

PRESIDENT
Elizabeth J. Kazinskas

COUNCILLORS AT LARGE
James S. Boone
Craig R. Cormier
Ronald F. Cormier
Scott Joseph Graves, Esq.
Judy A. Mack
George C. Tyros

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL



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WARD 1 COUNCILLOR
James M. Walsh, Esq.

WARD 2 COUNCILLOR
Elizabeth J. Kazinskas

WARD 3 COUNCILLOR
Nathan R. Boudreau

WARD 4 COUNCILLOR
Karen G. Hardern

WARD 5 COUNCILLOR
Aleks Dernalowicz, Esq.

July 27, 2020

FINANCE COMMITTEE MEETING NOTICE

Date: Wednesday, July 29, 2020
Time: 12:00 P.M.
Location: Remotely via Zoom/Broadcast on Gardner YouTube Channel

ANNOUNCEMENT - 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 referenced or used during the meeting must be submitted in duplicate to the Chair, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

SCHEDULE OF BUSINESS
(Agenda attached)

1. Acceptance/Corrections to Minutes of Prior Meeting(s).
2. Budget and Orders (Money orders, loan orders, revolving funds, other financial).
3. Appointments, vacancies and other personnel matters.
4. Ordinances and Acceptance of General Laws and Special Acts.
5. Authorizations Required by Statute (Contracts, Election Orders, Grants, etc.).
6. Land Acceptance, Disposal, Easements, etc.
7. Claims, Legal, Rules and Salaries.
8. Departmental Management and organizational matters.
9. Report from the Mayor on the State of the City.

NOTICE: The listing of Agenda items are those reasonably anticipated by the Chairman which may 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.

CITY COUNCIL OF GARDNER
Elizabeth J. Kazinskas
ELIZABETH J. KAZINSKAS
Chair, Finance Committee

**Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Finance Committee will be conducted via remote participation. The audio recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting.*

**CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE MEETING
Wednesday – July 29, 2020 – 12:00 PM
Remotely via Zoom**

AGENDA

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 June 10, 2020 and June 24, 2020 Meeting Minutes.
- 2-1 An Order Authorizing an FY2021 Continuing Appropriation Budget.
- 3-1 A Measure Confirming the Mayor's Appointment of Alexa Morgan to the position of Police Officer, Permanent.
- 3-2 A Measure Confirming the Mayor's Appointment of Duncan Burns to the position of Member, Conservation Commission, for term expiring July 20, 2023 (*Reappointment*).
- 3-3 A Measure Confirming the Mayor's Appointment of Atty. Ethan Kolodny to the position of Assistant City Solicitor for term expiring January 3, 2021.
- 3-4 A Measure Confirming the Mayor's Appointment of Marcelle S. Cormier, Member, Board of Registrars of Voters, for term expiring April 1, 2021.
- 3-5 A Measure Confirming the Mayor's Appointment of Mario A. Guay, Member, Board of Registrars of Voters, for term expiring April 1, 2022 (*Reappointment*).
- 3-6 A Measure Confirming the Mayor's Appointment of Patricia C. Darby, Member, Board of Registrars of Voters, for term expiring April 1, 2023 (*Reappointment*).
- 3-7 A Measure Confirming the Mayor's Appointments of Election Officers for 2020-2021.
- 5-1 An Order Relative to the September 1, 2020 State Primary and Review/Acceptance of National Guard Armory Poll Siting Impact Report.
- 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*).
- 6-2 A Measure Authorizing an Easement Relocation Agreement Between the City of Gardner and Massachusetts Electric Company (*Ref: Finance Committee Agenda Item No. 6-1*).
- 6-3 A Measure Authorizing a Grant of Easement to Massachusetts Electric Company for an "OVERHEAD SYSTEM" and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" at 200 Catherine Street (Gardner High School).

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.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JUNE 10, 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 were also present via Zoom.

President Kazinskas announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Finance Committee will be conducted via remote participation on Zoom. The audio recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting and the meeting is being broadcast live on Gardner's YouTube Channel.

Also participating remotely were City Auditor John Richard; Fire Chief Richard Ares; Human Resources Director Debra Pond; Community Development and Planning Director Trevor Beauregard; School Business Administrator April Yu; School Director of Facilities Wayne Anderson; Golf Commission Chairman Jeffrey Gallant; City Solicitor Atty. John Flick; Public Works Director Dane Arnold; and, City Clerk Alan Agnelli.

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 May 18, 2020 Regular Meeting, as printed.

2-1 An Order Appropriating \$275,000.00 from Free Cash to Snow and Ice Removal.

DPW Director Dane Arnold stated that the deficit is about \$272k with a few more bills to arrive and expenses expected to be about \$575k for the year. He added that expenses are \$5k less than FY2019 and \$145k less than FY2018.

City Auditor John Richard concurred, saying that May and June bills haven't arrived and that is the reason for the buffer.

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

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

ORDER: That there be and is hereby appropriated the sum of Two Hundred Seventy Five Thousand Dollars and No Cents (\$275,000.00) from Free Cash to Snow and Ice Removal.

2-2 An Order Appropriating \$32,000.00 from Free Cash to Public Works – Street Lighting Account.

DPW Director Arnold informed the Committee that the annual average cost for street lighting is \$110k to \$120k and that the City underwent an LED study which was advised that it could reduce costs by \$20k to \$30k annually. He said that at that time, National Grid did not have established rates for the LED, so the City paid the old rates, but now expects a rebate for the overpayment, adding that it could be \$80k.

John Richard said that the rebate, when received, will be applied to the General Fund; however, there is no timeline for receiving the rebate.

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

AN ORDER APPROPRIATING FROM FREE CASH TO PUBLIC WORKS – STREET LIGHTING.

ORDER: That there be and is hereby appropriated the sum of Thirty Two Thousand and No Cents (\$32,000.00) from Free Cash to Public Works – Street Lighting.

2-3 An Order Appropriating \$71,000.00 from Free Cash to Fire Department Salaries, Overtime.

Fire Chief Ares informed the Committee that overtime expenses have exceed the amount budgeted due to several Firefighter resignations, as well as a Lieutenant (Fire Prevention Officer) who has been out on injured status since September and will be medically retired. The Department has had to backfill the vacant positions due to minimum staffing requirements and minimum staffing includes 7 Firefighters and one Lieutenant on each shift and four pieces of apparatus staffed – the Shift Commander’s car, the Tower, the Engine, and the Rescue vehicle, while two are assigned to the Ambulance.

On questioning by Councillor Walsh, the Chief stated that the Department’s staff is presently short by 1 Lieutenant and 1 Firefighter.

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

AN ORDER APPROPRIATING FROM FREE CASH TO FIRE – SALARIES AND OVERTIME.

ORDER: That there be and is hereby appropriated the sum of Seventy-One Thousand Dollars and No Cents (\$71,000.00) from Free Cash to Fire Department Salaries/Overtime.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JUNE 10, 2020

2-4 **An Order Appropriating \$8,700.00 from Free Cash to Ambulance Department Salaries, Overtime.**

Fire Chief Ares informed the Committee that \$29,075.65 was expended in overtime as the direct result of Firefighter resignations and because of COVID-19, as the EMS Coordinator and Assistant Coordinator were required to deal with the pandemic.

On questioning by Councillor Ronald Cormier, the Chief informed the Committee that some expenses incurred after March 15 may be reimbursable through FEMA at the rate of 75%.

On questioning by Councillor James Walsh, the Chief informed the Committee that ALS billing fees are budgeted under Ambulance operations and that the City's share is based on actual amounts collected for ALS services (see 2-5).

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

AN ORDER APPROPRIATING FROM FREE CASH TO AMBULANCE – SALARIES/OVERTIME.

ORDER: That there be and is hereby appropriated the sum of Eight Thousand Seven Hundred Dollars and No Cents (\$8,700.00) from Free Cash to Ambulance Department Salaries/Overtime.

2-5 **An Order Appropriating \$6,800.00 from Free Cash to Ambulance Department Operating Expenses.**

Fire Chief Ares informed the Committee that the deficit is under Professional Services which pays for ALS and billing service. 50% of collections are paid to the ALS Service and 3% for amounts actually collected.

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

AN ORDER APPROPRIATING FROM FREE CASH TO AMBULANCE – OPERATING EXPENSES.

ORDER: That there be and is hereby appropriated the sum of Six Thousand Eight Hundred Dollars and No Cents (\$6,800.00) from Free Cash to Ambulance Operating Expenses.

2-6 **An Order Appropriating \$10,000.00 from Free Cash to Human Resources Department, Medical Exams Account.**

Human Resources Director Debra Pond informed the Committee that there was a large increase in hiring, particularly in the School Department, and that the account covers

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CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JUNE 10, 2020

the cost of all employee testing – pre-placement physicals, regular and random drug testing, Fire and Police Civil Service physicals and psychological testing, and hearing tests for Dispatchers.

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

AN ORDER APPROPRIATING FROM FREE CASH TO HR MEDICAL EXAMS ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Free Cash to the HR Medical Exams Account.

2-7 An Order Appropriating \$17,500.00 from Free Cash to Termination Leave Account.

City Auditor John Richard informed the Committee that \$28k is available in the account; however, 2 employees are retiring by the end of the month and are due \$19k and \$26k respectively, leaving about \$17.5k shortfall.

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

AN ORDER APPROPRIATING FROM FREE CASH TO TERM LEAVE ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Seventeen Thousand Five Hundred Dollars and No Cents (\$17,500.00) from Free Cash to the Term Leave Account.

2-8 An Order Appropriating \$1,260.00 from Free Cash to Planning Board Communications Account.

Community Development and Planning Director Trevor Beauregard informed the Committee that the budget covers the costs for legal ads associated with special permits, Plan Review, Hearings, etc. and that the fees collected from the applicants are deposited into the General Fund. The fees incorporate the costs of legal ads, he added.

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

AN ORDER APPROPRIATING FROM FREE CASH TO PLANNING BOARD COMMUNICATIONS ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of One Thousand Two Hundred Sixty Dollars and No Cents (\$1260.00) from Free Cash to the Planning Board Communications Account.

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2-9 **An Order Appropriating \$80,853.00 from Free Cash to School E-Rate Expenses Account.**

School District Business Administrator April Yu informed the Committee that the E-Rate program reimburses the District for certain expenses related to telecommunications in schools. The reimbursement is deposited in the General Fund (falls to Free Cash), so that the funds must be appropriated to the School Department budget from which telecommunications are expensed

John Richard confirmed that the reimbursement is deposited into the General Fund and “falls to Free Cash” in the next Fiscal Year.

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

AN ORDER APPROPRIATING FROM FREE CASH TO THE SCHOOL E-RATE EXPENSES ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Eighty Thousand Eight Hundred Fifty-Three Dollars and No Cents (\$80,853.00) from Free Cash to the School E-Rate Expenses Account.

2-10 **An Order Rescinding Order No. 12874, An Order Appropriating \$100,000.00 from Golf Enterprise Fund to Golf Indirect Cost Expense.**

Golf Commission Chairman Jeffrey Gallant informed the Committee that due to COVID, the Golf Course delayed its season opening until May 11 and when it opened, restrictions were implemented such as 15-minute tee times, which allowed for only 4 Tee times per hour as opposed to 8 tee times. The Commission is anticipating projected revenues to fall below operating expenses, but that the \$90,000 Reserve Account could absorb most of the shortfall.

Councillor Walsh asked for clarification concerning the Commission’s request to rescind the prior Order.

Mr. Gallant stated that indirect costs are \$180,000, so the Commission sees the shortfall due to lost revenues.

John Richard said \$100k appropriated for Golf Course Retained earnings was not used and the next order appropriates \$95,380.00 from Retained Earnings.

Councillor Walsh suggested that the Order is taking back last year’s appropriation for this year’s expenses.

Mr. Richard concurred.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier,

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on call of the roll, it was voted to recommend to the City Council that the following Order ought to pass:

AN ORDER RESCINDING AN APPROPRIATION ORDER NO. 12874 GOLF INDIRECT COST EXPENSE

ORDER: To rescind the vote taken on June 17, 2019, under Calendar Item #10128, Order No. 12874, ordering that the City of Gardner appropriates the sum of \$100,000 from Golf Enterprise Fund to Golf Indirect Cost Expense, as the funds were not needed.

2-11 An Order Appropriating \$95,380.00 from Golf Enterprise Fund to Golf, Various Expenditures.

Golf Commission Chairman Jeffrey Gallant informed the Committee that the request was explained under 2-10 and that the appropriation would cover anticipated expenses for the remainder of the Fiscal Year.

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

AN ORDER APPROPRIATING A SUM OF MONEY FROM GOLF ENTERPRISE FUND ACCOUNT TO GOLF VARIOUS EXPENDITURES

ORDER: That there be and is hereby appropriated the sum of Ninety-Five Thousand Three Hundred Eighty Dollars and No Cents (\$95,380.00) from Golf Enterprise Fund to Golf Various Expenditures.

2-12 An Order Appropriating \$50,000.00 from Free Cash to Golf Revenue Deficit Account.

Councillor Walsh questioned whether the appropriation would serve as a contingency fund.

Mr. Gallant said that the amount requested is based on the data that the Golf Commission has at this time.

Councillor Walsh said that he was reluctant to recommend a contingency fund for the Golf Course, since he would rather know the actual needs. He questioned if there are plans to transfer the remaining Free Cash to the Stabilization Fund.

John Richard said that it is his recommendation to move the balance to Stabilization.

President Kazinskas suggested that the funds be transferred at a special meeting before the end of the year.

Councillor Walsh added that he would prefer to draw funds from Stabilization, as needed.

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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 remove the following Order from further consideration:

AN ORDER APPROPRIATING FROM FREE CASH TO GOLF REVENUE DEFICIT ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) from Free Cash to the Golf Revenue Deficit Account.

2-13 Referral from Councillor Graves regarding the FY2021 Budget.

Councillor Graves submitted the following questions:

- 1. With respect to M.G.L. c. 44, sec. 32's option of a "continuing appropriation budget . . . on a month to month basis" for up to 3 months, is that option available to a City with no Elected Mayor?*
- 2. Because the statute places sole and exclusive authority with the Elected Mayor, is this option available to the City when we have no Elected Mayor?*
- 3. If the Acting Mayor were to approve that Section 32 "continuing appropriation budget" (1/12th) authority of an Elected Mayor, would she not, as with any Elected Mayoral authority, need the "e"mergency that Flick has subjectively explicated in various evolutions since his first inception of that topic on November 14, 2019?*
- 4. Given that the statute gives express and unconditional authority to the City Council to prepare and vote the Budget itself whenever the Elected Mayor does not do so within 170 days from Jan. 6, 2020, can there be a Charter Section 32 "e"mergency here? [It seems to me that if there is such an "e"mergency to justify the Acting Mayor's implementation of the continuing appropriation budget (1/12th) option, then that would also give her the authority to submit the FY Budget as well - an "e"mergency is an "e"mergency, after all].*
- 5. The Elected Mayor did not submit the Budget within the 170 days, so the City Council's express and unconditional authority to prepare and vote the Budget is ripe, correct?*

Councillor Walsh stated that he read Councillor Graves' five questions as they relate to Chapter 44, section 32 of the General Laws, the submission and approval of municipal budgets. He said that most of the issues that were raised in the referral are addressed by recently-passed legislation – *Chapter 92 of the Acts of 2020*. He noted that Section 11 extends the time that a Mayor has to submit a budget to the City Council – 60 days beyond the expiration of the Governor's State of Emergency – and also provides for a 1/12th Budget pending submission of the FY2021 full budget. He added that the new Mayor can take office after July 10.

Continuing, Councillor Walsh stated that the question concerning whether the Acting

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Mayor can submit a 1/12th Budget is clear to him, since it is a matter “not admitting of delay” by the Charter. Councillor Walsh continued by saying that “is a decision to be made by the Acting Mayor and to him [Walsh], that it is a better practice to adopt a 1/12th Budget by July and to provide the newly-elected Mayor with an opportunity to submit a Budget because he will have to execute the budget. He suggested that the Minutes of the Meeting should be provided to Councillor Graves as a response to his referral.

Councillor Walsh questioned whether the 1/12th Budget requires Council approval.

City Auditor John Richard replied, saying that the City Charter requires that the Council approve the Budget.

Councillor Walsh questioned whether Chapter 92 changed the requirement, since Section 11 opened “Notwithstanding section 32 of chapter 44 of the General Laws or any other general or special law, charter provision or ordinance to the contrary...”.

Mr. Richard stated that he would look into the question.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to provide the Meeting Minutes and a copy of Chapter 92 of the Acts of 2020 in response to Councillor Graves’ referral.

5-1 A Measure Authorizing a Five-Year Contract Period for On-call Professional Engineering & Environmental Consulting Services.

Community Development and Planning Director Trevor Beauregard informed the Committee that for the past 30 years, RFQs have been issued for on-call engineering and consulting services, as the Department has lots of programs that are carried forward for a number of years and that it is helpful to contractors on on-board year-to-year. The current 5-year contract will expire in August.

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

AUTHORIZING FIVE-YEAR CONTRACT PERIOD FOR ON-CALL
PROFESSIONAL ENGINEERING & ENVIRONMENTAL CONSULTING SERVICES

VOTE: To authorize the City to enter into contracts not to exceed five (5) years for On-Call Professional Engineering and Environmental Consulting Services, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent’s letter dated June 3, 2020.

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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 as no new information has been received from Attorney Phillips.

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).**

The Committee postponed action as no new information has been received from Attorney Phillips.

6-3 **A Measure Authorizing a Grant of Easement to Massachusetts Electric Company for an "OVERHEAD SYSTEM" and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" at 200 Catherine Street (Gardner High School).**

School District Director of Facilities Wayne Anderson requested that action on the proposed Easement be postponed for a month while he works with the City Solicitor on the details.

Councillor Walsh noted that little information was provided – the reason for the project, what is needed, and what problems does it solve.

Mr. Anderson said that presently, the lines go further into the woods and that squirrels knock out power to the High School, so the lines need to be relocated and that the entire cost will be borne by National Grid.

The Chair decided to keep the measure on the Finance Committee's Agenda. The committee concurred.

GRANT OF EASEMENT

CITY OF GARDNER, a municipal corporation having a mailing 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**, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, three (3) poles and one (1) anchor, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Gardner, Worcester South County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the

CITY OF GARDNER, MASSACHUSETTS
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generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon a certain parcel of land situated off the easterly side of Blanchard Street, being more particularly shown as "PARCEL 2" shown on a Plan of Land recorded with the Worcester South County Registry of Deeds in Plan Book 399, Plan 67.

Said "OVERHEAD SYSTEM" is to be installed on Grantor's property, which is located off the easterly side of Blanchard Street, to consist of Pole p9-5, Pole p9-42, Pole P9-41, Pole p9-4 and an anchor to be affixed to Pole p9.

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "Exhibit "A" Not Drawn To Scale; The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.; Easement Sketch For New Poles, Anchors & Overhead Wires At 200 Catherine St, Gardner, Ma (Gardner High School); Date: 05/21/2020; Designer: S.W. Soucy; Work Req# 28733033; nationalgrid," a reduced copy of said sketch is attached hereto as "Exhibit A", copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

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, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND 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 Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns,

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then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

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 the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of 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" and "UNDERGROUND SYSTEM".

It is agreed that the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its 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" and "UNDERGROUND SYSTEM".

For Grantor's title, see an Order of Taking by the City of Gardner dated June 4, 1974, recorded with the Worcester South District Registry of Deeds Book 5534, Page 255.

7-1 Referral from Councillor Graves regarding Public Records Requests to the City Council.

Councillor Walsh stated that as he reads the referral, it seems to him that Councillor Graves challenges whether the Records Access Officer ("RAO") for the City Council has the authority or whether it is appropriate for that RAO to obtain the assistance and involvement of the Law Department in responding to a particular public records request. "It seems to be the position of Councillor Graves that no such authorization exists and that it isn't appropriate to do so," he said.

Councillor Walsh continued by saying that as one member of the City Council and one member of the Finance Committee, he disagrees with Councillor Graves' position, citing Chapter 66 of the General Laws which governs public records. "There are several aspects of it that persuade me to take a different position from Councillor Graves," he said. He said that he agrees that the RAO for the City Council is the City Clerk, as Sections 6A references appointment of RAOs and Section 10 addresses responding to requests. Both of the sections, he said, say that "the RAO or designee may respond." "It is never inappropriate for a RAO to seek the involvement of the Law Department for any reason that the RAO decides if it is appropriate," he added.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JUNE 10, 2020

Continuing, Councillor Walsh said that “the statute itself authorizes the RAO to name a designee – and when the RAO seeks assistance from Law Department [that] is a designation, for purposes of the statute.”

Concluding, Councillor Walsh said that the final position that he has on the matter is “that this is a process is governed by statute and the statute specifically says that is if someone who requests records is dissatisfied with the response, then the remedy to petition the Supervisor of Public Records of the Secretary of State’s Office for redress or for a different result, and ... that is the remedy for someone.” “For the reasons, he stated, “I disagree with Councillor Graves’ position.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted to provide a copy of the pertinent section of the Meeting Minutes in response to Councillor Graves’ referral.

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 1:06 p.m.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JUNE 24, 2020

The Finance Committee meeting was called to order remotely by Council President Elizabeth Kazinskas at 5:30 p.m. Finance Committee Members Councillors Ronald Cormier and James Walsh were present via Zoom. Councillors Scott Joseph Graves and Karen Hardern were also present via Zoom.

Also participating remotely via Zoom were City Auditor John Richard; Public Works Director Dane Arnold; and, City Clerk Alan Agnelli.

President Kazinskas announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Finance Committee will be conducted via remote participation on Zoom. The audio recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting and the meeting is being broadcast live on Gardner's YouTube Channel.

1-1 An Order Appropriating \$40,000.00 from Sewer Surplus to Sewer, Energy and Utilities Expenses.

Public Works Director Dane Arnold noted the following:

- \$40,000 budget shortfall in the account which provides for all utility costs for sewer facilities, pump stations, and the Sewer Department's share of DPW building expenses. Includes NGRID, Unutil, Templeton Light, Comcast, etc.
- FY2020 Budget estimate was short. City assumed control of facilities this year and consulted with Suez to arrive at estimate. City provided with \$240k estimate and City did not follow-up with "low estimate."
- All utility expenses were formerly borne by Suez, which was included in their Contract.

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

AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER, ENERGY AND UTILITIES.

ORDER: That there be and is hereby appropriated the sum of Forty Thousand Dollars and No Cents (\$40,000.00) from Sewer Surplus to Sewer, Energy and Utilities.

1-2 An Order Appropriating \$30,444.00 from Sewer Surplus to Public Works Department, New Equipment.

Public Works Director Dane Arnold reported that the Order represents reimbursement to the City from the Sewer Department to pay for cover material used at the Sludge Landfill. In prior years, the costs were "a lump sum bid" included in the Suez Contract. When the City assumed control of sewer facilities in July, 2019, the City took

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JUNE 24, 2020

responsibility for the cover material. The City estimated \$3/year for the cover material, represents about one-half the cost of sand material. The City recorded the amount of material removed from the sand bank which amounted to 10,400 yards.

Councillor Cormier questioned whether the City would be purchasing the material on the open market.

Mr. Arnold stated that Suez, in their bid, had a lump sum cost of about \$70,000 that the City paid Suez to purchase the cover material. The City's cost represents about one-half the cost of the amount that the City paid to Suez.

Councillor Walsh said that he understood that the Sewer Department is reimbursing the City for the cost of the sand, but questioned the reason that funds are being appropriated from Sewer Surplus to the Public Works Department to New Equipment.

Mr. Arnold stated that hauling the material results in "wear and tear" on the DPW equipment – the loaders, dump trucks, etc.

Councillor Walsh then questioned how the funds would be expended in the current Fiscal Year's budget.

Mr. Arnold suggested that the appropriation would fund part of a dump truck or a pickup truck for the DPW, but that no specific piece of equipment has been identified at this time, but that it would be related to the work being performed. He added that the funds would have to be encumbered (to FY2021).

Addressing City Auditor John Richard, Councillor Walsh asked if the appropriation could be encumbered.

Mr. Richard responded, saying that the funds can be encumbered as long as the purpose is stated.

Councillor Walsh asked that if the funds go to the General Fund, what account would be appropriate.

Mr. Richard responded, saying that if not to a specific account, then the funds "would fall to Free Cash."

Councillor Walsh then asked that if the funds are encumbered, could they be used for the FY21 DPW Budget.

Mr. Richard responded, "Yes."

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

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF JUNE 24, 2020

AN ORDER APPROPRIATING FROM SEWER SURPLUS TO PUBLIC WORKS DEPARTMENT, NEW EQUIPMENT.

ORDER: That there be and is hereby appropriated the sum of Thirty Thousand Four Hundred Forty-Four Dollars and No Cents (\$30,444.00) from Sewer Surplus to Public Works Department, New Equipment.

1-3 An Order Appropriating \$60,000.00 from Water Surplus to Water, Energy and Utilities Expenses.

DPW Director Dane Arnold reported that the same budgeting situation occurred in the Water Department, as well, whereby energy and utility expenses were underestimated for FY2020, which cover the Crystal Lake, Snake Pond, and the James Street Pump Stations. The \$60,000 estimate includes a \$5,000 per month buffer (above the average of \$24,000 per month) since the pumps operate more in the summer months. The appropriation should cover the current \$1,300 deficit and pay for May and June.

Councillor Cormier questioned whether the projected expenditures were included with the FY2021 Budget.

Mr. Arnold stated that if the proposed budget did not include the higher estimates, then a Supplemental Budget request would have to be submitted.

AN ORDER APPROPRIATING FROM WATER SURPLUS TO WATER, ENERGY AND UTILITIES.

ORDER: That there be and is hereby appropriated the sum of Sixty Thousand Dollars and No Cents (\$60,000.00) from Water Surplus to Water, Energy and Utilities.

1-4 An Order Appropriating \$13,500.00 from Free Cash to Elections and Registrations, Operating Expenses.

City Clerk informed the Committee that \$9,550 of the Appropriation is for postage for the June 2 Preliminary and June 30 Election. Of that amount, \$5,550 for the Early Voting Application mass mailing and \$2,000 for each election for Early and Absentee ballot outgoing and return postage. Additional costs for envelopes, paper, and associated supplies.

AN ORDER APPROPRIATING FROM FREE CASH TO ELECTIONS AND REGISTRATIONS, OPERATING EXPENSES.

ORDER: That there be and is hereby appropriated the sum of Thirteen Thousand Five Hundred and No Cents (\$13,500.00) from Free Cash to Elections and Registrations, Operating Expenses.

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 5:45 p.m.

2-1

City of Gardner, *Executive Department* RECEIVED



Michael J. Nicholson, Mayor

2020 JUL 27 AM 10:22

CITY CLERK'S OFFICE
GARDNER, MA

July 27, 2020

Gardner City Council
C/O Elizabeth J. Kazinskas, President
Gardner City Hall, Rm 121
95 Pleasant St
Gardner, MA 01440

Re: August Continuing Appropriation Budget

Dear President Kazinskas and Councilors,

As you are aware, Chapter 53 of the Acts of 2020 allows municipalities to submit "Continuing Appropriation Budgets" (commonly referred to as 1/12th budgets) to the Department of Revenue's Division of Local Services beyond the July 1 start of the 2021 Fiscal Year and on a monthly basis until a full operating budget is adopted, but no later than September 30.

While I have begun the process of drafting the City's annual operating budget, the time constraints of having departments meet with their respective Council Committees to review their budget submissions, has led me to draft the attached continuing appropriation order for the month of August.

Please let me know if you have any questions on this matter.

Very Truly Yours,

Michael J. Nicholson
Mayor

Attachment #1:

Appropriation Order

ORDERED:

THAT PURSUANT TO M. G. L. CHAPTER 44, SECTION 32, THE CITY OF GARDNER HEREBY APPROVES THE AUGUST, 2020 CONTINUING APPROPRIATION BUDGET AS FOLLOWS:

GENERAL FUND	\$2,440,750
SCHOOL FUND	\$2,061,263
SEWER ENTERPRISE FUND	\$ 296,382
WATER ENTERPRISE FUND	\$ 299,076
GOLF ENTERPRISE FUND	\$ 69,210
LANDFILL CLOSURE ENT. FUND	\$ 4,903
SOLID WASTE ENTERPRISE FUND	\$ 140,531

Attachment #2:

August Continuing Appropriation Budget

ORG/ OBJ	DEPARTMENT	2020 COUNCIL APPROVED BUDGET	2021	
			JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET
11111	CITY COUNCIL			
51010	COUNCILORS SALARIES	\$ 84,809.00	\$ 7,067.42	\$ 7,067.42
51012	CLERK/ASST SAL & WAGES	\$ 4,100.00	\$ 341.67	\$ 341.67
52050	MINOR EQUIPMENT	\$ 500.00	\$ 41.67	\$ 41.67
52150	COMMUNICATIONS	\$ 10,500.00	\$ 875.00	\$ 875.00
52170	PROFESSIONAL DEV & TRAVEL	\$ 2,200.00	\$ 183.33	\$ 183.33
52190	PROFESSIONAL SERVICES	\$ 4,000.00	\$ 333.33	\$ 333.33
52230	OFFICE SUPPLIES	\$ 1,000.00	\$ 83.33	\$ 83.33
55010	GOVERNMENT PICTURE	\$ 1,000.00	\$ 83.33	\$ 83.33
* TOTAL 11111		\$ 108,109.00	\$ 9,009.08	\$ 9,009.08

11121	MAYOR	2020 COUNCIL APPROVED BUDGET	2021	
			JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET
51010	MAYOR SALARY & WAGES	\$ 93,118.00	\$ 7,759.83	\$ 7,759.83
51011	ADMIN ASSISTANT SALARY & WAGES	\$ 51,145.00	\$ 4,262.08	\$ 4,262.08
51012	SECRETARY SALARY & WAGES	\$ 47,554.00	\$ 3,962.83	\$ 3,962.83
51460	LONGEVITY	\$ 210.00	\$ 17.50	\$ 17.50
52030	REPAIRS & MAINTENANCE	\$ 500.00	\$ 41.67	\$ 41.67
52050	MINOR EQUIPMENT	\$ 250.00	\$ 20.83	\$ 20.83
52150	COMMUNICATIONS	\$ 1,000.00	\$ 83.33	\$ 83.33
52151	TELECOMMUNICATIONS	\$ 2,880.00	\$ 240.00	\$ 240.00
52170	PROFESSIONAL DEV & TRAVEL	\$ 3,000.00	\$ 250.00	\$ 250.00
52190	PROFESSIONAL SERVICES	\$ 12,500.00	\$ 1,041.67	\$ 1,041.67
52230	OFFICE SUPPLIES	\$ 1,500.00	\$ 125.00	\$ 125.00
52240	VEHICLE SUPPLIES	\$ 100.00	\$ 8.33	\$ 8.33
55010	MAYOR'S PORTRAIT	\$ -	\$ -	\$ -
* TOTAL 11121		\$ 213,757.00	\$ 17,813.08	\$ 17,813.08

11135	CITY AUDITOR	2020 COUNCIL APPROVED BUDGET	2021	
			JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET
51010	DEPT HEAD SALARY & WAGES	\$ 81,276.00	\$ 6,773.00	\$ 6,773.00
51011	ASST SAL & WAGES	\$ 46,276.00	\$ 3,856.33	\$ 3,856.33
52030	REPAIRS & MAINTENANCE	\$ 200.00	\$ 16.67	\$ 16.67
52050	MINOR EQUIPMENT	\$ 200.00	\$ 16.67	\$ 16.67
52170	PROFESSIONAL DEV & TRAVEL	\$ 2,000.00	\$ 166.67	\$ 166.67
52190	PROFESSIONAL SERVICES	\$ 58,000.00	\$ 4,833.33	\$ 4,833.33

ORG/ OBJ	DEPARTMENT	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
52230	OFFICE SUPPLIES	\$	1,000.00	\$	83.33	\$	83.33
* TOTAL I11135		\$	188,952.00	\$	15,746.00	\$	15,746.00

11138	PURCHASING						
51010	DEPT HEAD SALARY & WAGES	\$	77,009.00	\$	6,417.42	\$	6,417.42
51012	SENIOR ACCOUNT CLERK SAL & WAG	\$	35,441.00	\$	2,953.42	\$	2,953.42
51460	LONGEVITY	\$	510.00	\$	42.50	\$	42.50
52150	COMMUNICATIONS	\$	500.00	\$	41.67	\$	41.67
52151	TELECOMMUNICATIONS	\$	700.00	\$	58.33	\$	58.33
52170	PROFESSIONAL DEV & TRAVEL	\$	2,000.00	\$	166.67	\$	166.67
52230	OFFICE SUPPLIES	\$	1,100.00	\$	91.67	\$	91.67
* TOTAL I11138		\$	117,260.00	\$	9,771.67	\$	9,771.67

11141	ASSESSORS						
51010	CHAIRMAN ASSES SAL&WAGES	\$	73,138.00	\$	6,094.83	\$	6,094.83
51012	CLERK/ASST SAL & WAGES	\$	17,163.00	\$	1,430.25	\$	1,430.25
51014	ASSESSORS PART TIME SAL&W	\$	4,001.00	\$	333.42	\$	333.42
51023	TEMP PROJ SALARY & WAGES	\$	10,000.00	\$	833.33	\$	833.33
51460	LONGEVITY	\$	210.00	\$	17.50	\$	17.50
52170	PROFESSIONAL DEV & TRAVEL	\$	2,500.00	\$	208.33	\$	208.33
52190	PROFESSIONAL SERVICES	\$	2,500.00	\$	208.33	\$	208.33
52230	OFFICE SUPPLIES	\$	1,500.00	\$	125.00	\$	125.00
55050	VALUATION UPDATE	\$	25,000.00	\$	2,083.33	\$	2,083.33
* TOTAL I11141		\$	136,012.00	\$	11,334.33	\$	11,334.33

11145	CITY TREASURER						
51010	DEPT HEAD SALARY & WAGES	\$	84,119.00	\$	7,009.92	\$	7,009.92
51011	ASSISTANT SALARY & WAGES	\$	53,371.00	\$	4,447.58	\$	4,447.58
51012	SENIOR ACCT CLERK SAL&WGS	\$	37,134.00	\$	3,094.50	\$	3,094.50
51015	COMP PROG/OP SAL & WAGES	\$	63,810.00	\$	5,317.50	\$	5,317.50
51018	PARKING METER CLERK	\$	12,730.00	\$	1,060.83	\$	1,060.83

ORG/ OBJ	DEPARTMENT	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
51030	OVERTIME	\$ 1,000.00		\$ 83.33	\$ 83.33	\$ 83.33	
51460	LONGEVITY	\$ 1,890.00		\$ 157.50	\$ 157.50	\$ 157.50	
51551	TERMINATION LEAVE	\$ -		\$ -	\$ -	\$ -	
52030	REPAIRS & MAINTENANCE	\$ 800.00		\$ 66.67	\$ 66.67	\$ 66.67	
52033	PARKING METER MAINTENANCE	\$ 25,000.00		\$ 2,083.33	\$ 2,083.33	\$ 2,083.33	
52040	INFORMATION TECHNOLOGY	\$ -		\$ -	\$ -	\$ -	
52050	MINOR EQUIPMENT	\$ 1,000.00		\$ 83.33	\$ 83.33	\$ 83.33	
52170	PROFESSIONAL DEV & TRAVEL	\$ 1,500.00		\$ 125.00	\$ 125.00	\$ 125.00	
52190	PROFESSIONAL SERVICES	\$ 40,000.00		\$ 3,333.33	\$ 3,333.33	\$ 3,333.33	
52230	OFFICE SUPPLIES	\$ 7,000.00		\$ 583.33	\$ 583.33	\$ 583.33	
52250	POSTAGE	\$ 55,000.00		\$ 4,583.33	\$ 4,583.33	\$ 4,583.33	
52280	CENTRAL COPIER	\$ -		\$ -	\$ -	\$ -	
	* TOTAL 11145	\$ 384,354.00		\$ 32,029.50	\$ 32,029.50	\$ 32,029.50	

11151	LAW	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
51010	DEPT HEAD SALARY & WAGES	\$ 80,634.00		\$ 6,719.50	\$ 6,719.50	\$ 6,719.50	
51011	ASSISTANT SALARY & WAGES	\$ 44,570.00		\$ 3,714.17	\$ 3,714.17	\$ 3,714.17	
52191	OUTSIDE COUNSEL	\$ 2,000.00		\$ 166.67	\$ 166.67	\$ 166.67	
51460	LONGEVITY	\$ 360.00		\$ 30.00	\$ 30.00	\$ 30.00	
52170	PROFESSIONAL DEV & TRAVEL	\$ 1,500.00		\$ 125.00	\$ 125.00	\$ 125.00	
52172	LEGAL RESEARCH	\$ 5,000.00		\$ 416.67	\$ 416.67	\$ 416.67	
52193	ARBITRATION	\$ 100.00		\$ 8.33	\$ 8.33	\$ 8.33	
52230	OFFICE SUPPLIES	\$ 3,600.00		\$ 300.00	\$ 300.00	\$ 300.00	
55052	LEGAL FEES / CLOSING COSTS	\$ 2,500.00		\$ 208.33	\$ 208.33	\$ 208.33	
55051	DEPOSITION & DISCOVERY	\$ 500.00		\$ 41.67	\$ 41.67	\$ 41.67	
	* TOTAL 11151	\$ 140,764.00		\$ 11,730.33	\$ 11,730.33	\$ 11,730.33	

11152	HUMAN RESOURCES	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
51010	DEPT HEAD SALARY & WAGES	\$ 88,617.00		\$ 7,384.75	\$ 7,384.75	\$ 7,384.75	
51023	TEMP P/T CLERK/TYPIST	\$ 37,562.00		\$ 3,130.17	\$ 3,130.17	\$ 3,130.17	
51460	LONGEVITY	\$ 750.00		\$ 62.50	\$ 62.50	\$ 62.50	
52050	MINOR EQUIPMENT	\$ 500.00		\$ 41.67	\$ 41.67	\$ 41.67	
52150	COMMUNICATIONS	\$ 3,000.00		\$ 250.00	\$ 250.00	\$ 250.00	
52151	TELECOMMUNICATIONS	\$ -		\$ -	\$ -	\$ -	

ORG/ OBJ	DEPARTMENT	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
52170	PROFESSIONAL DEV & TRAVEL	\$ 2,000.00		\$ 166.67	\$ 166.67	\$ 166.67	
52190	PROFESSIONAL SERVICES	\$ 400.00		\$ 33.33	\$ 33.33	\$ 33.33	
52191	V.I.P.S. PROGRAM	\$ 1,400.00		\$ 116.67	\$ 116.67	\$ 116.67	
52192	MEDICAL EXAMS	\$ 15,000.00		\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	
52230	OFFICE SUPPLIES	\$ 1,200.00		\$ 100.00	\$ 100.00	\$ 100.00	
57200	CLEANING CONTRACT	\$ -		\$ -	\$ -	\$ -	
* TOTAL 11152		\$ 150,429.00		\$ 12,535.75	\$ 12,535.75	\$ 12,535.75	

11155	INFORMATION TECHNOLOGY	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
51010	DEPT HEAD SALARY & WAGES	\$ 47,957.00		\$ 3,996.42	\$ 3,996.42	\$ 3,996.42	
51460	LONGEVITY	\$ 180.00		\$ 15.00	\$ 15.00	\$ 15.00	
51023	ASSISTANT SALARY & WAGES	\$ -		\$ -	\$ -	\$ -	
52040	INFORMATION TECHNOLOGY	\$ 42,500.00		\$ 3,541.67	\$ 3,541.67	\$ 3,541.67	
52041	SOFTWARE/SERVICE/LISC RENEWAL	\$ 144,469.00		\$ 12,039.08	\$ 12,039.08	\$ 12,039.08	
52151	TELECOMMUNICATIONS	\$ 7,700.00		\$ 641.67	\$ 641.67	\$ 641.67	
52170	PROFESSIONAL DEV & TRAVEL	\$ 1,500.00		\$ 125.00	\$ 125.00	\$ 125.00	
52230	OFFICE SUPPLIES	\$ 500.00		\$ 41.67	\$ 41.67	\$ 41.67	
52231	PRINTER/COPIER SUPPLIES	\$ 7,875.00		\$ 656.25	\$ 656.25	\$ 656.25	
62230	ENCUMB OFFICE SUPPLIES	\$ -		\$ -	\$ -	\$ -	
* TOTAL 11152		\$ 252,681.00		\$ 21,056.75	\$ 21,056.75	\$ 21,056.75	

11161	CITY CLERK	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
51010	DEPT HEAD SALARY & WAGES	\$ 79,873.00		\$ 6,656.08	\$ 6,656.08	\$ 6,656.08	
51011	ASSISTANT SALARY & WAGES	\$ 85,532.00		\$ 7,127.67	\$ 7,127.67	\$ 7,127.67	
51460	LONGEVITY	\$ 480.00		\$ 40.00	\$ 40.00	\$ 40.00	
52050	MINOR EQUIPMENT	\$ 500.00		\$ 41.67	\$ 41.67	\$ 41.67	
52170	PROFESSIONAL DEV & TRAVEL	\$ 300.00		\$ 25.00	\$ 25.00	\$ 25.00	
52190	PROFESSIONAL SERVICES	\$ 6,820.00		\$ 568.33	\$ 568.33	\$ 568.33	
52230	OFFICE SUPPLIES	\$ 1,000.00		\$ 83.33	\$ 83.33	\$ 83.33	
* TOTAL 11161		\$ 174,505.00		\$ 14,542.08	\$ 14,542.08	\$ 14,542.08	

11162	ELECTION & REGISTRATION	2020		2021		2021	
51010	BD OF REGISTRATION SAL&WA	COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
\$ 3,050.00		\$ 254.17	\$ 254.17	\$ 254.17	\$ 254.17	\$ 254.17	

ORG/ OBJ	DEPARTMENT	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
51013	ELECTION OFFICERS SAL&WGS	\$ 54,464.00		\$ 4,538.67	\$ 4,538.67	\$ 4,538.67	
52050	MINOR EQUIPMENT	\$ 500.00		\$ 41.67	\$ 41.67	\$ 41.67	
52150	COMMUNICATIONS	\$ 1,660.00		\$ 138.33	\$ 138.33	\$ 138.33	
52190	PROFESSIONAL SERVICES	\$ 22,977.00		\$ 1,914.75	\$ 1,914.75	\$ 1,914.75	
52230	OFFICE SUPPLIES	\$ 1,500.00		\$ 125.00	\$ 125.00	\$ 125.00	
55202	VOTING EQUIPMENT	\$ -		\$ -	\$ -	\$ -	
* TOTAL 11162		\$ 84,151.00		\$ 7,012.58	\$ 7,012.58	\$ 7,012.58	
11165	LICENSE COMMISSION						
51012	CLERK/ASST SAL & WAGES	\$ -		\$ -	\$ -	\$ -	
51014	LICENSE BD SALARY & WAGES	\$ 2,500.00		\$ 208.33	\$ 208.33	\$ 208.33	
51030	OVERTIME	\$ 500.00		\$ 41.67	\$ 41.67	\$ 41.67	
52150	COMMUNICATIONS	\$ 100.00		\$ 8.33	\$ 8.33	\$ 8.33	
52190	PROFESSIONAL SERVICES	\$ 200.00		\$ 16.67	\$ 16.67	\$ 16.67	
52230	OFFICE SUPPLIES	\$ 200.00		\$ 16.67	\$ 16.67	\$ 16.67	
* TOTAL 11165		\$ 3,500.00		\$ 291.67	\$ 291.67	\$ 291.67	
11171	CONSERVATION COMMISSION						
51011	CONSERVATION AGENT SAL&WGS	\$ 29,507.00		\$ 2,458.92	\$ 2,458.92	\$ 2,458.92	
51014	BOARD & COMM SAL & WAGES	\$ 5,500.00		\$ 458.33	\$ 458.33	\$ 458.33	
51460	LONGEVITY	\$ 180.00		\$ 15.00	\$ 15.00	\$ 15.00	
52170	PROFESSIONAL DEV & TRAVEL	\$ 500.00		\$ 41.67	\$ 41.67	\$ 41.67	
52230	OFFICE SUPPLIES	\$ 100.00		\$ 8.33	\$ 8.33	\$ 8.33	
* TOTAL 11171		\$ 35,787.00		\$ 2,982.25	\$ 2,982.25	\$ 2,982.25	
11175	PLANNING BOARD						
51011	PLANNING AGENT SALARY & WAGES	\$ 29,507.00		\$ 2,458.92	\$ 2,458.92	\$ 2,458.92	
51014	BOARD & COMM SAL & WAGES	\$ 4,000.00		\$ 333.33	\$ 333.33	\$ 333.33	
51460	LONGEVITY	\$ -		\$ -	\$ -	\$ -	
52030	REPAIRS & MAINTENANCE	\$ 200.00		\$ 16.67	\$ 16.67	\$ 16.67	
52150	COMMUNICATIONS	\$ 1,200.00		\$ 100.00	\$ 100.00	\$ 100.00	
52170	PROFESSIONAL DEV & TRAVEL	\$ 200.00		\$ 16.67	\$ 16.67	\$ 16.67	
52230	OFFICE SUPPLIES	\$ -		\$ -	\$ -	\$ -	
* TOTAL 11175		\$ 35,107.00		\$ 2,925.58	\$ 2,925.58	\$ 2,925.58	

ORGI/
OBJ

DEPARTMENT
2020
COUNCIL
APPROVED
BUDGET

2021
JULY 1/12
PROPOSED
BUDGET

2021
AUG 1/12
PROPOSED
BUDGET

2021
SEPT 1/12
PROPOSED
BUDGET

11176	ZONING BOARD OF APPEALS				
51014	BOARD & COMM SAL & WAGES	\$ 2,900.00	\$ 241.67	\$ 241.67	\$ 241.67
52150	COMMUNICATIONS	\$ 3,000.00	\$ 250.00	\$ 250.00	\$ 250.00
52170	PROFESSIONAL DEV & TRAVEL	\$ 200.00	\$ 16.67	\$ 16.67	\$ 16.67
52230	OFFICE SUPPLIES	\$ 300.00	\$ 25.00	\$ 25.00	\$ 25.00
* TOTAL 11176		\$ 6,400.00	\$ 533.33	\$ 533.33	\$ 533.33

11182	COMMUNITY DEVELOPMENT				
51010	DEPT HEAD SALARY & WAGES	\$ 68,135.00	\$ 5,677.92	\$ 5,677.92	\$ 5,677.92
51011	ASST DIRECTOR /GRANTS ADMIN	\$ 3,343.00	\$ 278.58	\$ 278.58	\$ 278.58
51012	CLERK/ASST SAL & WAGES	\$ 34,375.00	\$ 2,864.58	\$ 2,864.58	\$ 2,864.58
51013	BUDGET/PROJECT MANAGER	\$ 2,175.00	\$ 181.25	\$ 181.25	\$ 181.25
51015	ECONOMIC DEVEL COORD	\$ 57,700.00	\$ 4,808.33	\$ 4,808.33	\$ 4,808.33
51460	LONGEVITY	\$ 720.00	\$ 60.00	\$ 60.00	\$ 60.00
51551	TERMINATION LEAVE	\$ -	\$ -	\$ -	\$ -
52030	REPAIRS & MAINTENANCE	\$ 200.00	\$ 16.67	\$ 16.67	\$ 16.67
52151	TELECOMMUNICATIONS	\$ 2,450.00	\$ 204.17	\$ 204.17	\$ 204.17
52170	PROFESSIONAL DEV & TRAVEL	\$ 3,500.00	\$ 291.67	\$ 291.67	\$ 291.67
52190	PROFESSIONAL SERVICES	\$ -	\$ -	\$ -	\$ -
52230	OFFICE SUPPLIES	\$ 400.00	\$ 33.33	\$ 33.33	\$ 33.33
51551	TERMINATION LEAVE	\$ -	\$ -	\$ -	\$ -
* TOTAL 11182		\$ 172,998.00	\$ 14,416.50	\$ 14,416.50	\$ 14,416.50

11192	CITY HALL MAINTENANCE				
51016	CUSTODIAN SALARY & WAGES	\$ 86,080.00	\$ 7,173.33	\$ 7,173.33	\$ 7,173.33
51030	OVERTIME	\$ 4,000.00	\$ 333.33	\$ 333.33	\$ 333.33
51090	CLOTH/UNIFORM ALLOWANCE	\$ 700.00	\$ 58.33	\$ 58.33	\$ 58.33
51100	SHIFT DIFFERENTIAL	\$ 1,000.00	\$ 83.33	\$ 83.33	\$ 83.33
52030	REPAIRS & MAINTENANCE	\$ 25,000.00	\$ 2,083.33	\$ 2,083.33	\$ 2,083.33
52040	INFORMATION TECHNOLOGY	\$ -	\$ -	\$ -	\$ -
52050	MINOR EQUIPMENT	\$ 3,000.00	\$ 250.00	\$ 250.00	\$ 250.00
52110	ENERGY & UTILITIES	\$ 32,500.00	\$ 2,708.33	\$ 2,708.33	\$ 2,708.33
52151	TELECOMMUNICATIONS	\$ 1,500.00	\$ 125.00	\$ 125.00	\$ 125.00

ORG/ OBJ	DEPARTMENT	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
58307	OIL TANK REPLACEMENT	\$	-	\$	-	\$	-
* TOTAL 11192		\$	153,780.00	\$	12,815.00	\$	12,815.00
11194	CABLE COMMISSION						
51010	DEPT HEAD SALARY & WAGES	\$	64,469.00	\$	5,372.42	\$	5,372.42
51011	ASSISTANT SALARY & WAGES	\$	48,386.00	\$	4,032.17	\$	4,032.17
51013	PART TIME PRODUCTION ASST	\$	15,361.00	\$	1,280.08	\$	1,280.08
51460	LONGEVITY	\$	600.00	\$	50.00	\$	50.00
52030	REPAIRS & MAINTENANCE	\$	2,000.00	\$	166.67	\$	166.67
52040	INFORMATION TECHNOLOGY	\$	3,500.00	\$	291.67	\$	291.67
52050	MINOR EQUIPMENT	\$	1,000.00	\$	83.33	\$	83.33
52151	TELECOMMUNICATIONS	\$	2,500.00	\$	208.33	\$	208.33
52170	PROFESSIONAL DEV & TRAVEL	\$	500.00	\$	41.67	\$	41.67
52190	PROFESSIONAL SERVICES	\$	1,000.00	\$	83.33	\$	83.33
52230	OFFICE SUPPLIES	\$	1,000.00	\$	83.33	\$	83.33
52380	INDIRECT COSTS REIMBURSE	\$	12,000.00	\$	1,000.00	\$	1,000.00
55123	NEW EQUIPMENT	\$	25,000.00	\$	2,083.33	\$	2,083.33
61460	ENCUMBERED	\$	-	\$	-	\$	-
* TOTAL 11194		\$	177,316.00	\$	14,776.33	\$	14,776.33
11199	MAYOR'S UNCLASSIFIED						
51000	PAYROLL CONVERSION	\$	-	\$	-	\$	-
51551	TERMINATION LEAVE - RESERVE	\$	200,000.00	\$	16,666.67	\$	16,666.67
52152	TELEPHONE	\$	45,000.00	\$	3,750.00	\$	3,750.00
52171	MASS MUNICIPAL DUES	\$	2,875.00	\$	239.58	\$	239.58
56900	MONT REG PLANN COMMISSION	\$	6,636.00	\$	553.00	\$	553.00
56902	TAXES OTHER TOWNS	\$	2,200.00	\$	183.33	\$	183.33
57303	WATER	\$	17,500.00	\$	1,458.33	\$	1,458.33
57500	DAMAGES PERS & PROPERTY	\$	3,000.00	\$	250.00	\$	250.00
58000	CAPITAL IMPROVEMENT PLAN	\$	50,000.00	\$	4,166.67	\$	4,166.67
58254	BOND-REMODEL&BLDG REPAIRS	\$	-	\$	-	\$	-
* TOTAL 11199		\$	327,211.00	\$	27,267.58	\$	27,267.58
12210	POLICE						

ORG/ OBJ	DEPARTMENT	2020		2021		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET			
51010	DEPT HEAD SALARY & WAGES	\$ 105,947.00		\$ 8,828.92	\$ 8,828.92	\$ 8,828.92	\$ 8,828.92	\$ 8,828.92	\$ 8,828.92
51012	SENIOR CLERKS SAL & WGS	\$ 105,832.00		\$ 8,819.33	\$ 8,819.33	\$ 8,819.33	\$ 8,819.33	\$ 8,819.33	\$ 8,819.33
51013	POLICE OFFICERS SAL & WGS	\$ 1,250,222.00		\$ 104,185.17	\$ 104,185.17	\$ 104,185.17	\$ 104,185.17	\$ 104,185.17	\$ 104,185.17
51014	POLICE SERGEANTS SAL&WGS	\$ 331,631.00		\$ 27,635.92	\$ 27,635.92	\$ 27,635.92	\$ 27,635.92	\$ 27,635.92	\$ 27,635.92
51015	COMP PROG/OP SAL & WAGES	\$ 74,285.00		\$ 6,190.42	\$ 6,190.42	\$ 6,190.42	\$ 6,190.42	\$ 6,190.42	\$ 6,190.42
51016	CUSTODIAN SALARY & WAGES	\$ 40,866.00		\$ 3,405.50	\$ 3,405.50	\$ 3,405.50	\$ 3,405.50	\$ 3,405.50	\$ 3,405.50
51017	POL LIEUTENANTS SAL & WGS	\$ 147,247.00		\$ 12,270.58	\$ 12,270.58	\$ 12,270.58	\$ 12,270.58	\$ 12,270.58	\$ 12,270.58
51021	DEPUTY CHIEF SAL & WGS	\$ 89,486.00		\$ 7,457.17	\$ 7,457.17	\$ 7,457.17	\$ 7,457.17	\$ 7,457.17	\$ 7,457.17
51023	TEMPORARY HELP SAL & WGS	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
51030	OVERTIME	\$ 325,000.00		\$ 27,083.33	\$ 27,083.33	\$ 27,083.33	\$ 27,083.33	\$ 27,083.33	\$ 27,083.33
51050	HOLIDAY PAY	\$ 182,689.00		\$ 15,224.08	\$ 15,224.08	\$ 15,224.08	\$ 15,224.08	\$ 15,224.08	\$ 15,224.08
51090	CLOTH/UNIFORM ALLOWANCE	\$ 45,000.00		\$ 3,750.00	\$ 3,750.00	\$ 3,750.00	\$ 3,750.00	\$ 3,750.00	\$ 3,750.00
51100	SHIFT DIFFERENTIAL	\$ 145,087.00		\$ 12,090.58	\$ 12,090.58	\$ 12,090.58	\$ 12,090.58	\$ 12,090.58	\$ 12,090.58
51101	COLLEGE CREDITS	\$ 89,377.00		\$ 7,448.08	\$ 7,448.08	\$ 7,448.08	\$ 7,448.08	\$ 7,448.08	\$ 7,448.08
51102	WORKING OUT OF GRADE	\$ 2,000.00		\$ 166.67	\$ 166.67	\$ 166.67	\$ 166.67	\$ 166.67	\$ 166.67
51200	PHYSICAL FITNESS	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
51460	LONGEVITY	\$ 2,880.00		\$ 240.00	\$ 240.00	\$ 240.00	\$ 240.00	\$ 240.00	\$ 240.00
52030	REPAIRS & MAINTENANCE	\$ 20,000.00		\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67
52033	PARKING METER MAINTENANCE	\$ 21,420.00		\$ 1,785.00	\$ 1,785.00	\$ 1,785.00	\$ 1,785.00	\$ 1,785.00	\$ 1,785.00
52040	INFORMATION TECHNOLOGY	\$ 45,000.00		\$ 3,750.00	\$ 3,750.00	\$ 3,750.00	\$ 3,750.00	\$ 3,750.00	\$ 3,750.00
52050	MINOR EQUIPMENT	\$ 5,000.00		\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67
52110	ENERGY & UTILITIES	\$ 35,000.00		\$ 2,916.67	\$ 2,916.67	\$ 2,916.67	\$ 2,916.67	\$ 2,916.67	\$ 2,916.67
52150	COMMUNICATIONS	\$ 1,500.00		\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00
52151	TELECOMMUNICATIONS	\$ 29,000.00		\$ 2,416.67	\$ 2,416.67	\$ 2,416.67	\$ 2,416.67	\$ 2,416.67	\$ 2,416.67
52170	PROFESSIONAL DEV & TRAVEL	\$ 33,100.00		\$ 2,758.33	\$ 2,758.33	\$ 2,758.33	\$ 2,758.33	\$ 2,758.33	\$ 2,758.33
52171	CRIMINAL JUSTICE POL TRAINING	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
52190	PROFESSIONAL SERVICES	\$ 36,100.00		\$ 3,008.33	\$ 3,008.33	\$ 3,008.33	\$ 3,008.33	\$ 3,008.33	\$ 3,008.33
52230	OFFICE SUPPLIES	\$ 16,000.00		\$ 1,333.33	\$ 1,333.33	\$ 1,333.33	\$ 1,333.33	\$ 1,333.33	\$ 1,333.33
52240	VEHICLE SUPPLIES	\$ 16,670.00		\$ 1,389.17	\$ 1,389.17	\$ 1,389.17	\$ 1,389.17	\$ 1,389.17	\$ 1,389.17
55012	DOMESTIC VIOLENCE SUPPORT	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
55060	ARMORY EQUIPMENT	\$ 15,000.00		\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
55070	CAMERA EQUIPMENT	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
55080	PORTABLE RADIOS	\$ 10,000.00		\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33
55090	NEW POLICE VEHICLES	\$ 129,700.00		\$ 10,808.33	\$ 10,808.33	\$ 10,808.33	\$ 10,808.33	\$ 10,808.33	\$ 10,808.33

ORG/ OBJ	DEPARTMENT	2020		2021		2021	
		COUNCIL APPROVED BUDGET	BUDGET	JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
57800	BUILDING REPAIRS	\$	-	\$	-	\$	-
* TOTAL I12210		\$	3,351,039.00	\$	279,253.25	\$	279,253.25
12220	FIRE						
51010	DEPT HEAD SALARY & WAGES	\$	94,699.00	\$	7,891.58	\$	7,891.58
51011	CAPTAINS SALARY & WAGES	\$	78,470.00	\$	6,539.17	\$	6,539.17
51012	SENIOR CLERK SAL & WAGES	\$	49,082.00	\$	4,090.17	\$	4,090.17
51013	PRIVATES SALARY & WAGES	\$	1,224,116.00	\$	117,019.67	\$	117,019.67
51016	LIEUTENANTS SALARY&WAGES	\$	429,729.00	\$	35,810.75	\$	35,810.75
51030	OVERTIME	\$	275,000.00	\$	22,916.67	\$	22,916.67
51050	HOLIDAY PAY	\$	172,908.00	\$	14,409.00	\$	14,409.00
51090	CLOTH/UNIFORM ALLOWANCE	\$	35,675.00	\$	2,972.92	\$	2,972.92
51101	COLLEGE CREDITS	\$	36,000.00	\$	3,000.00	\$	3,000.00
51102	COLLATERAL JOBS	\$	48,000.00	\$	4,000.00	\$	4,000.00
51103	EDUCATIONAL INCENTIVE	\$	10,000.00	\$	833.33	\$	833.33
51105	SICK LEAVE INCENTIVE	\$	3,500.00	\$	291.67	\$	291.67
51200	PHYSICAL FITNESS	\$	12,800.00	\$	1,066.67	\$	1,066.67
51460	LONGEVITY	\$	1,380.00	\$	115.00	\$	115.00
52030	REPAIRS & MAINTENANCE	\$	70,000.00	\$	5,833.33	\$	5,833.33
52040	INFORMATION TECHNOLOGY	\$	5,000.00	\$	416.67	\$	416.67
52050	MINOR EQUIPMENT	\$	12,000.00	\$	1,000.00	\$	1,000.00
52110	ENERGY & UTILITIES	\$	30,600.00	\$	2,550.00	\$	2,550.00
52150	COMMUNICATIONS	\$	500.00	\$	41.67	\$	41.67
52151	TELECOMMUNICATIONS	\$	3,500.00	\$	291.67	\$	291.67
52170	PROFESSIONAL DEV & TRAVEL	\$	10,000.00	\$	833.33	\$	833.33
52190	PROFESSIONAL SERVICES	\$	2,000.00	\$	166.67	\$	166.67
52230	OFFICE SUPPLIES	\$	5,000.00	\$	416.67	\$	416.67
52238	FIRE PREVENT/TRAINING SUPPLIES	\$	2,200.00	\$	183.33	\$	183.33
52240	VEHICLE SUPPLIES	\$	22,000.00	\$	1,833.33	\$	1,833.33
52995	PHYSICAL FITNESS	\$	2,000.00	\$	166.67	\$	166.67
55114	PROTECTIVE FF CLOTHING	\$	30,000.00	\$	2,500.00	\$	2,500.00
55193	STUDENTS AWARE OF FIRE EDUCATIO	\$	2,000.00	\$	166.67	\$	166.67
57800	BUILDING REPAIRS	\$	-	\$	-	\$	-
* TOTAL I12220		\$	2,668,159.00	\$	222,346.58	\$	222,346.58

ORG/ OBJ	DEPARTMENT	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
12231	AMBULANCE						
51013	PRIVATE FIRE/AMBULANCE SAL	\$ 371,628.00		\$ 35,336.00	\$ 35,336.00	\$ 35,336.00	
51030	OVERTIME	\$ 65,000.00		\$ 5,416.67	\$ 5,416.67	\$ 5,416.67	
51050	HOLIDAY PAY	\$ 37,721.00		\$ 3,143.42	\$ 3,143.42	\$ 3,143.42	
51090	CLOTH/UNIFORM ALLOWANCE	\$ 9,000.00		\$ 750.00	\$ 750.00	\$ 750.00	
51101	COLLEGE CREDITS	\$ 2,000.00		\$ 166.67	\$ 166.67	\$ 166.67	
51102	COLLATERAL JOBS	\$ 20,250.00		\$ 1,687.50	\$ 1,687.50	\$ 1,687.50	
51103	EDUCATIONAL INCENTIVE	\$ 2,000.00		\$ 166.67	\$ 166.67	\$ 166.67	
51415	AMBULANCE STIPEND	\$ 17,520.00		\$ 1,460.00	\$ 1,460.00	\$ 1,460.00	
52030	REPAIRS & MAINTENANCE	\$ 10,000.00		\$ 833.33	\$ 833.33	\$ 833.33	
52037	AMBULANCE SUPPLY/EXPENSES	\$ 20,000.00		\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	
52040	INFO TECHNOLOGY	\$ 6,500.00		\$ 541.67	\$ 541.67	\$ 541.67	
52041	LICS/RENEWAL/FEE/INSP	\$ 5,000.00		\$ 416.67	\$ 416.67	\$ 416.67	
52050	MINOR EQUIPMENT	\$ 3,500.00		\$ 291.67	\$ 291.67	\$ 291.67	
52151	TELECOMMUNICATIONS	\$ 1,500.00		\$ 125.00	\$ 125.00	\$ 125.00	
52170	PROF DEV & TRAVEL	\$ 6,000.00		\$ 500.00	\$ 500.00	\$ 500.00	
52190	PROFESSIONAL SERVICES	\$ 300,000.00		\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	
52230	OFFICE SUPPLIES	\$ 500.00		\$ 41.67	\$ 41.67	\$ 41.67	
52240	VEHICLE SUPPLIES	\$ 4,000.00		\$ 333.33	\$ 333.33	\$ 333.33	
55090	NEW VEHICLES	\$ -		\$ -	\$ -	\$ -	
	* TOTAL 12231	\$ 882,119.00		\$ 77,876.92	\$ 73,509.92	\$ 73,509.92	

12240	DISPATCHERS					
51010	FULL TIME DISPATCH SUPERVISORS	\$ 161,824.00		\$ 13,485.33	\$ 13,485.33	\$ 13,485.33
51013	FULL TIME DISPATCHERS SAL	\$ 395,369.00		\$ 32,947.42	\$ 32,947.42	\$ 32,947.42
51022	PART TIME DISPATCHERS SAL	\$ 44,765.00		\$ 3,730.42	\$ 3,730.42	\$ 3,730.42
51030	OVERTIME	\$ 100,000.00		\$ 8,333.33	\$ 8,333.33	\$ 8,333.33
51050	HOLIDAY PAY	\$ 54,409.00		\$ 4,534.08	\$ 4,534.08	\$ 4,534.08
51100	SHIFT DIFFERENTIAL	\$ 30,000.00		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
51200	PHYSICAL FITNESS	\$ 200.00		\$ 16.67	\$ 16.67	\$ 16.67
52170	PROFESSIONAL DEV & TRAVEL	\$ 17,000.00		\$ 1,416.67	\$ 1,416.67	\$ 1,416.67
51090	CLOTH/UNIFORM ALLOWANCE	\$ 9,800.00		\$ 816.67	\$ 816.67	\$ 816.67
	* TOTAL 12240	\$ 813,367.00		\$ 67,780.58	\$ 67,780.58	\$ 67,780.58

ORG/ OBJ	DEPARTMENT	2020			2021		
		COUNCIL APPROVED BUDGET	JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET		
12241	BUILDING INSPECTOR						
51010	DEPT HEAD SALARY & WAGES	\$ 78,152.00	\$ 6,512.67	\$ 6,512.67	\$ 6,512.67		
51011	ASST BLDG INSP SAL & WGS	\$ 89,154.00	\$ 7,429.50	\$ 7,429.50	\$ 7,429.50		
51012	CLERK/ASST SAL & WAGES	\$ 39,616.00	\$ 3,301.33	\$ 3,301.33	\$ 3,301.33		
51013	P/T CLERK/ASST SAL & WGS	\$ 34,325.00	\$ 2,860.42	\$ 2,860.42	\$ 2,860.42		
51018	PLUMBING & GAS INSPECTOR	\$ 32,609.00	\$ 2,717.42	\$ 2,717.42	\$ 2,717.42		
51019	WIRING INSPECTOR	\$ 60,327.00	\$ 5,027.25	\$ 5,027.25	\$ 5,027.25		
51023	ALTERNATE INSPECTORS	\$ 9,100.00	\$ 758.33	\$ 758.33	\$ 758.33		
51030	OVERTIME	\$ 1,800.00	\$ 150.00	\$ 150.00	\$ 150.00		
51090	CLOTH/UNIFORM ALLOWANCE	\$ 2,050.00	\$ 170.83	\$ 170.83	\$ 170.83		
51460	LONGEVITY	\$ 270.00	\$ 22.50	\$ 22.50	\$ 22.50		
51551	TERMINATION LEAVE	\$ -	\$ -	\$ -	\$ -		
52020	ABANDONED BUILDING MAINTENANCE	\$ 1,100.00	\$ 91.67	\$ 91.67	\$ 91.67		
52030	REPAIRS & MAINTENANCE	\$ 2,500.00	\$ 208.33	\$ 208.33	\$ 208.33		
52031	REPAIRS OF POLES & LIGHTS	\$ 9,000.00	\$ 750.00	\$ 750.00	\$ 750.00		
52040	INFORMATION TECHNOLOGY	\$ -	\$ -	\$ -	\$ -		
52050	MINOR EQUIPMENT	\$ 3,350.00	\$ 279.17	\$ 279.17	\$ 279.17		
52110	ENERGY & UTILITIES	\$ 7,000.00	\$ 583.33	\$ 583.33	\$ 583.33		
52150	COMMUNICATIONS	\$ -	\$ -	\$ -	\$ -		
52151	TELECOMMUNICATIONS	\$ 3,500.00	\$ 291.67	\$ 291.67	\$ 291.67		
52170	PROFESSIONAL DEV & TRAVEL	\$ 4,000.00	\$ 333.33	\$ 333.33	\$ 333.33		
52190	PROFESSIONAL SERVICES	\$ -	\$ -	\$ -	\$ -		
52230	OFFICE SUPPLIES	\$ 2,000.00	\$ 166.67	\$ 166.67	\$ 166.67		
52240	VEHICLE SUPPLIES	\$ 3,000.00	\$ 250.00	\$ 250.00	\$ 250.00		
52280	COPIER EXPENSES	\$ 500.00	\$ 41.67	\$ 41.67	\$ 41.67		
55102	PERSONAL COMPUTER & PRINT	\$ -	\$ -	\$ -	\$ -		
57043	PRIOR YR EARTH TECH REIMBRSMNT	\$ -	\$ -	\$ -	\$ -		
	* TOTAL 12241	\$ 383,353.00	\$ 31,946.08	\$ 31,946.08	\$ 31,946.08		
12244	WEIGHTS & MEASURES						
51010	DEPT HEAD SALARY & WAGES	\$ 9,342.00	\$ 778.50	\$ 778.50	\$ 778.50		
52230	OFFICE SUPPLIES	\$ 200.00	\$ 16.67	\$ 16.67	\$ 16.67		
	* TOTAL 12244	\$ 9,542.00	\$ 795.17	\$ 795.17	\$ 795.17		
12290	ANIMAL CONTROL OFFICER						

ORG/
OBJ

DEPARTMENT

2020

COUNCIL
APPROVED
BUDGET

51010	SENIOR ANIMAL CONTROL OFFICER SA	\$	40,606.00
51011	ANIMAL CONTROL OFFICER SALARY	\$	67,782.00
51023	ALT ANIMAL CONTROL OFFICER	\$	-
51030	OVERTIME	\$	3,000.00
51090	CLOTH/UNIFORM ALLOWANCE	\$	1,050.00
51460	LONGEVITY	\$	150.00
52030	REPAIRS & MAINTENANCE	\$	4,000.00
51551	TERMINATION LEAVE	\$	-
52151	TELECOMMUNICATIONS	\$	2,755.00
52170	PROFESSIONAL DEV & TRAVEL	\$	2,200.00
52240	VEHICLE SUPPLIES	\$	2,600.00
	* TOTAL 12290	\$	124,143.00

12291 CIVIL DEFENSE

51010	DEPT HEAD SALARY & WAGES	\$	9,172.00
52040	INFORMATION TECHNOLOGY	\$	1,500.00
52050	MINOR EQUIPMENT	\$	1,500.00
52170	PROFESSIONAL DEV & TRAVEL	\$	-
52230	OFFICE SUPPLIES	\$	400.00
52996	EMERGENCY FUND	\$	400.00
55148	EMERGENCY PLAN	\$	-
	* TOTAL 12291	\$	12,972.00

12292 ANIMAL SHELTER

51023	SHELTER ATTENDANTS	\$	28,393.00
51030	OVERTIME	\$	2,000.00
52030	REPAIRS & MAINTENANCE	\$	4,200.00
52040	INFORMATION TECHNOLOGY	\$	1,225.00
52050	MINOR EQUIPMENT	\$	2,000.00
52110	ENERGY & UTILITIES	\$	9,000.00
52190	PROFESSIONAL SERVICES	\$	1,200.00
52230	OFFICE SUPPLIES	\$	750.00
52240	VEHICLE SUPPLIES	\$	750.00
52997	ANIMAL CARE & DISPOSAL	\$	33,000.00
55207	NEW ANIMAL SHELTER	\$	-

2021

2021

2021

2021

SEPT 1/12

AUG 1/12

JULY 1/12

COUNCIL
APPROVED
BUDGET

PROPOSED
BUDGET

PROPOSED
BUDGET

PROPOSED
BUDGET

PROPOSED
BUDGET

\$	3,383.83	\$	3,383.83	\$	3,383.83
\$	5,648.50	\$	5,648.50	\$	5,648.50
\$	-	\$	-	\$	-
\$	250.00	\$	250.00	\$	250.00
\$	87.50	\$	87.50	\$	87.50
\$	12.50	\$	12.50	\$	12.50
\$	333.33	\$	333.33	\$	333.33
\$	-	\$	-	\$	-
\$	229.58	\$	229.58	\$	229.58
\$	183.33	\$	183.33	\$	183.33
\$	216.67	\$	216.67	\$	216.67
\$	10,345.25	\$	10,345.25	\$	10,345.25

\$	764.33	\$	764.33	\$	764.33
\$	125.00	\$	125.00	\$	125.00
\$	125.00	\$	125.00	\$	125.00
\$	-	\$	-	\$	-
\$	33.33	\$	33.33	\$	33.33
\$	33.33	\$	33.33	\$	33.33
\$	-	\$	-	\$	-
\$	1,081.00	\$	1,081.00	\$	1,081.00

\$	2,366.08	\$	2,366.08	\$	2,366.08
\$	166.67	\$	166.67	\$	166.67
\$	350.00	\$	350.00	\$	350.00
\$	102.08	\$	102.08	\$	102.08
\$	166.67	\$	166.67	\$	166.67
\$	750.00	\$	750.00	\$	750.00
\$	100.00	\$	100.00	\$	100.00
\$	62.50	\$	62.50	\$	62.50
\$	62.50	\$	62.50	\$	62.50
\$	2,750.00	\$	2,750.00	\$	2,750.00
\$	-	\$	-	\$	-

ORG/
OBJ

2020
COUNCIL
APPROVED
BUDGET

2021
JULY 1/12
PROPOSED
BUDGET

2021
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PROPOSED
BUDGET

2021
SEPT 1/12
PROPOSED
BUDGET

* TOTAL I12292	\$	82,518.00	\$	6,876.50	\$	6,876.50	\$	6,876.50
12293 CIVIL ENFORCEMENT								
51010 DEPT HEAD SALARY & WAGES	\$	2,500.00	\$	208.33	\$	208.33	\$	208.33
52190 PROFESSIONAL SERVICES	\$	8,500.00	\$	708.33	\$	708.33	\$	708.33
52230 OFFICE SUPPLIES	\$	-	\$	-	\$	-	\$	-
* TOTAL I12293	\$	11,000.00	\$	916.67	\$	916.67	\$	916.67

13999 REGIONAL SCHOOL ASSESSMENTS

56500 MONT VOC TEC SCH ASSESS	\$	1,189,713.00	\$	99,142.75	\$	99,142.75	\$	99,142.75
* TOTAL I13999	\$	1,189,713.00	\$	99,142.75	\$	99,142.75	\$	99,142.75

14410 SURVEY

51010 DEPT HEAD SALARY & WAGES	\$	42,589.00	\$	3,549.08	\$	3,549.08	\$	3,549.08
51013 GIS / AUTOCAD TECHNICIAN	\$	51,056.00	\$	4,254.67	\$	4,254.67	\$	4,254.67
51460 LONGEVITY	\$	750.00	\$	62.50	\$	62.50	\$	62.50
52030 REPAIRS & MAINTENANCE	\$	1,500.00	\$	125.00	\$	125.00	\$	125.00
52040 INFORMATION TECHNOLOGY	\$	6,000.00	\$	500.00	\$	500.00	\$	500.00
52050 MINOR EQUIPMENT	\$	1,500.00	\$	125.00	\$	125.00	\$	125.00
52150 COMMUNICATIONS	\$	400.00	\$	33.33	\$	33.33	\$	33.33
52151 TELECOMMUNICATIONS	\$	1,000.00	\$	83.33	\$	83.33	\$	83.33
52170 PROFESSIONAL DEV & TRAVEL	\$	600.00	\$	50.00	\$	50.00	\$	50.00
52190 PROFESSIONAL SERVICES	\$	18,000.00	\$	1,500.00	\$	1,500.00	\$	1,500.00
52230 OFFICE SUPPLIES	\$	1,500.00	\$	125.00	\$	125.00	\$	125.00
52240 VEHICLE SUPPLIES	\$	500.00	\$	41.67	\$	41.67	\$	41.67
58100 EPA NPDES	\$	20,000.00	\$	1,666.67	\$	1,666.67	\$	1,666.67
58605 HONEYWELL MV FEE	\$	19,500.00	\$	1,625.00	\$	1,625.00	\$	1,625.00
* TOTAL I14410	\$	164,895.00	\$	13,741.25	\$	13,741.25	\$	13,741.25

14421 PUBLIC WORKS

51010 DEPT HEAD SALARY & WAGES	\$	50,047.00	\$	4,170.58	\$	4,170.58	\$	4,170.58
51012 CLERK/ASST SAL & WAGES	\$	24,541.00	\$	2,045.08	\$	2,045.08	\$	2,045.08

ORG/ OBJ	DEPARTMENT	2020		2021		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET		AUG 1/12 PROPOSED BUDGET		SEPT 1/12 PROPOSED BUDGET	
51013	MAINTENANCE CREW SAL&WGS	\$ 1,087,749.00		\$ 91,888.75		\$ 91,888.75		\$ 91,888.75	
51014	BOARD & COMM SAL & WAGES	\$ 3,100.00		\$ 258.33		\$ 258.33		\$ 258.33	
51030	OVERTIME	\$ 50,000.00		\$ 4,166.67		\$ 4,166.67		\$ 4,166.67	
51031	WEEK-END STANDBY	\$ 18,000.00		\$ 1,500.00		\$ 1,500.00		\$ 1,500.00	
51090	CLOTH/UNIFORM ALLOWANCE	\$ 18,130.00		\$ 1,510.83		\$ 1,510.83		\$ 1,510.83	
51100	SHIFT DIFFERENTIAL	\$ 1,000.00		\$ 83.33		\$ 83.33		\$ 83.33	
51102	WORKING OUT OF GRADE	\$ 12,000.00		\$ 1,000.00		\$ 1,000.00		\$ 1,000.00	
51105	SICK LEAVE INCENTIVE	\$ 3,500.00		\$ 291.67		\$ 291.67		\$ 291.67	
51460	LONGEVITY	\$ 600.00		\$ 50.00		\$ 50.00		\$ 50.00	
52030	REPAIRS & MAINTENANCE	\$ 200,000.00		\$ 16,666.67		\$ 16,666.67		\$ 16,666.67	
52032	TRAFFIC MAINTENANCE	\$ 40,000.00		\$ 3,333.33		\$ 3,333.33		\$ 3,333.33	
52033	PARKING MAINTENANCE	\$ 20,000.00		\$ 1,666.67		\$ 1,666.67		\$ 1,666.67	
52034	CRUSHER MAINTENANCE	\$ 2,000.00		\$ 166.67		\$ 166.67		\$ 166.67	
52035	CEMETARY MAINTENANCE	\$ 9,000.00		\$ 750.00		\$ 750.00		\$ 750.00	
52038	UNACCEPTED ROAD MAINTENAN	\$ 5,000.00		\$ 416.67		\$ 416.67		\$ 416.67	
52040	INFORMATION TECHNOLOGY	\$ 2,000.00		\$ 166.67		\$ 166.67		\$ 166.67	
52050	MINOR EQUIPMENT	\$ 20,000.00		\$ 1,666.67		\$ 1,666.67		\$ 1,666.67	
52070	EQUIPMENT RENTAL	\$ 1,000.00		\$ 83.33		\$ 83.33		\$ 83.33	
52110	ENERGY & UTILITIES	\$ 25,000.00		\$ 2,083.33		\$ 2,083.33		\$ 2,083.33	
52120	STREET LIGHTING	\$ 90,000.00		\$ 7,500.00		\$ 7,500.00		\$ 7,500.00	
52150	COMMUNICATIONS	\$ 3,000.00		\$ 250.00		\$ 250.00		\$ 250.00	
52151	TELECOMMUNICATIONS	\$ 9,000.00		\$ 750.00		\$ 750.00		\$ 750.00	
52170	PROFESSIONAL DEV & TRAVEL	\$ 3,000.00		\$ 250.00		\$ 250.00		\$ 250.00	
52190	PROFESSIONAL SERVICES	\$ 12,000.00		\$ 1,000.00		\$ 1,000.00		\$ 1,000.00	
52192	TREE PLANTING	\$ 10,000.00		\$ 833.33		\$ 833.33		\$ 833.33	
52210	SNOW & ICE	\$ 300,000.00		\$ 25,000.00		\$ 25,000.00		\$ 25,000.00	
52230	OFFICE SUPPLIES	\$ 4,000.00		\$ 333.33		\$ 333.33		\$ 333.33	
52243	VEHICLE FUEL	\$ 220,000.00		\$ 18,333.33		\$ 18,333.33		\$ 18,333.33	
52700	ROAD MAINTENANCE	\$ 120,000.00		\$ 10,000.00		\$ 10,000.00		\$ 10,000.00	
58602	ROAD RESURFACING EXPENSE	\$ 150,000.00		\$ 12,500.00		\$ 12,500.00		\$ 12,500.00	
55163	BUILDING REHAB	\$ 10,000.00		\$ 833.33		\$ 833.33		\$ 833.33	
	* TOTAL I14421	\$ 2,523,667.00		\$ 211,548.58		\$ 210,305.58		\$ 210,305.58	
14482	AIRPORT								

ORG/ OBJ	DEPARTMENT	2020		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET
52030	REPAIRS & MAINTENANCE	\$ 10,000.00		\$ 833.33	\$ 833.33
52050	MINOR EQUIPMENT	\$ 100.00		\$ 8.33	\$ 8.33
52110	ENERGY & UTILITIES	\$ 3,500.00		\$ 291.67	\$ 291.67
52150	COMMUNICATIONS	\$ 100.00		\$ 8.33	\$ 8.33
52151	TELECOMMUNICATIONS	\$ 600.00		\$ 50.00	\$ 50.00
52191	PROFESSIONAL SERVICES	\$ 100.00		\$ 8.33	\$ 8.33
52230	OFFICE SUPPLIES	\$ 100.00		\$ 8.33	\$ 8.33
52240	VEHICLE SUPPLIES	\$ 500.00		\$ 41.67	\$ 41.67
* TOTAL I14482		\$ 15,000.00		\$ 1,250.00	\$ 1,250.00

15512	HEALTH	2020		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET
51010	DEPT HEAD SALARY & WAGES	\$ 58,854.00		\$ 4,904.50	\$ 4,904.50
51011	AST SANI INSPE SAL&WG	\$ 34,692.00		\$ 2,891.00	\$ 2,891.00
51012	CLERK/ASST SAL & WAGES	\$ 19,853.00		\$ 1,654.42	\$ 1,654.42
51014	BOARD & COMM SAL & WAGES	\$ 3,750.00		\$ 312.50	\$ 312.50
51030	OVERTIME	\$ 500.00		\$ 41.67	\$ 41.67
51090	CLOTH/UNIFORM ALLOWANCE	\$ 700.00		\$ 58.33	\$ 58.33
51460	LONGEVITY	\$ 345.00		\$ 28.75	\$ 28.75
52030	REPAIRS & MAINTENANCE	\$ 500.00		\$ 41.67	\$ 41.67
52040	INFORMATION TECHNOLOGY	\$ 300.00		\$ 25.00	\$ 25.00
52050	MINOR EQUIPMENT	\$ 500.00		\$ 41.67	\$ 41.67
52150	COMMUNICATIONS	\$ 300.00		\$ 25.00	\$ 25.00
52151	TELECOMMUNICATIONS	\$ 3,000.00		\$ 250.00	\$ 250.00
52170	PROFESSIONAL DEV & TRAVEL	\$ 2,500.00		\$ 208.33	\$ 208.33
52190	PROFESSIONAL SERVICES	\$ 7,000.00		\$ 583.33	\$ 583.33
52230	OFFICE SUPPLIES	\$ 4,000.00		\$ 333.33	\$ 333.33
52240	VEHICLE SUPPLIES	\$ 750.00		\$ 62.50	\$ 62.50
54100	NURSING SERVICES	\$ 5,000.00		\$ 416.67	\$ 416.67
55371	MUNICIPAL DUMPSTER COLLECTION	\$ 20,000.00		\$ 1,666.67	\$ 1,666.67
* TOTAL I15512		\$ 162,544.00		\$ 13,545.33	\$ 13,545.33

15541	COUNCIL ON AGING	2020		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET
51010	DEPT HEAD SALARY & WAGES	\$ 57,610.00		\$ 4,800.83	\$ 4,800.83
51012	CLERK/ASST SAL & WAGES	\$ 36,999.00		\$ 3,083.25	\$ 3,083.25

ORG/ OBJ	DEPARTMENT	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
51016	CUSTODIAN SALARY & WAGES	\$ 39,673.00		\$ 3,306.08	\$ 3,306.08	\$ 3,306.08	
51030	OVERTIME	\$ 500.00		\$ 41.67	\$ 41.67	\$ 41.67	
51090	CLOTH/UNIFORM ALLOWANCE	\$ 350.00		\$ 29.17	\$ 29.17	\$ 29.17	
51328	MEAL SITE MANAGER	\$ 9,140.00		\$ 761.67	\$ 761.67	\$ 761.67	
52030	REPAIRS & MAINTENANCE	\$ 13,500.00		\$ 1,125.00	\$ 1,125.00	\$ 1,125.00	
52040	INFORMATION TECHNOLOGY	\$ 2,500.00		\$ 208.33	\$ 208.33	\$ 208.33	
52050	MINOR EQUIPMENT	\$ 500.00		\$ 41.67	\$ 41.67	\$ 41.67	
52110	ENERGY & UTILITIES	\$ 15,000.00		\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	
52230	OFFICE SUPPLIES	\$ 2,000.00		\$ 166.67	\$ 166.67	\$ 166.67	
* TOTAL 15541		\$ 177,772.00		\$ 14,814.33	\$ 14,814.33	\$ 14,814.33	

15542	YOUTH COMMISSION					
52230	OFFICE SUPPLIES	\$ 100.00		\$ 8.33	\$ 8.33	\$ 8.33
52995	YOUTH ACTIVITIES	\$ 900.00		\$ 75.00	\$ 75.00	\$ 75.00
* TOTAL 15542		\$ 1,000.00		\$ 83.33	\$ 83.33	\$ 83.33

15543	VETERANS					
51010	DEPT HEAD SALARY & WAGES	\$ 58,009.00		\$ 4,834.08	\$ 4,834.08	\$ 4,834.08
51460	LONGEVITY	\$ 840.00		\$ 70.00	\$ 70.00	\$ 70.00
52170	PROFESSIONAL DEV & TRAVEL	\$ 35.00		\$ 2.92	\$ 2.92	\$ 2.92
52230	OFFICE SUPPLIES	\$ 1,500.00		\$ 125.00	\$ 125.00	\$ 125.00
57100	VETERANS BENEFITS	\$ 825,000.00		\$ 68,750.00	\$ 68,750.00	\$ 68,750.00
* TOTAL 15543		\$ 885,384.00		\$ 73,782.00	\$ 73,782.00	\$ 73,782.00

15549	DISABILITIES COMMISSION					
51012	CLERK/ASST SAL & WAGES	\$ -		\$ -	\$ -	\$ -
52170	PROFESSIONAL DEV & TRAVEL	\$ 500.00		\$ 41.67	\$ 41.67	\$ 41.67
52230	OFFICE SUPPLIES	\$ 50.00		\$ 4.17	\$ 4.17	\$ 4.17
* TOTAL 15549		\$ 550.00		\$ 45.83	\$ 45.83	\$ 45.83

16610	LIBRARY					
51010	DEPT HEAD SALARY & WAGES	\$ 75,560.00		\$ 6,296.67	\$ 6,296.67	\$ 6,296.67
51011	ASST LIBRARY DIRECTOR	\$ 58,537.00		\$ 4,878.08	\$ 4,878.08	\$ 4,878.08

ORG/ OBJ	DEPARTMENT	2020		2021		2021		2021					
		COUNCIL	APPROVED	BUDGET	BUDGET	JULY 1/12	PROPOSED	AUG 1/12	PROPOSED	SEPT 1/12	PROPOSED	BUDGET	
51012	LIBRARY TECHNICIAN II	\$	125,783.00	\$	10,481.92	\$	10,481.92	\$	10,481.92	\$	10,481.92	\$	10,481.92
51013	SENIOR LIBRARY TECH III	\$	77,783.00	\$	6,481.92	\$	6,481.92	\$	6,481.92	\$	6,481.92	\$	6,481.92
51014	STAFF LIBRARIAN	\$	146,279.00	\$	12,189.92	\$	12,189.92	\$	12,189.92	\$	12,189.92	\$	12,189.92
51015	LIBRARY CLERICAL STAFF	\$	5,586.00	\$	465.50	\$	465.50	\$	465.50	\$	465.50	\$	465.50
51016	CUSTODIAN SALARY & WAGES	\$	58,795.00	\$	4,899.58	\$	4,899.58	\$	4,899.58	\$	4,899.58	\$	4,899.58
51030	OVERTIME	\$	500.00	\$	41.67	\$	41.67	\$	41.67	\$	41.67	\$	41.67
51460	LONGEVITY	\$	3,660.00	\$	305.00	\$	305.00	\$	305.00	\$	305.00	\$	305.00
52030	REPAIRS & MAINTENANCE	\$	100.00	\$	8.33	\$	8.33	\$	8.33	\$	8.33	\$	8.33
52040	INFORMATION TECHNOLOGY	\$	10,000.00	\$	833.33	\$	833.33	\$	833.33	\$	833.33	\$	833.33
52110	ENERGY & UTILITIES	\$	40,000.00	\$	3,333.33	\$	3,333.33	\$	3,333.33	\$	3,333.33	\$	3,333.33
52150	COMMUNICATIONS	\$	1,000.00	\$	83.33	\$	83.33	\$	83.33	\$	83.33	\$	83.33
52151	TELECOMMUNICATIONS	\$	5,000.00	\$	416.67	\$	416.67	\$	416.67	\$	416.67	\$	416.67
52190	PROFESSIONAL SERVICES	\$	37,465.00	\$	3,122.08	\$	3,122.08	\$	3,122.08	\$	3,122.08	\$	3,122.08
52230	OFFICE SUPPLIES	\$	10,000.00	\$	833.33	\$	833.33	\$	833.33	\$	833.33	\$	833.33
52231	LIBRARY SUPPLIES	\$	5,000.00	\$	416.67	\$	416.67	\$	416.67	\$	416.67	\$	416.67
52270	BOOKS & PERIODICALS	\$	99,928.00	\$	8,327.33	\$	8,327.33	\$	8,327.33	\$	8,327.33	\$	8,327.33
57500	GENERAL LIABILITY	\$	12,000.00	\$	1,000.00	\$	1,000.00	\$	1,000.00	\$	1,000.00	\$	1,000.00
	* TOTAL I16610	\$	772,976.00	\$	64,414.67	\$	64,414.67	\$	64,414.67	\$	64,414.67	\$	64,414.67
16620	RECREATION												
52030	HOLIDAY LIGHTING	\$	17,500.00	\$	1,458.33	\$	1,458.33	\$	1,458.33	\$	1,458.33	\$	1,458.33
55057	CELEBRATIONS&SPEC EVENTS	\$	1,000.00	\$	83.33	\$	83.33	\$	83.33	\$	83.33	\$	83.33
58150	PLAYGROUND IMPROVEMENTS	\$	20,000.00	\$	1,666.67	\$	1,666.67	\$	1,666.67	\$	1,666.67	\$	1,666.67
	* TOTAL I16620	\$	38,500.00	\$	3,208.33	\$	3,208.33	\$	3,208.33	\$	3,208.33	\$	3,208.33
16621	GREENWOOD MEMORIAL POOL												
51013	P/T LIFE GUARDS SAL&WGS	\$	45,000.00	\$	3,750.00	\$	3,750.00	\$	3,750.00	\$	3,750.00	\$	3,750.00
51030	OVERTIME	\$	600.00	\$	50.00	\$	50.00	\$	50.00	\$	50.00	\$	50.00
52030	REPAIRS & MAINTENANCE	\$	4,000.00	\$	333.33	\$	333.33	\$	333.33	\$	333.33	\$	333.33
52050	MINOR EQUIPMENT	\$	500.00	\$	41.67	\$	41.67	\$	41.67	\$	41.67	\$	41.67
52110	ENERGY & UTILITIES	\$	9,000.00	\$	750.00	\$	750.00	\$	750.00	\$	750.00	\$	750.00
52150	COMMUNICATIONS	\$	700.00	\$	58.33	\$	58.33	\$	58.33	\$	58.33	\$	58.33
52151	TELECOMMUNICATIONS	\$	500.00	\$	41.67	\$	41.67	\$	41.67	\$	41.67	\$	41.67
52230	OFFICE SUPPLIES	\$	200.00	\$	16.67	\$	16.67	\$	16.67	\$	16.67	\$	16.67

ORG/
OBJ

DEPARTMENT

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PROPOSED
BUDGET

52231	POOL SUPPLIES	\$ 15,000.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
* TOTAL 16621		\$ 75,500.00	\$ 6,291.67	\$ 6,291.67	\$ 6,291.67

16625 MUNICIPAL RECREATION DEPT

51010	DEPT HEAD SALARY & WAGES	\$ 35,000.00	\$ 2,916.67	\$ 2,916.67	\$ 2,916.67
51011	Ssupervisor salary & wages	\$ 3,920.00	\$ 326.67	\$ 326.67	\$ 326.67
51014	BOARD & COMM SAL & WAGES	\$ 3,500.00	\$ 291.67	\$ 291.67	\$ 291.67
51020	P/T PLAYGROUNDS SAL&WGS	\$ 20,580.00	\$ 1,715.00	\$ 1,715.00	\$ 1,715.00
52050	MINOR EQUIPMENT	\$ 1,500.00	\$ 125.00	\$ 125.00	\$ 125.00
52230	OFFICE SUPPLIES	\$ 100.00	\$ 8.33	\$ 8.33	\$ 8.33
* TOTAL 16625		\$ 64,600.00	\$ 5,383.33	\$ 5,383.33	\$ 5,383.33

16650 HISTORICAL COMMISSION

52230	OFFICE SUPPLIES	\$ 100.00	\$ 8.33	\$ 8.33	\$ 8.33
* TOTAL 16650		\$ 100.00	\$ 8.33	\$ 8.33	\$ 8.33

17710 DEBT SERVICE

57600	PRINCIPAL - INSIDE DEBT	\$ 1,680,023.00	\$ 140,001.92	\$ 140,001.92	\$ 140,001.92
57605	LEASE PURCHASE AGREEMENT	\$ 380,000.00	\$ 31,666.67	\$ 31,666.67	\$ 31,666.67
57610	INTEREST - INSIDE DEBT	\$ 519,978.00	\$ 43,331.50	\$ 43,331.50	\$ 43,331.50
57621	INTEREST TEMPORARY LOANS	\$ 20,000.00	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67
* TOTAL 17710		\$ 2,600,001.00	\$ 216,666.75	\$ 216,666.75	\$ 216,666.75

19910 CONTRIBUTORY RETIREMENT

51011	EXECUTIVE SEC SAL & WAGES	\$ 62,500.00	\$ 5,208.33	\$ 5,208.33	\$ 5,208.33
51014	BOARD & COMM SAL & WAGES	\$ 18,100.00	\$ 1,508.33	\$ 1,508.33	\$ 1,508.33
51023	PART TIME SALARY & WAGES	\$ 8,000.00	\$ 666.67	\$ 666.67	\$ 666.67
51460	LONGEVITY	\$ 180.00	\$ 15.00	\$ 15.00	\$ 15.00
57070	CONTRIB RETIRE ASSESSMENT	\$ 4,074,610.00	\$ -	\$ -	\$ -
* TOTAL 19910		\$ 4,163,390.00	\$ 7,398.33	\$ 7,398.33	\$ 7,398.33

19914 EMPLOYEE BENEFITS

52200	111F CLAIMS REVIEW	\$ 7,000.00	\$ 583.33	\$ 583.33	\$ 583.33
57010	WORKER'S COMPENSATION	\$ 215,000.00	\$ 17,916.67	\$ 17,916.67	\$ 17,916.67
57021	UNEMPLOYMENT COMPENSATION	\$ 65,000.00	\$ 5,416.67	\$ 5,416.67	\$ 5,416.67

ORG/ OBJ	DEPARTMENT	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
57022	UNEMPLOYMENT COMPENSATION-SCH	\$ 100,000.00		\$ 8,333.33	\$ 8,333.33	\$ 8,333.33	
57040	MEDICARE	\$ 175,000.00		\$ 14,583.33	\$ 14,583.33	\$ 14,583.33	
57041	MEDICARE-SCHOOL	\$ 280,000.00		\$ 23,333.33	\$ 23,333.33	\$ 23,333.33	
57051	LIFE INSURANCE	\$ 60,000.00		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	
57052	LIFE INSURANCE-SCHOOL						
57060	HEALTH/DENTAL INSURANCE	\$ 7,699,738.00		\$ 641,644.83	\$ 641,644.83	\$ 641,644.83	
57061	HEALTH/DENTAL INSURANCE-SCHOOL						
57062	CHAP 41 MEDICAL ALLOWANCE	\$ 50,000.00		\$ 4,166.67	\$ 4,166.67	\$ 4,166.67	
* TOTAL	19914	\$ 8,651,738.00		\$ 720,978.17	\$ 720,978.17	\$ 720,978.17	

19945	INSURANCES				
57501	PROP & GEN LIABILITY INS	\$ 500,000.00	\$ 41,666.67	\$ 41,666.67	\$ 41,666.67
57503	PUBLIC OFFIC LIABILITY	\$ 95,000.00	\$ 7,916.67	\$ 7,916.67	\$ 7,916.67
57504	MOTOR VEHICLE FLOATER	\$ 80,000.00	\$ 6,666.67	\$ 6,666.67	\$ 6,666.67
* TOTAL	19945	\$ 675,000.00	\$ 56,250.00	\$ 56,250.00	\$ 56,250.00

TOTAL GENERAL GOVERNMENT		\$ 33,363,615.00	\$ 6,885,880.42	\$ 2,440,750.42	\$ 2,440,750.42
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61440	SEWER				
51010	DEPT HEAD SALARY & WAGES	\$ 25,024.00	\$ 2,085.33	\$ 2,085.33	\$ 2,085.33
51011	ENGINEER SALARY & WAGES	\$ 21,294.00	\$ 1,774.50	\$ 1,774.50	\$ 1,774.50
51012	CLERK/ASST SAL & WAGES	\$ 64,637.00	\$ 5,386.42	\$ 5,386.42	\$ 5,386.42
51013	PART TIME CLERK	\$ 48,277.00	\$ 4,023.08	\$ 4,023.08	\$ 4,023.08
51014	MAINTENANCE CREW-SAL&WGS	\$ 252,754.00	\$ 21,062.83	\$ 21,062.83	\$ 21,062.83
51015	DPW CLERK SALARY	\$ 12,271.00	\$ 1,022.58	\$ 1,022.58	\$ 1,022.58
51016	ASSISTANT DIRECTOR	\$ 36,556.00	\$ 3,046.33	\$ 3,046.33	\$ 3,046.33
51020	ENGINEER SALARY	\$ 13,451.00	\$ 1,120.92	\$ 1,120.92	\$ 1,120.92
51030	OVERTIME	\$ 25,000.00	\$ 2,083.33	\$ 2,083.33	\$ 2,083.33
51031	WEEKEND STANDBY	\$ 8,570.00	\$ 714.17	\$ 714.17	\$ 714.17
51090	CLOTH/UNIFORM ALLOWANCE	\$ 4,070.00	\$ 339.17	\$ 339.17	\$ 339.17
51102	WORKING OUT OF GRADE	\$ 5,000.00	\$ 416.67	\$ 416.67	\$ 416.67
51105	SICK LEAVE INCENTIVE	\$ 5,833.00	\$ 486.08	\$ 486.08	\$ 486.08
51551	TERMINATION LEAVE	\$ 2,000.00	\$ 166.67	\$ 166.67	\$ 166.67

ORG/ OBJ	DEPARTMENT	2020		2021		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET			
52030	REPAIRS & MAINTENANCE	\$ 25,000.00		\$ 2,083.33	\$ 2,083.33	\$ 2,083.33		\$ 2,083.33	
52031	REPAIRS TO MAINS	\$ 100,000.00		\$ 8,333.33	\$ 8,333.33	\$ 8,333.33		\$ 8,333.33	
52040	INFORMATION TECHNOLOGY	\$ 5,000.00		\$ 416.67	\$ 416.67	\$ 416.67		\$ 416.67	
52050	NEW EQUIPMENT	\$ 100,000.00		\$ 8,333.33	\$ 8,333.33	\$ 8,333.33		\$ 8,333.33	
52110	ENERGY & UTILITIES	\$ 170,000.00		\$ 14,166.67	\$ 14,166.67	\$ 14,166.67		\$ 14,166.67	
52150	COMMUNICATIONS	\$ 4,000.00		\$ 333.33	\$ 333.33	\$ 333.33		\$ 333.33	
52151	TELECOMMUNICATIONS	\$ 18,000.00		\$ 1,500.00	\$ 1,500.00	\$ 1,500.00		\$ 1,500.00	
52170	PROFESSIONAL DEV & TRAVEL	\$ 8,000.00		\$ 666.67	\$ 666.67	\$ 666.67		\$ 666.67	
52190	PROFESSIONAL SERVICES	\$ 25,000.00		\$ 2,083.33	\$ 2,083.33	\$ 2,083.33		\$ 2,083.33	
52230	OFFICE SUPPLIES	\$ 20,000.00		\$ 1,666.67	\$ 1,666.67	\$ 1,666.67		\$ 1,666.67	
52231	CHEMICAL TREATMENT	\$ 205,000.00		\$ 17,083.33	\$ 17,083.33	\$ 17,083.33		\$ 17,083.33	
52240	VEHICLE SUPPLIES	\$ 10,000.00		\$ 833.33	\$ 833.33	\$ 833.33		\$ 833.33	
52360	AWWTP CONTRACT OPERATIONS	\$ 750,000.00		\$ 62,500.00	\$ 62,500.00	\$ 62,500.00		\$ 62,500.00	
52380	INDIRECT COSTS REIMBURSE	\$ 216,318.00		\$ 18,026.50	\$ 18,026.50	\$ 18,026.50		\$ 18,026.50	
55030	SEWER SYSTEM MODEL SOFTWARE	\$ 35,000.00		\$ 2,916.67	\$ 2,916.67	\$ 2,916.67		\$ 2,916.67	
55035	NPDES REPORT / WWTF STUDY	\$ 6,500.00		\$ 541.67	\$ 541.67	\$ 541.67		\$ 541.67	
55123	COLD STORAGE BUILDING	\$ 20,000.00		\$ 1,666.67	\$ 1,666.67	\$ 1,666.67		\$ 1,666.67	
56902	TAXES OTHER TOWNS	\$ 300.00		\$ 25.00	\$ 25.00	\$ 25.00		\$ 25.00	
57601	PRINCIPAL - OUTSIDE DEBT	\$ 1,077,782.00		\$ 89,815.17	\$ 89,815.17	\$ 89,815.17		\$ 89,815.17	
57611	INTEREST - OUTSIDE DEBT	\$ 235,951.00		\$ 19,662.58	\$ 19,662.58	\$ 19,662.58		\$ 19,662.58	
	* TOTAL SEWER	\$ 3,556,588.00		\$ 296,382.33	\$ 296,382.33	\$ 296,382.33		\$ 296,382.33	
62450	WATER								
51010	DEPT HEAD SALARY & WAGES	\$ 25,024.00		\$ 2,085.33	\$ 2,085.33	\$ 2,085.33		\$ 2,085.33	
51011	ENGINEER SALARY & WAGES	\$ 21,294.00		\$ 1,774.50	\$ 1,774.50	\$ 1,774.50		\$ 1,774.50	
51012	CLERK/ASST SAL & WAGES	\$ 63,290.00		\$ 5,274.17	\$ 5,274.17	\$ 5,274.17		\$ 5,274.17	
51013	PT/CLERK/GIS RC 25%	\$ 4,053.00		\$ 337.75	\$ 337.75	\$ 337.75		\$ 337.75	
51014	MAINTENANCE CREW SAL&WGS	\$ 252,754.00		\$ 21,062.83	\$ 21,062.83	\$ 21,062.83		\$ 21,062.83	
51015	PW CLERK SALARY	\$ 12,271.00		\$ 1,022.58	\$ 1,022.58	\$ 1,022.58		\$ 1,022.58	
51016	ASSISTANT DIRECTOR	\$ 36,556.00		\$ 3,046.33	\$ 3,046.33	\$ 3,046.33		\$ 3,046.33	
51020	ENGINEER SALARY	\$ 134,564.00		\$ 11,213.67	\$ 11,213.67	\$ 11,213.67		\$ 11,213.67	
51030	OVERTIME	\$ 25,000.00		\$ 2,083.33	\$ 2,083.33	\$ 2,083.33		\$ 2,083.33	
51031	STANDBY	\$ 8,570.00		\$ 714.17	\$ 714.17	\$ 714.17		\$ 714.17	
51090	CLOTH/UNIFORM ALLOWANCE	\$ 4,070.00		\$ 339.17	\$ 339.17	\$ 339.17		\$ 339.17	
51105	SICK LEAVE INCENTIVE	\$ 5,833.00		\$ 486.08	\$ 486.08	\$ 486.08		\$ 486.08	

ORG/ OBJ	DEPARTMENT	2020 COUNCIL APPROVED BUDGET	2021		2021	
			JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
51551	TERMINATION LEAVE	\$ 2,000.00	\$ 166.67	\$ 166.67	\$ 166.67	
52030	REPAIRS & MAINTENANCE	\$ 25,000.00	\$ 2,083.33	\$ 2,083.33	\$ 2,083.33	
52031	REPAIRS TO MAINS	\$ 100,000.00	\$ 8,333.33	\$ 8,333.33	\$ 8,333.33	
52040	INFORMATION TECHNOLOGY	\$ 5,000.00	\$ 416.67	\$ 416.67	\$ 416.67	
52050	MINOR EQUIPMENT	\$ 60,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	
52110	ENERGY & UTILITIES	\$ 240,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	
52150	COMMUNICATIONS	\$ 4,000.00	\$ 333.33	\$ 333.33	\$ 333.33	
52151	TELECOMMUNICATIONS	\$ 18,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	
52170	PROFESSIONAL DEV & TRAVEL	\$ 8,000.00	\$ 666.67	\$ 666.67	\$ 666.67	
52190	PROFESSIONAL SERVICES	\$ 25,000.00	\$ 2,083.33	\$ 2,083.33	\$ 2,083.33	
52192	WPAT ADMINISTRATIVE FEES	\$ 12,300.00	\$ 1,025.00	\$ 1,025.00	\$ 1,025.00	
52230	OFFICE SUPPLIES	\$ 20,000.00	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	
52240	VEHICLE SUPPLIES	\$ 10,000.00	\$ 833.33	\$ 833.33	\$ 833.33	
52194	DAM INSPECTIONS	\$ 36,800.00	\$ 3,066.67	\$ 3,066.67	\$ 3,066.67	
52231	CHEMICAL/LAB SUPPLIES	\$ 105,000.00	\$ 8,750.00	\$ 8,750.00	\$ 8,750.00	
52359	CONTRACT OPERATIONS	\$ 765,000.00	\$ 63,750.00	\$ 63,750.00	\$ 63,750.00	
52380	INDIRECT COSTS REIMBURSE	\$ 286,318.00	\$ 23,859.83	\$ 23,859.83	\$ 23,859.83	
55030	WATER SYSTEM MODEL/SOFTWARE	\$ 40,000.00	\$ 3,333.33	\$ 3,333.33	\$ 3,333.33	
55163	FACILITY MAINTENANCE	\$ 20,000.00	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	
56902	TAXES OTHER TOWNS	\$ 3,000.00	\$ 250.00	\$ 250.00	\$ 250.00	
57601	PRINCIPAL - OUTSIDE DEBT	\$ 1,129,370.00	\$ 94,114.17	\$ 94,114.17	\$ 94,114.17	
57611	INTEREST - OUTSIDE DEBT	\$ 80,844.00	\$ 6,737.00	\$ 6,737.00	\$ 6,737.00	
	* TOTAL WATER	\$ 3,588,911.00	\$ 299,075.92	\$ 299,075.92	\$ 299,075.92	

63640	GOLF COURSE				
51010	DEPT HEAD SALARY & WAGES	\$ 76,572.00	\$ 6,381.00	\$ 6,381.00	\$ 6,381.00
51011	GOLF PRO SALARY	\$ 48,579.00	\$ 4,048.25	\$ 4,048.25	\$ 4,048.25
51012	CLERK/ASST SAL & WAGES	\$ 18,189.00	\$ 1,515.75	\$ 1,515.75	\$ 1,515.75
51013	LABORERS SALARY & WAGES	\$ 192,076.00	\$ 16,006.33	\$ 16,006.33	\$ 16,006.33
51018	PRO SHOP SALARY & WAGES	\$ 41,062.00	\$ 3,421.83	\$ 3,421.83	\$ 3,421.83
51030	OVERTIME	\$ 8,900.00	\$ 741.67	\$ 741.67	\$ 741.67
51090	CLOTH/UNIFORM ALLOWANCE	\$ 2,800.00	\$ 233.33	\$ 233.33	\$ 233.33
51460	LONGEVITY	\$ 4,020.00	\$ 335.00	\$ 335.00	\$ 335.00
51551	TERMINATION LEAVE	\$ 5,000.00	\$ 416.67	\$ 416.67	\$ 416.67

ORG/ OBJ	DEPARTMENT	2020 COUNCIL APPROVED BUDGET	2021		2021		2021	
			JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET			
52030	REPAIRS & MAINTENANCE	\$ 40,000.00	\$ 3,333.33	\$ 3,333.33	\$ 3,333.33	\$ 3,333.33		
52031	CART RENTALS	\$ 50,000.00	\$ 4,166.67	\$ 4,166.67	\$ 4,166.67	\$ 4,166.67		
52050	MINOR EQUIPMENT	\$ 6,000.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00		
52110	ENERGY & UTILITIES	\$ 35,000.00	\$ 2,916.67	\$ 2,916.67	\$ 2,916.67	\$ 2,916.67		
52150	COMMUNICATIONS	\$ 2,720.00	\$ 226.67	\$ 226.67	\$ 226.67	\$ 226.67		
52151	TELECOMMUNICATIONS	\$ 4,000.00	\$ 333.33	\$ 333.33	\$ 333.33	\$ 333.33		
52170	PROFESSIONAL DEV & TRAVEL	\$ 2,500.00	\$ 208.33	\$ 208.33	\$ 208.33	\$ 208.33		
52191	PROFESSIONAL SERVICES	\$ 15,200.00	\$ 1,266.67	\$ 1,266.67	\$ 1,266.67	\$ 1,266.67		
52230	OFFICE SUPPLIES	\$ 1,400.00	\$ 116.67	\$ 116.67	\$ 116.67	\$ 116.67		
52231	GOLF COURSE SUPPLIES	\$ 66,500.00	\$ 5,541.67	\$ 5,541.67	\$ 5,541.67	\$ 5,541.67		
52240	VEHICLE SUPPLIES	\$ 15,000.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00		
52380	INDIRECT COSTS REIMBURSE	\$ 180,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00		
57303	WATER	\$ 15,000.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00		
	* TOTAL GOLF	\$ 830,518.00	\$ 69,209.83	\$ 69,209.83	\$ 69,209.83	\$ 69,209.83		\$ 69,209.83

64433	LANDFILL CLOSURE EXPENSES							
52031	REPAIRS TO PUMPS	\$ 10,000.00	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33		
52110	ENERGY & UTILITIES	\$ 6,000.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00		
52151	TELECOMMUNICATIONS	\$ 3,000.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00		
52190	PROFESSIONAL SERVICES	\$ 20,000.00	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67		
52270	AIR POLLUTION CONTROL MAINTENA	\$ 10,000.00	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33		
52271	GROUNDWATER MONITORING	\$ 9,833.00	\$ 819.42	\$ 819.42	\$ 819.42	\$ 819.42		
	** TOTAL LANDFILL CLOSURE	\$ 58,833.00	\$ 4,902.75	\$ 4,902.75	\$ 4,902.75	\$ 4,902.75		\$ 4,902.75

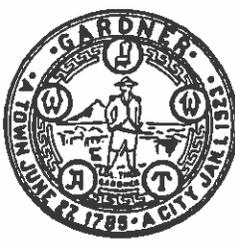
65430	SOLID WASTE EXPENSES							
51010	DEPT HEAD	\$ 28,999.00	\$ 2,416.58	\$ 2,416.58	\$ 2,416.58	\$ 2,416.58		
51011	TRANSFER STATN SUPER SALARY	\$ 46,124.00	\$ 3,843.67	\$ 3,843.67	\$ 3,843.67	\$ 3,843.67		
51012	ASSIST/STAFF SALARY	\$ 18,680.00	\$ 1,556.67	\$ 1,556.67	\$ 1,556.67	\$ 1,556.67		
51013	ACCOUNT CLERK SALARY	\$ 35,223.00	\$ 2,935.25	\$ 2,935.25	\$ 2,935.25	\$ 2,935.25		
51018	TRANSFER STATN MONITOR SAL	\$ 16,548.00	\$ 1,379.00	\$ 1,379.00	\$ 1,379.00	\$ 1,379.00		
51030	OVERTIME	\$ 1,000.00	\$ 83.33	\$ 83.33	\$ 83.33	\$ 83.33		
51090	CLOTH/UNIFORM ALLOWANCE	\$ 700.00	\$ 58.33	\$ 58.33	\$ 58.33	\$ 58.33		
51460	LONGEVITY	\$ 745.00	\$ 62.08	\$ 62.08	\$ 62.08	\$ 62.08		
52030	REPAIRS & MAINTENANCE	\$ 20,000.00	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67		

ORG/ OBJ	DEPARTMENT	2020		2021		2021	
		COUNCIL APPROVED BUDGET		JULY 1/12 PROPOSED BUDGET	AUG 1/12 PROPOSED BUDGET	SEPT 1/12 PROPOSED BUDGET	
52040	INFORMATION TECHNOLOGY	\$ 1,000.00		\$ -	\$ -	\$ -	
52050	MINOR EQUIPMENT	\$ 5,000.00		\$ 83.33	\$ 83.33	\$ 83.33	
52110	ENERGY & UTILITIES	\$ 300.00		\$ 416.67	\$ 416.67	\$ 416.67	
52150	COMMUNICATIONS	\$ 700.00		\$ 25.00	\$ 25.00	\$ 25.00	
52170	PROFESSIONAL DEV & TRAVEL	\$ 16,000.00		\$ 58.33	\$ 58.33	\$ 58.33	
52190	PROFESSIONAL SERVICES	\$ 2,000.00		\$ 1,333.33	\$ 1,333.33	\$ 1,333.33	
52230	OFFICE SUPPLIES	\$ 15,000.00		\$ 166.67	\$ 166.67	\$ 166.67	
52232	TRASH BAGS	\$ 6,500.00		\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	
52240	VEHICLE SUPPLIES	\$ 478,693.00		\$ 541.67	\$ 541.67	\$ 541.67	
52361	TRASH DISPOSAL	\$ 152,859.00		\$ 39,891.08	\$ 39,891.08	\$ 39,891.08	
52362	RECYCLING PROCESSING	\$ 105,000.00		\$ 12,738.25	\$ 12,738.25	\$ 12,738.25	
52380	INDIRECT COSTS REIMBURSE	\$ -		\$ 8,750.00	\$ 8,750.00	\$ 8,750.00	
55123	NEW EQUIPMENT	\$ -		\$ -	\$ -	\$ -	
55119	CONTAMINATED RECYCLING	\$ 22,022.00		\$ 1,835.17	\$ 1,835.17	\$ 1,835.17	
55126	CURBSIDE RECYCLING	\$ 199,743.00		\$ 16,645.25	\$ 16,645.25	\$ 16,645.25	
55361	CURBSIDE RUBBISH COLLECT	\$ 432,563.00		\$ 36,046.92	\$ 36,046.92	\$ 36,046.92	
55363	CURBSIDE YARD WASTE COLLECTION	\$ 63,658.00		\$ 5,304.83	\$ 5,304.83	\$ 5,304.83	
55365	HOUSEHOLD HAZARDOUS WASTE	\$ 17,312.00		\$ 1,442.67	\$ 1,442.67	\$ 1,442.67	
	* TOTAL SOLID WASTE	\$ 1,686,369.00		\$ 140,530.75	\$ 140,530.75	\$ 140,530.75	
ENTERPRISE ACCOUNT TOTALS		\$ 9,721,219.00		\$ 810,101.58	\$ 810,101.58	\$ 810,101.58	
13960	SCHOOL EXPENSES						
51000	SCHOOL EXPENSES	\$ 21,495,975.00		\$ 1,791,331.25	\$ 1,791,331.25	\$ 1,791,331.25	
0	ADDITIONAL SCHOOL SPENDING	\$ 1,070,794.00		\$ 89,232.83	\$ 89,232.83	\$ 89,232.83	
51207	CROSSING GUARDS	\$ 58,600.00		\$ 4,883.33	\$ 4,883.33	\$ 4,883.33	
51362	BUS MONITORS	\$ 51,500.00		\$ 4,291.67	\$ 4,291.67	\$ 4,291.67	
52800	REGUALR TRANSPORTATION	\$ 730,000.00		\$ 60,833.33	\$ 60,833.33	\$ 60,833.33	
52801	MCKINNEY VENTO	\$ 185,000.00		\$ 15,416.67	\$ 15,416.67	\$ 15,416.67	
55804	SPEED TRANSPORTATION	\$ 689,000.00		\$ 57,416.67	\$ 57,416.67	\$ 57,416.67	
65804	ENC. SPED TRANSPORTATION	\$ -		\$ -	\$ -	\$ -	
	* TOTAL 13960	\$ 24,280,869.00		\$ 2,023,405.75	\$ 2,023,405.75	\$ 2,023,405.75	

<u>DEPARTMENT</u>	2020		2021		2021	
	<u>COUNCIL</u> <u>APPROVED</u> <u>BUDGET</u>		<u>JULY 1/12</u> <u>PROPOSED</u> <u>BUDGET</u>		<u>AUG 1/12</u> <u>PROPOSED</u> <u>BUDGET</u>	<u>SEPT 1/12</u> <u>PROPOSED</u> <u>BUDGET</u>
SCHOOL BUDGET	\$ 24,280,869.00		\$ 2,023,405.75	\$	2,023,405.75	\$ 2,023,405.75
SCHOOL SUPPLEMENTAL BUDGET	\$ 454,290.00		\$ 37,857.50	\$	37,857.50	\$ 37,857.50
SCHOOL BUDGET TOTAL	\$ 24,735,159.00		\$ 2,061,263.25	\$	2,061,263.25	\$ 2,061,263.25
TOTAL GENERAL GOVERNMENT	\$ 33,363,615.00		\$ 6,885,880.42	\$	2,440,750.42	\$ 2,440,750.42
ENTERPRISE ACCOUNT TOTALS	\$ 9,721,219.00		\$ 810,101.58	\$	810,101.58	\$ 810,101.58
TOTAL SCHOOL EXPENSES	\$ 24,735,159.00		\$ 2,061,263.25	\$	2,061,263.25	\$ 2,061,263.25
CITY OF GARDNER TOTAL	\$ 67,819,993.00		\$ 9,757,245.25	\$	5,312,115.25	\$ 5,312,115.25

Attachment #3:

**Memorandum On
Continuing
Appropriation from City
Solicitor**



City of Gardner – Law Department

John M. Flick, City Solicitor
John Barrett, Assistant City Solicitor

144 Central Street, Gardner, MA 01440 (978) 632-7948 | Fax (978) 630-3703

“CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION” *

M E M O R A N D U M

To: Acting Mayor Kazinskas
From: John M. Flick, City Solicitor
Re: S2680
Date: June 9, 2020
Cc: John Richard, City Auditor

As we discussed, on Friday, June 6, 2020 Governor Charles Baker signed Senate Bill S2680 which addressed certain matters regarding municipal governance during the COVID-19 emergency. A copy of the bill was sent to you under separate cover. Section 11 of this bill addresses the budget process for cities.

DISCUSSION

M.G.L. c. 44, § 32 requires a mayor to submit an annual budget to the City Council within 170 days after the annual organization of the city government. This process has been interrupted in Gardner by two factors, the absence of a mayor as occasioned by the resignation of Mayor Mark Hawke, and the COVID-19 emergency which has delayed the election of a new mayor.

Specifically related to the COVID-19 emergency, S2680 provides extensions to facilitate a mayor’s submission of an annual budget to the city council for review and consideration. This new statute extends all deadlines set forth in M.G.L. c. 44, § 32 by 60 days after the Governor’s March 10, 2020 state of emergency is lifted. However, the mayor must submit the proposed annual budget within 30 days of the emergency order being lifted, or July 31, 2020 whichever is earlier, leaving the city council with 30 days to act on the annual budget. Given that the City is less approximately thirty days away from having a new mayor duly elected, and there is no

** This correspondence is protected by the attorney-client privilege and other exemptions to the Public Records Law and Open Meeting Law, if available. Suffolk Construction Co., Inc. v. Division of Capital Asset Management, 449 Mass. 444 (2007).*

indication from the Governor that the emergency order will be lifted by the end of June, this extension provides ample time for the new mayor to review and submit a budget to the city council for consideration. However, it may be prudent for the City Auditor to provide advance copies of the FY20 budget and any proposed budget to the two final candidates for mayor allowing the candidates to begin their preparation of City's annual budget in anticipation of their possible election.

In order to facilitate the on-going operation of the City beyond the end of FY20, on June 30, 2020, S2680 also provides a mayor with the authority to submit a "continuing appropriation budget" to the city council to fund the operations of the City on a month to month basis "for a period not to exceed 3 months." This authority applies only if a FY21 budget has not been adopted. Please note that S2680 specifically requires that the mayor submit the "continuing appropriation budget" to the city council. The statute is unclear as to whether this submission is for information purposes or to seek the approval of the council. It is the Law Department's recommendation that any continuing appropriations budget permitted by S2680 be approved by the council as the council possess the power of appropriation.

There is no specific guidance in S2680 regarding the nature or amount of the month to month appropriation. However, previous COVID-19 emergency acts limited the mayor's authority in this situation to the submission of an appropriation equal to 1/12 of the FY20 annual budget, essentially allowing one month of spending. *See Chapter 53 of the Acts of 2020.* Thus, it is my legal opinion that the limitation on a continuing appropriation as set forth in S2680 would be equal to 3/12 of the FY20 budget. This is the maximum allowed by S2680; a mayor could request a continuing appropriation for lesser time periods, i.e. equal to 2/12th or 1/12th of the FY20 budget if appropriate.

In the current circumstance, as the Acting Mayor, it is my legal opinion that you have the legal authority to seek a continuing appropriation equal to 1/12 of the FY20 budget prior to the commencement of FY21 on July 1, 2020. However, given that the new mayor will not formally take office until July 10, 2020, the Council would either have to meet and consider a subsequent appropriation (to be submitted by the new mayor) for August 2020 after July 10, 2020, or you, as Acting Mayor would have to seek a 2/12th continuing appropriation prior to July 1, 2020.

** This correspondence is protected by the attorney-client privilege and other exemptions to the Public Records Law and Open Meeting Law, if available. Suffolk Construction Co., Inc. v. Division of Capital Asset Management, 449 Mass. 444 (2007).*

RECEIVED

Effective July 22, 2020

2020 JUL 22 PM 2:08

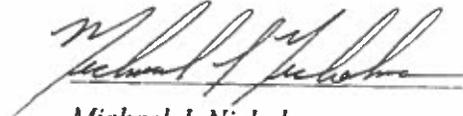
Commonwealth of Massachusetts

CITY CLERK'S OFFICE
Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Alexa Morgan, to the position of Police Officer, of the Gardner Police Department and I certify that in my opinion he 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.


Michael J. Nicholson Mayor

Confirmed by City Council: _____

Alan L. Agnelli City Clerk

Expires: Permanent.

Worcester, ss., _____ 2020

Then personally appeared the above named Alexa Morgan and made oath that he would bear true faith and allegiance to the United States of America and the Commonwealth of Massachusetts and would support the Constitution and laws thereof.

Before me,

City Clerk

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

RECEIVED

July 20, 2020

2020 JUL 22 AM 11:13

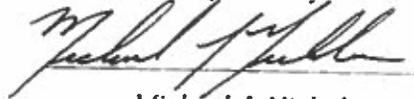
Commonwealth of Massachusetts

CITY OF WORCESTER
WARCESTER COUNTY
GARDNER, MA

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Duncan Burns to the position of Member, Conservation Commission and I certify
5 Travers 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.


Mayor
Michael J. Nicholson

Confirmed by City Council _____

City Clerk
Alan L. Agnelli

Expires: July 20, 2023

Worcester, ss., _____

Then personally appeared the above named Duncan Burns and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Conservation
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 _____

May 4, 2020

RECEIVED

2020 JUL 22 AM 11:13

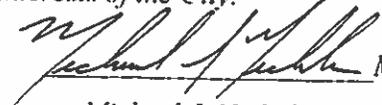
Worcester County
CITY CLERK'S OFFICE
GARDNER, MA

Commonwealth of Massachusetts

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Ethan Kolodny to the position of Assistant City Solicitor, and I certify
144 Central Street, Gardner, MA (978-632-7948)
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.


Mayor
Michael J. Nicholson

Confirmed by City Council _____.

City Clerk
Alan L. Agnelli

Expires: January 3, 2021

Worcester, ss., _____

Then personally appeared the above named Ethan Kolodny and made oath that he/she
would faithfully and impartially perform the duties of the office of Assistant City Solicitor
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 _____

Ethan D. Kolodny, Esq.

550 Liberty Street, Apt. 3802 · Braintree, MA 02184 · 518-320-5500 · EKolodny28@gmail.com

EDUCATION

Northeastern University School of Law, Boston, MA

Juris Doctor, May 2017

Honors: Senior Staff Member and Staff Member, *Northeastern University Law Review* (2015-2017)
Teaching Assistant and Student Attorney, Community Business Clinic (Fall 2016)

Activities: Student Bar Association Representative (2014-2017)
Law Student Representative, MBA's Civil Litigation Section Council (2016-2017)

Publications: "Best practices information on copyright law and avoiding copyright infringement,"
Massachusetts Lawyers Journal, July/August 2017 Issue

American University, School of Public Affairs, Washington, D.C.

Bachelor of Arts, *cum laude*, in Political Science, May 2011, GPA 3.55/4.0

BAR ADMISSION/PROFESSIONAL MEMBERSHIP

Admitted to the Massachusetts Bar in 2017. Member of Mass. Bar Association's Civil Litigation Section, Mass. Bar Association, and Boston Bar Association.

LEGAL EXPERIENCE

Peabody & Arnold LLP, Boston, MA

Associate in the Employment Law and Litigation Group

August 2019 – February 2020

- Drafted Position Statements for, and assisted in preparation of, several MCAD cases regarding employee complaints of discrimination and alleged wrongful terminations
- Counseled employers in a wide range of employment matters, including wage and hour issues, Title IX investigations, discharge and discipline, accommodation requirements, and privacy issues

Superior Court of the State of Delaware, Dover, DE

Judicial Law Clerk to the Honorable Noel Eason Primos

September 2018 – August 2019

- Drafted opinions on various motions to dismiss, motions to suppress, motions for summary judgment, and motions in limine, as well as bench memoranda and jury instructions
- Conducted research and prepared memoranda on time-sensitive matters during court proceedings

Health Law Advocates, Boston, MA

AmeriCorps Fellow and Staff Attorney

January 2018 – August 2018

- Negotiated with medical providers to re-bill insurance or write off medical debts for low-income residents experiencing difficulty accessing or paying for medical services under MassHealth
- Successfully advocated with the Drug Utilization Review Board to reverse their decision denying coverage of a medically necessary prescription drug for a client with narcolepsy and cataplexy

United Rentals, Inc., Stamford, CT

Legal Consultant

December 2017 – May 2018

- Drafted and revised over 500 contracts and pricing schedules for clients across North America
- Provided legal advice in the areas of contract risk assessment and mitigation

Krokidas & Bluestein, LLP, Boston, MA*Law Clerk*

February 2017 – May 2017

- Researched and wrote memoranda in a variety of areas, including litigation, healthcare, employment, real estate and transactional law
- Drafted pleadings and dispositive motions, including motions to dismiss, motion to set aside default judgment, and a motion to compel

Partners HealthCare, Office of General Counsel, Boston, MA*Legal Intern*

November 2016 – February 2017

- Researched and wrote memoranda on patient-care related issues, EMTALA stabilization requirements, HIPAA regulations, and the Anti-Kickback Statute
- Drafted multiple Position Statements to the MCAD regarding employee complaints of discrimination

Mirick O'Connell, LLP, Worcester, MA*Summer Associate*

June 2016 – August 2016

- Co-authored an MCLE chapter on medical malpractice jury instructions
- Assisted on multiple labor arbitrations and discrimination suits before the MCAD

United States Attorney's Office, Civil Division, Boston, MA*Legal Intern*

August 2015 – November 2015

- Assisted with trial preparation in a complex healthcare fraud case involving distributing adulterated and misbranded medical devices
- Drafted motions and memoranda on topics related to money laundering and asset forfeiture

City of Gardner, Executive Department

RECEIVED



Michael J. Nicholson, Mayor

2020 JUL 27 AM 10: 22

CITY CLERK'S OFFICE
GARDNER, MA

July 27, 2020

Gardner City Council – Finance Committee
C/O Elizabeth J. Kazinskas, Chair and President
Gardner City Hall, Rm 121
95 Pleasant St
Gardner, MA 01440

Re: Appointment of Attorney Ethan Kolodny as Assistant City Solicitor

Dear President Kazinskas and Councilors,

My office received a request to provide a writing sample from Attorney Kolodny. I have attached this sample to this letter.

This is a memorandum that I asked Attorney Kolodny to draft when I started office and noticed that there are many commissions in which all members are currently operating under expired terms. This memorandum is his response to my inquiry of how to properly appoint these positions.

Please let me know if you have any questions on this matter.

Respectfully Submitted,

Michael J. Nicholson
Mayor

Enclosures: 3

CITY OF GARDNER LAW DEPARTMENT

John M. Flick
City Solicitor



144 Central Street, Suite 201
Gardner, MA 01440

Ethan D. Kolodny
Assistant City Solicitor

Telephone (978) 632-7948
Fax (978) 630-3703

July 27, 2020

Writer's Email:

Mayor Michael J. Nicholson
City of Gardner
95 Pleasant Street
Gardner, MA 01440

Re: Mayoral Appointment Authority Inquiry

Dear Mayor Nicholson:

You have requested an opinion from the City Law Department concerning your authority to make various appointments to city positions that have become vacant. Specifically, you have inquired whether you have legal discretion to make staggered appointments for positions that have become vacant wherein the terms of those appointments are either defined via statute or by city ordinance.

First, by way of background, a discussion of city "executive" organization involves an analysis into the office of the mayor in different contexts. The usual distinction concerning the definition of the office of mayor is whether it is a "strong mayor" or "weak mayor" plan. The "weak mayor" plan now in use in Massachusetts generally has the following characteristics: (1) an elected mayor; (2) an elected city council with committees that examine the details of city administration, and which have the approval power for most appointments and dismissals; (3) appointed department heads; and (4) administrative boards elected or appointed for overlapping terms. This form of governance has largely been seen as undesirable as it provides insufficient authority to the mayor to oversee the various responsibilities for the city. Moreover, in the case of a mayor serving a shorter term, it provides little to no opportunity for the mayor to plan and undertake longer initiatives.

The "strong mayor" plan, which the City of Gardner follows (albeit existing as more of a "moderately strong" mayor plan), generally provides that the mayor: (1) may hire and fire most department heads; (2) may veto council actions; (3) may prepare and submit a proposed budget for council action; and (4) may administer the budget after its adoption. With a "strong mayor" plan, the city council's function is typically more legislative and policy-oriented, while the mayor's role is administration and leadership via the authority to recommend measures and veto council actions.

City of Gardner Law Department
Letter Opinion to Mayor Michael J. Nicholson
Re: Mayoral Appointment Authority Inquiry
Page | 2

As you know, there are several types of city charters under M.G.L. c. 43. In the case of a “strong mayor” plan under a plan B charter, the mayor is responsible for appointing all heads of department and members of municipal boards, except the school committee, officers appointed by the governor, and assessors if elected by the voters, as their terms of office expire. See M.G.L. c. 43 § 60. Section 6 of the City of Gardner’s Charter also lays out these same appointment provisions, indicating that the mayor, subject to confirmation by the city council, shall appoint all heads of departments and members of municipal boards except for a specific grouping of positions which are laid out in the Charter (school committee, the city clerk, city treasurer, city auditor, and city collector of taxes, or officials appointed by the governor).

A plain reading of M.G.L. c. 43 § 60 in tandem with § 6 of Gardner’s Charter would seem to indicate that you, as the mayor, have appointment authority for all positions that may be deemed “heads of department” or “members of municipal boards” with the exception of the five positions highlighted above and officials appointed by the governor. Thus, the question becomes, what positions fall outside of this purview and under the authority of the city council and does your appointment authority extend to instances not specifically delegated in the Charter (i.e. positions defined by statute wherein the term length is addressed in the statute)?

In order to answer this question, it is worth analyzing the Appeals Court’s discussion in Mayor of New Bedford v. City Council of New Bedford, 13 Mass. App. Ct. 251, 431 N.E. 2d 956 (Mass. App. 1982). In that case, the Code of the City of New Bedford provided that appointments were to be made by the mayor subject to confirmation by the city council. However, the New Bedford city council passed an ordinance over the veto of the mayor which provided for the appointment of the clerk of committees by the city council. The mayor challenged this ordinance arguing that it contravened M.G.L. c. 43 § 60, which provides that in a plan B city such as New Bedford, the mayor is to appoint all heads of departments, subject to confirmation by the city council. The trial judge disagreed and held that the clerk of committees is not a head of a department within the meaning of § 60 and ultimately the case was appealed to the Appeals Court.

Upon review, the Appeals Court affirmed the trial judge’s finding that the clerk of committees is not a department head. More importantly, however, the Appeals Court determined that implicit in the Charter and recognized in M.G.L. c. 31 § 48 pertaining to civil service offices and positions “is the authority of the city council to make such appointments as are necessary to carry out its legislative responsibilities, subject, however, to such appropriation and other powers as may be held by the mayor.” Id. at 256. In so holding, the Appeals Court held that the duties of the clerk were exclusively to assist the conduct of the legislative branch of the city government and were “quite different from those which involve ‘employees or officers in ordinary city departments’ or those who perform ‘the usual municipal functions.’” Id. at 253 quoting Daly v. Mayor of Medford, 241 Mass. 336, 338 (1922). The fact that the office of the clerk of committees was treated as a “department” for fiscal and other purposes was determined

to be of no significance. Rather, the inquiry was in regard to the duties and functions of the position which, in that case, were found to be legislative in nature.

Mass. Gen. Laws Chapter 43 does not expressly grant to a city council the authority to appoint administrative assistants or other employees. Rather, the only explicit appointment power given to the city council is contained in M.G.L. c. 43 § 18 authorizing the appointment of a city clerk. Nevertheless, the Appeals Court in that case held that “[t]he absence of a specific grant of authority is. . . not indicative that the city council lacks appointment power.” *Id.* at 255. “We see no policy reason why the city council may not determine that the clerk of committees, a position in fact legislative, should be subject only to the appointing authority of the city council. . . To require. . . that staffing for the legislative branch of the city government be initiated by the mayor is not conducive to the efficient functioning of city government.” *Id.* at 256.

While the above-referenced case would seem to expand the implied appointment powers for the city council, this holding must be read in conjunction with the language of the Charter and the specific statutes for which your appointments are being made. For example, a brief review of the statutes pertaining to the Conservation Commission (M.G.L. c. 40 § 8C) and Zoning Board of Appeals (M.G.L. c. 40A § 12) indicate that the mayor (subject to confirmation of the city council) holds appointment authority for members of each department. Moreover, explicit in both statutes is the authority for the mayor to fill vacancies if/when they should arise. Specifically, both statutes indicate that vacancies shall be filled for unexpired terms in the same manner as in the case of original appointment, i.e. by the mayor.

Unfortunately, neither statute nor any other enacted act of record appears to address the question of whether this appointment authority extends over the term lengths imposed in the statutes. For example, the Conservation Commission statute states that “[w]hen a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each.” Similarly, the Zoning Board of Appeals statute states that terms will be for “such length and so arranged that the term of one member shall expire each year.” Absent, however, is any language expressly authorizing appointments by the mayor when those terms have expired or have not been renewed.

You have asked our office whether you, as the mayor, may make commission appointments for terms that have expired or have not been renewed in order to facilitate the staggering of terms? First, with regard to your specific question, it is worth noting that there is nothing in the legislation or within Gardner’s Charter that explicitly prohibits you from making such appointments. Moreover, it is our legal opinion that this mayoral authority should be implicitly read into the statutes and that you, as the mayor, have discretion to make such appointments as are necessary to carry out the responsibilities of the positions and boards. While the above-referenced statutes provide for the staggering of positions and specific term lengths, the practical implications of prohibiting a mayor

City of Gardner Law Department
Letter Opinion to Mayor Michael J. Nicholson
Re: Mayoral Appointment Authority Inquiry
Page | 4

from making such appointments as he/she deems necessary in order to allow for the continuity of these boards and positions would be in stark contrast to the original intent of the statutes. Thus, from a public policy standpoint, it also makes sense to allow for these appointments in order to return these commissions and boards back to a staggered schedule, which was the original intent of the statutes. Lastly, as stated above, the statutes expressly grant authority to the mayor to make appointments when a vacancy occurs. Thus, just as the Appeals Court in Mayor of New Bedford v. City Council of New Bedford held that requiring staffing for a legislative position be initiated by the mayor is “not conducive to the efficient functioning of city government,” so may be the case with hampering the procedures for a mayor to fill vacancies in city government.

Please let me know if you have any additional questions.

Yours very truly,



Ethan D. Kolodny, Esq.
Assistant City Solicitor

Mayor

From: James M. Walsh
Sent: Thursday, July 23, 2020 9:15 AM
To: Mayor
Cc: Elizabeth Kazinskas; Ronald F. Cormier; Alan Agnelli
Subject: Assistant City Solicitor
Attachments: Resume_Kolodny.pdf

Dear Mayor Nicholson,

I write to ask if you could arrange to have Attorney Kolodny join the Finance Committee meeting as we consider his appointment. I've received his resume which I've attached for those who may not have it. It would also be helpful if he could provide a writing sample, preferably in the field of Municipal Law.

Regards,

James M Walsh

RECEIVED

July 22, 2020

2020 JUL 22 AM 11:13

Commonwealth of Massachusetts

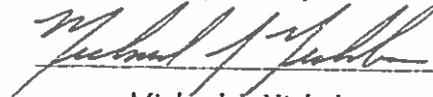
CITY Worcester City
GARDNER, MA

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Marcelle S. Cormier to the position of Member, Board of Registrars, and I certify
55 Wickman Drive, 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.

 Mayor
Michael J. Nicholson

Confirmed by City Council _____

Alan L. Agnelli
City Clerk

Expires: April 1, 2021

Worcester, ss., _____

Then personally appeared the above named Marcelle S. Cormier and made oath that
he/she would faithfully and impartially perform the duties of the office of Member, Board of
Registrars 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 _____

RECEIVED

July 22, 2020

2020 JUL 22 AM 11:12 Commonwealth of Massachusetts

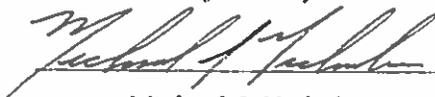
CITY CLERK OFFICE
Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Mario Guay to the position of Member, Board of Registrars, and I certify
195 Lawrence 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.

 Mayor
Michael J. Nicholson

Confirmed by City Council _____

Alan L. Agnelli
City Clerk

Expires: April 1, 2022

Worcester, ss., _____

Then personally appeared the above named Mario Guay and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Board of Registrars
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 _____

RECEIVED

July 22, 2020

2020 JUL 22 AM 11:12

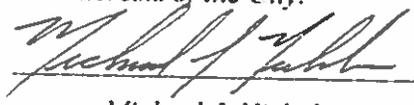
Commonwealth of Massachusetts

Worcester County OFFICE
CITY CLERK

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Patricia Darby to the position of Member, Board of Registrars, and I certify
83 Cross 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.



Michael J. Nicholson Mayor

Confirmed by City Council _____

Alan L. Agnelli City Clerk

Expires: April 1, 2023

Worcester, ss., _____

Then personally appeared the above named Patricia Darby and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Board of Registrars
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 _____

City of Gardner, Executive Department

Michael J. Nicholson, Mayor

RECEIVED

2020 JUL 22 AM 11:13

CITY CLERK'S OFFICE
GARDNER, MA

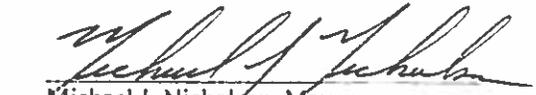
COMMONWEALTH OF MASSACHUSETTS



WORCESTER COUNTY

CITY OF GARDNER

I appoint the following to the position of Election Officers, Ward 1, Precinct A as designated, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.


Michael J. Nicholson, Mayor

Confirmed by City Council _____

for terms expiring August 31, 2021

Alan L. Agnelli, City Clerk

WARD 1A

Warden	Norman	H.	Beauregard	147 Oak Street	Gardner
Clerk	Roland	D.	Mailloux, Jr.	20 Teaberry Lane	Gardner
Inspector	Doris		Buefort	238R West Street	Gardner
Inspector	Jacqueline	M.	Kraskouskas	222 Bickford Hill Road	Gardner
Inspector	Ellen	T.	Kudravetz	90 Cherry Street	Gardner
Inspector	Michael	L.	Kudravetz	90 Cherry Street	Gardner
Inspector	Erana	E.	Landry	298 Park Street	Gardner
Inspector	Glenice	M.	Rossignol	103 Highland Street	Gardner
Inspector	Ann	K.	Twohig	315 Union Street	Gardner

City of Gardner, *Executive Department*

RECEIVED

Michael J. Nicholson, Mayor



2020 JUL 22 AM 11:14
CITY CLERK'S OFFICE
GARDNER, MA

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

CITY OF GARDNER

I appoint the following to the position of Election Officers, Ward 1, Precinct B as designated, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.


Michael J. Nicholson, Mayor

Confirmed by City Council _____

for terms expiring August 31, 2021

Alan L. Agnelli, City Clerk

WARD 1B

Warden	Lynn	M.	Roux	203 Betty Spring Road	Gardner
Clerk	Joanne	B.	Rogers	82 Narrows Road	Westminster
Inspector	Gloria	C.	Bourgeois	47 Racette Avenue	Gardner
Inspector	Carolyn		Fournier	158 Ash Street	Gardner
Inspector	Carolyn	A.	LaBonte	169 Summer Street	Gardner
Inspector	Valerie	D.	Spar	20 Plymouth Street	Gardner
Inspector	Marjorie	J.	Whittemore	47 Lake Street, A606	Gardner

City of Gardner, Executive Department

RECEIVED

Michael J. Nicholson, Mayor

2020 JUL 22 AM 11:14

CITY CLERK'S OFFICE
GARDNER, MA

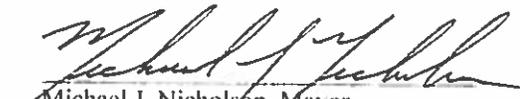


COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

CITY OF GARDNER

I appoint the following to the position of Election Officers, Ward 2, Precinct A as designated, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.


Michael J. Nicholson, Mayor

Confirmed by City Council _____

for terms expiring August 31, 2021

Alan L. Agnelli, City Clerk

WARD 2A

Warden	Clifton	J.	Melatti	37 Rosewood Drive	Gardner
Clerk	Christoph	A.	Knoll	238 Greenwood Street	Gardner
Inspector	Alice	P.	Anderson	34 Chapman Park	Gardner
Inspector	Nancy	A.	Boucher	146 Holly Drive	Gardner
Inspector	Carol	A.	Cormier	47 Lake Street, A207	Gardner
Inspector	Robert	J.	Cormier	47 Lake Street, A207	Gardner
Inspector	Dianne	A.	Hunt	28 Osgood Street, #1	Gardner
Inspector	Donna	M.	Lehtinen	203 Green Street	Gardner
Inspector	Annette	M.	Melanson	178 Waterford Street	Gardner

City of Gardner, *Executive Department* RECEIVED

Michael J. Nicholson, Mayor

2020 JUL 22 AM 11:14

CITY CLERK'S OFFICE
GARDNER, MA



COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

CITY OF GARDNER

I appoint the following to the position of Election Officers, Ward 2, Precinct B as designated, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.


Michael J. Nicholson, Mayor

Confirmed by City Council _____

for terms expiring August 31, 2021

Alan L. Agnelli, City Clerk

WARD 2B

Warden	Donald	J.	Cosentino	131 Lovewell Street	Gardner
Clerk	Nancy	M.	Girouard	110 Marquette Street	Gardner
Inspector	Val	J.	Cormier	166 Acadia Road	Gardner
Inspector	Aline		Cosentino	131 Lovewell Street	Gardner
Inspector	Patricia	A.	LeBlanc	66 Conant Street	Gardner
Inspector	Roger	R.	LeBlanc	66 Conant Street	Gardner
Inspector	Cathy	T.	Leger	134 Greenwood Place	Gardner
Inspector	Patricia	A.	Lewis	32 Water Wheel Circle	Templeton
Inspector	Marcia	J.	White	92 Ryan Street	Gardner

City of Gardner, Executive Department

RECEIVED

Michael J. Nicholson, Mayor

2020 JUL 22 AM 11:14



CITY CLERK'S OFFICE
67 WATER ST.

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

CITY OF GARDNER

I appoint the following to the position of Election Officers, Ward 3, Precinct A as designated, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.


Michael J. Nicholson, Mayor

Confirmed by City Council _____

for terms expiring August 31, 2021

Alan L. Agnelli, City Clerk

WARD 3A

Warden	Donald	R.	Girouard	52 Draper Road	Gardner
Clerk	Robert	J.	Swartz	53 Racette Avenue	Gardner
Inspector	Rachel	I.	Blais	25 Way Street	Gardner
Inspector	Anita	M.	Boudreau	8 Jackson Park	Gardner
Inspector	Barbara	M.	Cormier	116 Sand Street	Gardner
Inspector	Irene	V.	Hales	61 Waterford Street	Gardner
Inspector	Gloria	M.	Landry	458 Pearl Street	Gardner
Inspector	Toby	P.	LaRoche	83 Murray Road	Ashburnham
Inspector	Beth	A.	Leadbetter	100 Ross Street	Fitchburg
Inspector	Marcel		Martin	17 Bayberry Drive	Gardner
Inspector	Robert	L.	Owens	217 Riverside Road	Gardner
Inspector	Mark	A.	St. Laurent	153 Colony Road	Fitchburg

City of Gardner, Executive Department RECEIVED

Michael J. Nicholson, Mayor

2020 JUL 22 AM 11:14



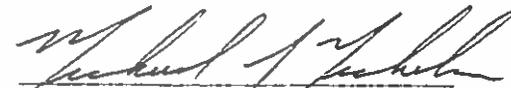
CITY CLERK'S OFFICE
GARDNER, MA

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

CITY OF GARDNER

I appoint the following to the position of Election Officers, Ward 3, Precinct B as designated, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.


Michael J. Nicholson, Mayor

Confirmed by City Council _____

for terms expiring August 31, 2021

Alan L. Agnelli, City Clerk

WARD 3B

Warden	Thomas	H.	Patterson	132 Pinewood Drive	Gardner
Clerk	Paulette	A.	Burns	5 Travers Street	Gardner
Inspector	Juliet	E.	Crowley	43 Glazier Street	Gardner
Inspector	Paul	T.	Crowley	43 Glazier Street	Gardner
Inspector	Gayle	M.	Jaillet	35 Wickman Drive	Gardner
Inspector	Odette	R.	Racette	44 Jean Street	Gardner
Inspector	Ernie	J.	Richard	50 Jean Street	Gardner
Inspector	Juliette	L.	Richard	50 Jean Street	Gardner
Inspector	Dorothy	M.	Ronn	145 Prospect Street	Gardner

City of Gardner, *Executive Department* RECEIVED

Michael J. Nicholson, Mayor



2020 JUL 22 AM 11:14

CITY CLERK'S OFFICE
GARDNER, MA

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

CITY OF GARDNER

I appoint the following to the position of Election Officers, Ward 4, Precinct A as designated, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.


Michael J. Nicholson, Mayor

Confirmed by City Council _____

for terms expiring August 31, 2021

Alan L. Agnelli, City Clerk

WARD 4A

Warden	Ronald	J.	Roy	51 Pinewood Drive	Gardner
Clerk	Dianne	M.	LeBlanc	209 Elm Street	Gardner
Inspector	Judith	A.	King	32 Jay Street	Gardner
Inspector	Donald	A.	LeBlanc	209 Elm Street	Gardner
Inspector	Dee	A.	McMaster	72 Pinewood Drive	Gardner
Inspector	Judith		Roy	51 Pinewood Drive	Gardner
Inspector	Michael	R.	Thibeault	441 Pleasant Street	Gardner

City of Gardner, *Executive Department* RECEIVED

Michael J. Nicholson, Mayor

2020 JUL 22 AM 11:14

CITY CLERK'S OFFICE
GARDNER, MA

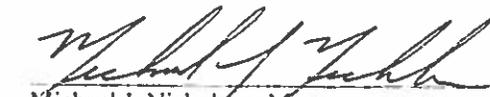


COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

CITY OF GARDNER

I appoint the following to the position of Election Officers, Ward 4, Precinct B as designated, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.


Michael J. Nicholson, Mayor

Confirmed by City Council _____

for terms expiring August 31, 2021

Alan L. Agnelli, City Clerk

WARD 4B

Warden	Marjorie	F.	Tetzloff	317 Pine Street	Gardner
Clerk	David	E.	Tetzloff	317 Pine Street	Gardner
Inspector	Ann		Chandler	133 Pleasant Street, #2	Gardner
Inspector	Susan		Greninger	194 Central Street, #315	Gardner
Inspector	Theresa	H.	Hillman	155 Champagne Road	Gardner
Inspector	Diane	R.	Jasiewicz	36 Robillard Street	Gardner
Inspector	Jacqueline	M.	LaPrade	322 Pine Street	Gardner
Inspector	Charlene	A.	Wilson	44 Olde Colonial Dr, U1	Gardner

City of Gardner, Executive Department

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Michael J. Nicholson, Mayor

2020 JUL 22 AM 11:14



CITY CLERK'S OFFICE
GARDNER, MA

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

CITY OF GARDNER

I appoint the following to the position of Election Officers, Ward 5, Precinct A as designated, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.


Michael J. Nicholson, Mayor

Confirmed by City Council _____

for terms expiring August 31, 2021

Alan L. Agnelli, City Clerk

WARD 5A

Warden	Stephen	E.	Cormier	365 Pearl Street	Gardner
Clerk	Patricia	L.	Cormier	365 Pearl Street	Gardner
Inspector	Sandra	J.	Barton	331 High Street	Gardner
Inspector	Carole	A.	Baublis	252 Union Street	Gardner
Inspector	Judith	T.	Collette	47 Kendall Street	Gardner
Inspector	Mary	L.	Glotch	47 Montvale Road	Gardner
Inspector	Paul	A.	Spano	33 Adams Street	Gardner
Inspector	Gloria	M.	O'Malley	80 Kendall Pond Rd West	Gardner

City of Gardner, Executive Department

RECEIVED

Michael J. Nicholson, Mayor

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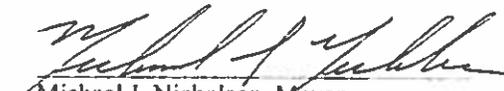
CITY CLERK'S OFFICE
GARDNER, MA

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

CITY OF GARDNER

I appoint the following to the position of Election Officers, Ward 5, Precinct B as designated, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.



Michael J. Nicholson, Mayor

Confirmed by City Council _____

for terms expiring August 31, 2021

Alan L. Agnelli, City Clerk

WARD 5B

Warden	Leonette	M.	Roy	49 Temple Street	Gardner
Clerk	Barbara	A.	Yablonski	195 Sherman Street	Gardner
Inspector	Trine		Aschim	141 Parker Hill Road	Gardner
Inspector	William		Edwards	4 Sunrise Lane	Gardner
Inspector	Melissa	A.	Paulhus	207 Peach Street	Barre
Inspector	Doris	H.	St. John	204 Willis Road	Gardner
Inspector	Marcia	A.	Stone	185 Bridge Street	Gardner
Inspector	Mary	Ann	Suchocki	154 Sand Street	Gardner
Inspector	Edward	S.	Yablonski	195 Sherman Street	Gardner

Commonwealth of Massachusetts

CITY OF GARDNER
STATE PRIMARY ORDER
SEPTEMBER 1, 2020

VOTE:

That meetings of the citizens of this City qualified to vote in the State Primaries shall be held on TUESDAY, THE FIRST DAY OF SEPTEMBER, 2020, FROM 7:00 A.M. TO 8:00 P.M. for the purpose of casting their votes in the State Primaries for the candidates of political parties for the following offices:

- SENATOR IN CONGRESS.....FOR THIS COMMONWEALTH
- REPRESENTATIVE IN CONGRESS.....THIRD DISTRICT
- COUNCILLOR.....SEVENTH DISTRICT
- SENATOR IN GENERAL COURT.....WORCESTER & MIDDLESEX DISTRICT
- REPRESENTATIVE IN GENERAL COURT.....SECOND WORCESTER DISTRICT
- REGISTER OF PROBATE.....WORCESTER DISTRICT

It is further ordered that the following polling places are designated by the City Council:

- WARD 1, PRECINCT A – Elk’s Home, 31 Park Street
- WARD 1, PRECINCT B – Elk’s Home, 31 Park Street
- WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 West Lynde Street
- WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 West Lynde Street
- WARD 3, PRECINCT A – Acadien Social Club, 193 Parker Street
- WARD 3, PRECINCT B – Acadien Social Club, 193 Parker Street
- WARD 4, PRECINCT A – Police Headquarters, 200 Main Street
- WARD 4, PRECINCT B – Police Headquarters, 200 Main Street
- WARD 5, PRECINCT A – National Guard Armory, 323 West Broadway
- WARD 5, PRECINCT B – National Guard Armory, 323 West Broadway



CITY OF GARDNER MASSACHUSETTS

OFFICE OF THE
CITY CLERK

NATIONAL GUARD ARMORY POLL SITE IMPACT REPORT

As required by Section 11 of Chapter 115 of the Acts of 2020

Purpose

Due to the recent sale of the Knights of Columbus Hall and its unavailability for continued use as a polling facility, a review of available publicly-accessible facilities within the boundaries of Ward 5 was undertaken.

Review

A comprehensive review of publicly-accessible facilities in Ward 5 identified the National Guard Armory, located at 323 West Broadway (Route 2A), as the only site that, with temporary modifications, meets the criteria for accessibility, public convenience, public health (i.e. COVID-19), spaciousness, affordability, and long-term use potential. The City utilized the Armory as the Ward 5 polling site from the early 1970's through the mid 1980's.

Survey

A survey conducted for accessibility for the National Guard Armory found that the installation of a portable 8' ramp with handrails at the main entrance, coupled with the proper siting of three temporary Accessible parking signs, would achieve compliance. The Main entrance doors, the interior doors leading to the Assembly Hall, and the paths of travel from the parking lot to the front entrance, are compliant.

Convenience and Safety

The Armory is a secure, State-owned and managed facility with a very large assembly hall for voting, providing for greater social distancing and ample room for voters to assemble before approaching the voting booths. Plentiful parking is available off-street in the large fenced-in parking lot and there is ample on-street parking, as well.

Impact

The location of the Armory would not have a disparate adverse impact on access to the polls on the basis of race, national origin, disability, income or age. The Armory is conveniently located near the crossroads of Route 68 (Timpany Boulevard) and Route 2A (West Broadway), is approximately 6/10 of a mile from the former Knights of Columbus Hall, and along both MART Bus Routes (1 & 2).





Style of Temporary Ramp to be installed at Armory

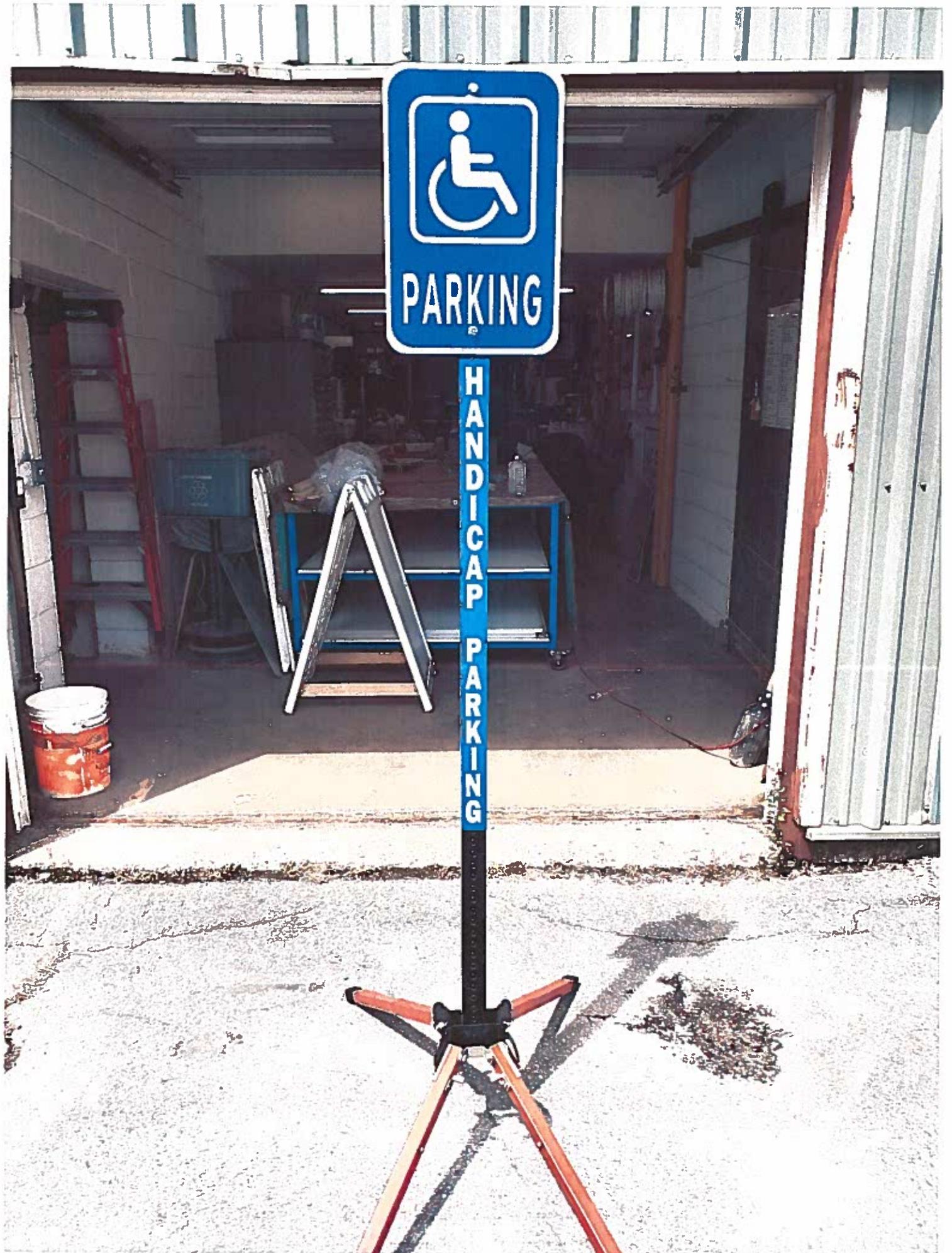








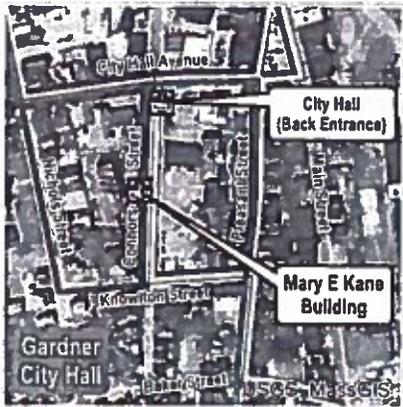
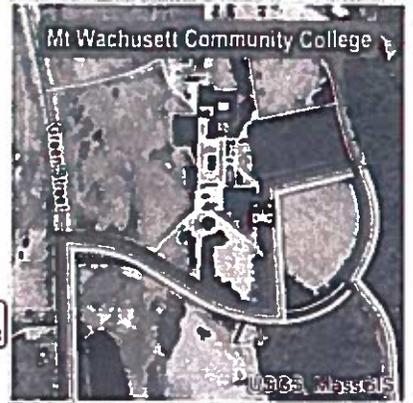





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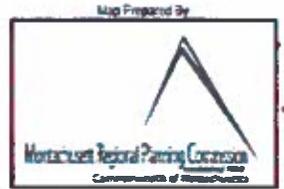
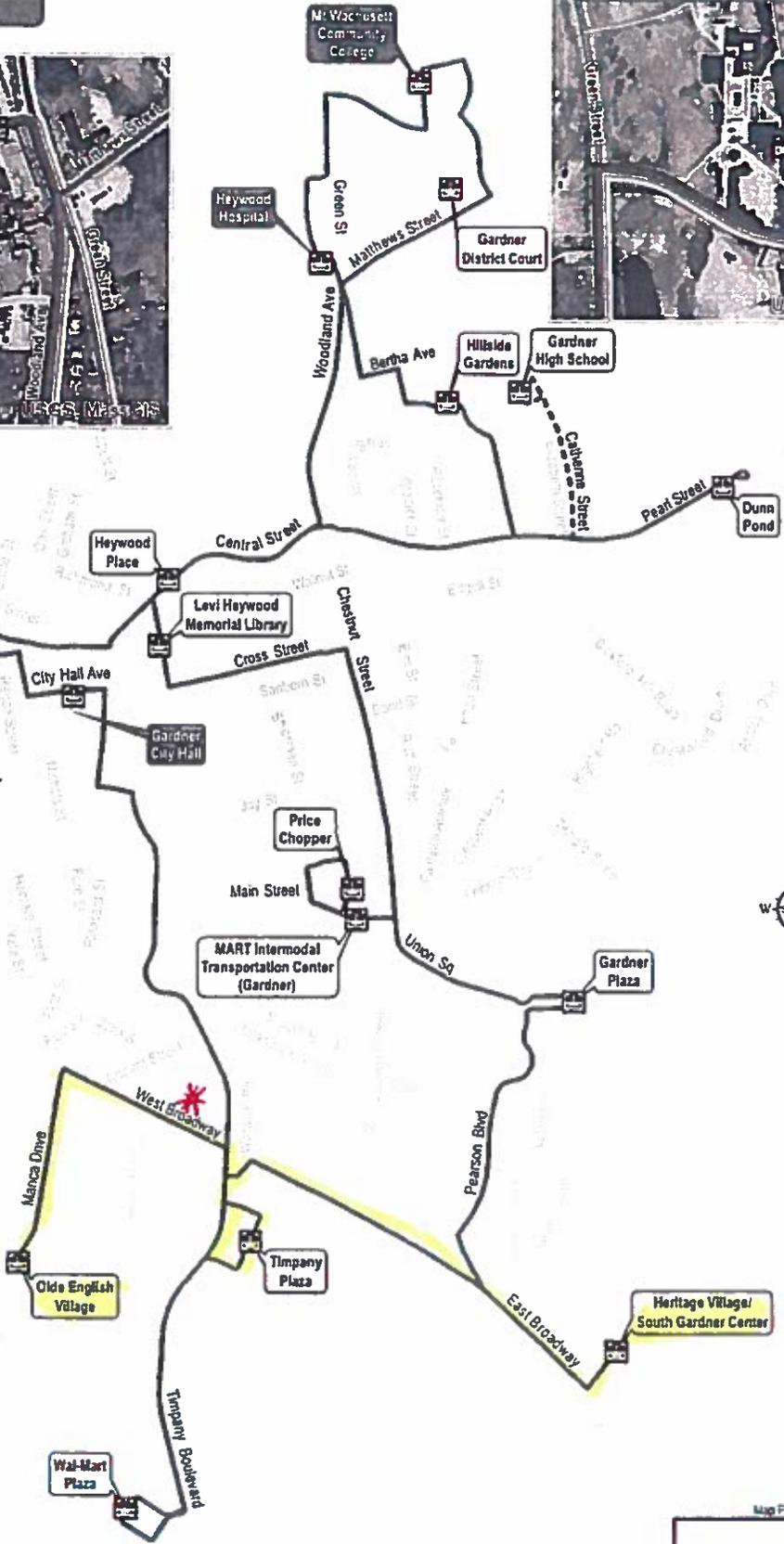
MART Gardner Bus Route System Route 1



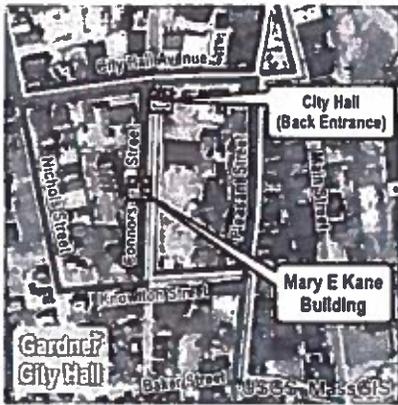
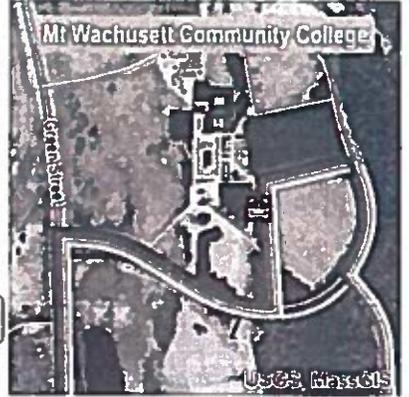
**AKMORY*

MAP KEY

- Bus Route
- Limited Service
- Bus Stops
- Roadways



MART Gardner Bus Route System Route 2



ARMORY



MAP KEY

- Bus Route
- Bus Stops
- Roadways



Map Prepared By

Massachusetts Regional Planning Commission
Commonwealth of Massachusetts

Ref: 6-1 E-6-2

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2020 FEB 10 AM 10:17

CITY CLERK'S OFFICE
GARDNER, MA

NICKLESS, PHILLIPS AND O'CONNOR
ATTORNEYS AT LAW
625 MAIN STREET
FITCHBURG, MASSACHUSETTS 01420

DAVID M. NICKLESS
C. DEBORAH PHILLIPS
JAMES L. O'CONNOR, JR.

Telephone: (978) 342-4590
Facsimile: (978) 343-6383

February 7, 2020

Winfield S. Brown, President and CEO
Heywood Healthcare
242 Green Street
Gardner, MA 01440

Re: Green Street Parking Lot Land Lease

Dear Mr. Brown:

I was retained by the City of Gardner to review certain issues raised in your May 20, 2019, letter to the City Council regarding the "Green Street Parking Lot Land Lease." Your letter concerned, among other things, the number of acres being leased to the hospital by the City, and the related matter of the hospital's encroachment on a utility easement the City granted to Massachusetts Electric Company (MEC) in 1973 on the same property.

I reviewed relevant documents, including all amendments to the hospital's original 1968 Lease with the City, as well as the information provided in your letter concerning whether the land described in a 1998 Amendment leasing 2.12 acres of land to the hospital was an error. I have concluded that it was not a mistake, and I am happy to set forth my reasons in detail. I am also happy to address concerns regarding the easement granted to MEC. Currently, a package of materials provided to the City by MEC to affect a relocation of this easement is under review in my office.

There are several matters that need to be resolved between the City and the hospital before the lease can be amended and MEC's relocation plan endorsed by City officials. Would you please direct me to the person with whom I should be speaking to resolve these issues?

~~Please do not hesitate to contact me with any questions.~~

Very truly yours,

C. Deborah Phillips / ST

C. Deborah Phillips

CDP/st

cc: Acting Mayor

RECEIVED
FEB 10
By _____

6-1 : 6-2

RECEIVED

NICKLESS, PHILLIPS AND O'CONNOR

ATTORNEYS AT LAW
625 MAIN STREET

FITCHBURG, MASSACHUSETTS 01420

2020 JAN 28 PM 12: 00

CITY CLERK'S OFFICE
GARDNER, MA

DAVID M. NICKLESS
C. DEBORAH PHILLIPS
JAMES L. O'CONNOR, JR.

Telephone: (978) 342-4590
Facsimile: (978) 343-6383

January 28, 2020

Finance Committee
Gardner City Council
City of Gardner
95 Pleasant Street
Gardner, MA 01440

Re: City of Gardner and Heywood Memorial Hospital

Dear Committee Members:

I am writing to summarize the conclusions set forth in a detailed letter to the Mayor in September of 2019 regarding the lengthy history of a lease arrangement between the City and Heywood Memorial Hospital (the hospital). At that time, the Mayor wanted to know; 1) if the hospital is occupying City-owned land not covered by the current iteration of the lease and if so, 2) how it may be remedied.

After an extensive review of the many documents recited in that letter, I advised the Mayor that, in my opinion, the hospital is currently occupying land that is not included in the current version of the Lease.

Under the original 1968 lease, the hospital leased two parcels of City owned land; one consisting of (8.02 acres) located on the north side of the hospital and another consisting of 1.40 acres located on the south side of the hospital. A series of amendments to the original lease were negotiated and agreed to by and between the parties over the years.

In 1998, the City sold three (3) parcels of land to the hospital. The land sold included all of the 1.40 acre parcel referenced in the original 1968 Lease and other City owned land. The hospital's recent suggestion that the description of the leased land in the 1998 Amendment reducing its leasehold to 2.16 acres was in error and is not supported by the documents or the record of the 1998 transactions. In fact, the hospital's own Resolution, set forth in its Clerk's Certificate of the vote for the hospital's acquisition of the City owned parcels specifies that, "[i]n consideration of a grant by the City...of title to certain land... the Hospital ... shall release to the City the Hospital's leasehold interest in approximately 5.86 acres of land..." (emphasis supplied). The leasehold interest released to the City was a portion of the 8.02 acre parcel. The 1998 Amendment specifies that the reduced size of the original 8.02 acre parcel would continue to be leased by the hospital and "will thereafter contain 2.16 acres." (emphasis added). The hospital's own records support the conclusion that the acreage released to the City and the acreage that would continue to be leased (5.86 + 2.16) equaled the entirety of the original 8.02 acre parcel. I have been

unable to reconcile the hospital's current view that the City intended to allow it to retain a leasehold in 3.13 acres, or that the hospital did not realize it was retaining only 2.16 acres with these documents.

Regardless, the occupation of City-owned land not governed by the lease may be remedied on terms agreed to by and between the parties. A proposed amendment to remedy the matter between the City and the hospital (the Eight Amendment) is enclosed.

The situation is complicated by the rights of a third party, Massachusetts Electric Company (MEC). This public utility holds an easement over a portion of the land currently being occupied by the hospital and not subject to the lease. The hospital was informed of this easement in 1973 and assented to it (see Book 5396, Page 228 in the Worcester County Registry of Deeds; Plan Book 389, Page 38). The hospital was reportedly reminded by MEC of the easement's location during the planning phase for construction of its new parking facility. Nevertheless, the construction and resulting facility encroaches on MEC's easement.

To avoid more costly remedies, MEC has agreed to relocate its easement, and developed and provided to the City a complete package of documents to reflect this relocation.

The proposed Easement Relocation Agreement with MEC requires the City to pay all of MEC's relocation costs, and it includes an estimate of less than \$2,000.00 for these costs. The proposed Agreement also requires the City to guarantee payment for any and all costs, known or unknown, associated with the relocation. I am in the process of seeking some modifications to this proposed Agreement.

To advance this matter, with your approval, I would like to contact the hospital and identify an individual with whom I may correspond regarding the situation, with an eye towards negotiating a payment or reimbursement agreement with the hospital for any financial obligations the City may have under the final Easement Relocation Agreement with MEC.

If you have any further questions or concerns regarding this matter, please do not hesitate to contact me.

Very truly yours,


C. Deborah Phillips

CDP/st
Enclosure

EIGHTH AMENDMENT TO LEASE

THIS EIGHTH AMENDMENT TO LEASE made this ____ day of _____, 2020, by and between the CITY OF GARDNER, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, acting by and through its Acting Mayor, as Mayor and as successor to the rights, privileges, duties and liabilities of the CITY OF GARDNER'S former Public Works Board and its Director of Public Works (the "City" or "Lessor") and HENRY HEYWOOD MEMORIAL HOSPITAL, a charitable corporation organized under the laws of the Commonwealth of Massachusetts and having a principal office at 242 Green Street, Gardner, Massachusetts 01440 (the "Hospital" or "Lessee").

Recitals

WHEREAS the City is the Lessor and the Hospital is the Lessee of a certain parcel of land situated on the westerly side of Green Street in Gardner, as further described in a Lease Agreement dated April 9, 1968, and recorded in Worcester District Registry of Deeds, Book 4869, Page 185, (the "Lease"), as amended by: 1) an agreement dated October 21, 1980, recorded in said Registry in Book 7135, Page 310 (First Amendment to Lease), 2) an amendment dated December 2, 1980, recorded in said Registry in Book 7135, Page 314 (Second Amendment to Lease), 3) by an agreement dated January, 1986, also called an amendment and certified by the city clerk as being signed January 21, 1986 (Third Amendment to Lease, unrecorded), 4) by an amendment entitled "Amendment to Lease Agreement," endorsed by the Mayor on January 26, 1998 (Fourth Amendment to Lease, unrecorded; see Deed also signed by the Mayor on January 26, 1998, recorded in said Registry in Book 19750, Page 159), 5) by amendment entitled "Second Amendment," dated May 11, 2000, recorded in said Registry in Book 22705 Page 320 (Fifth Amendment to Lease), 6) by amendment entitled "Third Amendment to Lease," dated July 25, 2016, recorded in said Registry in Book 55817 Page 392 (Sixth Amendment to Lease), and by 7) amendment entitled "Fourth Amendment to Lease," dated September 14, 2017, and recorded in said Registry in Book 57862 Page 98 (Seventh Amendment to Lease);

WHEREAS, in 1997, the City and the Hospital negotiated the sale of certain land by the City to the Hospital, including Parcel Two leased to the Hospital under the Lease, and the release of a portion of the Hospital's leasehold in Parcel One;

WHEREAS, on October 14, 1997, the Hospital's Board of Trustees resolved to pay the City Twenty-Four Thousand Five Hundred (\$24,500) Dollars for the purchase of said property and to release the Hospital's leasehold in approximately 5.86 acres of said Parcel One;

WHEREAS, the Amendment to Lease Agreement endorsed on January 26, 1998 (Fourth Amendment to Lease), specifically reduced the area being leased by the Hospital to a parcel containing 2.16 acres, more or less;

WHEREAS, the City did convey said property to the Hospital by a Deed signed by the Mayor on January 26, 1998 (the same day the Fourth Amendment was endorsed), and recorded in said Registry in Book 19750, Page 159;

WHEREAS, in 2007, the City's Planning Board granted the Hospital a Special Permit dated October 9, 2007, to expand the Hospital's parking facilities, said permit being recorded in said Registry in Book 42418, Page 1;

WHEREAS, the Hospital did thereafter expand its parking facilities to an area that exceeds the 2.16 acres leased by the City to the Hospital as part of the 1997 negotiations, as commemorated in the Deed and the Fourth Amendment; and

WHEREAS the Parties now desire to resolve this pretermission;

NOW THEREFORE, in exchange for the mutual promises contained herein, and other good and valuable consideration, the sufficiency of which the Parties affirm, the City and Hospital agree as follows:

Article 1 of the Lease Agreement dated April 9, 1968 be amended to read as follows:

1. The Lessor leases to the Lessee the premises in the City of Gardner, County of Worcester, Commonwealth of Massachusetts, described as follows:

A certain parcel of land situated in the City of Gardner, County of Worcester, Commonwealth of Massachusetts bounded and described as follows:

BEGINNING at a point on the westerly sideline of Green Street at the northeasterly corner of land now or formerly of Henry Heywood Memorial Hospital;

THENCE S69°06'14"W by land of said Henry Heywood Memorial Hospital one hundred eighty and 09/100 (180.09') feet to a point;

THENCE Northerly over land of the City of Gardner along a curve concave to the east having a radius of eight hundred twelve and 50/100 (812.50') feet, an arc length of three hundred sixteen and 37/100 (316.37') feet to a point;

THENCE N03°01'05"E over land of the City of Gardner two hundred twenty six and 86/100 (226.86') feet to a point;

THENCE northerly over land of the City of Gardner along a curve concave to the west having a radius of one thousand seven hundred eighty-seven and 50/100 (1,787.50') feet, an arc length of two hundred thirty-eight and 84/100 (238.84') feet to a point;

THENCE N85°21'45"E over land of the City of Gardner one hundred eighty and 00/100 (180.00') feet to a Worcester County highway bound on the westerly sideline of Green Street;

THENCE Southerly by the westerly sideline of Green Street along a curve concave to the west having a radius of one thousand nine hundred sixty-seven and 50/100 (1,967.50')

feet, an arc length of two hundred sixty-two and 89/100 (262.89') feet to a Worcester County highway bound;

THENCE S03°01'05"W by the westerly sideline of Green Street two hundred twenty six and 86/100 (226.86') feet to a point;

THENCE southeasterly by the westerly sideline of Green Street along a curve concave to the east having a radius of six hundred thirty-two and 50/100 (632.50') feet, an arc length of two hundred forty-one and 24/100 (241.24') feet to the point of beginning.

CONTAINING 3.13 Acres.

The remaining land in PARCEL ONE, as previously described in Article 1 of the April 9, 1968 Agreement, is released by the Lessee to the full ownership and control of the City of Gardner (Lessor).

This description of the leased area set forth herein shall be binding on the parties notwithstanding any prior revisions, agreements, or amendments to the Lease.

All other terms of the original Lease agreement, as amended from time to time, shall remain in full force and effect until the end of the original lease term, which remains April 8, 2067.

See Vote of the City Council attached hereto as Exhibit A.

EXECUTED in Gardner, Massachusetts as a sealed instrument the date first above written.

CITY OF GARDNER

By: James M. Walsh, Esq., Acting Mayor

HENRY HEYWOOD MEMORIAL
HOSPITAL

By: Winfield S. Brown, CEO/President

Robert Crosby, CFO
As auth. (See Book 58824, Page 305)

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss _____, 2019

Then personally appeared the above named, James M. Walsh, Esq., Acting Mayor, duly authorized and declared that he executed the foregoing instrument as the free act and deed of the City of Gardner, before me,

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss _____, 2019

Then personally appeared the above named, Winfield S. Brown, President of Henry Haywood Memorial Hospital, duly authorized and declared that he executed the foregoing instrument as the free act and deed of the City of Gardner, before me,

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss _____, 2019

Then personally appeared the above named, Robert Crosby, CFO, duly authorized and declared that he executed the foregoing instrument as the free act and deed of the City of Gardner, before me,

Notary Public
My Commission Expires:

AMENDMENT TO LEASE BETWEEN CITY OF GARDNER
AND HENRY HEYWOOD MEMORIAL HOSPITAL

VOTE: That the City of Gardner, acting through its Mayor and its Director of Public Works, amend its lease with Henry Heywood Memorial Hospital dated April 9, 1968, and recorded in Worcester District Registry of Deeds, Book 4869, Page 185, to correct and confirm the land description subject to the Lease, the same being shown on a plan titled "Easement Plan of Land in Gardner, Massachusetts" which is attached hereto and recorded herewith; and

To further authorize the Mayor and the Director of Public Works, as successor to the rights, privileges, duties and liabilities of its former Public Works Board to further to sign, seal and deliver an agreement or amendment to said lease and to do any other thing deemed necessary or advisable to give full effect to this vote, his signature on such instrument to be conclusive that its execution is within the authority conferred by this vote.

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EIGHTH AMENDMENT TO LEASE

2019 NOV -8 AM 11:38

THIS EIGHTH AMENDMENT TO LEASE made this ____ day of _____, 2019, by and between the CITY OF GARDNER, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, acting by and through its Mayor and by and through its Director of Public Works, successor to the rights, privileges, duties and liabilities of its former Public Works Board (the "City" or "Lessor") and HENRY HEYWOOD MEMORIAL HOSPITAL, a charitable corporation organized under the laws of the Commonwealth of Massachusetts and having a principal office at 242 Green Street, Gardner, Massachusetts 01440 (the "Hospital" or "Lessee").

Recitals

WHEREAS the City is the Lessor and the Hospital is the Lessee of a certain parcel of land situated on the westerly side of Green Street in Gardner, as further described in a Lease Agreement dated April 9, 1968, and recorded in Worcester District Registry of Deeds, Book 4869, Page 185, (the "Lease"), as amended by: 1) an agreement dated October 21, 1980 recorded in said Registry in Book 7135, Page 310 (First Amendment to Lease), 2) an amendment dated December 2, 1980 recorded in said Registry in Book 7135, Page 314, (Second Amendment to Lease), 3) by an agreement dated January, 1986, also called an amendment and certified by the city clerk as being signed January 21, 1986 (Third Amendment to Lease, unrecorded), 4) by an amendment entitled "Amendment to Lease Agreement," endorsed by the Mayor on January 26, 1998 (Fourth Amendment to Lease, unrecorded; see Deed also signed by the Mayor on January 26, 1998, recorded in said Registry in Book 19750, Page 159), 5) by amendment entitled "Second Amendment" dated May 11, 2000 (Fifth Amendment to Lease) recorded in said Registry in Book 22705 Page 320, 6) by amendment entitled "Third Amendment to Lease" dated July 25, 2016, recorded in said Registry in Book 55817 Page 392 (Sixth Amendment to Lease), and by 7) amendment entitled "Fourth Amendment to Lease" dated September 14, 2017 and recorded in said Registry in Book 57862 Page 98 (Seventh Amendment to Lease);

WHEREAS, in 1997, the City and the Hospital negotiated the sale of certain land by the City to the Hospital, including Parcel Two leased to the Hospital under the Lease agreement, and the release of a portion of the Hospital's leasehold in Parcel One;

WHEREAS, on October 14, 1997 the Hospital's Board of Trustees resolved to pay the City Twenty-Four Thousand Five Hundred (\$24,500) Dollars for the purchase of said property and to release the Hospital's leasehold in approximately 5.86 acres of said Parcel One;

WHEREAS, the Amendment to Lease Agreement endorsed on January 26, 1998 (Fourth Amendment to Lease) specifically reduced the area being leased by the Hospital to a parcel containing 2.16 acres, more or less;

WHEREAS, the City did convey said property to the Hospital by a Deed signed by the Mayor on January 26, 1998 (the same day the Fourth Amendment was endorsed) and recorded in said Registry in Book 19750, Page 159;

WHEREAS, in 2007 the City's Planning Board granted the Hospital a Special Permit dated October 9, 2007 to expand the Hospital's parking facilities, said permit being recorded in said Registry in Book 42418, Page 1;

WHEREAS, the Hospital did thereafter expand its parking facilities to an area that exceeds the 2.16 acres leased by the City to the Hospital as part of the 1997 negotiations, as commemorated in the Deed and the Fourth Amendment; and

WHEREAS the Parties now desire to resolve this pretermission;

NOW THEREFORE, in exchange for the mutual promises contained herein, and other good and valuable consideration, the sufficiency of which the Parties affirm, the City and Hospital agree as follows:

Article 1 of the Lease Agreement dated April 9, 1968 be amended to read as follows:

1. The Lessor leases to the Lessee the premises in the City of Gardner, County of Worcester, Commonwealth of Massachusetts, described as follows:

A certain parcel of land situated in the City of Gardner, County of Worcester, Commonwealth of Massachusetts bounded and described as follows:

BEGINNING at a point on the westerly sideline of Green Street at the northeasterly corner of land now or formerly of Henry Heywood Memorial Hospital;

THENCE S69°06' 14" W by land of said Henry Heywood Memorial Hospital one hundred eighty and 09/100 (180.09') feet to a point;

THENCE Northerly over land of the City of Gardner along a curve concave to the east having a radius of eight hundred twelve and 5011 00 (812.50') feet, an arc length of three hundred sixteen and 37/100 (316.37') feet to a point;

THENCE N03°01 '05" E over land of the City of Gardner two hundred twenty- six and 86/100 (226.86') feet to a point;

THENCE northerly over land of the City of Gardner along a curve concave to the west having a radius of one thousand seven hundred eighty-seven and 50/100 (1,787.50') feet, an arc length of two hundred thirty-eight and 84/100 (238.84') feet to a point;

THENCE N85°21 '4S" E over land of the City of Gardner one hundred eighty and 00/100 (180.00') feet to a Worcester County highway bound on the westerly sideline of Green Street;

THENCE Southerly by the westerly sideline of Green Street along a curve concave to the west having a radius of one thousand nine hundred sixty-seven and 50/100 (1,967.50')

feet, an arc length of two hundred sixty-two and $89/100$ (262.89') feet to a Worcester County highway bound;

THENCE $S03^{\circ}01'05''$ W by the westerly sideline of Green Street two hundred twenty-six and $86/100$ (226.86') feet to a point;

THENCE southeasterly by the westerly sideline of Green Street along a curve concave to the east having a radius of six hundred thirty-two and $50/100$ (632.50') feet, an arc length of two hundred forty-one and $24/100$ (241.24 ') feet to the point of beginning.

CONTAINING 3.13 Acres.

The remaining land in PARCEL ONE, as previously described in Article 1 of the April 9, 1968 Agreement, is released by the Lessee to the full ownership and control of the City of Gardner (Lessor).

This description of the leased area set forth herein shall be binding on the parties notwithstanding any prior revisions, agreements, or amendments to the Lease.

All other terms of the original Lease agreement, as amended from time to time, shall remain in full force and effect until the end of the original lease term, which remains April 8, 2067.

EXECUTED in Gardner, Massachusetts as a sealed instrument the date first above written.

CITY OF GARDNER

By: Mark P. Hawke, Manager

HENRY HEYWOOD MEMORIAL
HOSPITAL

By: Winfield S. Brown, CEO/President

Robert Crosby, CFO

As auth. (See Book 58824, Page 305)

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss

_____, 2019

Then personally appeared the above named, Mark P. Hawke, Mayor, duly authorized and declared that he executed the foregoing instrument as the free act and deed of the City of Gardner, before me,

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss _____, 2019

Then personally appeared the above named, Winfield S. Brown, President of Henry Haywood Memorial Hospital, duly authorized and declared that he executed the foregoing instrument as the free act and deed of the City of Gardner, before me,

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss _____, 2019

Then personally appeared the above named, Robert Crosby, CFO, duly authorized and declared that he executed the foregoing instrument as the free act and deed of the City of Gardner, before me,

Notary Public
My Commission Expires:

NICKLESS, PHILLIPS AND O'CONNOR

ATTORNEYS AT LAW

625 MAIN STREET

FITCHBURG, MASSACHUSETTS 01420

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2019 NOV -8 AM 11:38

DAVID M. NICKLESS

C. DEBORAH PHILLIPS

JAMES L. O'CONNOR, JR.

PATRICK J. OSBORNE

Telephone: (978) 342-4590

Facsimile: (978) 343-6383

September 17, 2019

Mark P. Hawke, Mayor
City of Gardner
95 Pleasant Street
Gardner, MA 01440

Re: City of Gardner and Heywood Memorial Hospital

Dear Mayor Hawke:

I am writing to report on my review of the various leases and related documents between the City of Gardner and Henry Heywood Memorial Hospital (the "hospital") over the past 50 years. You have provided me with a letter from the hospital, including the hospital's proposed Amendment Eight, the original 1968 Lease giving rise to the current situation, seven documents labeled Amendment One through Amendment Seven, a 2007 Special Permit granted by the City's Planning Board, a 1998 deed whereby the City conveyed certain land to the hospital, and various easements relating to portions of the same land involving Mass Electric (succeeded by National Grid). In addition to a comprehensive history of the lease arrangements with the hospital over the years since the 1968 Lease was authorized, you would like to know: 1) if the hospital is occupying city-owned land not covered by the current iteration of the lease and if so, 2) how it may be remedied.

In my opinion, the hospital is currently occupying land that is not included in the current version of the lease arrangement. The 2007 Special Permit granted by the Planning Board has no effect on the hospital's leasehold with the City. The occupation of city-owned land not governed by the lease may be remedied on terms as agreed to by and between the parties. Given that there is a third party (National Grid) holding one or more easements over the same land previously or currently leased to the hospital, any amendments to the leasehold may require the involvement of that third party. In light of my review and conclusion, I cannot recommend that the hospital's proposed Eighth Amendment be endorsed by the City. However, I offer an alternative as set forth in the enclosed draft entitled "Eighth Amendment to the Lease." For your reference, all the documents mentioned in this letter are organized in chronological order in the enclosed Appendix, labelled and tabbed 1-10.

In 1968, the hospital leased two parcels of land from the City. See Appendix, at 1. According to that lease, Parcel One consisted of 8.02 acres and is located on the north side of the

hospital. This is the parcel that has become problematic over time. Parcel Two consisted of 1.40 acres and is located on the south side of the hospital.¹

Thereafter, beginning in 1980, a series of amendments to the 1968 lease were negotiated and agreed to by and between the parties. However, there is no signed copy of one of these amendments, and not all of them were recorded. For purposes of this letter, I refer to every amendment in chronological order, regardless of whether it was signed or recorded.

Amendment 1: signed in October 1980 and recorded in the registry in December 1980, permits the hospital to erect a building on the south side of the hospital. This amendment relates to Parcel Two as described in the 1968 Lease. (Book 7135, Page 310). Appendix, at 2.

Amendment 2: signed in December 1980 and recorded in the registry on the same day as Amendment 1, provides that the hospital shall pay an additional \$600 per year in rent to the City. (Book 7135, Page 314). Appendix at 3.

Amendment 3: dated January 1986, is an Agreement between the City and the hospital whereby the City permitted the hospital to mortgage and assign its interests in land described as Parcel Two in the 1968 Lease. While I have not been able to locate a signed version of this agreement, the City clerk certified the unanimous vote of the city council on January 23, 1986, to so amend the lease. Regardless, it has no import with respect to the other amendments and is recited here to provide a complete picture of the interactions between the City and the hospital concerning the leased premises. (Not recorded in registry). Appendix at 4.

Amendment 4: entitled "Amendment to Lease Agreement (Dated April 9, 1968) Between the City of Gardner and Henry Heywood Memorial Hospital," was prepared in connection with the sale of three (3) parcels of city-owned land to the hospital. It sets forth the terms of the resulting lease arrangement after the sale. The parcels being sold include all of Parcel Two as referenced in the 1968 Lease (the 1.40 acres) and other land as depicted on a plan recorded with the deed (see below). This Amendment amends the 1968 Lease so that the hospital may continue to lease a portion of Parcel One consisting of 2.16 acres following the conveyance. In conjunction with this Amendment the hospital released back to the City its interest in the remaining portion of Parcel One (5.86 acres) effective upon execution of the contract granting title of the three city-owned

¹ In 1969, the City granted Mass Electric an easement along Parcel Two recorded in Book 4955, Page 101, and shown on a plan recorded in Plan Book 328, Page 1; the hospital also granted Mass Electric an easement on its property along the southern and eastern boundary of Parcel Two, as recorded in Book 4955, Page 97. See 1969 Plan Book 327 Page 125 for location of this easement.

In 1973, the City granted another easement to Mass Electric, recorded in Book 5396, Page 226, commencing at the westerly side of the easement conveyed in 1969 and extending generally on the west and north side of Parcel One as shown on a plan recorded in Plan Book 389, Page 38; the hospital consented to this further easement, see Book 5396, Page 228.

In 1980, Mass Electric released its rights in the 1969 Easement to the hospital. That release is recorded in Book 6976, Page 118. However, this release does not include a release of the 1973 easement from the city to Mass Electric. See Appendix 11-15.

parcels to the hospital.² This Amendment was signed January 26, 1998, but not recorded. Appendix at 5.

On March 26, 1998, a deed conveying three parcels (A, B, and C) to the hospital was recorded in the registry at Book 19750, Page 159. This Deed was also signed on January 26, 1998. It refers to a plan prepared for the City by Szoc Surveyors, recorded in Book 726, Plan 2. Parcel B is the same as Parcel Two in the 1968 Lease. Appendix at 6.

Amendment 5: signed in May of 2000 and recorded in June of 2000, is entitled “Second Amendment,” and refers to the “first amendment” which is Amendment 2 (found in Appendix at 3) herein. (Book 22705, Page 320). Appendix at 7.

Amendment 5 does not recognize Amendment 4, or the hospital’s acquisition of three parcels from the City. It refers to Parcel One as containing 8.02 acres. However, this Amendment was much like Amendment 3. It was prepared to permit the hospital to grant a mortgage for purposes of borrowing money. It was the lender’s responsibility to determine if the document prepared and recorded at that time was sufficient for its purposes. It cannot be considered conclusive between the City and the hospital as to the size of the area the hospital was then leasing from the City.

Amendment 6: signed in July of 2016 and recorded in August of 2016. It is entitled “Third Amendment.” We now know that this amendment is the sixth time that the 1968 Lease was “amended.” In this Amendment 6, the City grants the hospital a right to construct and maintain a solar carport system on a portion of “Parcel 1,” presumably referring to Parcel One in the 1968 Lease. There is no acreage or legal description in this amendment. The carport system is to be located on the “existing parking lot,” and the system is to be built on all or a portion of Parcel 1. (Book 55817, Page 392). Appendix at 8.

Amendment 7: signed in September of 2017 and recorded in October of 2017. It is entitled “Fourth Amendment,” but as we have learned from the above recited history, it is the seventh time the 1968 Lease between the City and the hospital was amended. It specifically permits a charitable project prohibited by the original Lease. It refers to Parcel One as consisting of 2.16 acres and includes a legal description consistent with the legal description in the 1998 amendment (Amendment 4 herein). In my opinion this is instructive, if not conclusive, as it indicates that the parties recently recognized the 1998 transactions. (Book 57862, Page 98). Appendix at 9.

The hospital’s letter of May 2019 asserts that a 2007 Special Permit (Appendix at 10) granted by the Planning Board may inform us as to what the hospital and the City actually agreed to in 1998. The letter explains that in 2007 the hospital applied for and was granted a Special

² Notwithstanding the view expressed in the hospital’s letter to the City Council of May 20, 2019, I do not agree that the description of the leased land in the 1998 Amendment whereby the acreage of the hospital’s leasehold was reduced to 2.16 acres was an error. Indeed, the hospital’s own Resolution, set forth in its Clerk’s Certificate of vote specifies that, “[i]n consideration of a grant by the City...of title to certain land... the Hospital ... shall release to the City the Hospital’s leasehold interest in approximately 5.86 acres of land...” Parcel One in the 1968 Lease contained 8.02 acres. Amendment 4 specifies that the reduced size of Parcel One (the portion that will continue to be leased by the hospital) will thereafter contain 2.16 acres. $5.86 + 2.16 = 8.02$; the original size of Parcel One.

Permit to expand the northern parking lot, resulting in its present configuration. According to the hospital, the expansion includes land that was included in the 1968 Lease, “with the exception of the slope from the ridgeline down the wooded hillside,” and the hospital states that it includes a portion of land omitted from the 1998 amendment of approximately 3.13 acres. The hospital further states, “[i]t appears that the City’s grant of the Special Permit in 2007 relied on the leased land description from the original 1968 lease, less the wooded hillside.”

The Planning Board relied in this case, as it does in all cases, on the information provided by the applicant, or its representative, when the application is submitted. The applicant is responsible for supplying the Board with ownership information or otherwise demonstrating its right to use land for which it seeks the Special Permit. The Planning Board is not responsible for examining the nature or quality of the title asserted by an applicant. This Board has no authority and does not purport to authorize a use on property in which an applicant has no legal interest. Unless or until an applicant’s right to use property is questioned through the public hearing process, the Board proceeds on the material and information submitted by the applicant. Typically, if a question is raised, the Board will require the applicant to produce further evidence of its right to seek the permit. I reviewed the minutes of the public meetings at which the Planning Board conducted its public hearing on this application. It is fair to conclude that no one questioned whether the size of the area designated for the expansion of the parking lot exceeded the area the hospital was entitled to use at that time. The Planning Board granted the Special Permit as requested. The hospital’s subsequent reliance on the Special Permit to construct parking on 3.13 acres of Parcel One does not shed light on whether the City and/or the hospital made an error in 1998. Nor does it otherwise authorize the hospital’s use of nearly an acre of the City’s land that was not included in the lease that was in effect in 2007.

To date, no documentation has been presented or located suggesting that the City and/or the hospital made a mistake, mutual or otherwise, in 1998. In fact, the documents support the opposite conclusion. The hospital board’s resolution voted on October 14, 1997, specifically states that the consideration for its acquisition of title to certain city-owned land is \$24,500 and the release of its interest in 5.86 acres of Parcel One. See Resolution attached to Amendment 4. The 5.86 acres released by the hospital, added to the 2.16 acres specifically described in Amendment 4, and more recently in Amendment 7, total 8.02 acres, the same as Parcel One in the 1968 Lease. I cannot reconcile the hospital’s view that the City intended to allow it to retain a leasehold in 3.13 acres, or that the hospital did not realize it was retaining only 2.16 acres with these documents. Therefore, I cannot recommend the language in the hospital’s proposed eight amendment.

I understand that the City and the hospital are amenable to rectifying the situation at this time so that the hospital may move forward with its current plans. It must be noted that National Grid (successor in interest to Mass Electric) continues to have an easement over the City’s land that was previously leased by the hospital. See Note 1. Any successful arrangement providing the hospital with the rights necessary for it to move forward with its plans must include National Grid’s

cooperation and agreement. With that in mind, I propose the enclosed Eighth Amendment to the Lease.

I recommend that the city's engineering department review the plan submitted by the hospital with its proposed eighth amendment to ensure that the location of the 3.13 acres is clearly and accurately delineated to the city's satisfaction.

If you have any further questions or concerns regarding this matter, please do not hesitate to contact me.

Very truly yours,


C. Deborah Phillips

CDP/st

Enclosures

6-2

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EASEMENT RELOCATION AGREEMENT

THIS EASEMENT RELOCATION AGREEMENT (this "Agreement") is made as of the day of _____, 2019 by and between MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation, having an office at 40 Sylvan Road, Waltham, MA 02451 (hereinafter "MEC"), and the CITY OF GARDNER, a municipal corporation with an address c/o City Hall, 95 Pleasant Street, Gardner, MA 01440 (the "City").

RECITALS:

WHEREAS, MEC is the owner of certain perpetual rights and easements for transmission line purposes over, across and upon certain lands in the City of Gardner, Worcester County, Massachusetts, being more particularly described in that certain easement from the City of Gardner dated October 2, 1973 and recorded with the Worcester District Registry of Deeds (the "Registry") in Book 5396, Page 226, and shown on that plan recorded with the Registry in Plan Book 389 as Plan 38 (hereinafter the "Existing MEC Easement");

WHEREAS, the City is the owner of a certain parcel of land in the City of Gardner, Worcester County, Massachusetts, more particularly described in that certain deed from Heywood Farm, Inc., to the City dated July 29, 1937 and recorded with the Registry in Book 2701, Page 9 (hereinafter the "Property"), which is subject, in part, to the Existing MEC Easement;

WHEREAS, the City leases a certain portion of the Property to Henry Heywood Hospital (HHH);

WHEREAS, HHH constructed a solar carport on the Property (the "Project"), portions of which Project are located within and materially interfere with the Existing MEC Easement;

WHEREAS, to resolve the interference with the Existing MEC Easement caused by the Project, MEC has agreed to relocate a portion of the Existing MEC Easement to another location on the Property, which relocation shall include the following (hereinafter collectively the "Easement Relocation"): (a) the grant by the City of a permanent 30' wide easement on the Property, free and clear of all encumbrances having priority over the easement, in the form attached hereto as Exhibit A and made a part hereof (hereinafter the "New Easement") for those locations shown as "PROPOSED 30' WIDE MASSACHUSETTS ELECTRIC COMPANY EASEMENT AREA "B" = 11,881 S.F." and "AREA "A" = 5,932 S.F." on that plan (the "Easement Relocation Plan") entitled: "EASEMENT PLAN OF LAND IN GARDNER, MASSACHUSETTS; SCALE 1" = 40'; DATE: MAR. 15, 2019," prepared by Hannigan Engineering, Inc. of Leominster, MA, a reduced copy of which Easement Relocation Plan is attached hereto as Exhibit B and made a part hereof, and which Easement Relocation Plan shall be recorded with the Registry on or before the recording of the New Easement; (b) delivery to MEC of any Subordination Documents and Authority Documents (both as hereinafter defined) in connection with said New Easement; and (c) upon the recording of the New Easement, Easement Relocation Plan and any Subordination Documents and Authority Documents (collectively, the "Easement Relocation Documents"), MEC shall deliver a partial release of the Existing MEC Easement whereby MEC will release a portion of its right, title and interest in and to the Existing MEC Easement from that location shown

shaded on the Easement Relocation Plan and labeled as “ APPROXIMATE LOCATION OF 30’ WIDE MASSACHUSETTS ELECTRIC COMPANY EASEMENT BK. 5396-226 PL. BK. 389-38 SEE ALSO BK. 5396-228 (TO BE EXTINGUISHED)” (the “Partial Release”);

WHEREAS, in consideration for MEC’s agreement to the Easement Relocation, the City of Gardner has agreed to pay to MEC the costs associated therewith, including without limitation, any and all costs associated with the development of Easement Relocation Plan and any and all recording fees; and

WHEREAS, the parties have reached an agreement as to the terms and conditions under which MEC is willing to undertake the Easement Relocation, and they desire to hereby document their agreement as to such.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged under seal, the parties hereto agree as follows:

SECTION I - RELOCATION AGREEMENT

1.1 Subject to the term and conditions set forth in this Agreement, the City hereby agrees to execute and deliver the Easement Relocation Documents to MEC within thirty (30) days following the execution of this Easement Relocation Agreement. Upon receipt and recordation of the Easement Relocation Documents and payment of the Estimate, MEC shall record the Partial Release in the form attached hereto as Exhibit C and made a part hereof.

SECTION 2 - COSTS AND EXPENSES; PAYMENT

2.1 The City shall be solely responsible for, and hereby agrees to pay the entire cost of, the Easement Relocation including, without limitation, general and administrative costs; the costs to prepare the Easement Relocation Plan; recording fees; and legal fees and expenses as set forth in this Agreement.

2.2 MEC estimates that the total cost of the work done by MEC hereunder is equal to One Thousand Six Hundred and Fifty Dollars (\$1,650.00) (the “Estimate”), and the City hereby acknowledges receipt of this Estimate. The City hereby acknowledges that (a) the Estimate is only a good faith estimate of the total costs that MEC will incur in connection with the Easement Relocation as of the date of the Estimate; (b) that the Estimate may not include all categories of expenses associated with the Easement Relocation; and (c) that the City is responsible for all categories of expenses associated with the Easement Relocation, regardless of whether such categories of expenses are included in the Estimate. Notwithstanding the foregoing, at this time, MEC does not anticipate the total costs to substantially exceed the Estimate.

2.3 Immediately upon the City’s execution and delivery of these presents to MEC, the City shall deliver to MEC the following: (a) a certified check in an amount equal to the Estimate (the “Estimate Payment”). Upon the recording of all of the Easement Relocation Documents and the Partial Release, the City shall pay, on demand, any and all direct and indirect costs and

expenses incurred by MEC in connection with the Easement Relocation to the extent said costs and expenses exceed the Estimate Payment.

SECTION 3 - CONDITIONS TO MEC'S OBLIGATIONS

3.1 MEC's obligations under this Agreement to deliver the Partial Release to the City are expressly contingent upon (a) the prompt payment to MEC by the City of any and all amounts required to be paid hereunder; (b) the execution, delivery, and recording of the New Easement and the Easement Relocation Plan; (c) MEC shall have received from the City, at the City's sole cost and expense, good, clear, record and marketable title to the New Easement, free and clear of all liens and encumbrances having priority over the New Easement; (d) receipt by MEC of releases, consents, and/or subordinations of any sublessees, assignees, mortgagees or any other party whose interest in the Property has priority over MEC's interest in the New Easement (collectively, the "Subordination Documents") generally in the form attached hereto as Exhibit D and made a part hereof, which Subordination Documents shall be obtained by the City at its sole cost and expense and shall be satisfactory to MEC in its sole but reasonable discretion; (e) receipt by MEC of all votes and authority documents ("Authority Documents") evidencing the City's and, with respect to the Subordination Documents, other such entities authority to enter into, and be bound by, all of the agreements referenced or described herein, which Authority Documents shall be obtained at the City's sole cost and expense and shall be satisfactory to MEC in its sole but reasonable discretion; and (f) the City's compliance with all of the other terms and conditions of this Agreement.

SECTION 4 - PARTIAL RELEASE OF EASEMENT RIGHTS

4.1 Until such time as a Partial Release has been executed by MEC and recorded with the Registry, nothing in this Agreement shall be deemed or construed as an abandonment or release of any of the rights and easements of MEC, and MEC specifically reserves said rights and easements, including without limitation the rights to clear and keep cleared the Existing MEC Easement of all vegetation and structures that may interfere with its easement, to pass and repass with vehicles and equipment, to reconstruct, maintain, operate, repair, renew, replace, add to and otherwise change any power lines, structures, guys, anchors or other facilities to meet the needs of its business, to construct towers, poles and lines of higher voltage thereon, and to relocate existing and/or future transmission structures, towers, poles and lines, at MEC's cost and expense.

4.2 MEC shall have no obligation to execute and deliver a Partial Release of Easement for portions of the Existing MEC Easement until the conditions set forth in Section 3 hereof have been satisfied.

SECTION 5 - DEFAULT

5.1 In the event the City shall at any time fail to make any payment due hereunder to MEC or fail to observe or perform any of the other covenants and agreements required to be performed and observed by the City and such default shall continue for a period of thirty (30) days for monetary obligations (for which no notice shall be necessary) or for a period of thirty (30) days after written notice to the City (or if such default is incapable of being cured in a reasonable manner within thirty (30) days, the City has not commenced to cure the same within said thirty (30) day

period and diligently prosecuted the same to completion) and the City shall not cure such default, then subject to the provisions of this Section 5, MEC shall be entitled, at its election, to bring suit for the collection of such payments or other amounts for which the City may be in default, for the performance of any other City covenant or agreement hereunder, including specific performance, and for any damages incurred by MEC, all without terminating this Agreement. MEC shall also be entitled, at its election, to terminate this Agreement. In the event MEC terminates this Agreement, all obligations of MEC shall cease and terminate (except those that expressly survive the termination of this Agreement), except that MEC may sue for and collect all direct and related indirect costs of the Easement Relocation not previously paid by the City and other amounts due as a result of the City's default and all damages to MEC by reason of any such breach.

5.2 In the event that MEC fails to record the Partial Release within thirty (30) days following the recordation of the Easement Relocation Documents, the City shall be entitled to bring suit for specific performance of the recordation of the Partial Release.

SECTION 6-MISCELLANEOUS

6.1 This Agreement shall not be assignable, in whole or in part, by the City to any other person or entity, and any such assignment in violation of this provision shall be null and void.

6.2 This Agreement and any amendment hereof may be executed in several counterparts and by each party on a separate counterpart, each of which when so executed and delivered shall be an original and all of which together shall constitute one instrument. In proving this Agreement it shall not be necessary to produce or account for more than one such counterpart signed by the party against whom enforcement is sought.

6.3 The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the respective legal representatives, successors and/or assigns of the parties hereto.

6.4 All Exhibits referred to herein are intended to be and hereby are specifically made a part of this Agreement.

6.5 This Agreement, including the Exhibits, easements, documents, agreements, certificates and instruments referred to herein, embody the entire agreement and understanding of the parties hereto in respect of the transactions contemplated by this Agreement. There are no restrictions, promises, representations, warranties, covenants or undertakings, other than those expressly set forth or referred to herein or therein. This Agreement supersedes all prior agreements and understandings between the parties with respect to the subject of this Agreement.

6.6 The section headings contained in this Agreement are solely for the purpose of reference, are not part of the agreement of the parties hereto and shall not in any way affect the meaning or interpretation of this Agreement.

6.7 Subject to the terms and conditions of this Agreement, each of the parties hereto will use all reasonable efforts to take, or cause to be taken, all action, and to do, or cause to be done, all things necessary, proper or advisable under applicable laws, rules and regulations to complete and make effective the Easement Relocation pursuant to this Agreement. From time to

time after the date hereof, without further consideration but subject to the terms and conditions of this Agreement, the City will, at its own expense, execute and deliver such documents to MEC as MEC may reasonably request in order more effectively to complete the Easement Relocation. From time to time after the date hereof, without further consideration but subject to the terms and conditions of this Agreement, MEC will, at the City's sole cost and expense, execute and deliver such documents to the City as the City may reasonably request in order more effectively to complete the Project.

6.8 Each of the parties hereto hereby represents and warrants to the other party hereto that (a) such party has the power and authority to execute, deliver and perform its respective obligations under this Agreement, and (b) the person(s) executing and delivering this Agreement on behalf of such party are duly authorized to so execute and deliver this Agreement. The City hereby represents and warrants to MEC that the City is the record owner of the Property.

6.9 the City hereby acknowledges that MEC would not undertake the Easement Relocation but for the following, as set forth in this Agreement: (a) the City's agreement to pay for all of the direct and related indirect costs incurred by MEC in connection with the Easement Relocation; and (b) the City's agreement to obtain the Easement Relocation Documents.

6.10 This Agreement shall automatically terminate, be of no further force and effect and without recourse to either party except for those provisions contained herein that expressly survive the termination of this Agreement upon the earlier of (a) completion of the Easement Relocation; or (b) December 31, 2019. The City understands and agrees that, regardless of whether this Agreement is terminated for any reason, including without limitation the City's default hereunder, the City shall be solely responsible and liable for and hereby agrees to pay the entire cost of the Easement Relocation.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized representatives, under seal, on the day and year first written above.

MASSACHUSETTS ELECTRIC COMPANY

By: _____
Title:
Name:

CITY OF GARDNER

By: _____
Name:
Title:

Mayor RECEIVED

From: 2019 NOV -8 AM 11:38 Chris Coughlin
Sent: Thursday, November 7, 2019 1:43 PM
To: CITY CLERK'S OFFICE Debbie Phillips
Cc: GARDNER, MA Mayor
Subject: RE: Hospital Easement

Debbie,

Easement "A", Easement "B" & "3.13 Acre Land Lease Area" all looked fine. The plan matched all their respective descriptions accurately.

If you need anything else just let me know.

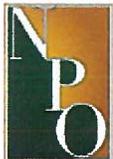
Thanks,

-Chris

From: Debbie Phillips <dphillips@NPOlegal.com>
Sent: Wednesday, October 30, 2019 12:22 PM
To: Chris Coughlin <ccoughlin@gardner-ma.gov>
Subject: Hospital Easement

Chris,

The plan showing the hospital's proposed correction of the easement is attached as the last page to this PDF (also Hannigan). The legal description starts on the 5th page of this PDF-its page 2 of their proposed amendment. If you can check those for accuracy, it would be great as well. Thanks again. Debbie



**NICKLESS,
PHILLIPS
and O'CONNOR**

C. DEBORAH PHILLIPS, ESQ.
NICKLESS, PHILLIPS AND O'CONNOR | ATTORNEYS AT LAW
625 MAIN STREET | FITCHBURG, MA 01420
PHONE: (978) 342-4590 | FAX: (978) 343-6383
www.NPOLEGAL.com

From: [Morancy, Nadine](#)
To: [Alan Agnelli](#)
Cc: [Mayor](#)
Subject: 200 Catherine Street, Gardner Easement & Sketch WR# 28733033
Date: Friday, May 29, 2020 11:26:45 AM
Attachments: [1-28733033 200 Catherine Street, Gardner, Ma \(2\).doc](#)
[Sketch 200 Catherine Street, Gardner.pdf](#)
Importance: High

nationalgrid

May 30, 2020

Alan L. Agnelli,

Attached herewith please find a Distribution Easement, along with a National Grid Sketch, "Exhibit A," showing the relocated pole line and the transformer feeding the pole line for your review covering property located on 200 Catherine Street, Gardner, Massachusetts. This easement grants National Grid the right to install, operate, and properly maintain the lines and equipment upon and/or beneath property.

IMPORTANT:When printing the attachment, please use single sided printing.**

Kindly have Mayor Elizabeth Kazinskas sign the enclosed easement in the presence of a Notary and return the original signed and notarized document to me at your earliest convenience.

Once complete please mail the entire original signed and notarized document, along with the sketch, to me at: Nadine J. Morancy, National Grid, 939 Southbridge Street, Worcester, MA 01610. ****It is very important that you return the document, only to the address cited above.

Please be advised that we are unable to schedule this important work until this document has been returned to us. The documents' timely return is very important.

It has come to my attention that you have requested the easement be sent to you in Word. Please note our easement language is approved by the Department of Public Utilities and it is very important that we stay as close to its current language as possible. We thank you for your understanding.

I thank you in advance for your time and attention. Should you have any questions, please do not hesitate to contact me at 1-508-860-6455. (Covid19 additional contact number between the hours of 6:30 a.m. and 2:30 p.m. Monday through Friday, 508-341-3366, personal cell number).

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL WITH A RETURN EMAIL. THANK YOU!

Respectfully,

Nadine J. Morancy
Real Estate Representative
Attachment: Easement & Sketch

Nadine J. Morancy
Real Estate Representative
Right of Way and Survey Engineering
nationalgrid | [Business Services](#)

1-508-860-6455
Nadine.morancy@nationalgrid.com

939 Southbridge Street, 2nd Floor, Worcester, Ma 01610
[nationalgrid.com](#) | [Twitter](#) | [LinkedIn](#) | [Facebook](#)

Please visit <https://ngus.force.com/electric/s/> to enter or check the status of your National Grid Work Request online!

Please consider the environment before printing this email.

Advance notice of vacation: No vacation days booked

This e-mail, and any attachments are strictly confidential and intended for the addressee(s) only. The content may also contain legal, professional or other privileged information. If you are not the intended recipient, please notify the sender immediately and then delete the e-mail and any attachments. You should not disclose, copy or take any action in reliance on this transmission.

You may report the matter by contacting us via our [UK Contacts Page](#) or our [US Contacts Page](#) (accessed by clicking on the appropriate link)

Please ensure you have adequate virus protection before you open or detach any documents from this transmission. National Grid plc and its affiliates do not accept any liability for viruses. An e-mail reply to this address may be subject to monitoring for operational reasons or lawful business practices.

For the registered information on the UK operating companies within the National Grid group please use the attached link: <https://www.nationalgrid.com/group/about-us/corporate-registrations>

Property Address: 200 Catherine Street, Gardner, MA (Southern Worcester County)

GRANT OF EASEMENT

CITY OF GARDNER, a municipal corporation having a mailing 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**, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, three (3) poles and one (1) anchor, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Gardner, Worcester South County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon a certain parcel of land situated off the easterly side of Blanchard Street, being more particularly shown as "PARCEL 2" shown on a Plan of Land recorded with the Worcester South County Registry of Deeds in Plan Book 399, Plan 67.

WR #28733033

Address of Grantees:
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

Return to:
Nadine J. Moraney
National Grid USA
Service Company, Inc.
939 Southbridge Street
Worcester, MA 01610

05 GARDMA GEN

Said "OVERHEAD SYSTEM" is to be installed on Grantor's property, which is located off the easterly side of Blanchard Street, to consist of Pole p9-5, Pole p9-42, Pole P9-41, Pole p9-4 and an anchor to be affixed to Pole p9.

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "Exhibit "A" Not Drawn To Scale; The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.; Easement Sketch For New Poles, Anchors & Overhead Wires At 200 Catherine St, Gardner, Ma (Gardner High School); Date: 05/21/2020; Designer: S.W. Soucy; Work Req# 28733033; nationalgrid," a reduced copy of said sketch is attached hereto as "Exhibit A", copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

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, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND 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 Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

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 the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of 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" and "UNDERGROUND SYSTEM".

It is agreed that the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its 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" and "UNDERGROUND SYSTEM".

For Grantor's title, see an Order of Taking by the City of Gardner dated June 4, 1974, recorded with the Worcester South District Registry of Deeds Book 5534, Page 255.

IN WITNESS WHEREOF, the City of Gardner has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by, Elizabeth Kazinskas its Mayor, being thereto duly authorized this _____ day of _____, 2020.

CITY OF GARDNER
Acting by and through its
Mayor

By: Elizabeth Kazinskas
Its: Mayor

Commonwealth of Massachusetts

County of _____ } ss.

On this the _____ day of _____, 2020, before me,

Name of Notary Public the undersigned Notary Public,

personally appeared ELIZABETH KAZINSKAS, proved to me through satisfactory evidence of identity, which was

Description of Evidence of Identity

to be the person whose name is signed on the preceding Grant of Easement and acknowledged to me that she signed it voluntarily for its stated purpose, as the Mayor of the CITY OF GARDNER.

Signature of Notary Public

Printed Name of Notary

My Commission Expires _____

Place Notary Seal and/or Any Stamp Above

05 GARDMA GEN

CITY OF GARDNER

TO

MASSACHUSETTS
ELECTRIC COMPANY

GRANT OF EASEMENT

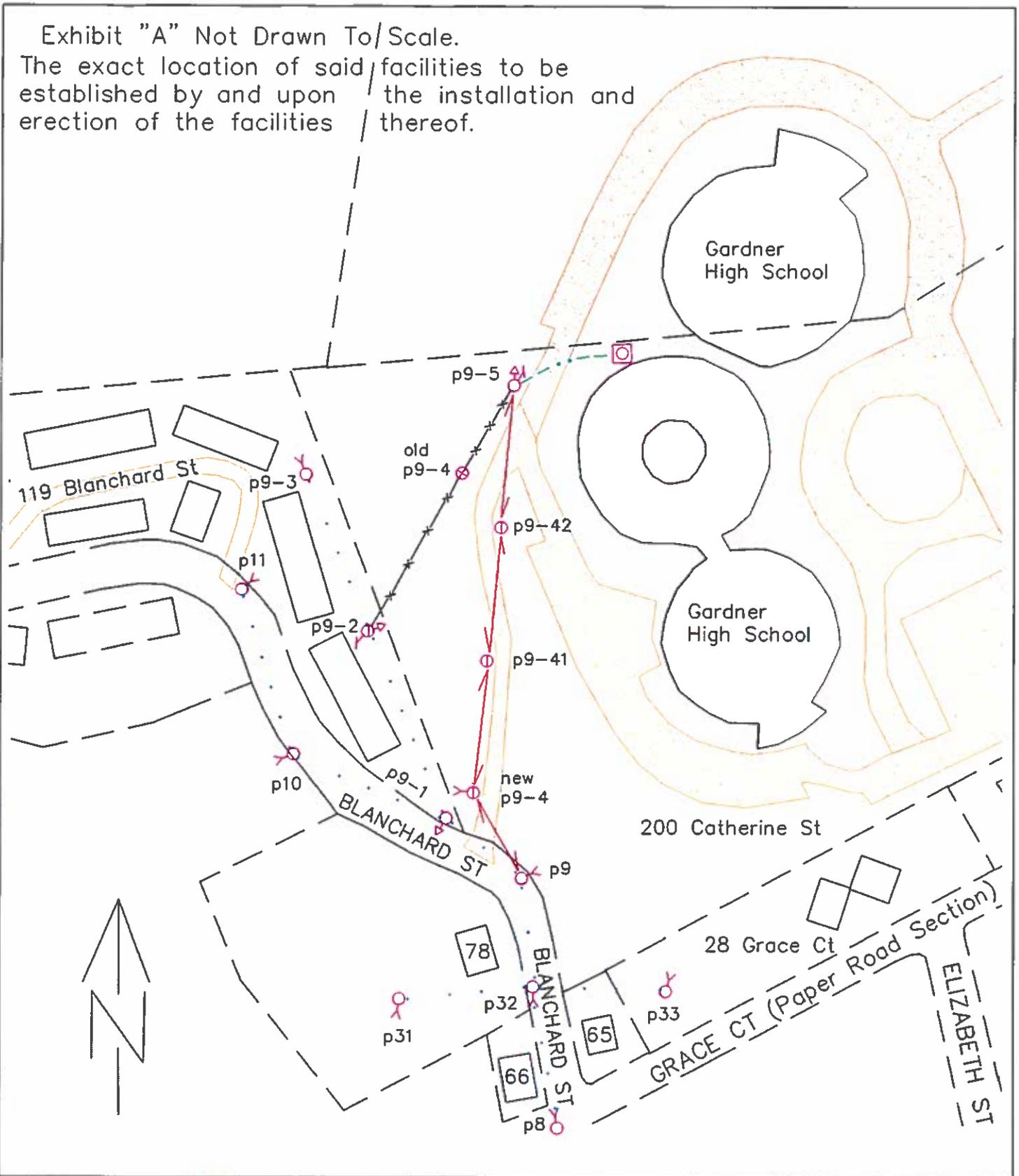
RETURN TO:

NADINE J. MORANCY
NATIONAL GRID USA
SERVICE COMPANY, INC.
939 SOUTHBRIDGE STREET
WORCESTER, MA 01610

Approved By: _____

Exhibit "A" Not Drawn To/Scale.

The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.



LEGEND

	EXISTING JOINTLY OWNED POLE		EXISTING UG WIRES
	EXISTING JO ANCHOR & GUY		LOT LINE & STREET R.O.W.
	PROPOSED JO ANCHOR & GUY		EXISTING OVERHEAD WIRES
	PROPOSED JO ANCHOR & GUY		PROPOSED OVERHEAD WIRES
	EXISTING POLE BEING REMOVED		OH WIRES TO BE REMOVED
	ANCHOR BEING REMOVED		STREET PAVEMENT
	UNDERGROUND TRANSFORMER		DRIVEWAY
			BUILDING

Easement Sketch For New Poles, Anchors, & Overhead Wires At 200 Catherine St, Gardner, MA (Gardner High School)

Date: 05/21/2020
 Designer: S.W. Soucy
 Work Request:

Work Req# 28733033

nationalgrid