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 August 5, 2019 Regular Meeting Minutes and the August 12, 2019 Special Meeting Minutes.

VII. PUBLIC HEARINGS

10149—A Petition by National Grid for permission to construct a line of underground electric conduits on City Hall Avenue beginning at a point approximately 50’ east of the centerline of Pleasant Street for approximately 35’ in an easterly direction.

10150—A Petition by National Grid and Verizon New England, Inc. for permission to install four (4) JO poles on Clark Street beginning at a point approximately 200’ northwest of the centerline of the intersection of Century Way and Clark Street and continuing approximately 850’ in a northwesterly direction.

10151—A Petition by National Grid and Verizon New England, Inc. for permission to install five (5) JO poles on Clark Street beginning at a point approximately 200’ northwest of the centerline of the intersection of Leo Drive and Clark Street and continuing approximately 1200’ in a northwesterly direction.

VIII. COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

10156—A Measure Confirming the Mayor’s Appointment of Nancy Binder to the position of Member, Bandstand Committee, for term expiring August 14, 2022 (Finance Committee).
VIII. COMMUNICATIONS FROM THE MAYOR

**APPOINTMENTS**

10157 – A Measure Confirming the Mayor’s Appointment of Edward Vipond to the position of Member, Bandstand Committee, for term expiring August 14, 2022 (Finance Committee).

10158 – A Measure Confirming the Mayor’s Appointment of Sandra Barton to the position of Member, Council on Aging, for term expiring August 21, 2022 (Finance Committee).

**ORDINANCES**

10159 – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel,” to Change Compensation Schedule “Exhibit E – Non-Union Employees” City Treasurer/Collector (Finance Committee).


IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10162 – A Measure Authorizing the City to Accept PARC Grant Funds and to Borrow for Design and Phase I Development of Bailey Brook Park (Finance Committee).

10163 – An Application by R&R Motors, 7 Donlan Street, for a Permit to Amend the License to Buy and Sell Second Hand Motor Vehicles, Class 2, by adding a Second License Holder (Public Safety Committee).

10164 – A Petition by the Planning Board to reclassify certain parcels of land located within the Downtown Renewal Area and 4 parcels bordering the areas south of Route 2 (Public Welfare Committee).

10165 – A Petition by National Grid for permission to construct 1100 feet of conduit starting at 370 Park Street and heading north to Pole 1 Clark Street (Public Service Committee) (Public Hearing Required).

X. REPORTS OF STANDING COMMITTEES

**PUBLIC SERVICE COMMITTEE**

10148 – A Petition to Lay Out James Street Extension as a Public Way (In City Council and Referred to the Public Service Committee and the Planning Board, 8/5/2019).

10149 – A Petition by National Grid for permission to construct a line of underground electric conduits on City Hall Avenue beginning at a point approximately 50’ east of the centerline of Pleasant Street for approximately 35’ in an easterly direction (In City Council and Referred to the Public Service Committee, 8/5/2019).
X. REPORTS OF STANDING COMMITTEES

PUBLIC SERVICE COMMITTEE

10150 – A Petition by National Grid and Verizon New England, Inc. for permission to install four (4) JO poles on Clark Street beginning at a point approximately 200’ northwest of the centerline of the intersection of Century Way and Clark Street and continuing approximately 850’ in a northwesterly direction *(In City Council and Referred to the Public Service Committee, 8/5/2019).*

10151 – A Petition by National Grid and Verizon New England, Inc. for permission to install five (5) JO poles on Clark Street beginning at a point approximately 200’ northwest of the centerline of the intersection of Leo Drive and Clark Street and continuing approximately 1200’ in a northwesterly direction *(In City Council and Referred to the Public Service Committee, 8/5/2019).*

XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

10090 – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled “Zoning,” to Change Section 675-1070, Marijuana Establishments. *(In City Council and Referred to the Public Welfare Committee, the Planning Board, and Ordered to Public Hearing, 4/16/2019; Joint Hearing, 6/3/2019; Planning Board Final Report Received, 6/19/2019; Reported Favorably by Public Welfare Committee and Ordered to First Printing, 8/5/2019; First Printing, 8/9/2019).*

10148 – A Petition to Lay Out James Street Extension as a Public Way *(In City Council and Referred to the Planning Board for Review, 8/5/2019).*

10152 – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel,” to Change Compensation Schedule “Exhibit C – Appointed Positions” and “Exhibit E – Non-Union Employees.” *(In City Council, Reported Favorably by Finance Committee, and Ordered to First Printing, 8/5/2019; First Printing, 8/9/2019).*

XII. NEW BUSINESS

XIII. CLOSING PRAYER

XIV. ADJOURNMENT

Items listed on the Council Calendar are those reasonably anticipated by the Council President to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.
Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, August 5, 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. Ten (10) Councillors were present including President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillor Edward Gravel was absent.

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

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

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

READING & ACCEPTANCE OF MINUTES
On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the June 10, 2019 Informal and Special Meetings; the Minutes of the June 24, 2019 Informal Meeting; and, the Minutes of the July 1, 2019 Regular Meeting, as printed.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS
#10133
Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that Mr. Carlberg presently serves on the Redevelopment Authority, has served admirably for a number of years, and that the Committee voted favorably to recommend that his appointment be confirmed.
On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

M. PAUL CARLBERG to the position of MEMBER, REDEVELOPMENT AUTHORITY, for term expiring June 26, 2024.

Worcester, ss. August 27, 2019

Then personally appeared M. PAUL CARLBERG and made oath that he would faithfully and impartially perform the duties of MEMBER, REDEVELOPMENT AUTHORITY, according to law and the best of his abilities.

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

#10134

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend that the Election Officers appointments be confirmed.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Election Officer Appointments received from the Mayor, for terms expiring August 31, 2020:

WARD 1A

- Warden: Norman H. Beauregard, 147 Oak Street
- Clerk: Roland D. Mailloux, Jr., 20 Teaberry Lane
- Inspector: Shirley B. Bunarowski, 182 Graham Street #1
- Inspector: Sally Q. Hartshorn, 61 Elm Street
- Inspector: Jacqueline M. Kraskouskas, 222 Bickford Hill Road
- Inspector: Ellen T. Kudravetz, 90 Cherry Street
- Inspector: Michael L. Kudravetz, 90 Cherry Street
- Inspector: Erana E. Landry, 298 Park Street
- Inspector: Glenice M. Rossignol, 103 Highland Street

WARD 1B

- Warden: Lynn M. Roux, 203 Betty Spring Road
- Clerk: Gloria C. Bourgeois, 47 Racette Avenue
- Inspector: Carolyn Fournier, 158 Ash Street
- Inspector: Carlene A. Kemp, 108 Opal Lane
- Inspector: Carolyn A. LaBonte, 169 Summer Street
**CITY OF GARDNER**  
IN CITY COUNCIL  

REGULAR MEETING OF AUGUST 5, 2019

<table>
<thead>
<tr>
<th>Inspector</th>
<th>Valérie D. Spar</th>
<th>20 Plymouth Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspector</td>
<td>Marjorie J. Whittemore</td>
<td>47 Lake Street, A606</td>
</tr>
</tbody>
</table>

**WARD 2A**

| Warden | Clifton J. Melatti | 37 Rosewood Drive |
| Clerk | Donna M. Lehtinen | 203 Green Street |
| Inspector | Alice P. Anderson | 34 Chapman Park |
| Inspector | Joseph R. Andrews | 139 Euclid Street |
| Inspector | Carol A. Cormier | 47 Lake Street, A207 |
| Inspector | Robert J. Cormier | 47 Lake Street, A207 |
| Inspector | Mary L. Glotch | 47 Montvale Road |
| Inspector | Dianne A. Hunt | 28 Osgood Street, #1 |
| Inspector | Cathy T. Leger | 134 Greenwood Place |
| Inspector | Annette M. Melanson | 178 Waterford Street |

**WARD 2B**

| Warden | Donald J. Cosentino | 131 Lovewell Street |
| Clerk | Nancy M. Girouard | 110 Marquette Street |
| Inspector | Val J. Cormier | 166 Acadia Road |
| Inspector | Aline Cosentino | 131 Lovewell Street |
| Inspector | Patricia A. LeBlanc | 66 Conant Street |
| Inspector | Roger R. LeBlanc | 66 Conant Street |
| Inspector | Patricia A. Lewis | 32 Water Wheel Circle, Templeton |
| Inspector | Priscilla J. Proulx | 228 Washington Street |
| Inspector | Marcia J. White | 92 Ryan Street |

**WARD 3A**

| Warden | Donald R. Girouard | 52 Draper Road |
| Clerk | Barbara M. Cormier | 116 Sand Street |
| Inspector | Rachel I. Blais | 25 Way Street |
| Inspector | Anita M. Boudreau | 8 Jackson Park |
| Inspector | Jane M. Couch | 467 Parker Street |
| Inspector | Irene V. Hales | 61 Waterford Street |
| Inspector | Lisa E. Hales | 61 Waterford Street |
| Inspector | Gloria M. Landry | 458 Pearl Street |
| Inspector | Toby P. LaRoche | 83 Murray Road, Ashburnham |
| Inspector | Marcel Martin | 62 Ash Street |
| Inspector | Robert L. Owens | 217 Riverside Road |

**WARD 3B**

| Warden | Thomas H. Patterson | 132 Pinewood Drive |
| Clerk | Paulette A. Burns | 5 Travers Street |
| Inspector | Gayle M. Jaiilet | 35 Wickman Drive |
## CITY OF GARDNER

### IN CITY COUNCIL

#### REGULAR MEETING OF AUGUST 5, 2019

<table>
<thead>
<tr>
<th>Inspector</th>
<th>Christoph A. Knoll</th>
<th>238 Greenwood Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspector</td>
<td>Odette R. Racette</td>
<td>44 Jean Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Ernie J. Richard</td>
<td>50 Jean Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Juliette L. Richard</td>
<td>50 Jean Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Dorothy M. Ronn</td>
<td>145 Prospect Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Paul W. Ronn</td>
<td>145 Prospect Street</td>
</tr>
</tbody>
</table>

### WARD 4A

<table>
<thead>
<tr>
<th>Warden</th>
<th>Robert J. Swartz</th>
<th>53 Racette Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerk</td>
<td>Janice Magliacane</td>
<td>358 Temple Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Judith A. King</td>
<td>32 Jay Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Donald A. LeBlanc</td>
<td>209 Elm Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Dianne M. LeBlanc</td>
<td>209 Elm Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Judith Roy</td>
<td>51 Pinewood Drive</td>
</tr>
<tr>
<td>Inspector</td>
<td>Ronald J. Roy</td>
<td>51 Pinewood Drive</td>
</tr>
</tbody>
</table>

### WARD 4B

<table>
<thead>
<tr>
<th>Warden</th>
<th>Marjorie F. Tetzloff</th>
<th>317 Pine Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerk</td>
<td>David E. Tetzloff</td>
<td>317 Pine Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Ann Chandler</td>
<td>133 Pleasant Street, #2</td>
</tr>
<tr>
<td>Inspector</td>
<td>Brian J. Dickens</td>
<td>65 Krantz Road, Winchendon</td>
</tr>
<tr>
<td>Inspector</td>
<td>Susan Greninger</td>
<td>194 Central Street, #315</td>
</tr>
<tr>
<td>Inspector</td>
<td>Theresa H. Hillman</td>
<td>155 Champagne Road</td>
</tr>
<tr>
<td>Inspector</td>
<td>Diane R. Jasiewicz</td>
<td>36 Robillard Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Jacqueline M. LaPrade</td>
<td>322 Pine Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Charlene A. Wilson</td>
<td>44 Olde Colonial Dr, U1</td>
</tr>
</tbody>
</table>

### WARD 5A

<table>
<thead>
<tr>
<th>Warden</th>
<th>Paul A. Spano</th>
<th>33 Adams Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerk</td>
<td>Barbara D. LeBlanc</td>
<td>37 Bayberry Drive</td>
</tr>
<tr>
<td>Inspector</td>
<td>Sandra J. Barton</td>
<td>331 High Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Carole A. Baublis</td>
<td>252 Union Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Judith T. Collette</td>
<td>47 Kendall Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Claire M. Lagasse</td>
<td>131 Champagne Road</td>
</tr>
<tr>
<td>Inspector</td>
<td>Charles R. LeBlanc</td>
<td>37 Bayberry Drive</td>
</tr>
<tr>
<td>Inspector</td>
<td>Gloria M. O’Malley</td>
<td>80 Kendall Pond Rd West</td>
</tr>
</tbody>
</table>

### WARD 5B

<table>
<thead>
<tr>
<th>Warden</th>
<th>Marcelle S. Cormier</th>
<th>55 Wickman Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerk</td>
<td>Barbara A. Yablonski</td>
<td>195 Sherman Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Patricia L. Cormier</td>
<td>365 Pearl Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>Stephen E. Cormier</td>
<td>365 Pearl Street</td>
</tr>
<tr>
<td>Inspector</td>
<td>William Edwards</td>
<td>4 Sunrise Lane</td>
</tr>
<tr>
<td>Inspector</td>
<td>Dorothy E. Leger-Lore</td>
<td>31 Lennon Street, Unit B</td>
</tr>
<tr>
<td>Inspector</td>
<td>Melissa A. Paulhus</td>
<td>144 Sawyer Street</td>
</tr>
</tbody>
</table>
Inspector Leonette M. Roy 49 Temple Street
Inspector Doris H. St. John 204 Willis Road
Inspector Marcia A. Stone 185 Bridge Street
Inspector Mary Ann Suchocki 154 Sand Street
Inspector Edward S. Yablonski 195 Sherman Street

#10135
Reporting for the Finance Committee, Councillor James Walsh informed the Council that Mr. Athame presently serves on the Disability Commission and that the Committee voted favorably to recommend that his appointment be confirmed.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

SEBAZIUS ATHAME to the position of MEMBER, DISABILITY COMMISSION, for term expiring July 18, 2022.

Worcester, ss. August 13, 2019

Then personally appeared SEBAZIUS ATHAME and made oath that he would faithfully and impartially perform the duties of MEMBER, DISABILITY COMMISSION, according to law and the best of his abilities.

Before me,
/s/ John A. Olivari, Assistant City Clerk

#10136
Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee "was reminded quite eloquently" that the Council only acts to confirm individuals that "are deemed to be qualified," and that the Committee voted to recommend the Appointments to the Bandstand Committee.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

JASON PELAVIN to the position of MEMBER, BANDSTAND COMMITTEE, for term expiring July 16, 2020.
Then personally appeared **JASON PELAVIN** and made oath that he would faithfully and impartially perform the duties of **MEMBER, BANDSTAND COMMITTEE**, according to law and the best of his abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

#10137

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yea, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

***DONNA RUSSO*** to the position of **MEMBER, BANDSTAND COMMITTEE**, for term expiring July 16, 2022.

Then personally appeared **DONNA RUSSO** and made oath that she would faithfully and impartially perform the duties of **MEMBER, BANDSTAND COMMITTEE**, according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

#10138

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yea, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

***MICHAEL ZLOTNIK*** to the position of **MEMBER, BANDSTAND COMMITTEE**, for term expiring July 16, 2021.

Then personally appeared **MICHAEL ZLOTNIK** and made oath that he would faithfully and impartially perform the duties of **MEMBER, BANDSTAND COMMITTEE**, according to law and the best of his abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk
ORDERS

#10139
Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Mayor and the Superintendent of Schools provided the Committee with an explanation for the use of the additional Chapter 70 Aid, which is $454,290 greater than the amount forecasted in the School Department’s Budget. The Committee was satisfied with the details in the Superintendent’s correspondence and recommended that the Order be adopted, he added.

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

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE SCHOOL DEPARTMENT BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

ORDERED: To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2019 to June 30, 2020 sums as designated below for the expenditures of the School Department in the amount of FOUR HUNDRED FIFTY FOUR THOUSAND TWO HUNDRED NINETY DOLLARS ($454,290).

| School | School Expenses | $454,290 |

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

#10140
Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee’s report addresses Calendar Nos. 10140, 10141, 10142, and 10143, since the Orders are related. He said that two FY2020 Budget Orders are to be rescinded and in their place, two Orders that would permit unused funds to remain in their respective Reserve Accounts at the end of the Fiscal Year. As the Orders were adopted, he said, all unused funds would revert to Free Cash at the close of the Fiscal Year, as is determined by the Department of Revenue and the City’s outside auditors. The Committee voted favorably to recommend adoption of Calendar Nos. 10140, 10141, 10142, and 10143, he added.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:
CITY OF GARDNER  
IN CITY COUNCIL  

REGULAR MEETING OF AUGUST 5, 2019  

AN ORDER RESCINDING COUNCIL ORDER NO. 12879, AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS – CABLE COMMISSION FEES RESERVED – TO CABLE COMMISSION BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

ORDERED: To rescind Council Order No. 12879, under Council Calendar No. 10110, an Order appropriating for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED SEVENTY-SEVEN THOUSAND, THREE HUNDRED SIXTEEN DOLLARS ($177,316) from Available Funds – Cable Commission Fees Reserved – to the Cable Commission budget.

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

#10141
On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS – CABLE COMMISSION FEES RESERVED – TO CABLE COMMISSION BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

ORDERED: That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED SEVENTY-SEVEN THOUSAND, THREE HUNDRED SIXTEEN DOLLARS ($177,316) from Available Funds – Cable Commission Fees Reserved – to the Cable Commission budget. Any unused funds will revert back to the Cable Commission Fees Reserved Fund at year end.

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

#10142
On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER RESCINDING COUNCIL ORDER NO. 12880, AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS – PARKING METER RECEIPTS RESERVED – TO VARIOUS ACCOUNTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.
ORDERED: To rescind Council Order No. 12880, under Council Calendar No. 10111, an Order appropriating for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED TEN THOUSAND, FIVE HUNDRED FIFTY DOLLARS ($110,550.00) from Available Funds-Parking Meter Receipts Reserved to the following accounts:

- City Treasurer  Parking Meter Clerk Salary  $ 12,730.00
- City Treasurer  Parking Meter Maintenance 25,000.00
- Police  Parking Meter Patrol 21,420.00
- Public Works  Parking Meter Maintenance 20,000.00
- Public Works  DPW Maint. Crew Sal & Wages 31,400.00

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

#10143

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

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS – PARKING METER RECEIPTS RESERVED – TO VARIOUS ACCOUNTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

ORDERED: That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED TEN THOUSAND, FIVE HUNDRED FIFTY DOLLARS ($110,550.00) from Available Funds-Parking Meter Receipts Reserved to the following accounts:

- City Treasurer  Parking Meter Clerk Salary  $ 12,730.00
- City Treasurer  Parking Meter Maintenance 25,000.00
- Police  Parking Meter Patrol 21,420.00
- Public Works  Parking Meter Maintenance 20,000.00
- Public Works  DPW Maint. Crew Sal & Wages 31,400.00

Any unused funds will revert back to the Parking Meter Receipts Reserved Fund at year end.

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.
#10144  
Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend that the City Council compensation be increased for only one year, consistent with a vote by the City Council several month ago.

Councillor Ronald Cormier then moved to Order the following Ordinance to First Printing:

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED “PERSONNEL” TO CHANGE COMPENSATION SCHEDULE EXHIBITS A AND B.**

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by deleting and repealing Compensation Schedule Exhibit B and inserting in place thereof, the following:

<table>
<thead>
<tr>
<th>Exhibit B</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position</td>
<td>Effective 1-2-2018</td>
</tr>
<tr>
<td>President</td>
<td>$ 10,707.00</td>
</tr>
<tr>
<td>Councillor</td>
<td>$ 7,326.00</td>
</tr>
</tbody>
</table>

Section 2. Effective date.

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

Councillor James Walsh seconded the motion.

President Graves ruled that the Motion constitutes a “renewal of a motion” as the matter was previously decided. He noted that the Ordinance [defeated on June 17, 2019] could have been reconsidered at the following meeting, but no motion to reconsider was proffered. He said that a motion is in order if the measure [Ordinance] “is substantially different” than the measure that was defeated the first time; however, he determined that the measure “is not substantially different,” notwithstanding the Mayor’s assertion that his proposal “divides the question for the City Council.” The President cited provisions within Robert’s Rules of Order that outlines situations by which some elements of a Resolution must be “left out” in order to achieve a “non-renewable motion.” However, he said, since there are only two elements, and which are the same as previously acted on, then the Motion is out of order.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor James Walsh stated that he did not necessarily disagree with the ruling of the Council President and did not seek to appeal the ruling as a result. He said that he hoped that the matter could again be voted by the Council because the initial vote was 5 in favor and 5 opposed [to order to First Printing], since he was absent from the meeting, and that he would like the opportunity to vote on the measure. He noted that in order for a Councillor to move for reconsideration, a Councillor would have had to vote on the prevailing side. He added that he isn’t asking any Councillor to change his/her vote, unless they have a good reason, but only because he’d like to cast a vote on the issue.

Councillor James Johnson noted that since Councillor Gravel is absent from the meeting, “would the Council then be asked to vote again due to his absence?”

Councillor Walsh responded, saying “that would be Councillor Gravel’s decision.”

Councillor Walsh and Councillor Ronald Cormier noted that the Ordinance is a two-step [adoption] process.

Councillor James Boone questioned whether the matter could be tabled until the next meeting so that Councillor Gravel would have a chance to speak.

Councillor Boone moved to postpone the matter until the next meeting.

Councillor Boudreau seconded the motion.

Councillor Walsh raised a Point of Order, asking whether the motion to postpone “is priority over the motion to suspend the rules.”

President Graves ruled that the motion to suspend the rules takes precedence over the motion to postpone.

On show of hands, seven (7) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Christine Johnson, Elizabeth Kazinskas, and James Walsh; three (3) nays, Councillors James Boone, Karen Hardern, and James Johnson, the motion to suspend the rules did not pass for lack of the requisite two-thirds majority.

#10145

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted, two in favor and one opposed, to recommend that the Mayor’s compensation be increased for only one year.

Councillor Ronald Cormier then moved to Order the following Ordinance to First Printing:
AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED “PERSONNEL” TO CHANGE COMPENSATION SCHEDULE EXHIBITS A AND B.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by deleting and repealing Compensation Schedule Exhibit A and inserting in place thereof, the following:

<table>
<thead>
<tr>
<th>Exhibit A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Effective 1-2-2018</th>
<th>Effective 1-6-2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>$92,196.00</td>
<td>$94,040.00</td>
</tr>
</tbody>
</table>

Section 2. Effective date.

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

Councillor James Walsh seconded the motion.

President Graves stated that the Motion constitutes a “renewal of a motion” as the matter had been previously decided; therefore, he ruled that the Motion was out of order.

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10146

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend that the City Council approve the Resolution, noting that the legislation merely authorizes the Director of Public Works to act in the City’s interests in matters involving the various water pollution abatement projects.

Councillor Nathan Boudreau, Chairman of the Public Service Committee, informed the Council that, although the Committee did not take a formal vote, it discussed the matter at its recent meeting and supported the Measure.

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

AUTHORITY TO FILE

Whereas the City of Gardner after thorough investigation, has determined that the work activity consisting of: Water/Sewer/Stormwater Infrastructure Asset Management is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and
Whereas, the Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth (“Chapter 21” and “Chapter 29C”) are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

1. That Dane Arnold, the Director of Public Works, is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;

2. That the purpose of said grant(s) and/or loan(s), if awarded, shall be to fund construction activities.

3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

Presented to Mayor for Approval – August 6, 2019
Approved – August 8, 2019
MARK P. HAWKE, Mayor

#10147
Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend that the City Council approve the Declaration of Disposition, noting that the property was foreclosed for non-payment of property taxes; that it cleared the Land Court; that the Treasurer recommended that the parcel be placed out for bid; and, that the proposed minimum price would cover the amount of outstanding taxes and would return the property “to the tax rolls.”

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Measure:
DECLARING SURPLUS FOR PURPOSE OF DISPOSAL
LAND AND BUILDINGS AT 62 LINCOLN STREET

VOTED: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 62 Lincoln Street, further identified on the City of Gardner Assessor’s Map as R22-00002-00007, to establish as a minimum amount of $40,000.00 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or a larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

Presented to Mayor for Approval – August 6, 2019
Approved – August 8, 2019
MARK P. HAWKE, Mayor

#10148
On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer the Petition to Lay Out James Street Extension as a Public Way to the Public Service Committee for study and report and to the Planning Board for report and recommendation.

#10149
On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer a Petition by National Grid for permission to construct a line of underground electric conduits on City Hall Avenue beginning at a point approximately 50’ east of the centerline of Pleasant Street for approximately 35’ in an easterly direction to the Public Service Committee for study and report and to schedule a Public Hearing at the next regular meeting.

#10150
On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig Cormier, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer a Petition by National Grid and Verizon New England, Inc. for permission to install four (4) JO poles on Clark Street beginning at a point approximately 200’ northwest of the centerline of the intersection of Century Way and Clark Street and continuing approximately 850’ in an northwesterly direction to the Public Service Committee for study and report and to schedule a Public Hearing at the next regular meeting.
#10151
On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer a Petition by National Grid and Verizon New England, Inc. for permission to install five (5) JO poles on Clark Street beginning at a point approximately 200’ northwest of the centerline of the intersection of Leo Drive and Clark Street and continuing approximately 1200’ in an northwesterly direction to the Public Service Committee for study and report and to schedule a Public Hearing at the next regular meeting.

#10152
Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend increases to the annual stipend for members of the Contributory Retirement Board, including the City Treasurer. He noted that it has been a number of years since stipends were adopted and that the Mayor’s Budget included funds for the proposed stipend increases, which was then adopted by the City Council. The Council is now asked to align the Ordinance figures with the amounts budgeted, he added.

Also reporting for Finance Committee, Councillor James Walsh stated that unlike boards and commissions whose stipends are established by the City Council at its discretion, the range of salaries for Retirement Board members is fixed by statute (Chapter 32, § 20 (6)). He said that the statute establishes the annual minimum compensation at $3,000 and the annual maximum compensation at $4,500.00 and that the proposed annual increase is $500 for each board member and $300 for the City Treasurer.

Councillor Ronald Cormier added that, unlike the members of other boards and commissions, members of the Retirement Board are required by State guidelines to attend mandatory training classes, “which have become more challenging over the 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, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED “PERSONNEL” TO CHANGE COMPENSATION SCHEDULE EXHIBITS C AND E.

Be it Ordained by the City Council of the City of Gardner as follows:
Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by striking from Compensation Schedule “Exhibit C”, the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Annual Stipend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement Board Member</td>
<td>$ 3,000.00</td>
</tr>
</tbody>
</table>

And inserting in place thereof, the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Annual Stipend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement Board Member</td>
<td>$ 3,500.00</td>
</tr>
</tbody>
</table>

(Effective 7/1/2019)

Section 2. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by striking from Compensation Schedule “Exhibit E”, the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Grade</th>
<th>Annual</th>
<th>Weekly</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Treasurer/Collector</td>
<td>G-10</td>
<td>$ 84,118.88</td>
<td>$1,623.44</td>
</tr>
<tr>
<td></td>
<td>MGL c. 32, §20(6)</td>
<td>$ 300.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Compensation:</td>
<td>$ 84,418.88</td>
<td>$1,623.44</td>
</tr>
</tbody>
</table>

And inserting in place thereof, the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Grade</th>
<th>Annual</th>
<th>Weekly</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Treasurer/Collector</td>
<td>G-10</td>
<td>$ 84,118.88</td>
<td>$1,623.44</td>
</tr>
<tr>
<td></td>
<td>MGL c. 32, §20(6)</td>
<td>$ 600.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Compensation:</td>
<td>$ 84,718.88</td>
<td>$1,629.21</td>
</tr>
</tbody>
</table>

(Effective 7/1/2019)

Section 3. Effective date.

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

FIRST PRINTING – AUGUST 9, 2019

REPORTS OF STANDING COMMITTEES

PUBLIC WELFARE COMMITTEE

#10090
Councillor Christine Johnson, Chairperson of the Public Welfare Committee, reported that the Committee met on July 24 with Community Development and Planning Director Trevor Beauregard to discuss the proposed amendment and that the proposed changes were well explained and well received by the Committee. Accordingly, she said that the Committee voted to recommend that the Ordinance be ordered to First Printing.

On a motion by Councillor Christine Johnson and seconded by Councillor Elizabeth Kazinskas, on recommendation of the Public Welfare Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier,
Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, 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 CHANGE VARIOUS PROVISIONS RELATING TO MARIJUANA ESTABLISHMENTS.

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

Section 1. Chapter 675-1070 Marijuana Establishments, is hereby amended by deleting and repealing Subsection C (3) (a) in its entirety.

Section 2. Subsection C (9) (c) of Chapter 675- 1070 Marijuana Establishments, is hereby amended by deleting the words “shall not exceed the number of registered medical marijuana treatment centers in Gardner engaged in the same type of activity and”.

Section 3. This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.

FIRST PRINTING – AUGUST 9, 2019

UNFINISHED BUSINESS

#10119
On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to remove from further Consideration and to take from the Calendar A Measure Authorizing an Eighth Amendment to the April 9, 1968 Lease Between the City and Henry Heywood Memorial Hospital.

#10130
On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to pass the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 275 THEREOF, ENTITLED “TRAFFIC COMMISSION,” TO CHANGE COMMISSION MEMBERSHIP.

Be it ordained by the City Council of the City of Gardner as follows:
Section 1. Subsection B. of § 275-1 of the Code of the City of Gardner is hereby amended by inserting the words “Civil Enforcement Director” immediately following the words “Director of Community Development and Planning.”

Section 2. Effective date.

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

In City Council – June 17, 2019
Ordered Printed – July 1, 2019
First Printing – July 8, 2019
Ordinance Passed – August 5, 2019
The foregoing was laid before the Mayor on the 6th day of August, 2019 and after ten days it had the “force of the law” as prescribed under Section 30 of the Charter of the City of Gardner, as it was not returned with objections within that time.
Final Printing – August 14, 2019

NEW BUSINESS

On a motion by Councillor Christine Johnson and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

ANNOUNCEMENTS and COMMENTARY

#10153
On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to send a Letter of Appreciation to retiring City Treasurer and City Collector of Taxes Charline Daigle on the occasion of her retirement.

Expressions of Appreciation were extended to fellow City Councillor Edward Gravel for his many years organizing the Concerts in the Park series.

Councillor Nathan Boudreau announced that the Ribbon Cutting for the Dog Park will be held on Saturday, August 24. Invitations will be sent to all Councillors.

Councillor Christine Johnson observed a demonstration of a Stryker Power Load System at the Fire Department which has reduced back injuries of EMS personnel. She said that the cost is approximately $25,000 and the Council may expect to receive an appropriation in the future. She distributed a sheet listing the cost to fill a shift of an injured firefighter.
Revisiting earlier remarks made concerning the Council’s role in confirming Mayoral Appointments, Council President Scott Graves stated that “to some, it appears that the Council merely ‘rubber stamps’ the Mayor’s decision,” however, “the Mayor is the Executive, he gets to make the decision. You may have reason to believe that the person chosen isn’t fit for that particular reason, then a City Councillor has the prerogative to vote ‘no’.”

CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Christine Johnson and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:17 p.m.

Accepted by the City Council:
Special Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, August 12, 2019.

**CALL TO ORDER**

Council President Scott Joseph Graves called the meeting to order at 6:00 o’clock p.m.

**CALL OF THE ROLL**

City Clerk Alan Agnelli called the Roll of Members. Seven (7) Councillors were present including President Scott Joseph Graves and Councillors Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillor Nathan Boudreau arrived at 6:10 p.m. Councillors James Boone, Craig Cormier, and Edward Gravel were absent.

**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.

**#10154**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the impending vacancies in the positions of City Treasurer and City Collector of Taxes were advertised and that many applications were received. With the consent of the Council, the Finance Committee whittled to four the number of applicants for interviews, those applicants that the Committee determined to have the qualifications and/or experience required of the positions. Continuing, he said that one of the applicants was the City’s Purchasing Agent, Jennifer Dymek, who met most, if not all, of the qualifications; that the Committee is familiar with her work ethic and experience; and, that she has been an employee of the City for about 17 years.

Councillor Ronald Cormier then nominated Jennifer A. Dymek for the position of City Treasurer for a term expiring August 19, 2022.[1]

Councillor James Walsh seconded the nomination.

Councillor Elizabeth Kazinskas questioned whether Ms. Dymek was notified about her nomination [to the position].

Councillor James Walsh reported that the Human Resources Director will notify the applicants of the results of the Council’s election.

Councillor Kazinskas asked whether Ms. Dymek has been informed that she has been chosen.
Councillor Walsh responded, stating that Ms. Dymek has yet to be chosen [by the Council]. The Election will decide and then she will be notified if she is elected, he added.

Councillor Kazinskas questioned whether the salary has been negotiated.

Councillor Walsh stated that the City has an Ordinance that specifies the compensation for the position; however, for a number of years, the Finance Committee has asked the Mayor for a Step System for compensation, but the Mayor has indicated to the Committee “that it is too hard to do,” so it hasn’t been done. He added that the Committee is aware that the Mayor is going to discuss compensation with the prospective Treasurer which, he said, may require a change to the Ordinance.

Councillor Kazinskas then questioned whether “it makes sense to elect someone if they haven’t been notified, as well as the others persons that have applied,” and said that she is concerned that the discussion “is public” and questioned if “it [discussion] raises any personnel issues.”

Councillor Ronald Cormier responded, saying “this is an open election,” and “any Councillor could nominate anyone entirely different.” He said that because [the selection process] is [through] an open election, “it is not the Committee’s role to notify the candidate - it is only a recommendation, because it is the Councils’ choice.” He concluded by saying, “The Council cannot notify someone until they are elected. Our role is unique.”

Responding to Councillor Kazinskas’s question, Councillor James Walsh stated that if the elected applicant does not accept the position, then the Council would meet to hold another election.

Councillor Christine Johnson remarked that Ms. Dymek has held several positions within the City since 2003 and has excelled in every position. She added that she is very pleased that the Finance Committee unanimously recommended that she be elected to the position and that Ms. Dymek is a perfect fit and will do very well.

Councillor James Johnson concurred with Councillor Christine Johnson’s remarks and commended the Finance Committee for its diligence in screening and interviewing candidates and making their recommendation.

Councillor Karen Hardern also offered her endorsement for Ms. Dymek.

President Graves informed the Council that the Finance Committee conducted an interview of a fourth applicant immediately prior to the Special Meeting.

There being no further nominations, President Graves entertained a motion to close nominations.
On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted viva voce, seven (7) yeas, President Scott Graves and Councillors Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to close nominations.

On call of the roll:

- Councillor Ronald F. Cormier voting for JENNIFER A. DYMEK
- Councillor Karen G. Hardern voting for JENNIFER A. DYMEK
- Councillor Christine A. Johnson voting for JENNIFER A. DYMEK
- Councillor James D. Johnson voting for JENNIFER A. DYMEK
- Councillor Elizabeth J. Kazinskas voting for JENNIFER A. DYMEK
- Councillor James M. Walsh voting for JENNIFER A. DYMEK
- President Scott Joseph Graves voting for JENNIFER A. DYMEK

Councillor Nathan R. Boudreau arrived in the Chamber at the close of the roll call.

President Graves asked the Council for permission to allow Councillor Boudreau to cast a late ballot. There were no objections from the floor.

Councillor Nathan R. Boudreau voting for JENNIFER A. DYMEK

Having received eight (8) votes, Jennifer A. Dymek was declared elected City Treasurer, effective August 19, 2019, for the term expiring August 19, 2022.

Worcester, ss. August 14, 2019

Then personally appeared JENNIFER A. DYMEK and made oath that she would faithfully and impartially perform the duties of City Treasurer according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

[1] The first business day following the retirement date of Charline M. Daigle.

#10155

Reporting for the Finance Committee, Councillor James Walsh informed the Council that although the positions of City Treasurer and City Collector of Taxes are separate positions, they were advertised and interviewed as a single position.

Councillor James Walsh then nominated Jennifer A. Dymek for the position of City Collector of Taxes for a term expiring August 19, 2022. [2]

Councillor Ronald Cormier seconded the nomination.
There being no further nominations, President Graves entertained a motion to close nominations.

On a motion by Councillor James Johnson and seconded by Councillor James Walsh, it was voted viva voce, eight (8) yeas, President Scott Graves and Councillors Nathan Boudreau, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to close nominations.

On call of the roll:

Councillor Nathan R. Boudreau voting for JENNIFER A. DYMEK
Councillor Ronald F. Cormier voting for JENNIFER A. DYMEK
Councillor Karen G. Hardern voting for JENNIFER A. DYMEK
Councillor Christine A. Johnson voting for JENNIFER A. DYMEK
Councillor James D. Johnson voting for JENNIFER A. DYMEK
Councillor Elizabeth J. Kazinskas voting for JENNIFER A. DYMEK
Councillor James M. Walsh voting for JENNIFER A. DYMEK
President Scott Joseph Graves voting for JENNIFER A. DYMEK

Having received eight (8) votes, Jennifer A. Dymek was declared elected City Collector of Taxes, effective August 19, 2019, for the term expiring August 19, 2022.

Worcester, ss.                  August 14, 2019

Then personally appeared JENNIFER A. DYMEK and made oath that she would faithfully and impartially perform the duties of City Collector of Taxes according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

(2) The first business day following the retirement date of Charline M. Daigle.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Christine Johnson, it was voted viva voce, eight (8) yeas, President Scott Graves and Councillors Nathan Boudreau, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 6:12 p.m.

Accepted by the City Council:
NOTICE TO ABUTTERS

August 7, 2019

TO ABUTTERS AND OTHER INTERESTED PARTIES:

Pursuant to the provisions of M.G.L., c. 166, §22, you are hereby notified that a Public Hearing will be conducted on **Tuesday, September 3, 2019 at 7:30 o'clock P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, Massachusetts, on the petition of **NATIONAL GRID** for permission to construct a line of underground conduits, including the necessary sustaining and protecting fixtures, under along and across the following public way(s):

City Hall Avenue – National Grid to install underground electric conduits on City Hall Avenue beginning at a point approximately 50 feet east of the centerline of Pleasant Street and continuing approximately 35’ in an easterly direction. National Grid to install two (2) 3” conduits from existing vault #2 to a new heavy duty handhole in sidewalk to service street light cabinet.

A diagram of the electric conduit location is attached for your edification.

CITY COUNCIL OF GARDNER

[Signature]

By: ALAN L. AGNELLI, City Clerk
SCOPE:
NGRID CIVIL TO:
- INSTALL NEW
- HEAVY DUTY HAND HOLE
- INSTALL 35' OF 2-3''
- CONCRETE ENCASED
CONDUIT FROM EXISTING VAULT #2 TO NEW
- HEAVY DUTY HAND HOLE
- REPLACE EXISTING VAULT FRAME, RING AND COVER

LEGEND

- CUST. SERV CABINET
- HDHH
- VAULT
- EXISTING CONDUIT

MAIN & PLEASANT STREET
PETITION SKETCH
25 MAIN STREET
GARDNER, MA

Date: 07/11/19
Designer: AMARAM
W/R 20137418
NOTICE TO ABUTTERS

August 7, 2019

TO ABUTTERS AND OTHER INTERESTED PARTIES:

Pursuant to the provisions of M.G.L., c. 166, §22, you are hereby notified that a Public Hearing will be conducted on Tuesday, September 3, 2019 at 7:30 o'clock P.M. in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, Massachusetts, on the petition of NATIONAL GRID for permission to construct a line of underground conduits, including the necessary sustaining and protecting fixtures, under along and across the following public way(s):

Clark Street – National Grid to install four (4) JO poles on Clark Street beginning at a point approximately 200 feet northwest of the centerline of the intersection of Century Way and Clark Street and continuing approximately 850 feet in an northwesterly direction. National Grid to install 4 new poles between Pole 33 and Pole 36 on Clark Street.

A sketch of the proposed pole locations is attached for your edification.

CITY COUNCIL OF GARDNER

By: ALAN L. AGNELLI, City Clerk
The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.
NOTICE TO ABUTTERS

August 7, 2019

TO ABUTTERS AND OTHER INTERESTED PARTIES:

Pursuant to the provisions of M.G.L., c. 166, §22, you are hereby notified that a Public Hearing will be conducted on **Tuesday, September 3, 2019 at 7:30 o'clock P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, Massachusetts, on the petition of **NATIONAL GRID** for permission to construct a line of underground conduits, including the necessary sustaining and protecting fixtures, under along and across the following public way(s):

Clark Street – National Grid to install five (5) JO poles on Clark Street beginning at a point approximately 200 feet northwest of the centerline of the intersection of Leo Drive and Clark Street and continuing approximately 1200 feet in an northwesterly direction. National Grid to install 5 new poles between Pole 37 and Pole 41 on Clark Street.

A sketch of the proposed pole locations is attached for your edification.

CITY COUNCIL OF GARDNER

By: ALAN L. AGNELLI, City Clerk
August 14, 2019

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Nancy Binder to the position of Member, Bandstand Committee, and I certify
143 Graham 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: August 14, 2022

Worcester, ss.

Then personally appeared the above named Nancy Binder and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Bandstand Committee
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
August 14, 2019

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Edward Vipond to the position of Member, Bandstand Committee and I certify 168 Willis Road, 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: August 14, 2022

Worcester, ss.

Then personally appeared the above named Edward Vipond and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Bandstand Committee 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 ____________________
August 21, 2019

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Sandra Barton to the position of Member, Council on Aging, and I certify
31 High 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: August 21, 2022

Worcester, ss.

Then personally appeared the above named Sandra Barton and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Council on Aging
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 _______________________
City of Gardner, Executive Department

Mark Hawke, Mayor
August 14, 2019

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

RE: Chapter 171, Compensation Schedule, Yearly Salary of the City Treasurer/Collector

Dear President Graves and Councilors,

After interviewing the Finance Committee’s candidates for Treasurer/Collector a discussion occurred between President Graves and myself regarding an appropriate election date for the new Treasurer/Collector. We decided that an election date of September 2, 2019 would work best. This date was carefully thought out and chosen as Ms. Dymek was on vacation the week of August 12. Ms. Daigle’s last day was August 16, 2019 and would be on vacation the following week of August 19th. The Assistant Treasurer/Collector would be in charge of the office during the week of August 19th and Ms. Dymek could concentrate on wrapping up functions in her office and plan for the transition. Ms. Daigle would come in the week of the 26th to help transition Ms. Dymek and Ms. Dymek would assume duties beginning September 2, 2019.

On August 12, 2019 the City Council elected Jennifer Dymek as Treasurer/Collector effective, apparently, August 19, 2019. The Council did this despite my conversation with the Council President that a date of September 2, 2019 would make more sense for the organization as a whole. This later date would have allowed Ms. Dymek to be notified, accept the position, negotiate a salary with me and wind down the operations of her current position.

Effective August 19, 2019 the City will have no Purchasing Agent. The person that will be (de facto) in charge of the Purchasing office will be a clerk with seven months experience. Ms. Dymek, who was on vacation the week of the City Council election, found out about her election as Treasurer/Collector via an article in The Gardner News.

I met with Ms. Dymek (while she was on vacation) and negotiated a salary. The ordinance change reflecting the negotiated salary is attached. Please note the effective date of 8-19-19. Ms. Dymek signed an offer letter reflecting the new salary, but noted that she believes she should be entitled to the same salary Ms. Daigle was receiving until the ordinance is changed. I disagree that her salary should be equivalent to the outgoing Treasurer/Collector with 19 years’ experience. Regardless, the offer letter was signed.

Respectfully,

Mark Hawke
Mayor, City of Gardner

City Hall, 95 Pleasant Street, Room 125, Gardner, Massachusetts 01440
Telephone: (978) 630-1490 • Facsimile (978) 630-3778 • Email: mayor@gardner-ma.gov
AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL," TO CHANGE THE COMPENSATION OF SCHEDULE 1, YEARLY SALARY OF THE CITY TREASURER/COLLECTOR.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended to change the salary of the Treasurer/Collector, as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Effective 1/2/2018 Current</th>
<th>Effective 8/16/2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treasurer/Collector</td>
<td>$84,118.88</td>
<td>$82,708.88</td>
</tr>
<tr>
<td>MGL c 32 Sec20(6)</td>
<td>300.00</td>
<td>300.00</td>
</tr>
<tr>
<td>Total</td>
<td>84,418.88</td>
<td>83,008.88</td>
</tr>
</tbody>
</table>

Section 2. This ordinance shall become effective upon passage and publication as required by law.
August 15, 2019

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

RE: Schedule 1, Yearly Salary of Mayor / City Councillors

Dear President Graves and Councilors,

Once again the political football known as Mayor and Councilor salary is being tossed about. This is not unusual. Despite paying thousands of dollars to have a salary study performed which stated the salary of the Mayor should at least keep pace with increases allotted to non-union personnel, we can’t seem to find a way forward.

The attached ordinance change would eliminate the politicization of this bi-annual event. The language almost mirrors the language used in the City of Leominster, MA. The ordinance ties cost of living increases to the Consumer Price Index (CPI). I have included a print out of the CPI from 2000-2019 so you are aware of the calculation.

Respectfully,

Mark Hawke
Mayor, City of Gardner
AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL," TO CHANGE THE COMPENSATION OF SCHEDULE 1, YEARLY SALARIES OF CITY COUNCILORS.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended to change the salaries of the City Councilors, as follows:

The salary of each member of the city council shall be seven thousand three hundred twenty six dollars per year. The salary of the City Council President shall be ten thousand seven hundred and seven dollars per year.

Effective January 1, 2020 and on an annual basis thereafter, a percentage increase of the councilor’s salary will be established consistent with the annual consumer price index (CPI-U) of the previous calendar year (utilizing the percent change in average to average), with a minimum of no increase and a maximum increase of five per cent.

Section 2. This ordinance shall become effective upon passage and publication as required by law.
<table>
<thead>
<tr>
<th>Year</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Avg</th>
<th>Dec-Dec</th>
<th>Avg-Avg</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>168.8</td>
<td>169.8</td>
<td>171.2</td>
<td>171.3</td>
<td>171.5</td>
<td>172.4</td>
<td>172.8</td>
<td>172.8</td>
<td>173.7</td>
<td>174.0</td>
<td>174.1</td>
<td>174.0</td>
<td>172.2</td>
<td>3.4</td>
<td>3.4</td>
</tr>
<tr>
<td>2001</td>
<td>175.1</td>
<td>175.8</td>
<td>176.2</td>
<td>176.9</td>
<td>177.7</td>
<td>178</td>
<td>177.5</td>
<td>177.5</td>
<td>178.3</td>
<td>177.7</td>
<td>177.4</td>
<td>176.7</td>
<td>177.1</td>
<td>1.6</td>
<td>2.8</td>
</tr>
<tr>
<td>2002</td>
<td>177.1</td>
<td>177.8</td>
<td>178.8</td>
<td>179.8</td>
<td>179.8</td>
<td>179.9</td>
<td>180.1</td>
<td>180.7</td>
<td>181</td>
<td>181.3</td>
<td>181.3</td>
<td>180.9</td>
<td>179.6</td>
<td>2.4</td>
<td>1.6</td>
</tr>
<tr>
<td>2003</td>
<td>181.7</td>
<td>183.1</td>
<td>184.2</td>
<td>183.8</td>
<td>183.5</td>
<td>183.7</td>
<td>183.9</td>
<td>184.6</td>
<td>185.2</td>
<td>185</td>
<td>184.5</td>
<td>184.3</td>
<td>184</td>
<td>1.9</td>
<td>2.3</td>
</tr>
<tr>
<td>2004</td>
<td>185.2</td>
<td>186.2</td>
<td>187.4</td>
<td>188</td>
<td>189.1</td>
<td>189.7</td>
<td>189.4</td>
<td>189.5</td>
<td>189.9</td>
<td>190.9</td>
<td>191</td>
<td>190.3</td>
<td>188.9</td>
<td>3.3</td>
<td>2.7</td>
</tr>
<tr>
<td>2005</td>
<td>190.7</td>
<td>191.8</td>
<td>193.3</td>
<td>194.6</td>
<td>194.4</td>
<td>194.5</td>
<td>195.4</td>
<td>196.4</td>
<td>198.8</td>
<td>199.2</td>
<td>197.6</td>
<td>196.8</td>
<td>195.3</td>
<td>3.4</td>
<td>3.4</td>
</tr>
<tr>
<td>2006</td>
<td>198.3</td>
<td>198.7</td>
<td>199.8</td>
<td>201.5</td>
<td>202.5</td>
<td>202.9</td>
<td>203.5</td>
<td>203.9</td>
<td>202.9</td>
<td>201.8</td>
<td>201.5</td>
<td>201.8</td>
<td>201.6</td>
<td>2.5</td>
<td>3.2</td>
</tr>
<tr>
<td>2007</td>
<td>202.4</td>
<td>203.5</td>
<td>205.4</td>
<td>206.7</td>
<td>207.9</td>
<td>208.4</td>
<td>208.3</td>
<td>207.9</td>
<td>208.5</td>
<td>208.9</td>
<td>210.2</td>
<td>210</td>
<td>207.3</td>
<td>4.1</td>
<td>2.8</td>
</tr>
<tr>
<td>2008</td>
<td>211.1</td>
<td>211.7</td>
<td>213.5</td>
<td>214.8</td>
<td>216.6</td>
<td>218.8</td>
<td>219.964</td>
<td>219.986</td>
<td>218.783</td>
<td>216.573</td>
<td>212.425</td>
<td>210.228</td>
<td>215.303</td>
<td>0.1</td>
<td>3.8</td>
</tr>
<tr>
<td>2009</td>
<td>211.143</td>
<td>212.193</td>
<td>212.709</td>
<td>213.24</td>
<td>213.856</td>
<td>215.693</td>
<td>215.351</td>
<td>215.834</td>
<td>215.969</td>
<td>216.177</td>
<td>216.33</td>
<td>215.949</td>
<td>214.537</td>
<td>2.7</td>
<td>-0.4</td>
</tr>
<tr>
<td>2010</td>
<td>216.687</td>
<td>216.741</td>
<td>217.631</td>
<td>218.009</td>
<td>218.178</td>
<td>217.965</td>
<td>218.011</td>
<td>218.312</td>
<td>218.439</td>
<td>218.711</td>
<td>218.803</td>
<td>219.179</td>
<td>218.056</td>
<td>1.5</td>
<td>1.6</td>
</tr>
<tr>
<td>2014</td>
<td>233.916</td>
<td>234.781</td>
<td>236.293</td>
<td>237.072</td>
<td>237.9</td>
<td>238.343</td>
<td>238.25</td>
<td>237.852</td>
<td>238.031</td>
<td>237.433</td>
<td>236.151</td>
<td>234.812</td>
<td>236.736</td>
<td>0.8</td>
<td>1.6</td>
</tr>
<tr>
<td>2015</td>
<td>233.707</td>
<td>234.722</td>
<td>236.119</td>
<td>236.599</td>
<td>237.805</td>
<td>238.638</td>
<td>238.654</td>
<td>238.316</td>
<td>237.945</td>
<td>237.838</td>
<td>237.336</td>
<td>236.525</td>
<td>237.017</td>
<td>0.7</td>
<td>0.1</td>
</tr>
<tr>
<td>2017</td>
<td>242.839</td>
<td>243.603</td>
<td>243.801</td>
<td>244.524</td>
<td>244.733</td>
<td>244.955</td>
<td>244.786</td>
<td>245.519</td>
<td>246.819</td>
<td>246.663</td>
<td>246.699</td>
<td>246.524</td>
<td>245.12</td>
<td>2.1</td>
<td>2.1</td>
</tr>
<tr>
<td>2018</td>
<td>247.867</td>
<td>248.991</td>
<td>249.554</td>
<td>250.546</td>
<td>251.588</td>
<td>251.989</td>
<td>252.006</td>
<td>252.146</td>
<td>252.439</td>
<td>252.885</td>
<td>252.038</td>
<td>251.233</td>
<td>251.107</td>
<td>1.9</td>
<td>2.4</td>
</tr>
<tr>
<td>2019</td>
<td>251.712</td>
<td>252.776</td>
<td>254.202</td>
<td>255.548</td>
<td>256.092</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
City of Gardner, Executive Department

Mark Hawke, Mayor

August 15, 2019

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

RE: Schedule 1, Yearly Salary of Mayor / City Councilors

Dear President Graves and Councilors,

Once again the political football known as Mayor and Councilor salary is being tossed about. This is not unusual. Despite paying thousands of dollars to have a salary study performed which stated the salary of the Mayor should at least keep pace with increases allotted to non-union personnel, we can’t seem to find a way forward.

The attached ordinance change would eliminate the politicization of this bi-annual event. The language almost mirrors the language used in the City of Leominster, MA. The ordinance ties cost of living increases to the Consumer Price Index (CPI). I have included a print out of the CPI from 2000-2019 so you are aware of the calculation.

Respectfully,

Mark Hawke
Mayor, City of Gardner
AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL," TO CHANGE THE COMPENSATION OF SCHEDULE 1, YEARLY SALARY OF THE MAYOR.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended to change the salary of the Mayor, as follows:

The salary of the mayor shall be ninety two thousand one hundred and ninety six dollars ($92,196) per year, and shall receive no other compensation from the city for any official duty.

Effective January 1, 2020 and on an annual basis thereafter, a percentage increase of the mayoral salary will be established consistent with the annual consumer price index (CPI-U) of the previous calendar year (utilizing the percent change in average to average), with a minimum of no increase and a maximum increase of five per cent.

Section 2. This ordinance shall become effective upon passage and publication as required by law.
<table>
<thead>
<tr>
<th>Year</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Avg</th>
<th>Dec-Dec</th>
<th>Avg-Avg</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>168.8</td>
<td>169.8</td>
<td>171.2</td>
<td>171.3</td>
<td>171.5</td>
<td>172.4</td>
<td>172.8</td>
<td>172.8</td>
<td>173.7</td>
<td>174</td>
<td>174.1</td>
<td>174</td>
<td>172.2</td>
<td>3.4</td>
<td>3.4</td>
</tr>
<tr>
<td>2001</td>
<td>175.1</td>
<td>175.8</td>
<td>176.2</td>
<td>176.9</td>
<td>177.7</td>
<td>178</td>
<td>177.5</td>
<td>177.5</td>
<td>178.3</td>
<td>177.7</td>
<td>177.4</td>
<td>176.7</td>
<td>177.1</td>
<td>1.6</td>
<td>2.8</td>
</tr>
<tr>
<td>2002</td>
<td>177.1</td>
<td>177.8</td>
<td>178.8</td>
<td>179.8</td>
<td>179.9</td>
<td>180.1</td>
<td>180.7</td>
<td>181</td>
<td>181.3</td>
<td>181.3</td>
<td>180.9</td>
<td>179.9</td>
<td>2.4</td>
<td>1.6</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>181.7</td>
<td>183.1</td>
<td>184.2</td>
<td>183.8</td>
<td>183.5</td>
<td>183.7</td>
<td>183.9</td>
<td>184.6</td>
<td>185.2</td>
<td>185</td>
<td>184.5</td>
<td>184.3</td>
<td>184</td>
<td>1.9</td>
<td>2.3</td>
</tr>
<tr>
<td>2004</td>
<td>185.2</td>
<td>186.2</td>
<td>187.4</td>
<td>188</td>
<td>189.1</td>
<td>189.7</td>
<td>189.4</td>
<td>189.5</td>
<td>189.9</td>
<td>190.9</td>
<td>191</td>
<td>190.3</td>
<td>188.9</td>
<td>3.3</td>
<td>2.7</td>
</tr>
<tr>
<td>2005</td>
<td>190.7</td>
<td>191.8</td>
<td>193.3</td>
<td>194.6</td>
<td>194.4</td>
<td>194.5</td>
<td>195.4</td>
<td>196.4</td>
<td>198.8</td>
<td>199.2</td>
<td>197.6</td>
<td>196.8</td>
<td>195.3</td>
<td>3.4</td>
<td>3.4</td>
</tr>
<tr>
<td>2006</td>
<td>198.3</td>
<td>198.7</td>
<td>199.8</td>
<td>201.5</td>
<td>202.5</td>
<td>202.9</td>
<td>203.5</td>
<td>203.9</td>
<td>202.9</td>
<td>201.8</td>
<td>201.5</td>
<td>201.8</td>
<td>201.6</td>
<td>2.5</td>
<td>3.2</td>
</tr>
<tr>
<td>2007</td>
<td>202.4</td>
<td>203.5</td>
<td>205.4</td>
<td>206.7</td>
<td>207.9</td>
<td>208.4</td>
<td>208.3</td>
<td>207.9</td>
<td>208.5</td>
<td>208.9</td>
<td>210.2</td>
<td>210</td>
<td>207.3</td>
<td>4.1</td>
<td>2.8</td>
</tr>
<tr>
<td>2008</td>
<td>211.1</td>
<td>211.7</td>
<td>213.5</td>
<td>214.8</td>
<td>216.6</td>
<td>218.8</td>
<td>219.964</td>
<td>219.086</td>
<td>218.783</td>
<td>216.573</td>
<td>212.425</td>
<td>210.228</td>
<td>215.303</td>
<td>0.1</td>
<td>3.8</td>
</tr>
<tr>
<td>2009</td>
<td>211.143</td>
<td>212.193</td>
<td>212.709</td>
<td>213.24</td>
<td>213.856</td>
<td>215.693</td>
<td>215.351</td>
<td>215.834</td>
<td>215.969</td>
<td>216.177</td>
<td>216.33</td>
<td>215.949</td>
<td>214.537</td>
<td>2.7</td>
<td>-0.4</td>
</tr>
<tr>
<td>2010</td>
<td>216.687</td>
<td>216.741</td>
<td>217.631</td>
<td>218.009</td>
<td>218.178</td>
<td>217.965</td>
<td>218.011</td>
<td>218.312</td>
<td>218.439</td>
<td>218.711</td>
<td>218.803</td>
<td>219.179</td>
<td>218.056</td>
<td>1.5</td>
<td>1.6</td>
</tr>
<tr>
<td>2014</td>
<td>233.916</td>
<td>234.781</td>
<td>236.293</td>
<td>237.072</td>
<td>237.9</td>
<td>238.343</td>
<td>238.25</td>
<td>237.852</td>
<td>238.031</td>
<td>237.433</td>
<td>236.151</td>
<td>234.812</td>
<td>236.736</td>
<td>0.8</td>
<td>1.6</td>
</tr>
<tr>
<td>2015</td>
<td>233.707</td>
<td>234.722</td>
<td>236.119</td>
<td>236.599</td>
<td>237.805</td>
<td>238.638</td>
<td>238.654</td>
<td>238.316</td>
<td>237.945</td>
<td>237.838</td>
<td>237.336</td>
<td>236.525</td>
<td>237.017</td>
<td>0.7</td>
<td>0.1</td>
</tr>
<tr>
<td>2017</td>
<td>242.839</td>
<td>243.603</td>
<td>243.801</td>
<td>244.524</td>
<td>244.733</td>
<td>244.955</td>
<td>244.786</td>
<td>245.519</td>
<td>246.819</td>
<td>246.683</td>
<td>246.699</td>
<td>246.524</td>
<td>245.12</td>
<td>2.1</td>
<td>2.1</td>
</tr>
<tr>
<td>2018</td>
<td>247.867</td>
<td>248.991</td>
<td>249.554</td>
<td>250.546</td>
<td>251.588</td>
<td>251.989</td>
<td>252.006</td>
<td>252.146</td>
<td>252.439</td>
<td>252.885</td>
<td>252.038</td>
<td>251.233</td>
<td>251.107</td>
<td>1.9</td>
<td>2.4</td>
</tr>
<tr>
<td>2019</td>
<td>251.712</td>
<td>252.776</td>
<td>254.202</td>
<td>255.548</td>
<td>256.092</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM
THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
FOR THE PARKLAND ACQUISITIONS AND RENOVATIONS
FOR COMMUNITIES (PARC) PROGRAM
FOR DEVELOPMENT OF BAILEY BROOK PARK

Whereas: The land recently acquired for the purpose of developing a community
park in West Gardner will by and far be a community-wide asset and
that the preservation and improvements to this facility are a City priority
as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: The land is dedicated to park and recreation purposes under M.G.L.
Chapter 45, Section 3; and

Whereas: The design and development of a park will provide substantial public
benefits and greatly enhance this land and with improved site access,
recreational amenities, path systems, parking, and universal access, etc.;
and

Whereas: The main focus of the project is to fund the design of a multipurpose
recreational park, and, to conduct preliminary site work and land
grading to provide necessary access to the park, and, for the
construction of walking trails and a universally accessible trail which
will be components of the park design which will include recreational
facilities and amenities of which the overall cost and fiscal budget
constraints prevented the City from proceeding forward with
implementation as one project; and

Whereas: The project was instead viewed as a series of phases, to be implemented
over time, by priority as fiscal resources were available, with the
intention of securing grant funding, when and if available, to assist in
this effort; and

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is
offering reimbursable grants to cities and towns to support the
preservation and restoration of urban parks through the Parkland
Acquisitions and Renovations for Communities (PARC) grant program
(301 CMR 5.00); and
Whereas: Phase I of the Bailey Brook Park Design & Development Project will cost a total of up to $589,000 (Five Hundred and Eighty Nine Thousand Dollars) of which $400,000 (Four Hundred Thousand Dollars) has been requested and, if awarded, will be reimbursable through the PARC grant program and of which $175,000 (One Hundred and Seventy Five Thousand Dollars) will be allocated in FY20 toward the design of the Park, and of which $414,000 (Four Hundred and Fourteen Thousand Dollars) will be allocated in FY21 toward the cost of site clearing and grading, construction of access driveways, and development of a 1-mile loop trail and accessible walking trail; and

Whereas: The Mayor of the City of Gardner will accept grant funds under the PARC grant program (301 CMR 5.00) and the City of Gardner will borrow, appropriate and expend up to Five Hundred and Eighty Nine Thousand and 00/100 Dollars ($589,000) for the Design & Phase I Development of Bailey Brook Park to be managed and maintained pursuant to M.G.L. c. 45, §3, and to be held and managed by the City Public Works Department, as open space parkland under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, under their duty and responsibility to the care and custody of City parks and playgrounds.

NOW, THEREFORE, BE IT RESOLVED

1. That the Mayor, as the Chief Executive Officer of the City, be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and

2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Community Development and Planning; and

3. That this resolution shall take effect upon passage.
Mayor Mark P. Hawke  
City of Gardner  
95 Pleasant Street – Room 125  
Gardner, MA 01440  

July 24, 2019  

Re: Bailey Brook Park Design and Phase I Development Project; PARC Grant 2019  

Dear Mr. Mayor:  

In June of 2018, the City of Gardner acquired two parcels of land for the purpose of developing a community park in West Gardner with the intention of meeting a priority goal identified in the most recent Open Space and Recreation Plan. This land was acquired, in great part, with funding from the Massachusetts Executive Office of Energy and Environmental Affairs (EOEAA), Parkland Acquisition and Renovations for Communities (PARC) grant program. In July of 2018, a follow-up PARC grant application was submitted for the design and preliminary site work (Phase I) related to the future development of the park. That grant application was not selected for an award and the application was resubmitted on July 11, 2019 for consideration under the current grant round. The grant, if awarded, would cover 70% (up to $400k) of the costs of the design and Phase I construction which has been estimated at $589,000. The maximum amount of $400k allowable under the PARC grant program has been requested as part of that grant application.  

At this time, that application is currently under review for consideration by the EOEAA, PARC grant program administrator. As part of that submission and review process a re-authorization of the previously adopted resolution vote, with revised reference to the current fiscal year, is required. The resolution (#10029), previously approved on December 18, 2019, resolves the City’s full commitment to the allocation of the necessary funds and authorizes you, as the Mayor of the City, to accept grant funds, if awarded, and to enter into and execute any agreements or instruments related to the grant program and, as necessary, to facilitate the proposed design and preliminary development of the park. If the resolution is adopted a public meeting will be held providing information and seeking input related to the grant and proposed design and development of a City park.  

For your review, I am including a revised resolution and a copy of the grant narrative and budget, detailing the estimated costs of the project. I seek a confirmation of your previous recommendation of this measure.  

The Conservation Commission, Department of Public Works, Department of Community Development and Planning, and City Council have previously expressed their support of this project and grant application and I still believe that the numerous public benefits, values, and opportunities associated with this property, for both conservation and recreation, will be well-worth the limited costs to the City. Access to open space and outdoor recreation is a key component to a high quality of life in a community and one of the greatest benefits of the City of Gardner. As I have stated before, it is my hope and belief that this proposed park will be one of the greatest in the region and will serve as a gateway into Gardner’s unique and valuable natural areas providing people with outdoor recreation opportunities and connections with the natural world for generations to come.  

Sincerely,  

Jeffrey D. Legros  
Conservation and Planning Agent, City of Gardner
Project Overview
The City of Gardner recently acquired the 37-acre Bailey Brook Park & Open Space Recreation Area through a FY 2018 PARC grant and an adjacent 84-acre Conservation Area, Bailey Brook Conservation Area, funded by the LAND grant program (Acquisition Phase – Completed June 2018).

The City is now submitting an FY 2020 PARC grant to design and develop an open space, multipurpose park and conduct site work associated with site access driveways, parking, construction of an ADA accessible trail, and 1-mile, healthy-heart, wellness walking loop trail with a scenic overlook and sitting & resting area, at the Bailey Brook Park located off of Leo Drive. Both trails will include interpretive nature learning signage and other experiential, nature-based learning components. The accessible, ADA compliant trail will also include tactile, sensory, playground equipment elements for nature-based play and learning for children with social-emotional learning and development disabilities.

The initial design and development project proposed here (Development Phase I) will allow the City of Gardner to create an engineered, landscape and construction design plan for a low-impact design, multi-use, open space park and playground and will include the necessary site work to provide access to the park (e.g., grading and gravel base material surface of an access driveway and parking area), design and facilitate the initial and future development, and create basic amenities like a 1-mile walking path, improved access to Bailey Brook, an accessible loop trail, and nature-based learning and exploration features (e.g., plant and tree id placards, natural timber and stone play features, and interactive, tactile, nature-based learning features). The design will incorporate input from City officials and the public, including members of Gardner’s Environmental Justice population and will include focus on the construction of athletic fields, a playground and nature exploration & learning area, and restrooms (See Map: Conceptual Plan). The design will also include low-impact-design, natural stormwater improvements in the form of infiltration trenches, bioswales, and raingardens. In addition to the design and site work that this initial phase will provide, the current proposal (Development Phase I) will also allow for immediate passive accessory uses such as mountain biking, walking, hiking, fishing, snowshoeing and cross-country skiing and will also facilitate a proposed free, public disc golf course to be constructed by a group of committed group of volunteers with donations and funding from a regional disc golf association and local partners.

A secondary development phase (Development Phase II) will be included in the design plan and future funding will be sought from private, state, local, and Federal sources. The full design will incorporate plans for the development of a playground, athletic fields, LID drainage (e.g., swales, infiltration trenches, raingardens), accessible bathrooms, and related utilities and services.

The proposed park elements will occupy the upland area of the property, on the east side of Bailey Brook, outside of critical habitat and protected resource areas. The Park will be developed on an area of the property, within which a timber harvest was recently completed (See Map: Conceptual Plan, shaded area). Since the land has been recently harvested and the proposed Park area has been cleared to the greatest extent, minimal tree removal will be required and will be avoided wherever possible to maintain a forested open space park. However, a considerable amount of grading, stumping and grubbing will be necessary within the previously cut area given the undeveloped history of the property and recent logging activity and associated slash and stump debris. The recent timber harvest left a buffer of forested land adjacent to existing homes on Leo Drive, which we plan to maintain and which could be augmented by the planting of additional trees and shrubbery in targeted locations to be identified in the design plan. Similarly, forested areas within the park, but outside of the proposed development area, will be left to remain as forested and will serve as an Open Space area to include a 1-mile loop trail, scenic vistas of Bailey Brook, and a natural buffer between the park and the adjacent Conservation Area and Bailey Brook. The Park will be accessed from three locations with road frontages to Leo Drive. A singular, central, main entrance is proposed on Leo Drive
across from Margaux Way for vehicle access and two additional gated pedestrian and emergency entrances are proposed near the Northern and Southern portions of the park at existing access points with frontage to Leo Drive.

**Park Location**
The area adjacent to the proposed park has seen significant development and increased population over the last few decades, associated with a large, multi-phased residential subdivision adjacent to Wilder Brook and its’ Wetland Resource Areas. As a result, a large park in West Gardner was identified as a priority need in the City’s most recent Open Space and Recreation Plan. This proposed project, Bailey Brook Park, is located within a half-mile radius of 303 residences, 236 of which are considered to be within safe walking distance (See Map: Population Served), and would allow the City to achieve the goal of a multipurpose park in West Gardner as identified in our Open Space and Recreation Plan. To further demonstrate the suitability and community need of this proposed park, we have provided an additional map displaying the site location and the distance to the nearest park and Environmental Justice Area (See USGS Map: Proximity Map and FHWA Title VI Map).

**Community Needs, OSRP Goals, and Project Benefits**
The City of Gardner is a diverse, low-income, community that acts as a regional hub and includes a developed downtown commercial and residential district in addition to many developed and densely populated neighborhoods. The majority of the City’s area includes designated Title VI Populations including, Elderly, Foreign Born, and Language designated populations. Bailey Brook Park is located directly within a Title VI Designated Elderly Population Area and will serve this population and all other Title VI designated populations throughout the community and within close proximity to this proposed multipurpose park.

Development of a park at this location is consistent with the goals and needs analysis of our Open Space and Recreation Plan, specifically: Goal One, Objectives 2, 3, and 5; Goal Two, Objectives 3, 4, and 5; Goal Three, Objective 4; and Goal Five, Objectives 1, 3, 4, 5, and 6. Further, the 7-Year Action Plan of our OSRP identified the specific goals of “Identifying and Acquiring Land in West Gardner Suitable for a Municipal Park and Playground” (OSRP, Sec. 8-8, p. 50), and “development of a Multi-purpose Municipal Park with Playground Equipment and Athletic Fields in West Gardner” (OSRP, Sec. 8-8, p. 51). Accomplishment of the acquisition portion of this goal was targeted for the first two years of our OSRP, and was achieved within that time-frame with the identification and acquisition of the Omelea and RHO land under an FY-18 PARC grant. Achieving the second portion of this goal, development of a multi-purpose park in West Gardner, was targeted for years 3-5 and is the subject of this application. The project is also consistent with several of the needs identified in the Statewide Conservation and Outdoor Recreation Plan (SCORP) and current draft plan, including serving underserved populations (e.g., Title VI, Elderly Population and EJ Area), increasing the availability of water-based recreation (e.g., access to Bailey Brook for canoeing, kayaking, and fishing), connecting and enhancing accessibility of trails (e.g., 1-mile park loop trail, and connections and access to existing trails on adjacent conservation land), and creating and improving access to parks and recreational opportunities close to home and within neighborhoods (e.g., creation of a multipurpose park within one of the largest residential neighborhoods in town where no such park or safe access to any nearby parks exists). In addition, the proposed Bailey Brook Park addresses all of the needs and values identified by the designated categories of the PARC grant program rating system as listed and described below:

**Disadvantaged Populations and Accessible Amenities**
The project is located within close proximity to an Environmental Justice (EJ) area and directly within a Designated Title VI Elderly Population Area (See Maps: USGS Proximity Map and FHWA Title VI Map). The park will serve the elderly population of the area and community and, as a public multipurpose park, will also serve the broader community, including EJ Areas and their populations. While the project is not located directly within an EJ Area, it is located within a Title VI Designated Population (Elderly) area and will directly serve the public of the community, including EJ Areas and other Title VI Designated Population Areas (See Map: FHWA Title VI Map), by providing future active recreation amenities (public athletic fields) and access to nature and a unique type of park, one that
provides typical urban/suburban park amenities found in most neighborhood parks, and the natural areas of undeveloped, forested open space often lacking in EJ and Title VI Communities. The opportunity for people to experience nature, where such an opportunity may not otherwise exist, is critically important and beneficial to the experiential learning and development of urban and suburban children and families, especially those from designated EJ and Title VI areas.

The Project will also increase access and accessibility to recreational amenities for all users of all abilities. A proposed universally accessible path will be both universally accessible and include interactive, tactile, sensory nature learning and exploration features geared toward children and adults with individual and unique pathways to learning, auditory and sensory abilities, alternative learning styles, and individual processing and emotional response behaviors. The Park will be open year-round, offering recreational opportunities during all seasons such as walking, hiking, snowshoeing, cross-country skiing, mountain biking and nature exploration and learning. It will also provide a location for the development of much needed athletic fields for the popular and growing sports of soccer, and lacrosse. Further, a plan has been submitted to the Gardner Development Review Committee for a Disc Golf Course that would be designed, built and maintained by dedicated group of volunteers. Since the acquisition of the property under a 2018 Park Grant, Bailey Brook Park has been identified by that group as the most suitable and likely place for a free, public disc golf course in Gardner.

Another compelling justification for the need, suitability and benefit of this site as a public park and recreation area is that it would provide a gateway for access to existing conservation lands including the recently acquired Bailey Brook Conservation Area and Alisaukas Conservation Area. Providing this connection between people and nature is an important goal of the proposed multipurpose Open Space Park. To help meet this goal, a trail, natural play area, and interpretive nature signs along the trail will be included in the design of this park. Care will be taken to maintain and promote the natural conditions of the site and implement them into the future design and purpose of the park.

**Climate Resilience and Environmental Education & Stewardship (Benefits of a Forested Open Space Park)**
Nature based recreation has been documented to improve health, academic performance, and overall wellness among people of all ages, abilities, social and economic status (See attached supporting infographics: Children & Nature Network; Park Rx). This proposed park will enhance climate resiliency and protect and enhance water-based recreation by providing a buffer zone between the residential development and Bailey Brook, a state-designated Cold-water Fisheries Resource, and its adjacent wetland and flood-plain. Providing protection of designated flood zones and wildlife habitat and corridors will play a crucial role in climate resiliency under current and future conditions. The Project will enhance and promote environmental stewardship through interpretive signage and connections with nature. These goals will be addressed in our upcoming MVP Planning efforts and will certainly play a central role in proposed actions toward pursuing climate change resiliency here in Gardner.

**Public Support and Commitment to Park Maintenance**
Public support for this project has been expressed by several local and abutting residents and the matter has been presented to the Conservation Commission, Finance Committee and City Council and discussed in open Public Meetings. Two community petitions were circulated and signed by a number of abutting residents and members of the nearby Gardner Fish & Gun Club in support of the acquisition of the Omealia property for Open Space. The Gardner News has also run multiple stories detailing the proposals for the acquisition of land and development of a combined Open Space and Recreation Park (See attached supporting info: The Gardner News). We have not received any negative comments or opposition from the public or their representatives in City Council. In 2018 the Gardner City Council voted favorably to support an earlier version of this grant application and the proposed City cost budget associated with the development of a multipurpose park under the PARC grant program. A copy of this vote is included as an attachment to this grant and will be re-submitted to the City Council for their re-authorization this Fiscal Year.
This proposed park will continue to develop and benefit from cooperative partnerships between the City and recreational user groups and organizations and non-profit Land Trusts (e.g., Mount Grace Land Trust and North County Land Trust). The Conservation Commission and Department of Public Works will build upon and enhance existing land stewardship activities and partnerships. Successful examples of these partnerships can be found in other examples of joint land stewardship activities between the Conservation Commission, Department of Public Works, Engineering and Forestry Department, the Cultural Council, Youth Commission, youth sports groups, and local land trust. For example, the Conservation Commission and Department of Public Works have worked closely with the Millers River Watershed Council, Mount Grace Land Trust, and North County Land Trust on trail-related projects such as the Millers River Blue Trail and hiking bridges and signage for along City trails. In the past few years alone Gardner Boy scout Troop 9 has conducted several public service projects within Gardner’s Open Space lands and public parks. With specific regard to this proposed project, the Chair City Soccer Club has expressed their support and willingness to provide stewardship, host athletic events, and maintain and upkeep the park’s proposed athletic fields in the future.

**Community Compact and MVP Program**

The City of Gardner was an early adopter of the Community Compact Agreement and was the second community in the Commonwealth to sign a compact with the Governor’s Office. While our Community Compact commitment is focused on public safety and transportation improvements, we have dedicated substantial resources and focus, and made substantial investments and recent improvements, in Conservation, Open Space, Recreation, Trails, Forest Stewardship, Recreational Trail Improvements, Parks and Playgrounds, Sustainability, Flood Control, and Climate Change Resiliency. For example, recent efforts under the Mass DOT Complete Streets Program to develop a Complete Streets Prioritization Plan have focused on connectivity of trails (including the North Central Pathway Bike trail) between Conservation, Recreation, and Public Service Areas. Such connections serve to enhance public safety, health & well-being, and a connection to the natural environment through open space recreation.

In 2019, the City of Gardner successfully applied for and was awarded grant funding through the Massachusetts Municipal Vulnerability Preparedness Program to identify and assess our community vulnerabilities (and strengths) related to climate change and to develop a Climate Change Resiliency Plan. We look forward to developing our MVP Plan and continuing our efforts to identify, address, and reduce potential vulnerabilities and increase our preparedness and resiliency to future change. A component of our MVP Planning will assess urban tree canopy in City Parks and will include considerations on how the Bailey Brook Park can incorporate LID and achieve sustainability and resiliency targets and goals. The proposed Bailey Brook Open Space Park is directly in line with those goals and will be a large part of our future community efforts toward addressing climate change and promoting sustainable and wise use of our land and resources by our citizens of all ages, backgrounds, and abilities. The park has the potential to serve as a model of both cultural and natural diversity that can exist in a forested, open space, multipurpose, community and regional park.
City of Gardner FY20 & FY21 PARC BUDGET

City of Gardner: A $589,000 project in a community with a 70% reimbursement rate

Question 5 from application

Total Eligible Project Cost: $589,000
PARC Request: $400,000
(Gardner = 70% of total project cost based on Equalized Valuation Per Capita)
Municipal Share: $176,700
(Community Development Block Grant, Community Preservation Act, etc., please specify in narrative)
Other: $0
(i.e. private donation to community, fund raising, etc. that will be a part of the municipal share)

One page proposed budget narrative

<table>
<thead>
<tr>
<th>Project Element</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>$175,000</td>
</tr>
<tr>
<td>Design Subtotal</td>
<td>$175,000</td>
</tr>
<tr>
<td>Site Clearing, Stumpng, and Grubbing</td>
<td>$110,000</td>
</tr>
<tr>
<td>Site Preparation &amp; Grading</td>
<td>$82,500</td>
</tr>
<tr>
<td>Gravel Access Roads</td>
<td>$69,300</td>
</tr>
<tr>
<td>1-Mile Loop Healthy Heart Wellness Walking Trail &amp; Overlook</td>
<td>$54,300</td>
</tr>
<tr>
<td>ADA Accessible Nature Learning &amp; Exploring Trail</td>
<td>$79,900</td>
</tr>
<tr>
<td>Mobilization &amp; Construction Administration</td>
<td>$18,000</td>
</tr>
<tr>
<td>Construction Subtotal</td>
<td>$414,000</td>
</tr>
<tr>
<td>Total Project Budget</td>
<td>$589,000</td>
</tr>
</tbody>
</table>

FY 20 PARC Request $122,500 ($175,000 x 70%)
FY 21 PARC Request $289,800 ($414,000 x 70%)

$176,700 City Share Breakdown:
FY19 = $52,500 (Design)
FY20 = $124,200 (Construction/Site Development)
July 23, 2019

Jeff Legros
Conservation and Planning Agent
115 Pleasant Street, City Hall Annex, Room 202
Gardner, MA 01440

RE: Bailey Brook Park, PARC #10

Dear Mr. Legros,

Thank you for your Parkland Acquisitions and Renovations for Communities grant application for the Bailey Brook Park project. **Please refer to the project number above in all correspondence.** The following is a list of missing items from Gardner’s application:

1. Vote establishing the parks commission
2. Park maintenance budget
3. City council vote with new fiscal years must be taken

Please submit the missing documentation. If you feel that you have already provided the requested information, please let me know where to find it in your grant application package. Since this site has previously been visited, another site visit is not required.

Sincerely,

Melissa Cryan
Grant Programs Supervisor
R & R Motors
7 Donlan St
Gardner, MA 01440

August 19, 2019

City Council
City of Gardner
95 Pleasant St Room 121
Gardner, MA 01440

Re: R&R Motors 7 Donlan St
Class 2 Used car dealer licence

Dear President Graves and Councilors:

I am seeking to amend the current Class 2 Motor Vehicle Dealer Licence for R&R Motors. Effective immediately I am seeking to add back to the licence the previous partner, Robert Charles and have his name attached to all documents related to R&R Motors.

No other changes are required, thank you for your attention on this matter.

Sincerely,

Russell L. Blake
August 28, 2019

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

Re: Proposed Zoning Change Classification for the Downtown Urban Renewal Area

Dear President Graves:

At its meeting on July 9, 2019, the Planning Board voted unanimously, 5-0, to recommend that the City Council consider approving the proposed zoning change classifications for numerous parcels located within the Downtown Urban Renewal Area along with four parcels bordering the Area to the south of Route 2.

This amendment will change the classification of thirty-five (35) parcels as identified in Exhibit 1 attached hereto. A significant number of these parcels are zoned Industrial (30) with five being split zoned, part Industrial and part Commercial. The intent is to eliminate industrial zoning in the downtown and surrounding area to be consistent with existing and proposed future uses. Seventeen (17) of these parcels have current uses that are not allowed under the current zoning, three of which are split-zoned. All seventeen uses will become allowed uses under the proposed zoning either by special permit (7) or by-right (10). A table showing this information is provided as Exhibit 1. Maps showing the existing zoning with the proposed changes, and the final result of the zoning changes if approved are included in Exhibit 2 and 3 respectively.

The Planning Board determined that the proposed zoning change classifications are consistent with the Downtown Urban Renewal Plan, beneficial to the enhancement of developability for this entire area, and advantageous to the present and future inhabitants of the City of Gardner.

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

Sincerely,

Mark M. Schafran
Chairman

Cc: Planning Board
   Building Commissioner
   Mayor

City Hall Annex, 115 Pleasant Street, Room 201 Gardner, Massachusetts 01440
Telephone: (978) 630-4011 ◇ Facsimile: (978) 632-1905 ◇ CDBG (978) 632-3800
## EXHIBIT 1

### Proposed Zoning Changes for Downtown Urban Renewal Area

<table>
<thead>
<tr>
<th>Address</th>
<th>Assessors ID</th>
<th>Current Use</th>
<th>Current Zoning</th>
<th>Allowed Use (Y/N)</th>
<th>Proposed Zoning</th>
<th>Allowed Use (Y/N)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>31-71 Lake Street</td>
<td>M27-40-26</td>
<td>Parking</td>
<td>I1</td>
<td>C1</td>
<td></td>
<td></td>
<td>Industrial zoned area along Cottage St. only</td>
</tr>
<tr>
<td>194 Central Street</td>
<td>R27-21-37</td>
<td>Multi-Family</td>
<td>I1</td>
<td>NP</td>
<td>C1</td>
<td>SP</td>
<td>40B project Phase I</td>
</tr>
<tr>
<td>30 Pine Street</td>
<td>R27-21-4</td>
<td>Multi-Family</td>
<td>I1</td>
<td>NP</td>
<td>C1</td>
<td>SP</td>
<td>40B project Phase IV</td>
</tr>
<tr>
<td>50 Pine Street</td>
<td>R27-21-37</td>
<td>Assisted Living</td>
<td>I1</td>
<td>NP</td>
<td>C1</td>
<td></td>
<td>40B project Phase III</td>
</tr>
<tr>
<td>87 Pine Street</td>
<td>R22-1-5</td>
<td>Auto Body Repair</td>
<td>I1</td>
<td>P</td>
<td>C1</td>
<td>NP</td>
<td>Creating a nonconforming use</td>
</tr>
<tr>
<td>58 Main Street</td>
<td>M22-5-44A</td>
<td>vacant land/cell tower</td>
<td>I1</td>
<td>SP</td>
<td>C1</td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>158 Main Street</td>
<td>R22-6-2</td>
<td>vacant land</td>
<td>I1</td>
<td>C1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Maple Street</td>
<td>R27-21-35</td>
<td>6 unit res.</td>
<td>I2</td>
<td>NP</td>
<td>GR3</td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>23-25 Maple Street</td>
<td>R27-21-33</td>
<td>2 family</td>
<td>I2</td>
<td>NP</td>
<td>GR3</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>176-178 Central Street</td>
<td>R27-21-5</td>
<td>4-8 unit</td>
<td>I2</td>
<td>NP</td>
<td>GR3</td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>186 Central Street</td>
<td>R27-21-32</td>
<td>Church/Temple</td>
<td>I2</td>
<td>P</td>
<td>GR3</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>91 Pine Street</td>
<td>R22-1-3</td>
<td>Single Family</td>
<td>I1</td>
<td>NP</td>
<td>GR3</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>93 Pine Street</td>
<td>R22-1-4</td>
<td>Single Family</td>
<td>I1</td>
<td>NP</td>
<td>GR3</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>103 Pine Street</td>
<td>R-2-1-34</td>
<td>2 family</td>
<td>I1</td>
<td>NP</td>
<td>GR3</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>82-84 Main Street</td>
<td>M22-10-32</td>
<td>office bldg. / vacant land</td>
<td>C1 / I1</td>
<td>P / NP</td>
<td>C1 / C1</td>
<td>P / P</td>
<td></td>
</tr>
<tr>
<td>130 Main Street</td>
<td>M22-10-1</td>
<td>retail up to 15,000 / gas</td>
<td>C1 / I1</td>
<td>P / NP</td>
<td>C1 / C1</td>
<td>P / P</td>
<td></td>
</tr>
<tr>
<td>200 Main Street</td>
<td>M22-15-57</td>
<td>Police Station</td>
<td>C1 / I1</td>
<td>P</td>
<td>C1 / C1</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>214 Pleasant Street</td>
<td>M22-15-83</td>
<td>vacant lot</td>
<td>GR3</td>
<td>SP</td>
<td>C2</td>
<td>SP</td>
<td>City owned</td>
</tr>
<tr>
<td>7 Willow Street</td>
<td>M22-15-74</td>
<td>Multi-Family</td>
<td>GR3</td>
<td>SP</td>
<td>C2</td>
<td>SP</td>
<td>Owned by 7 Willow / used as parking area</td>
</tr>
<tr>
<td>9 Willow Street</td>
<td>M22-15-73</td>
<td>vacant lot</td>
<td>GR3</td>
<td>SP</td>
<td>C2</td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>15 Willow Street</td>
<td>M22-15-72</td>
<td>Auto Body Repair</td>
<td>GR3</td>
<td>NP</td>
<td>C2</td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>221 Main Street</td>
<td>M22-15-70</td>
<td>retail up to 15,000 / gas</td>
<td>GR3 / C2</td>
<td>SP / P</td>
<td>C2</td>
<td>P</td>
<td>Building is in GR3 / requires SP for fuel sales</td>
</tr>
<tr>
<td>232-266 Main Street</td>
<td>M22-15-43</td>
<td>retail over 15,000</td>
<td>C1 / I1</td>
<td>SP / SP</td>
<td>C2</td>
<td>SP</td>
<td>Development Overlay District 1</td>
</tr>
<tr>
<td>270 Main Street</td>
<td>R22-16-41</td>
<td>retail up to 15,000</td>
<td>C1 / I1</td>
<td>P / NP</td>
<td>C2</td>
<td>P</td>
<td>Development Overlay District 1</td>
</tr>
<tr>
<td>314-330 Main Street</td>
<td>R22-16-44</td>
<td>retail up to 15,000</td>
<td>I1</td>
<td>NP</td>
<td>C2</td>
<td>P</td>
<td>Development Overlay District 1</td>
</tr>
<tr>
<td>354 Main Street</td>
<td>R22-16-9</td>
<td>professional office</td>
<td>I1</td>
<td>NP</td>
<td>C2</td>
<td>P</td>
<td>Development Overlay District 1</td>
</tr>
<tr>
<td>380 Main Street</td>
<td>R22-21-10</td>
<td>retail over 15,000</td>
<td>I1</td>
<td>SP</td>
<td>C2</td>
<td>SP</td>
<td>Development Overlay District 1</td>
</tr>
<tr>
<td>25 Mechanic Street</td>
<td>R22-21-8</td>
<td>transport terminal wareh</td>
<td>I1</td>
<td>P</td>
<td>C2</td>
<td>NP</td>
<td>Development Overlay District 1</td>
</tr>
<tr>
<td>15 Donian Street</td>
<td>R22-21-19</td>
<td>motor vehicle repair serv</td>
<td>I1</td>
<td>P</td>
<td>C2</td>
<td>SP</td>
<td>Development Overlay District 1</td>
</tr>
<tr>
<td>Address</td>
<td>Type</td>
<td>Use</td>
<td>I1</td>
<td>P</td>
<td>C2</td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------------------</td>
<td>---------------------------------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>7 Donlan Street</td>
<td>R22-21-18</td>
<td>motor vehicle repair serv</td>
<td>I1</td>
<td>P</td>
<td>C2</td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>34 Sanborn Street</td>
<td>R22-2-1</td>
<td>Commercial/warehouse</td>
<td>I1 / I2</td>
<td>P</td>
<td>I1</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>95 Mechanic Street</td>
<td>R-17-01-16</td>
<td>Medical Office</td>
<td>I2</td>
<td>P</td>
<td>C2</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>101 Mechanic</td>
<td>Office bldg.</td>
<td></td>
<td>I2</td>
<td>SP</td>
<td>C2</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>9 Crawford Street</td>
<td>Rest. Fast food drive thru</td>
<td></td>
<td>I2</td>
<td>NP</td>
<td>C2</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>117 Mechanic Street</td>
<td>Rest. Fast food drive thru</td>
<td></td>
<td>I2</td>
<td>NP</td>
<td>C2</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

Properties to be changed from I1 to C1
Properties to be changed from I2 to GR3
Properties to be changed from I1 to GR3
Split zoned property C1 in front I1 in rear to be changed to all C1
Properties to be changed from GR3 to C2
Split zoned property C1 in front I1 in rear to be changed to all C2
Properties to be changed from I1 to C2
Properties to be changed from I2 to I1
Properties to be changed from I2 to C2

- Central and Pine: seven
- Central and Maple: four
- Pine: three
- North of Willow: five
- South of Willow: two
- South of Willow: six
- Cube Smart Property: one
- South of Route 2: four
Questions contact – Douglas Hyland 781-423-3076

Petition of the NATIONAL GRID
OF NORTH ANDOVER, MASSACHUSETTS
For Electric conduit Location:

To the City Council of Gardner, Massachusetts

Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Park Street & Clark Street - Gardner – Massachusetts.

The following are the streets and highways referred to: Plan number # 28039529
Park Street & Clark Street - National Grid to install ~1100' of conduit starting at 370 Park Street and heading north to pole 1 Clark St.

Location approximately as shown on plan attached

NATIONAL GRID
BY
Pat Cody – Engineering Department

Dated: August 28, 2019
August 28, 2019

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

Re: Proposed Acceptance of the James Street Extension Layout

Dear President Graves:

At its meeting on August 13, 2019, the Planning Board voted unanimously, 5-0, to recommend that the City Council accept the layout of James Street Extension as a Public Way, and also to hold a Joint Public Hearing with the City Council and Planning Board. This motion was made and unanimously approved based on recommendations by the City Engineer and Director of Public Works.

Please do not hesitate to contact the City Engineer or Director of Public Works if you have any questions or need additional information.

Sincerely,

Mark M. Schaftron
Chairman

Cc: Planning Board
City Engineer
Director DPW
Mayor
MEMORANDUM

To: Mayor Hawke
From: Chris Coughlin & Dane Arnold
Date: July 12, 2019

Subject: Proposed Street Acceptance of James Street

The purpose of this memo is to offer our support for the acceptance / creation of an extension of James Street. This portion of James Street is currently deeded to the City of Gardner at the Worcester District Registry of Deeds Book 12751, Page 253. Functionally the roadway is operated and maintained as a City Street but lacks official status.

Sincerely,

Chris Coughlin  
City Engineer

Dane Arnold  
DPW Director
AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO CHANGE VARIOUS PROVISIONS RELATING TO MARIJUANA ESTABLISHMENTS.

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

Section 1. Chapter 675-1070 Marijuana Establishments, is hereby amended by deleting and repealing Subsection C (3) (a) in its entirety.

Section 2. Subsection C (9) (c) of Chapter 675-1070 Marijuana Establishments, is hereby amended by deleting the words "shall not exceed the number of registered medical marijuana treatment centers in Gardner engaged in the same type of activity and".

Section 3. This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.
June 19, 2019

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

Re: Proposed Amendment to Section 675-1070 Marijuana Establishments, C (3) (a); and C (9) (c) of the City of Gardner ZONING CODE – Final Report

Dear President Graves:

Based on the information presented at the Joint Public Hearing of the City Council and Planning Board held on Monday, June 3, 2019, and the discussion pursuant thereto, the Planning Board voted unanimously (4-0) at its June 18, 2019 meeting to recommend that the City Council amend the Zoning Code as follows:

Section 675-1070 Marijuana Establishments, C (3) (a). Delete in its entirety. The clause is too restrictive and does not allow for reasonable site selection process for this type of use given the overabundance of nonconforming residential structures within the City.

Section 675-1070 Marijuana Establishments, C (9) (c). Delete "shall not exceed the number of registered medical marijuana treatment centers in Gardner engaged in the same type of activity and." In its current state the clause is ambiguous. The proposed amendment clarifies the clause while maintaining consistency with state regulations by not preventing the conversion of a qualified medical marijuana treatment center to a marijuana establishment. The final clause should read as follows:

*The number of Marijuana Establishments shall not prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017 to a marijuana establishment engaged in the same type of activity.*

The Planning Board determined that the proposed amendment is beneficial to the present and future inhabitants of the City of Gardner, and is in accordance with the provisions of Massachusetts General Laws Chapter 40A. Since there were no objections or proposed changes noted at the public hearing, the Planning Board respectfully requests that the City Council move forward with approving the originally submitted zoning change as noted above. Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,

Robert Bettez, Vice Chairman
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBITS C AND E.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by striking from Compensation Schedule "Exhibit C", the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Annual Stipend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement Board Member [MGL c. 32, §20(6)]</td>
<td>$3,000.00</td>
</tr>
</tbody>
</table>

And inserting in place thereof, the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Annual Stipend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement Board Member [MGL c. 32, §20(6)]</td>
<td>$3,500.00 (Effective 7/1/2019)</td>
</tr>
</tbody>
</table>

Section 2. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by striking from Compensation Schedule "Exhibit E", the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Grade</th>
<th>Annual</th>
<th>Weekly</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Treasurer/Collector</td>
<td>G-10</td>
<td>$84,118.88</td>
<td>$300.00</td>
</tr>
<tr>
<td>MGL c. 32, §20(6)</td>
<td>Total Compensation: $84,418.88</td>
<td>$1,623.44</td>
<td></td>
</tr>
</tbody>
</table>

And inserting in place thereof, the following:

<table>
<thead>
<tr>
<th>Position</th>
<th>Grade</th>
<th>Annual</th>
<th>Weekly</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Treasurer/Collector</td>
<td>G-10</td>
<td>$84,118.88</td>
<td>$600.00</td>
</tr>
<tr>
<td>MGL c. 32, §20(6)</td>
<td>Total Compensation: $84,718.88</td>
<td>$1,629.21 (Effective 7/1/2019)</td>
<td></td>
</tr>
</tbody>
</table>

Section 3. Effective date.

This ordinance shall become effective on passage and publication as required by law.
CITY OF GARDNER
FIRST PRINTING
AUGUST 9, 2019

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBITS C AND E.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by striking from Compensation Schedule "Exhibit C", the following:

Position: Retirement Board
Member [MGL c. 32, §20(6)] $3,000.00

And inserting in place thereof, the following:

Position: Retirement Board
Member [MGL c. 32, §20(6)] $3,500.00 (Effective 7/1/2019)

Section 2. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by striking from Compensation Schedule "Exhibit E", the following:

Position: City Treasurer/Collector
Grade G-10
MGL c. 32, §20(6) $300.00
Total Compensation: $84,118.88 $1,628.31 (Effective 7/1/2019)

And inserting in place thereof, the following:

Position: City Treasurer/Collector
Grade G-10
MGL c. 32, §20(6) $600.00
Total Compensation: $84,118.88 $1,628.31 (Effective 7/1/2019)

Section 3. Effective date.
This ordinance shall become effective on passage and publication as required by law.

A TRUE COPY, ATTEST:
ALAN L. AGNELLI, CITY CLERK

aug9.1t
August 15, 2019

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

RE: Contributory Retirement Board Stipend

Dear President Graves and Councilors,

I am not in support of the proposed increases for the Contributory Retirement Board stipends. We very recently updated Board and Commission stipends.

The Retirement Board did not receive an increase as they are paid triple the amount of the Chairperson of the Zoning Board, Planning Board, Registrar of Voters, Municipal Grounds Commission, License Commission and Conservation Commission. This also equates to quadruple the amount of the members of these same Boards and Commissions.

I was unaware an increase was included in the budgeted salary request. I do not see how the increase is warranted. I urge you not to pass this ordinance to second printing.

Respectfully,

Mark Hawke
Mayor, City of Gardner
July 25, 2019

The City of Gardner  
City Council, Finance Committee  
Gardner City Hall  
Gardner, MA 01440  

Dear Finance Committee:  

At the City Council meeting held on July 12, 2019, the Mayor’s FY2020 Budget was approved. This budget included a yearly increase to the Retirement Board’s stipend by $500.00 (for each board member) and an increase of $300.00 for the City’s Treasurer’s stipend. This increase would be effective July 1, 2019.

Due to the passing of this budget, the Retirement Board is requesting a change to Code 171, attachment 1, exhibit C to reflect the $500.00 increase per board member, and $300.00 increase to the City Treasurer.

If you have any questions or require further information, please call the retirement board office at (978) 630-4006 or e-mail.

Very truly yours,

[Signature]

Denise M. Merriam  
Board Chairperson

Cc: Mayor, Mark Hawke