



City of Gardner, Massachusetts  
Office of the City Council

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CALENDAR FOR THE MEETING

of

MONDAY, JANUARY 6, 2020

COUNCIL CHAMBER

7:30 P.M.

**ORDER OF BUSINESS**

- I. CALL TO ORDER
- II. CALL OF THE ROLL OF COUNCILLORS
- III. ELECTION OF THE COUNCIL PRESIDENT
- IV. OPENING PRAYER
- V. PLEDGE OF ALLEGIANCE
- VI. 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.

- VII. READING OF MINUTES OF PRIOR MEETING(S)

Reading and Approval of the Minutes of the December 16, 2019 Regular Meeting.

- VIII. PUBLIC HEARINGS

- IX. COMMUNICATIONS FROM THE MAYOR

**NOTICES OF APPOINTMENTS**

**10227** – A Communication from the Mayor Relative to the Appointment of John Flick to the position of City Solicitor.

**10228** – A Communication from the Mayor Relative to the Appointment of Rachel J. Stephano to the position of Executive Secretary.

**ORDERS**

**10229** – An Order Appropriating \$400,000.00 from Free Cash to Greenwood Pool Demolition Account (*Finance Committee*).

**10230** – An Order Appropriating \$95,500.00 from Sewer Surplus to Sewer Capital Project Pump Station Upgrades Expense (*Finance Committee*).

- X. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

**10231** – A Measure Authorizing the City to Enter in Contracts not-to-exceed 5 years for School Transportation Services (*Finance Committee*).

## **XI. REPORTS OF STANDING COMMITTEES**

### **PUBLIC SAFETY COMMITTEE**

**10216**–An Ordinance to Amend the Code of the City of Gardner, Chapter 560 Thereof, Entitled “Solid Waste,” to Change Solid Waste Program Fees *(In City Council and Referred to Public Safety, 12/2/2019).*

### **PUBLIC WELFARE COMMITTEE**

**10207**–An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled “Zoning,” to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows *(In City Council and Referred to Public Welfare, 11/18/2019).*

### **FINANCE COMMITTEE**

**10226**– Correspondence from the Mayor Relative to the Title and Compensation of the Executive Secretary *(Introduced under New Business and Referred to Finance, 12/16/2019).*

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

**10207**–An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled “Zoning,” to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows *(In City Council; Referred to the Planning Board for Report; and, Ordered to Joint Hearing, 11/18/2019; Hearing scheduled 1/21/2020 at 7:00 p.m.).*

## **XIII. NEW BUSINESS**

## **XIV. CLOSING PRAYER**

## **XV. 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 DECEMBER 16, 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, December 16, 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. Nine (9) Councillors were present including President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillors Craig Cormier and Edward Gravel were absent.

**OPENING PRAYER**

President Scott Graves led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

President Scott 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, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the minutes of the December 2, 2019 Regular Meeting, as printed.

**PUBLIC HEARING****#10217**

President Graves opened the Public Hearing on the Petition by National Grid and Verizon New England for permission to install 1 JO Pole and to relocate 4 JO Poles on Pleasant Street beginning at a point approx. 114' south of the centerline of the intersection of Pleasant and Emerald Streets and continuing approximately 604' in a southerly direction - Relocate National Grid facilities due to DOT Project #608864, Pleasant Street over Pan Am Railways.

REGULAR MEETING OF DECEMBER 16, 2019

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The President called for persons wishing to testify in favor of the Petition.

Steve Soucy, representing National Grid, testified that the street will need to be reworked for the Pleasant Street Bridge project.

The President again called for persons wishing to testify in favor of the Petition.

There being none, the President thrice called for persons wishing to testify in opposition.

There being none, President Graves closed the Hearing at 7:34 p.m.

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS**

**#10220**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

**DENISE MERRIAM** to the position of Member, Cemetery Commission, for the term expiring December 5, 2021.

Worcester, ss.

December 16, 2019

Then personally appeared **DENISE MERRIAM** and made oath that she would faithfully and impartially perform the duties of Member, Planning Board, according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

**#10221**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

**DENISE MERRIAM** to the position of Member, Municipal Grounds Commission, for the term expiring December 5, 2022.

REGULAR MEETING OF DECEMBER 16, 2019

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Worcester, ss.

December 16, 2019

Then personally appeared **DENISE MERRIAM** and made oath that she would faithfully and impartially perform the duties of Member, Municipal Grounds Commission, according to law and the best of her abilities.

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

**PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.****#10222**

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Auto Mart a License to Buy and Sell Second Hand Motor Vehicles, Class 2, at 182 West Street for the period January 1, 2020 through December 31, 2020.

**#10223**

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Riverside Auto a License to Buy and Sell Second Hand Motor Vehicles, Class 2, at 65 Riverside Road for the period January 1, 2020 through December 31, 2020.

**#10224**

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Riverside Auto a License to Deal in Motor Vehicle Junk, Class 3, for the period January 1, 2020 through December 31, 2020.

**#10225**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend adoption of the Measure. He stated that the two parcels are owned by the Greater Gardner Community Development Corporation, which is in the process of disbanding. The parcels, he said, are adjacent to each other and adjacent to a third parcel that was recently foreclosed for tax purposes and sold at the City's recent auction of Tax Title properties.

REGULAR MEETING OF DECEMBER 16, 2019

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Continuing, Councillor Walsh stated that the Committee's understanding is that the lots are not buildable by themselves, but combined, they very well may be. He added that although taxes are owed on the parcels, the CDC is in no position to pay the taxes and the Committee believes that the City would be in a better position by placing the parcels in a tax-producing position, which also removes the liability from the CDC and allows the City to place the parcels out to bid.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Measure:

**DEED IN LIEU OF FORECLOSURE**

Greater Gardner Community Development Corporation, a Massachusetts Corporation, having an address at 470 Main Street, Fitchburg, Massachusetts ("Grantor"), for consideration paid and in full consideration of ONE (\$1.00) DOLLAR, grants to the City of Gardner, having an address of 95 Pleasant Street, Gardner, Massachusetts ("Grantee"), with QUITCLAIM COVENANTS, the property described on Schedule A attached hereto (the "Property").

This Deed in Lieu Foreclosure (The "Deed") is delivered in satisfaction of any taxes owed to the Grantee in connection with the Property, and Grantee acknowledges that Grantor shall have no further obligations with respect to any taxes owed to the Grantee on the Property.

This conveyance is made subject to, and with the benefit of, all easements, covenants and restrictions of record, to the extent in force and applicable.

This conveyance does not constitute a sale of all or substantially all of the assets of the Grantor in the Commonwealth of Massachusetts.

For Grantor's title see deed(s) recorded with the Worcester Registry of Deeds in Book 47019, Page 329.

**EXHIBIT A**

The Land in Gardner, Worcester County, located on Temple Place and being Lots B & C on a Plan entitled "Revised Plan of Lots for Brian & Kathleen F. McCarthy" recorded with the Worcester South District Registry of Deeds, Plan Book 764 Plan 15, which Plan may be referred to for a more definite description together with all other rights incidental thereto.

Meaning and intending to include the same property conveyed to Grantor in deed from Lowell Cooperative Bank dated January 20, 2011 and recorded in Book 47019, Page 329.

Presented to Mayor for Approval – December 17, 2019

Approved – December 18, 2019

MARK P. HAWKE, Mayor



REGULAR MEETING OF DECEMBER 16, 2019

REPORTS OF STANDING COMMITTEES

PUBLIC SERVICE COMMITTEE

#10217

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, on recommendation of the Public Service Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

By the City Council of the City of Gardner, Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That NATIONAL GRID and VERIZON NEW ENGLAND, INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said companies dated the 1<sup>st</sup> day of November, 2019.

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked – Pleasant Street – Gardner, Massachusetts.

No. #28579845.....Dated: November 1, 2019 - filed with this order.

There may be attached to said poles by NATIONAL GRID and VERIZON NEW ENGLAND, INC. such wires, cables and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referenced to may be erected, and the number of poles which may be erected thereon under this order:-

Pleasant Street - National Grid to install 1 JO pole and Relocate 4 JO Poles on Pleasant Street beginning at a point approximately 114 feet south of the centerline of the intersection of Pleasant Street and Emerald Street and continuing approximately 604 feet in a southerly direction. DOT 608864 – Pleasant Street over Pan Am Railways.  
Relocate National Grid facilities due to DOT project.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

REGULAR MEETING OF DECEMBER 16, 2019

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PUBLIC SAFETY COMMITTEE**#10208**

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Regan Kleber, d/b/a Regans Store, a License to Deal in Second Hand Articles at 60 Parker Street for the license period expiring April 30, 2020.

**#10209**

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Rob's Dyno Service, LLC, 268 Coleman Street, a Motor Vehicle Dealers License, Class I, for the License period January 1, 2020 through December 31, 2020.

**#10210**

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee voted to recommend that all licenses be granted. He noted, however, that Gardner Five Star Auto Sales requested that its License allow 35 vehicles on the sales lot, as opposed to the current 21. He added that the Committee recommended that the number remain at 21 until such time as the Police Department is able to investigate the lot conditions and then reports back to the Committee.

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant the following Applicants Licenses to Buy and Sell Second Hand Motor Vehicles, Class 2, for the License period January 1, 2020 through December 31, 2020:

- (a) AC Auto Clinic, 411 Parker Street
- (b) Chair City Auto Sales, 144 Pearson Boulevard
- (c) Gardner Five Star Auto Sales, 407 Chestnut Street
- (d) JPJ Automotive, LLC, 78 East Broadway
- (e) Ric's Radiator Repair Used Car Sales, 800 West Broadway
- (f) Osagi Enterprises, LLC, 43 Toby Street
- (g) Vilson Auto Sales, 119 Pearson Boulevard

REGULAR MEETING OF DECEMBER 16, 2019

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**#10211**

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Osagi Enterprises, LLC, 43 Toby Street, a License to Deal in Motor Vehicle Junk, Class 3, for the License period January 1, 2020 through December 31, 2020.

**#10216**

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 560 THEREOF, ENTITLED "SOLID WASTE," TO CHANGE THE FEE FOR SOLID WASTE COLLECTION.

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

Section 1. Section 560-3 of the Code of the City of Gardner, is hereby amended by striking the sentence: "The annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at \$200 per apartment unit per building, effective July 1, 2013," and by inserting in place thereof, the sentence: "Effective July 1, 2020, the annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at \$230 per household and each unit of apartment buildings containing eight or fewer units in the City.

Section 2. Effective date.

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

**#10218**

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Salvadore Chevrolet, 442 West Broadway and to Salvadore Chrysler-Dodge-Jeep-Ram, 442 West Broadway, Motor Vehicle Dealers Licenses, Class I, for the License period January 1, 2020 through December 31, 2020.

**#10219**

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James

**REGULAR MEETING OF DECEMBER 16, 2019**

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Walsh, to grant the following Applicants Licenses to Buy and Sell Second Hand Motor Vehicles, Class 2, for the License period January 1, 2020 through December 31, 2020:

- (a) Adam Brodeur, d/b/a APB Automotive Enterprises, 408 Parker Street
- (b) Brian's Auto Sales, 549 West Broadway
- (c) J. Wood, Inc., 361 West Street
- (d) Mike's Auto, 251 East Broadway
- (e) R&R Motors, 7 Donlan Street
- (f) TJ & Sons Auto Sales, 537 West Broadway
- (g) Salvadore Chevrolet, 249 Timpany Boulevard
- (h) Salvadore Chevrolet, 421 West Broadway

**PUBLIC WELFARE COMMITTEE****#10207**

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO REVISE ARTICLE VI, DENSITY AND DIMENSIONAL REGULATIONS, AND ARTICLE X, SUPPLEMENTAL REGULATIONS.

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

Section 1. Section 675–610. General Requirements, Section F, of the Code of the City of Gardner, is amended by deleting and repealing Section F in its entirety and inserting in place thereof, the following:

Within an area formed by the side lines of intersecting streets and a line joining points on such lines 30 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 feet and a height of eight feet above the plane through their street grades.

Section 2. Section 675–1050. Fences and hedgerows, is hereby amended by deleting and repealing Section 675-1050 in its entirety and inserting in place thereof, the following:

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

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.



## REGULAR MEETING OF DECEMBER 16, 2019

FINANCE COMMITTEE**#10213**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend the Order. He noted that the appropriation would increase the amount committed to Stabilization; however, the fund is specifically for the purchase of vehicles.

Councillor James Walsh stated that his position on the appropriation is similar to the position that he took on the recent appropriation from Free Cash to the main Stabilization Fund, that he is supportive of committing funds to the account, but not at the present time. He said that since there are more than six months remaining in the Fiscal Year and that there may be unanticipated expenses before the end of the Fiscal Year, such as uncertainty of the Downtown projects and winter snow removal, the timing is poor, so then he cannot support the appropriation at this time.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Boone, on recommendation of the Finance Committee, on call of the roll, it was voted eight (8) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas; one (1) nay, Councillor James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO SPECIAL PURPOSE STABILIZATION FUND FOR VEHICLES.

ORDERED: That there be and is hereby appropriated the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) from Free Cash to the Special Purpose Stabilization Fund for Vehicles.

Presented to Mayor for Approval – December 17, 2019

Approved – December 18, 2019

MARK P. HAWKE, Mayor

**#10214**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend adoption of the Order. He cited the additional expenses associated with the ensuing Presidential Primary and two special elections and that these are costs associated with the democratic process.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, on call of the roll, it was voted seven (7) yeas, Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, James Johnson, Elizabeth Kazinskas, and James Walsh; one (1) nay, Councillor Christine Johnson; one (1) abstention, President Scott Joseph Graves, to adopt the following Order:

**REGULAR MEETING OF DECEMBER 16, 2019**

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AN ORDER APPROPRIATING FROM FREE CASH TO ELECTIONS AND REGISTRATIONS.

ORDERED: That there be and is hereby appropriated the sum of Forty-one Thousand and No Cents (\$41,000.00) from Free Cash to Elections and Registration.

Presented to Mayor for Approval – December 17, 2019

Approved – December 18, 2019

MARK P. HAWKE, Mayor

**UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION****#10207**

The Council continued *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows* until January 21, 2020 for the Joint Public Hearing with the Planning Board.

**NEW BUSINESS**

On a motion by Councillor Elizabeth Kazinskas and seconded by Councillor Nathan Boudreau, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

**COMMUNICATION FROM THE MAYOR**

President Graves cited correspondence from the Mayor relative to the Title and Compensation of the Executive Secretary, noting that the Mayor is seeking an Ordinance to implement such changes.

Councillor Ronald Cormier moved to refer *Correspondence from the Mayor Relative to the Title and Compensation of the Executive Secretary* to the Finance Committee for study and report.

Councillor James Walsh seconded the motion.

On the motion, Councillor Nathan Boudreau stated that with the current situation with the current Executive Secretary, he believes that it is appropriate. "The Mayor and the Executive Secretary have been working without the third member of that office for months, leaving Rachel to do far and wide beyond the obligations of her job. She is dedicated and does a good job and it is well deserved," he stated.

President Graves noted that there is a statute that prohibits a [vote to pass a] salary increase in the last three months of an election year.

REGULAR MEETING OF DECEMBER 16, 2019

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Councillor Karen Hardern expressed agreement with Councillor Boudreau, saying “There are very unusual circumstances happening – Rachel will be in the office alone for the next five months taking all the calls and dealing with everything, so I think it is deserved.”

Councillor James Boone suggested that the Finance Committee could consider a stipend “just to get us through this period.”

Councillor James Walsh added, “Councillor Boudreau correctly pointed out that a third member of the office hasn’t been present to assist, but that is only because of the failure by the Mayor to appoint someone to the position.”

On the motion, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer *Correspondence from the Mayor Relative to the Title and Compensation of the Executive Secretary* to the Finance Committee for study and report.

**ANNOUNCEMENTS and COMMENTARY**

Councillors expressed good wishes for Christmas and the holiday season to their colleagues and to the citizens of Gardner.

Councillors expressed appreciation to departing City Councillors Edward Gravel, Christine Johnson, and James Johnson, citing their service to the community.

Councillors Christine and James Johnson expressed appreciation to the City’s residents for the opportunity to serve them and to their colleagues for the privilege for serving with them. Councillor Christine Johnson noted that she and James were the first married couple to serve together on the City Council.

Citing an opinion by the City Solicitor, Councillor Christine Johnson expressed disagreement with the opinion regarding the effect of a Mayor leaving in the first days, weeks, or months of a new term of office or departing in the last months of office. “Nowhere in the Charter does it stipulate what to do if somebody is elected to the position and decides not to take the position. Even though it has been stated that the person that has been elected to that position and is going to take the oath of office,” she stated. Continuing, Councillor Johnson said, “That leads me to another question, as to whether or not it is ethical for that person to take an oath of office when they have no intention of executing said office. I think that once this all happened, probably should have asked for a judicial review because it is not in our Charter.”



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**REGULAR MEETING OF DECEMBER 16, 2019**

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President Graves acknowledged the service of departing Councillors Christine and James Johnson and Edward Gravel and wished them well in their future endeavors and welcomed the three incoming Councillors. He added that when the Council makes a decision, then that vote becomes a part of the City's history.

**CLOSING PRAYER**

President Scott Graves led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Christine Johnson and seconded by Councillor James Johnson, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:08p.m.

Accepted by the City Council:

10227

RECEIVED

January 3, 2020

2019 DEC 31 AM 11:22

Commonwealth of Massachusetts

CITY CLERK'S OFFICE

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint John M. Flick to the position of City Solicitor, and I certify that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

[Signature] Mayor
Mark P. Hawke

Confirmed by City Council CONFIRMATION NOT REQUIRED

[Signature] City Clerk
Alan L. Agnelli

Expires: January 3, 2021

Worcester, ss.,

Then personally appeared the above named John M. Flick and made oath that he/she would faithfully and impartially perform the duties of the office of City Solicitor according to law and the best of his/her abilities.

Before me,
[Signature] City Clerk

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received

20228

RECEIVED

January 3, 2020

2019 DEC 31 AM 11:32

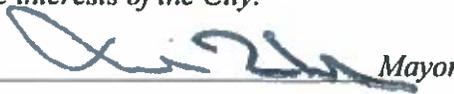
# Commonwealth of Massachusetts

CITY CLERK'S OFFICE  
GARDNER, MA  
Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint Rachel J. Stephano to the position of Executive Secretary, and I certify  
75 Ashley Drive, Gardner, MA  
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the  
duties of said office, and that I make the appointment solely in the interests of the City.

  
\_\_\_\_\_  
Mayor  
Mark P. Hawke

Confirmed by City Council CONFIRMATION NOT REQUIRED

\_\_\_\_\_  
City Clerk  
Alan L. Agnelli

Expires: January 3, 2021

Worcester, ss., \_\_\_\_\_

Then personally appeared the above named Rachel J. Stephano and made oath that  
he/she would faithfully and impartially perform the duties of the office of Executive Secretary,  
according to law and the best of his/her abilities.

Before me,  
\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

AN ORDER APPROPRIATING FROM FREE CASH TO GREENWOOD  
POOL DEMO ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Four Hundred Thousand  
Dollars and No Cents (\$400,000.00) from Free Cash to the Greenwood Pool Demo  
Account.

# City of Gardner, *Executive Department*

Mark Hawke, Mayor

10229



RECEIVED

2019 DEC 18 PM 1:58

CITY CLERK'S OFFICE  
GARDNER, MA

December 18, 2019

Attorney Scott J. Graves, President  
And City Councilors  
95 Pleasant Street  
Gardner, MA 01440

RE: Free Cash to Community Development Greenwood Pool Demo

Dear President Graves and Councilors,

In March of 2010 the City received a final Building Assessment Report concerning the Greenwood Memorial Bathhouse. At that time the probable cost to upgrade/renovate the pool was \$3,095,000 and the demolition cost was estimated to cost \$160,000.

In January of 2018 the City, in conjunction with the Friends of the Pool, received another report estimating a rehabilitation cost between \$4,500,000 to \$5,600,000. This study also included an estimated income and expense report for operation of the newly rehabilitated Pool which showed at best, an annual loss of \$250,000.

The longer we kick this can down the road, the more expensive of a problem we will create. Attached is an email from Community Development Director Trevor Beauregard showing a rough estimate to demolish based on an expert's opinion.

Once this project is complete, there is enough Free Cash reserved to construct a pavilion on the space which could incorporate bricks and/or signage from the old building.

The building is beyond critical failure and should be dealt with immediately.

Respectfully,

Mark Hawke  
Mayor, City of Gardner

**Mayor**

---

**From:** Trevor Beauregard  
**Sent:** Tuesday, December 17, 2019 9:24 AM  
**To:** Mayor  
**Subject:** Fwd: Greenwood Memorial Pool

Mayor,  
 Please see below. I think we should be good at \$400,000 based on Marc's numbers.  
 Trevor

Sent from my iPhone

Begin forwarded message:

**From:** "Marc J. Richards" <[MJRichards@tigheBond.com](mailto:MJRichards@tigheBond.com)>  
**Date:** December 16, 2019 at 4:53:50 PM EST  
**To:** "'Trevor M. Beauregard ([tbeauregard@gardner-ma.gov](mailto:tbeauregard@gardner-ma.gov))'" <[tbeauregard@gardner-ma.gov](mailto:tbeauregard@gardner-ma.gov)>  
**Cc:** "Marc J. Richards" <[MJRichards@tigheBond.com](mailto:MJRichards@tigheBond.com)>  
**Subject:** RE: Greenwood Memorial Pool

Based on the recent walkthrough, I have revised the demo costs as follows:

Demo - \$250,000  
 Design/Permit/Bid/Admin - \$50,000  
 20% contingency - \$60,000  
 Total: \$360,000

Thanks Trevor,

Marc

---

**From:** Marc J. Richards <[MJRichards@tigheBond.com](mailto:MJRichards@tigheBond.com)>  
**Sent:** Thursday, November 21, 2019 12:43 PM  
**To:** 'Trevor M. Beauregard ([tbeauregard@gardner-ma.gov](mailto:tbeauregard@gardner-ma.gov))' <[tbeauregard@gardner-ma.gov](mailto:tbeauregard@gardner-ma.gov)>  
**Cc:** Marc J. Richards <[MJRichards@tigheBond.com](mailto:MJRichards@tigheBond.com)>  
**Subject:** Greenwood Memorial Pool

Found the report. It was from 2010!

Just with cost escalation from what was in the report in 2010, you could see the following:

Demo - \$200,000  
 Design/Bid/Admin - \$45,000  
 20% contingency - \$49,000  
 Total: \$294,000 (this seems high to me)

After we look at the site in early December, we can refine this further.

Thanks,

Marc

**Marc J. Richards, PE, LSP** | Vice President

**Tighe & Bond** | 120 Front Street, Suite 7 | Worcester, MA 01608

Direct: 508.471.9642 | Cell: 617.645.5426

[www.tighebond.com](http://www.tighebond.com)

AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER CAP  
PROJECT PUMP STATION UPGRADES EXPENSE.

ORDERED:

That there be and is hereby appropriated the sum of Ninety Five Thousand Five  
Hundred Dollars and No Cents (\$95,500.00) from Sewer Surplus to Sewer Capital  
Project Pump Station Upgrades Expense.

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**RECEIVED**  
**CITY OF GARDNER**  
**Department of Public Works**

2019 DEC 18 PM 1:58

CITY CLERK'S OFFICE  
GARDNER, MA



- Highway
- Water
- Sewer
- Forestry
- Parks/Playgrounds
- Cemeteries

Dane E. Arnold, Director  
 416 West Broadway  
 Gardner, MA 01440-2687  
 Telephone (978) 632-7661  
 Fax (978) 630-4029  
 darnold@gardner-ma.gov

Mayor Mark P. Hawke  
 City Hall  
 95 Pleasant Street  
 Gardner, MA 01440

RE: Dyer and Coleman Street Pump Station Evaluation  
 Design and Construction Management

December 17, 2019

Dear Mayor Hawke:

I am requesting **\$95,500** from available **Sewer Surplus** for the **Evaluation, Design, and Construction Services** for the Improvements at the Dyer Street and Coleman Street Sewer Pump Stations.

Dyer Street Pump Station was built in 1992 and Coleman Street Pump Station is even older as it was built in 1989. Both are in need of some major improvements and upgrades. Our plan is to use Tata and Howard's engineering services to evaluate each pump station and have the proper design complete to go out for competitive bids in the summer of 2020. Our hope is to start construction in late summer/early fall 2020.

You may recall back in the spring of 2019, the Sewer Department asked to borrow \$1,750,000 for Sewer Main Installations on City Hall Avenue and Pump Station Improvements at the Willis Road Pump Station. Since this loan request, we have gone out to bid and fortunately the construction costs came in less than what we anticipated in both projects.

That being said, we are seeking permission to use the remaining balance of the loan to pay for the majority of the upgrades at Dyer and Coleman Street Pump Stations. The City Council authorized the borrowing of the \$1,750,000 for "sewer main installation and sewer pump station upgrades". It would appear the language is not limiting the Sewer Department to just Willis Road Pump Station (Enclosed is a copy of the vote).

|                         |             |
|-------------------------|-------------|
| Original Loan:          | \$1,750,000 |
| Willis Pump Station Bid | \$ 889,000  |
| City Hall Avenue Bid    | \$ 204,500  |
| Remaining               | \$ 656,500  |

The costs above are actual bid pricing, however they do not include costs for the ledge we encountered on City Hall Avenue, any other unforeseen issues, or change orders. The good

10230

(10114)

**CITY OF GARDNER, MASSACHUSETTS**

**IN CITY COUNCIL**

**ORDERED:**

That the City of Gardner appropriates the sum of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) to pay costs of sewer main installation and sewer pump station upgrades, and paying all costs incidental or related thereto; to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. c. 44, §7 or 8, or any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Rachel Stephano (Mayor's Office)**

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**From:** John Richard  
**Sent:** Wednesday, December 18, 2019 9:51 AM  
**To:** Rachel Stephano (Mayor's Office)  
**Cc:** Dane Arnold; Denise Merriam  
**Subject:** Sewer Surplus

Hi Rachel

I confirmed with Dane that the account number and description for where the \$95,500 once approve will go to:

| Org   | Object | Description                         |
|-------|--------|-------------------------------------|
| 35441 | 58209  | SEWER CAP PROJ PUMP ST UPGRADES EXP |

Thank you

John Richard  
City Auditor



95 Pleasant Street, Room 114  
Gardner, MA 01440  
978-632-1900 ext 8020

AUTHORIZING FIVE-YEAR CONTRACT PERIOD  
SCHOOL TRANSPORTATION SERVICES

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*VOTE:* To authorize the City to enter into contracts not to exceed five (5) years for School Transportation Services, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's December 13, 2019 Memorandum.

CITY OF GARDNER  
PURCHASING DEPARTMENT

Room 217 - City Hall  
95 Pleasant Street  
Gardner, MA 01440-2687



Joshua Cormier, Director  
jcornier@gardner-ma.gov  
Telephone (978) 632-0426

TO: Gardner City Council  
Mayor Mark Hawke

FROM: Joshua Cormier, Purchasing Agent

DATE: December 13<sup>th</sup>, 2019

SUBJECT: Request for 5-year contracts

According to MGL c 30B, any contract that exceeds three years must be approved by majority vote by the City Council.

I respectfully request permission from the Gardner City Council to seek up to a five year contract (including renewals) for the below listed project. The project listed below is in the fifth year of its existing contract. This contract will be placed out to bid and will continue only if the contracted vendor is in good standing.

- School Transportation Services

My intention to seek a longer term contract is to attract more competitive rates from vendors and to conduct more effective contract management.

If you have any questions or concerns, please feel free to contact me for additional details.

## Alan Agnelli

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**From:** Joshua Cormier  
**Sent:** Friday, December 13, 2019 1:19 PM  
**To:** Alan Agnelli; Mayor  
**Subject:** 5-Year Contract Request  
**Attachments:** FY20 - 5 year contract request\_School Transportation Services.pdf

Gentlemen

Please find attached a request to seek a five-year contract for the School Transportation Services. Per MGL c. 30B, any contract that exceeds three years must be approved by majority vote of the City Council prior to execution.

If there are any questions or concerns, please do not hesitate to contact me.

Thank you.

Joshua L. Cormier  
Purchasing Director  
City Hall  
95 Pleasant Street, Room 217  
Gardner, MA 01440  
Phone: 978-632-1900, ext. 8054

# ORDINANCE

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10216

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 560 THEREOF, ENTITLED "SOLID WASTE," TO CHANGE THE FEE FOR SOLID WASTE COLLECTION.

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

Section 1. Section 560-3 of the Code of the City of Gardner, is hereby amended by striking the sentence: "The annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at \$200 per apartment unit per building, effective July 1, 2013," and by inserting in place thereof, the sentence: "Effective July 1, 2020, the annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at \$230 per household and each unit of apartment buildings containing eight or fewer units in the City.

Section 2. Effective date.

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

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# City of Gardner, *Executive Department*

Mark Hawke, Mayor



RECEIVED

2019 NOV 21 PM 3:08

CITY CLERK'S OFF.  
GARDNER, MA

November 20, 2019

Attorney Scott J. Graves, President  
And City Councilors  
95 Pleasant Street  
Gardner, MA 01440

RE: Trash Fee Ordinance Change

Dear President Graves and Councilors,

In February of 2013, we presented the attached spreadsheet #1 demonstrating the need to increase the annual fee for solid waste enterprise fund. At the meeting I stated that I felt confident the rate increase would suffice for the next five (5) years. I was wrong. We were able to expertly manage the budget to make that rate increase last for seven (7) years.

Until recently, the majority of recyclable material collected by Massachusetts municipalities was purchased by China for processing. Many municipalities paid low fees to have their recycling hauled, and some even earned money from haulers for the materials.

Over time, the in-state market for processing recyclables such as paper and glass declined, as these businesses could not compete with the Chinese market.

On Jan. 1, 2018, the recycling market in Massachusetts and across the country experienced a massive disruption as China announced that it would no longer import 24 types of materials, including mixed paper and several types of plastic. Citing the increasing rate of impurities in the U.S. recycling stream, China, under its new National Sword policy, now will only accept materials with a contamination rate of one-half of 1 percent or less.

This Sword policy has decimated the recycling market and municipal solid waste budgets. On top of this is the impending expiration of a five (5) year contract with Waste Management. Needless to say, Waste Management did not accurately predict the markets of today when the contract was negotiated last. There will be an increase in rates in our next contract. Director of Public Health, Lauren Saunders and I have been meeting with Waste Management for the past few months trying to hammer out a new contract.

According to the attached spreadsheet #2, in fiscal year 2020, we are anticipating having to use approximately \$90,000 in retained earnings in order to balance the budget. This is sustainable because we have the cushion of the retained earnings in order to deal with the projected shortfall.

However, as you can see from the first box, if we do nothing, we anticipate depleting our retained earnings near the end FY 2022.

In the second, third and fourth box we demonstrate the effect a \$5 per quarter (\$20 per year), \$7.50 per quarter (\$30 per year), and \$10 per quarter (\$40 per year) increase would have on future budgets. The \$5 per quarter (\$20 per year) increase would stabilize the fund for approximately one (1) year before beginning to deplete the retained earnings. The \$7.50 per quarter (\$30 per year) increase would seem to carry us through FY 2023. The \$10 per quarter (\$40 per year) increase seems too large and would grow retained earnings at a rapid rate.

Given that the object of an enterprise fund is to be a self-sufficient entity, the Director of Public Health, City Auditor and I all agree that a \$7.50 per quarter (\$30 per year) increase in the annual fee would allow the Solid Waste Enterprise Fund adequate revenue to sustain a proper amount of retained earnings and cover the actual expected costs associated with the Fund.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mark Hawke', with a stylized, flowing script.

Mark Hawke  
Mayor, City of Gardner

City of Gardner, MA  
Monday, November 25, 2019

## Chapter 560. Solid Waste

### Article I. Collection and Disposal

#### § 560-3. Solid waste collection program.

Under the authority of MGL c. 44, § 28C, the following system of fees, charges and exemptions is established to cover all of the costs of operating the City's municipal solid waste programs:

- A. An annual fee for the collection and handling of rubbish, garbage, ashes, and source-separated materials shall be established on all households and apartment buildings with eight apartments or fewer in the City, and said fee shall be paid by the property owner. The fee shall be assessed at an amount the Mayor and City Council deem appropriate to cover all of the fixed costs of such collection. The City shall make this system self-sufficient, utilizing an enterprise fund established under MGL c. 44, § 53F 1/2.
- B. The annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at \$200 per apartment unit per building, effective July 1, 2013. The City of Gardner trash bag fee is set at \$3.50 per bag. Every collection day as of October 1, 2010, each single-family household, or single-family apartment unit in a building with eight apartments or fewer, may place a single approved rubbish container, with a tight-fitting cover securely in place, out for collection. Said rubbish container must be clearly labeled with the unit identification and identifying City logo. Any additional rubbish that does not fit within said container must be placed in a valid City of Gardner trash bag.  
[Amended 6-16-2008 by Ord. No. 1474; 9-7-2010 by Ord. No. 1519; 3-18-2013 by Ord. No. 1558]
- C. An owner of any residential property in the City with eight apartments or fewer may be exempted from participating in the mandatory program (including payment of the annual fee and use of the City trash bags) by contracting with a solid waste hauling company duly licensed to operate in the City of Gardner for the removal and disposal of all rubbish, garbage, ashes, source-separated recyclable materials, household appliances, furniture and consumer electronic materials. Any property owner seeking this exemption must annually provide the Director of Public Health with a copy of an acceptable signed contract from a properly licensed hauler.
- D. An owner of any residential property in the City with nine apartments or more situated on a public way may voluntarily participate in the solid

waste collection program. Any property owner seeking such participation must annually provide the Director of Public Health with written notice of intent to participate on a form provided by the Health Department. Such participation renders the property subject to the fees as outlined in Subsection A above.

- E. Exemptions from the payment of the annual fee may be approved by the Director of Public Health with the approval of the Public Safety Committee of the City Council for apartment units in apartment buildings that are vacant and that the owner intends to maintain in a vacant state. Any property owner seeking this exemption must submit documentation of the status of the vacant unit and a letter certifying his or her intent to maintain the unit in the vacant state for the next year and have the unit inspected by the Director of Public Health or his designee. Occupation of the apartment unit makes the exemption null and void. It is the owner's responsibility to inform the City of the occupation of the unit; failure to do so renders the unit subject to the full amount of the annual fee for the time period covered by the exemption. This exemption is subject to written guidelines and limitations on file in the Board of Health office. Persons aggrieved by findings by the Director of Public Health under this section may appeal such finding to Public Safety Committee of the City Council.
- F. Unpaid solid waste collection program fees will become a lien on a homeowner's property tax account as provided in the Massachusetts General Laws. Failure to make payment when due in any year, unless an exemption is granted, shall result in the assessment of interest, penalties, and charges or termination of services as authorized by state statute.  
[Amended 6-16-2008 by Ord. No. 1474]

Solid Waste

#1

|                                 | 2013           | 2014                               | 2015           | 2016           | 2017           | 2018           | 2019           | 2020           |
|---------------------------------|----------------|------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
|                                 |                | \$200/yr total<br>\$20/yr increase |                |                |                |                |                |                |
| 51010 Department Head           | \$17,850.00    | \$18,385.50                        | \$18,937.07    | \$19,505.18    | \$20,090.33    | \$20,693.04    | \$21,313.83    | \$21,953.25    |
| 51011 Transfer Station Foreman  | \$20,272.00    | \$20,880.16                        | \$21,506.56    | \$22,151.76    | \$22,816.31    | \$23,500.80    | \$24,205.83    | \$24,932.00    |
| 51013 Account Clerk             | \$32,159.00    | \$33,123.77                        | \$34,117.48    | \$35,141.01    | \$36,195.24    | \$37,281.09    | \$38,399.53    | \$39,551.51    |
| 51018 Transfer Station Monitors | \$15,200.00    | \$15,656.00                        | \$16,125.68    | \$16,609.45    | \$17,107.73    | \$17,620.97    | \$18,149.59    | \$18,694.08    |
| 51030 Overtime                  | \$500.00       | \$500.00                           | \$500.00       | \$500.00       | \$500.00       | \$500.00       | \$500.00       | \$500.00       |
| 51090 Clothing Allowance        | \$700.00       | \$700.00                           | \$700.00       | \$700.00       | \$700.00       | \$700.00       | \$700.00       | \$700.00       |
| 51460 Longevity                 | \$745.00       | \$1,300.00                         | \$1,390.00     | \$1,480.00     | \$1,570.00     | \$1,660.00     | \$1,750.00     | \$1,840.00     |
| 52030 Repairs & Maint           | \$30,000.00    | \$10,000.00                        | \$10,300.00    | \$10,609.00    | \$10,927.27    | \$11,255.09    | \$11,592.74    | \$11,940.52    |
| 52050 Minor Equipment           | \$4,000.00     | \$4,120.00                         | \$4,243.60     | \$4,370.91     | \$4,502.04     | \$4,637.10     | \$4,776.21     | \$4,919.50     |
| 52110 Energy & Utilities        | \$6,000.00     | \$6,180.00                         | \$6,365.40     | \$6,556.36     | \$6,753.05     | \$6,955.64     | \$7,164.31     | \$7,379.24     |
| 52150 Communications            | \$500.00       | \$500.00                           | \$500.00       | \$500.00       | \$500.00       | \$500.00       | \$500.00       | \$500.00       |
| 52170 Prof. Dev & Travel        | \$500.00       | \$500.00                           | \$500.00       | \$500.00       | \$500.00       | \$500.00       | \$500.00       | \$500.00       |
| 52190 Professional Svc          | \$15,000.00    | \$15,450.00                        | \$15,913.50    | \$16,390.91    | \$16,882.63    | \$17,389.11    | \$17,910.78    | \$18,448.11    |
| 52230 Office Supplies           | \$2,000.00     | \$2,060.00                         | \$2,121.80     | \$2,185.45     | \$2,251.02     | \$2,318.55     | \$2,388.10     | \$2,459.75     |
| 52232 Trash Bags                | \$15,000.00    | \$0.00                             | \$15,000.00    | \$0.00         | \$15,000.00    | \$0.00         | \$15,000.00    | \$0.00         |
| 52240 Vehicle Supplies          | \$3,000.00     | \$3,090.00                         | \$3,182.70     | \$3,278.18     | \$3,376.53     | \$3,477.82     | \$3,582.16     | \$3,689.62     |
| 52361 Trash Disposal            | \$365,000.00   | \$375,950.00                       | \$387,228.50   | \$398,845.36   | \$410,810.72   | \$423,135.04   | \$435,829.09   | \$448,903.96   |
| 52362 Recycling Processing      | \$25,000.00    | \$25,750.00                        | \$26,522.50    | \$27,318.18    | \$28,137.72    | \$28,981.85    | \$29,851.31    | \$30,746.85    |
| 52380 Indirect Costs            | \$65,000.00    | \$66,950.00                        | \$68,958.50    | \$71,027.26    | \$73,158.07    | \$75,352.81    | \$77,613.40    | \$79,941.80    |
| 55126 Curbside Recycl.          | \$176,000.00   | \$181,280.00                       | \$186,718.40   | \$192,319.95   | \$198,089.55   | \$204,032.24   | \$210,153.20   | \$216,457.80   |
| 55361 Curbside Trash            | \$399,000.00   | \$410,970.00                       | \$423,299.10   | \$435,998.07   | \$449,078.02   | \$462,550.36   | \$476,426.87   | \$490,719.67   |
| 55363 Yard Waste                | \$57,500.00    | \$59,225.00                        | \$61,001.75    | \$62,831.80    | \$64,716.76    | \$66,658.26    | \$68,658.01    | \$70,717.75    |
| 55365 Hou Haz Waste             | \$15,500.00    | \$15,965.00                        | \$16,443.95    | \$16,937.27    | \$17,445.39    | \$17,968.75    | \$18,507.81    | \$19,063.04    |
| Debt Service                    | 106,000.00     | 106,000.00                         | 106,000.00     | 106,000.00     | 0.00           | 0.00           | 0.00           | 0.00           |
| Totals                          | \$1,372,426.00 | \$1,374,535.43                     | \$1,427,576.49 | \$1,451,756.09 | \$1,401,108.37 | \$1,427,668.52 | \$1,485,472.78 | \$1,514,558.46 |
| 6600 Household Fee Revenue      | \$1,125,000.00 | \$1,250,000.00                     | \$1,250,000.00 | \$1,250,000.00 | \$1,250,000.00 | \$1,250,000.00 | \$1,250,000.00 | \$1,250,000.00 |
| Other Revenue                   | \$165,000.00   | \$165,000.00                       | \$165,000.00   | \$165,000.00   | \$165,000.00   | \$165,000.00   | \$165,000.00   | \$165,000.00   |
| Net Balance                     | -\$82,426.00   | \$40,464.57                        | -\$12,576.49   | -\$36,756.09   | \$13,891.63    | -\$12,668.52   | -\$70,472.78   | -\$99,558.46   |
| Surplus Balance \$307,000       | \$224,574.00   | \$265,038.57                       | \$252,462.08   | \$215,705.99   | \$229,597.62   | \$216,929.10   | \$146,456.32   | \$46,897.86    |

Assumes a 3% increase in expenses  
 Assumes no new growth in household fee revenue (6250 Customers)  
 Assumes no new growth in other revenue

#2

|                       | 6399            | 6460            | 6553            | 6500            | 6567            | 6567            | 6567            |
|-----------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Number of Units       |                 |                 |                 |                 |                 |                 |                 |
| Annual Fee per Unit   | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       |
| Per Unit Fee          | \$ 1,279,986.00 | \$ 1,292,057.00 | \$ 1,270,664.00 | \$ 1,300,000.00 | \$ 1,313,400.00 | \$ 1,313,400.00 | \$ 1,313,400.00 |
| All Other Fees        | \$ 144,216.00   | \$ 156,071.00   | \$ 182,090.00   | \$ 185,571.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   |
| Total Revenue         | \$ 1,424,202.00 | \$ 1,448,128.00 | \$ 1,452,754.00 | \$ 1,485,571.00 | \$ 1,498,400.00 | \$ 1,498,400.00 | \$ 1,498,400.00 |
| Solid Waste Expenses  | \$ 1,258,000.00 | \$ 1,385,000.00 | \$ 1,471,000.00 | \$ 1,575,000.00 | \$ 1,622,250.00 | \$ 1,670,917.50 | \$ 1,721,045.03 |
| EOY Retained Earnings |                 | \$ 418,098.00   | \$ 418,098.00   | \$ 328,669.00   | \$ 204,819.00   | \$ 32,301.50    | \$ (190,343.53) |

\$0 per quarter increase

|                       | 2017            | 2018            | 2019            | 2020 (Budget)   | 2021            | 2022            | 2023            |
|-----------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Annual Fee per Unit   | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 220.00       | \$ 220.00       | \$ 220.00       |
| Per Unit Fee          | \$ 1,279,986.00 | \$ 1,292,057.00 | \$ 1,270,664.00 | \$ 1,300,000.00 | \$ 1,444,740.00 | \$ 1,444,740.00 | \$ 1,444,740.00 |
| All Other Fees        | \$ 144,216.00   | \$ 156,071.00   | \$ 182,090.00   | \$ 185,571.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   |
| Total Revenue         | \$ 1,424,202.00 | \$ 1,448,128.00 | \$ 1,452,754.00 | \$ 1,485,571.00 | \$ 1,629,740.00 | \$ 1,629,740.00 | \$ 1,629,740.00 |
| Solid Waste Expenses  | \$ 1,258,000.00 | \$ 1,385,000.00 | \$ 1,471,000.00 | \$ 1,575,000.00 | \$ 1,622,250.00 | \$ 1,670,917.50 | \$ 1,721,045.03 |
| EOY Retained Earnings |                 | \$ 418,098.00   | \$ 418,098.00   | \$ 328,669.00   | \$ 336,159.00   | \$ 294,981.50   | \$ 203,676.48   |

\$5 per quarter increase

|                       | 2017            | 2018            | 2019            | 2020 (Budget)   | 2021            | 2022            | 2023            |
|-----------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Annual Fee per Unit   | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 230.00       | \$ 230.00       | \$ 230.00       |
| Per Unit Fee          | \$ 1,279,986.00 | \$ 1,292,057.00 | \$ 1,270,664.00 | \$ 1,300,000.00 | \$ 1,510,410.00 | \$ 1,510,410.00 | \$ 1,510,410.00 |
| All Other Fees        | \$ 144,216.00   | \$ 156,071.00   | \$ 182,090.00   | \$ 185,571.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   |
| Total Revenue         | \$ 1,424,202.00 | \$ 1,448,128.00 | \$ 1,452,754.00 | \$ 1,485,571.00 | \$ 1,695,410.00 | \$ 1,695,410.00 | \$ 1,695,410.00 |
| Solid Waste Expenses  | \$ 1,258,000.00 | \$ 1,385,000.00 | \$ 1,471,000.00 | \$ 1,575,000.00 | \$ 1,622,250.00 | \$ 1,670,917.50 | \$ 1,721,045.03 |
| EOY Retained Earnings |                 | \$ 418,098.00   | \$ 418,098.00   | \$ 328,669.00   | \$ 401,829.00   | \$ 426,321.50   | \$ 400,686.48   |

\$7.50 per quarter increase

|                       | 2017            | 2018            | 2019            | 2020 (Budget)   | 2021            | 2022            | 2023            |
|-----------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Annual Fee per Unit   | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       |
| Per Unit Fee          | \$ 1,279,986.00 | \$ 1,292,057.00 | \$ 1,270,664.00 | \$ 1,300,000.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 |
| All Other Fees        | \$ 144,216.00   | \$ 156,071.00   | \$ 182,090.00   | \$ 185,571.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   |
| Total Revenue         | \$ 1,424,202.00 | \$ 1,448,128.00 | \$ 1,452,754.00 | \$ 1,485,571.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 |
| Solid Waste Expenses  | \$ 1,258,000.00 | \$ 1,385,000.00 | \$ 1,471,000.00 | \$ 1,575,000.00 | \$ 1,622,250.00 | \$ 1,670,917.50 | \$ 1,721,045.03 |
| EOY Retained Earnings |                 | \$ 418,098.00   | \$ 418,098.00   | \$ 328,669.00   | \$ 467,499.00   | \$ 557,661.50   | \$ 597,696.48   |

\$10 per quarter increase

# ORDINANCE

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AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO REVISE ARTICLE VI, DENSITY AND DIMENSIONAL REGULATIONS, AND ARTICLE X, SUPPLEMENTAL REGULATIONS.

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

Section 1. Section 675–610. General Requirements, Section F, of the Code of the City of Gardner, is amended by deleting and repealing Section F in its entirety and inserting in place thereof, the following:

Within an area formed by the side lines of intersecting streets and a line joining points on such lines 30 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 feet and a height of eight feet above the plane through their street grades.

Section 2. Section 675–1050. Fences and hedgerows, is hereby amended by deleting and repealing Section 675-1050 in its entirety and inserting in place thereof, the following:

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

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.

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# CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING  
November 4, 2019



President Scott J. Graves, Esq.  
Gardner City Council  
C/o Alan Agnelli, City Clerk  
Gardner, MA 01440

**Re: Proposed Zoning Amendment for Corner Clearance, and Fence and Hedgerows Clearance**

Dear President Graves:

At its meeting on October 7, 2019, the Planning Board voted unanimously, 4-0, to recommend that the City Council consider amending the City Zoning Code Chapter 675 – 610 General Requirements, Section F; and Chapter 675 – 1050 Fences and hedgerows as follows:

**1. Section 675 – 610 General Requirements, Section F:**

Currently reads as:

**F. Corner clearance**

Within an area formed by the side lines of intersecting streets and a line joining points on such lines 15 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 ½ feet and a height of eight feet above the plane through their curb grades.

Change to (proposed changes are in bold and underlined):

**F. Corner clearance**

Within an area formed by the side lines of intersecting streets and a line joining points on such lines **30** feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of **3** feet and a height of eight feet above the plane through their **street** grades.

Explanation: The Zoning Code shows a diagram in this section that depicts the corner clearance as 30 feet. Based on input from the Building Commissioner, City Engineer, and Director of the Department of Public Works, the Planning Board requests the narrative for corner clearance be consistent with the diagram at 30 feet. Changing 3 ½ feet to 3 feet, and curb plane to street plane makes this Section consistent with Section 675-1050 below.

## 2. Chapter 675 – 1050 Fences and hedgerows:

Currently reads as:

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 2 ½ feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 20 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the sidewalks shall not be allowed to block vision over 2 1/2 feet above the sidewalk grade for a distance of 15 feet along driveways immediate in location.

Change to (proposed changes are in bold and underlined):

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

Explanation: Based on input from the Building Commissioner, City Engineer, and Director of the Department of Public Works, the Planning Board requests the narrative for fences and hedgerows be consistent with Section 675-610 in order effectively and consistently enforce the City's Zoning Code. Correspondence from the Building Commissioner requesting said changes is attached hereto.

The Planning Board respectfully requests a joint public hearing with the City Council in order to present this information and address any questions and concerns that arise. Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,



Mark M. Schafron  
Chairman

Cc: Mayor  
Planning Board  
Building Commissioner  
City Engineer  
Director DPW



**City of Gardner**  
Department of Inspectional Services  
115 Pleasant Street, Room 101  
Gardner, MA 01440  
Tel. (978) 630-4007 Fax: (978) 632-3313

October 2, 2019

Dear Planning Board:

I would like to request a zoning change be made to the following City Code Chapters in order to make the code more consistent and better understandable:

- Zoning: Chapter 675 – 610 General Requirements, Section F
  - Reads as: "Corner clearance. Within an area formed by the side lines of intersecting streets and a line joining points on such lines 15 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 ½ feet and a height of eight feet above the plane through their curb grades.
  - Change to: "Corner clearance. Within an area formed by the side lines of intersecting streets and a line joining points on such lines 30 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 feet and a height of eight feet above the plane through their curb grades.
- Zoning: Chapter 675 – 1050 Fences and hedgerows
  - Reads as: "Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 2 ½ feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 20 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the sidewalks shall not be allowed to block vision over 2 1/2 feet above the sidewalk grade for a distance of 15 feet along driveways immediate in location.
  - Change to: "Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

Please let me know if you have any questions or concerns.

Respectfully,

Roland Jean Jr. C.B.O.  
Building Commissioner  
115 Pleasant St.-Rm. 101  
City Hall Annex  
Gardner, MA 01440  
(978) 632-1900 Ext. 8050  
rjean@gardner-ma.gov

Mission Statement

To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances

City of Gardner, MA  
Thursday, November 14, 2019

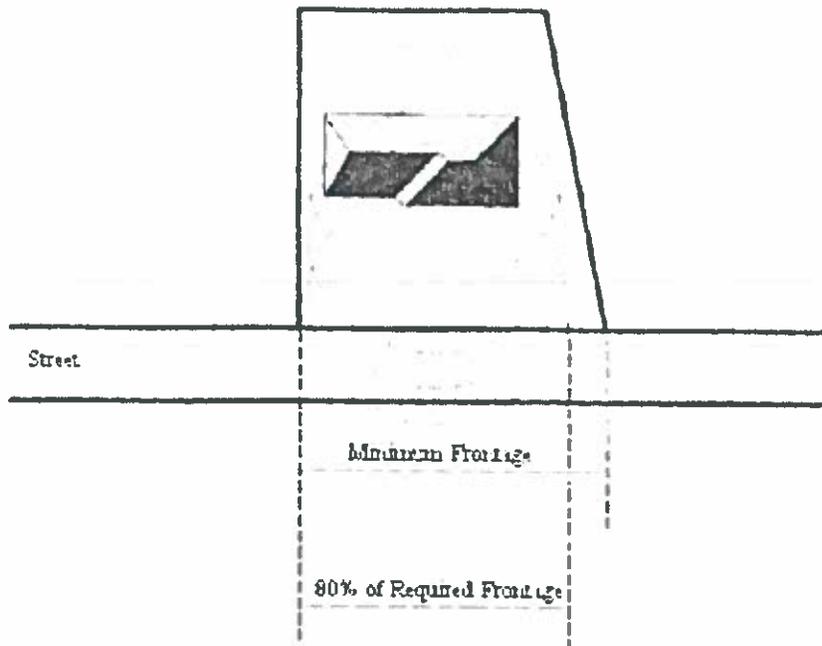
## Chapter 675. Zoning

### Article VI. Density and Dimensional Regulations

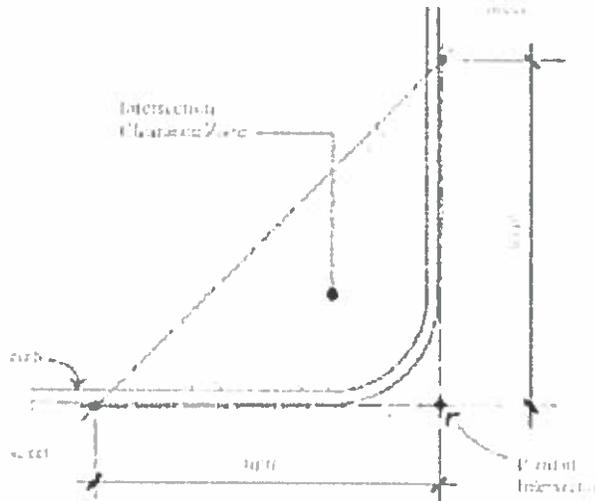
#### § 675-610. General requirements.

(See the Table of Lot, Area, Frontage, Yard and Height Requirements included at the end of this chapter)

- A. A dwelling, building or any structure hereafter erected in any district shall not be located on a lot having less than the minimum requirements.
- B. A lot or parcel of land having an area or a frontage of lesser amounts than required in the following schedule may be considered as coming within the area and frontage requirements of this section, provided that, at the time of building, such lot has an area of more than 5,000 square feet, has a frontage of 50 feet or more and is in a district zoned for residential use, and provided further that such lot or parcel of land was shown on a parcel or described in a deed duly recorded or registered at the time of the adoption of this chapter and did not at the time of such adoption adjoin other land of the same owner available for use in connection with such lot or parcel.
- C. All minimum yard dimensions required in the following schedule are to be measured from the relevant lot line.
- D. The limitation of height of buildings and structures in the following schedule shall not apply in any district to chimneys, ventilators, towers, spires, or other ornamental features of buildings, which features are in no way used for living purposes.
- E. All lots shall have a lot width such that the center of a circle having a minimum diameter of at least 80% of the required frontage of the lot can be passed along a continuous line from the lot line along which the frontage is measured to any and all points of the principal structure or proposed principal structure without the circumference intersecting any side lot line.



F. Corner clearance. Within an area formed by the side lines of intersecting streets and a line joining points on such lines 15 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 1/2 feet and a height of eight feet above the plane through their curb grades.



§ 675-620. Table of lot, area, frontage, yard and height requirements.

The Table of Lot, Area, Frontage, Yard and Height Requirements is included at the end of this chapter.

§ 675-630. Infill development.

City of Gardner, MA  
Thursday, November 14, 2019

## Chapter 675. Zoning

### Article X. Supplemental Regulations

#### § 675-1050. Fences and hedgerows.

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 2 1/2 feet above the street grade within an area formed by the intersecting street lines and a straight line joining the points of said street line 20 feet back from their points of intersection. Fencing and hedgerows running perpendicular to sidewalks shall not be allowed to block vision over 2 1/2 feet above the sidewalk grade for a distance of 15 feet along driveways immediate in location.

# City of Gardner, *Executive Department*

Mark Hawke, Mayor



RECEIVED

2019 DEC 16 PM 12:15  
CITY CLERK'S OFFICE  
GARDNER, MA

December 16, 2019

Scott Graves, President  
City Council  
95 Pleasant Street  
Gardner, MA 01440

Dear President,

With the current situation in the Mayor's Office, I thought it was an appropriate time to request a salary increase and a title name adjustment in order to properly reflect what my Executive Secretary's duties encompass. The role of the Mayor's Assistant (Secretary) is one that is ever evolving in today's municipalities. This individual plays an integral part in the running of not just the Mayor's office but that of City Hall as a whole. It is antiquated thinking to believe that this job is that of a simple secretary from yesteryear. With the constant advance of technology, this person is required to adapt and revise their abilities to fit today's demands.

The position requires a great deal of self-sufficiency and a broad knowledge base, requiring a high degree of motivation and initiative. Oftentimes, this individual uses independent thinking, judgment and decision making. He or she must possess a thorough knowledge of departmental operations to complete the tasks at hand. On any given day, this individual is required to represent the City of Gardner and its various departments to the general public as well as to other governmental entities. From assisting the Mayor with projects and financial reports, to providing the public with important information as Webmaster for the City's official webpage. The role of a competent Executive Assistant is essential to the smooth operation of the Mayor's Office. In addition, there are other committees or commissions that this individual serves on per the Mayor's request.

This professional provides assistance and works cohesively with the many different Departments within the City. He or she oftentimes acts as liaison between the Departments and the Mayor, and maintains a high level of confidentiality.

Based on my research, this position is currently underpaid, therefore, I would like to respectfully recommend that that the Council consider a pay increase of \$4,000. Furthermore, I would also request the title of the position be changed to Executive Assistant rather than the current Executive Secretary to reflect the actual professional demands of this job. Thank you for your consideration.

Respectfully,

Mark P. Hawke  
Mayor