

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF SEPTEMBER 17, 2018

The Finance Committee meeting was called to order by President Scott Joseph Graves at 6:00 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.

Other Officials Participating included City Assessor Susan Byrne; Community Development and Planning Director Trevor Beauregard; 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 September 5, 2018 Meeting, as printed.

3-1 A Measure Confirming the Mayor's Appointment of Cheryl Bosse to Member, Cultural Council, for term expiring September 6, 2021.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend to the City Council to confirm the Mayor's Appointment of Cheryl Bosse to Member, Cultural Council, for term expiring September 6, 2021.

3-2 A Measure Confirming the Mayor's Appointment of Rachel Stephano to Member, Cultural Council, for term expiring September 6, 2021.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council to confirm the Mayor's Appointment of Rachel Stephano to Member, Cultural Council, for term expiring September 6, 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 9/5/2018).

The Committee agreed to postpone action until the next meeting when a draft Ordinance is presented.

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

City Assessor Susan Byrne informed the Committee that under the General Laws, solar equipment is not taxable if it is used to generate energy, as the Appellate Tax Board has ruled on multiple occasions which affected many communities. She said that the trade-off with the solar companies is for municipalities to enter into PILOT Agreements (Payments in-lieu-of taxes) for which some guidance is provided by the Department of Revenue. She said that under such an agreement, the value of the equipment is depreciated at the rate of 5% per year over 20 years; that the term of the Agreement is for 20 years; and, that the land is taxed as “commercial income-producing land.”

On questioning, Ms. Byrne confirmed that the PILOT payments are in-lieu of payment of personal property taxes and that the solar energy developers provide the City with information and values of the solar equipment. She added that the solar projects to be constructed have been pre-approved.

Councillor Walsh suggested that should the City not enter into PILOT Agreements with the solar developers, then the City receives nothing for the equipment, since the developers are not required to pay personal property taxes.

On questioning by Councillor Ronald Cormier, Ms. Byrne explained that depreciation amounts to 5% per year, but that the value does not drop below 5% of the original value of the equipment.

Councillor Walsh noted that the PILOT payment schedules are referenced as attachments in all three PILOT authorizations.

Ms. Byrne informed the Committee that the amounts of the payments could change since the amounts of solar generation could change depending on permitting.

Councillor Walsh expressed his reluctance to vote to recommend adoption of any of the PILOT Agreements without their corresponding Exhibits A, the Plans; Exhibits B, the Payment Schedules; or Exhibits C, the Inventory.

Ms. Byrne added that the City Solicitor has reviewed all three PILOT Agreements. She said that she would provide the Exhibits before the Committee takes action.

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

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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.

5-4 A Measure Authorizing Participation in the “Liabilities to Assets Project.”

Community Development and Planning Director Trevor Beauregard informed the Committee that the first step following the Public Hearing is for the Planning Board to take the matter under consideration and to prepare its Findings. The Board’s Findings, he said, will be transmitted to the City Council and the Council could adopt the Planning Board’s findings as its own. He added that the Planning Board has 45 days from the date of the Public Hearing to issue its Findings and the City Council has 45 days to act on the Measure following receipt of the Planning Board’s Findings.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council that *A Measure Authorizing Participation in the “Liabilities to Assets Project”* be referred to the Planning Board for report and recommendation.

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5-5 A Measure Declaring Surplus for Purpose of Disposal Land and Buildings at 75-77 Emerald Street.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 75-77 Emerald Street, further identified on the City of Gardner Assessor's Map as M22, Lot 25, Block 14, 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 Declaring Surplus for Purpose of Disposal Land and Buildings at 27 Winter Street.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 27 Winter Street, further identified on the City of Gardner Assessor's Map as R17, Block 17, Lot 6, to establish as a minimum amount of \$45,000.00 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.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to adjourn at 6:24 p.m.