



REGULAR MEETING OF FEBRUARY 19, 2019

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, February 19, 2019.

CALL TO ORDER

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

CALL OF THE ROLL

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

OPENING PRAYER

President Graves led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

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

READING & ACCEPTANCE OF MINUTES

Councillor Ronald Cormier moved to waive the reading and to accept the Minutes of the Regular Meeting of February 4, 2019, as printed.

Councillor James Walsh seconded the motion, with the intent to amend.

On the motion, Councillor Walsh informed the Council that during the Finance Committee meeting, it was mentioned that the "Bandstand Ordinance amendment," as printed in the Minutes, was a prior version of the Amendment and not the version that the Council acted on, but was published.

In addition to substituting the correct version in the minutes, Councillor Walsh moved to amend the Minutes to reflect the correct Ordinance amendment, as follows:

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#10007

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156 THEREOF, ENTITLED "MUNICIPAL GROUNDS COMMISSION," TO ADD PROVISIONS RELATING TO A COMMUNITY BANDSTAND COMMITTEE.

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

Section 1. Chapter 156-3 of the Code of the City of Gardner is hereby amended by adding the following:

B. There is hereby established under this Section the "Community Bandstand Committee" which shall exist and be operated hereunder for the purpose of implementing seasonal programs to be conducted in the City's parks including but not limited to summer musical concerts and other community entertainment events at the Bandstand located in Monument Park, as well as at the City's other parks, at the City's other municipal grounds and at other appropriate locations in the City. The Community Bandstand Committee shall consist of no less than three (3) members, one of whom shall be a member of the Municipal Grounds Commission, to carry out the purposes of this Section 156-3B. All members shall be appointed in accordance with Section 156-1A.

C. The Community Bandstand Committee may receive donations and gifts of property, both real and personal, in the name of the City to further the purposes as set forth in Section 156-3B. Upon receipt of any such donation or gift the Community Bandstand Committee shall provide each such gift or donation to the Treasurer, who shall deposit same into an account to be created and named the "Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund shall be used for the purposes set forth in Section 156-3B.

D. Revise the former (present) 156-3B to 156-30.

Section 2. Effective date.

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

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Walsh noted that the Ordinance, in its approved version, will have to be published for the first time ("First Printing").

On the motion, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the Regular Meeting of February 4, 2019, as amended.

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COMMUNICATIONS FROM THE MAYORAPPOINTMENTS**#10056**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that Ms. Deneen currently serves on the Golf Commission and that the Committee voted to recommend that the City Council confirm the appointment.

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

KAREN DENEEN to the position of **Member, Golf Commission**, for term expiring January 29, 2022.

#10057

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted to recommend that the City Council confirm the appointment and added that Mr. Dernalowicz would be a very capable member of the Commission.

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

ALEKSANDER DERNALOWICZ to the position of **Member, Golf Commission**, for term expiring January 29, 2022.

Worcester, ss.

February 19, 2019

Then personally appeared **ALEKSANDER DERNALOWICZ** and made oath that he would faithfully and impartially perform the duties of **Member, Golf Commission**, according to law and the best of his abilities.

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

#10058

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend that the City Council confirm the appointment.

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

KRISTEN SALERNO to the position of **Senior Animal Control Officer** for term expiring January 28, 2020.

Worcester, ss.

February 22, 2019

Then personally appeared **KRISTEN SALERNO** and made oath that she would faithfully and impartially perform the duties of **Senior Animal Control Officer** according to law and the best of her abilities.

Before me,

/s/ John A. Olivari, Assistant City Clerk

#10059

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend that the City Council confirm the appointment.

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

CHERYL SLACK to the position of **Animal Control Officer** for term expiring January 28, 2020.
Worcester, ss. February 26, 2019

Then personally appeared **CHERYL SLACK** and made oath that she would faithfully and impartially perform the duties of **Animal Control Officer** according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

#10060

Reporting for the Finance Committee, Councillor James Walsh informed the Council that Mr. Nicholson served as the Mayor's designee to the Williams-Rockwell Educational Gift Fund Board of Trustees while serving as the Mayor's Executive Aide and that he chaired the Board meetings in the Mayor's absence. Therefore, the Committee voted to recommend that the City Council confirm the appointment.



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

MICHAEL NICHOLSON to the position of **Trustee, Williams-Rockwell Educational Gift Fund Board of Trustees**, for term expiring January 28, 2022.

Worcester, ss.

February 19, 2019

Then personally appeared **MICHAEL NICHOLSON** and made oath that he would faithfully and impartially perform the duties of **Trustee, Williams-Rockwell Educational Gift Fund Board of Trustees**, according to law and the best of his abilities.

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

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10061

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend adoption of the Measure, saying that the Committee discussed the Measure with the City's Purchasing Director and was informed that the City would realize savings of \$575.00 per month if the lease contract extended for five years.

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

**AUTHORIZING CONTRACTS NOT-TO-EXCEED
FIVE (5) YEARS FOR LEASING GOLF CARS**

VOTED: To authorize the City to enter into contracts not to exceed five (5) years for leasing golf cars, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's January 30, 2019 Memorandum.

Presented to Mayor for Approval – February 20, 2019

Approved – February 20, 2019

MARK P. HAWKE, Mayor

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#10062

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted vive voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer to the Public safety Committee for study and report *A Petition by National Grid and Verizon New England, Inc. for permission to Install 1 JO Pole on West Street beginning at a point approximately 100' west of the centerline of the intersection of Bridge Street* and to schedule a Public Hearing at the next regular meeting.

REPORTS OF STANDING COMMITTEES**PUBLIC SAFETY COMMITTEE****#10053**

Councillor James Johnson, Chairman of the Public Safety Committee, reported that the Committee is requesting more time to study the Ordinance and that since the scope of the Ordinance also involves the Department of the Public Works, the Public Service Committee also needs to study the Ordinance.

He then moved to refer the following Ordinance to the Public Service Committee for study and report:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 312 THEREOF, ENTITLED "ANIMALS," BY DELETING AND REPEALING § 312-2F.

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

Section 1. The Code of the City of Gardner is hereby amended by deleting and repealing Subsection F of § 312-2, Responsibilities of owner or keeper, of Chapter 312, Animals.

Section 2. Effective date.

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

Councillor Edward Gravel seconded the motion.

On the motion by Councillor James Johnson and seconded by Councillor Edward Gravel, it was voted vive voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer to the to the Public service Committee fort study and report AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 312 THEREOF, ENTITLED "ANIMALS," BY DELETING AND REPEALING § 312-2F.

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There being no objections, the Public Safety Committee was granted more to time report on AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 312 THEREOF, ENTITLED "ANIMALS," BY DELETING AND REPEALING § 312-2F.

FINANCE COMMITTEE**#10008**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee is awaiting the Council's action on the companion Bandstand Ordinance (#10007) before recommending the Measure for adoption. He added the Ordinance will have to be republished as "First Printing" before the Council can consider passing the Ordinance.

There being no objections, the Finance Committee was granted more time to report on *A Measure Authorizing Acceptance of Donations and Gifts for Use by the Community Bandstand Committee for Musical Concerts and Other Entertainment Events.*

COMMITTEE OF THE WHOLE**#10051**

Councillor James Boone moved to Order the following Ordinance to First Printing:

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

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

Section 1. Section 600-18 of Chapter 600, Vehicles and Traffic, of the Code of the City of Gardner is hereby amended by striking the words "Public Safety Committee," from Subsection B.

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

Councillor Christine Johnson seconded the motion.

Councillor James Johnson, Chairman of the Public Safety Committee, reported that at a recent meeting, the Committee voted 2 to 1, to not recommend passage of the Ordinance. He said that he was the only Committee member to support the Ordinance amendment.

On the motion, on call of the roll, four (4) yeas, President Scott Graves and Councillors James Boone, Christine Johnson, James Johnson; seven (7) nays, Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, the Order to First Printing did not pass.

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UNFINISHED BUSINESS**#10007**

Councillor James Walsh informed the Council that since an earlier version of the Ordinance amendment was inadvertently published in place of the Amendment ordered to First Printing by the City Council, the correct version will have to be published (First Printing) before the Council could consider passing the Ordinance.

Councillor Walsh moved to order that the following corrected Ordinance amendment be published as its First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156 THEREOF, ENTITLED "MUNICIPAL GROUNDS COMMISSION," TO ADD PROVISIONS RELATING TO A COMMUNITY BANDSTAND COMMITTEE.

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

Section 1. Chapter 156-3 of the Code of the City of Gardner is hereby amended by adding the following:

B. There is hereby established under this Section the "Community Bandstand Committee" which shall exist and be operated hereunder for the purpose of implementing seasonal programs to be conducted in the City's parks including but not limited to summer musical concerts and other community entertainment events at the Bandstand located in Monument Park, as well as at the City's other parks, at the City's other municipal grounds and at other appropriate locations in the City. The Community Bandstand Committee shall consist of no less than three (3) members, one of whom shall be a member of the Municipal Grounds Commission, to carry out the purposes of this Section 156-3B. All members shall be appointed in accordance with Section 156-1A.

C. The Community Bandstand Committee may receive donations and gifts of property, both real and personal, in the name of the City to further the purposes as set forth in Section 156-3B. Upon receipt of any such donation or gift the Community Bandstand Committee shall provide each such gift or donation to the Treasurer, who shall deposit same into an account to be created and named the "Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund shall be used for the purposes set forth in Section 156-3B.

D. Revise the former (present) 156-3B to 156-30.

Section 2. Effective date.

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

Councillor Ronald Cormier seconded the motion.

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On the motion, Councillor Edward Gravel informed the Council that, as a private citizen, he is heavily involved in the Bandstand Committee program; that he volunteers his time, and that he receives no compensation. He said that he believes that "there is no conflict or no conception of ethical violations," but that he should recuse himself from voting.

President Graves acknowledged that there were no objections from the Council to Councillor Gravel's recusal from the vote.

On the motion, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh; one (1) excused, Councillor Edward Gravel, to order that the following corrected Ordinance amendment be published as its First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156 THEREOF, ENTITLED "MUNICIPAL GROUNDS COMMISSION," TO ADD PROVISIONS RELATING TO A COMMUNITY BANDSTAND COMMITTEE.

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C. The Community Bandstand Committee may receive donations and gifts of property, both real and personal, in the name of the City to further the purposes as set forth in Section 156-3B. Upon receipt of any such donation or gift the Community Bandstand Committee shall provide each such gift or donation to the Treasurer, who shall deposit same into an account to be created and named the "Community Bandstand Committee Program Fund." All funds in such Community Bandstand Committee Program Fund shall be used for the purposes set forth in Section 156-3B.

D. Revise the former (present) 156-3B to 156-30.

Section 2. Effective date.

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

FIRST PRINTING – FEBRUARY 25, 2019

NEW BUSINESS

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

ANNOUNCEMENTS and COMMENTARY

Williams-Rockwell Educational Gift Fund Grant – GHS Landry Auditorium

Councillor Christine Johnson informed the Council that a recent grant from the Williams-Rockwell Educational Gift Fund to Gardner High School for a study of the Auditorium's acoustics "is really for the arts." She explained that the study is part of the refurbishment of the Auditorium and that the Auditorium is frequently used by the Band and Chorus; for plays and musicals; and, by the Gardner Middle School. The Auditorium refurbishment "is for the students at the High School ... for the arts," she reiterated.

Family Members Serving on the City Council

Councillor Christine Johnson informed the Council that five years ago last Friday, she and Councillor James Johnson were married in the City Council Chamber where they first met. She said that when she and Councillor James Johnson ran for office, people were concerned about having a husband and wife on the City Council, but that their voting records distinguish themselves. "It is not a bad thing to have two people in the same family, because we also have a father and son on the Council," she added.

New Appointees

Councillors extended praise and congratulations to Michael Nicholson for his commitment to the City and willingness to serve on the Williams-Rockwell Educational Gift Fund Board of Trustees, as well as to others whose appointments were confirmed by the City Council.

Councillor Elizabeth Kazinskas congratulated Aleksander Dernalowicz for his willingness to serve on the Golf Commission and remarked that "he is a fantastic golf teacher."

Friends of the Library Used Book Sale

Councillor Elizabeth Kazinskas reminder her colleagues that the *Friends of the Library Used Book Sale* is scheduled for Friday, February 22 and Saturday, February 23.

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New England Patriots and Daytona 500

Councillor Edward Gravel congratulated the New England Patriots on their recent Super Bowl Victory, as well as Daytona 500 winner Denny Hamlin.

Fire Department Recognition

Councillor Karen Hardern expressed her appreciation to the Gardner Fire Department and area Fire Departments for their efforts to contain a recent structure fire on Greenwood Street, as well as for their services each and every day.

Municipal Grounds Commission Membership

Councillor James Walsh reminded the Council that at its last meeting, he commented that in the event that the Bandstand Ordinance was before the Council for passage and the Mayor had not yet appointed individuals to the Municipal Grounds Commission, that he would vote against its passage. He said that he is relieved to learn that the Mayor recently filed Appointment Certificates for two of the three Commission members, and that the Mayor now has the opportunity to fill the three remaining positions on the Commission before the next Council meeting, so that he [Walsh] “will not be faced with the decision of whether to vote in favor of the Ordinance.”

Council President Scott Graves “Mistaken Identity”

Citing “a case of mistaken identity,” Council President Graves stated, “There has been a lot of confusion out there about who I am. Which Scott Graves am I?” Noting that “it [mistaken identity] has been problematic,” when people call him to say, “Great *Letter to the Editor*,” or “What were you trying to say when you sent that e-mail?” “I have no idea what they are talking about,” he said. To distinguish himself from “the other Scott Graves,” President Graves stated that he “is the one that was born and raised in Gardner and was in the Class of 1982 at Gardner High School,” and that he used to use the initials “SG” as his signature, but that he cannot use them anymore, so he now uses “SJLGG,” which stands for “Scott Joseph LaFosse Goguen Graves.”

Concluding, President Graves said that he does not write “Letters to the Editor,” so “if there is a ‘Letter to the Editor’, it’s not me,” and that he deleted his Facebook profile and refuses to participate in Twitter or Instagram. “So, I hope that people will know that I’m the quiet Scott Graves, although I am not too quiet up here. It is important to know if a statement is coming from the City Council President, because when people hear things coming from Scott Graves, it will be in their minds forever that it was him,” he added.



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President Graves' E-Mail Account Compromised

President Graves announced that his personal e-mail account was recently compromised by someone using his identity to seek money. He stressed that he is not soliciting money under his e-mail account.

CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Nathan Boudreau and seconded by Councillor Christine Johnson, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:02 p.m.

Accepted by the City Council: *March 4, 2019*