



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

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

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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.

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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 MAYORNOTICES 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

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#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.

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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 COMMITTEESPUBLIC 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.

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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.*



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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."



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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: *January 21, 2020*