

**REGULAR MEETING OF APRIL 1, 2019**

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, April 1, 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, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillor Ronald Cormier 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 James Walsh and seconded by Councillor Elizabeth Kazinskas, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the Regular Meeting of March 18, 2019, as printed.

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#10074**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Finance Committee recently met with the Jennifer Dymek, the City's Purchasing Director, who advised that Mr. Budwick obtained the bid specifications and submitted a proposal, although he is a member of the Golf Commission and currently operates another food establishment in Gardner and possesses a liquor license. He said that the Mayor inquired with

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the State Ethics Commission and the City's Law Department and was advised that Mr. Budwick could operate the facility if the City Council granted an exemption under G.L. c. 268A, § 20(d), since his position as a member of the Golf Commission is designated as a "Special Municipal Employee." He added that the Mayor and the Golf Commission Chairman approved of the arrangement and suggested that, at worst, the Golf Course Restaurant would not be open for the season and, at best, its opening would be delayed if another Invitation for Bid would have to be issued.

Councillor Walsh then moved to *Approve an Exemption pursuant to G.L. c. 268A, § 20(d) in the Matter of a Financial Interest of Golf Commissioner Michael Budwick for a Contract to Lease and Operate the Restaurant at the Gardner Municipal Golf Course.*

Councillor Nathan Boudreau seconded the motion.

On the motion, Councillor Edward Gravel noted that the Golf Course restaurant is important to golfers.

Councillor Nathan Boudreau commented that Mr. Budwick and his family operate a long-time business and that it was great that he submitted a bid at the 11th hour.

On a motion by Councillor James Walsh and seconded by Councillor Boudreau, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and James Walsh; one (1) excused, Councillor Kazinskas^[1], to adopt the following Measure:

APPROVAL OF EXEMPTION BY THE CITY COUNCIL
DISCLOSURE BY MICHAEL BUDWICK, SPECIAL MUNICIPAL EMPLOYEE,
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G.L. c. 268A, § 20(d)

VOTED: To approve an Exemption pursuant to G.L. c. 268A, § 20(d) in the Matter of a Financial Interest of Golf Commissioner Michael Budwick for a Contract to Lease and Operate the Restaurant at the Gardner Municipal Golf Course.

Presented to Mayor for Approval – April 2, 2019

Approved – April 2, 2019

MARK P. HAWKE, Mayor

[1] Councillor Kazinskas recused herself from discussing or voting on the Measure due to a personal conflict. The Council did not object to her recusal.

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REPORTS OF STANDING COMMITTEESPUBLIC SAFETY COMMITTEE**#10069**

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee will conduct a site visit to the property on Thursday, April 4 at 5:00 p.m. There being no objections, the Public Safety Committee was granted more time to study and report on *Application by Osagi Enterprise, LLC, for a License to Buy and Sell Second Hand Motor Vehicles, Class 2, on Toby Street.*

#10070

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee will conduct a site visit to the property on Thursday, April 4 at 5:00 p.m. There being no objections, the Public Safety Committee was granted more time to study and report on *Application by Osagi Enterprise, LLC, for a License to Deal in Motor Vehicle Junk, Class 3, on Toby Street.*

UNFINISHED BUSINESS**#10053**

Councillor James Walsh moved to pass the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 312 THEREOF, ENTITLED "ANIMALS," BY DELETING AND REPEALING § 312-2F.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 312 THEREOF, ENTITLED "ANIMALS," TO CHANGE A PROVISION RELATING TO RESPONSIBILITIES OF OWNERS OR KEEPERS.

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

Section 1. Subsection F of Section 312-2 of Chapter 312, Animals, of the Code of the City of Gardner, is hereby amended to read, as follows:

F. No animals shall be allowed in any City cemetery or playground, except in designated areas of Pulaski Park.

Section 2. Effective date.

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

Councillor Craig Cormier seconded the motion.



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On the motion, Councillor Nathan Boudreau said that he would vote to pass the Ordinance, but questioned the reason that the Council is restricting animals when the City has a “pooper scooper” law which is enforced by Animal Control Officers.

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

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AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 312 THEREOF, ENTITLED “ANIMALS,” TO CHANGE A PROVISION RELATING TO RESPONSIBILITIES OF OWNERS OR KEEPERS.

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

Section 1. Subsection F of Section 312-2 of Chapter 312, Animals, of the Code of the City of Gardner, is hereby amended to read, as follows:

F. No animals shall be allowed in any City cemetery or playground, except in designated areas of Pulaski Park.

Section 2. Effective date.

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

In City Council – February 4, 2019

Ordered Printed – March 18, 2019

First Printing – March 22, 2019

Ordinance Passed – April 1, 2019

The foregoing was laid before the Mayor on the 2nd day of April, 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 – April 16, 2019

EXECUTIVE SESSION MINUTES REVIEW

President Graves informed the Council that the packet contains a series of Minutes of Executive Sessions that have not been released. He said that the Finance Committee also reviewed Minutes of the various Executive Sessions.

Councillor James Walsh, a member of the Finance Committee, reported that Councillors have had an opportunity to review the Minutes to be considered for release and that the Committee recommended release in the interest of transparency.



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On a motion by Councillor James Walsh and seconded by Councillor Edward Gravel, 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, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to Release the Minutes of the following Executive Sessions:

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

NEW BUSINESS

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

#10075 (New Business)

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the issue is not new, since the Council addressed the same situation last year. He said that the Mayor, "in persuasive form and in the Committee's opinion," outlined the reasons to disapprove the budget, adding that it burdens the City's budgetary process and for the fact that there are significant excess funds available to Monty Tech (E&D, Stabilization).

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Councillor Walsh then moved to *Disapprove the Montachusett Regional Vocational School District Fiscal Year 2020 Operating and Maintenance Budget, as adopted by the Montachusett Regional Vocational District School Committee on March 6, 2019, as allowed by Section 5(C) of the District Agreement.*

Councillor Christine Johnson seconded the motion.

On the motion, Councillor Christine Johnson informed the Council that the Public Welfare Committee recently met with representatives of Monty Tech and discussed the proposed FY2020 Budget. The Committee discussed the District's Excess and Deficiency (E&D) Account and, when asked the reason for the sizable E&D balance, representatives reportedly responded that it is due to conservative budgeting. Councillor Johnson said that she does not believe that it is due to conservative budgeting and noted that the District has committed \$40,000 annually to a Stabilization Account. She added that the FY2020 budget increase is 3.62% higher than the current year and that that the City Council "is trying to hold their feet to the fire" and that "we are trying to fund our own schools."

Councillor Gravel remarked that Monty Tech has a good trades programs, since not every kid goes to college. He added that it is difficult for Monty Tech to increase its budget when the City cannot increase its own School budget.

Councillor James Boone stated that as a member of the Monty Tech School Committee, he has attempted to get his fellow members to adjust the budget, as well as its admission policies, in order to allow students that need a trade to be able to get into the school. According to Monty Tech officials, only 3 in 10 students graduating enter a trade field. He said that Monty Tech is doing great, but that it will not change its practices until it is forced to change, which may only change if the City Council takes a stand. Continuing, he said that he is not opposed to the District maintaining a Stabilization fund or E&D, as they may have emergencies during the year, but that he supports the Mayor's efforts to get them to reduce their budget.

Councillor Nathan Boudreau said that vocational education is the best thing going, but save for a rainy day when you can. "There is no reason to be squirrelling away a boatload of cash," he added.

Councillor Elizabeth Kazinskas stated that at the recent Public Welfare Committee meeting, Monty Tech officials noted that the District would have to go to all 18 communities in the District in order to obtain additional funds. "That is what Gardner Public Schools have to do if they need more money," she added. Continuing, she said that is unfortunately what the Schools need to do, noting that Gardner almost laid off 17 teachers in the current school year due to the budget, and that now is not the financial climate to set aside excess funds.

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Councillor Christine Johnson reported that Monty Tech's budget is based on the Governor's Chapter 70 Budget recommendations and that in the current Fiscal year, Monty Tech should have returned \$10,000 to \$15,000 to the City of Gardner, but the District kept the money.

Councillor Gravel encouraged the State legislature to pass Education reform and Councillor Boudreau encouraged Chapter 70 Aid reform.

On the motion, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Measure:

A MEASURE DISAPPROVING THE
MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT
FISCAL YEAR 2020 OPERATING AND MAINTENANCE BUDGET

VOTED: That the City Council of the City of Gardner disapproves the Montachusett Regional Vocational School District Fiscal Year 2020 Operating and Maintenance Budget, as adopted by the Montachusett Regional Vocational District School Committee on March 6, 2019, as allowed by Section 5(C) of the District Agreement.

Presented to Mayor for Approval – April 2, 2019

Approved – April 2, 2019

MARK P. HAWKE, Mayor

ANNOUNCEMENTS and COMMENTARY

Trash Tag Challenge

Councillor Nathan Boudreau informed the Council that there is a new thing called the “Trash Tag Challenge.” He said to take a picture of an area of trash, then clean it, and then take a picture of the clean area.

Waste Disposal

Councillor Christine Johnson informed the Council that people have voiced displeasure when their trash Toter is not emptied because it is overstuffed. She said that she spoke with the Health Department and was informed that there is a significant number of people that overfill their trash Toters and that if a Toter lid does not lie flat, then it will not be emptied. She added that it is costing more to dispose of trash, so the City may have to increase the trash fees unless Toters are not overstuffed.

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West Gardner Square/Main Street Traffic

Councillor Christine Johnson informed the Council that the intersection at West Gardner Square is very unsafe and she plans to refer the matter to the Traffic Commission for study.

Councillor Edward Gravel added that motorists need to slow down and pay attention to their driving, adding that people have been hit by cars near the Paramount Café and Priscilla Candy Shop on Main Street.

Gardner Police Department Autism Awareness

Councillor Edward Gravel reported that the Gardner Police Department is participating in *National Autism Awareness Month*, putting special decals on their cruisers and wearing special patches on their uniforms.

Earth Day

Councillor Edward Gravel announced upcoming Earth Day.

Boston Marathon

Councillor James Walsh informed the Council that Gardner High's Head Field Hockey Coach will be running in the Boston Marathon. He wished her well.

CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Craig Cormier 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, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:04 p.m.

Accepted by the City Council: *April 16, 2019*