assessed for subsequent responses within that period:

Fourth response:.....	\$ 50.00
Fifth response:.....	\$ 75.00
Sixth response:.....	\$100.00
Seventh response:.....	\$150.00
Eighth and subsequent responses:.....	\$200.00

2-89 Fire Stations – Number and Location

Five fire stations shall be maintained as follows:

- A. Station 1 on corner of Main and Hudson Streets;
- B. Station 3, located on Main Street, opposite Clinton, also called Central Fire Station;
- C. Station 4 on Central Street, East Woburn;
- D. Station 5 on corner of Lexington and Willow Streets;
- E. Station 7, Main Street and corner of Nichols Street.(Prior Ch. 11 sec.2).

2-90– 2-99 (Reserved)

(Amended 4/20/84; 9/28/84; 06/24/87; 03/09/90; 07/19/91; 12/17/91; 3/23/2007; 1/22/2015; Prior Ch. XI, Secs. 2-19, 20, 23.)

**XIII. AUDITING DEPARTMENT**

2-100 Election of City Auditor

In accordance with Title III, Section 14, of the City Charter, the City Council shall elect a City Auditor. The City Auditor shall have charge of the auditing department, and to the extent consistent with statutes, be subject to supervision of the standing Committee on Audits and Accounts. (Prior Ch. 3 sec.1).

2-101 Powers, duties and responsibilities

In addition to the powers, duties and responsibilities imposed upon the City Auditor by the City Charter, M.G.L. c.41, §§ 48 through 54A, and any other applicable general and special statutes, the City Auditor shall have such additional powers, responsibilities and duties as are established by ordinance. (Prior Ch. 3 sec.2).

2-102 Books and records to be kept

The City Auditor shall cause a complete set of books to be kept, consistent with the uniform accounting systems prescribed by M.G.L., c.44, §38, in which books shall be entered the amount of each specific appropriation, the amounts and purpose of expenditures made therefrom, and receipts from all sources of income, and disbursements therefrom. In such books shall also be entered records of charges against the Treasurer/Collector and other administrative officials for accounts for which they are responsible and collections or other credits applicable thereto. Such records shall also include a detailed record of the City debt, showing the purpose for which it was incurred, maturity date and the rate of interest. (Prior Ch. 3 sec.3).

2-103 Filing of records and reports with City Auditor

All administrative boards, commissions and officers shall keep such records and reports of bills, payrolls and accounts as may be prescribed by the Auditor and in such form as he may determine, consistent with M.G.L. c.44, §38, the uniform accounting system. . All administrative boards, commissions and officers shall furnish the City Auditor with such records and reports as the City Auditor may require. (Prior Ch. 3 sec.4).

2-104 Bill collection schedules to be filed with City Auditor

All administrative boards, commissions and officers shall file with the City Auditor a schedule of bills which are to be committed to the Treasurer/Collector for collection. The Treasurer/Collector shall report to the City Auditor, in prescribed detail, collections to be credited thereto. (Prior Ch. 3 sec.5).

2-105 Statement of departmental receipts to be filed with City Auditor

All boards, officers and departments receiving fees, costs, charges, commissions or other moneys allowed by law for and in behalf of the City shall, upon paying the same to the Treasurer/Collector, file with the City Auditor an itemized statement of the sources from which such fees or moneys were received, together with the amount thereof.(Prior Ch.3 sec.6).

2-106 Countersigning of bonds, notes and certificates; Records to be kept

The City Auditor shall countersign all bonds, notes and certificates of indebtedness issued by the Treasurer/Collector, as authorized by the Mayor and the City Council. The City Auditor shall keep a record of all bonds, notes and certificates which have been countersigned and approved. (Prior code Ch. 3 sec.7).

2-107 Custodian of bonds, contracts and other legal instruments--Register of sureties of bonds

The bonds of the Treasurer/Collector, City Clerk, assistant City Clerk and any other administrative officials and employees and all other contracts, deeds, agreements and other legal instruments to which the City may be a party shall be in the custody of the City auditor, unless otherwise specifically provided for in the Charter, General or Special Laws, or in this code. The City auditor shall direct the keeping of a register of the sureties of all bonds of indemnity given to the City. (Prior Ch.3 sec.8).

2-108 Annual report to Mayor and City Council

- A. The City Auditor shall make an annual report to the Mayor and the City Council which shall include a statement of the following: 1. All receipts and expenditures of the City for the preceding financial year; 2. Trust and investment funds; 3. Debt transactions during the year including the outstanding debt as of the end of financial year; 4. The reduction or increase of the City debts; 5. Detailed amounts of each specific appropriation and the expenditures therefrom; 6. The receipts from each source of income.
- B. The statement shall be arranged as far as practicable to conform to the accounts of the Treasurer/Collector, and shall be accompanied by a schedule of the property belonging to the City, and by an exhibit showing the debts due from the City, the interest thereof, and the years in which such debt will become due. (Prior Ch. 3 sec.9).

2-109 Examination of bills and demands

The City Auditor shall examine all bills and demands against the City, shall see that the clerical computations are correct, and that there are on hand funds appropriated for such purpose sufficient for the payment of such demand or bill. In case of any error or informality, the City Auditor shall make note of the fact, and return the bill or demand, with his objections, to the officer or board presenting the same. Such bills as the City Auditor approves, he shall present to the Committee on Audits and Accounts as provided in Section 2-110. Such bills shall be subject to deduction for any and all sums due to the City and the City Auditor shall certify the

amount to be deducted to the Treasurer/Collector who shall thereupon withhold such amount due the City. (Prior Ch. 3 sec.11).

2-110 Committee on Audits and Accounts to examine accounts and claims

The City Council's standing Committee on Audits and Accounts shall meet weekly, and carefully examine all accounts and claims against the City which shall be presented to it by the City Auditor, and after comparing them with his record, shall allow and pass the same if found to be properly entered; but no bill shall be allowed or passed by the committee unless the same shall have been approved and certified in the manner prescribed by M.G.L. c.41, § 52, and by the provisions of this Article. When the Committee on Audits and Accounts has doubt concerning any bill or account, it shall return the same to the board or committee approving, for explanation, and if not satisfactorily explained, it shall be reported to the City Council for consideration and final decision. (Prior Ch. 3 sec.12).

2-111 Presentation of accounts to Mayor

- A. Each week the City Auditor shall present to the Mayor all accounts against the City which have been allowed and passed by the Committee on Audits and Accounts, or which have been approved by him if the Committee on Audits and Accounts has failed to hold the meeting provided for in Section 2-110. The provisions of this section shall not limit the authority of the Mayor to draw orders on the Treasurer/Collector for payment of accounts and claims approved by the City Auditor or the authority of the Treasurer/Collector to pay such accounts and claims in any week in which the committee on Audits and Accounts does not hold the meeting as provided for in Section 2-110.
- B. The City Auditor shall examine and, if he finds them correct and in conformity with the provisions of M.G.L. c.41, §52, he shall approve all weekly payrolls submitted to him under the provisions of Section 3-8 of this code, and on Tuesday of each week he shall present to the Mayor such payrolls as he approves. (Prior Ch. 3 sec.13).

2-112 Approval of certain large bills

Whenever a contract with the City or any department thereof is in excess of one hundred thousand dollars, the City Auditor may approve and present to the Mayor such bill or part thereof as may be set forth in a properly approved requisition for prompt payment without requiring that a discount be given, provided that the officer or agent of the City or department thereof who contracted the bill shall have approved. (Prior Ch. 3 sec. 15)



## 2-113 Appropriations

- A. The City Auditor shall keep a complete set of books, in which shall be entered the amount of each specific appropriation and of sums accredited thereto, and each amount that has been expended on account of such appropriation. He shall notify the Mayor whenever the expenditure of a department has been wholly expended, immediately make a report of the fact to the department, to the Mayor and to the Committee on Audits and Accounts, which Committee shall not pass or allow any claim or account chargeable against such appropriation until the City Council provides the means of paying for same with the Mayor's approval. The City Auditor shall once in each month, furnish the Mayor and City Council with a statement, showing the condition of each account, giving the amount of appropriation, expenditures and unexpended balances under the same, and showing the amount of receipts itemized in the same manner as estimated receipts in the annual budget.
- B. In accordance with Section 40 of the City Charter, the annual budget, together with any supplemental appropriations passed by the City Council, shall be considered to have been passed as, and shall be set up and maintained as, a line item budget. Each line and separate account, as shown on the annual budget, shall be considered a separate and distinct appropriation. (Prior Ch. 3 sec.16).

## 2-114 Accounts with Treasurer/Collector

The City Auditor shall keep an account with the Treasurer/Collector, charging him with the whole amount of taxes assessed for collection, and the amount of loans and sums that may be borrowed for the City and with all securities and such receivables. He shall also keep a schedule of all property belonging to the City. (Prior Ch. 3 sec.17)

## 2-115 Signing of orders and bonds drawn by Mayor.

The City Auditor shall sign all orders drawn by the Mayor on the Treasurer/Collector as provided in Section 3-1 of this Code; and with the Mayor and Treasurer/Collector shall sign all bonds and certificates of indebtedness issued by the City. (Prior Ch. 3 sec.18).

## 2-116 Examination of accounts of other officers

The City Auditor shall from time to time examine the books and accounts of all officers of the City entrusted with the receipt, custody or expenditures of money, and all original bills and vouchers on which moneys have been or may be paid from the Treasurer/Collector to the City. The City Auditor shall have free access to the

books, accounts, bills and vouchers at all times and may make examination thereof, but he shall examine the same at least once a year. (Prior Ch. 3 sec.19).

2-117 Deputy Auditor

The City Auditor may in writing appoint, with the approval of the Mayor, a Deputy Auditor, who shall be sworn to the faithful performance of his/her duties, and a record shall be made of his appointment and oath so taken. Unless a temporary officer is appointed in accordance with law, the Deputy Auditor may, in the absence of the City Auditor, perform those duties and when performing such duties shall have the powers, not in derogation of the statute and be subject to the requirements and penalties applicable to him/her. The Deputy Auditor shall assist in the daily management of the office and is authorized to direct and supervise the employees in their tasks and the conduct of the department. The person appointed as Deputy Auditor hereunder may receive a salary from the City for services as such in the amount of \$59,000. (Prior Ch. 3 sec.21; amended 5/10/2004; 12/10/2004; 9/12/2006; 12/23/2010).

2-118 Clerical Assistance

The City Auditor shall appoint one administrative assistant, one head clerk and one junior clerk who shall do the clerical work in the office of the City Auditor and perform such other duties in the office as the City Auditor may prescribe. (Ord. dated 06/10/88. Prior Ch. III sec.21; amended 7/10/98). (Prior Ch. 3 sec.21; amended 5/10/2004).

(Sections 2-119 through 2-120 reserved)

(amended 6/4/2015)

**XIV. VETERANS' BENEFITS DEPARTMENT**

2-121 Appointment of Director Agent.

The Mayor shall annually appoint in April, in accordance with Massachusetts General Law, Chapter 115, a veteran's agent who shall be titled Veterans Director-Agent, and be the head of the Veterans' Benefits Department. Said Director-Agent shall be a veteran as provided by (Chapter 68, Acts of 1984.) Said Director-Agent shall make disbursements of veterans' benefits by the City as provided by law and regulations. The Director-Agent shall assume all the duties and powers heretofore performed by the Investigator of the Department, by investigating all applications for benefits, and render such aid and assistance as is in his or her judgement necessary. He or she shall also perform all the duties imposed by the provisions of said Chapter 115, as from time to time amended, insofar as the same may be

applicable to the title and the Department. (Ord. dated 03/12/87; Prior Ch. 28 sec.1).

2-122 Clerks.

The said Department shall have one Head Clerk with name to be taken from the Civil Service List and appointed by the Department Head. (Ord. 03/12/87; Prior Ch.28 sec.2). (Amended 11/16/93)

**XV. CEMETERY DEPARTMENT**

2-123 Composition of department.

The cemetery department shall consist of the following:

- A. The superintendent of cemeteries;
- B. One permanent work foreman;
- C. One permanent heavy equipment operator;
- D. One permanent motor equipment operator;
- E. One permanent maintenance man;
- F. One permanent intermittent mason;
- G. Four permanent intermittent laborers; and
- H. One permanent senior clerk. (Ord. dated 8/20/84(part)).

2-124 Appointment of superintendent and other employees.

Consistent with civil service rules and regulations, the superintendent and other cemetery employees shall be appointed by the cemetery commission. (Ord. dated 8/20/84 [part]).

2-125 Burial of still-borns.

All residents, present and past, and those individuals employed by the City, are entitled to burial rights for still-borns in a lot maintained for such burial, by the City and coming under the management of the board of cemetery commissioners of the City. (Prior Ch. 30 sec.4).

**XVI. INFORMATION TECHNOLOGY DEPARTMENT**

2-126A. Establishment.

There is hereby established an information technology department.

2-126B. Chief Innovation Officer; qualifications, appointment

The Information Technology (IT) Department shall be under the direction of the Chief Innovation Officer (CIO) who is appointed by the Mayor. The CIO shall have education and/or experience in information technology related fields, and have knowledge of information systems, data processing, networking, and telecommunications, be conversant with personal computers and issues related to their management, use, and integration with mainframe computers, and be experienced in managing budgets and the procurement of hardware, software and technical services.

2-126C. Functions of the department.

The Information Technology (IT) Department shall:

1. Provide and plan for all information technology systems and activities for the City's departments in order to best serve its citizens;
2. Develop specifications for the purchase of hardware, software and related equipment and procure IT components as necessary, subject to appropriation.
3. Provide technical and system support for all voice, text, image, audio and data needs of all City departments, board, committees and commissions and provide training to all City employees in such systems;
4. Design, construct and maintain the City's network to ensure that all City employees have access to the data needed to perform their duties in the most efficient manner; and
5. Implement appropriate procedures and technology to protect the information and technology systems of the city from cyber-attack and/or theft, and to prevent the unauthorized dissemination of information and data.
6. Provide hardware maintenance to all City departments, boards, committees and commissions.

2-126D. Staff

Subject to appropriation, the CIO shall appoint an IT Operations Specialist who shall have education and/or experience to support the City's data-driven innovation strategy including efforts to collect, analyze, and disseminate data across City departments and to the public encouraging transparency through the use of accessible, open data; to collaborate with City departments, boards, committees and commissions and their staff; to help administer IT operations; to assist in the management of the network equipment and monitor systems to ensure the security of the City's resources; and to support the CIO and department as directed or required.

(Ord. added 10/9/98; amended 12/20/2018)

## **XVII. PLANNING BOARD**

### **2-127 Establishment.**

- A. A planning board for the City is established under the provision of Massachusetts General Laws, Chapter 41, Section 81A.
- B. The planning board shall have the powers and authority and perform the duties set forth in Massachusetts General Laws, Chapter 41, Section 10, et seq., and amendments thereto.
- C. The planning board shall consist of seven members, two with the following qualifications: 1. An attorney; 2. An individual who has a civil engineering degree, or equivalent civil engineering work experience.
- D. Each member of the planning board shall serve for a term of five years and shall be a resident of the City.
- E. The planning board shall cause to be published in the local newspaper of general circulation a list of all plans approved or denied by it on Wednesday next following its meeting. Included shall be any plans submitted under the subdivision control law not required. (Two ords. Dated 8/20/84: prior Ch. 16 sec.9).

### **2-128 Director of the Planning Board.**

- 1. The position shall be full-time, five days per week, with attendance at Planning Board meetings.
- 2. The qualifications, duties and responsibilities shall be: a. formal schooling with a Bachelor's Degree from an accredited college or university in public administration or allied study. Equivalent work experience may be substituted for a degree; b. experience of at least one year in office supervision and related duties; knowledge of building construction, building and zoning codes, plan reading, community planning and development; c. directing all the activities of the Planning Board; receive and coordinate all applications and plans filed with the Board; attend all meetings of the Board; supervise all other employees of the Board; maintain files and records of the Board; inspect any land or subdivision as required; assist other municipal officials in matters related to the Planning Board, including the other boards and City Council; d. responsible for organizing all materials for the meetings of the Planning Board; for the Board's minutes, its agendas and the carrying out of its decisions; representing the Board's interests, views and authority before other local officials or tribunals,

and before state or federal tribunals or agencies; and such other duties and responsibilities as set forth by the ordinances and the Planning Board.

3. Appointment is to be made by the Mayor, subject to the City Council's confirmation. (Ords. dated 1/22/87, 11/26/90; 3/7/95; prior Ch. XVI, sec.9; amended 12/20/2001).

2-129 Secretary of the Planning Board.

- A. There shall be a secretary to the planning board.
- B. The experience of the secretary shall be as required by the planning board.
- C. The duties of the secretary shall include typing, filing and other related secretarial duties as assigned by the planning board.
- D. The secretary must attend night meetings. (Editorially amended during 1987 recodification: Ord. dated 9/27/84; also Ord. dated 08/24/87, setting position of secretary at junior clerk level; Ord. dated 10/24/97 "setting position of secretary at principal clerk level").

2-129A Grant Writer.

This position shall be responsible for writing and overseeing grant proposals on behalf of the City of Woburn. The range of proposals researched shall be consistent with the policies of the Mayors Office. This individual shall work with all city departments at the direction of the Mayor. The duties of this position require this person to collaborate with internal and external groups to fashion the best proposals possible. This includes research and writing of proposals, obtaining written commitments from internal and external groups, lobbying state and federal representatives on behalf of active proposals. It also includes tracking existing grants for the purpose of resubmission. It also includes notifying department heads of funding opportunities.

The grant writer shall not be responsible for financial and managerial reporting requirements of state and federal grants unless specifically designated and approved by the Mayor. All financial and progress reports shall be handled by the designated program director or department head.

The grant writer will be required to garner at least his or her salary and all other compensation in grant awards within the first 18 months and the same every 12 months thereafter. It will be the right of the city council and or the Mayor to conduct a performance review if this award level is not met. These hearings may result in termination of further employment. This person shall be appointed by the Mayor

with confirmation from the city council. A B.A. degree shall be required and two years of grant-writing experience preferred. (added 7/22/2002)

## **XVIII. BOARD OF ASSESSORS**

### 2-130 Mayor to appoint board.

As required by Title VI, Section 32, fourth paragraph of the Charter, and subject to Massachusetts General Laws, Chapter 41, Section 24, the Mayor shall appoint a board of assessors consisting of three persons. A vacancy may be filled for the unexpired term in the same manner as the original appointment. (Prior Ch. 2 sec.1).

### 2-131 Organization.

The board of assessors shall organize as provided for by General Laws, Ch.41, Sec. 24, consistently with the applicable provisions of the Charter.(Prior Ch. 2 sec.2).

### 2-132 Assistant assessors.

The board of assessors may appoint assistant assessors according to the provisions of the General Laws, Chapter 41, Section 25A. (Prior Ch. 2 sec.3).

### 2-133 Duties--Generally.

The board of assessors shall cause all taxes to be computed that are required by the City to meet the annual expenditures, and perform all other duties as required under the General Laws, Chapter 59 and 60A, applicable to boards of assessors. (Prior Ch. 2 sec.4).

### 2-134 Chief Appraiser/Department Manager.

There shall be a full-time Chief Appraiser who shall act also as Department Manager, appointed by the Board, with the approval of the Mayor. The qualifications and duties of said position shall be as set forth in the Personnel Manual of the Personnel Committee of the City Council. The salary range shall be between 50,000 and 60,000 dollars per year.

### 2-135 Senior Appraiser/Assistant Assessor.

There shall be a full-time Senior Appraiser/Assistant Assessor, appointed by the Board, with the recommendation of the Chief Appraiser. The qualifications and duties of said position shall be as set forth in the Personnel Manual of the

Personnel Committee of the City Council. The salary range shall be between 36,000 and 42,000 dollars per year.

2-136 Appraiser/Assistant Assessor.

There shall be a full-time Appraiser/Assistant Assessor, appointed by the Board, with the recommendation on the Chief Appraiser. The qualifications and duties of said position shall be as set forth in the Personnel Manual of the Personnel Committee of the City Council. The salary range shall be between 30,000 and 34,000 dollars per year.

2-137 Department Systems Manager.

There shall be a full-time Department Systems Manager, appointed by the Board, with the recommendation of the Chief Appraiser. The qualifications and duties of said position shall be as set forth in the Personnel Manual of the Personnel Committee of the City Council. The salary range shall be between 30,000 and 34,000 dollars per year.

2-138 Office Supervisor/Assessment Analyst.

There shall be a full-time Office Supervisor who is also an Assessment Analyst, appointed by the Board, with the recommendation of the Chief Appraiser. The qualifications and duties of said position shall be as set forth in the Personnel Manual of the Personnel Committee of the City Council. The salary range shall be between 22,000 and 26,000 dollars per year.

2-139 Principal Clerk/Personal Property and Excise Tax Analyst; Senior Clerk/Word Processing Clerk.

- A. There shall be a Principal Clerk who also acts as a Personal Property and Excise Tax Analyst, and who shall be appointed by the Board upon the recommendation of the Chief Appraiser, and according to any collective bargaining provisions in force covering clerical positions.
- B. There shall be a Senior Clerk who shall also be the Word Processing Clerk, appointed by the Board upon the recommendation of the Chief Appraiser, and according to any collective bargaining provisions in force covering clerical positions.(Ord. dated 06/24/87; prior Ch II, sec.sec.4-10).

2-140 Bimonthly report of assessors to City Council.

- A. The assessor's department shall be required to submit to each member of the City Council a bimonthly report of all abatements given within the past calendar



month. They are required also to list the name, address and total amount of the money involved with each transaction.

- B. This ordinance shall not apply to statutory abatements pertaining to disabled veterans, handicapped people, widows, senior citizens and elderly over 70 years of age. (Prior Ch. II sec.11).

## **XIX. DEPARTMENT OF INSPECTION SERVICES**

### 2-141 Personnel.

There is established in the government of the City a department of inspection services, which department shall be comprised of the following personnel:

- A. Building Commissioner. The term "building commissioner" shall mean as that term is defined and used in Massachusetts General Laws Annotated, Chapter 143, Sections 1 and 3. The building commissioner shall have all the powers, duties and responsibilities more particularly outlined and defined in said Massachusetts General Laws Annotated, Chapter 143, and such other duties and responsibilities as may elsewhere be specified within the General Laws of Massachusetts for the office. Additionally, the Building Commissioner shall have the duties, responsibilities and obligations which are described, specified and outlined in the 1985 zoning ordinance, Section 3.
- B. Local Inspector--Residential. The term "local inspector" shall mean as that term is defined and used in Massachusetts General Laws Annotated, Chapter 143, Sections 1 and 3. The local inspector shall have all the powers, duties and responsibilities more particularly outlined and defined in said Massachusetts General Laws Annotated, Chapter 143, except that the local inspector under this subsection shall be more primarily involved with residential uses of real property.
- C. Local Inspector--Commercial. The term "local inspector" shall mean as that term is defined and used in Massachusetts General Laws Annotated, Chapter 143, Sections 1 and 3. The local inspector shall have all the powers, duties and responsibilities more particularly outlined and defined in said Massachusetts General Laws Annotated, Chapter 143, except that the local inspector under this subsection shall be primarily involved with commercial uses of real property.
- D. Inspector of Wires. The term "inspector of wires" shall mean as that term is used and employed in Massachusetts General Laws Annotated, Chapter 166, Section 32. The inspector of wires shall have the powers, duties and responsibilities more particularly outlined, described and specified in said

- E. Massachusetts General Laws Annotated, elsewhere in this code and in the state building code.
- F. Inspector of Plumbing. The term "inspector of plumbing" shall mean as that term is used and employed in Massachusetts General Laws, Chapter 142. The inspector of plumbing shall have the powers, duties and responsibilities more particularly outlined, described and specified in said Massachusetts General Laws, elsewhere in this code and in the state building code.
- G. Head Clerk. The term "head clerk" shall mean as that term is commonly used and understood elsewhere in this code.
- H. Principal Clerk. The term "principal clerk" shall mean as that term is commonly used and understood elsewhere in this code. (Ords. dated 4/7/86; 12/20/85 [Part A]; prior Ch. 16 sec.10 [part]).
- I. Clerk-Stenographer. (Ord. dated 03/08/88).
- J. Local Inspector – Zoning Enforcement. The term “local inspector” shall be defined and used in accordance with Massachusetts General Laws Chapter 143, Section 1 et. seq. The local inspector shall have all the powers, duties and responsibilities more particularly outlined in said Chapter 143, the state building code and as proscribed elsewhere in this ordinance, except this local inspector shall primarily assist the Building Commissioner with the enforcement of Massachusetts General Laws Chapter 40A, Section 1 et. seq. and the 1985 Woburn Zoning Ordinances, as amended, which duties and responsibilities are more specifically set forth in Massachusetts General Laws Chapter 40A Section 7. (Ord. added 1/22/99).

2-142 Acceptance of state law.

The City specifically accepts the provisions of General Laws, Chapter 143, Section 3Y relating to the tenure of the building commissioner and local inspectors.(Ord. dated 12/20/85; prior Ch.16 sec.10[part]).

2-143 Compensation.

The persons holding the positions listed in Section 2-141 shall be paid compensation in an amount which shall be from time to time listed in Sections 2-179 through 2-192 of this code. (Ord. dated 12/20/85 [Part D]; prior Ch. 16 sec.10[part]).

## **XX CONSERVATION COMMISSION**

### **2-144 Establishment.**

Under the provisions of Chapter 40, Section 8C of the General Laws of the Commonwealth, there is established a conservation commission for the City, hereinafter in this part called the commission. (Prior Ch. 9-A sec.1).

### **2-145 Organization.**

- A. Pursuant to MGL Ch. 40 sec. 8C, the commission shall consist of not less than three nor more than seven members, one of whom shall serve as chairperson, who shall be appointed by the Mayor for a term of three years.
- B. Any member of the commission so appointed may, after a public hearing, if requested, be removed for cause by the Mayor.
- C. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.(Prior Ch. 9-A sec.2).

### **2-146 Powers, duties and responsibilities.**

- A. Pursuant to Chapter 40, Section 8C of the General Laws of the Commonwealth, the commission shall be responsible for the promotion and development of the natural resources and for the protection of the watershed resources of the City.
- B. The commission may adopt rules and regulations governing the use of land and waters under its control, and may prescribe penalties, not exceeding a fine of one hundred dollars for any violation thereof.
- C. The commission shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the annual report of the City.
- D. The commission may appoint a director, clerks, consultants and other employees and may contract for materials and services within the available funds insofar as the same are not supplied by other departments.
- E. The commission may receive gifts, bequests or devises of personal property or interests in real property in the name of the City, subject to the approval of the City Council. (Prior Ch. 9-A sec.3).

2-147 Assistants.

There shall be a senior clerk to assist the Administrator and the Commission, appointed by the Administrator, with duties and responsibilities as prescribed by the Administrator and Commission. (Ord. dated 06/09/89)

2-148 Conservation Administrator.

Definition: This position involves supervisory, managerial, administrative and technical work in connection with the requirements of the job description.

Duties:

1. Manage and operate the Conservation Commission office, including supervision of all other personnel assigned to the Conservation Department; Hires and Dismisses support staff as required.
2. Administer the provisions of Mass. General Laws, Chapter 131 s. 40, as amended and the Woburn Wetlands Ordinance.
3. Maintain liaison with other relevant Federal, state and municipal offices and departments, and environmental organizations.
4. Supervise the management of conservation lands in the City.
5. Develop and present educational programs for the youth and adults of the city on issues related to the preservation and promotion of natural resources.
6. Maintain a working knowledge of relevant laws and regulations which affect the environment.
7. Coordinate the City's participation in Federal, State or private funding programs relevant to the Commission's mandate.
8. Complete special tasks which may from time to time be assigned by the Conservation Commission.

Distinguishing Characteristics:

- \* Works fairly independently under the general supervision of the Conservation Commission;
- \* Is in frequent contact with other officials of the city, staff from Dept. of Environmental Quality Engineering and professional developers, engineers, the general public, including youth;
- \* Exercises judgement which, if applied incorrectly, could result in damage to private property and in negative reactions from the general public; and in environmental degradation to the community;
- \* Is required to engage in occasionally extended periods of moderate physical effort which is required under varying weather conditions and on weekends from time to time;
- \* Is required to have excellent written and oral communication skills.

Desirable Qualifications:

A Bachelor's Degree in area related to the requirements of the position, such as Land Use Planning, Natural Science, Business Administration plus two years experience in a position related to environmental protection; or two years of college (or an Associate Degree) with a concentration in environmental studies plus five years experience in a position related to environmental protection; or a Master's Degree in an environmental field plus one year of experience in a position related to environmental protection; or any equivalent combination of education or experience. (Ord. dated 06/24/87; prior Ch. 9-A sec.6).

## **XXI. HISTORICAL COMMISSION**

### 2-149 Establishment.

Under the provisions of Chapter 40, Section 8D of the Massachusetts General Laws, there is established a historical commission for the City, hereinafter in this part referred to as the commission. (Prior Ch. 9-B sec.1).

### 2-150. Organization.

- A. The commission shall consist of seven members, who shall be appointed by the Mayor for a term of three years each.
- B. Any member of the commission so appointed may, after a public hearing, if requested, be removed for cause by the Mayor. A vacancy otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.
- C. The commission shall organize annually for the purpose of electing a chairman, vice-chairman and a secretary from among the membership. (Prior Ch. 9-B sec.2).

### 2-151 Powers, duties and responsibilities.

- A. The commission shall be responsible for the preservation, protection and development of the historical assets of the City. For the purpose of protecting and preserving such places, the commission may make such recommendations as it deems necessary to the City Council and, subject to the approval of the City Council, to the Massachusetts Historical Commission, that any such place be certified as a historical landmark.
- B. The commission shall conduct researches for places of historic value.

- C. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations, and from federal, state or other governmental bodies for the purpose of furthering the commission's program.
- D. The commission may appoint such clerks and other employees as it may from time to time require.
- E. The commission may acquire in the name of the City by gift, grant, bequest, lease or otherwise the fee or lesser interest in real or personal property of significant value and may manage the same.
- F. The commission shall administer the Loammi Baldwin Mansion and certain sections of the Old Middlesex Canal.
- G. The commission shall be responsible for the National Register of Historic Places within the City.(Prior Ch.9-B sec.3).

2-152 Records of meetings--Annual report.

The commission shall keep accurate records of its meetings and activities and shall file an annual report which shall be published in the annual report of the City. (Prior Ch. 9-B sec.4).

**XXII. RECREATION COMMISSION**

2-153 Appointment of commission.

- A. Under the provisions of Chapter 45 of the General Laws of Massachusetts and the provisions of Chapter 358, Acts of 1945, there is created a recreation commission.
- B. The commission shall consist of five persons. Two members are to be appointed by the Mayor, two members are to be appointed by the City Council and one member is to be appointed by the school committee.
- C. The term of office shall be for five years or until their successors are appointed and qualified.
- D. Any vacancy occurring in the commission shall be filled for the remainder of the term by the same authority whose appointees have vacated the positions. (Prior Ch. 9-C sec.1).

2-154 Organization.

Immediately after their appointment, the members of the commission shall meet and organize by electing one of their members chairman and such other officers as may be necessary. The commission shall have the power to adopt by-laws, rules and regulations for the proper conduct of public recreation for the City. (Prior Ch. 9-C sec.2).

2-155 Powers of commission.

The recreation commission shall provide, conduct and supervise public playgrounds, athletic fields, recreation centers and other recreational facilities and activities on any of the properties owned or controlled by the City, or on other properties with the consent of the owners and authorities thereof. It shall have the power to conduct any form of recreational or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner. (Prior Ch. 9-C sec.3).

2-156 Appointment of director and personnel.

The recreation commission shall have the power to appoint or designate someone to act as director who is trained and properly qualified for the work and such other personnel as the commission deems proper.(Ch. 9-C sec.4).

2-157 Commission to submit budget.

Annually the recreation commission shall submit a budget to the Mayor and City Council for approval. The commission may also solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes. (Prior Ch. 9-C sec.5).

2-158 Commission to make full reports.

The recreation commission shall make full and complete monthly and annual reports to the governing body of the City and other reports from time to time as requested. (Prior Ch. 9-C sec.6).

2-159 Clerical personnel.

The clerical personnel of the recreation commission shall be one junior clerk. (Ord. dated 4/20/84: prior Ch. 9-C sec.7).

2-160 Recreation Wellness Coordinator. [numbered as passed]

The Recreation Commission may in writing appoint, with the approval of the Mayor, a Recreation Wellness Coordinator who shall be under the direct supervision of the Recreation Director. The Recreation Wellness Coordinator shall be trained and properly qualified possessing a Bachelor's of Science degree from an accredited four year college with a core emphasis on Wellness programs; Public Health, Physical Education, Sports Management, Medical Wellness or Nutrition. The Recreation Wellness Coordinator shall be responsible for developing, administering, and managing new and established Wellness programs for the City of Woburn through a variety of recreation services and nutritional and sports programs for all age groups, and shall assist with on site administration of recreation programs as may be required by the Recreation Director. (added 7/12/2012)

### **XXIII. LOCAL COUNCIL ON AGING**

#### **2-160 Establishment--Purpose.**

Under the provisions of Chapter 40, Section 8B of the General Laws of Massachusetts, there is established a local Council on aging. (Prior Ch. 9-D sec.1).

#### **2-161 Organization.**

The local Council on Aging shall consist of ten voting members appointed by the Mayor with City Council confirmation. The appointed members shall serve without compensation for terms of three years. The first terms under this Section shall be for one, two or three years, and so arranged that the terms of one third of the members will expire each year, and their successors shall be appointed for terms of three years each. The Council shall elect annually at their first meeting in any new year(calendar)four of its members to the positions of chairperson, vice-chairperson, treasurer and secretary. The Council shall be responsible to the Mayor. (Ch. 9-D sec.2; amended 9/4/98, 11/30/2000; 9/7/2017).

#### **2-161A Director of Council on Aging.**

There is hereby established the position of Director of Council on Aging who shall be appointed by the City Council and who shall manage, direct and superintend all matters coming within the purview and jurisdiction of the Council of Aging and shall have such other duties and responsibilities with respect to Senior Citizens in Woburn as the City Council, from time to time, determines. The City Council may appoint to the position of Director such person as it, in its sole discretion, deems to be suited by formalized training, particularized experience, or combination thereof, to the carrying out of the subject duties and responsibilities. The Director shall hold a Masters Degree in Human Services, preferably in Social Work, Gerontology or Health Administration. Compensation for this position shall be established by Ordinance. (Added 9/30/1999).



2-162 Powers and duties.

- A. The Council may appoint such clerks and other employees as it may require within the limits of available funds.
- B. It shall be the responsibility of the Council to: 1. Identify the needs of the community's elderly population and available resources; 2. Educate the community at large in the needs of the elderly; 3. Design, promote and implement needed services and coordinate with existing services for the elderly. (Prior Ch. 9-D sec.3).

**XXIV. PUBLIC HEARING NOTICES**

2-163 Cost of advertising.

The cost of all advertising and all notices of any public hearing held before the City Council with reference to the issuance of a permit or license by the City Council whether such public hearing is required by law, ordinance, vote of the City Council or otherwise, shall be paid by the applicant for the permit or license with reference to which such public hearing is held. (Prior Ch. 19 sec.1).

2-164 Deposit required from applicant.

All applications filed with the City Council for a license or permit which by law or ordinance cannot be issued until after a public hearing before the City Council shall be accompanied by a deposit sufficient in amount in the judgment of the City Clerk to pay the costs of all advertising and notices required by such law or ordinance. Any excess of the amount of the deposit over the actual cost of such advertising and notices shall be returned to the applicant. (Prior Ch. 19 sec.2).

2-165 Costs of advertising to be paid before issuance of license or permit.

No permit and no license granted by the City Council after a public hearing with reference thereto, whether such public hearing was required by law, ordinance, vote of the City Council or otherwise shall be valid unless the records of the City Council show that the applicant therefor has paid the actual costs of all advertising and all notices of such public hearing. (Prior Ch. 19 sec.3).

**XXV. CIVIL DEFENSE**

2-166 Civil defense preparedness agency.

There is established a civil defense preparedness agency (hereafter in this part called the "agency"). The agency shall perform the functions of civil defense as that

term is defined in General Laws Chapter 33, Section 13-1, Appendix, and any other functions promulgated under law and executive order. (sec.1 of Ord. dated 3/9/84).

2-167 Co-directors--Appointment--Responsibility.

The agency shall be under the direction of two directors, each of whom shall be called a co-director. The co-directors shall be appointed by the Mayor and shall have direct responsibility for the administration and operation of the agency, subject to the direction and control of the Mayor. (sec.2 of Ord. dated 3/9/84).

2-168 Police and fire chiefs may be appointed as co-directors--Duties of co-directors.

The Mayor may designate the police and fire chiefs as co-directors. The co-directors shall have the power to appoint area coordinators, and may accept or receive on behalf of the City, any services, equipment, supplies, materials, funds, grants or loans, for purposes of civil defense, offered by the federal or state governments or any agencies thereof, or by any person, firm or corporation or organization offering the same. The co-directors shall cause appropriate records to be kept of all receipts of goods and moneys for civil defense. (sec.3 of Ord. dated 3/9/84).

2-169 Fire and police protection.

The Mayor and City Council may establish, through appointments, volunteer or unpaid public protection units as may be approved by the state's civil defense agency, and as provided in General Laws Chapter 33, Section 13-11, Appendix. (sec.4 of Ord. dated 3/9/84).

2-170 Clerical personnel.

The Mayor may appoint, subject to applicable law and ordinance, a secretary to assist in civil defense matters. The duties of the secretary shall be those duties prescribed by the co-directors, with the approval of the Mayor, and such other duties as the co-directors and the Mayor may require. (sec.5 of Ord. dated 3/9/84).

**XXVI. CITY AMBULANCE SERVICE**

2-171 Maintenance and operation of service.

A. Effective July, 1976, the responsibility of maintenance and operation of the ambulance service is transferred from the police department to the fire department.

- B. The operation of the ambulance department shall be for emergency transport only; the transport shall be to the nearest full-service hospital. (Prior Ch. 11 sec.21).

2-172 Authority of fire department.

The emergency rescue vehicle/ambulance shall be in the charge of the fire department. In case of emergency, requiring immediate medical care, the fire chief or his designee shall direct control and make such vehicle available for the transportation of sick, injured or disabled persons. (Prior Ch. 11 sec.21-2(1)).

2-173 Limits of service.

- A. Transportation shall be provided in cases of emergency only to the nearest full-service hospital or to a hospital designated by an emergency room physician.
- B. Transportation shall be provided only within the City of Woburn boundaries, notwithstanding reciprocal agreements with any other cities or towns. The ambulance service shall provide emergency medical care and transportation to any person requesting it regardless of their ability to pay. (Prior Ch. 11 sec.21-2(2)). (Amended 9/6/94)

2-174 Rates of service.

- A. The following fees shall be charged for all persons transported to the hospital by the City ambulance service: Current Medicare Fee Schedule plus 200%.

As of 5/1/2011:

BLS Emergency Base Rate .....	\$1196.25
BLS Non-Emergency Base Rate .....	\$747.66
ALS1 – Emergency Base Rate .....	1420.56
ALS Non-Emergency Base Rate .....	897.18
ALS2 Emergency Base Rate .....	2056.05
Specialty Care Transport .....	2429.88
Mileage .....	20.58
Airway .....	173.30
Cardiac Monitor .....	214.07
Defibrillation .....	352.87
Oxygen .....	164.69
MAST .....	235.27
IV/Drugs .....	352.87

Such fees shall be charged for one-way transportation only.

(Prior Ch. 11 sec.21-2(3); new Ord. dated 5/18/88; amended 9/6/94; amended 2/18/2005; amended 4/22/2011)

2-175 Responsibility of fire department--Procedures.

- A. It shall be the responsibility of the fire chief or his designee to obtain all information necessary for the proper processing of each transport service call charge.
- B. The following procedure shall be adopted for the maintenance of such records:
  - 1. For each trip of the ambulance, the operator(s) of the ambulance shall be responsible for making a record on a call sheet containing, but not restricted to, the following information: Trip number; Date; Patient's name age and sex; Time of call received; Time of arrival at scene; Time of transport; Time of arrival at hospital; Name of doctor attending; Medicare number; Welfare number Category, City--if any Driver Attendants First aid administered; Mileage Hospital Time; secured Insurance company Number.
  - 2. If the information is not immediately available, it shall be the duty of the fire department clerk to obtain the information within forty-eight hours of the ambulance transport service.
  - 3. The original of the permanent record card shall be retained by the fire department and shall become a permanent part of their records.
  - 4. A duplicate copy shall be forwarded daily to the office of the collector. The duplicate copy shall be referred to as the "ambulance report." (Prior Ch. 11 sec.21-2(4)). (Amended 9/6/94)

2-176 Billing--Responsibilities, procedures and abatements.

- A. Responsibility. The office of the fire department shall be responsible for the processing, mailing and record keeping.
- B. Procedures.
  - 1. All bills shall be processed daily upon receipt of the ambulance report.
  - 2. A copy of the bill shall be retained by the office of the collector to be a part of the permanent records.
  - 3. All bills shall be due and payable immediately and shall read: City of Woburn-Ambulance.
  - 4. Bills shall be payable at the office of the tax collector.
  - 5. All moneys collected shall be deposited into the account "Receipts reserved for appropriation - Ambulance."
  - 6. Waiver or abatement of charges shall be made by a special committee including the auditor, collector and fire chief, to meet on a monthly basis at a time prescribed by the committee.
  - 7. Medicare and Medicaid charges shall be billed directly to the office of the fire department.
  - 8. It shall be the duty of the fire department to apply for the provider number for the billing of Medicare and Medicaid.
  - 9. The fire chief shall designate and appoint a representative or representatives to visit each elderly housing complex and explain this

legislation to them, to let them know that there is an abatement feature to the ordinance codified in this section, if payment cannot be made. (Prior Ch. 11 sec.21-2(5)).

- C. Review Committee. A committee consisting of the Auditor, Collector of Taxes and Fire chief shall meet monthly on outstanding bills and collections. (Prior Ch.11, sec.21-2(10)).

## **XXVII. CITY VEHICLES**

### **2-177 City-owned Vehicles.**

- A. All motor vehicles owned by the City of Woburn, including vehicles assigned to all Department Heads, shall be lettered with the words "City of Woburn" and shall include the city seal shall be twelve inches in diameter and orange in color and the department to which the vehicle is assigned. The lettering shall be orange and is to be no smaller than two-and-one-half inches in height and is to be placed on both front doors. (amended 3/10/2006; 6/11/2007)
- B. All marked police vehicles shall be ordered, lettered and painted the same color scheme as determined by the Chief of Police upon approval of the mayor. All unmarked and undercover police vehicles shall be ordered and painted or repainted as determined by the Chief of Police. Undercover, Unmarked and Surveillance Police vehicles are not required to be lettered. All fire vehicles shall be lettered in accordance with Paragraph A and shall be painted red, or red and white, or black as determined by the Fire Chief upon approval of the mayor. All other vehicles, new vehicles only, shall be painted black and shall be lettered in accordance with Paragraph A. (amended 6/11/2007)
- C. At the end of every calendar year, each member of the City Council shall receive a list of all city-owned vehicles in service; with make, model, VIN number, year, mileage and color to ensure compliance.
- D. The Mayor shall receive on at least a weekly basis, a separate written account of the total number of gallons of gasoline used by each city-owned vehicle.

Each member of the City Council shall receive on at least a monthly basis, a separate written account of the total number of gallons of gasoline used by each city-owned vehicle.

- E. With the approval of the Mayor, designated personnel who are assigned city-owned vehicles may park their vehicles at their place of residence, at the end of each work day, provided that the place of residence is within 15 miles of the City limits. The Mayor shall provide each member of the City Council with a

copy of the approved list, including reasons for approval. All other city-owned vehicles shall be parked in city-owned parking lots at the end of each day.

- F. Personnel who are assigned City-owned vehicles shall only have the use of such vehicles while on official City business. Under no circumstances shall a City-owned vehicle be used for personal or private uses, unless the individual who is assigned said vehicle is on official City business. No city-owned vehicle shall be taken on vacation by any person. City-owned vehicles shall not leave the City of Woburn except for the conduct of official business of the person assigned said vehicle. City-owned vehicles shall be operated only by those individuals assigned said vehicles, or other designated employees, in the carrying out of their official duties. The mayor may, during an emergency or any other unusual event as the mayor determines, temporarily authorize certain city employees to retain their assigned city vehicles at all times to facilitate their response or recall to the emergency or other unusual event. The mayor will notify the city council in writing, within 24 hours, when he/she exercises this discretion. (amended 6/11/2007)
- G. Misuse of a City-owned vehicle or any violation of this ordinance by any employee of the City of Woburn shall be just cause for discipline up to and including dismissal of said employee.(Ords. 02/20/87; 03/07/91; prior Ch.1 sec.8; Ch. 16 sec.21).
- H. At the end of each year, the City Council is to obtain a list of city owned vehicles from each department, including vehicle identification number, gas, mileage, excluding undercover vehicles which information is kept in the mayor's office. (amended 6/11/2007)

2-178 Employee Use of Personal Vehicles in the Conduct of Official City Business.

- A. Any City employee assigned a City-owned vehicle shall only have the use of that vehicle while on official City business and shall not use their personal vehicle for any use in the conduct of their City employment unless such assigned City vehicle is temporarily inoperable and the City employee must use their personal vehicle for travel in order to conduct official City business. Such use must have the written approval of the employee's Appointing Authority/Department Head.
- B. Any City employee not assigned a City vehicle may not use their personal vehicle for any use other than pre-approved travel in order to conduct official City business. Such use must have the written approval of the employee's Appointing Authority/Department Head.
- C. The City of Woburn shall not be liable for any damage to the personal vehicle of

any City employee used in violation of this Ordinance. If an employee uses their personal vehicle as part of an emergency situation such use shall not constitute a violation of this ordinance.

D. The only circumstance for which a City employee can be monetarily reimbursed for use of their personal vehicle in the official conduct of City business shall be for travel purposes. (added by Ord. dated 04/08/91).

**XXVIII. COMPENSATION OF OFFICERS AND EMPLOYEES**

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

The officers and employees while in the service of the City shall receive yearly as established by statute, ordinance or contract, and at the same rate for any portion of a year, which shall, unless otherwise specifically provided by ordinance be in full for all services which the officers are authorized or required by statute or ordinance or contract to perform, and shall be subject to the deduction of any and all sums due the City from the officers entitled thereto. (Prior Ch. 15 sec.1; amended 11/12/2015).

2-180 Base salaries.

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

Appeals, Board of.....Chair (1).....	\$ 4,950.00
Appeals, Board of.....Members (5).....	\$ 4,500.00
Appeals, Board of.....Alternate (1) .....	\$ 1,350.00
Assessors-----Chairman .....	\$ 7,800.00
Board Member.....	\$ 7,200.00
Cemetery Commissioners (5).....	\$ 2,000.00
City Auditor.....	\$106,764.55
Deputy Auditor .....	\$ 61,997.44
City Clerk.....	\$ 87,630.95
City Council-----Members (8) .....	\$ 12,000.00
President (1).....	\$ 14,000.00
Clerk of .....	\$ 12,236.62
City Solicitor .....	\$104,540.68
Assistant City Solicitor .....	\$ 49,710.40
Secretary/Paralegal.....	\$ 42,872.80
Conservation— Members, per year, each member (7) .....	\$ 4,000.00
Fire Chief.....	\$106,802.77
Deputy Fire Chief .....	\$122,215.54

Board of Health—Chairman .....	\$ 5,000.00
Members (2).....	\$ 4,500.00
Human Resources Director .....	\$103,628.76
Human Resources Assistant .....	\$ 49,281.79
Library --	
Director.....	\$102,991.35
Assistant Director .....	\$ 68,411.45
Licensing Commission--Members (3).....	\$ 4,500.00
Mayor .....	\$123,000.00
Secretary/Receptionist .....	\$ 40,174.35
Administrative Assistant to the Mayor .....	\$ 59,302.80
Parking Clerk (part-time) .....	\$ 17,038.70
Planning Board--	
Members (7).....	\$ 4,500.00
Police Chief.....	\$ 101,771.50
Records Access Officer (MGL Ch. 66, §6A)(2)(Provided the RAO is the City Clerk and/or City Solicitor) .....	\$ 6,500.00
Recreation--	
Members (5).....	\$ 2,100.00
Cell Monitors....per hour .....	\$ 16.00
Reserve police officers, per hour.....	\$ 18.00
School Committee--	
Chairman.....	\$ 4,950.00
Members .....	\$ 4,500.00
School Traffic Guards.....per hour .....	\$ 16.00
Sealer of Weights and Measures .....	\$ 15,848.56
Superintendent of Public Works - .....	\$114,085.57
Deputy Superintendent.....	\$ 86,096.53
Tax Title Custodian .....	\$ 50.00
Voters, Board of Registrars of	
Members (3).....	\$ 3,500.00
Clerk of.....	\$ 12,236.62
Machine Custodians (2) .....	\$ 2,505.88
Supervisor of (1).....	\$ 3,194.79
Warden, each election day.....	\$ 265.00
Warden, election day half day .....	\$ 130.00
Clerk, each election day .....	\$ 240.00
Clerk, each election day half day.....	\$ 120.00
Inspectors, each election day .....	\$ 225.00
Inspectors, each election day half day .....	\$ 110.00
Substitute election workers, each election cycle .....	\$ 20.00
Early Voting Clerks.....	\$ 50.00 per shift
Water Treatment Plant Manager .....	\$ 84,931.09



The police chief is to submit a monthly report of hours that the parking clerk works to the City Council. (Ord. dated 12/29/86 (part); two Ords. dated 4/12/86; Ord. dated 11/7/86; two ords. dated 10/24/86; Ord. dated 6/6/86; two ords. dated 5/14/86; Ords. dated 5/6/86; 4/18/86; 4/7/86; 2/10/86; two ords. dated 12/20/85; Ords. dated 9/20/85; 6/21/85 (part); two ords. dated 4/16/85; Ords. dated 4/15/85; 12/21/84; 12/6/84; two ords. dated 9/27/84; two ords. dated 8/20/84; Ord. dated 7/20/84; two ords. dated 6/21/84; Ord. dated 4/20/84 and ord. dated 4/20/84 (part); Ord. dated 9/9/83 (part); prior Ch. 15 sec.1(A)); Ord. dated 3/12/87; Ord. dated 06/16/87; Ord. dated 09/09/88; Ord. dated 03/31/88; Ords. dated 05/18/88, 06/10/88, 07/25/88, 06/16/87, 02/02/88; 08/19/88, 09/06/88, 09/09/88; Ord. dated 11/18/88; Ords. dated 12/21/88; 3/21/89; 06/09/89; 7/21/89; 10/18/90; 11/26/90; 04/19/91; 8/15/95; 11/22/96 7/23/97; 1/6/98; 6/19/98; 6/26/98; 9/1/98; Human Resources Director salary amended 1/6/98 effective 12/8/97; amended 6/4/99; amended 9/30/99; amended 6/6/2000; amended 8/16/1999; amended 8/24/2000; amended 8/24/2000; amended 8/27/2001 effective 7/1/2001; amended 9/26/2001 effective 9/1/2001; amended 7/22/2002 effective 7/1/2002; amended 4/8/2004; amended 5/10/2004; amended 9/27/2004; amended City Clerk, Clerk of Council, Clerk of Board of Registrars of Voters, Human Resources Director, City Auditor, Library Director 6/16/2008; amended Police Matrons, Reserve Police Officers, School Traffic Guards, Election Warden, Election Clerk, Election Inspector, Election Substitute 8/19/2008; amended City Auditor, Human Resources Director, Library Director, City Solicitor, City Clerk, Clerk of the Council, Clerk of Board of Registrars of Voters 7/8/2010; Administrative Assistant to Mayor 12/15/2011; amended City Auditor, City Clerk, Clerk of City Council, Clerk of Board of Registrars of Voters, Human Resources Director, Library Director, City Solicitor, Human Resources Clerk 7/12/2012; Recreation Wellness Coordinator 7/12/2012; amended City Auditor, City Clerk, Clerk of the City Council, Clerk of Board of Registrar of Voters, Human Resources Director, Library Director, City Solicitor 6/20/2013 eff. 7/1/2013; Mayor amended 4/29/2014; amended City Auditor, City Clerk, Clerk of the City Council, Clerk of Board of Registrar of Voters, Human Resources Director, Library Director, City Solicitor 4/23/2015 eff. 7/1/2014 and 7/1/2015; Deputy Fire Chief 9/3/2015; Superintendent of Public Works amended 2/15/94; 1/6/98; amended 4/22/2011; amended 6/8/2012; amended 7/12/2012; 6/20/2013 eff. 7/1/2013; amended 5/7/2015, eff. 7/1/2014 and 7/1/2015; amended 11/12/2015; amended 6/9/2016, eff. 7/1/2016; amended 11/1/2016 Cell Monitor and School Traffic Guards; amended 10/24/2016 Early Voting Clerks; amended 4/21/2017 Records Access Officer eff. 1/1/2017; amended 4/6/2017 City Auditor, City Clerk Clerk of Council, Clerk of Registrars of Voters, Human Resources Director, Library Director, City Solicitor, DPW Superintendent; amended 4/18/2017 School Committee Member and Chair, Board of Appeals Member and Chair, Conservation Commission Member, Planning Board Member, License Commission Member, City Council Member and President; amended 5/16/2017 License Commission Member;

amended 8/29/2017 Deputy DPW Superintendent; amended 5/9/2019 City Auditor, City Clerk, Clerk of Council, Clerk of Registrars of Voters, Human Resources Director, Library Director, City Solicitor, DPW Superintendent; amended 9/5/2019 Deputy Fire Chief; amended 1/23/2020 Election Workers).

2-181 Part-time and seasonal employees – Compensation

The following rates shall be paid for part-time/seasonal employees. At the Library the Bookkeeper shall be paid \$20.75 per hour, the Archivist shall be paid \$20.55 per hour and the two Custodian positions shall be paid \$16.47 per hour. For seasonal help, the Department of Public Works Summer Crew shall be paid \$10.00 per hour, Park Laborers shall be paid \$9.00 per hour, Park Instructors shall be paid \$10.00 to \$11.00 per hour, and Lifeguards shall be paid \$11.00 to \$12.00 per hour. (prior Ch. 15 sec.2(A); 6/21/84 [part]; 12/21/84 [part]; 6/21/85 [part]; 4/7/86; 12/29/86 [part]; amended 2/15/94; 1/6/98; 6/19/98; 6/6/2000; 8/27/2001 effective 7/1/2001; amended 7/22/2002 effective 7/1/2002; amended 4/22/2011; amended 6/8/2012; amended 7/12/2012; 6/20/2013 eff. 7/1/2013; amended 5/7/2015, eff. 7/1/2014 and 7/1/2015; amended 11/12/2015).

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

No person under seventeen years of age shall be employed by the department of public works under any circumstances. (prior Ch. 15 sec.2(B); 6/21/84 [part]; 12/21/84 [part]; 5/24/85; 6/21/85 [part]; amended 11/12/2015).

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

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

A. Department Heads.

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

(Prior Ch. 15 sec. 7; Prior Ch. 15 sec. 13; 6/24/1987; Amended 8/27/2001 effective 7/1/2001; amended 11/12/2015)

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

A. Any officer or person temporarily holding or performing the duties of any office by authority of the Mayor or by any ordinance for a period of not less than two weeks shall receive a salary at the rate fixed in this chapter for the office he holds.

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

(Prior Ch. 15 sec.3; amended 8/27/2001 effective 7/1/2001; amended 11/12/2015).

2-185 Reserved. (amended 11/12/2015)

2-186 Reserved. (Prior Ch. 15, sec 5; amended 5/21/1996; amended 3/29/2005 with effective date 7/1/2005; amended 11/12/2015)

2-187 Reserved. (Prior Ch. 15 sec.1; amended 11/12/2015).

2-188 Reserved. (Prior Ch. 15 sec. 7; 6/24/1987; Amended 8/27/2001 effective 7/1/2001; amended 11/12/2015)

2-189 Reserved. (Prior Ch. 15 sec.8; 6/19/86; amended 2/15/94; amended 11/12/2015)

2-190 Sick leave, attendance records, vacation and other incentives.

- A. All full time non union employees, except for department heads, will be entitled to the Vacation Leave, Bereavement Leave, Personal Days and Education Incentive Benefits as negotiated in the City Hall Workers Union Contract. All non-union department heads who are not under written personal contract shall be entitled to the Vacation Leave, Bereavement Leave, Personal Days and Education Incentive Benefits as negotiated in the Department Head Union Contract. (amended 8/27/2001 effective 7/1/2001; amended 6/3/2014 effective 7/1/2014; amended 3/19/2015)
- B. All full time non-union employees will be entitled to the Sick Leave, Accumulation of Sick Leave and Buy Back of Sick Leave as negotiated in the City Hall Workers Union Contract. All non-union department heads who are not under written personal contract shall be entitled to the Sick Leave,

Accumulation of Sick Leave and Buy Back of Sick Leave as negotiated in the Department Head Union Contract for all days earned on or after January 1, 2014. All days accumulated prior thereto shall be compensated as provided under Section 2-190(D). The effective date as to retirement shall be on or after April 12, 1986. Excluded from the provisions of this ordinance are the Police and Fire Chiefs, at their request. (Ord. dated 12/5/85; Ord. dated 08/19/88; amended 6/3/2014 effective 7/1/2014; amended 3/19/2015).

C. The City Engineer and Public Works Department full-time non-union employees will also be entitled to Education Incentive Benefits as negotiated for Water Certification Levels. (Ords. dated 04/14/90-8/9/94)

D. Employees of the City of Woburn shall be eligible for compensation of unused Sick Days as follows:

1. All union employees shall be treated in accordance with the provisions for sick leave, sick leave accumulation and sick leave buyback negotiated in their respective collective bargaining agreements.
2. All full-time, non-union employees, Department Head and non-Department Head employees, will continue to earn sick leave of one and one-quarter days each month of full-time employment with the City of Woburn and may accumulate sick leave on an unlimited basis.
3. Department Head and other full-time, non-union employees who were employed full-time by the City of Woburn on or before December 1, 1993 shall be entitled to the sick leave buyback benefits based on Section 2-191(A)(3) of the 1989 Woburn Municipal Code.
4. Department Head and non-Department Head employees, those employed full-time on or before or after December 31, 1993, will be eligible to buyback a maximum of fifty sick leave days at  $\frac{1}{2}$  the rate of pay and any additional sick leave days at  $\frac{1}{4}$  the rate of pay in effect at the time of a resignation, retirement or other non-disciplinary termination.
5. Those non-union employees who were employed on or before December 31, 1993 shall be eligible for the buyback of sick leave outlined in paragraph #4, but only to the extent that it supplements the buyback for which they were "frozen" in 1993.
6. Proof of the number of accumulated days is an approved record of sick leave usage and accumulation on file in the Human Resources Department. At the time of retirement, resignation or other non-disciplinary termination the employee must sign a copy of the record with the statement that it is a true and correct copy of the records and must have the signature notarized.

E. The Deputy Fire Chief shall be entitled shall be entitled to the same benefits as negotiated in the collective bargaining agreement between the City of Woburn and Local 971, IAFF, as the same may be revised from time to time:

(Ord. dated 1/19/1993 became effective 2/1/1993 without the signature of the Mayor; amended 8/27/2001 effective 7/1/2001; amended 9/5/2019)

2-191 Unused accumulated sick days--Payment.

A. Compensation. All department heads, upon retirement, resignation or death (to their estate), shall be eligible for compensation for unused accumulative sick leave on the following basis: 1. Department heads who have over one hundred days accumulated as of January 1, 1986, shall be entitled to compensation for those days at the rate of pay established at the time the department head retires, resigns or dies. 2. Department heads who have not accumulated one hundred days as of January 1, 1986, shall be allowed to accumulate to that amount, and be entitled to compensation for those days at the rate of pay established at the time the department head retires, resigns or dies. 3. Department heads who accumulate days over the amounts established in subdivision 1 of this subsection or over the one hundred days in subdivision 2 of this subsection shall be entitled to compensation for those days at the rate of pay established when they were earned. 4. Sick leave compensation shall be based upon a five-day work week. 5. Proof of attendance record. Proof of the number of unused accumulative sick days shall be furnished by the employee to the City auditor. The proof record shall be a notarized statement of his or her record of unused sick days, days furnished by his or her department head. In the case of department heads themselves, the record of unused sick days must be approved by the Mayor and notarized. (Ords. dated 2/17/86; 08/19/88; prior Ch.15 sec.10).

2-192 Longevity benefits.

Effective July 1, 2001 all City of Woburn Department Head and other full-time, non-union employees will be eligible for the following Longevity benefits.

1. Employees currently receiving longevity on the basis of a "frozen percentage" will continue to receive the appropriate "frozen percentage" calculated against the base salary. If an individual employee has reached an additional five or more years of service beyond the number of years indicated by the "frozen percentage" based on three percent per five years of service, the employee will be entitled to \$650.00 per each additional five year increment.

2. Employees who are not receiving longevity as a result of not being eligible for any or part of the longevity when the percentages were frozen will receive the set dollar amount as follows:

<u>Years of Full Time Employment</u>	<u>Annual Amount of Payment</u>
Less than 5 full years	No payment
Upon completion of 5 full years	\$850.00
Upon completion of 10 full years	\$1,500.00
Upon completion of 15 full years	\$2,150.00
Upon completion of 20 full years	\$2,800.00
Upon completion of 25 full years	\$3,450.00
Upon completion of 30 full years	\$4,100.00
Upon completion of 35 full years or more	\$4,750.00

(Ord. amended 5/3/94; 8/27/2001 eff. 7/1/2001; 9/6/2013 eff. 7/1/2013)

## **XXIX. PERSONNEL**

### 2-193 Regular full-time employee work hours--Exceptions.

- A. The following shall be classified as regular full-time employees and shall work daily from nine a.m. until four thirty p.m. with the exception of Saturdays, Sundays and legal holidays, and with exceptions as provided in Section 2-6:
  1. City Appraisers, Systems Manager, Assessment Analyst.
  2. City Clerk.
  3. City Auditor.
  4. City Treasurer/Collector.
  5. Director of Human Resources.
  6. Building Commissioner.
  7. Local Inspectors
  8. Inspector of Wires.
  9. City Engineer.
  10. Health Agent
  11. Public Health Nurse.
  12. Plumbing and Gas Inspector.
  13. Purchasing Agent.
  14. Director of Recreation.
  15. Secretary/Paralegal to the City Solicitor.
  16. Assistant City Treasurer.
  17. Assistant City Clerk.
  18. Assistant Purchasing Agent.
  19. Mayor's Secretary and Receptionist.
  20. Veterans' Agent.
  21. Telephone Operator.

22. [Reserved].
23. Assistant City Solicitor.
24. Deputy Superintendent of Public Works. (Deleted 5/21/96)
25. Administrative Assistant in Public Works.
26. Computer operator.
27. Director of the Planning Board (amended 11/20/90).
28. Code Enforcement Inspector.
29. Manager of Information Systems.
30. Superintendent of Public Works.
31. Conservation Director.
32. All Junior clerks, Senior clerks, Principal clerks, Head clerks, Secretaries and Administrative Assistants as established by ordinance.  
(amended 8/27/2001 effective 7/1/2001; amended 8/18/2006)

B. Included in the ordinance codified in this chapter as regular, full-time City employees, but excluded from the same hours (as hours are regulated separately) are:

1. Regular members of the police department, as established by ordinance, including the dog officer.
2. Regular members of the fire department, as established by ordinance.
3. Regular library employees.
4. Regular public works employees as established by ordinance.
5. (reserved)
6. Secretary to the license commission, board of appeals, and Clerk of committees. The person holding these positions shall serve a minimum of twenty hours during the normal workweek and those hours in the evening which require the person's presence to serve such boards or commissions. (Ord. dated 4/20/84 [part]; Ord. dated 03/12/87, [part] deleting Investigator in Veterans' Department; Ord. dated 11/26/90; prior Ch. 16 sec.4; amended 8/27/2001 effective 7/1/2001).

2-194 Public works department personnel.

The public works department shall consist of the following personnel:

- A. Administration Division (a total of nine persons): One superintendent of public works; One deputy superintendent of public works; One administrative assistant to the superintendent of public works; One head clerk; One principal clerk; One senior clerk/typist; One telephone operator; One junior clerk/typist; One computer operator. (amended 5/7/96; amended 11/27/2001)
- B. Engineering Division (DELETED 10/23/92)
- C. Public Building Maintenance and Service Division: This division shall consist of seven employees including custodial workers.
- D. Water and Sewer Pumping Station Division: This division shall consist of eight employees, including water meter readers.

- E. Water Service and Maintenance Division. This division shall consist of nine employees.
- F. The operations division shall consist of sixty-three employees, making a total in the public works department of one hundred one employees.
- G. The public works department shall have a complement of one hundred one employees. (Ords. dated 6/19/86; 6/21/85 2; 12/20/85 [part]; prior Ch. 16 sec.5).
- H. Deputy Superintendent of Public Works shall be appointed by the City Council with a recommendation of the Superintendent of Public Works and the Human Resources Director. This individual under direction of Superintendent of Public Works: Supervises on-going daily work activities of DPW including Water, Sewer, Highway, Public Buildings and Maintenance Divisions, assigning work and making on-site reviews. Organize, direct, control and monitor policies and priorities for the above referenced programs. Coordinate with other City departments and agencies, as necessary to ensure that the City's priorities are met and work is completed as required. Must be able to handle multiple projects, make quick and supportable decisions and supervise large groups to meet shifting priorities.

The position requires a valid motor vehicle operator's license. An advanced degree in civil engineering, environmental studies, construction management, public administration or similar field of study is preferred.

Licenses and/or certifications in Water Operations, and/or water distribution are preferred. Experience in construction supervision, preferably in a municipal environment, or combination of relevant education and experience are preferred.

Essential functions include:

- Ability to consult with State officials relative to Chapter 90 funding and obtaining grants.
- Ability to work with federal and state officials and agencies in the absence of the Superintendent and/or at the direction of the Superintendent.
- Ability to supervise the street light program, assess and anticipate the ongoing condition and needs of the public buildings in the City as it relates to general maintenance, including the maintenance of mechanical and electrical systems.
- Ability to communicate clearly and concisely verbally and in writing;
- Knowledge and familiarity with the use of computers and software including AutoCAD, GIS, Excel, and Word;
- Ability to evaluate, document and address issues that arise through the complaint tracker system. Respond to customer requests, complaints, investigate issues and develop solutions to resolve problems and prevent



future issues. Communicate and coordinate with other town departments, contractors, and the public to provide responsive and high quality service;

- Oversee the implementation of long-range maintenance and repair plans for the town's roads, sidewalks, drainage systems, water and sewer systems and fleets.
- Ability to assess and evaluate the department fleet and equipment as well as future regulatory requirements relating to emissions.
- Ability to work beyond normal business hours to attend meetings, make presentations, or other needs as determined by the Director of DPW.
- General knowledge of DPW, water and sewer operations and the applicable laws and regulations related to public works.
- Direct the implementation of construction projects, maintenance activities, and other work on public infrastructure including roads, storm water systems, parks and grounds, trees, cemetery, and fleet maintenance.
- Ensure all necessary materials, supplies, and equipment are available for projects and activities planned. Maintain and inventory of resources and proactively identify needs, shortages, and issues, on a timely basis.
- Perform project management duties for various special City Projects. Job responsibilities include supervision of public safety efforts, including snow removal, water control, etc.

Any other duties as delegated by the Superintendent.

(added 5/7/96, amended 11/27/2001; amended 8/29/2017 numbered as passed).

## 2-195 Clerical help for various departments.

The below-named municipal offices shall have the following clerical help:

- A. Assessor's Office: One principal clerk, One senior clerk.
- B. Auditor's Office: One administrative assistant, One head clerk.
- C. Building Commissioner's Office: One Head Clerk, one Principal Clerk, One Clerk-Stenographer.
- D. Cemetery: One Senior Clerk.
- E. City Clerk's Office: One Assistant City Clerk, One Senior Clerk, one Assistant Supervisor of Elections, Registration Census (Principal Clerk's level), One Principal Clerk.
- F. Civil Defense Office: One Secretary.
- G. Collector's Office: One Head Clerk, One Principal Clerk and Two Senior Clerks.
- H. Conservation: One Senior Clerk.
- I. Data Processing Department: One Junior Clerk.
- J. Engineer's Office: One Principal Clerk.
- K. Fire Department: One Secretary; One Senior Clerk.
- L. Health Department: One Junior Clerk.
- M. Law Department: One Secretary-Paralegal

- N. Planning Board: One Secretary (Junior Clerk level).
- O. Police Department: One Secretary, two Principal Clerks, One Junior Clerk.
- P. Public Works Department: One Administrative Assistant, One Head Clerk, One Principal Clerk, One Senior Clerk, One Relief Telephone Operator, Junior Clerk Typist, One Junior Clerk-Typist, One Computer Operator (at Senior Clerk's salary rate), Telephone Operator.
- Q. Purchasing Department: One Assistant Purchasing Agent, One Senior Clerk.
- R. Recreation Commission: One Senior Clerk.
- S. City Treasurer's Office: One Assistant Treasurer; One Secretary, One Senior Clerk, One Part-time Clerk (Ord. 12/20/90).
- T. Veterans' Benefit Department: One Principal Clerk.
- U. Personnel Department: One part-time clerk.  
(Ords. dated 06/09/89, 06/24/87, 03/03/87; 06/19/86; 12/24/86 [part]; 12/4/86; 8/16/85 [part]; 5/24/85: 7/20/84: 5/4/84; 4/20/84 [part]; 9/9/83; prior Ch. 16 sec.6); 3/9/90; 6/19/98.

2-196 Bond counsel--Special employee status.

The position of bond counsel and any individual or firm employed as bond counsel or to any municipal agency thereof or thereunder shall be classified as a special municipal employees pursuant to Chapter 268A of the General Laws, to the extent that they are "municipal employees" under that law. Employment as bond counsel shall, for the purpose of this code, include the rendering of advice, the drafting of documents, the rendering of an opinion approving the legality of bonds or notes issued by the City and the provisions of other legal services with respect to financing and the authorization and issuance of indebtedness. (Prior 16 sec.8).

2-196A Equal Opportunity and Affirmative Action Policy

The City of Woburn is an Equal Opportunity and Affirmative Action employer.

The City of Woburn values the culture and background of all people. Each and every individual will be considered and treated solely on the basis of qualification and performance of the job. The City of Woburn recognizes the right of individuals to work and advance based on merit, ability and potential. The City of Woburn will not tolerate discrimination on the basis of age, employment status, income, disability, educational background, gender, race, color, national origin, religion, sexual orientation or identity, citizenship or veteran status.

All levels of municipal government will make every effort to create a work environment that welcomes and includes everyone, that treats each resident, business, visitor and employee fairly and with dignity, and that challenges all employees to perform at their best.

The City's workforce must strive to reflect the diversity of the City's population. Therefore, as an equal employment opportunity employer, the City will actively recruit employees from all segments of Woburn's labor force. The City of Woburn is committed to fostering and encouraging a workplace comprised of individuals of diverse backgrounds, races, genders, abilities, religious beliefs, sexual orientation and ages.

Non-discrimination and equal opportunity will be the policy of the City of Woburn. This policy applies to all personnel practices including employee recruitment, hiring, transfers, promotions, demotions, compensation, training, discipline as well as termination.

All City of Woburn employees are responsible for maintaining and enforcing the City's policies on equal opportunity and affirmative action. The City of Woburn will actively seek the full participation and inclusion of all employees in understanding, upholding and promoting these policies.

(added 9/8/2011)

### **XXX. PARKS DIVISION**

#### **2-197 Personnel.**

There shall be within the Recreation Department, a Parks Division, consisting of seven (7) full-time personnel: one (1) Superintendent of Parks Recreation Maintenance, one (1) Working Foreman/Truck Driver, one (1) Special Heavy Motor Equipment Operator/Laborer, and four (4) Laborers/Ground Maintenance and such other temporary or part-time help as appropriations and funds may allow.  
(amended 2/4/97; amended 3/19/99; amended 12/20/2000)

#### **2-198 Appointment, Supervision.**

All personnel within the Parks Division shall be appointed by the Recreation Commission and shall work under the general supervision, control and direction of the Recreation Commission.

#### **2-199 Duties.**

The Parks Division shall have the primary responsibility for the upkeep, care and maintenance of the public parks, playgrounds, athletic fields, Commons and other parks and recreational areas, including the Horn Pond area.

#### **2-200 Compensation.**

The four full-time personnel in the Parks Division shall be permanent employees

under applicable Civil Service laws and rules. The Superintendent's salary and other benefits shall be set by ordinance or the Recreation Commission, and shall not be determined by any collective bargaining group or agreement. The position of Superintendent shall be managerial under the direction of the Commission. The working Foreman/truck driver, the special heavy equipment operator/Laborer and the Laborer/Ground Maintenance positions and employee benefits shall be covered by the collective bargaining unit and agreements as are in force from time to time. Said employees are solely responsible to the Parks Superintendent and the Recreation Commission. Temporary employees and summer help as may be hired by the Commission for the Parks Division shall receive hourly compensation and benefits as may be set by ordinance and the Recreation Commission they shall work under the direct supervision of the Parks Superintendent. (Ord. dated 05/26/87; Prior Ch. 9-C, sec. 10 a) and b); amended 2/4/97).

### **XXXI PURCHASING**

#### **2-201 Department personnel--Appointments.**

- A. There shall be a purchasing department consisting of a purchasing agent, an assistant purchasing agent and one senior Clerk for the City, subject to the provisions of the City Charter and Massachusetts General Laws. Normal steps in progression of grade will be taken.
- B. The purchasing agent, and one assistant purchasing agent necessary for the proper performance of the functions of this office, shall be appointed by the mayor.
- C. Pursuant to the provisions of G.L. C. 41, Sec. 103, the respective terms of office of the Purchasing Agent and Assistant Purchasing Agent are hereby established as being year to year without limit after appointment, subject to removal only for just cause by the Mayor; for purposes of this section, the term "JUST CAUSE":shall have the same meaning as in G.L. 31, and court decisions construing it. (Ord. dated 8/16/85 [part]; Prior Ch. 21 sec.1). Ord. amended 7/20/93.

### **XXXII. BOARD OF HEALTH**

#### **2-202 Membership.**

As required by Chapter 87 of the 1918 Special Acts and Resolves of Massachusetts there shall be a board of health consisting of three members, one of whom shall be a physician practicing in the city. The members shall be appointed by the mayor annually as provided for in said chapter and consistent with Massachusetts General Laws Chapter 111, Section 26 insofar as said section is applicable. (Prior Ch. 12 sec.1).

2-203 Annual organization and naming of officers, agents and assistants.

The board of health shall organize annually in accordance with the provisions of Massachusetts General Laws Chapter 111, Section 27, and name the necessary officers, agents and assistants subject to civil service regulations to perform its duties. (Prior Ch. 12 sec.3; see other appointments under TITLE 8 of this Code).

2-204 Appointment of clerks.

A. The board of health shall appoint clerks whose names shall be selected from a civil service list and who shall perform the clerical work in the office of the board and such duties as the board may prescribe. Said clerks shall be removable only by the board and in the manner provided for in Massachusetts General Laws Chapter 31, Section 43 and 54 as amended. The salaries of said clerks shall be determined by ordinance and civil service regulations.

B. The office of the board of health shall consist of one Senior Clerk. (Amended 11/16/93)

2-205 Health Agent and Inspectors.

The Board of Health shall have one (1) Health Agent, one (1) Health Inspector, and one (1) Code enforcement Inspector; both to have suitable professional credentials or experience as may be required by the Board and by State law or regulation. (Prior Ch. 12 sec.10; Ord. date 06/24/87; amended 8/24/2000).

**XXXIII . WOBURN COMMISSION FOR HANDICAPPED AND DISABLED CITIZENS**

2-206 Establishment.

There is hereby established under the provision of Massachusetts General Laws, Chapter 40, Section 8J, a Commission for Handicapped and Disabled Citizens, hereinafter called the Commission.

2-207 Purpose.

The Commission shall have as its primary purpose the responsibility for seeing that the terms of applicable State and Federal Laws and Regulations regarding all handicapped and disability issues are monitored and enforced in the City of Woburn. The commission shall study the needs of all handicapped and disabled citizens in the City in relation to housing, public accessibility, transportation, employment, education, health, recreation and all other relevant matters. The Commission shall work in conjunction with all City Departments and Agencies to

assist public and private enterprises in complying with applicable Laws and Regulations concerning the handicapped and disabled.

The Commission shall assure that no otherwise qualified individual with a handicap or disability shall, solely by reason of his or her handicap or disability, be excluded from participation in the benefits of, or otherwise be subjected to discrimination under any program or activity within the City of Woburn.

The Commission shall hear complaints from citizens regarding the non-enforcement of all relevant Federal and State Laws and Regulations. The Commission shall make appropriate recommendations to the Mayor, City Council or other City Administrators.

The Commission shall foster a program of public awareness and information in regard to the rights of all handicapped and disabled citizens.

#### 2-208 Membership; Vacancies; Officers.

The Commission shall consist of not more than eleven (11) members and not less than seven (7) members who shall be appointed by the Mayor. One member shall be either an elected or appointed official of the City of Woburn. Commission members shall serve without compensation and shall initially be appointed in the following manner: 1. Three members shall serve for a one year term. 2. Four members shall serve for a two year term. 3. Four members shall serve for a three year term. (Above paragraph amended 5/21/93).

After the initial terms, all Commission members shall be appointed for a term of three years. In the event of death or resignation of any member, a successor shall be appointed to serve the unexpired term by the mayor, subject to confirmation by the City Council.

The Commission shall annually elect a chairperson, vice-chairperson, secretary and treasurer. A majority of the Commission shall constitute a quorum in the exercise of any of the Commission's powers and duties. The Commission shall establish by-laws which designate such rules, practices and regulations as it deems necessary to effectuate the purposes and provisions of the Ordinance.

The Commission may raise and receive funds, bequests and gifts of property, both real and personal, public and private, in the name of the City, subject to the approval of the City Council. Any such funds shall be deposited in a separate fund or account and shall be designated as the "Woburn Commission for Handicapped and Disabled Citizens Fund", such fund shall be reviewed on an annual basis by the City Auditor. Any expenditure of funds shall be made in accordance with the

law, policies, and ordinances of the City of Woburn. Any expenditures of funds shall be subject to the approval of the majority vote of the Commission members. Management and control of such funds and gifts is hereby vested in said Commission.

2-209 Definition of a Person with a Handicap or Disability.

For the purposes of this Ordinance, a person with a handicap or disability shall be defined as any person who: (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such impairments by the Commission.

2-210 Powers and Duties

The powers and duties of the Commission shall include the following:

- a. To seek equal status for the handicapped and disabled in education, employment, economic, political, health, legal and social spheres.
- b. To design and implement programs that promote equality for all handicapped and disabled citizens in the City.
- c. To review and evaluate recommendations and policies of all City Departments and Agencies in order to more appropriately reflect the needs of the handicapped and disabled.
- d. To initiate, coordinate and monitor the enactment of Legislation which promotes equal status of the handicapped and disabled on the City, State and Federal levels.
- e. To obtain from all City Departments and Agencies any and all information necessary to carry out the functions, purposes, programs and activities of the Commission.
- f. To participate in an advisory capacity and make recommendations in the hearing of complaints brought alleging discrimination against the handicapped and disabled.
- g. To assist in public awareness of the handicapped and disabled through participation in public and media events sponsored by the Administrative and/or Legislative bodies of the City, including, but not limited to City-sponsored recreational, educational and development activities.
- h. To be an active and participating member of appropriate organizations dealing with issues affecting the handicapped and disabled.
- i. To acquire, analyze, use and store handicapped related statistics and related materials in an accessible location.
- j. Such other powers as may be agreed on by the Mayor and City Council. (Ord. dated 12/3/91).

**XXXIII SIGN REVIEW BOARD (SRB) FOR DOWNTOWN AND BUSINESS NEIGHBORHOOD ZONING DISTRICTS (amended 2/15/2005)**

2-211 Purpose for Sign Review Board

To regulate the use and design standards of signs in the Downtown Business (B-D) and Business Neighborhood (B-N) zoning district.

2-212 Membership

The Sign Review Board shall be composed of five (5) members, three (3) members shall be residents of the City of Woburn and two (2) members shall be members of the downtown business community, appointed by the Mayor and confirmed by a majority vote of the City Council to serve for a term of five (5) years. At least two (2) members of said Board shall be representatives of the downtown business community of the City. In addition, a resident of the City of Woburn shall be appointed by the Mayor and confirmed by the City Council for a two (2) year term to serve as an associate member of the Sign Review Board.

The associate shall sit in place of any member incapacitated by personal interest, illness or absence. All members of the SRB shall serve on a volunteer basis.

2-213 Annual organization, naming of officers and adoption of rules and regulations

Within seven (7) days after the appointment, confirmation and swearing in of the initial Board, the Board shall meet and elect one (1) of its members as Chairman, a Vice-Chairman, and a Secretary. Within thirty (30) days of the foregoing action the Board shall promulgate rules and regulations for the conduct of its business. Such rules and regulations shall be made available in printed form through the Department of Inspection Service of the City of Woburn.

(Ordinance added 7/15/97)

**XXXIV ENGINEERING DEPARTMENT (amended 2/15/2005)**

There is established in the government of the City a department to be known as, "Engineering Department" with following new Sections:

2-214 City Engineer - Qualifications

The Engineering Department shall be under the charge of the City Engineer who shall be a registered Civil Engineer/Land Surveyor in Massachusetts with a minimum of five (5) years experience in municipal engineering projects. The City Engineer shall be appointed by the City Council.



2-215 Duties and Responsibilities

Supervises operations of the Engineering Department - performs professional engineering work in the areas of water, wastewater, storm water, roads and other Civil engineering projects. Provides support to other departments, boards, commissions and officials, including the City Council or any Committee thereof, in all matters pertaining to engineering.

2-216 Personnel and Professional Assistance

The City Engineer may appoint one (1) Head Clerk, one (1) Junior Engineering Aide, one (1) Senior Engineering Aids, one (1) Assistant Civil Engineer, the Sealer of Weights and Measures. (Ord. approved 10/23/92; Amended 11/16/93; Amended 8/18/2006)

**XXXV BIOMEDICAL OVERSIGHT COMMITTEE** (amended 2/15/2005; repealed 2/8/2007; amended 5/1/2009)

2-217 Purpose

The purpose of this ordinance shall be the establishment of the Biomedical Oversight Committee (BOC) which will be responsible for issuing permits to Biomedical Facilities located in the City of Woburn and carrying out the requirements of this Article. (prior section repealed 2/8/2007; added 5/1/2009)

2-218 Definitions

BIOMEDICAL FACILITY – Any facility or research laboratory engaged in the use of Recombinant DNA, live animals for testing, the use of potentially infectious cell lines, or infectious material.

FACILITY REPRESENTATIVE – Each Biomedical facility will appoint one employee of the facility to act as a company representative to the BOC. This person shall be the same individual who is designated as the institution's Safety Officer.

GUIDELINES – Unless otherwise specified, are defined as:

- a) *National Institute of Health (NIH) Guidelines for Research Involving recombinant DNA molecules* as published in the Federal Register on May 7, 1986.
- b) Any amendments, revisions, or substitutions subsequent to the above referenced "Guidelines".

- c) Any further amendment to a) or b) above, wherever published, which are adopted by NIH.

RECOMBINANT DNA MOLECULES (RDNA) – are those defined in the “Guidelines”, as defined above.

ORGANISMS AND VIRUSES CONTAINING RDNA – are those defined in the “Guidelines”, as defined above.

Any other terms, not specifically defined herein, shall have the meaning as defined in the “Guidelines”. If the “Guidelines” do not define the term, it shall have the meaning as is commonly used.

(prior section repealed 2/8/2007; added 5/1/2009)

#### 2-219 Biomedical Oversight Committee

- A. Biomedical facilities are required to apply and receive a permit from the Biomedical Oversight Committee (BOC). This Committee shall consist of three members:
  - 1. The City of Woburn Health Agent, and
  - 2. Two citizens of the City of Woburn, appointed by the Mayor subject to confirmation by the City Council, at least one of the citizens shall be well versed in the area of Recombinant DNA and the federal regulations that apply to it.
  - 3. The BOC shall appoint a clerk.
- B. All members and the clerk of the BOC shall have the compensation as approved in the City’s budget. The initial citizen appointees to the BOC shall be one for two years and one for four years. Thereafter, all citizen appointments shall be for a term of four years.

(prior section repealed 2/8/2007; added 5/1/2009)

#### 2-220 Duties

The responsibilities of the BOC shall include:

- A. Establishing policies procedures and criteria to aid in the implementation of this ordinance.
- B. Determining the manner in which permit holders make reports or applications to the BOC and the type of information required in such reports or applications.

- C. Reviewing reports applications and recommendations by the facility representative and approving them where appropriate. Carrying out site visits to permitted facilities.
- D. Reviewing manuals and worker training programs, approving health-safety programs and monitoring the procedures required by this ordinance.
- D. Developing a procedure for persons to report to the BOC violations of this ordinance, the guidelines or any health regulations.

(prior section repealed 2/8/2007; added 5/1/2009)

#### 2-221 Permit Requirements

- A. All persons proposing to establish a Biomedical facility must obtain a permit from the BOC. Permits shall, at a minimum, include written agreement to:
  - 1. Follow the guidelines as defined in this ordinance.
  - 2. Follow other conditions set forth by the BOC.
  - 3. Allow reasonable inspections of facilities and pertinent records by the BOC or the Board of Health.
  - 4. Demonstrate the establishment of a comprehensive safety procedure and an emergency contingency plan relevant to the use of Biomedical Technology at all levels of containment in use at the facility, and a program for waste disposal in compliance with all applicable, federal, state and local laws and regulations. This procedure shall be submitted to the BOC for review.
  - 5. Demonstrate the establishment of a training program of safeguards and procedures for all personnel that is in compliance with all applicable, federal, state and local laws and regulations. This program shall be submitted to the BOC for review.
- B. Permits shall be issued and renewed on an annual basis by the BOC. All fees for the permit shall be set by the BOC. All Biomedical facilities in existence before this ordinance is accepted shall be required to apply for a permit and comply with this ordinance within 365 days. Compliance with this ordinance is in addition to any requirements or prohibitions under the Woburn Zoning Ordinance or State Building Code.
- C. The BOC shall reserve the right to refuse a permit to any individual or any firm whose presence in the City is deemed not to be in compliance with this ordinance or in the best interest of the health and safety of the City as determined by the BOC.

(prior section repealed 2/8/2007; added 5/1/2009)

## 2-222 Reports

The applicant shall present a report which will outline their compliance to state and federal laws and the guidelines of this ordinance. Each holder of a permit shall file annual update reports with the BOC at the time of renewal. The requirement of this report shall be set by the BOC and given to the petitioner at the time an application is requested. Copies of building department and fire department certifications will be forwarded to the BOC for review.

(prior section repealed 2/8/2007; added 5/1/2009)

## 2-223 Restrictions

- A. Any use defined as “BL3” and “BL4” by the NIH Guidelines promulgated in the Federal Register on May 7, 1986 and any subsequent federal amendments shall not be permitted in the City of Woburn.
- B. Any accidental release which represents a potential hazard to employees, the public, or the environment shall be reported to the Board of Health, the police department, fire department and the BOC immediately, and in no case more than twenty-four hours after the release.

(prior section repealed 2/8/2007; added 5/1/2009)

## 2-224 Violation – Notification

The permit holder shall report, within thirty days, any problems with or violations of this ordinance or any local, state or federal law or regulation. Any accidents or illnesses involving individuals involved in activities regulated by the BOC shall be reported to the BOC within thirty days.

(prior section repealed 2/8/2007; added 5/1/2009)

## 2-225 Enforcement

The enforcement of this ordinance shall be interpreted by the BOC and carried out by the Board of Health, who shall undertake the enforcement themselves or report the violation to the appropriate state or federal agencies, who will initiate their own enforcement procedures.

- A. Any person who violates the provisions of this ordinance shall be subject to a fine of three hundred dollars per violation. Each day of the violation shall constitute a separate and distinct offense.

- B. Once a permit has been issued, it may be revoked, suspended, or modified by the BOC after due notice that the permit holder has materially failed to comply with this ordinance or the permit agreements. Appropriate state and federal offices shall be notified of this action.
- C. Notwithstanding the above, the Health Agent for the City of Woburn, upon determination of the BOC that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises engaging in or contributing to such threat, without prior notice and hearing but with subsequent notice and hearing. Appropriate state and federal offices shall be notified of this action.

(prior section repealed 2/8/2007; added 5/1/2009)

2-226 [Repealed 2/8/2007]

**XXXVI SPECIAL MUNICIPAL EMPLOYEES** (amended 2/15/2005)

2-227 School Committee Members

A member of the School Committee shall be considered a special municipal employee under Massachusetts General Laws Chapter 268A. (added 4/10/98)

2-228 Human Rights Commission Members

A member of the Human Rights Commission shall be considered a special municipal employee under Massachusetts General Laws Chapter 268A. (added 11/30/2000)

2-229 Cemetery Commission Members

A member of the Cemetery Commission shall be considered a special municipal employee under the Massachusetts General Laws Chapter 268A. (added 6/18/2003).

2-230 Woburn Handicapped and Disabled Citizens Commission

A member of the Woburn Handicapped and Disabled Citizens Commission shall be considered a Special Municipal Employee under Massachusetts General Laws Chapter 268A. (added 12/10/2004)

2-231 Advisory Traffic Commission

A member of the Advisory Traffic Commission shall be considered a special municipal employee under Massachusetts General Laws Chapter 268A.

2-232 Woburn Historical Commission

A member of the Woburn Historical Commission shall be considered a special municipal employee under Massachusetts General Laws Chapter 268A. (added 5/23/2006)

2-233 Woburn Golf and Ski Authority

A member of the Woburn Golf and Ski Authority shall be considered a special municipal employee under Massachusetts General Laws Chapter 268A. (added 5/23/2006)

2-234 Reserved

2-235 Reserved

**XXXVII HUMAN RIGHTS COMMISSION** (amended 2/15/2005)

2-236 Establishment of the Human Rights Commission; mission, membership, terms

1. There is hereby established a municipal board to be known as the Human Rights Commission in the City of Woburn (hereinafter known as the Commission). The Commission shall consist of 11 members appointed by the Mayor and approved by the City Council for a term of 3 years. Of the members first appointed to the Commission, four shall be appointed for terms of one year, four for terms of two years and three for the term of three years.

Upon the expiration of the term of any such member his successor shall be appointed for a term of three years. The members of the Commission shall be citizens of the City of Woburn or employees working in the City of Woburn and shall, so far as practicable, be so selected as to provide representation from, but not limited to, the fields of religion, education, behavioral sciences, medicine industry, law, commerce and labor.

2. Chief of Police; Patrolman from Community Policing Unit; City Human Resource Director; Director of the Council on Aging or his/her member designee from the Council on Aging; Member Handicapped Commission; Executive Director, Housing Authority; Superintendent of Schools (or designee); Woburn High School Student Member of Gay-Straight Alliance appointed by the Superintendent of Schools; Local Clergy Member; a member of the Council on Social Concern; Local Real Estate Agent.
3. The Commission members shall be Special Municipal Employees of the City of Woburn under Commonwealth of Massachusetts General Law Chapter 268A, Section 20.

## 2-237 Purpose

The City of Woburn Human Rights Commission shall work toward mutual respect and understanding among all individuals and groups in the city through education, improving the quality of public disclosure and helping to eliminate unlawful discrimination. To assure that each person shall have equal access to and benefit from all public services and licensing; to protect each person in the enjoyment of his/her civil rights; and to encourage and bring about mutual understanding and respect among all persons in the City of Woburn by the elimination of unlawful discrimination

## 2-238 Function and Role of the Commission.

1. The members of the Commission shall serve without compensation. The Commission shall elect one of its members as chairperson, one as secretary and may elect other officers, as it deems necessary. The commission will adopt its own set of bylaws; in accordance and in compliance with City of Woburn ordinances. The commission shall meet at least 6 times per calendar year at regular intervals. The general public, Mayor and all Commission members shall be given notice of said meetings. Meetings shall be conducted in accordance with Commonwealth of Massachusetts open meeting law and Robert's Rules of Parliamentary Order.
2. The first function of the Commission shall be to improve the life of the city by enlisting community based groups in educational programs and campaigns to increase mutual self-respect, harmonious inter-group relations, and the peaceful enjoyment of life in the City of Woburn.
3. The second function of the commission shall be to respond to complaints by persons in the city who believe that their human or civil rights, as defined by existing local, state and federal law have been violated in the City of Woburn.
4. The third function of the Commission shall be to initiate investigations into circumstances, which appear to the commission to unlawfully discriminate any of the people of the City of Woburn. This in accordance with the powers and duties Section 2-201.
5. The fourth function of the Commission shall be to work with the municipal government departments, the school department, other commissions and boards, to increase compliance with appropriate local, state and federal laws and to raise the level of awareness and sensitivity to human rights issues in municipal business with the public through training programs and seminars.

6. The fifth function of the Commission shall be to act as advisory to the Mayor of the City of Woburn on any and all issues pertaining to human and/or civil rights.

2-239 Powers and duties:

1. The powers and duties of the commission shall include the following:
  - a. To obtain information and documents, request support and other help as necessary from other city departments.
  - b. To publish reports and other documents.
  - c. To initiate investigations into the existence of unlawful discrimination in the city which may deny or tend to deny equal access or opportunity in matters of housing, employment, education, contracts, purchasing or public accommodations, on the basis of age, ancestry, citizenship, color, disability, economic status, ethnicity, family/marital status, gender, military status, orientation, or political affiliation; and in connection therewith to hold administrative hearings; per the following:
    - i. In order to conduct its investigations the commission shall have the power to: Summons witnesses (pursuant to M.G.L. c. 233, S 8-11); administer oaths; serve written interrogatories; take testimony under oath; require the production of evidence; publish findings; insert complaints and resolutions into municipal personnel files; consistent with the numerous collective bargaining agreements; recommend actions to the Mayor.
  - d. To attempt by mediation to resolve all complaints that come before it and recommend to all appropriate governmental agencies, federal, state or local, such action as it feels will resolve such complaint.
  - e. To refer complaints to the Massachusetts Commission Against Discrimination (MCAD), or other appropriate agency for resolution.
  - f. To create appropriate committees and task forces for the purposes of the Commission.
  - g. To raise funds/grants for the use of the Commission.
  - h. To publish its rules, bylaws, policies and practices for both internal and external activities, excluding those documents which are confidential under federal, state or municipal law.



- i. To publish its rules and procedures for the conduct of its investigations, hearings, and negotiations. These rules shall insure the due process rights to all persons and/or entities involved in an investigation. At any hearing before the Commission or any committee thereof, a witness or any individual involved shall have the right to be advised and represented by counsel.
  - j. The Commission shall be responsible to recognize social changes which may affect Human/Civil rights in the City of Woburn. This may be accomplished by assessing and reporting the ethnic, cultural and social demographics of the City of Woburn using the U.S. Census Department and City and State resources. This may be done every ten (10) years.
2. All Commission records shall be public except those that are necessary to ensure privacy rights under other federal, state and/or local laws, and those records, which must be kept confidential in compliance with the rules of evidence.
4. To render to the Mayor, City Council and School Committee a full written annual report of its activities and its recommendations not less than once a year for the calendar year. This should include, but not be limited to, the following: Investigations, hearings, rulings, actions or any programs, seminars or educational classes conducted over the past year.
5. To expend, with the approval of the Mayor, such funds as may be appropriated for the aforementioned purposes. The Commission shall annually prepare and operating budget in a timely manner.

2-240 Construction of aforementioned article and Severability

1. The provisions of this aforementioned article shall be construed liberally for the accomplishments of the purposes thereof, and any ordinance inconsistent with any provision hereof shall not apply, but nothing contained in this article shall be interpreted to contravene the General Laws of the Commonwealth of Massachusetts or the United States of America.
2. If any section of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, that section or portion shall be deemed severable and shall not affect the validity of the remaining portions of the Ordinance.

(Article added 8/24/2000)

## **XXXIX ADVISORY TRAFFIC COMMISSION**

### **2-241 Establishment; Membership**

There is hereby established in the city of Woburn, an Advisory Traffic Commission to consist of nine commissioners, one of whom shall be the chief of police or his/her designee, one of whom shall be the superintendent of public works or his/her designee, one of whom shall be the fire chief or his/her designee, one of whom shall be the city engineer or his/her designee, one of whom shall be the planning director or his/her designee, two of whom shall be Aldermen selected by the City Council President, one of whom shall be a resident member to be appointed by the City Council, and one of whom shall be a member of the business community to be appointed by the City Council. That the City Clerk or his/her designee shall serve as administrative clerk of the Advisory Traffic Commission. The members of the Advisory Traffic Commission shall serve without compensation.

### **2-242 Expenses; Applicability of Other Sections**

All expenses incurred for the purposes of this Ordinance shall be paid by the city. All statutes and ordinances applicable generally to the departments of the city shall apply to the Advisory Traffic Commission.

### **2-243 Term of Membership**

When the Advisory Traffic Commission is first constituted, the term of the resident member shall be for one year, the business member for two years. Any subsequent appointments shall be for a term of two years; except that an appointment to fill a vacancy shall be for the unexpired term of the member who is being replaced. The two Aldermen shall be selected by the City Council President as soon after organization of the City Council as possible.

### **2-244 Powers and Duties**

The Advisory Traffic Commission shall be charged with, except as otherwise herein provided, recommending to the City Council the adoption, amendment, alteration and repeal of rules and regulations by a majority vote, not inconsistent with General Laws, relative to vehicular street traffic, pedestrian traffic, and parking in the city and to the movement, stopping or standing of vehicles on and their exclusion from, all or any street, ways, highways, roads and parkways, under the control of the city, including rules and regulations designating any way or part thereof under the control of said city as a throughway under and subject to the provisions of sections 8 and 9 of chapter 89 of the General Laws and may recommend penalties, not exceeding the maximum established by the General Laws, for the violation of any rule or regulation adopted as a result of any recommendation. Said commission shall be charged with recommending the erection, and making and maintaining to be erected as it deems necessary traffic and parking signs, signals, markings and other devices for the control of such traffic, pedestrian

movement, and parking in said city and for informing and warning the public as to rules and regulations adopted hereunder, subject, however to sections 2 of chapter 85 and to sections 8 and 9 of chapter 89 of the General Laws. Nothing in this act shall be construed to authorize said Advisory Traffic Commission to recommend the adoption of any rule or regulation excluding the Massachusetts Bay Transportation Authority from any way or part thereof in which it has a route or to recommend the modification or limit of any power or authority of the metropolitan district commission, or the state department of public works or the state department of public utilities or any power now vested in the mayor, city council or heads of departments with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

#### 2-245 Affect on Prior Ordinances and Regulations

All existing ordinances and regulations, relating to the control of vehicular traffic and parking shall remain in full force and effect until superseded by ordinances, rules and regulations adopted by the City Council and the adoption thereof by said City Council shall not affect any act done or right accrued or penalty incurred or any suit, prosecution or proceeding pending, at the time of said adoption.

#### 2-246 Rules and Regulations

All rules and regulations governing the Advisory Traffic Commission will be established by the Advisory Traffic Commission and approved, changed, or amended by the City Council.

#### 2-247 Special Municipal Employees

A member of the Advisory Traffic Commission shall be considered a special municipal employee under Massachusetts General Laws Chapter 268A.

#### 2-248 Amendment, Alteration and Repeal

The Advisory Traffic Commission shall be established in an advisory role to the City Council and shall remain constituted as such until: 1. A special act of the Great and General Court of the Commonwealth is adopted establishing a Traffic Commission in the City of Woburn which will be authorized to carry out the above duties and conveyed the above powers and upon implementation of every condition precedent required by the Great and General Court of the Commonwealth for the establishment of such Traffic Commission at which time this Ordinance will be repealed without further action being necessary, or 2. Upon amendment, alteration or repeal at any time by majority vote of the City Council of this Ordinance or any section hereof as it deems necessary and proper.

(added 2/18/2005)

### **XL. WOBURN AGRICULTURAL COMMISSION**

#### 2-249 Woburn Farmers' Market at Spence Farm

This Ordinance establishes the Woburn Farmers' Market at Spence Farm ("Farm"), the Woburn Agricultural Commission ("the Commission") and further sets forth the operating parameters for the Farm.

#### 2-250 Location

The Farm shall be located on the parcel of land owned by the City of Woburn at Wyman and Lowell Streets consisting of approximately 7.497 acres, also known as Spence Farm, and such other agricultural parcels the City may acquire from time to time.

#### 2-251 Purposes

The Farm shall be operated by the city for the purposes of:

- (1) Making available to the general public the following: locally-grown produce, fruits, plants, honey, jams, jellies and maple syrup, fresh cider, herbs and spices, dairy products, poultry, fish and meat products, baked goods in which the majority of the ingredients are produced by the Vendor and locally produced specialty food products;
- (2) Educating the public about sustainable and ecologically-sound agricultural and environmental practices, including serving as an outdoor classroom for students to learn about locally-grown produce and ecologically-sound agricultural practices; and
- (3) Preserving the historic character and culture of the farm;
- (4) Making the premises available for use by the public as determined by the Commission;
- (5) Such other purposes that benefit the community.

#### 2-252 Duties of the Commission

This ordinance establishes the Woburn Agricultural Commission. The Commission shall implement the purposes set forth in this Ordinance and manage the operation of the Woburn Farmers' Market at Spence Farm, as herein described.

The Commission's duties shall include but not be limited to:

- (1) Developing a business plan for the operation of the Farm that is designed to achieve the purposes set forth in this section without placing an additional burden on the operating budget of the city;
- (2) Promulgating rules and regulations for the management and use of the Woburn Farmers' Market at Spence Farm that shall be acceptable to the Massachusetts Commissioner of Agriculture as set forth in M.G.L. Chapter 40, Section 10. The Commission shall also provide in writing to the Mayor, City Council, and City Clerk the final version of the policies and procedures upon their adoption.
- (3) Determining, developing and implementing uses of the Farm for the benefit of the

public. This may include, but is not required to include, a farmers market, community garden, seasonal special events, educational programs and activities, hay rides, skating, and such other uses that are in compliance with the purposes set forth above.

- (4) The ability to lease some or all of the premises provided the intent of the lease complies with the purposes set forth in this ordinance and the lease restricts the use of the premises to those purposes. Any such lease shall be subject to approval by the Mayor and City Council.
- (5) The Commission shall provide the Mayor and City Council with annual written reports pertaining to the Farm's operation and performance including a statement of operating expenses and revenue associated with the operation of the Farm for each fiscal year. Said reports shall be submitted within ninety (90) days of the end of the fiscal year.

#### 2-253 Composition of the Commission

Composition: The Commission shall consist of five (5) members who shall be appointed by the Mayor subject to City Council confirmation. The Commissioners shall all be Woburn residents and at least one shall be a Ward 3 resident and one shall be a Ward 4 resident. Of the first members first appointed to the Commission, the initial term of one Commissioner shall be until December 31, 2011, two Commissioners shall be until December 31, 2012 and two commissioners shall be until December 31, 2013. Upon the expiration of the initial term, all subsequent terms shall be three (3) years or until their successor is duly appointed and confirmed by the City Council. Commissioner terms shall commence January 1<sup>st</sup>. Appointments to fill vacancies shall be made as set forth in Title 2, Article II, Section 2-9. The members of the Commission shall serve without compensation.

#### 2-254 Supervision of the Farmers' Market

Supervision: The Farmers' Market shall be under the supervision of the Woburn Agricultural Commission ("Commission") who shall designate a Market Manager as provided in M.G.L. Chapter 40, Section 10, to operate and manage the market in accordance with the terms of this Ordinance.

The Commission shall make rules and regulations for the management and use of the Woburn Farmer's Market at Spence Farm that shall be acceptable to the Massachusetts Commissioner of Agriculture as set forth in M.G.L. Chapter 40, Section 10.

The Commission shall establish and enforce all rules and regulations relative to the Farmers' Market; and shall promptly remove or cause to be removed any person who is disorderly or who refuses to obey any rule or regulation made for the management or conduct of the Farmers' Market.

The Commission shall require any Vendors at the Woburn Farmers' Market at Spence Farm to have liability insurance.

(added 2/17/2011)

## **XLI. MAYOR'S SUBSTANCE ABUSE TASK FORCE COORDINATOR**

### **2-255 Establishment/Salary**

There is hereby established the position of Substance Abuse Task Force Coordinator who shall be appointed by the Mayor. The position shall be compensated at \$25.00 per hour.

### **2-256 Qualifications and Duties**

- A. The Substance Abuse Task Force Coordinator shall at a minimum, have a Bachelor's Degree from an accredited college or university; or have equivalent experience in a field related to youth development such as education, psychology, nursing, or sociology, and have a working knowledge of substance abuse treatment programs and substance abuse prevention curriculum, meeting coordination and facilitation practices, and laws and regulations related to substance abuse.
- B. The duties of the Substance Abuse Task Force Coordinator shall be to identify and expand resources for educating the community and its families; identify resources for treatment access; foster competent community collaboration in prevention planning, action and evaluation; and involve young people in peer-oriented prevention efforts in a common goal to remain drug-free. The Substance Abuse Task Force Coordinator shall identify state, federal or other sources of funding and apply for grants to supplement city funding. The Substance Abuse Task Force Coordinator shall coordinate with the Police and Fire Departments, the School Department, Recreation Commission and Board of Health and any other necessary agency to further the City's mission to prevent drug abuse and provide support, treatment, access and education to the public.

(Added 2/5/2015)