

**CITY OF WOBURN
AUGUST 28, 2017 – 5:45 P.M.
SPECIAL MEETING OF THE CITY COUNCIL
COMMITTEE ROOM, WOBURN CITY HALL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco

Haggerty

Pursuant to Title III, Section 12 of the Charter of the City of Woburn, His Honor the Mayor has called a Special Meeting of the City Council to be held in the Committee Room, Woburn City Hall, 10 Common Street, Woburn on Monday, August 28, 2017 at 5:45 p.m. for the purpose of submitting an Order for the transfer or appropriation of funds relative to a proposed Order of Takings on Montvale Avenue.

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$1,355,243.40 be and is hereby appropriated as so stated from Stabilization Fund Acct #704059-596100 \$1,355,243.40 to Montvale Ave Infrastructure Acct #0112158-588057 \$1,355,243.40 – Purpose: Montvale Ave reconstruction project

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

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

s/President Haggerty

ORDERED That the sum of \$126,256.34 be and is hereby appropriated as so stated from Montvale Ave Infrastructure Acct #360058-588057 \$1,542.06, Dunkin Wash St Ward 5 Traffic Acct #360058-588260 \$2,250.00, Traffic Improvements E. Woburn Acct #360058-588355 \$47,464.28, Dave & Busters Acct #360058-588400 \$75,000.00, Total \$126,256.34 to Stabilization Fund Acct #704059-497300 \$126,256.34 – Purpose: Montvale Ave reconstruction project

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

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

s/President Haggerty

Motion made and 2nd that the ORDERS be ACCEPTED AND MADE PART OF THE RECORD, all in favor, 9-0. Motion made and 2nd to suspend the rules for the purposes of hearing from His Honor the Mayor regarding the Orders, all in favor, 9-0. Appearing was Mayor Scott D. Galvin and he stated that the takings are being solely funded from the Stabilization Account, that the Stabilization Account will be backfilled from the four other accounts referenced in the Order, that the intent is to backfill the Stabilization Account from funds used that have historically been funded from mitigation accounts, that \$400,000.00 was paid to VHB for the Montvale Avenue design work from a mitigation account, that quite a bit has been paid out of mitigation accounts, that this is an important project that has been on the books for twenty years, that there has been voluntary giving of land to the city from various projects, that the project has gone through four administrations, that the city has a representative on the MPO and has been able to push this project forward, that the project will be beneficial for Woburn residents and for the area businesses, and that the city will receive \$5,000,000.00 for the project with an investment of city funds in the amount of \$1,355,243.40. President Haggerty stated that the City Council is meeting to discuss these transfers, and that discussion regarding the order of taking will take place in the Committee on Infrastructure and Public Lands meeting. Alderman Gately asked why this funding was not raised by a bond. Mayor Galvin stated that this is a project of a size that could be bonded however the city is going through the bonding process for the library and the Hurld-Wyman School, that \$14,000,000.00 will be raised by a bond for the library followed by an additional \$10,000,000.00 the following year and another \$10,000,000.00 the next year, that if the city has an opportunity to do the work without borrowing then the city should do so, that contingent funding has been included based on the possibility that some property owners may claim more money due for the taking, that he believes that the property appraisals will hold up to scrutiny, and that there is just under \$10,000,000.00 in the Stabilization Account excluding the affordable housing funds. Motion made and 2nd that the document prepared by the City Engineer entitled "Mishawum Road Water and Paving Costs – Dave & Busters" be accepted and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that this is the biggest project East Woburn will ever see, and that she prefers this funding method rather than the previous schedule of account transfers. Alderman Concannon stated that he supports the project, that the project is long overdue, that the project will have impact on East Woburn and will help improve access to and from Interstate Route 93, that he prefers this method of financing the project, that the use of Stabilization Account funds is more appropriate than bonding, that the mitigation funds were received under Section 18 of the Woburn Zoning Ordinances for particular work that needed to be done and was associated with a particular project, that he has questions as to how the funds got into the accounts, whether the work was done and why there are remaining funds in these accounts, that he has concerns with the implementation of the mitigation account, and that he would need more of an explanation before moving forward on that transfer. Alderman Campbell stated that she has concerns about taking the money from the mitigation accounts, that developers gave money to the

city for work, that she is not certain why there is \$47,000.00 in the East Woburn Mitigation Account, where the money came from and what work the money was for, that from a bookkeeping perspective there should be better details, and that with respect to the Dave & Busters Account she asks why work done in that area was not funded from that account. City Solicitor Ellen Callahan Doucette stated that the mitigation funds are supposed to go in the General Fund, that the City Auditor can close out the small accounts and have the money go into the General Fund, and that she does not see a legal issue with closing out the accounts. Mayor Galvin stated that the money has been taken from mitigation accounts for work that was done in the past, and that there were no questions raised at that time. City Solicitor Callahan Doucette stated that there is no legal impediment to the transfer. Mayor Galvin stated that transfers from the mitigation accounts have been done before, and that there is precedent. Alderman Campbell stated that the prior transfer does not mean that the action was done correctly, and that everything can be improved. Alderman Tedesco stated that the report of the City Engineer shows that the paving work in the area of Dave & Busters was associated with the waterline work. Alderman Mercer-Bruen stated that City Auditor Surette put together the analysis of the funding of mitigation accounts, that she takes no exception to the transfers because the work has been done, and that the process will not be perfect but it will be better. Alderman Higgins stated that she had concerns with the first Order relative to transferring the money for the project from the mitigation accounts, that she is more comfortable with this request, that these accounts have a causal relation to the work to be done, and that this is a big job that needs to be done. Mayor Galvin stated that the Granese company did the waterline work last year and the paving work followed, that the pipe was cleaned and relined, and that the total cost for the project was more than \$75,000.00. Alderman Gately stated that cleaning and relining the waterline is as good as replacing the waterline. Alderman Concannon stated that he hopes the work done in all cases was as good as what the mitigation funds was supposed to fix, that if the work that was required by the original conditions of the special permit is not done why was the work not done and if there is money left over in the mitigation accounts why is there money left over, and that if a developer paid for work that did not cost as much as the city said the work would cost would the developer have a question as to whether that money should be reimbursed. City Solicitor Callahan Doucette stated that Section 18 of the Woburn Zoning Ordinances is silent as to funds being left over, that a developer could make a claim for the funds, that a mitigation payment is not a gift, that the mitigation funds should be used for the purpose given, and that this is a huge discussion that should be set up for another time. Mayor Galvin stated that the backfill of \$122,000.00 and the \$75,000.00 coming from the Dave & Busters mitigation funds are where the city has performed work, and that the money is clearly the city's money. Alderman Concannon stated that he has many issues with moving money from one project area in the city to another project area in the city, and that he would vote against such action. Alderman Anderson stated that the mitigation funds are based on a project impact statement, that the City Council can look at the issue of the disposition of funds if the mitigation funds are not used, and that if the mitigation costs are greater than the city stated the city cannot go to the developer for more money. President Haggerty stated that this is a large project with minimal cost to the city and he supports the proposal. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd to suspend City

Council Rule 25, all in favor, 9-0. Alderman Concannon stated that he is concerned with the process. Alderman Anderson stated that he wants to communication sent to the City Auditor for a breakdown of funds in the Traffic Improvements E. Woburn Account. Motion made and 2nd that a communication be sent to the City Auditor requesting a breakdown of the funds in the Traffic Improvements E. Woburn Account, all in favor, 9-0. Motion made and 2nd that the ORDERS be LAID ON THE TABLE, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 6:16 p.m.

A TRUE RECORD ATTEST:

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