

**CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE MEETING
Wednesday – April 12, 2017 – 12:00 PM
City Council Chamber - City Hall**

AGENDA

CALL TO ORDER

ANNOUNCEMENT OF OPEN MEETING RECORDINGS

Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents and exhibits used or referenced at the meeting must be submitted in duplicate to the City Clerk, as they become part of the Meeting Minutes.

- 1-1 Review and Approval of the April 3, 2017 Meeting Minutes.
- 2-1 #9755 – An Order Appropriating \$50,000.00 from Free Cash to Community Development & Planning, Zoning Code Update Account.
- 2-2 An Order Appropriating \$310,118.00 from Free Cash to School Improvement Loan Accounts.
- 2-3 A Notice from the Gardner Retirement Board Relative to FY2018 Cost-of-Living Adjustment.
- 3-1 A Measure Confirming the Mayor’s Appointment of Kenneth Bonk to the Position of Member, Airport Commission, for the term expiring March 29, 2020 (*Reappointment*).
- 3-2 A Measure Confirming the Mayor’s Appointment of Andre Guertin to the Position of Member, Airport Commission, for the term expiring March 29, 2020 (*Reappointment*).
- 3-3 A Measure Confirming the Mayor’s Appointment of John Lavoie to the Position of Member, Airport Commission, for the term expiring March 29, 2020 (*Reappointment*).
- 4-1 #9741 – Review of Yearly Salaries for Various Positions (§171-66 of the City Code).
- 6-1 A Measure Declaring Surplus for Purpose of Disposal Land and Buildings on Branch Street.
- 6-2 A Measure Declaring Surplus for Purpose of Disposal Land and Buildings at 20 Rock Street.
- 6-3 A Measure Declaring Surplus for Purpose of Disposal Land and Buildings at 53 Greenwood Street.

ADJOURNMENT

Items listed on the Agenda are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF APRIL 3, 2017

Finance Committee Members Present: President Ronald Cormier and Councillor James Walsh. Councillor Marc Morgan was absent.

Other Participants: City Clerk Alan Agnelli.

The meeting was called to order by President Ronald Cormier at 7:00 p.m. in the City Council Chamber, City Hall.

President Cormier asked if anyone present planned to record the meeting, in accordance with the requirements of the Open Meeting Law, as follows:

Any person may make a video or audio recording of the open session of this meeting so long as it does not interfere with the conduct of the meeting. All documents and exhibits used or referenced at this meeting shall be submitted in duplicate to the City Clerk, as they become part of the minutes of the meeting. Is there anyone present who will be recording this meeting?

No one responded.

1-1 Reading and Approval of Minutes of Prior Meeting(s).

On a motion by Councillor James Walsh and seconded by President Cormier, it was voted to approve the Minutes of the Meeting of March 20, 2017, as printed.

2-1 An Order Appropriating \$50,000.00 from Free Cash to Community Development & Planning, Zoning Code Update Account.

President Cormier stated that he spoke with the Mayor concerning the Committee's request that he ask the Council for Leave to Withdraw AN ORDER APPROPRIATING \$50,000.00 FROM FREE CASH TO COMMUNITY DEVELOPMENT & PLANNING, ZONING CODE UPDATE ACCOUNT, since the Community Development & Planning Director is undertaking a new bidding process. He said that the Mayor offered nothing definitive. The Committee postponed further action on the Order.

3-1 A Measure Confirming the Mayor's Appointment of Darrell Sweeney to the Position of Inspector of Wires for the term expiring March 20, 2020 (Reappointment).

On a motion by Councillor James Walsh and seconded by President Cormier, it was voted to recommend that the Council confirm the Mayor's appointment of Darrell Sweeney to the Position of Inspector of Wires for the term expiring March 20, 2020.

3-2 A Measure Confirming the Mayor's Appointment of Patricia Darby to the position of Member, Board of Registrars of Voters, for the term expiring March 9, 2020 (Reappointment).

On a motion by Councillor James Walsh and seconded by President Cormier, it was voted to recommend that the Council confirm the Mayor's appointment of Patricia Darby to the position of Member, Board of Registrars of Voters, for the term expiring March 9, 2020.

3-3 A Measure Confirming the Mayor's Appointment of Mario Guay to the position of Member, Board of Registrars of Voters, for the term expiring March 9, 2020 (Reappointment).

On a motion by Councillor James Walsh and seconded by President Cormier, it was voted to recommend that the Council confirm the Mayor's appointment of Mario Guay to the position of Member, Board of Registrars of Voters, for the term expiring March 9, 2020.

3-4 A Measure Confirming the Mayor's Appointment of George Ouellet to the position of Member, Housing Authority, for the term expiring March 24, 2022 (Reappointment).

On a motion by Councillor James Walsh and seconded by President Cormier, it was voted to recommend that the Council confirm the Mayor's appointment of George Ouellet to the position of Member, Housing Authority, for the term expiring March 24, 2022.

3-5 A Measure Confirming the Mayor's Appointment of Stephen Hancock to the position of Member, Housing Authority, for the term expiring March 24, 2022 (Reappointment).

On a motion by Councillor James Walsh and seconded by President Cormier, it was voted to recommend that the Council confirm the Mayor's appointment of Stephen Hancock to the position of Member, Housing Authority, for the term expiring March 24, 2022.

4-1 Review of Yearly Salaries for Various Positions (§171-66 of the City Code).

The Committee agreed to postpone further discussion until the Committee receives a legal opinion from the City Solicitor concerning the legality of indexing the Mayor's/Council's salaries.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by President Ronald Cormier, it was voted to adjourn at 7:04 p.m.

2-1

AN ORDER APPROPRIATING FROM FREE CASH TO COMMUNITY DEVELOPMENT & PLANNING, ZONING CODE UPDATE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) from Free Cash to the Community Development and Planning, Zoning Code Update Account.

RECEIVED
2017 MAR 2 AM 9 15
CITY CLERK'S OFFICE
GARDNER MA

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

RECEIVED



2017 MAR 2 AM 9 16

CITY CLERK'S OFFICE
GARDNER MA

February 28, 2017

The Honorable Mark Hawke
Mayor
City of Gardner
95 Pleasant Street
Gardner, MA 01440

Dear Mayor Hawke,

On behalf of the Planning Board, I am requesting \$50,000 in funds to assist with the rewrite of the City of Gardner Zoning Code. The most recent rewrite of our Zoning Code was completed in January of 2006. Since this time many revisions and additions have taken place in a piecemeal manner. It has been highly recommended by both the Planning Board and Building Commissioner that the document be recodified and updated to improve organization and consistency with new regulations and case law along with making the document more user friendly for the general public.

In November of 2016 I issued a Scope of Service to three consulting firms, RKG Associates, BSC Group, and Harriman. I have received one response to this request from BSC Group in the amount of \$46,750.00. I have included a 7% contingency for any unknown costs that may arise, and printing of the final document for a total request of \$50,000.00.

Please feel free to contact me with any questions or if you need additional information.

Thank you in advance for your consideration,

Trevor M. Beauregard
Director

BSC Zoning Experience Summary

Town of Groton

- Wind Energy Bylaw
- Site Plan Review
- Schedule of Use Regulations Re Write
- Off Street Parking
- Dimensional Regulations Update
- Medical Marijuana Regulations
- Town Center Mixed Use Overlay District
- Business District Zoning Rewrite
- Non-Conforming Use Provisions Rewrite

Town of Needham

- Site Plan Review
- Zoning Bylaw recodification and rewrite
- Flexible Residential Development (cluster)
- Off Street Parking

Town of Sherborn

- Senior Housing Zoning Bylaw revisions
- Zoning Map Amendment

City of Taunton

- Bio Medical Zoning Ordinance Revisions

Town of Bedford

- Zoning Rewrite Graphic Illustrations

City of Quincy

- Transit Oriented Development Ordinance

We routinely provide zoning/permitting services to public and private clients and serve as Expert Witness on behalf of clients involved in zoning litigation.

References

Susan Glazer – Former Planning Board Member, Town of Needham 781 910 3888

Michelle Collette – Town Planner, Town of Groton 978 448 1105

Gino Carlucci – Town Planner, Town of Sherborn 508 651 7855

Rob Stevens – City Planner, City of Quincy 617 376 1365

October 27, 2016

Tel: 508-792-4500
800-288-8123

Trevor Beauregard, Director
Department of Community Development and Planning
115 Pleasant Street
Gardner, MA Planning e 01440

www.bscgroup.com

RE: Gardner Zoning Ordinance Rewrite

Dear Trevor:

BSC Group, Inc. (BSC) is pleased to submit this proposal for Planning Services relative to Revisions to the City of Gardner Zoning Ordinance. The proposed services shall include be in accordance with the following Project Approach and Scope. BSC has prepared this proposal based upon the following understanding of your needs and circumstances:

Project Approach

The City of Gardner (the City) seeks professional services to recodify and update the Gardner Zoning Ordinance. The City has experienced growth pressures and has made numerous amendments to the Zoning Ordinance to manage growth in accordance with local preference and the best available zoning practices. However, as these amendments have occurred piecemeal over a period of time, the Zoning Ordinance has evolved in an incremental fashion that has created duplication, inconsistencies, and organizational inefficiencies. Additionally, there have been a number of recent planning initiatives undertaken by the City that require regulatory action for implementation.

To that end, the City seeks to make revisions to the Gardner Zoning Ordinance to address the above concerns.

In order to remedy organizational inefficiencies and consolidate regulatory provisions a minor recodification of the Zoning Ordinance is proposed. The re-codification will address the organizational and formatting issues and consolidate redundancies. It will result in a user friendly document that is less subject to misinterpretation. A re-codification is a reorganization of the existing zoning provisions without any significant regulatory changes.

Second, specific regulatory amendments will be developed to implement the goals and vision articulated in recent planning efforts, better coordinated zoning review and administration, and address issues that have been identified during the Zoning Rewrite Process. As these amendments may involve qualitative changes to the regulatory provisions, a robust public engagement process will help to shape this effort.

Engineers

Environmental
Scientists

Custom Software
Developers

Landscape
Architects

Planners

Surveyors

Project Scope

1. Overall Tasks

1.1 Zoning Rewrite Committee/Meetings/ Public Engagement

It is recommended a Zoning Rewrite Committee be established comprised of zoning users (Building Commissioner, Planning Director, Planning Board Member, Zoning Board of Appeals Member, City Council Member). As part of initial responsibility in working with the Committee the BSC Group (Consultant) will attend a kick off meeting with the Committee to finalize the work program and project schedule, to prepare a Study Outline that provides a straightforward overview of the zoning rewrite process and the sequence of issues/topics to be studied by the Committee. The objective of the Study Outline will be to provide the Committee, other public officials, and the general public an understanding of the scope and sequencing of the study and thereby assist in maximizing the input of all stakeholders and interested parties. The Committee will provide the Consultant input and feedback from those who administer, interpret, or are otherwise involved or affected, based on their respective experience with the Zoning Ordinance.

During Phase 1, as the Re-codification process is of an administrative, procedural and organizational nature, the Consultants will interact predominately with the Committee with periodic working sessions to review work products. A Public Hearing before the Planning Board is required by Massachusetts General Laws Chapter 40A Section 5. The consultant shall attend and prepare supporting material for the Planning Board Public Hearing including summaries, charts and diagrams as required.

During Phase 2 the Consultant, as guided by the Committee, will undertake the drafting of proposed revisions to the recently re-codified Zoning Ordinance. As these revisions will involve changes to the regulatory provisions, and Zoning Map an on-going public engagement process is proposed to provide citizens, property owners, and other stakeholders an update on specific amendments and to solicit input and feedback. As with any Zoning initiative, public engagement is a critical factor in securing approval by the City Council where a super majority of two thirds is required for adoption. If there are issues it is better to identify and address them in advance of City Council consideration.

1.2 Understanding Current Zoning/ Research and Analysis

The Consultant has reviewed the existing zoning bylaw and the amendments since 2004. Further, the Consultant prepared and is familiar with the Downtown and Mill Street Corridor Urban Renewal Plans. Moreover, we are cognizant of the need to use said plans in the development of the proposed zoning amendments. Additionally, the Consultants plans to reach out to Zoning Stakeholders (public officials and Boards, frequent petitioners, and other “zoning users” who administer, interpret, or are otherwise involved with the Zoning

Ordinance to identify inconsistencies, redundancies, deficiencies, the need for clarification, and other issues encountered. With over 30 years' experience drafting amending, reviewing and interpreting zoning by-laws and ordinances, the Consultant will provide the City with best practices expertise in land use regulation.

1.3 Required Public Meetings

As part of the project process the Consultant shall work with the Committee in presentation (s) to the Planning Board and City Council to address any amendments made during said review. Similarly, we will work with the Client at the mandated City Council and Planning Board Public Hearings to secure adoption of any and/or all recommendations.

1.4 Working Drafts.

All working drafts will be prepared electronically as well as in hard copy and based on discussions with the Committee. All documents for review will be submitted prior to the scheduled review meeting.

2.0 Specific Tasks

2.1 Reformatting/Recodification

To insure a more user friendly document for the general public and City officials the reformatting task will commence with initial interviews with all appropriate zoning stakeholders, as directed by the Committee.

Based on said interviews and the experience of the Consultant a number of organizational format recommendations will be presented to the Committee for review, discussion and selection. As part of the reformatting task we will provide examples of various forms of zoning tables and matrices for committee review. Further, we will explore with the Committee the use of graphic representations of various types of zoning regulations that can be made part of the zoning bylaws or a separate explanatory guideline.

Using the study outline and selected reformatting protocols and all appropriated adopted plans we will proceed to the section by section review of the zoning bylaws.

2.2 Noted Zoning Tasks/Zoning Amendments

This task will involve amendments to the Zoning Ordinance that involve changes of a regulatory nature. The Consultant proposes to examine every section of the Zoning Bylaw using a review, initial approval and final review process. Essentially, we will examine every component of the Zoning Bylaw and based on committee comments, comments from all interested parties, and our own experience we will prepare detailed review documents for committee review and decision. After initial approval of a particular section/ issue we will set said section/issue aside and repeat the review and decision making process for the next

portion of the bylaw. Once completed, the initially approved items will be revisited as a comprehensive whole for purposes of further refinement and overall document consistency.

2.3 Open Space/Building Coverage

We note that the City wishes to examine the Dimensional standards in general and the Lot Coverage /Open Space requirements in detail. This may also involve the introduction of floor area ratios (FAR)

2.4 “Green Zoning”

Our approach to including low impact development (LID) and green sustainable technologies as part of the revised bylaw is to prepare a workshop/study session with the Committee to illustrate the various options and methodologies that are currently available. Given the rapidly evolving nature and meaning of sustainable technologies it will be our objective to not only include said requirements where practical but to insure as much as possible that we do not preclude new approaches, without having to continually amend the zoning bylaw. The Consultants have experience in wind energy and solar photovoltaic zoning techniques. Additionally, BSC recently assisted the Devens Enterprise Commission in upgrading its Stormwater Management Regulations. Additional “Green Zoning” measures may include electric recharge stations as utility companies are currently introducing these facilities in many municipalities.

2.5 Definitions

The current Zoning Ordinance has a unique feature where all terms which are defined are highlighted in bold throughout the text. This allows the user to refer to the Definitions Section. The definitions will be examined and assessed in terms of ease of understanding. The Committee shall identify any definitions that need updating or clarification based on past experience in interpreting and administering the Ordinance. Definitions that have been placed on other new sections of the Ordinance shall be consolidated into the Definition Section

2.6 Lot Shape

Lot shape regulation is most commonly accomplished in the form of mathematical formulas or by geometric shape factors. Both are intended to preclude gerrymandered lot shapes and innovative ways to circumvent the Subdivision Control Law. However, lot shape requirements if not properly crafted can thwart site design and building placement. As part of our effort to insure that future residential lots do not have unconventional shapes we will not only provide the detailed language for Committee review and adoption but also provide graphic representation of permitted and not-permitted residential lot configurations. Given the Committee’s decision said graphic representations may or may not be included in the amended zoning bylaw.

2.7 Schedule of Use Regulations

The Consultant will review all existing commercial zones, industrial zones and overlay districts relative to operational efficiency and effectiveness, development capacity, and scale in addition to examining possible consolidation of said districts or the need for additional districts. Further, an objective of the Consultant will be protection of residential qualities where commercial/ industrial uses abut. This effort will focus on all aspects of zoning i.e. buffers, use, density, intensity, scale, and visual impact.

In addition, the Consultant will provide the Committee with an overview of the fiscal implications of existing commercial/ industrial zoning as a means of providing a comprehensive examination of all the aspects of commercial/ industrial zoning and any potential amendments to be considered by the committee.

2.8 Off Street Parking Requirements

Existing parking requirements will be evaluated with respect to design and minimum space requirements for various use types. Maximum parking space requirements will also be examined in addition to provisions for waivers in certain instances.

2.9 Non-Conforming Uses.

Our review of non-conforming use regulations and procedures will require meetings with the Zoning Board of Appeals (ZBA) to ascertain their concerns and suggestions regarding both use and dimensional non-conformance. Based their suggestions and our experience and review, we will generate a series of recommendations to the Committee. Given that in large part the non-conforming regulations in local bylaws must conform to Chapter 40A our objective will be to make the non-conforming section of the amended bylaw as clear and understandable as possible. The recent Massachusetts Supreme Judicial Court decision, *Gale vs. City of Gloucester* also raises certain issues relative to nonconformity as it relates to single family uses. To that end our organization of said section will likely include graphic representations during committee review sessions and depending on Committee decisions, the inclusion of illustrations in the bylaw or support document.

2.10 Special Permit and Site Plan Review

Similar to our review procedure with the ZBA regarding non-conformance issues we will work with all parties that have input into the special permit and or site plan review process regarding their experience and issues. As a supplement to said reviews we will add our experience with the various approaches found regionally in order to present the Committee with a comprehensive set of options to address the concerns of all parties. As part of the Committee review process we will present methods, for Committee discussion, that allow for abbreviated and full site plan review depending on the nature of the project.

2.11 Zoning Map Changes.

While it is important for the Consultant and the Committee to understand the problems and opportunities relative to the zoning map, it is our intent to address map issues after the Committee has completed or substantially completed and its review with recommendations to the new zoning text. In that manner any map changes will be correlated with the Committee's zoning recommendations. BSC will assist the Committee in assessing the underlying carrying capacity and context to support various land uses and development intensities

2.12 Signs

The Consultant shall review and critique the sign regulations in the existing Ordinance. New or modified regulations recommendations will be prepared using current best practices and are in conformance with the ruling in *Reed v Town of Gilbert* 135 S ct. 2218 (2015) (BJS). If appropriate, the Consultant may recommend permitting strategies for signs.

Deliverables:

1 Working Draft of Zoning Ordinance

Anticipated Meetings:

3 Working Committee meetings

1 Planning Board presentation and working session

1 Public Meeting/Workshop

3.0 Final Zoning Ordinance And Map Amendment For Public Hearing And City Council Approval

The selected consultant shall address all feedback received on the draft by-laws and map and incorporate any revisions as necessary. The final draft zoning ordinance shall be presented at a joint meeting of the Planning Board and the Working Committee for final approval.

Deliverables:

Final zoning ordinance for City Council

Final zoning map amendments

Anticipated Meetings:

1 joint Planning Board/Working Committee meeting

1 Public Meeting/Workshop

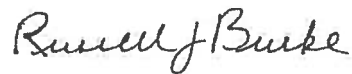
1 City Council Public Hearing

4.0 Fee For Services

BSC has estimated a budget of Forty-six thousand seven hundred fifty (46,750.00) Dollars inclusive of any and all direct reimbursable expenses for the services described herein. BSC's estimated budget for proposed services shall not be construed to be a not-to-exceed amount by line item or in the aggregate. The Company shall inform the Client as soon as practical if it becomes necessary to exceed the budget in order to perform all proposed and additional services required. BSC will not exceed the estimated budget without mutual agreement with Client.

Sincerely,

BSC GROUP, INC.

A handwritten signature in cursive script that reads "Russell J. Burke".

Russell J. Burke, AICP
Director of Planning

2-2

AN ORDER APPROPRIATING FROM FREE CASH TO THE SCHOOL
IMPROVEMENT LOAN ACCOUNTS.

ORDERED:

That there be and is hereby appropriated the sum of Three Hundred Ten Thousand
One Hundred Eighteen Dollars and No Cents (\$310,118.00) from Free Cash to the
School Improvement Loan Accounts.

RECEIVED
2017 APR 5 PM 12 48
CITY CLERK'S OFFICE
GARDNER MA



GARDNER CONTRIBUTORY RETIREMENT SYSTEM

CITY HALL

95 PLEASANT ST.

GARDNER, MA 01440-2691

PHONE 978-630-4006

FAX 978-630-4012

2-3

RECEIVED

2017 MAR 30 PM 12 19

CITY CLERK'S OFFICE
GARDNER MA

March 30, 2017

City of Gardner
City Council
City Hall
Gardner, MA 01440

RE: FY'18 COLA GRANTED

Dear Councilors:

At the Gardner Retirement Board meeting held on March 28, 2017, the Board voted to grant a Cost of Living Adjustment for FY 2018. The Board elected a 3% increase in accordance with M.G.L. Chapter 32, Section 103(i).

Effective July 1, 2017, each retiree and beneficiary receiving an allowance effective June 30, 2016, will receive a 3% cost of living increase on the first \$13,000 of their annual retirement allowance.

If you have any questions, please contact me.

Very truly yours,

Denise M. Merriam
Board Chairperson

cc: Mayor Hawke
S. Mullins, Director GHA

March 29, 2017

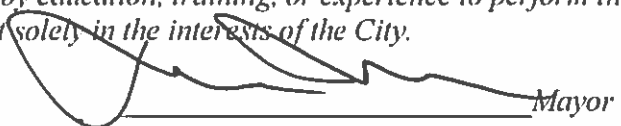
RECEIVED
2017 MAR 29 PM 4 12
Worcester County
CITY CLERK'S OFFICE
GARDNER MA

Commonwealth of Massachusetts

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Kenneth Bonk to the position of Member, Airport Commission, and I certify
Gardner, MA
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the
duties of said office, and that I make the appointment solely in the interests of the City.



Mark P. Hawke

Mayor

Confirmed by City Council _____

City Clerk

Alan L. Agnelli

Expires: March 29, 2020

Worcester, ss., _____

Then personally appeared the above named Kenneth Bonk and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Airport Commission
according to law and the best of his/her abilities.

Before me,

City Clerk

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

3-2

March 29, 2017

RECEIVED Commonwealth of Massachusetts

2017 MAR 29 PM 4 12
Worcester County
CITY CLERK'S OFFICE
GARDNER MA

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Andre Guertin to the position of Member, Airport Commission, and I certify
Gardner, MA
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the
duties of said office, and that I make the appointment solely in the interests of the City.

 Mayor

Mark P. Hawke

Confirmed by City Council _____

City Clerk

Alan L. Agnelli

Expires: March 29, 2020

Worcester, ss., _____

Then personally appeared the above named Andre Guertin and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Airport Commission
according to law and the best of his/her abilities.

Before me,

City Clerk

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

March 29, 2017

Commonwealth of Massachusetts

RECEIVED
Worcester County

City of Gardner

2017 MAR 29 PM 4 12

CITY CLERK'S OFFICE

CERTIFICATE OF APPOINTMENT

I appoint John Lavoie to the position of Member, Airport Commission, and I certify
Gardner, MA

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.



Mark P. Hawke

Confirmed by City Council _____

City Clerk

Alan L. Agnelli

Expires: March 29, 2020

Worcester, ss., _____

Then personally appeared the above named John Lavoie and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Airport Commission according to law and the best of his/her abilities.

Before me,

City Clerk

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

9741

PRESIDENT
Ronald F. Cormier
COUNCILLORS AT LARGE
Ronald F. Cormier
Patrick M. Gerry
Scott J. Graves, Esq.
Marc Morgan
Jeffrey M. Palmieri
Matthew C. J. Vance

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL



WARD 1 COUNCILLOR
James M. Walsh, Esq.
WARD 2 COUNCILLOR
Paul G. Tassone
WARD 3 COUNCILLOR
Nathan R. Boudreau
WARD 4 COUNCILLOR
Karen G. Hardern
WARD 5 COUNCILLOR
James D. Johnson

COPY

March 29, 2017

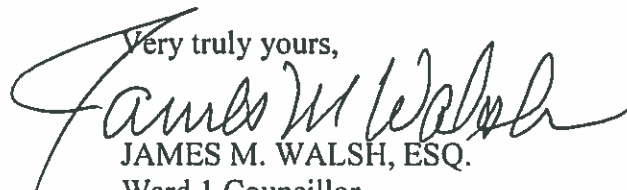
John M. Flick, Esq.
City Solicitor
City of Gardner Law Department
144 Central Street, Suite 201
Gardner, MA 01440

Re: Mayor and Council Salaries

Dear Attorney Flick:

On behalf of the Finance Committee, I write to request your opinion on a matter that is presently under our consideration. Could you please provide us with your view on whether there is any constitutional, statutory, or other legal impediment to amending our salary ordinance to provide that any future adjustments to Mayoral or City Council salaries can be indexed to an identified standard, such as the Consumer Price Index?

Thank you for your consideration of this request. Please let us know if you are in need of additional information.

Very truly yours,

JAMES M. WALSH, ESQ.
Ward 1 Councillor
Finance Committee Member

JMW/aa
Cc: Council President Ronald F. Cormier
Councillor Marc Morgan
City Clerk Alan L. Agnelli

9741

City of Gardner, *Executive Department*



Mark Hawke, Mayor

RECEIVED

2017 JAN 27 PM 12 01

CITY CLERK'S OFFICE
GARDNER MA

January 27, 2017

Ronald F. Cormier, President
And Finance Committee Members
95 Pleasant Street
Gardner, MA 01440

RE: Mayor's Salary

Dear President Cormier and Councilors,

At your January 11, 2017 Finance Committee meeting, I was asked to provide input as to my thoughts on the current Mayor's Salary and provide any recommendation for an increase.

City Code Chapter 171, Article XV, §171-66 states, in part. *"On or after January 1 of each odd-numbered year beginning in 2007, the Finance Committee of the City Council shall report to the Council, as a committee of the Whole, its recommendations for adjustment, if any, to the salaries of the Mayor and City Councilors."*

The salary of the Mayor was last increased on January 4, 2016. The salary increased from \$78,650 to \$88,650. The reason for the large increase was simply that the salary was low and had not been increased in seven (7) years.

In reviewing the salaries of forty-one (41) Mayors from across the Commonwealth (spreadsheet attached, Boston and Springfield excluded) we find the current average salary is \$109,381.98 and the median salary is \$108,021.00.

In Gardner, we tend to compare ourselves to communities of similar size and similar socio-economic indices. If we sort the data by population and average the five (5) cities higher and lower than Gardner (population range of 13,533 to 29,393), the average Mayoral salary is \$97,512.18. If we sort the data by per capita income ranking and average the five (5) cities higher and lower than Gardner, the average Mayoral salary is \$107,941.19. All of these numbers are likely to increase in two years as all cities are looking at possible increases in salaries at this time.

After the Mayor's salary was increased in Gardner, a two-percent (2%) raise was included in the FY 17 Budget for all exempt employees. The FY 18 Budget will include the same two-percent increase. Given that any increase in the Mayor's salary would not take effect until January of 2018, and making the assumption that a two-percent (2%) increase would occur in FY 19 and FY 20, the Mayor's salary will always be lagging behind the rest of the City employees by at least four-percent (4%).

In calculating a recommendation we should add the two-percent (2%) FY 17 and FY 18 increases to the current salary. Since this salary will be in effect for FY 19 and FY 20, I would add an estimated one and a half percent (1.5%) increase for each year, note this is less than the anticipated two-percent (2%) we have in our five (5) year outlook.

Given the above analysis, I would recommend the Mayor's salary be set at a minimum of \$94,980 (FY17-FY20 increases) and a maximum of \$97,512 (the lowest of any of the averages calculated). This will still result in a Mayoral salary that is lower than approximately seventy-five percent (75%) of the Mayor's in the Commonwealth.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mark Hawke', written in a cursive style.

Mark Hawke
Mayor, City of Gardner

Population and Salary of 5 higher and lower Cities.

Population	Population Rank		Mayor's Salary
29,393	57		\$100,000.00
28,705	62		\$85,000.00
28,684	63		\$110,000.00
28,495	64		\$92,500.00
27,690	68		\$125,000.00
20,354	93	Gardner	\$88,650.00
17,800	108		\$98,376.00
17,492	111		\$88,687.00
16,650	117		\$80,000.00
15,971	124		\$75,000.00
13,533	148		\$129,421.00
Average			\$97,512.18

Per Capita Income and Salary of 5 higher and lower Cities

Per Capita Income	Per Capita Income Rank		Mayor's Salary
\$23,494	280		\$95,000.00
\$22,874	289		\$115,057.00
\$22,649	291		\$114,000.00
\$20,160	308		\$128,092.00
\$20,136	309		\$88,687.00
\$18,848	321	Gardner	\$88,650.00
\$18,694	322		\$136,542.00
\$18,644	323		\$85,000.00
\$18,542	324		\$108,021.00
\$18,382	325		\$145,000.00
\$17,307	334		\$83,312.00
Average			\$107,941.91

Salary Analysis - Municipalities in MA with a Mayor-City Council Form of Government

1/27/2017

#	Community	Mayor Form	Chief Municipal Officer	Legislative Body	Population	Population Rank	Per Capita Income [2013]	Per Capita Income Rank	Current Mayor	Salary	Salary Source	Notes
1	North Adams	A	Mayor	Council (9)	13,533	148	\$15,110	343	Richard Alcombright	\$129,421.00	North Adams FY16 Budget	
2	Easthampton		Mayor	Council (9)	15,971	124	\$26,514	248	Karen Cardieux	\$75,000.00	MassLive	
3	Amesbury	F	Mayor	Council (9)	16,650	117	\$31,950	158	Ken Gray	\$60,000.00	Amesbury 2016 Budget	2015 - Mayor Gray votes City Council order to increase Mayor salary from \$40,000 to \$90,000 (+12.5%)
4	Greenfield		Mayor	Council (13)	17,492	111	\$20,136	309	William Martin	\$68,687.00	City Clerk Data	
5	Newburyport	B	Mayor	Council (11)	17,800	108	\$50,964	58	Donna Holiday	\$98,376.00	City Clerk Data	\$3,000 for expenses, \$2,000 for travel
6	Gardner	B	Mayor	Council (11)	20,354	93	\$18,848	321	Mark Hawke	\$88,650.00	Gardner FY17 Budget	
7	Mcrae	B	Mayor	Aldermen (11)	27,690	68	\$42,056	94	Robert Dolan	\$125,000.00	City Clerk Data	7,000 travel and conference
8	Northampton	B	Mayor	Council (9)	28,495	64	\$30,172	198	David Matlewicz	\$92,500.00	Northampton FY17 Budget	
9	West Springfield	A	Mayor	Council (9)	28,684	63	\$25,698	260	William Recheit	\$110,000.00	MassLive	increased to \$110,000 in 2016
10	Agawam	A	Mayor	Council (11)	28,705	62	\$36,876	243	Richard Cohen	\$85,000.00	Agawam 2016 Budget	
11	Gloucester		Mayor	Council (9)	29,393	57	\$32,591	162	Selasia Romeo Theken	\$100,000.00	Gloucester FY17 Budget	
12	Belmonte		Mayor	Council (9)	36,727	43	\$36,980	122	Joseph Sullivan	\$128,366.00	Belmonte 2016 Budget	
13	Woburn		Mayor	Aldermen (9)	39,083	40	\$34,899	140	Scott Gabbin	\$103,000.00	City Clerk Data	
14	Marlborough	B	Mayor	Council (11)	39,414	39	\$31,176	181	Arthur Vigeant	\$85,105.00	Marlborough FY16 Budget	
15	Holyoke	A	Mayor	Council (15)	40,249	38	\$15,099	344	Alex Morse	\$85,000.00	Holyoke FY16 Budget	
16	Fitchburg	B	Mayor	Council (11)	40,383	37	\$17,307	334	Stephen DiNatale	\$83,312.00	Fitchburg FY17 Budget	
17	Beverly	A	Mayor	Council (9)	40,664	36	\$38,632	110	Michael Cahill	\$106,047.00	Beverly FY17 Budget	Increases \$5,000 annually according to ordinance and is reviewed every two years
18	Leominster	A	Mayor	Council (9)	41,002	35	\$25,693	261	Dean Mazarrella	\$81,256.00	Sun Chronicle 6/27/2016	
19	Westfield	B	Mayor	Council (13)	41,301	34	\$24,387	271	Brian Sullivan	\$100,000.00	MassLive - 3/29/16	\$5,000 for travel; 2015 salary - "The annual salary of a mayor for the city with a population of 41,608 is \$100,000."
20	Salem	B	Mayor	Council (11)	42,544	32	\$26,662	245	Kimberley Discomb	\$120,461.00	Salem News - 2/28/14	
21	Everett		Mayor	Council (11)	42,935	31	\$18,542	324	Carlo DeMaria	\$108,021.00	City Clerk Data	
22	Attleboro		Mayor	Council (11)	43,886	30	\$28,225	226	Kevin Dumas	\$119,267.00	Sun Chronicle - 6/27/2016	Step increases every two years up to \$151,060
23	Pittsfield	B	Mayor	Council (11)	44,057	28	\$23,494	280	Linda Tyer	\$95,000.00	MassLive	
24	Methuen		Mayor	Council (9)	48,514	26	\$27,089	240	Stephen Zanni	\$80,000.00	Methuen FY16 Budget	
25	Peabody	D	Mayor	Council (11)	52,044	25	\$29,062	217	Edward Belencourt, Jr.	\$110,000.00	City Clerk Data	
26	Beverly	B	Mayor	Council (11)	53,756	24	\$20,160	308	Brian Arigo	\$128,092.00	City Clerk Data	\$6,000 vehicle and travel

#	Community	Mayor Form	Chief Municipal Officer	Legislative Body	Population	Population Rank	Per Capita Income (2013)	Per Capita Income Rank	Current Mayor	Salary	Salary Source	Notes
27	Weymouth	Mayor	Mayor	Council (11)	55,419	23	\$30,221	197	Robert Hedlund	\$110,750.00	City Council member	
28	Chicopee	Mayor	Mayor	Council (13)	55,717	22	\$18,644	323	Richard Kos	\$85,000.00	Chicopee 2016 Budget	
29	Taunton	Mayor	Mayor	Council (9)	56,069	21	\$22,874	289	Thomas Hoye	\$115,057.00	City Clerk Data	
30	Medford	A	Mayor	Council (7)	57,170	20	\$32,853	159	Stephanie Buite	\$138,400.00	City Clerk Data	\$2,400 gas & mileage
31	Malden	A	Mayor	Council (11)	60,509	17	\$22,649	291	Gary Christenson	\$114,000.00	City Clerk Data	\$2,400 gas & mileage
32	Haverhill	A	Mayor	Council (9)	62,088	16	\$25,662	262	James Fiorentini	\$110,000.00	City Clerk Data	\$3,300 for travel
33	Waltham	B	Mayor	Council (15)	62,227	15	\$32,021	171	Jeanette McCarthy	\$130,704.00	Waltham FY17 Budget	
34	Lawrence		Mayor	Council (9)	77,657	13	\$13,083	347	Daniel Rivera	\$100,769.00	City Clerk Data	
35	Somerville	A	Mayor	Aldermen (11)	78,864	12	\$31,465	178	Joseph Curtatone	\$180,000.00	City Clerk Data	
36	Newton	A	Mayor	Aldermen (24)	87,971	11	\$104,821	10	Setti Warren	\$125,482.00	Wicked Local	2016 - Newton's Highest Paid City Employees
37	Fall River	A	Mayor	Council (9)	88,697	10	\$15,413	341	Jasiel Correia	\$119,598.00	Herald News	
38	Lynn	A	Mayor	90000*1.06	91,589	9	\$18,382	325	Judith Flanagan Kennedy	\$145,000.00	Boston Globe	
39	Quincy	A	Mayor	Council (9)	93,494	8	\$30,093	201	Thomas Koch	\$153,216.00	Quincy FY17 Budget	\$720 vehicle
40	Brockton		Mayor	Council (11)	94,089	7	\$18,694	322	Bill Carpenter	\$136,542.00	Brockton Enterprise - 5/14/16	"Brockton Mayor Bill Carpenter ranks at No. 91 on the list. He took in \$140,768 last year"
41	New Bedford	B	Mayor	Council (11)	95,078	6	\$15,410	342	Jon Mitchell	\$114,582.00	Southcoast Today	

Average Salary: \$109,381.98

**Cities with Mayor-City Council form of gov't not included

- City
 1 Boston
 2 Springfield
- Reliable
 Population of city (645,966), not a relevant comparison
 Population of city (153,703), not a relevant comparison