CALL TO ORDER

ANNOUNCEMENT OF OPEN MEETING RECORDINGS
Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents and exhibits used or referenced at the meeting must be submitted in duplicate to the City Clerk, as they become part of the Meeting Minutes.

1-1 Review and Approval of the Minutes of the January 16, 2019 Regular Meeting.

3-1 A Measure Confirming the Mayor’s Appointment of Michael Gerry to the Position of Member, Zoning Board of Appeals, for term expiring January 17, 2022 (Reappointment).

4-1 #10007, An Ordinance to Amend the Code of the City of Gardner, Chapter 156 Thereof, Entitled “Municipal Grounds Commission, to Add Provisions Relating to a Community Bandstand Committee (In City Council and Referred to Public Service, 11/5/2018; Discharged from Service and Referred to Finance, 1/22/2019).

4-2 #10008, A Measure Authorizing Acceptance of Donations and Gifts for Use by the Community Bandstand Committee for Musical Concerts and Other Entertainment Events (Ref: #10007) (In City Council and Referred Jointly to Public Service and Finance Committees, 11/5/2018; Discharged from Public Service, 1/22/2019).

6-1 A Measure Declaring Surplus for Purpose of Disposal Land and Buildings at 174 Ryan Street.

ADJOURNMENT

Items listed on the Agenda are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.
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 Councillor Ronald Cormier. Councillor James Walsh was absent.

Others participating included Mayor Mark Hawke; Police Chief Richard Braks; Police Sergeant James Trifiro; Police Officer Lorin Walter; Assistant Director of Community Development and Planning Joshua Cormier; City Auditor John Richard; 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 December 12, 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 Graves opened the discussion by noting that the Municipal Grounds Commission still exists, so it is appropriate for the Public Service Committee to consider recommending that the role of the Bandstand Committee be incorporated under the Commission.

Councillor Ronald Cormier suggested that the Finance Committee vote to recommend adoption of the Gift Fund to correspond with the creation of the Bandstand Committee. He added that by authorizing the gift fund, the collection of donations and other fees would be legitimate.

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council authorize acceptance of donations and
gifts for use by the Community Bandstand Committee for musical concerts and other community entertainment events, said acceptance in accordance with the provisions of Chapter 44, Section 53A½ of the General laws.

3-1 **A Measure Confirming the Mayor’s Appointment of Priya Gandbhir to the Position of Assistant City Solicitor for term expiring January 3, 2020 (Reappointment).**

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council confirm the Mayor’s Appointment of Priya Gandbhir to the Position of Assistant City Solicitor for term expiring January 3, 2020.

3-2 **Notice of Appointment of John M. Flick to the Position of City Solicitor for term expiring January 3, 2020 (Confirmation not required).**

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council place the Appointment on file.

3-3 **Notice of Appointment of Rachel J. Stephano to the Position of Executive Secretary for term expiring January 3, 2020 (Confirmation not required).**

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council place the Appointment on file.

3-4 **A Measure Confirming the Mayor’s Appointment of James F. Trifiro, Jr. to the position of Deputy Chief of Police for term expiring January 20, 2022.**

Mayor Hawke and Chief of Police Richard Braks informed the Committee that the interview panel, comprised of the Mayor, the Chief of Police, and Human Resources Director, interviewed two internal candidates and that the panel agreed that Sergeant Trifiro possessed the qualifications for Deputy Chief of Police.

Sergeant Trifiro informed the Committee that he recently retired after serving for 31 years in the United States Coast Guard, both active duty and reserve.

President Graves questioned whether it is a critical factor to look from within the Department and promote from within, or to seek candidates from outside the Department.

Mayor Hawke responded, saying that there may be times when seeking candidates from outside the Department would be appropriate, but not in this situation. He said that it good for morale to promote from within, that the Department is running
smoothly, and that Sergeant Trifiro is a good match, having served in the Department for 24 years. He added that his “learning curve” is related only to the position, since he is very familiar with the Department.

Councillor Ronald Cormier said that having Sergeant Trifiro as the Deputy Chief “is a benefit to our community.”

President Graves added that Sergeant Trifiro “is ultra-professional and impressive, and that he “has never heard a bad word about him.”

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council confirm the Mayor’s Appointment of James F. Trifiro, Jr. to the position of Deputy Chief of Police for term expiring January 20, 2022.

3-5 **A Measure Confirming the Mayor’s Appointment of Lorin A. Walter to the position of Police Sergeant, Permanent.**

Chief of Police Braks informed the Committee that the interview panel, comprised of he and three area Police Chiefs Mayor, interviewed internal candidates and that the panel agreed that Officer Walter possessed the ability and qualifications for the position. He said that Officer Walter for the leadership that he has exhibited in nearly seven years in the Department.

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council confirm the Mayor’s Appointment of Lorin A. Walter to the position of Police Sergeant, Permanent.

3-6 **A Measure Approving an Exemption under G.L. Ch. 268A, § 20(b), Financial Interest of Kyle Long, Contract for School Department Coaching Services.**

Mayor Hawke informed the Committee that Mr. Long works part-time during the summer and the exemption would permit him to also work as a part-time basketball coach.

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest of Kyle Long for a Contract for School Department Coaching Services.
5-1 **A Resolution Relative to the FY2019 Community Development Block Grant Mini-Entitlement Plan.**

Joshua Cormier, Assistant Director of Community Development and Planning, presented the following projects list:

<table>
<thead>
<tr>
<th>Group</th>
<th>Project</th>
<th>CDBG $’s</th>
<th>Non-CDBG $’s</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Development &amp; Planning</td>
<td><strong>Demolition.</strong> Demolish 20 Rock Street as it poses a public health and safety hazard.</td>
<td>$395,200.00</td>
<td>$0.00</td>
<td>$395,200.00</td>
</tr>
<tr>
<td>MVOC</td>
<td><strong>Veterans Housing Rehabilitation.</strong> Rehabilitation of LMI Veterans' Housing on Nichols Street. <em>(Repairs to the chimney, roof, and concrete wall).</em></td>
<td>$15,000.00</td>
<td>$15,000.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>Sign &amp; Façade Projects</td>
<td><strong>Parker Street Façade Project.</strong> 42-50 &amp; 52 Parker Street Development <em>(Only the exterior portions of the “Ryan Building” and the “Temptations Building.”)</em></td>
<td>$217,050.00</td>
<td>$0.00</td>
<td>$217,050.00</td>
</tr>
<tr>
<td>NewVue Communities</td>
<td><strong>Small Business Technical Assistance Program.</strong> Small business assistance services for 15 LMI Gardner residents.</td>
<td>$3,000.00</td>
<td>$14,500.00</td>
<td>$17,500.00</td>
</tr>
<tr>
<td>Community Development &amp; Planning</td>
<td><strong>Downtown Phase 2.</strong> Design of crosswalk, sidewalk, and lighting repair and upgrade.</td>
<td>$41,000.00</td>
<td>$0.00</td>
<td>$41,000.00</td>
</tr>
<tr>
<td>B&amp;G Club</td>
<td><strong>Project Learn STEAM.</strong> Provide afterschool program for 30 LMI Gardner students at the Gardner Clubhouse.</td>
<td>$10,000.00</td>
<td>$85,500.00</td>
<td>$95,500.00</td>
</tr>
<tr>
<td>CAC</td>
<td><strong>Fuel Assistance Program.</strong> Fuel assistance to be provided to 15 LMI Households.</td>
<td>$5,000.00</td>
<td>$6,500.00</td>
<td>$11,500.00</td>
</tr>
<tr>
<td>GPSA</td>
<td><strong>Gardner Public Schools Athletics.</strong> Provide financial assistance to LMI student athletes at Gardner High School and Gardner Middle School.</td>
<td>$15,000.00</td>
<td>$0.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Administrative &amp; Delivery costs.</td>
<td></td>
<td>$123,750.00</td>
<td>$0.00</td>
<td>$123,750.00</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td></td>
<td>$825,000.00</td>
<td>$121,500.00</td>
<td>$946,500.00</td>
</tr>
</tbody>
</table>
Mr. Cormier noted that two public hearings were conducted in October and that the Steering Committee utilized National Objectives to develop the plan. Non-CDBG funds are provided by the organizations.

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council adopt the following Resolution:

**FY 2019 COMMUNITY DEVELOPMENT BLOCK GRANT**
Mini-Entitlement Plan

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:**

WHEREAS, the City council has reviewed the proposals prepared by the Department of Community Development and Planning for inclusion within the FY 2019 Community Development Block Grant (CDBG) Mini-Entitlement Plan; and

WHEREAS, the CDBG proposals seek funding for support of public social services, demolition, infrastructure repair and upgrade, economic development, rehabilitation, design, and associated administrative costs; and

WHEREAS, the activities proposed within the FY 2019 CDBG Mini-Entitlement Plan meet the priorities identified within the City’s 2018-2021 Community Development Strategy, and the 2004 Community Development Plan; and

WHEREAS, the City does not possess the bonding capacity or have the availability of funds to appropriate from its general budget to undertake such projects and reliance upon grant funds is required, and

WHEREAS, the City Council supports each of the activities as being consistent with the City’s goal of promoting quality programs for its citizens;

NOW THEREFORE, the City Council hereby extends its support of each proposed activity and endorses the City’s FY 2019 CDBG Mini-Entitlement Plan to be submitted to the Commonwealth of Massachusetts, Department of Housing and Community Development.

**8-1 Adoption of Finance Committee Regular Meeting Schedule for 2019.**

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to adopt the following Regular Meeting schedule:
8-2  **Request for Declaration of Surplus Property (old parking meters and domes).**

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to authorize the City Treasurer to dispose of or sell approximately 150 parking meters and domes. The City’s Purchasing Department will handle the sale or disposal of the meters.
9-1  **Free Cash**

The Mayor informed the Committee that the City’s Free Cash for FY2019 was certified at $1,482,830.00 and noted that the amount was lower than FY2018, since “more money was squeezed” to provide for the School Department Budget shortfall. He said that Retained Earnings balances for all Enterprise Funds were positive, but that the Landfill Closure Enterprise Fund has a balance of only $856.00. He suggested that the Landfill Closure Fund could be consolidated with the Solid Waste Enterprise Fund in order to continue maintaining the closed landfill for 3 to 5 more years. The City will still be required to mow the grass and maintain the methane burner and related testing.

**NEW BUSINESS**

**A Measure to Grant an Easement to Massachusetts Electric Company and Verizon New England, Inc. for transmission purposes for land off Pearl Street (Stump Pond)**

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council grant the following Easement:

**GRANT OF EASEMENT**

The **CITY OF GARDNER**, a municipal corporation, having an 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**, 40 Sylvan Road, Waltham, Massachusetts 02451, a Massachusetts corporation, and **VERIZON NEW ENGLAND, INC.**, a New York corporation, having a local address of 125 High Street – Oliver Tower, 07 Floor, Boston, MA 02110 (hereinafter referred to as the Grantees) with quitclaim covenants, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for the transmission of intelligence and telephone use, lines to consist of, but not limited to, nine (9) poles, (which may be erected at different times) with wires and cables installed thereon, and all necessary foundations, anchors, guys, braces, fittings, equipment and appurtenances (hereinafter referred to as the “OVERHEAD SYSTEM”) over, across, under and upon the Grantor’s land in Gardner, Worcester County, Massachusetts, to serve Grantor’s property and others.

Said “OVERHEAD SYSTEM” is to be installed on Grantor’s property, which is located on the northerly side of Pearl Street a/k/a Route 101, to originate from Pole P.29, which is located partly on the northerly side of Pearl Street a/k/a Route 101 and the
southeasterly side of Grantor’s property, then proceed in a northeasterly direction over, across and upon Grantor’s land to Poles P.29-50, P.30, P.31, P.32, P.33, P.34, P.34-1, and P.35, to become established by and upon the final installation thereof by the Grantees.

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 and patrol and otherwise change said “OVERHEAD 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 Grantees, their successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the “OVERHEAD SYSTEM” is specifically located of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantees, interfere with the efficient and safe operation and maintenance of the “OVERHEAD SYSTEM”.

It is agreed that the “OVERHEAD SYSTEM” shall remain the property of the Grantees, their successors and assigns, and that the Grantees, their 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”. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantees, for themselves, their successors and assigns, that this Grant of Easement and the location of the “OVERHEAD SYSTEM” may not be changed or modified without the written consent of the Grantees, their successors and assigns, which consent may be withheld by the Grantees in their sole discretion. The rights and easement herein granted are over, across and upon a certain parcel being more particularly described in two deeds dated May 19, 1913, recorded with the Worcester South District Registry of Deeds in Book 2027, Page 289, and Book 2027, Page 298.

And further, said “OVERHEAD SYSTEM” (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) is approximately shown on a sketch entitled: “Exhibit A”; national grid; Sketch to accompany the Easement for the installation of 1 JO Pole.; Distances are Approximate Exhibit A Not to Scale; Drawn By: Michael Fraser; Date: 12/17/2018; Actrix Drawing Number; 27102349”, a reduced copy of said sketch is attached hereto as “Exhibit A”, copies of which are in the possession of the Grantor and Grantees herein, but the final definitive locations of said “OVERHEAD SYSTEM” shall become established by and upon the installation and erection thereof by the Grantees.
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 a portion of the Grantor’s land an “OVERHEAD SYSTEM” for the transmission of intelligence and for 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”.

For Grantor’s title, see deeds dated May 19, 1913, recorded with the Worcester South District Registry of Deeds in Book 2027, Page 289 and in Book 2027, Page 298.

ADJOURNMENT
On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to adjourn at 12:28 p.m.
CERTIFICATE OF APPOINTMENT

I appoint Michael Gerry to the position of Member, Zoning Board, and I certify that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

Mark P. Hawke
Mayor

Confirmed by City Council

____________________________

____________________________ City Clerk

Alan L. Agnelli

Expires: January 17, 2022

Worcester, ss.

Then personally appeared the above named Michael Gerry and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Zoning Board according to law and the best of his/her abilities.

Before me,

____________________________ City Clerk

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received ______________________
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156 THEREOF, ENTITLED "MUNICIPAL GROUNDS COMMISSION," TO ADD PROVISIONS RELATING TO A COMMUNITY BANDSTAND COMMITTEE.

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

Section 1. Chapter 156-3 of the Code of the City of Gardner is hereby amended by adding the following:

B. There is hereby established under this Section the "Community Bandstand Committee" which shall exist and be operated hereunder for the purpose of implementing seasonal programs to be conducted in the City's parks including but not limited to summer musical concerts and other community entertainment events at the Bandstand located in Monument Park, as well as at the City's other parks, at the City's other municipal grounds and at other appropriate locations in the City. The Community Bandstand Committee shall consist of no less than three (3) members, one of whom shall be a member of the Municipal Grounds Commission, to carry out the purposes of this Section 156-3B. All members shall be appointed in accordance with Section 156-1A.

C. The Community Bandstand Committee may receive donations and gifts of property, both real and personal, in the name of the City to further the purposes as set forth in Section 156-3B. Upon receipt of any such donation or gift the Community Bandstand Committee shall provide each such gift or donation to the Treasurer, who shall deposit same into an account to be created and named the "Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund shall be used for the purposes set forth in Section 156-3B.

D. Revise the former (present) 156-3B to 156-30.

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.
Chapter 156
Municipal Grounds Commission

[HISTORY: Adopted by the City Council of the City of Gardner 3-7-1983 by Ord. No. 800; amended 11-7-1988 by Ord. No. 983; 8-6-2012 by Ord. No. 1551. Subsequent amendments noted where applicable.]

§ 156-1 Commission established; membership; terms of office.
There shall be established a Municipal Grounds Commission for the City of Gardner consisting of six members, legal voters of said City, five of whom shall be appointed by the Mayor, subject to confirmation by the City Council, as follows:

A. The Mayor shall immediately appoint one person to serve until the expiration of one year, two to serve until the expiration of two years and two to serve until the expiration of three years from the first day of April 1983 and thereafter annually shall appoint the appropriate number of persons (either one or two) to serve for the term of three years from the first day of April then next ensuing. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.

B. The sixth member shall be the Director of Public Works, who shall be a nonvoting member of the Commission during his term of office. [Amended 11-18-2013 by Ord. No. 1563]

§ 156-2 Meetings.
The Commission shall meet annually in April of each year to organize and elect a Chairperson and Secretary. The Commission shall hold meetings no less than once a month during the course of the year. The Secretary shall keep accurate minutes and records of all meetings of the Commission. The Director of Public Works shall not hold office within the Commission.

§ 156-3 Duties.
A. The Commission shall be an advisory body and shall advise the Director of Public Works, Mayor and City Council on matters relating to the Municipal Grounds Division.

B. The duties, powers and responsibilities of the Commission may be broadened or diminished at any time by ordinance consistent with prevailing General Laws or City ordinances.

§ 156-4 Compensation.
Members of said Commission shall receive for their services such compensation as the Mayor and City Council may prescribe.

§ 156-5 Transfer of personnel.
All necessary persons employed by and under the supervision of the named Municipal Grounds Department, boards and commissions shall, upon the effective date of this chapter, be transferred to the Department of Public Works. All such transfers of personnel shall be made without loss of pay and without change in rating, seniority, retirement or pension rights, or any other privileges under the provisions of this chapter.
June 12, 2018

VIA HAND DELIVERY

Scott Graves, Esq.
City Council President
95 Pleasant Street
Gardner, MA 01440

Re: Proposed Bandstand Ordinance

Dear President Graves:

The Law Department has completed its review of the proposed Bandstand Committee Ordinance. In reviewing the proposed ordinance, the Law Department has concluded that an appropriate means of addressing this issue is to amend the existing City Code § 156 which establishes the Municipal Grounds Commission. This Commission is an advisory body that may have its duties expanded by Ordinance. It reports directly to the Director of Public Works who already oversees all activities occurring in the City’s public parks. The reasons for this proposal are as follows.

The ordinance as proposed fails to establish any oversight or reporting requirement for the so-called Bandstand Committee to an existing City Department. Therefore, it is unclear from the proposed ordinance which City Department has spending authority for activities in which the proposed committee may be engaged, and under which cost center the budget for this Committee would be placed. By making the committee a sub-set of the Municipal Grounds Commission it maintains administrative consistency with the current processes regarding the use of and collection of fees for municipal parks by private individuals. The addition of a committee to the Municipal Grounds Commission provides administrative streamlining, administrative oversight and support by the Director of the DPW, and an appropriate cost center from which to expend donations received in support of the committee’s efforts.

Based on the foregoing, the Law Department recommends amending City Code § 156 by adding the following provisions to City Code § 156-3:

B. The Commission may develop and implement seasonal programs to be conducted in the City’s parks including but not limited to summer musical concerts, summer camps, and other such seasonal activities in the City’s parks and other municipal
grounds. The Commission may establish a volunteer committee of no less than three members, one of whom shall be a member of the Commission, to carry out the purposes of this Paragraph. All such members shall be appointed in accordance with § 156-1 A.

C. The Committee may receive gifts of property, both real and personal, in the name of the City to further the purposes of this Ordinance. Upon receipt of any such gift(s) the Committee shall turn the gift or gifts over to the Treasurer who shall deposit said gifts into an account to be named the “Municipal Grounds Program Fund.” The Director of Public Works and the Committee shall then spend such funds for their stated purpose.

D. [Renumber the current § 156-3 B to § 156-3 D.]

Thank you for your attention to this matter. Please let the Law Department know if you have any additional questions regarding this matter.

Very truly yours,

The City of Gardner Law Department

John M. Flick

Cc: Mark P. Hawke
Atty. John M. Flick, City Solicitor  
City of Gardner Law Department  
144 Central Street, Suite 201  
Gardner, MA 01440

Re: Bandstand Committee Ordinance

Dear Attorney Flick:

At the April 11, 2018 Finance Committee Meeting, the Committee decided to present to the Legal Department a small dilemma facing the City Council and Finance Committee regarding the Bandstand Committee. The proposed Ordinance is attached for your review.

The Bandstand Committee, as far as anyone can tell, is not a formal municipal committee. This raised various concerns as to fund-raising, liability for events held on municipal property, personal liability of its members, etc. So, our goal is to make the Bandstand Committee a formal City committee (e.g., the Youth Commission, et al) with legal municipal existence.

Instead of creating a stand-alone Bandstand Committee, the Mayor and the Finance Committee Members believe that it would be more appropriate if the Bandstand Committee is formally subsumed under the auspices of the Department of Public Works. We are presenting this to your Department for your assistance as to how this may be accomplished – most likely with your opinion as to how the language of the proposed Ordinance might be revised accordingly.
The Mayor mentioned that the Bandstand Committee could be placed under the domain of the Parks and Recreation branch of the DPW. But, then we grappled with the fact that the City Council reorganized the DPW in 1983 and that the Parks and Recreation is no longer in existence.

Also, neither the Auditor nor anyone else can tell that the Bandstand Committee’s donations have ever been approved by the City Council pursuant to M.G.L. c. 44, sec. 53A. So, we also need the Legal Department’s input on that.

No one wants to disturb what the Bandstand is doing right now, we just want it properly placed within the governmental gamut, if you will, as a formal and legal City committee or board or commission, etc. We all believed that it would make the most sense to remain within the purview/auspices of the DPW.

Thank you in advance for your attention and assistance in this matter.

Sincerely,

SCOTT J. GRAVES, ESQ.
City Council President

Enclosure
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING
NEW CHAPTER 295, TO BE ENTITLED "COMMUNITY BANDSTAND COMMITTEE."

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

Section I.

The Code of the City of Gardner is hereby amended by adding thereto a new Chapter, to
be Chapter 295, Community Bandstand Committee, to read as follows:

§ 295-1 Committee established; membership; terms of office.

A. There shall be established a Community Bandstand Committee for the City of
Gardner consisting of not less than five nor more than seven members, legal voters of
said City, who shall be appointed by the Mayor, subject to confirmation by the City
Council.

B. The terms of the first members of said Committee shall be for one, two, or three years
and so arranged that the term of 1/3 of the members expires each year, and their
successors shall be appointed for terms of three years each. Any member of said
Committee may, after a public hearing, if so requested, be removed for cause by the
appointing authority. A vacancy occurring otherwise than by expiration of a term
shall be filled for the unexpired term in the same manner as an original appointment.

C. Before entering the discharge of their duties, the members shall be sworn to the
faithful discharge thereof.

§ 295-2 Officers, meetings and records.

The Committee shall meet once annually to organize and elect a Chairperson, Vice
Chairperson, Treasurer, and Clerk. The Chairperson of the Committee shall be chosen
by a majority vote of said Committee members. The Committee shall hold meetings
each month of the year. It shall keep accurate records of its meetings and actions and
shall file an annual report.
§ 295-3 Powers and duties.

The Committee shall have the following powers and duties:

A. Its purpose shall be to develop and carry out programming and fundraising activities for concerts and other forms of entertainment at Monument Park.

B. The Committee may appoint such clerks or other employees as it may from time to time require, subject to appropriation of funds therefor.

C. The Committee may receive gifts of property, both real and personal, in the name of the City, subject to the approval of the City Council, such gifts to be managed and controlled by said Committee for the purposes of this section.

Section 2. Effective date.

This Ordinance shall become effective upon passage and publication as required by law.
City may adopt Bandstand Committee

Gardner News

Gardner — The City Council’s Finance Committee is considering incorporating the Community Bandstand Committee under the city code, citing its already close affiliation with the city.

City councilors met with Mayor Mark Hawke and City Auditor John Richard recently to discuss the idea, and decided to take more time to consider the matter before making any recommendation.

The Bandstand Committee is run by volunteers and collects donations, mostly from sponsors, to put on the annual summertime concerts held at Monument Park.

Given that the city handles these donations and the concerts are held at a city park, councilors are considering a proposal to establish the committee under the city code. Currently, the committee is not recognized under city law like other boards and commissions are.

"It just seems to me there needs to be a little more formality to the organization ... if the city is already involved to this extent already," Counselor James Walsh said. "This will put it on the books if you will," Council President and Finance Committee Chairman Scott Graves said.

Graves questioned whether, under the way the Bandstand Committee is currently set up, the city's liability insurance would cover any legal issue that could arise from a summertime concert event, such as if someone tripped and was injured.

When asked for his thoughts, Hawke said he is "kind of agnostic" on the proposal. "I'm not quite sure I completely understand the need," he said.

According to the city's website, the Bandstand Committee has three current members: Ed Gravel, Brad Hegin and Mike Ziarnicki.

Gravel is also a city councilor, having been elected last year. He said he is in favor of the proposal to place the Bandstand Committee under the city code.

The proposal would expand the committee to have from five to seven members who would be appointed by the mayor and confirmed by the City Council.

Members would hold monthly meetings and record their actions. They would annually elect a chairperson, vice chairperson, treasurer and clerk, and file an annual report.

The proposal allows for the committee to receive gifts (such as money) in order to carry out its purpose of organizing entertainments at Monument Park, which are subject to the approval of the City Council.

One of the goals of the proposal is to make sure the operation of the Bandstand Committee complies with state law, which councilors are questioning.

Under Massachusetts General Laws, Chapter 44, Section 53A, the city can accept a gift from an individual or organization if approval is given by the mayor and City Council.

For a gift that is given for an educational purpose, the approval of the School Committee is needed.

But past practice for the Bandstand Committee has not involved receiving approval of gifts.

According to Richard, when the committee receives money, the practice has been to give it to the city treasurer for the city to then hold in an account.

Having forward, the indication from the Finance Committee meeting was that city officials will take a further look at the issue and then councilors will consider what they want to do.

Hawke suggested the Bandstand Committee could be organized under Parks and Recreation, a division of the Department of Public Works.

Over the years, the Bandstand Committee has increased the number of summertime concerts held on Saturday evenings at Monument Park. For this year, 13 concerts are scheduled.

Gravel said that in any given year, the committee raises between $8,500 and $10,000.

Hawke stated the city does not provide taxpayer funding to the committee.
Gardner Bandstand Committee standstill as council debates options

By Andrew Mansfield
Reporter
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GARDNER — It remains to be determined what city councilors will do with a proposal to have the Community Bandstand Committee become an official city entity.

For many years running, a group of volunteers referred to as the Bandstand Committee have organized the annual summertime concerts at Monument Park by collecting donations from individual and corporate sponsors, and booking the bands that play.

While the city does not use taxpayer money to fund the concerts, the city does help out by managing the donations through a gift account.

Given the city is handling the money and the events take place at a city park, City Council subcommittees have been reviewing a proposal to incorporate the Bandstand Committee under the city code.

Members of the City Council’s Finance Committee have expressed support for the idea.

“It really should have a municipal connection,” Councilor Ronald Cormier said at a Jan. 16 Finance Committee meeting.

Meanwhile, members of the City Council’s Public Service Committee have been less sure if there is a need to do so.

“Do we have to do something to create a formal committee?” Councilor James Boone said at a Jan. 17 Public Service meeting. “The thing is; it’s working today. Are we trying to complicate it?”
The ordinance being considered would have the Bandstand Committee be associated with the Municipal Grounds Commission, an advisory body that consults with the Department of Public Works director, who serves as a nonvoting member.

The Bandstand Committee would have at least three members, one of whom shall be a Municipal Grounds Commission member.

Under city code, the mayor and City Council can compensate Municipal Grounds Commission members for their work.

Councilors on the Public Service Committee are recommending against the ordinance proposal, mainly because of the current state of the Municipal Ground Commission.

Cemetery Commission Chairman John Awdycki explained that historically, the Cemetery Commission was essentially a function of the Municipal Grounds Commission, which he served on as well.

He said that out of the five members of the Municipal Grounds Commission, three of them also served as the members of the Cemetery Commission.

But he said six years ago, the duties of the Municipal Grounds Commission came under the control of the Department of Public Works director, and since then the commission has not met.

The Cemetery Commission carried on though, still being needed for certain functions.

Since the Municipal Grounds Commission has been defunct, it has still existed on paper under the city code, as apparently no vote was taken to remove it.

Awdycki said there have been no issues with the commission no longer meeting. He does not see a reason to make it relevant again or necessary to keep as part of the decision about how to incorporate the Bandstand Committee under city control.

"I really think you should dissolve the Municipal Grounds Commission and find another vehicle to deal with the Bandstand Committee," he told councilors.
Denise Merriam, the secretary for the Department of Public Works, said she has deposited donations given to the Bandstand Committee into its own account, keeping it separate from any other funds.

“That duty came to us because Monument Park is under DPW now,” she said. “We were under the impression the Municipal Grounds Commission was gone.”

After discussing it over, the Public Service Committee is in favor of removing the Municipal Grounds Commission from the city code, agreeing that it is not necessary, and indicated they will continue to consider how to deal with the Bandstand Committee.

“We're pro the Bandstand Committee. There are too many variables with what's going on with the Municipal Grounds Commission,” Public Service Chairman Nathan Boudreau said.

One alternative suggestion discussed was having the city's recreation director (a part-time role that is combined with the position of athletic director for the schools) play a part in handling the Bandstand Committee duties for the city.

The full City Council has yet to weigh in on the issue, so it remains to be seen what changes if any are ultimately made to the Bandstand Committee.

The issue has remained at the subcommittee level for several months now.
Finance Committee Members present were Council President Scott Graves and Councillors Ronald Cormier and James Walsh. City Clerk Alan Agnelli was also in attendance.

Other Officials Participating included Mayor Mark Hawke and City Auditor John Richard.

The meeting was called to order by Council President Scott Graves at 12:00 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(s).**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to approve the Minutes of the Meeting of March 14, 2018, 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.”**

Opening the discussion, Mayor Hawke said that he “is agnostic on it,” and that Eddie ran it for years, adding that maybe the concerts should be under Parks and Recreation. He said that he spoke with Jen Dymek regarding procurement issues and that most bands cost less than $500 per performance.

Councillor James Walsh questioned whether the Bandstand Committee “was operating outside the realm of the City.”

Mayor Hawke said that it is a volunteer organization.

Councillor Walsh noted that the Bandstand organization seems to be an unorganized group that operates its events on City property and utilizes City managed accounts.

Mayor Hawke said that they send letters to local banks seeking donations and that the money goes into a City account.

Councillor Walsh responded, saying that the since City accounts are used, as well as City property, therefore, they must then be affiliated with the City and seemingly organized on an ad-hoc basis.
Mayor Hawke said that the organization is under the DPW's parks and recreation.

Councillor Walsh suggested that the operation should be formally organized.

Councillor Ronald Cormier questioned whether the group could be organized as a subcommittee under the DPW.

Mayor Hawke said that there are three members of Parks and Recreation.

President Scott Graves stated that he has several concerns about the operation, the first is that the City Council has to authorize acceptance of any donated funds and how those funds are treated once authorized.

City Auditor John Richard said that the Committee gives the money to the Treasurer and it is deposited into a gift fund. On questioning, he said that the City has never passed legislation authorizing acceptance of the donations.

Councillor Ronald Cormier questioned whether the creation of a revolving fund would serve the same purpose.

Councillor Walsh stated that donations are required to be deposited into gift fund, since a revolving fund is for fees and charges for a service.

Citing the provisions of Chapter 44, section 53A of the General Laws, President Graves stated that only if the City Council authorizes acceptance of gift fund that it may receive such donations, which could then be earmarked for the band concerts.

The Mayor added that the City has 26 gift funds for various purposes, citing the Brooks Pharmacy Gift Fund and the Pine Street Gift Fund.

Councillor Walsh noted that the City Council will probably have to authorize acceptance of any gifts for the band concerts.

President Graves suggested that any funds solicited by the Youth Commission, as an example, would be required to have an authorized gift fund.

Mayor Hawke noted that the City has a Skate Park Gift Fund and that the Youth Commission formerly held dances.
President Graves recommended that the Gift Fund proposal be referred to the City Solicitor and to the City Auditor for review and then to report back to the Finance Committee with recommendations to implement the gift fund. He then questioned whether the Bandstand Committee members could be held personally liable in the event of any damages or an incident and if the City bears any liability.

Councillor Walsh suggested that the nature of the event would determine whether the City’s insurance would cover any damages because of the City’s affiliation with the concert events.

Mayor Hawke stated that the City’s insurance would cover any event.

Citing contractual issues, President Graves questioned whether Ed Gravel could be held liable if he breaches a contract with a vendor or would the City be held liable.

Councillor Walsh expressed his desire to pursue the plan to make the arrangement formal, “as current conditions dictate the need to do so.”

Councillor Ronald Cormier suggested that any duly appointed member of a municipal board or commission is indemnified.

Councillor Walsh concurred, adding that without formally establishing the committee, volunteers “could be left on their own.”

The Committee agreed to keep AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING NEW CHAPTER 295, TO BE ENTITLED “COMMUNITY BANDSTAND COMMITTEE,” on its Agenda until it receives appropriate legislation from the Law Department and/or City Auditor.

OTHER BUSINESS

An Ordinance to Amend the Code of the City of Gardner, Chapter 45 Thereof, Entitled “City Council,” to Add a New Article and Section Providing for Legal Counsel.

President Graves informed the Committee that he transmitted a letter to the Law Department seeking a review of the proposed Ordinance that would create the position of Legal Counsel to the City Council. The Agenda item will remain on the Committee’s future Agendas until a response is received.
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 3/28/2018).

The Mayor informed the Committee that donations for the concerts are required to be deposited into a gift fund.

City Auditor John Richard stated that there is no record of a gift fund having been authorized for the band concert receipts and that the Department of Revenue advised that the donations must be placed in a gift account.

The Mayor added that he is unaware as to when the donations started for the concerts.

The Mayor suggested that the Bandstand Committee be handled by the Municipal Grounds Commission.

Councillor Graves stated that he asked the Law Department to advise the Council as to the best way to handle the dilemma.

On a motion by President Scott Graves and seconded the Councillor Ronald Cormier, it was voted to request that the Law Department issue and advisory opinion concerning the appropriate municipal entity to oversee the Bandstand Committee and concerts.

The Committee agreed to keep AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING NEW CHAPTER 295, TO BE ENTITLED “COMMUNITY BANDSTAND COMMITTEE,” on its Agenda until it receives appropriate legislation from the Law Department and/or City Auditor.

4-2 An Ordinance to Amend the Code of the City of Gardner, Chapter 45 Thereof, Entitled “City Council,” to Add a New Article and Section Providing for Legal Counsel.

President Graves informed the Committee that a letter was received today from the Law Department in response to the Council President’s request for review of the proposed Ordinance that would create the position of Legal Counsel to the City Council. Since the Committee received the letter today and has not had time to study it, the Agenda item will remain on the Committee’s future Agenda.

Mayor Hawke said that only the City Solicitor can bind the City.

President Graves responded, saying that the City Solicitor does not represent the City.
On the motion, it was voted to recommend that the City Council pass the Loan Order, subject to receiving the Loan amount; otherwise, the Order be referred back to the Finance Committee for further study and report.

3-1 **A Measure Confirming the Mayor’s Appointment of Scott Marigliano to the position of Police Officer, Permanent.**

The Mayor informed the Committee that the three appointees will replace retired police officers; have completed Police Academy training and field training.

The Mayor noted that Deputy Chief of Police John Bernard will retire at the end of May and that Chief of Police Neil Erickson plans to retire at the end of the calendar year.

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 Scott Marigliano to the position of Police Officer, Permanent.

3-2 **A Measure Confirming the Mayor’s Appointment of Lucas Paine to the position of Police Officer, Permanent.**

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 Lucas Paine to the position of Police Officer, Permanent.

3-3 **A Measure Confirming the Mayor’s Appointment of Shawn Riggins to the position of Police Officer, Permanent.**

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 Shawn Riggins to the position of Police Officer, Permanent.

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 4/11/2018).**

Councillor Graves stated that the Committee is awaiting an opinion from the Law with respect to advising the Council as to the best way to handle the dilemma associated with donations being collected by the City without an authorized gift fund.

The Committee agreed to keep AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING NEW CHAPTER 295, TO BE ENTITLED “COMMUNITY BANDSTAND COMMITTEE,” on its Agenda.
Mayor Hawke stated that the Plumbing Inspector is an appointed position and that the position has been advertised in the local newspaper and that he anticipates that it will take about 4 to 6 weeks before a new hire "comes aboard."

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Edward Tonet for a Contract for School Department Assistant Facilities Director.

3-2 **A Measure Confirming the Mayor’s Appointment of Debra Pond to Member, Disability Commission, for term expiring May 8, 2021.**

The Mayor informed the Committee that Debra Pond has served for many years on the Disability Commission in her role as HR Director, noting that she is the City’s ADA Coordinator and the two positions "go hand-in-hand."

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the Council confirm the Mayor’s Appointment of Debra Pond to Member, Disability Commission, for term expiring May 8, 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 5/2/2018).**

Councillor Graves stated that the Committee is awaiting an opinion from the Law with respect to advising the Council as to the best way to handle the dilemma associated with donations being collected by the City without an authorized gift fund.

The Committee agreed to keep AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING NEW CHAPTER 295, TO BE ENTITLED "COMMUNITY BANDSTAND COMMITTEE," on its Agenda.

**ADJOURNMENT**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to adjourn at 12:18 p.m.
AN ORDER TO TRANSFER A SUM FROM PRINCIPAL INSIDE DEBT TO CAPITAL PROJECT – NEW DPW BUILDING.

ORDER: That there be and is hereby an order to transfer the sum of Two Hundred Thousand Dollars and No Cents ($200,000.00) from Principal Inside Debt to Capital Project – New DPW Building.

3-1 **A Measure Confirming the Mayor’s Appointment of Charles R. LeBlanc to the position of Member, Board of Assessors, for term expiring May 21, 2021.**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the Council confirm the Mayor’s Appointment of Charles R. LeBlanc to the position of Member, Board of Assessors, for term expiring May 21, 2021.

3-2 **A Measure Confirming the City Clerk’s Appointment of Faith A. Glover to the position of Assistant City Clerk for term expiring June 4, 2021.**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the Council confirm the City Clerk’s Appointment of Faith A. Glover to the position of Assistant City Clerk for term expiring June 4, 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 5/16/2018)**

President Graves stated that the Committee is awaiting an opinion from the Law with respect to advising the Council as to the best way to handle the dilemma associated with donations being collected by the City without an authorized gift fund.

Councillor James Walsh suggested that the City Clerk contact the City Solicitor requesting that he provide the Committee with the status of the opinion.

The Committee agreed to keep AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING NEW CHAPTER 295, TO BE ENTITLED “COMMUNITY BANDSTAND COMMITTEE,” on its Agenda.

5-1 **A Measure Authorizing the City to Enter into a Contract Not-to-Exceed 5 Years for School Food Services.**

Purchasing Agent Director Jennifer Dymek informed the Committee that the RFP is ready for issuance for School food services and that the contract has been for a period of three years in the past and now is seeking to solicit more proposals by increasing the term of the contract. She said that the contract period is in one-year increments, up to five years (4 additional one-year extensions) and that contract renewals must be reviewed by the Department of Elementary and Secondary Education ("DESE").
necessary contracts thereto, for the purpose of purchasing approximately 28.8 acres of land on Leo Drive, known as the Omealia Property, and 3.8 acres of land on Leo Drive, known as the RHO, Ltd. property described below, to be held and managed by the Department of Public Works, Parks and Recreation for active recreation and park purposes, pursuant to M.G.L. Chapter 45, Section 3, and to borrow, appropriate and expend up to One Hundred Seventy Four Thousand One Hundred Sixty Two and 00/100 Dollars ($174,162.00), pursuant to M.G.L. Chapter 44, Section 7, for the purchase of said land in fee, in accordance with the attached Budget, being a portion of Assessor’s Parcel H37/23/35, and Assessor’s Parcels H37/9/13A, and H37/23/40, located on Leo Drive, shown as Parcels B and C on the attached Map, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

3-1 **A Measure Approving an Exemption Pursuant to G.L. C.268A, § 20(b), Financial Interest of Atty. John Flick, Contract for Title Insurance Services.**

Councillor Walsh noted that the contract for which the exemption is sought is for selling Title Insurance for the Omealia property. Mr. Flick is the closing Attorney and provider of the Insurance (on behalf of the City), he added.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend to the City Council that it approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Attorney John M. Flick for a Contract for Title Insurance Services.

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 5/16/2018).**

Councillor Walsh stated that the Finance Committee received the opinion of the Law Department today; however, the Committee has not had an opportunity to review it. The Committee decided to take more time and to discuss the matter at its next regular 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 – Non-Union Employees.”**

The Mayor informed the Committee that there is a change to the position of GIS Coordinator. The budget included $52,000, but the proposed Compensation Schedule lists the position under the new title of GIS/Energy Analyst at an annual compensation of $57,000.00. He noted that an energy analyst component was added and that the position will assume additional duties associated with water and sewer and be partially funded by the Water and Sewer Enterprise accounts.
quickly so that the summer recreation program could get underway.

Councillor James Walsh questioned the circumstances surrounding the urgency for hiring all recreation staff.

Ms. Pond stated that the Summer-Up recreation program was operated by MWCC through a grant, but then the City and the Boys & Girls Club picked up the program.

President Graves remarked that the City should be watching these employees to make sure that they're protected via the previously-discussed Exemptions.

Ms. Pond responded, saying that hiring will be done timely, but that the new City program was initiated so quickly, thus the delays.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Angel Ruiz for a Contract for Recreation Program Support Staff.

3-12 Review and Discussion of Executive Order Excluding City Councillors and School Committee Members from Participating in the City’s Benefit Programs.
The Committee postponed discussion since the Mayor was not present.

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).
Citing the Law Department’s correspondence, President Graves stated that the Solicitor suggests that the Bandstand Committee be subsumed and become a part of the Municipal Grounds Commission, thus falling under the Department of Public Works. He expressed concern that by falling under the DPW, the “Bandstand Committee” would no longer exist.

Councillor James Walsh stated that he agrees with the Mayor’s comments that there has been political activity at a recent Concert organized by the Committee.

Councillor Ronald Cormier stated that if an ordinance is adopted placing the bandstand concerts under the Municipal Grounds Commission, then it would be up to the Commission to determine whether a volunteer committee is created for the purpose of organizing concerts.

City Auditor John Richard informed the Committee that receipts and donations for the concerts are passed through the Department of Public Works in a gift or a revolving account.
President Graves questioned the City’s ability to accept donations and receipts without authorization from the City Council.

Mr. Richard stated that the City “has a catch-all gift fund” and that the concert donations are earmarked to a general gift fund.

Citing General Law Chapter 44, section 53A, President Graves questioned the process that would involve Municipal Grounds donations.

Mr. Richard stated that the Commission would have a specific gift fund established for the purpose of concert donations.

The Committee agreed to have a draft Ordinance prepared for its review that incorporates the City Solicitor’s recommendations.


Councillor Walsh questioned whether there are any differentials to the proposed Compensation Schedule, since the Mayor noted in his Budget Letter that he proposed an across-the-board cost-of-living adjustment of 2% for all non-union employees. He added that the Mayor cited changes in the GIS Coordinator’s duties as reasons for a larger wage increase.

HR Director Debra Pond stated that the Schedule represents an overall increase of 2%; however, some seasonal positions were increased to $12.00 per hour to stay competitive with businesses.

Councillor Walsh commented that employees that have been on the job for less than 6 months, as of July 1, are not eligible for the cost-of-living increase, ever since the Mayor implemented the policy in 2017. He cited a September 2017 e-mail from the Mayor.

Ms. Pond cited several new hires since January 1 that are included in the COLA.

Councillor Walsh questioned other variations in the Schedule.

Ms. Pond noted that some temporary positions and seasonal laborers reflect greater than a 2% COLA, and that a seasonal DPW position was changed by reducing the number of steps from 5 to 3. She added that the change “mirrors the Union contract.”

Continuing, she explained that the Recreational Supervisor’s position has always been in the Schedule, but that the City has not had a recreation program for 16 years. She
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?”
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.
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 City Assessor Susan Byrne; Community Development and Planning Director Trevor Beauregard; Economic Development Coordinator Maribel Cruz; City Auditor John Richard; Wendy Lee O'Malley, Vice President, PACE Program Manager, MassDevelopment; 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 17, 2018 Meeting, as printed.

4-1 An Ordinance to Amend the Code of the City of Gardner, Chapter 156 Thereof, Entitled "Municipal Grounds Commission. to Add Various Provisions Relating to Duties (Ordinance Amendment originally filed under "Community Bandstand Committee"). (Continued from 9/17/2018).

President Graves expressed concerns that the proposed Ordinance fails to codify the Bandstand Committee's name and structure, as well as assigning control of the committee to the Public Works Director. He added that donations for the concerts could be used at the discretion of the DPW.

Councillor James Walsh stated that if a donation is specified for a particular purpose, then it must be used accordingly.

City Auditor John Richard informed the Committee that the City has a gift account that the donations are deposited to, assuring the Committee that his office tracks in Munis the donations and authorizes expenditures for only the stated purpose.

President Graves stated that he wants to see that the Bandstand Committee is defined in the Ordinance and not "pigeonholed" within the DPW or Municipal Grounds Commission. He suggested that the Committee postpone action until he
has the opportunity to prepare edits to the proposed Ordinance, as follows:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156 THEREOF, ENTITLED "MUNICIPAL GROUNDS COMMISSION," TO ADD VARIOUS PROVISIONS RELATING TO DUTIES.

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

Section 1. Chapter 156-3 of the Code of the City of Gardner is hereby amended by adding the following:

B. The Commission may develop and implement seasonal programs to be conducted in the City’s parks including but not limited to summer musical concerts, summer camps, and other such seasonal activities in the City’s parks and other municipal grounds. The Commission may establish a volunteer committee of no less than three members, one of whom shall be a member of the Commission, to carry out the purposes of this Paragraph. All such members shall be appointed in accordance with § 156-1 A.

C. The Committee may receive gifts of property, both real and personal, in the name of the City to further the purposes of this Ordinance. Upon receipt of any such gift(s) the Committee shall turn the gift or gifts over to the Treasurer who shall deposit said gifts into an account to be named the "Municipal Grounds Program Fund." The Director of Public Works and the Committee shall then spend such funds for their stated purpose.

D. [Renumber the current § 156-3 B to § 156-3 D.]

Section 2. Effective date.
This ordinance shall become effective on passage and publication as required by law.

The Committee agreed to postpone action until the next meeting.

5-1 A Measure Authorizing a Solar Energy PILOT Agreement with West Street Solar 1, LLC.
Councillor Walsh questioned the source of information provided to the Assessor and the method of calculating PILOT payments.

City Assessor Susan Byrne explained that the developers provide her office with lists of equipment and the cost (new). She noted that under the PILOT Agreement, the equipment is depreciated by 5% annually, while taxable personal property is typically depreciated by 10% annually. The total payments reflect 2½% adjustments for each year for twenty years. Equal payments over twenty years are more attractive to investors, she added.
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.

Others participating included City Auditor John Richard 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 Councillor James Walsh, it was voted to approve the Minutes of the September 26, 2018 Meeting, as printed.

4-1 **An Ordinance to Amend the Code of the City of Gardner, Chapter 156 Thereof, Entitled “Municipal Grounds Commission, to Add Various Provisions Relating to Duties (Ordinance Amendment originally filed under “Community Bandstand Committee”).**

(Continued from 9/26/2018).

President Graves expressed concern that the Ordinance draft submitted by the City Solicitor did not incorporate the long-standing Bandstand Committee name and specific purpose; therefore, he offered the following changes that include the Bandstand Committee:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156 THEREOF, ENTITLED “MUNICIPAL GROUNDS COMMISSION,” TO ADD PROVISIONS RELATING TO A COMMUNITY BANDSTAND COMMITTEE.

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

Section 1. Chapter 156-3 of the Code of the City of Gardner is hereby amended by adding the following:

B. There is hereby established under this Section the "Community Bandstand Committee" which shall exist and be operated hereunder for the purpose of implementing seasonal programs to be conducted in the City's parks including but not limited to summer musical concerts and other community entertainment events at
the Bandstand located in Monument Park, as well as at the City's other parks, at the City's other municipal grounds and at other appropriate locations in the City. The Community Bandstand Committee shall consist of no less than three (3) members, one of whom shall be a member of the Municipal Grounds Commission, to carry out the purposes of this Section 156-3B. All members shall be appointed in accordance with Section 156-1A.

C. The Community Bandstand Committee may receive donations and gifts of property, both real and personal, in the name of the City to further the purposes as set forth in Section 156-3B. Upon receipt of any such donation or gift, the Community Bandstand Committee shall provide each such gift or donation to the Treasurer, who shall deposit same into an account to be created and named the "Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund shall be used for the purposes set forth in Section 156-3B.

D. Revise the former (present) 156-3B to 156-30.

Section 2. Effective date.
This ordinance shall become effective on passage and publication as required by law.

Councillor James Walsh noted that President Graves' amendments provides for the Bandstand Committee to have clear standing, as opposed to "a generalized position" within the Municipal Grounds Commission.

President Graves noted that an authorizing vote by the City Council is necessary to establish a specific Gift Fund for the Committee's purposes, which would be included with the Ordinance at the next meeting.

ADJOURNMENT
On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to adjourn at 6:10 p.m.
3-2 Measure Confirming the Mayor's Appointment of Michael Budwick to Member, Golf Commission, for term expiring 5/1/2021.
On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend to the City Council to confirm the Mayor's Appointment of Michael Budwick to Member, Golf Commission, for term expiring 5/1/2021.

3-3 A Measure Confirming the Mayor's Appointment of Jeffrey Gallant to Member, Golf Commission, for term expiring 5/1/2021.
On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend to the City Council to confirm the Mayor's Appointment of Jeffrey Gallant to Member, Golf Commission, for term expiring 5/1/2021.

3-4 A Measure Confirming the Mayor's Appointment of David Noyes to Member, Golf Commission, for term expiring 5/1/2021.
On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend to the City Council to confirm the Mayor's Appointment of David Noyes to Member, Golf Commission, for term expiring 5/1/2021.

4-1 An Ordinance to Amend the Code of the City of Gardner, Chapter 156 Thereof, Entitled "Municipal Grounds Commission, to Add Various Provisions Relating to Duties (Ordinance Amendment originally filed under "Community Bandstand Committee") (Continued from 10/15/2018).
On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend to the City Council to refer to following Ordinance to the Public Service Committee for study and report:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156 THEREOF, ENTITLED "MUNICIPAL GROUNDS COMMISSION," TO ADD PROVISIONS RELATING TO A COMMUNITY BANDSTAND COMMITTEE.

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

Section 1. Chapter 156-3 of the Code of the City of Gardner is hereby amended by adding the following:

B. There is hereby established under this Section the "Community Bandstand Committee" which shall exist and be operated hereunder for the purpose of implementing seasonal programs to be conducted in the City's parks including but not limited to summer musical concerts and other community entertainment events at the Bandstand located in Monument Park, as well as at the City's other parks, at the City's other municipal grounds and at other appropriate locations in the City. The Community Bandstand Committee shall consist of no less than three (3) members,
CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF NOVEMBER 5, 2018

one of whom shall be a member of the Municipal Grounds Commission, to carry out
the purposes of this Section 156-3B. All members shall be appointed in accordance
with Section 156-1A.

C. The Community Bandstand Committee may receive donations and gifts of
property, both real and personal, in the name of the City to further the purposes as set
forth in Section 156-3B. Upon receipt of any such donation or gift the Community
Bandstand Committee shall provide each such gift or donation to the Treasurer, who
shall deposit same into an account to be created and named the "Community
Bandstand Committee Program Fund." All funds in such Community Bandstand
Committee Program Fund shall be used for the purposes set forth in Section 156-3B.

D. Revise the former (present) 156-3B to 156-30.

Section 2. Effective date.
This ordinance shall become effective on passage and publication as required by law.

6-1 A Measure Conveying a Parcel of Land on John Eaton Road (the “Cowee Lot”) to the
Gardner Conservation Commission and Authorizing Acceptance of Federal Grant
Funds.

Conservation Agent Jeffrey Legros informed the Committee that in 1983, the City
Council did not vote to convey the land to the Conservation Commission; therefore, a
new vote is needed in order to draft the Conveyance Deed. He added that the grant
will cover the costs of the legal work.

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was
voted to recommend to the City Council that the following Measure ought to pass:

CONVEYING A PARCEL OF LAND ON JOHN EATON ROAD, THE COWEE LOT,
TO THE GARDNER CONSERVATION COMMISSION AND
AUTHORIZING ACCEPTANCE OF FEDERAL GRANT FUNDS

VOTE: To authorize the Mayor of the City of Gardner (the City) to convey to the City of
Gardner Conservation Commission, title to real estate owned by the City and located
on John Eaton Road in Gardner, Massachusetts, totaling approximately 88 acres of
land, shown as Gardner Assessor’s Parcel M47/24/9 and known as the Cowee Lot (the
Property), and to accept funds from the federal North American Wetlands
Conservation Act (NAWCA), small grants program, in the amount of up to Twenty
Eight Thousand and 00/100 Dollars ($28,000.00), pursuant to a NAWCA Grant Award
#FI7AP00550 to Janet H. Morrison (the Grantee), dated March 15, 2018 and pursuant
to a Memorandum of Agreement between the Grantee and the City dated April 10,
2018, for the purpose of paying for due diligence and grant prerequisites to the
conveyance of said Property, which is Tract #11 in the NAWCA Gardner and
Winchendon Wetlands Protection Project, and to authorize the City to enter any
necessary contracts thereto, for the purpose of making this conveyance to the
Ms. Byrne responded, saying that manufactured homes are classified as personal property and generally exempted from real estate taxes. In place of property taxes, homeowners pay a monthly license fee, which is paid to the City and amounts to $12 per month. The owner of the land, she added, is responsible for paying real estate taxes on the underlying land, but that the owner may recover cost through rental fees. Ms. Byrne said that garages are assessed to the owner of the mobile home park.

Councillor Walsh remarked that any change to the “method of assessing” mobile homes would require a change to the statute.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council to adopt Factor 1 for each class of Real Estate and Personal Property Tax Rate for Fiscal Year 2019.

2-2 **A Measure Authorizing Acceptance of Donations and Gifts for Use by the Community Bandstand Committee for Musical Concerts and Other Entertainment Events.**

Since the measure is also before the Public Service Committee and corresponds to the pending Municipal Grounds/Bandstand Ordinance, the 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.**

2-3 **An Order Amending Order No. 12847, An Order Appropriating a Sum of Money from Available Enterprise Funds – Various Receipts Reserved – to Various Accounts for the Fiscal Year Beginning July 1, 2018 to June 30, 2019 (Calendar No. 9945).**

City Auditor John Richard informed the Committee that when the Budget Order was prepared in May, the figure used for the Landfill Closure Enterprise was inadvertently carried forward from the prior Fiscal Year, instead of the November, 2017 Department of Revenue-certified Retained Earnings figure of $60,133.00. The amendment, he added, would correct the Budget and then the Tax Rate could be set for FY2019.

Councillor Walsh recommended that the Committee recommend that the Council vote to rescind the original Order and substitute it with the corrected Order.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council that Order No. 12847 be rescinded and that the following Order ought to pass:
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 Councillor Ronald Cormier. Councillor James Walsh was absent.

Others participating included Mayor Mark Hawke; Police Chief Neil Erickson; Public Works Director Dane Arnold; City Engineer Christopher Coughlin; City Auditor John Richard; 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 19, 2018 Meeting, as printed.

2-1 **A Measure Authorizing Acceptance of Donations and Gifts for Use by the Community Bandstand Committee for Musical Concerts and Other Entertainment Events.**

President Graves opened the discussion by commenting on the Public Service Committee’s recent meeting at which the question arose as to whether the Municipal Grounds Commission had been abolished, since a member of the Cemetery Commission suggested that it was abolished. Therefore, he added, the Service Committee did not recommend adoption of the proposed Community Bandstand Ordinance.

Mayor Hawke stated that the Municipal Grounds Commission still exists and that the current members of the Cemetery Commission also serve on the Municipal Grounds Commission.

President Graves cited Chapter 217-1 of the City Code, which references the existence of the Commission. He added that since the proposed Bandstand Ordinance is still pending, then any action taken on the proposed Gift Fund is “putting the cart before the horse.”
Accordingly, since the same measure is also before the Public Service Committee and corresponds to the pending Municipal Grounds/Bandstand Ordinance, the 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.*

2-2 **An Order to Raise and Appropriate $178,287.00 for the Expenses of Various Departments for Fiscal Year 2019 ("Supplemental Budget").**

Mayor Hawke informed the Committee that he e-mailed the Supplemental Budget Order and supporting materials to all Councillors the previous week, as the matter is “time-sensitive” and that the Tax Rate cannot be approved until the Order is approved. He said that when the FY2019 Budget was prepared, certain assumptions were made about New Growth and so $300,000 was used to prepare FY2019 Projected Revenues. Recently, he added, the Assessors determined that FY2019 New Growth is $482,000.00; therefore, an additional $182,000.00 is available to raise in the Levy for the year.

Continuing, the Mayor stated that the next Fiscal Year will be “financially tight” as the School Budget will realize a budget shortfall; therefore, he is recommending that the City address a number of “one-time needs” with the available resources. He added that by committing the available levy at this time; then the amount would become part of the permanent tax levy and available in future years.

Addressing the **Bike Path Bridge Match** portion of the Order, City Engineer Chris Coughlin informed the Committee that the $41,287 would be used to match the $300,000.00 State Grant to design the Bikeway Bridge project of the North Central Pathway, which is on the State TIP and projected to be funded in 2021. He said that if the project moves to the next phase, “Post-Design,” then the City's additional share will be $33,713.00, which could occur within one to one and one-half years. He added that the total Project cost is $3.5 Million, plus design costs, of which the City is only responsible for 25% of design costs.

Addressing the **DPW Chipper** portion of the Order, Mayor Hawke informed the Committee that the DPW proposes to purchase a new chipper for $35,000.00, which includes the value of the 2006 Chipper to be traded-in.

Addressing the **Plumbing Vehicle** portion of the Order, Mayor Hawke informed the Committee that the Department’s 2005 Ford Ranger was removed from service for safety reasons and that the Plumbing Inspector has been using his personal vehicle to perform inspections. He said that the City could obtain a good used truck for $25,000.00.
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 Cornier 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 Cornier 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 Cornier 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.
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 Councillor Ronald Cormier. Councillor James Walsh was absent.

Others participating included Mayor Mark Hawke; Police Chief Richard Braks; Police Sergeant James Trifiro; Police Officer Lorin Walter; Assistant Director of Community Development and Planning Joshua Cormier; City Auditor John Richard; 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 December 12, 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 Graves opened the discussion by noting that the Municipal Grounds Commission still exists, so it is appropriate for the Public Service Committee to consider recommending that the role of the Bandstand Committee be incorporated under the Commission.

Councillor Ronald Cormier suggested that the Finance Committee vote to recommend adoption of the Gift Fund to correspond with the creation of the Bandstand Committee. He added that by authorizing the gift fund, the collection of donations and other fees would be legitimate.

On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council authorize acceptance of donations and
gifts for use by the Community Bandstand Committee for musical concerts and other community entertainment events, said acceptance in accordance with the provisions of Chapter 44, Section 53A ½ of the General laws.

3-1 **A Measure Confirming the Mayor's Appointment of Priya Gandbhir to the Position of Assistant City Solicitor for term expiring January 3, 2020 (Reappointment).**
On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council confirm the Mayor’s Appointment of Priya Gandbhir to the Position of Assistant City Solicitor for term expiring January 3, 2020.

3-2 **Notice of Appointment of John M. Flick to the Position of City Solicitor for term expiring January 3, 2020 (Confirmation not required).**
On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council place the Appointment on file.

3-3 **Notice of Appointment of Rachel J. Stephano to the Position of Executive Secretary for term expiring January 3, 2020 (Confirmation not required).**
On a motion by Councillor Ronald Cormier and seconded by President Graves, it was voted to recommend that the City Council place the Appointment on file.

3-4 **A Measure Confirming the Mayor's Appointment of James F. Trifiro, Jr. to the position of Deputy Chief of Police for term expiring January 20, 2022.**
Mayor Hawke and Chief of Police Richard Braks informed the Committee that the interview panel, composed of the Mayor, the Chief of Police, and Human Resources Director, interviewed two internal candidates and that the panel agreed that Sergeant Trifiro possessed the qualifications for Deputy Chief of Police.

Sergeant Trifiro informed the Committee that he recently retired after serving for 31 years in the United States Coast Guard, both active duty and reserve.

President Graves questioned whether it is a critical factor to look from within the Department and promote from within, or to seek candidates from outside the Department.

Mayor Hawke responded, saying that there may be times when seeking candidates from outside the Department would be appropriate, but not in this situation. He said that it good for morale to promote from within, that the Department is running
ACCEPTANCE OF DONATIONS AND GIFTS
COMMUNITY BANDSTAND CONCERTS AND EVENTS

VOTE: That the City of Gardner is authorized to accept donations and gifts for use by the Community Bandstand Committee for musical concerts and other community entertainment events, said acceptance in accordance with the provisions of Chapter 44, Section 53A½ of the General laws.
Part I  ADMINISTRATION OF THE GOVERNMENT

Title VII  CITIES, TOWNS AND DISTRICTS

Chapter 44  MUNICIPAL FINANCE

Section 53A1/2  GIFTS OF TANGIBLE PERSONAL PROPERTY; ACCEPTANCE

Section 53A1/2. A city council, with the mayor's approval if the charter so provides, or a board of selectmen, or prudential committee or town council may, in its sole discretion and authority, accept gifts of tangible personal property on behalf of the city, town or district from the federal government, a charitable foundation, private corporation, individual, or from the commonwealth or any political subdivision thereof, and may, in its sole discretion and authority, use said gifts, without specific appropriation thereof, for the purpose of such a gift or, if no restrictions are attached to the gift, for such other purposes as it deems advisable.
DECLARING SURPLUS FOR PURPOSE OF DISPOSAL
LAND AND BUILDINGS AT RYAN STREET

VOTED: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 174 Ryan Street, further identified on the City of Gardner Assessor’s Map as M32-00011-00012, 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.
January 16, 2019

To: Mayor Mark Hawke  
   City Auditor  
   Board of Assessors

Fr: Charline M. Daigle, Treasurer/Collector

Re: 174 Ryan Street  
     Parcel ID# M32-00011-00012

The Land Court has issued the final decree on October 10, 2018 foreclosing the tax title in the City’s tax lien foreclosure case against the above property. The decree was recorded with the Worcester Registry of Deeds on November 6, 2018, Book 59657 page 80. The total tax due excluding Treasurer’s interest and costs is $20,170.39 in Tax Title and FY 19 Taxes are $840.80.

My recommendation is to declare the property surplus so the property can be put out to bid and returned to the tax roll as soon as possible.

The Building Inspector has been notified of the foreclosing and insurance has been purchased.

cc: Building Inspector
COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

Case No.: 17 TL 001728

JUDGMENT IN TAX LIEN CASE

City of Gardner

vs.

Elizabeth Brewer, Robert Harthan

This case came on to be heard and was argued by counsel, and thereupon, upon consideration thereof, it is

ADJUDGED and ORDERED that all rights of redemption are forever foreclosed and barred under the following deed(s) given by and/or the tax taking(s) made by the Collector of Taxes for the City of Gardner in Worcester County and said Commonwealth:

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By the Court: Deborah J. Patterson

Attest: A TRUE COPY

[Signature]
Deborah J. Patterson
Recorder

Entered: October 10, 2018
### CONSTRUCTION DETAIL

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<td>Loading Platform, Unfinished</td>
<td>0</td>
<td>56</td>
<td>11</td>
<td>5.37</td>
<td>300</td>
</tr>
</tbody>
</table>

<p>| Ttl Gross Liv / Lease Area | 4,632 | 9,320 | 5,801 | 0.00 | 158,454 |</p>
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value 1</td>
<td>Value 2</td>
<td>Value 3</td>
<td>Value 4</td>
</tr>
</tbody>
</table>

**Legend:***
- **Total Land Value:** Value 1
- **Special Land Value:** Value 2
- **Adjusted Land Value:** Value 3
- **Adjusted Value (a):** Value 4

**Notes:***
- **Rate:** Value 5
- **Base:** Value 6
- **Equivalent Value:** Value 7

**Assessment History:**
- **Year:** Value 8
- **Description:** Value 9
- **Amount:** Value 10
- **Code:** Value 11

**Assessment Summary:**
- **Assessed Value:** Value 12
- **Appraised Value:** Value 13
- **Current Value:** Value 14

**Vision:**
- **Gardner, MA:** Value 15
- **GIS ID:** Value 16
- **Map ID:** Value 17

**Property Location:**
- **Map ID:** Value 18
- **Street Address:** Value 19
- **Location:** Value 20

**Supplemental Data:**
- **Lot ID:** Value 21
- **Stage:** Value 22
- **Paved:** Value 23
- **Water:** Value 24
- **Sewer:** Value 25

**Review:**
- **Revisit:** Value 26
- **Report:** Value 27

**Review History:**
- **Date:** Value 28
- **Description:** Value 29
- **Amount:** Value 30

**Other Observations:**
- **Other River MA:** Value 31
- **Other River MD:** Value 32
- **Other River SC:** Value 33
- **Other River GA:** Value 34

**Property Condition:**
- **Condition:** Value 35
- **Assessed:** Value 36
- **Adjusted:** Value 37
- **Appraised:** Value 38
- **Current:** Value 39