ORDER OF BUSINESS

I. CALL TO ORDER

II. CALL OF THE ROLL OF MEMBERS

III. OPENING PRAYER

IV. PLEDGE OF ALLEGIANCE

V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS

Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the City Clerk, as they become part of the Meeting Minutes.

VI. READING OF MINUTES OF PRIOR MEETING(S)

Reading and Approval of the Minutes of the Regular Meeting of February 4, 2019.

VII. PUBLIC HEARINGS

VIII. COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

10056 – A Measure Confirming the Mayor’s Appointment of Karen Dineen to Member, Golf Commission, for term expiring January 29, 2022 (Finance Committee).

10057 – A Measure Confirming the Mayor’s Appointment of Aleksander Dernalowicz to Member, Golf Commission, for term expiring February 5, 2022 (Finance Committee).

10058 – A Measure Confirming the Mayor’s Appointment of Kristen Salerno to Senior Animal Control Officer for term expiring January 28, 2020 (Finance Committee).

10059 – A Measure Confirming the Mayor’s Appointment of Cheryl Slack to Animal Control Officer for term expiring January 28, 2020 (Finance Committee).

10060 – A Measure Confirming the Mayor’s Appointment of Michael Nicholson to Trustee, Williams-Rockwell Educational Gift Fund Board of Trustees, for term expiring January 28, 2022 (Finance Committee).

IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10061 – A Measure Authorizing the City to Enter into Contracts for Periods Not-to-Exceed 5 Years for Leasing “Golf Cars” (Finance Committee).
IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10062 – A Petition by National Grid and Verizon New England, Inc. for permission to Install 1 JO Pole on West Street beginning at a point approximately 100’ west of the centerline of the intersection of Bridge Street (Public Service Committee).

X. REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

10053 – An Ordinance to Amend the Code of the City of Gardner, Chapter 312 Thereof, Entitled “Animals,” by Deleting and Repealing § 312-2F (In City Council and Referred to Public Safety, 2/4/2019).

FINANCE COMMITTEE

10008 – A Measure Authorizing Acceptance of Donations and Gifts for Use by the Community Bandstand Committee for Musical Concerts and Other Entertainment Events (Ref: #10007) (In City Council and Referred Jointly to Public Service and Finance Committees, 11/5/2018; Discharged from Public Service, 1/22/2019).

COMMITTEE OF THE WHOLE


XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

10007 – An Ordinance to Amend the Code of the City of Gardner, Chapter 156 Thereof, Entitled “Municipal Grounds Commission, to Add Provisions Relating to a Community Bandstand Committee (In City Council and Referred to Public Service, 11/5/2018; Discharged from Service and Referred to Finance, 1/22/2019; Reported Favorably and Ordered to First Printing, 2/4/2019; First Printing 2/8/2019).

XII. NEW BUSINESS

XIII. CLOSING PRAYER

XIV. ADJOURNMENT

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 the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, February 4, 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. Eleven (11) Councillors were present including 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.

OPENING PRAYER
President Graves led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE
President Graves led the Council in reciting the “Pledge of Allegiance”.

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

READING & ACCEPTANCE OF MINUTES
On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, eleven (11) yeas, President Scott 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 Regular Meeting of January 22, 2019.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

#10052
Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted, by a 2 to 1 majority, to recommend that the City Council confirm the appointment. He said that Mr. Gerry has been a member of the Zoning Board of Appeals for a
number of years and that the Mayor feels that he is fit for reappointment, based on his qualifications and experience.

Councillor Walsh then moved to confirm the Mayor’s Appointment of Michael Gerry to the position of Member, Zoning Board of Appeals, for term expiring January 17, 2022.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Edward Gravel stated that he would vote against the appointment, “only because of a recent vote cast at the Zoning Board of Appeals where a measure that this Council voted on voted down. It was nearly overturned by the Zoning Board.” Continuing, he said, “It’s concerning to me when this Council of 11 made the choice not to approve this change that wasn’t supposed to happen in South Gardner. They were able to make an appeal to the Zoning Board and it nearly passed, so I think we’re treading on light water here. Real light.” Concluding, Councillor Gravel added, “And, I just don’t think that that should be happening if this Council makes a decision in the best interest if the City.”

Councillor Ronald Cormier, a member of the Finance Committee, informed the Council that in Committee, the Council’s role of confirming appointments as opposed to appointment was discussed, as well as the City Council’s role in voting on the solar overlay district Ordinance.

Continuing, Councillor Cormier said that all individuals in the community have a legal right to appeal to the Zoning Board of Appeals and, if [they are] aggrieved, there is another appeals process. The Council may nor may not agree with rulings by the ZBA, but that they decide on the merits that they have before them, he said. Concluding, he said that the Council President explained to the Finance Committee that the ZBA has to decide within certain legal parameters; however, the Council President did not agree that the ZBA decided the case within the legal parameters. “Not everyone agrees with every decision that the Council has made,” he added.

Councillor James Walsh informed the Council that the three-member Zoning Board of Appeals was considering a ‘use variance’, and approval of a variance must be unanimous. “It is hard to get a variance because the standard for changing the uses within established zones is difficult, and [is] intended to be difficult,” he said. The standards used by the ZBA in making their decisions are different – the votes are different, and the requirements are different, he added.

Continuing, Councillor Walsh stated that City Council was divided on its vote on the solar overlay district Ordinance, where some Councillors voted in favor, including him, and others in opposition. He said that he was criticized for his position, but he believes that he acted in the best interest of the City.
Concluding his remarks, Councillor Walsh said that to make a decision on a nominee that has served the City for many years, based on one vote, “I think would be a signal to those who may want to serve, in these or other positions within the City, [that] if you make the wrong vote, then the Council might not like it and [then] not be reappointed. I don’t think that that is a good signal to send. I think that Mr. Gerry has served honorably and effectively through the years; [therefore] I will support the motion to confirm.”

On the motion, on recommendation of the Finance Committee, it was voted vive voce, eight (8) yeas, James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, Elizabeth Kazinskas, and James Walsh; three (3) nays, President Scott Graves and Councillors Edward Gravel and James Johnson, to confirm the following Appointment received from the Mayor:

**MICHAEL GERRY** to the position of Member, Zoning Board of Appeals, for term expiring January 17, 2022.

Worcester, ss.  
February 7, 2019

Then personally appeared **MICHAEL GERRY** and made oath that he would faithfully and impartially perform the duties of Member, Zoning Board of Appeals, according to law and the best of his abilities.

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

**ORDINANCE**

#10053

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, it was voted vive voce, eleven (11) yeas, President Scott 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 Public Safety Committee for study and report:

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

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

Section 1. The Code of the City of Gardner is hereby amended by deleting and repealing Subsection F of § 312-2, Responsibilities of owner or keeper, of Chapter 312, Animals.

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.
PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10054
Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend adoption of the Measure, saying that the property is in poor condition and the hope is to sell the property and to return it to the tax rolls.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted vive voce, eleven (11) yeas, President Scott 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:

DECLARING SURPLUS FOR PURPOSE OF DISPOSAL
LAND AND BUILDINGS AT RYAN STREET

VOTED: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 174 Ryan Street, further identified on the City of Gardner Assessor’s Map as M32-00011-00012, to establish as a minimum amount of $1.00 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or a larger amount, and upon such other terms as the mayor shall consider proper in accordance with this Vote.

Presented to Mayor for Approval – February 5, 2019
Approved – February 5, 2019
MARK P. HAWKE, Mayor

#10055
On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted vive voce, eleven (11) yeas, President Scott 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 place on file A Notice from the Contributory Retirement Board Relative to a Meeting to Determine a Cost-of-living Adjustment for Retirees and Survivors and that anyone interested in attending the meeting should do so.

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

#10007
Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee considered the Ordinance and found it to be well-drafted and suitable; however, the difficulty that the Committee observed was a concern as to whether there were still appointees/members of the Municipal Grounds Commission. The Committee inquired of the
Mayor and learned that of the five members of the Commission, the most recent appointments were made in 2008 for three year terms, and all expired in 2011. “And why it is that there have not been any new appointments or reappointments to the Commission?” he asked of the Mayor. “The Mayor is unclear,” he added.

Continuing, Councillor Walsh reported that the Finance Committee agreed that the Ordinance should be advanced, but that the Committee should ask the Mayor if he would consider new appointments or reappointments. Therefore, he said, there would be an active Commission in place in the event that the Council passes the Ordinance and then be able to administer its provisions.

Concluding, Councillor Walsh stated that the Finance Committee recommends sending the Ordinance to First Printing, as well as to authorize the Council President to correspond with the Mayor requesting that he consider appointments to the Municipal Grounds Commission.

Councillor Walsh moved to authorize the Council President to correspond with the Mayor requesting that he consider appointments to the Municipal Grounds Commission and to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156 THEREOF, ENTITLED “MUNICIPAL GROUNDS COMMISSION,” TO ADD VARIOUS PROVISIONS RELATING TO DUTIES.

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

Section 1. Chapter 156-3 of the Code of the City of Gardner is hereby amended by adding the following:

B. The Commission may develop and implement seasonal programs to be conducted in the City’s parks including but not limited to summer musical concerts, summer camps, and other such seasonal activities in the City’s parks and other municipal grounds. The Commission may establish a volunteer committee of no less than three members, one of whom shall be a member of the Commission, to carry out the purposes of this Paragraph. All such members shall be appointed in accordance with § 156-1 A.

C. The Committee may receive gifts of property, both real and personal, in the name of the City to further the purposes of this Ordinance. Upon receipt of any such gift(s) the Committee shall turn the gift or gifts over to the Treasurer who shall deposit said gifts into an account to be named the "Municipal Grounds Program Fund." The Director of Public Works and the Committee shall then spend such funds for their stated purpose.

D. [Renumber the current § 156-3 B to § 156-3 D.]

Section 2. Effective date.
This ordinance shall become effective on passage and publication as required by law.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Edward Gravel informed the Council that the Bandstand has continued to operate and that the Mayor will sign all contracts for the City for the bands performing this summer.

Councillor Walsh said that the City Council must be assured that there is a functioning Commission, since it has been 8 years since the terms of the current Commission members expired. Further, he said that it is his understanding that it has been 6 years since the Commission last held a meeting, even though the Commission is required to meet monthly, in accordance with the Ordinance. He concluded by saying that if there are no new appointments filed by the Mayor and the indication is that there is no functioning Commission at the time that the Ordinance is ready for passage, then he would vote against the Ordinance.

On the motion, it was voted viva voce, eleven (11) yeas, President Scott 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 authorize the Council President to correspond with the Mayor requesting that he consider appointments to the Municipal Grounds Commission and to order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156 THEREOF, ENTITLED “MUNICIPAL GROUNDS COMMISSION,” TO ADD VARIOUS PROVISIONS RELATING TO DUTIES.

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

Section 1. Chapter 156-3 of the Code of the City of Gardner is hereby amended by adding the following:

E. The Commission may develop and implement seasonal programs to be conducted in the City's parks including but not limited to summer musical concerts, summer camps, and other such seasonal activities in the City's parks and other municipal grounds. The Commission may establish a volunteer committee of no less than three members, one of whom shall be a member of the Commission, to carry out the purposes of this Paragraph. All such members shall be appointed in accordance with § 156-1 A.

F. The Committee may receive gifts of property, both real and personal, in the name of the City to further the purposes of this Ordinance. Upon receipt of any such gift(s) the Committee shall turn the gift or gifts over to the Treasurer who shall deposit said gifts into an
account to be named the "Municipal Grounds Program Fund." The Director of Public Works and the Committee shall then spend such funds for their stated purpose.

G.  [Renumber the current § 156-3 B to § 156-3 D.]

Section 2. Effective date.

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

FIRST PRINTING – FEBRUARY 8, 2019

#10008
Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Measure Authorizing Acceptance of Donations and Gifts for Use by the Community Bandstand Committee for Musical Concerts and Other Entertainment Events would be addressed at the time that the Council considers passage of the Municipal Grounds Commission Ordinance amendment (#10007).

Leading to a motion, Councillor Edward Gravel stated that he would like to strike “and other entertainment events” from the Title because donations and sponsorships for the Bandstand are intended for “Concerts in the Park.”

President Graves explained that the Measure is currently in Finance Committee and has not yet been reported out or discharged.

Councillor James Walsh noted that the Measure is required to be reported out of Committee and “on the floor” in order to be open for debate and for some action, before it can be amended.

Councillor Ronald Cormier added that the matter was discussed in Committee and it was agreed that language in the Measure would have to be amended before passage.

There being no objections, the Finance Committee was granted more time to report on A Measure Authorizing Acceptance of Donations and Gifts for Use by the Community Bandstand Committee for Musical Concerts and Other Entertainment Events.

COMMITTEE OF THE WHOLE

#10051
President Graves informed the Council that an Informal Meeting of the Committee of the Whole would be scheduled for Tuesday, February 19, 2019 at 7:00 p.m. to discuss An Ordinance to Amend the Code of the City of Gardner, Chapter 600 Thereof, Entitled “Vehicles and Traffic,” Article V, Parking Meters.
NEW BUSINESS

On a motion by Councillor Nathan Boudreau and seconded by Councillor Christine Johnson, it was voted viva voce, eleven (11) yeas, President Scott 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

Referencing Calendar #10051, Councillor James Boone informed the Council that he decided to conduct a Google search and asked “What is the role of a subcommittee?” He said, that “a congressional subcommittee in the United States Congress is a subdivision of a United States congressional committee that considers specified matters and reports back to the full committee. “So,” he said, “just putting that out there before our next meeting.”

Councillor Christine Johnson informed the Council that the Public Welfare Committee recently met with the School Department concerning the status of the current School Department Budget; the scheduled FY2020 Budget meetings; and, plans for the new elementary school. She said that the City needs a new elementary school and noted that Elm Street School was constructed for use as a High School and that Waterford Street School was constructed on a swamp. “So,” she said, “it will be good to have a new school, but as Council President Graves stated, ‘We need an elementary school that our community can afford’.”

Councillor Elizabeth Kazinskas announced that the Friends of the Library Used Book Sale is schedule for Friday, February 22 and Saturday, February 23.

Councillor Elizabeth Kazinskas informed the Council of her concurrence with Councillor Christine Johnson’s report concerning the Public Welfare Committee’s recent meeting with School Department officials. She said that she is impressed with the School Department administrators and School Committee members and that she is looking forward to working with them to see the new elementary school constructed.

Referencing the Council’s action on Calendar #10052, President Graves informed the Council that he “usually agrees to not hold someone to a single vote,” and “as Councillor Walsh said, Councillors are disagreed with all the time,” adding that when the Council considers complex legislation, the votes “are hardly ever unanimous.” “On this issue,” President Graves continued, “the State law on ‘use variances’ is so clear-cut, you have to show one of three things to obtain a ‘use variance’ – something unique about the shape of the land that doesn’t affect any other land in the area; topography; or soil conditions; or, something so unique about the particular parcel – so unique that unless a ‘use variance’ is granted, it cannot be used. Obviously, they are not able to show that.”
Continuing, President Graves stated, “So, that vote is ultra-important. [ZBA Chairman] Ray LaFond cast his vote based on State law, which saved the day for the City of Gardner. Otherwise, a precedent would be established,” and “if precedent was established based on that vote, [then] anyone could come in [to] request a variance, and then obtain a variance based on some assertion that it is better that the land be used for a solar farm as opposed to a development, which is not a consideration under State law.”

Continuing, President Graves said, “We avoided establishing a precedent – which [the ZBA’s decision] is much different than the decision that faced the City Council.” “If the precedent was set, then it would be nearly impossible to deny the applicant a ‘use variance’ for any reason, in my opinion,” he added. He concluded his remarks by saying that he ordinarily defers to the Mayor on appointments; however, in this instance, he could not support confirming Mr. Gerry’s appointment.

Commenting on Councillor Christine Johnson’s report of the Public Welfare Committee’s recent meeting with School Department officials, President Graves said that his “words at that meeting weren’t well received” by certain attendees. Paraphrasing, President Graves said that he stated at the meeting, “We need the best school in this City that the taxpayers can afford,” which “was interpreted by some ‘as having a bad attitude’ and that ‘the City Council has a bad attitude’.”

Continuing, President Graves stated that he “speaks for himself and not for the City Council,” unless he discloses “that he speaks for the City Council.” “So,” he said, “this is the attitude that we’re all going to be facing down the road,” adding “This is what was presented to me: ‘You choose the school that you want first and worry about how to pay for it after.’” “I’m sorry,” he said, “that that is not the way I will ever do business. Some will expect us to pick the school first and worry about how to pay for it later.”

**CLOSING PRAYER**

President Graves led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, President Scott 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 7:59 p.m.

**Accepted by the City Council:**
CERTIFICATE OF APPOINTMENT

I appoint Karen Dineen to the position of Member, Golf Commission, 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.

Mark P. Hawke
Mayor

Confirmed by City Council

______________________________

City Clerk

______________________________

Expires: January 29, 2022

Worcester, ss.,_____________________

Then personally appeared the above named Karen Dineen and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Golf Commission according to law and the best of his/her abilities.

Before me,

______________________________

City Clerk

Chapter 303 Acts of 1975
and
Chapter 499 Acts of 1983

Received
CERTIFICATE OF APPOINTMENT

I appoint Aleksander Dernalowicz to the position of Member, Golf Commission 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.

Mark P. Hawke
Mayor

Confirmed by City Council ____________________________

______________________________ City Clerk
Alan L. Agnelli

Expires: February 5, 2022 ____________________________

Worcester, ss., ____________________________

Then personally appeared the above named Aleksander Dernalowicz and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Golf Commission 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 ____________________________
January 29, 2019

**Commonwealth of Massachusetts**

**Worcester County**

**City of Gardner**

**CERTIFICATE OF APPOINTMENT**

I appoint **Kristen Salerno** to the position of **Senior Animal Control Officer**, 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.

**Mayor**

Mark P. Hawke

Confirmed by City Council

__________________________

__________________________

City Clerk

Alan L. Agnelli

Expires: **January 28, 2020**

**Worcester, ss.**

Then personally appeared the above named **Kristen Salerno** and made oath that he/she would faithfully and impartially perform the duties of the office of **Senior Animal Control Officer** 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
CERTIFICATE OF APPOINTMENT

I appoint **Cheryl Slack** to the position of **Animal Control Officer**, and I certify
25 Westford Street, 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 ____________________________

____________________________City Clerk
Alan L. Agnelli

Expires: **January 28, 2020**

_Worcester, ss.,_____________________________

_Then personally appeared the above named **Cheryl Slack** and made oath that he/she_
would faithfully and impartially perform the duties of the office of **Animal Control Officer**
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 ____________________________
Commonwealth of Massachusetts

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Michael Nicholson to the position of Trustee, Williams-Rockwell Educational Gift Fund, and I certify

450 Pearl Street, 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

City Clerk

Alan L. Agnelli

Expires: January 28, 2022

Worcester, ss.

Then personally appeared the above named Michael Nicholson and made oath that he/she would faithfully and impartially perform the duties of the office of Trustee, Williams-Rockwell Educational Gift Fund 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
AUTHORIZING CONTRACTS NOT-TO-EXCEED FIVE (5) YEARS
FOR LEASING GOLF CARS

VOTE: To authorize the City to enter into contracts not to exceed five (5) years for leasing golf cars, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent’s January 30, 2019 Memorandum.
TO: Gardner City Council  
       Mayor Mark Hawke
FROM: Jennifer Dymek, Purchasing Agent/CPO
DATE: January 30, 2019
SUBJECT: Request for 5-year contract

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 a five year contract for the lease of Golf Cars for the Gardner Municipal Golf Course.

I recently solicited quotes for both 3 and 5 year lease terms, from vendors on the State Contract and all vendors were able to provide a better rate with a longer term lease. The current 5 year lease terminated at the end of 2018.

If you have any questions or concerns, please feel free to contact me for additional details.
Questions contact - Ron Allen 508-860-6130

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the City Council
Of Gardner, Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

West St - National Grid to install 1 JO Pole on West St beginning at a point approximately 100 feet west of the centerline of the intersection of Bridge St and continuing approximately 15 feet in a north direction. National Grid to install new midline pole P88-50 (with pushbraces) between P88 and P89 for tap to new DO site.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – West St - Gardner - Massachusetts.

No. 23557728 February 4, 2019

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.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY
Engineering Department

VERIZON NEW ENGLAND, INC.
BY
Manager / Right of Way
EXHIBIT 'A' NOT TO SCALE
THE EXACT LOCATION OF
SAID FACILITIES TO BE
ESTABLISHED BY AND UPON
THE INSTALLATION AND
ERECTION OF THE FACILITIES
THEREOF.
January 28, 2019

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

RE: Dog Control

Dear President Graves and Councilors,

Chapter 312 of the City Code is relative to Dog Control. 312-2, A. contains the City’s “leash law” provisions and 312-2 E. contains the City’s “pooper scooper” provisions.

An issue arises with 312-2 F. which states “No animals are allowed in any City cemetery or playground, including Pulaski Park.” I am not aware of the genesis of this ordinance, but it does pose a problem as Pulaski Park is the new home of the City’s Dog Park.

I have attached an Ordinance for your consideration to remedy the matter.

Respectfully,

[Signature]

Mark Hawke
Mayor, City of Gardner
ORDINANCE

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

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

Section 1. The Code of the City of Gardner is hereby amended by deleting and repealing Subsection F of § 312-2, Responsibilities of owner or keeper, of Chapter 312, Animals.

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.
Chapter 312. Animals

Article I. Dog Control

§ 312-2. Responsibilities of owner or keeper.

A. No owner or keeper of any dog shall permit such dog, whether licensed or unlicensed, to run at large within the City of Gardner, except that a dog may, for the purpose of sporting events such as hunting, field trials or training purposes, be exempt from the restraining order during such period of time as the dog is actually engaged in the event or sport. Dogs may be taken from the owner's premises, provided that such dogs are on a leash and under the control of the owner or keeper.

B. No person shall own or keep within the City of Gardner any dog which is a nuisance by reason of vicious disposition, excessive barking, or other cause of disturbance. [Added 12-17-1990 by Ord. No. 1063]

C. No owner of any dog shall fail to provide such dog with a sufficient quantity of wholesome, nutritious food and potable water; adequate shelter from inclement weather; a humane means of exercise; and the necessary veterinary care upon sickness, disease or injury. [Added 12-17-1990 by Ord. No. 1063]

D. No person shall torture, torment, deprive of necessary sustenance, or cruelly beat, mutilate or kill any dog. [Added 12-17-1990 by Ord. No. 1063]

E. The owner, keeper or any person in control of a dog shall be responsible for the prompt removal and proper disposal of any feces deposited by such dog upon any public ways, such as streets, roads, avenues, lanes, circles, highways, paths, sidewalks, trails, etc., or upon any public land within 10 feet of such public ways, or upon any public land designated as parks, playgrounds, cemeteries, school yards, or golf courses, or upon the grounds of any other municipal or government building, all within the boundaries of the City of Gardner. [Added 7-6-1998 by Ord. No. 1276]

F. No animals are allowed in any City cemetery or playground, including Pulaski Park. [Added 6-5-2006 by Ord. No. 1429]
ACCEPTANCE OF DONATIONS AND GIFTS
COMMUNITY BANDSTAND CONCERTS AND EVENTS

**VOTE:** That the City of Gardner is authorized to accept donations and gifts for use by the Community Bandstand Committee for musical concerts and other community entertainment events, said acceptance in accordance with the provisions of Chapter 44, Section 53A½ of the General laws.
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC," ARTICLE V, PARKING METERS.

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

Section 1. Section 600-18 of Chapter 600, Vehicles and Traffic, of the Code of the City of Gardner is hereby amended by striking the words “Public Safety Committee,” from Subsection B.

Section 2. This ordinance shall become effective upon passage and publication as required by law.
Chapter 600. Vehicles and Traffic

Article V. Parking Meters

§ 600-18. Three-hour parking meters.


A. No person shall park a vehicle for a period of time longer than three hours between the hours of 9:00 a.m. and 6:00 p.m. at any metered location on the streets or portions thereof listed below. This restriction shall not apply on Sundays or during the hours of legal holidays during which business establishments are required by law to remain closed.

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Street</td>
<td>East</td>
<td>From West Lynde Street northerly to Pine Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From a point 104 feet east of the eastern intersection of Pine Street, then easterly a distance of 80 feet (4 spaces)</td>
</tr>
<tr>
<td>Central Street</td>
<td>South</td>
<td>From the northerly corner of the Flat Iron Building, then southerly to Vernon Street</td>
</tr>
<tr>
<td>City Hall Avenue</td>
<td>West</td>
<td>From Pleasant Street to Connors Street</td>
</tr>
<tr>
<td>Main Street</td>
<td>East</td>
<td>From a point 60 feet north of the northerly intersection of Willow Street, then northerly to West Lynde Street</td>
</tr>
<tr>
<td>Main Street</td>
<td>West</td>
<td>126 feet south from the intersection of City Hall Avenue, then southerly to a point 20 feet north of the northerly intersection of Willow Street</td>
</tr>
<tr>
<td>Parker Street</td>
<td>North</td>
<td>Between Vernon Street and Oak Street</td>
</tr>
<tr>
<td>Parker Street</td>
<td>South</td>
<td>Between Pleasant Street and Nichols Street</td>
</tr>
<tr>
<td>Pleasant Street</td>
<td>North</td>
<td>From Parker Street to City Hall Avenue</td>
</tr>
<tr>
<td>West Lynde Street</td>
<td>North</td>
<td>Between Central Street and Lake Street Extension</td>
</tr>
<tr>
<td>West Street</td>
<td>North</td>
<td>Between Parker Street and Oak Street</td>
</tr>
</tbody>
</table>

B. The actual location of meters to be placed within the above locations shall be designated and may from time to time be changed by vote of the City Council Public Safety Committee.
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156 THEREOF, ENTITLED "MUNICIPAL GROUNDS COMMISSION," TO ADD PROVISIONS RELATING TO A COMMUNITY BANDSTAND COMMITTEE.

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

Section 1. Chapter 156-3 of the Code of the City of Gardner is hereby amended by adding the following:

B. There is hereby established under this Section the "Community Bandstand Committee" which shall exist and be operated hereunder for the purpose of implementing seasonal programs to be conducted in the City's parks including but not limited to summer musical concerts and other community entertainment events at the Bandstand located in Monument Park, as well as at the City's other parks, at the City's other municipal grounds and at other appropriate locations in the City. The Community Bandstand Committee shall consist of no less than three (3) members, one of whom shall be a member of the Municipal Grounds Commission, to carry out the purposes of this Section 156-3B. All members shall be appointed in accordance with Section 156-1A.

C. The Community Bandstand Committee may receive donations and gifts of property, both real and personal, in the name of the City to further the purposes as set forth in Section 156-3B.

Upon receipt of any such donation or gift the Community Bandstand Committee shall provide each such gift or donation to the Treasurer, who shall deposit same into an account to be created and named the "Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund shall be used for the purposes set forth in Section 156-3B.

D. Revise the former (present) 156-3B to 156-30.

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.
AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156 THEREOF, ENTITLED "MUNICIPAL GROUNDS COMMISSION," TO ADD VARIOUS PROVISIONS RELATING TO DUTIES.

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

Section 1. Chapter 156-3 of the Code of the City of Gardner is hereby amended by adding the following:

B. The Commission may develop and implement seasonal programs to be conducted in the City's parks including but not limited to summer musical concerts, summer camps, and other such seasonal activities in the City's parks and other municipal grounds. The Commission may establish a volunteer committee of no less than three members, one of whom shall be a member of the Commission, to carry out the purposes of this Paragraph. All such members shall be appointed in accordance with § 156-1 A.

C. The Committee may receive gifts of property, both real and personal, in the name of the City to further the purposes of this Ordinance. Upon receipt of any such gift(s) the Committee shall turn the gift or gifts over to the Treasurer who shall deposit said gifts into an account to be named the "Municipal Grounds Program Fund." The Director of Public Works and the Committee shall then spend such funds for their stated purpose.

D. [Renumber the current § 156-3 B to § 156-3 D.]

Section 2. Effective date.

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

A TRUE COPY, ATTEST:

ALAN L. AGNELLI, CITY CLERK

Feb 8 (1t)
Chapter 156
Municipal Grounds Commission

[HISTORY: Adopted by the City Council of the City of Gardner 3-7-1983 by Ord. No. 800; amended 11-7-1988 by Ord. No. 983; 8-6-2012 by Ord. No. 1551. Subsequent amendments noted where applicable.]

§ 156-1 Commission established; membership; terms of office.
There shall be established a Municipal Grounds Commission for the City of Gardner consisting of six members, legal voters of said City, five of whom shall be appointed by the Mayor, subject to confirmation by the City Council, as follows:

A. The Mayor shall immediately appoint one person to serve until the expiration of one year, two to serve until the expiration of two years and two to serve until the expiration of three years from the first day of April 1983 and thereafter annually shall appoint the appropriate number of persons (either one or two) to serve for the term of three years from the first day of April then next ensuing. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.

B. The sixth member shall be the Director of Public Works, who shall be a nonvoting member of the Commission during his term of office. [Amended 11-18-2013 by Ord. No. 1563]

§ 156-2 Meetings.
The Commission shall meet annually in April of each year to organize and elect a Chairperson and Secretary. The Commission shall hold meetings no less than once a month during the course of the year. The Secretary shall keep accurate minutes and records of all meetings of the Commission. The Director of Public Works shall not hold office within the Commission.

§ 156-3 Duties.
A. The Commission shall be an advisory body and shall advise the Director of Public Works, Mayor and City Council on matters relating to the Municipal Grounds Division.

B. The duties, powers and responsibilities of the Commission may be broadened or diminished at any time by ordinance consistent with prevailing General Laws or City ordinances.

§ 156-4 Compensation.
Members of said Commission shall receive for their services such compensation as the Mayor and City Council may prescribe.

§ 156-5 Transfer of personnel.
All necessary persons employed by and under the supervision of the named Municipal Grounds Department, boards and commissions shall, upon the effective date of this chapter, be transferred to the Department of Public Works. All such transfers of personnel shall be made without loss of pay and without change in rating, seniority, retirement or pension rights, or any other privileges under the provisions of this chapter.