

**CITY OF WOBURN
CITY COUNCIL
COMMITTEE ON LIAISON
WOBURN CITY HALL
COMMITTEE ROOM
MONDAY, AUGUST 26, 2024, at 6:11 p.m.**

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

Also present: Mayor Michael Concannon, License Commission member David Gilgun, and License Commission member William McGrath

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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 approve the minutes of July 29, 2024; approved, 9-0.

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Communication from License Commission regarding cessation of issuance of liquor licenses under “Home rule petitions:” Representing the License Commission was Commissioner David Gilgun. Commissioner Gilgun said he is here tonight to ask the committee to send a letter to the state representatives and senator in the Woburn delegation about home rule petitions. He said there is a new package store near Target in Councilor Mercer-Bruen’s district that will serve 500-1,000 new apartments and condominiums in the area. He said there will be discarded nip bottles all over the place. He said the new package store was pushed onto the city. He said the second reason he is here tonight is to empower the City Council. He said in 1966 Massachusetts adopted the Dillon Rule, which granted all powers to the state. He said at the last meeting Councilor Mercer-Bruen said the state is jamming regulations down the city’s throat. He said the state should not be able to infringe upon the authority of local communities. He said he always likes to cite an example from Montpelier, Vermont. He said there was a body of water in Montpelier called Berlin Pond. He said Berlin Pond was a source of drinking water. He said the City Council and the Mayor banned boats on the pond. He said Dick’s Sporting Goods sued the town and won. He said there are now all kinds of oil and kerosine in the water. He said it is all because of the Dillon Rule. He said Prohibition existed from 1920-1933. He asked rhetorically if Prohibition was necessary. He said there were once six barrooms on Main Street between Fowle Street and Lake Avenue. He said since 1933 the alcohol laws have not been changed at all. He said it is time the city went on the record. He said former Boston Mayor Thomas Menino went to the State House in 2006 begging for home rule. He said former Boston City Councilor and current U.S. Representative Ayanna Pressley asked the state legislature in 2016 to do away with the state controlling the licenses. He said she lost. He said Boston City Councilor Brian Worrell from Mattapan has been asking for home rule two or three times a week. He said there is one liquor license in Mattapan. He said he wants to give the power over the issuance of liquor

licenses back to the City Council. He said there is no way the city could have refused to issue the last package store license because of the state requirements. He asked rhetorically if anyone can find a parking space at Woburn Village. He said the state gave out seven liquor licenses to Woburn Village. He said he thought the piece of greenery in the middle of Woburn Village was going to be green space. He said there are beer gardens nearly every night. He said it was jammed down the License Commission's throat. He said he is concerned about the potential return of Happy Hour. He said there was a drunk driving accident near the old Howard Johnson's many years ago. He said the latest thing is beer in a bucket. He said you get six cans of beer in a bucket. He said the law states you can have two drinks at a time. He said if you get a bucket with six cans, you're breaking the law. He said it's out of control. He said Woburn can take the lead on this issue. He said hopefully there will be some support from other communities throughout the Commonwealth. He said Boston will jump on board. Councilor Toro said can see the passion Commissioner Gilgun has for this issue. He said his concern is there was nothing in the letter the License Commission sent to the council about giving power back to the City Council. Commissioner Gilgun said the City Council already has the power. He said his point is that home rule petitions are being mandated by the state. Councilor DiMambro said Commissioner Gilgun is very passionate about this issue. He asked if there are alcohol lobbyists who have influence at the State House. Commissioner Gilgun said lobbyists have influence, but the primary issue is the state representatives don't want to give up power. He said Gov. Healey in May was in favor of home rule but changed her mind in June. He said all the License Commission wants is for the council to send a letter to the state representatives and state senator who represent Woburn telling them where the city stands on this issue. Councilor Demers thanked Commissioner Gilgun. He said he can see Commissioner Gilgun's passion for this issue. He said he remembers from his time as a legislative aide working with former City Solicitor John McElhiney to draft a home rule petition that would allow liquor licenses in the Commerce Way area. He said legislation was adopted allowing for restaurant liquor licenses in four different quadrants. He said the detail was right down to the parcel numbers. He said it took over 18 months to pass. He said he understands Commissioner Gilgun's point about the city having the right to determine how many package stores there are in Woburn. He said having the option for a home rule petition is a tool and having it in the tool box is great. He said he thinks it might be better to look at the process rather than removing the tool. He said he is more than willing to send a letter to the state's legislative delegation that the city would like to retain control over its licenses, and he would make that in the form of a motion. Motion seconded by Councilor DiMambro. President Dillon said he appreciates Commissioner Gilgun's historical perspective. He asked if any other communities would be in favor of home rule. Commissioner Gilgun said Boston would be in favor. President Dillon asked if there is anything that could come back to bite the city. Commissioner Gilgun answered there is not. President Dillon asked why the Happy Hour legislation did not go forward. Councilor Demers said he has spoken with multiple restaurant owners. He said the Massachusetts Restaurant Association is vehemently opposed to the resurrection of Happy Hour. He said restaurants don't want Happy Hour. President Dillon said he has heard from restaurant owners about the Happy Hour situation. He said it is complicated. He said they don't want Happy Hour to return because there's a real liability. He said one of the aspects that concerns restaurant owners is the legalization of marijuana. Councilor DiMambro said he has spoken to restaurant employees. He they can control the number of drinks that are sold but if a patron has already used marijuana before they come into the establishment there is no way of knowing the patron's level of toxicity. He said that could jeopardize the status of their

liquor license. Councilor Pappalardo said there was some confusion the legislation would go beyond liquor licenses. He asked Commissioner Gilgun if this is limited to liquor licenses. Commissioner Gilgun answered affirmatively. Commissioner Pappalardo asked what he can do to help. Councilor Mercer-Bruen said overreach by the state is out of control. She said if there is a possibility to give something like this back to local control she will support it 100 percent. Commissioner Gilgun said the City Council would be an appellate body. He said the License Commission has capacity rules that anyone can have a liquor license if they have a restaurant with 100 seats and a beer and wine license with 50 seats. (Scrivener's note: the License Commission in 2021 reduced the restaurant seating requirements for an all alcohol license to 50, and for a beer and wine license to 25.) He said if the License Commission denies a license the applicant can say they came to the council to appeal. He said liquor licenses are being sold for up to \$300,000. He said if someone needs a license, they can contact a license broker. He said the liquor license does not belong to the license holder, it belongs to the city. Commissioner Pappalardo said it sounds like it will take a long time to get something like this through. Commissioner Gilgun said even if it doesn't go through it shows Woburn is willing to take the lead. Councilor Viola thanked Commissioner Gilgun for his eloquence. He said he fully supports the idea and he will do whatever he can to help. Motion made by Councilor Demers and seconded by Councilor DiMambro to send a letter to the state legislative delegation requesting they advocate on behalf of Woburn having local control of all liquor licenses, both restaurant and package stores; approved, 9-0.

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Citizens Participation request from Tom Irwin regarding Paint Stewardship legislation:

Mr. Irwin said he has a series of documents he would like to distribute to the committee. Motion made by Councilor Demers and seconded by Councilor Ferullo to receive and place on file the following documents: A sample "Resolution in Support of Paint Stewardship Legislation;" "Paint Stewardship Legislation Discussion: H.823, S.542, S.551;" A letter dated June 14, 2023 entitled "MMA testimony urging Environment and Natural Resources Committee to support product stewardship legislation;" "Massachusetts 2023 Solid Waste Master Plan: Working Together Toward Zero Waste October 2021;" A letter dated April 5, 2024, from Michael Tapper, Owner/Vice President, Home Décor Group LLC to the House Ways & Means Committee entitled "Re: House Bill H.823 – An Act Relative to Paint Recycling; Senate Bill S.551 An Act Relative to Paint Recycling;" A letter dated March 13, 2023, from Joseph Houssan, VP Purchasing, Aubuchon Hardware, to Rep. Daniel Cahill, Chair, Joint Committee on Environment & Natural Resources, entitled: Re: House Bill H.823 – An Act Relative to Paint Recycling;" and a flyer advocating passage of the Paint Stewardship Law with a list of cities, towns and non-government organizations that have endorsed the legislation; approved, 9-0. Mr. Irwin said he worked for 29 years as a chemical engineer. He said he has since been an advocate for the Massachusetts waste crisis. He said trash is being exported out of the state. He said paint stewardship involves customers being able to return paint to a paint store. He said it is voluntary for retailers to then take the paint to a transfer station. He said retainers in Vermont can go freely. He said the Massachusetts proposal includes a fee of 75 cents or \$1, but the intent is not to make a profit. He said collected materials are re-purposed. He said materials do not end up in a landfill. He said this system is already working in 10 states. He said programs are expanding in Illinois and Maryland. He said 91 percent of residents are in favor of this law. He said there will be no

cost to Woburn. He said it will cut household hazardous waste in half. He said the Massachusetts Municipal Association supports this law. He said support is broad. He said 12 senators and 28 state representatives sponsored the bill. He said 89 municipalities have passed similar legislation. He said he has drafted a resolution on behalf of the City Council. Councilor Demers asked who sponsored the legislation in the House and the Senate. Mr. Irwin said Rep. Patricia Haddad sponsored the legislation in the House and Sen. Patrick O'Connor and Sen. Mathew Muratore sponsored the legislation in the Senate. Councilor Demers said the legislation is bipartisan. He asked what the opponents are saying. Mr. Irwin said only the retailers are opposed. He said there was an article in the Lowell Sun in 2015 with an interview of the Vice-President of the Retailers Association of America. Motion made by Councilor Demers and seconded by Councilor DiMambro to receive and place on file from Mr. Irwin entitled "Those objecting to the Paint Stewardship legislation;" approved, 9-0. He said he would also be happy to send an electronic version of this document to the council. Councilor DiMambro said the city of Woburn has all kinds of recycling programs with huge turnouts. He said he has a concern about retailers that sell things but won't take them back. He said people are not going to pay to recycle items. He said they dump mattresses and all kinds of stuff on New Boston Street. He said he saw 12-15 cans of paint that someone discarded. He said retailers should be held responsible for taking back these items. He said he thinks this legislation is something that will help. Mr. Irwin said the fee in Connecticut is 75 cents. He said it has not changed in 10 years. He said it is a wonderful program. He said 85 percent of latex paint can be reprocessed. He said there is a processing plant in Hanover. He said they can sort paint by color. He said it's really kind of a neat process. Councilor DiMambro said this is something we can do at the local level. He said it is a win-win. Councilor Toro said it looks like this legislation is voluntary for retailers. Mr. Irwin said retailers come and go constantly. Councilor Toro asked who oversees this program. Mr. Irwin said the program is overseen by a national non-profit organization called Paint Care. He said Massachusetts will be grouped with other regional states. Councilor Toro asked if there is any state oversight. Mr. Irwin said there is an annual report that involves the DEP. He said the fee cannot be raised without DEP approval. Councilor Toro said his only concern is for the paint contractors. He said they will be spending more up front. He said they are dealing with hundreds and thousands of paint cans each year. He said his concern is how that will impact the construction industry. Mr. Irwin said the state and consumers have pushed for the manufacturers to absorb the fee. He said the average fee is 82 cents. He said they are going to be paying for it one way or another. Councilor Mercer-Bruen thanked Mr. Irwin for bringing this issue forward. She said this issue is being discussed now. She said in April the environmental agencies sent in their concerns. She said they support the idea but there were concerns about the language. She said there are concerns about the language. She said there is going to be some cost to retailers. She said if the council is going to support this, it should understand the language and get it right. Mr. Irwin said the legislation has passed in the House but not the Senate. He said latex paint is not seen as non-hazardous, but as soon as you put dye in it, it becomes hazardous. He said the paint itself would be considered toxic. Councilor Mercer-Bruen said she has a letter from the New Hampshire Dept. of Environmental Services that she will share with the group. She said she supports this 100 percent. She said she got rid of a bed recently and the cost was \$55 for the mattress and \$55 for the box spring. She said she had to bag it up. She said she had to schedule an appointment. She said she is all for anything that makes recycling easier. Mr. Irwin said the fee for mattress disposal in Connecticut is \$18-\$22. He said there are no bags involved. Councilor Mercer-Bruen said we need that here. Councilor Campbell said this is vitally

important for all of society. She said we've got to find a way to recycle so we're not destroying the environment. She referred to the memo about objections to the paint stewardship legislation and asked why the Northeastern Retail Lumber Dealers Association was opposed in 2019-20. Mr. Irwin said the objection was not made clear. He said they did not delineate their reasons. He said there really isn't any hassle with paint returns, and there would be more foot traffic generated. He said recycling facilities are worried that the legislation might extend to bottles someday. He said he has yet to hear a problem that makes sense. Councilor DiMambro said large retailers like Home Depot have their own brands of paint. He said they may not want this to get in the way. He said they have deep pockets. He said he support this legislation. President Dillon said he appreciates Mr. Irwin's passion for this issue. He asked if Mr. Irwin receives any income from this. Mr. Irwin said he funds his own way 100 percent. President Dillon said that is commendable. Councilor Demers said he would like to leave the matter in committee, as the legislature is currently not in session. He said he is generally in support but he does have concern about costs for small business owners. Councilor Ferullo asked if the bill will be filed again. Mr. Irwin said he expects the bill will be filed after the election. He asked if the committee wishes him to return then. Councilor Demers asked if the committee can email him. Mr. Irwin answered affirmatively. Motion made by Councilor DiMambro and seconded by Councilor Mercer-Bruen to leave the matter in committee; approved, 9-0.

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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 7:11 p.m.

Attest: _____
Gordon Vincent
Clerk of Committees