City of Gardner, Massachusetts
Office of the City Council

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CALENDAR FOR THE MEETING
of
TUESDAY, JANUARY 21, 2020
COUNCIL CHAMBER
7:30 P.M.

ORDER OF BUSINESS

I. CALL TO ORDER

II. CALL OF THE ROLL OF COUNCILLORS

III. OPENING PRAYER

IV. PLEDGE OF ALLEGIANCE

V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS

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

VI. READING OF MINUTES OF PRIOR MEETING(S)

Reading and Approval of the Minutes of the January 6, 2020 Inaugural Exercises and the Regular Meeting.

VII. PUBLIC HEARINGS

VIII. COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

10232 – A Measure Confirming the Mayor's Appointment of Priya Gandbhir to the position of Assistant City Solicitor for term expiring 1/3/2021 *(Finance Committee).*

10233 – A Measure Confirming the Mayor's Appointment of Dr. Michele Parker to the position of Member, Board of Health, for term expiring 12/31/2022 *(Finance Committee).*

10234 – A Measure Confirming the Mayor's Appointment of Robert O'Keefe to the position of Information Technology Director for term expiring 1/7/2023 *(Finance Committee).*

10235 – A Measure Confirming the Mayor's Appointment of Stephen Hirons to the position of Sealer of Weights and Measures for term expiring 1/8/2021 *(Finance Committee).*

10236 – A Measure Confirming the Mayor's Appointment of Lyndsy Butler to the position of Conservation Agent for term expiring 1/8/2023 *(Finance Committee).*
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VIII. COMMUNICATIONS FROM THE MAYOR

ORDINANCES

10237 – An Ordinance Amending the Code of the City of Gardner, Chapter 171 Thereof, Entitled "Personnel" to Change Article IX. Vacations for City Officers and Employees, Section 171-36, Other full-time officers and employees; and, by adding new Section 171-37 (a) Conservation/Planning Agent, providing for additional vacation leave *(Finance Committee).*

10238 – An Ordinance Amending the Code of the City of Gardner, Chapter 171 Thereof, Entitled "Personnel" to change Article XIII. Department Head Benefit Time and Longevity Pay, Section 171-53, Vacation, providing for additional vacation leave *(Finance Committee).*

IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10239 – An Order Relative to the March 3, 2020 Presidential Primary *(Finance Committee).*

10240 – A Measure Authorizing the FY2020 Community Development Block Grant Mini-Entitlement Plan *(Finance Committee).*

X. REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

10216 – An Ordinance to Amend the Code of the City of Gardner, Chapter 560 Thereof, Entitled "Solid Waste," to Change Solid Waste Program Fees *(In City Council and Referred to Public Safety, 12/2/2019).*

PUBLIC WELFARE COMMITTEE

10207 – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows *(In City Council and Referred to Public Welfare, 11/18/2019).*

FINANCE COMMITTEE

10226 – Correspondence from the Mayor Relative to the Title and Compensation of the Executive Secretary *(Introduced under New Business and Referred to Finance, 12/16/2019).*

10229 – An Order Appropriating $400,000.00 from Free Cash to Greenwood Pool Demolition Account *(In City Council and Referred to Finance, 1/6/2020).*

10230 – An Order Appropriating $95,500.00 from Sewer Surplus to Sewer Capital Project Pump Station Upgrades Expense *(In City Council and Referred to Finance, 1/6/2020).*

10231 – A Measure Authorizing the City to Enter in Contracts not-to-exceed 5 years for School Transportation Services *(In City Council and Referred to Finance, 1/6/2020).*

XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

10207 – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows *(In City Council; Referred to the Planning Board for Report; and, Ordered to Joint Hearing, 11/18/2019; Hearing scheduled 1/21/2020 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.

CITY OF GARDNER IN CITY COUNCIL

JANUARY 6, 2020 INAUGURAL EXERCISES

In accordance with the provisions of the *Charter of the City of Gardner* and Chapter 43 of the General Laws, the Mayor-Elect, Councillors at-Large-Elect, Ward Councillors-Elect, and School Committee Members-Elect, assembled in the Honorable Cyrille P. Landry Auditorium, Gardner High School, 200 Catherine Street, on Monday, January 6, 2020 at 10:00 o'clock in the forenoon, to be sworn to the faithful performance of their duties.

WELCOME

State Representative Jonathan D. Zlotnik, the Master of Ceremonies, opened the Inaugural Exercises by welcoming those in attendance.

PRESENTATION OF THE COLORS

The National and City Colors were presented by the Gardner American Legion Post 129 Honor Guard.

OFFICIAL PROCESSION

Led by His Honor Mark P. Hawke, Mayor of the City of Gardner, Officials proceeded to the stage accompanied by "America," as sung by the Gardner High School Select Choir.

POSTING OF THE COLORS

In salute, the National and City Colors were posted by the Gardner American Legion Post 129 Honor Guard.

INVOCATION

The Invocation was offered by the Reverend David R. Cote, Chaplain of the Gardner Fire and Police Departments.

PLEDGE OF ALLEGIANCE

Master of Ceremonies Jonathan D. Zlotnik led the Assembly in the "Pledge of Allegiance."

"THE STAR SPANGLED BANNER"

Miss Haylee Girouard sang "The Star Spangled Banner."

CERTIFICATE OF ELECTION & RESULTS OF VOTES CAST

The **CERTIFICATE OF ELECTION** and **RESULTS OF THE VOTES CAST** were declared by City Clerk Alan L. Agnelli and entered into the journals of the City Council, as follows:

As a result of the votes cast at the City Election held on November 5, 2019, the following persons were declared elected:

MAYOR	Mark P. Hawke
COUNCILLORS AT-LARGE	James S. Boone Craig R. Cormier Ronald F. Cormier Scott Joseph Graves, Esq. Judy A. Mack George C. Tyros
WARD COUNCILLORS	James M. Walsh, Esq. (Ward 1) Elizabeth J. Kazinskas, (Ward 2) Nathan R. Boudreau (Ward 3) Karen G. Hardern (Ward 4) Aleksander H. Dernalowicz, Esq. (Ward 5)
SCHOOL COMMITTEE MEMBERS	Rachel A. Cormier John M. LaFreniere Robert J. Swartz

City Clerk Alan L. Agnelli called the Roll of Members-Elect:

PRESENT:

MAYOR	Mark P. Hawke
COUNCILLORS AT-LARGE	James S. Boone Ronald F. Cormier Scott Joseph Graves, Esq. Judy A. Mack George C. Tyros
WARD COUNCILLORS	James M. Walsh, Esq. (1) Elizabeth J. Kazinskas, (2) Nathan R. Boudreau (3) Karen G. Hardern (4) Aleksander H. Dernalowicz, Esq. (5)

ABSENT:	Craig R. Cormier
SCHOOL COMMITTEE MEMBERS	Rachel A. Cormier Robert J. Swartz
ABSENT:	John M. LaFreniere

OATHS OF OFFICE

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COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. Gardner, Massachusetts January 6, 2020

I, ALAN L. AGNELLI, City Clerk of the City of Gardner, hereby certify that on the 6th day of January, 2020 at ten o'clock in the forenoon, at a meeting of the Mayor-Elect, Councillors-at-Large-elect, Ward Councillors-elect, and School Committee Members at Large-Elect, I administered the oath required by the City Charter to the following:

MAYOR-ELECT For Two Years	Mark P. Hawke
COUNCILLORS AT-LARGE-ELECT For Two Years	James S. Boone Ronald F. Cormier Scott Joseph Graves, Esq. Judy A. Mack George C. Tyros
WARD COUNCILLORS-ELECT For Two Years	James M. Walsh, Esq. (1) Elizabeth J. Kazinskas (2) Nathan R. Boudreau (3) Karen G. Hardern (4) Aleksander H. Dernalowicz, Esq. (5)
SCHOOL COMMITTEE MEMBERS AT-LARGE-ELECT For Four Years	Rachel A. Cormier Robert J. Swartz

Who severally solemnly swore that they would faithfully and impartially perform the duties of the office for which they have been elected in the City of Gardner according to the best of their ability and in conformity with law.

In testimony of all of which is required by the City Charter, I make this certificate to be entered on the journals of the meetings of the City Council.

/s/ Alan L. Agnelli, City Clerk

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COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. Gardner, Massachusetts January 6, 2020

I, ALAN L. AGNELLI, City Clerk of the City of Gardner, hereby certify that on the 6th day of January 2020 at 3:38 o'clock in the afternoon at City Hall, 95 Pleasant Street, Gardner, Massachusetts, I administered the oath required by the City Charter to **JOHN M. LAFRENIERE**.

Then personally appeared **JOHN M. LAFRENIERE** and made oath that he would faithfully and impartially perform the duties of the office of **SCHOOL COMMITTEE MEMBER** according to law and the best of his abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

In testimony of which as required by the City Charter, I make this certificate to be entered on the journals of the meetings of the City Council.

/s/ Alan L. Agnelli, City Clerk

"SEIZE THE DAY"

The Gardner High School Select Choir sang "Seize the Day".

INTRODUCTION OF THE MAYOR

Master of Ceremonies Representative Jonathan Zlotnik introduced Mark P. Hawke, Mayor of the City of Gardner, to deliver his Inaugural Remarks.

INAUGURAL REMARKS

The Honorable Mark P. Hawke, Mayor of the City of Gardner, delivered the following Inaugural Remarks.

"Good morning and welcome to history. Forever, there will be footnote in the history of the City of Gardner denoting the fact that the oath of office I just took, will likely be the shortest term of office for any Mayor in Gardner, or even maybe the Commonwealth of Massachusetts, history.

Thank you to Representative Zlotnik for serving as today's Master of Ceremonies and for your steadfast support of North Central Massachusetts in your work in the Legislature. I take comfort knowing that we will still be working together in the coming months and years.

Thank you also must be extended to the Gardner American Legion Post 129 Color Guard for always being willing to lend your services at countless events throughout the City.

And of course thank you to the Gardner High School Select Choir for again lending your talents to today's events.

Congratulations to newly elected Councilors and School Committee Members, I wish you nothing but success over the next two years.

This is normally the part of the remarks where I would mention the successes the City has achieved over that past several years such as:

The highest level of school funding in the history of the City.

Achieving the largest stabilization fund in the history of the City despite the efforts of some.

Having the largest Free Cash Certifications which sounds impressive, but is only actually at recommended amounts, but that's still good for Gardner.

I should also be speaking about the Watkins Field renovation project, despite the efforts of some.

The removal of vacant, blighted abandoned buildings.

The growing commercial base in the City including Tractor Supply, 99's, and the others that will be announced in the coming months.

We should be talking about the best financial position the City has ever been in while not increasing taxes the full 2 ½% allowed by law.

The new elementary school that will be opening in a few short years.

We should be talking about the coming years and the efforts the City will be making to improve our quality of life, municipal services and burgeoning economy.

But that will have to wait for the next Mayor.

Instead, I'd like to speak briefly about an important topic that has been swept aside, again.

In *The Gardner News* of Friday, January 28, 1921, the front page of the paper ran an article entitled "Voters Discuss City Charter." The article discusses whether the Mayor had too much power in appointing Department Heads, what the salary of the Mayor should be, whether enough publicity was given to the Charter discussion, how previous committees had done investigatory work, and it mentioned that Patrick H. Murray, Town Counsel, who was tasked with drafting the Charter to become a City, had simply copied it from other Charters and Mass General Laws.

This is a document from 100 years ago, that despite many efforts, has not changed in any substantive way. This is a document that references telephone operators and stenographers in the Mayor's office. This is a document we simply ignore because it conflicts with Mass General Law.

All of this has been pointed out. Not only by me, but by a several Charter Review Committees selected almost entirely by the City Council who all came back with a recommendation that the Charter was deficient and needed to be reviewed. The City Council also unanimously agreed and supported hiring a consultant to assist in the Charter review.

A final document was presented and after unscrupulous politics were played, the hard work of this committee was unceremoniously dismissed.

This is not in the best interest of the City. When I ran for office in 2007, I spoke of a Charter Review and even mentioned the City should consider a Council – Manager-form of government. I still believe this is the best way forward.

I encourage my elected officials to take this matter seriously. Any member of the City Council can bring the work of the Charter Review Committee back up at any time. If you truly are here for the greater good of the City, this work should be done.

Change is not always easy and is rarely greeted with open arms. However, the one constant in this world, is change. I hope and pray that our leaders seated here before you and the one that will be chosen in a few months, will be an agent of change. Opposition to change is opposition to improving ourselves and the City of Gardner. I can think of no worse enemy of the City than those that resist change because it is different and/or difficult.

Thank all of you for your service to the City and I wish you nothing but success in the coming days, months and years."

"AMERICA THE BEAUTIFUL"

The Gardner High School Select Choir sang "America the Beautiful".

BENEDICTION

The Benediction was offered by the Reverend David R. Cote, Chaplain of the Gardner Fire and Police Departments.

CLOSING REMARKS

The Master of Ceremonies concluded the Inaugural Exercises by thanking the Inaugural Committee; Reverend Clergy; the Honor Guard of the Gardner American Legion Post 129; the Gardner High School Select Choir under the direction of Joanne Landry; and, the Principal and staff at Gardner High School for hosting the Inaugural Exercises.

RECESSIONAL

The Gardner High School Select Choir sang "America" as officials and guests departed from the Auditorium.

Accepted by the City Council:

CITY OF GARDNER IN CITY COUNCIL

REGULAR MEETING OF JANUARY 6, 2020

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, January 6, 2020.

CALL TO ORDER

City Clerk Alan Agnelli called the meeting to order at 7:30 o'clock p.m.

CALL OF THE ROLL

City Clerk Alan Agnelli called the Roll of Members. Ten (10) Councillors were present including Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, George Tyros, and James Walsh. Councillor-elect Craig Cormier was also present.

OATH OF OFFICE

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. Gardner, Massachusetts January 6, 2020

I, ALAN L. AGNELLI, City Clerk of the City of Gardner, hereby certify that on the 6th day of January 2020 at 7:31 o'clock in the evening before the City Council at 95 Pleasant Street, Gardner, Massachusetts, I administered the oath required by the City Charter to **CRAIG R. CORMIER**.

Then personally appeared **CRAIG R. CORMIER** and made oath that he would faithfully and impartially perform the duties of the office of **CITY COUNCILLOR** according to law and the best of his abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

In testimony of which is required by the City Charter, I make this certificate to be entered on the journals of the meetings of the City Council.

/s/ Alan L. Agnelli, City Clerk

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ELECTION OF THE COUNCIL PRESIDENT

The City Clerk announced that nominations were in order for election of Council President for the year 2020, in accordance with Section 5 of the Charter of the City of Gardner.

Councillor Elizabeth Kazinskas nominated Councillor James Walsh.

In nominating Councillor Scott Graves, Councillor Boone noted that Councilor Graves served on the Council for many years and that he served admirably as Council President. While he

UNACCEPTED/UNCORRECTED PROOF

did not vote for him on his initial election to the Presidency, he said, Councillor Graves worked hard, provided needed guidance, and that he cares deeply about the public and deserves to continue in the position.

Continuing, Councillor Boone said there was a question as to whether Councillor Graves could run for the Presidency because he pulled papers for Mayor; however, the State Ethics Commission concluded that there is no conflict. "Just one year ago," he said, "we [Council] voted unanimously to re-elect said Councillor because of the excellent job that he was doing. I respect Councillor Walsh highly as he has served the Presidency and has done very well. However, based on the most recent performance, I am pleased to nominate Scott J. Graves."

Councillor Karen Hardern seconded the nomination.

There being no further nominations, the City Clerk entertained a motion to close nominations.

On a motion by Councillor Judy Mack and seconded by Councillor Nathan Boudreau, it was voted viva voce, eleven (11) yeas, Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, George Tyros, and James Walsh, to close nominations.

On call of the roll:

Councillor James S. Boone voting for SCOTT JOSEPH GRAVES
Councillor Nathan R. Boudreau voting JAMES M. WALSH
Councillor Craig R. Cormier voting for JAMES M. WALSH
Councillor Ronald F. Cormier voting for JAMES M. WALSH
Councillor Aleksander H. Dernalowicz voting for JAMES M. WALSH
Councillor Scott Joseph Graves ABSTAINED.
Councillor Karen G. Hardern voting for SCOTT JOSEPH GRAVES
Councillor Judy A. Mack voting for JAMES M. WALSH
Councillor Elizabeth J. Kazinskas voting for JAMES M. WALSH
Councillor George C. Tyros voting for JAMES M. WALSH
Councillor James M. Walsh voting for JAMES M. WALSH

Having received eight (8) votes, Councillor James M. Walsh was declared elected Council President. Councillors applauded and extended personal congratulations.

President Walsh assumed the Chair and expressed appreciation to his colleagues for electing him to the Council Presidency.

UNACCEPTED UNCORRECTED PROOF

OPENING PRAYER

President Walsh led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

President Walsh announced to the assembly that the Open Meeting Recording and Public Records Announcement is posted at the entrance to the Chamber, and that any person planning to record the meeting by any means should identify themselves.

READING & ACCEPTANCE OF MINUTES

On a motion by Councillor Ronald Cormier and seconded by Councillor Nathan Boudreau, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to waive reading and to accept the Minutes of the December 16, 2019 Regular Meeting, as printed.

COMMUNICATIONS FROM THE MAYOR

NOTICES OF APPOINTMENTS

#10227

On a motion by Councillor Ronald Cormier and seconded by Councillor Scott Joseph Graves, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to place on file a *Communication from the Mayor relative to the Appointment of John Flick to the position of City Solicitor for term expiring January 3, 2021.*

Worcester, ss. January 3, 2020

Then personally appeared **JOHN M. FLICK** and made oath that he would faithfully and impartially perform the duties of **CITY SOLICITOR** according to law and the best of his abilities.

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

UNAUDITED/UNCORRECTED PROOF

#10228

On a motion by Councillor Ronald Cormier and seconded by Councillor Scott Joseph Graves, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to place on file a *Communication from the Mayor relative to the Appointment of Rachel J. Stephano to the position of Executive Secretary for term expiring January 3, 2021.*

Worcester, ss. January 7, 2020

Then personally appeared **RACHEL STEPHANO** and made oath that she would faithfully and impartially perform the duties of **EXECUTIVE SECRETARY** according to law and the best of her abilities.

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

ORDERS

#10229

On a motion by Councillor Ronald Cormier and seconded by Councillor Scott Joseph Graves, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to refer the following Order to the Finance Committee for study and report:

AN ORDER APPROPRIATING FROM FREE CASH TO GREENWOOD POOL DEMOLITION ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Four Hundred Thousand Dollars and No Cents ($400,000.00) from Free Cash to the Greenwood Pool Demolition Account.

#10230

On a motion by Councillor Ronald Cormier and seconded by Councillor Scott Joseph Graves, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to refer the following Order to the Finance Committee for study and report:

AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER CAPITAL PROJECT PUMP STATION UPGRADES EXPENSE.

ORDER: That there be and is hereby appropriated the sum of Ninety Five Thousand Five Hundred Dollars and No Cents ($95,500.00) from Sewer Surplus to Sewer Capital Project Pump Station Upgrades Expense.

UNACCEPTED/UNCORRECTED PROOF

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10231

On a motion by Councillor Ronald Cormier and seconded by Councillor Scott Joseph Graves, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to refer the following Measure to the Finance Committee for study and report:

AUTHORIZING FIVE-YEAR CONTRACT PERIOD
SCHOOL TRANSPORTATION SERVICES

VOTE: To authorize the City to enter into contracts not to exceed five (5) years for School Transportation Services, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's December 13, 2019 Memorandum.

REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

#10216

There being no objections, the Public Safety Committee was granted more time to study and report on the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 560 THEREOF, ENTITLED "SOLID WASTE," TO CHANGE THE FEE FOR SOLID WASTE COLLECTION.

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

Section 1. Section 560-3 of the Code of the City of Gardner, is hereby amended by striking the sentence: "The annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at $200 per apartment unit per building, effective July 1, 2013," and by inserting in place thereof, the sentence: "Effective July 1, 2020, the annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at $230 per household and each unit of apartment buildings containing eight or fewer units in the City.

Section 2. Effective date.

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

UNVERIFIED/UNCORRECTED PROOF

PUBLIC WELFARE COMMITTEE

#10207

There being no objections, the Public Welfare Committee was granted more time to study and report on the following Ordinance:

> AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO REVISE ARTICLE VI, DENSITY AND DIMENSIONAL REGULATIONS, AND ARTICLE X, SUPPLEMENTAL REGULATIONS.
>
> Be it ordained by the City Council of the City of Gardner, as follows:
>
> Section 1. Section 675–610. General Requirements, Section F, of the Code of the City of Gardner, is amended by deleting and repealing Section F in its entirety and inserting in place thereof, the following:
>
> > Within an area formed by the side lines of intersecting streets and a line joining points on such lines 30 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 feet and a height of eight feet above the plane through their street grades.
>
> Section 2. Section 675–1050. Fences and hedgerows, is hereby amended by deleting and repealing Section 675-1050 in its entirety and inserting in place thereof, the following:
>
> > Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.
>
> 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.

FINANCE COMMITTEE

#10226

There being no objections, the Finance Committee was granted more time to study and report on *Correspondence from the Mayor relative to the Title and Compensation of the Executive Secretary*.

UNAPPROVED/UNCORRECTED PROOF

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

#10207

The Council continued *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows* until January 21, 2020 for the Joint Public Hearing with the Planning Board.

NEW BUSINESS

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

ANNOUNCEMENTS and COMMENTARY

Councillors extended hearty welcomes to their newly-inaugurated colleagues and congratulated President James Walsh on his election as Council President.

Councillors expressed their appreciation to Councillor Scott Joseph Graves for his prior service as Council President.

Newly-inaugurated Councillors expressed appreciation to the voters for placing their faith and trust in them.

Councillors extended appreciation to the organizers and participants of the City's Inaugural Exercises.

Councillor Scott Graves expressed appreciation to Councillors Boone and Hardern for their support saying, "It takes a lot of political courage when you know that you are going to lose and a lot of moral strength." He said, "The people out there are probably wondering what I did to get booted from the Presidency and I think they deserve an explanation, which I haven't heard yet." "Because," he said, "when a Councillor at-large comes in first out of nine people in the election, and then a few weeks later comes in last by the representatives of the same people that put him in number 1, it causes the citizens, I think, to say that something must have happened, in my opinion."

Continuing, Councillor Graves said, "Mayor Hawke came up to me in the hallway not too long ago and said to me that John Flick, City Solicitor, told him that it was unethical for me to be acting Mayor and running for Council President at the same time. He said he heard that from Ethics. So, the people out there need to know that that is not the case."

UNAPPROVED/UNCORRECTED PROOF

Councillor Graves continued, "I had a consultation with Ethics – Councillor Boone alluded to it – Ethics laughed and said, 'That's absolutely not the case.' And, the Attorney for Ethics actually said to me, 'If that's the case, then a Mayor could never run for re-election.'" "So, at any rate, if that is the reason why, that anybody heard out there for not voting for me, or for the reason that I'm not permitted to run. That's a false reason."

Concluding his comments, Councillor Graves said, "Apart from that, Ethics also told me that I can't vote for myself because of the increase in money for the Council President, so that is why I didn't vote. So, I thank you all, the people thank you all for putting the vocal chords back in my throat. For the longest time, as President, you can't speak just about anything. So, now I can. So, I thank you all for allowing me to sit here and say my peace which, if anybody knows me, know I will do that."

Council President James Walsh expressed his appreciation to his colleagues for placing their confidence in him and that he will discharge the duties responsibly in the best interests of the Council and the City. Continuing, he said, "I have some ideas about commentary that I feel were disparaging remarks about the Council that were made earlier today in the course of the Inaugural proceedings. I will reserve those comments to a later time."

Concluding, President Walsh stated, "I have a great belief, as I have had for many years since first serving on the Council in 1981, about the importance of the work that we do as the legislative body of the City and the important role that we play in the management of City affairs and will strive, as I know all of you will, to ensure those responsibilities are carried out in a proper manner and without any obstruction."

CLOSING PRAYER

President Walsh led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to adjourn at 7:51 p.m.

Accepted by the City Council:

UNACCEPTED/UNCORRECTED PROOF

10232

RECEIVED
2019 DEC 31 AM 11:32
CITY CLERK'S OFFICE

January 3, 2020

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint ***Priya Gandbhir*** *to the position of* ***Assistant City Solicitor*** *, and I certify*
144 Central Street, Gardner, MA (978-632-7948)
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

_____ *Mayor*

Mark P. Hawke

Confirmed by City Council _____

_____ City Clerk

Alan L. Agnelli

Expires: January 3, 2021

Worcester, ss., _____

Then personally appeared the above named **Prya Gandbhir** *and made oath that he/she would faithfully and impartially perform the duties of the office of* **Assistant City Solicitor** *according to law and the best of his/her abilities.*

Before me,

_____ *City Clerk*

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

10233

RECEIVED
2019 DEC 31 AM 11:32
CITY CLERK'S OFFICE
GARDNER, MA

December 31, 2019

Commonwealth of Massachusetts

Worcester County **City of Gardner**

CERTIFICATE OF APPOINTMENT

I appoint ***Michele Parker*** *to the position of* ***Member, Board of Health*** *and I certify*
250 Green Street, Gardner, MA
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

_____ *Mayor*

Mark P. Hawke

Confirmed by City Council _____

_____ City Clerk

Alan L. Agnelli

Expires: December 31, 2022

Worcester, ss., _____

Then personally appeared the above named **Michele Parker** *and made oath that he/she would faithfully and impartially perform the duties of the office of* **Member, Board of Health** *according to law and the best of his/her abilities.*

Before me,

_____ *City Clerk*

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

10234

January 7, 2020

Commonwealth of Massachusetts

Worcester County **City of Gardner**

CERTIFICATE OF APPOINTMENT

I appoint ***Robert O'Keefe*** *to the position of* ***Information Technology Director,*** *and I certify*
122 Pleasant Street, Winchendon, MA
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

_____ *Mayor*

Mark P. Hawke

Confirmed by City Council _____

_____ City Clerk

Alan L. Agnelli

RECEIVED
2020 JAN -7 PM 3:46
CITY CLERK'S OFFICE
GARDNER, MA

Expires: January 7, 2023

Worcester, ss., _____

Then personally appeared the above named **Robert O'Keefe** *and made oath that he/she would faithfully and impartially perform the duties of the office of* **Information Technology Director** *according to law and the best of his/her abilities.*

Before me,

_____ *City Clerk*

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

10235

RECEIVED
2020 JAN -8 PM 2:01
CITY CLERK'S OFFICE
GARDNER, MA

January 8, 2020

Commonwealth of Massachusetts

Worcester County **City of Gardner**

CERTIFICATE OF APPOINTMENT

I appoint ***Stephen Hirons*** *to the position of* ***Sealer of Weights and Measures*** *and I certify*

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

_____ *Mayor*

Mark P. Hawke

Confirmed by City Council _____

_____ City Clerk

Alan L. Agnelli

Expires: January 8, 2021

Worcester, ss., _____

Then personally appeared the above named **Stephen Hirons** *and made oath that he/she would faithfully and impartially perform the duties of the office of* **Sealer of Weights and Measures** *according to law and the best of his/her abilities.*

Before me,

_____ *City Clerk*

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

10236

RECEIVED
2020 JAN -8 PM 2:01
CITY CLERK'S OFFICE
GARDNER, MA

January 8, 2020

Commonwealth of Massachusetts

Worcester County **City of Gardner**

CERTIFICATE OF APPOINTMENT

I appoint ***Lindsy Butler*** *to the position of* ***Conservation Agent*** *and I certify*
24 East Rindge Road, Ashburnham, MA 01430
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

_____ *Mayor*
Mark P. Hawke

Confirmed by City Council _____

_____ City Clerk
Alan L. Agnelli

Expires: January 8, 2023

Worcester, ss., _____

Then personally appeared the above named **Lindsy Butler** *and made oath that he/she would faithfully and impartially perform the duties of the office of* **Conservation Agent** *according to law and the best of his/her abilities.*

Before me,

_____ *City Clerk*

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

10237

RECEIVED
2020 JAN -8 AM 10:47
CITY CLERK'S OFFICE
GARDNER, MA

§ 171-34. Police Officer

All police officers of the City of Gardner, not covered by a collective bargaining agreement, regularly employed full time by the City shall be granted an annual vacation without loss of pay as follows:

A. Regularly employed for one to four years shall be entitled to two weeks (14 calendar days).

B. Regularly employed from five to nine years shall be entitled to three weeks (21 calendar days).

C. Regularly employed from 10 to 14 years shall be entitled to four weeks (28 calendar days).

D. Regularly employed for over 15 years shall be entitled to 31 calendar days.

E. Employees shall have two consecutive days off with each five days of vacation. Each two-week vacation period shall consist of 10 paid vacation days and four regular days off. One vacation week shall consist of fi working days plus two days off.

§ 171-35. Firefighter

All firefighters of the City of Gardner, not covered by a collective bargaining agreement, regularly employed full time by the City shall be granted an annual vacation without loss of pay as follows:

A. Regularly employed for one to four years shall be entitled to two weeks (14 calendar days).

B. Regularly employed from five to nine years shall be entitled to three weeks (21 calendar days).

C. Regularly employed from 10 to 14 years shall be entitled to four weeks (28 calendar days).

D. Regularly employed for 15 years or more shall be entitled to 31 calendar days.

§ 171-36. Other full-time officers and employees. [Amended 6-1-2009 by Ord. No. 1492]

All other employees or officers, except ***for the Conservation/Planning Agent***, those provided for by law and those covered by a collective bargaining agreement, regularly employed full time by the City shall be granted an annual vacation without loss of pay as follows:

A. Regularly employed for one to four years shall be entitled to two weeks or 10 working days.

B. Regularly employed from five to nine years shall be entitled to three weeks or 15 working days.

C. Regularly employed from 10 years to 14 years shall be entitled to four weeks or 20 working days.

D. Regularly employed for 15 years or more shall be entitled to fi weeks or 25 working days.

§ 171-37. Other part-time officers and employees. [Amended 6-1-2009 by Ord. No. 1492]

All other employees or officers, except those provided for by law and those covered by a collective bargaining agreement, regularly employed part time by the City shall be granted an annual vacation without loss of pay as follows:

A. To be eligible a part-time worker must have worked 27 weeks in the aggregate during the 12 months preceding the fi day of June in each year and must meet the eligibility requirements of part-time employees as defined in Article XII, § 171-50A.

B. They shall be entitled to the same vacation increments as full- time employees as defined in § 171-36 based upon an eligible part-time employee's specific work hour schedule. One day will be equivalent to the total number of hours worked per week divided by five days (i.e., one day for 25 hours per week will be equivalent to five hours).

§ 171-37(a). Conservation/Planning Agent.

The Conservation/Planning Agent, shall be granted annual vacation without loss of pay as follows:

(1) Employed for one to nine years of regular employment shall be entitled to three (3) weeks or fifteen (15) working days.
(2) Regularly employed from ten (10) years to fourteen (14) years shall be entitled to four (4) weeks or twenty (20) working days.
(3) Regularly employed for fifteen (15) years or more years shall be entitled to five (5) weeks or twenty-five (25) days.

Newly hired Conservation/Planning Agents shall be granted vacation time according to the following schedule:

First day of Employment	*Number of Vacation Days*
January 1 to April 30	*15*
May 1 to August 31	*10*
September 1 to December 31	*5*

§ 171-38. Vacations to be granted by department heads.

Such vacations shall be granted by the heads of each department, as such time as in their opinion will cause the least interference with the performance of the regular work of the City.

§ 171-39. Determination of regular employment.

A person shall be deemed to be regularly employed within the meaning of this article if he or she has been actually employed for 27 weeks in the aggregate during the 12 months preceding the fi day of June of the year in which the vacation is to be granted.

§ 171-40. New employees.

New full-time employees will earn one day per month up to 10 days per calendar year. This day will be credited the last day of each month. The new employee shall continue to earn vacation in this manner until January 1 of the year following his/her anniversary date of benefited employment. This vacation will only be allowed upon the completion of a probationary period of six months. In no event shall a new employee be eligible for more than 10 days of vacation per calendar year.

§ 171-41. Accumulation of vacation time.

Employees that do not utilize all of their vacation time within the calendar year it was granted will be allowed to carry over into the next calendar year twice their annual vacation accrual. Any employee who has excess of that amount of vacation accumulation on December 31 shall forfeit any excess of the permitted accumulation.

§ 171-42. Minimum increments.

Vacation time may not be taken in less than one-half-day increments.

§ 171-43. Payment for accumulated vacation time.

In the event that an employee terminates employment with the City, any vacation accrued will be paid to the employee. If an employee dies, any accrued vacation days shall be paid to the estate of said deceased employee.

10238

RECEIVED
2020 JAN -8 AM 10:47
CITY CLERK'S OFFICE
GARDNER, MA

§ 171-53. Vacation.

A. The Police Chief and Fire Chief shall be granted an annual vacation without loss of pay as follows:

(1) Employed for one to four years shall be entitled to two weeks (14 calendar days).

(2) Regularly employed five to nine years shall be entitled to three weeks (21 calendar days).

(3) Regularly employed 10 to 14 years shall be entitled to four weeks (28 calendar days).

(4) Regularly employed for over 15 years shall be entitled to 31 calendar days.

B. All other department heads as defined in § 171-52 shall be granted an annual vacation without loss of pay as follows:

(1) Employed for one to ~~nine~~ ***four*** years of regular employment shall be entitled to three weeks or 15 working days.

(2) Regularly employed from ~~10~~ ***five*** years to ~~14~~ fourteen years shall be entitled to four weeks or 20 working days.

(3) Regularly employed ~~15~~ fifteen years to nineteen years ~~or more years~~ shall be entitled to five weeks or 25 working days.

(4) Regularly employment for twenty or more years shall be entitled to 6 weeks or thirty working days.

C. A department head shall be deemed to be regularly employed within the meaning of this article if he or she has been actually employed for 27 weeks in the aggregate during the 12 months preceding the fi day of June of the year in which the vacation is to be granted.

D. Department heads that do not utilize all of their vacation time within the calendar year it was granted will be allowed to carry over into the next calendar year twice their annual vacation accrual. Any department head who exceeds that amount of vacation accumulation on December 31 shall forfeit any excess of the permitted accumulation.

E. Newly hired department heads shall be granted vacation time according to the following schedule:

First Day of Employment	Number of Vacation Days Police/Fire	All Other Department Heads
January 1 to April 30	14	15
May 1 to August 31	10	10
September 1 to December 31	5	5

F. In the event that a department head terminates employment with the City, any vacation accrued will be paid to the department head. If a department head dies, any accrued vacation days shall be paid to the estate of said deceased department head.

10239

CITY OF GARDNER, MASSACHUSETTS

PRESIDENTIAL PRIMARY ORDER

TUESDAY, MARCH 3, 2020

VOTE: It is ordered that meetings of the citizens of this City qualified to vote in the Presidential Primaries shall be held on TUESDAY, MARCH 3, 2020 for the purpose of casting their votes in the Presidential Primaries for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE.....FOR THIS COMMONWEALTH
STATE COMMITTEE MAN.....WORCESTER & MIDDLESEX DISTRICT
STATE COMMITTEE WOMAN.....WORCESTER & MIDDLESEX DISTRICT
WARD COMMITTEE .....CITY OF GARDNER

It is further ordered that the polls shall open at 7:00 o'clock in the morning and close at 8:00 o'clock in the evening and 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 West Lynde Street
WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 West 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

10239

Print

PART I ADMINISTRATION OF THE GOVERNMENT

TITLE VIII ELECTIONS

CHAPTER 54 ELECTIONS

Section 63 Calling city and town elections, notice

Section 63. Elections of state officers and city officers shall be called by the aldermen, and the city clerk shall, under their direction, cause notice of such elections to be conspicuously posted in the office of the city clerk or on the principal official bulletin board of such city and any other public building they deem necessary. Before every city election, the clerk shall make available a list of all candidates. He shall also print with said list the form of any question to be submitted to the voters. Such lists shall be public records and one copy shall be sent to every newspaper in said city listed in the Directory of New England Newspapers and Periodicals, to be used at the discretion of said newspapers. Such notices shall be in lieu of the notices or warrants for election required in any city by special statutes. Elections of state officers and town officers shall be called in towns as provided in section ten of chapter thirty-nine. The biennial state and the annual or biennial city and town elections shall be called at least seven days before the day prescribed for the holding thereof.

Alan Agnelli

10240

From: Jeffrey Legros
Sent: Friday, January 10, 2020 10:17 AM
To: Alan Agnelli
Cc: Katie Medina; Joshua Cormier; Trevor Beauregard
Subject: FY2020 CDBG Mini-Entitlement Plan Resolution
Attachments: Resolution for CDBG (Council).doc; Proposed Projects BG20 - CDBGSC Recomended.pdf; 2020_CDBG.pdf; FY2018-FY2021 CDS - UPDATE2 - 1-10-2019.pdf; Council Submission CDBG FY20.pdf

Alan,

Can you please include this information on the Agenda for the upcoming Finance Committee meeting? It is for their consideration and recommendation to City Council relative to the City's upcoming Community Development Block Grant (CDBG) Mini-Entitlement Program FY20 application. I have included the information as individual documents and as a combined packet for your convenience. Let me know if there anything else you need or if you need me to reformat anything.

Thank you,
Jeff

Jeffrey D. Legros, Assistant Director
Department of Community Development & Planning
City of Gardner
115 Pleasant Street, Gardner, MA 01440
978-630-4011, Ext. 1

10240

RESOLUTION

FY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT
Mini-Entitlement Plan

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

WHEREAS, the City council has reviewed the proposals prepared by the Department of Community Development and Planning for inclusion within the FY 2020 Community Development Block Grant (CDBG) Mini-Entitlement Plan; and

WHEREAS, the CDBG proposals seek funding for support of public social services, demolition, infrastructure repair and upgrade, economic development, rehabilitation, planning and design, and associated administrative costs; and

WHEREAS, the activities proposed within the FY 2020 CDBG Mini-Entitlement Plan meet the priorities identified within the City's 2018-2021 Community Development Strategy, and the 2004 Community Development Plan; and

WHEREAS, the City does not possess the bonding capacity or have the availability of funds to appropriate from its general budget to undertake such projects and reliance upon grant funds is required; and

WHEREAS, the City Council supports each of the activities as being consistent with the City's goal of promoting quality programs for its citizens;

NOW THEREFORE, the City Council hereby extends its support of each proposed activity and endorses the City's FY 2020 CDBG Mini-Entitlement Plan to be submitted to the Commonwealth of Massachusetts, Department of Housing and Community Development.

	Group	Project	CDBG $'s	Non-CDBG $'s	Total
6B	Community Development & Planning	**Downtown Phase 2**. Connors & Parker Street block. Construction of crosswalk, sidewalk, and lighting repair and upgrade.	$613,150.00	$0.00	$613,150.00
6K	Community Development & Planning	**Downtown Phase 3**. Monument Park. Design of crosswalk, sidewalk, and lighting repair and upgrade.	$40,500.00	$0.00	$40,500.00
6K	Community Development & Planning	**Park Street Park.** 53 Park Street. Design of park and parking area for access to recreation activities.	$18,000.00	$0.00	$18,000.00
8B	VOT	**Domestic Violence Prevention.** Provide services for 30 LMI Gardner residents affected by domestic violence.	$8,000.00	$0.00	$8,000.00
8B	GAAMHA	**Family Support Services.** Family Support Services to 24 LMI Gardner residents	$6,600.00	$6,600.00	$13,200.00
8B	GPSA	**Gardner Public Schools Athletics.** Provide financial assistance to LMI student athletes at Gardner High School and Gardner Middle School.	$15,000.00	$0.00	$15,000.00
		Administrative & Delivery costs.	$123,750.00	$0.00	$123,750.00
		Sub-total	**$825,000.00**	**$6,600.00**	**$831,600.00**

FY2018 – FY2021 COMMUNITY DEVELOPMENT STRATEGY

The City of Gardner's Community Development Strategy summarizes the City's various efforts to engage in community-based planning and priority setting, staying consistent with the Commonwealth's Sustainable Development Principals, and to outline a plan of action intended to accomplish specific community development goals. The current Community Development Strategy (CDS) will be used to direct resources from all sources toward projects that address that needs identified by the community as high priorities. Acting through its Department of Community Development and Planning, using specifically CDBG funds, projects will lie within the boundaries of the Downtown Urban Renewal Area (D-URA) and the Mill Street Corridor Urban Renewal Area (MSC-URA).

Housing: Expansion and Retention. This category is consistent with Concentrate Development and Mix Uses and Expand Housing Opportunities.

The City of Gardner is committed to expanding housing opportunities in appropriate locations to meet the needs of Gardner's population. Gardner has partnered with local and regional non-profit organizations to enhance and rehabilitate properties creating safe and affordable housing and repairing dilapidated buildings. Many of the properties in the D-URA are mixed use properties with retail or commercial endeavors on the first floor and apartments on the upper floors, which due to a variety of reasons, remain mostly vacant. In order to facilitate the redevelopment of these vacant properties, and others throughout the City, the City must increase the quantity and availability of parking, expedite the process for taking control of tax title properties, assess current zoning and promote smart growth districts, address storm water management practices, and partner with local agencies and developers to invest in the existing infrastructure. The City must also continue to support residents by partnering with local banks and non-profit agencies to identify properties that are in pre-foreclosure, distribute information regarding the availability of foreclosure counseling, assist with post-foreclosure issues. Education to first time homebuyers is also crucial in foreclosure prevention.

Economic Development. This category is consistent with Concentrate Development and Mix Uses, Advance Equity, Increase Job and Business Opportunities and Plan Regionally.

There are two distinct economic development goals in the City of Gardner – to diversify the local economy and increase job opportunities by encouraging and facilitating retention and expansion of Gardner based businesses as well as attracting new businesses to Gardner while promoting reinvestment in older industrial and commercial properties. To that end, the City will continue to coordinate economic development efforts by maintaining funding for the Economic Development Coordinator (EDC) position. Within the role, the EDC will continue to implement the approved urban renewal plans; identify and develop a new industrial business park; assist and expand training opportunities for the local workforce; provide support to new and existing businesses throughout Gardner by organizing company tours with potential partners; act as a conduit between the City and the Chamber of Commerce, Square Two, NewVue Communities and other organizations for marketing and technical support such as sign and façade improvements, marketing, business expansion efforts and networking with other business owners; and partner with local non-profit agencies to assist in challenges facing the local workforce such as job training, job-related transportation issues, job-related childcare, education and financial literacy and self-sufficiency programs.

Open Space and Recreation. The Sustainable Development principles relevant to this section are to Protect Land and Ecosystems and Use Natural Resources Wisely.

The City of Gardner has a fully updated Open Space and Recreation Plan (OSRP) that was accepted by the State in 2015. The overall purpose of the OSRP is to provide Gardner's residents with a diverse system of interconnected open space areas and quality recreational opportunities that protect natural resources, promote public health, and enhance the quality of life. Enhancing the quality of life in a community must maintain a careful balance between equity, environment and economy. To meet the overall goal of the OSRP, it is important that the City focus on acquiring additional open space parcels, or more effectively utilize existing land; improve management and maintenance of existing municipally owned open space, including land and bodies of water; increase opportunities for recreation along the Otter River and other waterways; complete the North Central Pathway in partnership with the Town of Winchendon; add new equipment and increase maintenance of existing equipment at the existing recreation facilities; look for opportunities to acquire land, or repurpose existing land, for additional recreational facilities and/or fields; construct, replace, and maintain a sidewalk network throughout the City to ensure a safe walkable community; adopt a reduced salt policy; and promote the benefits of donating open space.

Transportation. The Sustainable Development Principle of Provide Transportation Choice is most relevant to this section.

The City's goals include increasing access to transportation options and ensuring safe, accessible options for all travel modes – walking, biking, transit and vehicles – for people of all ages and abilities, including those with disabilities, allowing safe and convenient travel throughout the City. To that end, the City continues to advocate for increased bus service to allow working parents and the underemployed better access to childcare facilities and employment opportunities; upgrading State Route 2 and improvements to the Community Rail System serving Northern Worcester County; promote walking and biking opportunities within the City and advocate for bicycle racks on buses to allow travel between communities for recreational purposes; apply appropriate Smart Parking standards and strategies in the target areas and increase the availability of parking the target areas; continue to upgrade the sidewalks to ADA/MAAB standards and repair deteriorated infrastructure which will include preparing and implementing a pavement management plan; provide better traffic control features such as line painting and cross walks; and increase the enforcement of traffic laws and ordinances.

The City has entered into a Community Compact with the Commonwealth of Massachusetts and has created a Complete Streets Policy outlining its commitment in obtaining its transportation goals.

Special Needs. This category does not tie in to the Commonwealth's Sustainable Development Principles but is an important component to the Community Development Strategy of the City of Gardner.

It is important the residents of Gardner have equal access to municipal and regional services, activities and programs. To the that end, the City will continue to evaluate its ADA Transition Plan and make recommendations where necessary; provide auxiliary aids and services that allow municipal communication improvement; increase the support available to persons having special needs, including, but not limited to, the elderly, the homeless, victims of domestic violence, low and moderate income persons and the disabled; expand partnerships with local and regional health, social and human service providers; support efforts of private developers to create affordable and market rate senior housing; expand existing City efforts to rehabilitate substandard housing, particularly inaccessible, multi-family buildings; continue to upgrade the existing infrastructure with ADA compliant curbs and ramps to make travel more accessible; and provide support to address public health priorities including those dealing with addiction, mental health and physical disabilities.

10240

FY2018 – FY2021 COMMUNITY DEVELOPMENT STRATEGY
PRIORITY LIST

1. Reconstruct or alter streets, sidewalks, and public buildings to allow for handicap accessibility and to encourage pedestrian travel. – Year 1-3. Additional funding potential through the Complete Streets program as well as local City funding.

2. Upgrade existing infrastructure, particularly in the Downtown Urban Renewal Area and Mill Street Corridor Urban Renewal Area. Year 1-3.

3. Apply Complete Streets Standards to Target Areas, Timpany Boulevard Corridor, and safe route to school areas to accommodate all modes of travel and help facilitate economic growth. Year 1-3. See above.

4. Apply appropriate "Smart Parking" standards and strategies and increase availability of parking in the Downtown Urban Renewal Area. Year 1-3.

5. Implement the approved Downtown and Mill Street Corridor Urban Renewal Plans. Years 1-3.

6. Restore, enhance, build and support diverse recreational facilities and/or activities. Year 2/3. Additional funds through Trails Grant and other recreational sources.

7. Implement the Open Space and Recreation Plan including, but not limited to, acquiring, protecting, and maintaining open space and environmentally sensitive lands. Years 1-3. See #6.

8. Support and expand economic security and self-sufficiency programs. Year 1-3

9. Work cooperatively with all area for-profit, non-profit and service agencies to implement the CDS. Years 1-3.

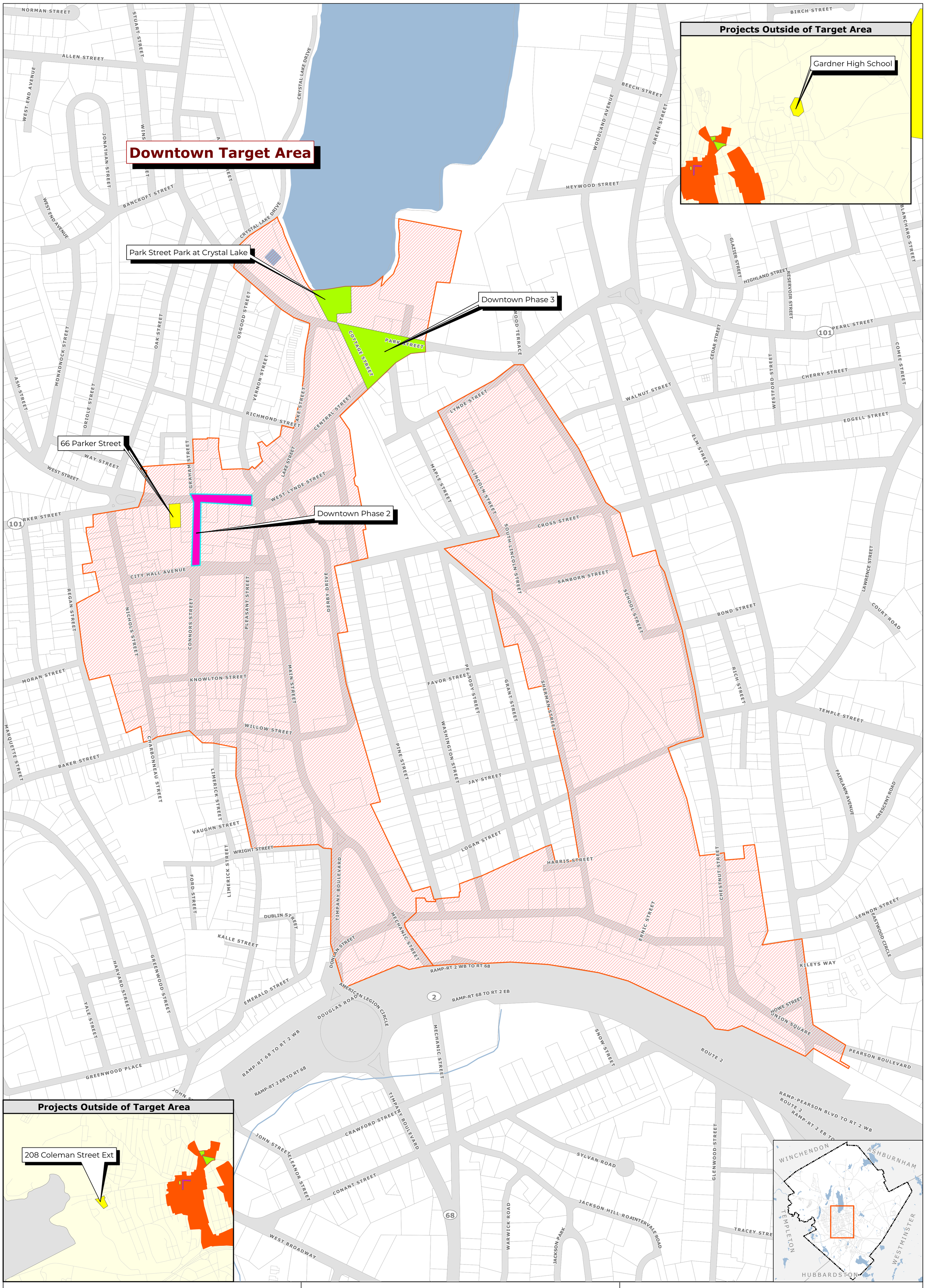
10. Selectively demolish buildings that are beyond reuse in the Target Area. Year 2

11. Rehabilitate dilapidated buildings within the Target Area (Downtown Urban Renewal Area and Mill Street Corridor Urban Renewal Area). Year 1-3

12. Attract and assist businesses opening in, relocating to, or already existing in, Gardner. Years 1-3.

13. Redevelop vacant or underutilized land and buildings, particularly in the Urban Renewal Areas. Year 3.

14. Rehabilitate non-code compliant, and/or construction of, affordable single and multi-family homes.



Legend

- Downtown Target Area
- Surface Water
- Streams
- Town Boundary

2020 Project Types

Project

- Design Project
- Construction
- Public Social Services

2020 CDBG APPLICATION

TARGET AREA AND PROJECTS

CITY OF GARDNER

95 Pleasant Street
Gardner, MA 01440

"Information displayed must not be used for authoritative boundary determinations or for authoritatively locating physical objects; the authoritative determination of boundary or other physical locations remains the purview of the professional land surveyor and, in the case of property boundaries, the professional title attorney".

Note that legal parcel boundaries may or may not be coincident with visible features, and that some features (e.g. the coastline, river banks, and pond/lake edges) can move over time. Therefore, assumptions about coincidence with visible features must be carefully reviewed, case-by-case.

Data Sources

City of Gardner Engineering &
Office of Geographic and Environmental Information (MassGIS),
Commonwealth of Massachusetts, EOEA

0 250 500 Feet

G:\Projects\CDBG\CDBG\CDBG.aprx 1/9/2020

10216

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 560 THEREOF, ENTITLED "SOLID WASTE," TO CHANGE THE FEE FOR SOLID WASTE COLLECTION.

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

Section 1. Section 560-3 of the Code of the City of Gardner, is hereby amended by striking the sentence: "The annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at $200 per apartment unit per building, effective July 1, 2013," and by inserting in place thereof, the sentence: "Effective July 1, 2020, the annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at $230 per household and each unit of apartment buildings containing eight or fewer units in the City.

Section 2. Effective date.

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

10216

City of Gardner, *Executive Department*

Mark Hawke, Mayor

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CITY CLERK'S OFF.
GARDNER, MA

November 20, 2019

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

RE: Trash Fee Ordinance Change

Dear President Graves and Councilors,

In February of 2013, we presented the attached spreadsheet #1 demonstrating the need to increase the annual fee for solid waste enterprise fund. At the meeting I stated that I felt confident the rate increase would suffice for the next five (5) years. I was wrong. We were able to expertly manage the budget to make that rate increase last for seven (7) years.

Until recently, the majority of recyclable material collected by Massachusetts municipalities was purchased by China for processing. Many municipalities paid low fees to have their recycling hauled, and some even earned money from haulers for the materials.

Over time, the in-state market for processing recyclables such as paper and glass declined, as these businesses could not compete with the Chinese market.

On Jan. 1, 2018, the recycling market in Massachusetts and across the country experienced a massive disruption as China announced that it would no longer import 24 types of materials, including mixed paper and several types of plastic. Citing the increasing rate of impurities in the U.S. recycling stream, China, under its new National Sword policy, now will only accept materials with a contamination rate of one-half of 1 percent or less.

This Sword policy has decimated the recycling market and municipal solid waste budgets. On top of this is the impending expiration of a five (5) year contract with Waste Management. Needless to say, Waste Management did not accurately predict the markets of today when the contract was negotiated last. There will be an increase in rates in our next contract. Director of Public Health, Lauren Saunders and I have been meeting with Waste Management for the past few months trying to hammer out a new contract.

According to the attached spreadsheet #2, in fiscal year 2020, we are anticipating having to use approximately $90,000 in retained earnings in order to balance the budget. This is sustainable because we have the cushion of the retained earnings in order to deal with the projected shortfall.

City Hall, 95 Pleasant Street, Room 125, Gardner, Massachusetts 01440
Telephone: (978) 630-1490 • Facsimile (978) 630-3778 • Email: mayor@gardner-ma.gov

However, as you can see from the first box, if we do nothing, we anticipate depleting our retained earnings near the end FY 2022.

In the second, third and fourth box we demonstrate the effect a $5 per quarter ($20 per year), $7.50 per quarter ($30 per year), and $10 per quarter ($40 per year) increase would have on future budgets. The $5 per quarter ($20 per year) increase would stabilize the fund for approximately one (1) year before beginning to deplete the retained earnings. The $7.50 per quarter ($30 per year) increase would seem to carry us through FY 2023. The $10 per quarter ($40 per year) increase seems too large and would grow retained earnings at a rapid rate.

Given that the object of an enterprise fund is to be a self-sufficient entity, the Director of Public Health, City Auditor and I all agree that a $7.50 per quarter ($30 per year) increase in the annual fee would allow the Solid Waste Enterprise Fund adequate revenue to sustain a proper amount of retained earnings and cover the actual expected costs associated with the Fund.

Respectfully,

Mark Hawke
Mayor, City of Gardner

City of Gardner, MA
Monday, November 25, 2019

Chapter 560. Solid Waste

Article I. Collection and Disposal

§ 560-3. Solid waste collection program.

Under the authority of MGL c. 44, § 28C, the following system of fees, charges and exemptions is established to cover all of the costs of operating the City's municipal solid waste programs:

A. An annual fee for the collection and handling of rubbish, garbage, ashes, and source-separated materials shall be established on all households and apartment buildings with eight apartments or fewer in the City, and said fee shall be paid by the property owner. The fee shall be assessed at an amount the Mayor and City Council deem appropriate to cover all of the fixed costs of such collection. The City shall make this system self-sufficient, utilizing an enterprise fund established under MGL c. 44, § 53F 1/2.

B. The annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at $200 per apartment unit per building, effective July 1, 2013. The City of Gardner trash bag fee is set at $3.50 per bag. Every collection day as of October 1, 2010, each single-family household, or single-family apartment unit in a building with eight apartments or fewer, may place a single approved rubbish container, with a tight-fitting cover securely in place, out for collection. Said rubbish container must be clearly labeled with the unit identification and identifying City logo. Any additional rubbish that does not fit within said container must be placed in a valid City of Gardner trash bag.
[Amended 6-16-2008 by Ord. No. 1474; 9-7-2010 by Ord. No. 1519; 3-18-2013 by Ord. No. 1558]

C. An owner of any residential property in the City with eight apartments or fewer may be exempted from participating in the mandatory program (including payment of the annual fee and use of the City trash bags) by contracting with a solid waste hauling company duly licensed to operate in the City of Gardner for the removal and disposal of all rubbish, garbage, ashes, source-separated recyclable materials, household appliances, furniture and consumer electronic materials. Any property owner seeking this exemption must annually provide the Director of Public Health with a copy of an acceptable signed contract from a properly licensed hauler.

D. An owner of any residential property in the City with nine apartments or more situated on a public way may voluntarily participate in the solid

waste collection program. Any property owner seeking such participation must annually provide the Director of Public Health with written notice of intent to participate on a form provided by the Health Department. Such participation renders the property subject to the fees as outlined in Subsection **A** above.

E. Exemptions from the payment of the annual fee may be approved by the Director of Public Health with the approval of the Public Safety Committee of the City Council for apartment units in apartment buildings that are vacant and that the owner intends to maintain in a vacant state. Any property owner seeking this exemption must submit documentation of the status of the vacant unit and a letter certifying his or her intent to maintain the unit in the vacant state for the next year and have the unit inspected by the Director of Public Health or his designee. Occupation of the apartment unit makes the exemption null and void. It is the owner's responsibility to inform the City of the occupation of the unit; failure to do so renders the unit subject to the full amount of the annual fee for the time period covered by the exemption. This exemption is subject to written guidelines and limitations on file in the Board of Health office. Persons aggrieved by findings by the Director of Public Health under this section may appeal such finding to Public Safety Committee of the City Council.

F. Unpaid solid waste collection program fees will become a lien on a homeowner's property tax account as provided in the Massachusetts General Laws. Failure to make payment when due in any year, unless an exemption is granted, shall result in the assessment of interest, penalties, and charges or termination of services as authorized by state statute. [Amended 6-16-2008 by Ord. No. 1474]

#1

			$200/yr total $20/yr increase						
		2013	2014	2015	2016	2017	2018	2019	2020
51010	Department Head	$17,850.00	$18,385.50	$18,937.07	$19,505.18	$20,090.33	$20,693.04	$21,313.83	$21,953.25
51011	Transfer Station Foreman	$20,272.00	$20,880.16	$21,506.56	$22,151.76	$22,816.31	$23,500.80	$24,205.83	$24,932.00
51013	Account Clerk	$32,159.00	$33,123.77	$34,117.48	$35,141.01	$36,195.24	$37,281.09	$38,399.53	$39,551.51
51018	Transfer Station Monitors	$15,200.00	$15,656.00	$16,125.68	$16,609.45	$17,107.73	$17,620.97	$18,149.59	$18,694.08
51030	Overtime	$500.00	$500.00	$500.00	$500.00	$500.00	$500.00	$500.00	$500.00
51090	Clothing Allowance	$700.00	$700.00	$700.00	$700.00	$700.00	$700.00	$700.00	$700.00
51460	Longevity	$745.00	$1,300.00	$1,390.00	$1,480.00	$1,570.00	$1,660.00	$1,750.00	$1,840.00
52030	Repairs & Maint	$30,000.00	$10,000.00	$10,300.00	$10,609.00	$10,927.27	$11,255.09	$11,592.74	$11,940.52
52050	Minor Equipment	$4,000.00	$4,120.00	$4,243.60	$4,370.91	$4,502.04	$4,637.10	$4,776.21	$4,919.50
52110	Energy & Utilities	$6,000.00	$6,180.00	$6,365.40	$6,556.36	$6,753.05	$6,955.64	$7,164.31	$7,379.24
52150	Communications	$500.00	$500.00	$500.00	$500.00	$500.00	$500.00	$500.00	$500.00
52170	Prof. Dev & Travel	$500.00	$500.00	$500.00	$500.00	$500.00	$500.00	$500.00	$500.00
52190	Professional Svc	$15,000.00	$15,450.00	$15,913.50	$16,390.91	$16,882.63	$17,389.11	$17,910.78	$18,448.11
52230	Office Supplies	$2,000.00	$2,060.00	$2,121.80	$2,185.45	$2,251.02	$2,318.55	$2,388.10	$2,459.75
52232	Trash Bags	$15,000.00	$0.00	$15,000.00	$0.00	$15,000.00	$0.00	$15,000.00	$0.00
52240	Vehicle Supplies	$3,000.00	$3,090.00	$3,182.70	$3,278.18	$3,376.53	$3,477.82	$3,582.16	$3,689.62
52361	Trash Disposal	$365,000.00	$375,950.00	$387,228.50	$398,845.36	$410,810.72	$423,135.04	$435,829.09	$448,903.96
52362	Recycling Processing	$25,000.00	$25,750.00	$26,522.50	$27,318.18	$28,137.72	$28,981.85	$29,851.31	$30,746.85
52380	Indirect Costs	$65,000.00	$66,950.00	$68,958.50	$71,027.26	$73,158.07	$75,352.81	$77,613.40	$79,941.80
55126	Curbside Recycl.	$176,000.00	$181,280.00	$186,718.40	$192,319.95	$198,089.55	$204,032.24	$210,153.20	$216,457.80
55361	Curbside Trash	$399,000.00	$410,970.00	$423,299.10	$435,998.07	$449,078.02	$462,550.36	$476,426.87	$490,719.67
55363	Yard Waste	$57,500.00	$59,225.00	$61,001.75	$62,831.80	$64,716.76	$66,658.26	$68,658.01	$70,717.75
55365	Hou Haz Waste	$15,500.00	$15,965.00	$16,443.95	$16,937.27	$17,445.39	$17,968.75	$18,507.81	$19,063.04
	Debt Service	106,000.00	106,000.00	106,000.00	106,000.00	0.00	0.00	0.00	0.00
Totals		$1,372,426.00	$1,374,535.43	$1,427,576.49	$1,451,756.09	$1,401,108.37	$1,427,668.52	$1,485,472.78	$1,514,558.46
6600	Household Fee Revenue	$1,125,000.00	$1,250,000.00	$1,250,000.00	$1,250,000.00	$1,250,000.00	$1,250,000.00	$1,250,000.00	$1,250,000.00
	Other Revenue	$165,000.00	$165,000.00	$165,000.00	$165,000.00	$165,000.00	$165,000.00	$165,000.00	$165,000.00
	Net Balance	-$82,426.00	$40,464.57	-$12,576.49	-$36,756.09	$13,891.63	-$12,668.52	-$70,472.78	-$99,558.46
	Surplus Balance $307,000	$224,574.00	$ 265,038.57	$ 252,462.08	$ 215,705.99	$ 229,597.62	$ 216,929.10	$ 146,456.32	$ 46,897.86

Assumes a 3% increase in expenses
Assumes no new growth in houshold fee revenue (6250 Customers)
Assumes no new growth in other revenue

#2

	Number of Units	6399	6460	6353	6500	6567	6567	6567
	Annual Fee per Unit	$ 200.00	$ 200.00	$ 200.00	$ 200.00	$ 200.00	$ 200.00	$ 200.00
$0 per quarter increase		**2017**	**2018**	**2019**	**2020 (Budget)**	**2021**	**2022**	**2023**
	Per Unit Fee	$ 1,279,986.00	$ 1,292,057.00	$ 1,270,664.00	$ 1,300,000.00	$ 1,313,400.00	$ 1,313,400.00	$ 1,313,400.00
	All Other Fees	$ 144,216.00	$ 156,071.00	$ 182,090.00	$ 185,571.00	$ 185,000.00	$ 185,000.00	$ 185,000.00
	Total Revenue	$ 1,424,202.00	$ 1,448,128.00	$ 1,452,754.00	$ 1,485,571.00	$ 1,498,400.00	$ 1,498,400.00	$ 1,498,400.00
	Solid Waste Expenses	$ 1,258,000.00	$ 1,385,000.00	$ 1,471,000.00	$ 1,575,000.00	$ 1,622,250.00	$ 1,670,917.50	$ 1,721,045.03
	EOY Retained Earnings			$ 418,098.00	$ 328,669.00	$ 204,819.00	$ 32,301.50	$ (190,343.53)

	Annual Fee per Unit	$ 200.00	$ 200.00	$ 200.00	$ 200.00	$ 220.00	$ 220.00	$ 220.00
$5 per quarter increase		**2017**	**2018**	**2019**	**2020 (Budget)**	**2021**	**2022**	**2023**
	Per Unit Fee	$ 1,279,986.00	$ 1,292,057.00	$ 1,270,664.00	$ 1,300,000.00	$ 1,444,740.00	$ 1,444,740.00	$ 1,444,740.00
	All Other Fees	$ 144,216.00	$ 156,071.00	$ 182,090.00	$ 185,571.00	$ 185,000.00	$ 185,000.00	$ 185,000.00
	Total Revenue	$ 1,424,202.00	$ 1,448,128.00	$ 1,452,754.00	$ 1,485,571.00	$ 1,629,740.00	$ 1,629,740.00	$ 1,629,740.00
	Solid Waste Expenses	$ 1,258,000.00	$ 1,385,000.00	$ 1,471,000.00	$ 1,575,000.00	$ 1,622,250.00	$ 1,670,917.50	$ 1,721,045.03
	EOY Retained Earnings			$ 418,098.00	$ 328,669.00	$ 336,159.00	$ 294,981.50	$ 203,676.48

	Annual Fee per Unit	$ 200.00	$ 200.00	$ 200.00	$ 200.00	$ 230.00	$ 230.00	$ 230.00
$7.50 per quarter increase		**2017**	**2018**	**2019**	**2020 (Budget)**	**2021**	**2022**	**2023**
	Per Unit Fee	$ 1,279,986.00	$ 1,292,057.00	$ 1,270,664.00	$ 1,300,000.00	$ 1,510,410.00	$ 1,510,410.00	$ 1,510,410.00
	All Other Fees	$ 144,216.00	$ 156,071.00	$ 182,090.00	$ 185,571.00	$ 185,000.00	$ 185,000.00	$ 185,000.00
	Total Revenue	$ 1,424,202.00	$ 1,448,128.00	$ 1,452,754.00	$ 1,485,571.00	$ 1,695,410.00	$ 1,695,410.00	$ 1,695,410.00
	Solid Waste Expenses	$ 1,258,000.00	$ 1,385,000.00	$ 1,471,000.00	$ 1,575,000.00	$ 1,622,250.00	$ 1,670,917.50	$ 1,721,045.03
	EOY Retained Earnings			$ 418,098.00	$ 328,669.00	$ 401,829.00	$ 426,321.50	$ 400,686.48

	Annual Fee per Unit	$ 200.00	$ 200.00	$ 200.00	$ 200.00	$ 240.00	$ 240.00	$ 240.00
$10 per quarter increase		**2017**	**2018**	**2019**	**2020 (Budget)**	**2021**	**2022**	**2023**
	Per Unit Fee	$ 1,279,986.00	$ 1,292,057.00	$ 1,270,664.00	$ 1,300,000.00	$ 1,576,080.00	$ 1,576,080.00	$ 1,576,080.00
	All Other Fees	$ 144,216.00	$ 156,071.00	$ 182,090.00	$ 185,571.00	$ 185,000.00	$ 185,000.00	$ 185,000.00
	Total Revenue	$ 1,424,202.00	$ 1,448,128.00	$ 1,452,754.00	$ 1,485,571.00	$ 1,761,080.00	$ 1,761,080.00	$ 1,761,080.00
	Solid Waste Expenses	$ 1,258,000.00	$ 1,385,000.00	$ 1,471,000.00	$ 1,575,000.00	$ 1,622,250.00	$ 1,670,917.50	$ 1,721,045.03
	EOY Retained Earnings			$ 418,098.00	$ 328,669.00	$ 467,499.00	$ 557,661.50	$ 597,696.48

10207

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO REVISE ARTICLE VI, DENSITY AND DIMENSIONAL REGULATIONS, AND ARTICLE X, SUPPLEMENTAL REGULATIONS.

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

Section 1. Section 675–610. General Requirements, Section F, of the Code of the City of Gardner, is amended by deleting and repealing Section F in its entirety and inserting in place thereof, the following:

> Within an area formed by the side lines of intersecting streets and a line joining points on such lines 30 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 feet and a height of eight feet above the plane through their street grades.

Section 2. Section 675–1050. Fences and hedgerows, is hereby amended by deleting and repealing Section 675-1050 in its entirety and inserting in place thereof, the following:

> Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

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.

10207

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

November 4, 2019

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

Re: Proposed Zoning Amendment for Corner Clearance, and Fence and Hedgerows Clearance

Dear President Graves:

At its meeting on October 7, 2019, the Planning Board voted unanimously, 4-0, to recommend that the City Council consider amending the City Zoning Code Chapter 675 – 610 General Requirements, Section F; and Chapter 675 – 1050 Fences and hedgerows as follows:

1. **Section 675 – 610 General Requirements, Section F:**

   Currently reads as:

   F. Corner clearance

   Within an area formed by the side lines of intersecting streets and a line joining points on such lines 15 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 ½ feet and a height of eight feet above the plane through their curb grades.

   Change to (proposed changes are in bold and underlined):

   F. Corner clearance

   Within an area formed by the side lines of intersecting streets and a line joining points on such lines **30** feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of **3** feet and a height of eight feet above the plane through their **street** grades.

Explanation: The Zoning Code shows a diagram in this section that depicts the corner clearance as 30 feet. Based on input from the Building Commissioner, City Engineer, and Director of the Department of Public Works, the Planning Board requests the narrative for corner clearance be consistent with the diagram at 30 feet. Changing 3 ½ feet to 3 feet, and curb plane to street plane makes this Section consistent with Section 675-1050 below.

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

10207

2. **Chapter 675 – 1050 Fences and hedgerows:**

Currently reads as:

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 2 ½ feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 20 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the sidewalks shall not be allowed to block vision over 2 1/2 feet above the sidewalk grade for a distance of 15 feet along driveways immediate in location.

Change to (proposed changes are in bold and underlined):

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over **3** feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line **30** feet back from their points of intersection. Fencing and hedgerows running perpendicular to the **streets** shall not be allowed to block vision over **3** feet above the **street** grade for a distance of 15 feet along driveways immediate in location.

Explanation: Based on input from the Building Commissioner, City Engineer, and Director of the Department of Public Works, the Planning Board requests the narrative for fences and hedgerows be consistent with Section 675-610 in order effectively and consistently enforce the City's Zoning Code. Correspondence from the Building Commissioner requesting said changes is attached hereto.

The Planning Board respectfully requests a joint public hearing with the City Council in order to present this information 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: Mayor
Planning Board
Building Commissioner
City Engineer
Director DPW

/0207

City of Gardner

Department of Inspectional Services
115 Pleasant Street, Room 101
Gardner, MA 01440
Tel. (978) 630-4007 Fax: (978) 632-3313

October 2, 2019

Dear Planning Board:

I would like to request a zoning change be made to the following City Code Chapters in order to make the code more consistent and better understandable:

- Zoning: Chapter 675 – 610 General Requirements, Section F
  - Reads as: "Corner clearance. Within an area formed by the side lines of intersecting streets and a line joining points on such lines 15 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 ½ feet and a height of eight feet above the plane through their curb grades.
  - Change to: "Corner clearance. Within an area formed by the side lines of intersecting streets and a line joining points on such lines **30** feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of **3** feet and a height of eight feet above the plane through their curb grades.
- Zoning: Chapter 675 – 1050 Fences and hedgerows
  - Reads as: "Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 2 ½ feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 20 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the sidewalks shall not be allowed to block vision over 2 1/2 feet above the sidewalk grade for a distance of 15 feet along driveways immediate in location.
  - Change to: "Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over **3** feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over **3** feet above the street grade for a distance of 15 feet along driveways immediate in location.

Please let me know if you have any questions or concerns.

Respectfully,

Roland Jean Jr.

Roland Jean Jr. C.B.O.
Building Commissioner
115 Pleasant St.-Rm. 101
City Hall Annex
Gardner, MA 01440
(978) 632-1900 Ext. 8050
rjean@gardner-ma.gov

Mission Statement

To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances

10217

City of Gardner, MA
Thursday, November 14, 2019

Chapter 675. Zoning

Article VI. Density and Dimensional Regulations

§ 675-610. General requirements.

(See the Table of Lot, Area, Frontage, Yard and Height Requirements included at the end of this chapter)

A. A dwelling, building or any structure hereafter erected in any district shall not be located on a lot having less than the minimum requirements.

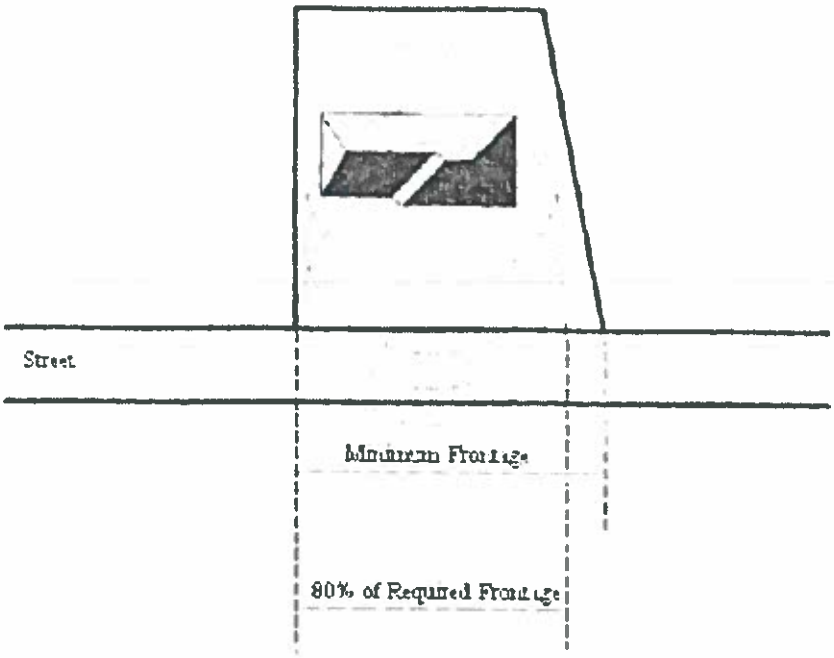
B. A lot or parcel of land having an area or a frontage of lesser amounts than required in the following schedule may be considered as coming within the area and frontage requirements of this section, provided that, at the time of building, such lot has an area of more than 5,000 square feet, has a frontage of 50 feet or more and is in a district zoned for residential use, and provided further that such lot or parcel of land was shown on a parcel or described in a deed duly recorded or registered at the time of the adoption of this chapter and did not at the time of such adoption adjoin other land of the same owner available for use in connection with such lot or parcel.

C. All minimum yard dimensions required in the following schedule are to be measured from the relevant lot line.

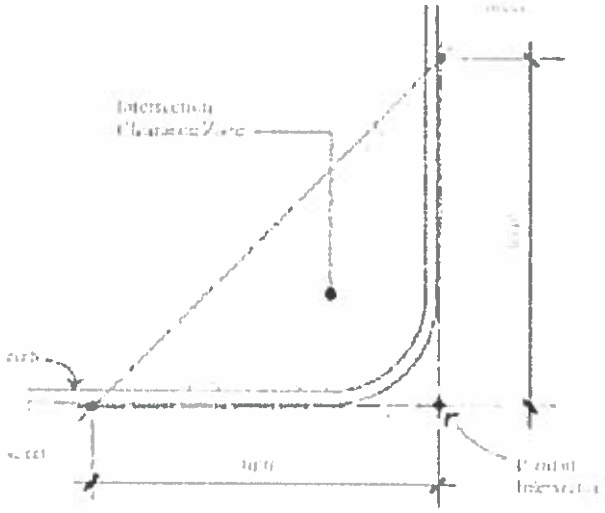
D. The limitation of height of buildings and structures in the following schedule shall not apply in any district to chimneys, ventilators, towers, spires, or other ornamental features of buildings, which features are in no way used for living purposes.

E. All lots shall have a lot width such that the center of a circle having a minimum diameter of at least 80% of the required frontage of the lot can be passed along a continuous line from the lot line along which the frontage is measured to any and all points of the principal structure or proposed principal structure without the circumference intersecting any side lot line.

10207



F. Corner clearance. Within an area formed by the side lines of intersecting streets and a line joining points on such lines 15 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 1/2 feet and a height of eight feet above the plane through their curb grades.



§ 675-620. Table of lot, area, frontage, yard and height requirements.

The Table of Lot, Area, Frontage, Yard and Height Requirements is included at the end of this chapter.

§ 675-630. Infill development.

10207

City of Gardner, MA
Thursday, November 14, 2019

Chapter 675. Zoning

Article X. Supplemental Regulations

§ 675-1050. Fences and hedgerows.

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 2 1/2 feet above the street grade within an area formed by the intersecting street lines and a straight line joining the points of said street line 20 feet back from their points of intersection. Fencing and hedgerows running perpendicular to sidewalks shall not be allowed to block vision over 2 1/2 feet above the sidewalk grade for a distance of 15 feet along driveways immediate in location.

10226

City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED
2019 DEC 16 PM 12: 15
CITY CLERK'S OFFICE
GARDNER, MA

December 16, 2019

Scott Graves, President
City Council
95 Pleasant Street
Gardner, MA 01440

Dear President,

With the current situation in the Mayor's Office, I thought it was an appropriate time to request a salary increase and a title name adjustment in order to properly reflect what my Executive Secretary's duties encompass. The role of the Mayor's Assistant (Secretary) is one that is ever evolving in today's municipalities. This individual plays an integral part in the running of not just the Mayor's office but that of City Hall as a whole. It is antiquated thinking to believe that this job is that of a simple secretary from yesteryear. With the constant advance of technology, this person is required to adapt and revise their abilities to fit today's demands.

The position requires a great deal of self-sufficiency and a broad knowledge base, requiring a high degree of motivation and initiative. Oftentimes, this individual uses independent thinking, judgment and decision making. He or she must possess a thorough knowledge of departmental operations to complete the tasks at hand. On any given day, this individual is required to represent the City of Gardner and its various departments to the general public as well as to other governmental entities. From assisting the Mayor with projects and financial reports, to providing the public with important information as Webmaster for the City's official webpage. The role of a competent Executive Assistant is essential to the smooth operation of the Mayor's Office. In addition, there are other committees or commissions that this individual serves on per the Mayor's request.

This professional provides assistance and works cohesively with the many different Departments within the City. He or she oftentimes acts as liaison between the Departments and the Mayor, and maintains a high level of confidentiality.

Based on my research, this position is currently underpaid, therefore, I would like to respectfully recommend that that the Council consider a pay increase of $4,000. Furthermore, I would also request the title of the position be changed to Executive Assistant rather than the current Executive Secretary to reflect the actual professional demands of this job. Thank you for your consideration.

Respectfully,

Mark P. Hawke
Mayor

City Hall, 95 Pleasant Street, Room 125, Gardner, Massachusetts 01440
Telephone: (978) 630-1490 • Facsimile (978) 630-3778 • Email: mayor@gardner-ma.gov

10229

AN ORDER APPROPRIATING FROM FREE CASH TO GREENWOOD POOL DEMO ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Four Hundred Thousand Dollars and No Cents ($400,000.00) from Free Cash to the Greenwood Pool Demo Account.

10229

City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED

2019 DEC 18 PM 1:58

CITY CLERK'S OFFICE
GARDNER, MA

December 18, 2019

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

RE: Free Cash to Community Development Greenwood Pool Demo

Dear President Graves and Councilors,

In March of 2010 the City received a final Building Assessment Report concerning the Greenwood Memorial Bathhouse. At that time the probable cost to upgrade/renovate the pool was $3,095,000 and the demolition cost was estimated to cost $160,000.

In January of 2018 the City, in conjunction with the Friends of the Pool, received another report estimating a rehabilitation cost between $4,500,000 to $5,600,000. This study also included an estimated income and expense report for operation of the newly rehabilitated Pool which showed at best, an annual loss of $250,000.

The longer we kick this can down the road, the more expensive of a problem we will create. Attached is an email from Community Development Director Trevor Beauregard showing a rough estimate to demolish based on an expert's opinion.

Once this project is complete, there is enough Free Cash reserved to construct a pavilion on the space which could incorporate bricks and/or signage from the old building.

The building is beyond critical failure and should be dealt with immediately.

Respectfully,

Mark Hawke
Mayor, City of Gardner

City Hall, 95 Pleasant Street, Room 125, Gardner, Massachusetts 01440
Telephone: (978) 630-1490 • Facsimile (978) 630-3778 • Email: mayor@gardner-ma.gov

10229

Mayor

From: Trevor Beauregard
Sent: Tuesday, December 17, 2019 9:24 AM
To: Mayor
Subject: Fwd: Greenwood Memorial Pool

Mayor,
Please see below. I think we should be good at $400,000 based on Marc's numbers.
Trevor

Sent from my iPhone

Begin forwarded message:

> **From:** "Marc J. Richards" <MJRichards@tigheBond.com>
> **Date:** December 16, 2019 at 4:53:50 PM EST
> **To:** "'Trevor M. Beauregard (tbcauregard@gardner-ma.gov)'" <tbeauregard@gardner-ma.gov>
> **Cc:** "Marc J. Richards" <MJRichards@tigheBond.com>
> **Subject: RE: Greenwood Memorial Pool**
>
> Based on the recent walkthrough, I have revised the demo costs as follows:
>
> Demo - $250,000
> Design/Permit/Bid/Admin - $50,000
> 20% contingency - $60,000
> Total: $360,000
>
> Thanks Trevor,
>
> Marc

> **From:** Marc J. Richards <MJRichards@tigheBond.com>
> **Sent:** Thursday, November 21, 2019 12:43 PM
> **To:** 'Trevor M. Beauregard (tbcauregard@gardner-ma.gov)' <tbeauregard@gardner-ma.gov>
> **Cc:** Marc J. Richards <MJRichards@tigheBond.com>
> **Subject:** Greenwood Memorial Pool
>
> Found the report. It was from 2010!
>
> Just with cost escalation from what was in the report in 2010, you could see the following:
>
> Demo - $200,000
> Design/Bid/Admin - $45,000
> 20% contingency - $49,000
> Total: $294,000 (this seems high to me)
>
> After we look at the site in early December, we can refine this further.

Thanks,

Marc

Marc J. Richards, PE, LSP | Vice President
Tighe & Bond | 120 Front Street, Suite 7 | Worcester, MA 01608
Direct: 508.471.9642 | Cell: 617.645.5426
www.tighebond.com

Ref: 10229

CITY of GARDNER

Office of the City Auditor

John Richard, City Auditor
95 Pleasant Street, Room 126
Gardner, MA 01440
Phone: 978-632-1900 ext. 8020 • Fax: 978-630-3778
Email: jrichard@gardner-ma.gov

To: City Council

Re: Money Orders for consideration on January 06, 2020

Listed below are balances in various ledger accounts that pertain to Money Order transfers for your consideration.

These balances are as of January 2, 2020:

		Money Order	Balance
Free Cash	10000-35400		$1,543,995.00
to Comm Dev Capital Project for Greenwood Pool Demo	38182-55627	400,000.00	$1,143,995.00
			$1,143,995.00

The Snow & Ice account currently has available $111,349.53
14421-52210

Sincerely

John Richard
City Auditor

copies: Mayor
City Clerk

10230

AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER CAP PROJECT PUMP STATION UPGRADES EXPENSE.

ORDERED:

That there be and is hereby appropriated the sum of Ninety Five Thousand Five Hundred Dollars and No Cents ($95,500.00) from Sewer Surplus to Sewer Capital Project Pump Station Upgrades Expense.

10230

CITY OF GARDNER
Department of Public Works

RECEIVED
2019 DEC 18 PM 1:58
CITY CLERK'S OFFIC
GARDNER, MA

Highway
Water
Sewer
Forestry
Parks/Playgrounds
Cemeteries

Dane E. Arnold, Director
416 West Broadway
Gardner, MA 01440-2687
Telephone (978) 632-7661
Fax (978) 630-4029
darnold@gardner-ma.gov

Mayor Mark P. Hawke
City Hall
95 Pleasant Street
Gardner, MA 01440

RE: Dyer and Coleman Street Pump Station Evaluation
Design and Construction Management

December 17, 2019

Dear Mayor Hawke:

I am requesting **$95,500** from available **Sewer Surplus** for the **Evaluation, Design, and Construction Services** for the Improvements at the Dyer Street and Coleman Street Sewer Pump Stations.

Dyer Street Pump Station was built in 1992 and Coleman Street Pump Station is even older as it was built in 1989. Both are in need of some major improvements and upgrades. Our plan is to use Tata and Howard's engineering services to evaluate each pump station and have the proper design complete to go out for competitive bids in the summer of 2020. Our hope is to start construction in late summer/early fall 2020.

You may recall back in the spring of 2019, the Sewer Department asked to borrow $1,750,000 for Sewer Main Installations on City Hall Avenue and Pump Station Improvements at the Willis Road Pump Station. Since this loan request, we have gone out to bid and fortunately the construction costs came in <u>less</u> than what we anticipated in both projects.

That being said, we are seeking permission to use the remaining balance of the loan to pay for the majority of the upgrades at Dyer and Coleman Street Pump Stations. The City Council authorized the borrowing of the $1,750,000 for "sewer main installation and sewer pump station upgrades". It would appear the language is not limiting the Sewer Department to just Willis Road Pump Station (Enclosed is a copy of the vote).

Original Loan:	$1,750,000
Willis Pump Station Bid	$ 889,000
City Hall Avenue Bid	$ 204,500
Remaining	$ 656,500

The costs above are actual bid pricing, however they do not include costs for the ledge we encountered on City Hall Avenue, any other unforeseen issues, or change orders. The good

10230

(10114)

CITY OF GARDNER, MASSACHUSETTS

IN CITY COUNCIL

ORDERED:

That the City of Gardner appropriates the sum of One Million Seven Hundred Fifty Thousand Dollars ($1,750,000) to pay costs of sewer main installation and sewer pump station upgrades, and paying all costs incidental or related thereto; to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. c. 44, §7 or 8, or any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, 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 vote in accordance with M.G.L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

10230

Rachel Stephano (Mayor's Office)

From: John Richard
Sent: Wednesday, December 18, 2019 9:51 AM
To: Rachel Stephano (Mayor's Office)
Cc: Dane Arnold; Denise Merriam
Subject: Sewer Surplus

Hi Rachel

I confirmed with Dane that the account number and description for where the $95,500 once approve will go to:

Org	Object	Description
35441	58209	SEWER CAP PROJ PUMP ST UPGRADES EXP

Thank you

John Richard
City Auditor
95 Pleasant Street, Room 114
Gardner, MA 01440
978-632-1900 ext 8020

Ref: 10230

CITY of GARDNER

Office of the City Auditor
John Richard, City Auditor
95 Pleasant Street, Room 126
Gardner, MA 01440
Phone: 978-632-1900 ext. 8020 • Fax: 978-630-3778
Email: jrichard@gardner-ma.gov

To: City Council

Re: Money Orders for consideration on January 6, 2020

Listed below are balances in various ledger accounts that pertain to Money Order transfers for your consideration.

These balances are as of January 2, 2020:

			Money Order		Balance
Sewer Enterprise Fund					
61000-31500				$	5,616,063
to Sewer Cap Proj for Upgrades to Pump Stations	35441-58209	$	95,500	$	5,520,563
				$	5,520,563

The Snow & Ice account currently has available $111,349.53
14421-52210

Sincerely

John Richard

John Richard
City Auditor

copies: Mayor
City Clerk

AUTHORIZING FIVE-YEAR CONTRACT PERIOD
SCHOOL TRANSPORTATION SERVICES

VOTE: To authorize the City to enter into contracts not to exceed five (5) years for School Transportation Services, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's December 13, 2019 Memorandum.

10231

CITY OF GARDNER
PURCHASING DEPARTMENT

Room 217 - City Hall
95 Pleasant Street
Gardner, MA 01440-2687

Joshua Cormier, Director
jcormier@gardner-ma.gov
Telephone (978) 632-0426

TO: Gardner City Council
Mayor Mark Hawke

FROM: Joshua Cormier, Purchasing Agent

DATE: December 13th, 2019

SUBJECT: Request for 5-year contracts

According to MGL c 30B, any contract that exceeds three years must be approved by majority vote by the City Council.

I respectfully request permission from the Gardner City Council to seek up to a five year contract (including renewals) for the below listed project. The project listed below is in the fifth year of its existing contract. This contract will be placed out to bid and will continue only if the contracted vendor is in good standing.

- School Transportation Services

My intention to seek a longer term contract is to attract more competitive rates from vendors and to conduct more effective contract management.

If you have any questions or concerns, please feel free to contact me for additional details.

Alan Agnelli

From: Joshua Cormier
Sent: Friday, December 13, 2019 1:19 PM
To: Alan Agnelli; Mayor
Subject: 5-Year Contract Request
Attachments: FY20 - 5 year contract request_School Transportation Services.pdf

Gentlemen

Please find attached a request to seek a five-year contract for the School Transportation Services. Per MGL c. 30B, any contract that exceeds three years must be approved by majority vote of the City Council prior to execution.

If there are any questions or concerns, please do not hesitate to contact me.

Thank you.

Joshua L. Cormier
Purchasing Director
City Hall
95 Pleasant Street, Room 217
Gardner, MA 01440
Phone: 978-632-1900, ext. 8054