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Scott Joseph Graves, Esq.

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Craig R. Cormier
Ronald F. Cormier
Edward A. Gravel
Scott Joseph Graves, Esq.
Christine A. Johnson

WARD 1 COUNCILLOR
James M. Walsh, Esq.

WARD 2 COUNCILLOR
Elizabeth J. Kazinskas

WARD 3 COUNCILLOR
Nathan R. Boudreau

WARD 4 COUNCILLOR
Karen G. Hardern

WARD 5 COUNCILLOR
James D. Johnson

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL



December 11, 2019

PUBLIC SERVICE COMMITTEE MEETING

Date: Monday, December 16, 2019
Time: 4:15 p.m.
Location: DPW Office, 50 Manca Drive

ANNOUNCEMENT - 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 referenced or used during the meeting must be submitted in duplicate to the Clerk of the Committee, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

AGENDA

- I. Review and Approval of the Minutes of the prior meeting.
- II. Department Updates:
 - Public Works/Sewer/Water – Dane Arnold, DPW Director
 - Survey/Engineering – Chris Coughlin, City Engineer
 - Conservation Commission – Jeffrey Legros, Conservation Agent
- III. **#10217**, A Petition by National Grid and Verizon New England for permission to install 1 JO Pole and to relocate 4 JO Poles on Pleasant Street beginning at a point approx. 114' south of the centerline of the intersection of Pleasant and Emerald Streets and continuing approx. 604' in a southerly direction. Relocate National Grid facilities due to DOT Project #608864, Pleasant Street over Pan Am Railways (In City Council and Referred to Public Service, 11/2/2019).
- IV. Abatements Water/Sewer:
 - a. 40 Brookside Drive
 - b. 149 West Street
- V. Proposed Ordinance Amendments:
 - a. City Code Ch. 625. Water, § 625-5. Fees and Charges.
 - b. City Code Ch. 625, Water, § 625-10. Water System Connection Fee.

AGENDA

VI. Councillor Requests:

VII. Adjournment

NOTICE: The listing of Agenda items are those reasonably anticipated by the Chairman which may 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 COUNCIL OF GARDNER

Nathan R. Boudreau

Councilor Nathan R. Boudreau

Chairman, Public Service Committee

Meeting of the Public Service Committee was held in the office of the DPW 50 Manca Drive at 4:15 pm, September 16, 2019.

Members Present: Councillors Nathan Boudreau and Craig Cormier were present. Councillor James Boone was absent.

Attendees: Dane Arnold, DPW Director; Chris Coughlin, City Engineer; Jeff Legros, Conservation Agent; Administrative Assistant Denise Merriam; and resident Mike Enright.

CALL TO ORDER

Councillor Nathan Boudreau called the meeting to order at 4:15 pm.

OPEN MEETING RECORDING

ANNOUNCEMENT – 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 referenced or used during the meeting must be submitted in duplicate to Secretary of the Committee, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting. *No one is recording the meeting.*

ACCEPTANCE OF MINUTES

Motion to accept the minutes of the July 29, 2019 meeting as written Councilor Craig Cormier second by Councilor Nathan Boudreau, all in favor, motion carried.

RESIDENT REQUEST

Request from Mike Enright to raise the poles and put up more netting at Bickford Playground as he is getting a lot of damage to vehicles parked in his lot from softballs. Also would like City to look into the backstops that curve. He has put claims into the City, but according to the City Solicitor, the City is not responsible and ballplayers are stating they are not responsible. I cannot take all the loss anymore something has to be done. I have an enormous parking lot that cannot be used.

Dane stated we do have to add some netting in the outfield but raise poles is not going to happen and we will look into the backstop. Mr. Enright stated where that leaves me, there were two layers and I was still getting balls. The problem is closer to the backstop, if we would take out the small pole and install a taller one. Mr. Enright spoke with Councillor James Johnson as the first step and move on from there.

Mr. Enright asked the Committee if they felt this was a City problem or not.

Dane - we are not Attorneys - the park use permit passes liability on whoever takes it out. We only have to do defects. Cost of new backstop is not reasonable.

Mr. Enright stated he would like a reply from each Councillor here as to the problem, state if any defects, plan going forward, resolution.

Councillor Boudreau stated that they are not Attorneys and cannot answer these questions. Dane informed Mr. Enright that he has put the City on notice so now they will work on it.

Councillor Boudreau asked if we could get extensions pipe and chain link.

Mr. Enright stated we would have to check with Fence Company. Mr. Enright asked if he could be notified as to what is going to the City Council he would like to forward any information to Councillor James Johnson so he has something to go on.

Councillor Boudreau stated this Committee can only make recommendations to the City Council.

Councillor Cormier stated they could speak on Mr. Enright's behalf, but not the City's.

Councillor Boudreau said we are a legislative committee only and have no control over management authority. We will be willing to relay the problem to the Mayor.

Jeff Legros stated maybe we could plant some trees.

PUBLIC WAY LAYOUT PETITION

#10148 – Petition of Proposed Acceptance of the James Street Extension Layout. Joint Public Hearing on 10/7/19 at 7:00 p.m. Property located near the pump station in red on map. Accept as public way so that frontage of last parcel on James Street becomes a buildable lot.

UTILITY PETITIONS

#10149 – Petition by National Grid to construct a line of underground conduits, including the necessary sustaining and protecting fixtures, under along and across for following public way: City Hall Ave. – National Grid to install underground electric conduits on City Hall Avenue beginning at a point approximately 35' in an easterly direction. National Grid to install two (2) 3" conduits from existing vault #2 to a new heavy duty handhole in sidewalk to service street light cabinet.

Councillor Boudreau stated the City Engineer has explained everything and is OK with this.

Motion made by Councillor Craig Cormier second by Councillor Nathan Boudreau to approve request. All in favor, motion passed.

#10150 – Petition by National Grid for permission to construct a line of underground conduits, including the necessary sustaining and protecting fixtures, under along and across the following public way: Clark Street – National Grid to install four (4) JO poles on Clark Street beginning at a point approximately 200 feet northwest of the centerline of the intersection of Century Way

and Clark Street and continuing approximately 850 feet in an northwesterly direction. National Grid to install 4 new poles between Pole #33 and Pole #36 on Clark Street.

Motion made by Councillor Craig Cormier second by Councillor Nathan Boudreau to accept. All in favor, motion passed.

#10151 – Petition by National Grid for permission to construct a line of underground conduits, including the necessary sustaining and protecting fixtures, under along and across the following public way: Clark Street – National Grid to install five (5) JO poles on Clark Street beginning at a point approximately 200 feet northwest of the center line of the intersection of Leo Drive and Clark Street and continuing approximately 1200 feet in an northwesterly direction. National Grid to install 5 new poles between Pole #37 and Pole #41 on Clark Street.

Motion made by Councillor Craig Cormier second by Councillor Nathan Boudreau to accept. All in favor, motion passed.

#10165 – Respectfully represents the National Grid of North Andover, Mass. That it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named. Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Park Street & Clark Street – Gardner. The following are the streets and highways referred to: plan number #28039529 Park Street & Clark Street – National Grid to install 1100' of conduit starting at 370 Park Street and heading north to Pole #1 Clark St.

Dane stated the road has just been paved he would like the Council to give approval with the stipulation they have to pave from curb to curb.

Motion made by Councillor Craig Cormier second by Councillor Nathan Boudreau to approve with the condition that they mill and pave from gutter to gutter. All in favor, motion passed.

REPORTS FROM DEPARTMENT HEADS

Dane Arnold: Water main project is moving faster than we thought. Councillor Cormier are we putting new main in while the old one still exists. Dane yes.

Paving Graham St. will be done the end of the week. We have a binder on Smith St., Chapel St., Willis Road after these are done we will move to Becky Ave. and Bertha Ave. areas.

Ovila Case Playground received a \$40,000 grant from the state, \$10,000 donation from Rock Foundation and \$20,000 from City funds. We are removing in sections over the next 3 – 5 years. Jeff stated Mass. Develop Program public can go and match state matches.

Bid opening for Facilities next Wednesday.

Willis Road Pump Station two weeks from Thursday, Councillor Cormier long bid period, we moved out to get more bids. Chris stated contract for water/wastewater operations is for 3 years, we would like to push out to 10 years and we need Council approval. If we add years, we will get a better price.

Chris Coughlin: Bid opening Friday for Wright's Reservoir at the Deer Club, \$300,000 grant, City has to do 25%.

Jeff Legros: Informed the Committee on two Grants the City received for tree planting City Parks & Playgrounds. I will meet with Dane and Dean to get them planted.

Discussed progress on MBP Grant.

Spend funding of Bailey Brook Park, reapplied for grant this year. Having a public information meeting 9/25/19 at the Library. Will have follow up meeting after.

REPORTS & REQUESTS FROM COUNCILLORS

Councillor Craig Cormier: Status of the Pleasant St. Bridge. Railroad delayed work stating they need flagmen, looking like will be close to 2021. Councillor Cormier asked if the tracks are going to be lowered so double cars can go under the bridge. Chris stated that would be separate from the bridge.

Motion made by Councillor Craig Cormier second by Councillor Nathan Boudreau to adjourn meeting at 5:05 pm. All in favor, motion passed.

Next meeting will be scheduled at a later date.

All documents submitted at this meeting are stored in the office of the DPW 50 Manca Drive for any review.

Respectfully submitted:
Denise M. Merriam, Administrative Assistant

Minutes were approved as written at the September 16, 2019 meeting.

10217

RECEIVED

2019 NOV 20 AM 9:03

CITY CLERK'S OFFICE
GARDNER, MA

Questions contact – David Terk 508-298-1513

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the City Council
Of Gardner, Massachusetts

Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

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

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Pleasant St - Gardner - Massachusetts.

No. 28579845 November 1, 2019

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

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a National Grid
BY Pat Cody
Engineering Department

VERIZON NEW ENGLAND, INC.
BY [Signature]
Manager / Right of Way

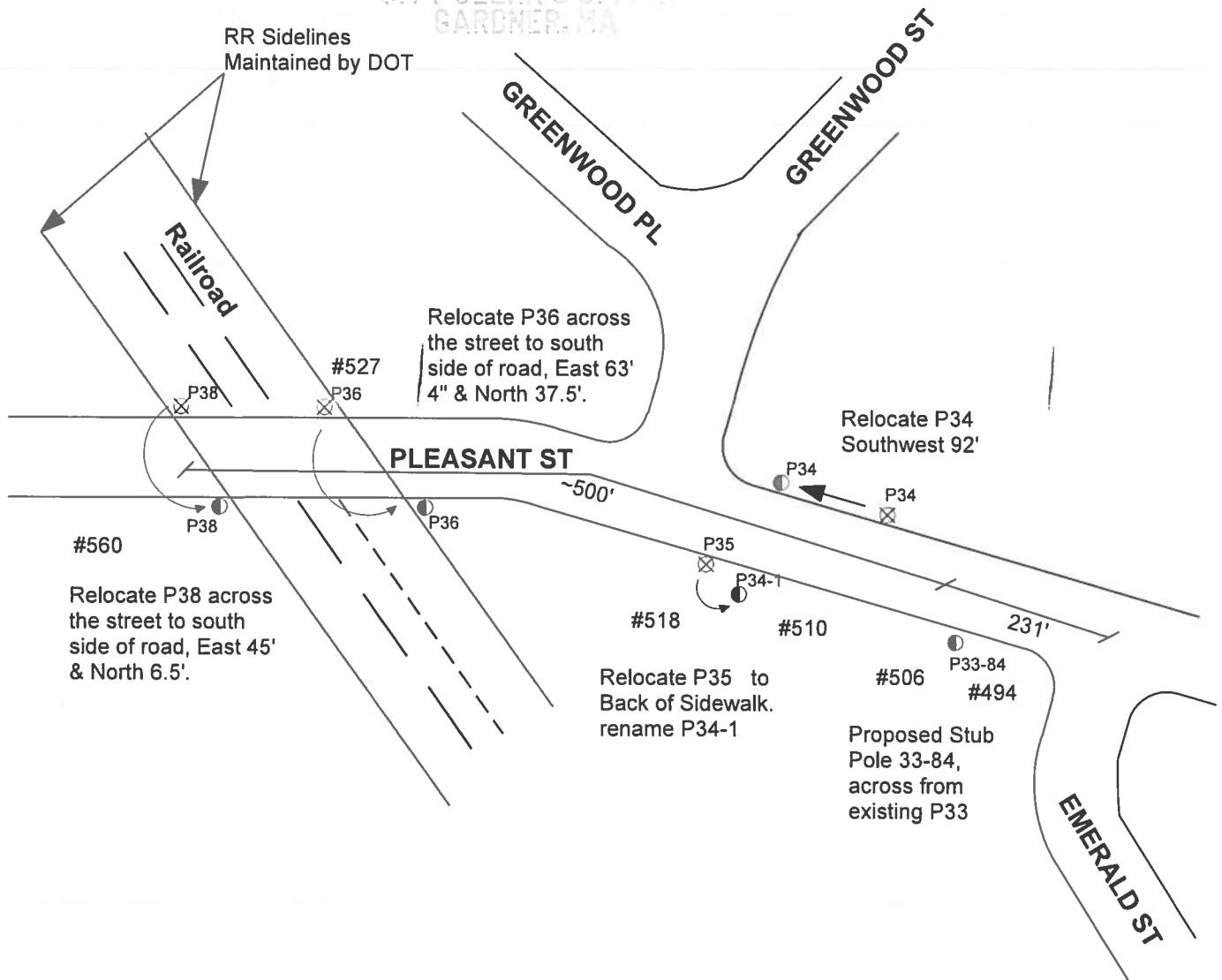
10217

RECEIVED

DOT 608864 - PLEASANT ST OVER RR, GARDNER

2019 NOV 20 AM 9:04

CITY CLERK'S OFFICE
GARDNER, MA



JOINT OWNED POLE PETITION	nationalgrid And Verizon New England, Inc.
● Proposed NGRID Pole Locations	Date: 7/2/19
○ Existing NGRID Pole Locations	Plan Number: WR# 28579845
⦿ Proposed J.O. Pole Locations	To Accompany Petition Dated:
⊕ Existing J.O. Pole Locations	To The: City Of Gardner
⊕ Existing Telephone Co. Pole Locations	For Proposed: Pole: Location: Pleasant St
⊙ Existing NGRID Pole Location To Be Made J.O.	Date Of Original Grant:
⊗ Existing Pole Locations To Be Removed	
DISTANCES ARE APPROXIMATE	



**Department of Public Works
CITY OF GARDNER**

Robert E. Oliva, Assistant Director
50 Manca Drive
Gardner, MA 01440-2687
Telephone (978) 630-8195

October 3, 2019

Ms. Jessica Drake
40 Brookside Drive
Gardner, MA 01440

Re: 40 Brookside Drive
Invoice #49776614

Dear Ms. Drake,

We are in receipt of your abatement request for the water and sewer charges on your latest invoice. From your email I understand that charges for consumption prior to you purchasing the property were not settled at your closing. Specifically, an above ground pool was filled with approximately 10,400 gallons of water after the meter reading was obtained by our department. Under City Ordinance any flow that passes through the meter is the responsibility of the property owner. Because you were the property owner at the time of billing, unfortunately, we have to hold you responsible for all of the water charges on the invoice.

Since your sewer charges are based on water usage, we can provide a reduction on that charge since the water consumed was used to fill the pool and was not discharged to the sewer. Based on a volume of 10,400 gallons (1,390 CF) we can adjust the total sewer charge on your invoice to \$172.70. A new, adjusted invoice is attached to this letter, please pay this amount.

If you do not agree with this decision you have the right to appeal to the Public Service Committee (a subcommittee of the City Council). If you wish to do so, please let me know and you will be placed on the agenda for their next available meeting date. We will keep you informed of the time and place of that meeting if you choose to appeal to the Committee.

Sincerely,

Robert E. Oliva, Assistant Director
Department of Public Works

cc: Water/Sewer Billing Office

Mr. Oliva,

Hello. My name is Jessica Drake and I am the property owner of 40 Brookside Drive here in Gardner. I am writing to you to appeal the first water & sewer bill received on my property for the dates from 5/08/19 to 8/06/19.

I am appealing this bill due to the fact that the billing date is from 5/08/19, and I did not close on the property until 5/20/19. I have attached a copy of the bill, and you will see we were charged \$519.28 for water and sewer for this time frame.

The property includes a 21 foot by 52 inch pool for which the liner was to be replaced prior to closing. I have attached a copy of the real estate listing where you will find this disclosure under property information. The replacing of this liner and filling of the pool happened after 5/08/19 but prior to 05/20/2019, as confirmed with Oasis Pools. Therefore, based on the size of the pool, we were billed for 10,400 gallons of water & sewer for which I don't feel we are responsible.

I have been to the water department and found that a certificate of Municipal Liens was requested by our closing attorney and received on May 7th, 2019. This prompted the water reading on May 8th. As a request for Municipal Lien and a request for a final water reading prior to closing are two completely different items, I am not sure why there was no reading taken after May 8th prior to our closing? I can say that we put our faith in the professionals handling our real estate transaction, but someone dropped the ball on this one. We have reached out to our closing attorney who basically told us that it "is not uncommon" for buyers in a real estate transaction to cover such utilities prior to closing. He has not responded to my additional attempts to reach him.

I respectfully ask you to remove at least the amount charged for the filling of the pool as I truly do not feel I should be held accountable for this usage.

I look forward to your response. Please feel free to call me if you have any questions.

Thank you,

Jessica Drake

<image001.jpg>

<image002.jpg>

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Department of Public Works CITY OF GARDNER

Robert E. Oliva, Assistant Director
50 Manca Drive
Gardner, MA 01440-2687
Telephone (978) 630-8195

November 18, 2019

Matthew Gronowicz
Caroline Dawson
25 Overlook Road
Westminster, MA 01473-1017

RE: 149 West Street – Water Service Leak

Dear Mr. Gronowicz and Ms. Dawson:

As previously made known to you by this Department, there is a leak on your water service. As a follow up, our Foreman Mike telephoned Caroline last Friday and left a voicemail to inform you of the situation and that it needs to be addressed immediately. According to City Ordinance, the responsibility of the water service from the main to the house is the homeowners. A leaky service is not only a waste of water, but can become a liability to you, and creates a public hazard due to freezing. If this issue is not addressed immediately or the situation worsens, your water service will be shut off.

In addition, you are in violation of **The City of Gardner Code Article III – Obstruction of Sidewalks and Ways**

§ 567-11 (F): “No person or entity shall discharge, place, cause, permit or suffer to be discharged, placed, or caused, whether by act or omission, any water or other liquid substance into, over, or across any sidewalk, street, way or catch basin.”

§ 567-12 (A): “... If the owner or agent fails to remove such nuisance within the period provided for in this article, the City may enter the property and remove or cause the nuisance to be removed. The reasonable costs and expense of abating a nuisance in accordance with this section shall be assessed to the owner, who shall be liable to the City for expenses incurred by the City. The Director of Public Works or his designee shall provide the owner with a written statement of all costs associated with abating the nuisance, and the owner shall reimburse the City within 60 days of notice of expenses incurred for such abatement...”

§ 567-12 (B): “Any person who violates any provision of this article shall be held liable for claims of any kind, including but not limited to personal injury and property damage, brought against the City as a result of said violation.”

§ 567-12 (D): Each day on which a violation exists shall be deemed to be a separate offense, and any person in violation of this chapter shall be subject to the following fines:

- (1) First violation: \$50.
- (2) Second violation: \$100.
- (3) Third violation: \$200.
- (4) Fourth and each subsequent violation: \$300.

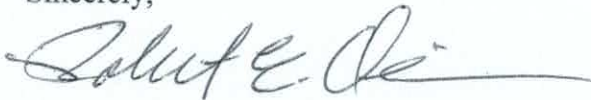
This letter acts as a notice to you that you are in violation of the above mentioned Code and will be held liable for claims of any kind, including but not limited to personal injury and property damage, brought against the City as a result of said violation. You will also be held liable for all costs incurred by the City, if such action is taken, to clean up, remove, or otherwise remedy the violation in order to protect the public health safety, and general welfare of its citizens.

You are hereby notified to repair the water service according to City Specifications **by November 27, 2019**. A water service repair permit must be obtained and is available at the Department of Public Works.

If the conditions worsen, the City will pursue terminating the water service to your property.

If you have questions regarding this matter, please do not hesitate to call.

Sincerely;



Robert E. Oliva, Assistant Director
Department of Public Works

cc: Public Service Committee
Water Billing Office