

CITY OF WOBURN
WOBURN CITY COUNCIL
ORDINANCES CHARTER & RULES COMMITTEE
COMMITTEE ROOM
WOBURN CITY HALL
MONDAY, SEPTEMBER 23, 2024 – 8:25 P.M.

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

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

Also present: Mayor Michael Concannon, City Solicitor Mark Salvati, Human Resources Director Shawna Healey and City Auditor Charles Doherty

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Reading and approval of previous meeting minutes: Motion made by Councilor Ferullo and seconded by Councilor Mercer-Bruen to waive the reading of and approve the minutes of the meeting of September 9, 2024; approved, 5-0.

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Order amending WMC Title 2, Administration and Personnel, by adding XLII Building Feasibility Department: Mayor Concannon said this is essentially a request to amend the Woburn Municipal Code by recognizing a situation that needs to be addressed. He said there are two related pieces of legislation before the committees tonight, another in the Ordinances, Charter & Rules Committee to create the base salary of \$135,000 and an order in the Finance Committee that is coming up later to fund the salary from the Mayor's Salary Adjustment Account. He said if you count the schools there are 24 or 25 municipal buildings that the city is responsible for. He said the city is still paying for many of those buildings. He said on the school side there is a Director of Facilities, a position that is presently occupied by Lenny Burnham. He said that position oversees custodial and maintenance staff from the 15,000-foot level in terms of long-term planning. He said the School Dept. still felt the need to hire a consultant to look at things from a 30,000-foot level. He said the city-side does not have anything like that. He said he was under the impression things are getting done and the city is doing an adequate job. He said part of the reason for that mentality was because of the people the city had in those positions,

namely former DPW Deputy Supt. Tom Quinn and Mr. Burnham, who before he moved to the school side was the DPW Deputy Superintendent. He said that is the 5,000-foot level. He said the city has never has anyone at the 15,000-foot level on the city side. He said there are 14 buildings on the city side that no one is looking at. He said the police chief can look up at a roof, but he wants the police chief doing police things. He said the same thing is true for the fire chief. He said it is 2024, and the city has 24 buildings across the city, 14 of which are under the jurisdiction of the DPW. He said there is a DPW superintendent and a deputy superintendent, but they barely have time to respond to their day-to-day operations, never mind doing long term planning. He said there is nobody doing that. He said he thinks the city needs someone to do some long-term planning. He said the city is paying a whole lot of money for buildings that are not being looked at. He said he knows this is an ask. He said he wishes the city already had someone overseeing these buildings. He said this approach is similar to the one the city took when the IT Dept. was created. He said he thinks this is the next logical step. He said it would be a department of one. He said he knows this is an ask but the city has the responsibility to maintain these buildings. He said it is like making your car payment without changing your oil. Councilor Pappalardo said he totally agrees the position is warranted. He asked if there could be a combined feasibility director for both the schools and the city side. Mayor Concannon replied state law requires a vote of both the City Council and the School Committee to combine the positions. He said he has had discussions with the School Committee but until that happens, there would have to be someone on each side. Councilor Pappalardo asked if this has to be a full-time position or if the city could bring someone in from time to time. Mayor Concannon said the amount of money to hire that entity would be equivalent to four years of salary for the full-time position. He said there needs to be a full-time person who can evaluate and determine the maintenance of 14 municipal buildings. Councilor Pappalardo said he thinks oversight of 24 buildings would warrant a full-time position. Councilor Mercer-Bruen said she is struggling with this one a lot. She said she does not see a reason why this position needs to be added today. She said she thinks the council will have a much better sense of whether the city can afford this position once the tax rate is set. She said this is a \$135,000 position with benefits. She said and there will still be a need to hire a consultant. She wants to see where the city is at when the tax rate is set in November. Councilor DiMambro said he has been thinking about this issue. He said his way of looking at it is if you own a property and don't maintain it over 30 years, you will have to tear that property down. He said you have to have someone who will keep their eyes on that property. He said he does not think \$135,000 to birdog these buildings is an unnecessary expense. He said if this person would be able to coordinate maintenance of the buildings, he would support it. Mayor Concannon said what Councilor DiMambro is describing is how it should work. He said he would expect Mr. Burnham and this person to communicate every day. He said Mr. Burnham's counterpart on the city side would be in this position. Councilor DiMambro said he is a full advocate of being pro-active. He said kicking the can down the road isn't working out for the city. Councilor Mercer-Bruen said the council needs to see some numbers in November. She said she is worried about the tax rate. She said she does not hear from anyone that the city is in a crisis mode about its buildings. She asked why the council can't wait until November. Mayor Concannon said right now the city has nothing and does not know where it stands with these buildings. Councilor Mercer-Bruen said the city has a capital plan. Mayor Concannon said the capital plan is more for things like police cars and trucks. He said those are proposed by chiefs and department heads. Councilor Mercer-Bruen said she thinks calling this a crisis is a little bit of an exaggeration. She said not a whole lot is going to change in the next six

weeks. Mayor Concannon said he would expect the City Council to think long and hard about this issue. President Dillon said this is his wheelhouse. He said it is so important that capital improvements are paid attention to. He said another committee talked more tonight about a roof in a building that the city is going to buy than about maintaining buildings the city has already paid millions of dollars for. Councilor Campbell said according to the City Charter maintenance of municipal buildings is the DPW superintendent's role. Motion made by Councilor Toro and seconded by Councilor DiMambro to receive and make part of the permanent record a copy of Chapter 372 of the Acts of 1914 that abolished the city's Board of Public Works and reassigns "the construction, alteration, repair and care of public buildings" except for the schools to the City Council; approved, 5-0. Councilor Campbell said it's not that she does not believe the buildings don't need to be looked after, but she is concerned about the timing. She said she does believe at some point this position is necessary, but there are other positions that have not been filled for years. She said she wants to know if this is allowed or if the city has to file a home rule petition. She said the charter says it is the DPW superintendent's role. She said she talked to City Solicitor Salvati and when the Information Technology Dept. was created, there was no need for a charter change because there was nothing like it. She said the city has to be careful about the schools. She said as of right now the DPW superintendent has the powers, duties and liabilities of public buildings. Mayor Concannon said he did review this with the City Solicitor and he has a different interpretation. He said he is trying to hire someone who will fill a role that does not exist now of overseeing long-term building maintenance. He said neither the DPW superintendent nor the deputy superintendent are doing that. He said they do care and maintenance but they are not doing long-term feasibility. He said there is no one doing the thing he is talking about. Councilor Campbell said it can be done under the auspices of the DPW. City Solicitor Salvati said there is a big distinction between what the mayor is proposing and the charter. He said the mayor is talking about creating a separate department. He said this is an all new position with a separate job description. Councilor Campbell asked why this position would not be under the superintendent of the DPW. Mayor Concannon said when the charter was written there were probably four roads and two streetlights. He said the scope of the work doesn't fit until the DPW superintendent. He said Supt. Duran has too much work to do. He said this City Council approved a facilities manager and it never got filled because people said it could be a mistake to put it under the DPW. Councilor Campbell said it's pretty clear the care of buildings falls under the realm of the DPW superintendent. City Solicitor Salvati said there is no provision for an overall analysis of these buildings. He said the council is being asked to create a department that can determine what is needed and can report to the mayor. Councilor Ferullo said when he was the police chief he made poor capital decisions. He said he paid \$25,000 to replace a condenser when all he had to do was some minor repairs. Councilor Viola said he is having a tough time with this one, with the looming financial crisis the city is facing. He said he is already taking phone calls from people who are against creating this position. He said he will keep an open mind, however. Mayor Concannon said \$83,000 of the salary will come from the facilities manager position that has not been filled. He said that money is there. He said if the City Council decides to fund that position in November or December the money is already there. He said if the city wants a facilities manager instead of the Feasibility Director, it can go that route but he thinks the council will be making a mistake. Councilor Viola asked what other cities and towns are doing in this regard and what they are paying. Mayor Concannon said they have reviewed other communities and the vast majority go outside the context of their public works departments. Councilor Viola asked how comparable cities and towns compare as far as building

use is concerned. Director Healey said it is varied. She said she can provide the committee with actual data. Mayor Concannon said the administration looked at Tewksbury, Burlington, Arlington, Belmont, Danvers, Winchester and Lexington. He said the department would be created much like the IT Dept. was created. He said it started with one person and now the city has three people. He said he would suggest most of the communities that were surveyed have fewer buildings than Woburn. Councilor Toro said he thinks the council should take the advice of the City Solicitor when it requests legal opinions. He said he does understand there is a need to look over these buildings. He said it costs a lot of money to repair things in an emergency than it does to address any issues up front. He said it might be more cost effective to hire a Feasibility Director. Councilor Mercer-Bruen said the facilities personnel at the DPW are very skilled laborers. She said the city's buildings are not crumbling and the council does not have to support this. She said the City Solicitor is hired by the mayor, and the council has to think independently from the executive office. She said spending another \$80,000 depending on where the budget stands might be risky. She said the city may need that \$80,000 for tax relief. She said she is not saying this isn't a great thing. She said there's no need to rush into it. Mayor Concannon said no one is asking the committee to render a decision tonight. He said this is a process. He said if any councilor needs more info, please ask. Councilor DiMambro said the city needs to have foresight with the maintenance of its municipal buildings. He said the DPW superintendent has any number of projects going on at once. He said he has been to the superintendent's office and is surprised he doesn't get buried under all that paperwork. He said the City Charter was written in 1914 and last updated in 1953. He said this position will provide the city with someone to oversee the buildings in lieu of a consultant. He said it is a preemptive move. He said you pay the money up front but in the long run it could save the city tens of millions of dollars. Councilor Campbell said the council has requested legal opinions from City Solicitors in the past but it is not incumbent upon the council to go along with it. She said it is their duty to take the information and do their own research and say if this can be seen a different way. She said the council does not have to approve it just because the City Solicitor is saying it. She said their views could be different. She asked Councilor DiMambro if he is suggesting the council should do away with the charter. Councilor DiMambro said the charter may need to be updated. Councilor Campbell said the charter defines the city's laws. Mayor Concannon said he is only asking for the council to look at this issue. Councilor Campbell said she is not saying she is necessarily against it. She said she thinks the position is needed, but she is asking how the council goes about doing it. Mayor Concannon said is trying to describe a position that doesn't exist. Councilor Campbell said maybe the council needs to look at how the position is described. She said she feels like the position is needed but the council should wait to see what the tax rate is. Chair Demers said one of his concerns is if the city adds the position but still has to hire an outside consultant. He asked City Auditor Doherty how much the debt service is on facilities. City Auditor Doherty said the debt service is about \$7 million in principal and interest. Chair Demers said the committee is arguing over \$135,000 less the \$83,000 that is already budgeted, which means the council has to approve \$52,000 to make this a reality. He said the council could create the position and not fund it. He said he would prefer to see an agreement with the schools. He said the council just passed one of the largest budget increases for one department, and he would like for the schools to go on the record why they do not want to be more efficient. He said the city and the schools ought to be doing this under one roof. Mayor Concannon said if the city got the blessing of the City Council and the School Committee and the position encompasses both the municipal and school facilities, you're not going to get someone for \$83,000. He said

chronologically it does not have to be the School Committee and City Council in that order to combine the position. He said it could be City Council first and then School Committee. He said the City Council could jump start the process. Councilor Mercer-Bruen asked if the School Committee would feel that is a shot across the bow. Chair Demers said he has no problem lobbying the School Committee. He suggested leaving the matter in committee. Mayor Concannon said that is what he expected. Councilor Mercer-Bruen asked if the committee can get copies of the information from comparable communities.

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Order amending WMC § 2-180 Base Salaries to establish Building Feasibility Director at \$135,000: Motion made by Councilor Mercer-Bruen and seconded by Councilor Ferullo to table the matter; approved, 5-0.

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Order amending WMC § 2-180 Base Salaries for various base salaries: City Solicitor Salvati said this is basically a housekeeping matter. He said some of the salaries in the municipal code need to be changed. He said a couple salary lines were removed, and another couple jobs are unfilled. Councilor Pappalardo asked what the impact to the budget is. City Solicitor Salvati said the salaries are already accounted for. City Auditor Doherty said this exercise is similar to how the council adjusts the salaries for non-union department heads. Councilor Mercer-Bruen said the council does this every year. Motion made by Councilor Ferullo and seconded by Councilor Mercer-Bruen that the order “ought to pass;” approved, 5-0.

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MOTION made by Councilor Ferullo and seconded by Councilor DiMambro to adjourn; in favor, 5-0. Chair Demers adjourned the meeting at 9:33 p.m.

A TRUE RECORD ATTEST

Gordon Vincent

Clerk of Committees

