

CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE  
MINUTES OF MEETING OF APRIL 1, 2020

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The Finance Committee meeting was called to order by Council President James Walsh at 12:00 p.m. in the City Council Chamber, Room 219, City Hall. Finance Committee Members Councillors Ronald Cormier and Elizabeth Kazinskas participated remotely.

Others participating were City Auditor John Richard and City Clerk Alan Agnelli, who were present in the Chamber.

President 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 Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, on call of the roll, it was voted to approve the Minutes of the March 11, 2020 Regular Meeting, as printed.

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

President Walsh stated that the Order covers the cost of the proposed contract with the Firefighter's Union for FY2019, but that the Contract has not been signed by the City. He said that at his request as Acting Mayor, the Law Department has commenced legal proceedings in the Worcester Superior Court to determine whether he, as Acting Mayor and the limitations associated with that under the City Charter, has the authority to enter the Agreement on behalf of the City. He said that there is a significant slowdown in the judiciary due to the pandemic, particularly on the civil side, so it is unclear when the determination will be made. He noted that there was a submission of correspondence from Matt Bettez on behalf of the Union and from the former Mayor. Given the fact that the contract is unsigned, even if this Order was passed, it wouldn't be distributed because the contract is unsigned. He recommended that the Committee ask for more time

Councillor Ronald Cormier agreed that any recommendation by the Committee should wait until the City hears from the Court. Councillor Kazinskas concurred.

The Committee agreed to request more time on the following Order:

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

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

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

President Walsh said that in his role as Acting Mayor, he received correspondence from the Auditor noting an error in the computation for FY2020 FF wages. In his capacity as Acting Mayor, he submitted a substitute Order to the Finance Committee and Council with the corrected amount.

City Auditor John Richard stated that in the first computation, only 2% was used to compute FY2020 wages, as opposed to 4%, which should have incorporated the 2% from FY2019 and another 2% for FY2020. The recomputed amount is now \$113,159.74.

President Walsh noted that when the matter comes before the Council, the substitute Order would be taken up, since the Order presently before the Council is inaccurate.

The Committee agreed to request more time on the Substitute Order:

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

ORDER: That there be and is hereby appropriated the sum of One Hundred Thirteen Thousand One Hundred Fifty-Nine and 74/100 (\$113,159.74) from Free Cash to the Firefighters Salary and Wages Account.

**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).**

President Walsh stated that Items 6-1 and 6-2 are not pending before the City Council, but only with the Finance Committee.

The Committee postponed action until Attorney Phillips completes her research.

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

President Walsh stated that Atty. Phillips communicated with him on March 25 and advised that Heywood Hospital Win Brown informed her that Heywood would indemnify the City against costs to Massachusetts Electric (MECO) up to a very reasonable dollar limit and that she would reach out again to MECO.

The Committee postponed action until Attorney Phillips completes her research.

**NEW BUSINESS**

**A Ruling from the Attorney General Relative to an Open Meeting Law Complaint.**

Citing Assistant Attorney General Elizabeth Carnes Flynn Ruling of March 13, 2020, concerning an Open Meeting Law Complaint previously filed, President Walsh read aloud the Conclusion from the Ruling, as follows:

“For the reasons stated above, we find the Council violated the Open Meeting Law by improperly deliberating via email on September 4. We order immediate and future compliance with the Open Meeting Law, and caution that similar violations in the future may be considered evidence of intent to violate the Law. 940 CMR 29.02. We also order that the Council release the September 4 email referenced in this letter to the public within 30 days following its receipt of this determination.”

President Walsh said that the Ruling would appear on the Council’s April 6, 2020 Calendar.

Continuing, President Walsh stated that he communicated with Attorney Flynn and questioned the method by which release of the e-mail to the public would satisfy the ruling. He said that she indicated that releasing it by including it with the Minutes, would constitute sufficient release to the public, as it would be available upon request and posted on the City’s website. He suggested that the Committee recommend that the Council vote to place the communication on file and that former Councillor Christine Johnson’s September 4, 2019 e-mail be included in the Minutes of the April 6, 2020 Meeting.

Councillor Ronald Cormier requested that a motion be drafted by the City Clerk for presentation by the Finance Committee at Monday’s meeting.

**ADJOURNMENT**

On a motion by Councillor Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, on call of the roll, it was voted to adjourn at 12:14 p.m.