

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF APRIL 15, 2020

The Finance Committee meeting was called to order remotely by Council President Elizabeth Kazinskas at 12:00 p.m. Finance Committee Members Councillors Ronald Cormier and James Walsh. Councillor Scott Graves also joined the meeting remotely.

Others participating were City Treasurer Jennifer Dymek; City Auditor John Richard; and, City Clerk Alan Agnelli.

President Kazinskas announced that the meeting is being recorded and that the recording would be posted on the City's website.

1-1 Reading and Approval of Minutes of Prior Meeting.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted to approve the Minutes of the April 1, 2020 Regular Meeting, as printed.

2-1 #10250, An Order Appropriating \$52,788.00 from Free Cash to FY2019 Firefighters Salary and Wages Account (In City Council and Referred to Finance, 3/2/2020).

President Kazinskas informed the Committee that she spoke with City Solicitor John Flick and was advised that the Law Department has been consulting with the Law Firm of Mirick O'Connell for an outside legal opinion, as well as his continuing dialogue with the Firefighter's Union legal counsel. She suggested that the Committee request the Council for more time.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to seek more time on the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS SALARY AND WAGES FY2019 ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Fifty-Fifty-two Thousand Seven Hundred Eighty-eight and 33/100 (\$52,788.33) from Free Cash to the Fiscal 2019 Firefighters Salary and Wages Account.

2-2 #10251, An Order Appropriating \$54,818.67 from Free Cash to the Firefighters Salary and Wages Account (In City Council and Referred to Finance, 3/2/2020).

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to seek more time on the following Order:

4-1 A Measure Adopting Various Provisions of Chapter 53 of the Acts of 2020.

President Kazinskas informed the Committee that she received an updated letter from City Solicitor John Flick as a result of a new directive from the Division of Local Services that was received that morning. She said that the new documents will be provided to the Council. The letter, she said, provides observations of certain sections of *Chapter 53 of the Acts of 2020* and provides guidance that states that no legal action by the City Council is required at this time, other than an endorsement.

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Councillor James Walsh informed the Committee that he questioned whether the Act provided for “local option” that requires acceptance, particularly Sections 10 and 11. He said that the April 3, 2020 Bulletin from DLS indicated that these were local option provisions that would require local acceptance by those communities that chose to implement them. As he looked at it, he said, the language in the Act wasn’t clear, so he submitted correspondence to DLS seeking clarification and was advised that there would be further guidance from DLS.

President Kazinskas said that she just received updated guidance from DLS, dated April 15, which advises that the legislation is not local option, as determined by the City Solicitor. He advised her to seek the endorsement by the Council.

Councillor Walsh stated that the language provides that the authority to implement the actions is within the Chief Executive Officer of the city or town and does not require local acceptance; however, he believes that the endorsement of the Council is a wise and prudent thing to do. He asked the City Treasurer to outline the process for waiving interest and penalties on taxes.

City Treasurer Jennifer Dymek stated that under Section 10, real estate taxes that are currently due for May 1 would be extended to June 1. She estimated that 75% to 80% of real estate taxes would be paid by mortgage companies through escrow holdings, so that there would not be a huge delay on cash inflow; however, some banks may delay payments until June 1.

Continuing, Ms. Dymek stated that Section 11 relates to interest earned on late payments for water, sewer, and trash accounts, which Munis (accounting system) can be modified to suspend late penalties for various due dates.

On questioning by Councillor Walsh, Ms. Dymek informed the Committee that the provisions of Section 11 (waiver of fees and penalties) applies to the 4th Quarter real estate tax payments due on or after March 10. If payments were made in the first three quarters or for prior years, she said, then interest and fees would be collected. She added that at the State level, they want bills to be paid by June 30, but the “look-back date” on interest and penalties is unclear at this time.

Councillor Walsh asked whether the Committee has matters to recommend for Endorsement.

President Kazinskas outlined the three sections of Chapter 53 that the Council would be asked to endorse.

Councilor Walsh inquired about modifying the Measure to change the Council’s action from acceptance to endorsement.

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On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to endorse the three provisions, as follows:

ENDORING VARIOUS PROVISIONS OF
CHAPTER 53 OF THE ACTS OF 2020

VOTE: Part I. That the City of Gardner hereby endorses Section 10(a)(i-iii) of Chapter 53 of the Acts of 2020 which authorizes the City, through its Chief Executive Officer, to extend the due dates of property tax bills from May 1, 2020 to no later than June 1, 2020.

Part II. That the City of Gardner hereby endorses Section 10(a)(iv) of Chapter 53 of the Acts of 2020 which authorizes the City, through its Chief Executive Officer, to extend the due date for exemptions filed in accordance with M.G.L. c. 59, sec. 59 from April 1, 2020 to no later than June 1, 2020.

Part III. That the City of Gardner hereby endorses Section 11 of Chapter 53 of the Acts of 2020 which authorizes the City, through its Chief Executive Officer, to waive interest and other penalties for late payments of any excise, tax, betterment assessment or apportionment thereof, water rate or annual sewer use or other charge added to a tax for any payments with a due date on or after March 10, 2020 where payment is made after its respective due date but before June 30, 2020.

5-1 **A Measure Discontinuing Use of AccuVote ES2000 Optical Scan Tabulators and Implementing use of ImageCast® Precinct Optical Tabulators, effective for the September 1, 2020 State Primary.**

President Kazinskas outlined the process for implementing the use of new ballot tabulators.

Councillor Walsh questioned whether funds were appropriated for the new tabulators.

The City Clerk confirmed that the City Council appropriated \$70,000 on November 18, 2019 and that the items are tabulators, not voting machines (tabulators record the votes). He cited advanced features of the new tabulators and cited their use by many communities in Massachusetts.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted to recommend to the City Council to discontinue use of the AccuVote ES2000 Optical Scan Tabulators and to implement use of the ImageCast® Precinct Optical (ICP) Tabulators in all precincts, effective for the September 1, 2020 State Primary and for the all elections thereafter, in accordance with M.G.L. Chapter 54, Section 34.

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6-1 **A Measure Authorizing an Eighth Amendment to the April 9, 1968 Lease Between the City and Henry Heywood Memorial Hospital (Ref: Council Calendar No. 10119).**

The Committee postponed action until Attorney Phillips completes her research.

6-2 **A Measure Authorizing an Easement Relocation Agreement Between the City of Gardner and Massachusetts Electric Company (Ref: Finance Committee Agenda No. 6-1).**

President Kazinskas informed the Committee that she spoke with Atty. Deborah Phillips who advised that Heywood Hospital agreed to pay all fees due National Grid. She added that Atty. Phillips and Heywood Hospital have not been able to reach the real estate contact person at National Grid.

Councillor Walsh added that both matters are only before the Finance Committee.

The Committee postponed action until Attorney Phillips completes her research.

NEW BUSINESS

A Communication from the Greater Gardner Chamber of Commerce Relative to Resources for Business Owners and Managers During COVID-19.

President Kazinskas cited a letter from the Greater Gardner Chamber of Commerce informing the City Council of available assistance to local businesses during the COVID-19 pandemic.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to adjourn at 12:27 p.m.