

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF APRIL 10, 2019

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

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

Others participating: Mayor Mark Hawke; Sealer of Weights & Measures Stephen Hirons; Purchasing Director Jennifer Dymek; City Auditor John Richard; 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.

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

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to approve the Minutes of the March 27, 2019 Regular Meeting and the April 1, 2019 Special Meeting, as printed.

2-1 A Measure Authorizing Payment of \$336.00 for Prior Year Employee Compensation.

The Mayor informed the Committee that an out-of-town Police Officer worked a detail almost two years ago and only recently completed the necessary paperwork in order to be paid. He said that the funds to pay the officer will be drawn from the Police Department's Police Detail Account.

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

AUTHORIZING PAYMENT OF PRIOR YEAR'S COMPENSATION TO EMPLOYEE

VOTE: To authorize the City to pay compensation to an out of town officer for a detail performed in 2016 for an 8 hour shift at \$42.00 per hour for a total of \$336.00 from the Police Detail Account.

2-2 An Order Appropriating \$223,429.00 from Free Cash to Stabilization

The Mayor informed the Committee that the appropriation to the Stabilization Fund represents 15% of certified Free Cash, which is significantly greater than the percentage that he usually recommends. He noted that due to the withdrawal from the Fund of over \$600,000 to cover the FY2019 School Department operating budget deficit, he proposes to appropriate more this year to restore the fund.

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On an inquiry from Councillor Walsh, the Mayor stated that he has recommended that 5% be deposited into the account for the past 3 or 4 years.

Councillor Walsh stated that he is always cautious about the size and maintenance of the fund, noting that there are other needs such as road maintenance and paving. He cited a recent report by the DPW Director of tentative plans to convert paved roads to gravel roads due to the lack of road improvement funds.

President Graves expressed his support for regularly appropriating Free Cash to the Stabilization Fund which helps to improve and maintain the City's Bond rating.

Councillor Ronald Cormier added that he, too, is a strong proponent of building the Stabilization Fund and "to do what we can afford to do."

Councillor Walsh said that the proposed appropriation represents a 30% increase over the amounts that the City has annually appropriated in recent years. He suggested that an amount less than the proposed appropriation would be adequate for the City's purposes.

Mayor Hawke stated that the proposed amount is higher than in previous years because the City needed to use the fund to stabilize the School Department budget for the current Fiscal Year. He added that perhaps he might recommend that 4% be committed to the Fund in the next Fiscal Year and 5% thereafter.

Councillor Walsh noted that he would support the motion to recommend the Order, but reserves his right to seek an amendment on the Council floor.

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

AN ORDER APPROPRIATING FROM FREE CASH TO STABILIZATION

ORDER: That there be and is hereby appropriated the sum of Two Hundred Twenty-Three Thousand Four Hundred Twenty Nine Dollars and No Cents (\$223,429.00) from Free Cash to Stabilization.

2-3 An Order Appropriating \$14,895.00 from Free Cash to OPEB Liability Trust Fund.

Citing his letter, the Mayor noted that the City has deposited 1% of its Certified Free Cash to the OPEB Liability Trust Fund for the past few years and that the City's OPEB liability is approximately \$92,000,000.00. He added that regular deposits to the Fund reflects favorably on the City's Bonding agency.

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

AN ORDER APPROPRIATING FROM FREE CASH TO THE OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND.

ORDER: That there be and is hereby appropriated the sum of Fourteen Thousand Eight Hundred Ninety Six Dollars and No Cents (\$14,896.00) from Free Cash to the Other Post-Employment Benefits Liability Trust Fund.

2-4 An Order Appropriating \$73,876.00 from Free Cash to School E-Rate Expenses Account.

The Mayor cited his letter which states that the Federal reimbursement amount fell to Free Cash and needs to be restored to the School Department's Budget. He said that this is the last year that this will occur, since an adjustment will be made to the Budget to account for the Federal revenue and its corresponding expenditure.

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

AN ORDER APPROPRIATING FROM FREE CASH TO THE SCHOOL E-RATE EXPENSES ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Seventy Three Thousand Eight Hundred Seventy-Six Dollars and No Cents (\$73,876.00) from Free Cash to the School E-Rate Expenses Account.

2-5 An Order Appropriating \$75,000.00 from Free Cash to Landfill Closure Budget.

The Mayor stated that the City is obligated to maintain and monitor the former Landfill on West Street for thirty years following its closure. He said that \$75,000.00 is needed to perform routine maintenance such as grass mowing and flare testing and inspections.

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

AN ORDER APPROPRIATING FROM FREE CASH TO LANDFILL CLOSURE BUDGET

ORDER: That there be and is hereby appropriated the sum of Seventy-five Thousand Dollars and No Cents (\$75,000.00) from Free Cash to Landfill Closure Budget.

2-6 An Order Appropriating \$115,000.00 from Free Cash to New School Land Acquisition.

The Mayor informed the Committee that the School Committee unanimously endorsed the Pearl Street site the new elementary school.

Councillor Walsh questioned whether the purpose for the land purchase is only for the new school.

The Mayor replied that it is only for the school.

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Councillor Walsh questioned the reason that the City would purchase the property instead of agreeing to an option to buy.

The Mayor said that the MSBA requires that the City have absolute site control before the City could proceed to the next module (step) in the process.

Noting that there are some options for generating revenues to pay for the additional debt service for a new school, the Mayor cited the possibility of accepting statutory provisions for a local meals tax, as well as increasing the local share of the hotel/motel tax. He added that future revenue projections do not include any tax revenues generated by marijuana sales or Host Community Agreements. He added that his suggestion “is only a plan” at this point.

Councillor Ronald Cormier moved to recommend to the City Council that the following Order ought to pass, subject to a positive report by the Consultant:

AN ORDER APPROPRIATING FROM FREE CASH TO NEW SCHOOL LAND ACQUISITION.

ORDER: That there be and is hereby appropriated the sum of One Hundred Fifteen Thousand Dollars and No Cents (\$115,000.00) from Free Cash to New School Land Acquisition.

Councillor James Walsh seconded the motion, adding that he reserves his decision to support the Order until he is satisfied with the Consultant’s Report.

President Graves stated that there has been a lot of discussion in the community about the property, but that he defers to the experts and, if satisfactory, then he would support purchasing the property for the new school.

Councillor Walsh requested that the Mayor provide the City Council with some evidence from the MSBA that states that the property must be in the control of the City before the project could move ahead.

The Mayor stated that he would provide the Council with the MSBA requirement.

President Graves questioned whether the parcel is “buildable.”

The Mayor stated that soil borings were performed and wetland areas were flagged, and that of the 17 acre parcel, 10 acres is buildable.

President Graves questioned the appraisal.

The Mayor noted that the property was listed for sale at \$295,000, has been appraised

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at \$115,000, and that the City cannot pay more than the average assessed value over the previous three years. He said that the property owner agreed to sell the land for \$115,000 and that the Law Department has a budget line item to pay for the closing costs.

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

AN ORDER APPROPRIATING FROM FREE CASH TO NEW SCHOOL LAND ACQUISITION.

ORDER: That there be and is hereby appropriated the sum of One Hundred Fifteen Thousand Dollars and No Cents (\$115,000.00) from Free Cash to New School Land Acquisition.

2-7 A Notice from the Gardner Contributory Retirement Board Relative to a Cost-of-living Adjustment for Retirees and Beneficiaries for FY2020.

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 Gardner Contributory Retirement Board Relative to a Cost-of-living Adjustment for Retirees and Beneficiaries for FY2020.*

4-1 An Ordinance to Amend the Code of the City of Gardner, Chapter 390 Thereof, Entitled "Fees," to Change the Sealer of Weights and Measures Fee Schedule.

Stephen Hirons, Sealer of Weights & Measures, informed the Committee that the proposed schedule of annual fees is based on a survey of established fees from area communities and that Gardner's current schedule reflects the lowest fees charged in the study area. He cited the cities of Fitchburg and Leominster, as well as the towns of Ashburnham, Westminster, and Winchendon, by comparison. He added that the Fee Schedule was last revised 11 years ago and that few locals now operate the businesses that utilize weights and measures, such as grocery stores and gas and convenience stores.

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 390 THEREOF, ENTITLED "FEES," TO CHANGE THE SEALER OF WEIGHTS AND MEASURES FEE SCHEDULE.

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

Section 1. Section 390-9 of Chapter 390, Fees, of the Code of the City of Gardner, is

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hereby amended to change the fee schedule to read, as follows:

A. Scales.	
Pounds	Fee
Over 10,000	\$200
5,000 to 10,000	\$100
1,000 to 5,000	\$100
100 to 1,000	\$75
10 to 100	\$30
10 or less	\$30
B. Weights.	
(1) Avoirdupois:	\$15
(2) Metric:	\$15
(3) Apothecary:	\$15
(4) Troy:	\$15
C. Capacity.	
(1) Vehicle tanks:	\$60
(2) Any at 100 gallons or less:	\$30
D. Liquid measuring meters.	
(1) Oil and grease:	\$20
(2) Gasoline:	\$30
(3) Vehicle tank pump:	\$60
(4) Vehicle tank gravity:	---
(5) Bulk storage:	\$75
E.	
(1) Taxi meter:	\$30
(2) Fabric meter:	\$30
(3) Yard stick:	\$30
(4) Adjustments:	\$15
(5) Retest:	\$20
(6) Scanner test:	
(a) Under five:	\$100
(b) Under 10:	\$375
(c) Over 10:	\$375
F. Reverse Vending	\$30

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.

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5-1 **A Measure Authorizing Contracts Not-to-exceed Five (5) Years for Airport Consulting and Engineering Services, Generator Maintenance, Office and Janitorial Supplies, and Parking Ticket Processing.**

Purchasing Director Jennifer Dymek informed the Committee that all of the existing contracts for the proposed services have expired and that she plans to re-bid each contract in the same fashion. She added that some of the contracts are for three years with two 1-year options.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council *Authorize the City to enter into contracts not to exceed five (5) years for Airport Consulting and Engineering Services, Generator Maintenance, Office and Janitorial Supplies, and Parking Ticket Processing, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's April 3, 2019 Memorandum.*

6-1 **An Order of Taking for a Parcel of Land on Pearl Street for a New Elementary School.**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend to the City Council that the following Order of Taking be adopted, with reservations until fee ownership is confirmed with the MSBA:

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS
ORDER OF TAKING

WHEREAS, the City of Gardner, a municipality organized and incorporated under the laws of Massachusetts, with a usual place of business located at 95 Pleasant Street, Gardner, MA is authorized to take land by eminent domain for any municipal purpose pursuant to Section 36, of the City of Gardner Charter as amended to November 8, 1989 and M.G.L. c. 79, as amended and Chapter 121B; and

WHEREAS, the City of Gardner, has realized a need for the construction of a new elementary school and that construction of said elementary school (the "Project") on land located in the proximity of its middle and high school; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire property to construct a new elementary school; and

WHEREAS, the Mayor Mark P. Hawke has approved the construction of a new elementary school and the acquisition of land for said construction and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated to compensate the property owners for the property rights taken hereby

NOW THEREFORE, BE IT ORDERED THAT:

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Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself in fee simple by eminent domain, for the purposes associated with the Project, the property known as land on Pearl Street in Gardner, MA, consisting for 17.34 acres, more or less, as more fully described in a deed recorded at Worcester South Registry of Deeds, Book 16852, Page 237, which is attached hereto as Exhibit A.

The taking is made in fee simple, and, except as provided herein, is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.

The City Council of said City of Gardner, does hereby decree that public necessity and convenience require the City to obtain by eminent domain for the purposes of constructing a new elementary school on the above described parcel.

The City Council hereby awards damages sustained by persons in their property by reasons of this taking as follows:

<u>OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>AWARD</u>
Kymalainen Realty Trust	Off Pearl Street	\$115,000.00
Alice M. Kymalainen	Gardner, Worcester County, MA	

The City Council does direct and authorize the Mayor to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in the Order of Taking so that the same shall be payable within sixty (60) days after the rights to damages become vested in the persons entitled to damages. The Mayor is further requested to direct the City Solicitor for and on behalf of the City Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of General Laws Chapter 79, Sections 7B, 7C, 7F, 77G, 8A, and 8B.

8-1 Executive Session Minutes Review Follow-up (Unreleased Minutes).

President Graves informed the Committee that at the previous meeting, he neglected to report to the Committee and to the Council there are two sets of Executive Session minutes that were not recommended for release (September 8, 2015 and December 18, 2017). He said that the Council likely will have to enter into Executive Session in order to discuss the contents of the Minutes and to address the legal justification for not releasing them, as well as disclosing the reasons why that they cannot be released at this time.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to adjourn at 12:51 p.m.