

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF APRIL 1, 2019

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The Finance Committee meeting was called to order by President Scott Joseph Graves at 7:00 p.m. in the City Council Chamber, Room 219, City Hall.

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

Others participating: Mayor Mark Hawke; Golf Commission Chairman Jeffrey Gallant; Golf Commissioner Michael Budwick; and, City Clerk Alan Agnelli.

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.

**A Measure Authorizing an Exemption for Michael Budwick under G.L. c. 268A, § 20(d), Financial Interest in a Municipal Contract, Non-elected Compensated Special Municipal Employee, Leasing and Operating the Gardner Municipal Golf Course Restaurant.**

President Graves opened the discussion by outlining the bid process that Purchasing Director Jennifer Dymek explained to the Finance Committee at its recent meeting.

Councillor James Walsh stated that Ms. Dymek informed the Finance Committee that Mr. Budwick downloaded the bid specifications only ten minutes prior to the bid deadline. He asked how it came about that Mr. Budwick filed a bid at the last minute.

Mr. Budwick informed the Committee that he was aware that no entity was submitting a bid, so he submitted a bid in order to keep open the Restaurant. He said that he would offer a quick service menu and that he already holds a full liquor license at the Gardner Ten Pins.

Mayor Hawke stated that he inquired with the City Solicitor and the State Ethics Commission and was advised that Mr. Budwick would be eligible to hold the second contract, since Golf Course Commissioners are classified as Special Municipal Employees, and that the Council could grant an exemption under G.L. c. 268A, § 20(d).

President Graves stated that he's heard only good things about Mr. Budwick and that under the circumstances, he couldn't see Mr. Budwick doing anything unseemly.

Councillor Walsh said that he sees a potential problem with the appearance of a conflict, since the restaurant's operator [Budwick] may realize a profit.

Mayor Hawke noted that if Mr. Budwick did not submit a bid, then the City would have to re-bid the Lease, which would delay the restaurant's opening after the golf season opens, or that it might not open at all.

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Golf Commission Chairman Jeffrey Gallant informed the Committee that Zoe's held the Lease for that last five years and that the Golf Commission decided not to renew the Lease for another year.

On questioning by Councillor Walsh, Mr. Gallant stated that he is comfortable with a Golf Commission member operating the restaurant. He added that the Commission took no action with respect to the issue.

President Graves noted that the former Lessee paid only \$1.00 per year, while Mr. Budwick is expected to pay \$2,000.00.

Mr. Gallant explained that the former Lessee paid for repairs to the restaurant's equipment, so the Lease payment was set at \$1.00.

Councillor Walsh noted that the seasonal alcohol license would have to be transferred from the current holder to Mr. Budwick.

Mr. Budwick stated that his food and alcohol license applications are pending, as he was awaiting approval of the Exemption by the City Council.

On a motion by Councillor James Walsh and seconded by President Graves, it was voted to recommend to the City Council approve an Exemption pursuant to G.L. c. 268A, § 20(d) in the Matter of a Financial Interest of Golf Commissioner Michael Budwick, a Special Municipal Employee, for a Contract to Lease and Operate the Restaurant at the Gardner Municipal Golf Course.

#### NEW BUSINESS

##### Montachusett Regional Vocational School District FY2020 Budget.

Mayor Hawke presented a measure disapproving the Montachusett Regional Vocational School District Fiscal Year 2020 Operating and Maintenance Budget, as adopted by the Montachusett Regional Vocational District School Committee on March 6, 2019, as allowed by Section 5(C) of the District Agreement. He cited the details in his letter and noted that the Council passed legislation in 2018 disapproving the FY2019 Monty Tech Budget.

On a motion by Councillor James Walsh and seconded by President Graves, it was voted to recommend to the City Council disapprove the Montachusett Regional Vocational School District Fiscal Year 2020 Operating and Maintenance Budget, as adopted by the Montachusett Regional Vocational District School Committee on March 6, 2019, as allowed by Section 5(C) of the District Agreement.

#### ADJOURNMENT

On a motion by Councillor James Walsh and seconded by President Scott Graves, it was voted to adjourn at 7:16 p.m.