

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF JUNE 13, 2018

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

Other Officials Participating: Mayor Mark Hawke; City Auditor John Richard; Conservation Agent Jeffrey Legros; Atty. Janet Morrison, Land Conservation Consultant; and, City Clerk Alan Agnelli.

The meeting was called to order by Acting Chairman James Walsh at 12:00 p.m. in the City Council Chamber, Room 219, City Hall.

Acting Chairman James Walsh 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 Councillor James Walsh, it was voted to approve the Minutes of the May 30, 2018 Meeting, as printed.

**2-1 An Order Rescinding Loan Order No. 12782 Appropriating \$409,500.00 to Acquire the Alisaukas Property.**

The Mayor informed the Committee that the City has received full reimbursement for the project; therefore, the Loan Order is unnecessary.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council rescind the vote taken on January 18, 2017 under Calendar Item #9733, ordering that the sum of Four Hundred Nine Thousand Five Hundred Fifty Dollars (\$409,550.00) be appropriated to pay costs of acquiring, for conservation purposes, the portion of the Alisaukas Property, so-called, located within the boundaries of the City and the Town of Winchendon, including the payment of all costs incidental and related thereto; that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 7(1), or any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor is authorized to apply for, accept and expend any grants or gifts available the City to defray the costs of acquiring the Alisaukas Property, so-called, and the amount authorized to be borrowed by this order shall be reduced to the extent of any such funds received by the City.

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**2-2 An Order Appropriating \$275,000.00 from Free Cash to DPW, Road Resurfacing Expense Account.**

The Mayor informed the Committee that he planned to use 10% of Free Cash toward road resurfacing to supplement the City's Chapter 90 allocation.

Councillor Walsh asked the Mayor if a list of streets to be repaved is available to the Committee.

The Mayor stated that he would relay to the Committee the DPW's list of proposed streets to be repaved.

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

AN ORDER APPROPRIATING FROM FREE CASH TO DEPARTMENT OF PUBLIC WORKS - ROAD RESURFACING EXPENSE ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Two Hundred Seventy-Five Thousand Dollars and No Cents (\$275,000.00) from Free Cash to Department of Public Works – Road Resurfacing Expense Account.

**2-3 An Order Appropriating \$100,000.00 from Free Cash to City Stabilization Fund.**

The Mayor informed the Committee that the appropriation of \$100,000.00 to the City's Stabilization Fund "will have a short stay," adding that he will seek an appropriation to the School Department's FY2019 Budget in July to address the projected shortfall.

Councillor Walsh said that he recently read that a new three-year Contract Agreement was finalized between the City and the Teachers' Union, granting salary increases of 2% for each year. He asked the Mayor to provide the Committee with the cost of the Agreement.

City Auditor John Richard informed the Committee that he would ask the School Department to provide the information and that he would relay it to the Committee.

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

AN ORDER APPROPRIATING FROM FREE CASH TO CITY STABILIZATION FUND.

ORDER: That there be and is hereby appropriated the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) from Free Cash to City Stabilization Fund.

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**2-4 An Order Appropriating \$12,000.00 from Free Cash to Law Department – Outside Counsel Expense Account.**

Councillor James Walsh informed the Committee that he requested that the City Auditor provide the Committee with copies of all bills and payment vouchers associated with retention of outside counsel for the Petricca Bankruptcy case. He said that the vouchers were sent to all the members and that he reviewed them.

The Mayor informed the Committee that the Law Department had only \$2,500 budgeted for Outside Counsel and that an additional \$12,000 was necessary to pay the legal bills. He said that the bankruptcy case was filed in the State of New Hampshire and that NH Attorney William Pribis handled the case. He added that the bankruptcy case was dismissed in both New Hampshire and in Worcester.

Councillor Ronald Cormier questioned whether the matter has been resolved.

The Mayor responded, saying “Another one was filed.”

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

AN ORDER APPROPRIATING FROM FREE CASH TO LAW DEPARTMENT -  
OUTSIDE COUNSEL EXPENSE ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) from Free Cash to Law Department – Outside Counsel Expense Account.

**2-5 An Order Authorizing Acceptance of Grant Funds and to Borrow a Sum of Money for the Omealia Property off Leo Drive.**

Conservation Agent Jeffrey Legros informed the Committee that the proposed amendment to the Omealia PARC Grant would allow the City to acquire an additional 3.88 acres of land which would provide direct access to the adjacent parcel and another access point from Leo Drive (50' frontage). He said that the Grant covers 70% of the closing costs and land and the City's share would be \$8,642.00, adding that the closing must occur by June 30. He said that the parcel has been appraised at \$20,000.00 and that the P&S Agreement is expected to be signed today.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend to the City Council to authorize the Mayor of the City of Gardner to accept grant funds in the amount of up to Ninety Seven Thousand Three Hundred Eighty Eight and 00/100 Dollars (\$121,073.00), awarded to the City, under the PARC Grant program, 301 CMR 5:00, as amended June, 2018, and enter any

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necessary contracts thereto, for the purpose of purchasing approximately 28.8<sup>+/-</sup> acres of land on Leo Drive, known as the Omealia Property, and 3.8<sup>+/-</sup> acres of land on Leo Drive, known as the RHO, Ltd. property described below, to be held and managed by the Department of Public Works, Parks and Recreation for active recreation and park purposes, pursuant to M.G.L. Chapter 45, Section 3, and to borrow, appropriate and expend up to One Hundred Seventy Four Thousand One Hundred Sixty Two and *00/100* Dollars (\$174,162.00), pursuant to M.G.L. Chapter 44, Section 7, for the purchase of said land in fee, in accordance with the attached Budget, being a portion of Assessor's Parcel *H37/23/35*, and Assessor's Parcels *H37/9/13A*, and *H37/23/40*, located on Leo Drive, shown as Parcels B and C on the attached Map, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

3-1 **A Measure Approving an Exemption Pursuant to G.L. C.268A, § 20(b), Financial Interest of Atty. John Flick, Contract for Title Insurance Services.**

Councillor Walsh noted that the contract for which the exemption is sought is for selling Title Insurance for the Omealia property. Mr. Flick is the closing Attorney and provider of the Insurance (on behalf of the City), he added.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend to the City Council that it approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Attorney John M. Flick for a Contract for Title Insurance Services.

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 5/16/2018).**

Councillor Walsh stated that the Finance Committee received the opinion of the Law Department today; however, the Committee has not had an opportunity to review it. The Committee decided to take more time and to discuss the matter at its next regular meeting.

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."**

The Mayor informed the Committee that there is a change to the position of GIS Coordinator. The Budget included \$52,000, but the proposed Compensation Schedule lists the position under the new title of GIS/Energy Analyst at an annual compensation of \$57,000.00. He noted that an energy analyst component was added and that the position will assume additional duties associated with water and sewer and be partially funded by the Water and Sewer Enterprise accounts.

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Councillor Cormier recommended that the Committee have adequate time to study the proposed Compensation Schedule before recommending action by the City Council; therefore, he moved to recommend that the City Council refer the Ordinance to the Finance Committee for further study and report.

Councillor Walsh seconded the motion.

The Mayor expressed concern that the salary increases would be delayed until after July if the Council did not move right away to adopt the Schedule.

Councillor Walsh stated that he understood the Mayor's concerns; however, the Committee needs to study the matter and "encourages the prompt filing of the Ordinance [in the future]."

On the motion, it was voted to recommend that the City Council refer the Ordinance to the Finance Committee for further study and report.

**Revised FY2019 Budget Orders.**

The Mayor filed revised FY2019 Budget Orders to make "bottom line adjustments" as a result of the error in the City Council's FY2019 Budget - Councillor Salaries. The Department requested \$83,967.00 and the Mayor allowed \$87,326.00. The Mayor said that the difference of \$3,359.00, which should be cut under Salaries, is to be added to the Council's Expenses – Professional Services.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the following Orders substitute Orders 9940 and 9941:

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE SALARY AND LABOR BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 TO JUNE 30, 2019.

*ORDER:* To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2018 to June 30, 2019 sums as designated for the expenditures of the various departments, Salary and Labor budgets, according to the detailed schedule hereto annexed and made a part of this money order in the amount of ELEVEN MILLION, FOUR HUNDRED TWENTY THOUSAND, NINE HUNDRED NINETY-SEVEN DOLLARS (\$11,417,638.00)

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE EXPENSE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 TO JUNE 30, 2019.

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*ORDER:* To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2018 to June 30, 2019 sums as designated for the expenditures of the various departments, other than what was presented to City Council in the Salary and Labor budget, according to the detailed schedule hereto annexed and made a part of this money order in the amount of NINETEEN MILLION, NINE HUNDRED SIXTY-ONE THOUSAND, NINE HUNDRED SEVENTY DOLLARS (\$19,965,329.00)

**ADJOURNMENT**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to adjourn at 12:26 p.m.