City of Gardner, Massachusetts
Office of the City Council

CALENDAR FOR THE MEETING

of
MONDAY, MARCH 4, 2019
COUNCIL CHAMBER
7:30 P.M.

ORDER OF BUSINESS

I. CALL TO ORDER

II. CALL OF THE ROLL OF MEMBERS

III. OPENING PRAYER

IV. PLEDGE OF ALLEGIANCE

V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS

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

VI. READING OF MINUTES OF PRIOR MEETING(S)

Reading and Approval of the Minutes of the Informal and Regular Meetings of February 19, 2019.

VII. PUBLIC HEARING

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.

VIII. COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

10063 – A Measure Confirming the Mayor’s Appointment of John Awdycki to Member, Cemetery Commission, for term expiring February 15, 2022 (Finance Committee).

10064 – A Measure Confirming the Mayor’s Appointment of Brian LaRoche to Member, Cemetery Commission, for term expiring February 15, 2022 (Finance Committee).

10065 – A Measure Confirming the Mayor’s Appointment of John Awdycki to Member, Municipal Grounds Commission, for term expiring February 15, 2022 (Finance Committee).

10066 – A Measure Confirming the Mayor’s Appointment of Brian LaRoche to Member, Municipal Grounds Commission, for term expiring February 15, 2022 (Finance Committee).

10067 – A Measure Confirming the Mayor’s Appointment of David Hackett to Member, Disability Commission, for term expiring February 15, 2022 (Finance Committee).
IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.


10069 – An Application by Osagi Enterprise, LLC, for a License to Buy and Sell Second Hand Motor Vehicles, Class 2, on Toby Street (Public Safety Committee).

10070 – An Application by Osagi Enterprise, LLC, for a License to Deal in Motor Vehicle Junk, Class 3, on Toby St. (Public Safety Committee) (Public Hearing Required).

X. REPORTS OF STANDING COMMITTEES

PUBLIC SERVICE COMMITTEE

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 (In City Council and Referred to Public Service Committee, 2/19/2019).

PUBLIC SERVICE COMMITTEE AND 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; Referred to Public Service, 2/19/2019).

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).

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; Corrected and Ordered republished, 2/19/2019; First Printing, 2/25/2019).

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.
Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, February 19, 2019.

**CALL TO ORDER**

Council President Scott Joseph Graves called the meeting to order at 7:00 o’clock p.m.

**ATTENDANCE**

Eleven (11) Councillors were present including President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh.

President Graves announced that the informal meeting of the Council as Committee of the Whole was called to discuss Council Calendar #10051, *An Ordinance to Amend the Code of the City of Gardner, Chapter 600 Thereof, Entitled “Vehicles and Traffic,” Article V, Parking Meters.*

President Graves said that the proposed Ordinance was filed by Councillor James Boone because Councillor Boone believes that a substantial change [to parking meters] should be decided by the entire City Council. He then distributed copies of several sections of the City Code delineating distinct powers that some of the Council’s Standing Committees unilaterally possess, as follows:

- Chapter 221-6. Purchasing/Civil Enforcement, Sale, alienation or disposal of personal or real property.
- Chapter 553-96. Sewers, Abatements or rebates.
- Chapter 560-3. Solid Waste, Solid Waste Collection Program

Continuing, President Graves informed the Council that he discovered a conflict between the provisions of Section 600-9 and Section 600-18, whereby Section 600-9 expressly states, “It [Council] shall have the power to designate the location of all parking meter zones, parking meters and parking meter spaces within the City,” and that Section 600-18 expressly states, “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.”

Councillor Nathan Boudreau remarked that Section 18 provides that the Public Safety Committee determines that actual placement of meters versus actual locations (zones).
President Graves reiterated the Code citation: “It [City Council] shall have the power to designate the location of all parking meter zones, parking meters and parking meter spaces within the City.”

Councillors Ronald Cormier and Councillor James Walsh remarked that the zones have always been defined by the City Council, while the Public Safety Committee has designated the placements of meters. Councillor Cormier added that the Traffic Commission may play a role in the assignment of meters, since the locations may impact traffic conditions.

President Graves responded, saying that the location of parking meters has nothing to do with traffic flow and further, that Section 600-9 expressly says that “the City Council has the power to designate where the meters go.”

Councillor James Walsh stated that the fundamental question is whether the specific locations of parking meters are to be decided by the Council as a Whole or by the Public Safety Committee. He said that he believes that determining specific locations remain with the Public Safety Committee and the designation of zones remain with the Council as a Whole.

President Graves remarked that Section 600-9 already grants the power to place meters with the City Council. He then asked the proponent, Councillor James Boone, whether he believes that it is a good idea that the decision be made by a three-member Standing Committee or that it should be decided by the full Council.

Councillor Boone informed the Council that at the last Council meeting, he suggested that committees study and report on matters and [do] not necessarily make decisions for the entire Council, but “It is certainly plausible that entire sections of the City could have parking meters put in or removed and eight of us would not have a vote.” Continuing, he said that when there was discussion about removing meters from the street in front of the old Police Station, he “found himself to be frustrated that he had no say in the final decision, but that the decision rests with only the Public Safety Committee.”

Councillor Nathan Boudreau then questioned whether Councillor Boone had an issue that brought up the question. He then suggested inserting a period after “parking meter zones” in Section 600-9 to resolve the conflict with Section 600-18.

President Graves said that he understood Councillor Boone’s theory as to why he is seeking to change the procedure. He postulated about establishing a parking meter siting process in the same manner that the Council utilizes for all other legislative measures, such as a request to remove a parking meter would appear on the Council agenda, the measure is then referred – possibly to both the Safety Committee and the Traffic Commission – and then have each report back to the City Council to vote on it.”
Councillor Boudreau suggested that this concern will come up as issues that are addressed by other standing Committees arise. He noted that the Public Service Committee, of which he chairs, deals with people - some that “are down on their luck.” He said that he does not want to see a change [made] here set a precedent” whereby “a family has to come in front of the entire City Council to discuss why they did not pay their water bill or are in arrears.”

President Graves remarked that by following his suggestion, the work would still be performed at the Committee level, but that the Committee would report back to the City Council. “So there is no reason why the Applicant or Appellant would have to come back to the City Council,” he said. Continuing, he said that the Council usually takes the recommendation of the Committee because it has been studied the issue and that a change “would give Councillor Boone that satisfaction or the comfort that the Council had a say in the matter. You could argue against it, as now you cannot.”

Councillor Ronald Cormier informed the Council that the committee structure streamlined the process that shortened the Calendar, as meetings used to be long and drawn out over minutiae. He said that it is up to the Public Safety Committee to investigate the meter locations, since having 11 Councillors investigating the locations could be cumbersome.

Councillor Walsh stated that matters before the Safety Committee are included on its meeting Agenda and that every Committee’s agenda is published, so that anyone can attend Committee meetings and offer their input and to participate. He said that the current Committee setup makes sense and that changing it could make the process unnecessarily cumbersome. Concluding, he said that other than the fact that the issue arose due to Councillor Boone’s review of the Code, he is not aware of any particular abuse or problem that has arisen. “If it isn’t broken, then don’t fix it, except maybe for the conflicting language,” he added.

Councillor Christine Johnson expressed support for the measure, saying “We will not always have the Council that we have today. Someday, we may have three people on the Safety Committee who might have a bone to pick with a business that is in South Gardner because there has been talk about putting parking meters there. So, if you have a committee that wants meters installed, then they’ll be installed without Council approval.” She said that persons in [water] arrears will be publicized eventually – “whether it’s on the Council floor for an abatement or in the newspaper.” She concluded, saying that meter locations affect the entire City and a committee should not make that decision. The City Council should invoke the same procedure – refer, report, the Council vote, she said.

President Graves noted that the City Council votes to grant all classes of motor vehicle dealer licenses and suggested that maybe the Safety Committee could act on them without Council approval, adding that their usually “rubber-stamped” after the Committee’s recommendation.
Councillor Craig Cormier stated that he doesn’t see a significant gray area between the two sections and that the Safety Committee could not vote to place parking meters in South Gardner because the area has not been designated a metered zone by the City Council.

President Graves said that the City Council could designate a metered zone in South Gardner and then the Safety Committee could place a meter in front of a business that they don’t like. He added that the City Treasurer determines exactly where the meter is to be installed.

Councillor Gravel said that since he first served on the Council, he could not recall the Safety Committee ever proposing to install a meter location in a designated area.

Councillor James Boone questioned the reaction if the Public Safety Committee decided to install parking meters in the West Street Parking lot.

Councillor James Walsh responded, saying that the West Street Parking Lot is not a designated metered lot.

Councillor Ronald Cormier added that the Committee cannot create a metered zone.

President Graves solicited the Council’s opinion about retaining the authority of the Public Safety Committee or to proceed with the amendment granting the full Council with the authority to place parking meters.

Councillor Ronald Cormier noted that the proposed amendment simply removes a phrase.

Councillor Nathan Boudreau said that he would be okay with ratifying the decision of the Public Safety Committee.

President Graves remarked that ratification would be along the same line as his approach to refer and report, and then to act on the measure.

Councillor James Walsh suggested that ratification would mean that the Council would have the final say. He added that he disagreed with that approach and “seems to be a solution looking for a problem.”

On straw poll, 4 in favor, President Graves and Councillors Boone, Christine Johnson, and James Johnson; seven (7) opposed, Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh.

The meeting concluded at 7:27 p.m.

Accepted by the City Council:
Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, February 19, 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**

Councillor Ronald Cormier moved to waive the reading and to accept the Minutes of the Regular Meeting of February 4, 2019, as printed.

Councillor James Walsh seconded the motion, with the intent to amend.

On the motion, Councillor Walsh informed the Council that during the Finance Committee meeting, it was mentioned that the “Bandstand Ordinance amendment,” as printed in the Minutes, was a prior version of the Amendment and not the version that the Council acted on, but was published.

In addition to substituting the correct version in the minutes, Councillor Walsh moved to amend the Minutes to reflect the correct Ordinance amendment, as follows:
#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.

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.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Walsh noted that the Ordinance, in its approved version, will have to be published for the first time (“First Printing”).

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 waive reading and to accept the Minutes of the Regular Meeting of February 4, 2019, as amended.
COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

#10056
Reporting for the Finance Committee, Councillor James Walsh informed the Council that Ms. Deneen currently serves on the Golf Commission and that the Committee voted to recommend that the City Council confirm the appointment.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, 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 confirm the following Appointment received from the Mayor:

KAREN DENEEN to the position of Member, Golf Commission, for term expiring January 29, 2022.

#10057
Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted to recommend that the City Council confirm the appointment and added that Mr. Dernalowicz would be a very capable member of the Commission.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, 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 confirm the following Appointment received from the Mayor:

ALEKSANDER DERNALOWICZ to the position of Member, Golf Commission, for term expiring January 29, 2022.

Worcester, ss. February 19, 2019

Then personally appeared ALEKSANDER DERNALOWICZ and made oath that he would faithfully and impartially perform the duties of Member, Golf Commission, according to law and the best of his abilities.

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

#10058
Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend that the City Council confirm the appointment.
On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, 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 confirm the following Appointment received from the Mayor:

**KRISTEN SALERNO** to the position of *Senior Animal Control Officer* for term expiring January 28, 2020.

Worcester, ss. February 22, 2019

Then personally appeared **KRISTEN SALERNO** and made oath that she would faithfully and impartially perform the duties of *Senior Animal Control Officer* according to law and the best of her abilities.

Before me,

/s/ John A. Olivari, Assistant City Clerk

#10059

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend that the City Council confirm the appointment.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, 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 confirm the following Appointment received from the Mayor:

**CHERYL SLACK** to the position of *Animal Control Officer* for term expiring January 28, 2020.

Worcester, ss. February 26, 2019

Then personally appeared **CHERYL SLACK** and made oath that she would faithfully and impartially perform the duties of *Animal Control Officer* according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

#10060

Reporting for the Finance Committee, Councillor James Walsh informed the Council that Mr. Nicholson served as the Mayor’s designee to the Williams-Rockwell Educational Gift Fund Board of Trustees while serving as the Mayor’s Executive Aide and that he chaired the Board meetings in the Mayor’s absence. Therefore, the Committee voted to recommend that the City Council confirm the appointment.
On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, 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 confirm the following Appointment received from the Mayor:

MICHAEL NICHOLSON to the position of Trustee, Williams-Rockwell Educational Gift Fund Board of Trustees, for term expiring January 28, 2022.

Worcester, ss. February 19, 2019

Then personally appeared MICHAEL NICHOLSON and made oath that he would faithfully and impartially perform the duties of Trustee, Williams-Rockwell Educational Gift Fund Board of Trustees, according to law and the best of his abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10061

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committed voted to recommend adoption of the Measure, saying that the Committee discussed the Measure with the City’s Purchasing Director and was informed that the City would realize savings of $575.00 per month if the lease contract extended for five years.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, 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:

AUTHORIZING CONTRACTS NOT-TO-EXCEED FIVE (5) YEARS FOR LEASING GOLF CARS

VOTED: 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.

Presented to Mayor for Approval – February 20, 2019
Approved – February 20, 2019
MARK P. HAWKE, Mayor
On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, 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 to the Public safety Committee for study and report *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* and to schedule a Public Hearing at the next regular meeting.

### REPORTS OF STANDING COMMITTEES

#### PUBLIC SAFETY COMMITTEE

Councillor James Johnson, Chairman of the Public Safety Committee, reported that the Committee is requesting more time to study the Ordinance and that since the scope of the Ordinance also involves the Department of the Public Works, the Public Service Committee also needs to study the Ordinance.

He then moved to refer the following Ordinance to the Public Service 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.

Councillor Edward Gravel seconded the motion.

On the 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 to the to the Public service 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.**
There being no objections, the Public Safety Committee was granted more to time report on an Ordinance to Amend the Code of the City of Gardner, Chapter 312 Thereof, Entitled “Animals,” by Deleting and Repealing § 312-2F.

**FINANCE COMMITTEE**

#10008
Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee is awaiting the Council’s action on the companion Bandstand Ordinance (#10007) before recommending the Measure for adoption. He added the Ordinance will have to be republished as “First Printing” before the Council can consider passing the Ordinance.

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
Councillor James Boone moved to Order the following Ordinance to First Printing:

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.

Councillor Christine Johnson seconded the motion.

Councillor James Johnson, Chairman of the Public Safety Committee, reported that at a recent meeting, the Committee voted 2 to 1, to not recommend passage of the Ordinance. He said that he was the only Committee member to support the Ordinance amendment.

On the motion, on call of the roll, four (4) yeas, President Scott Graves and Councillors James Boone, Christine Johnson, James Johnson; seven (7) nays, Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, the Order to First Printing did not pass.
Councillor James Walsh informed the Council that since an earlier version of the Ordinance amendment was inadvertently published in place of the Amendment ordered to First Printing by the City Council, the correct version will have to be published (First Printing) before the Council could consider passing the Ordinance.

Councillor Walsh moved to order that the following corrected Ordinance amendment be published as its First Printing:

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.

Councillor Ronald Cormier seconded the motion.
On the motion, Councillor Edward Gravel informed the Council that, as a private citizen, he is heavily involved in the Bandstand Committee program; that he volunteers his time, and that he receives no compensation. He said that he believes that “there is no conflict or no conception of ethical violations,” but that he should recuse himself from voting.

President Graves acknowledged that there were no objections from the Council to Councillor Gravel’s recusal from the vote.

On the motion, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh; one (1) excused, Councillor Edward Gravel, to order that the following corrected Ordinance amendment be published as its First Printing:

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.

FIRST PRINTING – FEBRUARY 25, 2019

NEW BUSINESS

On a motion by Councillor Christine Johnson and seconded by Councillor Nathan Boudreau, 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

Williams-Rockwell Educational Gift Fund Grant – GHS Landry Auditorium
Councillor Christine Johnson informed the Council that a recent grant from the Williams-Rockwell Educational Gift Fund to Gardner High School for a study of the Auditorium’s acoustics “is really for the arts.” She explained that the study is part of the refurbishment of the Auditorium and that the Auditorium is frequently used by the Band and Chorus; for plays and musicals; and, by the Gardner Middle School. The Auditorium refurbishment “is for the students at the High School … for the arts,” she reiterated.

Family Members Serving on the City Council
Councillor Christine Johnson informed the Council that five years ago last Friday, she and Councillor James Johnson were married in the City Council Chamber where they first met. She said that when she and Councillor James Johnson ran for office, people were concerned about having a husband and wife on the City Council, but that their voting records distinguish themselves. “It is not a bad thing to have two people in the same family, because we also have a father and son on the Council,” she added.

New Appointees
Councillors extended praise and congratulations to Michael Nicholson for his commitment to the City and willingness to serve on the Williams-Rockwell Educational Gift Fund Board of Trustees, as well as to others whose appointments were confirmed by the City Council.

Councillor Elizabeth Kazinskas congratulated Aleksander Dernalowicz for his willingness to serve on the Golf Commission and remarked that “he is a fantastic golf teacher.”

Friends of the Library Used Book Sale
Councillor Elizabeth Kazinskas reminded her colleagues that the Friends of the Library Used Book Sale is scheduled for Friday, February 22 and Saturday, February 23.
New England Patriots and Daytona 500
Councillor Edward Gravel congratulated the New England Patriots on their recent Super Bowl Victory, as well as Daytona 500 winner Denny Hamlin.

Fire Department Recognition
Councillor Karen Hardern expressed her appreciation to the Gardner Fire Department and area Fire Departments for their efforts to contain a recent structure fire on Greenwood Street, as well as for their services each and every day.

Municipal Grounds Commission Membership
Councillor James Walsh reminded the Council that it was last meeting, he commented that in the event that the Bandstand Ordinance was before the Council for passage and the Mayor had not yet appointed individuals to the Municipal Grounds Commission, that he would vote against its passage. He said that he is relieved to learn that the Mayor recently filed Appointment Certificates for two of the three Commission members, and that the Mayor now has the opportunity to fill the three remaining positions on the Commission before the next Council meeting, so that he [Walsh] “will not be faced with the decision of whether to vote in favor of the Ordinance.”

Council President Scott Graves “Mistaken Identity”
Citing “a case of mistaken identity,” Council President Graves stated, “There has been a lot of confusion out there about who I am. Which Scott Graves am I?” Noting that “it [mistaken identity] has been problematic,” when people call him to say, “Great Letter to the Editor,” or “What were you trying to say when you sent that e-mail?” “I have no idea what they are talking about,” he said. To distinguish himself from “the other Scott Graves,” President Graves stated that he “is the one that was born and raised in Gardner and was in the Class of 1982 at Gardner High School,” and that he used to use the initials “SG” as his signature, but that he cannot use them anymore, so he now uses “SJLGG,” which stands for “Scott Joseph LaFosse Goguen Graves.”

Concluding, President Graves said that he does not write “Letters to the Editor,” so “if there is a ‘Letter to the Editor’, it’s not me,” and that he deleted his Facebook profile and refuses to participate in Twitter or Instagram. “So, I hope that people will know that I’m the quiet Scott Graves, although I am not too quiet up here. It is important to know if a statement is coming from the City Council President, because when people hear things coming from Scott Graves, it will be in their minds forever that it was him,” he added.
President Graves’ E-Mail Account Compromised
President Graves announced that his personal e-mail account was recently compromised by someone using his identity to seek money. He stressed that he is not soliciting money under his e-mail account.

CLOSING PRAYER
President Graves led the Council in the Closing Prayer.

ADJOURNMENT
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 adjourn at 8:02 p.m.

Accepted by the City Council:
CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY CLERK
Room 121, City Hall
Tel (978) 630-4058
Fax (978) 630-2589

CITY OF GARDNER
NOTICE TO ABUTTERS

February 20, 2019

TO INTERESTED PARTIES:

Pursuant to the provisions of M.G.L.A., c.166, §22, you are hereby notified that a Public Hearing will be conducted on **Monday, March 4, 2019 at 7:30 o'clock P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, Massachusetts, upon the petition of NATIONAL GRID and Verizon New England, Inc., for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

**West Street** – National Grid to install one (1) jointly-owned Pole on West Street beginning at a point approximately 100’ west of the centerline of the intersection of Bridge Street and continuing approximately 15 feet in a northerly direction. National Grid to install new midline pole P88-50 (with pushbrace) between P88 and P89 for tap to new DG site.

A diagram of the proposed pole location is attached for your edification.

CITY COUNCIL OF GARDNER

By:  
ALAN L. AGNELLI  
City Clerk
February 15, 2019

Commonwealth of Massachusetts
Worcester County
City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint John Awdycki to the position of Member, Cemetery Commission, and I certify 252 Ash 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.

Mark P. Hawke
Mayor

Confirmed by City Council


__________________________
City Clerk
Alan L. Agnelli

Expires: February 15, 2022

Worcester, ss.,

Then personally appeared the above named John Awdycki and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Cemetery 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
February 15, 2019

Commonwealth of Massachusetts
Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Brian LaRoche to the position of Member, Cemetery Commission, and I certify
52 Prospect 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.

Mark P. Hawke

Mayor

Confirmed by City Council


City Clerk

Expires: February 15, 2022


Worcester, ss.,

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

Before me.

City Clerk

Chapter 303 Acts of 1975
Chapter 409 Acts of 1983

Received
February 15, 2019

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint John Awdycki to the position of Member, Municipal Grounds Commission, and I certify
252 Ash 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

Confirmed by City Council

______________________________
City Clerk

Alan L. Agnelli

Expires: February 15, 2022

Worcester, ss., ______________________

Then personally appeared the above named John Awdycki and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Municipal Grounds
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 ______________________
February 15, 2019

Commonwealth of Massachusetts  
City of Gardner

Worcester County

CERTIFICATE OF APPOINTMENT

I appoint Brian LaRoche to the position of Member, Municipal Grounds 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 15, 2022 ________________

Worcester, ss., ________________

Then personally appeared the above named Brian LaRoche and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Municipal Grounds 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 ________________
February 15, 2019

**Commonwealth of Massachusetts**

**Worcester County**

**City of Gardner**

**CERTIFICATE OF APPOINTMENT**

I appoint **David Hackett** to the position of **Member, Disability Commission**, and I certify
125 Connors Street, Apt. #418, 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: February 15, 2022

**Worcester, ss.**

Then personally appeared the above named **David Hackett** and made oath that he/she
would faithfully and impartially perform the duties of the office of **Member, Disability 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 ____________________
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC," TO CHANGE PROVISIONS RELATING TO ROTARY TRAFFIC, TRAFFIC ISLANDS, AND OBEDIENCE TO ISOLATED YIELD SIGNS.

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 striking from Article VII. One-Way Streets; Rotary Traffic. § 600-43. Rotary traffic, Lafayette Square: Parker Street, West Street and Oak Street.

Section 2.

The Code of the City of Gardner is further amended by changing Article XII. Traffic Islands, § 600-74. Location designated, to read as follows:

   D. Lafayette Square: Parker Street, West Street and Oak Street, where vehicular traffic shall move only in a counter clockwise direction, except when directed by an officer.

Section 3.

The Code of the City of Gardner is further amended by adding to Article VIII. Operation of Vehicles, § 600-55. Obedience to Isolated Yield Signs, the following:

<table>
<thead>
<tr>
<th>Yield Street</th>
<th>Direction of Travel</th>
<th>For Traffic Entering</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oak Street</td>
<td>Eastbound</td>
<td>Parker Street</td>
</tr>
<tr>
<td>Parker Street</td>
<td>Westbound</td>
<td>West Street</td>
</tr>
</tbody>
</table>

Section 4.

This Ordinance shall take effect upon passage and publication as required by law.
APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New __ Renewal __ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: OSAKI ENTERPRISE LLC
   (Name as registered with the Secretary of the Commonwealth’s Corporations Division. If individual or partnerships enter names)

2. Doing Business As:
   (If conducted under any name other than the Applicant’s Legal Name. An active Business Certificate must be on file with the City Clerk)

3. Business Address: 42 O TOBY ST. GARDNER MA 01440
   (Complete street address where business will be conducted and P.O. Box, if any)

4. Business Tel: 5087146591 Cellular 7036498094 E-Mail OSAKI2000@HOTMAIL.COM

5. Is the business an Individual, partnership, association or corporation?

6. If an individual, state full name and residential address: KWAME NKURUMAH 27 TOWLE DR HOLDEN MA 01520

7. If a partnership, state full names and residential addresses of all partners:

8. If an association or corporation, state full names of the principal officers:
   President
   Secretary
   Treasurer

9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? YES
   a. If so, is your principal business the sale of new motor vehicles? NO
   b. Is you principal business the buying and selling or exchanging of second hand motor vehicles? YES
   c. Is your principal business that of a motor vehicle junk dealer? SECONDARY
   d. Is your principal business that of a “Repairs”? NO
   e. Is your principal business that of “Repossession”? NO

9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:
   SEE ATTACH

10. Are you a recognized agent of a motor vehicle manufacturer? YES NO NO
    If yes, state the name of the manufacturer:
11. Do you have a signed contract as required by Section 58, Class I? YES __________ NO "NO"

12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ____ NO _____ NO

If yes, in what city or town? ___________________________________________________________

Did you receive a license? YES ____ NO _____ NO For what year? _____________________________

13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES ____ NO ____ NO If yes, please explain: ________________________________

Provide the following items/documentation with the completed Application form:

☐ Applicable License Application Processing Fee(s), check payable to "City of Gardner"

☐ Surety Bond in the amount of $25,000 executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).

☐ State and Federal Tax Certification Affidavit

☐ City of Gardner PERMIT/APPLICATION GOOD STANDING CERTIFICATE

☐ Criminal Offender Record Information (CORI) Authorization form.

☐ Workers Compensation Insurance Affidavit: General Businesses

☐ Parking Plan (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".

☐ Site Plan (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".

☐ Zoning Opinion from the Building Commissioner.

☐ Planning Board and/or Board of Appeals Decisions (if applicable).

The applicant certifies that all state tax returns have been filed and all state and local taxes required by law have been paid and agrees to comply with the terms of its license and applicable law, and all rules and regulations promulgated thereeto. Applicant further certifies that the information contained in this application is true and accurate and also authorize the licensing authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.

Signed under the pains and penalties of perjury.

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFicer or AFFIANT ________________________________

DATE SIGNED ____________

License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.
APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New ___ Renewal ___ Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: OSACI ENTERPRISE LLC
   (Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)

2. Doing Business As: _______________________________________________________________________
   (If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)

3. Business Address: 43 TOBY ST GARDNER MA 01440
   (Complete street address where business will be conducted and P.O. Box, if any)

4. Business Tel: 508 714 6591 Cellular: 403 649 3634 Fax: __________ E-Mail: dseacrigford@hotmail.com

5. Is the business an individual, partnership, association or corporation? __________

6. If an individual, state full name and residential address: KWAME NKRAMAH
   27 TOWLE DR HOLDEN MA 01520

7. If a partnership, state full names and residential addresses of all partners: ________________________

8. If an association or corporation, state full names of the principal officers:
   President ____________________________________________________________________________
   Secretary ____________________________________________________________________________
   Treasurer ____________________________________________________________________________

9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? __________
   a. If so, is your principal business the sale of new motor vehicles? __________
   b. If so, is your principal business the buying and selling or exchanging of second hand motor vehicles? __________
   c. If so, is your principal business that of a motor vehicle junk dealer? __________
   d. If so, is your principal business that of a "Repairs"? __________
   e. If so, is your principal business that of "Repossession"? __________

9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:
   ______________________________________________________________________________________

10. Are you a recognized agent of a motor vehicle manufacturer? __________
    If yes, state the name of the manufacturer: ________________________________________________
11. Do you have a signed contract as required by Section 58, Class I? YES ________ NO _____

12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ____ NO ____
   If yes, in what city or town? ____________________________________________________________
   Did you receive a license? YES ____ NO ____ For what year? _________________________________

13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES ____ NO ____ If yes, please explain: ________________________________________________

Provide the following items/documentation with the completed Application form:

☐ Applicable License Application Processing Fee(s), check payable to "City of Gardner"

☐ Surety Bond in the amount of $25,000 executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).

☐ State and Federal Tax Certification Affidavit

☐ City of Gardner PERMIT/APPLICATION GOOD STANDING CERTIFICATE

☐ Criminal Offender Record Information (CORI) Authorization form.

☐ Workers Compensation Insurance Affidavit: General Businesses

☐ Parking Plan (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".

☐ Site Plan (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".

☐ Zoning Opinion from the Building Commissioner.

☐ Planning Board and/or Board of Appeals Decisions (if applicable).

The applicant certifies that all State tax returns have been filed and all State and Local taxes required by law have been paid and agrees to comply with the terms of its license and applicable law, and all rules and regulations promulgated thereto. The applicant further certifies that the information contained in this application is true and accurate and also authorizes the Licensing Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.

Signed under the pains and penalties of perjury.

[Signature]

DATE SIGNED 2/30/19

License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.
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 pushbrace) 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
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,

Mark Hawke
Mayor, City of Gardner
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 53A 1/2 of the General laws.
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 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.

A TRUE COPY, ATTEST:

ALAN L. AGNELLI, CITY CLERK

Feb 25 (11)