

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF SEPTEMBER 5, 2018

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

Other Officials Participating: Mayor Mark Hawke and City Clerk Alan Agnelli.

The meeting was called to order by President Scott Graves at 6:30 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.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to approve the Minutes of the August 1, 2018 Meeting, as printed.

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).*

The Committee agreed to postpone action until a draft Ordinance is prepared.

4-3 A Petition for Home Rule Legislation Entitled *An Act Revising the Charter for the City of Gardner.*

Mayor Hawke informed the Committee that the Council's recent action adopting an Ordinance permitting the City Council to retain legal counsel "showed me the light." He said that the Mayor is in a better position to advertise for and to appoint the positions of Auditor, Treasurer, and Collector, which then could be confirmed by the City Council, adding that the appointments need "checks and balances," just as a Council-confirmed City Solicitor.

Addressing the Mayor, Councillor James Walsh said that before the Council adopted the Ordinance permitting legislative legal counsel, that "you did not think that this was necessary before that."

The Mayor responded, saying that since the Council passed the legal counsel Ordinance, then "both [branches] should have a say."

Councillor Walsh questioned the Mayor's comment in his letter, asking "What is egregious?"

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The Mayor said that he does not have a say [about the three Council appointees].

Councillor Walsh stated that the method [of appointment] has worked since 1923; then suggested that the Mayor “look into the Mayor’s [prior] appointees.” He added, “I agree [with the Mayor] that the action that the Council takes ought to be quick.”

Mayor Hawke commented that he did not believe that the Council should be hiring.

Addressing the Mayor, Councillor Ronald Cormier remarked, “We’ve all picked winners!”

President Scott Graves stated that the issues and subjects that the Mayor is raising “run very deep,” and that the Mayor’s “reasoning is not remotely the same.” He said that the City Council did not change the City Solicitor’s position, but only provided the Council with the ability to seek a second opinion in the event of a disagreement with the Solicitor’s opinion. He also noted that the Mayor works with the three employees (Auditor, Collector, and Treasurer) on a regular basis and oversees their actions. “The system has worked for almost 100 years,” he added.

Citing the previous City Auditor, the Mayor said that in that same round, that body (Council) asked for a CORI check, but that only he, the Mayor, “can look at it.”

Councillor Walsh stated that there is nothing in the Charter that prevents the Mayor from recommending a particular candidate to the City Council.

President Graves stated, “This specific Solicitor had sided with you when he’s clearly wrong,” so “you can’t say that this is the same thing.” “Has that ever happened?” he asked the Mayor.

Mayor Hawke stated that he has had differences of opinion with the Auditor.

President Graves responded, “Then go to the City Solicitor.”

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to issue and unfavorable report to the City Council on the following:

AN ACT REVISING THE CHARTER FOR THE CITY OF GARDNER

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1.

Section 6 of the Charter for the City of Gardner be deleted and repealed in its entirety and replaced with the following:

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Section 6: All heads of departments and members of municipal boards, except for the School Committee, the city clerk, officers whose election is provided for by this act, and officials appointed by the governor, shall be appointed by the mayor, subject to confirmation by the city council.

SECTION 2.

Section 9 of the Charter for the City of Gardner be deleted and repealed in its entirety and replaced with the following:

Section 9. The city clerk shall be elected by the city council, and shall serve for terms of three years and may be removed at any time by a two thirds vote of the city council.

SECTION 3. Effective Date

This act shall take effect upon its passage.

5-1 A Measure Authorizing a Solar Energy PILOT Agreement with West Street Solar 1, LLC.

The Mayor informed the Committee that all of the PILOT Agreements are the same, except for the entities and the amounts of the PILOT payments. He added that the City Assessor contributed to the preparation of the Agreements.

Councillor James Walsh asked, “Why is it a good idea to enter into these agreements?”

The Mayor said, “It smooths out payments over 20 years.” He added that the Law Department reviewed the Agreements.

Councillor Walsh questioned specific provisions of Section 6, “Assignment,” noting his concern that the Developer could collaterally assign the Agreement without the City’s consent “that involves creditworthiness.”

The Mayor stated that the language in the Agreements is the same that the City used before, such as the Mill Street PILOT Agreement.

Councillor Walsh reiterated his concern and cited the entire provision.

The Mayor responded, saying that he is “not sure that the City is in a position to evaluate creditworthiness.”

Councillor Walsh stated that the City should be able to determine creditworthiness. He suggested that the language should be run by the Law Department.

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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 Measure to authorizing the Mayor execute a Solar Energy PILOT Agreement with West Street Solar 1, LLC., pursuant to the provisions of Massachusetts General Law, Chapter 59, Section 38H, as negotiated by the Mayor, be referred back to the Finance Committee for further study and report.

5-2 A Measure Authorizing a Solar Energy PILOT Agreement with 978 Solar Development, LLC.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council that the Measure authorizing the Mayor to execute a Solar Energy PILOT Agreement with 978 Solar Development, LLC., pursuant to the provisions of Massachusetts General Law, Chapter 59, Section 38H, as negotiated by the Mayor, be referred back to the Finance Committee for further study and report.

5-3 A Measure Authorizing a Solar Energy PILOT Agreement with Otter River Solar, LLC.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council that the Measure authorizing the Mayor to execute a Solar Energy PILOT Agreement with Otter River Road Solar, LLC., pursuant to the provisions of Massachusetts General Law, Chapter 59, Section 38H, as negotiated by the Mayor, be referred back to the Finance Committee for further study and report.

6-1 A Measure Declaring Surplus for Purpose of Disposal Land at 57-67 Parker Street (Continued from 8/1/2018).

The Mayor informed the Committee that the land is to be sold for redevelopment purposes and the plan is to issue an RFP in order to restrict the use of the parcel. He noted that the City would like to get the property back on the tax rolls.

On questioning, the Mayor stated that CDBG funds were used to demolish the building and that a cellar hole is buried underneath the dirt. He added that the Ale House expressed some interest in the parcel.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend to the City Council 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

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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.

6-2 A Measure Declaring Surplus for Purpose of Disposal Land at Temple Street (R22-19-19).

The Mayor informed the Committee that the land is “landlocked” and that only abutters would be interested. He noted that the parcel “is connected by a paper street.”

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend to the City Council to declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at Temple Street, further identified on the City of Gardner Assessor’s Map as R22-00019-00019, 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.

6-3 A Resolution in Support of the City Business Park Acquisition and Planning Project.

The Mayor informed the Committee that the City is working with the GRA to develop a new industrial park off Route 140 near the water tank. He noted that a grant was awarded to begin the process of siting the park.

On questioning by Councillor Walsh, Councillor Ronald Cormier stated that the terms for repayment are over 40 years and that the development is “is far down the road.” He said that MassDevelopment is party to the arrangement.

It was noted that the Council is requested to only adopt the two paragraphs - 2(d)(i) 2(d)(ii) of the Memorandum.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council to that the following Resolution be adopted:

RESOLUTION
CITY BUSINESS PARK ACQUISITION AND PLANNING PROJECT

WHEREAS, The Gardner Redevelopment Authority (GRA), a Massachusetts Redevelopment Authority created under G.L. c. 121B with an address of 115 Pleasant Street, Gardner, Worcester County, Massachusetts, 01440, wishes to express support

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for the *City's Business Park Acquisition and Planning Project*, which encompasses the acquisition of two parcels of land contiguous to a City-owned parcel located at the junction of State Routes 140 and 101 in Gardner, MA.

WHEREAS, The GRA is partnering with the City of Gardner to acquire 124 +/- acres of land for situating a proposed 146 acre business park. Development of this proposed park is expected to provide significant public benefits such as substantial private investment within the City and region, and the generation of local property taxes and jobs. Assistance through the Commonwealth's Site Readiness Program, administered by the Massachusetts Development Finance Agency, would grant the City and GRA with the necessary resources to initiate this proposed project.

Gardner Redevelopment Authority has been awarded a Site Readiness Program Grant in the amount of \$350,000.00 from MassDevelopment for the acquisition costs associated with this project.

WHEREAS, to foster this economic development opportunity in the City of Gardner. The City of Gardner has agreed to repay the Recoverable Grant pursuant to the terms of the grant agreement:

NOW, THEREFORE, the Gardner City Council votes as follows:

VOTE: To approve Paragraph 2(d)(i) of a certain Memorandum of Understanding between the City of Gardner and MassDevelopment as negotiated by the Mayor, which reads as follows, and to authorize the Mayor to sign the same:

“If the Site or any portion thereof is sold, conveyed, gifted, demised, ground leased, otherwise transferred, or refinanced, and as a result, Recipient, or any affiliate, receives funds that exceed the aggregate amount necessary for repayment of existing monetary liens, mortgage loans, and other debt on the Project and all of the costs incurred by them in the acquisition, development, ownership, and sale of the Site or of the portion of the Site transferred (the “Net Proceeds”), then Recipient shall reimburse MassDevelopment the full amount of the Net Proceeds, in an amount up to the Disbursed Funds. This Section 2(d)(i) shall only apply from the Effective Date established above through 11:59 P.M. on the date 30 years thereafter, but shall survive the earlier expiration or termination of this Agreement.”

VOTE: To approve Paragraph 2(d)(ii) of a certain Memorandum of Understanding between the City of Gardner and MassDevelopment as negotiated by the Mayor, which reads as follows, and to authorize the Mayor to sign the same:

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“Beginning in the fiscal year when any Economic Benefit to the Municipality (as hereinafter defined) is realized, the City of Gardner shall include in its annual budget a line item requiring payment to MassDevelopment of an amount equal to 15% of any Economic Benefit to the Municipality, until the earlier of: (i) full repayment of the amount of the Recoverable Grant that has been disbursed and has not already been repaid to MassDevelopment, (ii) the expiration of 30 years from the date on which the first Economic Benefit to the Municipality is realized, or (iii) if no redevelopment on the Site commences, the expiration of 30 years from the date of the Recoverable Grant.”

NEW BUSINESS

Amendment to #9954, 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.”

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

D. NON-UNION STAFF: TEMPORARY, SEASONAL AND INTERMITTENT POSITIONS

Position	07/01/18			07/01/19
	Step 1	Step 2	Step 3	Step 1
Special Detail Police Officer	\$48.00			\$49.00

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to adjourn at 7:06 p.m.