

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF MAY 13, 2021

The Finance Committee meeting was called to order remotely by Council President Elizabeth Kazinskas at 8:00 a.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 was Mayor Michael Nicholson, City Auditor John Richard, Police Chief Richard Braks, Fire Chief Greg Lagoy, Public Works Director Dane Arnold, Lieutenant Eric McAvene, Officer Robert Allard and City Clerk Titi Siriphan.

1-1 Review and Approval of the Meeting Minutes.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted to waive reading and to accept the Finance Committee Meeting Minutes of April 27, 2021, as printed.

2-1 An Order Appropriating \$52,000.00 from Free Cash to Fire Department Salary Expense.

Mayor Nicholson informed the committee that this was due to a shortage in the fire department overtime account for items that were not covered by the COVID 19 grants that have been allocated by the state and federal government.

Fire Chief Greg Lagoy stated that since he became Chief, there have been three empty slots due to two resignations and the retirement of Chief Ares. There has been a delay in filling those positions due to the civil service test that was delayed. They have been back filling a lot of slots with overtime.

Councillor James Walsh questioned if the fire department will submit a home rule petition like the police department to exempt civil service requirements.

Mayor Nicholson responded that they are meeting with the union as their contract is expiring at the end of the fiscal year and that would likely be brought up in the negotiations.

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:

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF MAY 13, 2021

AN ORDER APPROPRIATING FROM FREE CASH TO FIRE – DEPT SALARY EXPENSE.

ORDERED: That there be and is hereby appropriated the sum of Fifty Two Thousand Dollars and No Cents (\$52,000.00) from Free Cash to Fire Department Salary Expense.

2-2 An Order Appropriating \$13,000.00 from Free Cash to Ambulance Department Salary Expense Account.

Mayor Nicholson informed the committee that this was a similar item as the previous order, but with a different department.

Councillor James Walsh stated that the ambulance service has been in place for several years now. He thinks it would be wise for public reasons and the city to have an independent audit of the ambulance service to understand and appreciate their operations. He stated that it should be included in the next year's budget proposal.

Mayor Nicholson responded they can request Melanson, who conducts the city's annual audits, to audit a particular department. That is part of their plan moving forward to incorporate the audit into the operating budget.

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 FROM FREE CASH TO AMBULANCE – DEPT SALARY EXPENSE.

ORDERED: That there be and is hereby appropriated the sum of Thirteen Thousand Dollars and No Cents (\$13,000.00) from Free Cash to Ambulance Department Salary Expense.

2-3 An Order Appropriating \$250,000.00 from Free Cash to DPW Road Resurfacing Expense Account.

Mayor Nicholson informed the committee that this was a good portion of our remaining free cash for the year:

- There are a lot of roads that need to be looked at and there was never enough money to form adequately address the paving needs
- Back in October \$230,000.00 was appropriated for road resurfacing and repair
- This request is to add additional funding to get more done

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF MAY 13, 2021

- There is a lot of work being done with the loan that was taken out from the water enterprise account for infrastructure improvement projects that we are seeing downtown

DPW Director Arnold informed the committee that they conduct a rating and priority system throughout the entire city:

- They've driven every street and rate them on its drivability
- Every year, he and the City Engineer drive every single road in the city and rate the roads from a scale of one through four. One being the worst, four being a freshly paved road
- Things can change drastically throughout the year, especially in the spring
- Cracks can happen overnight due to the freeze-thaw cycles which causes a lot of issues
- There's about seven miles of road that are the worst in the city and that estimated to be about five million dollar cost
- It's a little under a million dollars a mile for road resurfacing

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

AN ORDER APPROPRIATING FROM FREE CASH TO DEPARTMENT OF PUBLIC WORKS DEPT. - ROAD RESURFACING EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) from Free Cash to Department of Public Works Dept. – Road Resurfacing Expense Account.

2-4 An Order Appropriating \$26,000.00 from Free Cash to DPW Street Lighting Expense Account.

Mayor Nicholson informed the committee that the city converted the street lights from incandescent bulbs to LED bulbs. They expected a savings to come through because LED uses less electricity. When they took ownership of the streetlights, they also took responsibility of their maintenance.

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 DPW STREET LIGHTING EXPENSE.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF MAY 13, 2021

ORDERED: That there be and is hereby appropriated the sum of Twenty Six Thousand Dollars and No Cents (\$26,000.00) from Free Cash to the DPW Street Lighting Expense.

2-5 **An Order Appropriating \$35,000.00 from Free Cash to Animal Control New Vehicle Account.**

Mayor Nicholson informed the committee that this appropriation was to get the Animal Control Department a brand new pickup truck. Under the inter-municipal agreement with the towns of Ashburnham, Westminster and Hubbardston, Gardner will run the cost of the vehicle we purchase and invoice the other towns their portion of the cost.

Police Chief Braks made the request because the current vehicle is a 14 year old pickup truck that is seeing mechanical and structural repairs that will not be cost effective to continue to use this vehicle. A new vehicle would be safer for the Animal Control Officers

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

AN ORDER APPROPRIATING FROM FREE CASH TO THE ANIMAL CONTROL NEW VEHICLE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Thirty Five Thousand Dollars and No Cents (\$35,000.00) from Free Cash to the Animal Control New Vehicle Account.

2-6 **An Order Appropriating \$50,000.00 from Free Cash to DPW New Vehicle Expense Account.**

Mayor Nicholson informed the committee that this appropriation is to purchase a one-ton dump truck. The current one is in disrepair and in need of replacement.

DPW Director Arnold stated that they have a 2001 Ford one-ton dump truck that is 20 years old. It is beyond its useful life.

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

AN ORDER APPROPRIATING FROM FREE CASH TO THE DPW NEW VEHICLE EXPENSE.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF MAY 13, 2021

ORDERED: That there be and is hereby appropriated the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) from Free Cash to the DPW New Vehicle Expense.

2-7 An Order Appropriating \$75,000.00 from Free Cash to Landfill Closure Expenditures.

Mayor Nicholson informed the committee that Public Health Director Saunders wasn't able to attend the meeting. This is something that has gone before the Council for several years on an annual basis. This appropriation is needed to monitor the closed landfill that they have and are required by statute to monitor that for a period of 30 years. They will have to monitor the landfill until 2035. The monitoring consist of monitoring the amount of methane gas that gets released from the landfill, making sure that the torches that burn off the gasses stay lit. This is an EPA and DEP regulation for closed landfills.

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 FROM FREE CASH TO LANDFILL CLOSURE EXPENDITURES.

ORDERED: That there be and is hereby appropriated the sum of Seventy-five Thousand Dollars and No Cents (\$75,000.00) from Free Cash to Landfill Closure Expenditures.

2-8 An Order Appropriating \$290,000.00 from Free Cash to Snow and Ice Removal.

Mayor Nicholson informed the committee that prior to the COVID19 pandemic, the only line item in a municipal budget that was allowed to be deficit spending was snow and ice removal. This is because we simply know in June what's going to fall from the sky in December. This is something we budget for on a lower rate. This is the deficit we have after the original appropriation that was funded in the FY2021 budget to cover the cost of what we had in terms of snow, ice, overtime, fuel, vehicles, and different costs associated with winter precipitation.

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

AN ORDER APPROPRIATING FROM FREE CASH TO SNOW AND ICE REMOVAL.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF MAY 13, 2021

ORDERED: That there be and is hereby appropriated the sum of Two Hundred Ninety Thousand Dollars and No Cents (\$290,000.00) from Free Cash to Snow and Ice Removal.

3-1 A Measure Confirming the Mayor's Appointment of Dane Arnold to the position of Public Works Director, for term expiring May 4, 2024.

Mayor Nicholson informed the committee that he has been with the city since 2001. He continues to serve the city in a great manner, grown the department, and serves the needs of the city. He happily supports this reappointment.

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 Dane Arnold to the position of Public Works Director.

3-2 A Measure Confirming the Mayor's Appointment of Mark Schafron to the position of Planning Board Member, for term expiring May 4, 2026.

Mayor Nicholson informed the committee that Mr. Schafron has served the chair of the planning board for the past several year and in his opinion, has done a great job. He has communicated with his office on several matters.

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 Mark Schafron to the position of Planning Board Member.

3-3 A Measure Confirming the Mayor's Appointment of Stephen Hirons to the position of Sealer of Weights and Measures, for term expiring May 4, 2022.

Mayor Nicholson informed the committee that these are appointments that are supposed to be done on an annual basis, however, while looking over the different appointments and books, it was noticed that these next two appointments had not been reappointed since 2006. This is to get their appointments on the books. Mr. Hirons has done an excellent job with the different weights, measures, seals and everything else that goes on in the city in terms of the inspections of gas stations, registers, all the grocery stores and scales. Mr. Hirons know his job, does it well and has been a great asset to the city.

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 Stephen Hirons to the position of Sealer of Weights and Measures.

3-4 **A Measure Confirming the Mayor's Appointment of Paul Topolski to the position of Civil Defense Director, for term expiring May 4, 2022.**

Mayor Nicholson informed the committee that this appointment is granted annually under statutes. You can serve until replaced or reappointed. Director Topolski has done an excellent job this past year alone with the pandemic, making sure that we had what we needed. He was the one who has been reporting all of our reimbursements to the federal emergency management agency and Massachusetts Emergency Management Agency. He was the director of our call center for registration appointments, and played an important role during the 2008 ice storm.

President Kazinskas mentioned that working with Mr. Topolski last summer, she learned so much about what his position is and that he is a true professional completely dedicated to that position.

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 Paul Topolski to the position of Civil Defense Director.

4-1 **A Petition for Home Rule Legislation Entitled *An Act Exempting Certain Positions in the City of Gardner From the Provisions of Civil Service.***

Mayor Nicholson informed the committee that back in 2012, there was a vote to remove the position of the Deputy Chief from the provisions of civil service.

- Under the general laws, civil service was enacted in the early 1900s as a way to make sure that there was a fair and equitable hiring process for certain municipal positions
- Town of Gardner adopted civil service at a vote for the town meeting in 1912
- Since then, we have remained a part of the civil service system for our public safety departments, however they have removed clerical positions
- Fire Chief, Police Chief and Police Deputy Chief are working with two of our police unions
- One of the recommendations was to remove provisions of civil service for members of the Police Department under the rank of Deputy Chief to help improve and grow our police force
- Under the current service, we can only hire someone new or do a lateral transfer from another civil service department
- Removing civil service would help bring the department into a more professional, educated manner with our applicant pool

Chief Braks stated that this is a very time consuming process. Civil service doesn't allow us to select individuals who are highly qualified candidate in the area. There are many departments that are moving away from civil service. He believes the department can

absolutely effectively run in the best manner possible if we move away from civil service process.

Lieutenant Eric McAvene agrees with the Chief. He is someone who's been involved with the application interviews. It can be a cumbersome process that could take months to get through one or two candidates. By eliminating civil service, the city can set their own hiring guidelines and make those requests to candidates to come in with those specific qualifications that we are looking for.

Officer Robert Allard has had a lot of discussions over the years about pros and cons of being part of the civil service. They feel at this time, with the way society is and the way things have changed, they feel as though this is the perfect time to get out of civil service and create our own hiring process. Speaking on behalf of patrol, they fully support moving forward and removing civil service.

Councillor James Walsh fully supports the petition and the reasons. He would like to know what the replacement systems will be before the legislative acts on it. He anticipates that other members of the council will have a variety of questions. He recommends a referral to the council as a committee of the whole for an informal meeting.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to refer the petition to the committee of the whole and purpose and informal 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.

Mayor Nicholson informed the committee that they just wanted to change the title of what was Assistant Director of Public Works to Senior Civil Engineer was because the position has been open for eight months now. They have not had any qualified applicants apply for the position.

- A lot of people who have reach out and inquired about the position are coming from larger cites
- Director and Assistant Director of Public Works likely makes equivalent of what our Director makes
- Many people apply then later withdraw their application once they realize the pay scale
- This new title was created by Director Arnold and Engineer Coughlin to bring it more in line with the actual duties of the position and the work that they'll be doing because it's more engineering oversight work

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF MAY 13, 2021

The other aspect of this ordinance change is to increase the pay rate for the Council on Aging Outreach Coordinator and the transfer station monitor. These are both currently paid at thirteen dollars and fifty cents. The ordinance would bring those up to fifteen dollars. They are having a hard time filling these positions. This will also bring us up to the anticipated minimum wage requirement in January 2023.

The outreach position in the Council on Aging was previously held by the same person who also held the administrative assistant. The previous Director Ledger combined the two positions to increase the pay of the individual. Director Ellis has since taken over and said he would like to split those positions up.

The last thing added to this ordinance is the COVID temporary staff. Those are the contact tracers that we have at city hall, at the front desk as a receptionist and the call center operators. We have been paying them out of the Federal CARES ACT. The CARES ACT statute allowed us to create and pay for those positions, however we'd like to codify that so that if when the outside auditors come in, there's a document listed that states we pay these employees this much as justification.

Director Arnold would like to add that they have been searching for months to fill this position. They didn't receive many applicants. The feedback they received was that it was more or less the title given. They felt that the salary didn't fit for an Assistant Public Works Director. That is why he and Engineer Coughlin revamped the job duties and renamed the position to Senior Civil Engineer. They are hoping to get a larger pool of applicants.

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 Ordinance be ordered to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE THE COMPENSATION SCHEDULE EXHIBIT E.

Be it Ordained by the City Council of the City of Gardner as follows:

Section 1.

Exhibit E: Compensation Schedule of Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by the following:

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF MAY 13, 2021

B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS:

Position	Grade	Annual	Weekly
Senior Civil Engineer	G-9	\$74,600.54	\$1,434.63

C. NON-UNION STAFF POSITIONS:

Position	05/01/2021 Hourly		
	Step 1	Step 2	Step 3
Council on Aging Outreach Coordinator	\$15.00		
Transfer Station Monitor	\$15.00	\$16.00	\$17.00

Section 2.

Section C of Exhibit E: Compensation Schedule of Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended adding by the following:

	07/01/2020 (Hourly)		
	Step 1	Step 2	Step 3
COVID Temporary Staff	\$15.00		

4-3 An Ordinance to Amend Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel” by Amending Section 14: Holidays Designated, Section 44: Compensation in Lieu of Paid Holidays, and Section 60: Holidays with Pay.

Mayor Nicholson informed the committee that last august, the Governor signed into law the legislation that now makes Juneteenth an official state holiday in the Commonwealth of Massachusetts. They have been notified by MMA that this is something we do need to offer as an official statewide public holiday.

The other thing that is being amended in this ordinance is when there was a codification of the ordinance a couple years ago, the ordinances always had 11 holidays, however, they listed both Thanksgiving and the day after Thanksgiving as the same day in terms of holidays. The day after Thanksgiving is recognized a day when City Hall is closed and pay is given through the Employee Handbook and not intended to be recognized as a holiday. This ordinance will correct the error.

Councillor James Walsh noticed some corrections that needed to be made before recommending this ordinance to the Council. The conflicting language regarding people not covered by collective bargaining.

The committee agreed to keep this item on the Finance Committee Calendar until the language has been corrected.

4-4 An Ordinance Relative to Additional Compensation for College Credits Received by Personnel of the Police and Fire Departments.

Mayor Nicholson informed the committee that prior to the last contract negotiation with Firefighter Union, the Fire Chief and the Union members received the same college credit compensation. Following the signing of the contract last spring, the Fire Chief now receives an amount less than the other members of the Fire Department. This amendment would make the college credit compensation that the Fire Chief Receives commensurate with the employees who service under that position in the department.

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 Ordinance be ordered to First Printing:

AN ORDINANCE RELATIVE TO ADDITIONAL COMPENSATION FOR COLLEGE CREDITS RECEIVED BY PERSONNEL OF THE POLICE AND FIRE DEPARTMENTS

Be it Ordained by the City Council of the City of Gardner as follows:

Section 1.

Section 63 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by deleting and repealing Section 63: Fire Chief, and inserting in place thereof, the following:

§ 171-63 Fire Chief:

A Fire Chief who has completed courses in a degree granted program toward a degree in Fire Science offered by a college, which is certified by any state agency for such certification shall receive the following additional compensation annually:

Associate's Degree:	Two Thousand Dollars (\$2,000.00) per year
Bachelor's Degree:	Four Thousand Dollars (\$4,000.00) per year
Master's Degree:	Six Thousand Dollars (\$6,000.00) per year

The maximum amount of additional compensation shall not exceed Six Thousand Dollars (\$6,000.00) per year per year.

4-5 **An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel” by Amending Article IX: Vacations for City Officers and Employees.**

Mayor Nicholson informed the committee that this proposal corrects all of the uncorrected references and adds the proration language to the department head section of the ordinances. This language makes it so that if someone leaves employment with the City, they receive payment for their accrued paid time off on a proration basis, rather than a full year’s worth of time. This prevents large financial burdens on the City if someone chooses to leave in January with a full year’s worth of benefit time payments when they may have only worked a day in the new year.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to recommend to the City Council that the following Ordinance be ordered to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, ARTICLE IX, ENTITLED “VACATION OF CITY OFFICERS AND EMPLOYEES,” OF CHAPTER 171, THEREOF, ENTITLED “PERSONNEL”

Section 1.

Article IX of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by deleting and repealing §171-43 Payment for accumulated vacation time, Article IX: Vacations for City Officers and Employees, and inserting in place thereof, the following:

§ 171-43 **Payment for accumulated vacation time.**

- A. Upon termination, resignation or retirement the annual allotment of vacation time for the year in which the employee’s employment ends shall be prorated monthly from the date the employee’s employment ends.
- B. In the event that an employee terminates employment with the City, any vacation accrued will be paid to the employee. If an employee dies, any accrued vacation days shall be paid to the estate of said deceased employee.

ADJOURNMENT

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted to adjourn at 9:30 a.m.