

**CITY OF WOBURN
DECEMBER 16, 2014 – 6:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

The City Council observed a moment of silence in memory of former Superintendent of Public Works Robert W. Simonds who passed away recently.

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order, all in favor, 9-0.

PERSONNEL:

On the appointment of the Director of the Human Resources Department, committee report was received “That the candidates Christine Marie and Elaine Pruyne be referred to the City Council for consideration for appointment as Director of Human Resources Department.” Motion made and 2nd that Elaine Pruyne be appointed Director of Human Resources Department, as amended, with the amendment as follows: 1. That the appointment is made at the salary to be determined by the City Council, all in favor, 9-0.

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

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

MAYOR’S COMMUNICATIONS:

A communication dated December 11, 2014 was received from His Honor the Mayor Scott D. Galvin as follows:

To: Woburn City Council

Re: Proposed revisions to Title 2, Article XII, Fire Department

This correspondence shall serve to support and clarify the accompanying proposed amendment to Title 2, Article XII, Fire Department of the Woburn Municipal Code. The primary purpose for the amendment is to create the position of Assistant Fire Chief as recommended by MRI Fire Department Study. However in reviewing the substance of Article XII, various provisions were determined to be either obsolete; in conflict with state law; managerial rights; or a subject of collective bargaining. Therefore, those provisions were either modified or deleted in their entirety. The following specific changes were made:

2-79 Personnel-Assignment among different Companies – Reserve Force

Rewritten to add the Assistant Fire Chief position and revised to remove language which conflicts with the Fire Chief's managerial authority over assignments. Reference to dispatchers and call firefighters were removed. Please note that the Assistant Fire Chief is an additional position resulting in no reduction of other departmental positions.

2-80 Fire Stations – Number and Location

Deleted in preparation for construction of new fire station and consolidation of stations and as recommended by the MRI Fire Department Study.

2-81 Appointment and assignment of officers – Duties

Deleted as the appointment and assignment of officers is the Fire Chief's managerial authority and not subject to local legislative control.

2-82 Substitute Firemen

Deleted as not applicable.

2-83 Mechanician – Duties

Deleted. This position is identified in the collective bargaining agreement and is subject thereto.

2-84 and 2-85 relative to the Fire Chief's duties were combined into Section 2-80.

2-87 Provisions for members in case of injury or disability

Deleted. Line of duty injuries and disability retirement are regulated by state law.

2-88 Absences and vacations – call men

Deleted as not applicable.

2-93, 2-94 and 2-95 regarding disability, retirement and the City physician were deleted in that those subjects are regulated by state law and/or are not applicable.

Finally, the Fire Department took the opportunity to review and revise the fee schedule set out in Section 2-99 (now Section 2-87) and in doing so, noted an oversight in the WMC in that there is no fee imposed for false fire alarms. That oversight will be corrected by the insertion of Section 2-88 Fees for False Alarms (to avoid the renumbering of the successive sections of Title 2, the gap in numbers is noted as Reserved - Sections 2-89 to 2-99).

Thank you for your attention to this matter. Chief Ring and I are available to discuss at the Council's convenience.

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto was the following proposed Ordinance:

ORDERED

Be it ordained by the City Council of the City of Woburn, that the Municipal Code of the City of Woburn be amended by deleting Title 2, Article XII, Fire Department, in its entirety, and by inserting the following new Article XII as follows:

XII. Fire Department

2-79 Personnel – Appointing Authority - Reserve List

A. The Fire Department shall consist of the Fire Chief, one Assistant 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 Assistant Fire Chief who shall be appointed by the Mayor.

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, 12th Edition) as amended.
- E. Any additional duties as enumerated in the Fire Chief's employment contract with the City.

2-81 Assistant Fire Chief – Duties

- A. The Assistant 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 Assistant 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 Assistant 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 Assistant Fire Chief assists in the planning, organizing and directing activities of the Fire Department to ensure uniformity, efficiency and safety.
- D. The Assistant 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 Assistant Fire Chief assists with the development and administration of policies and procedures.
- F. The Assistant 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.

- 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 – 2-99 (Reserved)

s/President Haggerty (per request)

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition by John P. Flaherty and Kathryn A. Flaherty to further amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new definition for “Church Buildings” in Section 2 Definitions and by adding a new Section 27 “Adaptive Reuse of Church Buildings” as set forth in the petition. PUBLIC HEARING OPENED. A communication dated December 10, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Amendment to Section 2 and 27 of the 1985 City of Woburn Zoning Ordinance, as amended

Dear Mr. Campbell:

As you know I represent John and Kathryn Flaherty on the above-referenced matter. I respectfully request that the City Council Public Hearing on this matter presently

scheduled for December 16, 2014 be continued to the City Council meeting scheduled for January 6, 2015. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2nd to that the communication from Attorney Tarby be accepted and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 6, 2015, all in favor 9-0.

On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 20 Garfield Avenue, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED. Alderman Gately stated that there has been some activity at the property, that some siding was installed on the building exterior, that the Building Commissioner advised him that additional permits were required to continue the work, and that the matter should be continued. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 17, 2015, all in favor 9-0.

On the petition by Gary F. Tibbetts, 15 University Road, Arlington, Massachusetts 02476 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended to allow accessory storage or parking of commercial motor vehicles, other than as provided for in Line 58 pursuant to Section 5.1.57b, and accessory storage or parking of storage containers, storage trailers, commercial trailers, or semi-trailers, pursuant to Section 5.1.57a, for landscaping commercial business operation at 5 Breed Avenue. PUBLIC HEARING OPENED. A communication dated December 4, 2014 was received from Erin Wortman, City Planner/Grant Writer as follows:

Re: Planning Department Comments on Special Permit Application for Gary F. Tibbetts at 5 Breed Avenue

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow accessory storage or parking of commercial motor vehicles and accessory storage or parking of storage container, storage trailer, commercial trailer or semi-trailer at 5 Breed Avenue pursuant to Section 5.1.57a and 5.1.57b of the Woburn Zoning Ordinance. The property is located in the I-G zoning districts and the requested uses are allowed by City Council special permit.

After a discussion with the petitioner and the provided plan, the proposed uses would allow the petitioner to park his landscaping vehicles in conjunction with his commercial landscaping business. The petitioner requests permission to park five commercial vehicles consisting of pick-up trucks and small dump trucks at a maximum of 18 feet in length both inside and outside of the existing building. Outside vehicles would be limited to the parking spaces as outlined in Exhibit B Parking Plan as provided by the petitioner.

If the Council chooses to grant this request, then the Section 5.1.57a use of accessory storage or parking of storage container, storage trailer, commercial trailer or semi trailer should only be granted for a period of time not to exceed one year per Section 5, Note 17 of the Woburn Zoning Ordinance. It should be noted that the Section 5.1.57b request does not have the same time restriction within the Woburn Zoning Ordinance. Additionally, to be consistent with past practice, all overnight vehicles should be registered in the City of Woburn. The Planning Department takes no further exception to these special permit requests.

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

Sincerely, s/Erin Wortman, City Planner/Grant Writer

Appearing was the petitioner was Gary F. Tibbetts and he stated that he has owned and operated the business for 35 years, that the company has been located in Woburn for five years, that this is a good location for the business, that he obtained a similar special permit for 7 Breed Avenue, that he will expand the business into this building, that he will have ten to twelve vehicles with some parked inside the building, and that he will register the vehicles in Woburn when it is time to re-register the vehicles. Alderman Raymond stated that he has been past the building many times, that the property is kept clean, and that the trucks are parked behind a lattice fence. Alderman Gately stated that the seven conditions from the special permit for 7 Breed Avenue should be adopted for this petition, and that there should be an additional condition requiring the special permit to be renewed within one year. PUBLIC COMMENTS: None. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows:

1. That the storage of landscaping mulch on-site shall be limited to one hundred (100) yards or less;
2. That a snow removal plan shall be filed;
3. That the special permit shall be issued to Tibbetts Landscaping, Inc. only and shall not be transferable;
4. That any outside storage of material such as mulch shall require the approval of the Conservation Commission;
5. That in addition to the five spaces designated for the commercial vehicles at least two parking spaces for employees shall be provided on the Park Ave. side of the building in compliance with the Woburn Zoning Ordinance;
6. That the dumpster shall be screened and shall be located on the paved surface so as to not impede the commercial vehicles parking area and the garage doors;
7. That all vehicles kept at this site that shall be registered in the City of Woburn upon the renewal of their registration;
8. That the special permit pursuant to Section 5.1.57a for accessory storage or parking of storage container, storage trailer, commercial trailer or semi trailer shall

expire one (1) year from the date of issuance of the special permit; and 9. That the recommendations of the Planning Board be adopted, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by EC Inc. dba Express Fuel; George J. Hamilton dba George's Auto Body; Robert Khouzami; Murray's Enterprises, Inc. dba Murray's Auto & Truck Sales; and Tracy M. Batten dba Tracy's Auto (OTP). Motion made and 2nd that the COMMITTEE REPORTS be ADOPTED, all in favor, 9-0.

**As to EC Inc., George J. Hamilton, Robert Khouzami and Tracey M. Batten
Presented to the Mayor: Dec. 18, 2014 s/Scott D. Galvin, Mayor Dec. 18, 2014**

**As to Murray's Enterprises, Inc.
Presented to the Mayor December 18, 2014 and ten days having elapsed without
same being approved, said License became effective without his signature on
December 30, 2014.**

NEW PETITIONS:

Petition by Shamrock Running Club, P.O. Box 602, Woburn, Massachusetts for a Special Event Permit to allow a running race on January 1, 2015 beginning at 147 Main Street. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: Dec. 18, 2014 s/Scott D. Galvin, Mayor Dec. 18, 2014

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Jeffrey Pollock dba Exclusive Automobiles, 7 Independence Drive; and McSheffrey Auto Sales, Inc., 878 Main Street. Alderman Drapeau stated that the petition by Jeffrey Pollock was not signed by the Building Commissioner, that there are some issues with this business, and that the business is operating from a residential property. Alderman Concannon stated that the Building Commissioner will provide a letter on this issue. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated December 2, 2014 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of November 2014. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

Motion made and 2nd that a communication be sent to the other candidate for the position of Director of Human Resources thanking her for her application, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it ordained by the City Council of the City of Woburn that Title 13, Public Services, of the Woburn Municipal Code be amended in the following respects:

By deleting Section 13.2.2 in its entirety from Article II Water System, and inserting in its place the following:

13.2.2 Water Charges - Payable

All bills for metered water services shall contain the actual meter readings or an estimated reading. Such water charges shall be payable semi-annually, or monthly for non-residential water takers consuming large quantities of water. A \$10.00 late fee will be added and interest shall begin to accrue on any balance which remains unpaid after the 31st day at the statutory rate provided in M.G.L. c.59, §57. A \$25.00 lien fee will be added when unpaid charges and interest are liened to the real estate bills. Only one late fee and lien fee will be imposed when the bill is a combination water/sewer bill.

and by deleting Section 13.3.2 in its entirety from Article III Sewer System, and inserting in its place the following:

13.3.2 Sewer Charges – Payable

Such sewer charges shall be payable semi-annually on August 1 and February 1. A \$10.00 late fee will be added and interest shall begin to accrue on any balance which remains unpaid after the 31st day at the statutory rate provided in M.G.L. c.59, §57. A \$25.00 lien fee will be

added when unpaid charges and interest are liened to the real estate bills. Only one late fee and lien fee will be imposed when the bill is a combination water/sewer bill.

s/President Haggerty (per request)

Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 6:40 p.m.

A TRUE RECORD ATTEST:

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