



City of Gardner, Massachusetts  
Office of the City Council

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CALENDAR FOR THE MEETING

of

MONDAY, MARCH 2, 2020

COUNCIL CHAMBER

7:30 P.M.

**ORDER OF BUSINESS**

**I. CALL TO ORDER**

**II. CALL OF THE ROLL OF COUNCILLORS**

**III. OPENING PRAYER**

**IV. PLEDGE OF ALLEGIANCE**

**V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS**

Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the City Clerk, as they become part of the Meeting Minutes.

**VI. READING OF MINUTES OF PRIOR MEETING(S)**

Reading and Approval of the Minutes of the February 18, 2020 Joint Convention and the Regular Meeting.

**VII. PUBLIC HEARINGS**

**VIII. COMMUNICATIONS FROM THE ACTING MAYOR**

**10250** – An Order Appropriating \$52,788.00 from Free Cash to FY2019 Firefighters Salary and Wages Account (*Finance Committee*).

**10251** – An Order Appropriating \$54,818.67 from Free Cash to the Firefighters Salary and Wages Account (*Finance Committee*).

**IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**

**10252** – A Petition by Traven Development LLC to renew the designation of two (2) parcels at 525 Parker Street as a Development Overlay District 1 (*Public Welfare Committee and Planning Board*).

**X. REPORTS OF STANDING COMMITTEES**

**PUBLIC SAFETY COMMITTEE**

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

**X. REPORTS OF STANDING COMMITTEES**

**PUBLIC WELFARE COMMITTEE**

**10207** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled “Zoning,” to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows (*In City Council and Referred to Public Welfare for study and report and to the Planning Board for Report, 11/18/2019; Public Hearing, 1/21/2020; Planning Board Final Report filed, 2/3/2020*).

**XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**

**XII. NEW BUSINESS**

**XIII. CLOSING PRAYER**

**XIV. 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.




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 JOINT CONVENTION OF FEBRUARY 18, 2020
 

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Tuesday evening, February 18, 2020. The Joint Convention of the City Council and School Committee, held in the City Council Chamber, was called to order by Council President James Walsh at 7:00 o'clock p.m. for the purpose of appointing a Representative to the Montachusett Regional Vocational Technical School District Committee for four years.

City Clerk Alan L. Agnelli called the Roll of Convention. Present were:

**Members of the City Council (10)**

James M. Walsh, President  
 James S. Boone  
 Nathan R. Boudreau  
 Craig R. Cormier  
 Ronald F. Cormier  
 Aleksander Dernalowicz  
 Scott Joseph Graves  
 Karen G. Hardern  
 Elizabeth J. Kazinskas  
 George C. Tyros

**Members of the School Committee (6)**

James R. Abare  
 Rachel A. Cormier  
 Anne F. Hurst  
 John M. LaFreniere  
 Jennifer Z. Pelavin  
 Robert J. Swartz

Councillor Judy A. Mack was absent.

Council President James Walsh called for nominations from the floor.

Councillor Scott Joseph Graves nominated Councillor James S. Boone. Councillor Nathan Boudreau seconded the nomination.

On a motion by Councillor Scott Joseph Graves and seconded by Councillor Karen Hardern, it was voted viva voce to close nominations.

The City Clerk called the roll.

On Call of the Roll:

Councillor James S. Boone voting for James S. Boone  
 Councillor Nathan R. Boudreau voting for James S. Boone  
 Councillor Craig R. Cormier voting for James S. Boone  
 Councillor Ronald F. Cormier voting for James S. Boone  
 Councillor Scott Joseph Graves voting for James S. Boone  
 Councillor Karen G. Hardern voting for James S. Boone  
 Councillor Elizabeth J. Kazinskas voting for James S. Boone



JOINT CONVENTION OF FEBRUARY 18, 2020

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James R. Abare voting for James S. Boone  
Rachel A. Cormier voting for James S. Boone  
Anne F. Hurst voting for James S. Boone  
John M. LaFreniere voting for James S. Boone  
Jennifer Z. Pelavin voting for James S. Boone  
Robert J. Swartz voting for James S. Boone

Having received sixteen (16) votes, James S. Boone was appointed Representative to the MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT COMMITTEE for term expiring February 18, 2024.

On a motion by Councillor Scott Graves and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce to adjourn at 7:03 p.m.

**Accepted by the City Council:**

**REGULAR MEETING OF FEBRUARY 18, 2020**

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

**CALL TO ORDER**

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

**CALL OF THE ROLL**

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

**OPENING PRAYER**

President Walsh led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

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

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

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

**READING & ACCEPTANCE OF MINUTES**

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

**COMMUNICATIONS FROM THE ACTING MAYOR****ORDER**

**#10249**

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

REGULAR MEETING OF FEBRUARY 18, 2020

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

Councillor Ronald Cormier moved to adopt the following Order:

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

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

Councillor Elizabeth Kazinskas seconded the motion.

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

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

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

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

Presented to the Acting Mayor for Approval – February 19, 2020

Approved – February 19, 2020

JAMES M. WALSH, Acting Mayor



## REGULAR MEETING OF FEBRUARY 18, 2020

REPORTS OF STANDING COMMITTEESPUBLIC SAFETY COMMITTEE

#10216

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

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

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

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

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

Section 2. Effective date.

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

PUBLIC WELFARE COMMITTEE

#10207

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO REVISE ARTICLE VI, DENSITY AND DIMENSIONAL REGULATIONS, AND ARTICLE X, SUPPLEMENTAL REGULATIONS.

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

Section 1. Section 675-610. General Requirements, Section F, of the Code of the City of Gardner, is amended by deleting and repealing Section F in its entirety and inserting in place thereof, the following:



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**REGULAR MEETING OF FEBRUARY 18, 2020**

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

Section 2. Section 675–1050. Fences and hedgerows, is hereby amended by deleting and repealing Section 675-1050 in its entirety and inserting in place thereof, the following:

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

Section 3. This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.

**FINANCE COMMITTEE****#10237**

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

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

Councillor Ronald Cormier seconded the motion.

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

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

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

REGULAR MEETING OF FEBRUARY 18, 2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REGULAR MEETING OF FEBRUARY 18, 2020

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On the motion, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Elizabeth Kazinskas, and George Tyros, to return *An Ordinance Amending the Code of the City of Gardner, Chapter 171 Thereof, Entitled "Personnel" to Change Article IX. Vacations for City Officers and Employees, Section 171-36, Other full-time officers and employees; and, by adding new Section 171-37 (a) Conservation/Planning Agent, providing for additional vacation leave to the Executive Department and to remove it from the Calendar.*

**#10238**

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

Councillor Ronald Cormier seconded the motion.

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

On the motion, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Elizabeth Kazinskas, and George Tyros, to return *An Ordinance Amending the Code of the City of Gardner, Chapter 171 Thereof, Entitled "Personnel" to change Article XIII. Department Head Benefit Time and Longevity Pay, Section 171-53, Vacation, providing for additional vacation leave to the Executive Department and to remove it from the Calendar.*

**NEW BUSINESS**

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

Councillor Nathan Boudreau announced the upcoming Rotary Club Auction.

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



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**REGULAR MEETING OF FEBRUARY 18, 2020**

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

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

**CLOSING PRAYER**

President Walsh led the Council in the Closing Prayer.

**ADJOURNMENT**

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

**Accepted by the City Council:**

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS  
SALARY AND WAGES FY2019 ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Fifty-two Thousand Seven  
Hundred Eighty-eight and 33/100 (\$52,788.33) from Free Cash to the Fiscal 2019  
Firefighters Salary and Wages Account.

10250-10251

# City of Gardner, *Executive Department*



RECEIVED

James M. Walsh, Acting Mayor

2020 FEB 26 PH 2: 57

CITY CLERK'S OFFICE  
GARDNER, MA

February 26, 2020

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

**RE: *Firefighters Contract Funding***

Dear Council Members,

With this correspondence, I am submitting a money order in the amount of \$107,607.00 from Free Cash to fund the recently negotiated contract between the City and the Firefighter's Union through June 30, 2020. Also included is correspondence from the City Auditor identifying the specific amount necessary to fund the contract.

This contract was negotiated and entered into in mid-December. I have asked the City's negotiating team, which included the City Solicitor and the Human Resources Director, to provide me with additional information about the negotiations that led to the contract as well as legal and factual justification which would authorize me, as Acting Mayor, to finalize the deal. I have also enclosed a copy of my correspondence to the team requesting that information.

Until such time I receive that additional information and am satisfied of my authority to act further, I recommend that the money order be referred to the Finance Committee.

Please feel free to contact me, if you have further questions about this topic.

Very truly yours,

James M. Walsh  
Acting Mayor

**Mayor**

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**From:** John Richard  
**Sent:** Wednesday, February 19, 2020 3:13 PM  
**To:** Mayor  
**Subject:** RE: Funding for Firefighters Contract

Hi Jim

Here is the total estimated funding amount needed to satisfy the Firefighters contract. This amount includes the pay increase from now until 6/30/20.

| <b>ACTUAL FY19 RETRO</b> | <b>FY20 ESTIMATE RETRO AND<br/>REMAINDER OF YR AMT</b> | <b>TOTAL</b>        |
|--------------------------|--------------------------------------------------------|---------------------|
| <b>\$ 52,788.33</b>      | <b>\$ 54,818.65</b>                                    | <b>\$107,606.98</b> |

I will be out of the office the next two days. We can discuss this further on Monday on the game plan.

Thank you

JR

**Rachel Stephano (Mayor's Office)**

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**From:** John Flick <jflick@flicklawgroup.com>  
**Sent:** Wednesday, February 26, 2020 1:17 PM  
**To:** Mayor  
**Subject:** Firefighters July 1, 2018 to June 30, 2021 Contract

Acting Mayor Walsh,

In light of the legal issues pertaining to the MOA negotiated in December 2019 and the resulting Collective Bargaining Agreement (CBA) with the Firefighters, and now that the amount of the supplemental appropriation needed to fund the CBA is known, the Law Department recommends that a money order be submitted to the City Council for consideration at its March 2, 2020 meeting. Specifically, the City is required by M.G.L. c. 150E, sec. 7 to submit a money order to the appropriate legislative body for consideration of any appropriation needed to fund the contract within thirty (30) days of the execution of the agreement. Whereas the Agreement was signed by the Union on February 20, 2020, and in order to comply with M.G.L. c. 150E, it is appropriate to submit the required money order at this time.

Regards,  
John Flick

\*\*\*\*\*

John M. Flick, Esq., City Solicitor  
City of Gardner Law Department  
144 Central Street, Suite 201  
Gardner, MA 01440  
978-632-7948, Ext. 301 Voice  
978-630-3703 Fax

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# City of Gardner, *Executive Department*



James M. Walsh, Acting Mayor

February 24, 2020

Attorney John Flick, City Solicitor &  
Debra Pond, Director of Personnel  
144 Central Street  
Gardner, MA 01440

Good Morning,

I have been asked, as Acting Mayor, to sign off on the recently negotiated contract with the Firefighters Union. Since I have not been involved with negotiating that contract and am limited in my authority, I ask that you provide me with the following:

1. As I understand it, the proposed contract covers the period from July 1, 2018 through June 30, 2021. Please provide me with a history of contract negotiations. Please also include a summary of any material changes from the existing contract, and of any state agency involvement and the binding effect, if any, of that involvement. I'd also appreciate a listing of all participants in each negotiating team.
2. As you know, as Acting Mayor, my authority is limited to matters "not admitting of delay". Please provide any factual basis which would justify my execution of this contract rather than deferring it to evaluation and consideration by the newly elected Mayor in mid-May 2020.

Depending on the content of your reply, I may have additional questions.

Thank you for your prompt consideration of this request.

Very truly yours,

James M. Walsh  
Acting Mayor

JMW/rjs

cc: John Richard

10250-10251



**CITY of GARDNER**

**Office of the City Auditor**

John Richard, City Auditor  
95 Pleasant Street, Room 126  
Gardner, MA 01440

Phone: 978-632-1900 ext. 8020 • Fax: 978-630-3778

Email: jr理查德@gardner-ma.gov

To: City Council

Re: Money Orders for consideration on March 02, 2020

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

These balances are as of February 27, 2020:

|                                                  |             | <u>Money<br/>Order</u> | <u>Balance</u> |
|--------------------------------------------------|-------------|------------------------|----------------|
| Free Cash                                        | 10000-35400 |                        | \$1,368,995.00 |
| to Fire Dept for Contract Renewal Retro Pay FY19 | 12220-510** | 52,788.33              | \$1,316,206.67 |
| to Fire Dept for Contract Renewal Retro Pay FY20 | 12220-510** | 54,818.67              | \$1,261,388.00 |

The Snow & Ice account currently has available (\$189,818.22)  
14421-52210

Sincerely

John Richard  
City Auditor

copies: Acting Mayor  
City Clerk

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS  
SALARY AND WAGES ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Fifty-four Thousand Eight Hundred Eighteen and 67/100 (\$54,818.67) from Free Cash to the Firefighters Salary and Wages Account.

10250-10251

City of Gardner, *Executive Department*

RECEIVED



James M. Walsh, Acting Mayor

2020 FEB 26 PM 2:57

CITY CLERK'S OFFICE  
GARDNER, MA

February 26, 2020

City Council  
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95 Pleasant Street  
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This contract was negotiated and entered into in mid-December. I have asked the City's negotiating team, which included the City Solicitor and the Human Resources Director, to provide me with additional information about the negotiations that led to the contract as well as legal and factual justification which would authorize me, as Acting Mayor, to finalize the deal. I have also enclosed a copy of my correspondence to the team requesting that information.

Until such time I receive that additional information and am satisfied of my authority to act further, I recommend that the money order be referred to the Finance Committee.

Please feel free to contact me, if you have further questions about this topic.

Very truly yours,

James M. Walsh  
Acting Mayor

**Mayor**

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Thank you

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**Rachel Stephano (Mayor's Office)**

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Regards,  
John Flick

\*\*\*\*\*  
John M. Flick, Esq., City Solicitor  
City of Gardner Law Department  
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978-632-7948, Ext. 301 Voice  
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\*\*\*\*\*

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# City of Gardner, *Executive Department*



James M. Walsh, Acting Mayor

February 24, 2020

Attorney John Flick, City Solicitor &  
Debra Pond, Director of Personnel  
144 Central Street  
Gardner, MA 01440

Good Morning,

I have been asked, as Acting Mayor, to sign off on the recently negotiated contract with the Firefighters Union. Since I have not been involved with negotiating that contract and am limited in my authority, I ask that you provide me with the following:

1. As I understand it, the proposed contract covers the period from July 1, 2018 through June 30, 2021. Please provide me with a history of contract negotiations. Please also include a summary of any material changes from the existing contract, and of any state agency involvement and the binding effect, if any, of that involvement. I'd also appreciate a listing of all participants in each negotiating team.
2. As you know, as Acting Mayor, my authority is limited to matters "not admitting of delay". Please provide any factual basis which would justify my execution of this contract rather than deferring it to evaluation and consideration by the newly elected Mayor in mid-May 2020.

Depending on the content of your reply, I may have additional questions.

Thank you for your prompt consideration of this request.

Very truly yours,

James M. Walsh  
Acting Mayor

JMW/rjs

cc: John Richard

10250-10251



**CITY of GARDNER**

**Office of the City Auditor**

John Richard, City Auditor  
95 Pleasant Street, Room 126  
Gardner, MA 01440

Phone: 978-632-1900 ext. 8020 • Fax: 978-630-3778

Email: jrichard@gardner-ma.gov

To: City Council

Re: Money Orders for consideration on March 02, 2020

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

These balances are as of February 27, 2020:

|                                                  |             | <u>Money<br/>Order</u> | <u>Balance</u> |
|--------------------------------------------------|-------------|------------------------|----------------|
| Free Cash                                        | 10000-35400 |                        | \$1,368,995.00 |
| to Fire Dept for Contract Renewal Retro Pay FY19 | 12220-510** | 52,788.33              | \$1,316,206.67 |
| to Fire Dept for Contract Renewal Retro Pay FY20 | 12220-510** | 54,818.67              | \$1,261,388.00 |

The Snow & Ice account currently has available (\$189,818.22)  
14421-52210

Sincerely

John Richard  
City Auditor

copies: Acting Mayor  
City Clerk



10252

RECEIVED  
2020 FEB 19 AM 8:56  
CITY CLERK'S OFFICE  
GARDNER, MA

February 19, 2020

James M. Walsh, Esq., Council President  
City Council  
95 Pleasant Street  
Room 121  
Gardner, MA 01440

Via: Hand Delivery

Ref.: Parker Place  
525 Parker Place  
Development Overlay District 1  
Gardner, Massachusetts

Dear Council President and Members:

On behalf of Traven Development LLC., McCarty Engineering, Inc. (MEI) is hereby requesting that under section 675-530 of the City of Gardner Zoning Ordinance that the designation of the Development Overlay District 1, that was voted into action on April 18, 2006 and approved by Mayor Gerald E. St. Hilaire on April 19, 2006 continue to apply to the property situated at 525 Parker Street. Associated with this designation we are also hereby requesting that the approved use be amended from three- and four-unit condominiums to multi-unit residential buildings.

525 Parker Street consists of two parcels totaling approximately 7.5 acres±. The properties are depicted on the City of Gardner Assessors Maps as parcels M22-1-6 and M22-6-27 both of which are zoned Industrial 1 and are configured such that they have frontage along Parker Street, Water Street and Parker Pond.

This parcel is the former location of one of Gardner's premier furniture manufactures Gem Industries who specialized in the creation of dormitory furniture. The factory and parking areas were situated to the interior portions of the site while the perimeter was marked with undulating topography and wetland systems. In the early 2000s the factory was demolished and the site has remained vacant.

In harmony with the previously approved project and the City-wide growth and development policies, the applicant proposes to redevelop this parcel and construct three multi-family residential buildings, totaling 123 units.

The site has been configured such that the access into the site will be off of Parker Street. The parking lots have been located within the interior of the site with the buildings positioned alongside the edge of the parking. This configuration allows for the buildings to buffer the parking areas to the abutting residences. Linked to this properties' revitalization, an extensive landscape plan is proposed which will aid in accenting the building architecture, complimenting the natural elements while also providing buffering and screening.

This request to amend the Overlay district is the first step in the permitting process. This project will require the filing for a Special Permit and Site Plan Review from the Planning Board and a Notice of Intent with the local Conservation Commission and DEP.

We feel this proposed development is consistent with the intent of the Development Overlay District 1 and we look forward to working with City Council on this matter. If you have any questions or comments, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "L. C. Greene". The signature is fluid and cursive, with the first name "Lar" and last name "Greene" clearly distinguishable.

Lar Greene, RLA

P:\MEI\223-Olson\City Council\Docs\Development 1 Overlay Requestletter docx



# ORDINANCE

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

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

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

**Public Safety Committee recommended Amendment:**

Section 1. Section 560-3 B. of the Code of the City of Gardner, is hereby amended by deleting and repealing the sentence: "The annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at \$200 per apartment unit per building, effective July 1, 2013," and by inserting in place thereof, the following: "For the collection and handling of rubbish, garbage, ashes and source-separated materials, the annual fee for each household and each unit of apartment buildings containing eight or fewer units in the City shall be, as follows:

|                        |          |
|------------------------|----------|
| Effective July 1, 2020 | \$228.00 |
| Effective July 1, 2021 | \$232.00 |
| Effective July 1, 2022 | \$236.00 |
| Effective July 1, 2023 | \$240.00 |

Section 2. Effective date.

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

|                              | 6399            |                 | 6460            |                 | 6353            |                 | 6500            |                 | 6567            |                 | 6567            |                 | 6567            |  |
|------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--|
|                              | 2017            | 2018            | 2019            | 2020 (Budget)   | 2021            | 2022            | 2023            | 2024            | 2025            | 2026            | 2024            | 2025            | 2026            |  |
| Annual Fee per Unit          | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       |  |
| Per Unit Fee                 | \$ 1,279,986.00 | \$ 1,292,057.00 | \$ 1,270,664.00 | \$ 1,300,000.00 | \$ 1,313,400.00 | \$ 1,313,400.00 | \$ 1,313,400.00 | \$ 1,313,400.00 | \$ 1,313,400.00 | \$ 1,313,400.00 | \$ 1,313,400.00 | \$ 1,313,400.00 | \$ 1,313,400.00 |  |
| All Other Fees               | \$ 144,216.00   | \$ 156,071.00   | \$ 182,090.00   | \$ 185,571.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   |  |
| <b>Total Revenue</b>         | \$ 1,424,202.00 | \$ 1,448,128.00 | \$ 1,452,754.00 | \$ 1,485,571.00 | \$ 1,498,400.00 | \$ 1,498,400.00 | \$ 1,498,400.00 | \$ 1,498,400.00 | \$ 1,498,400.00 | \$ 1,498,400.00 | \$ 1,498,400.00 | \$ 1,498,400.00 | \$ 1,498,400.00 |  |
| <b>Solid Waste Expenses</b>  | \$ 1,258,000.00 | \$ 1,385,000.00 | \$ 1,471,000.00 | \$ 1,575,000.00 | \$ 1,622,250.00 | \$ 1,670,917.50 | \$ 1,721,045.03 | \$ 1,772,676.38 | \$ 1,825,856.67 | \$ 1,880,632.37 | \$ 1,825,856.67 | \$ 1,880,632.37 | \$ 1,880,632.37 |  |
| <b>EOY Retained Earnings</b> | \$ 166,202.00   | \$ 63,128.00    | \$ -18,246.00   | \$ -89,429.00   | \$ -123,850.00  | \$ -172,517.50  | \$ -222,645.03  | \$ -274,276.38  | \$ -327,456.67  | \$ -382,232.37  | \$ -277,456.67  | \$ -392,232.37  | \$ -382,232.37  |  |

|                              | 6399            |                 | 6460            |                 | 6353            |                 | 6500            |                 | 6567            |                 | 6567            |                 | 6567            |  |
|------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--|
|                              | 2017            | 2018            | 2019            | 2020 (Budget)   | 2021            | 2022            | 2023            | 2024            | 2025            | 2026            | 2024            | 2025            | 2026            |  |
| Annual Fee per Unit          | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 224.00       | \$ 228.00       | \$ 232.00       | \$ 236.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       |  |
| Per Unit Fee                 | \$ 1,279,986.00 | \$ 1,292,057.00 | \$ 1,270,664.00 | \$ 1,300,000.00 | \$ 1,444,740.00 | \$ 1,471,008.00 | \$ 1,497,276.00 | \$ 1,523,544.00 | \$ 1,549,812.00 | \$ 1,576,080.00 | \$ 1,523,544.00 | \$ 1,549,812.00 | \$ 1,576,080.00 |  |
| All Other Fees               | \$ 144,216.00   | \$ 156,071.00   | \$ 182,090.00   | \$ 185,571.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   |  |
| <b>Total Revenue</b>         | \$ 1,424,202.00 | \$ 1,448,128.00 | \$ 1,452,754.00 | \$ 1,485,571.00 | \$ 1,629,740.00 | \$ 1,656,008.00 | \$ 1,682,276.00 | \$ 1,708,544.00 | \$ 1,734,812.00 | \$ 1,761,080.00 | \$ 1,708,544.00 | \$ 1,734,812.00 | \$ 1,761,080.00 |  |
| <b>Solid Waste Expenses</b>  | \$ 1,258,000.00 | \$ 1,385,000.00 | \$ 1,471,000.00 | \$ 1,575,000.00 | \$ 1,622,250.00 | \$ 1,670,917.50 | \$ 1,721,045.03 | \$ 1,772,676.38 | \$ 1,825,856.67 | \$ 1,880,632.37 | \$ 1,772,676.38 | \$ 1,825,856.67 | \$ 1,880,632.37 |  |
| <b>EOY Retained Earnings</b> | \$ 166,202.00   | \$ 63,128.00    | \$ -18,246.00   | \$ -89,429.00   | \$ -123,850.00  | \$ -172,517.50  | \$ -222,645.03  | \$ -274,276.38  | \$ -327,456.67  | \$ -382,232.37  | \$ -274,276.38  | \$ -327,456.67  | \$ -382,232.37  |  |

|                              | 6399            |                 | 6460            |                 | 6353            |                 | 6500            |                 | 6567            |                 | 6567            |                 | 6567            |  |
|------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--|
|                              | 2017            | 2018            | 2019            | 2020 (Budget)   | 2021            | 2022            | 2023            | 2024            | 2025            | 2026            | 2024            | 2025            | 2026            |  |
| Annual Fee per Unit          | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 232.00       | \$ 236.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       |  |
| Per Unit Fee                 | \$ 1,279,986.00 | \$ 1,292,057.00 | \$ 1,270,664.00 | \$ 1,300,000.00 | \$ 1,497,276.00 | \$ 1,523,544.00 | \$ 1,549,812.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 |  |
| All Other Fees               | \$ 144,216.00   | \$ 156,071.00   | \$ 182,090.00   | \$ 185,571.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   |  |
| <b>Total Revenue</b>         | \$ 1,424,202.00 | \$ 1,448,128.00 | \$ 1,452,754.00 | \$ 1,485,571.00 | \$ 1,682,276.00 | \$ 1,708,544.00 | \$ 1,734,812.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 |  |
| <b>Solid Waste Expenses</b>  | \$ 1,258,000.00 | \$ 1,385,000.00 | \$ 1,471,000.00 | \$ 1,575,000.00 | \$ 1,622,250.00 | \$ 1,670,917.50 | \$ 1,721,045.03 | \$ 1,772,676.38 | \$ 1,825,856.67 | \$ 1,880,632.37 | \$ 1,772,676.38 | \$ 1,825,856.67 | \$ 1,880,632.37 |  |
| <b>EOY Retained Earnings</b> | \$ 166,202.00   | \$ 63,128.00    | \$ -18,246.00   | \$ -89,429.00   | \$ -123,850.00  | \$ -172,517.50  | \$ -222,645.03  | \$ -274,276.38  | \$ -327,456.67  | \$ -382,232.37  | \$ -274,276.38  | \$ -327,456.67  | \$ -382,232.37  |  |

|                              | 6399            |                 | 6460            |                 | 6353            |                 | 6500            |                 | 6567            |                 | 6567            |                 | 6567            |  |
|------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--|
|                              | 2017            | 2018            | 2019            | 2020 (Budget)   | 2021            | 2022            | 2023            | 2024            | 2025            | 2026            | 2024            | 2025            | 2026            |  |
| Annual Fee per Unit          | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 200.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       | \$ 240.00       |  |
| Per Unit Fee                 | \$ 1,279,986.00 | \$ 1,292,057.00 | \$ 1,270,664.00 | \$ 1,300,000.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 | \$ 1,576,080.00 |  |
| All Other Fees               | \$ 144,216.00   | \$ 156,071.00   | \$ 182,090.00   | \$ 185,571.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   | \$ 185,000.00   |  |
| <b>Total Revenue</b>         | \$ 1,424,202.00 | \$ 1,448,128.00 | \$ 1,452,754.00 | \$ 1,485,571.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 | \$ 1,761,080.00 |  |
| <b>Solid Waste Expenses</b>  | \$ 1,258,000.00 | \$ 1,385,000.00 | \$ 1,471,000.00 | \$ 1,575,000.00 | \$ 1,622,250.00 | \$ 1,670,917.50 | \$ 1,721,045.03 | \$ 1,772,676.38 | \$ 1,825,856.67 | \$ 1,880,632.37 | \$ 1,772,676.38 | \$ 1,825,856.67 | \$ 1,880,632.37 |  |
| <b>EOY Retained Earnings</b> | \$ 166,202.00   | \$ 63,128.00    | \$ -18,246.00   | \$ -89,429.00   | \$ -123,850.00  | \$ -172,517.50  | \$ -222,645.03  | \$ -274,276.38  | \$ -327,456.67  | \$ -382,232.37  | \$ -274,276.38  | \$ -327,456.67  | \$ -382,232.37  |  |

\$0 per quarter increase

\$5 per initial increase  
\$1/qt after (\$4/yr - up to \$240/yr max)

\$7.00 per qt initial increase  
\$1/qt after (\$4/yr - up to \$240/yr max)

\$10 per quarter increase effective FY21

10216

TRASH RECYCLING TRACKER FROM FY 2017 TO 2020

| CURBSIDE TRASH TONS     | FY17                | FY18                | FY19                | FY20                |
|-------------------------|---------------------|---------------------|---------------------|---------------------|
| JULY                    | 319.47              | 319.33              | 345.04              | 371.71              |
| AUG                     | 350.55              | 389.24              | 396.52              | 360.38              |
| SEPT                    | 343.45              | 342.47              | 324.74              | 319.52              |
| OCT                     | 352.7               | 340.15              | 363.16              | 375.41              |
| NOV                     | 352.7               | 365.97              | 361.32              | 336.32              |
| DEC                     | 330.62              | 302.6               | 310.53              | 340.62              |
| JAN                     | 335.78              | 347.28              | 351.74              | 340                 |
| FEB                     | 266.49              | 297.04              | 282.6               | 280                 |
| MAR                     | 342.69              | 345.6               | 313.14              | 320                 |
| APR                     | 317.44              | 318.62              | 334.79              | 320                 |
| MAY                     | 354.73              | 388.41              | 384.42              | 375                 |
| JUNE                    | 353.39              | 339.97              | 327.23              | 340                 |
| <b>TONS</b>             | <b>4020.01</b>      | <b>4096.68</b>      | <b>4095.23</b>      | <b>4078.96</b>      |
| <b>COST/TON</b>         | <b>\$73.00</b>      | <b>\$74.00</b>      | <b>\$75.00</b>      | <b>\$76.00</b>      |
| <b>ANNUAL TON</b>       | <b>\$293,460.73</b> | <b>\$303,154.32</b> | <b>\$307,142.25</b> | <b>\$310,000.96</b> |
| <b>FLAT FEE/MONTH</b>   | <b>\$33,330.00</b>  | <b>\$33,696.43</b>  | <b>\$34,673.63</b>  | <b>\$35,783.19</b>  |
| <b>FLAT FEE/YR COST</b> | <b>\$399,960.00</b> | <b>\$404,357.16</b> | <b>\$416,083.56</b> | <b>\$429,398.28</b> |
| <b>TOTAL TRASH</b>      | <b>\$693,420.73</b> | <b>\$707,511.48</b> | <b>\$723,225.81</b> | <b>\$739,399.24</b> |
| <b>INCREASE</b>         |                     | <b>\$14,090.75</b>  | <b>\$15,714.33</b>  | <b>\$16,173.43</b>  |

| CURBSIDE RECYCLE TONS  | FY17                | FY18                | FY19                | FY20                |
|------------------------|---------------------|---------------------|---------------------|---------------------|
| JULY                   | 123.81              | 128.8               | 131.64              | 125.95              |
| AUG                    | 139.2               | 153.94              | 130.78              | 120.1               |
| SEPT                   | 136.72              | 135.31              | 111.64              | 111.37              |
| OCT                    | 114.85              | 128.5               | 131.36              | 123.23              |
| NOV                    | 257.4               | 130.53              | 123.2               | 119.5               |
| DEC                    | 150.03              | 133.06              | 103.54              | 119.13              |
| JAN                    | 140.28              | 129.9               | 134.48              | 130                 |
| FEB                    | 105.03              | 110.98              | 105.87              | 106                 |
| MAR                    | 122.6               | 130.18              | 114.58              | 122                 |
| APR                    | 124.51              | 119.84              | 118.41              | 119                 |
| MAY                    | 136.86              | 144.64              | 126.25              | 135                 |
| JUNE                   | 122.77              | 128.45              | 113.52              | 121                 |
| <b>TONS</b>            | <b>1674.06</b>      | <b>1574.13</b>      | <b>1445.27</b>      | <b>1452.28</b>      |
| <b>FLAT FEE/MONTH</b>  | <b>\$15,228.85</b>  | <b>\$15,396.28</b>  | <b>\$15,396.28</b>  | <b>\$16,349.74</b>  |
| <b>FLAT FEE/YR</b>     | <b>\$182,746.20</b> | <b>\$184,755.36</b> | <b>\$184,755.36</b> | <b>\$196,196.88</b> |
| <b>REC. PROCESSING</b> | <b>\$27,489.65</b>  | <b>\$74,154.55</b>  | <b>\$136,337.25</b> | <b>\$68,998.50</b>  |
| <b>TOTAL RECYCLE</b>   | <b>\$210,235.85</b> | <b>\$258,909.91</b> | <b>\$321,092.61</b> | <b>\$265,195.38</b> |
| <b>INCREASE</b>        |                     | <b>\$48,674.06</b>  | <b>\$62,182.70</b>  |                     |

10216

TRASH RECYCLING TRACKER FROM FY 2017 TO 2020

| REC. PROCESSING | FY17               | FY18               | FY19                | FY20               |
|-----------------|--------------------|--------------------|---------------------|--------------------|
| JULY            | \$3,095.25         | \$1,288.00         | \$12,505.80         | \$12,014.65        |
| AUG             | \$2,784.00         | \$1,539.40         | \$12,424.10         | \$11,463.65        |
| SEPT            | \$2,734.40         | \$2,029.65         | \$10,577.30         | \$10,732.15        |
| OCT             | \$2,297.00         | \$4,497.50         | \$12,479.20         | \$11,829.40        |
| NOV             | \$2,841.00         | \$4,568.55         | \$11,704.00         | \$11,423.75        |
| DEC             | \$3,000.60         | \$4,657.10         | \$9,318.60          | \$11,534.90        |
| JAN             | \$2,104.20         | \$4,546.50         | \$12,103.20         |                    |
| FEB             | \$580.85           | \$3,884.30         | \$10,223.90         |                    |
| MAR             | (\$367.80)         | \$10,414.40        | \$10,979.15         |                    |
| APR             | \$1,245.10         | \$10,785.60        | \$11,348.70         |                    |
| MAY             | \$4,105.80         | \$13,740.80        | \$12,156.20         |                    |
| JUNE            | \$3,069.25         | \$12,202.75        | \$10,847.10         |                    |
| <b>TOTAL</b>    | <b>\$27,489.65</b> | <b>\$74,154.55</b> | <b>\$136,667.25</b> | <b>\$68,998.50</b> |

| CONTAMINATED | FY19              | FY20          |
|--------------|-------------------|---------------|
| JULY         | \$0.00            | \$0.00        |
| AUG          | \$0.00            | \$0.00        |
| SEPT         | \$0.00            | \$0.00        |
| OCT          | \$902.25          | \$0.00        |
| NOV          | \$1,775.25        | \$0.00        |
| DEC          | \$1,910.25        | \$0.00        |
| JAN          | \$2,835.00        |               |
| FEB          | \$130.50          |               |
| MAR          | \$0.00            |               |
| APR          | \$0.00            |               |
| MAY          | \$218.25          |               |
| JUNE         | \$0.00            |               |
| <b>TOTAL</b> | <b>\$7,771.50</b> | <b>\$0.00</b> |

# City of Gardner, *Executive Department*

Mark Hawke, Mayor



RECEIVED

2019 NOV 21 PM 3: 08

CITY CLERK'S OFFICE  
GARDNER, MA

November 20, 2019

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

RE: Trash Fee Ordinance Change

Dear President Graves and Councilors,

In February of 2013, we presented the attached spreadsheet #1 demonstrating the need to increase the annual fee for solid waste enterprise fund. At the meeting I stated that I felt confident the rate increase would suffice for the next five (5) years. I was wrong. We were able to expertly manage the budget to make that rate increase last for seven (7) years.

Until recently, the majority of recyclable material collected by Massachusetts municipalities was purchased by China for processing. Many municipalities paid low fees to have their recycling hauled, and some even earned money from haulers for the materials.

Over time, the in-state market for processing recyclables such as paper and glass declined, as these businesses could not compete with the Chinese market.

On Jan. 1, 2018, the recycling market in Massachusetts and across the country experienced a massive disruption as China announced that it would no longer import 24 types of materials, including mixed paper and several types of plastic. Citing the increasing rate of impurities in the U.S. recycling stream, China, under its new National Sword policy, now will only accept materials with a contamination rate of one-half of 1 percent or less.

This Sword policy has decimated the recycling market and municipal solid waste budgets. On top of this is the impending expiration of a five (5) year contract with Waste Management. Needless to say, Waste Management did not accurately predict the markets of today when the contract was negotiated last. There will be an increase in rates in our next contract. Director of Public Health, Lauren Saunders and I have been meeting with Waste Management for the past few months trying to hammer out a new contract.

According to the attached spreadsheet #2, in fiscal year 2020, we are anticipating having to use approximately \$90,000 in retained earnings in order to balance the budget. This is sustainable because we have the cushion of the retained earnings in order to deal with the projected shortfall.

However, as you can see from the first box, if we do nothing, we anticipate depleting our retained earnings near the end FY 2022.

In the second, third and fourth box we demonstrate the effect a \$5 per quarter (\$20 per year), \$7.50 per quarter (\$30 per year), and \$10 per quarter (\$40 per year) increase would have on future budgets. The \$5 per quarter (\$20 per year) increase would stabilize the fund for approximately one (1) year before beginning to deplete the retained earnings. The \$7.50 per quarter (\$30 per year) increase would seem to carry us through FY 2023. The \$10 per quarter (\$40 per year) increase seems too large and would grow retained earnings at a rapid rate.

Given that the object of an enterprise fund is to be a self-sufficient entity, the Director of Public Health, City Auditor and I all agree that a \$7.50 per quarter (\$30 per year) increase in the annual fee would allow the Solid Waste Enterprise Fund adequate revenue to sustain a proper amount of retained earnings and cover the actual expected costs associated with the Fund.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mark Hawke', with a long horizontal flourish extending to the right.

Mark Hawke  
Mayor, City of Gardner

# ORDINANCE

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10216

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

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

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

Section 2. Effective date.

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



#2

|                              | 6399                   | 6460                   | 6353                   | 6500                   | 6567                   | 6567                   | 6567                   |
|------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Annual Fee per Unit          | \$ 200.00              | \$ 200.00              | \$ 200.00              | \$ 200.00              | \$ 200.00              | \$ 200.00              | \$ 200.00              |
| Per Unit Fee                 | \$ 1,279,986.00        | \$ 1,292,057.00        | \$ 1,270,664.00        | \$ 1,300,000.00        | \$ 1,313,400.00        | \$ 1,313,400.00        | \$ 1,313,400.00        |
| All Other Fees               | \$ 144,216.00          | \$ 156,071.00          | \$ 182,090.00          | \$ 185,571.00          | \$ 185,000.00          | \$ 185,000.00          | \$ 185,000.00          |
| <b>Total Revenue</b>         | <b>\$ 1,424,202.00</b> | <b>\$ 1,448,128.00</b> | <b>\$ 1,452,754.00</b> | <b>\$ 1,485,571.00</b> | <b>\$ 1,498,400.00</b> | <b>\$ 1,498,400.00</b> | <b>\$ 1,498,400.00</b> |
| <b>Solid Waste Expenses</b>  | <b>\$ 1,258,000.00</b> | <b>\$ 1,385,000.00</b> | <b>\$ 1,471,000.00</b> | <b>\$ 1,575,000.00</b> | <b>\$ 1,622,250.00</b> | <b>\$ 1,670,917.50</b> | <b>\$ 1,721,045.03</b> |
| <b>EOY Retained Earnings</b> |                        | \$ 418,098.00          | \$ 418,098.00          | \$ 328,669.00          | \$ 204,819.00          | \$ 32,301.50           | \$ (190,343.53)        |

\$0 per quarter increase

|                              | 2017                   | 2018                   | 2019                   | 2020 (Budget)          | 2021                   | 2022                   | 2023                   |
|------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Annual Fee per Unit          | \$ 200.00              | \$ 200.00              | \$ 200.00              | \$ 200.00              | \$ 220.00              | \$ 220.00              | \$ 220.00              |
| Per Unit Fee                 | \$ 1,279,986.00        | \$ 1,292,057.00        | \$ 1,270,664.00        | \$ 1,300,000.00        | \$ 1,444,740.00        | \$ 1,444,740.00        | \$ 1,444,740.00        |
| All Other Fees               | \$ 144,216.00          | \$ 156,071.00          | \$ 182,090.00          | \$ 185,571.00          | \$ 185,000.00          | \$ 185,000.00          | \$ 185,000.00          |
| <b>Total Revenue</b>         | <b>\$ 1,424,202.00</b> | <b>\$ 1,448,128.00</b> | <b>\$ 1,452,754.00</b> | <b>\$ 1,485,571.00</b> | <b>\$ 1,629,740.00</b> | <b>\$ 1,629,740.00</b> | <b>\$ 1,629,740.00</b> |
| <b>Solid Waste Expenses</b>  | <b>\$ 1,258,000.00</b> | <b>\$ 1,385,000.00</b> | <b>\$ 1,471,000.00</b> | <b>\$ 1,575,000.00</b> | <b>\$ 1,622,250.00</b> | <b>\$ 1,670,917.50</b> | <b>\$ 1,721,045.03</b> |
| <b>EOY Retained Earnings</b> |                        | \$ 418,098.00          | \$ 418,098.00          | \$ 328,669.00          | \$ 336,159.00          | \$ 294,981.50          | \$ 203,676.48          |

\$5 per quarter increase

|                              | 2017                   | 2018                   | 2019                   | 2020 (Budget)          | 2021                   | 2022                   | 2023                   |
|------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Annual Fee per Unit          | \$ 200.00              | \$ 200.00              | \$ 200.00              | \$ 200.00              | \$ 230.00              | \$ 230.00              | \$ 230.00              |
| Per Unit Fee                 | \$ 1,279,986.00        | \$ 1,292,057.00        | \$ 1,270,664.00        | \$ 1,300,000.00        | \$ 1,510,410.00        | \$ 1,510,410.00        | \$ 1,510,410.00        |
| All Other Fees               | \$ 144,216.00          | \$ 156,071.00          | \$ 182,090.00          | \$ 185,571.00          | \$ 185,000.00          | \$ 185,000.00          | \$ 185,000.00          |
| <b>Total Revenue</b>         | <b>\$ 1,424,202.00</b> | <b>\$ 1,448,128.00</b> | <b>\$ 1,452,754.00</b> | <b>\$ 1,485,571.00</b> | <b>\$ 1,695,410.00</b> | <b>\$ 1,695,410.00</b> | <b>\$ 1,695,410.00</b> |
| <b>Solid Waste Expenses</b>  | <b>\$ 1,258,000.00</b> | <b>\$ 1,385,000.00</b> | <b>\$ 1,471,000.00</b> | <b>\$ 1,575,000.00</b> | <b>\$ 1,622,250.00</b> | <b>\$ 1,670,917.50</b> | <b>\$ 1,721,045.03</b> |
| <b>EOY Retained Earnings</b> |                        | \$ 418,098.00          | \$ 418,098.00          | \$ 328,669.00          | \$ 401,829.00          | \$ 426,321.50          | \$ 400,686.48          |

\$7.50 per quarter increase

|                              | 2017                   | 2018                   | 2019                   | 2020 (Budget)          | 2021                   | 2022                   | 2023                   |
|------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Annual Fee per Unit          | \$ 200.00              | \$ 200.00              | \$ 200.00              | \$ 200.00              | \$ 240.00              | \$ 240.00              | \$ 240.00              |
| Per Unit Fee                 | \$ 1,279,986.00        | \$ 1,292,057.00        | \$ 1,270,664.00        | \$ 1,300,000.00        | \$ 1,576,080.00        | \$ 1,576,080.00        | \$ 1,576,080.00        |
| All Other Fees               | \$ 144,216.00          | \$ 156,071.00          | \$ 182,090.00          | \$ 185,571.00          | \$ 185,000.00          | \$ 185,000.00          | \$ 185,000.00          |
| <b>Total Revenue</b>         | <b>\$ 1,424,202.00</b> | <b>\$ 1,448,128.00</b> | <b>\$ 1,452,754.00</b> | <b>\$ 1,485,571.00</b> | <b>\$ 1,761,080.00</b> | <b>\$ 1,761,080.00</b> | <b>\$ 1,761,080.00</b> |
| <b>Solid Waste Expenses</b>  | <b>\$ 1,258,000.00</b> | <b>\$ 1,385,000.00</b> | <b>\$ 1,471,000.00</b> | <b>\$ 1,575,000.00</b> | <b>\$ 1,622,250.00</b> | <b>\$ 1,670,917.50</b> | <b>\$ 1,721,045.03</b> |
| <b>EOY Retained Earnings</b> |                        | \$ 418,098.00          | \$ 418,098.00          | \$ 328,669.00          | \$ 467,499.00          | \$ 557,661.50          | \$ 597,696.48          |

\$10 per quarter increase

City of Gardner, MA  
Monday, November 25, 2019

## Chapter 560. Solid Waste

### Article I. Collection and Disposal

#### § 560-3. Solid waste collection program.

Under the authority of MGL c. 44, § 28C, the following system of fees, charges and exemptions is established to cover all of the costs of operating the City's municipal solid waste programs:

- A. An annual fee for the collection and handling of rubbish, garbage, ashes, and source-separated materials shall be established on all households and apartment buildings with eight apartments or fewer in the City, and said fee shall be paid by the property owner. The fee shall be assessed at an amount the Mayor and City Council deem appropriate to cover all of the fixed costs of such collection. The City shall make this system self-sufficient, utilizing an enterprise fund established under MGL c. 44, § 53F 1/2.
- B. The annual fee for the collection and handling of rubbish, garbage, ashes and source-separated materials is set at \$200 per apartment unit per building, effective July 1, 2013. The City of Gardner trash bag fee is set at \$3.50 per bag. Every collection day as of October 1, 2010, each single-family household, or single-family apartment unit in a building with eight apartments or fewer, may place a single approved rubbish container, with a tight-fitting cover securely in place, out for collection. Said rubbish container must be clearly labeled with the unit identification and identifying City logo. Any additional rubbish that does not fit within said container must be placed in a valid City of Gardner trash bag.  
[Amended 6-16-2008 by Ord. No. 1474; 9-7-2010 by Ord. No. 1519; 3-18-2013 by Ord. No. 1558]
- C. An owner of any residential property in the City with eight apartments or fewer may be exempted from participating in the mandatory program (including payment of the annual fee and use of the City trash bags) by contracting with a solid waste hauling company duly licensed to operate in the City of Gardner for the removal and disposal of all rubbish, garbage, ashes, source-separated recyclable materials, household appliances, furniture and consumer electronic materials. Any property owner seeking this exemption must annually provide the Director of Public Health with a copy of an acceptable signed contract from a properly licensed hauler.
- D. An owner of any residential property in the City with nine apartments or more situated on a public way may voluntarily participate in the solid

waste collection program. Any property owner seeking such participation must annually provide the Director of Public Health with written notice of intent to participate on a form provided by the Health Department. Such participation renders the property subject to the fees as outlined in Subsection **A** above.

- E. Exemptions from the payment of the annual fee may be approved by the Director of Public Health with the approval of the Public Safety Committee of the City Council for apartment units in apartment buildings that are vacant and that the owner intends to maintain in a vacant state. Any property owner seeking this exemption must submit documentation of the status of the vacant unit and a letter certifying his or her intent to maintain the unit in the vacant state for the next year and have the unit inspected by the Director of Public Health or his designee. Occupation of the apartment unit makes the exemption null and void. It is the owner's responsibility to inform the City of the occupation of the unit; failure to do so renders the unit subject to the full amount of the annual fee for the time period covered by the exemption. This exemption is subject to written guidelines and limitations on file in the Board of Health office. Persons aggrieved by findings by the Director of Public Health under this section may appeal such finding to Public Safety Committee of the City Council.
- F. Unpaid solid waste collection program fees will become a lien on a homeowner's property tax account as provided in the Massachusetts General Laws. Failure to make payment when due in any year, unless an exemption is granted, shall result in the assessment of interest, penalties, and charges or termination of services as authorized by state statute.  
[Amended 6-16-2008 by Ord. No. 1474]

# ORDINANCE

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AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO REVISE ARTICLE VI, DENSITY AND DIMENSIONAL REGULATIONS, AND ARTICLE X, SUPPLEMENTAL REGULATIONS.

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

Section 1. Section 675–610. General Requirements, Section F, of the Code of the City of Gardner, is amended by deleting and repealing Section F in its entirety and inserting in place thereof, the following:

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

Section 2. Section 675–1050. Fences and hedgerows, is hereby amended by deleting and repealing Section 675-1050 in its entirety and inserting in place thereof, the following:

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

Section 3. This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.

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10207

# CITY OF GARDNER

RECEIVED



DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

CITY CLERK'S OFFICE  
GARDNER, MA

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

February 3, 2020

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

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

Dear President Walsh:

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

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

Currently reads as:

F. Corner clearance

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

Initial Proposed Change presented at Public Hearing (proposed changes are in bold and underlined):

F. Corner clearance

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

Proposed Change as a result of Public Hearing (proposed changes are in bold and underlined):

F. Corner clearance

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

Explanation: Change “side lines” to “curb lines” to address Public Hearing comments and remain consistent with Chapter 675-1050.

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

Currently reads as:

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

Initial Proposed Change presented at Public Hearing (proposed changes are in bold and underlined):

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

Proposed Change as a result of Public Hearing (proposed changes are in bold and underlined):

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

Explanation: Change “street lines” to “curb lines” to address Public Hearing comments and be consistent with Chapter 675-610.

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

Sincerely,

Mark M. Schafron  
Chairman

# CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

November 4, 2019



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

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

Dear President Graves:

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

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

Currently reads as:

**F. Corner clearance**

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

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

**F. Corner clearance**

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

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

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

Currently reads as:

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

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

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

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

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

Sincerely,



Mark M. Schafron  
Chairman

Cc: Mayor  
Planning Board  
Building Commissioner  
City Engineer  
Director DPW



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

October 2, 2019

Dear Planning Board:

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

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

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

Respectfully,

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

Mission Statement

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

City of Gardner, MA  
Thursday, November 14, 2019

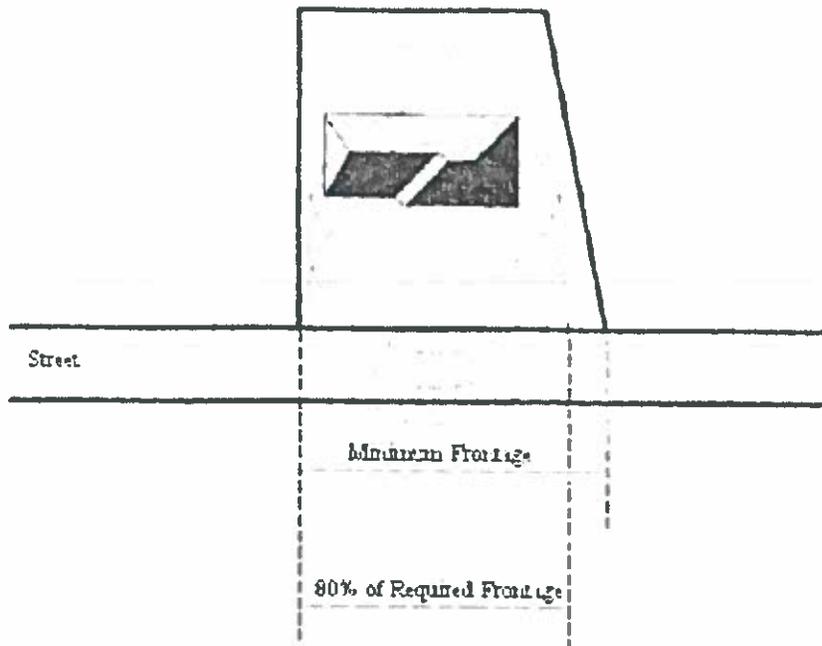
## Chapter 675. Zoning

### Article VI. Density and Dimensional Regulations

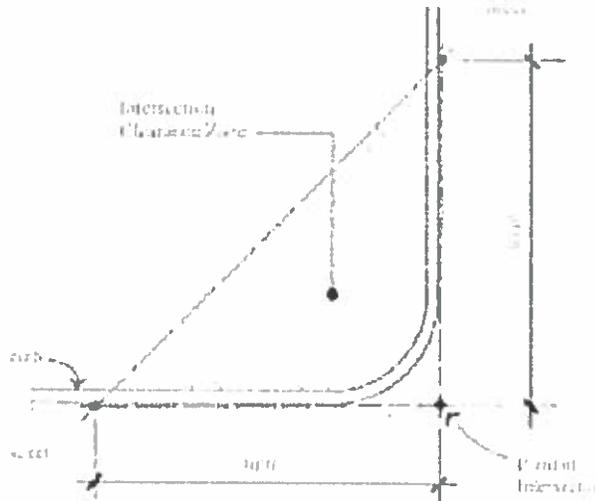
#### § 675-610. General requirements.

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

- A. A dwelling, building or any structure hereafter erected in any district shall not be located on a lot having less than the minimum requirements.
- B. A lot or parcel of land having an area or a frontage of lesser amounts than required in the following schedule may be considered as coming within the area and frontage requirements of this section, provided that, at the time of building, such lot has an area of more than 5,000 square feet, has a frontage of 50 feet or more and is in a district zoned for residential use, and provided further that such lot or parcel of land was shown on a parcel or described in a deed duly recorded or registered at the time of the adoption of this chapter and did not at the time of such adoption adjoin other land of the same owner available for use in connection with such lot or parcel.
- C. All minimum yard dimensions required in the following schedule are to be measured from the relevant lot line.
- D. The limitation of height of buildings and structures in the following schedule shall not apply in any district to chimneys, ventilators, towers, spires, or other ornamental features of buildings, which features are in no way used for living purposes.
- E. All lots shall have a lot width such that the center of a circle having a minimum diameter of at least 80% of the required frontage of the lot can be passed along a continuous line from the lot line along which the frontage is measured to any and all points of the principal structure or proposed principal structure without the circumference intersecting any side lot line.



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



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

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

§ 675-630. Infill development.

City of Gardner, MA  
Thursday, November 14, 2019

## Chapter 675. Zoning

### Article X. Supplemental Regulations

#### § 675-1050. Fences and hedgerows.

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