City of Gardner, Massachusetts
Office of the City Council

CALENDAR FOR THE MEETING
of
MONDAY, SEPTEMBER 16, 2019
COUNCIL CHAMBER
7:30 P.M.

ORDER OF BUSINESS

I. CALL TO ORDER

II. CALL OF THE ROLL OF MEMBERS

III. OPENING PRAYER

IV. PLEDGE OF ALLEGIANCE

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

VI. READING OF MINUTES OF PRIOR MEETING(S)
   Reading and Approval of the September 3, 2019 Regular Meeting Minutes.

VII. PUBLIC HEARINGS

VIII. COMMUNICATIONS FROM THE MAYOR

   COMMUNICATION
   10166 – A Communication from the Mayor Relative to Appointments and New Hires.

   ORDER
   10167 – An Order Authorizing the City to Borrow $89,558,570.00 for the New Elementary School Project (Finance Committee).

IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

   10168 – A Measure Authorizing an Extended Contract Period for Operation and Maintenance of Water and Sewer Facilities (Finance Committee).

   10169 – A Measure Relative to the October 7, 2019 City Preliminary Election (Finance Committee).

   10170 – An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Thereof, Entitled “Vehicles and Traffic,” Section 600-18, Parking Meters (Public Safety Committee) (Filed by President Graves).

   10171 – An Application by Central Mass Serenity, 310 Central Street, for a Fortune Teller License (Public Safety Committee).
IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10172—A Measure Concerning an Open Meeting Law Complaint.

X. REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY 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 (In City Council and Referred to the Public Safety Committee, 9/3/2019).

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, 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 Public Hearing conducted 9/3/2019; More time granted, 9/3/2019).

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 Public Hearing conducted 9/3/2019; More time granted, 9/3/2019).

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 Public Hearing conducted 9/3/2019; More time granted, 9/3/2019).

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 (In City Council and Referred to the Public Service Committee and Ordered to Public Hearing, 9/3/2019; Public Hearing scheduled 10/7/2019 at 7:30 p.m.).

PUBLIC WELFARE COMMITTEE

10164—An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled “Zoning,” to Change the Classifications of Parcels of Land Located within the Downtown Renewal Area and Parcels Bordering the Area to the South of Route 2 (In City Council and referred to Public Welfare Committee for study, to the Planning Board for Review, and Public Hearing Ordered, 9/3/2019; Public Hearing, 10/7/2019 at 7:00 p.m.).
XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION


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; Planning Board recommendation received, 8/28/2019; Ordered to Public Hearing, 9/3/2019; Public Hearing 10/7/2019 at 6:45 p.m.).


10164—An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled “Zoning,” to Change the Classifications of Parcels of Land Located within the Downtown Renewal Area and Parcels Bordering the Area to the South of Route 2 (In City Council and referred to Public Welfare Committee for study; to the Planning Board for Review; and, Public Hearing Ordered, 9/3/2019; Public Hearing, 10/7/2019 at 7:00 p.m.).

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 Tuesday evening, September 3, 2019.

CALL TO ORDER
Council President Scott Joseph Graves called the meeting to order at 7:30 o’clock p.m.

CALL OF THE ROLL
City Clerk Alan Agnelli called the Roll of Members. Eleven (11) Councillors were present including President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh.

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

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

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

READING & ACCEPTANCE OF MINUTES
On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the August 5, 2019 Regular Meeting and the August 12, 2019 Special Meeting, as printed.

PUBLIC HEARINGS
#10149
President Graves opened the Public Hearing on a Petition by NATIONAL GRID for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

CITY HALL AVENUE - 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.
The President called for persons wishing to testify in favor of the Petition.

Kim Tavallaimola, representing National Grid, testified that National Grid proposes to remove an old vault and a street light meter, as well as to relocate the feed.

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

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

There being none, President Graves closed the Hearing.

#10150
President Graves opened the Public Hearing on a Petition by NATIONAL GRID and Verizon New England, Inc. for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

CLARK STREET - 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.

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

Kim Tavallaimola, representing National Grid, testified that National Grid proposes to install additional poles to service a solar farm at 538 Clark Street.

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

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

There being none, President Graves closed the Hearing.

#10151
President Graves opened the Public Hearing on a Petition by NATIONAL GRID and Verizon New England, Inc. for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

CLARK STREET - 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.

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

Kim Tavallaimola, representing National Grid, testified that National Grid proposes to install additional poles to service a solar farm at 538 Clark Street.
The President again called for persons wishing to testify in favor of the Petition.

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

There being none, President Graves closed the Hearing.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

#10156
On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

NANCY BINDER to the position of MEMBER, BANDSTAND COMMITTEE, for term expiring August 14, 2022.

Worcester, ss. September 3, 2019

Then personally appeared NANCY BINDER 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

#10157
On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

EDWARD VIPOND to the position of MEMBER, BANDSTAND COMMITTEE, for term expiring August 14, 2022.

Worcester, ss. September 3, 2019

Then personally appeared EDWARD VIPOND 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
#10158
On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

SANDRA BARTON to the position of MEMBER, COUNCIL ON AGING, for term expiring August 21, 2022.

Worcester, ss. September 4, 2019

Then personally appeared SANDRA BARTON and made oath that she would faithfully and impartially perform the duties of MEMBER, COUNCIL ON AGING, according to law and the best of her abilities.

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

#10159
Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to make no recommendation, but to move the Ordinance to First Printing for discussion purposes.

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 “EXHIBIT 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 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>$1,623.44</td>
</tr>
<tr>
<td>MGL c. 32, §20(6)</td>
<td></td>
<td>$ 300.00</td>
<td></td>
</tr>
<tr>
<td>Total Compensation:</td>
<td></td>
<td>$ 84,418.88</td>
<td>$1,623.44  (Effective 7/1/2019)</td>
</tr>
</tbody>
</table>

And inserting in place thereof, the following:

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City Treasurer/Collector  G-10  $ 82,708.88
MGL c. 32, §20(6) $ 300.00
Total Compensation: $ 83,008.88 $1,596.32 (Effective 8/16/2019)

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

Councillor James Walsh seconded the motion “for discussion purposes.”

On the motion, Councillor Ronald Cormier expressed his opposition to the Amendment, saying that the City Council has the responsibility to appoint the City Treasurer/Collector and that it should not change the salary after the person has been appointed. He added that the new Treasurer is a longtime employee of the City.

Councillor Christine Johnson noted that the new Treasurer will receive an increase of $4,000 over her prior position as Purchasing Director and that the proposed adjustment is only $1,400 less than the salary of the former Treasurer. She added that she believes that the Mayor’s offer is fair since the new Treasurer does not have any prior experience in the position; therefore, she supports the amendment.

Councillor Edward Gravel remarked that the issue isn’t about the $1,400 difference, but that the Salary for the position is already set by Ordinance. He said that it befuddles him that there wasn’t a proposal to change the salary months ago when the former Treasurer announced her retirement. He said that he would not support the amendment, citing the new Treasurer’s wealth of knowledge and her dedicated service to the City since 2003.

Councillor James Walsh informed the Council that when the Mayor met with the Finance Committee, he said that he would take the opportunity to meet with the intended appointee to negotiate a salary, but that any change would require an Ordinance amendment. On the merits of the proposed amendment, Councillor Walsh said that he would oppose the reduction in pay.

Continuing, Councillor Walsh stated that for at least five years, he has asked the Mayor to present a Step System for compensation and, if it had been in place, then there would not be a need to have the current pay discussion. Over time, the Mayor told the Finance Committee that he was working on it, then that it was on his desk, then it’s too hard, and finally, that he is not going to do it. He noted that when the City Council met with the Superintendent of Schools during budget discussions, when questioned, the Superintendent indicated that the Step System is effective and works very well and that he supports it. Councillor Walsh added that the only adjustments that have been made is recent memory have been cost-of-living adjustments and that no [performance] evaluations have been conducted to determine salaries based on evaluations.
Continuing, Councillor Walsh stated that these positions are subject to longevity pay, a separate [Ordinance] provision, where employees are eligible after 5 years for $150 plus $30 per year thereafter to a cap. He noted that there are significant inconsistencies in how positions are being filled. Citing the hiring of the current City Auditor, Councillor Walsh noted that he was paid the salary that was dictated by the Ordinance, even though he had no prior municipal auditor experience. In addition, he noted that when former Building Commissioner Jeff Cooke was hired in August, 2015, there was no attempt to reduce the compensation through an Ordinance amendment and, when current Building Commissioner Roland Jean was hired, he was paid a salary less than what the Ordinance dictated, and also that there was no effort to amend the Ordinance to reflect his reduced salary.

Citing the recent hiring of the Chief of Police, Councillor Walsh stated that when he was appointed in December, 2018, Chief Braks started at the same pay as former Chief Erickson, who was in the position for 19 years and that there was no proposal to reduce his salary. The same happened when the new Deputy Chief of Police was hired.

Continuing, Councillor Walsh noted the following:

- When City Engineer Chris Coughlin was hired, the compensation was changed by Ordinance because he did not possess a Professional Engineer certification.
- When former Public Health Director Jennifer Susen-Roy was hired, the Ordinance was amended to reflect a step increase when she acquired her certifications, as is the case with the current Public Health Director.
- When Jennifer Dymek was appointed as Purchasing Agent, she was hired at the same rate of pay as her predecessor, May Delaney.
- When the Council on Aging Director was hired, he received the same rate of pay as his predecessor.

Continuing his remarks, Councillor Walsh questioned the reason why Jen Dymek is being asked to take a reduction in pay while others were not required to take a cut in their pay. “It is wrong to reduce the salary, since there is money in the budget,” and added that the Mayor does not provide an offer letter to everyone. “Jen has already been elected to the position and that she accepted the position wholeheartedly. It is about treating her fairly,” he said.

Councillor Christine Johnson stated that at the last Council meeting, Councillor Kazinskas asked about the salary and that it was up to the Mayor to negotiate a salary. She added that the City Engineer did not have professional certification and that Ms. Dymek lacked certification as a Treasurer and Collector. Commenting on Councillor Gravel’s remark, she stated that no one knew months ago who would be in the position.
Councillor James Boone stated that the Mayor didn’t know who would be chosen and, with regard to the Step System in the School Department, Administrators do not have steps. He added that he supports the Mayor’s proposed reduction.

Councillor Edward Gravel stated that it amazed him that the discussion is over saving $1,400, while the Purchasing Agent’s position is vacant and will be for weeks, thereby achieving cost savings.

Councillor Nathan Boudreau stated that he supports Councillor Walsh, that there should be a Step System in place, which none has been proposed over the past 5 years, so there is no avenue to hire at a step.

Councillor Walsh stated that the information that he provided are facts – that 14 positions were filled since mid-2015, and that 11 were men and 3 were women. Of that number, he said that 10 of the 11 men received compensation as outlined in the Ordinance and of the three women, one took a reduction in pay and another is being asked to take a reduction.

Councillor Christine Johnson said that she took offense to Councillor Walsh’s comments, that she is a woman, and that the salary matched their (other appointees) expertise and accreditation. She added that it isn’t about the $1,400, but about equal experience of the previous 19 years.

Councillor Boone remarked that he was surprised that the Council took up the vote at the last meeting.

President Graves stated that the Mayor said that he spoke only with him about the effective [starting] date of the new Treasurer/Collector.

Councillor Edward Gravel stated, “In this country and around the world, there is a great disparity in salaries between men and women. Men get paid a hell of a lot more than women,” adding, “it is sad to say about disparity in wages.”

Councillor Karen Hardern remarked that there has been a lot said about the issue, but that it comes down to experience, that Ms. Dymek has never been a collector, and that $1,400 is not a lot of money. She said that she would support the amendment.

Councillor Elizabeth Kazinskas stated that she did not think that it is about man or woman and that “it doesn’t work that way in City Hall” and that the Purchasing Agent’s position still has to be filled.

Councillor Craig Cormier commented that the whole scenario is unique and very unorthodox, adding that he would not support the amendment.
Councillor James Walsh stated that there was a suggestion that was made that Ms. Dymek is not a certified Treasurer/Collector, and then he noted that the City Auditor has been in his position over three years and that he still hasn’t obtained his certification, but that there was no reduction to his pay. Continuing, he stated that there have been appointees with no prior experience in their positions, but there was no suggestion that they take a pay cut. He again cited the new Chief of Police who had no prior Chief’s experience, and had been a Deputy Chief of Police for only 6 months prior, and then replaced a Chief with 19 years of experience. He added that he finds it troubling that the reason given for cutting the pay “is experience.”

Councillor Edward Gravel questioned whether the Finance Committee discussed with Ms. Dymek a timeline for certification, since it was reported that the City Auditor hasn’t yet obtained his.

Councillor Ronald Cormier responded, saying that DOR only offers the class once each year for three days in August, which takes three consecutive years in order to become certified.

Councillor Christine Johnson stated that the City Auditor had years of experience in auditing in the private sector.

On the motion, on call of the roll, six (6) yeas, President Scott Joseph Graves and Councillors James Boone, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas; five (5) nays, Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, and James Walsh, it was voted 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 “EXHIBIT 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 E”, the following:

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Section 2. Effective date.

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

FIRST PRINTING – SEPTEMBER 9, 2019

#10160

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend that the Ordinance be ordered to First Printing, adding that the Amendment is a “sufficiently different concept.”

Councillor Walsh 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 EXHIBIT 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:

Exhibit B

City Council

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. Effective date.

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

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Ronald Cormier informed the Council that the City Charter empowers the City Council to establish a salary for its members and that the Committee [by Ordinance] is obligated to review the salaries every two years. He said that several years ago, it was proposed to tie raises to the Consumer Price Index (CPI), which would “depoliticize the issue” which [the method] could again be changed by the Council in the future. He said that the goal should be to increase compensation in small, incremental steps and added that any
increases voted this year would not affect the current Council and Mayor, as it would not take effect until next year.

Councillor James Johnson stated that he would not support the Ordinance establishing pay increases tied to the CPI because the Council would be abdicating its responsibility.

Councillor Nathan Boudreau stated that he “supported these raises before,” and that “the [increase] might sweeten the pot.” He said that the City’s Founding Fathers balanced the [Council’s] duties for a reason and indexing compensation is not what they or our Charter directed.

Councillor Christine Johnson expressed her disagreement with indexing and that the Council is charged with watching out for the taxpayers’ dollars and that Councillors should not be afraid to take a vote. She added that small increments may be made to get people to run for office and to keep them involved in government. “We are hired to make laws,” she said.

Councillor James Boone expressed agreement with Councillor Ronald Cormier, stressing that “indexing keeps up,” and that all other salaries are negotiated.

Councillor Elizabeth Kazinskas stated that she cannot support raises tied to the CPI.

Councillor Craig Cormier expressed support for the Ordinance, noting that it’s a new concept. He added that future Councils could change the Ordinance, as they have the power to do so.

Councillor Nathan Boudreau stated that Leominster is one community in the the region where most positions are severely underpaid, but that he loves the City of Leominster and that its Mayor knows what he’s doing.

Councillor Karen Hardern agreed that the Ordinance would remove politicization in the future, that she would hate to see the Council [pay] fall back, but that she can see both sides of the issue.

Councillor Christine Johnson noted that the City Council can change an Ordinance whenever it wants to, which takes two votes.

Councillor Edward Gravel stated that the subject “is a political football” and that he does not support the Ordinance changes. Until things are positive and happy, he opposes “giving raises away automatically.”

On call of the roll, four (4) yeas, President Scott Joseph Graves and Councillors Craig Cormier, Ronald Cormier, and James Walsh; seven (7) nays, Councillors Nathan Boudreau, James Boone, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, the Order to First Printing was not adopted.
#10161
Councillor Walsh reported that the Finance Committee voted to recommend the Ordinance. He 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 EXHIBIT A.

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:

Exhibit A
Mayor

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

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Nathan Boudreau said, “Our Mayor is one of the finest professionals that I have ever known.”

On call of the roll, three (3) yeas, President Scott Joseph Graves and Councillors Craig Cormier and Ronald Cormier; eight (8) nays, Councillors Nathan Boudreau, James Boone, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, the Order to First Printing was not adopted.

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10162
Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Resolution authorizes the City to seek grants for the design and development of Bailey Brook Park, which was acquired last year. The State’s share would be 70%, while the City would be responsible for 30%, which is $52,000 for the design and $124,000 for the development of the park. He added that the Mayor reported that he would provide funding for the City’s share if he is able to do so.
REGULAR MEETING OF SEPTEMBER 3, 2019

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Resolution:

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.

Presented to Mayor for Approval – September 5, 2019
Executive Action Pending on September 12, 2019

#10163
On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer to the Public Safety Committee for study and report 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.

#10164
On a motion by Councillor Christine Johnson and seconded by Councillor Nathan Boudreau, it was voted viva voce, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer the following Ordinance to the Public Welfare Committee for study and report; to the Planning Board for report and recommendation; and, to schedule a Joint Public Hearing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED “ZONING,” TO CHANGE THE CLASSIFICATIONS OF PARCELS OF LAND LOCATED WITHIN THE DOWNTOWN URBAN RENEWAL AREA AND PARCELS BORDERING THE AREA TO THE SOUTH OF ROUTE 2.

Be it ordained by the City Council of the City of Gardner, as follows:
Section 1. Chapter 675 is hereby amended to change the classifications of parcels of land described as follows:

<table>
<thead>
<tr>
<th>PARCEL ID</th>
<th>CLASSIFICATION</th>
<th>PARCEL ID</th>
<th>CLASSIFICATION</th>
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</thead>
<tbody>
<tr>
<td>M27-40-26</td>
<td>C1</td>
<td>M22-15-74</td>
<td>C2</td>
</tr>
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<td>R27-21-04</td>
<td>C1</td>
<td>M22-15-72</td>
<td>C2</td>
</tr>
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<td>R27-21-37</td>
<td>C1</td>
<td>M22-15-70</td>
<td>C2</td>
</tr>
<tr>
<td>R22-01-05</td>
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<td>M22-05-44A</td>
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<td>R22-16-41</td>
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<td>R22-06-02</td>
<td>C1</td>
<td>R22-16-44</td>
<td>C2</td>
</tr>
<tr>
<td>R22-21-35</td>
<td>GR3</td>
<td>R22-16-09</td>
<td>C2</td>
</tr>
<tr>
<td>R27-21-33</td>
<td>GR3</td>
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<td>C2</td>
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<td>R27-21-05</td>
<td>GR3</td>
<td>R22-21-08</td>
<td>C2</td>
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<tr>
<td>R27-21-32</td>
<td>GR3</td>
<td>R22-21-19</td>
<td>C2</td>
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<tr>
<td>R22-01-04</td>
<td>GR3</td>
<td>R22-02-01</td>
<td>I1</td>
</tr>
<tr>
<td>R-22-01-34</td>
<td>GR3</td>
<td>R17-01-16</td>
<td>C2</td>
</tr>
<tr>
<td>M22-15-32</td>
<td>C1</td>
<td>R17-01-15</td>
<td>C2</td>
</tr>
<tr>
<td>M22-10-01</td>
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<td>R17-01-13</td>
<td>C2</td>
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<tr>
<td>M22-15-57</td>
<td>C1</td>
<td>R17-01-14</td>
<td>C2</td>
</tr>
</tbody>
</table>
| M22-15-83  | C2             | #10165

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer to the Public Service Committee for study and report and to schedule a Public Hearing in the matter of the 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.

REPORTS OF STANDING COMMITTEES

PUBLIC SERVICE COMMITTEE

#10148

There being no objections, the Public Service Committee was granted more time to report on A Petition to Lay out James Street Extension as a Public Way, as follows:
WHEREAS, in the opinion of the City Council of the City of Gardner, common convenience and necessity require that JAMES STREET EXTENSION should be laid out as a public street or way of the said City, from JAMES STREET easterly for a distance of 212 feet, more or less, all as more particularly described, and for that purpose it is necessary to take the parcel of land hereinafter described, it is therefore

ORDERED that JAMES STREET EXTENSION be and it is hereby laid out and established as a public street or way of the said City of Gardner according to the plan entitled “Street Acceptance Plan Prepared for an Extension of James Street”, which plan is made a part hereof, and it is further

ORDERED that the following described parcel of land with the trees thereon and structures affixed thereto, be and the same is hereby taken in fee for said public street or way:

BEGINNING at a point on the northeasterly corner of the 1895 Heywood Street Layout (James Street), 33.75 feet southeast from the iron pipe located on said street layout,

THENCE: S.84º 15’ 01”E., sixty six and 62/100 feet (66.62) to a point;

THENCE: S.86º 48’ 53”E., one hundred and fifty and 00/100 feet (150.00’) to a point;

THENCE: S.06º 45’ 36”W., thirty three and 43/100 feet (33.43’) to a point;

THENCE: S.87º 13’ 00”W., eighty and 00/100 feet (80.00’) to a point;

THENCE: N.89º 13’ 12”W., one hundred and thirty one and 74/100 feet (131.74’) to a point;

THENCE: N.00º 33’ 01”W., fifty and 30/100 feet (50.30’) to the point of beginning;

The parcel, owner, and area of the above described taking, is as follows:

The City of Gardner – 9,042.57 square feet

The City Council having considered the question of damages sustained by persons or corporations in their property are of the opinion that no damages have been sustained and therefore award no damages.

#10149
There being no objections, the Public Service Committee was granted more time to report on 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.
There being no objections, the Public Service Committee was granted more time to report on 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.

There being no objections, the Public Service Committee was granted more time to report on 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.

PUBLIC WELFARE COMMITTEE

On a motion by Councillor Christine Johnson and seconded by Councillor Elizabeth Kazinskas, it was voted viva voce, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Ordinance:

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.
UNFINISHED BUSINESS

#10148
President Graves announced that the Planning Board submitted a letter to the City Council recommending that James Street Extension be laid out as a Public Way and that he would schedule a Public Hearing.

#10152
On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following 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</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Member [MGL c. 32, §20(6)]</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>MGL c. 32, §20(6)</td>
<td></td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Total Compensation:</td>
<td></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></td>
</tr>
<tr>
<td>MGL c. 32, §20(6)</td>
<td></td>
<td>$600.00</td>
<td></td>
</tr>
<tr>
<td>Total Compensation:</td>
<td></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.

In City Council – August 5, 2019
Ordered Printed – August 5, 2019
First Printing – August 9, 2019
Ordinance Passed – September 3, 2019
Presented to Mayor for Approval – September 5, 2019
Executive Action Pending on September 12, 2019

NEW BUSINESS

On a motion by Councillor James Boone and seconded by Councillor Craig Cormier, it was voted viva voce, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

#10159
Council President Graves recognized Mayor Hawke who wished to address the Council concerning Calendar No. 10159, AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED “PERSONNEL” TO CHANGE COMPENSATION SCHEDULE “EXHIBIT E” (City Treasurer/Collector of Taxes compensation).

The Mayor stated, “Because it is said does not make it true,” adding, “Something was said here – a member intimated gender bias.”

Councillor Walsh objected, calling for a point of order.

Councillor Edward Gravel also objected and called for a point of order.

President Graves permitted Councillor Walsh to state his point of order.

Councillor Walsh stated that the matter had already been addressed by the City Council and voted on. He added that he believed that the Mayor “was out-of-order.”

Councillor Gravel concurred with Councillor Walsh’s point of order.

President Graves informed the Council that he would allow the Mayor to address the Council, which is permitted under the City Charter.

Councillor Walsh then moved to adjourn the meeting. Councillor Edward Gravel seconded the motion.

On the question, on viva voce vote, the motion to adjourn was not adopted.
President Graves stated that it is very important for the Mayor to speak to the Council so that he can defend himself, since suggestions were made about indecorum on the part of his administration.

The Mayor stated that Ms. Dymek was hired 16 years ago, that she does a great job, but the matter is not about her. He cited the following:

- Golf Superintendent William Frank was hired in 2009 at a salary of $57,000, while his predecessor made $67,000.
- Assessor Diane Lanney was hired at $60,000 and her predecessor, Mr. Comee, made $65,000. There were only three candidates, all women.
- Sue Byrne replaced Diane Lanney at a salary of $55,000 (Sue was one of the original three candidates).
- Joshua Cormier was hired at $62,000 as Assistant Director of Community Development while his predecessor earned $65,000.
- Jennifer Susen-Roy was hired by the Board of Health as Public Health Director. At the Board’s recommendation, a step system was established until she achieved the required certifications.
- Jeffrey Cooke was hired a lower salary than his predecessor, Dick Reynolds, even though Mr. Cooke was a Building Commissioner in his own community.
- When Roland Jean was hired to replace Mr. Cooke, he was the only applicant for the Building Commissioner’s position.

Continuing, the Mayor stated that delaying the hiring of the Treasurer was discussed with the Finance Committee – that hiring the Treasurer should come later – September the 2nd - so that an Ordinance amendment could be addressed. Tonight’s meeting, he said, was the next meeting after she was named Treasurer. He added that the City will have to pay the former Treasurer to train Ms. Dymek. He also cited the current City Auditor, who has a three-year certification cycle, will sit for his exam in February, 2020. He closed by saying that he is disgusted by the implication of bias.

Councillor James Walsh stated that he recited simple facts about positions filled since the middle of 2015.

**ANNOUNCEMENTS and COMMENTARY**

Councillor Craig Cormier welcomed students and faculty back to school and noted the City’s MSBA $49M grant from the State for the new elementary school.

Councillor Nathan Boudreau noted that the City does not offer competitive salaries.

Councillor Christine Johnson also cited the MSBA grant; the recent opening of the 99 Restaurant; and, fundraising efforts by the Gardner High School Band Alumni Association.
President Graves informed the Council that at a recent meeting, he ruled that the Mayor and Council compensation ordinances were out-of-order, noting at that time that they must be substantially different than the Ordinances that were already considered [and defeated]. He said that he believes that his decision was incorrect, as his definitions of “meeting” and “session” were wrong. Accordingly, he said, he would include those Ordinances on the Calendar for the next meeting.

**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, eleven (11) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:57 p.m.

Accepted by the City Council:
September 4, 2019

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

RE: Appointments/New Hires

Dear President Graves and Councilors,

To say I was insulted by the disgusting inference at the City Council meeting of September 3, 2019 that there is any sort of biased in hiring or salary negotiation is an understatement. Since inaccurate information was displayed for public consumption, I feel compelled to respond in writing so there is no mistake.

The attached sheet takes each example Councilor Walsh stated as facts and presents the whole story so that you will be aware of the falsehoods that blanketed the Council Chambers on September 3, 2019.

As you read the attached information, it is interesting to note that the only Department Heads that were brought in at a higher rate of compensation than their predecessor, was the former Purchasing Director and the current Public Health Director (both women). There was one non-Department Head position, Local Inspector (a man). However, this is simply due to the fact that a two percent (2%) COLA was added to the salary as their predecessors left in the prior fiscal year than when they were hired. In every other example presented by Councilor Walsh, the facts show that they were brought in at the same, or lower, salary.

A public apology and retraction of the insinuation is in order.

Respectfully,

Mark Hawke
Mayor, City of Gardner
<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Starting Date</th>
<th>Salary at Start</th>
<th>Date of Departure</th>
<th>Salary at Departure</th>
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</thead>
<tbody>
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<td>City Auditor</td>
<td>Calvin Brooks</td>
<td>12/30/2013</td>
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<td></td>
<td>Gene Ferrari</td>
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<td>John Richard</td>
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<tr>
<td>Building Commissioner</td>
<td>Richard Reynolds</td>
<td>8/26/2011</td>
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<td>Jeffrey Cooke</td>
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<td>12/15/2017</td>
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<td>Roland Jean</td>
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<tr>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Inspector</td>
<td>Rick Germano</td>
<td>6/30/2008</td>
<td>$52,000.00</td>
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<td></td>
<td>Sarah Culgin</td>
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<td>$52,000.00</td>
<td>7/31/2015</td>
<td>$54,642.01</td>
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<tr>
<td></td>
<td>Roland Jean</td>
<td>9/21/2015</td>
<td>$55,734.85</td>
<td>1/5/2018</td>
<td>$57,986.54</td>
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<tr>
<td></td>
<td>Rich Germano</td>
<td>5/7/2018</td>
<td>$57,986.54</td>
<td></td>
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<tr>
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<tr>
<td>Chief of Police</td>
<td>Neil Erickson</td>
<td>12/26/2018</td>
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<td>Richard Braks</td>
<td>12/27/2018</td>
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<td></td>
<td></td>
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<tr>
<td>Deputy Chief of Police</td>
<td>Rock Barrieau</td>
<td>11/30/2013</td>
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<tr>
<td></td>
<td>John Bernard</td>
<td>12/17/2013</td>
<td>$72,828.00</td>
<td>7/20/2018</td>
<td>$83,505.63</td>
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<tr>
<td></td>
<td>Richard Braks</td>
<td>7/21/2018</td>
<td>$83,505.63</td>
<td>12/26/2018</td>
<td>$85,174.74</td>
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<td></td>
<td>James Trifiro</td>
<td>1/20/2019</td>
<td>$85,175.74</td>
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<tr>
<td>City Engineer</td>
<td>Robert Hankinson</td>
<td>1/13/2017</td>
<td>$95,113.52</td>
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<tr>
<td></td>
<td>Chris Coughlin</td>
<td>1/17/2017</td>
<td>$80,262.72</td>
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</table>

- City Auditor is elected by the City Council.
- Mr. Richard’s starting salary was $1,383.65 over the minimum starting salary for a G-10.
- Mr. Jean was the only candidate and started at $1503.22 less than his predecessor.
- All the inspectors (wiring, plumbing, local) are paid the same hourly rate.
- The salary ordinance did not go into effect on 7/1 for FY 16.
- Local Inspector is hired by the Building Commissioner.
- Chief Braks starting salary is equal to the minimum starting salary for a G-13 in 2018.
- Chief Braks was an internal candidate. No female candidates.
- Deputy Chief is hired by the Police Chief, all were internal candidates, no female applicants.
- Deputy Chief changed to a G-11 in FY2019.
- Hired as Asst City Engineer and groomed to take over as City Engineer.
- Lacked Professional Certification. Could not obtain it due to the work the City does.
<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Starting Date</th>
<th>Salary at Start</th>
<th>Date of Departure</th>
<th>Salary at Departure</th>
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<tr>
<td><strong>Public Health Director</strong></td>
<td>Bernard Sullivan</td>
<td>5/24/2016</td>
<td>$75,027.41</td>
<td>5/3/2019</td>
<td>$68,978.52</td>
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<td>Jennifer Susen-Roy</td>
<td>5/25/2016</td>
<td>$65,000.00</td>
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<td></td>
<td>Lauren Saudners</td>
<td>7/19/2019</td>
<td>$70,358.09</td>
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<tr>
<td># Director is hired by the Board of Health</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td># Jennifer and Lauren were both the Assistant prior to becoming Director</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># Jennifer and Lauren lacked certifications and were given steps once certifications were achieved</td>
<td></td>
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<td></td>
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<tr>
<td># Board of Health determined the steps.</td>
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<td><strong>Purchasing/Civil Enforcement</strong></td>
<td>Mary Delaney</td>
<td>5/27/2016</td>
<td>$69,668.31</td>
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<td></td>
<td>Jennifer Dymek</td>
<td>6/20/2016</td>
<td>$71,144.00</td>
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<tr>
<td># Jennifer had the certifications and was started at her predecessors salary plus 2%</td>
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<td># Jennifer and 3 men were interviewed for the position.</td>
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<tr>
<td><strong>Senior Citizens Director</strong></td>
<td>Dan Novak</td>
<td>5/3/2013</td>
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<td>Eileen Clarkson</td>
<td>5/28/2013</td>
<td>$45,000.00</td>
<td>2/5/2016</td>
<td>$49,449.60</td>
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<td></td>
<td>Claude Leger</td>
<td>4/19/2016</td>
<td>$49,449.60</td>
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<td><strong>Treasurer/Collector</strong></td>
<td>Charline Daigle</td>
<td>8/16/2019</td>
<td>$84,118.88</td>
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<td></td>
<td>Jennifer Dymek</td>
<td>8/19/2019</td>
<td>$82,708.99</td>
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<tr>
<td># Jennifer does not have the certifications as Treasurer/Collector</td>
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<tr>
<td># A G-10 minimum salary from 2015 adjusted annually = $81,308.66 for FY 20</td>
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Conspicuously absent from the spreadsheet provided by Councilor Walsh

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<thead>
<tr>
<th><strong>Director of Community Development</strong></th>
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<tr>
<td></td>
<td>Robert Hubbard</td>
<td>5/31/2013</td>
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<td></td>
<td>Trevor Beauregard</td>
<td>6/3/2013</td>
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<table>
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<tr>
<th><strong>Assistant Director of Community Development</strong></th>
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<td></td>
<td>Jennifer Dymek</td>
<td>6/20/2016</td>
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<td></td>
<td>Joshua Cormier</td>
<td>8/1/2016</td>
<td>$63,000.00</td>
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September 5, 2019

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

RE: New Elementary Loan Order

Dear President Graves and Councilors,

Attached please find the Loan Order for New Elementary School Project, the grant award letter from the Massachusetts School Building Authority (MSBA), the worksheet showing the breakdown of costs that was submitted to the MSBA with the grant documents, an email containing the MSBA’s approval of the Loan Order language and the approval of the Loan Order language by the City’s bond counsel.

Respectfully,

Mark Hawke
Mayor, City of Gardner
CITY OF GARDNER
LOAN ORDER FOR NEW ELEMENTARY SCHOOL PROJECT

ORDERED:

That the City appropriates the amount of eighty-nine million five-hundred fifty-eight thousand five-hundred seventy dollars ($89,558,570) for the purpose of paying costs of designing, constructing, equipping and furnishing a new elementary school, known as the Waterford Street Elementary School, to be located at the Pearl Street site in Gardner, MA, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of School Building Committee. To meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, or pursuant to any other enabling authority.

The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.
August 28, 2019

The Honorable Mark P. Hawke
Mayor, City of Gardner
95 Pleasant Street, Room 125
Gardner, MA 01440

Re: City of Gardner, Waterford Street Elementary School

Dear Mayor Hawke:

I am pleased to report that the Board of the Massachusetts School Building Authority (the “MSBA”) has voted to approve the Waterford Street Elementary School Project in the City of Gardner (the “City”) to replace the existing Waterford Street Elementary School and the existing Elm Street Elementary School with a new PK-4 facility to be located on the Pearl Street site, contingent upon the District gaining full ownership, control, and exclusive use of the proposed site.

The Board approved an Estimated Maximum Total Facilities Grant of $49,224,948, which does not include any funds for Potentially Eligible Owner’s or Construction Contingency Expenditures. In the event that the MSBA determines that any Owner’s and/or Construction Contingency Expenditures are eligible for reimbursement, the Maximum Total Facilities Grant for the Waterford Street Elementary School Project may increase to as much as $51,211,184. The final grant amount will be determined by the MSBA based on a review and audit of all Project costs incurred by the City, in accordance with the MSBA’s regulations, policies, and guidelines and the Project Funding Agreement. The final grant amount may be an amount less than $49,224,948.

Further, the MSBA is working with the City to fully understand the City’s proposed repurposing plan for the Elm Street Elementary School facility, which will be taken offline as an elementary school with the completion of the new PK-4 facility. Depending on the City’s reuse plan, the MSBA may recover a portion of the two grants that the City received for prior projects at this facility, one for a Green Repair project that was completed in 2011 (MSBA ID 201101030001G), and one for a repair project completed in 2016 (MSBA ID 201401030001). If the MSBA determines that a portion of the grants for the prior projects will be recovered, these amounts will be deducted from the grant for the new PK-4 facility prior to project closeout.

At this time, a total of $89,811 has been deducted from the Estimated Maximum Total Facilities Grant and the Maximum Total Facilities Grant for cost recovery. This cost...
recovery amount may be increased based upon the MSBA’s review of the City’s reuse plan for the Elm Street Elementary School facility.

Pursuant to the MSBA’s regulations, the City has 120 days after the date of the MSBA’s Board vote to acquire and certify local approval for an appropriation and all other necessary local votes or approvals showing acceptance of the cost, site, type, scope, and timeline for the Waterford Street Elementary School Project. After receipt of the certified votes demonstrating local approval, the MSBA and the City will execute a Project Funding Agreement, which will set forth the terms and conditions pursuant to which the City will receive its grant from the MSBA. Once the Project Funding Agreement has been executed by both parties, the City will be eligible to submit requests for reimbursement for the Waterford Street Elementary School Project costs to the MSBA. The Project Scope and Budget Agreement signed by the City and the MSBA will form the basis for the Project Funding Agreement.

We will be contacting you soon to discuss these next steps in more detail, but in the meantime, I wanted to share with you the Board’s approval of the Waterford Street Elementary School Project in the City of Gardner for to replace the existing Waterford Street Elementary School and the existing Elm Street Elementary School with a new PK-4 facility to be located on the Pearl Street site, contingent upon the District gaining full ownership, control, and exclusive use of the proposed site.

I look forward to continuing to work with you during the MSBA’s grant program process. As always, feel free to contact me or my staff at (617) 720-4466 should you have any questions.

Sincerely,

John K. McCarthy
Executive Director

Cc: Legislative Delegation
    Scott Joseph Graves, Esq., President, Gardner City Council
    Jennifer Z. Pelavin, Vice Chair, Gardner School Committee
    Mark Pellegrino, Superintendent, Gardner Public Schools
    Dr. Stephen Hemman, Consultant, Gardner Public Schools
    Tim Alix, Owner’s Project Manager, Colliers International
    Kristian Whitsett, Designer, Jones Whitsett Architects, Inc.
    File: 10.2 Letters (Region 2)
<table>
<thead>
<tr>
<th>Project Category</th>
<th>Estimated Budget</th>
<th>Estimated Basis of Maximum Facilities Grant or Otherwise Ineligible</th>
<th>Estimated Basis of Maximum Total Facilities Grant¹</th>
<th>Estimated Maximum Total Facilities Grant¹</th>
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<td>Feasibility Study Agreement</td>
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<td>$200,000</td>
<td><strong>Chris Altes: Ineligible for reimbursement.</strong></td>
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<td>OPM Feasibility Study</td>
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<td>Environmental &amp; Site</td>
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<td>Other</td>
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<tr>
<td>Interior Construction</td>
<td>$5,740,000</td>
<td>$0</td>
<td>$5,740,000</td>
<td><strong>$5,740,000</strong></td>
</tr>
<tr>
<td>Staircases</td>
<td>$57,000</td>
<td>$0</td>
<td>$57,000</td>
<td><strong>$57,000</strong></td>
</tr>
<tr>
<td>Interior Finishes</td>
<td>$3,140,000</td>
<td>$0</td>
<td>$3,140,000</td>
<td><strong>$3,140,000</strong></td>
</tr>
<tr>
<td>Services</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td><strong>$0</strong></td>
</tr>
<tr>
<td>Conveying Systems</td>
<td>$326,000</td>
<td>$0</td>
<td>$326,000</td>
<td><strong>$326,000</strong></td>
</tr>
<tr>
<td>Plumbing</td>
<td>$2,014,000</td>
<td>$0</td>
<td>$2,014,000</td>
<td><strong>$2,014,000</strong></td>
</tr>
<tr>
<td>HVAC</td>
<td>$4,532,000</td>
<td>$0</td>
<td>$4,532,000</td>
<td><strong>$4,532,000</strong></td>
</tr>
<tr>
<td>Fire Protection</td>
<td>$665,000</td>
<td>$0</td>
<td>$665,000</td>
<td><strong>$665,000</strong></td>
</tr>
<tr>
<td>Electrical</td>
<td>$5,335,000</td>
<td>$0</td>
<td>$5,335,000</td>
<td><strong>$5,335,000</strong></td>
</tr>
<tr>
<td>Equipment &amp; Furnishings</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td><strong>$0</strong></td>
</tr>
<tr>
<td>Equipment</td>
<td>$714,000</td>
<td>$0</td>
<td>$714,000</td>
<td><strong>$714,000</strong></td>
</tr>
<tr>
<td>Furnishings</td>
<td>$2,378,000</td>
<td>$0</td>
<td>$2,378,000</td>
<td><strong>$2,378,000</strong></td>
</tr>
</tbody>
</table>
### SPECIAL CONSTRUCTION & DEMOLITION

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Construction</td>
<td>$0</td>
</tr>
<tr>
<td>Existing Building Demolition</td>
<td>$0</td>
</tr>
<tr>
<td>In-Building Hazardous Material Abatement</td>
<td>$0</td>
</tr>
<tr>
<td>Asbestos Containing Floor Material Abatement</td>
<td>$0</td>
</tr>
<tr>
<td>Other Hazardous Material Abatement</td>
<td>$0</td>
</tr>
</tbody>
</table>

### BUILDING SITE/WORK

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Preparation</td>
<td>$1,945,990</td>
</tr>
<tr>
<td>Site Improvements</td>
<td>$784,010</td>
</tr>
<tr>
<td>Site Civil / Mechanical Utilities</td>
<td>$2,122,000</td>
</tr>
<tr>
<td>Site Electrical Utilities</td>
<td>$905,000</td>
</tr>
<tr>
<td>Other Site Construction</td>
<td>$0</td>
</tr>
<tr>
<td>Site Costover Allowance</td>
<td>$8,139,840</td>
</tr>
</tbody>
</table>

### Construction Trades Subtotal

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$56,445,000</td>
<td></td>
</tr>
</tbody>
</table>

### Contingencies (Design and Planning)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5,644,990</td>
<td></td>
</tr>
</tbody>
</table>

### D/B Insurance

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$445,990</td>
<td></td>
</tr>
</tbody>
</table>

### D/B General Conditions

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,865,000</td>
<td></td>
</tr>
</tbody>
</table>

### D/B Overhead & Profit

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,561,990</td>
<td></td>
</tr>
</tbody>
</table>

### Miscellaneous Project Costs

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility Company Fees</td>
<td>$100,000</td>
</tr>
<tr>
<td>Testing Services</td>
<td>$100,000</td>
</tr>
<tr>
<td>Saving Space / Modulars</td>
<td>$40,000</td>
</tr>
<tr>
<td>Other Project Costs (Mailing &amp; Moving)</td>
<td>$40,000</td>
</tr>
</tbody>
</table>

### Misc. Project Costs Subtotal

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$240,000</td>
<td></td>
</tr>
</tbody>
</table>

### Furniture, Fixtures, and Equipment

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,250,339</td>
<td></td>
</tr>
</tbody>
</table>

### Technology

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,250,000</td>
<td></td>
</tr>
</tbody>
</table>

### FF&E Subtotal

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$6,285,000</td>
<td></td>
</tr>
</tbody>
</table>

### Soft Costs that exceed 20% of Construction Cost

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

### Project Budget

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$84,238,295</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$22,594,846</td>
<td></td>
</tr>
<tr>
<td>$61,643,449</td>
<td></td>
</tr>
</tbody>
</table>

### Board Authorization

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design Enrollment</td>
<td>925</td>
</tr>
<tr>
<td>Total Building Gross Floor Area (GSF)</td>
<td>147,120</td>
</tr>
<tr>
<td>Total Project Budget (excluding Contingencies)</td>
<td>$84,238,295</td>
</tr>
<tr>
<td>Scope Items Excluded or Otherwise Ineligible</td>
<td>$22,594,846</td>
</tr>
<tr>
<td>Third Party Funding (ineligible)</td>
<td>$0</td>
</tr>
<tr>
<td>Estimated Basis of Maximum Total Facilities Grant(^1)</td>
<td>$61,643,449</td>
</tr>
<tr>
<td>Reimbursement Rate(^3)</td>
<td>80.00%</td>
</tr>
<tr>
<td>Est. Max. Total Facilities Grant (before recovery)(^1)</td>
<td>$49,314,759</td>
</tr>
<tr>
<td>Cost Recovery (^4)</td>
<td>$1,877,376</td>
</tr>
<tr>
<td>Estimated Maximum Total Facilities Grant(^1)</td>
<td>$47,437,383</td>
</tr>
</tbody>
</table>

### Construction Contingency\(^2\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,546,850</td>
<td></td>
</tr>
</tbody>
</table>

### Ineligible Construction Contingency\(^2\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,837,460</td>
<td></td>
</tr>
</tbody>
</table>

### "Potentially Eligible" Construction Contingency\(^2\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$709,370</td>
<td></td>
</tr>
</tbody>
</table>

### Owner's Contingency\(^2\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,773,425</td>
<td></td>
</tr>
</tbody>
</table>

### Ineligible Owner's Contingency\(^2\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

### "Potentially Eligible" Owner's Contingency\(^2\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,773,425</td>
<td></td>
</tr>
</tbody>
</table>

### Total Potentially Eligible Contingency\(^2\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,482,795</td>
<td></td>
</tr>
</tbody>
</table>

### Reimbursement Rate\(^3\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>80.00%</td>
<td></td>
</tr>
</tbody>
</table>

### Potential Additional Contingency Grant Funds\(^2\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,986,236</td>
<td></td>
</tr>
</tbody>
</table>

### Maximum Total Facilities Grant\(^2\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$49,423,619</td>
<td></td>
</tr>
</tbody>
</table>

### Total Project Budget\(^2\)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$89,558,570</td>
<td></td>
</tr>
</tbody>
</table>

---

Notes:

1. The estimated basis of total facilities grants and estimated maximum facilities grant amounts appearing in the "MSBA Board Approved Budget" columns do not include any potentially eligible contingency funds and are subject to review and audit by the MSBA. The estimated basis of total facilities grants, estimated maximum facilities grants, and maximum total facilities grants amounts appearing in the "Proposed Revised PFA Budget" columns have been adjusted to account for construction bids received in accordance with Section 2.2 of the PFA and any budget revision requests submitted and approved by the MSBA as of the date noted in the Proposed Revised Budget PFA column of the PFA Amendment. These amounts are also subject to further review and audit by the MSBA.

2. Pursuant to Section 3.20 of the Project Funding Agreement and the applicable policies and guidelines of the Authority, any project costs associated with the realization or transfer of funds from other owner's contingency or construction contingency to other budget line items shall be subject to review and audit by the Authority to determine whether any such costs are eligible for reimbursement by the Authority. All costs are subject to review and audit by the MSBA.

3. By statute, 80.00% is the City's maximum reimbursement rate. Here, the city's base reimbursement rate is 80.00% before applying any incentive points. Therefore, the city is not entitled to receive any incentive points as the base reimbursement rate results in a maximum reimbursement rate of 80.00%.

4. The proposed demolition and/or repurposing of the existing Waterford St/Elling School and the Elm St/Elling School Elementary School and the Elm St/Elling School Elementary School will result in the MSBA receiving a portion of state funds previously paid to the District for the MSBA's contribution to the maximum total facilities grant. In addition, the MSBA has calculated its recovery of funds to be $1,877,376. The total amount due under the estimated maximum total facilities grant and the maximum total facilities grant is $2,482,795.

---

**NOTES**

- 80.00 Reimbursement Rate Before Incentive Points
- 3.44 Total Incentive Points
- 80.00% MSBA Reimbursement Rate
Mayor

From: Brian Lynch <Brian.Lynch@massschoolbuildings.org>
Sent: Tuesday, September 3, 2019 4:07 PM
To: Mayor; 'mars.hemman@marsregionals.net'
Cc: Timothy; Alan Minkus
Subject: RE: MSBA Council Order Comments [LL-America.FID980831]

Good afternoon, Mayor Hawke:

The MSBA legal department has reviewed the vote language you provided and determined that the language is sufficient for MSBA purposes. As a friendly reminder, MSBA legal offered that the City must vote to appropriate the full amount of the Project’s costs including both the local share and MSBA’s share of Project funds.

Please keep me updated of any upcoming vote dates and please send me all required certified votes related to the appropriation.

Should you have any questions please do not hesitate to reach out.

-Brian

From: Mayor <Mayor@gardner-ma.gov>
Sent: Friday, August 30, 2019 11:28 AM
To: Brian Lynch <Brian.Lynch@massschoolbuildings.org>; 'mars.hemman@marsregionals.net'
<mars.hemman@marsregionals.net>
Cc: Timothy <Tim.Alix@colliers.com>; Alan Minkus <Alan.Minkus@colliers.com>
Subject: RE: MSBA Council Order Comments [LL-America.FID980831]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Brian,

The deadline is always as soon as possible. However, I would need it by the end of next week in order to get it on the Finance Committee and then City Council agenda for the following week.

Mark

From: Brian Lynch <Brian.Lynch@massschoolbuildings.org>
Sent: Friday, August 30, 2019 11:25 AM
To: Mayor <Mayor@gardner-ma.gov>; 'mars.hemman@marsregionals.net' <mars.hemman@marsregionals.net>
Cc: Timothy <Tim.Alix@colliers.com>; Alan Minkus <Alan.Minkus@colliers.com>
Subject: RE: MSBA Council Order Comments [LL-America.FID980831]

Mayor Hawke,

Thank you for passing this along. MSBA legal staff will review the language you provided and I will forward any comments or questions they return.
Is there a deadline for when this language needs to be finalized?

Thanks and have a great weekend!

-Brian

From: Mayor <Mayor@gardner-ma.gov>
Sent: Friday, August 30, 2019 11:21 AM
To: 'mars.hemman@marsregionals.net' <mars.hemman@marsregionals.net>; Brian Lynch <Brian.Lynch@massschoolbuildings.org>
Cc: Timothy <Tim.Alix@colliers.com>; Alan Minkus <Alan.Minkus@colliers.com>
Subject: FW: MSBA Council Order Comments [LL-America.FID980831]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Brian,

I forwarded the language you sent us to our Bond Counsel. Attached is what they came back with stating that is how the MSBA prefers the language. Before sending it to the City Council, I wanted to have MSBA review the language.

Mark

From: Jennifer Dymek <jdymek@gardner-ma.gov>
Sent: Friday, August 30, 2019 9:41 AM
To: Mayor <Mayor@gardner-ma.gov>
Subject: FW: MSBA Council Order Comments [LL-America.FID980831]

Here is the MSBA loan order, with modifications as suggested by our Bond Council.

Please let me know how you’d like me to proceed.

Jen

From: Manley, Richard [mailto:Richard.Manley@lockelord.com]
Sent: Friday, August 30, 2019 9:36 AM
To: Mary Carney (HTS) <Mary.Carney@hilltopsecurities.com>; Jennifer Dymek
Subject: MSBA Council Order Comments [LL-America.FID980831]

Hi Jennifer and Mary, as requested, I have made some revisions to the draft loan order for the Waterford Elementary School Project. As you can see, I have primarily made revisions to more closely follow the form of loan order that is required by the MSBA. I have also attached a copy marked to highlight the particular revisions I have made. Please let me know if you have any questions, or if we can provide you with anything further.

Rick

Richard A. Manley, Jr.
Locke Lord LLP
111 Huntington Avenue
Boston, Massachusetts 02199
AUTHORIZING AN EXTENDED CONTRACT PERIOD FOR
OPERATION AND MAINTENANCE OF WATER AND SEWER FACILITIES

VOTE: To authorize the City to enter into a contract(s) not to exceed ten (10) years, with an option for up to an additional ten (10) years, for operation and maintenance of water and sewer facilities, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Department of Public Works Director’s September 9, 2019 correspondence.
Mayor Mark P. Hawke and City Council Members
City Hall
95 Pleasant Street
Gardner, MA 01440

RE: 10 Year Water and Sewer Facility Bid

September 9, 2019

Dear Mayor Hawke and City Council members:

As you are aware, the Water and Sewer facilities have been operated and maintained by Suez (formally Earth Tech) since 1998 under a twenty (20) year contract. The City has negotiated a one (1) year extension with Suez for them to operate and maintain the facilities until December 31, 2019.

We are currently in the process of bidding the operations and maintenance of the Water and Wastewater Facilities in a Request for Proposals (RFP) bid that will be opened on September 25th. After discussions with several communities, vendors, and engineer consultants, we feel we will get a better service fee with a ten (10) year contract term than a three (3) year term.

We are asking the Mayor and City Council to authorize the City to enter into a ten (10) year contract with the vendor (not yet selected) with an additional ten (10) year extension if we choose to do so. We are required to have the City Council approve a contract with this ten (10) year term.

Please authorize the Department of Public Works to enter into a 10 year contract with a 10 year renewable extension.

Sincerely,

Dane E. Arnold, Director
Department of Public Works

PC: Chris Coughlin, City Engineer
Rob Oliver, Assistant Director
John Richard, City Auditor
Public Service Committee
CITY OF GARDNER, MASSACHUSETTS
CITY PRELIMINARY ORDER
OCTOBER 8, 2019

ORDER: That meetings of the citizens of this City qualified to vote for City officers shall be held on TUESDAY, the EIGHTH DAY of OCTOBER 2019 from 7:00 o’clock in the morning until 8:00 o’clock in the evening for the purpose of casting their votes for the nomination of Mayor for Two years.

To vote for a person, fill in the oval ☐ at the right of the name.

CANDIDATE FOR MAYOR FOR TWO YEARS

VOTE FOR ONE

Pamela M. Wells, 53 Blanchard Street
Mark P. Hawke, 30 Fairlawn Avenue
Carolyn A. Kamuda, 400 Pleasant Street

It is further ordered that the following polling places are designated by this Council:

WARD 1, PRECINCT A – Elk’s Home, 31 Park Street
WARD 1, PRECINCT B – Elk’s Home, 31 Park Street
WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 W Lynde Street
WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 W Lynde Street
WARD 3, PRECINCT A – Acadien Social Club, 193 Parker Street
WARD 3, PRECINCT B – High Rise Community Room, 104 Church Street
WARD 4, PRECINCT A – Gardner Police Headquarters, 200 Main Street
WARD 4, PRECINCT B – Gardner Police Headquarters, 200 Main Street
WARD 5, PRECINCT A – Knights of Columbus, 110 South Main Street
WARD 5, PRECINCT B – Knights of Columbus, 110 South Main Street
ORDINANCE

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

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

Section 1. Section 600-18 of Chapter 600, Vehicles and Traffic, of the Code of the City of Gardner is hereby amended by striking Subsection B in its entirety.

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

Article V. Parking Meters

§ 600-18. Three-hour parking meters.


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

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

B. The actual location of meters to be placed within the above locations shall be designated and may from time to time be changed by vote of the City Council Public Safety Committee.
Chapter 600. Vehicles and Traffic

Article III. Traffic Signs, Signals, Markings and Zones

§ 600-9. Location of bus stops, taxicab stands, service zones and parking meters.

The City Council shall have the power to designate the location of all bus stops, taxicab stands and service zones within the City, and in the case of taxicab stands the Chief of Police shall designate who shall use them. Nothing contained in Article V shall be construed as prohibiting the City Council from designating the location of and making provisions for bus stops, taxicab stands and service zones on any street or part thereof which has been or may hereafter be designated as a parking meter zone. It shall have the power to designate the location of all parking meter zones, parking meters and parking meter spaces within the City.
Greetings Carrie,

Thank you for sending me the information and form today. Here is the first of my two complaints against Gardner City Councilor Christine Johnson. As you can see from the attached documents, she is stirring things up in Gardner because I have filed a complaint with the AG’s Office.

City Clerk Alan Agnelli and City Council President (Atty) Scott Graves are copied.

Because of the harassment, please take the appropriate action your office deems necessary.

Thank you very much!

Best Regards,

Paul DeMeo
OPEN MEETING LAW COMPLAINT FORM
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

<table>
<thead>
<tr>
<th>Your Contact Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name: Paul</td>
</tr>
<tr>
<td>Last Name: DeMeo</td>
</tr>
<tr>
<td>Address: 9 Willis Road</td>
</tr>
<tr>
<td>City: Gardner</td>
</tr>
<tr>
<td>State: MA</td>
</tr>
<tr>
<td>Zip Code: 01440</td>
</tr>
<tr>
<td>Phone Number: 978-632-1300</td>
</tr>
<tr>
<td>Ext.</td>
</tr>
<tr>
<td>Email: <a href="mailto:ryanrealty@comcast.net">ryanrealty@comcast.net</a></td>
</tr>
</tbody>
</table>

Organization or Media Affiliation (if any): __________________________

Are you filing the complaint in your capacity as an individual, representative of an organization, or media? (For statistical purposes only)

- [ ] Individual
- [ ] Organization
- [ ] Media

Public Body that is the subject of this complaint:

- [ ] City/Town
- [ ] County
- [ ] Regional/District
- [ ] State

Name of Public Body (including city/town, county or region, if applicable): City Council, City of Gardner

Specific person(s), if any, you allege committed the violation: City Councilor Christine Johnson

Date of alleged violation: 8/1/2019
Description of alleged violation:
Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

City Councilor Christine Johnson responded to me about an e-mail I sent to Mayor Mark Peter Hawke. In doing so, she also copied the other Ten City Councilors and City Clerk. (evidence attached)

The intentional violation being, she not only copied the mayor in her response to me, but the other Ten Gardner City Councilors which I believe violates the "open meeting law" because she communicated with the other councilors and not in an "open and publicly posted meeting".

Because of my complaint to the Massachusetts Attorney General about the "open meeting violation" she is now harassing me on her Facebook Page. (evidence also attached)

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

A letter of admonishment from the Gardner City Council to Councilor Christine Johnson for violating the open meeting law.

A letter of reprimand for her harassing me on Facebook and encouraging others to do so.

Appropriate investigation and action by the Massachusetts Office of the Attorney General's Office.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: [signature]
Date: 9/5/2019
From: Christine Johnson <christine.johnson2014@comcast.net>  
To: PAUL DEMEO <ryanrealty@comcast.net>  
Cc: Mayor <Mayor@gardner-ma.gov>, Rachel Stephano (Mayor's Office), Alan Agnelli <agnelli@gardner-ma.gov>, William Galvin <william.galvin@sec.state.ma.us>, James Boone <jboone@gardner-ma.gov>, Nate Boudreau <nateboudreau@gmail.com>, Craig Cormier <ccormier@gardner-ma.gov>, Ronald Cormier <rctron@aol.com>, Gravel Ed, Scott Graves <sgraveslawoffice@verizon.net>, Karen Hardem <karenhardem@hotmail.com>, James D. Johnson, Kazinskias, Elizabeth, James M. Walsh, carolynkarnuda@aol.com, Michelle Wells <michelle@cloud.com>, Jeff Palmieri <jeffpalmieri1280@gmail.com>, newstips@whdh.com  
Date: August 1, 2019 at 4:59 PM  
Subject: Re: Official City of Gardner City Hall Facebook Page

Paul,

If you had read the about portion of the Facebook page of City Hall you would see that it states that the page is run by employees of the City Hall. Also under the about portion of that Facebook page it also states that the administrators of that page reserve the right to remove anything that is deemed to be abusive or personal attacks.

I would assume the reason why you were removed is because of your rhetoric against City Hall, the mayor and some of the employees.

Considering Facebook is not governed by a government agency it is not a matter of right to be able to comment or post on such a page.

Thank you

Christine Johnson

On Aug 1, 2019, at 2:19 PM, PAUL DEMEO <ryanrealty@comcast.net> wrote:

Mark,

I am blocked from commenting on the Official Gardner City Hall Facebook page and I can neither "Like" or "Comment" on any of the posts.

WHO is the official person in Gardner City Hall that runs this page?

Best Regards,
Paul DeMeeo
People who have reacted to City Councilor Christine Johnson’s Post on Facebook

- 30,29
- 32
- 1

Mark Hawke, Mayor of Garner
    Add Friend
Marion Knoll
    Add Friend
Rachel Jane, Mayor’s Secretary
Christine Treptow Rosbury
    Add Friend
Haleigh Olia Danserenu
    Add Friend
Lisa Staples
    Add Friend
Karen Hardern, City Councilor
    1 mutual friend
    Add Friend
Donna Melotti
    2 mutual friends
    Add Friend
James Bodine
Add Friend
Judy Tysinger
Paul Salmi Sr
Add Friend
Patrick Ballentine
Add Friend
Cat Donovan
Lori Antilla
Cheryl Wetherby-Bosse, City Employee
Add Friend
James D Johnson, City Councilor
Follow
Dorothy Ronn
Add Friend
James Peppard
Add Friend
Craig Cormier, City Councilor
Add Friend
Michelle Howard
Add Friend
Jerry Lenihan
Add Friend
Rich Hastien, Massachusetts Director of Veterans Cemetery Winchendon
Yesterday at 5:53 PM

There are some who are posting things on their Facebook attacking the Mayor for his comments to the Council last night. Apparently the same person feels the need to post my response to the disgraceful email that was sent to the entire council and news media. I will say this: I do not believe the mayor was out of line. There were accusations that women are paid less than men as department head positions. These statements were made by a couple of City Councillors who did not supply all facts surrounding the pay difference from what is written in the ordinance. I did my best to interject factual information regarding the reasons behind the reductions. Incidentally it wasn’t just women who were paid less than their predecessor. In MY opinion Mark Hays was put in a position to defend himself. Was he strong worded? Yes. I think he spoke well and agree with what he said.

Our city has paid every department head and employee according to experience and certification.

Christine Johnson Paul Salini Sr we received a disgraceful email this morning. I don’t have to mention the name.

Christine Johnson 9/5/2019

49 mins

What A POS!!!!! Bring it!

Christine Johnson 9/5/2019

3 hrs

Here are some definitions people should be familiar with. What is defamation?

Defamation is a false statement presented as a fact that causes injury or damage to the character of the person it is about. An example is “Tom Smith stole money from his employer.” If this is untrue and if making the statement damages Tom’s reputation or ability to work, it is defamation. The person whose reputation has been damaged by the false statement can bring a defamation lawsuit.

Defamation of character happens when something untrue and damaging is presented as a fact to someone else. This is illegal and punishable by law. Any attorney should know this.

Christine Johnson 9/5/2019

3 hrs

Interesting comments on a candidates page. The person who has SO many negative things to say about Gardner government refuses to admit that they are no longer a registered voter in Gardner.
Yesterday at 6:04 PM - 6/4/2019

Apparently, Yet again only my response was posted on someone’s site. Here is the chain that prompted my response. For your information:

PUBLIC RECORDS INFORMATION!

Email reed:
Mr. Mayor,

Your behavior was shameful at the Gardner City Council meeting tonight. It is apparent you became so defensive because you do in fact pay women less in the City of Gardner.

City Councilor Walsh did the research on the salary discrepancy between men and women in Gardner and I believe his facts to be correct tonight. As a retired attorney, Atty. Walsh dealt with facts his whole career.

Out of the eleven men hired in recent years only one was hired at a reduced salary. Ten received the same salary as the predecessor.

In the same time period three women were hired and two had to accept a reduced salary! Dymek tonight! Shameful!

Yes, you got your way tonight with Jennifer Dymek, the City of Gardner’s new Treasurer as she was forced to accept $1400 less than her predecessor and the city council on a 6/5 Vote, carried out your agenda once again.

You wrongfully fired Board of Health Agent Jennifer Susen Roy back in the Spring and paid her “hush money” to be silent. Those facts will be coming out and disclosed publicly.

Anybody can review the video of the taped meeting tonight online.

It’s time for you to step down as mayor in the City of Gardner and move on...... twelve years is more than enough!

Regards,
Paul DeMeco

---

My response:
Mr. Demeo,

I find it interesting the people who have a Grudge against the Mayor are fabricating such an outlandish statement bordering on defamation of character.

You fail to acknowledge that the 3 women on the Council agree with the change in the salary Ordinance.

I take offense to the statement that women are paid less in our city. The women and men in the city are paid according to experience and required certificates in the city.

I find it interesting that no facts as to the reason for reduction of salary are mentioned.

As I stated in the meeting there were half truths stated last night and I made points as to why anyone was paid less than ordinance.

Mayor Hawke was clearly upset at the remarks of a Councilor stating that he was sexually bias against women. Any human would have reacted the same way.

As a woman I find your email appalling and disgraceful.

Thank you
Christine Johnson

And the response back to me:
Councilor Johnson,

Councilor Walsh did his homework and stated the facts as I believe to be true. A 6/5 vote in favor is no victory for the mayor but questions his motives and treatment of women in the workplace.
The mayor's outcry and tirade on the city council floor was shameful and disgusting.

Nobody has a grudge against the mayor nor does anyone hate him, as you and he would have others to believe.

You should take offense that women are paid less in the City of Gardner and advocate for fairness.

I and many others feel the mayor is biased as it has been seen many times.

Jennifer Susen Roy was fired by the mayor and for what reasons? Do you as a councilor know or care?

Donna Kloskey was let go from her city position after the mayor failed to fund her position in a new budget. As a graduate of the "HOPE program for Women" in the city Donna was an asset.

WHY you would condone the poor behavior and character of this mayor is beyond me. The mayor once again gets his way with the support of the city council by ONE VOTE.

There are examples of Three other instances where women have been paid less than men over the tenure of this twelve year mayor that his been brought to my attention and a separation 'agreement' which included not pursuing claims of gender pay discrimination!

I am happy to support both women and men in the workplace to assure they receive equal pay, benefits, and treatment. I am very sorry you do not feel this way.

Jennifer Dymek speaks up for herself and receives "marginal support" from the city council.

Hopefully the media copied on these e-mails will launch an investigation into the hiring and firing practices in the City of Gardner as I am sure there is much to uncover!

Regards,

Paul DeMeo
"PUBLIC RECORD IN GARDNER"

Mr DeMeo,
I find it interesting the people who have a Grudge against the Mayor are fabricating such an outlandish statement bordering on defamation of character.

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As a woman I find your email appalling and disgraceful.

Thank you

Christine Johnson
Do you know Christine?

Follow Christine to get her public posts in your News Feed. Following

* Intro
  * Self-Employed

Manages Gardner, MA Politics information you should know

Christine Johnson's photo.
Life Events

Christine Johnson

Shipped New Job at S elf: Ordained
Employed: Minister
August 31, 2018

English (US) · Español · Português (Brasil) · Français (France) · Deutsch · Privacy · Terms · Advertising · Ad Choices · Cookies · More
Facebook © 2019
2 hrs
What A POS!!!! Bring it!

4 Comments
Like
Share

- Kathleen Will
  Kathleen Will Are you watching Tucker?
  1
  Hide or report this
  - Like
    - 2h
- Russell Jones
  Russell Jones ???
  1
  Hide or report this
  - Like
    - 2h
Comments

- Robbo Da Boya
  Robbo Da Boya: I smell strange pussy
  1
  Hide or report this
  
  - Like
  - 1h

Christine Johnson

1h ago
Here are some definitions people should be familiar with: What is defamation?

Defamation is a false statement presented as a fact that causes injury or damage to the character of the person it is about. An example is “Tom Smith stole money from his employer.” If this is untrue and if making the statement damages Tom’s reputation or ability to work, it is defamation. The person whose reputation has been damaged by the false statement can bring a defamation lawsuit.

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This is illegal and punishable by law. Any attorney should know this.

---

Christine Johnson

3 hrs ago

Interesting comments on a candidates page. The person who has SO many negative things to say about Gardner government refuses to admit that they are no longer a registered voter in Gardner.

Like

Love

Haha

Wow

Sad

Angry

Share

---

Steve Rockwood

Steve Rockwood Inactive?...... Gotta send the Street List / Census form back annually.

Like or report this

Like

Christine Johnson

Christine Johnson Steve Rockwood anyone can fill out a form mid year to withdraw from voting in Gardner.

Like or report this

Like

Steve Rockwood

Steve Rockwood If that is what they want...... oh well.

Like or report this

Like

Christine Johnson

Christine Johnson Steve Rockwood which means.....

Like or report this

Like
Steven Rockwood
They still get a voice; however, the voice is weaker when it is known that they do not participate.

Like

Judy Tyzinger
Isn't that hilarious!!

Rich Bastien

Like

Candy Jennings Scarale
Just a troll... lol
Vote James D Johnson LCDR Retired Navy Ward 5 Councillor.
Gardner City Hall
August 28 at 3:49 PM

Cultural Council Applications Available

The Gardner Cultural Council is currently accepting standard grant applications and field trip grant applications for projects to be completed in 2020. The application is available online only at https://www.mass-culture.org/Gardner. A total of $20,000.00 in council funds will be awarded to qualified grant applicants. The Gardner Cultural Council’s priority is to fund cultural programs that benefit children, families, and the Gardner community at large. Each application will be evaluated on its own merits. Those that meet council guidelines and benefit Gardner residents will be funded in part or in full. Applications must be completed and submitted by October 15, 2020.

See More
Like
Share

Comments

Christine Johnson
13 hrs

Looks like a blast!

Image may contain: 6 people, people smiling, outdoor

Image may contain: one or more people
This was an EPIC start to our Brooklyn stop on the tour! Did we capture you in your element?!

Featuring The Worlds Biggest Bounce House, Americas Longest Inflatable Obstacle Course & airSPACE - it’s a truly unforgettable experience!

Sneakers OFF, Party ON! 🎉

Like More
Share

Christine Johnson

13 hrs
No photo description available.
Christine Johnson shared a memory.

15 hrs ·

نظرات

2 Years Ago
See Your Memoriesthevron-right
Like Page

American Reality Fun Page
April 27, 2017 ·

2,271,424 Views

Note
Additional Visual Settings
Comments
Mute

Click for more
It looks like you may be having problems playing this video. If so, please try restarting your browser.

Close
Christine Johnson shared a memory
2,271,424 Views

Could you imagine if we had this set up in GARDNER somewhere? That would be awesome!

2 Years Ago
Dose is with The Big Bounce America.
August 11, 2017
This giant bounce house is touring the country.

Ok that's pretty cool.
It looks like you may be having problems playing this video. If so, please try refreshing your browser.

Rainbow City Skyline Made with Melted Crayons by Zenspire Designs
Posted by Art Buzz
237,449 Views

SAT, SEP 21 AT 9 AM
Great American Cleanup of Gardner
60 Pearson Blvd (the Gardner Plaza), Gardner, MA 01440-3910, United States

Shared to Gardner, Ma - What's going on
Interested
22
1 Comment
Like
Share

Comments

- neon le blanc
  Thanks for sharing this post, Christine 🌈 Neon 😊
  Hide or report this
  ⬤ Like
  ⬤ 12h

James D Johnson

Yesterday at 11:05 PM

Christine Johnson, Love you!

Image may contain: text

Kathy Harvey Gray to Christine Johnson

Yesterday at 10:28 PM
9/16/2019

Christine Johnson

So sad to see you not running. But wish you well in your future endeavors. Love you always.❤️

11
Share

Comments

Christine Johnson

Yesterday at 7:33 PM ·

Oh yes.

Image may contain: text

Kelly Vermeus

September 2 at 5:27 PM

All the time

1616
8 Comments 3 Shares
Like
Share

View 4 more comments

James D Johnson

James D Johnson Facebook comments too!😊

Hide or report this
Like

Rosc Bourgeois

Rosc Bourgeois Yes

Hide or report this

file:///C:/Users/aagnelli/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/RUHNO021T/Christine Johnson 2.html
Like
  • 1d
  • Lori Antilla
Lori Antilla Lol I just did that.
  I
Hide or report this
  • Like
  • 1d
  • Mike Ingman
Mike Ingman If only I had the time back that I spent crafting a carefully worded response only to dump it because the dope on the other end would twist it anyway.....
  2
Hide or report this
  • Like
  • 1d

Christine Johnson

Yesterday at 6:39 PM

About this website
wrko.theart.com
Florida Man Parks Smart Car In Kitchen So It Won't Blow Away During Dorian
WRKO-AM 680
The Category 2 storm is slowly moving up the coast toward Georgia and South Carolina.
99
2 Comments
Like
Share

Comments
  • Paul Salmi Sr
Paul Salmi Sr smart guy
  Hide or report this
  • Like
  • 1d
  • Paul Salmi Sr
Paul Salmi Sr With all this male/female stuff going on, maybe it was his wife's idea, if so... wtg!!!
  Hide or report this
  • Like
  • 1d

Christine Johnson

Yesterday at 6:06 PM

Apparently. Yet again only my response was posted on someone's site. Here is the chain that prompted my response. For your information:
PUBLIC RECORDS INFORMATION!

Email recd....

Continue Reading
11
4 Comments
Like
Share

 Comments

- Christine Johnson
  Christine Johnson
  Hide or report this
  No photo description available.

- Like
  - 1d

- Christine Johnson
  Christine Johnson
  Hide or report this
  Image may contain: text

- Like
  - 1d

- Cat Donovan
  Cat Donovan Paul Demeo is a rabble rouser. Just because Jim Walsh was a lawyer, doesn't give his opinion any more credence. Mark has done a good job as mayor, and people are making mountains out of molehills.
  2
  Hide or report this
  - Like
    - 1d

- Lori Antilla
  Lori Antilla Please everyone just get along for the sake of Gardner and it's people please.
  1
  Hide or report this
  - Like
    - 1d
Yesterday at 5:53 PM

There are some who are posting things on their Facebook attacking the Mayor for his comments to the Council last night. Apparently the same person feels the need to post my response to the disgraceful email that was sent to the entire council and news media. I will say this: I do not believe the mayor was out of line. There were accusations that women are paid less than men as department head positions. These statements were made by a couple of City Councillors who did not...supply all facts surrounding the pay difference from what is written in the ordinance, I did my best to interject factual information regarding the reasons behind the reductions. Incidentally it wasn’t just women who were paid less than their predecessor. In MY opinion Mark Hawke was put in a position to defend himself. Was he strong worded? Yes. I think he spoke well and agree with what he said.

Our city has paid every department head and employee according to experience and certification.

See More
2223
11 Comments
Like
Share

Comments

View 3 more comments

- James D Johnson
  James D Johnson Those that stir the shit pot should have to lick the spoon.
  2
  Hide or report this
  o
  Like
  o · 1d

- Steve Rockwood
  Steve Rockwood He does stir the pot and then sits back to watch.
  2
  Hide or report this
  o
  Like
  o · 1d

- Steve Rockwood
  Steve Rockwood I was not happy with the Mayoral entrance or the delivery at the start. But after the Council President stepped in..... the mayoral content was reasonably delivered.
  2
  Hide or report this
  o
  Like
  o · 1d

- Judy Tysinger
  Judy Tysinger replied
  2 Replies

- Scott Graves
  Scott Graves My biggest fear in this campaign so far is it has entirely lacked any discourse on economic development projects proposed, strategic economic or civic improvement plans proposed, any ideas, plans, policy changes; any discussion of substance whatsoever... See More
  2
  Hide or report this
  o
  Like
  o · 15h
• Steve Rockwood
  Steve Rockwood Some pretty good banging for a while. Finally rain to
  the point of DISH giving up. Tornado warning for the southwest corner of
  the state and part of Northern CT.
  2
  Hide or report this
  • Like
  • 1d

• Steve RockwoodSteve Rockwood replied
  3 Replies
  • Barbara Coderce
  Barbara Coderce Prayers for all of them.
  1
  Hide or report this
  • Like
  • 1d
9/16/2019  Christine Johnson

Malia May
REMOVE
• Finding results

Recently Viewed Posts

• Finding results
• Finding results
• Finding results

Cc:

• Save post
• Turn on notifications
• Find Support or Report Post
  I'm concerned about this post

Image may contain: text
Type any name to tag:
Type any name
Good Morning Carrie,

Thank you for sending me the information and form yesterday. Here is the second of my two complaints against Gardner City Councilor Christine Johnson. As you can see from the attached documents, she is stirring things up in Gardner because I have filed a complaint with the AG’s Office and she is posting on her personal Facebook page comments about me. Those that have liked her comments on Facebook include other Gardner Officials (mayor, city councilors, city employees) which is attached which I consider harassment because I have filed a complaint.

City Clerk Alan Agnelli and City Council President (Atty) Scott Graves are copied.

Because of the harassment, please take the appropriate action your office deems necessary.

Thank you very much!

Best Regards,
Paul DeMeo
OPEN MEETING LAW COMPLAINT FORM
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:
First Name: Paul
Last Name: DeMeo
Address: 9 Willis Road
City: Gardner State: MA Zip Code: 01440
Phone Number: 978-632-1300 Ext.
Email: ryanrealty@comcast.net
Organization or Media Affiliation (if any):

Are you filing the complaint in your capacity as an individual, representative of an organization, or media? (For statistical purposes only)

Individual  Organization  Media

Public Body that is the subject of this complaint:

City/Town  County  Regional/District  State

Name of Public Body (including city/town, county or region, if applicable): City Council, City of Gardner
Specific person(s), if any, you allege committed the violation: City Councilor Christine Johnson
Date of alleged violation: 9/4/2019
Description of alleged violation:
Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

City Councillor Christine Johnson responded to me about an e-mail I sent to Mayor Mark Peter Hawke. In doing so, she also copied the other Ten City Councilors and City Clerk. (evidence attached)

The intentional violation being, she not only copied the mayor in her response to me, but the other Ten Gardner City Councilors which I believe violates the "open meeting law" because she communicated with the other councilors and not in an "open and publicly posted meeting".

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What action do you want the public body to take in response to your complaint?

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A letter of reprimand for her harassing me on Facebook and encouraging others to do so.

Appropriate investigation and action by the Massachusetts Office of the Attorney General's Office.

Review, sign, and submit your complaint

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By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: [Signature]  Date: 9/5/2019

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:
Mr. Demeo,
I find it interesting the people who have a Grudge against the Mayor are fabricating such an outlandish statement bordering on defamation of character.

You fail to acknowledge that the 3 women on the Council agree with the change in the salary Ordinance.

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Thank you
Christine Johnson

Christine Johnson
Mr. Mayor,

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Out of the eleven men hired in recent years only one was hired at a reduced salary. Ten received the same salary as the predecessor.

In the same time period three women were hired and two had to accept a reduced salary! Dymek tonight! Shameful!

Yes, you got your way tonight with Jennifer Dymek, the City of Gardner’s new Treasurer as she was forced to accept $1400 less than her predecessor and the city council on a 6/5 Vote, carried out your agenda once again.

You wrongfully fired Board of Health Agent Jennifer Susen Roy back in the Spring and paid her "hush money" to be silent. Those facts will be coming out and disclosed publicly.

Anybody can review the video of the taped meeting tonight online.

It’s time for you to step down as mayor in the City of Gardner and move on....... twelve years is more than enough!

Regards,
Paul DeMeo
August 14, 2019

Jennifer Dymek
City of Gardner

RE: Offer Letter

Ms. Dymek,

Congratulations again on your election as City Treasurer/Collector for the City of Gardner.

Pursuant to our conversation of August 14, 2019 your salary effective August 19, 2019 will be as follows:

Treasurer/Collector $82,708.99
MGL c32 sec 20(8) $300.00
$83,008.99

Please countersign below and return a copy to my attention.

All the best,

Mark Hawke
Mayor, City of Gardner

* I wholeheartedly agree with the explanation that $14,000.01 is needed from the salary line to pay Charlie to come back for training. Calvin Brooks was paid from Professional Services. There will also be a $6,000 surplus in the Purchasing Salary account due to the position being vacant for several weeks. I believe Sam is entitled to the salary listed in the existing variance unless and until the Ordinance is changed.

City Hall, 95 Pleasant Street, Room 125, Gardner, Massachusetts 01440
Telephone: (978) 630-1490 • Facsimile (978) 630-3778 • Email: mayor@gardner-ma.gov
People who have reacted to City Councilor Christine Johnson's Post on Facebook

- Ali Z.

- 

- 

Mark Hawke, Mayor of Gardner
Add Friend

Marion Knoll
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Rachel Jane, Mayor's Secretary
Christine Treptow Rosbury
Add Friend

Haleigh Olia Danserau
Add Friend

Lisa Staples
Add Friend

Karen Hardern, City Councilor
Add Friend

Donna Melatti
Add Friend

James Bocine
Add Friend
Judy Tysinger
Paul Salmi Sr
Add Friend
Patrick Ballentine
Add Friend
Cat Donovan
Lori Antilla
Cheryl Wetherby-Bosse, City Employee
Add Friend
James D Johnson, City Councillor
Follow
Dorothy Ronn
Add Friend
James Peppard
Add Friend
Craig Cormier, City Councillor
Add Friend
Michelle Howard
Add Friend
Jerry Lenihan
Add Friend
Rich Bastien, Massachusetts Director of Veterans Cemetery Winchendon
Christine Johnson  9/4/2019

There are some who are posting things on their Facebook attacking the Mayor for his comments to the Council last night. Apparently the same person feels the need to post my response to the disgraceful email that was sent to the entire council and news media. I will say this: I do not believe the mayor was out of line. There were accusations that women are paid less than men as department head positions. Those statements were made by a couple of City Councillors who did not supply all facts surrounding the pay difference from what is written in the ordinance. I did my best to interject factual information regarding the reasons behind the reductions. Incidentally it wasn’t just women who were paid less than their predecessor. In MY opinion Mark Hawke was put in a position to defend himself. Was he strong worded? Yes. I think he spoke well and agree with what he said. Our city has paid every department head and employee according to experience and certification.

Christine Johnson  9/5/2019

Paul Salma Sr we received a disgraceful email this morning. I don’t have to mention the name.

Christine Johnson  9/5/2019

40 mins

What A POS!!!!! Bring it!

Christine Johnson  9/5/2019

3 hrs

Here are some definitions people should be familiar with: What is defamation?
Defamation is a false statement presented as a fact that causes injury or damage to the character of the person it is about. An example is “Tom Smith stole money from his employer.” If this is untrue and if making the statement damages Tom’s reputation or ability to work, it is defamation. The person whose reputation has been damaged by the false statement can bring a defamation lawsuit.
Defamation of character happens when something untrue and damaging is presented as a fact to someone else.
This is illegal and punishable by law. Any attorney should know this.

Christine Johnson  9/5/2019

3 hrs

Interesting comments on a candidates page. The person who has SO many negative things to say about Gardner government refuses to admit that they are no longer a registered voter in Gardner.
Yesterday at 6:06 PM - 9/4/2019

Apparently. Yet again only my response was posted on someone’s site. Here is the chain that prompted my response. For your information:

PUBLIC RECORDS INFORMATION!

Email reed:
Mr. Mayor,

Your behavior was shameful at the Gardner City Council meeting tonight. It is apparent you became so defensive because you do in fact pay women less in the City of Gardner.

City Councilor Walsh did the research on the salary discrepancy between men and women in Gardner and I believe his facts to be correct tonight. As a retired attorney, Atty. Walsh dealt with facts as whole career.

Out of the eleven men hired in recent years only one was hired at a reduced salary. Ten received the same salary as the predecessor.

In the same time period three women were hired and two had to accept a reduced salary! Dymek tonight! Shameful!

Yes, you got your way tonight with Jennifer Dymek, the City of Gardner’s new Treasurer as she was forced to accept $1400 less than her predecessor and the city council on a 6/5 Vote, carried out your agenda once again.

You wrongfully fired Board of Health Agent Jennifer Susan Roy back in the Spring and paid her “hush money” to be silent. Those facts will be coming out and disclosed publicly.

Anybody can review the video of the taped meeting tonight online.

It’s time for you to step down as mayor in the City of Gardner and move on...... twelve years is more than enough!

Regards,
Paul DeMeo

---

My response:
Mr Demeco,
I find interesting the people who have a Grudge against the Mayor are fabricating such an outlandish statement bordering on defamation of character.

You fail to acknowledge that the 3 women on the Council agree with the change in the salary Ordinance.

I take offense to the statement that women are paid less in our city. The women and men in the city are paid according to experience and required certificates in the city.

I find it interesting that no facts as to the reason for reduction of salary were mentioned.

As I stated in the meeting there were half truths stated last night and I made points as to why anyone was paid less than ordinance.

Mayor Hawke was clearly upset at the remarks of a Councilor stating that he was sexually bias against women. Any human would have reacted the same way.

As a woman I find your email appalling and disgraceful.

Thank you
Christine Johnson

And the response back to me:
Councilor Johnson,

Councilor Walsh did his homework and stated the facts as I believe to be true. A 6/5 vote in favor is no victory for the mayor but questions his motives and treatment of women in the workplace.
The mayor's outcry and tirade on the city council floor was shameful and disgusting. Nobody has a grudge against the mayor nor does anyone hate him, as you and he would have others to believe. You should take offense that women are paid less in the City of Gardner and advocate for fairness. I and many others feel the mayor is biased as it has been seen many times.

Jennifer Susen Roy was fired by the mayor and for what reasons? Do you as a councilor know or care? Donna Kliskey was let go from her city position after the mayor failed to fund her position in a new budget. As a graduate of the "HOPE program for Women" in the city Donna was an asset. WHY you would condone the poor behavior and character of this mayor is beyond me. The mayor once again gets his way with the support of the city council by ONE VOTE.

There are examples of Three other instances where women have been paid less than men over the tenure of this twelve year mayor that has been brought to my attention and a separation "agreement" which included not pursuing claims of gender pay discrimination!

I am happy to support both women and men in the workplace to assure they receive equal pay, benefits, and treatment. I am very sorry you do not feel this way.

Jennifer Dymek speaks up for herself and receives "marginal support" from the city council.

Hopefully the media copied on these e-mails will launch an investigation into the hiring and firing practices in the City of Gardner as I am sure there is much to uncover!

Regards,
Paul DeMeo
"PUBLIC RECORD IN GARDNER"

Mr. DeMeo,

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As a woman I find your email appalling and disgraceful.

Thank you

Christine Johnson
Do you know Christine?

Follow Christine to get her public posts in your News Feed. Following

Intro

* Self-Employed

Manages Gardner, MA Politics; information you should know

* Christine Johnson's photo.
Christine Johnson

2 hrs ·
What A POS!!!! Bring it!

4 Comments
Like
Share

Comments

• Kathleen Will
  Kathleen Will Are you watching Tucker?
  Hide or report this
  Like
  2h

• Russell Jones
  Russell Jones ???
  Hide or report this
  Like
  2h
Exhibit

James D Johnson
Remind me next time we go shooting.

Christine Johnson

4 hrs

Here are some definitions people should be familiar with: What is defamation?

Defamation is a false statement presented as a fact that causes injury or damage to the character of the person it is about. An example is "Tom Smith stole money from his employer." If this is untrue and if making the statement damages Tom’s reputation or ability to work, it is defamation. The person whose reputation has been damaged by the false statement can bring a defamation lawsuit.

Defamation of character happens when something untrue and damaging is presented as a fact to someone else.
9/16/2019

This is illegal and punishable by law. Any attorney should know this.

Christine Johnson

4 hrs

Interesting comments on a candidates page. The person who has SO many negative things to say about Gardner government refuses to admit that they are no longer a registered voter in Gardner.

99
8 Comments | Share

Like

Like

Love

Haha

Wow

Sad

Angry

Share

Comments

Steve Rockwood

Steve Rockwood Inactive?..... Gotta send the Street List / Census form back annually.

Hide or report this

Like

Christine Johnson

Christine Johnson Steve Rockwood anyone can fill out a form mid year to withdraw from voting in Gardner.

Hide or report this

Like

Steve Rockwood

Steve Rockwood If that is what they want...... oh well.

Hide or report this

Like

Christine Johnson

Christine Johnson Steve Rockwood which means.....
Steve Rockwood
They still get a voice; however, the voice is weaker when it is known that they do not participate.

Judy Tysinger
Judy Tysinger isn’t that hilarious!!!

Rich Bastien
Hide or report this

Cardy Jennings Scarale
Just a troll... h1
Christina Johnson

Christina Johnson is with James D Johnson.

5 hrs

Voto James D Johnson LCDR Retired Navy Ward 5 Councillor.

Image may contain: 1 person, text
The Gardner Cultural Council is currently accepting standard grant applications and field trip grant applications for projects to be completed in 2020. The application is available online only at https://www.mass-culture.org/Gardner. A total of $20,000.00 in council funds will be awarded to qualified grant applicants. The Gardner Cultural Council’s priority is to fund cultural programs that benefit children, families, and the Gardner community at large. Each application will be evaluated on its own merits. Those that meet council guidelines and benefit Gardner residents will be funded in part or in full. Applications must be completed and submitted by October 15, 2020.

Looks like a blast!

6 people, people smiling, outdoor
This was an EPIC start to our Brooklyn stop on the tour! Did we capture you in your element?!

Featuring The Worlds Biggest Bounce House, Americas Longest Infla...tiles Obstacle Course & airSPACE - it's a truly unforgettable experience!

Want to join in on the fun? Check out the full touring schedule at

See More
Like
Share

13 hrs

No photo description available.
Oldtimers
Community
Shop Now
Oldtimers  Like Page
September 3 at 11:00 AM
11
Like
share

Comments

Christine Johnson shared a memory.

15 hrs

2 Years Ago
See Your Memories chevron-right
Like Page

American Reality Fun Page
April 27, 2017

2,271,424 Views

Like
Share
Additional Visual Settings
Comments
Urnute
Click for more
It looks like you may be having problems playing this video. If so, please try restarting your browser.
Close
Outsidespaced charter chevron-right
Page
2,271,424 Views

15 hrs

Could you imagine if we had this set up in GARDNER somewhere? That would be awesome!

2 Years Ago

file:///C:/Users/aagnelli/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/RUHN021T/Christine Johnson 2.html
Dose is with The Big Bounce America.
August 11, 2017

This giant bounce house is touring the country.

Ok that’s pretty cool.
9/18/2019

Christine Johnson

So sad to see you not running. But wish you well in your future endeavors. Love you always. ❤

1 Like
Share
Comments

Christine Johnson

Yesterday at 7:33 PM

Oh yes.

Image may contain: text

Kelly Vermette
September 2 at 5:27 PM

All the time

1616 Likes
3 Shares
Like
Share
Comments

View 4 more comments

• James D Johnson
  James D Johnson Facebook comments too! 🐐

• Rose Bourgeois
  Rose Bourgeois Yes

Hide or report this

Like
Id
PUBLIC RECORDS INFORMATION!

Email reed:

Continue Reading
11
4 Comments
Like
Share

Comments

- Christine Johnson
  Christine Johnson
  Hide or report this
  No photo description available.

- Cat Donovan
  Cat Donovan Paul Demeo is a rabble rouser. Just because Jim Walsh was a lawyer, doesn't give his opinion any more credence. Mark has done a good job as mayor, and people are making mountains out of molehills.
  Like
  1d

- Lori Antilla
  Lori Antilla Please everyone just get along for the sake of Gardner and it's people please.
  Like
  1d
Yesterday at 5:53 PM

There are some who are posting things on their Facebook attacking the Mayor for his comments to the Council last night. Apparently the same person feels the need to post my response to the disgraceful email that was sent to the entire council and news media. I will say this: I do not believe the mayor was out of line. There were accusations that women are paid less then men as department head positions. These statements were made by a couple of City Councillors who do not supply all facts surrounding the pay difference from what is written in the ordinance. I did my best to interject factual information regarding the reasons behind the reductions. Incidentally it wasn’t just women who were paid less than their predecessor. In my opinion Mark Hawke was put in a position to defend himself. Was he strong worded? Yes. I think he spoke well and agree with what he said.

Our city has paid every department head and employee according to experience and certification.

See More
2123
11 Comments
Like
Share

Comments

View 3 more comments

- James D Johnson
  Those that stir the shit pot should have to lick the spoon.
  Hide or report this
  Like
  1d

- Steve Rockwood
  He does stir the pot and then sits back to watch.
  Hide or report this
  Like
  1d

- Steve Rockwood
  I was not happy with the Mayoral entrance or the delivery at the start. But after the Council President stepped in.... the mayoral content was reasonably delivered.
  Hide or report this
  Like
  1d

Judy Tysinger
- Judy Tysinger replied
  2 Replies

- Scott Graves
  My biggest fear in this campaign so far is it has entirely lacked any discourse on economic development projects proposed, strategic economic or civic improvement plans proposed, any ideas, plans, policy changes; any discussion of substance whatsoever.... See More
  Hide or report this
  Like
  15h

Yesterday at 4:49 PM

No photo description available.
Recently Viewed Posts

- Finding results
- Finding results
- Finding results
Type any name to tag:
APPLICATION FOR FORTUNE TELLER LICENSE

Name of Applicant: Genevieve Hackett
Applicant’s Length of Residency in Gardner and Years Residing: 0 Mailing address is Gardner
Name of Business: Central Mass Serenity
Owner of Business: Genevieve Hackett
Name of Manager of Business: Genevieve Hackett
Address of Business: 310 Central Street, Gardner, MA 01440
Telephone # of Business: (978) 410-4433
Facsimile # of Business: n/a
Expected Opening Date: June 1, 2018
Hours of Operation (specify days of week along with opening and closing hours): by appointment and class schedule which will vary

List all services which will be provided. Please attach additional pages if necessary.

<table>
<thead>
<tr>
<th>Name/Type of Service</th>
</tr>
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<tbody>
<tr>
<td>Psychic Medium, Energy Healing, Spiritual Learning Center.</td>
</tr>
</tbody>
</table>

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §185I.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Genevieve Hackett
DATE SIGNED 9/9/2019

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

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

License Application Processing Fee must be submitted with this form. Make check payable to City of Gardner. Mail Application Form, Workers' Compensation Affidavit, and CORI Form and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440-2690.

Fortune Teller Licenses Expire on April 30th Annually
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 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. Schafroth
Chairman

Cc: Planning Board
    City Engineer
    Director DPW
    Mayor

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

[Signatures]

Chris Coughlin
City Engineer

Dane Arnold
DPW Director
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

By: ALAN L. AGNELLI, City Clerk
SCOPE:
- 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
NOTICE TO ABUTTERS

August 7, 2019

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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
NOTICE TO ABUTTERS

August 7, 2019

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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
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 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. Schafron
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
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED “ZONING,” TO CHANGE THE CLASSIFICATIONS OF PARCELS OF LAND LOCATED WITHIN THE DOWNTOWN URBAN RENEWAL AREA AND PARCELS BORDERING THE AREA TO THE SOUTH OF ROUTE 2.

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

Section 1. Chapter 675 is hereby amended to change the classifications of parcels of land described as follows:

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<td>R22-02-01</td>
<td>I1</td>
</tr>
<tr>
<td>R17-01-16</td>
<td>C2</td>
</tr>
<tr>
<td>R17-01-15</td>
<td>C2</td>
</tr>
<tr>
<td>R17-01-13</td>
<td>C2</td>
</tr>
<tr>
<td>R17-01-14</td>
<td>C2</td>
</tr>
</tbody>
</table>

Section 2. 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.
<table>
<thead>
<tr>
<th>Address</th>
<th>Assessor 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></td>
<td>C1</td>
<td>SP</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>PBSP</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></td>
<td>SP</td>
<td>C1</td>
<td>SP</td>
</tr>
<tr>
<td>158 Main Street</td>
<td>R22-6-2</td>
<td>vacant land</td>
<td>I1</td>
<td></td>
<td>C1</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>R2-2-1-34</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>I1/11</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>I1/11</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>C1/11</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></td>
<td></td>
<td>C2</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></td>
</tr>
<tr>
<td>9 Willow Street</td>
<td>M22-15-73</td>
<td>vacant lot</td>
<td>GR3</td>
<td></td>
<td></td>
<td></td>
<td>owned by 7 Willow / used as parking area</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>C1/11</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>C1/11</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></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></td>
</tr>
<tr>
<td>Property Name</td>
<td>Address</td>
<td>Use</td>
<td>Zoning</td>
<td>I1</td>
<td>P</td>
<td>C2</td>
<td>SP</td>
</tr>
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</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></td>
<td></td>
<td>SP</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></td>
<td>I1</td>
<td>P</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></td>
<td>C2</td>
<td>P</td>
</tr>
<tr>
<td>101 Mechanic</td>
<td>office bldg.</td>
<td></td>
<td>I2</td>
<td>SP</td>
<td></td>
<td>C2</td>
<td>P</td>
</tr>
<tr>
<td>9 Crawford Street</td>
<td>Rest. Fast food drive thru</td>
<td></td>
<td>I2</td>
<td>NP</td>
<td></td>
<td>C2</td>
<td>P</td>
</tr>
<tr>
<td>117 Mechanic Street</td>
<td>Rest. Fast food drive thru</td>
<td></td>
<td>I2</td>
<td>NP</td>
<td></td>
<td>C2</td>
<td>P</td>
</tr>
<tr>
<td>Properties to be changed from I2 to C1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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
RENEWED MOTIONS (RENEWAL OF FAILED MOTIONS) IN GARDNER

At our August 5, 2019 City Council Meeting, I ruled that the Mayor’s new ("renewed") salary change ordinances (which split the Mayor’s and the City Council’s into each its own) was out of order because the same ordinance proposal (only undivided) was just defeated on June 17, 2019. Notwithstanding common sense, I believe it was an incorrect ruling on my part.

BACKGROUND:

On June 17, 2019, the Mayor’s and City Councillors’ pay raise ordinance was proposed. The motion to pass that proposed ordinance was defeated 5-5 - it needed 6 yes votes to pass.

On August 5, 2019 it came back to the City Council in substantially the same form. The only difference was that it was divided, the Mayor’s salary on one and the City Councillors’ salaries on another (which is clearly not a “substantial” change from the June 17th version).

I had reviewed the City Charter and the City Council Rules on the question of whether the same ordinance, just defeated, can come right back for a “re-do” or a “do-over.” Unfortunately, neither the City Charter nor the City Council Rules cover this issue at all. Therefore, I had to refer to ROBERT’S RULES OF ORDER (I’ll refer to them as “Robert’s”) for the answer. This is directed by our City Council Rule 20.

In Section 8 of Robert’s, this issue is covered. These “re-do’s” or “do-overs” are referred to as the “renewal of motions.” In that Section 8, Robert’s prohibits a “renewed motion” in the same session unless it is substantially different than the one that was previously defeated. Because the Mayor’s August 5, 2019 “do-over” ordinance was not substantially different than the June 17, 2019 defeated ordinance (and was in all material ways identical to it), I ruled it was out of order and disallowed.

THE PRESENT QUESTION: Was my decision correct?

Common sense would dictate that the Mayor’s August 5, 2019 proposed ordinance should not be allowed to come (almost immediately) back to the City Council for a “re-do” or a “do-over.” But, common sense is not applicable in government.

Should a government official in the City of Gardner be allowed to bring back the same proposed ordinance over and over and over again – for as many times as it takes for the City Council to finally capitulate and submit to it? The answer is “yes.”

Again, the City Charter and the City Council Rules are impotent (there is purposely no “r” in that word) on this issue. So, therefore, the answer can only be found in Robert’s Rules of Order - as directed by our City Council Rule 20.

Section 8 - Robert’s Rules of Order characterize these “re-do’s” (these “do-over” attempts) as “renewed” motions (or “renewed” questions). In Section 8, Robert’s Rules prohibits a “renewed motion” in the same “session” unless it is substantially different than the one that was previously defeated.

KEY QUESTION: What does the term “session” mean in the City of Gardner? In my ruling, I had believed that, like other legislative bodies, a City Council “session” was equal to the term of the City Councillors making up this City Council (2 years). That is wrong. Thus, my ruling was wrong.

First of all, neither the Charter or the City Council Rules define “session.” But, if we take the City Council Rules in their full context, our predecessors treat the term “session” as the same thing as a “meeting.” This can be especially seen in City Council Rules 2, 15 and 16. Importantly, that our predecessor City Councils meant “session” to mean the same thing as “meeting” is expressly supported by Robert’s.

On Page 82 of Robert’s – A “session” can be one meeting devoted to a single order of business, program, agenda.¹

On page 81 and page 82 of Robert’s - A “meeting” is one single official gathering, which can take from a few minutes to several hours, and each “meeting” ends - and is not continued to be picked back up in the succeeding meeting at the place where it was left off (that is, each meeting is ended when a motion to adjourn passes).

On page 89 of Robert’s - A “meeting” can also be a “session” - “[e]ach regular meeting normally completes a separate session.”

On page 92 of Robert’s - “[a]s in the case of a regular meeting, the session of a special meeting in an ordinary society is normally concluded in a single meeting . . . .” (I added the italics).

On page 94 of Robert’s - “[w]hen common expressions such as ‘regular meeting’ . . . are used in (the City Council Rules), the word meeting is understood to mean session in the parliamentary sense . . . .” (italics are original, not mine).

¹ A “session” can also consist of more than one “meeting.” The Gardner City Council does not do it this way. When a “session” consists of more than one “meeting,” then the “session” is a series of connected meetings, where each succeeding meeting is scheduled to pick up on the continuing business at the point where it was left off at the previous meeting. The City Council does not do business that way, and each City Council Meeting is ended upon adjournment, and does not continue into the next meeting. Our “sessions” are exactly one “meeting” each.
**BOTTOM LINE:** The Gardner City Council conducts its business so that each “meeting” is its own “session.” Because the Mayor’s renewed August 5, 2017 ordinance was brought back up in a different meeting, the City Council was in a different “session.” Thus, Robert’s Rules did not prohibit the renewed ordinance. Thus, the Mayor’s “re-do” or “do-over,” despite any application of common sense one may be inclined to administer to the question, was NOT out of order and the City Council should have voted on the Mayor’s August 5, 2019 renewed salary ordinance.

So, the question must come back up. In my opinion.

Carry on.

Scott J.L.G. Graves, Council President
#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:

| Exhibit B |
| City Council |
| Position | Effective 1-2-2018 | Effective 1-6-2020 |
| President | $10,707.00 | $10,921.00 |
| Councillor | $7,326.00 | $7,473.00 |

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.

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:

<table>
<thead>
<tr>
<th></th>
<th>Parking Meter Clerk Salary</th>
<th>Parking Meter Maintenance</th>
<th>Parking Meter Patrol</th>
<th>Parking Meter Maintenance</th>
<th>DPW Maint. Crew Sal &amp; Wages</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Treasurer</td>
<td>$12,730.00</td>
<td>25,000.00</td>
<td>21,420.00</td>
<td>20,000.00</td>
<td>31,400.00</td>
</tr>
<tr>
<td>City Treasurer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Works</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Works</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th></th>
<th>Parking Meter Clerk Salary</th>
<th>Parking Meter Maintenance</th>
<th>Parking Meter Patrol</th>
<th>Parking Meter Maintenance</th>
<th>DPW Maint. Crew Sal &amp; Wages</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Treasurer</td>
<td>$12,730.00</td>
<td>25,000.00</td>
<td>21,420.00</td>
<td>20,000.00</td>
<td>31,400.00</td>
</tr>
<tr>
<td>City Treasurer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Works</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Public Works</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.
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:

Exhibit A
Mayor

<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
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED “PERSONNEL” TO CHANGE COMPENSATION SCHEDULE EXHIBIT 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>
</tr>
</thead>
<tbody>
<tr>
<td>City Council</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Position</th>
<th>Effective 1-2-2018</th>
<th>Effective 1-6-2020</th>
<th>Effective 1-4-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>$ 10,707.00</td>
<td>$ 10,921.00</td>
<td>$ 11,139.00</td>
</tr>
<tr>
<td>Councillor</td>
<td>$ 7,326.00</td>
<td>$ 7,473.00</td>
<td>$ 7,622.00</td>
</tr>
</tbody>
</table>

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.
July 16, 2019

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

RF: Yearly Salaries

Dear President Graves and Councilors,

Please find attached a proposed yearly salary ordinance change for the positions of City Council President and City Council.

At a recent Council meeting a similar ordinance failed as a result of a tie vote with one member absent. The question was sought to be divided, which also failed to gain a majority vote. I have divided the question for the Council.

In FY19 a 2% cost of living allowance was passed by the City Council for all non-union personnel. In FY20 a 2% cost of living allowance was passed by the City Council for all non-union personnel.

The funds are already in the approved FY20 Budget that was passed unanimously by the City Council at the end of June.

Respectfully,

Mark Hawke
Mayor, City of Gardner
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBIT A.

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>
<th>Mayor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Effective 1-2-2018</strong></td>
<td><strong>Effective 1-6-2020</strong></td>
</tr>
<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.
July 16, 2019

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

RE: Yearly Salaries

Dear President Graves and Councilors,

Please find attached a proposed yearly salary ordinance change for the position of Mayor.

At a recent Council meeting a similar ordinance failed as a result of a tie vote with one member absent. The question was sought to be divided, which also failed to gain a majority vote. I have divided the question for the Council.

In FY19 a 2% cost of living allowance was passed by the City Council for all non-union personnel. In FY20 a 2% cost of living allowance was passed by the City Council for all non-union personnel.

In accordance with the salary study performed by HRS Consulting, the Mayor's salary should, AT LEAST, keep pace with any increases allotted to non-union personnel. The proposed salary schedule would keep the Mayor's salary on pace (albeit 1 year behind) all non-union employees salary.

Currently, the Mayor has six (6) direct reports whose salary is higher than the Mayor. This gap will continue to grow, again, unless salaries are increased accordingly.

The funds are already in the approved FY20 Budget that was passed unanimously by the City Council at the end of June.

Respectfully,

Mark Hawke
Mayor, City of Gardner
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. Schafron
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
ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE "EXHIBIT 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 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></td>
</tr>
<tr>
<td>MGL c. 32, §20(6)</td>
<td></td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Total Compensation:</td>
<td></td>
<td>$84,418.88</td>
<td>$1,623.44</td>
</tr>
</tbody>
</table>

(Effective 7/1/2019)

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></td>
</tr>
<tr>
<td>MGL c. 32, §20(6)</td>
<td></td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Total Compensation:</td>
<td></td>
<td>$84,418.88</td>
<td>$1,623.44</td>
</tr>
</tbody>
</table>

(Effective 7/1/2019)

<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>$82,708.88</td>
<td></td>
</tr>
<tr>
<td>MGL c. 32, §20(6)</td>
<td></td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>Total Compensation:</td>
<td></td>
<td>$83,008.88</td>
<td>$1,596.32</td>
</tr>
</tbody>
</table>

(Effective 8/16/2019)

Section 2. Effective date.

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