

**PRESIDENT**  
Ronald F. Cormier

**COUNCILLORS AT LARGE**  
James S. Boone  
Craig R. Cormier  
Ronald F. Cormier  
Scott J. Graves, Esq.  
Marc Morgan  
Matthew C. J. Vance

**WARD 1 COUNCILLOR**  
James M. Walsh, Esq.

**WARD 2 COUNCILLOR**  
Paul G. Tassone

**WARD 3 COUNCILLOR**  
Nathan R. Boudreau

**WARD 4 COUNCILLOR**  
Karen G. Hardern

**WARD 5 COUNCILLOR**  
James D. Johnson

**CITY OF GARDNER**  
**MASSACHUSETTS 01440-2630**

OFFICE OF THE  
CITY COUNCIL



May 2, 2017

**CITY COUNCIL INFORMAL MEETING**

**Date:** Monday, June 5, 2017  
**Time:** 7:00 P.M.  
**Location:** City Council Chamber, Room 219, City Hall

**ANNOUNCEMENT** - 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 referenced or used during the meeting must be submitted in duplicate to the City Clerk, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

The City Council will meet with representatives of Colonial Power Group to hear an update of Community Choice Aggregation of Electric Power (*Ref: Minutes of the May 16, 2016 City Council Informal and Regular meetings*).

**NOTICE:** *The listing of Agenda items are those reasonably anticipated by the Chair which may 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.*

CITY COUNCIL OF GARDNER  
*Ronald F. Cormier*  
RONALD F. CORMIER  
Council President

RESOLUTION  
ENDORISING THE CITY OF GARDNER COMMUNITY CHOICE POWER SUPPLY  
PROGRAM, AGGREGATION PLAN  
PREPARED BY COLONIAL POWER GROUP, INC.

*VOTED:* The City Council of Gardner endorses the City of Gardner Community Choice Power Supply Program Aggregation Plan prepared by Colonial Power Group, Inc., in accordance with the City Council's vote accepting MGL Ch 164, Sec 134, regarding public aggregation of electric consumers.

# Vote

In City Council

June 6, 2016

Vote Passed

June 6, 2016

*Alan Agnell*  
City Clerk

Presented to Mayor for approval

June 7, 2016

Approved on June 13, 2016

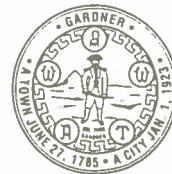


Mayor's Signature

Mayor

9654

# City of Gardner, *Executive Department*



Mark Hawke, Mayor

RECEIVED

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CITY CLERKS OFFICE  
GARDNER, MA

June 1, 2016

James M. Walsh, President  
And City Councilors  
95 Pleasant Street  
Gardner, MA 01440

RE: Municipal Aggregation Plan

Dear President Walsh and Councilors,

In accordance with the presentation by Colonial Power at the May 16, 2016 City Council meeting and in accordance with the Council's vote accepting MGL Ch. 164, § 134, I am enclosing the "Aggregation Plan" for your approval.

This is a standard plan which has been adopted by numerous communities and has been approved by the Department of Energy Resources (DOER). It has been tweaked specifically for the City of Gardner.

Upon Council approval, the plan would then come back to me for signature and then to the DOER for approval. A public hearing would then occur. Following the public hearing we would be able to begin the process of selecting a competitive supplier and work toward full implementation of the Plan.

I look forward to working with the City Council to enact the Aggregation Plan and working to save the citizens of the City of Gardner money on their monthly electric bills.

Respectfully,

Mark Hawke  
Mayor, City of Gardner



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# **CITY OF GARDNER COMMUNITY CHOICE POWER SUPPLY PROGRAM**

## **AGGREGATION PLAN**

PREPARED BY

**COLONIAL POWER GROUP, INC.**

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### **PURPOSE OF THE AGGREGATION PLAN**

The City of Gardner (“City”) developed this Aggregation Plan (“Plan”) in compliance with Massachusetts law regarding public aggregation of electric consumers. It contains required information on the structure, operations, services, funding, and policies of the City’s Plan. The Plan has been developed in consultation with an aggregation implementation consultant (Consultant), initially Colonial Power Group, Inc. (CPG) and the Massachusetts Department of Energy Resources (DOER).

The purpose of this Plan is to represent consumer interests in competitive markets for electricity. It seeks to aggregate consumers in the City to negotiate rates for power supply. It brings together the buying power of more than 20,000 consumers. Furthermore, the City seeks to take control of energy prices. Participation is voluntary for each eligible consumer. Eligible consumers have the opportunity to decline service provided through the Plan and to choose any Competitive Supplier they wish. Based on enrollment figures from previous community aggregations, CPG anticipates that 97% of the eligible consumers will participate. The City has distributed this Plan for public review prior to submitting it to the Massachusetts Department of Public Utilities (“Department”).

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# **REQUIREMENTS FOR MUNICIPAL AGGREGATION**

The Massachusetts Electric Utility Restructuring Act of 1997 (“Restructuring Act”) contains several requirements for municipal aggregators. One requirement is to develop an aggregation plan in consultation with the DOER. The Plan is subject to review by consumers in the participating municipality and approval by the Department.

## **1 THE PROCESS OF MUNICIPAL AGGREGATION**

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Municipal aggregation involves a multi-step public process as follows:

- 1.1 Vote and Authorization to become a Public Aggregator
- 1.2 Development of Plan in Consultation with DOER
- 1.3 Review of Plan by Mayor, City Council and Consumers
- 1.4 Vote on Plan by City Council
- 1.5 Submission of Plan for Department Approval
- 1.6 Public Hearing on Plan by Department
- 1.7 Selection of Date for Receipt of Price Terms from Competitive Suppliers
- 1.8 Selection of Competitive Supplier by Mayor
- 1.9 Notification of Enrollment for Eligible Consumers
- 1.10 Beginning of Opt-Out Period (30 days prior to first service date)
- 1.11 Transfer of Participating Consumers to Competitive Supplier

In addition to this process, municipal aggregators must comply with open meeting laws, ethical rules, and certain public bidding and information requirements.

## **2 GARDNER'S COMMUNITY CHOICE POWER SUPPLY PROGRAM**

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The City offers one program to achieve its goals: Gardner's Community Choice Power Supply Program ("Program"). The Program provides professional representation on behalf of consumers in state proceedings and in regional or local forums to protect consumer interests in an evolving marketplace.

The Program is designed to offer competitive choice to eligible consumers and to gain other favorable economic and non-economic terms in service contracts. The City does not buy and resell power, but represents consumer interests to set the terms for service. Through a competitive bid and negotiation process, the City develops a contract with a Competitive Supplier for firm, all-requirements service. The contract runs for a fixed term. The process of contract approval contains checks and balances. Once the contract has been negotiated by the City's agent, it must be submitted to the Mayor for approval. And lastly, eligible consumers may opt-out of the Program, and select Basic Service or power supply from any other Competitive Supplier they wish at any time before or following their enrollment in the City's Program. No eligible consumer is required to receive service under the City's contract. [See Section 4.1.6 for detailed information on the opt-out process.]

### **2.1 ORGANIZATIONAL STRUCTURE**

The City's government is led by a Mayor and eleven (11) person City Council. Daily operations are overseen by a Mayor. City elections are held the first Tuesday in November.

The City Council is composed of eleven members elected for two year terms. They meet every first and third Monday evening at 7:30 P.M. at City Hall. They may also hold other meetings from time to time. The Mayor acts as the City's Chief Executive and the City Council as the Legislative body, both are responsible for the general welfare of the community. The operational role of the City and its agent in relation to consumers is outlined and described in the following pages.

### **2.2 OPERATIONAL LEVELS**

There are five operational levels to the City's Program as follows:

#### **2.2.1 Level One: Consumers**

Consumers hold the ultimate authority over the Program and its functions. They can elect candidates for Mayor and the City Council who may take positions regarding the Program. They can participate in local and regional meetings and hearings regarding issues related to



Day 33	Competitive Supplier completes EDI testing with NGRID
Day 52	Competitive Supplier removes opt-outs from eligible list
Day 53	Competitive Supplier sends "supplier enrolls customer" EDI for all participating consumers

Participating consumers are enrolled with supplier on the next meter read, provided that the enrollment transaction is submitted no fewer than two full business days before the meter read.

Our Consultant's experience with previous aggregation programs suggests that the City, Competitive Supplier and NGRID need about two months to complete the consumer notification and enrollment process.

The procedures described above may also be found in NGRID's Terms and Conditions for Municipal Aggregators, M.D.P.U. No. 1202, as amended or superseded from time to time. These procedures were discussed in numerous meetings between CPG and NGRID.

The methods by which eligible consumers will be enrolled in the Program are consistent with NGRID's Terms and Conditions for Competitive Suppliers, M.D.P.U. No. 1201, as amended or superseded from time to time.

#### **4.1.5 Notification of NGRID**

Along with notification of eligible consumers, the City shall notify the selected Competitive Supplier and NGRID to begin preparation of the administrative process to transfer eligible consumers coincident with each eligible consumer's billing cycle. Alternatively, or in combination with the City notification, the selected Competitive Supplier may notify NGRID to begin preparation of the administrative process.

#### **4.1.6 Beginning of Opt-Out Period**

Eligible consumers may opt-out of service from the Program at no charge either in advance of service start up deadlines or at any time after the first day of service. Participating consumers who seek to return to NGRID's Basic Service should provide notice to the Competitive Supplier and/or NGRID five or more business days before the next scheduled meter read date. Pursuant to NGRID's Terms and Conditions for Municipal Aggregators, M.D.P.U. No. 1202, participating residential consumers will be transferred to NGRID's Basic Service in two business days if they directly notify NGRID of the intent to terminate generation service from the Competitive Supplier. If a commercial or industrial consumer directly notifies NGRID of the choice to terminate generation service from the Competitive Supplier, the generation service shall be terminated on the date of the customer's next scheduled meter read. If a residential, commercial, or industrial customer notifies the Competitive Supplier of the choice to terminate receipt of

generation service, the termination shall take place on the date of the customer's next scheduled meter read, so long as the Competitive Supplier has submitted the transaction to NGRID no fewer than two business days prior to the meter read date. There shall be no charge for returning to NGRID's Basic Service in this manner. Further opportunities for eligible consumer opt-out may be negotiated by the City and the Competitive Supplier and included in the terms of the contract presented to the Mayor and made part of the public information offered to each eligible consumer. Eligible consumers who opt-out and subsequently wish to enroll may be enrolled at the Competitive Supplier's discretion and pursuant to NGRID's Terms and Conditions for Competitive Suppliers, M.D.P.U. No. 1201, as amended or superseded from time to time.

#### **4.1.7 Transfer of Participating Consumers to Competitive Supplier**

The process of activation is an administrative function with three parts:

- a) Data Preparation: NGRID will identify all eligible consumers on Basic Service in the City by eliminating those who have already selected a Competitive Supplier.
- b) Automatic Enrollment: All verified eligible consumers shall be transferred to the City's Competitive Supplier coincident with NGRID's billing periods, unless they have previously sent in notification of their intent to opt-out according to established deadlines. Eligible consumers will be enrolled with the new Competitive Supplier over the period of one month. Service under the new Competitive Supplier shall begin at the start of the billing period following transfer.
- c) Notification: NGRID shall notify each transferred participating consumer of the change to the City's Competitive Supplier with its last bill for Basic Service.

#### **4.2 TERMINATION**

The Program may be terminated in two ways:

- upon contract termination or expiration without any extension, renewal, or subsequent contract being negotiated; or
- at the decision of the Mayor to dissolve the Program.

Each participating consumer receiving service under the City's Program will receive notification of termination of the Program 90 days prior to such termination.

In the event of contract termination, participating consumers would return to NGRID's Basic Service or choose a Competitive Supplier. This transfer would occur in coordination with NGRID using established EDI protocols and in accordance with the rules and procedures set forth in the EBT Working Group Report.

### **5 METHODS FOR ENTERING AND TERMINATING AGREEMENTS**

INFORMAL MEETING OF MAY 16, 2016

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Dan Bianchi added that the savings depends upon consumer usage and the community.

President Walsh noted that National Grid adjusts its rate twice each year, in May and in November.

Councillor Craig Cormier questioned whether the new program would change the current consumer billing process.

Mr. Bianchi stated that the consumer would continue to receive a bill from their utility company, but that the generation section would list the name of the winning supplier.

Councillor Matthew Vance questioned the average percentage of consumers that elect to opt-out of the program based upon the communities that Colonial Power contracts with.

Mr. Bianchi and Mr. Murphy replied that about 3% opt-out. Mr. Murphy noted that the first 1/3<sup>rd</sup> of the 3% that opt-out do so because they do not want change; the second 1/3<sup>rd</sup> due to confusion; and the last 1/3<sup>rd</sup> because they want nothing to do with a government program.

On questioning by Councillor Ronald Cormier, Mr. Bianchi stated that the program is not limited to residential customers, that any electric consumer can join the program.

On questioning by Councillor James Boone, Mr. Bianchi stated that the company sends notices of the aggregation program to large businesses, as well.

Mr. Murphy stated that the burden of joining the aggregation program falls upon those consumers that have third-party electric generator providers. He said that Colonial Power would obtain National Grid's quarterly service reports for lists of customers.

Councillor James Johnson noted the Council's role in order to implement the program – acceptance of the statute and the Plan.

Mayor Hawke noted that the Plan's adoption is referred to in the State Regulations, but not the statute. He added that the final rate per kilowatt hour is agreed to by the Mayor.

Mr. Murphy stated that the Plan encompasses general terms and conditions, but not the pricing.

Councillor Vance questioned whether to City could solicit bids after the first three years of the contract.



INFORMAL MEETING OF MAY 16, 2016

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Mr. Bianchi said that the City is required to retain a consultant in order to solicit bids, adding that the City could renew its contract with Colonial Power.

Councillor Craig Cormier questioned if the acceptance statute that is before Council the same one that other communities have adopted.

Mr. Murphy said that the solicitation language is boilerplate and used for all communities.

The meeting was adjourned at 6:52 p.m.

Accepted by the City Council: *June 6, 2016*

**REGULAR MEETING OF MAY 16, 2016**

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Regular Meeting of the City Council was held in the City Council Chamber, 2<sup>nd</sup> Floor, City Hall, on Monday evening, May 16, 2016.

**CALL TO ORDER**

President James Walsh called the meeting to order at 7:30 o'clock p.m.

**CALL OF THE ROLL**

City Clerk Alan Agnelli called the Roll of Members. Ten (10) Councillors were present, including President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance. Councillor Paul Tassone was absent.

**OPENING PRAYER**

President Walsh led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

President Walsh led the Council in reciting the "Pledge of Allegiance".

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

President Walsh 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 Boone, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to waive reading and to accept the Minutes of the May 2, 2016 Informal and Regular Meetings, as printed.

**COMMUNICATIONS FROM THE MAYOR****CORRESPONDENCE**

**#9624**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to place on file correspondence from the Mayor "Relative to the Tax Burden."

REGULAR MEETING OF MAY 16, 2016

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Councillor James Johnson thanked the Mayor for providing information regarding the amount of taxes paid by local residents. He said, however, that it would be helpful to look at the tax burden by reviewing the tax rate in addition to the amount taxed.

**ORDERS****#9625**

Reporting for the Finance Committee, Councillor Marc Morgan informed the Council that \$60,000 of the Order will be used to purchase the Cumberland Farms [City Hall Avenue] property, while \$5,000 will be committed to surveying the parcel along Rear Main Street that Cumberland Farms is donating to the City.

Councillor James Boone congratulated the Mayor for putting together the deal with Cumberland Farms and noted that the [underground petroleum storage] tanks will be removed by Cumberland Farms.

Councillor Scott Graves questioned whether a written agreement exists outlining the proposed deal between the City and Cumberland Farms, citing whether a Chapter 21E inspection will be performed of the site and, if the soil is found to be contaminated, if the agreement will include cleanup costs.

President Walsh recognized Mayor Hawke who stated that such conditions will be included and that the responsible party would provide for cleanup, if necessary.

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, it was voted on roll call, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO CUMBERLAND FARM PURCHASE.

ORDERED: That there be and is hereby appropriated the sum of Sixty Five Thousand Dollars and No Cents (\$65,000.00) from Free Cash to Cumberland Farms Purchase.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

REGULAR MEETING OF MAY 16, 2016

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**#9626**

On a motion by Councillor Marc Morgan and seconded by Councillor Nathan Boudreau, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to refer the following Order to the Public Safety Committee and Traffic Commission for further study and report:

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO PUBLIC WORKS, ROAD RESURFACING.

ORDER: That there be and is hereby appropriated the sum of One Hundred Sixty Thousand Dollars and No Cents (\$160,000.00) from Free Cash to DPW, Road Resurfacing.

**#9627**

On a motion by Councillor Marc Morgan and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted on roll call, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to adopt the following Order:

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO PUBLIC WORKS, NEW EQUIPMENT.

ORDERED: That there be and is hereby appropriated the sum of Forty Thousand Dollars and No Cents (\$40,000.00) from Free Cash to Public Works, New Equipment.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**ORDINANCES****#9628**

On a motion by Councillor Matthew Vance and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to refer AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING A NEW CHAPTER 429, TO BE ENTITLED “DOOR-TO-DOOR SOLICITORS to the Public Safety Committee for study and report.

REGULAR MEETING OF MAY 16, 2016

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**#9629**

On a motion by Councillor Matthew Vance and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to refer AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600, THEREOF, ENTITLED "VEHICLES AND TRAFFIC," VARIOUS SECTIONS to the Public Safety Committee for study and report.

**PETITIONS, APPLICATIONS, ETC.****#9630**

Reporting for the Public Safety Committee, Councillor Matthew Vance reported that the Committee did not address the license application; however, he recommended that the license be granted since Brian's Bowlaway has been a longstanding business in the City of Gardner and that he is comfortable that there are no issues with its renewal.

On a motion by Councillor Matthew Vance and seconded by Councillor Nathan Boudreau, on recommendation of the Public Safety Committee, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to approve the application of Brian's Bowlaway for renewal of a Bowling Alley License at 123 Main Street for the period May 1, 2016 through April 30, 2017. The issuance of the license is conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines.

**#9631**

Reporting for the Public Safety Committee, Councillor Matthew Vance reported that the Committee did not address the license application; however, he recommended that the license be granted since The Salvation Army has been a longstanding business in the City of Gardner and that he is comfortable that there are no issues with its renewal.

On a motion by Councillor Matthew Vance and seconded by Councillor James Johnson, on recommendation of the Public Safety Committee, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to approve the application of The Salvation Army for renewal of a License to Deal in Second Hand Articles at 8 Union Square for the period May 1, 2016 through April 30, 2017. The issuance of the license is conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines.





## REGULAR MEETING OF MAY 16, 2016

**#9632**

On a motion by Councillor Marc Morgan and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to adopt the following Measure:

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
FINANCIAL INTEREST OF AMEE DELLASANTA  
CONTRACT FOR INTERPRETIVE SERVICES/TRANSLATION OF DOCUMENTS

*VOTED:* To approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Amee Dellasanta for a Contract for Interpretive Services in the Translation of Documents.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**#9633**

On a motion by Councillor Marc Morgan and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to adopt the following Measure:

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
FINANCIAL INTEREST OF DILLON HAMMOND  
CONTRACT FOR DATA COLLECTION SERVICES

*VOTED:* To approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Dillon Hammond for a Contract for Data Collection Services.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**REPORTS OF STANDING COMMITTEES**

**PUBLIC SERVICE COMMITTEE**

**#9616**

On a motion by Councillor Scott Graves and seconded by Councillor Nathan Boudreau, it was voted on roll call, ten (10) yeas, President James Walsh and Councillors James Boone,

REGULAR MEETING OF MAY 16, 2016

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Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO BUILDING REPAIRS AND MAINTENANCE.

ORDER: That there be and is hereby appropriated the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Free Cash to Building Repairs and Maintenance.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**FINANCE COMMITTEE**

**#9588**

President Walsh informed the Council that at the recent Finance Committee meeting, the Mayor indicated that there was nothing new to report; however, there was indication that there might be some movement and that there might be a report at the next Council meeting. There being no objections, the Finance Committee was granted more time to report on A NOTICE UNDER G.L. CHAPTER 61, §8, RIGHT OF FIRST REFUSAL, SALE OF LAND CLASSIFIED AS FOREST LAND (PARCEL M32-6-5, 85.41 ACRES EASTERLY OF CLARK STREET; PARCEL M-37-21-42, 3.37 ACRES EASTERLY OF CENTURY WAY; M32-6-10, 0.34 ACRES EASTERLY OF CLARK STREET).

**COMMITTEE OF THE WHOLE**

**#9234**

President Walsh informed the Council that the City has yet to receive a response from the Attorney General's Office regarding an opinion concerning proposed Charter provisions. He said that he forwarded information that he received from Atty. Michelle Tassinari, Director of the State Election Division, to the City Solicitor. The information that he passed along to the City Solicitor were samples of Charter provisions from various municipal Charters; however, the Solicitor did not forward those samples to the Attorney General's Office. Mr. Walsh added that he then forwarded the Charter samples to the Attorney General's Office. There being no objections, the Committee of the Whole was granted more time.

**#9611**

On the motion to adopt the Resolution and to accept the provisions of M.G.L. c. 164, §134, Councillor James Boone stated that by adopting the measure, residents could possibly receive lower electric rates and have the choice of opting-out of the program if they so choose.

Councillor Matthew Vance expressed skepticism of the proposal, saying that isn't certain that it will be a benefit to residents. He said, however, that the Council should approve the

REGULAR MEETING OF MAY 16, 2016

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measure in order to move ahead and then to receive proposals with the details before the Council agrees to the plan.

Councillor Nathan Boudreau stated that he saw this plan succeed in another community and that the community will save money.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to adopt the following Measure:

ELECTRIC POWER AGGREGATION RESOLUTION  
AND ACCEPTANCE OF G.L. CHAPTER 164, § 134

WHEREAS, the Commonwealth of Massachusetts has engaged in a process to establish a competitive market place through the restructuring of the electricity market; and

WHEREAS, citizens of Gardner have a substantial economic and social interest in terms of greater customer choice and opportunities for savings in this restructured market— and

WHEREAS, the City of Gardner hereby finds that it may be in the interest of its citizens who are electric ratepayers, both residential and commercial/industrial, to develop and secure such approvals and enter into appropriate agreements with consultants, experts and attorneys in connection with the establishment and operation of an electricity aggregation plan.

BE IT THEREFORE RESOLVED that the City of Gardner hereby:

Accepts the provisions of M.G.L. c. 164, § 134, and publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers and to authorize the Mayor, as provided by such statute to develop a plan, for review by the citizens of the City of Gardner, detailing the process and consequences of aggregation and further to reestablish such plan if its operation is suspended, and to negotiate and enter into such contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any (electricity) alternatives they desire and, further, to take such other action relative hereto as may be appropriate and necessary.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

REGULAR MEETING OF MAY 16, 2016

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UNFINISHED BUSINESS**#9551**

President Walsh informed the Council that the Planning Board submitted its Final Report to the City Council on the proposed Zoning Ordinance amendment.

On a motion by Councillor James Boone and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO ADD A NEW SUBSECTION 675-590. MILL STREET CORRIDOR DEVELOPMENT OVERLAY DISTRICT.

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

Section 1. Chapter 675 is hereby amended to add a new subsection 675-590, Mill Street Corridor Development Overlay District, as follows:

A. Purpose

To encourage commercial and industrial development and increase redevelopment options, in the Mill Street Corridor Urban Renewal Area (MSCURA), to provide local employment and enhance the tax base while protecting surrounding neighborhoods from land use conflicts. Redevelopment options will be consistent with city-wide growth and development policies within economically stressed areas within the MSCURA by providing for additional uses as a matter of right and altering dimensional requirements.

B. Scope of Authority

1. The Mill Street Corridor Development Overlay District (MSCDOD) shall only be applied over all parcels that are included in the Mill Street Corridor Urban Renewal Area.
2. Any use permitted by right or Special Permit in the underlying districts, as provided for by this Ordinance, shall continue to be permitted in addition to all other uses permitted by the MSCDOD.
3. Site plan review. All developments proposed for MSCDOD shall undergo site plan review in accordance with § 675-1020. Site Plan Review, shall apply to any new structure or group of structures under the same ownership on the same or contiguous lots that consist of 2,500 square feet or more of gross floor area; or any improvement, alteration, or change in use which results in an increase of 2,500 square feet or more of gross floor area.

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4. Waivers. The Planning Board may modify or waive any requirement of the overlay district upon finding that, due to topography, location, or unusual conditions affecting the property, the requirements of this section would unreasonably restrict development of the property. In modifying or waiving these provisions, the Planning Board may impose conditions it deems necessary to protect the public interest and promote the orderly development of the corridor.

C. Designation of Mill Street Corridor Development Overlay District

Designation is limited to parcels that are included in the Mill Street Corridor Urban Renewal Area due to the areas economic stress. Criteria for measuring economic stress include vacancy rates, incidences of arson, declining property values, building code violations, property tax delinquencies and inclusion in ongoing revitalization efforts.

D. Additional Uses

1. Properties included in the MSCDOD shall be permitted for the following uses as a matter of right:
  - a. Library, museums, art gallery or civic center.
  - b. Country or tennis club, lodge building or other non-profit social, civic, conservation or recreational use.
  - c. Professional Office and Retail Store, regardless of square footage.
  - d. Restaurant, fast food, including appurtenant structures to provide drive-through or drive-in services.
  - e. Restaurant serving food or beverages with live or mechanical entertainment.
  - f. Indoor amusement or recreation place of assembly provided that the building is so insulated and maintained as to confine noise to the premises.
  - g. Commercial clubs and/or recreational establishments such as swimming pools, tennis courts, ski clubs, camping areas, skating rinks or other commercial facilities offering outdoor recreation.

E. Dimensional Requirements

1. Any new structure, substantial improvement or alternative to an existing structure involving more than 50 percent of that structure's gross floor area shall be subject to the following:
  - a. Minimum lot size: 60,000 square feet
  - b. Minimum frontage: none
  - c. Front yard setback: none
  - d. Side yard setback: 10 feet; or none if abuts commercial or industrial use
  - e. Rear yard setback: 20 feet; or 40 feet if abuts residential zone



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- f. Maximum building height: 5 stories or 60 feet
  - g. Maximum building coverage including accessory buildings 65%
2. Improvements or alterations to an existing structure involving less than 50 percent of that structure's gross floor area shall not be subject to dimensional requirements, except that the minimum lot size shall not be less than 60,000 square feet and the structure shall not expand in terms of percentage of lot coverage, and side and rear setbacks shall be met.

F. Design and Preservation Standards

1. The provisions of § 675-750, Schedule of Parking Uses; loading areas shall apply unless superseded by the following standards.

Parking Requirements MSCDOD:

Use	Parking Spaces Required
Retail Store	1 space per 250 square feet gross floor area
Business or professional office	1 space per 300 square feet gross floor area
Restaurant, lodge or club, or other place of assembly	1 space per 4 seats plus 1 space per employee, or 1 space per 75 square feet of assembly area
Library, museum, art gallery, civic center, or Recreational facilities	2 spaces per 1,000 square feet gross floor area
Outdoor recreation	1 space per 1,000 square feet of recreational land area

2. Parking Lot Design
- a. The provisions of § 675-770, Design requirements for parking lots, facilities, and drive-throughs shall apply unless superseded by the following standards.
  - b. Sidewalks and pedestrian paths shall connect the lots to the principal uses they will serve. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from public access routes and parking areas. Car stops shall be provided to prevent parked cars from damaging trees and shrubs or disrupting pedestrian walkways.
  - c. The Planning Board may modify the above requirements for any interior landscaped areas or islands that serve as vegetated swales or bioretention cells.

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3. Lighting and utilities.
  - a. All lighting shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property. Lighting shall comply with § 675-770B, Lighting and landscaping requirements, Subsection B(4), and § 675-1020F, development impact standards.
  - b. All lights and illuminated signs shall be designed to prevent objectionable light and glare from crossing property lines. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward.
  - c. All electric, telephone, television and other communication lines, both main and service connections, shall be provided by underground wiring.
4. Complete Streets - Whenever a development within the MSCDOD fronts a public way, Complete Streets design principles consistent with the Timpany Boulevard Complete Streets Study, dated June 2015, shall be incorporated into the design.
5. Projects shall take into consideration the preservation of sensitive natural features including streams and water bodies. Development shall preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize alteration of natural features. If appropriate walking and hiking trails should be incorporated into the development to enhance walkability within the development.
6. Bicycle accommodation.
  - a. Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy of any building that results in the need for additional vehicular parking facilities. One bicycle space shall be provided for every 10 vehicle parking spaces, up to a maximum of 25 spaces.
  - b. Parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which the user may lock a bicycle.
  - c. Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
  - d. Bicycle parking facilities shall be located in a clearly designated safe and convenient location. Whenever possible, the bicycle parking shall be placed within 50 feet of building entrances and in well-lit areas.

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7. Landscaping and screening.
  - a. A registered landscape architect shall prepare a landscape plan drawn to scale, including dimensions and distances. The plan shall delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials and tree cover.
  - b. Loading areas and service facilities (dumpsters, storage areas, utility boxes, etc.) shall be placed to the rear of buildings in visually unobtrusive locations. Screening and landscaping shall prevent direct views of such areas from adjacent properties or from public ways. Screening shall be achieved through walls, fences, landscaped berms, evergreen plantings, or combinations thereof. Fences made of wood, stone, or brick are preferred.
  - c. Heating, ventilating and air-conditioning (HVAC) units, telephone boxes, electrical transformers, etc., shall be screened through use of landscaping, berms, or fences and shall be as unobtrusive as possible. Heating, ventilating and air-conditioning (HVAC) units may be located behind roof ridgelines so they are not visible from the front view of the building.
  - d. When a proposed development abuts a residential district, whether presently developed or not, landscaped buffers shall be employed to shield the residential property from view of the proposed development and to minimize lighting and noise impacts. Such a buffer shall contain a screen of plantings not less than three feet in width and six feet in height at the time of planting and shall thereafter be maintained by the owner or occupant so as to provide a dense screen year round. At least 50% of the plants shall consist of evergreens. A solid wall or fence, not to exceed six feet in height, complemented by suitable plantings, may be substituted for such landscaped buffers.
  
8. Architectural standards.
  - a. The site plan application shall contain elevations of all proposed buildings, prepared by a licensed architect.
  - b. Exterior materials for the front façade and any sides of buildings fronting on public streets may include clapboard, wood shingles, stone, brick, textured or coated concrete block, textured or coated precast concrete, or materials of comparable appearance as approved by the Planning Board. Applicants are encouraged to use green building technologies and materials, wherever possible, to limit environmental impacts.
  - c. Architectural focal points. In any development with 10,000 square feet or more of retail use, the principal building on a lot shall have clearly defined, highly visible customer entrances featuring at least two of the following: canopies or porticos; overhangs; recesses/projections; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; display windows; and planters or wing walls that incorporate landscaped areas and/or places for sitting.

*FIRST PRINTING - May 20, 2016*



REGULAR MEETING OF MAY 16, 2016

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**#9569**

President Walsh informed the Council that the Planning Board submitted its Final Report to the City Council on the proposed Zoning Ordinance amendment.

On a motion by Councillor James Boone and seconded by Councillor Craig Cormier, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance; one (1) nay, Councillor Scott Graves, to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO ADD NEW SUBSECTIONS TO SECTION 675-970, SIGNS PERMITTED IN COMMERCIAL OR INDUSTRIAL DISTRICTS, AND TO SECTION 675-980, SPECIAL REGULATIONS FOR SIGNS IN HISTORIC AREAS,

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

Section 1. Chapter 675 is hereby amended by adding a new subsection to 675-970, Signs Permitted in Commercial or Industrial Districts, as follows:

- G. Perpendicular signs. One projecting, or perpendicular sign, may be erected within five feet of the business's entrance and must be erected no less than ten (10) feet from the ground level, at the base of the building above a sidewalk to the bottom of the sign, so long as public safety is not endangered, and no more than twenty (20) feet from the ground level to the top of the sign. Such sign shall not extend above the building, nor be more than eight (8) square feet in area and, when combined with any existing alternative signage, shall not exceed a total of eighty (80) square feet. All perpendicular signs must be externally lit from the top and shine downward.

Section 2. Chapter 675 is further amended by adding a new subsection to 675-980, Special Regulations for Signs in Historic Areas, as follows:

- G. Perpendicular signs. One projecting, or perpendicular sign, may be erected within five feet of the business's entrance and must be erected no less than ten (10) feet from the ground level at the base of the building above a sidewalk to the bottom of the sign, so long as public safety is not endangered, and no more than twenty (20) feet from the ground level to the top of the sign. Such sign shall not extend above the building, nor be more than eight (8) square feet in area and, when combined with any existing alternative signage, shall not exceed a total of forty (40) square feet. All perpendicular signs must be externally lit from the top and shine downward.

Section 3. This Ordinance shall become effective upon passage and publication as required by law.