

**REGULAR MEETING OF MAY 6, 2019**

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, May 6, 2019.

CALL TO ORDER

Council President Scott Joseph Graves called the meeting to order at 7:30 o'clock p.m. and announced that since Councillor Craig Cormier is away from Gardner, that he would participate remotely due to geographic distance and that all votes taken would be by roll call.

CALL OF THE ROLL

City Clerk Alan Agnelli called the Roll of Members. Eleven (11) Councillors were present including President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier (participating remotely), Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh.

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, on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the Executive Session of April 16, 2019 and the Informal and Regular Meetings of April 16, 2019, as printed.

COMMUNICATIONS FROM THE MAYOR**APPOINTMENTS****#10091**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Finance Committee voted to recommend that Mr. Leger's reappointment be confirmed.



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On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee and on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment from the Mayor:

CLAUDE LEGER to the position of **SENIOR CITIZENS' DIRECTOR** for term expiring April 9, 2021.

Worcester, ss.

May 6, 2019

Then personally appeared **CLAUDE LEGER** and made oath that he would faithfully and impartially perform the duties of **SENIOR CITIZENS' DIRECTOR** according to law and the best of his abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

#10092

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Finance Committee voted to recommend that Mr. Nelson's reappointment be confirmed.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee and on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment from the Mayor:

JEFFREY NELSON to the position of **MEMBER, COUNCIL ON AGING**, for term expiring April 16, 2021.

Worcester, ss.

May 7, 2019

Then personally appeared **JEFFREY NELSON** and made oath that he would faithfully and impartially perform the duties of **MEMBER, COUNCIL ON AGING**, according to law and the best of his abilities.

Before me,

/s/ Faith A. Glover, Assistant City Clerk

ORDINANCES**#10093**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee and on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer the following Ordinance to the Finance Committee for study and report:



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

Exhibit E
Non-Union Employees
Effective Date: 07/01/2019

A. DEPARTMENT HEADS

Position	Grade		07/01/19	
			Annual	Weekly
Building Commissioner	G-10		\$78,151.60	\$1,502.92
Chief of Police	G-13		\$103,219.64	\$1,984.99
City Assessor	G-9		\$73,137.78	\$1,406.50
City Auditor	G-10		\$81,275.75	
		MGL c. 32, §20(6)	\$3,000.00	
		Total Compensation	\$84,275.75	\$1,620.69
City Clerk	G-10		\$79,714.63	
		MGL c. 41, §19F	\$3,500.00	
		MGL c. 41, §19G	\$550.00	
		Total Compensation	\$83,764.63	\$1,610.86
City Collector/Treasurer	G-10		\$84,118.88	
		MGL c. 32, §20	\$300.00	
		Total Compensation	\$84,418.88	\$1,623.44
City Engineer	G-11		\$85,175.44	\$1,637.99
City Solicitor	G-10		\$80,632.20	\$1,550.62
Council on Aging Director	G-6		\$57,587.68	\$1,107.46
Director of Community Development & Planning	G-10	City	\$65,838.94	
		GRA	\$22,250.47	
		CDBG	\$4,636.05	
		Total Compensation	\$92,725.46	\$1,783.18
Director of Local Origination & Educational Planning	G-6		\$64,468.75	\$1,239.78
Director of Public Health	G-10	Step 1	\$70,358.09	\$1,353.04
		Step 2	\$78,476.33	\$1,509.16
Fire Chief	G-12		\$94,698.74	\$1,821.13



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**A. DEPARTMENT HEADS
(Cont.)**

Position	Grade		07/01/19	
			Annual	Weekly
Golf Course Driving Range/Superintendent	G-9		\$76,571.97	\$1,472.54
Human Resources Director	G-11		\$88,582.77	\$1,703.51
Information Technology Director	G-11	City	\$47,956.30	
		School	\$47,956.30	
		Total Compensation	\$95,912.60	\$1,844.47
Library Director	G-9		\$75,411.22	\$1,450.22
Public Works Director	G-12		\$100,093.31	\$1,924.87
Purchasing Agent/Civil Enforcement Director	G-10		\$77,008.55	
		MGL c. 148A, §5 Total Compensation	\$2,500.00	
			\$79,508.55	\$1,529.01
Veterans' Director	G-6		\$58,008.62	\$1,115.55

B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS

Position	Grade		07/01/19		
			Annual	Weekly	Hourly
Executive Secretary	G-4		\$47,553.41	\$914.49	\$24.72
Assistant City Clerk	G-3		\$42,765.62	\$822.42	\$22.23
		Step 2 (5 Yrs)	\$43,620.93	\$838.86	\$22.67
		Step 3 (10 Yrs)	\$44,493.35	\$855.64	\$23.13
Assistant City Engineer	G-8		\$67,103.22	\$1,290.45	
Assistant City Solicitor	G-3		\$44,569.21	\$857.10	
Assistant City Treasurer/Collector	G-5		\$53,370.84	\$1,026.36	
Assistant Director of Community Development**	G-7	City	\$3,342.81		
		CDBG Total Compensation	\$63,513.30		
			\$66,856.11	\$1,285.69	
Assistant Director of Public Health	G-5		\$53,370.84	\$1,026.36	
Assistant Director of Public Works	G-9		\$73,137.78	\$1,406.50	
Assistant Library Director	G-6		\$58,421.21	\$1,123.48	
Deputy Chief of Police	G-11		\$89,434.53	\$1,719.89	
Conservation/Planning Agent	G-6		\$59,012.30	\$1,134.85	
Director of Public Safety Regional Dispatch Center	G-9		\$74,284.56	\$1,428.55	
Economic Development Coordinator**	G-7		\$58,262.40	\$1,120.43	
GIS/Energy Analyst	G-5		\$59,160.00	\$1,137.69	



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Golf Professional	G-6	\$1,281.30	Weekly	
Golf Pro Manager	G-6	\$1,104.08	Weekly	
Local Inspector	G-6	\$60,329.20	\$1,160.18	
Producer	G-2	\$48,385.40	\$930.49	
Senior Animal Control Officer	G-2	\$40,606.04	\$780.89	
Systems Manager	G-6	\$63,809.37	\$1,227.10	
Electrical Inspector	G-6			\$31.35
Plumbing Inspector	G-6			\$31.35
Transfer Station Supervisor	G-3			\$22.17
Executive Aide				\$17.06

Annual	Monthly
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Civil Defense Director	\$9,171.88	\$764.32
Sealer of Weights & Measures	\$9,341.37	\$778.45

C. NON-UNION STAFF POSITIONS

Position	07/01/19				
	Annual	Weekly	Hourly		
Animal Control Officer	G-1	Step 1	\$33,555.40	\$645.30	\$16.13
		Step 2 (5 Years)	\$34,226.51	\$658.20	\$16.46
		Step 3 (10 Years)	\$34,911.04	\$671.37	\$16.78

	07/01/19					01/01/20
	Step 1	Step 2	Step 3	Step 4 (5 Yrs)	Step 5(10 Yrs)	Step 1
Administrative Assistant	\$14.89	\$17.27	\$20.81	\$21.23	\$21.65	
Administrative Coordinator	\$14.12	\$16.63	\$19.14	\$19.52	\$19.90	
Administrative Clerk	\$13.67	\$15.89	\$18.11	\$18.47	\$18.83	
Animal Shelter Attendant	\$12.50					\$13.00
Budget/Project Manager**						
City	\$1.09					
GRA	\$0.65					
CDBG	\$22.85					
Total Compensation	\$24.59					
Building Maintenance						
Craftsman	\$18.09	\$20.41	\$22.74			
Building Maintenance Man	\$16.54	\$18.79	\$21.03			
Council on Aging Coordinator	\$13.00					
Financial Administrator	\$15.08	\$17.98	\$21.21			
Financial Clerk	\$13.85	\$16.29	\$19.01			

Golf Course Positions

Golf Pro Shop Supervisor		\$14.08	\$14.62	\$15.16
Grounds Maintenance Man	GC-8	\$16.56	\$18.22	\$20.16



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Motor Equipment Repairman	GC-8	\$16.56	\$18.22	\$20.16
Working Foreman - Grounds Maintenance Man	GC-9	\$20.35		
Working Foreman - Motor Equipment Repairman	GC-9	\$20.35		

Library Department Positions

Staff Librarian		\$21.85		
Senior Library Technician		\$19.91		
Library Technician		\$18.78		
Library Clerical Staff		\$13.14	\$13.40	
Head Life Guard		\$15.30	\$16.73	
Parking Meter Clerk		\$16.65		
Production Assistant		\$14.77		
Transfer Station Monitor		\$12.50		\$13.00

D. NON-UNION STAFF: TEMPORARY, SEASONAL AND INTERMITTENT POSITIONS

Position		07/01/19			07/01/20		
		Step 1	Step 2	Step 3	Step 1	Step 2	Step 3
Alternate Animal Control Officer		\$12.50			\$13.00		
Certified Pool Operator	S-4	\$22.11					
Golf Course Laborer/Pro Shop Assistant	GC-4	\$12.50			\$13.00		
Golf Course Groundsman	GC-5	\$14.51					
Golf Course Ranger	GC-6	\$12.50			\$13.00		
Lifeguard	S-6	\$12.50			\$13.00		
Temporary Seasonal Technical	T-6	\$14.36					
Election Warden		\$14.00					
Election Inspector		\$12.00					
Election Clerk		\$13.00					
Special Detail Police Officer		\$49.00					
Temporary Seasonal Laborer (T-4)		\$12.50	\$13.77	\$15.30	\$13.00	\$13.77	\$15.30
Recreational Playground Supervisor (T-5)		\$15.30	\$16.73				
Recreational Support Staff		\$12.50			\$13.00		



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#10094

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee and on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer the following Ordinance to the Finance Committee for study and report:

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	Effective 1-4-2021
\$92,196.00	\$94,040.00	\$95,921.00

Section 2. 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	Effective 1-4-2021
President	\$ 10,707.00	\$ 10,921.00	\$ 11,139.00
Councillor	\$ 7,326.00	\$ 7,473.00	\$ 7,622.00

Section 3. Effective date.

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

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10095

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, on recommendation of the Public Safety Committee and on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant Brian's Bowlaway, Inc., 123 Main Street, a Bowling Alley License for the period May 1, 2019 through April 30, 2020.

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#10096

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, on recommendation of the Public Safety Committee and 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, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and James Walsh; one (1) excused, Councillor Kazinskas^[1], to grant Gardner Ten Pins, Inc., 560 West Broadway, a Bowling Alley License for the period May 1, 2019 through April 30, 2020.

[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.

#10097

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend that the Exemption be granted. He said Mr. Osowski is employed by the Fire Department and operates a part-time landscaping business and that he was the low bidder for performing clean-up work at abandoned properties designated as nuisances. He said that the Exemption would allow Mr. Osowski to contract with the City.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee and on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Measure:

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)
FINANCIAL INTEREST OF CRAIG A. OSOWSKI
CONTRACT FOR LANDSCAPING AND LAWN MOWING SERVICES

VOTED: To approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Craig A. Osowski for a Contract for Landscaping and Lawn Mowing Services.

Presented to Mayor for Approval – May 7, 2019

Approved – May 7, 2019

MARK P. HAWKE, Mayor

#10098

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer *A Petition by National Grid for Permission to Install 1 SO Pole on Elm Street beginning at a point approximately 132 feet southeast of the centerline of the intersection of Cherry Street* to the Public Service for study and report and to schedule a public hearing at the next regular meeting.

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REPORTS OF STANDING COMMITTEESPUBLIC SAFETY COMMITTEE**#10086**

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, on recommendation of the Public Safety Committee and on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant *ecoATM, LLC, a License to Deal in Second Hand Articles at 677 Timpany Boulevard* for the period May 1, 2019 through April 30, 2020.

#10087

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, on recommendation of the Public Safety Committee and on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant *GameStop, Inc. a License to Deal in Second Hand Articles at 376 Timpany Boulevard* for the period May 1, 2019 through April 30, 2020, subject to payment of all taxes, fines, fees, and other outstanding charges.

#10088

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, on recommendation of the Public Safety Committee and on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant *Tanguay Jewelers a License to Deal in Second Hand Articles at 19 Connors Street* for the period May 1, 2019 through April 30, 2020.

#10089

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, on recommendation of the Public Safety Committee and on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant *Gardner Coins & Cards, Inc. a License to Deal in Second Hand Articles at 13 Pleasant Street* for the period May 1, 2019 through April 30, 2020.

PUBLIC WELFARE COMMITTEE**#10090**

There being no objections, the Public Welfare Committee was granted more time to study and report on the following Ordinance:

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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.

UNFINISHED BUSINESS**#10080**

Councillor James Walsh moved to pass the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO NEW SCHOOL LAND ACQUISITION.

ORDER: That there be and is hereby appropriated the sum of One Hundred Fifteen Thousand Dollars and No Cents (\$115,000.00) from Free Cash to New School Land Acquisition.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Edward Gravel stated that he wished for more time on the Order, questioning whether the School Building Committee "took into account" that the City has athletic practice fields at the High School and Middle School. He said that he believes that that the proposed 146,000 s.f. elementary school could fit on a slab on the practice fields and that the Council ask the Committee if it is feasible to construct the school on the land. He added that the schools could use Stedman Field and Mount Wachusett Community College's fields if the High School and Middle School athletes need to practice, and that the Council should could take more time and perhaps to seek another feasibility study.

Councillor Gravel then moved to refer the Order to the School Building Committee for further study and report.

Councillor Christine Johnson seconded the motion.

Council President Graves questioned the propriety of the motion, seeking the purpose for referring the Money Order to the School Building Committee.



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Councillor Gravel stated that his motion is to ask for the Committee to determine the feasibility of using the practice fields for the new school.

President Graves informed the Councillor that the measure before the Council is an appropriation to purchase the land, so that it cannot be referred to the School Building Committee; therefore, the motion is out of order.

Councillor Gravel said that he did not believe that his motion was out of order, but acknowledged that he was not making his point. He then withdrew his motion.

President Graves recognized Mayor Hawke.

The Mayor informed the Council that the Feasibility Study was conducted about 5 years ago and that the Project Consultants investigated all available City-owned land and provided the [School Building] Committee with some suggestions and possibilities, adding that “it was the jumping off point for the most recent feasibility study” for which the City “spent hundreds of thousands of dollars in City money and MSBA money.”

Continuing, the Mayor said that the siting process has been underway for over a year and that the School Building Committee looked at multiple parcels that are owned and not-owned by the City that would accommodate a sizeable building for Pre-K through Grade 1 and Pre-K through Grade 4. He said that the Building Committee, the Superintendent, and he, did not think that the existing High School/Middle School complex would be the best spot because it would place all of the City’s school kids – Pre-K through Grade 12- in an incredibly small area with [limited] parking and [would create] additional traffic. The Mayor noted that the City Council heard from the public at the recent Hearing about increased traffic on Pearl Street as a result of the siting of an elementary school and added that he would have concerns about the entire Gardner school population traveling along Catherine Street.

Continuing his comments, the Mayor said that the Committee did not investigate the athletic fields because it did not want to lose the highly-utilized practice fields presently used by the Middle School and High School for field hockey, baseball, and soccer, and which are also used for other youth sports organizations, such as the Chair City Lions and Chair City Soccer. The Mayor noted that the City is completing the rehabilitation of Watkins Field, but that the field cannot accept all of the field activities there. He said that the Committee looked east of the Middle School, but that the land was determined to be too small for the school, so the investigation moved southerly to the land now under consideration because the school would fit and would allow a second means of egress for the educational complex.

Councillor Ronald Cormier said that he has been a member of the School Building Committee, that the process has been long, and that the Committee “did not arrive at this point very easily.” He said that with the blessings of engineers and others, the proposed parcel would offer a pastoral atmosphere for the youngsters, noting that he worked as an educator with younger



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students at an elementary school in Fitchburg with similar characteristics and which abutted Audubon land. Concluding, Councillor Cormier said that the current plan offers three playgrounds for the various school age groups and that the site offers amenities that the other site would not have, adding that the parcel off Matthews Street was sizeable, but not buildable.

Councillor James Walsh remarked that it had been suggested that the money order is a referendum on the new elementary school, adding “I don’t see it that way.” He said that this is an order for \$115,000 to purchase land that is very near to the large campus comprising the High School and Middle School. “I think that it’s a good value and not a referendum on the school itself, because we haven’t seen what the funding will look like. And, I will reserve judgment on the funding package which is really the decision on the school,” he added.

Continuing, Councillor Walsh stated, “In the meantime, we’ve got the purchase of a parcel of land for a good value that if we don’t use it to build a school, then it could be utilized for purposes associated with the nearby schools. For those reasons, I am narrowing my focus to the matter at hand, which is not the building of the school, but for the funding to purchase the land.”

Councillor Edward Gravel said that the reason that he made the motion in the form that he did is because the site work estimate is \$8.1M. He said that while he understands that the referendum is the purchase of the property, he “is a construction person that works in the field of the construction business” and “understands the costs and ramifications of a lot of these projects.” He said that the biggest cost is for site work at \$8.1M. “That’s why I made the suggestion, I think it is still a good idea,” he added.

Continuing, Councillor Gravel stated that he “walked the site, pretty hilly site – the elevation is pretty high above all the wetlands and little streams,” and added that he had to “dig out a tick” that he got [while walking the site]. “I’m not against the school,” he said, “I am just against not being fiscally responsible. If we as Councillors are not looking at bottom line when it comes to this project, that \$114,000 is ten cents compared to this budget.”

Councillor Christine Johnson expressed agreement with Councillor Walsh, saying that if the school isn’t built on the land, then the City has a nice little parcel of land that could serve as a walking or hiking path. Her biggest concern, she said, is that if a government agency comes in and says, “No, you can’t build in that location, then what is the backup plan?” “Because for me,” she added, “the ultimate goal is to make sure that we build an elementary school. What will we do if we can’t build here?”

Councillor Nathan Boudreau also expressed agreement with Councillor Walsh, saying that it is appropriate to note that this is Teacher Appreciation Week and it is a time in our City’s history and future to make a large investment in our teachers and our students. “We can do better – this is only a first step,” he said. Continuing, he said, “This might not be the end all,

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but we cannot turn down the high percentage reimbursement that the MSBA is offering. And not turn down a commitment to our teachers and students. They are who we need to protect the most and that they are in areas and buildings that are not substantial or appropriate at this time.”

Councillor Christine Johnson stated that the land purchase and the site preparation are not reimbursable and again questioned whether a backup plan exists asking, “Where do we go if the parcel is not approved? Where are we going to build it?” She noted that maintenance to the Middle School retention pond is lacking. “It is not the DPW’s fault, as they are out straight,” she added.

Council President Graves recognized Mayor Hawke who introduced Superintendent Mark Pellegrino to address the Council as is his prerogative under the City Charter.

Superintendent Pellegrino informed the Council that the MSBA is comprised of not only financial people, but also engineers who have overseen the construction of a number of schools and that Gardner’s proposed school site was part of the process and the MSBA had already approved the site. He noted that the Building Committee was excited about expanding Elm Street School, but concluded that that particular site would not work. The Superintendent stated that the Project has an engineer that is very familiar with the type of work required for the project, specifically citing water runoff, and which will make sure that there “is zero net effect” on the water runoff.

Continuing his remarks, Mr. Pellegrino stated that the City and MSBA have already invested a lot of money in the project and that the Council is discussing only the purchase of the land for \$115,000. The MSBA is the State authority and has approved the site to build the new school, adding that the MSBA would not have financed the feasibility study and approved the site if it was not possible to build a school at this site.

Citing comments made by Councillor Christine Johnson, Mayor Hawke informed the Council that the site work is MSBA reimbursable and that the site work is capped at 8% of the total construction cost. With some quick calculations, the Mayor said that with an estimated construction cost of \$65.3M at 8% would be about \$5¼M, the \$8.1M is about 8.2%, which leaves about \$2.876M that would not be reimbursed.

Outlining site work, the Mayor stated that site work includes clearing and leveling the land, [constructing the] parking lots, rain gardens, the landscaping, construction of the access road into the school and the access road over to the High School, which then would create the loop and have two ways in and out of the school. “So,” he added, “what extra costs are there as opposed to another site? All other site work will have to be performed, as well – landscaping, clearing, parking lots, etc.”



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Continuing his remarks, the Mayor acknowledged that the City “will pay a premium for the preferred site,” but that he would have appreciated the questions months ago, adding that that the School Committee voted to approve the site in February and the School Building Committee approved the site in January. “So,” he said, “this hasn’t been a secret – it has been in the press, on the website [and] we’ve done our due diligence.” “And,” he added, “as for a rogue or other governmental agency coming in – we can’t think of one.”

The Mayor then cited comments that were made that the City should be ashamed because the Conservation Agent was not made aware of the plans. He said that the Conservation Agent walked the site and said he is perfectly fine with it and said that they [Consultants] did a great job ... and that is what the Conservation Agent will do – to make sure that the flagging is done right and uphold the Wetlands Protection Act. He stated that the EPA has been notified and explained that the City is governed by MS4 Permit, just like every other community, and that the City is complying with the law. Continuing, the Mayor explained that “the net effect” for runoff is under the MS4 Permit, “so no matter where the school is built, the City must still comply with EPA guidelines,” and that “testing and sampling will be performed all around - this is the status now – you cannot make it any worse,” he added.

Concluding, the Mayor stated that the architects and engineers presented the proposal to the City’s Development Review Committee - Building Commissioner, Conservation Agent, Planning Director, Fire, Police, Health, and others. The Fire Chief raised a concern that the lane around the school be large enough to accommodate the largest Fire truck. “I don’t foresee anyone telling us that we cannot build there, because it is a buildable lot,” he added.

Councillor Boone commended Councillor Gravel and Councillor Christine Johnson for continuing to ask the tough questions and said, “I know everyone says, ‘Well, it’s only \$115,000.00,’ but it is \$115,000.00, so why not ask the tough questions?” He said that “a lot of thought has gone into this, and I am going to support it, but I think it is important to continue to ask the tough questions.”

Continuing, Councillor Boone stated, “The Mayor says, ‘Where were we months and months ago?’ We were just presented with the plans recently. So, for me, I was still trying to understand what is going on,” adding, “But that is my fault. Maybe I should have gotten involved earlier or better understood it, but I didn’t. And, it’s just recently that we found out about all the various aspects of this project.”

Concluding his remarks, Councillor Boone stated, “Now, I know we’re voting on the land and not on the school, as Councillor Walsh has pointed out. The real truth behind is ‘We are voting on the school, essentially,’” and apologized to the Building Committee for not asking questions, “but I think that’s why we are here.”



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On the motion, on call of the roll, it was voted nine (9) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, James Johnson, Elizabeth Kazinskas, and James Walsh; two (2) nays, Councillors Edward Gravel and Christine Johnson, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO NEW SCHOOL LAND ACQUISITION.

ORDER: That there be and is hereby appropriated the sum of One Hundred Fifteen Thousand Dollars and No Cents (\$115,000.00) from Free Cash to New School Land Acquisition.

Presented to Mayor for Approval – May 7, 2019

Approved – May 7, 2019

MARK P. HAWKE, Mayor

#10081

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 390 THEREOF, ENTITLED “FEES,” TO CHANGE THE SEALER OF WEIGHTS AND MEASURES FEE SCHEDULE.

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

Section 1. Section 390-9 of Chapter 390, Fees, of the Code of the City of Gardner, is hereby amended to change the fee schedule to read, as follows:

- A. Scales.

Pounds	Fee
Over 10,000	\$200
5,000 to 10,000	\$100
1,000 to 5,000	\$100
100 to 1,000	\$75
10 to 100	\$30
10 or less	\$30
- B. Weights.

(1) Avoirdupois:	\$15
(2) Metric:	\$15
(3) Apothecary:	\$15
(4) Troy:	\$15
- C. Capacity.



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(1) Vehicle tanks:	\$60
(2) Any at 100 gallons or less:	\$30
D. Liquid measuring meters.	
(1) Oil and grease:	\$20
(2) Gasoline:	\$30
(3) Vehicle tank pump:	\$60
(4) Vehicle tank gravity:	---
(5) Bulk storage:	\$75
E.	
(1) Taxi meter:	\$30
(2) Fabric meter:	\$30
(3) Yard stick:	\$30
(4) Adjustments:	\$15
(5) Retest:	\$20
(6) Scanner test:	
(a) Under five:	\$100
(b) Under 10:	\$375
(c) Over 10:	\$375
F. Reverse Vending	\$30

Section 2. Effective date.

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

In City Council – April 16, 2019
 Ordered Printed – April 16, 2019
 First Printing – April 23, 2019
 Ordinance Passed – May 6, 2019
 Presented to Mayor for Approval – May 7, 2019
 Approved – May 7, 2019
 MARK P. HAWKE, Mayor
 FINAL PRINTING – MAY 13, 2019

#10083

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, 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; one (1) nay, Councillor Edward Gravel, to adopt the following Order:

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS
 ORDER OF TAKING



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WHEREAS, the City of Gardner, a municipality organized and incorporated under the laws of Massachusetts, with a usual place of business located at 95 Pleasant Street, Gardner, MA is authorized to take land by eminent domain for any municipal purpose pursuant to Section 36, of the City of Gardner Charter as amended to November 8, 1989 and M.G.L. c. 79, as amended and Chapter 121B; and

WHEREAS, the City of Gardner, has realized a need for the construction of a new elementary school and that construction of said elementary school (the "Project") on land located in the proximity of its middle and high school; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire property to construct a new elementary school; and

WHEREAS, the Mayor Mark P. Hawke has approved the construction of a new elementary school and the acquisition of land for said construction and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated to compensate the property owners for the property rights taken hereby

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself in fee simple by eminent domain, for the purposes associated with the Project, the property known as land on Pearl Street in Gardner, MA, consisting for 17.34 acres, more or less, as more fully described in a deed recorded at Worcester South Registry of Deeds, Book 16852, Page 237, which is attached hereto as Exhibit A.

The taking is made in fee simple, and, except as provided herein, is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.

The City Council of said City of Gardner, does hereby decree that public necessity and convenience require the City to obtain by eminent domain for the purposes of constructing a new elementary school on the above described parcel.

The City Council hereby awards damages sustained by persons in their property by reasons of this taking as follows:

<u>OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>AWARD</u>
Kymalainen Realty Trust	Off Pearl Street	\$115,000.00
Alice M. Kymalainen	Gardner, Worcester County, MA	

The City Council does direct and authorize the Mayor to do all things and to execute



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all documents necessary for the prompt payment of the amount of damages awarded in the Order of Taking so that the same shall be payable within sixty (60) days after the rights to damages become vested in the persons entitled to damages. The Mayor is further requested to direct the City Solicitor for and on behalf of the City Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of General Laws Chapter 79, Sections 7B, 7C, 7F, 77G, 8A, and 8B.

Presented to Mayor for Approval – May 7, 2019

Approved – May 7, 2019

MARK P. HAWKE, Mayor

#10090

President Graves announced that the Joint Public Hearing with the Planning Board is tentatively scheduled for Monday, June 3, 2019 at 7:00 p.m. in the City Council Chamber on *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Change Section 675-1070, Marijuana Establishments.*

NEW BUSINESS

On a motion by Councillor Christine Johnson and seconded by Councillor Nathan Boudreau, on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

ANNOUNCEMENTS and COMMENTARY

Councillor Nathan Boudreau informed the Council that Teacher Appreciation Week and that the 13th Annual Senior Prom will be held on Tuesday at the GHS Cafeteria.

CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Elizabeth Kazinskas, on call of the roll, it was voted eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:22 p.m.

Accepted by the City Council: *Accepted May 20, 2019*