

**REGULAR MEETING OF SEPTEMBER 16, 2019**

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

**CALL TO ORDER**

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

**CALL OF THE ROLL**

City Clerk Alan Agnelli called the Roll of Members. Ten (10) Councillors were present including President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillor James Boone was absent.

**OPENING PRAYER**

President Graves led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

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

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

President Graves announced to the assembly that the Open Meeting Recording and Public Records Announcement is posted at the entrance to the Chamber, and that any person planning to record the meeting by any means should identify themselves. Steve Landry of *The Gardner News* informed the Council that he will audio record the meeting.

**READING & ACCEPTANCE OF MINUTES**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the September 3, 2019 Regular Meeting, as printed.

**COMMUNICATIONS FROM THE MAYOR****COMMUNICATION****#10166**

On a motion by Councillor Ronald Cormier and seconded by Councillor Edward Gravel, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to place on file *A Communication from the Mayor Relative to Appointments and New Hires*.

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ORDER**#10167**

Reporting for the Finance Committee, Councilor James Walsh informed the Council that the Council has held a number of meetings on the topic and recommends that it meet again to review it for any updates; therefore the Committee voted to recommend that the Loan Order be referred to the Committee of the Whole for further study.

Councillor James Walsh moved to refer the following Order to the Council as a Committee of the Whole for further study:

CITY OF GARDNER  
LOAN ORDER FOR NEW ELEMENTARY SCHOOL PROJECT

## ORDER:

That the City appropriates the amount of eighty-nine million five-hundred fifty eight thousand five-hundred seventy dollars (\$89,558,570) for the purpose of paying costs of designing, constructing, equipping and furnishing a new elementary school, known as the Waterford Street Elementary School, to be located at the Pearl Street site in Gardner, MA, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of School Building Committee. To meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, or pursuant to any other enabling authority.

The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor James Johnson questioned the timeline for passage of the Loan Order.



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Councillor Ronald Cormier responded, saying that the City has 120 following August 28 to act on the Order. He suggested that the informal meeting be expedited.

Councillor Edward Gravel suggested that the public should get involved and encouraged attendance at the meeting.

Councillor Christine Johnson questioned the purpose for referring the Loan Order to the Council as a Committee of the Whole, saying that the Mayor outlined payback on the Loan. She added that she would support the motion, but that she did not want to risk losing funding by waiting too long.

Councillor James Walsh noted that it has been some time since the Council last discussed the project, so it would be unwise to ask that it vote on the Loan Order on its first appearance on the Council Calendar.

Councillor Elizabeth Kazinskas stated that there is no new information and that the public is aware of the plans for the school project and how it will be paid, so she questioned the necessity to discuss the matter further in Committee of the Whole.

Councillor Edward Gravel stated that a lot of people are busy with their lives, that new information is coming out daily, and that the MSBA award was just announced. He added that he agreed with the timeline for a decision, but that there are still some people that are not informed.

Councillor Nathan Boudreau stated that he would support the motion to refer, adding that the City has “wobble room.”

President Graves recognized Mayor Hawke.

The Mayor informed the Council that the Project’s consultants will need advance notice in order to be able to attend the meeting and reminded them that the City must stay within the timeline in order to get to the projected fall of 2022 for the school’s opening.

On the motion, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer the Order to the Council as a Committee of the Whole for further study.

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

**#10168**

Reporting for the Finance Committee, Councilor Ronald Cormier informed the Council that the Committee met with DPW Director Dane Arnold who explained that the proposed contract period is for sewer and water filtration and collection systems, adding that a ten-year contract should realize a better price for the City.




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Councillor Nathan Boudreau informed the Council that the Public Service Committee voted to recommend the Authorization.

Councillor Craig Cormier added that the extended contract period “is very standard procedure.”

Councillor Walsh reported that the most recent contract with Suez, a 20-year agreement, expired last year and that the City assumed control of the water and sewer distribution systems.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Measure:

AUTHORIZING AN EXTENDED CONTRACT PERIOD FOR  
OPERATION AND MAINTENANCE OF WATER AND SEWER FACILITIES

**VOTED:** To authorize the City to enter into a contract(s) not to exceed ten (10) years, with an option for up to an additional ten (10) years, for operation and maintenance of water and sewer facilities, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Department of Public Works Director’s September 9, 2019 correspondence.

Presented to Mayor for Approval – September 17, 2019

Approved – September 26, 2019

MARK P. HAWKE, Mayor

**#10169**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

CITY OF GARDNER, MASSACHUSETTS  
CITY PRELIMINARY ORDER  
OCTOBER 8, 2019

**ORDERED:** That meetings of the citizens of this City qualified to vote for City officers shall be held on **TUESDAY**, the **EIGHTH DAY** of **OCTOBER 2019** from 7:00 o'clock in the morning until 8:00 o'clock in the evening for the purpose of casting their votes for the nomination of Mayor for Two years.

To vote for a person, fill in the oval  at the right of the name.



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CANDIDATE FOR MAYOR FOR TWO YEARS

VOTE FOR ONE

Pamela M. Wells, 53 Blanchard Street  
Mark P. Hawke, 30 Fairlawn Avenue  
Carolyn A. Kamuda, 400 Pleasant Street

It is further ordered that the following polling places are designated by this Council:

- WARD 1, PRECINCT A – Elk’s Home, 31 Park Street
- WARD 1, PRECINCT B – Elk’s Home, 31 Park Street
- WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 W Lynde Street
- WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 W Lynde Street
- WARD 3, PRECINCT A – Acadien Social Club, 193 Parker Street
- WARD 3, PRECINCT B – High Rise Community Room, 104 Church Street
- WARD 4, PRECINCT A – Gardner Police Headquarters, 200 Main Street
- WARD 4, PRECINCT B – Gardner Police Headquarters, 200 Main Street
- WARD 5, PRECINCT A – Knights of Columbus, 110 South Main Street
- WARD 5, PRECINCT B – Knights of Columbus, 110 South Main Street

Presented to Mayor for Approval – September 17, 2019

Approved – September 26, 2019

MARK P. HAWKE, Mayor

**#10170**

Councillor James Johnson moved to refer the following Ordinance to the Finance Committee for study and report:

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

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

Section 1. Section 600-18 of Chapter 600, Vehicles and Traffic, of the Code of the City of Gardner is hereby amended by striking Subsection B in its entirety.

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

Councillor Karen Hardern seconded the motion.

Councillor Nathan Boudreau suggested that the Ordinance should be referred to the Committee of the Whole.

Councillor James Johnson stated that the same Ordinance amendment appeared before the City Council once before, so the Finance Committee could recommend that it be referred to the Committee of the Whole, if necessary.

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On the motion, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh; one (1) nay, Councillor Nathan Boudreau, to refer the Ordinance to the Finance Committee for study and report.

**#10171**

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer to the Public Safety Committee for study and report *An Application by Central Mass Serenity, 310 Central Street, for a Fortune Teller License.*

**#10172(a) and #10172(b)**

Reporting for the Finance Committee, Council President Graves informed the Council that the City Council must respond to the Open Meeting Law Complaints within 14 days of receipt. He recommended that the City Council seek approval of a 30-day extension from the Attorney General's Office and to refer the Complaints to the Law Department for an opinion.

On a motion by Councillor James Walsh and seconded by Councillor Edward Gravel, it was voted viva voce, nine (9) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, James Johnson, Elizabeth Kazinskas, and James Walsh; one (1) abstention, Councillor Christine Johnson, to request that the Attorney General grant a 30-day extension for the Council's response, Open Meeting Law Complaints No. 1 and No. 2 filed by Paul DeMeo, 9 Willis Road, Gardner, as well as to and to refer to the complaints to the Law Department for an Opinion.

**REPORTS OF STANDING COMMITTEES****PUBLIC SAFETY COMMITTEE****#10163**

There being no objections, the Public Safety Committee was granted more time to report on *Application by R&R Motors, 7 Donlan Street, for a Permit to Amend the License to Buy and Sell Second Hand Motor Vehicles, Class 2, by adding a Second License Holder.*

**PUBLIC SERVICE COMMITTEE****#10148**

There being no objections, the Public Service Committee was granted more time to report on *A Petition to Lay out James Street Extension as a Public Way*, as follows:




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## LAYOUT OF JAMES STREET EXTENSION

## CITY OF GARDNER

## In City Council

**WHEREAS**, in the opinion of the City Council of the City of Gardner, common convenience and necessity require that JAMES STREET EXTENSION should be laid out as a public street or way of the said City, from JAMES STREET easterly for a distance of 212 feet, more or less, all as more particularly described, and for that purpose it is necessary to take the parcel of land hereinafter described, it is therefore

**ORDERED** that JAMES STREET EXTENSION be and it is hereby laid out and established as a public street or way of the said City of Gardner according to the plan entitled "Street Acceptance Plan Prepared for an Extension of James Street", which plan is made a part hereof, and it is further

**ORDERED** that the following described parcel of land with the trees thereon and structures affixed thereto, be and the same is hereby taken in fee for said public street or way:

**BEGINNING** at a point on the northeasterly corner of the 1895 Heywood Street Layout (James Street), 33.75 feet southeast from the iron pipe located on said street layout,

**THENCE:** S.84° 15' 01"E., sixty six and 62/100 feet (66.62) to a point;

**THENCE:** S.86° 48' 53"E., one hundred and fifty and 00/100 feet (150.00') to a point;

**THENCE:** S.06° 45' 36"W., thirty three and 43/100 feet (33.43') to a point;

**THENCE:** S.87° 13' 00"W., eighty and 00/100 feet (80.00') to a point;

**THENCE:** N.89° 13' 12"W., one hundred and thirty one and 74/100 feet (131.74') to a point;

**THENCE:** N.00° 33' 01"W., fifty and 30/100 feet (50.30') to the point of beginning;

The parcel, owner, and area of the above described taking, is as follows:

The City of Gardner – 9,042.57 square feet

The City Council having considered the question of damages sustained by persons or corporations in their property are of the opinion that no damages have been sustained and therefore award no damages.

**#10149**

Councillor Nathan Boudreau, Chairman of the Public Service Committee, reported that the Committee met with the DPW Director and it is the Committee's recommendation that the Order be granted with the condition that National Grid restore the roadway "edge to edge," since there is a five-year moratorium on opening of newly-paved roads.




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On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig Cormier, on recommendation of the Public Service Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order, with the condition that National Grid restore the roadway “edge to edge.”

**ORDER FOR ELECTRIC CONDUIT LOCATION**

By the City Council of the City of Gardner, Massachusetts

ORDERED:

Notice having been given and a public hearing held as provided by law, that the NATIONAL GRID be and is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition of said company dated the 16<sup>th</sup> day of July, 2019.

Said underground conduits to be located substantially in accordance with the plan filed herewith marked – City Hall Avenue - Gardner, Massachusetts. Plan #20137418.

The following are the public ways or parts of ways under which the underground electric conduits above referred to may be laid:-

City Hall Avenue – National Grid to install underground electric conduits on City Hall Avenue beginning at a point approximately 50 feet east of the centerline of Pleasant Street and continuing 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.

**#10150**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig Cormier, on recommendation of the Public Service Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

By the City Council of the City of Gardner, Massachusetts



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

IT IS HEREBY ORDERED:

That NATIONAL GRID and VERIZON NEW ENGLAND, INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said companies dated the 24<sup>th</sup> day of May, 2019.

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

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

No. #28039394.....Dated: May 24, 2019 - filed with this order.

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

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

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.

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.

**#10151**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig Cormier, on recommendation of the Public Service Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:



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**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

By the City Council of the City of Gardner, Massachusetts

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

IT IS HEREBY ORDERED:

That NATIONAL GRID and VERIZON NEW ENGLAND, INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said companies dated the 24<sup>th</sup> day of May, 2019.

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

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

No. #28039394.....Dated: May 24, 2019 - filed with this order.

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

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

Clark Street – National Grid to install five (5) JO poles on Clark Street beginning at a point approximately 200 feet northwest of the centerline 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.

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.



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**#10165**

There being no objections, the Public Service Committee was granted more time to report on a *Petition by National Grid for permission to construct 1100 feet of conduit starting at 370 Park Street and heading north to Pole 1 Clark Street.*

**PUBLIC WELFARE COMMITTEE****#10164**

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO CHANGE THE CLASSIFICATIONS OF PARCELS OF LAND LOCATED WITHIN THE DOWNTOWN URBAN RENEWAL AREA AND PARCELS BORDERING THE AREA TO THE SOUTH OF ROUTE 2.

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

Section 1. Chapter 675 is hereby amended to change the classifications of parcels of land described as follows:

PARCEL ID	CLASSIFICATION
M27-40-26	C1
R27-21-37	C1
R27-21-04	C1
R27-21-37	C1
R22-01-05	C1
M22-05-44A	C1
R22-06-02	C1
R27-21-35	GR3
R27-21-33	GR3
R27-21-05	GR3
R27-21-32	GR3
R22-01-03	GR3
R22-01-04	GR3
R-22-01-34	GR3
M22-10-32	C1
M22-10-01	C1
M22-15-57	C1
M22-15-83	C2

PARCEL ID	CLASSIFICATION
M22-15-74	C2
M22-15-73	C2
M22-15-72	C2
M22-15-70	C2
M22-15-43	C2
R22-16-41	C2
R22-16-44	C2
R22-16-09	C2
R22-21-10	C2
R22-21-08	C2
R22-21-19	C2
R22-21-18	C2
R22-02-01	I1
R17-01-16	C2
R17-01-15	C2
R17-01-13	C2
R17-01-14	C2



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Section 2. 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.

**UNFINISHED BUSINESS****#10144**

Citing the recent City Council and Mayor Compensation Ordinances that recently appeared that were ruled out-of-order, President Graves stated that he erred in his ruling, so he brought both Ordinance amendments back to the Calendar for consideration.

Councillor James Walsh raised a point-of-order, questioning the President's opinion that the Amendments are now in-order, even though he ruled that they were out-of-order at a previous meeting.

Councillor Walsh moved to appeal the President's ruling.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Walsh cited the history of the Ordinance amendments and noted that in June, the Ordinances did not pass and that there was no motion to reconsider proffered at the next meeting. Accordingly, he said, then under Council Rule 10, the matter could not be brought up again and, that on August 5, the President ruled the amendments out-of-order. Continuing, Councillor Walsh stated that, again on September 3, the Ordinance did not pass, and that the Council President is citing "renewal of a motion" and not "reconsideration." If the Council President is correct in his ruling, then this measure and any other could be brought up meeting after meeting and would render the Council's votes meaningless and Reconsideration meaningless, he said. He then asked if the Council President would fashion the motion that calls for sustaining the President's ruling.

Councillor Ronald Cormier stated that the Council has abided by the reconsideration rule and only entertained a measure if there was a substantial change, otherwise, "there would be a constant flow." He added that he would not support the President's ruling.

Councillor Nathan Boudreau noted that this particular measure has come before the Council many times and the issue is "meeting" versus "session." He noted that in the Massachusetts House of Representatives, a session is defined as a two-year period and questioned whether "there is a means to get to this?"

President Graves informed the Council that he raised the issue of "session" and "meeting" at the Finance Committee meeting and proposed a rule that would define what a "session" is. He said that Robert's Rules has different sections relating to "session" and "meeting" and that the City Council ends each meeting with adjournment. A "session," he said, picks up where the

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body leaves off at the last meeting and that he believes that the City Council has “sessions”, so the Council is in a different session every time it meets.

Continuing, President Graves noted that there are twenty Council Rules and that Rule 20 defaults to Robert’s Rules of Order, which includes “beasts” that are called “Reconsideration” and “Renewal.” He said that he would like to see a Council rule that addresses “Renewals.”

Councillor Nathan Boudreau questioned whether suspension of the rules would bring back the original question.

President Graves responded, saying that it would not be in order, since his first decision and his current ruling would be suspended.

Councillor James Walsh stated that he moved to suspend the rules at a previous meeting, but that the motion did not pass, and that two meetings have passed since then, so that the vote [to suspend the rules] cannot be reconsidered.

President Graves stated that suspending the rules would eliminate the question [“Renewal” ruling].

Councillor James Johnson stated that he appreciated the details in the Council President’s opinion, but that there has been a long-established precedent that, once decided, and after Reconsideration is considered, then it’s concluded. He added that he supports the Appeal.

Councillor Walsh, citing Roberts Rules, stated that on the question of appeal, the motion shall read, “Shall the ruling of the Chair be sustained?” A “Yes” vote would sustain the Chair’s ruling, while a “No” vote, would support the Appeal and to overturn the Chair’s ruling, he added.

President Graves recognized Mayor Hawke.

Mayor Hawke informed the Council stated that the issue arose during Council President Anderson’s term and that a Council meeting was determined to be “a session.” He said that there isn’t an infinite number of chances to act, citing the vote to approve a 10-year contract period for the Sewer and Water Operation that, once adopted, it cannot be rescinded.

Councillor Walsh remarked, “The inverse of the situation that the Mayor cited, is that if it is defeated, then it could be brought up ‘again and again,’ even though there is a vote to defeat it, and that is what I think is incorrect.”

On the motion, on call of the roll, four (4) yeas, President Graves and Councillors Nathan Boudreau, Christine Johnson, and Elizabeth Kazinskas; six (6) nays, Councillors Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, James Johnson, and James Walsh, the Chair’s ruling was not sustained and that consideration of the following Ordinance was not in order:




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AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBIT B.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by deleting and repealing Compensation Schedule Exhibit B and inserting in place thereof, the following:

**Exhibit B**  
**City Council**

The salary of each member of the city council shall be seven thousand three hundred twenty six dollars per year. The salary of the City Council President shall be ten thousand seven hundred and seven dollars per year.

Effective January 1, 2020 and on an annual basis thereafter, a percentage increase of the councilor's salary will be established consistent with the annual consumer price index (CPI-U) of the previous calendar year (utilizing the percent change in average to average), with a minimum of no increase and a maximum increase of five per cent.

Section 2. Effective date.

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

**#10145**

Councillor Walsh moved to appeal the President's ruling that the amendment is in order.

Councillor Ronald Cormier seconded the motion.

On the motion, on call of the roll, four (4) yeas, President Graves and Councillors Nathan Boudreau, Christine Johnson, and Elizabeth Kazinskas; six (6) nays, Councillors Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, James Johnson, and James Walsh, the Chair's ruling was not sustained and that consideration of the following Ordinance was not in order:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBIT A.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by deleting and repealing Compensation Schedule Exhibit A and inserting in place thereof, the following:

**Exhibit A**  
**Mayor**



REGULAR MEETING OF SEPTEMBER 16, 2019

The salary of the mayor shall be ninety two thousand one hundred and ninety six dollars (\$92,196) per year, and shall receive no other compensation from the city for any official duty.

Effective January 1, 2020 and on an annual basis thereafter, a percentage increase of the mayoral salary will be established consistent with the annual consumer price index (CPI-U) of the previous calendar year (utilizing the percent change in average to average), with a minimum of no increase and a maximum increase of five per cent.

Section 2. Effective date.

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

**#10148**

Further action on the *Petition to Lay out James Street Extension as a Public Way* was postponed until after the Public Hearing and the Planning Board’s submission of its recommendation.

**#10159**

President Graves informed the Council that since ten days has not elapsed since the First Printing of the following Ordinance, then the Council could take no action at this time:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED “PERSONNEL” TO CHANGE COMPENSATION SCHEDULE “EXHIBIT E”.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by striking from Compensation Schedule “Exhibit E”, the following:

<u>Position</u>	<u>Grade</u>	<u>Annual</u>	<u>Weekly</u>
City Treasurer/Collector	G-10	\$ 84,118.88	
	MGL c. 32, §20(6)	\$ 300.00	
Total Compensation:		\$ 84,418.88	\$1,623.44 (Effective 7/1/2019)

And inserting in place thereof, the following:

<u>Position</u>	<u>Grade</u>	<u>Annual</u>	<u>Weekly</u>
City Treasurer/Collector	G-10	\$ 84,118.88	
	MGL c. 32, §20(6)	\$ 300.00	
Total Compensation:		\$ 84,418.88	\$1,623.44 (Effective 7/1/2019)

City Treasurer/Collector	G-10	\$ 82,708.88	
	MGL c. 32, §20(6)	\$ 300.00	
Total Compensation:		\$ 83,008.88	\$1,596.32 (Effective 8/16/2019)

Section 2. Effective date.

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



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#10164

President Graves announced that the Joint Public Hearing is scheduled for Monday, October 7, 2109 at 7:00 p.m. on the following Ordinance; therefore, the matter is postponed:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED “ZONING,” TO CHANGE THE CLASSIFICATIONS OF PARCELS OF LAND LOCATED WITHIN THE DOWNTOWN URBAN RENEWAL AREA AND PARCELS BORDERING THE AREA TO THE SOUTH OF ROUTE 2.

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

Section 1. Chapter 675 is hereby amended to change the classifications of parcels of land described as follows:

PARCEL ID	CLASSIFICATION	PARCEL ID	CLASSIFICATION
M27-40-26	C1	M22-15-74	C2
R27-21-37	C1	M22-15-73	C2
R27-21-04	C1	M22-15-72	C2
R27-21-37	C1	M22-15-70	C2
R22-01-05	C1	M22-15-43	C2
M22-05-44A	C1	R22-16-41	C2
R22-06-02	C1	R22-16-44	C2
R27-21-35	GR3	R22-16-09	C2
R27-21-33	GR3	R22-21-10	C2
R27-21-05	GR3	R22-21-08	C2
R27-21-32	GR3	R22-21-19	C2
R22-01-03	GR3	R22-21-18	C2
R22-01-04	GR3	R22-02-01	I1
R-22-01-34	GR3	R17-01-16	C2
M22-10-32	C1	R17-01-15	C2
M22-10-01	C1	R17-01-13	C2
M22-15-57	C1	R17-01-14	C2
M22-15-83	C2		

Section 2. 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.

**NEW BUSINESS**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Edward Gravel, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors Nathan

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Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

**ANNOUNCEMENTS and COMMENTARY**

Councillor Craig Cormier announced that there is a Public Informational Meeting on September 25, 2019 from 5:30 p.m. to 6:30 p.m. at the Library concerning the proposed park off Leo Drive (Perley Brook).

Councillor Nathan Boudreau invited the community to attend the Chair Luge event on the 28<sup>th</sup>. Councillor Elizabeth Kazinskas added that Oktoberfest Fall Festival is occurring on the same day.

Councillor Christine Johnson noted that Facebook provided great coverage of the Gardner High School Band Alumni Association's event on Tuesday at Perry Auditorium.

Councillor James Johnson informed the Council that the Public Safety Committee will be considering many new Ordinances that have been proposed by the Traffic Commission. He also invited residents to participate in the citywide cleanup to be held on Saturday from 9am to Noon.

President Graves informed the Council that on a recent visit to the Town of Sandwich, he learned that Thornton Burgess was born there and that he became famous for writing children's books. His illustrator was Harrison Cady, who was born and raised in Gardner. He subsequently viewed Wikipedia and discovered an error in Harrison Cady's birthplace, so he offered a correction, which now lists Mr. Cady's birthplace as Gardner, Massachusetts.

**CLOSING PRAYER**

President Graves led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Edward Gravel, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:24 p.m.

Accepted by the City Council: *October 7, 2019*