

**CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE MEETING
Wednesday – October 16, 2019 – 12:00 PM
City Council Chamber - City Hall**

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 October 7, 2019 Regular Meeting Minutes.

- 3-1 A Measure Confirming the Mayor’s Appointment of Nancy Binder to Member, License Commission, for term expiring October 3, 2022 *(Reappointment)*.

- 3-2 A Measure Confirming the Mayor’s Appointment of Michael Fitzsimmons to Member, License Commission, for term expiring October 3, 2022 *(Reappointment)*.

- 3-3 #10176, A Measure Designating the Assistant Treasurer/Collector to Act in Certain Matters on Behalf of the Treasurer/Collector *(In City Council and Referred to the Finance Committee, 10/7/2019)*.

- 4-1 #10170, An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Thereof, Entitled “Vehicles and Traffic,” Section 600-18, Parking Meters *(In City Council and Referred to the Finance Committee, 9/16/2019)*.

- 4-2 #10175, An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel,” to Change Compensation Schedule “Exhibit E – Non-Union Employees” Purchasing Director *(In City Council and Referred to the Finance Committee, 10/7/2019)*.

- 5-1 A Measure Ordering the November 5, 2019 City Election.

- 7-1 City Council Rules Amendments *(Postponed, 10/7/2019)*.

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 OCTOBER 7, 2019

The Finance Committee meeting was called to order by Councillor James Walsh at 6:30 p.m. in the City Council Chamber, Room 219, City Hall.

Finance Committee Members present were and Councillors Ronald Cormier and James Walsh. Council President Scott Joseph Graves was absent.

Others participating were City Assessor Susan Byrne and City Clerk Alan Agnelli.

Councillor Walsh asked if anyone present planned to record the meeting, in accordance with the requirements of the Open Meeting Law, as follows:

Any person may make a video or audio recording of the open session of this meeting so long as it does not interfere with the conduct of the meeting. All documents and exhibits used or referenced at this meeting shall be submitted in duplicate to the City Clerk, as they become part of the minutes of the meeting. Is there anyone present who will be recording this meeting?

No one responded.

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

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to approve the Minutes of the September 16, 2019 Regular Meeting, as printed.

3-1 A Measure Confirming the Mayor's Appointment of Neil Janssens to Member, Redevelopment Authority, for term expiring September 10, 2024.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council to confirm the Mayor's Appointment of Neil Janssens to Member, Redevelopment Authority, for term expiring September 10, 2024.

3-2 A Measure Confirming the Mayor's Appointment of Susan Byrne to City Assessor for term expiring September 23, 2022.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council to confirm the Mayor's Appointment of Susan Byrne to City Assessor for term expiring September 23, 2022.

3-3 A Measure Designating the Assistant Treasurer/Collector to Act in Certain Matters on Behalf of the Treasurer/Collector.

Councillor James Walsh suggested that the Finance Committee move to recommend that the Measure be referred back to the Finance Committee for further study. He stated that it is not certain that the Job Description that the Mayor provided was sufficient to address compliance with the Ethics requirement.

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF OCTOBER 7, 2019

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council that the Measure be referred back to the Finance Committee for further study.

4-1 **#10170, An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Thereof, Entitled “Vehicles and Traffic,” Section 600-18, Parking Meters (In City Council and Referred to the Finance Committee, 9/16/2019).**

The Committee postponed discussion until the next meeting.

4-2 **An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel,” to Change Compensation Schedule “Exhibit E – Non-Union Employees” Purchasing Director.**

Councillor Ronald Cormier stated that the Mayor indicated to him that he plans to appoint Assistant Director of Community Development and Planning Joshua Cormier to the position of Purchasing Director and to hire him at a lower rate of pay.

Councillor James Walsh said that he found it troubling that the Mayor proposed to increase the Purchasing Director’s salary by \$3,500 when he had another candidate, who subsequently withdrew. He said that it confirms his belief that the employee positions should have steps, as recent compensation changes have “created a circus,” so he believes that the salary should remain as it is.

Councillor Ronald Cormier suggested that the Mayor be requested to prepare a compensation step proposal for the position.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend to the City Council that the Measure be referred back to the Finance Committee and the Mayor for wage steps.

6-1 **A Measure Declaring Surplus for Purpose of Disposal Land and Buildings at 3 Watkins Street.**

Councillor Walsh noted that land alone is assessed at \$30,000, which is comprised of ¼ acre, so he suggested that the minimum bid be set at \$20,000.

Councillor Cormier added that if there are no bidders for the property, then the minimum bid price could be revisited.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 3 Watkins Street, further identified on the City of Gardner Assessor's Map as H27-10-3, to establish as a minimum amount of \$20,000.00 to be paid for any conveyance of said

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF OCTOBER 7, 2019

property, and to authorize the Mayor to convey said land, or part thereof, for such amount or a larger amount, and upon such other terms as the mayor shall consider proper in accordance with this Vote.

7-1 City Council Rules Amendments

The Committee postponed discussion until the next meeting.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to adjourn at 6:37 p.m.

October 3, 2019

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

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

143 Graham Street, Gardner, MA

[Signature of Mark P. Hawke]

Mark P. Hawke

Confirmed by City Council _____

Alan L. Agnelli
City Clerk

Expires: October 3, 2022

Worcester, ss., _____

Then personally appeared the above named Nancy Binder and made oath that he/she would faithfully and impartially perform the duties of the office of Member, License 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 _____

October 3, 2019

2019 OCT - 3 11 11 PM

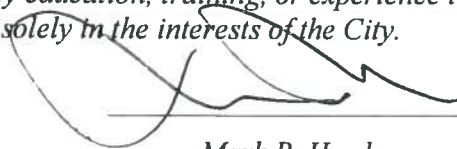
Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Michael Fitzsimmons to the position of Member, License Commission, and I certify
73 Brook Lane, Gardner, MA
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the
duties of said office, and that I make the appointment solely in the interests of the City.



Mark P. Hawke
Mayor

Confirmed by City Council _____

Alan L. Agnelli
City Clerk

Expires: October 3, 2022

Worcester, ss., _____

Then personally appeared the above named Michael Fitzsimmons and made oath that
he/she would faithfully and impartially perform the duties of the office of Member, License
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 _____



CITY OF GARDNER
TREASURER/COLLECTOR'S DEPARTMENT

RECEIVED

Jennifer A. Dymek, Treasurer / Collector
95 Pleasant Street, Room 116
Gardner, MA 01440
Tel: 978-630-4016 * Fax: 978-630-2520

2019 SEP 30 AM 9:53

CITY CLERK'S OFFICE
GARDNER, MA

September 30, 2019

Council President Graves
Councilor Walsh
Councilor R. Cormier
95 Pleasant Street
Gardner, MA 01440

RE: Intent to Abstain

Gentlemen:

In order to comply with State Ethics requirements, it is my intent to abstain from any and all matters that may involve any of my immediate family members.

I respectfully request that you, my appointing authority, appoint someone to act on my behalf, in any of those matters.

Regards,

Jennifer Dymek
Treasurer/Collector

10170

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC," ARTICLE V, PARKING METERS.

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

Section 1. Section 600-18 of Chapter 600, Vehicles and Traffic, of the Code of the City of Gardner is hereby amended by striking Subsection B in its entirety.

Section 2. This ordinance shall become effective upon passage and publication as required by law.

Chapter 600. Vehicles and Traffic

Article V. Parking Meters

§ 600-18. Three-hour parking meters.

[6-3-2002 by Ord. No. 1369; amended by 9-21-2009 by Ord. No. 1498; 9-21-2009 by Ord. No. 1499; 11-18-2013 by Ord. No. 1563; 12-5-2016 by Ord. No. 1595; 5-15-2017 by Ord. No. 1602]

- A. No person shall park a vehicle for a period of time longer than three hours between the hours of 9:00 a.m. and 6:00 p.m. at any metered location on the streets or portions thereof listed below. This restriction shall not apply on Sundays or during the hours of legal holidays during which business establishments are required by law to remain closed.

Name of Street	Side	Location
Central Street	East	From West Lynde Street northerly to Pine Street
Central Street	South	From a point 104 feet east of the eastern intersection of Pine Street, then easterly a distance of 80 feet (4 spaces)
Central Street	West	From the northerly corner of the Flat Iron Building, then southerly to Vernon Street
City Hall Avenue		From Pleasant Street to Connors Street
Main Street	East	From a point 60 feet north of the northerly intersection of Willow Street, then northerly to West Lynde Street
Main Street	West	126 feet south from the intersection of City Hall Avenue, then southerly to a point 20 feet north of the northerly intersection of Willow Street
Parker Street	North	Between Vernon Street and Oak Street
Parker Street	South	Between Pleasant Street and Nichols Street
Pleasant Street		From Parker Street to City Hall Avenue
West Lynde Street	North	Between Central Street and Lake Street Extension
West Street	North	Between Parker Street and Oak Street

- B. The actual location of meters to be placed within the above locations shall be designated and may from time to time be changed by vote of the City Council Public Safety Committee.

City of Gardner, MA
Wednesday, August 7, 2019

Chapter 600. Vehicles and Traffic

Article III. Traffic Signs, Signals, Markings and Zones

§ 600-9. Location of bus stops, taxicab stands, service zones and parking meters.

The City Council shall have the power to designate the location of all bus stops, taxicab stands and service zones within the City, and in the case of taxicab stands the Chief of Police shall designate who shall use them. Nothing contained in Article V shall be construed as prohibiting the City Council from designating the location of and making provisions for bus stops, taxicab stands and service zones on any street or part thereof which has been or may hereafter be designated as a parking meter zone. It shall have the power to designate the location of all parking meter zones, parking meters and parking meter spaces within the City.

City of Gardner, *Executive Department*

Mark Hawke, Mayor



2019 OCT -1 PM 12:14

September 30, 2019

Attorney Scott J. Graves, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Salary Ordinance - Purchasing Director

Dear President Graves and Councilors,

Attached please find a change to the salary ordinance for the position of Purchasing Director.

We have discussed the position responsibilities and duties with Joshua Cormier and he has agreed to accept the position at the rate made effective in the ordinance.

Mr. Cormier is currently employed by the City as the Assistant Director of Development & Planning. Mr. Cormier has worked for the City in the Community Development and Planning Department since June of 2013. Prior to that, Mr. Cormier was a City Councilor and a bank manager.

Mr. Cormier has been performing many similar duties in his current as will be required in the role of Purchasing Director. He will be attaining his Massachusetts Certified Public Purchasing Official designation in November, 2019. Mr. Cormier is a Gardner resident and a male.

Mr. Cormier's appointment will be forthcoming as we are working out a transition plan so as to not hinder the performance of one department while placing him in another. I expect his appointment to be on your agenda at your October 21 meeting.

Respectfully,



Mark Hawke
Mayor, City of Gardner

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL," TO CHANGE THE COMPENSATION OF SCHEDULE 1, YEARLY SALARY OF THE PURCHASING AGENT/CIVIL ENFORCEMENT DIRECTOR.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended to change the salary of the Purchasing Agent/Civil Enforcement Director, as follows:

Position	Effective 7/1/2018 Current	Effective 10/7/2019
Purchasing Director	\$75,498.58	\$71,143.76
MGL c 148A, §5	2,500.00	2,500.00
Total	77,998.58	73,643.76

Section 2. This ordinance shall become effective upon passage and publication as required by law.

2019 OCT -1 PM 12:11
CITY OF GARDNER

CITY OF GARDNER, MASSACHUSETTS
CITY ELECTION ORDER
NOVEMBER 5, 2019

ORDER: That meetings of the citizens of this City qualified to vote for City officers shall be held on **TUESDAY**, the **FIFTH DAY** of **NOVEMBER 2019** from 7:00 o'clock in the morning until 8:00 o'clock in the evening for the purpose of casting their votes for the election of One Mayor for Two years; Six Councillors at Large for Two years; One Councillor in Ward One, One Councillor in Ward Two, One Councillor in Ward Three, One Councillor in Ward Four and One Councillor in Ward Five for Two Years; and Three School Committee Members at Large for Four Years, all terms beginning the first Monday in January 2020, as follows:

To vote for a person, fill in the oval at the right of the name.

CANDIDATE FOR MAYOR FOR TWO YEARS

VOTE FOR ONE

Carolyn A. Kamuda, 400 Pleasant Street
Mark P. Hawke, 30 Fairlawn Avenue

CANDIDATES FOR COUNCILLOR AT LARGE FOR TWO YEARS

VOTE FOR NOT
MORE THAN SIX

Scott Joseph Graves, 69 Lakeview Drive
Matthew C.J. Vance, 28 A Street
George C. Tyros, 235 Saunders Street
Paul G. Tassone, 52 Church Street
James S. Boone, 50 Ash Street
Ronald F. Cormier, 55 Wickman Drive
Edward A. Gravel, 410 West Street
Craig R. Cormier, 39 Coleman Street
Judy A. Mack, 28 Chapel Street

CANDIDATE FOR WARD ONE COUNCILLOR

VOTE FOR ONE

James M. Walsh, 34 Court Road

CANDIDATE FOR WARD TWO COUNCILLOR

VOTE FOR ONE

Elizabeth J. Kazinskas, 29 Century Way
Steven W. Rockwood, 310 Pearl Street

CANDIDATE FOR WARD THREE COUNCILLOR

VOTE FOR ONE

Nathan Ryan Boudreau, 87 Church Street, Unit 1
Jeffrey M. Palmieri, 69 Greenwood Street

CANDIDATE FOR WARD FOUR COUNCILLOR

VOTE FOR ONE

Karen G. Hardern, 158 Greenwood Street, Unit 2

CANDIDATE FOR WARD FIVE COUNCILLOR

VOTE FOR ONE

James D. Johnson, 6 Metcalf Street

Aleksander Dernalowicz, 91 West Broadway

CANDIDATES FOR SCHOOL COMMITTEE MEMBER AT LARGE FOR FOUR YEARS

VOTE FOR NOT

MORE THAN THREE

Robert J. Swartz, 53 Racette Avenue

Rachel A. Cormier, 38 Bickford Hill Road

Anthony John Ruggiero, 429 Parker Street

John M. LaFreniere, 72 Kendall Street

It is further ordered that the following polling places are designated by this 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 – High Rise Community Room, 104 Church Street

WARD 4, PRECINCT A – Gardner Police Headquarters, 200 Main Street

WARD 4, PRECINCT B – Gardner Police Headquarters, 200 Main Street

WARD 5, PRECINCT A – Knights of Columbus, 110 South Main Street

WARD 5, PRECINCT B – Knights of Columbus, 110 South Main Street

PROPOSED AMENDMENTS TO COUNCIL RULES

RULE 2.

The President shall take the chair at the hour of the regular meeting of the Council or at the hour to which the Council has adjourned, whether in special or regular **session meeting**, and call the members to order on the appearance of a quorum. He shall cause the minutes of the preceding **session meeting** to be read, at which time errors or omissions, if any, shall be corrected. He shall preserve order and decorum and shall decide questions of order, subject to an appeal to the Council. He may call any member to the chair for a period of time not exceeding beyond an adjournment; and when out of the chair the President may participate in any debate; but shall not resume the chair while the same question is pending. He shall appoint all standing committees of the Council and shall be a member of the Finance Committee. In his absence, a President Pro-tem shall be chosen by roll call vote.

RULE 10.

A motion to reconsider a motion shall only be in order at the same meeting, or at the next regular meeting, when a motion for reconsideration is decided, the decision shall not be reconsidered. No motion to reconsider shall be entertained unless made by a member voting on the prevailing side.

NEW PROVISION

A renewal of a motion shall not be in order if the Council is asked to decide the same, or substantially the same, question twice during one session – except through a motion to reconsider a vote or a motion to rescind an action, or in connection with amending something already adopted. A session is defined as the two-year term in which the members of the Council were elected.

RULE 15.

All matters of every description to be presented to the regular meeting of the City Council shall be filed with the Clerk of the Council not later than twelve o'clock noon on Thursday preceding the meeting, and the City Clerk shall prepare a calendar of matters for consideration, a list of papers laying on the table, and such other matters as he may deem necessary, and shall cause the same to be printed and distributed among the members of the Council prior to each regular meeting; the Council may by a vote of at least two-thirds of its members, admit any matter for consideration at any meeting, but that no such matter shall be finally disposed of at the **session meeting** except by affirmative vote of two-thirds of all the Council, and then only as provided by Section 28 of the City Charter. No money order will be considered under new business unless it is an emergency.

RULE 16.

At a special meeting of the Council, no business shall be taken up which is not mentioned in the call of that meeting, provided, however, that any matter not so mentioned in the call of the meeting may be taken up if at least two-thirds of all members of the Council vote affirmatively in favor of admitting the matter for consideration at that special meeting and that no such matter shall be finally disposed of at the **session meeting** except by affirmative vote of two-thirds of all members of the Council, and then only as provided by Section 28 of the City Charter.