

**CITY OF WOBURN
DECEMBER 18, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Galvin	Raymond

Doherty

Motion made and 2nd that Carol L. Nagle be named Clerk of the City Council Pro-Tem in the absence of the Clerk of the Council, all in favor, 8-0.

I do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts and will support the Constitution thereof as Clerk of City Council Pro-Tem, so help me God.

I do hereby accept the position of Clerk of City Council Pro-Tem, to act in this capacity for the purpose of the City Council meeting of December 18, 2007, and do hereby promise to act in accordance with statutes and ordinances to best of my ability.

Carol L. Nagle

Sworn before me this 18th day of December, 2007.

Charles E. Doherty
President Woburn City Council

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 \$150,000.00 be transferred as follows from Account #31359-595000 Receipts Reserved for Appropriation Ambulance to \$125,000.00 #0122051-511500 Ambulance Salary Account, \$25,000.00 #0122054-544300 Ambulance Maintenance Account.

s/Chief Paul Tortolano
s/Auditor Gerald Surette
s/Mayor Thomas McLaughlin

s/President Doherty

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

ORDERED That the sum of \$257,000.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-356000 \$257,000.00 to Commercial Water Meter Installation Acct #64258-585231 \$257,000.00.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I hereby recommend the above: s/John Corey, City Engineer
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty (per request)

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

A communication dated December 18, 2007 was received from His Honor the Mayor as follows:

Dear President Doherty and Members of the City Council:

I urge you to support the \$625,000 appropriation before you tonight in order to assist me in my efforts to successfully negotiate employee contracts for the fiscal year July 1, 2007 – June 30, 2008.

Our city employees certainly deserve a just and fair settlement of their respective contracts. This funding measure is an important component in this endeavor.

Your support of the appropriation will demonstrate your commitment and support of our dedicated workforce and will allow me the opportunity to successfully negotiate a number of collective bargaining contracts that expired on June 30th of this year.

Sincerely, s/Thomas L. McLaughlin, Mayor

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order and to allow the mayor to address the city council on the matter, all in favor, 9-0. On the Order to appropriate the sum of \$625,000.00 to Mayor Account for the purpose of negotiations, Committee on Finance report was received “ought not to pass”.

Mayor McLaughlin appeared and read the above communication into the record, that the city council should make the money available for the negotiations if it supports the settlement of the contracts, and that the discussion by the city council on one hand is to support the contracts and on the other to cut back on taxes. Alderman Galvin stated that the discussions in the committee on finance last night had nothing to do with supporting the unions or city employees, that he voted against the proposal because there are no negotiations ongoing and no contracts to settle, that he is trying to keep taxes low, that this vote would allow the city to tax to the levy limit, and that if there was a negotiated contract to settle the city could vote to appropriate the money at that time. Alderman Drapeau stated that he voted against the proposal in committee not because he does not support the unions but because he was thinking about people on fixed incomes, that he will vote against the proposal until the contracts are settled, that he spoke at length to the mayor and city council colleagues today concerning the proposal, that when he is campaigning and speaks to constituents on fixed income or middle income they want the taxes kept low, that if the money is added to the tax levy now the tax levy will be inflated next year, that it is the job of the city council to exercise fiscal responsibility, that he wants fair contracts, that the mayor will bring the unions together and make a good settlement, that he does not understand the concept of asking for the money before it is known how much will be needed, that the city needs a good relationship with the unions, that the city cannot keep adding on year after year, that the city has to shrink its government, that the city is becoming not affordable, that his constituents want him to hold the line, that he does not want to add onto the tax levy at this time, and that there is room in the tax levy cap. Alderman Dwyer stated that he voted against the proposal in committee not because he is against the unions but because he does not see how this will accelerate the negotiations, that the environment on this issue is tense, that he was surprised by the telephone calls he received on this issue, that he is not anti-union, anti-taxpayer or anti-employee, and that if this accelerated negotiations he would support the proposal. Alderman Gonsalves stated that she was in support of the proposal, that the city can raise the funds for negotiations now through taxation or from savings at a later date, and that the city should not have to depend upon savings to pay for this. Alderman Denaro stated that the affect of this proposal on the tax rate will be eight cents, that the city has to decide how it will pay for what comes out of collective bargaining, that he asks whether the city council will support this funding later when the time comes to do so, that the mayor will have no credibility at the bargaining table, that the city council should fund the negotiations, that he is concerned with the impact on the next budget if this is not adopted, that he is prepared to do what needs to be done, that the city will try to keep taxes low, and that he urges the negative recommendation to be reconsidered. Alderman Gately stated that he was formerly on the other side of the bargaining table while working for the department of public works, that funding the negotiations gives the city credibility, and that he supports the proposal. President Doherty stated that there was a lengthy discussion in committee, that it never concerned whether the union members deserved a raise, that the city has a \$1,300,000.00 tax levy gap which is sufficient to support union salary increases, that the property taxes can only be controlled by controlling the tax levy, that fixed income residents have been hurt each year for the past ten years, that new growth has been 2½ times what it should be, that the obligation of the city council is not to allow the levy increase, that there has been no contract bargaining

yet, when the budget process begins there will still be \$650,000.00 in the free cash account, that the city council has never not backed a contract settlement, that the city cannot keep putting the burden on the taxpayers, every department should be asked to come in and justify the line items in its budget, that the city council has to do what it can to control the budget, that long-term solutions are necessary, that he does not believe that there is transparency in the budget, that the increase in salaries can be built into the next budget, and that the mayor has to get to the bargaining table with the unions. Alderman Mercer-Bruen stated that it is difficult for her not to support this, that she was shocked to hear the claim that she was not supporting a raise as it was her understanding that she was not supporting a levy increase, that the city has a gap of \$1,300,000.00 in the levy limit if it is needed, that some residents of the city have little money, that free cash is not free, that people live to their means, and that the city should tighten its belt. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Denaro – No, Drapeau – Yes, Dwyer – No, Gately – No, Galvin – Yes, Gonsalves – No, Mercer-Bruen – Yes, Raymond – Yes, Doherty – Yes, ORDER DENIED.

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

PUBLIC HEARINGS:

On the matter relative to Tax Classification for the City of Woburn. PUBLIC HEARING OPENED. Appearing was Andrew Creen, Chief Appraiser, Board of Assessors, and he offered a communication dated December 18, 2007 with a series of charts attached thereto entitled Fiscal Year 2009 Classification Hearing to the City Council as follows:

Dear President Doherty and Council Members:

The Board of Assessors is pleased to report that the valuation roll for fiscal year 2008 has been finalized after a reappraisal of all taxable properties was conducted by this office. The total assessed valuation for all real and personal property in the City effective January 1, 2007 is \$5.864 billion. This represents an increase from the prior fiscal year's total of \$5.765 billion.

The City Council must now determine the relative tax burden to be borne by each class of property by selecting a "residential factor". To assist the Council in its deliberations, several charts have been prepared and are attached to this correspondence. These charts illustrate relevant valuation and tax levy data and the impact of your vote this evening.

By selecting a residential factor of "1" a single tax rate of \$13.00 results. Choosing a factor less than "1" results in a portion of the tax levy shifting from residential properties to commercial, industrial and personal property taxpayers. For example, adopting a residential factor of ".71" means that the residential class of property will pay 71% of the levy they would pay if there were no classification. Under this scenario, the levy

increases for the other classes of property by a factor of 175 percent. The chart entitled "Classification Options" best illustrates the various scenarios available to you.

Woburn Board of Assessors
s/ Robert E. Maguire, Jr., Chairman
s/George J. Berardi, Secretary
s/William F. Sullivan, Jr.

Mr. Creen stated that he was offering two documents entitled Tax Rate History and Classification Options to replace the pages in the original document to reflect the negative vote of the \$625,000.00 appropriation at this meeting. Motion made and 2nd that the documents be received, that the two pages be replaced with the substitute documents and that they be made part of the record, all in favor, 9-0. Mr. Creen reviewed each of the charts with the city council. Mr. Creen stated that the levy limit is the amount that can be raised through taxation by the city, that Proposition 2½ allows an increase of \$1,798,806.00 over last years levy limit, that new growth of \$1,185,322.00 is allowed, that the total levy limit allowed when added to the FY 2008 levy limit is \$74,936,739.00, that the average value of a single family home in FY 2007 was \$370,000.00, that the average value in FY 2008 is \$370,400.00, that the average residential value is \$370,400.00, that the average tax bill is \$340.00 and that the average residential tax increase will be \$45.00, that if the same factor as last year was chosen the commercial/industrial rate would be \$22.57 per thousand dollars of value, that there has been some commercial value growth, that the city has been using a factor of 175% since 2004, that residential values have not changed much as market values have dropped, that the number of sales have dropped, that the average days a property was on the market in 2005 was 65 days, in 2006 it was 104 days and in 2007 it was 120 days, that the city can raise \$75,000,000.00 in taxes no matter at what price a house is valued, that the first two tax bills are preliminary bills using an average from the prior year, that the third and fourth quarter bills reflect the total tax bill for the year with the increase divided in half between the two bills, and that the assessment is a snapshot in time as of the first day in January. Alderman Drapeau stated that that residential real estate market is stagnant, that houses seem to be selling for less than the assessed value, and that taxes are based on the budget passed in July so for a median priced home the tax assessment should remain the same. President Doherty stated that the assessed value of property has increased \$28,000,000.00, and that next year he wants to see how the assessed value of new growth and the commercial/industrial property has changed. PUBLIC COMMENTS: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that he supports the factor of 175%, that there are a lot of local businesses which pay fees, unemployment compensation, workers compensation and insurance, that may be family owned and not large businesses, that they support community activities, and that the city council should keep these small businesses in mind. John Salemme, 338 Russell Street offered several statistics comparing the expenses of the city of Woburn with other communities. Mayor Thomas McLaughlin stated that a factor of 175% is a good financial plan. Kathy Bailey, 4 Utica Street stated that she is concerned what the expense of constructing a new Goodyear School will do to the tax rate. Mayor McLaughlin stated that the city has not heard officially from the School Building

Commission, that the city is in a good position to re-build the school, that the construction also depends upon an authorization by the city council, that this might be accomplished without any increase in taxes, and that he will not support a debt exclusion or a Proposition 2½ override. Motion made and 2nd to close the public hearing, all in favor, 9-0. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that a TAX CLASSIFICATION FACTOR OF 175% be ADOPTED, Roll Call: Denaro – Yes, Drapeau – Yes, Dwyer – Yes, Gately – Yes, Galvin – Yes, Gonsalves – Yes, Mercer-Bruen – Yes, Raymond - Yes, Doherty – Yes.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$20,500.00 from Altavesta Replacement Account, Altavesta Asbestos Abatement Account and Joyce Painting Account to Mayor – Ice Rink, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Dec. 21, 2007 s/Thomas L. McLaughlin Dec. 26, 2007

On the Order to transfer the sum of \$500.00 from Treasurer Lock Box Fees Account to Treasurer – Prof. Development Account, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Dec. 21, 2007 s/Thomas L. McLaughlin Dec. 26, 2007

MUNICIPAL LANDS:

On the request for assent regarding the approval of Land Court Plan No. 5711 delineating the subdivision of land at 170 Russell Street, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Dec. 21, 2007 s/Thomas L. McLaughlin Dec. 26, 2007

ORDINANCES:

On the Order to amend Section 13.1.4 of Title 13 of the 1989 Woburn Municipal Code, as amended, relative to the fee for residential unit per utility, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Dec. 21, 2007 s/Thomas L. McLaughlin Dec. 26, 2007

POLICE AND LICENSE:

On the petitions for renewal of Second Class Motor Vehicle Sales Licenses by Richard Cail dba Winn Street Motor Sales; EC Inc. dba XPress Fuel; William Garvey dba Garvey's Auto Repair; Joseph P. Mahoney Co., Inc.; Oliver McDermottroe and Bridget McDermottroe dba McDermottroe Auto; Robert McSheffrey dba Bob McSheffrey Auto Sales; Wassim (Sam) Nicolas dba Woburn Square Mobil; Kenneth L. O'Connor dba City Line Motors; Ollies Service Center; O'Rourke's Service Station, Inc.; Jeffrey Pollock dba Exclusive Automobiles; Tracy M. Batten dba Tracy's Auto Sales; and Southside Associates, Inc. dba Burke's Garage; committee reports were received "ought to pass". Motion made and 2nd that the COMMITTEE REPORTS be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Dec. 21, 2007 s/Thomas L. McLaughlin Dec. 26, 2007

NEW PETITIONS:

Petition by Robert P. Fucarile dba Classic Auto Sales, 9 Salem Street for renewal of Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by adding the following:

1. Section 5.1 Table of Use Regulations line 42a self-storage warehouse facility – no storage of high hazard materials, trailers, motor vehicles or any outside storage shall be amended by deleting the “-“ under the B-I column and replacing with “P”;
2. Section 6.1 Table of Dimensional Regulations shall be amended by adding to the Floor Area Ratio column for the B-I Zoning District of the following: “(Note 5)”;
3. Section 6.1, Table of Dimension Regulations shall be amended by adding “Note 5” which shall state as follows: “The Floor Area Ratio for a self-storage warehouse facility as defined in this Ordinance shall be 2.0.”

Submitted by William Highgas III, 21 Alden Avenue, Stoneham, Massachusetts, the owner of 420 Washington Street; William J. Highgas III and Arpie E. Highgas Beaman, Trustees of B.A.R. Realty Trust, 422 Washington Street, Woburn, Massachusetts, the

owners of 422 Washington Street; and William Highgas III, 21 Alden Street, Stoneham, Massachusetts and Arpie Highgas, 422 Washington Street, Woburn, Massachusetts, the owners of 424 Washington Street; all being landowners affected by the proposed amendment. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending November 2007: number of tickets issued 1,486, number of tickets paid 1,226, number of hearings scheduled 692, number of tickets voided or dismissed 125, number of tickets outstanding 456, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$56,268.40. There exists a backlog of 4,934 tickets for 1982 through 2006. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$7,640.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated December 3, 2007 Attorney Maria C. Rota, Kopelman and Paige, P.C. relative to the new fire sprinkler law and 2008 Liquor License Renewal Applications. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated December 4, 2007 was received from U.S. Representative Edward J. Markey relative to an information meeting concerning the federal earmark process and the State Transportation Improvement Program. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated December 4, 2007 to the Woburn Board of Assessors was received from Marilyn H. Browne, Chief, Bureau of Local Assessment, Massachusetts Department of Revenue relative to notification of preliminary certification. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication was received from the Town of Winchester Planning Board concerning a public hearing on the Area Comprehensive Plan for the Winchester Hospital Expansion at 620 Washington Street to be held on Thursday, December 20, 2007 at 8:00 p.m. in the Winchester Room of Winchester Town Hall, 71 Mt. Vernon Street, Winchester. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated December 7, 2007 was received from Sean P. Kennedy, P.G., Senior Project Manager, EnviroTrac Environmental Services, 1400 Providence Highway, Suite 2100, Norwood, Massachusetts 02062 relative to a Class A-2 Response Action Outcome Statement at Swift Transportation, 60 Olympia Avenue, MassDEP RTN 3-27232. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A petition with six pages was received indicating that the signatories were Woburn Fire Department and Woburn Police Department employees and asking that the City Council accept Section 19 of M.G.L. Chapter 32B coalition bargaining for health insurance and to immediately begin putting together RFP's (request for proposals) to get bids on quality health insurance. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated December 31, 2007 was received from His Honor the Mayor as follows:

Re: Ann Alongi – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Ann D. Alongi of 79 Prospect Street as a Member of the Council on Aging. Please be advised that the term will expire December 31, 2009. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated December 31, 2007 was received from His Honor the Mayor as follows:

Re: Doris Stanton – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Doris Stanton of 18 Nichols Street Ext. as a Member of the Council on Aging. Please be advised that the term will expire December 31, 2010. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated December 31, 2007 was received from His Honor the Mayor as follows:

Re: Barbara McCauley – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Barbara McCauley of 10 Buck Street as a Member of the Council on Aging. Please be advised that the term will expire December 31, 2010. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated December 31, 2007 was received from His Honor the Mayor as follows:

Re: Francis Hancock – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Francis Hancock of 3 Pearl Street as a Member of the Council on Aging. Please be advised that the term will expire December 31, 2010. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated December 31, 2007 was received from His Honor the Mayor as follows:

Re: Dorothy Capone – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Dorothy Capone of 7 Maura Drive as a Member of the Council on Aging. Please be advised that the term will expire December 31, 2010. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

A communication dated December 31, 2007 was received from His Honor the Mayor as follows:

Re: Eleanor Camillieri – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Eleanor Camillieri of 6 Shields Street as a Member of the Council on Aging. Please be advised that the term will expire December 31, 2010. The effective date of this appointment will be the date of confirmation by the City Council.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS: None.

Motion made and 2nd to suspend the rules for the purposes of adding the following late filed matter to the Order of the Day, all in favor, 9-0

ORDERED That the Woburn City Council hereby authorizes and approves the Woburn Conservation Commission's acceptance, on behalf of the City, of property conveyed by Bartholomew T. Conlon, Jr. and Rita A. Conlon to the City for conservation purposes, said property being identified Lots 11, 12, 13, and 14, Block 1, Section E, as shown on a plan entitled "Woburn City Land & Improvement Company", dated January 1, 1889, which plan is recorded with Middlesex South District Registry of Deeds, Plan Book, 59, Plan 1.

s/Alderman Raymond

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: Dec. 21, 2007 s/Thomas L. McLaughlin Dec. 26, 2007

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:05 p.m.

A TRUE RECORD ATTEST:

Carol L. Nagle
Clerk of the City Council, Pro Tem

