

**COMMITTEE ON ORDINANCES, CHARTER AND RULES  
MONDAY, JANUARY 27, 2020 AT 6:03 P.M.  
COMMITTEE ROOM  
WOBURN CITY HALL**

Voting Members:

Present: Chairman Lindsay Higgins, Alderman Michael Concannon, Alderman Darlene Mercer-Bruen, and Alderman Edward Tedesco. Absent: Alderman Jeffrey Dillon

Non-Voting Members:

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

Also present: Mayor Scott Galvin, Dept. of Public Works Supt. John Duran, Treasurer/Collector Timothy Donovan, Auditor Charles Doherty, Dept. of Public Works Deputy Supt. Leonard Burnham, and Water Treatment Plant Manager Anthony Blazejowski.

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**MOTION** to take the first two items on the Ordinances, Charter & Rules agenda out of order from the posted agenda; in favor, 4-0.

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**VOTED** to dispense with the reading of the minutes from the January 13, 2020, meeting and to approve; in favor, 4-0.

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**Order to amend Woburn Municipal Code Title 13 relative to water and sewer rates:**

Mayor Galvin said he has submitted literature to the council with the proposed water/sewer increases and additional financial projections and revenues. He said he realizes the proposed increase is larger than most of the council members anticipated. He said the city has been subsidizing the water/sewer enterprise account with reserves, which he said need to be maintained. He said his concern is the reserves will dip down to the level with which he is not comfortable. Mayor Galvin submitted a document from the Government Finance Officers Association (GFOA) that recommends municipalities maintain at least three months of working capital in enterprise funds. He said the city has attained a AAA bond rating because it has been conservative with its finances. He said the target is about 67 days, which corresponds with the reserve on the revenue schedules provided by Auditor Doherty. He said the city has been operating under best practices. He said the city has an older distribution system, into which there have been investments. He said the city typically invests \$1 million each year into each utility. He said there are still miles of lines over 70-years-old. He said there was a water line break last week on Harrison Avenue and the DPW acted professionally and quickly to repair it. He said there are a number of lines that need to be replaced. He said he is comfortable with the financials described in the auditor's forecast. Alderman Mercer-Bruen said she gets calls from constituents about sewer lines. She said she knows there are some sewer lines that get checked regularly by

the DPW, and she is aware that creates overtime costs. She asked if the increase is implemented, will the city be able to fix the lines that are known to be problematic. She said a 15 percent increase is pretty big. She said she cannot go back to her constituents with a 15 percent increase and tell them those lines won't be fixed. She suggested an incremental increase, with 7 percent this year. Mayor Galvin said he is not an expert, but he is aware the city has a number of aging sewer lines. Alderman Mercer-Bruen said the implementation of an increase would be an opportune time to make repairs to the lines that are known to be aging. Mayor Galvin said the proposed increase will generate an additional \$1.9 million in revenue this year and an additional \$1.9 million in revenue next year. He said if all the sewer lines were repaired, the increase would be much higher. He said the objective of this increase is to restore the reserves. He said when he became mayor, the water and sewer rates were cut by 5 percent, and since then there has been one increase of 10 percent. He said since he became mayor the total increase will be less than 2 percent a year. He said the city is using reserves at this point. He said he understands no one likes increases. Alderman Mercer-Bruen asked if there is a list of sewer lines that need repair. Mayor Galvin said Weston & Sampson has such a list and he can give that to the council. He said there is an inventory of bad areas, including the North Woburn trunk and an area near Ellis Street. He said the city continues to spend what he thinks is an aggressive amount of money on repair. Alderman Mercer-Bruen asked if the city is keeping an eye on overtime costs associated with efforts to put band-aids on sewer lines, versus the cost of replacing them. Mayor Galvin said the city does monitor repair costs. Alderman Mercer-Bruen said she is not opposed to a rate increase but said she would prefer to find a way to stagger it. Mayor Galvin said the billing cycle started January 1, and the goal is to stay ahead of it. He said the bills don't go out until August. He said there are two semi-annual bills. He said the first bill of the year covers the period from January 1 to June 30. Alderman Concannon said he has three questions. He asked why the mayor is proposing the increase now. He asked why an increase of 15 percent was chosen. He said he assumes that increase will fully fund the enterprise account. Mayor Galvin said the 15 percent increase was chosen at this time to restore the reserves back to a level with which he is comfortable. Alderman Concannon asked why the city has not started reading meters yet. Mayor Galvin said his memo to the council indicates communities that use MWRA services charge an average of \$1,600. He said Woburn's average bill is \$600. Alderman Concannon asked if some families would save money if the city went to metered usage. Mayor Galvin said the rates would go up for everybody. He said if Alderman Concannon wants to be really aggressive, the city could look into reading meters, but he does not think the difference between small and large families is as big as people think. Alderman Concannon said when the meters were installed there was an expectation that the meters would be read and people would be charged accordingly. He asked if there is a plan to go to full residential meters. Mayor Galvin said he would not be a champion of that. He said he believes the city is acting within the spirit of the administrative consent order. Chairman Higgins asked when the rates were raised in 2018, if he foresaw another raise. Mayor Galvin said he did. Auditor Doherty said over the past 10 years the city's water and sewer revenues have declined to the point where the city has to supplement the operating costs. Chairman Higgins said she does not know if she is comfortable with changing rates retroactively to January 1 of this year. Mayor Galvin said the bill will not be sent until August. He said if the council opts to implement the increase mid-year, revenue projections will be cut in half. He said the city will only have one cycle of collection. President Anderson said the proposed rate increase is not even keeping pace with the cost of living. He said he is not as disturbed after seeing the numbers provided by the auditor. He asked if the numbers take into

consideration multi-unit dwellings. Mayor Galvin said that part of the ordinance was not changed. President Anderson said that is still not defined elsewhere in the ordinance. Mayor Galvin said they talked about a third rate for apartments but did not implement it. President Anderson said there was discussion about buildings with more than three units. Mayor Galvin said if you have a 2-family building, you pay for two units. He said for some reason the language wasn't in the ordinance, but it was clarified. President Anderson asked if that was in the ordinance. Mayor Galvin said it was not, though the city has been billing them that way. Supt. Duran said he is in the process of changing Title 13 of the Municipal Code. Alderman Gately said he does not agree with a 15 percent increase all at once but he does agree with a tiered system of increases. He said everyone knows how bad the water system was. He said the water system was improved by investing in it. He said the city also addressed leak detection and that saved the city a ton of money. He said 15 percent all at one time is too large of an increase. He said he could foresee a 5-7 percent increase over the next two years. He said the city is not dipping into reserves right now. Mayor Galvin said revenues are going down. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to accept and make part of the permanent record the following documents from Mayor Galvin: A memo from GFOA entitled "Working Capital Targets for Enterprise Funds," a memo from Auditor Doherty entitled "Retained Earnings Calculations – Enterprise Fund;" a memo entitled "2019 Enterprise Budget;" a memo entitled "2020 Enterprise Budget;" a memo entitled "Fiscal Year 2019;" a memo entitled "Fiscal Year 2020;" a spreadsheet enumerating water and sewer revenues from FY '17 through FY '20 year-to-date, and FY '20 projections; and memoranda from Auditor Doherty entitled "City of Woburn Water/Sewer Enterprise Fund: Forecast" with a 0 percent rate increase and a 15 percent increase; approved, 4-0. Mayor Galvin said the city has attained the AAA rating because it has done a great job with the general fund. He said the good rating will allow the city to save money by refinancing at lower interest rates. He said the city has to look at enterprise account revenues. Alderman Gately said he cannot support a 15 percent increase all at once. He said he would be looking for something along the lines of a 7 percent increase and then another 7 percent increase. Mayor Galvin said that would be really pushing the schedule farther out. Alderman Gately said there are a lot of people on a fixed income who would have trouble affording a 15 percent increase. Mayor Galvin said 15 percent sounds like a lot but in real dollars the increase is \$40 for six months. He said the rates only went up 5 percent in eight years, and even when you add in this proposed increase, it is less than 2 percent a year since he became mayor. Chairman Higgins asked if the mayor intends to increase rates more frequently. Mayor Galvin said he expects to come back in two years to add 4 percent. Alderman Concannon said it sounds like the city is dipping into savings to pay monthly bills, which he said is never a good idea. Auditor Doherty said the city is dipping into reserves. He said the city is at a point where something has to be done. Alderman Concannon asked if the water sewer enterprise fund situation came up in conversation with the folks who set the bond rating. Auditor Doherty said it did not. He said free cash has been strong, but if the trend continues with the enterprise fund, the people who set the bond ratings will start to question the city's finances. Alderman Gately said it wasn't too long ago that the city couldn't justify a rate increase because the water was junk. Auditor Doherty said it won't be long before the city sees a \$200,000 increase in maturing debt. Alderman Gately said he still thinks 15 percent is too much of an increase. He said 10 percent would give the city x-amount of money to build up the reserves. Auditor Doherty said a 15-percent increase gives the city a 2-year window of positive revenue. He said the city can do a smaller increase now, but if it is less than 15 percent, then there has to be a commitment to

annualized raises. Mayor Galvin said he knows as an alderman it will be hard to adopt annualized raises. Alderman Ferullo said if there is an 88 percent collection rate, as indicated on the spreadsheet. Auditor Doherty said the 88 percent collection rate refers to collections within a year of billing. Alderman Campbell said she see hundreds of people at church and the two concerns she hears about the most are traffic and rates going up in large numbers. She said 15 percent is a huge jump. She said \$35 might not be a big deal to some people, but it is for people on fixed incomes. She said if the city increases rates by 2 percent gradually, people will know what to expect. Mayor Galvin said the annual budget increases by 3-4 percent every year. Alderman Concannon asked if there will be 67 days of operating capital in reserve if the rate increase is approved. Mayor Galvin replied there will be 67 days. Alderman Concannon asked if the city is flirting with disaster if the reserve dips under 45 days. Mayor Galvin said 45 days is the absolute minimum. Mayor Galvin said it would be terrible practice to supplement the enterprise fund with money from the general fund. He said he understands Alderman Campbell's point, but the city has been subsidizing the enterprise fund. President Anderson said the city's water and sewer services have been among the most affordable in the state. He said the rates are still significantly less than they are in other communities. He said he thinks what the mayor is suggesting is the responsible way to increase rates. He said the increase is \$80 a year. Chairman Higgins said she would want it known the rates are going to change again in two years. She said she wants the process to be as transparent as possible. Auditor Doherty said Woburn is one of the few communities which charges a flat rate for water and sewer services. He said rates can go up unexpectedly in other communities that charge by volume. He said Woburn has the advantage of a flat rate. Motion made by Alderman Concannon and seconded by Alderman Tedesco that the order to increase water/sewer rates as set forth by Mayor Galvin's order "ought to pass;" approved, 3-1, with Chairman Higgins opposed. Chairman Higgins recessed the meeting at 6:43 p.m.

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**MOTION** to return to the regular order of business; approved, 4-0. Chairman Higgins reconvened the meeting at 7:29 p.m.

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**Order to amend Woburn Municipal Code, as amended, Section 8-14 relative to effective date of ordinance for reduction of checkout bags by retail establishments to July 31, 2020:**

Chairman Higgins said there is a proposal to delay the implementation of the ban on single-use plastic bags until July 31. She said Alderman Tedesco sponsored the order and asked him to elaborate. Alderman Tedesco said the state Senate has passed a ban on single-use plastic bags and he suggested delaying the implementation of the city's ordinance until it is determined whether the ban is passed in the House. He said a state law would trump a local ordinance. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to receive and make part of the permanent record a letter from Jennifer Jones to Chairman Higgins via email entitled "Plastic Bag Ordinance before committee on 1/27;" in favor, 4-0. Alderman Mercer-Bruen asked if the state law is more restrictive than the proposed ordinance. Alderman Tedesco said anything passed by the legislature will supersede anything adopted by the city. Alderman Mercer-Bruen said she thought a state law has to be more restrictive to trump city ordinance. Chairman Higgins said if the state allows, the city can make an ordinance more restrictive than a state law. Alderman Mercer-Bruen said she has not gotten a whole lot of push back from the

business community about the new plastic bag ordinance, but she is still not sure she is going to support it. Alderman Tedesco said adopting whatever the state passes is more pragmatic. He said it is similar to the ban on vaping. He said the Board of Health was going to implement a ban on vaping, but the state ban superseded it. Alderman Concannon said he voted against the plastic bag ban because he questioned whether this was a role local government should play. He said he keeps hearing about all this support not to use plastic bags, and if there is so much support, then why does the city have to ban them. He said if a state-wide rule is about to be implemented, he does not see why the city can't wait a little longer. Motion made by Alderman Mercer-Bruen and seconded by Alderman Tedesco to open the meeting to comments from the public; approved, 4-0. Jennifer Jones, 4 Sherman Terrace, Woburn, MA, said what the Senate passed in the fall is a much more complicated bill than what the city is considering. She said the bill includes a 10-cent fee for reusable plastic bags, with 5 cents being returned to the retailer and 5 cents going to municipalities to a community fund. She said there is no forecast for when the bill is going to come out of the House, and there has been no action in the House for more than six years. She said more than 120 communities have passed their own plastic bag bans. She said it will be at least a year before the House bill becomes effective. She said she is asking the council to maintain the May 1 deadline. Chairman Higgins asked if anyone else in the audience wished to address the committee about the petition. There were no respondents. Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to return to the regular order of business; approved, 4-0. Alderman Tedesco said implementation of the state law will depend upon when it comes out of committee. Alderman Campbell said if the state takes a year, it is not something the city should wait on. She said she would prefer to implement the ordinance in May and have people get used to using other bags. Motion made by Alderman Tedesco and seconded by Alderman Concannon that the order, as amended, to delay the implementation of the effective date of the ban on plastic bags until July 31, 2020 "ought to pass;" fails, 2-2, with Chairman Higgins and Alderman Mercer-Bruen opposed. Motion made by Alderman Tedesco and seconded by Alderman Concannon that the order, as amended, to delay the implementation of the effective date of the ban on plastic bags until July 31, 2020 "ought to pass;" fails, 2-2, with Chairman Higgins and Alderman Mercer-Bruen opposed. Motion made by Alderman Mercer-Bruen to implement the ban on plastic bags as scheduled, and to deny Alderman Tedesco's request to extend the implementation of the ban until July 31, 2020; no second. Chairman Higgins suggested leaving the matter in committee. Alderman Tedesco said he does not like sending matters "back for action" but would do so in this instance. Motion made by Alderman Tedesco and seconded by Alderman Concannon to send the matter "back for action;" approved, 4-0.

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**Order for review of City Council Rules and Orders:** Chairman Higgins said she was going to discuss this matter in chambers but opted to take up the matter in committee. Alderman Mercer-Bruen asked if the chairman would consider assigning a section to each committee member. Chairman Higgins said she would consider ideas from any alderman. Alderman Mercer-Bruen asked if council members should send what they have to Chairman Higgins. Chairman Higgins said her idea would be to review one section a month. She said she does not want the review to be all over the place. Alderman Tedesco said one thing he would like to address if that only alderman on a specific committee can participate in a committee discussion. He said he does not like all nine aldermen sitting around a table at a committee meeting. President Anderson said he

thinks there is validity to Alderman Tedesco's suggestion. Chairman Higgins said she does not want to violate the Open Meeting Law. She said she thinks anyone with suggestions should submit them to her. President Anderson said the committee should consider devising a list of standard conditions for special permits, like regulations for dumpsters. Alderman Concannon asked if transferability would be a standard condition. President Anderson said that would not be one of them. Alderman Concannon asked at what point the committee will involve the city solicitor. Chairman Higgins suggested sending revisions to her in chunks.

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Motion made by Alderman Tedesco and seconded by Alderman Mercer-Bruen to adjourn; in favor, 4-0. Chairman Higgins adjourned the meeting at 7:48 p.m.

A TRUE RECORD ATTEST

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Gordon Vincent  
Clerk of Committees