

**COMMITTEE ON ORDINANCES, CHARTER AND RULES
MONDAY, OCTOBER 7, 2019 AT 6:00 P.M.
COMMITTEE ROOM
WOBURN CITY HALL**

Voting Members:

Present: Chairman Lindsay Higgins, Alderman Michael Concannon (late), Alderman Mark Gaffney, and Alderman Edward Tedesco. Absent: Alderman Darlene Mercer-Bruen

Non-Voting Members:

Present: President Michael Anderson, Alderman Joanne Campbell,
Alderman Robert Ferullo and Alderman Richard Gately

Also present: City Clerk William Campbell, Dept. of Public Works Supt. John Duran and
Building Commissioner Thomas Quinn

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VOTED to dispense with the reading of the minutes from the meeting of August 26, 2019, and to approve; all in favor, 3-0.

Order to amend Woburn Municipal Code relative to trench excavation permits: Chairman Higgins said the committee met a couple of weeks ago with Commissioner Quinn. She said Supt. Duran has requested to speak on the matter. Supt. Duran said this is a change in the wrong direction. He said anything related to utilities has to run through the DPW. He said the proposed ordinance would invite problems with issues like cross contamination and illegal connections. He said he thinks the ordinance should stay the way it is and run through the DPW. He said if this section of the ordinance changes, the council will have to revisit Section 13 of the municipal code in its entirety. President Anderson said the matter is before the council because no one in the city has been designated an overseer of trench excavation permits as it required under state law. Supt. Duran said Water Treatment Plant Manager Anthony Blazejowski and he are in charge of water in the city. He said there has already been one movie made about Woburn water, and he does not want there to be another one. Alderman Gately said it is taking too long for excavation permits to be issued, and the city has to speed up the process. Supt. Duran said there are a lot of contractors out there. He said some are good and some are bad. He said the city has to protect its resources. He said if someone comes in with a good plan, it gets approved in a day. He said if someone comes in with a bad plan, the DPW does not sign it. He said he will not back down from that position. He said if a contractor with which the DPW is not satisfied comes in with a plan, he will require three municipal references. He said the DPW is capable of handling all the administrative issues concerning trench excavation permits and changing the process would be a step backwards. Alderman Campbell asked if Supt. Duran can cite any examples of when something has gone wrong. Supt. Duran said this past Friday a contractor built a dry well without a trench permit. A neighbor had a concern that her cellar was going to get flooded. He said he is a licensed PE and soil evaluator who is the best person to handle these situations. He said he called the contractor, who had already back-filled the dry well. He said he had his own engineering business for 25 years and knows how to handle issues like this. Commissioner Quinn said the issue is not about water or sewer. He said it is about trench safety. He said the

Building Dept. needs to be notified of trench excavations so when the Woburn PD calls at 2 or 3 a.m. they have something on record. He said the issue came up at Whole Foods Plaza. He said there are 65,000 excavators in the state, and the Building Dept. maintains that data base. He said water and sewer connections are all related. He said his electrical and plumbing inspectors are all competent enough to do this. He said the Building Dept. needs to be involved. He said this is about having information available. Alderman Concannon arrived at 6:12 p.m. Commissioner Quinn said he would like for the DPW to send copies of the permits to the Building Dept. so they can have on file information about a designated contact person. Chairman Higgins asked what the will of the committee is. Alderman Concannon said he has talked to Commissioner Quinn and Supt. Duran. He said at the last meeting there was discussion about the two departments working this out and asked if that is not possible. Supt. Duran said there is a third entity involved as the Fire Dept. is involved in tank removals. He said all three departments are working together. Alderman Concannon said the issue was the Building Dept. having jurisdiction over trench excavation on private property and the DPW having jurisdiction over public property. He asked if there is a way to adjust the process so there is 1-stop shopping. Commissioner Quinn said the issue is the city never adopted the state regulations. He said the Building Dept. issues 2,000 permits a year. Alderman Concannon asked if there a consensus about the best solution. Alderman Campbell said Supt. Duran said he would like to keep things the way they are. Chairman Higgins said the council has to designate someone to be in charge of trench excavation. She suggested giving the DPW jurisdiction over trench excavations on public ways and giving jurisdiction to the Building Commissioner for private ways. Alderman Concannon asked what happens if a trench is located on both private and public property. Commissioner Quinn said all he's asking for is a copy of the permit if the trench is on public property. President Anderson said the DPW and the Building Dept. could provide copies to each other. Commissioner Quinn said he has no problem with that. President Anderson said the council does not want to create a rift. He said he sees wisdom in having Supt. Duran managing any digging in the city. Commissioner Quinn said the Building Dept. needs to be involved, citing Supt. Duran's concern for quality of life issues. Supt. Duran said the DPW already notifies the Building Dept. and the permits are sent over. Alderman Campbell said it seems like that would solve the issue and asked either side if they have a problem with solution. President Anderson asked Commissioner Quinn if he would like to be provided with copies of applications or permits. Commissioner Quinn said he wants a contact number, which would probably be on the application. Alderman Concannon asked if an order is required. Supt. Duran said he thinks it's designated under the municipal code. Alderman Concannon asked if jurisdiction should be left with the DPW Supt., with a requirement to share information with the Building Dept. Chairman Higgins said the council has to designate a person to be in charge of excavation permits. Alderman Concannon asked if one person has to be in charge of all the permits. Alderman Tedesco said one person does not. Supt. Duran suggested anything that is related to the Building Dept. should go to the Building Dept. Alderman Concannon suggested making the Building Dept. in charge of excavation permits on private property and making the DPW in charge of excavation permits on public property, and each entity has to provide a copy of the applications to each other. Motion made by Alderman Tedesco and seconded by Alderman Gaffney that Title 12, Article IV, Section 12-28A shall be amended to read: "The Building Commissioner shall have the authority to issue permits for the excavation of trenches on privately-owned land in the city, and shall provide permits and permit applications to the Dept. of Public Works; and, the Superintendent of Public Works shall have the authority to issue permits for the excavation of a

public way in the city, and shall provide permits and permit applications to the Building Commissioner,” and, that Title 15, Article 1 - Building and Occupancy Permits ought to be amended by adding under “Additional Fees” the following: “Trench excavation fee: \$100,” and that the amendments “ought to pass,” approved, 4-0.

Order to amend Woburn Municipal Code Sec. 12-49 relative to municipal parking lots:

City Clerk Campbell said the second paragraph of Section 12-49 of the municipal code references the issuance by the City Clerk’s office of parking permits. He said he does not really recall why that legislation was adopted. He said recently someone came into the office and put \$5 on the counter looking to pay for a sticker the City Clerk’s office does not have. He said he looked into it and wondered if Sections 12-49 and 12-50 of the municipal code are enforceable. Chairman Higgins asked what President Anderson is proposing. Clerk Campbell said the amended ordinance would eliminate overnight parking. President Anderson suggested amending Section 12-49 to eliminate the sticker element. Alderman Concannon asked if the council is being asked to eliminate something that isn’t being enforced anyway. Chairman Higgins asked if this will affect anyone who is parking downtown. President Anderson said only if they are parking overnight. Motion made by Alderman Tedesco and seconded by Alderman Gaffney that the proposed amendment to Section 12-49 of the municipal code “ought to pass,” approved, 4-0.

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Motion made by Alderman Tedesco and seconded by Alderman Gaffney to adjourn; all in favor, 4-0. Chairman Higgins adjourned the meeting at 6:35 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees