CITY OF GARDNER IN CITY COUNCIL

REGULAR MEETING OF FEBRUARY 18, 2020

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, February 18, 2020.

CALL TO ORDER

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

CALL OF THE ROLL

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

OPENING PRAYER

President Walsh led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

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

READING & ACCEPTANCE OF MINUTES

On a motion by Councillor Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Elizabeth Kazinskas, and George Tyros, to waive reading and to accept the Minutes of the February 3, 2020 Informal and Regular Meetings, as printed.

COMMUNICATIONS FROM THE ACTING MAYOR

ORDER

#10249

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee discussed the matter with the parties involved and that it represents the City's

share of Phase 1 design and Phase 1 construction. He said that in the past, the Council voted to accept the land along Bailey Brook and that studies have shown that the area has grown to a point where a recreational area is needed and that the money must be spent by June 1 for the design portion. He added that former Mayor Hawke designated this item be taken from Free Cash and that the Committee voted unanimously to recommend the Order.

Councillor Ronald Cormier moved to adopt the following Order:

> AN ORDER APPROPRIATING FROM FREE CASH TO PARC BAILEY BROOK CAPITAL PROJECT.
>
> ORDERED: That there be and is hereby appropriated the sum of One Hundred Seventy-Five Thousand Dollars and No Cents ($175,000.00) from Free Cash to PARC Bailey Brook Capital Project.

Councillor Elizabeth Kazinskas seconded the motion.

On the motion, Councillor Scott Graves stated that he noticed that the Order came down from Acting Mayor James Walsh and in his letter, "the word 'urgency' was used." "I just want to say that I want to be consistent with the Charter. I believe this issue is a matter not admitting of delay, so I will support this," he added.

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

> AN ORDER APPROPRIATING FROM FREE CASH TO PARC BAILEY BROOK CAPITAL PROJECT.
>
> ORDERED: That there be and is hereby appropriated the sum of One Hundred Seventy-Five Thousand Dollars and No Cents ($175,000.00) from Free Cash to PARC Bailey Brook Capital Project.

Presented to the Acting Mayor for Approval – February 19, 2020
Approved – February 19, 2020
JAMES M. WALSH, Acting Mayor

REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

#10216

Councillor Craig Cormier, Chairman of the Public Safety Committee, reported that the Committee plans to meet in the following weeks, so that more time is needed.

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.

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

#10237

Reporting for the Finance Committee, Councillor Elizabeth Kazinskas informed the Council that the Committee voted to recommend that the Ordinance be returned to the Executive Department so that it may be considered with the new fiscal years' budget by the new Mayor and that it be removed from the Calendar.

Councillor Elizabeth Kazinskas then moved to return the Ordinance to the Executive Department and to remove it from the Calendar.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Scott Graves said that he has a letter in front of him dated February 13, 2020 from Acting Mayor James M. Walsh. "So my question is for the Acting Mayor, 'Is this a matter not admitting of delay?', because it doesn't seem like it is to me."

In response, Council President Walsh said that in his letter, he stated that it should best be addressed by the newly-elected Mayor.

Councillor Graves responded, "So, is this a matter not admitting of delay?"

In response, President Walsh stated, "I am not sure I understand your question."

Councillor Graves remarked, "The Acting Mayor took action on this issue." "So if the Acting Mayor took action, I'd assume that the Acting Mayor believes that it's a matter not admitting of delay. Maybe I'm wrong?"

President Walsh responded, "I believe that it is admitting of delay, and that is part of why I recommended that it be deferred to the newly-elected Mayor."

Councillor Graves responded, "You answered my question that you believe this is an emergency matter."

President Walsh responded, "No, I believe that this is not an emergency, and that is why it should be delayed to the new Mayor."

Councillor Graves remarked, "You took action on this matter. That means that you believe it's a matter not admitting of delay; otherwise, you would not have taken action as Acting Mayor. This isn't signed by the Council President, it's signed by the Acting Mayor."

President Walsh responded, "Correct. I believe it is a matter admitting of delay and what I based my recommendation on."

Councillor Graves responded, "Yes, it's a matter not admitting of delay. You think. I don't think. You think."

President Walsh responded, "I think it is admitting of delay and should be delayed."

Councillor Graves responded, "And yet you took action anyway."

President Walsh replied, "I sent a letter saying that I shouldn't take action."

Councillor Graves responded, "Nobody asked you to take action on it. This is a City Council matter."

Councillor Ronald Cormier stated that the City Council Finance Committee, of which Council President Walsh is a member, chose to discuss it and take the action that it did. "I don't see what the discussion is here. Our item is before the Council to vote on to refer it to the Executive Department," he added.

Councillor Graves remarked, "To be clear, I don't take quarrel with anything that the Finance Committee did. My question is this letter from the Acting Mayor…That's it."

On the motion, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Elizabeth Kazinskas, and George Tyros, to return *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* to the Executive Department and to remove it from the Calendar.

#10238

Councillor Elizabeth Kazinskas moved to return the Ordinance to the Executive Department and to remove it from the Calendar.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Graves said, "I don't believe that this is not a matter which is not admitting of delay; otherwise, it's not an emergency which could sit there for quite a while."

On the motion, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Elizabeth Kazinskas, and George Tyros, to return *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* to the Executive Department and to remove it from the Calendar.

NEW BUSINESS

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

Councillor Nathan Boudreau announced the upcoming Rotary Club Auction.

Councillor James Boone thanked his colleagues and the School Committee for reappointing him to the Monty Tech School Committee.

Councillor Scott Graves stated that in the PARC Grant measure, there is interesting phraseology called "Environmental Justice" and encouraged everyone to look into "an incredible bit of bureaucracy."

Councillor Elizabeth Kazinskas announced the upcoming Annual Book Sale sponsored by the Friends of the Library. Councillor Ronald Cormier cited uses for the funds derived from the sale.

CLOSING PRAYER

President Walsh led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Nathan Boudreau and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Elizabeth Kazinskas, and George Tyros, to adjourn at 7:45 p.m.

Accepted by the City Council: ***March 2, 2020***

City of Gardner, Massachusetts
Office of the City Council

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CALENDAR FOR THE MEETING
of
TUESDAY, FEBRUARY 18, 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 February 3, 2020 Informal and Regular Meetings.

VII. PUBLIC HEARINGS

VIII. COMMUNICATIONS FROM THE ACTING MAYOR

ORDER

10249 – An Order Appropriating $175,000 from Free Cash to PARC Bailey Brook Capital Project *(Finance Committee).*

IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

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).*
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X. REPORTS OF STANDING COMMITTEES

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 for study and report and to the Planning Board for Report, 11/18/2019; Public Hearing, 1/21/2020; Planning Board Final Report filed, 2/3/2020).*

FINANCE COMMITTEE

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 *(In City Council and Referred to Finance, 1/21/2020).*

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 *(In City Council and Referred to Finance, 1/21/2020).*

XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

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

INFORMAL MEETING OF FEBRUARY 3, 2020

Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, February 3, 2020.

CALL TO ORDER

Council President James Walsh called the meeting to order at 6:45 o'clock p.m.

ATTENDANCE

Eleven (11) Councillors were present including 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.

Also present was Jeffrey Legros, Assistant Director of Community Development and Planning.

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.

INFORMAL MEETING NOTICE

Council President James Walsh announced that the Informal meeting was called to hear a presentation from Jeffrey Legros, Assistant Director of Community Development and Planning, concerning #10240, *A Measure Authorizing the FY2020 Community Development Block Grant Mini-Entitlement Plan.* The Measure was referred to the Committee of the Whole on January 21, 2020.

Mr. Legros informed the Council that all communities are eligible to apply for funds through the Community Development Block Grant Program. Gardner is a "Mini-Entitlement Community," which guarantees that the City will receive a certain amount of funding each year ("non-competitive basis"). He outlined the annual planning process and referenced the City's Community Development Strategy. He cited Downtown improvements, demolition to remove "slum and blight" as some examples of current and past projects.

President Walsh noted that a portion of the grant provides for administrative costs to manage the program.

Mr. Legros added that his position and the Budget and Finance Coordinator's position are 97% funded by the grant.

Councillor Judy Mack questioned whether the program could assist LMI students with the Summer Recreation Program.

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Mr. Legros agreed that LMI students could benefit from grant funding and noted that Gardner has a number of LMI students that could play sports if funds were available.

Highlighting the application process, Ms. Legros stated that an RFP would be issued in mid to late September to solicit social service program needs and then a public meeting is scheduled to afford agencies with the opportunity to obtain information about the process. There is a pre-application process and a limited amount of grant money for these programs, which can become very competitive. The Block Grant Steering Committee would evaluate the applications and then make recommendations as to which applications should move to the next phase. The community development program would include one to two projects – infrastructure related – such as parks, public spaces, streets and sidewalks, but not public buildings.

FY 2020 Community Development Block Grant Mini-Entitlement Program Projects Plan

6B – Downtown Phase 2. Connors & Parker Street block. Construction of crosswalk, sidewalk, and lighting repair and upgrade. The Downtown Improvements Phase 2 project area generally consists of Connors Street between City Hall Avenue and Parker Street, and Parkers Street between Connors Street and the intersection of Main Street. The proposed construction upgrades for this project area include new crosswalks, sidewalks, curbing, street lighting, and accessibility improvements. This project is consistent with our Community Development Strategy and our Complete Streets Policy and Plan and will connect to Phase I work being conducted as part of our BG18.

6K – Downtown Phase 3. Monument Park. Design of crosswalk, sidewalk, and lighting repair and upgrade. The Phase 3 area generally consists of the area around Monument Park including Central Street, Cottage Street, and Park Street. The proposed design of Phase 3 Downtown Improvements will include a detailed topographic survey, design preparation, and related engineering services necessary for preparation of biddable construction documents for the proposed Phase 3 Improvements Project. The design will include site grading, sidewalks, street lighting and related electrical infrastructure, handicap ramps, crosswalks, and curbing.

6K – Park Street Park. 53 Park Street. Design of park and parking area for access to recreation activities. The proposed project will include the design of a small park on the former substation parcel on Park Street. The work will include a detailed topographic survey, design preparation, and related engineering services necessary for the preparation of biddable construction documents for the proposed park. The design concept will include a parking area for approximately 40-50 cars, benches, picnic tables, and landscaping. It will improve public access to existing recreational amenities including the Greenwood Memorial Pool & Splash Park, Crystal Lake Cemetery and Park, and Monument Park. Further, it will facilitate access to the North Central Pathway, an existing bike path between Gardner and Winchendon and with connections to many local public service and commercial areas including Mount Wachusett Community College, Heywood Hospital, Gardner High School and Middle School, and the

UNACCEPTED/UNCORRECTED PROOF

downtown commercial district. The design will generally include site grading, parking, site lighting, sidewalks, curbing, bike path connections to the North Central Pathway, site amenities, and landscaping.

8B – Domestic Violence Prevention. Provide services for 30 LMI Gardner residents affected by domestic violence through the Gardner Domestic Violence Task Force (GDVTF). The proposed task force will address domestic violence prevention through services, activities, and education directed first to community leaders, agencies, schools, the faith community, and then to the low to moderate income population directly affected by domestic violence. The primary purpose is to provide services to the intended low to moderate income individuals in the community impacted by domestic violence. Such services will include educational services and workshops within the city as well as collaboration with agencies which service low-income individuals such as the GVNA Healthy Families for first time pregnancy under 21, CAC, HOPE, and the Gardner School System, including high-risk boys in the Gardner Middle School.

8B – Family Support Services. GAAMHA, Inc. Family Support Services to 24 LMI Gardner residents. GAAMHA, Inc., provides substance use services primarily to individuals with low to moderate income. Family members of those served have shared with GAAMHA that they feel unsupported and uninformed during the treatment process. Therefore, GAAMHA Inc.'s project will expand services to offer individual and group Family Support Services to family members of men, women and youth with substance use disorders. Group Family Support meetings will be held once a month to assist families in understanding addiction and recovery, provide support necessary to develop healthy coping skills and boundaries, and demonstrate how to practice self-care. Individual Family Support Services will allow families to work with a Family Support Coach individually to further hone their understanding of the recovery process and the skills needed to support their loved one through the recovery journey.

8B – Gardner Public Schools Athletics. Provide financial assistance to LMI student athletes at Gardner High School and Gardner Middle School. The proposed public social service project will provide financial assistance to students who are LMI by providing funding for user fees so they can participate in Athletic Programs in the Gardner Middle School and High School. This public social service has been shown to have substantial impact because it provides an opportunity for students who may not otherwise be able to afford to participate in athletics, due to the cost of the user fee.

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	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**

The meeting concluded at 6:55 p.m.

Accepted by the City Council:

UNACCEPTED/UNCORRECTED

CITY OF GARDNER IN CITY COUNCIL

REGULAR MEETING OF FEBRUARY 3, 2020

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, February 3, 2020.

CALL TO ORDER

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

CALL OF THE ROLL

City Clerk Alan Agnelli called the Roll of Members. Eleven (11) Councillors were present including 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.

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 Elizabeth Kazinskas, 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 January 21, 2020 Special Meeting, Public Hearing, and the Regular Meeting, as printed.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

#10244

Reporting for the Finance Committee, Councillor Elizabeth Kazinskas informed the Council that the Committee voted to recommend confirmation of Mr. Knudsen's reappointment.

UNACCEPTED/UNCORRECTED PROOF

On a motion by Councillor Elizabeth Kazinskas and seconded by Councillor George Tyros, on recommendation of the Finance Committee, 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 confirm the following Appointment received from the Mayor:

ERIC KNUDSEN to the position of **MEMBER, DISABILITY COMMISSION,** for the term expiring January 15, 2023.

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10245

Councillor Ronald Cormier stated that the Council has come to respect and admire City Auditor John Richard, who is completing the requirements for certification for the position and "has done a marvelous job" during his three years. He said that the City experienced "dire times" prior to Mr. Richard's term and that Mr. Richard "has turned the department around." "And," he said, "Particularly due to the fact that the City has an interim Mayor and municipal budgets must be prepared, his position has become even more important." Councillor Cormier then nominated John Richard for re-election to the position of City Auditor.

Councillor Elizabeth Kazinskas seconded the nomination.

There being no further nominations, President Walsh called for a motion to close nominations.

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 close nominations.

On call of the Roll:

Councillor James Boone voting for JOHN RICHARD
Councillor Nathan Boudreau voting for JOHN RICHARD
Councillor Craig Cormier voting for JOHN RICHARD
Councillor Ronald Cormier voting for JOHN RICHARD
Councillor Aleksander Dernalowicz voting for JOHN RICHARD
Councillor Scott Joseph Graves voting for JOHN RICHARD
Councillor Karen Hardern voting for JOHN RICHARD
Councillor Judy Mack voting for JOHN RICHARD
Councillor Elizabeth Kazinskas voting for JOHN RICHARD
Councillor George Tyros voting for JOHN RICHARD
President James Walsh voting for JOHN RICHARD

UNACCEPTED/UNCORRECTED PROOF

Having received eleven (11) votes, John Richard was declared unanimously elected City Auditor for the term expiring February 3, 2023.

Worcester, ss. February 4, 2020

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

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

#10246

Reporting for the Finance Committee, Councillor Elizabeth Kazinskas informed the Council that both positions are part-time, would not exceed forty hours per week, and which exemptions have been authorized in the past under similar circumstances. She added that the Committee voted to recommend that the Measure be adopted.

On a motion by Councillor Elizabeth Kazinskas and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, 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 adopt the following Measure:

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)
FINANCIAL INTEREST OF BRADLEY J. FUCILE
CONTRACT FOR PARKING METER CLERK SERVICES

VOTED: To approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Bradley J. Fucile for a Contract for Parking Meter Clerk Services.

Presented to the Acting Mayor for Approval – February 4, 2020
Approved – February 4, 2020
JAMES M. WALSH, Acting Mayor

#10247

On a motion by Councillor Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, 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 direct the City Clerk to arrange a Joint Convention with the Gardner School Committee for the purpose of appointing a Gardner resident to the Montachusett Regional Vocational Technical School District Committee.

UNACCEPTED/UNCORRECTED PROOF

#10248

On a motion by Councillor Ronald Cormier and seconded by Councillor Elizabeth Kazinskas, 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 *Notice from the Gardner Contributory Retirement Board relative to a meeting on March 26, 2020 to consider granting a cost-of-living adjustment to retirees and survivors* and that any Councillor who may wish to attend the meeting may do so.

REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

#10216

Councillor Craig Cormier, Chairman of the Public Safety Committee, reported that the Committee recently met with the Director of Public Health concerning the proposed Ordinance to raise program fees and that the Committee sought other options, so that more time is needed.

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.

PUBLIC WELFARE COMMITTEE

#10207

Councillor Scott Graves, Chairman of the Public Welfare Committee, reported that the Planning Board submitted its Report to the City Council during the day and that they recommended changes to the proposed Ordinance based on recommendations that were

UNAPPROVED/UNCORRECTED PROOF

offered by Chris Pera at the Joint Hearing. He suggested that the Committee seek more time in order to study the proposed changes and to report back to the City Council at a later date.

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

#10237

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee is awaiting additional information; therefore, more time is needed.

UNACCEPTED/UNCORRECTED PROOF

There being no objections, the Finance Committee was granted more time to study and report on *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* to the Finance Committee for study and report.

#10238

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee is awaiting additional information; therefore, it is seeking more time.

There being no objections, the Finance Committee was granted more time to study and report on *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* to the Finance Committee for study and report.

COMMITTEE OF THE WHOLE

#10240

On a motion by Councillor Ronald Cormier and seconded by Councillor Judy Mack, 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 adopt the following 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

UNACCEPTED/UNCORRECTED PROOF

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.

Presented to the Acting Mayor for Approval – February 4, 2020
Approved – February 4, 2020
JAMES M. WALSH, Acting Mayor

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

#10207

The Planning Board filed its Final Report with the City Council; therefore, *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* will remain on the Calendar with the Public Welfare Committee until the Committee files its report with the City Council.

NEW BUSINESS

On a motion by Councillor James Boone and seconded by Councillor Aleksander Dernalowicz, 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

Councillor James Boone informed the Council that his term as a member of the Montachusett Regional Vocational Technical School District Committee expired and that he is interested in being reappointed.

Councillor Judy Mack congratulated Gardner High School Counselor Karen McCrillis who was named the *2020 School Counselor of the Year* in the Commonwealth and added that Ms. McCrillis's award is also a great honor for the City of Gardner.

UNACCEPTED/UNCORRECTED PROOF

Councillor George Tyros expressed his appreciation to the Gardner Fire Department for its recent exhibition of the City's newest Fire engine.

Council President James Walsh informed the Council that "he survived his first week and a half in his dual role" [Acting Mayor and Council President] and thanked the City's employees for their encouragement and support during the time.

Council President James Walsh also informed the Council that he will be filing an Order for an appropriation for the next Council meeting for the City's share of the PARC Grant for the recreational development off Leo Drive. On the City's Free Cash plan, he said, former Mayor Hawke listed $190,000 as the City's share of the project; however, it appears that the amount is now $175,000. Funds for the design phase must be spent by June 1 and that the project is ready to start, so the appropriation meets the criteria for action by the Acting Mayor, he added.

CLOSING PRAYER

President Walsh led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Nathan Boudreau and seconded by Councillor Aleksander Dernalowicz, 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 7:45 p.m.

Accepted by the City Council:

UNACCEPTED/UNCORRECTED PROOF

10249

City of Gardner, *Executive Department*

James M. Walsh, Acting Mayor

RECEIVED
2020 FEB -7 PM 12: 59
CITY CLERK'S OFFICE
GARDNER, MA

February 6, 2020

Gardner City Council
Room 219
Gardner City Hall
95 Pleasant Street
Gardner, MA 01440

RE: Bailey Brook Project

Dear Council Members:

With this correspondence I am submitting an Order appropriating $175,000 from Free Cash to *PARC Bailey Brook Capital Project*. This amount represents the City's 30% share of the project cost covering design and Phase I construction.

I've attached documentation about the project. As you all know this has been in development for a lengthy period. To be eligible for reimbursement from the grant, payment for the design phase of the project needs to be made June 1, 2020, I consequently believe there is an urgency for the appropriation of these funds at this time.

Please contact me if you have any questions.

Very truly yours,

James M. Walsh
Acting Mayor

Attachments: Project Narrative
Memo
Order

JMW/rjs

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

10249

AN ORDER APPROPRIATING FROM FREE CASH TO PARC BAILEY BROOK CAPITAL PROJECT.

ORDERED:

That there be and is hereby appropriated the sum of One Hundred Seventy-five Thousand and No Cents ($175,000.00) from Free Cash to PARC Bailey Brook Capital Project.

10249

memo

City of Gardner, Department of Community Development and Planning

To: Acting Mayor James Walsh

From: Jeffrey Legros, Assistant Director of Community Development & Planning

CC: Lyndsy Butler, Conservation & Planning Agent

Date: 4 February 2020

Re: PARC Grant Baily Brook Park – Summary of Activities and Grant Timeline

---

Comments: This memo is related to a Notice to Proceed for the Design of Bailey Brook Park under the City's On-Call Engineering Contract with Fuss & O'Neill. The design portion of the PARC Grant awarded to the City for Bailey Brook Park must be completed by June 1st, 2020.

Below is a brief summary and timeline of activities related to the PARC Grant awarded to the City for the Design and Phase I Construction (Site Development Preparation):

- **July 2019** – PARC Grant Application Submitted
- **September 3, 2019** – City Council adopted Resolution #10162, effective at the time of its passage, authorizing the allocation of funds necessary for the Design and Construction of Bailey Brook Park and authorizing the City to borrow, appropriate, and expend the full amount of funds necessary for that purpose.
- **October 4, 2019 –** PARC grant awarded to the City of Gardner in the amount of $400,000.00 for Design (FY20) and Phase I Construction (FY21) of Bailey Brook Park
- **October 17, 2019 –** Contract signed by Mayor Hawke and returned to Mass EOEEA
- **December 12, 2019 –** Contract signed and fully executed by the Commonwealth
- **January 27, 2020 –** Proposal to conduct design of Bailey Brook Park received from Fuss & O'Neill

Next Steps:

FY20

- **February 2020** - Issue Notice to Proceed to Fuss & O'Neill (See attached cover letter and proposal)
- **February to May 31, 20202** – Design must be completed and invoiced by **June 1st 2020** in order to qualify for reimbursable funds under the PARC grant
- **June 2020** – Request for Bids for construction (June 2020)

FY21

- **July 2021** – Select contractor and begin Phase I construction of Bailey Brook Park
- **July 2022 to June 1st 2022 (FY21)** – Complete construction of Phase I and complete and submit final reimbursement for PARC grant

In order to meet the requirements of the timeline established by the PARC grant program, the Design of Bailey Brook park must begin so that it may be completed in a timely manner by June 1st, 2020.

Attachments: Project Summary Cover Letter, Bailey Brook Park Project Summary, and Fuss & O'Neill Proposal and Notice to Proceed

Bailey Brook Park & Recreation Area, Gardner – FY2020 PARC Grant Application

Project Narrative

Project Overview

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

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

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

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

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

across from Margaux Way for vehicle access and two additional gated pedestrian and emergency entrances are proposed near the Northern and Southern portions of the park at existing access points with frontage to Leo Drive.

Park Location

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

Community Needs, OSRP Goals, and Project Benefits

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

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

Disadvantaged Populations and Accessible Amenities

The project is located within close proximity to an Environmental Justice (EJ) area and directly within a Designated Title VI Elderly Population Area (**See Maps: USGS Proximity Map and FHWA Title VI Map**). The park will serve the elderly population of the area and community and, as a public multipurpose park, will also serve the broader community, including EJ Areas and their populations. While the project is not located directly within an EJ Area, it *is* located within a Title VI Designated Population (Elderly) area and will directly serve the public of the community, including EJ Areas and other Title VI Designated Population Areas (**See Map: FHWA Title VI Map**), by providing future active recreation amenities (public athletic fields) and access to nature and a unique type of park, one that

provides typical urban/suburban park amenities found in most neighborhood parks, *and* the natural areas of undeveloped, forested open space often lacking in EJ and Title VI Communities. The opportunity for people to experience nature, where such an opportunity may not otherwise exist, is critically important and beneficial to the experiential learning and development of urban and suburban children and families, especially those from designated EJ and Title VI areas.

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

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

Climate Resilience and Environmental Education & Stewardship (Benefits of a Forested Open Space Park)

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

Public Support and Commitment to Park Maintenance

Public support for this project has been expressed by several local and abutting residents and the matter has been presented to the Conservation Commission, Finance Committee and City Council and discussed in open Public Meetings. Two community petitions were circulated and signed by a number of abutting residents and members of the nearby Gardner Fish & Gun Club in support of the acquisition of the Omealia property for Open Space. The Gardner News has also run multiple stories detailing the proposals for the acquisition of land and development of a combined Open Space and Recreation Park (See attached supporting info: The Gardner News). We have not received any negative comments or opposition from the public or their representatives in City Council. In 2018 the Gardner City Council voted favorably to support an earlier version of this grant application and the proposed City cost budget associated with the development of a multipurpose park under the PARC grant program. A copy of this vote is included as an attachment to this grant and will be re-submitted to the City Council for their re-authorization this Fiscal Year.

This proposed park will continue to develop and benefit from cooperative partnerships between the City and recreational user groups and organizations and non-profit Land Trusts (e.g., Mount Grace Land Trust and North County Land Trust). The Conservation Commission and Department of Public Works will build upon and enhance existing land stewardship activities and partnerships. Successful examples of these partnerships can be found in other examples of joint land stewardship activities between the Conservation Commission, Department of Public Works, Engineering and Forestry Department, the Cultural Council, Youth Commission, youth sports groups, and local land trust. For example, the Conservation Commission and Department of Public Works have worked closely with the Millers River Watershed Council, Mount Grace Land Trust, and North County Land Trust on trail-related projects such as the Millers River Blue Trail and hiking bridges and signage for along City trails. In the past few years alone Gardner Boyscout Troop 9 has conducted several public service projects within Gardner's Open Space lands and public parks. With specific regard to this proposed project, the Chair City Soccer Club has expressed their support and willingness to provide stewardship, host athletic events, and maintain and upkeep the park's proposed athletic fields in the future.

Community Compact and MVP Program

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

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

Ref: 10249

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 February 12, 2020

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

These balances are as of February 4, 2020:

		Money Order	Balance
Free Cash	10000-35400		$1,543,995.00
to Conservation Dept for PARC Bailey Brook Capital Project	38182-58651	175,000.00	$1,368,995.00
			$1,368,995.00

The Snow & Ice account currently has available ($71,401.93)
14421-52210

Sincerely

John Richard

John Richard
City Auditor

copies: Acting Mayor
City Clerk

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

RECEIVED
2019 NOV 21 PM 3:08
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

RECEIVED
2020 FEB -3 PM 4:14
CITY CLERK'S OFFICE
GARDNER, MA

RECEIVED
2020 FEB -3 PM 3:28
CITY CLERK'S OFFICE
GARDNER, MA

February 3, 2020

President James M. Walsh
C/o Alan Agnelli, City Clerk
City Hall
Gardner, MA 01440

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

Dear President Walsh:

At its meeting on January 21, 2020, The Planning Board voted unanimously to recommend that the City Council approve the proposed amendment noted above with the minor modification from the City Engineer and Planning Director 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.

   Initial Proposed Change presented at Public Hearing (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.

City Hall Annex, 115 Pleasant Street, Room 201, Gardner, Massachusetts 01440
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Proposed Change as a result of Public Hearing (proposed changes are in bold and underlined):

F. Corner clearance

Within an area formed by the **curb** 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: Change "side lines" to "curb lines" to address Public Hearing comments and remain consistent with Chapter 675-1050.

1. **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.

Initial Proposed Change presented at Public Hearing (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.

Proposed Change as a result of Public Hearing (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 **curb** lines and straight line joining the point of said **curb** lines **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: Change "street lines" to "curb lines" to address Public Hearing comments and be consistent with Chapter 675-610.

These proposed minor changes take into consideration comments received at the Joint Public Hearing held on January 21, 2020. The Planning Board respectfully requests that the City Council move forward with approving the proposed zoning amendment as submitted herein. Please contact Trevor Beauregard if you have any questions, concerns, or need additional information.

Sincerely,

Mark M. Schafron
Chairman

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.

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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.

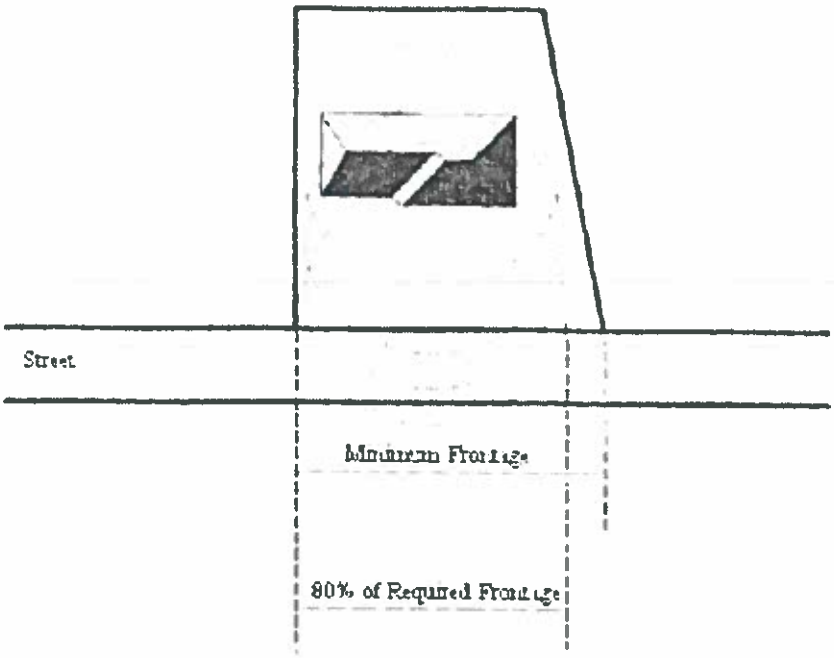
B. A lot or parcel of land having an area or a frontage of lesser amounts than required in the following schedule may be considered as coming within the area and frontage requirements of this section, provided that, at the time of building, such lot has an area of more than 5,000 square feet, has a frontage 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.

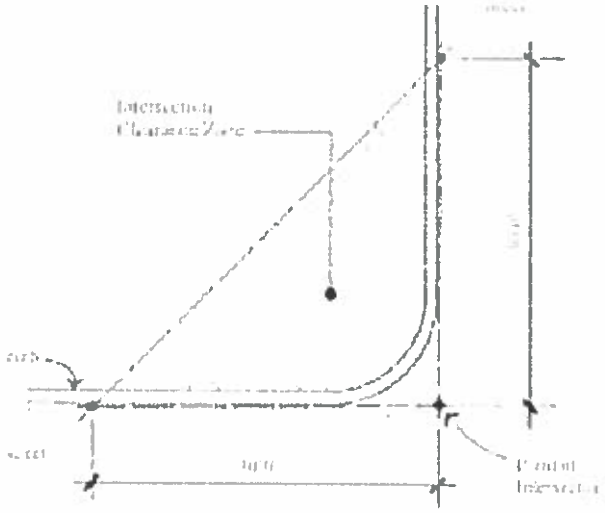
D. The limitation of height of buildings and structures in the following schedule shall not apply in any district to chimneys, ventilators, towers, spires, or other ornamental features of buildings, which features are in no way used for living purposes.

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.

10237 - 10238

City of Gardner, *Executive Department*

James M. Walsh, Acting Mayor

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2020 FEB 13 AM 11:25
CITY CLERK'S OFFICE
GARDNER, MA

February 13, 2020

Gardner City Council
City Hall
95 Pleasant Street
Gardner, MA 01440

RE: Agenda Items 10237 & 10238

Dear Council Members:

The above two ordinance amendment items are pending with the City Council Finance Committee

As you know they address proposed changes in vacation eligibility for Non-union employees.

I believe that these are policy decisions that the newly elected Mayor should have input in before further action is taken.

I therefore suggest that the Council return these items to the Executive Department for further consideration by the newly elected Mayor.

Very truly yours,

James M. Walsh
Acting Mayor

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

10237

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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

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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.