

PRESIDENT
Elizabeth J. Kazinskas

COUNCILLORS AT LARGE
James S. Boone
Craig R. Cormier
Ronald F. Cormier
Scott Joseph Graves, Esq.
Judy A. Mack
George C. Tyros

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL



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GARDNER, MA

WARD 1 COUNCILLOR
James M. Walsh, Esq.

WARD 2 COUNCILLOR
Elizabeth J. Kazinskas

WARD 3 COUNCILLOR
Nathan R. Boudreau

WARD 4 COUNCILLOR
Karen G. Hardern

WARD 5 COUNCILLOR
Alek Dernalowicz, Esq.

May 14, 2020

FINANCE COMMITTEE MEETING NOTICE

Date: Monday, May 18, 2020
Time: 7:00 P.M.
Location: Remotely via Zoom/Broadcast on Gardner YouTube Channel

ANNOUNCEMENT - 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 referenced or used during the meeting must be submitted in duplicate to the Chair, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

SCHEDULE OF BUSINESS
(Agenda attached)

1. Acceptance/Corrections to Minutes of Prior Meeting(s).
2. Budget and Orders (Money orders, loan orders, revolving funds, other financial).
3. Appointments, vacancies and other personnel matters.
4. Ordinances and Acceptance of General Laws and Special Acts.
5. Authorizations Required by Statute (Contracts, Election Orders, Grants, etc.).
6. Land Acceptance, Disposal, Easements, etc.
7. Claims, Legal, Rules and Salaries.
8. Departmental Management and organizational matters.
9. Report from the Mayor on the State of the City.

NOTICE: The listing of Agenda items are those reasonably anticipated by the Chairman which may 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 COUNCIL OF GARDNER
Elizabeth J. Kazinskas
ELIZABETH J. KAZINSKAS
Chair, Finance Committee

**Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Finance Committee will be conducted via remote participation. The audio recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting.*

**CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE MEETING
Monday – May 18, 2020 – 7:00 PM
Remotely via Zoom**

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 29, 2020 Regular Meeting Minutes.

- 6-1 A Measure Authorizing an Eighth Amendment to the April 9, 1968 Lease Between the City and Henry Heywood Memorial Hospital (Ref: Council Calendar No. 10119).

- 6-2 A Measure Authorizing an Easement Relocation Agreement Between the City of Gardner and Massachusetts Electric Company (Ref: Finance Committee Agenda Item No. 6-1).

- 6-3 A Measure Authorizing a Grant of Easement to Massachusetts Electric Company and Verizon New England, Inc. for an “Overhead System” on City-owned property on the northerly side of Pleasant 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 29, 2020

The Finance Committee meeting was called to order remotely by Council President Elizabeth Kazinskas at 12:00 p.m. Finance Committee Members Councillors Ronald Cormier and James Walsh were also present.

President Kazinskas announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Finance Committee will be conducted via remote participation. The audio recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting.

Others participating were City Solicitor John Flick; Human Resources Director Debra Pond; City Auditor John Richard; Assistant Director of Community Development and Planning Jeffrey Legros; Conservation Agent Lyndsy Butler; Atty. Janet H. Morrison, Land Conservation Consulting; and, City Clerk Alan Agnelli. Councillor Scott Joseph Graves also joined the meeting remotely.

1-1 Reading and Approval of Minutes of Prior Meeting.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted to approve the Minutes of the April 15, 2020 Regular Meeting, as printed.

2-1 #10250, An Order Appropriating \$52,788.00 from Free Cash to FY2019 Firefighters Salary and Wages Account (In City Council and Referred to Finance, 3/2/2020).

President Kazinskas proposed that the Committee forward the Order to the Council, citing various communications included with the Order and that it was negotiated and authorized by the previous Mayor.

Councillor Walsh questioned whether the Acting Mayor intended to sign the Agreement.

President Kazinskas responded, saying that she intends to sign the contract based on the information provided.

Councillor Walsh stated that for the purposes of discussion, he moved to recommend that the City Council pass the following Order, but reserving his right to vote in opposition.

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS SALARY AND WAGES FY2019 ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Fifty-Fifty-two Thousand Seven Hundred Eighty-eight and 33/100 (\$52,788.33) from Free Cash to the Fiscal 2019 Firefighters Salary and Wages Account.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF APRIL 29, 2020

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Walsh expressed concern about the impact on the City's finances, particularly in the third year of the Contract. He said that if the Orders are not passed, then the Contract reverts back to the Joint Labor Management Committee. He cited the uncertainty that the Corona virus may have on revenues – local aid, etc., as the Governor's revenue projections are not reliable. The third year is troublesome, he said, as the City would be "locked-in" and noted potential layoffs to personnel if funds are not available.

Councillor Ronald Cormier cited correspondence from the City Solicitor that the Acting Mayor can sign the Contract.

City Solicitor John Flick cited his opinion that states that the Acting Mayor has the legal authority to sign the Agreement, as supported by Outside Counsel (Mirick O'Connell) and that the MOA signed by Mayor Hawke, prior to his resignation, is considered a binding agreement. He added that the City is simply moving forward with the Collective Bargaining Agreement and that nothing more was added than what Mayor Hawke agreed to.

Concerning Councillor Walsh's comments, Attorney Flick said that a concern "is to take a speculative perspective at this juncture in the approval of an appropriation for a collective bargaining agreement that was duly negotiated would potentially subject the City to further unfair labor practice claims as the appropriate means of dealing with any financial ramifications of the COVID-19 virus and any impact that that may have on local aid would properly be left to impact bargaining by the incoming Mayor after an analysis is done based on the full picture of the City's finances and what impact it would have on the Firefighters Union, but on others."

Councillor Walsh said that he understands the Solicitor's concerns but that the Contract "is a bad deal" for the City.

Councillor Ronald Cormier questioned whether it would "be a worse deal" if the Contract went to impact bargaining.

Attorney Flick expressed caution, suggesting that any matters related to collective bargaining strategy is for an executive session. He said that impact bargaining is limited to a contract already in place and the City could be back to the JLMC.

On the motion, on call of the roll, it was voted two (2) yeas, President Kazinskas and Councillor Ronald Cormier; one (1) nay, Councillor James Walsh, to recommend to the City Council that the following Order ought to pass:

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF APRIL 29, 2020

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS SALARY AND WAGES FY2019 ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Fifty-Fifty-two Thousand Seven Hundred Eighty-eight and 33/100 (\$52,788.33) from Free Cash to the Fiscal 2019 Firefighters Salary and Wages Account.

2-2 **#10251, An Order Appropriating \$54,818.67 from Free Cash to the Firefighters Salary and Wages Account (In City Council and Referred to Finance, 3/2/2020).**

Councillor James Walsh moved to recommend to the City Council that the following substituted Order ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS SALARY AND WAGES ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of One Hundred Thirteen Thousand One Hundred Fifty-Nine and 74/100 (\$113,159.74) from Free Cash to the Firefighters Salary and Wages Account.

Councillor Ronald Cormier seconded the motion.

City Auditor John Richard informed the Committee that the amount of the Order is an estimate, since the Fiscal Year hasn't ended, so he used FY2019 actual work hours and computed the amount utilizing FY20 wage rates.

Councillor James Walsh stated that the contract is a bad deal, so he would vote against recommending passage.

Citing the City Solicitor's comments, Councillor Ronald Cormier stated that he would support the Order.

On the motion, on call of the roll, it was voted two (2) yeas, President Kazinskas and Councillor Ronald Cormier; one (1) nay, Councillor James Walsh, to recommend to the City Council that the following Order ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS SALARY AND WAGES ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of One Hundred Thirteen Thousand One Hundred Fifty-Nine and 74/100 (\$113,159.74) from Free Cash to the Firefighters Salary and Wages Account.

4-1(a) **A Measure Accepting Grant Funds to Purchase a Conservation Restriction on 20.47 acres of land owned by the Gardner Fish and Gun Club, Inc. (south side of Clark Street).**

Leading to a motion, Councillor James Walsh stated that the two votes are to be taken – to accept the grant funds and authorize the conservation restriction. He questioned whether there are time restrictions on acceptance of the grant funds.

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MINUTES OF MEETING OF APRIL 29, 2020

Attorney Janet Morrison informed the Committee that she was awarded \$100,000 and that it is the end of the grant term, so funds must be expended by June 15, 2020. She said that the City is the sub-recipient, that \$16,000 was received by the City from her for "due diligence," and an additional \$17,000 would be provided to the City for consideration and recording fees (cost of acquiring the conservation restriction).

Councillor James Walsh moved to recommend that the City Council adopt the following Measure:

AUTHORIZING ACCEPTANCE OF GRANT FUNDS
FOR PURCHASE OF A CONSERVATION RESTRICTION
ON 20.47 ACRES OF LAND ON THE SOUTH SIDE OF CLARK STREET

VOTE: To authorize the Mayor of the City of Gardner to accept grant funds from the North American Wetlands Conservation Act, Small Grants Program, in the amount up to Thirty Three Thousand Eight Hundred and 00/ 1 00 Dollars (\$33,800.00), as sub-recipient of an award to the Gardner and Winchendon Wetlands Protection Project, and to enter any necessary contracts thereto, for the purpose of purchasing a conservation restriction on 20.47 acres of land owned by the Gardner Fish & Gun Club, Inc., located on the south side of Clark Street, being a portion of Assessor's Parcels H32/4/19 and H37/23/1A, as shown on the attached map and survey plan, to be held and monitored by the Conservation Commission for conservation and natural resource protection, pursuant to M.G.L. Chapter 40, Section 8C, and M.G.L. Chapter 184, Section 32, and to expend said funds for the purchase of said conservation restriction, and for necessary due diligence and costs, in accordance with the attached budget, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Councillor Ronald Cormier seconded the motion.

Councillor James Walsh questioned the reasons that the conservation restriction would be good for the City.

Conservation Agent Lyndsy Butler stated that it is the last piece in preserving the Baily Brook Corridor, which has been in three phases.

Attorney Morrison added that the acquisition would presumably protect important resource areas around Bailey Brook, citing the recent acquisitions of the Alisaukas and Omealia properties.

Councillor Ronald Cormier questioned whether all costs associated with the project are covered by the grant.

Attorney Morrison said that the project has all Federal funding at this point.

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On the motion, on call of the roll, it was voted three (3) yeas, President Kazinskas and Councillors Ronald Cormier and James Walsh, to recommend to the City Council that the following Order ought to pass:

AUTHORIZING ACCEPTANCE OF GRANT FUNDS
FOR PURCHASE OF A CONSERVATION RESTRICTION
ON 20.47 ACRES OF LAND ON THE SOUTH SIDE OF CLARK STREET

VOTE: To authorize the Mayor of the City of Gardner to accept grant funds from the North American Wetlands Conservation Act, Small Grants Program, in the amount up to Thirty Three Thousand Eight Hundred and 00/ 1 00 Dollars (\$33,800.00), as sub-recipient of an award to the Gardner and Winchendon Wetlands Protection Project, and to enter any necessary contracts thereto, for the purpose of purchasing a conservation restriction on 20.47 acres of land owned by the Gardner Fish & Gun Club, Inc., located on the south side of Clark Street, being a portion of Assessor's Parcels H32/4/19 and H37/23/1A, as shown on the attached map and survey plan, to be held and monitored by the Conservation Commission for conservation and natural resource protection, pursuant to M.G.L. Chapter 40, Section 8C, and M.G.L. Chapter 184, Section 32, and to expend said funds for the purchase of said conservation restriction, and for necessary due diligence and costs, in accordance with the attached budget, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

4-1(b) A Measure Authorizing Purchase of a Conservation Restriction on 20.47 acres of land owned by the Gardner Fish and Gun Club, Inc. (south side of Clark Street).

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted three (3) yeas, President Kazinskas and Councillors Ronald Cormier and James Walsh, to recommend to the City Council that the following Measure ought to pass:

AUTHORIZING A CONSERVATION RESTRICTION ON 20.47 ACRES
OF LAND OWNED BY THE GARDNER FISH & GUN CLUB, INC.
LOCATED ON THE SOUTH SIDE OF CLARK STREET

VOTE: To authorize the Mayor of the City of Gardner to approve and accept a conservation restriction on 20.47 acres of land owned by the Gardner Fish & Gun Club, Inc., located on the south side of Clark Street, being a portion of Assessor's Parcels H32/4/19 and H37/23/1A, as shown on the attached map and survey plan, comprised of the riverfront area of Bailey Brook, including wetlands complex and flood plain, to be held and monitored by the Conservation Commission for conservation and natural resource protection, pursuant to M.G.L. Chapter 40, Section 8C, and M.G.L. Chapter 184, Section 32, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

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6-1 **A Measure Authorizing an Eighth Amendment to the April 9, 1968 Lease Between the City and Henry Heywood Memorial Hospital** *(Ref: Council Calendar No. 10119).*

The Committee postponed action as no new information has been received from Attorney Phillips.

6-2 **A Measure Authorizing an Easement Relocation Agreement Between the City of Gardner and Massachusetts Electric Company** *(Ref: Finance Committee Agenda No. 6-1).*

The Committee postponed action as no new information has been received from Attorney Phillips.

NEW BUSINESS

President Kazinskas informed the Committee that the Governor extended the “stay-at-home” Order until May 18, so that the Special Preliminary Election, rescheduled to May 12, would now fall within the stay-at-home period.

Councillor Ronald Cormier suggested that an Informal Meeting be scheduled in light of the Governor’s decree and the challenge of acquiring poll workers.

The Committee agreed that an Informal Meeting be scheduled for Monday and that the City Clerk prepare the necessary documents for the Council’s consideration.

Councillor Cormier added that the issue of postponement and rescheduling options be considered at the same time.

President Kazinskas state that the Agenda should include both issues.

ADJOURNMENT

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted three (3) yeas, President Kazinskas and Councillors Ronald Cormier and James Walsh, to adjourn at 12:38 p.m.