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 February 4, 2019 Regular Meeting.

3-1 A Measure Confirming the Mayor’s Appointment of Karen Dineen to Member, Golf Commission, for term expiring January 29, 2022.

3-2 A Measure Confirming the Mayor’s Appointment of Aleksander Dernalowicz to Member, Golf Commission, for term expiring February 5, 2022.

3-3 A Measure Confirming the Mayor’s Appointment of Kristen Salerno to Senior Animal Control Officer for term expiring January 28, 2020.

3-4 A Measure Confirming the Mayor’s Appointment of Cheryl Slack to Animal Control Officer for term expiring January 28, 2020.

3-5 A Measure Confirming the Mayor’s Appointment of Michael Nicholson to Trustee, Williams-Rockwell Educational Gift Fund Board of Trustees, for term expiring January 28, 2022.

4-1 #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).

5-1 A Measure Authorizing the City to Enter into Contracts for Periods Not-to-exceed 5 Years for Leasing “Golf Cars.”

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 7:00 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 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 January 16, 2019 Meeting, as printed.

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).
Councillor Walsh cited Mr. Gerry’s experience and extensive service on the ZBA as justification for confirming the Appointment.

Acknowledging that the Appointment “is the Mayor’s to make,” President Graves said, “This particular one is very difficult for me to support and, while I give great deference to the Mayor when it comes to appointments, in this instance, I disagree.”

Continuing, President Graves said that Mr. Gerry’s vote to grant a ‘use variance’ to the developers of a proposed solar array off Lovewell Street “disqualifies him [for confirmation], since State law imposes strictures for granting ‘use variances’ and that these strictures were disregarded by two members of the ZBA, in my opinion.” He said that the ZBA’s vote to grant a ‘use variance’ was not legitimate, and that only ZBA Chairman Ray LaFond “got it right,” adding that the strictures include lot shape, topography, and other hurdles “which are difficult to overcome.” He noted that the reasons that were given by the other two ZBA members for granting the ‘use variance’, as reported in The Gardner News, “cannot be waived by the ZBA as they are not discretionary.” He added that the particular statute ‘spoon feeds’ the factors to the ZBA.”

He concluded by reminding the Committee that the Overlay District was not approved by the City Council following many months of meetings, hearings, and discussions.
Councillor Walsh stated that the statute that delineates restrictions on granting ‘use variances’ also dictates that a unanimous vote of the ZBA is required for approval, and that the ZBA’s standards for considering ‘use variances’ are different than those applied by the City Council when it considered whether to adopt a solar overlay district through an Ordinance amendment.

Continuing, Councillor Walsh said that, in his opinion, it is nearly impossible for the Court to overturn a local Appeals Board’s denial of a ‘use variance’ and that “disagreement with a single decision is not a good reason to deny confirming an Appointee.”

Councillor Ronald Cormier stated that there has to be room for discretion on the part of ZBA members.

President Graves agreed that the City Council does not have the same vote requirements as the ZBA, but that the guidelines for ‘use variances’ are “are cookie-cutter,” and that the ZBA “went way outside the guidelines.”

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted two (2) in favor, Councillors Cormier and Walsh; one (1) opposed, President Graves, to recommend that the City Council confirm the Mayor’s Appointment of Michael Gerry to the position of Member, Zoning Board of Appeals, for term expiring January 17, 2022.

**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).**

Councillor Walsh informed the Committee that he asked the Mayor for the names of the current members of the Municipal Grounds Commission and noted that the last few members were appointed in 2008 and that their terms of office expired in 2011. He said that the Mayor informed him that the three persons that were appointed in 2008 are still on the Commission.

Continuing, Councillor Walsh said that the proposed Ordinance appears to incorporate the structure needed to lawfully operate the Bandstand concerts and suggested that the Finance Committee ask the Mayor to consider reappointing the current members or new members prior to proceeding with passing the Ordinance.

President Graves reminded the Committee that adopting an Ordinance is time-sensitive, since the concerts are being scheduled for the summer. He said that since the Mayor confirmed that the Municipal Grounds Commission still exists, then now is a good time to ask him to make new or reappointments. He expressed concern for potential liability on the part of the volunteers, as another reason to act quickly.
Councillor Walsh suggested that the Finance Committee recommend to the City Council that the Ordinance be ordered to First Printing, with an agreement and understanding that the Mayor file Appointment Certificates for Municipal Grounds Commissioners before the next meeting. If they Mayor fails to do, he added, then he would not support passage of the Ordinance.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to ask the Mayor to file new Appointment Certificates for Municipal Grounds Commissioners and to recommend to the City Council that the following Ordinance be ordered to First Printing:

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 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.

**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).**

The Committee postponed action until the next meeting, since the Measure parallels the Municipal Grounds (Bandstand) Ordinance and that amendments would be necessary to reflect specific elements of the proposed Ordinance.
6-1 A Measure Declaring Surplus for Purpose of Disposal Land and Buildings at 174 Ryan Street.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 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.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to adjourn at 7:21 p.m.
Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Karen Dineen to the position of Member, Golf Commission, 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

Confirmed

__________________________

City Clerk

Alan L. Agnelli

Expires: January 29, 2022

Worcester, ss.,

Then personally appeared the above named Karen Dineen and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Golf Commission 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
February 5, 2019

Commonwealth of Massachusetts

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Aleksander Dernalowicz to the position of Member, Golf Commission and I certify
91 West Broadway, Gardner, MA
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: February 5, 2022

Worcester, ss.,

Then personally appeared the above named Aleksander Dernalowicz and made oath
that he/she would faithfully and impartially perform the duties of the office of Member, Golf
Commission 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 __________________
January 29, 2019

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Kristen Salerno to the position of Senior Animal Control Officer, 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 28, 2020 ______________________________

Worcester, ss., ________________________________

Then personally appeared the above named Kristen Salerno and made oath that he/she would faithfully and impartially perform the duties of the office of Senior Animal Control Officer 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 ________________________________
CERTIFICATE OF APPOINTMENT

I appoint Cheryl Slack to the position of Animal Control Officer, and I certify
25 Westford Street, Gardner, MA
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

Expires: January 28, 2020

Worcester, ss.,

Then personally appeared the above named Cheryl Slack and made oath that he/she
would faithfully and impartially perform the duties of the office of Animal Control Officer
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
Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Michael Nicholson to the position of Trustee, Williams-Rockwell Educational Gift Fund, and I certify

450 Pearl Street, Gardner, MA

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 28, 2022

Worcester, ss.,

Then personally appeared the above named Michael Nicholson and made oath that

he/she would faithfully and impartially perform the duties of the office of Trustee, Williams-

Rockwell Educational Gift Fund 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 ____________________
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.
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.
AUTHORIZING CONTRACTS NOT-TO-EXCEED FIVE (5) YEARS
FOR LEASING GOLF CARS

VOTE: To authorize the City to enter into contracts not to exceed five (5) years for leasing golf cars, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's January 30, 2019 Memorandum.
TO: Gardner City Council  
   Mayor Mark Hawke

FROM: Jennifer Dymek, Purchasing Agent/CPO

DATE: January 30, 2019

SUBJECT: Request for 5-year contract

According to MGL c 30B, any contract that exceeds three years must be approved by majority vote by the City Council.

I respectfully request permission from the Gardner City Council to seek a five year contract for the lease of Golf Cars for the Gardner Municipal Golf Course.

I recently solicited quotes for both 3 and 5 year lease terms, from vendors on the State Contract and all vendors were able to provide a better rate with a longer term lease. The current 5 year lease terminated at the end of 2018.

If you have any questions or concerns, please feel free to contact me for additional details.