

**CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE MEETING
Wednesday – September 5, 2018 – 6:30 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 Minutes of the August 1, 2018 Regular Meeting.

- 4-1 An Ordinance to Amend the Code of the City of Gardner by Adding New Chapter 295, to Be Entitled "Community Bandstand Committee." *(Continued from 8/1/2018).*

- 4-2 Amendment to #9954, *An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled "Personnel," to Change Compensation Schedule "Exhibit E – Non-Union Employees."*

- 4-3 A Petition for Home Rule Legislation Entitled *An Act Revising the Charter for the City of Gardner.*

- 5-1 A Measure Authorizing a Solar Energy PILOT Agreement with West Street Solar 1, LLC

- 5-2 A Measure Authorizing a Solar Energy PILOT Agreement with 978 Solar Development, LLC.

- 5-3 A Measure Authorizing a Solar Energy PILOT Agreement with Otter River Solar, LLC.

- 6-1 A Measure Declaring Surplus for Purpose of Disposal Land at 57-67 Parker Street *(Continued from 8/1/2018).*

- 6-2 A Measure Declaring Surplus for Purpose of Disposal Land at Temple Street (R22-19-19).

- 6-3 A Resolution in Support of the City Business Park Acquisition and Planning Project.

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 AUGUST 1, 2018

Finance Committee Members present were Council President Scott Joseph Graves and Councillors Ronald Cormier and James Walsh.

Other Officials Participating: HR Director Debra Pond; City Auditor John Richard; and, City Clerk Alan Agnelli. Councillor Nathan Boudreau was also in attendance.

The meeting was called to order by President Scott Graves at 12:00 p.m. in the City Council Chamber, Room 219, City Hall.

President Graves 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 Ronald Cormier and seconded by James Walsh, it was voted to approve the Minutes of the June 7, 2018 Meeting, as amended, and the June 25, 2018 Special Meeting and the June 27, 2018 Regular Meeting, as printed.

2-1 A Notice from the Contributory Retirement Board Relative to a Cost-of-Living Adjustment for Retirees/Beneficiaries, effective July 1, 2018.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council place on file *A Notice from the Contributory Retirement Board Relative to a Cost-of-Living Adjustment for Retirees/Beneficiaries, effective July 1, 2018.*

3-1 A Measure Confirming the Mayor's Appointments of Election Officers for terms expiring August 31, 2019.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointments of Election Officers for terms expiring August 31, 2019, as follows:

WARD 1A

Warden	Norman	H.	Beauregard	147 Oak Street	Gardner
Clerk	Glenice	M.	Rossignol	103 Highland Street	Gardner
Inspector	Sally	Q.	Hartshorn	61 Elm Street	Gardner

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Inspector	Erana	E.	Landry	298 Park Street	Gardner
Inspector	Sherry		Szoc	130 Highland Street	Gardner
Inspector	Gina	M.	Kelley	212 Crestwood Drive	Gardner
Inspector	Ellen	T.	Kudravetz	90 Cherry Street	Gardner
Inspector	Michael	L.	Kudravetz	90 Cherry Street	Gardner
Inspector	Jacqueline	M.	Kraskouskas	222 Bickford Hill Road	Gardner
Inspector	Shirley	B.	Bunarowski	182 Graham Street #1	Gardner
Inspector	Paula		Hassam	123 Cherry Street	Gardner
Inspector	Roland	D.	Mailloux, Jr.	20 Teaberry Lane	Gardner
Inspector	Deborah	F.	Mathieu	144 Willis Road	Gardner

WARD 1B

Warden	Lynn	M.	Roux	203 Betty Spring Road	Gardner
Clerk	Kathleen		O'Brien	190 Leamy Street	Gardner
Inspector	Gloria	C.	Bourgeois	47 Racette Avenue	Gardner
Inspector	Carolyn		Fournier	158 Ash Street	Gardner
Inspector	Carolyn	A.	LaBonte	169 Summer Street	Gardner
Inspector	Valerie	D.	Spar	20 Plymouth Street	Gardner
Inspector	Carol	L.	Saulnier	136 Princeton Street	Gardner
Inspector	Marjorie	J.	Whittemore	47 Lake Street, A606	Gardner
Inspector	Carlene	A.	Kemp	108 Opal Lane	Gardner

WARD 2A

Warden	Clifton	J.	Melatti	37 Rosewood Drive	Gardner
Clerk	Donna	M.	Lehtinen	203 Green Street	Gardner
Inspector	Carol	A.	Cormier	47 Lake Street, A207	Gardner
Inspector	Robert	J.	Cormier	47 Lake Street, A207	Gardner
Inspector	Alice	P.	Anderson	34 Chapman Park	Gardner
Inspector	Joseph	R.	Andrews	139 Euclid Street	Gardner
Inspector	Trine		Aschim	141 Parker Hill Road	Gardner
Inspector	Nancy	A.	Boucher	146 Holly Drive	Gardner
Inspector	Laurie		Drake	61 West Broadway, #201	Gardner
Inspector	Audrey	A.	Faucher	156 Green Street	Gardner
Inspector	Dianne	A.	Hunt	28 Osgood Street, #1	Gardner
Inspector	Gerald	E.	St. Hilaire	39 High Street	Gardner
Inspector	Hope	B.	Swaney	143 Greenwood St., #1	Gardner

WARD 2B

Warden	Donald	J.	Cosentino	131 Lovewell Street	Gardner
Clerk	Nancy	M.	Girouard	110 Marquette Street	Gardner
Inspector	Aline		Cosentino	131 Lovewell Street	Gardner
Inspector	Patricia	A.	LeBlanc	66 Conant Street	Gardner
Inspector	Roger	R.	LeBlanc	66 Conant Street	Gardner

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Inspector	Priscilla	J.	Proulx	228 Washington Street	Gardner
Inspector	Marcia	J.	White	92 Ryan Street	Gardner
Inspector	Patricia	A.	Lewis	161 Euclid Street	Gardner
Inspector	Val	J.	Cormier	166 Acadia Road	Gardner
Inspector	Annette	M.	Melanson	178 Waterford Street	Gardner
Inspector	Cathy	T.	Leger	134 Greenwood Place	Gardner
Inspector	Brad	S.	Arnold	143 Greenwood St., #2	Gardner
Inspector	Scott	T.	Varney	143 Greenwood St., #2	Gardner

WARD 3A

Warden	Donald	R.	Girouard	52 Draper Road	Gardner
Clerk	Bonnie	G.	Romanson	87 Century Way	Gardner
Inspector	Rachel	I.	Blais	25 Way Street	Gardner
Inspector	Barbara	M.	Cormier	116 Sand Street	Gardner
Inspector	Anita	M.	Boudreau	8 Jackson Park	Gardner
Inspector	Marcel		Martin	62 Ash Street	Gardner
Inspector	Norman	G.	Webb	176 Ash Street	Gardner
Inspector	Robert	L.	Owens	217 Riverside Road	Gardner
Inspector	Linda	M.	Martel	12 Stewart Road	Fitchburg

WARD 3B

Warden	Thomas	H.	Patterson	132 Pinewood Drive	Gardner
Clerk	Paulette	A.	Burns	5 Travers Street	Gardner
Inspector	Ernie	J.	Richard	50 Jean Street	Gardner
Inspector	Juliette	L.	Richard	50 Jean Street	Gardner
Inspector	Dorothy	M.	Ronn	145 Prospect Street	Gardner
Inspector	Paul	W.	Ronn	145 Prospect Street	Gardner
Inspector	Odette	R.	Racette	44 Jean Street	Gardner
Inspector	Gayle	M.	Jaillet	35 Wickman Drive	Gardner
Inspector	Louise	C.	Boudreau	134 Barthel Avenue	Gardner
Inspector	Christoph	A.	Knoll	238 Greenwood Street	Gardner
Inspector	Toby	P.	LaRoche	83 Murray Road	Ashburnham

WARD 4A

Warden	Robert	J.	Swartz	53 Racette Avenue	Gardner
Clerk	Janice		Magliacane	358 Temple Street	Gardner
Inspector	Judith	A.	King	32 Jay Street	Gardner
Inspector	Judith		Roy	51 Pinewood Drive	Gardner
Inspector	Ronald	J.	Roy	51 Pinewood Drive	Gardner
Inspector	Stephanie	S.	Samsia-Nji	317 Pleasant St, #3	Gardner
Inspector	Donald	A.	LeBlanc	209 Elm Street	Gardner
Inspector	Dianne	M.	LeBlanc	209 Elm Street	Gardner
Inspector	Adeline	M.	Aukstikalnis	9 Ames Avenue	Gardner
Inspector	Raymond	R.	Plourde	194 Central Street, #315	Gardner

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WARD 4B

Warden	Marjorie	F.	Tetzloff	317 Pine Street	Gardner
Clerk	David	E.	Tetzloff	317 Pine Street	Gardner
Inspector	Charlene	A.	Wilson	44 Olde Colonial Drive, U1	Gardner
Inspector	Susan		Greninger	194 Central Street, #315	Gardner
Inspector	Theresa	H.	Hillman	155 Champagne Road	Gardner
Inspector	Jacqueline	M.	LaPrade	322 Pine Street	Gardner
Inspector	Ann		Chandler	133 Pleasant Street, #2	Gardner
Inspector	Diane	R.	Jasiewicz	36 Robillard Street	Gardner
Inspector	Brian	J.	Dickens	65 Krantz Road	Winchendon

WARD 5A

Warden	Paul	A.	Spano	33 Adams Street	Gardner
Clerk	Barbara	D.	LeBlanc	37 Bayberry Drive	Gardner
Inspector	Lorraine	A.	Manca	110 Temple Street	Gardner
Inspector	Sandra	J.	Barton	331 High Street	Gardner
Inspector	Carole	A.	Baublis	252 Union Street	Gardner
Inspector	Charles	R.	LeBlanc	37 Bayberry Drive	Gardner
Inspector	Claire	M.	Lagasse	131 Champagne Road	Gardner
Inspector	Gloria	M.	O'Malley	80 Kendall Pond Road West	Gardner
Inspector	David	J.	Cormier	150 Pinewood Drive	Gardner
Inspector	Judith	T.	Collette	47 Kendall Street	Gardner
Inspector	Sheila	B.	St. Hilaire	39 High Street	Gardner

WARD 5B

Warden	Marcelle	S.	Cormier	55 Wickman Drive	Gardner
Clerk	Barbara	A.	Yablonski	195 Sherman Street	Gardner
Inspector	Patricia	L.	Cormier	365 Pearl Street	Gardner
Inspector	Leonette	M.	Roy	49 Temple Street	Gardner
Inspector	Mary	Ann	Suchocki	154 Sand Street	Gardner
Inspector	Edward	S.	Yablonski	195 Sherman Street	Gardner
Inspector	Stephen	E.	Cormier	365 Pearl Street	Gardner
Inspector	William		Edwards	4 Sunrise Lane	Gardner
Inspector	Dorothy	E.	Leger-Lore	31 Lennon Street, Unit B	Gardner
Inspector	Melissa	A.	Paulhus	144 Sawyer Street	Gardner
Inspector	Doris	H.	St. John	204 Willis Road	Gardner
Inspector	Marcia	A.	Stone	185 Bridge Street	Gardner

3-2 A Measure Confirming the Mayor's Appointment of Rick Germano to the position of Local Inspector for term expiring July 5, 2021.

HR Director Debra Pond informed the Committee that Rick Germano will assume the Local Inspector's position, which was held previously by Building Commissioner Roland Jean. She added that Mr. Germano held the same position a number of years ago, but was laid off due to budgetary problems.

President Graves questioned the date that Mr. Germano started in the position.

Ms. Pond stated that Mr. Germano was hired at the end of May, 2018, and that she was unaware if the Mayor appointed him to a 60-day Temporary position.

President Graves said that he has serious concerns about his status until now, since the position is very important and since the Inspector issues building permits.

Councillor Walsh expressed concern that someone in City government "puts them to work" without temporary or permanent status. He questioned the Auditor as to whether it is his practice to verify the employment status of a new hire, particularly if they were properly appointed. He said that "there should be a system of checks and balances" as a condition for determining whether a new hire should be paid.

Mr. Richard stated that his office does not verify whether an appointment [certificate] has been filed.

President Graves questioned executive oversight in the hiring of employees, suggesting that "the fallback" should be the Human Resources Department.

Ms. Pond replied, saying that the HR Department "does not send up the appointment" and that it is the Department head's responsibility "to send up the appointment."

Councillor Walsh said that there should be evidence that a temporary or permanent appointment has been made.

Councillor Ronald Cormier stated that there should be a policy drafted that includes step-by-step procedures to prove that all laws, rules, and regulations have been followed.

President Graves stated that it appears that the process "fell through" the Mayor's Department, the HR Department, and the Department level, and that there was "no follow-up."

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment

of Rick Germano to the position of Local Inspector for term expiring July 5, 2021.

3-3 A Measure Confirming the Mayor's Appointment of James E. Imprescia to the position of Plumbing & Gas Inspector for term expiring July 5, 2021.

HR Director Debra Pond informed the Committee that Mr. Imprescia is a new appointee, replacing former Inspector Mike Guida who left to take another position. She said that Mr. Imprescia retired as the full-time Gas and Plumbing Inspector for the City of Leominster; that he is exceptionally qualified; and, that he will be working part-time for the City of Gardner. She added that "the position has been difficult to fill."

Councillor Walsh asked if Mr. Imprescia "has been on the job."

Ms. Pond stated that he has and been paid intermittently.

Councillor Walsh said, "Only a temporary or permanently-appointed person should be on the job."

City Auditor John Richard informed the Committee that he never saw an appointment for Mr. Imprescia.

President Graves asked, "When was the last time that this position was filled?"

Ms. Pond responded, saying that Ed Tonet was appointed, but that Mike Guida was here for several months working and stayed on intermittently to help out, but left a couple months ago.

President Graves asked if any of these individuals were appointed, either temporarily or permanently.

Ms. Pond responded, saying that it was her expectation that he [Guida] was appointed.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment of James E. Imprescia to the position of Plumbing & Gas Inspector for term expiring July 5, 2021.

3-4 A Measure Confirming the Mayor's Appointment of Trevor Beauregard to the position of Community Development & Planning Director for term expiring July 17, 2021.

President Scott Graves questioned the reason that Mr. Beauregard's appointment was not current, noting that his appointment expired in June.

Councillor Ronald Cormier said that the problem has been that the appointing authority has not followed-up with appointments.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted, two (2) in favor, Councillors Ronald Cormier and James Walsh, one (1) opposed, President Scott Graves, to recommend that the City Council confirm the Mayor's Appointment of Trevor Beauregard to the position of Community Development & Planning Director for term expiring July 17, 2021.

3-5 A Measure Confirming the Mayor's Appointment of Greg Dumas to the position of Member, Conservation Commission for term expiring July 17, 2021.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment of Greg Dumas to the position of Member, Conservation Commission for term expiring July 17, 2021.

3-6 A Measure Confirming the Mayor's Appointment of Nicholas Maroni to the position of Police Lieutenant, Permanent.

HR Director Debra Pond informed the Committee that Sergeant Maroni passed the Civil Service Promotional Examination and that an interview panel recommended to the Mayor that he be appointed to the position of Lieutenant, Permanent.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment of Nicholas Maroni to the position of Police Lieutenant, Permanent.

3-7 A Measure Confirming the Mayor's Appointment of Matthew Arsenault to the position of Police Sergeant, Permanent.

HR Director Debra Pond informed the Committee that Officer Arsenault passed the Civil Service Promotional Examination and that an interview panel recommended to the Mayor that he be appointed to the position of Sergeant, Permanent.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council confirm the Mayor's Appointment of Matthew Arsenault to the position of Police Sergeant, Permanent.

3-8 A Measure Confirming the Mayor's Appointment of Dr. James A. Faust to the position of Trustee, Williams-Rockwell Educational Gift Fund Board of Trustees, for term expiring January 5, 2021.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment of Dr. James A. Faust to the position of Trustee, Williams-Rockwell Educational Gift Fund Board of Trustees, for term expiring January 5, 2021.

3-9 A Measure Confirming the Mayor's Appointment of Robert L. Rice, Esq. to the position of Trustee, Williams-Rockwell Educational Gift Fund Board of Trustees, for term expiring January 5, 2021.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council confirm the Mayor's Appointment of Robert L. Rice, Esq. to the position of Trustee, Williams-Rockwell Educational Gift Fund Board of Trustees, for term expiring January 5, 2021.

3-10 A Measure Authorizing an Exemption for Caitlin Bosse under G.L. c. 268A, § 20(b), Financial Interest in a Municipal Contract, Personal Services, Non-elected Compensated Municipal Employee, Recreation Program Supervisor, Part-time.

HR Director Debra Pond informed the Committee that Ms. Bosse has been employed seasonally with the Board of Assessors and has been hired to work in a new Recreation position. She added that Ms. Bosse has not been working in her Assessing position since being hired for the Recreation position at the beginning of the summer. Once the Council grants the Exemption, then she will be able to resume her work in the Assessor's Office, she said.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Caitlin Bosse for a Contract for Recreation Program Supervisor.

3-11 A Measure Authorizing an Exemption for Angel Ruiz under G.L. c. 268A, § 20(b), Financial Interest in a Municipal Contract, Personal Services, Non-elected Compensated Municipal Employee, Recreation Support Staff, Part-time.

HR Director Debra Pond informed the Committee that Mr. Ruiz works during the school year in the After-School Program, which does not operate during the summer months. He has been hired to work in a new Recreation laborer position.

Continuing, Ms. Pond reported that the City hired the School's Athletic Director to also serve as the City's Recreation Director, which he and all others were hired

quickly so that the summer recreation program could get underway.

Councillor James Walsh questioned the circumstances surrounding the urgency for hiring all recreation staff.

Ms. Pond stated that the Summer-Up recreation program was operated by MWCC through a grant, but then the City and the Boys & Girls Club picked up the program.

President Graves remarked that the City should be watching these employees to make sure that they're protected via the previously-discussed Exemptions.

Ms. Pond responded, saying that hiring will be done timely, but that the new City program was initiated so quickly, thus the delays.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Angel Ruiz for a Contract for Recreation Program Support Staff.

3-12 Review and Discussion of Executive Order Excluding City Councillors and School Committee Members from Participating in the City's Benefit Programs.

The Committee postponed discussion since the Mayor was not present.

4-1 An Ordinance to Amend the Code of the City of Gardner by Adding New Chapter 295, to Be Entitled "Community Bandstand Committee." (Continued from 6/13/2018).

Citing the Law Department's correspondence, President Graves stated that the Solicitor suggests that the Bandstand Committee be subsumed and become a part of the Municipal Grounds Commission, thus falling under the Department of Public Works. He expressed concern that by falling under the DPW, the "Bandstand Committee" would no longer exist.

Councillor James Walsh stated that he agrees with the Mayor's comments that there has been political activity at a recent Concert organized by the Committee.

Councillor Ronald Cormier stated that if an ordinance is adopted placing the bandstand concerts under the Municipal Grounds Commission, then it would be up to the Commission to determine whether a volunteer committee is created for the purpose of organizing concerts.

City Auditor John Richard informed the Committee that receipts and donations for the concerts are passed through the Department of Public Works in a gift or a revolving account.

President Graves questioned the City's ability to accept donations and receipts without authorization from the City Council.

Mr. Richard stated that the City "has a catch-all gift fund" and that the concert donations are earmarked to a general gift fund.

Citing General Law Chapter 44, section 53A, President Graves questioned the process that would involve Municipal Grounds donations.

Mr. Richard stated that the Commission would have a specific gift fund established for the purpose of concert donations.

The Committee agreed to have a draft Ordinance prepared for its review that incorporates the City Solicitor's recommendations.

4-2 An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled "Personnel," to Change Compensation Schedule "Exhibit E – Non-Union Employees." (Continued from 6/27/2018).

Councillor Walsh questioned whether there are any differentials to the proposed Compensation Schedule, since the Mayor noted in his Budget Letter that he proposed an across-the-board cost-of-living adjustment of 2% for all non-union employees. He added that the Mayor cited changes in the GIS Coordinator's duties as reasons for a larger wage increase.

HR Director Debra Pond stated that the Schedule represents an overall increase of 2%; however, some seasonal positions were increased to \$12.00 per hour to stay competitive with businesses.

Councillor Walsh commented that employees that have been on the job for less than 6 months, as of July 1, are not eligible for the cost-of-living increase, ever since the Mayor implemented the policy in 2017. He cited a September 2017 e-mail from the Mayor.

Ms. Pond cited several new hires since January 1 that are included in the COLA.

Councillor Walsh questioned other variations in the Schedule.

Ms. Pond noted that some temporary positions and seasonal laborers reflect greater than a 2% COLA, and that a seasonal DPW position was changed by reducing the number of steps from 5 to 3. She added that the change "mirrors the Union contract."

Continuing, she explained that the Recreational Supervisor's position has always been in the Schedule, but that the City has not had a recreation program for 16 years. She

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noted that the position is on-par with the Head Lifeguard position and that the Recreation staff is on-par with the Lifeguard positions, as well as Golf Course positions. Each is paid \$12.00 per hour, she added.

President Graves questioned whether any employee is being paid at a wage rate contained in the proposed Compensation Schedule.

Ms. Pond replied, saying that no employee will get an increase in pay until the Ordinance is passed.

President Graves questioned whether there are Job Descriptions for employees.

Ms. Pond stated that her office maintain Job Descriptions.

President Graves questioned whether HR maintained job descriptions for elected officials.

Ms. Pond replied by saying that there are no job descriptions for elected officials and that there is no limitation on the number of hours that elected officials can work.

Councillor Walsh noted that he may have more questions prior to passage of the Ordinance.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council Order the Ordinance to First Printing, as follows:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBIT E.

Be it Ordained by the City Council of the City of Gardner as follows:

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by deleting and repealing Compensation Schedule Exhibit E and inserting in place thereof, the following:

Exhibit E
Non-Union Employees
Effective Date: 07/01/2018

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
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Department Heads

Position	Grade		Annual	Weekly	Hourly
Building Commissioner	G-10		\$ 76,619.22	\$1,473.45	
Chief of Police	G-13		\$101,195.73	\$1,946.07	
City Assessor	G-9		\$ 71,703.71	\$1,378.92	
City Auditor	G-10		\$ 79,682.11		
Retirement Board (ex officio)			\$ 3,000.00		
		Total Compensation:	\$ 82,682.11	\$1,590.04	
City Clerk	G-10		\$ 78,151.60		
Clerk of the City Council		MGL c. 41, §19F	\$ 3,500.00		
Registrar of Voters		MGL c. 41, §19G	\$ 550.00		
		Total Compensation:	\$ 82,201.60	\$1,580.80	
City Treasurer/Collector	G-10		\$ 82,469.49		
		MGL c. 32, §20(6)	\$ 300.00		
		Total Compensation:	\$ 82,769.49	\$1,591.72	
City Engineer	G-11		\$ 83,505.33	\$1,605.87	
City Solicitor	G-10		\$ 79,051.18	\$1,520.22	
Council on Aging Director	G-6		\$ 55,372.77	\$1,064.86	
Director of Community Development & Planning	G-10	City:	\$ 64,547.98		
		GRA:	\$ 21,814.19		
		CDBG:	\$ 4,545.15		
		Total Compensation:	\$ 90,907.32	\$1,748.22	
Director of Local Origination & Educational Planning	G-6		\$62,591.01	\$1,203.67	
Director of Public Health	G-10	Step 1	\$68,978.52	\$1,326.51	
		Step 2	\$76,937.58	\$1,479.57	
Fire Chief	G-12		\$92,841.90	\$1,785.42	
Golf Course Driving Range/Superintendent	G-9		\$75,070.56	\$1,443.66	
Human Resources Director	G-11		\$85,175.74	\$1,638.00	
Information Technology Director	G-10	City	\$47,015.98		
		School	\$47,015.98		
		Total Compensation:	\$94,031.96	\$1,808.31	
Library Director	G-10		\$73,932.57	\$1,421.78	
Public Works Director	G-12		\$98,130.70	\$1,887.13	
Purchasing Agent/Civil Enforcement Director	G-10	MGL c. 148A, §5	\$ 2,500.00		
		Total Compensation:	\$77,998.58	\$1,499.97	
Veterans' Director	G-6		\$56,871.20	\$1,093.68	

Non-Union Direct and Supervisory Staff

Position	Grade		Annual	Weekly	Hourly
Assistant City Clerk	G-3	Step 1	\$41,927.08	\$ 806.29	\$21.79
		Step 2 (5 Yrs)	\$42,765.62	\$ 822.42	\$22.23
		Step 3 (10 Yrs)	\$43,620.93	\$ 838.86	\$22.67
Assistant City Engineer	G-8		\$65,787.47	\$1,265.14	
Assistant City Solicitor	G-3		\$43,695.30	\$ 840.29	
Assistant City Treasurer/Collector	G-5		\$52,324.35	\$1,006.24	

CITY OF GARDNER, MASSACHUSETTS
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Assistant Director of Community Development**	G-7	City \$ 3,277.26 CDBG <u>\$62,267.94</u>			
		Total Compensation:	\$65,545.20	\$1,260.48	
Assistant Director of Public Health	G-5		\$52,324.35	\$1,006.24	
Assistant Director of Public Works	G-9		\$71,703.71	\$1,378.92	
Assistant Library Director	G-6		\$57,275.70	\$1,101.46	
Conservation/Planning Agent	G-6		\$57,855.20	\$1,112.60	
Deputy Chief of Police	G-11		\$85,175.74	\$1,638.00	
Director of Public Safety Regional Dispatch Center	G-8		\$72,828.00	\$1,400.54	
Economic Development Coordinator**	G-7	:	\$57,120.00	\$1,098.46	
Executive Secretary	G-4		\$46,620.99	\$ 896.56	\$24.23
GIS/Energy Analyst	G-5		\$58,000.00	\$1,115.38	
Golf Professional	G-6			\$1,256.18	
Golf Pro Manager	G-6			\$1,082.43	
Local Inspector	G-6		\$59,146.27	\$1,137.43	
Producer	G-2		\$47,436.67	\$ 912.24	
Senior Animal Control Officer	G-2		\$39,809.84	\$ 765.57	
Systems Manager	G-6		\$62,558.21	\$1,203.04	
Electrical Inspector	G-6				\$30.74
Plumbing Inspector	G-6				\$30.74
Transfer Station Supervisor	G-3				\$21.74
Executive Aide					\$26.53
			<u>Annual</u>	<u>Monthly</u>	
Civil Defense Director			\$8,992.04	\$ 749.34	
Sealer of Weights & Measures			\$9,158.21	\$ 763.18	

Non-Union Staff Positions

Animal Control Officer	G-1		<u>Annual</u>	<u>Weekly</u>	<u>Hourly</u>	
			\$32,897.45	\$ 632.64	\$15.82	
		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4 (5 Yrs)</u>	<u>Step 5 (10 Yrs)</u>
Administrative Assistant		\$14.60	\$16.93	\$20.40	\$20.81	\$21.23
Administrative Coordinator		\$13.84	\$16.30	\$18.76	\$19.14	\$19.51
Administrative Clerk		\$13.40	\$15.58	\$17.75	\$18.11	\$18.46
Animal Shelter Attendant		\$12.00				
Budget/Project Manager**	City	\$ 1.07				
	GRA	\$.64				
	CDBG	<u>\$22.40</u>				
Total Compensation:		\$24.11				
Building Maintenance Craftsman		\$17.74	\$20.01	\$22.29		
Building Maintenance Man		\$16.22	\$18.42	\$20.62		
Council on Aging Coordinator		\$12.68				
Financial Administrator		\$14.78	\$17.63	\$20.79		
Financial Clerk		\$13.58	\$15.97	\$18.64		

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Golf Course Positions

Golf Pro Shop Supervisor	\$13.80	\$14.33	\$14.86
Grounds Maintenance Man GC-8	\$16.24	\$18.86	\$19.76
Motor Equipment Repairman GC-8	\$16.24	\$17.86	\$19.76
Working Foreman – Grounds Maintenance Man GC-9	\$19.95		
Working Foreman – Motor Equipment Repairman GC-9	\$19.95		

Library Department Positions

Staff Librarian	\$21.42		
Senior Library Technician	\$19.52		
Library Technician	\$18.41		
Library Clerical Staff	\$12.88	\$13.14	
Library Custodian	\$15.73	\$17.85	\$19.98
Head Lifeguard	\$15.00	\$16.40	
Parking Meter Clerk	\$16.32		
Production Assistant	\$14.48		
Transfer Station Monitor	\$12.00		

Non-Union Staff: Temporary, Seasonal, and Intermittent Positions

<u>Position</u>	<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>
Alternate Animal Control Officer	N/A	\$12.00		
Certified Pool Operator	S-4	\$21.68		
Golf Course Laborer/ Pro Shop Assistant	GC-4	\$12.00		
Golf Course Groundsman	GC-5	\$14.23		
Golf Course Ranger	GC-6	\$12.00		
Lifeguard	S-6	\$12.00		
Temporary Seasonal Technical	T-6	\$14.08		
Election Clerk	N/A	\$12.00		
Election Inspector	N/A	\$11.00		
Election Warden	N/A	\$13.00		
Special Detail Police Officer	N/A	\$47.00		
Temporary Seasonal Laborer Recreational Playground Supervisor	T-4	\$12.00	\$13.50	\$15.00
Recreational Playground Supervisor	T-5	\$15.00	\$16.40	
Recreational Support Staff	N/A	\$12.00		

**Compensation increase contingent upon positive evaluation of oversight commission, Board or individual (Mayor or City Council) with the approval of the Mayor.

%Community Development & Planning Administrative Coordinator wages paid for by City, CDBG and GRA in the following approximate percentages: City – 84.5%, GRA – 10.5%, CDBG- 5%.

5-1 A Measure Relative to the September 4, 2018 State Primary.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council adopt the following Order:

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
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CITY OF GARDNER
STATE PRIMARY ORDER
SEPTEMBER 4, 2018

VOTED: That meetings of the citizens of this City qualified to vote in the State Primaries shall be held on TUESDAY, THE FOURTH DAY OF SEPTEMBER, 2018, FROM 7:00 A.M. TO 8:00 P.M. for the purpose of casting their votes in the State Primaries for the candidates of political parties for the following offices:

SENATOR IN CONGRESS.....FOR THIS COMMONWEALTH
GOVERNOR.....FOR THIS COMMONWEALTH
LIEUTENANT GOVERNOR.....FOR THIS COMMONWEALTH
ATTORNEY GENERAL.....FOR THIS COMMONWEALTH
SECRETARY OF STATEFOR THIS COMMONWEALTH
TREASURER AND RECEIVER GENERAL.....FOR THIS COMMONWEALTH
AUDITOR.....FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.....THIRD DISTRICT
COUNCILLOR.....SEVENTH DISTRICT
SENATOR IN GENERAL COURT.....WORCESTER & MIDDLESEX DISTRICT
REPRESENTATIVE IN GENERAL COURT.....SECOND WORCESTER DISTRICT
DISTRICT ATTORNEY.....MIDDLE DISTRICT
CLERK OF COURTS.....WORCESTER COUNTY
REGISTER OF DEEDS.....WORCESTER DISTRICT

It is further ordered that the following polling places are designated by the City Council:

WARD 1, PRECINCT A – Elk’s Home, 31 Park Street
WARD 1, PRECINCT B – Elk’s Home, 31 Park Street
WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 West Lynde Street
WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 West Lynde Street
WARD 3, PRECINCT A – Acadien Social Club, 193 Parker Street
WARD 3, PRECINCT B – High Rise Community Room, 104 Church Street
WARD 4, PRECINCT A – Police Headquarters, 200 Main Street
WARD 4, PRECINCT B – Police Headquarters, 200 Main Street
WARD 5, PRECINCT A – Knights of Columbus, 110 South Main Street
WARD 5, PRECINCT B – Knights of Columbus, 110 South Main Street

6-1 A Measure Declaring Surplus for Purpose of Disposal Land and Buildings at 57-67 Parker Street.

Councillor Walsh questioned the plan associated with the disposal of 57-67 Parker Street.

Councillor Ronald Cormier explained that the Redevelopment Authority obtained the parcel and gave control to the City.

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President Graves stated that the Mayor has worked to find a buyer for the property.

Councillor Walsh expressed concern that the proposed Authorizing Vote established a minimum bid of \$1.00 and grants the Mayor “maximum discretion” in disposing of the parcel. He questioned the assessed value of the parcel, which was not provided to the Committee, and suggested that the Committee consider a minimum bid other than \$1.00. The Committee postponed action until the next meeting.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to adjourn at 12:50 p.m.

4-1

CITY OF GARDNER LAW DEPARTMENT

John M. Flick
City Solicitor

2018 JUN 12 PM 4:26



144 Central Street, Suite 201
Gardner, MA 01440

Telephone (978) 632-7948
Fax (978) 630-3703

Priya Gandbhir
Assistant City Solicitor

Writer's Email:

June 12, 2018

VIA HAND DELIVERY

Scott Graves, Esq.
City Council President
95 Pleasant Street
Gardner, MA 01440

Re: Proposed Bandstand Ordinance

Dear President Graves:

The Law Department has completed its review of the proposed Bandstand Committee Ordinance. In reviewing the proposed ordinance, the Law Department has concluded that an appropriate means of addressing this issue is to amend the existing City Code § 156 which establishes the Municipal Grounds Commission. This Commission is an advisory body that may have its duties expanded by Ordinance. It reports directly to the Director of Public Works who already oversees all activities occurring in the City's public parks. The reasons for this proposal are as follows.

The ordinance as proposed fails to establish any oversight or reporting requirement for the so-called Bandstand Committee to an existing City Department. Therefore, it is unclear from the proposed ordinance which City Department has spending authority for activities in which the proposed committee may be engaged, and under which cost center the budget for this Committee would be placed. By making the committee a sub-set of the Municipal Grounds Commission it maintains administrative consistency with the current processes regarding the use of and collection of fees for municipal parks by private individuals. The addition of a committee to the Municipal Grounds Commission provides administrative streamlining, administrative oversight and support by the Director of the DPW, and an appropriate cost center from which to expend donations received in support of the committee's efforts.

Based on the foregoing, the Law Department recommends amending City Code § 156 by adding the following provisions to City Code § 156-3:

- B. The Commission may develop and implement seasonal programs to be conducted in the City's parks including but not limited to summer musical concerts, summer camps, and other such seasonal activities in the City's parks and other municipal

grounds. The Commission may establish a volunteer committee of no less than three members, one of whom shall be a member of the Commission, to carry out the purposes of this Paragraph. All such members shall be appointed in accordance with § 156-1 A.

C. The Committee may receive gifts of property, both real and personal, in the name of the City to further the purposes of this Ordinance. Upon receipt of any such gift(s) the Committee shall turn the gift or gifts over to the Treasurer who shall deposit said gifts into an account to be named the "Municipal Grounds Program Fund." The Director of Public Works and the Committee shall then spend such funds for their stated purpose.

D. [Renumber the current § 156-3 B to § 156-3 D.]

Thank you for your attention to this matter. Please let the Law Department know if you have any additional questions regarding this matter.

Very truly yours,

The City of Gardner Law Department


John M. Flick

Cc: Mark P. Hawke

City of Gardner, *Executive Department*

Mark Hawke, Mayor



2010 AUG 27 AM 9:04

August 27, 2018

Attorney Scott J. Graves, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Change in Appointment Process

Dear President Graves and Councilors,

Recently, the City Council unanimously overrode my disapproval (veto) regarding an ordinance written by the City Council allowing the City Council to hire legal counsel. Among the reasons given for this change were that loyalties would lie with the Mayor in deciding questions of law since the Mayor is the appointing authority, one branch of government needs to have a check/balance on the other branch and that other Department Heads are appointed by the Mayor and confirmed by the Council which gives the Council a say in the matter.

The attached Home Rule legislation rectifies this obviously egregious matter, as well as other appointment related flaws in our Charter. The changes presented would allow for the City Solicitor to be appointed by the Mayor and confirmed by the City Council. It also makes the Treasurer/Collector and City Auditor appointed by the Mayor and confirmed by the City Council.

The Treasurer/Collector and City Auditor are key positions in the City that work with the Mayor on multiple different matters of vital importance almost daily. These positions are elected solely by the City Council with no input from the Mayor. There is no check/balance on the legislative role in electing these positions. All other Department Heads are appointed by the Mayor and confirmed by the Council. Finally, and perhaps most importantly, we have had recent experience with how the current process does not work.

These changes leave the City Clerk as elected by the City Council.

I now feel there is a dire need for the changes to occur immediately. For all the reasons given for the City Council's own legal counsel, and more, I ask for your quick passage of the Home Rule petition. I would be remiss if I did not point out that these are some of the changes that were also recommended by the Charter Review Committee.

Respectfully,

Mark Hawke
Mayor, City of Gardner

AN ACT REVISING THE CHARTER FOR THE CITY OF GARDNER

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1.

Section 6 of the Charter for the City of Gardner be deleted and repealed in its entirety and replaced with the following:

Section 6: All heads of departments and members of municipal boards, except for the School Committee, the city clerk, officers whose election is provided for by this act, and officials appointed by the governor, shall be appointed by the mayor, subject to confirmation by the city council.

SECTION 2.

Section 9 of the Charter for the City of Gardner be deleted and repealed in its entirety and replaced with the following:

Section 9. The city clerk shall be elected by the city council, and shall serve for terms of three years and may be removed at any time by a two thirds vote of the city council.

SECTION 3. Effective Date

This act shall take effect upon its passage.

2019 AUG 27 11 5:04