

**CITY OF WOBURN
CITY COUNCIL
COMMITTEE ON LIAISON
WOBURN CITY HALL
COMMITTEE ROOM
TUESDAY, MAY 28, 2024, at 6:21 p.m.**

Voting Members present: President Jeffrey Dillon, Councilor Robert Toro, Councilor Robert Ferullo, Councilor Joanne Campbell, Councilor William Pappalardo, Councilor Lou DiMambro, Councilor Charles Viola, Councilor Joseph Demers and Councilor Darlene Mercer-Bruen

Also present: Mayor Michael Concannon, Planning Director John Cashell, and City Clerk Lindsay Higgins

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Reading of previous meeting minutes: Motion made by Councilor Campbell and seconded by Councilor Ferullo to waive the reading of and to approve the minutes of October 23, 2023; approved, 9-0.

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Order relative to electricity community aggregation under M.G.L, c.164, § 134: Mayor Concannon said the proposal would give him permission to enter into aggregate electricity contracts. He said this has come up before under former Mayor Scott Galvin but it fell by the wayside. He said Susan McPhee from Spark Energy is a sustainability consultant for the city on this issue and she is here to provide information to the committee and answer any questions. Ms. McPhee said the process involves communities joining together to purchase electricity as a group. She said the concept is similar to going to BJ's Warehouse to buy items in bulk. She said when communities band together and buy energy it is less expensive. She said the state legislature allowed communities to combine resources in the late 1990 and over 170 communities have approved aggregation programs. She said communities will still get a bill from Eversource. She said the buying process will be similar in that Purchasing Agent Orazio DeLuca will still go out and get the best price he can. She said Eversource changes its rates every six months. She said aggregation will allow communities to get a better price. She said communities can enter into agreements for 6-36 months. She said there is an opt-out mechanism. She said the expected savings is about \$250 per year per household. She said towns have saved millions of dollars over time. She said Eversource prices spiked last year. She said more than half the communities in the commonwealth have some type of aggregation. Councilor Toro asked how long the enrollment process takes. Ms. McPhee said in Malden it has been close to two years. She said the process is rapid until it gets to the Dept. of Public Utilities. She said the DPU is promising it will go faster. Councilor Toro asked if notification is provided to residents. Ms. McPhee said DPU has to provide a post card. She said employees at City Hall would be

trained. She said residents can send back an opt out card. She said she would definitely make it a point to go to the Senior Center and inform people. She said once people see the rates are better they tend to opt back in. She said 85 percent of consumers stay initially and eventually the number rises to between 90-95 percent once people opt back in. Councilor Toro asked if there are any additional benefits for the city. Ms. McPhee said the city can guarantee a budget number knowing the number will stay that way. Councilor Toro asked if Good Energy will be the city's broker. Ms. McPhee said Good Energy is one of several brokers. Councilor Demers said he has talked to Agent DeLuca about this process. Councilor Demers said Agent DeLuca has been good about getting the best rates possible for the city. He said the city has saved a lot of money since Agent DeLuca came to Woburn. Councilor Demers said he can only see the benefits. He said the fact that people can opt out puts them in the driver's seat. He said he will support this order this evening. Councilor DiMambro said he is supportive of anything the council can do to cut down electricity bills. He said he is impressed by the numbers. He asked if Eversource can play with the delivery charge. He said he is aware of instances when the delivery charge is more than the usage. Ms. McPhee said she can't speak to how Eversource sets its rates. She said the law addresses supply lines and there is no way of knowing how rates for other aspects of electricity costs are impacted. She said Eversource will claim they make no money from selling electricity. Councilor DiMambro asked if there are any federal grants to support this. Ms. McPhee said the DPU regulates all that stuff. Mayor Concannon said regulating these things is why the DPU exists. Councilor Campbell said her fear would be that Eversource decreases and increases the rates punitively, as their profit goes down and they may try to make back their money. Mayor Concannon said the legislation was created to allow aggregation. He said the legislature regulates the DPU, and the DPU regulates Eversource. Councilor Campbell said aggregation sounds like it would be great for the residents. She suggested putting together some type of information package so people out there will know the specifics. Ms. McPhee said they will do a presentation at the Senior Center. Councilor Campbell said there are so many people who are trying to scam seniors and it is important to let them know this is a legitimate program. Mayor Concannon said there will be an entire campaign. Councilor Mercer-Bruen said she is going to support this. She asked if small businesses would also be able to see reduced costs. Ms. McPhee said businesses have rate codes on their bills. She said only very small businesses would qualify. Councilor Mercer-Bruen said if the opt out mailer is somewhat confusing, then anything the city could do to clarify the process would be helpful. Councilor Mercer-Bruen asked what the broker fee is. Ms. McPhee said the broker fee is .001 cents and it does not apply to the residents or the city, only to the supplier. President Dillon asked if Samantha Stone, the Assistant to the Mayor for Community Outreach and Communications, could help with the rollout. Mayor Concannon said Ms. Stone is well-versed in this type of process. Councilor Demers asked if DPU also regulates rate increases. Ms. McPhee answered affirmatively. Councilor Demers said the utility companies propose rates to DPU, and the DPU can reduce rates if it notices any irregularities. He said he can only recall one instance when DPU reduces the rates, when there was a spike in 2011. Councilor Pappalardo said this sounds like a great program; in fact, he said it sounds like it's too good to be true. He asked if any community has opted out after opting in. Ms. McPhee said Melrose opted out in 2009. She said they shut the program down but eventually opted back in. Councilor Pappalardo asked why any community would not do this. Ms. McPhee said a lot of communities have their own municipal light districts. Mayor Concannon said Woburn did this already, but it did not follow up. Councilor Pappalardo said this sounds like an awesome program. Councilor Viola said any time the city can save money for senior citizens or its most

vulnerable people, it should. He asked how people would know what Eversource's rates are. Ms. McPhee said the brokers pay for communication with residents. Motion made by Councilor Demers and seconded by Councilor Viola that the order "ought to pass;" approved, 9-0.

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MOTION made by Councilor Demers and seconded by Councilor Ferullo to suspend the City Council's rules to take the following item out of order from the posted agenda; approved, 9-0:

Order to review non-union department head salaries: City Clerk Higgins said her predecessor used to handle this process. She said she asked President Dillon to put this on the agenda for the Liaison Committee but it will require an ordinance change. She said the ordinance governing the salaries of non-union department heads has not been amended since 2022. She said an amendment was adopted in 2015 that would require the City Council to re-visit the ordinance in March. She said this is Section 2-184(D) of the municipal code. She said Section 2-180 cites the non-union department heads as the City Clerk, the Auditor, the Human Resources Director, the Woburn Public Library Director, the City Solicitor and the DPW Superintendent. She said in prior years the salary increase followed what the Teamsters union bargained. She said she just wants to let the council know about this issue. She said the non-union department heads need to engage in salary negotiations. She said traditionally this matter is settled after the other unions settle. Councilor Demers asked if the Human Resources Director is a non-union position. City Clerk Higgins answered affirmatively. She said the Human Resources Director is involved in contract negotiations with the unions. Councilor Demers asked if the Human Resources Director could compile a salary survey of comparable cities and towns. President Dillon asked City Clerk Higgins to keep the committee informed. Councilor Demers asked if any action is required on this matter. City Clerk Higgins said the appropriate motion would be to keep this matter on file. Motion made by Councilor Demers and seconded by Councilor Mercer-Bruen to keep this matter on file; approved, 9-0.

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MOTION made by Councilor Demers and seconded by Councilor Ferullo to return to the regular order of business; approved, 9-0:

Presentation and public comment period regarding the MBTA Communities Multifamily Law's new zoning requirements and guidelines and how they affect the City of Woburn: Councilor Mercer-Bruen said the item is listed on the agenda for "public comment" but the committee is not really taking public comment because there is no legislation before the council. President Dillon said this will be more of an update. Director Cashell said he has a document he would like to submit to the committee. Motion made by Councilor Demers and seconded by Councilor Mercer-Bruen to accept an untitled document to Director Cashell from Horsley Witten Group, Inc., dated May 7, 2024. The document contains a cover letter and five pages with maps identifying "Scenarios" 1-5, for the area around the MBTA's Anderson Regional Transportation Center. Motion approved, 9-0. Director Cashell told the committee the text of the cover letter

was written by consultant Jeff Davis. He said the last time the council met on this issue it wanted Mr. Davis to submit some calculations. He said the proposed overlay district is a 54.1-acre parcel. He said in Scenario 4 all parcels are located on the east side of the railroad tracks. He said in Scenario 5 none of the developable parcels extends more than a half mile from the radius. He said Scenario 5 was used to calculate compliance with the law. He said these figures will serve as a good starting point for the draft of a zoning ordinance. He said Scenario 1 fills most of the half mile radius. He said all the lots that are colored mauve on the graphic are within the radius. He said the 52-acre parcel provides for 62 units an acre. He said the legal requirement is 15 units per acre. He said if the council wants to look at Mishawum Station, nothing has been worked out. He said the City Council ultimately decides what it wants the overlay district to be. Councilor Mercer-Bruen said she is not sure there's a lot of room for deliberation. She said these are requirements from the state. She said she does not think the council has the ability to change any of that, because of the state guidelines. Director Cashell said 75 percent of the overlay district has to be located within a half-mile radius of the Mishawum or Anderson station. He said the other 25 percent can be located throughout the city. He said the council can put, for instance, a 5-acre district in Central Square, the West Side, or anywhere else. He said that decision is ultimately left up to the council. He said the city can create multiple locations. Councilor Mercer-Bruen asked if Director Cashell will be bringing different options when the council has a public meeting. She said she would like people to be able to look at what the options are. Director Cashell said the city has to notify the state Legislature by December 31 if the legislation isn't amended. Councilor Mercer-Bruen asked by what date the city has to take action. Director Cashell said the city is taking action now. Councilor Mercer-Bruen said the City Council has done nothing to this point. She said nothing is formally before the council. She said at some point the council will have formal documents in front of it that it can start deliberating on. Councilor Campbell said the council has taken action. Councilor Mercer-Bruen said technically there is nothing before the council to vote on. Mayor Concannon said the state law requires the city of Woburn to pass zoning ordinance changes. He said the City Council passes zoning changes. He said 1 1/2-2 years ago, the former mayor and the former Planning Director responded the city is going to comply. He said the city was going to create a small committee to craft an ordinance to show to the Planning Board and the City Council. He said if the city had not taken that approach, it would have been the Ordinance Committee sending it to the City Council. Councilor Mercer-Bruen said this is not just an ordinance. She said every other community got help. She said this would not pass muster as an ordinance. Mayor Concannon said it could. Director Cashell said the city could draft an ordinance using a template and fashion it to Woburn. He said he can write a new section of the Woburn Zoning Ordinance. He said the language is already in place for other overlay districts. He said what the city needs to do is create a committee and get into that. He said that could be finished by Labor Day. The city could then have public hearings. Councilor Mercer-Bruen asked if Director Cashell has an ordinance ready. Director Cashell said the ordinance is written. Councilor Mercer-Bruen said the council has an Ordinance Committee. She asked when Director Cashell will have something to file. Mayor Concannon said he wants to move away from the idea that John and Mike have ideas that the council will bless. He said this is the city of Woburn's ordinance. He said this body will decide that. Councilor Mercer-Bruen said it gets down to bringing something to the council. She said the public will then weigh in and then the council will decide. She said something formal needs to be submitted. Director Cashell said all the city needs to do to move forward is the submission of a map and a zoning ordinance. Councilor Mercer-Bruen said she wants to be very clear. She

said she is happy to talk about where things are going to go, but she will not support kowtowing to the state on this. She said she thinks the city should be pushing back. President Dillon said the process should be looked at. He said the city needs to decide by December 31 if it wants to comply with the law or not be part of it. President Concannon said the council always has that option. He said any zoning change gets looked at by the Planning Board, and the Planning Board takes a vote. He said the City Council can accept that recommendation, ignore it or start from scratch. He said if the City Council does not want to comply, it does not have to. He said several communities have rejected the law at their town meetings. He said there are other towns that are waiting to see how this plays out. He said the former administration told the state it is going to comply. He said the reality is an ad hoc committee was never created. He said it seemed to him the consensus was to have Director Cashell produce something the council can chew on. He said this is not like the Good Energy proposal. He said this is more like the cluster zoning ordinance that Councilors DiMambro and Mercer-Bruen led the effort to eliminate. He said the City Council decided it was time to change that zoning ordinance. He said in this case the state is telling the city to comply. He said he is grateful Director Cashell decided to come on board. He said Director Cashell has experience with this law. He said they have something to submit to the council that would begin the process, not something that is all done. He said this is the beginning, not the end. Councilor Mercer-Bruen said the community has been clear that it does not want something this dense. She said she and the mayor have had conversations about compliance. Mayor Concannon said he has the same reservations about this law as Councilor Mercer-Bruen does. He said this is an instance of the state telling local communities what is best for them. He said the former mayor and the City Council decided not to comply, but then the city found out about the ramifications. He said the former mayor opted to form an ad hoc committee, but that didn't happen. He said when he took office, he heard there was some sentiment about producing something the council could look at. He said that does not change his initial reaction to this law. He said he is still as offended as Councilor Mercer-Bruen is. He said right now compliance would be a better option. He said that would go against his feelings, but compliance would be more beneficial than non-compliance. He said gets the sense now this is not something the City Council wants to do. Councilor Mercer-Bruen said she asked when the mayor was going to send something down. She asked if the mayor can do that to get the public process started. Director Cashell said there is nothing wrong with the city taking its time. He said the city has until December 31 to comply. He said there will have to be a public hearing. He said his thought is to wait and see what happens. She said there are a number of cities and towns that have voted to not comply. He said if enough towns say no, that's a problem for the state. He said there are towns on the North Shore that don't have an infinite water supply to accommodate an increase of housing by 24 percent. He said those towns will not be able to provide adequate water and sewer services. He said if this is legislated, he does not know how the state is going to demand housing for communities that do not have adequate resources. Councilor Demers said the concern he has is getting too bogged down by the process. He said he thought the process would be filing a draft ordinance with the Planning Board. He said this is like comparing apples and oranges with the electricity aggregation ordinance. He said if the process involves him as chair of the Ordinance Committee filing an ordinance, he will do so. He said he is getting frustrated. He said there could be an open meeting law violation. Mayor Concannon said the City Council does have the authority to file a zoning change. He said there is a template ready. He said the meat of the issue is whether the city wants to comply. Councilor Demers said he hopes there will be a spirit of cooperation. He said he does not want to change an ordinance that might end up having a

negative impact on the taxpayers of Woburn. Mayor Concannon said Director Cashell needs to hear what the City Council wants. Motion made by Councilor Demers and seconded by Councilor Mercer-Bruen to take a 5-minute recess; approved, 9-0. President Dillon recessed the meeting at 7:33 p.m. Motion made by Councilor Demers and seconded by Councilor Mercer-Bruen to return to the regular order of business; approved, 9-0. President Dillon reconvened the meeting at 7:38 p.m. Councilor Demers said these things matter to his constituents. He said he wants to make sure the process is followed properly. He said he is willing to file an ordinance change. President Concannon said he said that is an option the City Council can consider. Councilor Demers said he would rather have something filed that the council can deliberate. Mayor Concannon said he may have misread the room. He said all he was saying is an ordinance change can come from anywhere. Councilor Demers said he is not a big fan of the MBTA Communities Law, but he does not want the city to get bogged down. He said he does not recall too many cases when a municipality went up against the state and won. He said if city officials roll up their sleeves they may be able to get something done. He said he is more than happy to hold community meetings. He said he has had constituents reach out to him. He said the law is confusing. Mayor Concannon said this meeting is an attempt to determine what the City Council wants to see in a draft. He said he wants to be clear there are other ways to get this up and running. Councilor Demers said he will reach out to the mayor about setting up a meeting. Mayor Concannon said his understanding of the process is once a draft is submitted, it will be on a City Council agenda and transmitted to the Planning Board very quickly. Director Cashell said the zoning ordinance is ready to be scrutinized. He said in all likelihood there will be language that needs to be incorporated to comply with the MBTA Communities Law. He said the ordinance will have to pass muster with the city's legal department. He said he wants to produce a document that will not require the city to start at square one. He said the consultant will need at least another week. Councilor DiMambro said he and Councilor Mercer-Bruen understand which part of the city is going to be affected most. He said they had a meeting with Director Cashell. He said they had to come up with their own parameters. He said they had to start with an area. He said he went out into the field and poked around. He said he found it makes sense to identify an area that was included in the scenarios that were presented in the document. He said there is a requirement for proximity to an MBTA station. He said he also included other options with industrial areas. He said if a developer wants to build on it, they know what is there and they can pay the tab for cleaning it up. He said his other reason for picking the 54-acre parcel is its proximity to Route 93. He said there is access from Route 93 via Presidential Way. He said his other reason for choosing that area is there are high end commercial buildings down there. He said there are a lot of factors that will hold people back. He said he also wanted to stay away from the Mishawum area. He said he was down there a couple of years ago and saw a train go past the station at 60-70 mph. He said the station is dilapidated. He said it is falling apart. He said it hasn't been used as a dedicated train station in years. He said the area is too congested already. He said a half-mile radius will incorporate residential homes. He said the developers will start gobbling up residential houses to get to five acres. He said that's why he wants to keep it to the RTC. He said this law that got handed down to the city sucks. He said if the city has to go to war with the state, it will go to war with the state. He said no one is going to demolish single-family homes to build apartment buildings. He said once residents hear about this, the emails of City Council members will start to blow up. He said he believes it would better if the legislature talked to each community to get a sense of what it needs in terms of housing. Director Cashell said he agrees entirely with what Councilor DiMambro says. He said Councilor DiMambro came

up with a solution. He said he has been calling it Lou's District because he does not want to take any credit away from Councilor DiMambro. He said the city probably wants to come up with a district that has no impact on residential areas. He said he thinks everyone agrees with Councilor DiMambro. He said his suggestion is to stick with that. Councilor Campbell asked how long the city has and does it have to build 2,600 units. Councilor Cashell said the city has to create the district but it does not have to build the units. Councilor Campbell said she thinks Councilor DiMambro's idea is brilliant. She said he did a great job with this. Councilor Mercer-Bruen said she thinks this is the best scenario for the city. Councilor Campbell said it is important for the residents to know the city has been working on this. She said she would love for the city to move forward with the template. President Dillon said the committee can only debate certain aspects of the process. Councilor Campbell said she feels like the city is making good progress. She said she thinks there is a consensus to move forward. Councilor Mercer-Bruen said her ask is the same as it was when this meeting started: whether Director Cashell can send something to the council so it can start legal and public deliberation. Director Cashell said the consultant will need a week or so to make sure everything is precise. He said he wants to give credit to Councilor DiMambro. He said he thinks if Councilor DiMambro's proposal does comply, then the city can move forward. Councilor Mercer-Bruen said she thinks the council can explore other scenarios, but they would not be as good options. Director Cashell said the city is making the best out of a bad situation. President Dillon said to be crystal clear, the city has to decide whether it wants to comply so it can opt out by December 31. He said he wants everyone to feel comfortable with this process going forward.

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Motion made by Councilor Campbell and seconded by Councilor Viola to adjourn;
approved, 9-0. President Dillon adjourned the meeting at 8:03 p.m.

Attest: _____
Gordon Vincent
Clerk of Committees