

**COMMITTEE ON INFRASTRUCTURE & PUBLIC LANDS**  
**WOBURN CITY HALL**  
**COMMITTEE ROOM – 8:07 P.M.**  
**OCTOBER 10, 2017**

Voting Members present: Chairman Richard Gately, Alderman Mark Gaffney, Alderman Darlene Mercer-Bruen, Alderman Joanne Campbell, Alderman Edward Tedesco

Non-Voting Members present: Alderman Michael Anderson, Alderman Michael Concannon;  
Absent: Alderman Lindsay Higgins, President Richard Haggerty

Also present: Donald Hamilton, 31 Columbus Road, Attorney Donald Borenstein, 12 Chestnut St., Andover, DPW Supt. Jay Duran.

**On the Resolve regarding flooding issues at 31 Columbus Road:** Chairman Gately said the Council has been trying to remedy Mr. Hamilton's flooding issues for about four years, but Mayor Scott Galvin has been unwilling to spend any money. Chairman Gately said the problem at Mr. Hamilton's property has been getting worse and there may be a court case if remedial measures are not made soon. Chairman Gately said City Engineer Jay Corey was invited to the meeting but could not attend, and added that there would be no vote coming out of the committee. Chairman Gately suggested the city could turn over any documentation regarding the flooding issue to Mr. Hamilton and Attorney Borenstein and let them run with it. Supt. Duran said City Engineer Corey is on limited office duty after having undergone a medical procedure recently. Alderman Mercer-Bruen asked Alderman Gately if he could give the Reader's Digest version of the situation. Alderman Gately said Mr. Hamilton has a stream running near his home that is prone to flooding, and he is losing his back yard. At one point, the city authorized a contractor to try to fix the situation by placing blocks near the stream, but the blocks apparently broke away and the problem worsened, and now the problem is so bad trees in the neighborhood are falling down. Alderman Gately said there has been no contact or communication with the Mayor's office. He said there is an account with \$6.7 million that is supposed to be used for drainage improvements. Alderman Campbell said it was her understanding a portion of that money was to be used to fix problems at Mr. Hamilton's house. Alderman Mercer-Bruen said every alderman at the table can identify a problem that they wanted fixed and it hasn't. Alderman Concannon said this instance may be unique because the city made Mr. Hamilton's situation worse not better, and an argument could be made it is the city's responsibility. Attorney Borenstein said he has not seen a flooding problem of the magnitude that exists on Mr. Hamilton's property. He said if the situation is not corrected, Mr. Hamilton's home will end up being on an island. Attorney Borenstein said the problems on Mr. Hamilton's property started in the Mother's Day storm of 2010, when the blocks in the stream failed. Attorney Borenstein said he understands money has been budgeted for remedial measures on Mr. Hamilton's property, and said his client is eager to undertake a solution before the next Mother's Day storm comes and water ends up in his kitchen. Attorney Borenstein said he is also aware there is an approved plan for remedial work. He said his client is a polite person, but he is at a point of desperation. Supt. Duran said he is not sure there is an approved plan, but it may be pending approval by the state DEP, and advised attorney Borenstein he may want to inquire with City Engineer Corey.

Attorney Borenstein acknowledged his is still in the information gathering stage. Rosa DiTucci, 82 Arlington Road, formerly the Alderman from Ward 1, recalled a City Council meeting in November 2014 when Mayor Scott Galvin and City Engineer Corey said they had spoken to DEP and were waiting to get an approval from the city of Boston, which owns land in proximity to Columbus Road, and that work was supposed to start in 2015. Mrs. DiTucci said to the best of her knowledge, everything was ready to go, and told the council she hopes they can help Mr. Hamilton. Alderman Campbell suggested sending a letter to City Solicitor Ellen Callahan Doucette to determine if the city has any liability for Mr. Hamilton's flooding issues. Motion made by Alderman Anderson and seconded by Alderman Tedesco to send a communication to City Solicitor Callahan Doucette asking her if the city's previous performance of work in the area is a contributory factor to the flooding issues at 31 Columbus Road and whether the city has any liability; approved, 5-0.

Motion made by Alderman Tedesco and seconded by Alderman Anderson to adjourn, all in favor, 5-0. Adjourned: 8:25 p.m

Attest: \_\_\_\_\_

Gordon Vincent  
Clerk of Committees