

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF SEPTEMBER 2, 2020

The Finance Committee meeting was called to order remotely by Council President Elizabeth Kazinskas at 12:00 p.m. Finance Committee Members Councillors Ronald Cormier and James Walsh were also present via Zoom.

President Kazinskas announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Finance Committee will be conducted via remote participation on Zoom. The audio recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting and the meeting is being broadcast live on Gardner's YouTube Channel.

Also participating remotely were Mayor Michael Nicholson; Police Chief Richard Braks; Fire Chief Richard Ares; Building Commissioner Roland Jean; Human Resources Director Debra Pond; Public Health Director Lauren Saunders; Attorney Deborah Phillips; City Auditor John Richard; School Director of Facilities Wayne Anderson; and, City Clerk Alan Agnelli.

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

No Minutes were presented for review and approval.

2-1 An Order Appropriating \$74,819.00 from Free Cash to Fire Department New Equipment and Protective FF Clothing.

Mayor Nicholson informed the Committee that \$24,819.00 of the Order represents the City's share of the Grant Award for SCBAs for 40 Firefighters and that the last time that SCBAs were purchased was in 2007. He noted that the Fire Department utilizes two different types of SCBAs. The Mayor added that the additional \$50,000 will be used to purchase a second set of turnout gear for each Firefighter which would allow a change of gear between calls.

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

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO FIRE DEPARTMENT - VARIOUS ACCOUNTS.

ORDER: That there be and is hereby appropriated the sum of Seventy-Four Thousand Eight Hundred Nineteen Dollars and No Cents (\$74,819.00) from Free Cash to the following accounts:

| | | |
|-----------------|------------------------|-------------|
| Fire Department | New Equipment | \$24,819.00 |
| Fire Department | Protective FF Clothing | \$50,000.00 |

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2-2 An Order Appropriating \$20,800.00 from Free Cash to Info/Technology Software Account.

Mayor Nicholson informed the Committee that the amount was cut from the Department's FY2021 Budget Request and that the appropriation will be used to add the Board of Health's permitting to the Viewpoint Online Permitting Software Program.

On questioning by Councillor James Walsh, Building Commission Roland Jean informed the Committee that the Building Department has utilized the permitting software successfully and that it has reduced in-person visits to the office and improved access to documents by all inspectors. He added that the software does not allow for video inspections.

AN ORDER APPROPRIATING FROM FREE CASH TO INFO/TECHNOLOGY SOFTWARE ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Twenty Thousand Eight Hundred Dollars and No Cents (\$20,800.00) from Free Cash to the Info/Technology Software Account.

2-3 An Order Appropriating \$150,000.00 from Free Cash to Police Department Vehicles Account.

Mayor Nicholson informed the Committee that the amount was cut from the Department's FY2021 Budget Request and that the appropriation will be used to purchase three fully-outfitted Police vehicles.

Police Chief Richard Braks informed the Committee that the Department annually replaces three vehicles – two marked and one unmarked in one cycles and three marked cruisers in the second year. He added that three new marked cruisers are slated to be replaced this year – 2010, 2015, and 2016 models. The current State Bid cost is \$50,202 per marked unit, fully-equipped.

AN ORDER APPROPRIATING FROM FREE CASH TO THE POLICE DEPARTMENT VEHICLES ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) from Free Cash to the Police Department Vehicles Account.

2-4 An Order Appropriating \$75,000.00 from Free Cash to Pool Filtration System.

Mayor Nicholson informed the Committee that the appropriation will fund complete replacement of the Greenwood Pool's [outdoor] filtration system and that the goal is to install it after the Pool closes for the season. The Order includes the quote of \$42,500.00 for the Filtration System and \$32,500.00 for ancillary costs/prevaling wages. He noted that the present system is 30 years old.

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Councillor Walsh questioned the timing of the installation and suggested that replacement could occur in the spring of 2021 when the City has a better handle on its finances. He added that no documentation was presented to the Committee that details the additional costs.

Debra Pond informed the Committee that she is working with the Purchasing Department to ascertain whether there is an approved contractor on the State Bid List. She added that the fall may be better to have the system replaced as opposed to the spring, as weather conditions in the spring may not be conducive.

The Mayor informed the Committee that he has no qualms about postponing action until the next Committee meeting when additional information may be available.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to recommend that the City Council refer the following Order back to the Finance Committee for further study and report:

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO POOL
FILTRATION SYSTEM ACCOUNT.

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 the Pool Filtration System
Account.

3-1 A Measure Confirming the Mayor's Appointment of Phillip Buso to the position of Veterans' Agent/Veterans' Burial Agent for term expiring 8/6/2021.

Mayor Nicholson acknowledged and expressed appreciation for Phil Buso's service to the City since March 30, 1992.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to recommend that the City Council confirm the Mayor's Appointment of Phillip Buso to the position of Veterans' Agent/Veterans' Burial Agent for term expiring 8/6/2021.

3-2 A Measure Confirming the Mayor's Appointment of Phillip Buso to the position of Veterans' Graves Officer for term expiring 8/6/2021.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted to recommend that the City Council confirm the Mayor's Appointment of Phillip Buso to the position of Veterans' Graves Officer for term expiring 8/6/2021.

3-3 A Measure Confirming the Mayor's Appointment of Christopher Coughlin to the position of City Engineer for term expiring 8/6/2023.

On questioning by Councillor Walsh, Mr. Coughlin informed the Committee that he would like to be reappointed for another term.

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On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted to recommend that the City Council confirm the Mayor's Appointment of Christopher Coughlin to the position of City Engineer for term expiring 8/6/2023.

3-4 A Measure Confirming the Mayor's Appointment of Shaunesy Dame to the position of Alternate Inspector of Wires for term expiring 8/6/2021.

Building Commissioner Roland Jean informed the Committee that Shaunesy Dame fills-in for Darrell Sweeney when he is out and recommended his confirmation.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted to recommend that the City Council confirm the Mayor's Appointment of Shaunesy Dame to the position of Alternate Inspector of Wires for term expiring 8/6/2021.

3-5 A Measure Confirming the Mayor's Appointment of Darrell Sweeney to the position of Inspector of Wires for term expiring 8/6/2023.

Building Commissioner Roland Jean recommended Darrell Sweeney's confirmation.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to recommend that the City Council confirm the Mayor's Appointment of Darrell Sweeney to the position of Inspector of Wires for term expiring 8/6/2023.

3-6 A Measure Confirming the Mayor's Appointment of Alana Meserve to the position of Animal Control Officer for term expiring 8/6/2021.

Mayor Nicholson and Police Chief Braks enthusiastically recommended confirmation of Ms. Meserve's appointment.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted to recommend that the City Council confirm the Mayor's Appointment of Alana Meserve to the position of Animal Control Officer for term expiring 8/6/2021.

6-1 A Measure Authorizing an Eighth Amendment to the April 9, 1968 Lease Between the City and Henry Heywood Memorial Hospital (Ref: Council Calendar No. 10119).

Attorney Deborah Phillips cited her correspondence to former Mayor Hawke concerning the history of the Lease Agreements with Heywood Hospital. In a nutshell, she said that when the Hospital installed solar panels in the parking lot, it was discovered that the portion of that land was not included in the Lease with the City and that it also encroached on the National Grid Easement. She said that the Easement Relocation Agreement was re-negotiated and that National Grid agreed to all but one condition (Ref: 6-2) and that Heywood Hospital agreed to reimburse the City up to \$2,500.

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Councillor Walsh noted that there is no written agreement with the Hospital that commits to reimbursing the City for the costs.

The Mayor informed the Committee that Winn Brown, President and CEO of Heywood Hospital, would provide the City with a letter of commitment.

Councillor Walsh recommended that Attorney Phillips provide the Council with a brief summary of the issue, particularly for new Councillors.

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

EIGHTH AMENDMENT TO LEASE

THIS EIGHTH AMENDMENT TO LEASE made this ____ day of _____, 2020, by and between the CITY OF GARDNER, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, acting by and through its Mayor and as successor to the rights, privileges, duties and liabilities of the CITY OF GARDNER'S former Public Works Board and its Director of Public Works (the "City" or "Lessor") and HENRY HEYWOOD MEMORIAL HOSPITAL, a charitable corporation organized under the laws of the Commonwealth of Massachusetts and having a principal office at 242 Green Street, Gardner, Massachusetts 01440 (the "Hospital" or "Lessee").

Recitals

WHEREAS the City is the Lessor and the Hospital is the Lessee of a certain parcel of land situated on the westerly side of Green Street in Gardner, as further described in a Lease Agreement dated April 9, 1968, and recorded in Worcester District Registry of Deeds, Book 4869, Page 185, (the "Lease"), as amended by: 1) an agreement dated October 21, 1980, recorded in said Registry in Book 7135, Page 310 (First Amendment to Lease), 2) an amendment dated December 2, 1980, recorded in said Registry in Book 7135, Page 314 (Second Amendment to Lease), 3) by an agreement dated January, 1986, also called an amendment and certified by the city clerk as being signed January 21, 1986 (Third Amendment to Lease, unrecorded), 4) by an amendment entitled "Amendment to Lease Agreement," endorsed by the Mayor on January 26, 1998 (Fourth Amendment to Lease, unrecorded; see Deed also signed by the Mayor on January 26, 1998, recorded in said Registry in Book 19750, Page 159), 5) by amendment entitled "Second Amendment," dated May 11, 2000, recorded in said Registry in Book 22705, Page 320 (Fifth Amendment to Lease), 6) by amendment entitled "Third Amendment to Lease," dated July 25, 2016, recorded in said Registry in Book 55817, Page 392 (Sixth Amendment to Lease), and by 7) amendment entitled "Fourth Amendment to Lease," dated September 14, 2017, and recorded in said Registry in Book 57862, Page 98 (Seventh Amendment to Lease);

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WHEREAS, in 1997, the City and the Hospital negotiated the sale of certain land by the City to the Hospital, including Parcel Two leased to the Hospital under the Lease, and the release of a portion of the Hospital's leasehold in Parcel One;

WHEREAS, on October 14, 1997, the Hospital's Board of Trustees resolved to pay the City Twenty-Four Thousand Five Hundred (\$24,500) Dollars for the purchase of said property and to release the Hospital's leasehold in approximately 5.86 acres of said Parcel One;

WHEREAS, the Amendment to Lease Agreement endorsed on January 26, 1998 (Fourth Amendment to Lease), specifically reduced the area being leased by the Hospital to a parcel containing 2.16 acres, more or less;

WHEREAS, the City did convey said property to the Hospital by a Deed signed by the Mayor on January 26, 1998 (the same day the Fourth Amendment was endorsed), and recorded in said Registry in Book 19750, Page 159;

WHEREAS, in 2007, the City's Planning Board granted the Hospital a Special Permit dated October 9, 2007, to expand the Hospital's parking facilities, said permit being recorded in said Registry in Book 42418, Page 1;

WHEREAS, the Hospital did thereafter expand its parking facilities to an area that exceeds the 2.16 acres leased by the City to the Hospital as part of the 1997 negotiations, as commemorated in the Deed and the Fourth Amendment; and

WHEREAS the Parties now desire to resolve this pretermission;

NOW THEREFORE, in exchange for the mutual promises contained herein, and other good and valuable consideration, the sufficiency of which the Parties affirm, the City and Hospital agree as follows:

Article 1 of the Lease Agreement dated April 9, 1968 be amended to read as follows:

The Lessor leases to the Lessee the premises in the City of Gardner, County of Worcester, Commonwealth of Massachusetts, described as follows:

A certain parcel of land situated in the City of Gardner, County of Worcester, Commonwealth of Massachusetts bounded and described as follows:

BEGINNING at a point on the westerly sideline of Green Street at the northeasterly corner of land now or formerly of Henry Heywood Memorial Hospital;

THENCE S69°06'14"W by land of said Henry Heywood Memorial Hospital one hundred eighty and 09/100 (180.09') feet to a point;

THENCE Northerly over land of the City of Gardner along a curve concave to the east having a radius of eight hundred twelve and 50/100 (812.50') feet, an arc length of three hundred sixteen and 37/100 (316.37') feet to a point;

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THENCE N03°01'05"E over land of the City of Gardner two hundred twenty six and 86/100 (226.86') feet to a point;

THENCE northerly over land of the City of Gardner along a curve concave to the west having a radius of one thousand seven hundred eighty-seven and 50/100 (1,787.50') feet, an arc length of two hundred thirty-eight and 84/100 (238.84') feet to a point;

THENCE N85°21'45"E over land of the City of Gardner one hundred eighty and 00/100 (180.00') feet to a Worcester County highway bound on the westerly sideline of Green Street;

THENCE Southerly by the westerly sideline of Green Street along a curve concave to the west having a radius of one thousand nine hundred sixty-seven and 50/100 (1,967.50') feet, an arc length of two hundred sixty-two and 89/100 (262.89') feet to a Worcester County highway bound;

THENCE S03°01'05"W by the westerly sideline of Green Street two hundred twenty six and 86/100 (226.86') feet to a point;

THENCE southeasterly by the westerly sideline of Green Street along a curve concave to the east having a radius of six hundred thirty-two and 50/100 (632.50') feet, an arc length of two hundred forty-one and 24/100 (241.24') feet to the point of beginning.

CONTAINING 3.13 Acres.

The remaining land in PARCEL ONE, as previously described in Article 1 of the April 9, 1968 Agreement, is released by the Lessee to the full ownership and control of the City of Gardner (Lessor).

This description of the leased area set forth herein shall be binding on the parties notwithstanding any prior revisions, agreements, or amendments to the Lease.

All other terms of the original Lease agreement, as amended from time to time, shall remain in full force and effect until the end of the original lease term, which remains April 8, 2067.

6-2 A Measure Authorizing an Easement Relocation Agreement Between the City of Gardner and Massachusetts Electric Company (Ref: Finance Committee Agenda No. 6-1).

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to recommend that the City Council adopt the **Easement Relocation Agreement Between the City of Gardner and Massachusetts Electric Company**, attached hereto.

6-3 A Measure Authorizing a Grant of Easement to Massachusetts Electric Company for an "OVERHEAD SYSTEM" and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" at 200 Catherine Street (Gardner High School).

Mr. Anderson said that he will review the City Solicitor's correspondence and respond later. He added that he would like to project completed before winter.

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Councillor Walsh suggested that action be postponed until the next meeting. Mr. Anderson agreed to the suggestion.

The Committee continued the matter until the next meeting.

GRANT OF EASEMENT

CITY OF GARDNER, a municipal corporation having a mailing address of 95 Pleasant Street, Gardner, Massachusetts 01440, (hereinafter referred to as the Grantor), for consideration of One (\$1.00) dollar, grants to **MASSACHUSETTS ELECTRIC COMPANY**, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, three (3) poles and one (1) anchor, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Gardner, Worcester South County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon a certain parcel of land situated off the easterly side of Blanchard Street, being more particularly shown as "PARCEL 2" shown on a Plan of Land recorded with the Worcester South County Registry of Deeds in Plan Book 399, Plan 67.

Said "OVERHEAD SYSTEM" is to be installed on Grantor's property, which is located off the easterly side of Blanchard Street, to consist of Pole p9-5, Pole p9-42, Pole P9-41, Pole p9-4 and an anchor to be affixed to Pole p9.

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "Exhibit "A" Not Drawn To Scale; The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.; Easement Sketch For New Poles, Anchors & Overhead Wires At 200 Catherine St, Gardner, Ma (Gardner High School); Date: 05/21/2020; Designer: S.W. Soucy; Work Req# 28733033; nationalgrid," a reduced

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copy of said sketch is attached hereto as “Exhibit A”, copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said “OVERHEAD SYSTEM” and “UNDERGROUND SYSTEM” shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said “OVERHEAD SYSTEM” and “UNDERGROUND SYSTEM” and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the “OVERHEAD SYSTEM” and “UNDERGROUND SYSTEM” are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the “OVERHEAD SYSTEM” and “UNDERGROUND SYSTEM” and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor’s land an “OVERHEAD SYSTEM” and “UNDERGROUND SYSTEM” for the transmission of intelligence and for the purpose of supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said “OVERHEAD SYSTEM” and “UNDERGROUND SYSTEM”.

It is agreed that the “OVERHEAD SYSTEM” and “UNDERGROUND SYSTEM” shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor’s property and the further right to service others from said “OVERHEAD SYSTEM” and

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“UNDERGROUND SYSTEM”.

For Grantor’s title, see an Order of Taking by the City of Gardner dated June 4, 1974, recorded with the Worcester South District Registry of Deeds Book 5534, Page 255.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to adjourn at 12:37 p.m.