



City of Gardner, Massachusetts

Office of the City Council

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### CALENDAR FOR THE MEETING

of

MONDAY, JANUARY 7, 2019

COUNCIL CHAMBER

7:30 P.M.

### ORDER OF BUSINESS

- I. CALL TO ORDER
- II. CALL OF THE ROLL OF MEMBERS
- 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 Informal Meetings of May 21, 2018, June 25, 2018, June 26, 2018, and June 27, 2018, and the Informal and Regular Meetings of December 17, 2018.

### VIII. PUBLIC HEARING

**10032** – A Petition by National Grid and Verizon New England, Inc. to install 1 jointly-owned Pole on Otter River Road beginning at a point approximately 374' west of the centerline of the intersection of Happy Hollow Road.

### IX. PRESENTATION

New Elementary School Project Presentation by the School Building Committee. The School Committee will also be present.

### X. COMMUNICATIONS FROM THE MAYOR

#### APPOINTMENTS

**10034** – A Measure Confirming the Mayor's Appointment of Shaunesy Dame to Alternate Inspector of Wires for term expiring December 14, 2021 (*Finance Committee*).

**10035** – A Measure Confirming the Mayor's Appointment of Edward Tonet to Alternate Plumbing & Gas Inspector for term expiring December 14, 2021 (*Finance Committee*).

## **X. COMMUNICATIONS FROM THE MAYOR**

**10036** – A Measure Confirming the Mayor’s Appointment of Marcus Guerreiro to the Position of Police Officer, Permanent (*Finance Committee*).

**10037** – A Measure Confirming the Mayor’s Appointment of Jonathan McNamara to the Position of Police Officer, Permanent (*Finance Committee*).

**10038** – A Measure Confirming the Mayor’s Appointment of Joshua Willis to the Position of Police Officer, Permanent (*Finance Committee*).

## **XI. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**

**10039** – Election of the City Collector of Taxes for term expiring January 3, 2022.

**10040** – Election of the City Treasurer for term expiring January 3, 2022.

**10041** – Election of the City Clerk for term expiring January 3, 2022.

**10042** – A Measure Approving and Exemption under G.L. Ch. 268A, § 20(b), Financial Interest of Caitlin Bosse, Contract for Substitute Teacher Position (*Finance Committee*).

## **XII. REPORTS OF STANDING COMMITTEES**

### **PUBLIC SERVICE COMMITTEE**

**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 (*In City Council and Referred to Public Service, 11/5/2018*).

**10032** – A Petition by National Grid and Verizon New England, Inc. to install 1 JO Pole on Otter River Road beginning at a point approximately 374’ west of the centerline of the intersection of Happy Hollow Road (*In City Council and Referred to Public Service, 12/17/2018*).

### **PUBLIC SERVICE COMMITTEE AND FINANCE COMMITTEE**

**10008** – A Measure Authorizing Acceptance of Donations and Gifts for Use by the Community Bandstand Committee for Musical Concerts and Other Entertainment Events (*Ref: #10007*) (*In City Council and Referred Jointly to Public Service and Finance, 11/5/2018*).

## **XIII. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**

**10016** – An Ordinance to Amend the Code of the City of Gardner, Chapter 600 Thereof, Entitled “Vehicles and Traffic,” Obedience to Isolated Stop Signs (*In City Council and Referred to Committee of the Whole, 12/3/2018; Ordered to First Printing, 12/17/2018; First Printing, 12/24/2018*).

## **XIV. NEW BUSINESS**

## **XV. CLOSING PRAYER**

## **XVI. ADJOURNMENT**

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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  
MASSACHUSETTS 01440-2630**

OFFICE OF THE  
CITY COUNCIL



**CITY COUNCIL PRESIDENT  
NOMINATION AND ELECTION PROCEDURES**

Nomination process outlined under Robert’s Rules of Order, Chapter XIV, §46  
Requirements for Election outlined under Section 24 of the City Charter

- ❖ Nominations from the floor will be recognized.
- ❖ A nomination does not require a second; however, Councillors may second a nomination to indicate endorsement.
- ❖ A nomination is debatable, is not amendable, and cannot be reconsidered.
- ❖ No one may nominate more than one person, if an objection is made, until every member wishing to nominate has had an opportunity to do so.
- ❖ A Councillor may nominate himself or herself.
- ❖ If no further nominations are offered, the Clerk will call for a motion to close nominations.
- ❖ A two-thirds vote is required to close nominations.
- ❖ A majority vote is required to reopen nominations.
- ❖ The Clerk will call the roll of members, whereupon each Councillor shall state the name of the Councillor whom they choose to be President.
- ❖ The nominee receiving the requisite six votes shall be declared elected.
- ❖ Further balloting shall be undertaken until a President is elected.

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## IN CITY COUNCIL

### INFORMAL MEETING OF MAY 21, 2018

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Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, May 21, 2018.

#### CALL TO ORDER

Council President Scott J. Graves called the meeting to order at 6:00 o'clock p.m.

#### ATTENDANCE

Ten (10) Councillors were present including President Scott Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillor James Boone was absent.

#### 9898 – A Petition by Zero Point Development, Inc. to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled “Zoning,” by Adding a Solar Photovoltaic Overlay District off Lovewell Street.

Representing the Project Applicants were Bill Hannigan, Hannigan Engineering; Ernie Mello, Zero-Point Development; and, Attorney George P. Kiritsy, Law Office of Attorney George P. Kiritsy, West Boylston.

Bill Hannigan, Hannigan Engineering, reiterated the same presentation that he delivered at the April 9, 2018 Public Hearing and again cited:

- Overlay consists of various parcels.
- 100' buffer line created by Conservation Commission but a survey is still needed to determine actual locations.
- All land clearing issues fall under the Planning Board's Site Plan Review process and storm water management plan comes under the DEP and Conservation Commission.
- Fencing is required to contain the solar array.
- Tree clearing plan on slide indicates that it will be limited along Lovewell Street residential properties.

Attorney George P. Kiritsy

- Zoning use from a State perspective is that solar is a priority use.
- Solar is good for municipalities wherever it is sited - good for environment.
- Solar arrays generate revenue for communities.
- Removes portion of land from Chapter 61 – returns to full value.
- Chapter 61 rollback taxes – for past five years (on a sliding scale).
- Personal property taxes generated – 50 megawatts generates \$50,000 per year and there is no demand on public services, unlike residential, which requires schools, public works, police and fire, etc.



## IN CITY COUNCIL

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- Unlike oil, solar is not produced overseas.
- Before solar “goes online,” study is conducted – sometimes electric substations must be rebuilt with upgrades to poles and transmission lines. Both City and consumers benefit.
- After array life completed, array is decommissioned and removed and the property is then returned to a natural state.
- Solar is a way that a property owner can use his/her property. Lease term options are available – if landowner says the lease is up; then the array is decommissioned.
- Maximum life expectancy of an array is 40 years.

#### Bill Hannigan

- Dubzinski parcel could generate up to \$7,000 per year in property taxes.
- Solar array has 20 year life span – could generate \$100,000 per year when solar overlay is built out. \$2M over 20 years.

Councillor Walsh – Noted that the overlay would make it easier for the landowner to install a solar array. He added that a Use Variance is an option.

Attorney George P. Kiritsy – If use variances are allowed in Gardner, then the applicant must prove hardship. Purpose of zoning amendment is to allow the property owners to develop solar on their land.

Councillor Walsh – Amendment would allow the other owners to develop solar arrays, as well and cited total available acreage versus total for the proposed project.

Ernie Mello – Six parcels consisting of 200 acres. Dubzinski parcel 127 acres. Trigger is 5 megawatts on contiguous parcels.

Councillor Walsh – Questioned proposed overlay district size – significantly larger than the smaller portion of only the Dubzinski parcel.

Bill Hannigan – Met with CD&P Director Trevor Beauregard and Planning Board member(s) – concern over “spot zoning.” Petitioner approached other landowners to become part of the overlay and entered into agreements to purchase their properties.

Councillor Walsh – Commented that it is hard to believe that 127-acre parcel would be considered “spot zoning.”

Councillor Kazinskas – Noted that the 30-acre solar array project would generate \$50,000 per year at 5 megawatts under a PILOT Agreement.



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Bill Hannigan – Removed from Chapter land status, increase in property taxes and \$50,000 per year when built-out at 5 megawatts.

Decommissioning process – City holds about \$750,000 in cash (interest-bearing passbook account). Peer review conducted by City for decommissioning.

Councillor Christine Johnson – Questioned solar energy credits used by Gardner residents.

Ernie Mello – Plan is to qualify the project as community shared solar (for small commercial entities).

Councillor Christine Johnson – Mayor stated that the City cannot use all solar credits currently generated by Gardner-based solar arrays, so that additional credits generated by this project would not necessarily benefit Gardner.

Ernie Mello – Solar credits could benefit anyone within the National Grid territory.

Councillor Kazinskas – Questioned whether a community uses all credits generated by an array.

Ernie Mello – A city or town typically would not use all credits generated.

Bill Hannigan – National Grid decides where the energy is distributed.

Councillor James Johnson – Questioned whether Chapter 61B status affects the entire solar overlay.

Attorney Kiritsy – An owner can remove all land from 61B or a portion. The Dubzinskis plan to remove only solar array acreage from Chapter 61B and to maintain the remainder as open space.

Bill Hannigan – Added that others could petition to remove all acreage from 61B.

Councillor James Johnson – Questioned whether the proponents are seeking to purchasing additional properties.

Ernie Mello – The Dubzinskis have an option for another parcel which would allow another access way into the property.

President Graves – Noted that the Courts are loathed to making a finding regarding solar.

Attorney Kiritsy – Solar is still relatively new as a land use, so you may not find a Court case for another decade or two. Regarding spot zoning, the Act requires “dividing into uniform districts.”



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President Graves – Doesn't think that there is any danger that the overlay zone would be challenged as a subject for spot zoning.

Bill Hannigan – Other owners also want a Use change for solar.

President Graves – We did not want that to get shot down.

Bill Hannigan – We added the other parcels at the recommendation of the Planner and Building Commissioner.

Ernie Mello – Looked at the map to determine what makes sense for an overlay – parcel shapes and sizes.

Laura Casker, Planning Board Member – Regarding Chapter 61 land, City has right of first refusal. Questioned whether solar arrays affect abutting property values.

Ernie Mello – Cited DOER Solar PV Guide. No evidence that solar arrays affect abutters' property values.

Bill Hannigan – Citing hazardous materials concerns within the solar panels, materials are insoluble and encapsulated inside glass. Wafer thin, absorbs energy from sunlight.

Councillor Christine Johnson – Cited the DOER PV Guide, page 4 – “DOER discourages solar arrays where trees need to be removed.”

Bill Hannigan – Arrays are sometimes found where energy and the grid are available – the size of solar array is critical to generate revenues and to make the project work.

Ernie Mello – Landowner has other development options that do not require City Council approval. Dubzinskis looking to monetize their land and looking to do something that works for them and the City.

Councillor Kazinskas – A residential development was discussed earlier which is allowed and where trees could be cleared.

Bill Hannigan – The parcel is split-zoned and that possibly duplexes could be constructed - perhaps 300 to 350 units.

Councillor Christine Johnson – A lot of the land is wetlands and would not perc.

Bill Hannigan – Developers would utilize public water and sewer, not septic systems.

President Graves closed the first half of the meeting at 7:03 p.m.



## IN CITY COUNCIL

### INFORMAL MEETING OF MAY 21, 2018

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**9899 – An Ordinance to Amend the Code of the City of Gardner by Deleting and Repealing Chapter 675 Thereof, “Zoning,” and Replacing it With a New Chapter 675, to be Entitled “Zoning.”**

Russell Burke, Director of Planning, BSC Group, and CD&P Director Trevor Beauregard were present.

Mr. Burke outlined the zoning update process, as he presented at the April 9, 2018 Public Hearing. He noted:

- Zoning Advisory Committee established.
- Use variances discussed.
- Recreational Marijuana Regulations.
- SPGA.
- Senior housing/assisted living.

Councillor Walsh – It was suggested that a particular developer had input into the amendment - Sec. 840, Senior Residential Development. Are you aware of this?

Mr. Burke – Not that he is aware of.

Councillor Walsh – Residents in Ward 1 were notified that a Hopkinton developer received correspondence from the developer. He added that the current Zoning Code provides options for this type of development.

Russ Burke – Current Code and proposed Code not identical. Amendment would allow single family and 2-family and for site plan review. Drafted without any particular developer in mind.

Councillor Walsh – Questioned if any studies were conducted to determine whether Gardner residents were in need of this type of development.

Russ Burke – None.

Councillor Walsh – Citing Golden Pond Assisted Living Community in Hopkinton, he noted that the facility is private pay and very expensive. He added that few, if any, people in Gardner in need of such a facility could afford to pay \$6,000 to \$7,000 per month.

President Scott Graves – Expressed concern that there have been allegations that a developer that has pinpointed an area of the City for a senior housing development. He questioned Mr. Beauregard if he had any knowledge of this.



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Trevor Beauregard – Said that there is nothing in current zoning, but that it was worked into the scope. He has no knowledge of what is being proposed.

President Scott Graves – Citing Sec. 675-840, he questioned the definition of “continuing care” (CCRC – Continuing Care Retirement Community).

Russ Burke – A residential development comprising multiple components, such as single family, independent living, assisted living, memory care, and convalescent or nursing home care.

President Scott Graves – Questioned definition of “home occupation.”

Russ Burke – Definition expanded to include one home occupant and one non-resident employee.

President Graves closed the meeting at 7:27 p.m.

**Accepted by the City Council:**



## IN CITY COUNCIL

### INFORMAL MEETING OF JUNE 25, 2018

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Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, June 25, 2018.

#### **CALL TO ORDER**

Council President Scott Joseph Graves called the meeting to order at 6:00 o'clock p.m.

#### **ATTENDANCE**

Ten (10) Councillors were present including President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas. Councillor James Walsh was absent.

Also in attendance and participating were Mayor Mark Hawke; City Auditor John Richard; DPW Director Dane Arnold; School Committee Vice Chairman Robert Swartz; and, Executive Aide Michael Nicholson.

President Graves announced that the Informal session was called to review the **Mayor's FY2019 Budget Recommendations**.

**Reporting for the Finance Committee, Councillor Ronald Cormier presented the following report to the Council:**

**City Council, Salaries** – The Mayor's Recommendation exceeded the Department's request by \$3,359.00 (due to scrivener's error); therefore, the Mayor will file amended Budget Orders reducing the Omnibus Salary & Labor Budget by \$3,359.00 and increasing the Omnibus Expense Budget Order by the same amount. The additional \$3,359.00 will be added to Professional Service line item *City Council Legal Counsel*.

**Mayor's Department, Professional Services** – Increase due to Johnny Appleseed Trail Association (JATA) Membership dues. The line item also includes fees to maintain the City's website.

**City Auditor, Asst. Salary & Wages** – Increase due to change in personnel (internal transfer) and contractual wage adjustment.

**City Auditor, Professional Services** – Slight increase due to Outside Auditing services fees.

**Assessors, Valuation Update** – Valuation Update now conducted over a five-year period (formerly over a 3-year period).

**City Treasurer, Overtime** – Covers staff hours after closing to complete daily taxes and other revenue collection transactions during peak collection periods.



## IN CITY COUNCIL

### INFORMAL MEETING OF JUNE 25, 2018

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**City Treasurer, Parking Meter Clerk** – Budget reduction due to reduction in the number of weekly hours required to maintain new parking meters (13-14 hours vs. 15 hours/week).

**City Treasurer, Parking Meter Maintenance** – Increase to cover new meter system agreement and tracking software.

**Law Department, Salary & Wages** – Council President Graves expressed opposition to any cost-of-living salary adjustments for both Law Department positions, saying “They get paid handsomely.”

**Law Department, Professional Development & Travel** – The Finance Committee recommended reducing Professional Development & Travel by \$2,000 to \$1,000. The additional \$2,000 is for the new Assistant City Solicitor’s professional development and training.

Councillor Christine Johnson questioned the need for the Assistant City Solicitor position, since there was a delay in receiving the recent Community Bandstand Ordinance.

Mayor Hawke informed the Council that the City Solicitor/Law Department has a large volume of legal work that deals with all City departments. As examples, he noted contract negotiations with ten labor unions and a DEP legal matter involving Morse Electric. He added that the budget request covers the cost of legal seminars and that the last thing that should be cut is professional development, “as laws change hourly.”

Councillor Nathan Boudreau questioned whether the Assistant City Solicitor covers for the City Solicitor while he operates his private law practice during the day. He suggested that the City might consider a full-time Solicitor.

Councillor Christine Johnson asked if there are opportunities for virtual (legal) training.

Mayor Hawke informed the Council that under his Administration, Municipal Law and Labor Law functions were combined and the Law Department is still operated part-time. He said that a comparative review was conducted and it was determined that the City of Gardner pays less for its Law Department than similar communities and that a full-time Solicitor would cost the City much more money.

President Graves stated that if the Attorneys feel the need to obtain training and education, then “they’ll find a way.”

On straw vote, five (5) in favor and five (5) against, no reduction to the line item was recommended.



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### INFORMAL MEETING OF JUNE 25, 2018

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**Law Department, Outside Counsel** – President Graves stated his opposition to the line item for Outside Counsel, noting that both the Mayor and the City Solicitor pointed out that the Law Department handles all legal matters for the City.

**Law Department, Office Supplies** – The Finance Committee recommended that the line item be reduced by \$1,500 to \$3,000.

Mayor Hawke informed the Council that while the City pays the salaries of the City Solicitor and Assistant City Solicitor, Flick Law Group pays the salary of the Law Firm's paralegal, a position that the City does not cover under its professional liability insurance policy. He said that Flick Law Group provides other supplies and equipment that benefit the City, such as PCs, servers, etc.

On straw vote, ten (10) in favor, a reduction of \$1,500 in the line item is recommended.

**Law Department, Legal Fees/Closing Costs** – President Graves informed the Council that various municipal departments, such as the Conservation Commission and the Purchasing Department, require the Law Department to perform Title searches and to pay for closing costs associated with land acquisition and disposal.

**Information Technology** – The Finance Committee agreed with the Mayor's Budget Recommendations.

**City Clerk** - The Finance Committee agreed with the Mayor's Budget Recommendations.

**Elections and Registrations** – The Finance Committee agreed with the Mayor's Budget Recommendations. Councillor Ronald Cormier noted that the increase is due to two State elections in FY2019 (Primary and General Election).

**Community Development, Salaries and Wages** – Councillor Christine Johnson questioned how three positions were added to the Department and noted that the Director's term recently expired.

Mayor Hawke informed the Council that the Assistant Director manages some grant programs on the municipal-side (non-CDBG), so only 5% of his salary is paid from the City Budget.

Councillor Christine Johnson questioned whether salaries or position titles were changed in the Budget.

Mayor Hawke replied, saying they were not changed.



## IN CITY COUNCIL

### INFORMAL MEETING OF JUNE 25, 2018

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**Mayor's Unclassified, Termination Leave – Reserve** – Mayor Hawke informed the Council that the Budget is level-funded for FY2019 and that funds are allocated to various departments throughout the year to pay termination leave benefits to departing employees. He added that the proposed Budget includes termination leave for four police officers that are projected to depart after July 1 and that the sick leave buy-back benefit affects only a few long-serving employees.

**Debt Service, Principal – Inside Debt** – \$903,334.00 represents principal payments for the new DPW Buildings and the Police Station.

**Contributory Retirement, Board Administrator Salary & Wages** – Salary less than in prior years due to change in staff.

**Contributory Retirement, Contributory Retirement Assessment** – PERAC formula determines the annual assessment.

**Employee Benefits, Worker's Compensation** – Budgeted amount is determined by projected annual payroll costs and State requirements.

**Employee Benefits, Health Insurance** – Councillor Christine Johnson asked the Mayor for the reason that City Councillors are no longer eligible for health insurance benefits and whether the budget line item includes the cost to provide health insurance for Councillors.

Mayor Hawke replied, saying that an Executive Order was issued years ago and that he chose a date and “drew the line” on accepting new enrollments. He said that his decision was cost-driven, since there were some health insurance plans that cost the City more money than the pay for a Councillor. He said that there were feelings by some Councillors that the overall compensation wasn't fair, as some Councillors were taking the health insurance benefit while others were not, creating a wide disparity in compensation.

Councillor Christine Johnson suggested that some City Councillors still have health insurance benefits through the City.

The Mayor said that there are also some employees who are still eligible for sick leave buy-back benefits, so a line was drawn and a time determined when the benefit would stop.

Councillor Nathan Boudreau questioned whether there is a way that any Councillors currently receiving insurance benefits could become ineligible.

Mayor Hawke suggested that the City Council could pass an Ordinance.

Councillor Christine Johnson questioned whether the City Council could pass an Ordinance that would allow Councillors to be eligible for health insurance benefits.



## IN CITY COUNCIL

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President Graves responded, saying that there is a State law that covers eligibility.

**Property Insurances** – The Finance Committee agreed with the Mayor’s Budget Recommendations.

Councillor Ronald Cormier reported that the Finance Committee recommends all other line items in the Mayor’s Budget Recommendations.

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**Reporting for the Public Safety Committee, Committee Chairman Councillor James Johnson presented the following report to the Council:**

**Police, New Vehicles** – Three marked units are scheduled to be replaced in FY2019.

The Public Safety Committee recommends the Mayor’s Budget Recommendations for all other departments under the Committee’s purview.

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**Reporting for the Public Service Committee, Committee Chairman Councillor Nathan Boudreau presented the following report to the Council:**

**Survey Department** – The Public Service Committee recommends the Mayor’s Budget Recommendations.

**Survey Department, Professional Services** – Mayor Hawke informed the Council that the additional \$10,000 is for the Wrights Pond Dam Grant match.

**Survey Department, Vehicle Supplies** – Mayor Hawke informed the Council that the line item was reduced by \$14,500 since the Department has been consolidated with the DPW.

**Survey Department, Honeywell MV Fee** – Mayor Hawke informed the Council that the \$19,500.00 fee covers the cost of a third party review/verification of Honeywell’s contract performance.

**Public Works Department** – The Public Service Committee recommends the Mayor’s Budget Recommendations.

**Public Works Department, Tree Planting** – Councillor James Johnson stated that \$10,000 budgeted for tree replacing trees across the City is insufficient.

Executive Aide Michael Nicholson informed the Council that the City was awarded a grant for \$10,000 for tree planting.



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Councillor James Johnson remarked that the problem is with the City's practice of replacing trees that were cut.

Mayor Hawke replied, "The problem is that some homeowners want trees replaced and other do not."

DPW Director Dane Arnold informed the Council that the DPW receives the names of residents seeking to replace trees and they are added to their Tree list.

**Public Works Department, Vehicle Fuel** – Councillor Edward Gravel questioned the need for \$220,000 for vehicle fuel.

Mayor Hawke stated that the vehicle fuel budget account is level-funded (same as FY2018). Councillor Ronald Cormier noted that the fuel supplies all municipal departments.

Mayor Hawke said that in addition to routine DPW needs, the account provides fuel for winter salting and/or sanding vehicles, and for Fire and Police vehicle needs.

**Public Works Department, Snow & Ice** – The Mayor informed the Council that the City has averaged \$550,000 annually for snow and ice removal and that snow and ice is the only budgetary expense that can operate "in a deficit." He said that the amount budgeted is less than the average expended, since he does not want to tie-up funds by committing more than what is necessary.

**Sewer & Water Expenses** – The Public Service Committee recommends the Mayor's Budget Recommendations.

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**Reporting for the Public Welfare Committee, Committee Chair Councillor Christine Johnson presented the following report to the Council:**

**Monty Tech School District Assessment** – Councillor Christine Johnson informed the Council that the Committee planned to meet with Monty Tech officials on the 18<sup>th</sup>, but due a conflict with a Visioning event related to the new elementary school, the meeting was cancelled. She noted that the Committee's goal was to raise specific questions with the District's representatives, such as a situation where a Gardner student "choiced-out" to Leominster schools, and discussion concerning student quotas.

Mayor Hawke stated that Monty Tech has no student user fees, since "they [just] collect more money from us." He added that Monty tech has a JROTC Program and that Gardner cannot afford the \$150,000 increase to its assessment.



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Councillor Ronald Cormier suggested that the City Council begin conversations with Monty Tech's officials much earlier in the calendar year and address the per-pupil assessment formula.

President Graves commended Mayor Hawke on his recent approach with Monty Tech.

**Airport** – Councillor Christine Johnson reported that the Public Welfare Committee recommends the Mayor's Budget Recommendations.

Councillor Edward Gravel asked if the City would consider using the Airport grounds for carnivals or other public amusement events.

Mayor Hawke said that he is "sure that the FAA would not allow it."

**Council on Aging, Professional Development & Travel** – Councillor Christine Johnson reported that the Public Welfare Committee recommends the Mayor's Budget Recommendations, but questioned the Mayor about eliminating the budget line item.

Mayor Hawke said that the Director informed him that \$1,000 for professional development could be drawn from the State Formula Grant.

**Veterans', Veterans' Benefits** – Councillor Christine Johnson reported that the Public Welfare Committee recommends the Mayor's Budget Recommendations and noted that Veterans' Director Phil Buso reported to the Committee that about \$40,000 of the current appropriation may be unexpended at the end of the Fiscal Year.

The Mayor noted that \$900,000 was expended for Veterans' Benefits in the prior Fiscal Year.

**Library, Salary & Wages** – Councillor Christine Johnson reported that the Public Welfare Committee recommends the Mayor's Budget Recommendations, noting that the number of staff hours were increased for some positions, and the budget increased for books and periodicals, in order to meet minimum spending requirements to qualify for the State Grant.

**Recreation, Professional Services** – Councillor Christine Johnson reported that the Public Welfare Committee recommends the Mayor's Budget Recommendations.

The Mayor informed the Council that Professional Services line item was eliminated since Mount Wachusett Community College was unable to obtain funding for the "Summer-Up" Program.

**Recreation, Playground Improvements** – Councillor Gravel questioned whether the City plans to make any improvements to Ovila Case Playground.



## IN CITY COUNCIL

### INFORMAL MEETING OF JUNE 25, 2018

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Mayor Hawke said that some replacements to wood fixtures would be made.

**Greenwood Memorial Pool** – Councillor Christine Johnson reported that the Public Welfare Committee recommends the Mayor’s Budget Recommendations. She noted that the Energy & Utilities account was reduced as a result of savings realized from applied solar energy credits.

**Municipal Grounds, Salary & Wages** – The Mayor informed the Council that \$35,000 allocated for the Department Head position represents a portion of the School Athletic Director/Municipal Recreation Director’s salary. The Budget also includes \$26,400 for 8 weeks of summer help. He added that the Department is partnering with the Boys and Girls Clubs for summer help.

**Golf Course Expenses, Vehicle Supplies** – Councillor Christine Johnson reported that the Public Welfare Committee recommends that the line item be reduced by \$10,000.

Mayor Hawke listed Vehicle Supplies expenses since FY2012, which average about \$23,000 annually.

DPW Dane Arnold informed the Council that the Golf Course operates its own gas pumps; therefore, do not draw fuel from the DPW’s pumps.

On straw vote, nine (9) in favor, one (1) opposed, a reduction of \$10,000 in the line item is recommended.

**School Expenses** – Councillor Christine Johnson informed the Council that she has a hard time agreeing to pass the School Budget as presented, saying that the Department “is top heavy,” and then to ask citizens to increase their taxes because the School Budget is in deficit. She added that the School Committee granted 2% cost-of-living adjustments to the bargaining units – teachers, para-professionals, secretaries, and nurses – but agreed that the bargaining units have contracts and that they should receive pay raises.

Continuing, she said that all administrators in the School Department “should take zeroes.” The reason, she said, is that “if you cannot balance a budget, then you shouldn’t take an increase.” She noted that the School Committee voted to give the Superintendent 5%, but that he accepted only 2%. While he is working to improve the schools in his first year, she said, he should not be granted a pay increase based on merit after only one year on the job.

Continuing, Councillor Johnson said that there is fat that needs to be cut from the Budget and reminded everyone that on suggestions that she and other Councillors made to reduce the School Budget, the Administration informed the Council that they “would not do that.” So, she said, that if the City Council doesn’t support the School Budget, that it has the right



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to reject it and send it back to the School Committee and to say, "This budget isn't good enough." She added that she "does not want the collective bargaining units to be touched, but the top that needs to take zeroes." In 1997, she said, the teachers and other school employees agreed to help the City financially by accepting no wage increases, so at this time, they should not be asked to take no wage increases. It's time for the Administrators to take no wage increases, she added.

Councillor James Johnson asked the Mayor for the amount of the increase for the Superintendent that is included in the Budget request.

Mayor Hawke responded, saying that Net School Spending plus other components are included in the Budget and that he does not control the School Budget, since he is only the Committee Chairman and does not participate in contract negotiations. He noted that during the year, salary expenses will change as a result of changes in School personnel. He concluded by expressing disagreement with Councillor Christine Johnson, saying that "you have to pay good people ... you could get someone cheaper... you could find someone to do a job cheaper, but will they do a good job?" He added that the Teacher's Union praised the Superintendent's performance; that he was evaluated by the School Committee, was granted a 5% salary adjustment, but accepted only 2%, the same increase that the teachers received.

Councillor Christine Johnson remarked that the City Council voted to place an override question on November's ballot seeking more money for the schools and that school administrators should forgo a wage increase to help to reduce the budget deficit.

Mayor Hawke informed the Council that the School Administration consists of only 5 individuals – the Superintendent; Chief Academic Officer; SPED Director/Grant Writer; Business Administrator; and, the Director of Pupil Personnel Services, while Monty Tech's Administration is comprised of many more. He added that he disagreed with Councillor Johnson, suggesting that he did not believe that cutting salary adjustments for 5 to 6 persons in the Central Office "would go very far."

Councillor Christine Johnson said that this is an opportunity for the School Administrators to not accept any salary increase, suggesting that it sets a precedent and the first thing that they could do is to cut salary increases out of their budget.

Mayor Hawke noted that the Gardner School System is at the bottom 20% of all schools in the State.

President Graves questioned the number of other School administrators under contract.



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Mayor Hawke said that all Principals, Vice Principals, and the Dean of Students, have contracts.

School Committee Vice Chairman Robert Swartz informed the Council that individual School administrator pay adjustments are negotiated by the Superintendent.

Councillor James Boone informed the Council that in the past, School administrators were not afforded pay increases when teachers did not receive increases.

Councillor Edward Gravel added, "Then you lead by example."

Mayor Hawke asked, "Then why do you begrudge the Administrators, but not the teachers?"

Councillor Gravel responded, saying that there are a lot of low income people in the City who cannot afford it.

Mayor Hawke said that the Superintendent was evaluated and accepted the same 2% adjustment just like everyone else.

President Graves suggested that the Council take a straw vote "to outright reject the School Budget."

Councillor Elizabeth Kazinskas stated that the Superintendent deserves a merit-based pay raise and that if the City wants to keep people here, it has to set a good example. The Superintendent leads the School District, which is a district-wide team effort.

Councillor Karen Hardern said that the timing of the raises is not the best with a budget deficit before the Council. She said that she has owned a business for twenty years and cut hair for 30 years and raised the price of haircuts only once – for \$1.00. "Now is not the right time," she added.

Councillor James Boone stated that the Council is sending the wrong message, that "we do not support them," and "we do not want to lose good administrators." He added that the School Committee granted 2% pay adjustments for three consecutive years.

Councillor Ronald Cormier remarked that it never seems to be a good time, noting that in the recent Sunday Edition of the *Worcester Telegram & Gazette*, it was reported that Gardner is at the bottom in [in terms of] salaries. He said that [preparation of] the School Budget is the role of the School Committee and that the Council is asked to adopt it; therefore, "the Council's displeasure is with the School Committee." He added that he would not support the effort to reject the School Budget, as "we cannot jeopardize our schools."



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Councillor Christine Johnson said that if the Council does not accept the School Budget, then it should be rejected and sent back to the School Committee in order to have the Committee rework it. "How bad is it to tell the School Committee to tell the Superintendent and administrators not to take a cost-of-living increase?" she added.

Mayor Hawke remarked, "You do not control what is in the [School] Budget."

Councillor Nathan Boudreau said, "To kill a snake, you cut off its head." Continuing, he said, "We need to grow this organization," and criticized two of his fellow Councillors "for grandstanding." "We cannot take this [Administrators raises] out on the whole School system," he added.

Councillor Edward Gravel took offense to Councillor Boudreau's "grandstanding comment," saying that he "came here tonight and [that he] would vote against the School Budget," but that he and others are "trying to make a point."

Councillor Craig Cormier stated that understood and appreciated "Councillor [Christine] Johnson's impetus and what she is getting at," but that after spending months working to achieve a "stretch budget, one above Net School Spending," he concluded that he "wouldn't pull the rug out now," thus, "throwing the entire process into chaos and [rejection of the School Budget] would not show support for the Schools and the Administration. He closed by saying that he could not support the effort reject the School Budget.

Council President Graves remarked that Councillor Christine Johnson's position "is not to punish anybody, but basically in the form of a message." "If you want to be looked upon as a leader in the situation that we're in, I think that the sentiment is that you should be willing to take a pay cut," he said. Continuing, he said that on other side, the Administration has built a culture so that students want to stay in Gardner schools and to encourage others to want to come to Gardner, "so let the Administration build and foster the culture that it needs to achieve."

On straw vote, four (4) in favor, Councillors Edward Gravel, Karen Hardern, Christine Johnson, and James Johnson; six (6) opposed, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, and Elizabeth Kazinskas, support to reject the School Budget failed.

The meeting concluded at 7:42 p.m.

**Accepted by the City Council:**



## IN CITY COUNCIL

### INFORMAL MEETING OF JUNE 26, 2018

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Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, June 26, 2018.

#### CALL TO ORDER

Council President Scott J. Graves called the meeting to order at 6:00 o'clock p.m.

#### ATTENDANCE

Eleven (11) Councillors were present including 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. Mayor Hawke was also present.

#### FY2019 BUDGET REVIEW

Noting the Council's recent discussion concerning the School Department's salaries, Councillor Christine Johnson stated that "there is some fat that could be cut out," suggesting that it was evident when Superintendent Pellegrino met with the Council and where she identified \$115,000 in various line items that could be cut. She said that although the Council cannot cut specific line items from the School Budget, it can cut the bottom line by an amount that it deems appropriate, and that she will be seeking to reduce the budget by \$115,000 at the Council's Special meeting.

#### #9899 – An Ordinance to Amend the Code of the City of Gardner by Deleting and Repealing Chapter 675 Thereof, "Zoning," and Replacing it With a New Chapter 675, to be Entitled "Zoning."

Councillor James Walsh opened the discussion by noting his disappointment that the Consultant was not present to field questions, citing the solar overlay district proposals on the Council's Calendar and others in their preliminary stages or under consideration. He questioned the reason that a provision for large-scale solar installation is not included, which he suggested should be part of the Zoning Code rewrite. In addition, he said that there are concerns about the Senior Housing Development provision and that questions were raised and "that there is an obvious plan for such in a Rural Residential Zoning District – one not focused on Gardner residents." He added that the Retail Marijuana siting provisions is another focus of concern.

President Scott Graves stated that he asked Community Development and Planning Director Trevor Beauregard for the reason that the City does not have solar photovoltaic arrays specifically on the Zoning Map, but that Mr. Beauregard did not have an answer. He said that it is inefficient to not have solar photovoltaic overlay districts identified in the Zoning Code and that it is his personal opinion that solar overlay districts should not be situated in



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residential districts and, that if one is allowed, then you cannot deny any other the same privilege.

Continuing, President Graves stated that the addition of Senior Housing Developments in the Update, as well as a Retail Marijuana siting, are significant [zoning] changes and should come before the City Council on a case-by-case basis.

Councillor Nathan Boudreau expressed agreement and suggested that “only minor changes [be made] to spruce up the document” be considered, as well as Retail Marijuana siting.

Councillor Christine Johnson also agreed, suggesting that some provisions “were slipped in” and the Council is not seeing. She suggested that the Council leave the Code as it is, or add provisions relating only to Retail Marijuana and to language to limit solar overlay districts in residentially-zoned areas. She added that the City has commercial and industrial land zoned for these overlays.

Councillor Edward Gravel stated that in 1970, the City adopted the Zoning Ordinance, the purpose of which is to utilize its land in the most useful way and to not endanger its citizens. He added that the Council must be mindful of what it is doing.

Mayor Hawke informed the Council that he just called the Planning Director and was informed that the Consultant “was tasked with everything” and that no questions [from Councillors] were posed to the Director. He said that Solar Overlay districts are written into the Zoning Code and that the City “is virtually filled up” in all Zoning Districts, some projects have been approved and others are pending. He added that some projects have PILOT Agreements in place but may never be constructed.

With regard to Senior Housing Developments, the Mayor said that some time ago, a potential senior housing developer approached the former Building Commissioner about including a provision for such a development in the City’s Zoning Code. He said that it was mentioned to the Consultant to include such a provision.

President Graves stated that he has been clear about what he wanted for the Zoning update.

Councillor James Walsh said that he would expect that Russ Burke would be able to respond to his questions since he is well-versed in the City’s current Zoning Ordinance and the proposals for the Update.

President Graves noted that the Zoning Code Ordinance amendment is on the Calendar.

Councillors Walsh and Ronald Cormier said that any amendments to the proposed Zoning Update would need to be presented in writing.



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President Graves said that his only amendment would be to change the Marijuana siting provisions.

Councillor Walsh suggested that the President draft his amendment and to present it at a future Council meeting.

Councillor Ronald Cormier noted that there are some proposals and changes in the Zoning Update document that are necessary.

Councillor Elizabeth Kazinskas suggested that the Council re-work the proposal by drafting amendments for the Council's consideration.

Councillor Ronald Cormier stated that he preferred to have Russ Burke meet with the Council to address the proposed changes.

Councillor Nathan Boudreau concurred, suggesting that the Council afford itself additional time and to have Mr. Burke present.

Councillor Elizabeth Kazinskas suggested that Councillors prepare their questions and to relay them to Mr. Burke prior to another session.

President Graves advised the Council that Mr. Burke would entertain their questions, so to send them to him via e-mail.

Mayor Hawke suggested that a date be scheduled when all necessary parties are available – the Council, Russ Burke, and Planning Director Trevor Beauregard. He recommended that the City Council not take the full 90 days after another hearing in which to make a decision on the Update.

President Graves closed the meeting at 6:32 p.m.

**Accepted by the City Council:**



## IN CITY COUNCIL

### INFORMAL MEETING OF JUNE 27, 2018

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Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Wednesday evening, June 27, 2018.

#### CALL TO ORDER

Council President Scott J. Graves called the meeting to order at 6:00 o'clock p.m.

#### ATTENDANCE

Eight (8) Councillors were present including President Scott Graves and Councillors Nathan Boudreau, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillors James Boone, Craig Cormier, and Ronald Cormier were absent.

**#9898**

**A Petition by Zero Point Development, Inc. to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," by Adding a Solar Photovoltaic Overlay District off Lovewell Street.**

Opening the discussion, Councillor James Walsh stated that at a previous meeting, the Council voted to refer the Petition back to the Planning Board to consider whether a smaller Overlay District would be appropriate. No reply was received from the Planning Board, he added.

Councillor Walsh stated that he was made aware that the Planning Board had no authority to propose reducing the size of the overlay district, "but certainly the proponent of the district does." He asked, "Has the Applicant considered a smaller district and, if not, when?"

Ernie Mello, Zero Point Development, informed the Council that he attended the Planning Board meeting and that the Planning Board was given the task to review the overlay district as proposed and that the Planning Board believes that it is within the City Council's purview to adjust the size of the overlay district. He said that the way that the petition is worded permits flexibility and the proponent can seek removal of certain parcels identified in the petition.

Councillor Walsh questioned the makeup of the overlay district that the Council is asked to act on.

Mr. Mello stated that the City Council has the ability to determine which parcels that it sees fit to include in the overlay district.

Councillor Walsh remarked that the Council may or may not possess the authority to alter the size and scope of the overlay district and that the Applicant needs to determine the area/parcels that it wants to include. He noted that the proposed overlay district is large and



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that the Applicant proposes to develop only a small portion of the total area at this time. Otherwise, he said, the size allows the opportunity for more solar arrays.

Councillor Elizabeth Kazinskas stated that additional parcels were included in the proposed overlay district to avoid “a spot zoning conundrum.

Mr. Mello stated that the Planning Board advised the Petitioner to proceed by including abutting parcels in the proposed solar overlay district.

Directing his attention to Councillor Walsh, Councillor Edward Gravel asked if he was thinking that the Petitioner needs only a single parcel.

Councillor Walsh responded, saying that the proposed overlay district is larger than it needs to be and that the Applicant should focus on what is doable and what meets their objectives.

Ernie Mello suggested that their key issue with the proposed overlay district that if reduced in size, the change may result in a spot zoning claim.

Councillor Walsh said that, in his opinion, there is no spot zoning involved in the establishment of an overlay district. He encouraged the Applicants to obtain a legal opinion on their own.

Councillor Elizabeth Kazinskas questioned how a claim of “spot zoning” would be addressed.

Council President Scott Graves suggested that any abutter or citizen could challenge the legality of the overlay and allegation of “spot zoning” in Court.

Councillor Christine Johnson stated the problem with the proposed solar overlay district is that it would be located within a residentially-zoned area and that people purchase homes in residential areas for a specific reason. Citing Chapter 40A, section 3, paragraph 9, of the General Laws, she read aloud, “*No zoning ordinance or bylaw shall prohibit or unreasonably regulate the installation of a solar energy system...except where necessary to protect the public health, safety, and welfare.*” Continuing, she cited the Massachusetts Department of Energy Resources publication “Clean Energy Results,” and noted that on page 11, studies have indicated that there are potential health effects caused by exposure to solar arrays, such as leukemia, although “not significant.” She also noted that the Guide states: “*Use of land for the purpose of solar photovoltaic power generation should be compatible with most other types of land usage. However, DOER strongly discourages designating locations that require significant tree cutting because of the important water management, cooling and climate benefits trees provide. DOER encourages designating locations in industrial and commercial districts, or on vacant, disturbed land.*”



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Councillor Kazinskas noted that many residents have solar panels attached to the roofs of their homes, which are in residential areas, and that “the landowners [Petitioners] want to get a return on their land.” She said that with respect to cutting trees on the land, there are conservation options for the landowners, but that “there is no [financial] return for [land] conservation.” Continuing, Councillor Kazinskas stated that the Applicant thoughtfully planned for use of their land, that it would generate recurring income, and that it is in the best interest of the City. She said that she understands Councillor Johnson’s concerns, but that the land is private property and that she fully supports the project.

Councillor Christine Johnson stated that the megawatts generated from solar panels affixed to homes are significantly less than those in solar arrays. She said that there are certain activities that she is prohibited from doing with her [private] property because it is located in a residentially-zoned district. Continuing, she stated that the State’s solar array siting guidelines are specific, that commercial and industrial land is preferred for solar arrays, and that she is looking out for her constituents and citizens at large and for their quality of life.

Citing comments made by Councillor Johnson concerning health effects of solar installation, Mr. Mello stated that the section cited by Councillor Christine Johnson was written to discourage and rebut against people who speak to health effects associated with EMF and EMI daily background exposure tests conducted in three different sized solar arrays. The Report concluded that EMI exposure at these solar arrays was less than the daily background exposure at all three locations. He cited a Report that lists EMI exposure for computers, blenders, microwave oven, etc., which, he added, are much higher than any EMI generated from a solar inverter. He encouraged Councillors to read the particular section more thoroughly to be more educated on that matter. Continuing, Mr. Mello stated that while land owners do not have the right to erect a solar array, they do have the right to cut trees.

Councillor Gravel, interjected, saying that landowners do not have the right to cut trees, adding that there are serious consequences for clear cutting trees on any property in the City of Gardner, adding “Don’t say that this Council isn’t informed.”

Mr. Mello responded, saying that the Dubzinski Family could easily cut down a lot of trees by filing the appropriate paperwork and that they would not have to go before the City Council or to seek an overlay district. He added that if the argument against the solar array is centered on the cutting of trees, then the landowner has the right to cut trees, but not “clearcutting.”

Councillor James Walsh questioned why DOER doesn’t update its Guidelines to include with recommendations that solar arrays be sited in “disturbed sites” and on commercial and industrial land.



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Mr. Mello commented that there are not enough ideal sites for locating solar arrays and that the State is looking to develop more locations.

Councillor Christine Johnson remarked that the benefit [of the project] should be for the citizens of Gardner.

Mr. Mello noted that revenues generated by solar arrays would benefit the City of Gardner as “trickle down benefits”.

Councillor Christine Johnson added that benefits could include reduced energy bills.

Mr. Mello added that there is the possibility that local businesses and residents could also apply for solar energy credits, which “is competitive.”

Councillor Kazinskas stated that an additional \$50,000 in tax revenues from the solar array would benefit the City and that trees could be cut from the property if developed for homes. She said that if the property is developed for new home construction, there will be an impact on services such as Police, Fire, schools, road maintenance, etc. She added that construction of the solar array is expected to take 6 to 7 months; that it would be a low-impact development; and, would generate revenue for the City.

President Graves stated that he spoke with the Community Development and Planning Director about adopting an Ordinance that specifies where, in the City, that solar arrays can be installed, so that everyone would know where the solar arrays could be located. He said that since the City does not have such an Ordinance, then should the City Council adopt such an Ordinance. He questioned whether the 20,000 constituents that he represents want him “to set a precedent” by approving a solar overlay district in a residentially-zoned area. He asked, “Do we want these in residential areas?” He concluded, saying that he does not believe that the issue is about trees because the landowner can cut the trees for a housing development.

Councillor Karen Hardern noted that the Dubzinski family owns 127 acres and that the proposed solar array would be sited on 30 acres of the land, but that the proposed overlay district would allow the landowners of the remaining parcels to apply for permits to construct solar arrays. She added that she does not agree with siting solar arrays in residential districts.

Mr. Mello stated that the parcels in an overlay must be contiguous and that the arrays could not be installed on the entire 200 acre site.



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Councillor Nathan Boudreau stated that he feels bad that the Dubzinskis and Mr. Mello have taken the brunt of the hostility and that he concurred with Councillor Kazinskas's comments.

Mr. Mello stated that the Planning Board voted in favor of the Petition, with 4 in favor and 1 member abstaining. He noted that the Planning Board governs the Site Plan Review process, that the City has a well-written Site Plan review process, and that their job is to also look out for the well-being of the citizens.

President Graves remarked that the City Council is elected by the citizens of Gardner in order to protect them.

Councillor Kazinskas remarked that each project should go through the same process with City Council and that she is nervous about a citywide Ordinance. She said that the City Council confirms the Mayor's appointments to the Planning Board and that she has confidence in the Planning Board.

President Graves stated that the City has a Zoning Map that identifies zones where businesses can operate, including solar arrays.

Councillor Walsh remarked that if the City Council establishes a large-scale solar overlay district, then the Planning Board would still be the special permitting authority.

Councillor James Johnson stated that he visited with residents of the Lovewell Street area and found that not one resident supported the project; therefore, he does not support the project. He questioned whether the Dubzinski land is classified under Chapter 61B and, if so, the City would have the right of first refusal if the owner sought to remove it from Chapter classification.

Councillor Walsh remarked that the City would have 120 days in which to exercise the option to purchase the property under Chapter 61B.

**#9909**

**A Petition by Cedar Hills Solar Portfolio to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Expand the West Street Solar Photovoltaic Overlay District.**

John Drobinski and Katie Wolfe, Environmental Consultants, Environmental Resources Management (ERM), were present.

Councillor Nathan Boudreau questioned whether Cedar Hills has determined the number of acres that would experience tree clearing, since he was told that only 50 acres would be affected.



## IN CITY COUNCIL

### INFORMAL MEETING OF JUNE 27, 2018

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John Drobinski stated that the overlay would include 6 different solar array projects and that the proposed expansion would add 150 acres to the existing overlay district.

Councillor Walsh noted that according to the Planning Board, the expansion would include 230 acres.

Katie Wolfe added that the properties owned by the Roman Catholic Diocese of Worcester are the connecting parcels, which creates a continuous overlay district.

Councillor Christine Johnson cited page 20 of DOER's Clean Energy Results Guideline, noting that "MassDEP has determined that the installation of solar arrays can be compatible with the operation and protection of public drinking water systems. This includes the installation of solar arrays within the Zone I, which is a 400-foot protective radius around a public ground water well."

John Drobinski responded, saying that private wells are not included, only public water supply wells, and that the permitting process will address protection of private wells, erosion controls, and various DEP restrictions. He said that there would be no impact – no exportation of fill, upgrading to the property, and that infrastructure is already in place. He added that Salem 5 Bank owns the property and has a lease from the Diocese of Worcester.

Katie Wolfe noted that there will be some tree clearing and that the 100' and 60' buffer zones have been delineated.

John Drobinski added that at the "end of the day, there will be grassy lands and not sand banks."

Councillor Boudreau stated that there have been a number of complaints to the Police Department concerning activities in the area.

Mr. Drobinski stated that the site will be secured and that the Conservation Commission typically requires that there is a 6 foot height for each panel in order to allow wildlife to pass underneath.

Councillor Kazinskis noted that the Cedar Hills parcel is already cleared.

Councillor Walsh noted that the parcel "is disturbed open land."

Councillor Edward Gravel stated that the project does not have to be as large as the proposed scope.

Councillor Boudreau remarked that at some point, he believed that there was discussion that the Diocese land was City-owned land and questioned there were any restrictions on its use.



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Councillor Walsh stated that there will not be any solar arrays on Diocese land and noted that the Council received a letter from the Diocese of Worcester supporting the project.

John Drobinski noted that the parcels owned by the Diocese are for overlay connecting purposes and that there will not be any solar installations in the Cemetery. He said that potentially 150 acres could be developed with about 100 acres directly impacted and the remainder protected for conservation.

Continuing, Mr. Drobinski suggested that the alternative to a solar array could be 110 units of housing on the property, so the choice is between a benign green project that generates taxes or a housing development.

President Graves closed the meeting at 7:05 p.m.

**Accepted by the City Council:**

UNACCEPTED/UNCORRECTED PROOF



## IN CITY COUNCIL

### INFORMAL MEETING OF DECEMBER 17, 2018

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Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, December 17, 2018.

#### CALL TO ORDER

Council President Scott Joseph Graves called the meeting to order at 7:00 o'clock p.m.

#### ATTENDANCE

Eleven (11) Councillors were present including President Scott Joseph Graves and Councillors Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh.

Also in attendance and participating were Police Chief Neil Erickson and Deputy Chief of Police Richard Braks.

President Graves announced that the Informal session was called to discuss Council Calendar #10016, *An Ordinance to Amend the Code of the City of Gardner, Chapter 600 Thereof, Entitled "Vehicles and Traffic," to Change Provisions Relating to Rotary Traffic, Traffic Islands, and Obedience to Isolated Stop and Yield Signs.*

Deputy Chief of Police Richard Braks provided Councillors with schematics of Lafayette Square identifying the current traffic pattern and the proposed changes. He noted that Lafayette Square is presently designated as a Rotary, so that under Massachusetts law, a vehicle travelling along the rotary has the right-of-way. Accordingly, he said, vehicles travelling along Parker Street and West Street must yield to vehicles traversing the rotary. The proposed changes include changing the traffic designation from a traffic rotary to a traffic island and adding two yield signs for traffic approaching Parker Street from Oak Street and for traffic approaching West Street from Parker Street (along the island).

Councillor James Walsh questioned the present situation for traffic travelling along Oak Street onto Nichols Street and for Parker Street traffic travelling east to that intersection.

Deputy Chief Braks said that the intersection of Nichols and Parker is regulated by a Yield sign for traffic on Parker Street entering Nichols Street and Oak Street and a Stop sign at Nichols Street entering Parker Street.

Councillor Walsh questioned whether there are any traffic restrictions for vehicles travelling across Oak Street to Nichols Street.

Deputy Chief Braks said that Oak Street traffic has the right-of-way, since Nichols Street is regulated by a Stop sign and Parker Street is regulated by a Yield sign.



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Councillor Ronald Cormier questioned whether it is the intent to maintain the Yield restriction on Parker Street as part of the proposed traffic changes.

Deputy Chief Braks responded, saying that the Yield restriction would remain and that signs and pavement markings would be installed to indicate new Yield restrictions for traffic passing along the lower part of the island from Oak to Parker Street and from Parker Street to West Street (top of the traffic island).

Councillor Nathan Boudreau questioned whether the plan includes adding flashing Yield signs.

Deputy Chief Braks indicated that there is no plan to add flashing Yield signs.

Councillor Karen Hardern commented that based on a recent experience, a Yield sign should be added to the top of the traffic island for traffic entering West Street.

Councillor Edward Gravel stated that he believes that a Yield sign at Nichols Street will cause vehicles to back-up onto West Street and create a bigger problem than what is needed and that he would recommend that the existing Yield sign on Parker Street should be changed to a Stop sign, because “nobody stops at the Yield sign, anyways.” “I know it’s a Yield sign, but they don’t stop, period,” he added. He said that he would be okay with the proposed Yield sign at the top of the island, but not the one at the bottom of the island.

Councillor James Walsh said that the proposed Yield restriction at the easterly end of the island “is a no-brainer” and added that the junction at the lower end of the island does need traffic controls because there is a confluence of traffic from several directions that meet at that location. He noted that the traffic controls that exist are not solving the problem, but perhaps the implementation of Yield at various locations would work, as opposed to implementing a Stop on Parker Street at Nichols, where a Stop already exists on Nichols to Parker Street. He concluded by saying that the proposed changes could work and that he would support them.

Councillor James Johnson suggested that when the measure comes before the Council at its regular meeting, that it consider “dividing the question” by separating the various components of the Ordinance and to act on them individually, since one element relates to a proposed Stop sign on Hospital Hill Road for traffic entering Temple Street. He added that the proposed changes to traffic regulations at Lafayette Square be made on a temporary basis to allow time to study the impact and to revisit the matter before considering making permanent changes.

Councillor Edward Gravel questioned whether any data exists regarding accidents at the intersection that would justify changing the Ordinance.



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### INFORMAL MEETING OF DECEMBER 17, 2018

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Deputy Chief Braks responded, saying that the City experiences “road rage incidents versus accidents” at that intersection, citing vehicles from different points approaching the intersection and motorists believing that they have the right-of-way. When the Police investigate an accident, he said, they must ascertain the regulations governing the roadways and perhaps assign responsibility for the crash, which also involves insurance claims. He said that it is the Police Department’s and the Traffic Commission’s responsibility to address areas with traffic conflicts and to identify remedies by which to improve traffic flow and safety. By adding Yield restrictions, the Police Department’s investigation would be able to conclude right-of-way and responsibility, he added.

Councillor Christine Johnson stated that she has looked at the intersection for a long time and noted challenges posed by the pattern, citing traffic entering Parker Street from Nichols Street as a major problem, particularly vehicles turning left from Nichols onto Parker Street. She said that she would like to consider restricting traffic from Nichols Street entering Parker Street to right turn only. Citing the complex nature of the intersection, she expressed concurrence with Councillor James Johnson that temporary traffic regulation changes should allow for time to study the pattern before seeking a permanent solution.

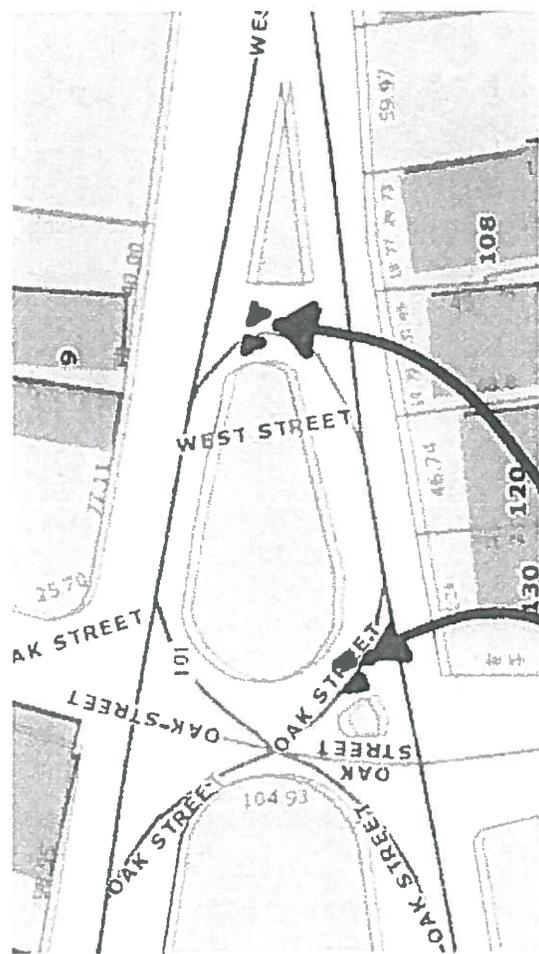
Council President Graves questioned aloud whether the Traffic Commission had considered recommending a right-turn only restriction from Nichols Street entering Parker Street, and then pondered whether the additional traffic directed toward the Lafayette Square traffic island would only exacerbate the problem.

Councillor Ronald Cormier suggested that an advantage to the existing Yield restriction at Parker and Nichols, as opposed to a Stop restriction is that in winter months vehicles travelling up Parker Street would be less likely to “get stuck” due to poor roadway conditions. He said that he supports the temporary changes, since installing permanent signage and line painting would be constrained during the winter months.

The meeting concluded at 7:16 p.m.

**Accepted by the City Council:**





Proposed Yields: