

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JUNE 27, 2018

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

Other Officials Participating: City Clerk Alan Agnelli.

The meeting was called to order by President Scott Graves at 5:30 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 James Walsh and seconded by President Graves, it was voted to approve the Minutes of the June 13, 2018 Meeting, as printed.

2-1 An Order Appropriating \$601,947.00 from City Stabilization Fund to the School Department.

The Mayor informed the Committee that his submission of an Order to appropriate \$601,947.00 from the Stabilization Fund to address the School Department's FY2019 Budget deficit is due to the "unwritten agreement" with the City Council to fund the School Budget and that the Council agreed to schedule the Proposition 2½ override in November. The override amount, if approved, would become effective on July 1, 2019. He said that it is his intent to restore the funds to the Stabilization Account, once Free Cash is certified in FY2019.

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

AN ORDER APPROPRIATING FROM CITY STABILIZATION FUND TO THE SCHOOL DEPARTMENT.

ORDER: That there be and is hereby appropriated the sum of Six Hundred One Thousand Nine Hundred Forty-Seven Dollars and No Cents (\$601,947.00) from City Stabilization Fund to the School Department.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JUNE 27, 2018

3-1 **A Measure Confirming the Mayor's Appointment of Richard Braks to the position of Deputy Chief of Police, effective July 21, 2018 and expiring on July 21, 2021.**

On a motion by Councillor James Walsh and seconded by President Scott Graves, it was voted to recommend that the City Council confirm the Mayor's Appointment of Richard Braks to the position of Deputy Chief of Police, effective July 21, 2018 and expiring on July 21, 2021.

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).*

President Scott Graves stated that in the absence of Councillor Ronald Cormier, the Committee would postpone action on the measure until the next 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."** *(Continued from 6/13/2018).*

There being no one present from the Administration to explain the Measure, the Committee postponed action on the following until the next meeting:

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

There being no one present from the Administration to explain the Measure, the Committee postponed action on the following until the next meeting:

DECLARING SURPLUS FOR PURPOSE OF DISPOSAL
LAND AND BUILDINGS AT 57-67 PARKER STREET

VOTE: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 57-67 Parker Street, further identified on the City of Gardner Assessor's Map as M22-5-7, to establish as a minimum amount of \$1.00 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or a larger amount, and upon such other terms as the mayor shall consider proper in accordance with this Vote.

NEW BUSINESS

A Measure Authorizing the City of Gardner to Participate in the Massachusetts Commercial Property Assessed Clean Energy Program (PACE Massachusetts)

There being no one present from the Administration to explain the Measure, the Committee postponed action on the following until the next meeting:

A Measure Authorizing the City of Gardner to Participate in the
Massachusetts Commercial Property Assessed Clean
Energy Program (PACE Massachusetts)

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JUNE 27, 2018

WHEREAS, pursuant to M.G.L. c. 23M (the “PACE Act”), the Commonwealth has established a commercial sustainable energy program known as the Massachusetts Property Assessed Clean Energy Program (“PACE Massachusetts”) to provide a financing mechanism (“PACE financing”) to private owners of commercial and industrial properties for certain qualifying commercial energy improvements and

WHEREAS, pursuant to the PACE Act, PACE Massachusetts is administered by the Massachusetts Development Finance Agency (“MassDevelopment”), in consultation with the Massachusetts Department of Energy Resources; and

WHEREAS, under PACE Massachusetts, the owner of the commercial or industrial property benefitting from the improvements (the “benefitted property”) is required to repay the PACE financing through the payment of a betterment assessment (a “PACE betterment assessment”) placed on such benefitted property by the municipality in which the benefitted property is located; and

WHEREAS, in order for an owner of commercial or industrial property to participate in PACE Massachusetts, Section 2 of the PACE Act requires that the municipality in which such property is located must elect to participate in PACE Massachusetts; and

WHEREAS, the City of Gardner has determined that it is in the best interest of the Municipality to participate in PACE Massachusetts as a “participating municipality,” as provided in the PACE Act, to permit the owners of commercial and industrial properties located in the Municipality to access PACE financing for qualifying commercial energy improvements through PACE Massachusetts;

WHEREAS, NOW THEREFORE, BE IT ORDERED, as follows:

The City Council of the City of Gardner, hereby approves the City of Gardner’s participation in PACE Massachusetts pursuant to the PACE Act, and authorizes the Mayor to enter into a PACE Massachusetts Municipal Assessment and Assignment Agreement (the “Agreement”) with MassDevelopment, pursuant to which the Municipality will agree to (i) levy PACE betterment assessments and impose PACE betterment assessment liens on benefitted properties located in the Municipality, in the amounts determined by MassDevelopment to be sufficient to repay the PACE financing, (ii) assign the PACE betterment assessment liens to MassDevelopment, which MassDevelopment may in turn assign to the providers of the PACE financing (each a “capital provider”), as collateral for such PACE financing, (iii) include on the property tax bills for the benefitted properties the installment payments necessary to repay the PACE betterment assessments, in the amounts and at the times as determined by MassDevelopment, (iv) collect and pay over to MassDevelopment or its designee, the PACE betterment assessment installment payments, as and when collected, and (v) enforce, to the extent required by the Agreement, the PACE betterment assessments and liens; the Agreement to be substantially in the form presented to this meeting, with such changes, modifications and insertions as the

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JUNE 27, 2018

Mayor may approve as being in the best interest of the Municipality. The Collector/Treasurer of the City as may be designated in the Agreement is authorized to levy such PACE betterment assessments and impose the PACE betterment assessment liens on behalf of the City without further authorization by this legislative body.

Notwithstanding any other provision of law to the contrary, officers and officials of the Municipality, including, without limitation, municipal tax assessors and tax collectors, are not personally liable to MassDevelopment or to any other person for claims, of whatever kind or nature, under or related to PACE Massachusetts, including, without limitation, claims for or related to uncollected PACE betterment assessments. Other than fulfillment of the obligations specified in the Agreement, the Municipality has no liability to the owner of the benefitted property or to any capital provider related to the Municipality's participation in PACE Massachusetts.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by President Scott Graves, it was voted to adjourn at 5:38 p.m.