CITY OF GARDNER IN CITY COUNCIL

REGULAR MEETING OF JANUARY 6, 2020

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

CALL TO ORDER

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

CALL OF THE ROLL

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

OATH OF OFFICE

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. Gardner, Massachusetts January 6, 2020

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

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

Before me,

/s/ Alan L. Agnelli, City Clerk

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

/s/ Alan L. Agnelli, City Clerk

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ELECTION OF THE COUNCIL PRESIDENT

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

Councillor Elizabeth Kazinskas nominated Councillor James Walsh.

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

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

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

Councillor Karen Hardern seconded the nomination.

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

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

On call of the roll:

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

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

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

OPENING PRAYER

President Walsh led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

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

READING & ACCEPTANCE OF MINUTES

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

COMMUNICATIONS FROM THE MAYOR

NOTICES OF APPOINTMENTS

#10227

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

Worcester, ss. January 3, 2020

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

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

#10228

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

Worcester, ss. January 7, 2020

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

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

ORDERS

#10229

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

> AN ORDER APPROPRIATING FROM FREE CASH TO GREENWOOD POOL DEMOLITION ACCOUNT.
>
> ORDER: That there be and is hereby appropriated the sum of Four Hundred Thousand Dollars and No Cents ($400,000.00) from Free Cash to the Greenwood Pool Demolition Account.

#10230

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

> AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER CAPITAL PROJECT PUMP STATION UPGRADES EXPENSE.
>
> ORDER: That there be and is hereby appropriated the sum of Ninety Five Thousand Five Hundred Dollars and No Cents ($95,500.00) from Sewer Surplus to Sewer Capital Project Pump Station Upgrades Expense.

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10231

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

AUTHORIZING FIVE-YEAR CONTRACT PERIOD
SCHOOL TRANSPORTATION SERVICES

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

REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

#10216

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

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

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

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

Section 2. Effective date.

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

PUBLIC WELFARE COMMITTEE

#10207

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

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

FINANCE COMMITTEE

#10226

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

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

#10207

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

NEW BUSINESS

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

ANNOUNCEMENTS and COMMENTARY

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

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

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

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

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

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

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

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

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

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

CLOSING PRAYER

President Walsh led the Council in the Closing Prayer.

ADJOURNMENT

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

Accepted by the City Council: ***January 21, 2020***

City of Gardner, Massachusetts
Office of the City Council

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CALENDAR FOR THE MEETING
of
MONDAY, JANUARY 6, 2020
COUNCIL CHAMBER
7:30 P.M.

ORDER OF BUSINESS

I. CALL TO ORDER

II. CALL OF THE ROLL OF COUNCILLORS

III. ELECTION OF THE COUNCIL PRESIDENT

IV. OPENING PRAYER

V. PLEDGE OF ALLEGIANCE

VI. 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.

VII. READING OF MINUTES OF PRIOR MEETING(S)

Reading and Approval of the Minutes of the December 16, 2019 Regular Meeting.

VIII. PUBLIC HEARINGS

IX. COMMUNICATIONS FROM THE MAYOR

NOTICES OF APPOINTMENTS

10227 – A Communication from the Mayor Relative to the Appointment of John Flick to the position of City Solicitor.

10228 – A Communication from the Mayor Relative to the Appointment of Rachel J. Stephano to the position of Executive Secretary.

ORDERS

10229 – An Order Appropriating $400,000.00 from Free Cash to Greenwood Pool Demolition Account *(Finance Committee).*

10230 – An Order Appropriating $95,500.00 from Sewer Surplus to Sewer Capital Project Pump Station Upgrades Expense *(Finance Committee).*

X. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10231 – A Measure Authorizing the City to Enter in Contracts not-to-exceed 5 years for School Transportation Services *(Finance Committee).*
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XI. REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

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

PUBLIC WELFARE COMMITTEE

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

FINANCE COMMITTEE

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

XII. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

10207 – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows *(In City Council; Referred to the Planning Board for Report; and, Ordered to Joint Hearing, 11/18/2019; Hearing scheduled 1/21/2020 at 7:00 p.m.).*

XIII. NEW BUSINESS

XIV. CLOSING PRAYER

XV. 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

REGULAR MEETING OF DECEMBER 16, 2019

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, December 16, 2019.

CALL TO ORDER

Council President Scott Joseph Graves called the meeting to order at 7:30 o'clock p.m.

CALL OF THE ROLL

City Clerk Alan Agnelli called the Roll of Members. Nine (9) Councillors were present including President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillors Craig Cormier and Edward Gravel were absent.

OPENING PRAYER

President Scott Graves led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE

President Scott Graves led the Council in reciting the "Pledge of Allegiance".

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

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

READING & ACCEPTANCE OF MINUTES

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the minutes of the December 2, 2019 Regular Meeting, as printed.

PUBLIC HEARING

#10217

President Graves opened the Public Hearing on the Petition by National Grid and Verizon New England for permission to install 1 JO Pole and to relocate 4 JO Poles on Pleasant Street beginning at a point approx. 114' south of the centerline of the intersection of Pleasant and Emerald Streets and continuing approximately 604' in a southerly direction - Relocate National Grid facilities due to DOT Project #608864, Pleasant Street over Pan Am Railways.

UNACCEPTED/UNCORRECTED PROOF

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

Steve Soucy, representing National Grid, testified that the street will need to be reworked for the Pleasant Street Bridge project.

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

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

There being none, President Graves closed the Hearing at 7:34 p.m.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

#10220

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

DENISE MERRIAM to the position of Member, Cemetery Commission, for the term expiring December 5, 2021.

Worcester, ss. December 16, 2019

Then personally appeared **DENISE MERRIAM** and made oath that she would faithfully and impartially perform the duties of Member, Planning Board, according to law and the best of her abilities.

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

#10221

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

DENISE MERRIAM to the position of Member, Municipal Grounds Commission, for the term expiring December 5, 2022.

UNACCEPTED/UNCORRECTED PROOF

Worcester, ss. December 16, 2019

Then personally appeared **DENISE MERRIAM** and made oath that she would faithfully and impartially perform the duties of Member, Municipal Grounds Commission, according to law and the best of her abilities.

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

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10222

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Auto Mart a License to Buy and Sell Second Hand Motor Vehicles, Class 2, at 182 West Street for the period January 1, 2020 through December 31, 2020.

#10223

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Riverside Auto a License to Buy and Sell Second Hand Motor Vehicles, Class 2, at 65 Riverside Road for the period January 1, 2020 through December 31, 2020.

#10224

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Riverside Auto a License to Deal in Motor Vehicle Junk, Class 3, for the period January 1, 2020 through December 31, 2020.

#10225

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend adoption of the Measure. He stated that the two parcels are owned by the Greater Gardner Community Development Corporation, which is in the process of disbanding. The parcels, he said, are adjacent to each other and adjacent to a third parcel that was recently foreclosed for tax purposes and sold at the City's recent auction of Tax Title properties.

UNACCEPTED/UNCORRECTED PROOF

Continuing, Councillor Walsh stated that the Committee's understanding is that the lots are not buildable by themselves, but combined, they very well may be. He added that although taxes are owed on the parcels, the CDC is in no position to pay the taxes and the Committee believes that the City would be in a better position by placing the parcels in a tax-producing position, which also removes the liability from the CDC and allows the City to place the parcels out to bid.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Measure:

DEED IN LIEU OF FORECLOSURE

Greater Gardner Community Development Corporation, a Massachusetts Corporation, having an address at 470 Main Street, Fitchburg, Massachusetts ("Grantor"), for consideration paid and in full consideration of ONE ($1.00) DOLLAR, grants to the City of Gardner, having an address of 95 Pleasant Street, Gardner, Massachusetts ("Grantee"), with QUITCLAIM COVENANTS, the property described on Schedule A attached hereto (the "Property").

This Deed in Lieu Foreclosure (The "Deed") is delivered in satisfaction of any taxes owed to the Grantee in connection with the Property, and Grantee acknowledges that Grantor shall have no further obligations with respect to any taxes owed to the Grantee on the Property.

This conveyance is made subject to, and with the benefit of, all easements, covenants and restrictions of record, to the extent in force and applicable.

This conveyance does not constitute a sale of all or substantially all of the assets of the Grantor in the Commonwealth of Massachusetts.

For Grantor's title see deed(s) recorded with the Worcester Registry of Deeds in Book 47019, Page 329.

EXHIBIT A

The Land in Gardner, Worcester County, located on Temple Place and being Lots B & C on a Plan entitled "Revised Plan of Lots for Brian & Kathleen F. McCarthy" recorded with the Worcester South District Registry of Deeds, Plan Book 764 Plan 15, which Plan may be referred to for a more definite description together with all other rights incidental thereto.

Meaning and intending to include the same property conveyed to Grantor in deed from Lowell Cooperative Bank dated January 20, 2011 and recorded in Book 47019, Page 329.

Presented to Mayor for Approval – December 17, 2019
Approved – December 18, 2019
MARK P. HAWKE, Mayor

UNACCEPTED/UNCORRECTED PROOF

REPORTS OF STANDING COMMITTEES

PUBLIC SERVICE COMMITTEE

#10217

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, on recommendation of the Public Service Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

By the City Council of the City of Gardner, Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That NATIONAL GRID and VERIZON NEW ENGLAND, INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said companies dated the 1st day of November, 2019.

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked – Pleasant Street – Gardner, Massachusetts.

No. #28579845……Dated: November 1, 2019 - filed with this order.

There may be attached to said poles by NATIONAL GRID and VERIZON NEW ENGLAND, INC. such wires, cables and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referenced to may be erected, and the number of poles which may be erected thereon under this order:-

Pleasant Street - National Grid to install 1 JO pole and Relocate 4 JO Poles on Pleasant Street beginning at a point approximately 114 feet south of the centerline of the intersection of Pleasant Street and Emerald Street and continuing approximately 604 feet in a southerly direction. DOT 608864 – Pleasant Street over Pan Am Railways.
Relocate National Grid facilities due to DOT project.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

UNACCEPTED/UNCORRECTED PROOF

PUBLIC SAFETY COMMITTEE

#10208

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Regan Kleber, d/b/a Regans Store, a License to Deal in Second Hand Articles at 60 Parker Street for the license period expiring April 30, 2020.

#10209

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Rob's Dyno Service, LLC, 268 Coleman Street, a Motor Vehicle Dealers License, Class I, for the License period January 1, 2020 through December 31, 2020.

#10210

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee voted to recommend that all licenses be granted. He noted, however, that Gardner Five Star Auto Sales requested that its License allow 35 vehicles on the sales lot, as opposed to the current 21. He added that the Committee recommended that the number remain at 21 until such time as the Police Department is able to investigate the lot conditions and then reports back to the Committee.

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant the following Applicants Licenses to Buy and Sell Second Hand Motor Vehicles, Class 2, for the License period January 1, 2020 through December 31, 2020:

(a) AC Auto Clinic, 411 Parker Street
(b) Chair City Auto Sales, 144 Pearson Boulevard
(c) Gardner Five Star Auto Sales, 407 Chestnut Street
(d) JPJ Automotive, LLC, 78 East Broadway
(e) Ric's Radiator Repair Used Car Sales, 800 West Broadway
(f) Osagi Enterprises, LLC, 43 Toby Street
(g) Vilson Auto Sales, 119 Pearson Boulevard

UNADOPTED/UNCORRECTED PROOF

#10211

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Osagi Enterprises, LLC, 43 Toby Street, a License to Deal in Motor Vehicle Junk, Class 3, for the License period January 1, 2020 through December 31, 2020.

#10216

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

> AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 560 THEREOF, ENTITLED "SOLID WASTE," TO CHANGE THE FEE FOR SOLID WASTE COLLECTION.
>
> Be it ordained by the City Council of the City of Gardner as follows:
>
> Section 1. Section 560-3 of the Code of the City of Gardner, is hereby amended by striking the sentence: "The annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at $200 per apartment unit per building, effective July 1, 2013," and by inserting in place thereof, the sentence: "Effective July 1, 2020, the annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at $230 per household and each unit of apartment buildings containing eight or fewer units in the City.
>
> Section 2. Effective date.
>
> This ordinance shall become effective upon passage and publication as required by law.

#10218

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant to Salvadore Chevrolet, 442 West Broadway and to Salvadore Chrysler-Dodge-Jeep-Ram, 442 West Broadway, Motor Vehicle Dealers Licenses, Class I, for the License period January 1, 2020 through December 31, 2020.

#10219

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James

UNACCEPTED/UNCORRECTED PROOF

Walsh, to grant the following Applicants Licenses to Buy and Sell Second Hand Motor Vehicles, Class 2, for the License period January 1, 2020 through December 31, 2020:

(a) Adam Brodeur, d/b/a APB Automotive Enterprises, 408 Parker Street
(b) Brian's Auto Sales, 549 West Broadway
(c) J. Wood, Inc., 361 West Street
(d) Mike's Auto, 251 East Broadway
(e) R&R Motors, 7 Donlan Street
(f) TJ & Sons Auto Sales, 537 West Broadway
(g) Salvadore Chevrolet, 249 Timpany Boulevard
(h) Salvadore Chevrolet, 421 West Broadway

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.

UNACCEPTED/UNCORRECTED PROOF

FINANCE COMMITTEE

#10213

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend the Order. He noted that the appropriation would increase the amount committed to Stabilization; however, the fund is specifically for the purchase of vehicles.

Councillor James Walsh stated that his position on the appropriation is similar to the position that he took on the recent appropriation from Free Cash to the main Stabilization Fund, that he is supportive of committing funds to the account, but not at the present time. He said that since there are more than six months remaining in the Fiscal Year and that there may be unanticipated expenses before the end of the Fiscal Year, such as uncertainty of the Downtown projects and winter snow removal, the timing is poor, so then he cannot support the appropriation at this time.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Boone, on recommendation of the Finance Committee, on call of the roll, it was voted eight (8) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas; one (1) nay, Councillor James Walsh, to adopt the following Order:

> AN ORDER APPROPRIATING FROM FREE CASH TO SPECIAL PURPOSE STABILIZATION FUND FOR VEHICLES.
>
> ORDERED: That there be and is hereby appropriated the sum of One Hundred Thousand Dollars and No Cents ($100,000.00) from Free Cash to the Special Purpose Stabilization Fund for Vehicles.

Presented to Mayor for Approval – December 17, 2019
Approved – December 18, 2019
MARK P. HAWKE, Mayor

#10214

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend adoption of the Order. He cited the additional expenses associated with the ensuing Presidential Primary and two special elections and that these are costs associated with the democratic process.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, on call of the roll, it was voted seven (7) yeas, Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, James Johnson, Elizabeth Kazinskas, and James Walsh; one (1) nay, Councillor Christine Johnson; one (1) abstention, President Scott Joseph Graves, to adopt the following Order:

UNACCEPTED/UNCORRECTED PROOF

AN ORDER APPROPRIATING FROM FREE CASH TO ELECTIONS AND REGISTRATIONS.

ORDERED: That there be and is hereby appropriated the sum of Forty-one Thousand and No Cents ($41,000.00) from Free Cash to Elections and Registration.

Presented to Mayor for Approval – December 17, 2019
Approved – December 18, 2019
MARK P. HAWKE, Mayor

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

#10207

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

NEW BUSINESS

On a motion by Councillor Elizabeth Kazinskas and seconded by Councillor Nathan Boudreau, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

COMMUNICATION FROM THE MAYOR

President Graves cited correspondence from the Mayor relative to the Title and Compensation of the Executive Secretary, noting that the Mayor is seeking an Ordinance to implement such changes.

Councillor Ronald Cormier moved to refer *Correspondence from the Mayor Relative to the Title and Compensation of the Executive Secretary* to the Finance Committee for study and report.

Councillor James Walsh seconded the motion.

On the motion, Councillor Nathan Boudreau stated that with the current situation with the current Executive Secretary, he believes that it is appropriate. "The Mayor and the Executive Secretary have been working without the third member of that office for months, leaving Rachel to do far and wide beyond the obligations of her job. She is dedicated and does a good job and it is well deserved," he stated.

President Graves noted that there is a statute that prohibits a [vote to pass a] salary increase in the last three months of an election year.

UNACCEPTED/UNCORRECTED PROOF

Councillor Karen Hardern expressed agreement with Councillor Boudreau, saying "There are very unusual circumstances happening – Rachel will be in the office alone for the next five months taking all the calls and dealing with everything, so I think it is deserved."

Councillor James Boone suggested that the Finance Committee could consider a stipend "just to get us through this period."

Councillor James Walsh added, "Councillor Boudreau correctly pointed out that a third member of the office hasn't been present to assist, but that is only because of the failure by the Mayor to appoint someone to the position."

On the motion, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer *Correspondence from the Mayor Relative to the Title and Compensation of the Executive Secretary* to the Finance Committee for study and report.

ANNOUNCEMENTS and COMMENTARY

Councillors expressed good wishes for Christmas and the holiday season to their colleagues and to the citizens of Gardner.

Councillors expressed appreciation to departing City Councillors Edward Gravel, Christine Johnson, and James Johnson, citing their service to the community.

Councillors Christine and James Johnson expressed appreciation to the City's residents for the opportunity to serve them and to their colleagues for the privilege for serving with them. Councillor Christine Johnson noted that she and James were the first married couple to serve together on the City Council.

Citing an opinion by the City Solicitor, Councillor Christine Johnson expressed disagreement with the opinion regarding the effect of a Mayor leaving in the first days, weeks, or months of a new term of office or departing in the last months of office. "Nowhere in the Charter does it stipulate what to do if somebody is elected to the position and decides not to take the position. Even though it has been stated that the person that has been elected to that position and is going to take the oath of office," she stated. Continuing, Councillor Johnson said, "That leads me to another question, as to whether or not it is ethical for that person to take an oath of office when they have no intention of executing said office. I think that once this all happened, probably should have asked for a judicial review because it is not in our Charter."

UNACCEPTED/UNCORRECTED PROOF

President Graves acknowledged the service of departing Councillors Christine and James Johnson and Edward Gravel and wished them well in their future endeavors and welcomed the three incoming Councillors. He added that when the Council makes a decision, then that vote becomes a part of the City's history.

CLOSING PRAYER

President Scott Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Christine Johnson and seconded by Councillor James Johnson, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:08p.m.

Accepted by the City Council:

UNACCEPTED/UNCORRECTED PROOF

10227

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

January 3, 2020

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

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

_____ *Mayor*
Mark P. Hawke

Confirmed by City Council CONFIRMATION NOT REQUIRED

_____ City Clerk
Alan L. Agnelli

Expires: January 3, 2021

Worcester, ss., _____

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

Before me,

_____ *City Clerk*

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

20228

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

January 3, 2020

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint ***Rachel J. Stephano*** *to the position of* ***Executive Secretary,*** *and I certify*
75 Ashley Drive, Gardner, MA
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

_____ *Mayor*

Mark P. Hawke

Confirmed by City Council CONFIRMATION NOT REQUIRED

_____ City Clerk

Alan L. Agnelli

Expires: January 3, 2021

*Worcester, ss.,*_____

Then personally appeared the above named **Rachel J. Stephano** *and made oath that he/she would faithfully and impartially perform the duties of the office of* **Executive Secretary,** *according to law and the best of his/her abilities.*

Before me,

_____ *City Clerk*

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

10229

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

ORDERED:

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

10229

City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED

2019 DEC 18 PM 1:58

CITY CLERK'S OFFICE
GARDNER, MA

December 18, 2019

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

RE: Free Cash to Community Development Greenwood Pool Demo

Dear President Graves and Councilors,

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

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

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

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

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

Respectfully,

Mark Hawke
Mayor, City of Gardner

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

10229

Mayor

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

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

Sent from my iPhone

Begin forwarded message:

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

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

Thanks,

Marc

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

10230

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

ORDERED:

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

10230

CITY OF GARDNER
Department of Public Works

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

Highway
Water
Sewer
Forestry
Parks/Playgrounds
Cemeteries

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

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

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

December 17, 2019

Dear Mayor Hawke:

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

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

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

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

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

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

10230

(10114)

CITY OF GARDNER, MASSACHUSETTS

IN CITY COUNCIL

ORDERED:

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

10230

Rachel Stephano (Mayor's Office)

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

Hi Rachel

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

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

Thank you

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

AUTHORIZING FIVE-YEAR CONTRACT PERIOD
SCHOOL TRANSPORTATION SERVICES

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

10231

CITY OF GARDNER
PURCHASING DEPARTMENT

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

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

TO: Gardner City Council
Mayor Mark Hawke

FROM: Joshua Cormier, Purchasing Agent

DATE: December 13th, 2019

SUBJECT: Request for 5-year contracts

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

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

- School Transportation Services

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

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

Alan Agnelli

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

Gentlemen

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

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

Thank you.

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

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

November 4, 2019

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

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

Dear President Graves:

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

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

   Currently reads as:

   F. Corner clearance

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

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

   F. Corner clearance

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

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

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

10207

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

Currently reads as:

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

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

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

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

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

Sincerely,

Mark M. Schafron
Chairman

Cc: Mayor
Planning Board
Building Commissioner
City Engineer
Director DPW

/0207

City of Gardner

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

October 2, 2019

Dear Planning Board:

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

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

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

Respectfully,

Roland Jean Jr.

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

Mission Statement

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

10217

City of Gardner, MA
Thursday, November 14, 2019

Chapter 675. Zoning

Article VI. Density and Dimensional Regulations

§ 675-610. General requirements.

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

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

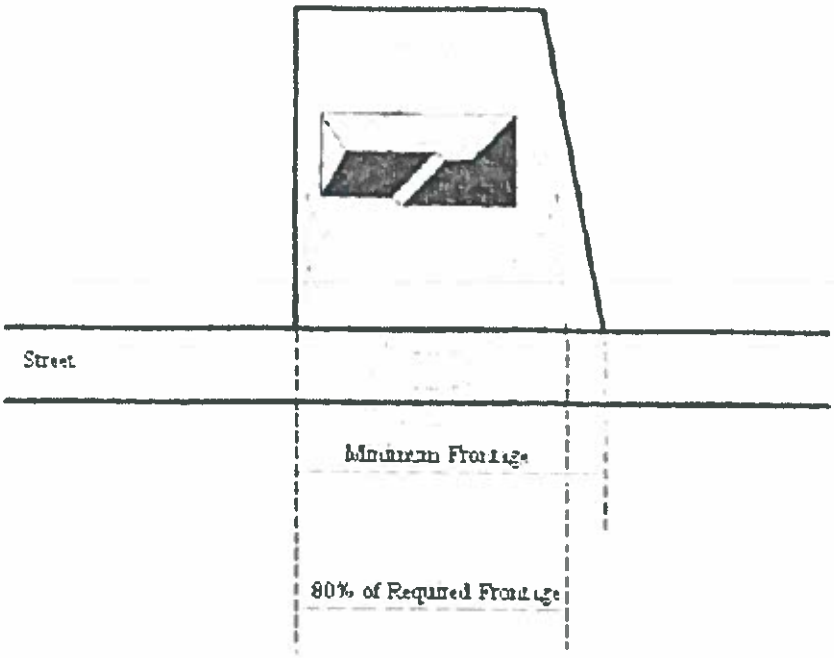
B. A lot or parcel of land having an area or a frontage of lesser amounts than required in the following schedule may be considered as coming within the area and frontage requirements of this section, provided that, at the time of building, such lot has an area of more than 5,000 square feet, has a frontage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

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

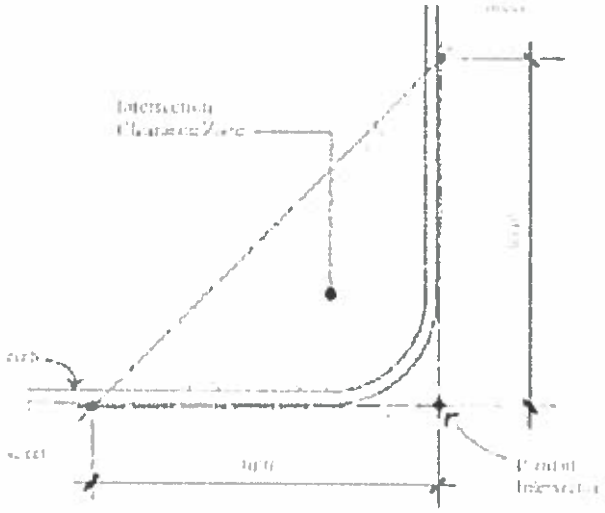
D. The limitation of height of buildings and structures in the following schedule shall not apply in any district to chimneys, ventilators, towers, spires, or other ornamental features of buildings, which features are in no way used for living purposes.

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

10207



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



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

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

§ 675-630. Infill development.

10207

City of Gardner, MA
Thursday, November 14, 2019

Chapter 675. Zoning

Article X. Supplemental Regulations

§ 675-1050. Fences and hedgerows.

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

10226

City of Gardner, *Executive Department*

Mark Hawke, Mayor

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

December 16, 2019

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

Dear President,

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

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

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

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

Respectfully,

Mark P. Hawke
Mayor

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