

**CITY OF GARDNER, MASSACHUSETTS  
CITY COUNCIL FINANCE COMMITTEE MEETING  
Monday – September 16, 2019 – 6:30 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 Minutes of the September 3, 2019 Regular Meeting.
  
- 2-1 An Order Authorizing the City to Borrow \$89,558,570.00 for the New Elementary School Project.
  
- 5-1 A Measure Authorizing an Extended Contract Period for Operation and Maintenance of Water and Sewer Facilities.
  
- 5-2 A Measure Ordering the October 7, 2019 City Preliminary Election.
  
- 7-1 City Council Rules Amendments.

**ADJOURNMENT**

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*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.*

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The Finance Committee meeting was called to order by President Scott Joseph Graves at 6:30 p.m. in the City Council Chamber, Room 219, City Hall.

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

Others participating or in attendance: Mayor Mark Hawke; Conservation Agent Jeffrey Legros; City Treasurer Jennifer Dymek; 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 Councillor Ronald Cormier, it was voted to approve the Minutes of the July 30, 2019 Regular Meeting and the August 6, 2019 and August 12, 2019 Special Meetings, as printed.

**3-1 A Measure Confirming the Mayor's Appointment of Nancy Binder to the position of Member, Bandstand Committee, for term expiring August 14, 2022.**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to recommend that the City Council confirm the Mayor's Appointment of Nancy Binder to the position of Member, Bandstand Committee, for term expiring August 14, 2022.

**3-2 A Measure Confirming the Mayor's Appointment of Edward Vipond to the position of Member, Bandstand Committee, for term expiring August 14, 2022.**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment of Edward Vipond to the position of Member, Bandstand Committee, for term expiring August 14, 2022.

**3-3 A Measure Confirming the Mayor's Appointment of Sandra Barton to the position of Member, Council on Aging, for term expiring August 21, 2022.**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted to recommend that the City Council confirm the Mayor's Appointment of Sandra Barton to the position of Member, Council on Aging, for term expiring August 21, 2022.

4-1 **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” City Treasurer/Collector.**

Councillor James Walsh opened the discussion by asking the Mayor if it is customary for the Mayor to issue an offer letter for new hires.

The Mayor replied, “Sometimes,” saying that since there was no immediate City Council meeting, the Auditor needed a salary to rely on in order to pay the Treasurer.

Councillor Walsh questioned why the existing salary Ordinance wasn’t adequate enough and then probed for the legal authority that an offer letter possesses to allow the City to pay an employee any amount less than what is spelled out by Ordinance. He added that until the Ordinance is changed, then “it is what the pay is.”

The Mayor responded, saying “It is good enough for the Outside Auditors.”

Citing the Employment Information sheet, Councillor Walsh questioned the reason that the Grade for the position is listed as Grade 8, while the Ordinance states that it as a Grade 10. He asked if the proposed Ordinance seeks to reduce the Grade from “10” to “8”.

The Mayor acknowledged that the Grade 8 listed is an error.

Councillor Walsh expressed opposition to the Ordinance change, since the salary is appropriate for the position. He added that adjustments were made to other positions, including cost-of-living adjustments, and that other compensation is already provided for years of longevity, paid separately, so then there is no reason to reduce the salary.

Councillor Ronald Cormier stated that at one time, the City maintained a step system for its positions, but that it no longer does. He added that Ms. Dymek has been with the City for 16 years.

The Mayor stated that former Public Health Director Jen Susen-Roy earned less than her predecessor, Bernard Sullivan, and is the same situation for current Director Lauren Saunders, both of whom paid at first step. He added that Josh Cormier was paid less than Jennifer Dymek when he replaced her as Assistant Director of Community Development and Planning.

Council President Graves said that he wondered whether he missed something in the dialogue, noting that Ms. Dymek signed the offer letter, but then questioned whether she felt that she was forced to sign it. He said that the City has an Ordinance establishing a salary for the position, but noted that (Building Commissioner) Roland Jean accepted a salary that was less than what the Ordinance dictated, adding “It is not out of line to pay someone less that has no experience.”

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The Mayor noted that when former Building Commission Dick Reynolds departed, Roland Jean was promoted from Local Inspector to Building Commissioner and was paid less, adding “According to the HR Department, all of these Ordinances were changed.”

Councillor Walsh noted that City Engineer Chris Coughlin did not have a Professional Engineer designation, which is why the Compensation Ordinance was changed. He said that when John Richard was hired as City Auditor, he did not have the Auditor’s Certification, but was paid the same compensation as his predecessor. He added that when Jeff Cooke was appointed Building Commissioner, he received the same salary as his predecessor, and that Chief Braks received the same salary as his predecessor, Neil Erickson, who served as Chief of Police for 19 years.

Mayor Hawke replied, saying that Richard Braks had years of experience in the Police Department.

Councillor Walsh said that the Mayor made numerous appointments where he did not seek to the change the salaries. “If the City had adopted a Step System for Compensation, he said, “then the Council would not have to consider this Ordinance change, but that you told us ‘it’s too hard’.” Concluding, he said that he is opposed to passing the proposed Ordinance.

President Graves said that he did not think that any candidate for appointment should expect the salary that the prior appointee received and “should not have expected the salary.” He added that he would support the Ordinance change.

Councillor Ronald Cormier stated that he would move the Ordinance only for the purpose of discussion, but that he does not support the Ordinance.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to present the following Ordinance to the City Council for discussion and with no recommendation:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED “PERSONNEL” TO CHANGE COMPENSATION SCHEDULE “EXHIBIT E”.

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 by striking from Compensation Schedule “Exhibit E”, the following:

<u>Position</u>	<u>Grade</u>	<u>Annual</u>	<u>Weekly</u>
City Treasurer/Collector	G-10	\$ 84,118.88	
MGL c. 32, §20(6)		\$ 300.00	
Total Compensation:		\$ 84,418.88	\$1,623.44 ( <i>Effective 7/1/2019</i> )

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And inserting in place thereof, the following:

<u>Position</u>	<u>Grade</u>	<u>Annual</u>	<u>Weekly</u>
City Treasurer/Collector	G-10	\$ 84,118.88	
	MGL c. 32, §20(6)	<u>\$ 300.00</u>	
Total Compensation:		\$ 84,418.88	\$1,623.44 ( <i>Effective 7/1/2019</i> )
City Treasurer/Collector	G-10	\$ 82,708.88	
	MGL c. 32, §20(6)	<u>\$ 300.00</u>	
Total Compensation:		\$ 83,008.88	\$1,596.32 ( <i>Effective 8/16/2019</i> )

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.

**4-2 An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel,” to Change Compensation Schedule “Exhibit B – City Council.”**

Councillor Ronald Cormier opened the discussion by informing the Committee that, a number of years ago, he proposed an Ordinance that requires the Finance Committee to review the compensation of the Mayor and the City Council in odd-numbered years (election years) and to report to the Council its recommendations for adjustment, if any. He said that the reason for the Ordinance is to require a periodic review the salaries to determine whether the City is keeping up with the cost-of-living and other conditions. He added that the proposed Ordinance would tie any pay adjustments to the Consumer Price Index which, in effect, would “depoliticize the issue.” He noted that the Mayor resubmitted the Ordinance in a different format.

Councillor Cormier moved to recommend the Ordinance, as presented.

Councillor James Walsh seconded the motion “for discussion purposes.”

On the motion, Councillor Walsh stated that he has reservations about the proposed method that “would depoliticize the salary increases,” noting that voting on raises “is a political matter.” He added that he would support the motion for the purpose of a Committee report.

President Scott Graves stated that he opposes the measure as “it attempts to depoliticize the issue” which “is a political decision” and that “every decision made [by the Council] is a political one.” He noted that if the Council adopts the Ordinance change, then it could again change it in the event that fiscal conditions justify changing it (from CPI-adjusted).

Councillor Cormier noted that any adjustments passed by the Council would not take effect until the next Fiscal Year, understanding that it does not affect the salaries of the current Council and Mayor.

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Councillor Walsh said, "It is difficult to not measure the increases against the current occupants."

On the motion by Councillor Ronald Cormier, as seconded by Councillor James Walsh, it was voted to move the following Ordinance for the purpose of discussion.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBIT B.

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 by deleting and repealing Compensation Schedule Exhibit B and inserting in place thereof, the following:

**Exhibit B**  
**City Council**

The salary of each member of the city council shall be seven thousand three hundred twenty six dollars per year. The salary of the City Council President shall be ten thousand seven hundred and seven dollars per year.

Effective January 1, 2020 and on an annual basis thereafter, a percentage increase of the councilor's salary will be established consistent with the annual consumer price index (CPI-U) of the previous calendar year (utilizing the percent change in average to average), with a minimum of no increase and a maximum increase of five per cent.

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.

**4-3 An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled "Personnel," to Change Compensation Schedule "Exhibit A – Mayor."**

On the motion by Councillor Ronald Cormier, as seconded by Councillor James Walsh, it was voted to move the following Ordinance for the purpose of discussion.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBIT A.

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 by deleting and repealing Compensation Schedule Exhibit A and inserting in place thereof, the following:

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**Exhibit A**  
**Mayor**

The salary of the mayor shall be ninety two thousand one hundred and ninety six dollars (\$92,196) per year, and shall receive no other compensation from the city for any official duty.

Effective January 1 , 2020 and on an annual basis thereafter, a percentage increase of the mayoral salary will be established consistent with the annual consumer price index (CPI-U) of the previous calendar year (utilizing the percent change in average to average), with a minimum of no increase and a maximum increase of five per cent.

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.

**5-1 A Measure Authorizing the City to Accept PARC Grant Funds and to Borrow for Design and Phase I Development of Bailey Brook Park.**

Jeff Legros, Conservation Agent, informed the Committee that the City applied for the same grant in FY2019, but that it was not awarded, particularly due to the fact that the City had just been awarded the funds to acquire the property only one month earlier. He said that the current application is basically the same, except for the relevant dates. The Grant would provide 70% of the cost to develop the park over a period of two years, and that the City's share would be \$52,500 for design (first years), and \$124,200 in FY2020 for development.

The Mayor indicated that he is committed to providing the funds for the City's share of the project.

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

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM  
THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
FOR THE PARKLAND ACQUISITIONS AND RENOVATIONS  
FOR COMMUNITIES (PARC) PROGRAM  
FOR DEVELOPMENT OF BAILEY BROOK PARK

Whereas: The land recently acquired for the purpose of developing a community park in West Gardner will by and far be a community-wide asset and that the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: The land is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3; and

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- Whereas: The design and development of a park will provide substantial public benefits and greatly enhance this land and with improved site access, recreational amenities, path systems, parking, and universal access, etc.; and
- Whereas: The main focus of the project is to fund the design of a multipurpose recreational park, and, to conduct preliminary site work and land grading to provide necessary access to the park, and, for the construction of walking trails and a universally accessible trail which will be components of the park design which will include recreational facilities and amenities of which the overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation as one project; and
- Whereas: The project was instead viewed as a series of phases, to be implemented over time, by priority as fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and
- Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities (PARC) grant program (301 CMR 5.00); and
- Whereas: Phase I of the Bailey Brook Park Design & Development Project will cost a total of up to \$589,000 (Five Hundred and Eighty Nine Thousand Dollars) of which \$400,000 (Four Hundred Thousand Dollars) has been requested and, if awarded, will be reimbursable through the PARC grant program and of which \$175,000 (One Hundred and Seventy Five Thousand Dollars) will be allocated in FY20 toward the design of the Park, and of which \$414,000 (Four Hundred and Fourteen Thousand Dollars) will be allocated in FY21 toward the cost of site clearing and grading, construction of access driveways, and development of a 1-mile loop trail and accessible walking trail; and
- Whereas: The Mayor of the City of Gardner will accept grant funds under the PARC grant program (301 CMR 5.00) and the City of Gardner will borrow, appropriate and expend up to Five Hundred and Eighty Nine Thousand and 00/100 Dollars (\$589,000) for the Design & Phase I Development of Bailey Brook Park to be managed and maintained pursuant to M.G.L. c. 45, §3, and to be held and managed by the City Public Works Department, as open space parkland under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, under their duty and responsibility to the care and custody of City parks and playgrounds.

NOW, THEREFORE, BE IT RESOLVED

1. That the Mayor, as the Chief Executive Officer of the City, be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Community Development and Planning; and
3. That this resolution shall take effect upon passage.
- 4.



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**ADJOURNMENT**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted to adjourn at 7:07 p.m.

UNACCEPTED/UNCORRECTED PROOF