



City of Gardner, Massachusetts
Office of the City Council

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CALENDAR FOR THE MEETING

of

TUESDAY, SEPTEMBER 3, 2019

COUNCIL CHAMBER

7:30 P.M.

ORDER OF BUSINESS

**I. CALL TO ORDER**

**II. CALL OF THE ROLL OF MEMBERS**

**III. OPENING PRAYER**

**IV. PLEDGE OF ALLEGIANCE**

**V. 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.

**VI. READING OF MINUTES OF PRIOR MEETING(S)**

Reading and Approval of the August 5, 2019 Regular Meeting Minutes and the August 12, 2019 Special Meeting Minutes.

**VII. PUBLIC HEARINGS**

**10149**—A Petition by National Grid for permission to construct a line of underground electric conduits on City Hall Avenue beginning at a point approximately 50' east of the centerline of Pleasant Street for approximately 35' in an easterly direction.

**10150**—A Petition by National Grid and Verizon New England, Inc. for permission to install four (4) JO poles on Clark Street beginning at a point approximately 200' northwest of the centerline of the intersection of Century Way and Clark Street and continuing approximately 850' in a northwesterly direction.

**10151**—A Petition by National Grid and Verizon New England, Inc. for permission to install five (5) JO poles on Clark Street beginning at a point approximately 200' northwest of the centerline of the intersection of Leo Drive and Clark Street and continuing approximately 1200' in a northwesterly direction.

**VIII. COMMUNICATIONS FROM THE MAYOR**

APPOINTMENTS

**10156**—A Measure Confirming the Mayor's Appointment of Nancy Binder to the position of Member, Bandstand Committee, for term expiring August 14, 2022 (*Finance Committee*).

## VIII. COMMUNICATIONS FROM THE MAYOR

### APPOINTMENTS

- 10157** – A Measure Confirming the Mayor’s Appointment of Edward Vipond to the position of Member, Bandstand Committee, for term expiring August 14, 2022 (*Finance Committee*).
- 10158** – A Measure Confirming the Mayor’s Appointment of Sandra Barton to the position of Member, Council on Aging, for term expiring August 21, 2022 (*Finance Committee*).

### ORDINANCES

- 10159** – 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 (*Finance Committee*).
- 10160** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel,” to Change Compensation Schedule “Exhibit B – City Council.” (*Finance Committee*).
- 10161** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel,” to Change Compensation Schedule “Exhibit A – Mayor.” (*Finance Committee*).

## IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

- 10162** – A Measure Authorizing the City to Accept PARC Grant Funds and to Borrow for Design and Phase I Development of Bailey Brook Park (*Finance Committee*).
- 10163** – An Application by R&R Motors, 7 Donlan Street, for a Permit to Amend the License to Buy and Sell Second Hand Motor Vehicles, Class 2, by adding a Second License Holder (*Public Safety Committee*).
- 10164** – A Petition by the Planning Board to reclassify certain parcels of land located within the Downtown Renewal Area and 4 parcels bordering the areas south of Route 2 (*Public Welfare Committee*).
- 10165** – A Petition by National Grid for permission to construct 1100 feet of conduit starting at 370 Park Street and heading north to Pole 1 Clark Street (*Public Service Committee*) (*Public Hearing Required*).

## X. REPORTS OF STANDING COMMITTEES

### PUBLIC SERVICE COMMITTEE

- 10148** – A Petition to Lay Out James Street Extension as a Public Way (*In City Council and Referred to the Public Service Committee and the Planning Board, 8/5/2019*).
- 10149** – A Petition by National Grid for permission to construct a line of underground electric conduits on City Hall Avenue beginning at a point approximately 50’ east of the centerline of Pleasant Street for approximately 35’ in an easterly direction (*In City Council and Referred to the Public Service Committee, 8/5/2019*).

## **X. REPORTS OF STANDING COMMITTEES**

### **PUBLIC SERVICE COMMITTEE**

**10150** – A Petition by National Grid and Verizon New England, Inc. for permission to install four (4) JO poles on Clark Street beginning at a point approximately 200’ northwest of the centerline of the intersection of Century Way and Clark Street and continuing approximately 850’ in a northwesterly direction (*In City Council and Referred to the Public Service Committee, 8/5/2019*).

**10151** – A Petition by National Grid and Verizon New England, Inc. for permission to install five (5) JO poles on Clark Street beginning at a point approximately 200’ northwest of the centerline of the intersection of Leo Drive and Clark Street and continuing approximately 1200’ in a northwesterly direction (*In City Council and Referred to the Public Service Committee, 8/5/2019*).

## **XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**

**10090** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled “Zoning,” to Change Section 675-1070, Marijuana Establishments. (*In City Council and Referred to the Public Welfare Committee, the Planning Board, and Ordered to Public Hearing, 4/16/2019; Joint Hearing, 6/3/2019; Planning Board Final Report Received, 6/19/2019; Reported Favorably by Public Welfare Committee and Ordered to First Printing, 8/5/2019; First Printing, 8/9/2019*).

**10148** – A Petition to Lay Out James Street Extension as a Public Way (*In City Council and Referred to the Planning Board for Review, 8/5/2019*).

**10152** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel,” to Change Compensation Schedule “Exhibit C – Appointed Positions” and “Exhibit E – Non-Union Employees.” (*In City Council, Reported Favorably by Finance Committee, and Ordered to First Printing, 8/5/2019; First Printing, 8/9/2019*).

## **XII. NEW BUSINESS**

## **XIII. CLOSING PRAYER**

## **XIV. ADJOURNMENT**

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Items listed on the Council Calendar are those reasonably anticipated by the Council President 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.

**REGULAR MEETING OF AUGUST 5, 2019**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, August 5, 2019.

**CALL TO ORDER**

Council President Scott Joseph Graves called the meeting to order at 7:30 o'clock p.m.

**CALL OF THE ROLL**

City Clerk Alan Agnelli called the Roll of Members. Ten (10) Councillors were present including President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillor Edward Gravel was absent.

**OPENING PRAYER**

President Graves led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

President Graves led the Council in reciting the "Pledge of Allegiance".

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

President Graves announced to the assembly that the Open Meeting Recording and Public Records Announcement is posted at the entrance to the Chamber, and that any person planning to record the meeting by any means should identify themselves.

**READING & ACCEPTANCE OF MINUTES**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the June 10, 2019 Informal and Special Meetings; the Minutes of the June 24, 2019 Informal Meeting; and, the Minutes of the July 1, 2019 Regular Meeting, as printed.

**COMMUNICATIONS FROM THE MAYOR****APPOINTMENTS****#10133**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that Mr. Carlberg presently serves on the Redevelopment Authority, has served admirably for a number of years, and that the Committee voted favorably to recommend that his appointment be confirmed.



REGULAR MEETING OF AUGUST 5, 2019

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

**M. PAUL CARLBERG** to the position of **MEMBER, REDEVELOPMENT AUTHORITY**, for term expiring June 26, 2024.

Worcester, ss.

August 27, 2019

Then personally appeared **M. PAUL CARLBERG** and made oath that he would faithfully and impartially perform the duties of **MEMBER, REDEVELOPMENT AUTHORITY**, according to law and the best of his abilities.

Before me,  
/s/ Faith A. Glover, Assistant City Clerk

**#10134**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend that the Election Officers appointments be confirmed.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Election Officer Appointments received from the Mayor, for terms expiring August 31, 2020:

WARD 1A

|           |            |    |               |                        |
|-----------|------------|----|---------------|------------------------|
| Warden    | Norman     | H. | Beaugard      | 147 Oak Street         |
| Clerk     | Roland     | D. | Mailloux, Jr. | 20 Teaberry Lane       |
| Inspector | Shirley    | B. | Bunarowski    | 182 Graham Street #1   |
| Inspector | Sally      | Q. | Hartshorn     | 61 Elm Street          |
| Inspector | Jacqueline | M. | Kraskouskas   | 222 Bickford Hill Road |
| Inspector | Ellen      | T. | Kudravetz     | 90 Cherry Street       |
| Inspector | Michael    | L. | Kudravetz     | 90 Cherry Street       |
| Inspector | Erana      | E. | Landry        | 298 Park Street        |
| Inspector | Glenice    | M. | Rossignol     | 103 Highland Street    |

WARD 1B

|           |         |    |           |                       |
|-----------|---------|----|-----------|-----------------------|
| Warden    | Lynn    | M. | Roux      | 203 Betty Spring Road |
| Clerk     | Gloria  | C. | Bourgeois | 47 Racette Avenue     |
| Inspector | Carolyn |    | Fournier  | 158 Ash Street        |
| Inspector | Carlene | A. | Kemp      | 108 Opal Lane         |
| Inspector | Carolyn | A. | LaBonte   | 169 Summer Street     |



## REGULAR MEETING OF AUGUST 5, 2019

|           |          |    |            |                      |
|-----------|----------|----|------------|----------------------|
| Inspector | Valerie  | D. | Spar       | 20 Plymouth Street   |
| Inspector | Marjorie | J. | Whittemore | 47 Lake Street, A606 |

WARD 2A

|           |         |    |          |                      |
|-----------|---------|----|----------|----------------------|
| Warden    | Clifton | J. | Melatti  | 37 Rosewood Drive    |
| Clerk     | Donna   | M. | Lehtinen | 203 Green Street     |
| Inspector | Alice   | P. | Anderson | 34 Chapman Park      |
| Inspector | Joseph  | R. | Andrews  | 139 Euclid Street    |
| Inspector | Carol   | A. | Cormier  | 47 Lake Street, A207 |
| Inspector | Robert  | J. | Cormier  | 47 Lake Street, A207 |
| Inspector | Mary    | L. | Glotch   | 47 Montvale Road     |
| Inspector | Dianne  | A. | Hunt     | 28 Osgood Street, #1 |
| Inspector | Cathy   | T. | Leger    | 134 Greenwood Place  |
| Inspector | Annette | M. | Melanson | 178 Waterford Street |

WARD 2B

|           |           |    |           |                                  |
|-----------|-----------|----|-----------|----------------------------------|
| Warden    | Donald    | J. | Cosentino | 131 Lovewell Street              |
| Clerk     | Nancy     | M. | Girouard  | 110 Marquette Street             |
| Inspector | Val       | J. | Cormier   | 166 Acadia Road                  |
| Inspector | Aline     |    | Cosentino | 131 Lovewell Street              |
| Inspector | Patricia  | A. | LeBlanc   | 66 Conant Street                 |
| Inspector | Roger     | R. | LeBlanc   | 66 Conant Street                 |
| Inspector | Patricia  | A. | Lewis     | 32 Water Wheel Circle, Templeton |
| Inspector | Priscilla | J. | Proulx    | 228 Washington Street            |
| Inspector | Marcia    | J. | White     | 92 Ryan Street                   |

WARD 3A

|           |         |    |          |                           |
|-----------|---------|----|----------|---------------------------|
| Warden    | Donald  | R. | Girouard | 52 Draper Road            |
| Clerk     | Barbara | M. | Cormier  | 116 Sand Street           |
| Inspector | Rachel  | I. | Blais    | 25 Way Street             |
| Inspector | Anita   | M. | Boudreau | 8 Jackson Park            |
| Inspector | Jane    | M. | Couch    | 467 Parker Street         |
| Inspector | Irene   | V. | Hales    | 61 Waterford Street       |
| Inspector | Lisa    | E. | Hales    | 61 Waterford Street       |
| Inspector | Gloria  | M. | Landry   | 458 Pearl Street          |
| Inspector | Toby    | P. | LaRoche  | 83 Murray Road Ashburnham |
| Inspector | Marcel  |    | Martin   | 62 Ash Street             |
| Inspector | Robert  | L. | Owens    | 217 Riverside Road        |

WARD 3B

|           |          |    |           |                    |
|-----------|----------|----|-----------|--------------------|
| Warden    | Thomas   | H. | Patterson | 132 Pinewood Drive |
| Clerk     | Paulette | A. | Burns     | 5 Travers Street   |
| Inspector | Gayle    | M. | Jaillet   | 35 Wickman Drive   |



## REGULAR MEETING OF AUGUST 5, 2019

|           |           |    |         |                      |
|-----------|-----------|----|---------|----------------------|
| Inspector | Christoph | A. | Knoll   | 238 Greenwood Street |
| Inspector | Odette    | R. | Racette | 44 Jean Street       |
| Inspector | Ernie     | J. | Richard | 50 Jean Street       |
| Inspector | Juliette  | L. | Richard | 50 Jean Street       |
| Inspector | Dorothy   | M. | Ronn    | 145 Prospect Street  |
| Inspector | Paul      | W. | Ronn    | 145 Prospect Street  |

WARD 4A

|           |        |    |            |                   |
|-----------|--------|----|------------|-------------------|
| Warden    | Robert | J. | Swartz     | 53 Racette Avenue |
| Clerk     | Janice |    | Magliacane | 358 Temple Street |
| Inspector | Judith | A. | King       | 32 Jay Street     |
| Inspector | Donald | A. | LeBlanc    | 209 Elm Street    |
| Inspector | Dianne | M. | LeBlanc    | 209 Elm Street    |
| Inspector | Judith |    | Roy        | 51 Pinewood Drive |
| Inspector | Ronald | J. | Roy        | 51 Pinewood Drive |

WARD 4B

|           |            |    |           |                          |            |
|-----------|------------|----|-----------|--------------------------|------------|
| Warden    | Marjorie   | F. | Tetzloff  | 317 Pine Street          |            |
| Clerk     | David      | E. | Tetzloff  | 317 Pine Street          |            |
| Inspector | Ann        |    | Chandler  | 133 Pleasant Street, #2  |            |
| Inspector | Brian      | J. | Dickens   | 65 Krantz Road           | Winchendon |
| Inspector | Susan      |    | Greninger | 194 Central Street, #315 |            |
| Inspector | Theresa    | H. | Hillman   | 155 Champagne Road       |            |
| Inspector | Diane      | R. | Jasiewicz | 36 Robillard Street      |            |
| Inspector | Jacqueline | M. | LaPrade   | 322 Pine Street          |            |
| Inspector | Charlene   | A. | Wilson    | 44 Olde Colonial Dr, U1  |            |

WARD 5A

|           |         |    |          |                         |
|-----------|---------|----|----------|-------------------------|
| Warden    | Paul    | A. | Spano    | 33 Adams Street         |
| Clerk     | Barbara | D. | LeBlanc  | 37 Bayberry Drive       |
| Inspector | Sandra  | J. | Barton   | 331 High Street         |
| Inspector | Carole  | A. | Baublis  | 252 Union Street        |
| Inspector | Judith  | T. | Collette | 47 Kendall Street       |
| Inspector | Claire  | M. | Lagasse  | 131 Champagne Road      |
| Inspector | Charles | R. | LeBlanc  | 37 Bayberry Drive       |
| Inspector | Gloria  | M. | O'Malley | 80 Kendall Pond Rd West |

WARD 5B

|           |          |    |            |                          |
|-----------|----------|----|------------|--------------------------|
| Warden    | Marcelle | S. | Cormier    | 55 Wickman Drive         |
| Clerk     | Barbara  | A. | Yablonski  | 195 Sherman Street       |
| Inspector | Patricia | L. | Cormier    | 365 Pearl Street         |
| Inspector | Stephen  | E. | Cormier    | 365 Pearl Street         |
| Inspector | William  |    | Edwards    | 4 Sunrise Lane           |
| Inspector | Dorothy  | E. | Leger-Lore | 31 Lennon Street, Unit B |
| Inspector | Melissa  | A. | Paulhus    | 144 Sawyer Street        |



## REGULAR MEETING OF AUGUST 5, 2019

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|           |          |     |           |                    |
|-----------|----------|-----|-----------|--------------------|
| Inspector | Leonette | M.  | Roy       | 49 Temple Street   |
| Inspector | Doris    | H.  | St. John  | 204 Willis Road    |
| Inspector | Marcia   | A.  | Stone     | 185 Bridge Street  |
| Inspector | Mary     | Ann | Suchocki  | 154 Sand Street    |
| Inspector | Edward   | S.  | Yablonski | 195 Sherman Street |

**#10135**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that Mr. Athame presently serves on the Disability Commission and that the Committee voted favorably to recommend that his appointment be confirmed.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

**SEBAZIUS ATHAME** to the position of **MEMBER, DISABILITY COMMISSION**, for term expiring July 18, 2022.

Worcester, ss.

August 13, 2019

Then personally appeared **SEBAZIUS ATHAME** and made oath that he would faithfully and impartially perform the duties of **MEMBER, DISABILITY COMMISSION**, according to law and the best of his abilities.

Before me,

/s/ John A. Olivari, Assistant City Clerk

**#10136**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee “was reminded quite eloquently” that the Council only acts to confirm individuals that “are deemed to be qualified,” and that the Committee voted to recommend the Appointments to the Bandstand Committee.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

**JASON PELAVIN** to the position of **MEMBER, BANDSTAND COMMITTEE**, for term expiring July 16, 2020.



REGULAR MEETING OF AUGUST 5, 2019

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Worcester, ss.

August 5, 2019

Then personally appeared **JASON PELAVIN** and made oath that he would faithfully and impartially perform the duties of **MEMBER, BANDSTAND COMMITTEE**, according to law and the best of his abilities.

Before me,  
/s/ Alan L. Agnelli, City Clerk

**#10137**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

**DONNA RUSSO** to the position of **MEMBER, BANDSTAND COMMITTEE**, for term expiring July 16, 2022.

Worcester, ss.

August 5, 2019

Then personally appeared **DONNA RUSSO** and made oath that she would faithfully and impartially perform the duties of **MEMBER, BANDSTAND COMMITTEE**, according to law and the best of her abilities.

Before me,  
/s/ Alan L. Agnelli, City Clerk

**#10138**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

**MICHAEL ZLOTNIK** to the position of **MEMBER, BANDSTAND COMMITTEE**, for term expiring July 16, 2021.

Worcester, ss.

August 5, 2019

Then personally appeared **MICHAEL ZLOTNIK** and made oath that he would faithfully and impartially perform the duties of **MEMBER, BANDSTAND COMMITTEE**, according to law and the best of his abilities.

Before me,  
/s/ Alan L. Agnelli, City Clerk



## REGULAR MEETING OF AUGUST 5, 2019

ORDERS**#10139**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Mayor and the Superintendent of Schools provided the Committee with an explanation for the use of the additional Chapter 70 Aid, which is \$454,290 greater than the amount forecasted in the School Department's Budget. The Committee was satisfied with the details in the Superintendent's correspondence and recommended that the Order be adopted, he added.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE SCHOOL DEPARTMENT BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

*ORDERED:* To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2019 to June 30, 2020 sums as designated below for the expenditures of the School Department in the amount of FOUR HUNDRED FIFTY FOUR THOUSAND TWO HUNDRED NINETY DOLLARS (\$454,290).

|        |                 |           |
|--------|-----------------|-----------|
| School | School Expenses | \$454,290 |
|--------|-----------------|-----------|

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

**#10140**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee's report addresses Calendar Nos. 10140, 10141, 10142, and 10143, since the Orders are related. He said that two FY2020 Budget Orders are to be rescinded and in their place, two Orders that would permit unused funds to remain in their respective Reserve Accounts at the end of the Fiscal Year. As the Orders were adopted, he said, all unused funds would revert to Free Cash at the close of the Fiscal Year, as is determined by the Department of Revenue and the City's outside auditors. The Committee voted favorably to recommend adoption of Calendar Nos. 10140, 10141, 10142, and 10143, he added.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

REGULAR MEETING OF AUGUST 5, 2019

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AN ORDER RESCINDING COUNCIL ORDER NO. 12879, AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS – CABLE COMMISSION FEES RESERVED – TO CABLE COMMISSION BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

*ORDERED:* To rescind Council Order No. 12879, under Council Calendar No. 10110, an Order appropriating for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED SEVENTY-SEVEN THOUSAND, THREE HUNDRED SIXTEEN DOLLARS (\$177,316) from Available Funds – Cable Commission Fees Reserved – to the Cable Commission budget.

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

**#10141**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS –CABLE COMMISSION FEES RESERVED – TO CABLE COMMISSION BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

*ORDERED:* That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED SEVENTY-SEVEN THOUSAND, THREE HUNDRED SIXTEEN DOLLARS (\$177,316) from Available Funds – Cable Commission Fees Reserved – to the Cable Commission budget. Any unused funds will revert back to the Cable Commission Fees Reserved Fund at year end.

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

**#10142**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER RESCINDING COUNCIL ORDER NO. 12880, AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS – PARKING METER RECEIPTS RESERVED – TO VARIOUS ACCOUNTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.



## REGULAR MEETING OF AUGUST 5, 2019

*ORDERED:* To rescind Council Order No. 12880, under Council Calendar No. 10111, an Order appropriating for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED TEN THOUSAND, FIVE HUNDRED FIFTY DOLLARS (\$110,550.00) from Available Funds-Parking Meter Receipts Reserved to the following accounts:

|                |                             |              |
|----------------|-----------------------------|--------------|
| City Treasurer | Parking Meter Clerk Salary  | \$ 12,730.00 |
| City Treasurer | Parking Meter Maintenance   | 25,000.00    |
| Police         | Parking Meter Patrol        | 21,420.00    |
| Public Works   | Parking Meter Maintenance   | 20,000.00    |
| Public Works   | DPW Maint. Crew Sal & Wages | 31,400.00    |

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

**#10143**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS –PARKING METER RECEIPTS RESERVED – TO VARIOUS ACCOUNTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

*ORDERED:* That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED TEN THOUSAND, FIVE HUNDRED FIFTY DOLLARS (\$110,550.00) from Available Funds-Parking Meter Receipts Reserved to the following accounts:

|                |                             |              |
|----------------|-----------------------------|--------------|
| City Treasurer | Parking Meter Clerk Salary  | \$ 12,730.00 |
| City Treasurer | Parking Meter Maintenance   | 25,000.00    |
| Police         | Parking Meter Patrol        | 21,420.00    |
| Public Works   | Parking Meter Maintenance   | 20,000.00    |
| Public Works   | DPW Maint. Crew Sal & Wages | 31,400.00    |

Any unused funds will revert back to the Parking Meter Receipts Reserved Fund at year end.

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.



## REGULAR MEETING OF AUGUST 5, 2019

ORDINANCES**#10144**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend that the City Council compensation be increased for only one year, consistent with a vote by the City Council several month ago.

Councillor Ronald Cormier then moved to Order the following Ordinance to First Printing:

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

| Position   | Effective 1-2-2018 | Effective 1-6-2020 |
|------------|--------------------|--------------------|
| President  | \$ 10,707.00       | \$ 10,921.00       |
| Councillor | \$ 7,326.00        | \$ 7,473.00        |

Section 2. Effective date.

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

Councillor James Walsh seconded the motion.

President Graves ruled that the Motion constitutes a "renewal of a motion" as the matter was previously decided. He noted that the Ordinance [defeated on June 17, 2019] could have been reconsidered at the following meeting, but no motion to reconsider was proffered. He said that a motion is in order if the measure [Ordinance] "is substantially different" than the measure that was defeated the first time; however, he determined that the measure "is not substantially different," notwithstanding the Mayor's assertion that his proposal "divides the question for the City Council." The President cited provisions within Robert's Rules of Order that outlines situations by which some elements of a Resolution must be "left out" in order to achieve a "non-renewable motion." However, he said, since there are only two elements, and which are the same as previously acted on, then the Motion is out of order.

Councillor James Walsh moved to suspend Section 38 of Robert's Rules of Order, 10<sup>th</sup> Edition, "Renewal of Motions" (Ref: Council Rule 20).

REGULAR MEETING OF AUGUST 5, 2019

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Councillor Ronald Cormier seconded the motion.

On the motion, Councillor James Walsh stated that he did not necessarily disagree with the ruling of the Council President and did not seek to appeal the ruling as a result. He said that he hoped that the matter could again be voted by the Council because the initial vote was 5 in favor and 5 opposed [to order to First Printing], since he was absent from the meeting, and that he would like the opportunity to vote on the measure. He noted that in order for a Councillor to move for reconsideration, a Councillor would have had to vote on the prevailing side. He added that he isn't asking any Councillor to change his/her vote, unless they have a good reason, but only because he'd like to cast a vote on the issue.

Councillor James Johnson noted that since Councillor Gravel is absent from the meeting, "would the Council then be asked to vote again due to his absence?"

Councillor Walsh responded, saying "that would be Councillor Gravel's decision."

Councillor Walsh and Councillor Ronald Cormier noted that the Ordinance is a two-step [adoption] process.

Councillor James Boone questioned whether the matter could be tabled until the next meeting so that Councillor Gravel would have a chance to speak.

Councillor Boone moved to postpone the matter until the next meeting.

Councillor Boudreau seconded the motion.

Councillor Walsh raised a Point of Order, asking whether the motion to postpone "is priority over the motion to suspend the rules."

President Graves ruled that the motion to suspend the rules takes precedence over the motion to postpone.

On show of hands, seven (7) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Christine Johnson, Elizabeth Kazinskas, and James Walsh; three (3) nays, Councillors James Boone, Karen Hardern, and James Johnson, the motion to suspend the rules did not pass for lack of the requisite two-thirds majority.

**#10145**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted, two in favor and one opposed, to recommend that the Mayor's compensation be increased for only one year.

Councillor Ronald Cormier then moved to Order the following Ordinance to First Printing:



## REGULAR MEETING OF AUGUST 5, 2019

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBITS A AND 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 A and inserting in place thereof, the following:

Exhibit A  
Mayor

| Effective 1-2-2018 | Effective 1-6-2020 |
|--------------------|--------------------|
| \$92,196.00        | \$94,040.00        |

Section 2. Effective date.

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

Councillor James Walsh seconded the motion.

President Graves stated that the Motion constitutes a "renewal of a motion" as the matter had been previously decided; therefore, he ruled that the Motion was out of order.

**PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**

**#10146**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend that the City Council approve the Resolution, noting that the legislation merely authorizes the Director of Public Works to act in the City's interests in matters involving the various water pollution abatement projects.

Councillor Nathan Boudreau, Chairman of the Public Service Committee, informed the Council that, although the Committee did not take a formal vote, it discussed the matter at its recent meeting and supported the Measure.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Resolution:

AUTHORITY TO FILE

Whereas the City of Gardner after thorough investigation, has determined that the work activity consisting of: Water/Sewer/Stormwater Infrastructure Asset Management is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

REGULAR MEETING OF AUGUST 5, 2019

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Whereas, the Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

1. That Dane Arnold, the Director of Public Works, is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said grant(s) and/or loan(s), if awarded, shall be to fund construction activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

Presented to Mayor for Approval – August 6, 2019

Approved – August 8, 2019

MARK P. HAWKE, Mayor

**#10147**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend that the City Council approve the Declaration of Disposition, noting that the property was foreclosed for non-payment of property taxes; that it cleared the Land Court; that the Treasurer recommended that the parcel be placed out for bid; and, that the proposed minimum price would cover the amount of outstanding taxes and would return the property "to the tax rolls."

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Measure:



REGULAR MEETING OF AUGUST 5, 2019

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DECLARING SURPLUS FOR PURPOSE OF DISPOSAL  
LAND AND BUILDINGS AT 62 LINCOLN STREET

VOTED: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 62 Lincoln Street, further identified on the City of Gardner Assessor's Map as R22-00002-00007, to establish as a minimum amount of \$40,000.00 to be paid for any conveyance of said 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.

Presented to Mayor for Approval – August 6, 2019

Approved – August 8, 2019

MARK P. HAWKE, Mayor

**#10148**

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer the *Petition to Lay Out James Street Extension as a Public Way* to the Public Service Committee for study and report and to the Planning Board for report and recommendation.

**#10149**

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer a *Petition by National Grid for permission to construct a line of underground electric conduits on City Hall Avenue beginning at a point approximately 50' east of the centerline of Pleasant Street for approximately 35' in an easterly direction* to the Public Service Committee for study and report and to schedule a Public Hearing at the next regular meeting.

**#10150**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig Cormier, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer a *Petition by National Grid and Verizon New England, Inc. for permission to install four (4) JO poles on Clark Street beginning at a point approximately 200' northwest of the centerline of the intersection of Century Way and Clark Street and continuing approximately 850' in a northwesterly direction* to the Public Service Committee for study and report and to schedule a Public Hearing at the next regular meeting.

REGULAR MEETING OF AUGUST 5, 2019

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**#10151**

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer a *Petition by National Grid and Verizon New England, Inc. for permission to install five (5) JO poles on Clark Street beginning at a point approximately 200' northwest of the centerline of the intersection of Leo Drive and Clark Street and continuing approximately 1200' in a northwesterly direction* to the Public Service Committee for study and report and to schedule a Public Hearing at the next regular meeting.

**#10152**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend increases to the annual stipend for members of the Contributory Retirement Board, including the City Treasurer. He noted that it has been a number of years since stipends were adopted and that the Mayor's Budget included funds for the proposed stipend increases, which was then adopted by the City Council. The Council is now asked to align the Ordinance figures with the amounts budgeted, he added.

Also reporting for Finance Committee, Councillor James Walsh stated that unlike boards and commissions whose stipends are established by the City Council at its discretion, the range of salaries for Retirement Board members is fixed by statute (Chapter 32, § 20 (6)). He said that the statute establishes the annual minimum compensation at \$3,000 and the annual maximum compensation at \$4,500.00 and that the proposed annual increase is \$500 for each board member and \$300 for the City Treasurer.

Councillor Ronald Cormier added that, unlike the members of other boards and commissions, members of the Retirement Board are required by State guidelines to attend mandatory training classes, "which have become more challenging over the years."

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBITS C AND E.

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



REGULAR MEETING OF AUGUST 5, 2019

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 C", the following:

| <u>Position</u>                                | <u>Annual Stipend</u> |
|------------------------------------------------|-----------------------|
| Retirement Board<br>Member [MGL c. 32, §20(6)] | \$ 3,000.00           |

And inserting in place thereof, the following:

| <u>Position</u>                                | <u>Annual Stipend</u>                   |
|------------------------------------------------|-----------------------------------------|
| Retirement Board<br>Member [MGL c. 32, §20(6)] | \$ 3,500.00 <i>(Effective 7/1/2019)</i> |

Section 2. 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    |

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)   | \$ 600.00     |                                        |
|                          | Total Compensation: | \$ 84,718.88  | \$1,629.21 <i>(Effective 7/1/2019)</i> |

Section 3. Effective date.

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

**FIRST PRINTING – AUGUST 9, 2019**

**REPORTS OF STANDING COMMITTEES**  
**PUBLIC WELFARE COMMITTEE**

**#10090**

Councillor Christine Johnson, Chairperson of the Public Welfare Committee, reported that the Committee met on July 24 with Community Development and Planning Director Trevor Beauregard to discuss the proposed amendment and that the proposed changes were well explained and well received by the Committee. Accordingly, she said that the Committee voted to recommend that the Ordinance be ordered to First Printing.

On a motion by Councillor Christine Johnson and seconded by Councillor Elizabeth Kazinskas, on recommendation of the Public Welfare Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier,

REGULAR MEETING OF AUGUST 5, 2019

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Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO CHANGE VARIOUS PROVISIONS RELATING TO MARIJUANA ESTABLISHMENTS.

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

Section 1. Chapter 675-1070 Marijuana Establishments, is hereby amended by deleting and repealing Subsection C (3) (a) in its entirety.

Section 2. Subsection C (9) (c) of Chapter 675-1070 Marijuana Establishments, is hereby amended by deleting the words "shall not exceed the number of registered medical marijuana treatment centers in Gardner engaged in the same type of activity and".

Section 3. This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.

***FIRST PRINTING – AUGUST 9, 2019***

**UNFINISHED BUSINESS**

**#10119**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to remove from further Consideration and to take from the Calendar *A Measure Authorizing an Eighth Amendment to the April 9, 1968 Lease Between the City and Henry Heywood Memorial Hospital.*

**#10130**

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to pass the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 275 THEREOF, ENTITLED "TRAFFIC COMMISSION," TO CHANGE COMMISSION MEMBERSHIP.

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



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**REGULAR MEETING OF AUGUST 5, 2019**

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Section 1. Subsection B. of § 275-1 of the Code of the City of Gardner is hereby amended by inserting the words “Civil Enforcement Director” immediately following the words “Director of Community Development and Planning.”

Section 2. Effective date.

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

In City Council – June 17, 2019

Ordered Printed – July 1, 2019

First Printing – July 8, 2019

Ordinance Passed – August 5, 2019

The foregoing was laid before the Mayor on the 6<sup>th</sup> day of August, 2019 and after ten days it had the “force of the law” as prescribed under Section 30 of the Charter of the City of Gardner, as it was not returned with objections within that time.

Final Printing – August 14, 2019

**NEW BUSINESS**

On a motion by Councillor Christine Johnson and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

**ANNOUNCEMENTS and COMMENTARY**

**#10153**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to send a *Letter of Appreciation* to retiring *City Treasurer and City Collector of Taxes Charline Daigle* on the occasion of her retirement.

Expressions of Appreciation were extended to fellow City Councillor Edward Gravel for his many years organizing the Concerts in the Park series.

Councillor Nathan Boudreau announced that the Ribbon Cutting for the Dog Park will be held on Saturday, August 24. Invitations will be sent to all Councillors.

Councillor Christine Johnson observed a demonstration of a Stryker Power Load System at the Fire Department which has reduced back injuries of EMS personnel. She said that the cost is approximately \$25,000 and the Council may expect to receive an appropriation in the future. She distributed a sheet listing the cost to fill a shift of an injured firefighter.



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**REGULAR MEETING OF AUGUST 5, 2019**

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Revisiting earlier remarks made concerning the Council's role in confirming Mayoral Appointments, Council President Scott Graves stated that "to some, it appears that the Council merely 'rubber stamps' the Mayor's decision," however, "the Mayor is the Executive, he gets to make the decision. You may have reason to believe that the person chosen isn't fit for that particular reason, then a City Councillor has the prerogative to vote 'no'."

**CLOSING PRAYER**

President Graves led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Christine Johnson and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:17 p.m.

**Accepted by the City Council:**

**SPECIAL MEETING OF AUGUST 12, 2019**

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Special Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, August 12, 2019.

**CALL TO ORDER**

Council President Scott Joseph Graves called the meeting to order at 6:00 o'clock p.m.

**CALL OF THE ROLL**

City Clerk Alan Agnelli called the Roll of Members. Seven (7) Councillors were present including President Scott Joseph Graves and Councillors Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillor Nathan Boudreau arrived at 6:10 p.m. Councillors James Boone, Craig Cormier, and Edward Gravel were absent.

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

President Graves announced to the assembly that the Open Meeting Recording and Public Records Announcement is posted at the entrance to the Chamber, and that any person planning to record the meeting by any means should identify themselves.

**#10154**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the impending vacancies in the positions of City Treasurer and City Collector of Taxes were advertised and that many applications were received. With the consent of the Council, the Finance Committee whittled to four the number of applicants for interviews, those applicants that the Committee determined to have the qualifications and/or experience required of the positions. Continuing, he said that one of the applicants was the City's Purchasing Agent, Jennifer Dymek, who met most, if not all, of the qualifications; that the Committee is familiar with her work ethic and experience; and, that she has been an employee of the City for about 17 years.

Councillor Ronald Cormier then nominated Jennifer A. Dymek for the position of City Treasurer for a term expiring August 19, 2022.<sup>[1]</sup>

Councillor James Walsh seconded the nomination.

Councillor Elizabeth Kazinskas questioned whether Ms. Dymek was notified about her nomination [to the position].

Councillor James Walsh reported that the Human Resources Director will notify the applicants of the results of the Council's election.

Councillor Kazinskas asked whether Ms. Dymek has been informed that she has been chosen.



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**SPECIAL MEETING OF AUGUST 12, 2019**

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Councillor Walsh responded, stating that Ms. Dymek has yet to be chosen [by the Council]. The Election will decide and then she will be notified if she is elected, he added.

Councillor Kazinskas questioned whether the salary has been negotiated.

Councillor Walsh stated that the City has an Ordinance that specifies the compensation for the position; however, for a number of years, the Finance Committee has asked the Mayor for a Step System for compensation, but the Mayor has indicated to the Committee “that it is too hard to do,” so it hasn’t been done. He added that the Committee is aware that the Mayor is going to discuss compensation with the prospective Treasurer which, he said, may require a change to the Ordinance.

Councillor Kazinskas then questioned whether “it makes sense to elect someone if they haven’t been notified, as well as the others persons that have applied,” and said that she is concerned that the discussion “is public” and questioned if “it [discussion] raises any personnel issues.”

Councillor Ronald Cormier responded, saying “this is an open election,” and “any Councillor could nominate anyone entirely different.” He said that because [the selection process] is [through] an open election, “it is not the Committee’s role to notify the candidate - it is only a recommendation, because it is the Councils’ choice.” He concluded by saying, “The Council cannot notify someone until they are elected. Our role is unique.”

Responding to Councillor Kazinskas’s question, Councillor James Walsh stated that if the elected applicant does not accept the position, then the Council would meet to hold another election.

Councillor Christine Johnson remarked that Ms. Dymek has held several positions within the City since 2003 and has excelled in every position. She added that she is very pleased that the Finance Committee unanimously recommended that she be elected to the position and that Ms. Dymek is a perfect fit and will do very well.

Councillor James Johnson concurred with Councillor Christine Johnson’s remarks and commended the Finance Committee for its diligence in screening and interviewing candidates and making their recommendation.

Councillor Karen Hardern also offered her endorsement for Ms. Dymek.

President Graves informed the Council that the Finance Committee conducted an interview of a fourth applicant immediately prior to the Special Meeting.

There being no further nominations, President Graves entertained a motion to close nominations.






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 SPECIAL MEETING OF AUGUST 12, 2019
 

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On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted viva voce, seven (7) yeas, President Scott Graves and Councillors Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to close nominations.

On call of the roll:

Councillor Ronald F. Cormier voting for JENNIFER A. DYMEK  
 Councillor Karen G. Hardern voting for JENNIFER A. DYMEK  
 Councillor Christine A. Johnson voting for JENNIFER A. DYMEK  
 Councillor James D. Johnson voting for JENNIFER A. DYMEK  
 Councillor Elizabeth J. Kazinskas voting for JENNIFER A. DYMEK  
 Councillor James M. Walsh voting for JENNIFER A. DYMEK  
 President Scott Joseph Graves voting for JENNIFER A. DYMEK

Councillor Nathan R. Boudreau arrived in the Chamber at the close of the roll call.

President Graves asked the Council for permission to allow Councillor Boudreau to cast a late ballot. There were no objections from the floor.

Councillor Nathan R. Boudreau voting for JENNIFER A. DYMEK

Having received eight (8) votes, Jennifer A. Dymek was declared elected City Treasurer, effective August 19, 2019, for the term expiring August 19, 2022.

Worcester, ss.

August 14, 2019

Then personally appeared **JENNIFER A. DYMEK** and made oath that she would faithfully and impartially perform the duties of City Treasurer according to law and the best of her abilities.

Before me,  
 /s/ Alan L. Agnelli, City Clerk

<sup>[1]</sup> *The first business day following the retirement date of Charline M. Daigle.*

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### #10155

Reporting for the Finance Committee, Councillor James Walsh informed the Council that although the positions of City Treasurer and City Collector of Taxes are separate positions, they we advertised and interviewed as a single position.

Councillor James Walsh then nominated Jennifer A. Dymek for the position of City Collector of Taxes for a term expiring August 19, 2022. <sup>[2]</sup>

Councillor Ronald Cormier seconded the nomination.

SPECIAL MEETING OF AUGUST 12, 2019

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There being no further nominations, President Graves entertained a motion to close nominations.

On a motion by Councillor James Johnson and seconded by Councillor James Walsh, it was voted viva voce, eight (8) yeas, President Scott Graves and Councillors Nathan Boudreau, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to close nominations.

On call of the roll:

Councillor Nathan R. Boudreau voting for JENNIFER A. DYMEK  
Councillor Ronald F. Cormier voting for JENNIFER A. DYMEK  
Councillor Karen G. Hardern voting for JENNIFER A. DYMEK  
Councillor Christine A. Johnson voting for JENNIFER A. DYMEK  
Councillor James D. Johnson voting for JENNIFER A. DYMEK  
Councillor Elizabeth J. Kazinskas voting for JENNIFER A. DYMEK  
Councillor James M. Walsh voting for JENNIFER A. DYMEK  
President Scott Joseph Graves voting for JENNIFER A. DYMEK

Having received eight (8) votes, Jennifer A. Dymek was declared elected City Collector of Taxes, effective August 19, 2019, for the term expiring August 19, 2022.

Worcester, ss.

August 14, 2019

Then personally appeared **JENNIFER A. DYMEK** and made oath that she would faithfully and impartially perform the duties of City Collector of Taxes according to law and the best of her abilities.

Before me,  
/s/ Alan L. Agnelli, City Clerk

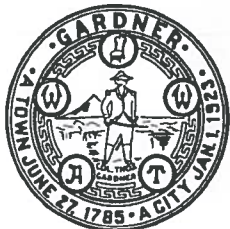
<sup>[2]</sup> *The first business day following the retirement date of Charline M. Daigle.*

### ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Christine Johnson, it was voted viva voce, eight (8) yeas, President Scott Graves and Councillors Nathan Boudreau, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 6:12 p.m.

Accepted by the City Council:

10149



**CITY OF GARDNER  
MASSACHUSETTS 01440-2630**

**OFFICE OF THE  
CITY CLERK**

Room 121, City Hall  
Tel (978) 630-4058  
Fax (978) 630-2589

**NOTICE TO ABUTTERS**

August 7, 2019

**TO ABUTTERS AND OTHER INTERESTED PARTIES:**

Pursuant to the provisions of M.G.L., c. 166, §22, you are hereby notified that a Public Hearing will be conducted on **Tuesday, September 3, 2019 at 7:30 o'clock P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, Massachusetts, on the petition of **NATIONAL GRID** for permission to construct a line of underground conduits, including the necessary sustaining and protecting fixtures, under along and across the following public way(s):

City Hall Avenue – National Grid to install underground electric conduits on City Hall Avenue beginning at a point approximately 50 feet east of the centerline of Pleasant Street and continuing approximately 35’ in an easterly direction. National Grid to install two (2) 3” conduits from existing vault #2 to a new heavy duty handhole in sidewalk to service street light cabinet.

A diagram of the electric conduit location is attached for your edification.

CITY COUNCIL OF GARDNER

By: ALAN L. AGNELLI, City Clerk

10149

RECEIVED

2019 JUL 18 AM 9:14

CITY CLERK'S OFFICE  
GARDNER, MA



SCOPE:

NGRID CIVIL TO:

- INSTALL NEW HEAVY DUTY HAND HOLE
- INSTALL 35' OF 2-3' CONCRETE ENCASED CONDUIT FROM EXISTING VAULT #2 TO NEW HEAVY DUTY HAND HOLE.
- REPLACE EXISTING VAULT FRAME, RING AND COVER

PLEASANT STREET

MAIN STREET

25 MAIN STREET SECTION A






VLT 2

(35' +/-)

HDHH 2-1

CITY HALL AVENUE

LEGEND

-  CUST. SERV CABINET
-  HDHH
-  VAULT
-  NGRID CIVIL 2-3' CONDUIT
-  EXISTING CONDUIT

MAIN & PLEASANT STREET  
PETITION SKETCH

25 MAIN STREET

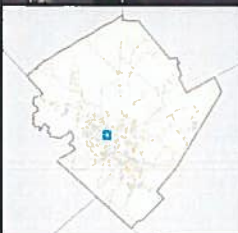
GARDNER, MA



Date: 07/11/19

Designer: AMARAM

WR: 20137418

**nationalgrid**



 Abutters  
 Parcels

**ABUTTER'S LIST (POLE)**  
**MAIN & PLEASANT**

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**CITY OF GARDNER**  
 95 Pleasant Street  
 Gardner, MA 01440

0    62.5    125  
 Feet



**Data Sources**  
 City of Gardner Engineering,  
 Office of Geographic and  
 Environmental Information (MassGIS),  
 Commonwealth of Massachusetts, EOEa

