

CITY OF GARDNER, MASSACHUSETTS
CITY COUNCIL FINANCE COMMITTEE
MINUTES OF MEETING OF MARCH 27, 2019

The Finance Committee meeting was called to order by President Scott Joseph Graves at 12:00 p.m. in the City Council Chamber, Room 219, City Hall.

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

Others participating: Purchasing Director Jennifer Dymek; City Auditor John Richard; and, City Clerk Alan Agnelli.

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

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

No one responded.

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

On a motion by Councillor James Walsh and seconded by President Graves, it was voted to approve the Minutes of the March 18, 2019 Meeting, as printed.

5-1 A Measure Authorizing an Exemption for Michael Budwick under G.L. c. 268A, § 20(d), Financial Interest in a Municipal Contract, Non-elected Compensated Special Municipal Employee, Leasing and Operating the Gardner Municipal Golf Course Restaurant.

Councillor James Walsh opened the discussion by saying that he is more concerned about the propriety of the City awarding a contract to someone who also serves on the Golf Commission, the awarding authority.

Purchasing Director Jennifer Dymek informed the Committee that the Golf Commission chose not to renew the Restaurant Lease to Zoe's due to differences with management, so it decided in January to solicit bids. She said that the Invitation for Proposals was issued on February 15 and bids were due on March 4. Invitations were mailed to 16 local restaurants that hold liquor licenses, advertised in *The Gardner News*, and posted on the City's website. Nine entities downloaded the specifications from the website; however, only seven were actual food vendors. The only Proposal was submitted by Mr. Budwick, an owner of the Gardner Ten Pins, whose bid package was opened on March 4, 2019 at 2:00 p.m. She added that he downloaded the bid specs on the 4th.

Councillor Walsh questioned whether there was anything unusual about the specifications.

Ms. Dymek stated that the City requests that the lessee maintain the equipment and that the rent is \$2,000.00. She added that in the past year, the restaurant operation lost

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money and that the rent charged to Zoe's was only \$1.00 per year for the last 2 years and that Zoe's had a 1-Year Lease with an option for two additional years.

President Graves added that the City is fortunate to have at least one business interested in operating the Golf Course Restaurant.

Councillor Walsh reiterated his concern that someone in a supervisory position at the Golf Course bid on a contract that would earn income from something that he would also oversee.

President Graves noted that the Golf Commission's designation as Special Municipal Employees would permit such an arrangement.

Councillor Walsh stated that he was not suggesting that Mr. Budwick is legally prohibited from operating the restaurant, but that he concerned about the wisdom of Mr. Budwick, a Golf Commissioner, becoming the lessee.

President Graves stated that he does not see any mischief involved, since there was only a single bidder. He said that Mr. Budwick is reputable, experienced, and that recent history showed that the lessee has not made any money operating the restaurant.

Councillor Walsh expressed interest in how it came about that Mr. Budwick filed his bid only 5 minutes before the deadline.

Ms. Dymek informed the Committee that the restaurant is scheduled to be operating by April 1.

President Graves said that he hopes that the City will not lose Mr. Budwick due to a delay in the Council's decision.

Councillor Walsh suggested that the Committee postpone a decision and that a special meeting be scheduled for Monday, April 1, 2019 at 7:00 p.m.

On a motion by Councillor James Walsh and seconded by President Graves, it was voted to schedule a special meeting for Monday at 7:00 p.m. and that the Mayor, Jeff Gallant, Chairman of the Golf Commission, and Mr. Budwick be requested to attend.

8-1 Review and Discussion of Disclosure of the Minutes of Executive Sessions.

President Graves stated that he addressed the contents of the Minutes of the various Executive Sessions with City Solicitor John Flick and that he [Graves] concluded that all but two sets of Minutes should be released. He noted that the purposes for which the Executive Sessions were held no longer apply and, therefore, should be released. He added that the two sets of Minutes that should not be released involve active litigation and a confidential personnel matter.

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On a motion by Councillor James Walsh and seconded by President Graves, it was voted to release the Finance Committee Executive Session Minutes of March 13, 2008; April 14, 2011; August 1, 2011; and, August 28, 2013, and to recommend to the City Council that the following City Council Executive Session Minutes be released:

MEETING DATE	SUMMARY
14 February 1977	Potential Litigation (James Stellato, 43 Summit Avenue, Zoning)
11 April 1977	Union Grievance (Patrolman Richard LaBonte)
1 June 1987	Litigation (Marie Suchocki, Former Building Department Clerk)
5 July 1988	Litigation (CS Appeal, Police Director Richard Gemborys)
6 September 1988	Public Safety Deployment (Special Police Officers/Regional Drug Task Force)
20 November 1989	Public Safety Deployment (Special Police Officers/Regional Drug Task Force)
18 December 1989	Public Safety Deployment (Special Police Officers/Regional Drug Task Force)
5 March 1990	Litigation (Police positions); Labor Contracts
5 November 1990	Public Safety Deployment (Special Police Officers/Regional Drug Task Force)
17 December 1990	Real Estate Acquisition (Golf Course, 80 acre parcel off Green and Eaton Streets)
22 January 1991	Real Estate Acquisition (Golf Course, 80 acre parcel off Green and Eaton Streets)
20 June 1991	Litigation (CS Appeal, Police Director Richard Gemborys)
12 August 1991	Litigation (CS Appeal, Police Director Richard Gemborys)
16 September 1991	Litigation (CS Appeal, Police Director Richard Gemborys)
3 February 1992	Pending Litigation (40 active cases)
17 March 2008	Pending Litigation (School Energy Contracts)
5 May 2008	Pending Litigation (School Energy Contracts)
19 April 2011	Potential Litigation (Lisciotti Development, 354 Main Street retaining wall)
1 August 2011	Real Estate Disposal (W. Lynde Street North and South Parking lots)
6 February 2012	Real Estate Disposal (W. Lynde Street North and South Parking lots)
15 October 2012	Real Estate Disposal (W. Lynde Street North Parking lot and Rolla Parcel/Rear Main St)
3 September 2013	Pending Litigation (94 Pleasant Street; 34-36 Graham Street Tax Titles)
20 January 2015	Pending Litigation (Multiple Insurance (MIA) cases)
6 July 2015	Real Estate Acquisition (Former Cinema, 32 Parker Street; Maki Block, 57-67 Parker St)

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by President Scott Graves, it was voted to adjourn at 12:22 p.m.