

**CITY OF WOBURN  
AUGUST 13, 2014 – 6:00 P.M.  
SPECIAL MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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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 City Council Chambers, Woburn City Hall, 10 Common Street, Woburn for the purpose of discussing the Hurld-Wyman School project.

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Motion made and 2<sup>nd</sup> that the discussion of the Hurld-Wyman School project be heard in Executive Session pursuant to M.G.L. Ch. 30A, Sec. 21(a)(6), ROLL CALL: Anderson – Yes, Concannon – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Mercer-Bruen – Yes, Raymond – Yes, Haggerty – Yes, Motion passes. President Haggerty announced that the City Council would not reconvene in open session following the executive session. The City Council remained in the Council Chamber. Alderman Concannon stated that he is an abutter to one of the properties being considered, that he feels comfortable participating as this is an informational meeting with no substantive vote being contemplated, and that if the matter requires a vote he will recuse himself from voting. Appearing was Mayor Scott D. Galvin and he stated that two representatives from the Mormon Church met with the Mayor to discuss the acquisition of 71 Wyman Street, that the matter has been in negotiations for six to eight weeks, that a meeting was held with the representatives, the architect, the project manager and the City Solicitor present, that the representatives stated that they do not want to sell the property at 71 Wyman Street, that within five years they intend to build a meeting house on that lot, that there are two components to eminent domain, that the first is the validity of the taking and the second is the value based on an appraisal known as the pro tanto, that a public purpose is a valid taking, that he is confident that the taking would ultimately be adjudged a valid taking but this would not guarantee that the Mormons would not litigate the issue, that there was an indication that they would litigate the issue, and that if the matter were tied up in litigation the city would be in jeopardy of losing the grant. City Solicitor Ellen Callahan Doucette stated that the city would own the property but the church is given one year to challenge the validity of the taking and three years to challenge the price. Mayor Galvin stated that a challenge to the taking would be an issue for the Massachusetts School Building Authority (MSBA), that the MSBA wants the city to have clear title to the property, that the city would have an independent appraiser

appraise the value of the property and the city would be required to pay that amount, that eminent domain is a risky process particularly if the matter went to a jury, that the representatives expressed an interest in a land swap, that parcels under consideration for a land swap include the Hurd, the Wyman, the Clapp and the Tarky School sites, and that such a land swap would require a two-thirds vote of the City Council. City Solicitor Callahan Doucette stated that there would be M.G.L. Ch. 30B issues with a land swap, that there can be a unique acquisition but not a unique disposition, that the documents could be written to justify the transfer of land, that there could be quid pro quo issues, and that the Mormons purchased the parcel for \$3,900,000.00 in 2005. Mayor Galvin stated that the city has performed its due diligence with respect to the 71 Wyman Street property. Alderman Drapeau asked whether there was a determination that the parcel was the best place for the school project and that is why due diligence was performed. Mayor Galvin stated that the two most preferable sites in the analysis is the 71 Wyman Street and the 41 Wyman Street parcels neither of which currently has a school, and that he wants the City Council informed about what is happening before the public meeting. Alderman Drapeau stated that he would support a land swap if 71 Wyman Street is a good site for the school, that he would not support swapping the Tarky or the Clapp school sites, and that if there is a land swap it should be for either the Hurd or Wyman School sites. Alderman Gaffney stated that a decision as to the location of the school has to be made by the first two weeks in September 2014 and that he is concerned that there may not be enough time to complete a land swap. Mayor Galvin stated that he does not support the eminent domain procedure for this project, that the Spence Farm site is the remaining good alternative site, and that there is a petition circulating about the parcel which is misleading. Alderman Gaffney stated that the petition in circulation is misleading, and that there are a handful of people who oppose the Spence Farm site as a location for the school. Mayor Galvin stated that design allows the farmstand, tree farm and pond to remain, and that only the growing of pumpkins and corn would be eliminated from the site. Alderman Mercer-Bruen stated that she does not support the eminent domain procedure for this project, and that she will support the land swap with the support of the Alderman in whose district the property is involved. Alderman Gately stated that the eminent domain procedure will not work as the process will take too long, that the sites that could be swapped are likely valued at less than \$4,000,000.00 and the city may have to provide more money for the swap, that the 41 Wyman Street property seems like the best solution, that the farmers market remains and the drainage issues might be corrected, and that he would also support the land swap but this transaction may cost additional money. Alderman Anderson stated that 41 Wyman Street sits between the two current Hurd and Wyman Schools, that the students may not be displaced, that the site can be over-engineered, that if two drains are needed to correct drainage issues then four drains could be installed, if the choice is between losing the farm or losing the funding for the school then the farm loses, and that the city could take the 71 Wyman Street parcel by eminent domain and would win any challenge but due to the cloud on the title this would cause then the city would lose MSBA funding. Mayor Galvin stated that the longer the school project is delayed the higher the costs rise. Alderman DiTucci asked whether the Hurd School lot could be turned into open space. Mayor Galvin stated that the Hurd School lot could absolutely be used as open space as the Clapp School site could be used as open space. Alderman DiTucci stated that the Clapp School site has

been designated as open space. Mayor Galvin stated that an act of the Legislature would be required to change the open space designation of the Clapp School site. Alderman DiTucci stated that she supports the Spence Farm site for the school building project. Mayor Galvin asked that the Aldermen attend the meeting next week to show support for the Spence Farm site and as an assurance for the residents. Alderman Raymond stated that taking the 71 Wyman Street by eminent domain would result in the city spending money needlessly and would delay the project. Alderman Gaffney stated that the neighbors' concerns about flooding need to be addressed, that there are a lot of positives that will come from this project being located at the 41 Wyman Street lot except the neighbors do not want to lose open space, and that there are other benefits such as the elimination of flooding. Mayor Galvin stated that it would be beneficial for the Alderman to attend the public meeting on the issue next week. President Haggerty stated that he was supporting the 71 Wyman Street location, that he would prefer a land swap even with an additional cash payment, that the Wyman School is an historic building, that the site will be sold, that the Wyman School building cannot be torn down, that he understands that the city is up against a four week time line but he prefers the land swap, that the 41 Wyman Street site was purchased with funds from the meals tax money which was to be used for the purchase of open space, and that it appears that the open space purchased will not remain as open space. Mayor Galvin stated that at the time the city purchased the 41 Wyman Street property he did not believe that the parcel would be a candidate for the location of the school, that using the Hurd School site as eleven acres of open space also benefits the community, that the city will not be able to decide which parcel the Mormons would want in the swap, that originally the Mormons wanted the Spence Farm site but were told that the parcel would not be available for a swap of land, that even a swap of land will require a certain amount of time to complete, and that this may not be an easy exchange of property with the requirements for the process. Alderman Anderson stated that he wants to know exactly which portion of the land at 41 Wyman Street would be used for the building and which portion would remain as open space. Mayor Galvin stated that the use of the parcel has been planned and that he has the documents available for the use of the Aldermen, that the first vote of the City Council will not be needed for some time, and that experts have said that the pond at 41 Wyman Street is not a vernal pool. City Solicitor Callahan Doucette stated that the frog found on site is not the frog that the residents indicated was endangered, and that the building will be far away from the vernal pool. Mayor Galvin stated that even if the pond was designated as a vernal pool the building will be too far away to be an issue. Alderman Mercer-Bruen stated that she is interested in the position of the Agricultural Commission on this matter. Mayor Galvin stated that some of the Agricultural Commissioners are opposed to the proposal even though they have been informed that the farmers' market will remain, that the school gymnasium and auditorium will be closer to the farm building, that the location of the school building will enhance the walking path which will also remain, and that the mixed use of the school and farm is desirable. Alderman Mercer-Bruen stated that 620 Washington Street in Winchester had flooding which was a great concern, and that they were able to mitigate that issue. Alderman Gaffney stated that there could be a greenhouse on the 41 Wyman Street site in order to use the parcel all year round. Mayor Galvin stated that the MSBA only pays for a certain amount of site work, and that the city would be over that amount already. Alderman Gately stated that there is not enough time

for a land swap, and that the 41 Wyman Street location becomes the best location particularly with the farmers market remaining. Motion made and 2<sup>nd</sup> to return to the regular order of business, ROLL CALL: Anderson – Yes, Concannon – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Mercer-Bruen – Yes, Raymond – Yes, Haggerty – Yes, Motion passes. President Haggerty announced that no votes were taken in the Executive Session.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 6:46 p.m.

A TRUE RECORD ATTEST:

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

Clerk's Note: At the City Council Regular Meeting on January 20, 2015, the City Council unanimously voted to release the minutes of this meeting which was held in Executive Session.

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