

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF DECEMBER 12, 2018

The Finance Committee meeting was called to order by President Scott Joseph Graves at 12:00 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.

Others participating included Mayor Mark Hawke; Police Chief Neil Erickson; City Auditor John Richard; Conservation Agent Jeffrey Legros; 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 Ronald Cormier and seconded by President Graves, it was voted to approve the Minutes of the November 28, 2018 Meeting, as printed.

2-1 #10008, A Measure Authorizing Acceptance of Donations and Gifts for Use by the Community Bandstand Committee for Musical Concerts and Other Entertainment Events (In City Council and Referred to Finance, 11/05/2018).

President Scott Graves opened the discussion by noting that the Municipal Grounds Commission is functioning and that its three members also serve on the Cemetery Commission. He added that the proposed Gift Fund is also before the Service Committee and corresponds to the pending Municipal Grounds/Bandstand Ordinance, so the Finance Committee postponed action on *A Measure Authorizing Acceptance of Donations and Gifts for Use by the Community Bandstand Committee for Musical Concerts and Other Entertainment Events.*

3-1 A Measure Confirming the Mayor's Appointment of Melory Cornett to Alternate Member, Zoning Board of Appeals, for term expiring 11/26/2021.

Mayor Hawke informed the Committee that Mr. Cornett formerly served on the ZBA for a number of years so that he is familiar with the ZBA's practices. The Mayor added that Mr. Cornett would be replacing Anthony Asmar.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council confirm the Mayor's Appointment of Melory Cornett to Alternate Member, Zoning Board of Appeals, for term expiring 11/26/2021.

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3-2 A Measure Confirming the Mayor's Appointment of Christine Martines Fucile to Member, Cultural Council, for term expiring 11/29/2021.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment of Christine Martines Fucile to Member, Cultural Council, for term expiring 11/29/2021.

3-3 A Measure Confirming the Mayor's Appointment of Jeffrey Legros to Member, Cultural Council, for term expiring 11/29/2021.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment of Jeffrey Legros to Member, Cultural Council, for term expiring 11/29/2021.

3-4 A Measure Confirming the Mayor's Appointment of Kristina Singer to Member, Cultural Council, for term expiring 11/29/2021.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment of Kristina Singer to Member, Cultural Council, for term expiring 11/29/2021.

3-5 A Measure Confirming the Mayor's Appointment of Darlene Morrilly to Member, Board of Registrars of Voters, for term expiring 4/01/2021.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment of Darlene Morrilly to Member, Board of Registrars of Voters, for term expiring 4/01/2021.

3-6 A Measure Confirming the Mayor's Appointment of Richard Braks to the Position of Chief of Police for term expiring 12/26/2021.

Councillor James Walsh opened the discussion by asking the Mayor to outline the process that was used to recruit candidates for the position of Chief of Police.

The Mayor informed the Committee that the impending vacancy was not posted or advertised and that there was only one applicant. He said that there was an accession plan in place for the Chief Erickson's replacement; however, the plan was altered when former Deputy Chief of Police John Bernard retired earlier in the year. At that time, the Mayor said, Lieutenant Richard Braks was then appointed Deputy Chief.

Police Chief Neil Erickson informed the Committee that since his appointment, Deputy Chief Braks has attended specialized summits and undergone additional command-related training. With his five additional years in the position of Lieutenant, a command position, the Chief stated that he believes that Deputy Chief Braks is capable of assuming the position of Chief.

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Mayor Hawke noted that the current senior officer staff recommends Mr. Braks for the position.

Councillor Walsh said that his only observation is that the transition period from his post as Lieutenant to Chief of Police is brief and the roles are significantly different. He asked the Mayor if he is satisfied that Deputy Chief Braks' performance merits the appointment to Chief of Police.

Both the Mayor and Police Chief Erickson expressed agreement.

President Graves expressed complete confidence in the Deputy Chief's appointment, noting that Chief Erickson's direct accession to Chief of Police from his Lieutenant's position, having not served as Deputy Chief of Police.

Councillor Ronald Cormier noted Deputy Chief Braks' five years as a Lieutenant, a command position, which meets a requirement outlined in the Job Description.

President Graves added that the recommendation by the Mayor and the Chief of Police "gives weight."

Councillor Walsh noted that his only question about the appointment concerned only the search process.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council confirm the Mayor's Appointment of Richard Braks to the Position of Chief of Police for term expiring 12/26/2021.

3-7 A Measure Confirming the Mayor's Appointment of Jeffrey LaBonte to the Position of Police Sergeant, Permanent.

The Mayor informed the Committee that "there has been a lot of movement" in the Police Department this year," noting that Sergeant Ed Brow recently retired and that Officer Jeffrey LaBonte was selected from the Civil Service Sergeant's Promotional List.

Chief Erickson stated that an Interview Panel comprised of Police Chief Barrett of Ashburnham, Police Chief Albert of Westminster, Deputy Chief Braks, and he, interviewed Officer LaBonte and recommended to the Mayor that he be promoted.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment of Jeffrey LaBonte to the Position of Police Sergeant, Permanent.

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4-1 A Measure Accepting the Provisions of G.L. Chapter 32B, section 20, as amended, relating to Other Post-Employment Benefits Liability Trust Fund (“Prudent Investor Rule”).

The Mayor informed the Committee that the City Treasurer recommends that the City adopt the amended statute in order to expand its investment options, similar to its ability with the Williams-Rockwell Gift Fund. He said that the Treasurer will work with the City’s trust funds adviser on the scope of investments.

Councillor James Walsh asked if there are any municipal funds that would benefit from expanded investment options.

The Mayor said that all of the various Gardner High School scholarship funds could benefit, which are presently generating only paltry interest from savings accounts. He added that they could be invested along with the Williams-Rockwell investments, but separately accounted for.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council accept the provisions of Massachusetts General Law, Chapter 32B, Section 20, as amended by Section 15 of Chapter 218 of the Acts of 2016 and authorizing the Mayor to establish an Other Post-Employment Benefits Liability Trust Fund in accordance with the Prudent Investor Rule established under M. G. L. Chapter 203C.

5-1 A Measure Authorizing an Intermunicipal Agreement Between the City of Gardner and the Town of Hubbardston for Building Department and Zoning Enforcement Services.

The Mayor informed the Committee that when the City and the Town of Hubbardston first discussed having Gardner provide inspectional and zoning enforcement services to Hubbardston, the plan was to develop a pilot program in order to gather data to determine long-term feasibility. Since that time, the Mayor said, the Town proposed that a formal arrangement be created through an Intermunicipal Agreement (“IMA”), so Hubbardston’s Town Counsel proposed an IMA. He added that he is aware that such an Agreement requires City Council authorization.

Councillor James Walsh suggested that the Legislative vote incorporate ratification, as well as authorization, since the IMA “is administratively in effect.”

The Mayor advised that according to Building Commissioner Roland Jean, the arrangement has worked out well and that since it is winter, there are “no stresses on the Department.”

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Councillor Walsh questioned whether the initial six-month period is too short a time to obtain adequate data in order to determine the program's effectiveness.

The Mayor remarked that the initial six-month period would not have an adverse effect on the Department's inspectional obligations to Gardner's residents.

President Graves questioned the term of the IMA and whether the Council's authorization would extend beyond the initial six month period.

Councillor Walsh noted that if the original IMA provided for extensions to the Agreement, then only a single authorizing vote is necessary.

President Graves remarked that it seems to him that the City "would be on the hook if something happens in Hubbardston," suggesting that the City's Law Department would be required to defend any lawsuits brought because of actions occurring in Hubbardston. He cited clause 17 of the Agreement as the prevailing language.

Mayor Hawke informed the Committee that any actions brought against the City as a result of the Agreement would be covered under the City's insurance and added that the City Solicitor reviewed the IMA before the Mayor executed it.

Councillor James Walsh suggested that the Legislative authorization be amended by adding the phrase "and to ratify the previously executed agreement."

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council authorize the Mayor to enter into an Intermunicipal Agreement with the Town of Hubbardston and to ratify the previously executed agreement for the purpose of providing building department and zoning enforcement among the two communities, under such terms and conditions as the Mayor deems appropriate and in accordance with the provisions of Section 4A of Chapter 40 of the General Laws.

5-2 A Measure Authorizing the City to Accept PARC Grant Funds and to Borrow a Sum of Money for Design and Phase I Development of Bailey Brook Park.

Conservation Agent Jeffrey Legros informed the Committee that the PARC Grant would be used to develop the Omealia Property, which is a multi-year and multi-phase project. The first phase is for the design, site work, and preparation of the park and that the City's share would be \$52,000, representing 30% of the design cost. He said that the design work should be completed in 2019 and construction undertaken in 2020. The City's share for Phase II would be \$136,500.00 and that it is "a reimbursement grant," which requires the City to first commit the funds and then receive reimbursement upon completion.

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Councillor James Walsh questioned the Mayor's plan to finance the City's share of the project.

Mayor Hawke stated that the City could borrow or potentially draw from the Community Development Block Grant ("CDBG").

Councillor Walsh noted that in the past, the City has authorized borrowing project funds and then the Mayor has identified Free Cash as a source of funding, allowing the City to rescind the borrowing authorization, in whole or in part.

The Mayor said that he hopes that the City's share could be found in Free Cash.

President Graves stated that if the City commits its share, would there be any obligation if the grant is not awarded.

Mr. Legros noted that the Authorizing legislation makes the City's obligation contingent on the grant award.

The Mayor said that the City's share for the second phase would have to be planned for in the next Fiscal Years' Budget.

Mr. Legros added that EOEI typically announces grant awards in January of 2019.

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

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES (PARC) PROGRAM FOR DEVELOPMENT OF BAILEY BROOK PARK

WHEREAS: The land recently acquired for the purpose of developing a community park in West Gardner will by and far be a community-wide asset and that the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

WHEREAS: The land is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3; and

WHEREAS: The design and development of a park will provide substantial public benefits and greatly enhance this land and with improved site access, recreational amenities, path systems, parking, and universal access, etc.; and

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- WHEREAS:* The main focus of the project is to fund the design of a multipurpose recreational park, and, to conduct preliminary site work and land grading to provide necessary access to the park, and, for the construction of walking trails and a universally accessible trail which will be components of the park design which will include recreational facilities and amenities of which the overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation as one project; and
- WHEREAS:* The project was instead viewed as a series of phases, to be implemented over time, by priority as fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and
- WHEREAS:* The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities (PARC) grant program (301 CMR 5.00); and
- WHEREAS:* Phase I of the Bailey Brook Park Design & Development Project will cost a total of up to \$589,000 (Five Hundred and Eighty Nine Thousand Dollars) of which \$400,000 (Four Hundred Thousand Dollars) has been requested and, if awarded, will be reimbursable through the PARC grant program and of which \$175,000 (One Hundred and Seventy Five Thousand Dollars) will be allocated in FY19 toward the design of the Park, and of which \$414,000 (Four Hundred and Fourteen Thousand Dollars) will be allocated in FY20 toward the cost of site clearing and grading, construction of access driveways, and development of a 1-mile loop trail and accessible walking trail; and
- WHEREAS:* The Mayor of the City of Gardner will accept grant funds under the PARC grant program (301 CMR 5.00) and the City of Gardner will borrow, appropriate and expend up to Five Hundred and Eighty Nine Thousand and 00/100 Dollars (\$589,000) for the Design & Phase I Development of Bailey Brook Park to be managed and maintained pursuant to M.G.L. c. 45, §3, and to be held and managed by the City Public Works Department, as open space parkland under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, under their duty and responsibility to the care and custody of City parks and playgrounds.

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NOW, THEREFORE, BE IT

1. That the Mayor, as the Chief Executive Officer of the City, be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Community Development and Planning; and
3. That this resolution shall take effect upon passage.

8-1 Request for Declaration of Surplus Property (Used office furniture).

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to authorize the Purchasing Department to dispose or sell three used office desks and 31 padded chairs.

9-1 Free Cash Use Planning

The Mayor informed the Committee that he anticipates that the City's Free Cash for FY2019 will be certified at approximately \$1.4M. He provided the Committee with a spreadsheet that identified three policy-driven commitments – the Stabilization Fund, OPEB Funding, and Road Resurfacing.

Continuing, the Mayor cited various categories of annually-recurring expenses to cover deficits such as Veterans' Benefits, Snow & Ice, General Budget shortages, and the E-Rate Reimbursement to the School Department. He also noted that funds will be needed for two pieces of equipment for the Public Works Department – a sidewalk tractor and street sweeper. He added that he may include "a placeholder" for grant matching funds.

ADJOURNMENT

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to adjourn at 12:49 p.m.