

**CITY OF WOBURN  
DECEMBER 16, 2008 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Denaro	Gonsalves
Drapeau	Mercer-Bruen
Galvin	Raymond
Gately	Doherty

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 9-0.

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The City Council observed a moment of silence in memory of former Ward One Alderman Robert Waldron who recently passed away.

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Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of taking the following matter out of order, all in favor 9-0.

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**APPOINTMENTS AND ELECTIONS:**

On the election to fill the vacancy in the office Alderman of Ward Four pursuant to Chapter 224 of the Acts of 1900 amending Chapter 172 of the Acts of 1897, known as the Charter of the City of Woburn. At the direction of President Doherty, the City Council proceeded to the election of an Alderman to fill the remaining term of the vacant Ward 4 seat by each Alderman stating the name of the candidate they chose for office until one candidate received five votes. After 16 ballots, the vote was as follows:

<u>Alderman</u>	<u>Ballot 1</u>	<u>Ballot 2</u>	<u>Ballot 3</u>	<u>Ballot 4</u>
Denaro	Wall	Wall	Wall	Wall
Drapeau	Anderson	Wall	Wall	Wall
Galvin	Anderson	Anderson	Anderson	Anderson
Gately	Wall	Wall	Wall	Wall
Gonsalves	Mooney	Mooney	Mooney	Mooney
Mercer-Bruen	Mooney	Mooney	Mooney	Mooney
Raymond	Mooney	Mooney	Mooney	Mooney
Doherty	Wall	Wall	Wall	Wall
<u>Alderman</u>	<u>Ballot 5</u>	<u>Ballot 6</u>	<u>Ballot 7</u>	<u>Ballot 8</u>

Denaro	Wall	Wall	Wall	Wall
Drapeau	Wall	Wall	Mooney	Wall
Galvin	Callahan	Callahan	Callahan	Callahan
Gately	Wall	Wall	Wall	Wall
Gonsalves	Mooney	Callahan	Callahan	Callahan
Mercer-Bruen	Mooney	Mooney	Mooney	Mooney
Raymond	Mooney	Mooney	Mooney	Mooney
Doherty	Wall	Wall	Wall	Wall

<u>Alderman</u>	<u>Ballot 9</u>	<u>Ballot 10</u>	<u>Ballot 11</u>	<u>Ballot 12</u>
Denaro	Wall	Wall	Wall	Wall
Drapeau	Mooney	Wall	Callahan	Wall
Galvin	Callahan	Callahan	Callahan	Callahan
Gately	Wall	Wall	Wall	Wall
Gonsalves	Mooney	Mooney	Callahan	Callahan
Mercer-Bruen	Mooney	Mooney	Mooney	Mooney
Raymond	Mooney	Mooney	Mooney	Mooney
Doherty	Wall	Wall	Wall	Wall

<u>Alderman</u>	<u>Ballot 13</u>	<u>Ballot 14</u>	<u>Ballot 15</u>	<u>Ballot 16</u>
Denaro	Wall	Wall	Wall	Wall
Drapeau	Wall	Anderson	Anderson	Wall
Galvin	Callahan	Anderson	Anderson	Anderson
Gately	Wall	Wall	Wall	Wall
Gonsalves	Anderson	Anderson	Anderson	Anderson
Mercer-Bruen	Mooney	Anderson	Anderson	Anderson
Raymond	Mooney	Mooney	Wall	Wall
Doherty	Wall	Wall	Wall	Wall

Edmund Wall of 7 Sherman Place Court, Woburn, Massachusetts having received five (5) votes was declared by the President to have been elected Alderman of Ward Four. Motion made and 2<sup>nd</sup> that that election be made unanimous, all in favor, 8-0.

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The City Clerk proceeded to administer to oath of office for Alderman of Ward Four to Edmund Wall as follows:

OATH OF OFFICE

I, Edmund Wall, do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts and will support the Constitution thereof, so help me God.

I, Edmund Wall, do solemnly swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Alderman, according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution and Laws of the Commonwealth, so help me God.

I, Edmund Wall, do solemnly swear that I will uphold and defend the Constitution of the United States of America and the Constitution of the Commonwealth of Massachusetts, and that I will oppose the overthrow of the government of the United States, or of this Commonwealth, by force, violence or by any illegal or unconstitutional method, so help me God.

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Edmund Wall

Sworn to before me this 16<sup>th</sup> day of December, 2008, by the above-named Edmund Wall.

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William C. Campbell, City Clerk  
and Clerk of City Council

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Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0.

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the sum of \$150,000.00 be and is hereby transferred as so stated from BLS Receipts Acct #31359-595000 \$150,000.00 to Fire Ambulance Salary Acct #0122051-511500 \$125,000.00, Ambulance Maintenance Acct #0122054-544300 \$25,000.00

I hereby recommend that above: s/Paul Tortolano, Chief Fire Department  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

s/Alderman Doherty

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

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A communication dated December 10, 2008 with attachment was received from His Honor the Mayor Thomas L. McLaughlin in response to a Resolution of the City Council requesting from the Chief of Police a status report concerning the amended take-home car policy in the Police Department and attached thereto was a memorandum dated December 9, 2008 from Jan Robbins Cox, Director of Human Resources to Mayor Thomas L. McLaughlin relative to the take-home cruiser policy. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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**PUBLIC HEARINGS:**

On the matter relative to Tax Classification for the City of Woburn. PUBLIC HEARING OPENED. Appearing was Andrew Creen, Chief Appraiser, Board of Assessors, and he offered a communication dated December 16, 2008 with a series of charts attached thereto entitled Fiscal Year 2009 Classification Hearing to the City Council as follows:

Dear President Doherty and Council Members:

The Board of Assessors is pleased to report that the valuation roll for fiscal year 2009 has been finalized after a reappraisal of all taxable properties was conducted by this office. The total assessed valuation for all real and personal property in the City effective January 1, 2008 is \$5.739 billion. This represents an decrease from the prior fiscal year's total of \$5.864 billion. This decline in taxable valuation is attributable primarily to the softening of the residential real estate market.

The City Council must now determine the relative tax burden to be borne by each class of property by selecting a "residential factor". To assist the Council in its deliberations, several charts have been prepared and are attached to this correspondence. These charts illustrate relevant valuation and tax levy data and the impact of your vote this evening.

By selecting a residential factor of "1" a single tax rate of \$14.02 results. Choosing a factor less than "1" results in a portion of the tax levy shifting from residential properties to commercial, industrial and personal property taxpayers. For example, adopting a residential factor of ".69" means that the residential class of property would pay 69% of the levy they would pay if there were no classification. Under this scenario, the levy increases for the other classes of property by a factor of 175 percent. The chart entitled "Classification Options" best illustrates the various scenarios available to you.

Woburn Board of Assessors  
s/ Robert E. Maguire, Jr., Chairman  
s/George J. Berardi, Secretary  
s/William F. Sullivan, Jr.

Mr. Creen stated that the city has identified new growth of \$2,069,503.00 and the amount was certified by the State, that the city was able to capture new revenue from

telecommunications lines, that new growth consists of 42% personal property, 29% residential and 29% commercial/industrial, that municipalities could not in the past tax lines over public ways, that this law dated to the early 1900s as an incentive to encourage the erection of land lines, that this exemption has been repealed, that the lines are owned by Verizon, RCN, Sprint and AT&T, that these changes may be challenged, that the Commissioner of Revenue has instructed communities to set aside funds in the event the city loses such an appeal, that the city has set aside \$500,000.00 in the overlay account in the event of a loss of the appeal decision, that if the appeal is not successful the funds would be later certified as excess overlay, that the valuation base of the community has consistently increased until a small turn back in FY2009, that the market value has consistently run ahead of assessed value, that this year there is a convergence of these numbers, that there is no certainty this trend of a softening in residential real estate market prices will continue, that an analysis on the impact of vacancies, collection rates and level of rents will have on commercial property values will not be known until Spring 2009, that the fourth quarter 2007 showed a dramatic drop in the median sales price of single family homes, that the average residential bill of \$3,387.00 is based on a residential tax rate of \$9.69, that this average residential bill is \$14.00 less than last year's average tax bill, that the tax rate is higher but the average value of residential buildings have decreased, that businesses may experience an increase in taxes with the rate on commercial property and with commercial property values being up a little, that it is difficult to give an average commercial value because of the vacancies in the type of property, that there may be approximately and 8.7% increase in taxes on commercial properties, that a single property in foreclosure will not have a detrimental affect on neighboring properties, that it is when there are a cluster of foreclosed properties that are allowed to deteriorate that there is an impact on the neighborhood, that there are currently 35 foreclosures out of over 10,000 residential buildings and this should not have a detrimental impact, that the city uses a quarterly tax bill, that the first two bills are preliminary, that the third bill is actual and reflects the tax rate and actual tax due, that if the city fails to mail the bill prior to January 1<sup>st</sup> then the bills are not due and payable until May 1<sup>st</sup>, that after the City Council takes action on this matter the Board of Assessors must proceed with the rate setting process with the State, that the city never went beyond the second meeting in December setting the tax rate, and that it is difficult to fulfill the city's responsibilities at this late date. President Doherty stated that the tax rate will rise next year although the average house price will go down. President Doherty stepped down from the chair and Alderman Galvin assumed the chair while President Doherty made the following comments. President Doherty stated that the city has to start looking at the budget and cutting expenses where possible, that the city does not want to layoff people or cut services however cuts have to be made, that the city must determine what the decrease in commercial/industrial property values will be next year and the impact it will have on the residential tax bills, that there has not been a decrease in spending, that the levy has increased 5%, and that the city had to prioritize starting with what is the most important item the city needs and work down to the least essential. Alderman Galvin stepped down at the conclusion of these comments and President Doherty resumed the chair. Alderman Denaro stated that the average tax bill for residents will go down while commercial tax bills will increase, that data indicates the residents having been sharing a larger portion of the tax burden while house prices increased and

now commercial owners may have to share a greater burden for a while, that the city has supported commercial growth over the years, that he is concerned about the impact of foreclosed properties on neighboring property values, that he will support the current classification, that he wants a process more active than a once a month City Council meeting to assist the mayor in meeting the reduced revenues, and that it will take all city officials and elected and appointed employees to work on this issue. Alderman Drapeau stated that when considering the impact on taxes it is more important what the city does in June in adopting a budget as opposed to in December when setting the tax rate, and that there is no gain in waiting to set the tax levy. Alderman Raymond stated that if the city loses 10% of local aid this would only be about \$1,400,000.00 based on the \$14,000,000.00 local aid contribution, that the city should look to consolidate the building maintenance and grounds under the Department of Public Works, that he is not saying that the other departments are not doing a good job but there are benefits to consolidation, that there are essentially two departments of public work with one maintaining the schools and the other maintaining the rest of the city property, that this is the time to take this action, and that the number one advantage is that the city will know where the money is. Alderman Galvin stated that that tax rate is going up by 51¢ per \$1,000.00 in value, that with decreased valuations some residential tax bills will go down, that there should be a more conservative estimate of local aid, that the city should be taking action now, that the state is in trouble and the city will be in trouble, that some cuts should be demanded, that the City Council should continue this hearing for a week and find cuts in the budget, that several non-public safety positions have been filled in the last year, that there have been eight or nine position filled, that this is the last opportunity that the city has leverage, and that if the city does not have the money then it has to make cuts. Alderman Gately stated that he wants to know what cuts the Aldermen are looking for, that unless the city goes into the school budget there will not be additional opportunities to make significant cuts in the other department budgets, and that there will be personnel or programs as the only items that can be cut. Alderman Gonsalves stated that she is concerned about setting the tax rate and later learning of significant local aid decreases, that not setting the tax rate today will not serve the community, that the tax bills have to get sent out, that the city has no hard number as to reductions in local aid, that the city is not in such dire straits that it has to cut \$1,400,000.00 tonight, and that the city will have a second chance by not going into reserves to make up an reductions.

PUBLIC COMMENTS: Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that this proposal is a severe and drastic increase on business and it will hurt, that a business with an assessed value of \$300,000.00 will experience a \$600.00 increase in taxes, that a business with an assessed value of \$600,000.00 will experience a \$1,200.00 increase in taxes, that a major developer in the city will have its tax burden increased by \$22,000.00, that the city must make cuts in the budget, that the city has to look at insurance, medical and possible layoffs, that the city must eliminate items such as take home cruisers, that business support the community over and above paying taxes, and that the budget should not go up 5% if salary increases are in the 2.5% to 3% range. Mayor McLaughlin stated that the tax rate for residences will decrease, that there is only one other community in the State that can make that claim, that he recommends that the City Council hold the shift in the tax levy, that this has been fair to business in the past and will be now and it is also fair to the

residents, that the city will continue to be fair to residents and businesses in the future, that even with the small increase in the tax rate the result will be favorable compared to other communities across the State, that it is expected that the Governor will be making a major announcement in January 2009 relative to budget cuts, that when he met with the Governor the advice was to be cautious but not to panic although the news reports are dire, that he has established a hiring freeze, that he has established an energy commission, that he has asked departments with reserves to hold those reserves, and that he is willing to meet with the Finance Committee to learn what are the concerns of the committee. City Auditor Gerald Surette stated that the local aid received by the city as determined by the State in June 2008 is \$14,815,291.00, that this does not account for possible future cuts in the local aid, that the local revenue estimate was decreased by \$1,000,000.00 with estimated decreases in tax, hotel/motel and interest income, and that the city will have to see what the reduction in local aid might be before appropriate action can be taken. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> to add an amendment to the main motion to continue the vote on this matter for one week and for the Mayor to come back to the City Council with recommendations to cut \$1,200,000.00 from the budget, 3 in favor, 6 opposed (Denaro, Drapeau, Gately, Gonsalves, Raymond, Wall opposed), Motion Fails. Motion made and 2<sup>nd</sup> that a TAX CLASSIFICATION FACTOR OF 175% be ADOPTED, AS AMENDED with the amendments as follows: 1. That the residential tax rate shall be \$9.69 per \$1,000.00 of valuation for residential property and \$24.54 per \$1,000.00 of valuation for commercial/industrial/personal property, and 2. That the Board of Assessors shall provide a study to the City Council in regards to potential reductions in assessments of commercial/industrial and personal property and the impact on the tax burden in the community, ROLL CALL: Denaro – Yes, Drapeau – Yes, Gately – Yes, Galvin – Yes, Gonsalves – Yes, Mercer-Bruen – No, Raymond - Yes, Wall – Yes, Doherty – Yes, MOTION ADOPTED.

**Presented to the Mayor: Dec. 18, 2008      s/Thomas L. McLaughlin Dec. 18, 2008**

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PERSONNEL:**

On the appointment of John Flaherty as a Member of the Woburn Handicapped and Disabled Citizens Commission, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: Dec. 18, 2008      s/Thomas L. McLaughlin Dec. 18, 2008**

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**FINANCE:**

On the Order to appropriate the sum of \$200,812.15 to various police accounts, committee report was received “back for action.” Motion made and 2<sup>nd</sup> that the committee report be received, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: Dec. 18, 2008 s/Thomas L. McLaughlin Dec. 18, 2008**

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On the Order to appropriate the sum of \$100,000.00 from I&I Reserve Account to Enterprise Retained Earnings Account, committee report was received “back for action.” Motion made and 2<sup>nd</sup> that committee report be received, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: Dec. 18, 2008 s/Thomas L. McLaughlin Dec. 18, 2008**

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On the Order to reduce the expenses of the Water and Sewer Enterprise Fund, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: Dec. 18, 2008 s/Thomas L. McLaughlin Dec. 18, 2008**

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On the Order to transfer the sum of \$8,582.87 from Library Salary to Fire Salary, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: Dec. 18, 2008 s/Thomas L. McLaughlin Dec. 18, 2008**

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On the Order to appropriate the sum of \$2,000,000.00 from Reserve for Appropriation - I/I Study to various Sewer Accounts, committee report was received “ought to pass with conditions: all seven individual appropriations as marked are estimated and a bid will be accepted for each project; if the bid is below the I&I estimate the money goes back to the I&I; if the bid is above the estimate, the matter must be brought back for further appropriation.” Motion made and 2<sup>nd</sup> that COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: Dec. 18, 2008 s/Thomas L. McLaughlin Dec. 18, 2008**

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On the Order to authorize the Chief of the Fire Department to dispose of a 1979 American LaFrance Pumper, committee report was received “ought to pass with condition: that the proceeds of the sale be deposited in the General Fund.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: Dec. 18, 2008 s/Thomas L. McLaughlin Dec. 18, 2008**

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**NEW PETITIONS:**



Petition by Maqsud Shaikh dba M&M Taxi, 12 Naples Avenue for a new Taxi Cab License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by Robert P. Fucarile dba Classic Auto Sales, 9 Salem Street for renewal of a Second Class Motor Vehicle Sales License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Petition by John S. Russo and Stephanie Rodman, both of 36 Day Circle, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow bringing fill onto the site at 36 Day Circle. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by David Dellarocco, 18 Heritage Drive, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to allow used auto sales and for a Second Class Motor Vehicle Sales License at 5 Crescent Park, Unit #4. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated December 12, 2008 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending November 2008: number of parking violations issued 1036, number of violations paid 614, number of violations outstanding 550, amount collected and submitted to the Office of the Collector \$51,437.00. There exists a backlog of 4897 tickets for 1982 through 2007. Demand will be sent until all tickets have been paid. Parking violations referred to the Handicapped Commission to date \$7,900.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated December 8, 2008 was received from Attorney Jeffrey A. Honig, Kopelman and Paige, P.C. relative to new legislation and regulations for the use of road

flaggers and police details on public works projects. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY, all in favor, 9-0.

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A communication dated December 9, 2008 with attachments was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority along with a copy of the information package for the October 21, 2008 and December 2, 2008 meetings of the Woburn Redevelopment Authority. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated December 11, 2008 was received from Case Lynch, LBR Associates, LLC, 3 Draper Street, Woburn requesting that the City Council amend the 1985 Woburn Zoning Ordinances, as amended, to allow for small wind systems. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:** None.

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Motion made and 2<sup>nd</sup> to suspend the rules for the purposes adding the following matters to the Order of the Day as late filed matters, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to take the petition by Jeffrey Pollock dba Exclusive Automobiles from the Committee on Police and Licenses, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SECOND CLASS MOTOR VEHICLE SALES LICENSE be GRANTED, all in favor, 9-0.

**Presented to the Mayor: Dec. 18, 2008      s/Thomas L. McLaughlin Dec. 18, 2008**

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ORDERED      That the sum of \$124,343.31 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-359600 \$124,343.31 to School Lunch Fund #0300 \$21,589.00, Department Heads Salary \$102,754.31 , Total \$124,343.31 Purpose: Negotiated Salary Increases.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor  
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty (per request)

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

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On the petition by Tracy M. Batten dba Winn Street Motor Sales, 104 Winn Street for a Second Class Motor Vehicle Sales License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:55 p.m.

A TRUE RECORD ATTEST:

William C. Campbell  
City Clerk and Clerk of the City Council