

**COMMITTEE ON ORDINANCES, CHARTER AND RULES**  
**NOVEMBER 27, 2017 AT 7:44 PM**  
**COMMITTEE ROOM**  
**WOBURN CITY HALL**

Voting Members:

Attending: Chair Michael Anderson, Alderman Darlene Mercer-Bruen,  
Alderman Lindsay Higgins, Alderman Michael Concannon, Alderman Mark Gaffney

Non-Voting Members:

Attending: Alderman Richard Gately, Alderman Edward Tedesco, President Richard Haggerty

Absent: Joanne Campbell

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**On the Order to amend 1985 Woburn Municipal Code Section 8-17 relative to dumpsters:**

Alderman Mercer-Bruen said she gets a lot of calls from constituents who live close to industrial areas about dumpsters being emptied at all hours. She said the code currently calls for fines between \$25-\$1,000 and after talking with City Clerk William Campbell it was determined that such a wide range put the enforcement agencies in a difficult position, and the fines would be open to appeal, and the amendment tightens the fine structure. The amendment calls for a \$300 fine for each offense, consistent with the penalty for a zoning violation. Alderman Mercer-Bruen is the goal to stop violations of the dumpster ordinance and increase enforcement, which is currently under the jurisdiction of the Fire Dept. She said she can only recall one instance of a fine being issued and that was when former Fire Chief Paul Tortolano parked outside Pier 1 Imports and caught them emptying their dumpster at 2 a.m. She said she understands that not all the Alderman get complaints about dumpsters but Building Commissioner Thomas Quinn has received some complaints in North Woburn and violations happen all the time in East Woburn and the South End. Alderman Gately said he gets a lot of calls from Green Street. Chairman Anderson said he agrees the dumpster ordinance needs to be reviewed but a \$300 fine might be too stiff. He suggested starting with a \$100 fine for a first offense, then a \$200 fine for a second offense and \$300 for a third and subsequent offenses within a 12-month period. Alderman Concannon asked if any other fines in the municipal code have a range. Chairman Anderson said City Solicitor Ellen Callahan Doucette was reviewing the fine structures in the Municipal Code and wants to eliminate them because there is too much discretion. In response to a question about enforcement being changed to the Building Dept., Alderman Mercer-Bruen said Commissioner Quinn has no problem taking it over. Alderman Mercer-Bruen said it is very unlikely Commissioner Quinn would issue a fine on the first offense because it's unlike him to do that and that he always gives an offender an opportunity first to correct the problem. Alderman Concannon asked if the issue is not fixed on day two, would Commissioner Quinn still have discretion or would he have to issue a \$300 fine. Alderman Higgins asked if the dumpster ordinance is violated seven days in a row, would the fine accrue to \$2,100. Alderman Mercer-Bruen replied it is typically not an every day thing. Alderman Concannon asked what other violations would result in fines. Alderman Mercer-Bruen said there will be violations for the distance from the lot line, if it is not enclosed, when they can be filled or if there are not of sufficient size. Alderman Concannon said he is concerned about someone racking up \$30,000 in fines because it takes them a month to put a fence around a dumpster. Chairman Anderson

suggested setting the fine a \$100 and seeing how it goes. Chairman Anderson said City Solicitor Callahan Doucette does not like the fact the Fire Dept. is currently the enforcement agency. Alderman Higgins asked if the revenue collected from the fines would go to the general fund. Chairman Anderson said it would go to the general fund. Alderman Concannon said it is a good idea to rein this in because it is a quality of life issue and the city will be sending a message that if you're in violation, you'd better fix it quickly. Alderman Mercer-Bruen said the language in the amendment needs to be re-worked and she would confer with Commissioner Quinn and City Clerk Campbell on changes. She suggested sending the amendment "back for action" from the City Council. Alderman Higgins said she is fine with levying a \$300 fine for violations of the dumpster ordinance. Alderman Concannon said he could go along with the revised ordinance as long as Commissioner Quinn can use his discretion. Chairman Anderson asked what would happen if Commissioner Quinn leaves the city's employ. Alderman Concannon suggested there ought to be some language in the ordinance that gives discretion to the Building Commissioner, because it is written with a \$300 minimum fine, then subsequent commissioners may feel they have to enforce it as such. Chairman Anderson asked if there ought to be language that allows the Building Commissioner to give a warning. Alderman Concannon said he doesn't want to micromanage the thing. Chairman Anderson said he believes the Building Commissioner does have discretion. Alderman Concannon said the other way of handling it is substituting the word "may" for "shall" in the amendment. Alderman Gately said another problem is 30-yard construction dumpsters that don't get emptied for 2-3 weeks. Motion made by Alderman Higgins and seconded by Alderman Concannon to send the amendment "back for action," approved, 5-0. President Haggerty said he thinks the \$300 fine is a little high, but he has confidence in the Building Commissioner's discretion. Alderman Concannon asked if the amendment will remain in Committee. Alderman Mercer-Bruen said she will confer with Building Commissioner Quinn in regard to the amendment.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Higgins to adjourn.  
Chairman Anderson adjourned the meeting at 8:07 p.m.

A TRUE RECORD ATTEST

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Gordon Vincent  
Clerk of Committees