

**CITY OF WOBURN
WOBURN CITY COUNCIL
ORDINANCES CHARTER & RULES COMMITTEE
COMMITTEE ROOM
WOBURN CITY HALL
TUESDAY, FEBRUARY 13, 2024 – 6:51 P.M.**

Voting members present: Chairman Joseph Demers, Councilor Robert Toro, Councilor Robert Ferullo and Councilor Lou DiMambro. Absent: Councilor Darlene Mercer-Bruen

Non-voting members present: President Jeffery Dillon, Councilor William Pappalardo, Councilor Charles Viola, and Councilor Joanne Campbell

Also present: City Clerk Lindsay Higgins

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Reading and approval of previous meeting minutes: Motion made by Councilor Ferullo and seconded by Councilor DiMambro to waive the reading of and approve the minutes of the meeting of January 22, 2024; approved, 4-0.

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Order amending WMC 12-56 Special Event Permit insurance minimum coverages: Motion made by Councilor Ferullo and seconded by Councilor Toro to suspend the City Council's rules to allow City Clerk Higgins to address the committee. City Clerk Higgins said her office is seeing a lot more special event permit petitions now that the Covid era has ended. She said there has been some confusion about the insurance requirements, which were changed in 2018, when she was a member of the City Council. She said the limits were recommended by the Massachusetts Interlocal Insurance Agency. She said she has prepared a document for the committee that indicates the current requirements and proposed changes. Motion made by Councilor Ferullo and seconded by Councilor Toro to accept from the City Clerk sample certificates of liability insurance that show the current and proposed coverage requirements; approved, 4-0. City Clerk Higgins said there was an issue last summer. She said at the time the city had a different representative at MIIA. She said no one wants to make insurance coverage cost-prohibitive to the point where events are not being held. She said umbrella liability can be expensive. She said she and the City Solicitor have been communicating with insurance companies about this issue. She said she is here to answer any questions the committee may have. Councilor Ferullo said he has two questions. He asked if the council has the ability to waive the insurance requirements. He asked if the issue is because the city's insurance requirements are no longer standard. City Clerk Higgins said the \$1 million per occurrence/\$3 million aggregate option is no longer viable. She said it seems like the \$1 million per occurrence/\$2 million aggregate is more common. She said there has been some push back about the umbrella liability coverage. She said as far as issuing waivers is concerned the council can make that decision and write it clearly. Councilor DiMambro asked if the \$1 million/\$2 million

is the standard. City Clerk Higgins said the standard is different in every community. She said \$1 million/\$3 million is recommended by MIIA. Councilor Toro said the \$1 million/\$2 million coverage is kind of the standard, and \$1 million/\$3 million is a niche. He said the umbrella policy is an added expense. He said he has been talking to some of the stakeholders who run events and they have told him the current requirements hinder the ability to get insurance at a reasonable rate and could potentially impact the ability to have events. He said the last thing anyone on the council wants to do is to hinder anyone from having an event. He said he supports the \$1 million/\$2 million threshold with a \$1 million umbrella policy. Chairman Demers said the final sentence of the ordinance states the City Council is not allowed to waive insurance requirements. He said it would be his recommendation that the committee look at compromise language that states the City Council may waive the umbrella liability coverage, provided the waiver receives a favorable recommendation from the Committee on Ordinance, Charter & Rules. He said that will give the council some flexibility, so if there is a road race or some sort of event with a small impact, it will not have to provide as much insurance coverage as a bigger event. He said he is sure his colleagues on the council want to retain the ability to require umbrella liability coverage for events that involve fireworks or the service of alcohol on city property. City Clerk Higgins said the more appropriate committee for insurance waivers may be Public Safety & License. Councilor Ferullo said he has questions about who has to get liability insurance and when. He said a road race that includes a high-risk area, like when runners have to cross Lexington Street or Montvale Avenue in the area Washington Street is different than an event that involves going around Horn Pond. He asked if the primary objective of requiring insurance is to protect the city if someone gets injured on municipal property, and if so is there is protection under the Tort Claims Act. City Clerk Higgins said ideally the insurance policy would name the city as an additionally insured party. Councilor DiMambro asked if the cost would be more reasonable if the city's requirements were \$1 million across the board. Councilor Toro responded the standard policy is \$1 million/\$2 million. Chairman Demers said the council does not want to make this too much of a custom insurance plan. He said his recommendation is to move forward with the coverage parameters and if the committee needs further discussion about the waiver requirement he can confer with the City Solicitor. City Clerk Higgins said would like some sort of resolution because her office is starting to receive applications for special events. Councilor Pappalardo said the last time the committee talked about this issue the topic was the cost difference. Chairman Demers said it depends upon the size of the event, the type of event and the type of insurance, but the primary point is custom plans are more expensive than standard plans. Councilor Pappalardo asked what kind of dollar amounts are involved. Councilor Demers said the depends upon the event. City Clerk Higgins said coverage for an event with fireworks would logically require more expensive insurance coverage than a walk or a road race for charity. Councilor Campbell asked what type of coverage would be required for an event like a road race. City Clerk Higgins replied it seems like the standard is \$1 million/\$2 million with \$2 million liquor liability coverage if there is alcohol service involved. Chairman Demers asked how many road races are limited to the grounds of Horn Pond and do not cross a street. Councilor Ferullo said he does not think there are a lot. Chairman Demers asked what the will of the committee is. Councilor Toro said Public Safety & License is a more appropriate committee. City Clerk Higgins said she thinks the Ordinance, Charter & Rules Committee has jurisdiction over public places and roads, but she has to confirm that. Councilor Campbell said what the Chairman has been talking about makes sense. Chairman Demers said they could amend the language if the City Solicitor advises the ordinance to be more specific. He said they can always

come back to amend the ordinance to include a waiver component. Motion made by Councilor DiMambro and seconded by Councilor Toro that the order “ought to pass” with a condition that the City Council may waive the insurance liability coverage provided the waiver coverage receives a favorable recommendation from the Committee on Public Safety & License; approved, 4-0.

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Order that the Committee on Personnel take the necessary steps to fill the vacancy in the position of Deputy Superintendent of Public Works: Chairman Demers said the clerk is passing out copies of the amended job description authored by Director of Human Resources Shawna Healey with input from DPW Supt. John Duran. He said there were some amendments that identify elements of the position that are already being performed by the Deputy Supt. He said there are also language updates that change the wording from “city” to “town.” He said there are other changes that reference snow management, dealing with contractors and such. He said he spoke to Supt. Duran and he is in favor of the changes. Councilor Viola asked if the job description always had a requirement for a civil engineering degree. Chairman Demers said that requirement has always been there. Motion made by Councilor Toro and seconded by Councilor DiMambro that the Committee on Ordinance, Charter & Rules recommend the City Council direct the Human Resources Director to advertise the vacant position for the Deputy Superintendent of Public Works based on the attached updated job description, approved, 4-0. Motion made by Councilor Toro and seconded by Councilor DiMambro that Chair Demers submit an order to the City Council requesting the changes to the Woburn Municipal Code Section 2-194(H) as outlined and approved by the Ordinance, Charter & Rules Committee; approved, 4-0.

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MOTION made by Councilor Ferullo and seconded by Councilor DiMambro to adjourn; in favor, 4-0. Chairman Demers adjourned the meeting at 7:11 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees

