

1. City Council Regular Meeting Agenda (PDF)

Documents:

[04-19-2016 COUNCIL CALENDAR.PDF](#)

2. City Council Regular Meeting Agenda & Packet

Documents:

[04-19-2016 COUNCIL CALENDAR AND PACKET.PDF](#)



City of Gardner, Massachusetts

Office of the City Council

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### CALENDAR FOR THE MEETING

*of*

**TUESDAY, APRIL 19, 2016**

**COUNCIL CHAMBER**

**7:30 P.M.**

### ORDER OF BUSINESS

**I. CALL TO ORDER**

**II. CALL OF THE ROLL OF MEMBERS**

**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 April 4, 2016 Public Hearings and the Regular Meeting.

**VII. PUBLIC HEARINGS**

**VIII. COMMUNICATIONS FROM THE MAYOR**

**ORDERS**

**9602** – An Order Appropriating \$32,542.00 from Free Cash to City Hall, Heating System Capital Project.

**9603** – An Order Appropriating \$40,000.00 from Free Cash to Mayor's Unclassified, Termination Leave Reserve.

**9604** – An Order Appropriating \$145,320.00 from Free Cash to Fire Department, Various Accounts.

**9605** – An Order Appropriating \$40,000.00 from Free Cash to Police Department, New Vehicle.

**9606** – An Order Appropriating \$242,000.00 from Free Cash to Debt Service.

**9607** – An Order Appropriating \$100,000.00 from Free Cash to Public Works, DPW New Building.

**9608** – An Order Appropriating \$61,569.00 from Free Cash to Fire Department, Private Salaries.

## **IX. PETITIONS, APPLICATIONS, ETC.**

- 9609** – A Measure Approving a Financial Interest Under G.L. Chapter 268A, § 20(b) in the Matter of Erica Corral, Substitute Teacher/Paraprofessional, for a Contract for Interpretive Services in the Translation of Documents (*Finance Committee*).
- 9610** – A Measure Approving a Financial Interest Under G.L. Chapter 268A, § 20(b) in the Matter of Traci Podrazik, Guidance Counselor, for a Contract for Interpretive Services in the Translation of Documents (*Finance Committee*).
- 9611** – A Resolution Relative to Aggregation of Electric Power and a Measure Accepting G.L. Chapter 164, § 134, Load Aggregation Programs.

## **X. REPORTS OF STANDING COMMITTEES**

### **PUBLIC SAFETY COMMITTEE**

- 9582** – A Communication from Seven Point of Massachusetts, Inc. Relative to Support/Non-opposition to Siting a Registered Marijuana Dispensary in the City of Gardner (*In City Council and Referred to Council as Committee of the Whole 2/16/2016; Meeting with Seven Point 3/21/2016; Referred to Public Safety Committee and the Mayor 3/21/2016*).

### **FINANCE COMMITTEE**

- 9588** – A Notice Under G.L. Chapter 61, §8, Right of First Refusal, Sale of Land Classified as Forest Land (Parcel M32-6-5, 85.41 acres easterly of Clark Street; Parcel M-37-21-42, 3.37 acres easterly of Century Way; M32-6-10, 0.34 acres easterly of Clark Street) (*Referred to Finance and Law Department for Study and Report 3/7/2016*).
- 9595** – An Order Appropriating \$4,544.00 from Sewer Surplus to Sewer, Clerk (*In City Council and Referred to Finance Committee 3/21/2016*).
- 9599** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171-68, Entitled “Personnel,” to Change Compensation Schedule 2 (*In City Council and Referred to Finance Committee 3/21/2016*).

### **COMMITTEE OF THE WHOLE**

- 9234** – Law Department Charter Review (*Referred to the City Solicitor 10/20/2014; Charter Review Received and Referred to the Committee of the Whole 3/3/2015*).

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

- 9551** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675, Zoning, Adding New Section 675-590, Mill Street Corridor Development Overlay District (*In City Council and Referred to Public Welfare 1/19/2016; Ordered to Public Hearing 2/16/2016; Joint Hearing Scheduled for Tuesday, April 19, 2016 at 6:30 p.m.* ).
- 9569** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675, Zoning, Section 675-970, Signs Permitted in Commercial and Industrial Districts, Perpendicular Signs, and Section 675-980, Special Regulations for Signs in Historic Areas, Perpendicular Signs (*In City Council and Ordered to Public Hearing 2/16/2016; Joint Hearing Scheduled for Tuesday, April 19, 2016 at 6:30 p.m.*).

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

- 9570** – A Measure to Discontinue John Street as a Public Way *(In City Council, Referred to Planning Board, and Ordered to Public Hearing 2/16/2016; Planning Board Report Received 3/21/2016; Hearing 4/4/2016; Public Comment Period Continued to 4/19/2016).*
- 9571** – A Measure to Discontinue Risley Street as a Public Way *(In City Council, Referred to Planning Board, and Ordered to Public Hearing 2/16/2016; Planning Board Report Received 3/21/2016; Hearing 4/4/2016; Public Comment Period Continued to 4/19/2016).*
- 9572** – A Measure to Discontinue St. John’s Road as a Public Way *(In City Council, Referred to Planning Board, and Ordered to Public Hearing 2/16/2016; Planning Board Report Received 3/21/2016; Hearing 4/4/2016; Public Comment Period Continued to 4/19/2016).*
- 9573** – A Measure to Discontinue Notre Dame Road as a Public Way *(In City Council, Referred to Planning Board, and Ordered to Public Hearing 2/16/2016; Planning Board Report Received 3/21/2016; Hearing 4/4/2016; Public Comment Period Continued to 4/19/2016).*
- 9574** – A Measure to Discontinue as a Public Way Matthews Street from Route 140 to Relocated Matthews Street (southwesterly approx. 2,600’) *(In City Council, Referred to Planning Board, and Ordered to Public Hearing 2/16/2016; Planning Board Report Received 3/21/2016; Hearing 4/4/2016; Public Comment Period Continued to 4/19/2016).*
- 9575** – A Resolution to Rename Matthews Road to Matthews Street (Route 140 to Green Street) *(In City Council and Ordered to Public Hearing 2/16/2016; Hearing dependent upon Council action under Calendar #9574).*
- 9576** – A Resolution to Rename a Portion of Matthews Street to Old Matthews Street *(In City Council and Ordered to Public Hearing 2/16/2016; Hearing dependent upon Council action under Calendar #9574).*
- 9577** – A Resolution to Rename a Portion of Summit Avenue to Clairmont Street from Union Street for approx. 210’ southeasterly. *(In City Council and Ordered to Public Hearing 2/16/2016; Hearing dependent upon Council action under Calendar #9578).*
- 9578** – An Order of Taking in Fee for Public Way for Clairmont Street *(In City Council, Referred to Planning Board, and Ordered to Public Hearing 2/16/2016; Planning Board Report Received 3/21/2016; Hearing 4/4/2016; Public Comment Period Continued to 4/19/2016).*
- 9579** – An Order of Taking in Fee for Public Way for Wilkins Road and Fredette Street *(In City Council, Referred to Planning Board, and Ordered to Public Hearing 2/16/2016; Planning Board Report Received 3/21/2016; Hearing 4/4/2016; Public Comment Period Continued to 4/19/2016).*
- 9580** – An Order of Taking in Fee for Public Way for Snake Pond Road *(In City Council, Referred to Planning Board, and Ordered to Public Hearing 2/16/2016; Planning Board Report Received 3/21/2016; Hearing 4/4/2016; Public Comment Period Continued to 4/19/2016).*

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**9582** – A Communication from Seven Point of Massachusetts, Inc. Relative to Support/Non-opposition to Siting a Registered Marijuana Dispensary in the City of Gardner (*In City Council and Referred to Council as Committee of the Whole 2/16/2016; Meeting with Seven Point 3/21/2016; Referred to Mayor and Public Safety Committee 3/21/2016*).

**9588** – A Notice Under G.L. Chapter 61, §8, Right of First Refusal, Sale of Land Classified as Forest Land (Parcel M32-6-5, 85.41 acres easterly of Clark Street; Parcel M-37-21-42, 3.37 acres easterly of Century Way; M32-6-10, 0.34 acres easterly of Clark Street) (*Referred to Law Department & Finance Committee for Study and Report 3/7/2016*).

## **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.



# City of Gardner, Massachusetts

## Office of the City Council

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PUBLIC HEARINGS OF APRIL 4, 2016

ATTENDANCE

Eleven Councillors were present, including President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance.

PUBLIC HEARINGS**#9570, #9571, #9572, #9573, and #9574**

President James Walsh opened the Public Hearings at 6:30 p.m. in the City Council Chamber, reading aloud the comprehensive Hearing Notice, as follows:

CITY OF GARDNER
NOTICE OF PUBLIC HEARING
DISCONTINUANCE OF PUBLIC WAYS

In accordance with the provisions of Chapter 567 of the Code of the City of Gardner, notice is hereby given that the Gardner City Council will conduct a Public Hearing on Monday, April 4, 2016 at 6:30 P.M. in the City Council Chamber, Room 219, Gardner City Hall, to consider discontinuing as public ways the following roads and streets:

- (1) John Street
- (2) Matthews Street from Route 140 to Relocated Matthews Street
- (3) Notre Dame Road
- (4) Risley Street
- (5) St. John's Road

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

GARDNER CITY COUNCIL
ALAN L. AGNELLI, City Clerk

#9570 – John Street Discontinuance

President Walsh called for persons wishing to testify.

Robert Hankinson, City Engineer, testified that there are a number of reasons for the City to abandon John Street, citing the lack of any houses off the section of John Street that exits to Pleasant Street, adding that it is the opinion of the Engineering Department that safety and traffic problems exist on the street. He suggested that a cul-de-sac could be constructed where the homes end along the segment of John Street off Eleanor and Conant Streets, which, if constructed, would cut off traffic from West Broadway.

Richard Kendall, 67 John Street, stated that he resides at the corner of John Street and expressed opposition to the proposal since the roadway would no longer be maintained, including snow plowing.

PUBLIC HEARINGS OF APRIL 4, 2016

James Hannula, 63 John Street, stated that he recently purchased his home on John Street with the understanding that it is a public way and would be maintained. He expressed opposition to abandoning the street as a public way.

There being no others presenting themselves, President Walsh declared the John Street Discontinuance hearing closed at 6:38 p.m.

#9571 – Risley Street Discontinuance

President Walsh called for persons wishing to testify.

Robert Hankinson, City Engineer, testified that Risley Street connects the second half of John Street that is separated by Route 2 and that most the abutting land is owned by a single landowner. He said that the previous owner of 67 John Street initiated the proposal to discontinue John Street. He added that a brook traverses Risley Street and that in the past, the Fire Department has had to rescue three vehicles trapped in street due to flooding.

James Hannula, 63 John Street, stated that the roadway has not experienced flooding for the two years that he has lived on John Street and noting that the previous owner of 67 John Street no longer resides there.

Richard Kendall, 67 John Street, expressed opposition to the proposal to abandon Risley Street.

There being no others presenting themselves, President Walsh declared the Risley Street Discontinuance hearing closed at 6:42 p.m.

#9572 – St. John's Road Discontinuance

President Walsh called for persons wishing to testify.

Robert Hankinson, City Engineer, testified that St. John's Road exists solely for the purpose of conveying people into St. John's Cemetery, which the Road is part of the Cemetery, and rightly the responsibility of the Cemetery owner. Therefore, he recommended that the roadway be abandoned.

Jovide Girouard, 11 Yale Street, testified that St. John's Road and Notre Dame Roads have been accepted City streets since the 1920's. He said that the Mayor proposed to the former Pastor of Holy Rosary Church that the roadways be discontinued and that the Parish would be then obligated to maintain and snowplow the streets.

PUBLIC HEARINGS OF APRIL 4, 2016

Alan Rousseau, 211 Betty Spring Road, testified that he is strongly opposed to discontinuing St. John's Road as a public way, noting that in 1921, Town leaders decided that the road should be a public way. He stated that St. John's Road extends from West Street to the top of the hill in St. John's Cemetery and that City maintenance provides for safe travel for visitors to the Cemetery. Mr. Rousseau added that he attended the recent Planning Board meeting and that there was no discussion by the Board with regard to any of the proposed road discontinuances.

Roger Cormier, 79 Robillard Street, testified that the Church has no funds to maintain the road, so that the many elderly people that visit the Cemetery year 'round might face dangerous road conditions if not sanded and maintained by the City, particularly driving down the hill to exit onto West Street.

There being no others presenting themselves, President Walsh declared the St. John's Road Discontinuance hearing closed at 6:51 p.m.

#9573 – Notre Dame Road Discontinuance

President Walsh called for persons wishing to testify.

Robert Hankinson, City Engineer, testified that it is his opinion that his role in the matter is to remain neutral, noting, however, that he supports and recommends adoption of all of the proposed abandonments. "If I suggested to you that the City should sand a driveway into a private industrial area parking lot or into a bowling alley for customer access, then you would be outraged." He said that it is his opinion that Notre Dame Road is a cemetery road; agreed that it has been a city road for almost 100 years; but suggested that it is time for changes to be made and that the roadway be discontinued and given to the Cemetery, since Notre Dame Road accesses only the Cemetery.

Alan Rousseau, 211 Betty Spring Road, testified that he is strongly opposed to discontinuing Notre Dame Road as a public way, stating that the roadway is 1,242 feet from West Street to the Notre Dame Cemetery. He noted that he has a 967' "Right-of-Way" to his back land which he noted is his only legal access, and access to the Cemetery and the City-owned Tomb.

Mr. Rousseau continued, saying that many senior citizens visit the Cemetery and that Notre Dame Road provides safe access to the Cemetery and to his property. He added that he has not seen a traffic study to determine that impact that discontinuing the roads would have. With regard to access to the City-owned Tomb, Mr. Rousseau stated that the Church leases the Tomb and utilizes it, and without proper road maintenance, access to the Tomb would be hindered during inclement weather conditions.

PUBLIC HEARINGS OF APRIL 4, 2016

Concerning his land, Mr. Rousseau stated that he owns land and a building in back of Notre Dame Cemetery which he accesses via Notre Dame Road. He said that his father purchased the land 73 years ago, paid real estate taxes for many years and he now owns the land and continues to pay taxes on the land and building. He said roadway access is critical since he needs to maintain the property and that Police and Fire also need access. He said that he agreed with the City's administration that there is no guarantee of long-term road maintenance is the City abandons the road. He closed his remarks by saying that it is not an issue of "Separation of Church and State," as some have mentioned, quoting the First Amendment to the Constitution. "It is more about common sense and state," he added.

Roger Cormier, 79 Robillard Street, testified that the Tomb is used by local funeral homes to temporarily store remains in winter months when burials cannot occur, noting that 20 bodies were stored in the Tomb last winter and that access to the Tomb is critical.

There being no others presenting themselves, President Walsh declared the Notre Dame Road Discontinuance hearing closed at 7:02 p.m.

#9574 – Matthew's Street Discontinuance

President Walsh called for persons wishing to testify.

Robert Hankinson, City Engineer, testified that when Route 140 was constructed, it was suggested that the roadway be straightened and that the old part of Matthews Street be abandoned, which serves only as a driveway to a single residence.

There being no others presenting themselves, President Walsh declared the Matthews Street Discontinuance hearing closed at 7:05 p.m.

#9578, #9579, and #9580

President James Walsh opened the Public Hearings on the three Public Way layouts, reading aloud the comprehensive Hearing Notice, as follows:

CITY OF GARDNER
NOTICE OF PUBLIC HEARING
PUBLIC WAY LAYOUTS

In accordance with the provisions of Chapter 567 of the Code of the City of Gardner, notice is hereby given that the Gardner City Council will conduct a Public Hearing on Monday, April 4, 2016 at 6:30 P.M. in the City Council Chamber, Room 219, Gardner City Hall, to consider laying out as public streets or ways, the following:

PUBLIC HEARINGS OF APRIL 4, 2016

- (1) Clairmont Street from its beginning at Union Street to its dead end a distance of approximately 600 feet and of a width of 40.00 and 50.00 feet.
- (2) Snake Pond Road from its beginning at Airport Road to its dead end a distance of approximately 1,465 feet and of a width of 40.00 feet throughout.
- (3) Unaccepted portions of Wilkins Road and Fredette Street from the end of the 1974 layout of Fredette Street a distance of approximately 2,226 feet and of a uniform width of 50.00 feet throughout.

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

GARDNER CITY COUNCIL
ALAN L. AGNELLI, City Clerk

#9578 – Clairmont Street Layout

President Walsh called for persons wishing to testify.

Robert Hankinson, City Engineer, testified that many years ago, a Summit Avenue developer proposed to extend the road down the hill to connect to Union Street, but that the grade was deemed to be too steep, so the plans were abandoned. The proposal is to declare the Summit Avenue extension as Clairmont Street and connect it from Union Street to Clairmont. The street is up to City standards, he added.

Richard Jellyman, 57 Clairmont Street, testified in favor of the Layout.

There being no others presenting themselves, President Walsh declared the Clairmont Street Layout hearing closed at 7:10 p.m.

#9579 – Wilkins Road and Fredette Street Layout

President Walsh called for persons wishing to testify.

Robert Hankinson, City Engineer, testified that the Department of Public Works constructed the roadway years ago, connecting Fredette Street that begins at Parker Street to Wilkins Road that begins at West Broadway. He said that the 2,226 feet of the “connector” has not been laid out and accepted as a public way and that he is recommending that the City Council adopt the layout.

Roger Cormier, 79 Robillard Street, testified in favor of the layout for public access and safety reasons.

There being no others presenting themselves, President Walsh declared the Wilkins Road and Fredette Street Layout hearing closed at 7:12 p.m.



PUBLIC HEARINGS OF APRIL 4, 2016

#9580 – Snake Pond Road Layout

President Walsh called for persons wishing to testify.

Robert Hankinson, City Engineer, testified that Snake Pond Road has been completed for a number of years and meets the City's criteria for layout and acceptance.

There being no others presenting themselves, President Walsh declared the Snake Pond Road Layout hearing closed at 7:14 p.m.

The Hearing was closed at 7:15 P.M.

Accepted by the City Council:

UNACCEPTED / UNCORRECTED PROOF

**REGULAR MEETING OF APRIL 4, 2016**

Regular Meeting of the City Council was held in the City Council Chamber, 2nd Floor, City Hall, on Monday evening, April 4, 2016.

CALL TO ORDER

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. Eleven (11) Councillors were present, including President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance.

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 Paul Tassone, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to waive reading and to accept the Minutes of the March 21, 2016 Informal and Regular Meetings, as printed.

PETITIONS, APPLICATIONS, ETC.**#9601**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to place on file a Notice from the Gardner Contributory Retirement Board Relative to FY2017 Cost-of-Living Adjustment (COLA).

REGULAR MEETING OF APRIL 4, 2016

REPORTS OF STANDING COMMITTEESPUBLIC SAFETY COMMITTEE**#9582**

There being no objections, the Public Safety Committee was granted more time to report on the request of Seven Point of Massachusetts, Inc. for Support/Non-opposition to siting a Registered Marijuana Dispensary in the City of Gardner.

FINANCE COMMITTEE**#9588**

There being no objections, the Finance Committee was granted more time to report on A NOTICE UNDER G.L. CHAPTER 61, §8, RIGHT OF FIRST REFUSAL, SALE OF LAND CLASSIFIED AS FOREST LAND (PARCEL M32-6-5, 85.41 ACRES EASTERLY OF CLARK STREET; PARCEL M-37-21-42, 3.37 ACRES EASTERLY OF CENTURY WAY; M32-6-10, 0.34 ACRES EASTERLY OF CLARK STREET).

#9595

There being no objections, the Finance Committee was granted more time to report on *An Order Appropriating \$4,544.00 from Sewer Surplus to Sewer, Clerk.*

#9599

There being no objections, the Finance Committee was granted more time to report on AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL," TO CHANGE THE COMPENSATION SCHEDULE.

COMMITTEE OF THE WHOLE**#9234**

President Walsh informed the Council that he spoke with the City Solicitor that morning about the status of the language that the Council had requested of him some time ago and said that the Solicitor informed him that he would be seeking an opinion from the Attorney General ("AG"), but that the request to the AG has been delayed since he has been engaged in numerous pressing City matters. Mr. Walsh added that the Solicitor assured him that he would move forward with his request as soon as possible and that a response from the AG would be relayed to the Council when received. There being no objections, the Committee of the Whole was granted more time.

UNFINISHED BUSINESS**#9551**

President Walsh announced that the Council will conduct a Joint Public Hearing with the Planning Board on Tuesday, April 19, 2016 at 6:30 p.m. in the City Council Chamber on AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675, ZONING, SUBSECTION 675-970, SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS, PERPENDICULAR SIGNS,



REGULAR MEETING OF APRIL 4, 2016

AND SUBSECTION 675-980, SPECIAL REGULATIONS FOR SIGNS IN HISTORIC AREAS, PERPENDICULAR SIGNS,

#9569

President Walsh announced that the Council will conduct a Joint Public Hearing with the Planning Board on Tuesday, April 19, 2016 at 6:30 p.m. in the City Council Chamber on AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675, ZONING, ADD A NEW SECTION 675-590, MILL STREET CORRIDOR DEVELOPMENT OVERLAY DISTRICT.

#9570, #9571, #9572, #9573, and #9574

In light of the snowstorm and its impact on participation at the public hearings, the Council postponed action and agreed to grant an additional two week period for written public comments with respect to the following measures:

- **#9570** – A Measure to Discontinue John Street as a Public Way
- **#9571** – A Measure to Discontinue Risley Street as a Public Way
- **#9572** – A Measure to Discontinue St. John's Road as a Public Way
- **#9573** – A Measure to Discontinue Notre Dame Road as a Public Way.
- **#9574** – A Measure to Discontinue as a Public Way Matthews Street from Route 140 to Relocated Matthews Street (southwesterly approx. 2,600').

#9575, #9576, and #9577

The following measures were ordered to public hearings; however, hearings cannot be scheduled until the Council acts on corresponding measures #9574 and #9578.

- **#9575** – A Resolution to Rename Matthews Road to Matthews Street (Route 140 to Green Street).
- **#9576** – A Resolution to Rename a Portion of Matthews Street to Old Matthews Street.
- **#9577** – A Resolution to Rename a Portion of Summit Avenue to Clairmont Street (from Union Street for approx. 210' southeasterly).

#9578, #9579, and #9580

In light of the snowstorm and its impact on participation at the public hearings, the Council postponed action and agreed to grant an additional two week period for written public comments with respect to the following measures:

- **#9578** – An Order of Taking in Fee for Public Way for Clairmont Street.
- **#9579** – An Order of Taking in Fee for Public Way for Wilkins Road and Fredette Street.
- **#9580** – An Order of Taking in Fee for Public Way for Snake Pond Road.
-

REGULAR MEETING OF APRIL 4, 2016

#9582

There being no objections, the Council postponed discussion on the referral to the Mayor to negotiate a Host Community Agreement with Seven Point of Massachusetts, Inc. as it relates to the City's Support/Non-opposition to siting a Registered Marijuana Dispensary in the City of Gardner.

#9588

There being no objections, more time was granted to the Law Department for study and report on A NOTICE UNDER G.L. CHAPTER 61, §8, RIGHT OF FIRST REFUSAL, SALE OF LAND CLASSIFIED AS FOREST LAND (PARCEL M32-6-5, 85.41 ACRES EASTERLY OF CLARK STREET; PARCEL M-37-21-42, 3.37 ACRES EASTERLY OF CENTURY WAY; M32-6-10, 0.34 ACRES EASTERLY OF CLARK STREET).

NEW BUSINESS

On a motion by Councillor James Boone and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to consider New Business.

Commentary

Councillor Paul Tassone expressed displeasure with the School Department for failing to cancel school that day because of the snowstorm and the resulting treacherous road conditions, noting that school children were placed in harm's way.

Councillor Scott Graves praised the staff at NCCI Gardner for their efforts in foiling a recent attempted escape from the prison. He noted that there has not been a successful escape since the 1990's.

Councillor Scott Graves recognized the Gardner Area League of Artists ("GALA") for their recent Art show, adding that the area is blessed with many talented individuals. He wished them well as they are moving to Winchendon.

#9582 – Seven Point Marijuana Dispensary

Councillor Scott Graves stated that due to a personal medical problem, he was unable to attend the last Council meeting at which time the Council voted to refer the Medical Marijuana measure to the Mayor. He noted, however, that he would have to recuse himself from the vote due to a personal conflict. He said that in the Mayor's recent e-mail to the Council, the Mayor said, "A Legislative branch cannot refer a matter to the Executive branch." "I respectfully disagree," Mr. Graves stated. "I'm sure that the Mayor would appreciate it if an executive matter came before the Legislative body and that the Council referred that matter to him," he added.

REGULAR MEETING OF APRIL 4, 2016

Citing comments reportedly made by the Mayor in a recent article that appeared in *The Gardner News*, Councillor Marc Morgan said that he was bewildered that the Mayor's opinion was that the Council had no right to dump the issue on him. He continued, saying that in his [Morgan's] opinion, the Council was attempting to provide the Mayor with the broadest ability to negotiate an agreement with Seven Point of Massachusetts, adding that the approach was "the right way" by not pre-judging and having the Mayor negotiate without Council interference.

Councillor Ronald Cormier concurred with Councillor Morgan's comments, noting that the Mayor was emphatic about informing the City Council "of his ability and right" to negotiate any and all contracts for the City. "I guess we are giving him his opportunity," he added.

President Walsh said that he observed, similarly to Councillor Graves, that "the Council is unable to refer items to the Mayor." Mr. Walsh continued, saying "The Mayor has seen fit to comment on how we operate our body here, and once again I will give him the opportunity that if he wants to participate in legislative functions, then the time to do so is to run for office, which he did once before. But until then, we will do as we see fit in the best interests of the City."

Discontinuance of Public Ways/Public Way Layouts

Councillor James Boone expressed appreciation to the Council for extending the public comment period on a sensitive subject such as discontinuing public streets, rather than by acting immediately following the hearings. He added that the extension provides an opportunity for residents to contact Councillors with comments and also affords Councillors with more time to study the measures.

CLOSING PRAYER

President Walsh led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor James Johnson and seconded by Councillor Paul Tassone, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to adjourn at 7:46 o'clock p.m.

Accepted by the City Council:

9602

AN ORDER APPROPRIATING FROM FREE CASH TO CITY HALL
HEATING SYSTEM CAPITAL PROJECT.

ORDERED:

That there be and is hereby appropriated the sum of Thirty-Two Thousand Five
Hundred Forty-Two Dollars and No Cents (\$32,542.00) from Free Cash to City Hall
Heating System Capital Project.

RECEIVED

2016 APR 11 A 10:16
CITY CLERKS OFFICE
GARDNER, MA

City of Gardner, *Executive Department*



Mark Hawke, Mayor

RECEIVED

2016 APR -7 P 2:40

CITY CLERKS OFFICE
GARDNER, MA

March 30, 2016

James M. Walsh, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash Appropriation to City Hall Heating System Capital Project

Dear President Walsh and Councilors,

I request an appropriation of \$32,542.00 from available Free Cash to the City Hall Heating System Capital Project account.

Similar to many other appropriations recently, this request is to balance out an account that was incorrectly accounted for. While sufficient funds were in place, at the end of the fiscal year they fell to Free Cash. This appropriation will zero out this account.

Respectfully,

Mark Hawke
Mayor, City of Gardner

Rachel Stephano (Mayor's Office)

From: John Richard
Sent: Monday, March 28, 2016 3:21 PM
To: Rachel Stephano (Mayor's Office)
Subject: Free Cash

Hi Rachel

The account name is City Hall Heating System Capital Project 38192-58309 and the amount is \$32,541.37.

If you need more info please let me know.

Thank you

John Richard
City Auditor



95 Pleasant Street, Room 126
Gardner, MA 01440
978-632-1900 ext 8020

9603

AN ORDER APPROPRIATING FROM FREE CASH TO MAYOR'S UNCLASSIFIED TERMINATION LEAVE RESERVE.

ORDERED:

That there be and is hereby appropriated the sum of Forty Thousand Dollars and No Cents (\$40,000.00) from Free Cash to the Mayor's Unclassified Termination Leave Reserve.

RECEIVED

2016 APR -7 P 3:02

CITY CLERKS OFFICE
GARDNER, MA

City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED



2016 APR -7 P 3: 01

CITY CLERKS OFFICE
GARDNER, MA

April 7, 2016

James M. Walsh, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash Appropriation to Termination Leave Reserve

Dear President Walsh and Councilors,

City Auditor John Richard has compiled the attached sheet of information detailing the expenses associated with the Termination Leave Reserve account. We will have a deficit of almost \$24,000 without accounting for Mr. Sullivan's retirement.

The transfer of \$40,000 is anticipated to cover the current shortfall as well as Mr. Sullivan's payment.

The largest expenses came from three (3) retirements in the Fire Department. When we draft the budget, we always inquire as to whom may retire in order to assist us in carrying an appropriate number. These retirements came with only a couple weeks' notice each.

Respectfully,

Mark Hawke
Mayor, City of Gardner

FY2016 TRANSFER FROM TERMINATION LEAVE RESERVED

DEPT	EMPLOYEES	AMOUNT
AUDITING	TRANSFER TERM LEAVE-GENE F.	\$ 10,173.90
TREASURER	TRANSFER TERM LEAVE-JOANNE G.	\$ 3,627.15
ASSESSOR/SURVEY	TRANSFER TERM LEAVE-PAM (MICHELLE) WELLS	\$ 1,671.64
FIRE	TRANSFER TERM LEAVE-CHUCK BORIS, STEVE COUTURE, TIM TENNEY	\$ 188,620.03
BUILDING	TRANSFER TERM LEAVE-SARAH CULGIN	\$ 3,338.45
PUBLIC WORKS	TRANSFER TERM LEAVE-BILL BOUCHER	\$ 1,141.68
COA	TRANSFER TERM LEAVE-EILEEN C.	\$ 8,774.46
LIBRARY	TRANSFER TERM LEAVE-JASON S.	\$ 3,830.43
GOLF	TRANSFER TERM LEAVE-DAN BERRY	\$ 2,550.00
HEALTH	TRANSFER TERM LEAVE-BERNARD SULLIVAN	
	SUBTOTAL	\$ 223,727.74
	BUDGETED RESERVE	\$ 200,000.00
	REMAINING AMOUNT SURPLUS(DEFICIT)	\$ (23,727.74)

9604

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO
FIRE DEPARTMENT - VARIOUS ACCOUNTS.

ORDERED:

That there be and is hereby appropriated the sum of One Hundred Forty-Five
Thousand Three Hundred Twenty Dollars and No Cents (\$145,320.00) from Free Cash to
the following accounts:

Fire Department	Overtime	\$84,000.00
Fire Department	New Vehicle	\$48,000.00
Fire Department	Holiday Pay	\$ 5,500.00
Fire Department	College Credits	\$ 4,620.00
Fire Department	Sick Leave Incentive	\$ 3,200.00

RECEIVED

2016 APR -7 P 3:02

CITY CLERKS OFFICE
GARDNER, MA

City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED



2016 APR -7 P 3:01

CITY CLERKS OFFICE
GARDNER, MA

April 7, 2016

James M. Walsh, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash Appropriation to Fire Department Various Accounts

Dear President Walsh and Councilors,

Attached is a request from the Fire Chief for a command vehicle along with the quote from our vendor. Including the after-market additions, the total price is approximately \$48,000.

Due to multiple retirements and an injury, our Fire Department Overtime account is in a deficit. A request for \$84,000 is anticipated to carry us through the end of the fiscal year.

The request for \$5,500 for Holiday Pay, \$4,620 for College Credits and \$3,200 for Sick Leave Incentive is due to contractual changes that were not properly accounted for in the fiscal year 2016 budget.

Respectfully,

Mark Hawke
Mayor, City of Gardner

Mayor

From: Richard Ares
Sent: Thursday, April 07, 2016 1:59 PM
To: Mayor
Subject: Request for funding

Mr. Mayor,

I am requesting \$48,000.00 for a new vehicle for the Captain. This includes \$42000.00 for the car and associated emergency equipment (warning lights, cabinets, etc.) and the additional \$6000.00 for radios and trailer hitch. This vehicle will be identical to the car purchased last year for the Chief. It is needed to take the place of the 2005 Chevrolet Tahoe. After repairs the Tahoe will be used by our new hires to go to the fire academy.

I am also requesting \$84,000.00 dollars to our overtime account. We are currently short three positions. One firefighter has been out on injury leave since September 9, 2015. One Lieutenant retired in January and one firefighter retired in March.

Thank you,

Richard P. Ares

Fire Chief
Gardner Fire Department
Gardner, MA
978-630-4051



October 6, 2015

Gardner Fire Dept.
Capt. Greg Lagoy

978.630.4051 ph
cell
glagoy@gardner-ma.gov email

Please find below a quote for a **2016 Ford Explorer 4X4** per the Commonwealth of Massachusetts Contract # OVM10. M.G.L. c.30B applies to the procurement of all commodities quoted. Contract items have been collectively purchased pursuant to M.G.L. c.30B sec. 1c and M.G.L. c.7 sec 22B. The governmental body is responsible to determine the applicability of M.G.L. c30B to off contract items, including but not limited to, off contract items that have already been properly procured under M.G.L. c30B sec. 1c and M.G.L. c.7 sec. 22A (purchases from a vendor on contract with the Commonwealth), other contracts procured under M.G.L. c 30B sec. 1c and M.G.L. c.7 sec. 22B or any M.G.L. c. 30B contract between the vendor and the jurisdiction. All off contract items must be procured under M.G.L. c. 30B.

2016 Ford Explorer XLT - 4X4	\$ 28,710.00	
Color: Bronze Fire Metallic	385.00	
3.7L V6 Gasoline Engine	included	
Power Windows, Mirrors, & Door Locks; Air Conditioning	included	
AM/FM Stereo/CD	included	
Heated Side Mirrors	57.00	
Deflector (Skid) Plate	318.25	
Headlamp Pre-Drill	N/A	
SYNC (Bluetooth)	included	
Rear View Camera	included	
Carpeted Flooring 1st & 2nd row	included	
18" Painted Aluminum Wheels	included	
Whelen SA315P Composite Siren Speaker, 123 dB/100watt	285.00	behind
Havis Communications Console	395.00	
Havis Side Mount Arm Rest - C-ARM-102	75.00	
Havis (3) 12v DC Outlets on 2" plate	50.00	
ChargeGuard 12v DC Electronic Timer	125.00	
Whelen Vertex LED Hide-a-ways (1 pair) front knockouts	275.00	red
Whelen ION LED Warning Lights (1 pair) Grille	412.00	red
Whelen Mirror Beam LED Warning Lights + IONV series light	495.00	IONSV1R
Whelen Inner Edge - Full Width - All Red w/ TD's	1,010.00	red w/TD
Whelen LED Warning Lights - Soffit	475.00	
Whelen Strobe Emitter	592.00	headlight
Park Kill Module for Emitter	75.00	

*** Continued on Page 2 ***



*** Continued From Page 1 ***

Whelen ION LED Warning Lights (1/side) 1/4 glass side window	412.00	red
Code3 Citadel Rear Wing LED Warning Light	895.00	b r r r r r
Whelen Vertex Hide-a-way LED (2 pair) - tail lights	505.00	w r
Federal Signal MicroPulse ULTRA Slim - 6 diode LED lights	350.00	b r
Whelen 295SLSA6 Siren/Switch Combo. Unit	495.00	
Command Cabinet - Custom (eliminates access to spare tire)	4,320.00	
LED Dome Lights (2 pair)	220.00	3 w 1 r
Remote Activated Car Starter (gives you keyless entry)	375.00	
Install (2) Customer Supplied Two Way Radios	350.00	
Install Customer Supplied Portable Radio Chargers (2)	60.00	
MHQ Graphics Package "A" Basic	295.00	
OVM10 Contract Price :	\$ 42,011.25	
Non-contract Items:		
WeatherTech Floor Liners (front row) Black	125.00	
VentVisor 4 Piece Window Vent Kit	75.00	
Total Purchase Price:	\$ 42,211.25	

Sincerely,

Brian Smith
Sales Representative - Western MA

9605

AN ORDER APPROPRIATING FROM FREE CASH TO POLICE DEPARTMENT – NEW VEHICLE.

ORDERED:

That there be and is hereby appropriated the sum of Forty Thousand and No Cents (\$40,000.00) from Free Cash to Police Department – New Vehicle.

RECEIVED

2016 APR 11 A 8:45
CITY CLERKS OFFICE
GARDNER, MA

City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED



2016 APR 11 A 8:44
CITY CLERKS OFFICE
GARDNER, MA

April 7, 2016

James M. Walsh, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash Appropriation to Police New Vehicles

Dear President Walsh and Councilors,

Attached is a request from the Police Chief for a new vehicle along with the quote from our vendor. Including the after-market additions, the total price is approximately \$40,000.

By way of background, the City did not fund any new vehicles in the FY 2007 and FY2008 annual budget. Since that time we have budgeted the replacement of two (2) new vehicles annually. In FY 2014 we were able to fund three (3) vehicles. The lack of funding in FY 2007 and FY 2008 for new vehicles is necessitating the purchase of another vehicle this year.

Respectfully,

Mark Hawke
Mayor, City of Gardner



401 Elm Street
Marlborough, MA 01752

March 28, 2016

City of Gardner
Police Department
Dep. Chief John Bernard

ph
fax
email

Please find below a quote for a **Ford Explorer** per the Plymouth County Commissioners

Cooperative Contract# 15-16-17. M.G.L. c.30B applies to the procurement of all commodities quoted. Plymouth County contract items have been collectively purchased pursuant to M.G.L. c.30B sec. 1c and M.G.L. c.7 sec 22B. The governmental body is responsible to determine the applicability of M.G.L. c.30B to off contract items, including but not limited to, off contract items that have already been properly procured under M.G.L. c.30B sec. 1c and M.G.L. c.7 sec. 22A (purchases from a vendor on contract with the Commonwealth), other contracts procured under M.G.L. c.30B sec. 1c and M.G.L. c.7 sec. 22B or any M.G.L. c. 30B contract between the vendor and the jurisdiction. All off contract items must be procured under M.G.L. c. 30B.

Sch/Item	Pg#		
		2016 Ford Explorer Base	\$ 24,660.00
		Four wheel drive	\$ 2,350.00
		Two Tone Paint (black and white)	\$ 725.00
		3.7L TI-VCT V6 Engine	included
		Power Windows and Door Locks	included
		Reverse Sensing	\$ 259.00
		Rearview Camera	included
		Full Wheel Covers	\$ 56.00
		Patrol Power Wiring Harness	included
		Tint Front Windows (35% tint)	\$ 175.00
		Vent Shades	\$ 75.00
		Transfer 2-way Radio (need 2-way make/model/type)	included
		Antenna Cable (for 2-way)	\$ 25.00
		Whelen Siren Speaker (behind grill)	\$ 190.00
		Whelen Liberty II Lightbar w/ Cencom (standard config.)	\$ 2,195.00
		(2) Whelen ION LED's (on gate trim above glass) (blue)	\$ 345.00
		(2) Whelen ION LED's (gate bottom, face rear w/ open)	\$ 345.00
		(Gate bottom LED's Blue - auto on/off when rear lights on)	note
		(2) Whelen ION LED's - Blue - Side rear qtr glass	\$ 345.00
		(4) Vertex Hideaways rear (white in rear turn - blue in rev)	\$ 425.00
		(2) TIR3 LED's - Blue - Vertical mount L&R of lic. Plate	\$ 205.00
		Setina Rear Security Partition - Rear cargo area	\$ 480.00
		Setina 2 "drawer" Vault (part# TK0255ITU12)	\$ 1,095.00
		Havis Explorer Console	\$ 395.00
		Flip Armrest (move to far left and "swivel" side to side)	\$ 95.00
		Angled Cupholders (if room in console allows)	\$ 40.00
		Decatur GIIKADUAL KA Band Radar	\$ 2,195.00
		Class III/IV Trailer Hitch	\$ 545.00
		Electric Trailer Brake (after market - n/a from FORD)	\$ 260.00
		Graphics (per "new" design - Unit# ???)	295.00
Total Contract Price:			\$ 37,775.00

Sincerely,

Brian M. Smith
Fleet Manager

Phone: 508-573-2624

Fax: 508-573-2724 bsmith@mhqvehicles.com

Mayor

From: Police Chief
Sent: Friday, April 08, 2016 8:45 AM
To: Mayor
Subject: request for funding

Dear Mayor Hawke;

I respectfully request \$40,000.00 to replace our 2002 Chevy Blazer (car 31). This vehicle is no longer serviceable, due to rust and manifold problems (beyond repair). This vehicle replacement is needed not only for its 4 wheel drive but also for towing the multiple trailers we have in the Department. We have radar, light, all-terrain and 3 civil defense trailers. Thanks you in advance for your consideration of my request.

Sincerely;

C. Erickson

Neil

Chief of Police

Chi

9606

AN ORDER APPROPRIATING FROM FREE CASH TO DEBT SERVICE.

ORDERED:

That there be and is hereby appropriated the sum of Two Hundred Forty-Two Thousand Dollars and No Cents (\$242,000.00) from Free Cash to the Debt Service.

RECEIVED

2016 APR 11 A 8:45

CITY CLERKS OFFICE
GARDNER, MA

City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED



2016 APR 11 A 8:44

CITY CLERKS OFFICE
GARDNER, MA

April 8, 2016

James M. Walsh, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash Appropriation to Debt Service

Dear President Walsh and Councilors,

The City's share of the Gardner High School, Massachusetts School Building Authority grant was approximately \$900,000. This appropriation from Free Cash of \$242,000 will pay off the remainder of our share of the debt and close out this project. This will negate the need for borrowing for this project in FY 17.

Respectfully,

Mark Hawke
Mayor, City of Gardner

9607

AN ORDER APPROPRIATING FROM FREE CASH TO PUBLIC WORKS –
DPW – NEW BUILDING.

ORDERED:

That there be and is hereby appropriated the sum of One Hundred Thousand and
No Cents (\$100,000.00) from Free Cash to Public Works – DPW New Building.

RECEIVED

2016 APR 11 A 8:59

CITY CLERKS OFFICE
GARDNER, MA

City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED



2016 APR 11 A 8:59
CITY CLERKS OFFICE
GARDNER, MA

April 11, 2016

James M. Walsh, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash Appropriation to DPW New Building

Dear President Walsh and Councilors,

The City's share of the new DPW Building is estimated to be \$625,000. The remaining cost will be shared with the Water and Sewer Enterprise Funds. The cost sharing allocation is being done on a square foot basis.

The DPW Director and Treasurer/Collector estimate the need for \$100,000 before this fiscal year ends. I am asking to have \$100,000 transferred to this account for use this fiscal year. Any unused funds will be encumbered and stay with the project.

Respectfully,

Mark Hawke
Mayor, City of Gardner

9608

AN ORDER APPROPRIATING FROM FREE CASH TO FIRE DEPARTMENT
- PRIVATE SALARIES.

ORDERED:

That there be and is hereby appropriated the sum of Sixty-One Thousand Five Hundred Sixty Nine Dollars and No Cents (\$61,569.00) from Free Cash to Fire Department Private Salaries.

RECEIVED

2016 APR 11 A 8:59

CITY CLERKS OFFICE
GARDNER, MA

City of Gardner, *Executive Department*



Mark Hawke, Mayor

April 11, 2016

James M. Walsh, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Free Cash Appropriation to Fire Department Private Salaries

Dear President Walsh and Councilors,

The estimated cost to hire seven (7) additional firefighter/EMT's for the remainder of the fiscal year is \$61,569. These new hires will allow the City of Gardner to finally establish a City-run ambulance.

Running an ambulance out of the Fire Department will allow the City to add two (2) additional firefighters per shift. The ambulance and all associated costs will be able to be supported by the receipts brought in by the ambulance. I've included an analysis of costs associated with an ambulance for your perusal.

However, the largest cost and the least amount of receipts will be in the initial startup period. While we have Free Cash to cover the costs for this fiscal year, we cannot encumber salary funds. Therefore, I ask for your quick action on this item, as the longer we wait, the more funding we will need in the following fiscal year to deal with startup costs.

For the past several months I have been working with the Fire Department union to come to an agreement to amend their contract to allow the operation of an ambulance and to remove the provision of fire department dispatch. We have come to an agreement; however, if the agreement is not signed by the time the City Council meets on Tuesday, April 19, 2016, I will ask that I have Leave to Withdraw the Order as I am not comfortable proceeding without this agreement in place.

Respectfully,

Mark Hawke
Mayor, City of Gardner

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Salary & Benefits 7 Firefighters	\$ 415,247.38	\$ 439,093.90	\$ 473,958.46	\$ 484,028.45	\$ 501,620.51	\$ 512,302.36	\$ 525,109.92
Ambulance Stipend (\$1/hr/shift)	\$ 17,520.00	\$ 17,520.00	\$ 17,520.00	\$ 17,520.00	\$ 17,520.00	\$ 17,520.00	\$ 17,520.00
Additional Dispatcher	\$ 32,304.00	\$ 32,950.08	\$ 33,609.08	\$ 34,281.26	\$ 34,966.89	\$ 35,666.23	\$ 36,379.55
F450 Type 1 Ambulance (5 year lease)	\$ 10,000.00	\$ 55,000.00	\$ 55,000.00	\$ 55,000.00	\$ 55,000.00	\$ 55,000.00	\$ -
Equipment Costs	\$ 15,000.00	\$ 15,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Stretcher	\$ 6,000.00	\$ 6,000.00	\$ -	\$ -	\$ -	\$ -	\$ -
Radios (2) front and back	\$ 4,000.00	\$ 4,000.00	\$ -	\$ -	\$ -	\$ -	\$ -
Update EMT Training	\$ 8,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
License Fees	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
Billing Costs (2% of total Revenue)	\$ 4,488.00	\$ 17,969.60	\$ 17,969.60	\$ 17,969.60	\$ 17,969.60	\$ 17,969.60	\$ 17,969.60
Overtime (20% of Sal/Ben)	\$ 20,762.37	\$ 87,818.78	\$ 94,791.69	\$ 96,805.69	\$ 100,324.10	\$ 102,460.47	\$ 105,021.98
Misc	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Total Expenses	\$ 538,821.75	\$ 682,852.36	\$ 705,348.84	\$ 718,105.01	\$ 739,901.10	\$ 753,418.66	\$ 714,501.05
Transports (75% of 2,722 estimated)	Year 1 510	Year 2 2042	Year 3 2042	Year 4 2042	Year 5 2042	Year 6 2042	Year 7 2042
\$440 per transport	\$ 224,400.00	\$ 898,480.00	\$ 898,480.00	\$ 898,480.00	\$ 898,480.00	\$ 898,480.00	\$ 898,480.00
3 months of transports at 170 per month in Year 1							
Total (cost) revenue	\$ (314,421.75)	\$ 215,627.64	\$ 193,131.16	\$ 180,374.99	\$ 158,578.90	\$ 145,061.34	\$ 183,978.95
Revenue / \$440 transport=	490	439	410	360	330	418	
							\$ 892,774.04

Assumptions

- Salary is based on current contract with new 5 year step and higher step 1
- Largest salary step increases occur in Year 2, Year 3 and a 5 year longevity step increase in Year 5.
- Clothing allowance is based on current contract
- Educational Incentive is based on current contract
- Educational Incentive mirrors current makeup of GFD with 43% holding Associates or working toward one, and 7% Bachelors
- Health/Dental Insurance costs are based on FY 2016.
- Health/Dental Insurance costs include a 3% increase annually.
- Health/Dental Insurance mirrors current makeup of GFD with 67% on a family plan, 27% individual, 6% none
- \$10,000 ambulance payment in Year 1 is for the used ambulance from Westminter
- Stretcher cost in year 1 is for the used ambulance, in year 2 it is for the new ambulance.
- Radio cost in year 1 is for the used ambulance, in year 2 it is for the new ambulance.
- Overtime is calculated at 20% of Sal/Ben cost.
- Overtime in Year 1 is 20% of Sal/Ben divided by 12 months and multiplied by 3 months of estimated service.
- The Sal/Ben is based on hiring new individuals once in Year 1 and keeps the same individuals for all years.

9609

**DISCLOSURE BY MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 268A, § 20(b)**

RECEIVED

MUNICIPAL EMPLOYEE INFORMATION	
Name of municipal employee:	Erica Corral
Title/ Position	Substitute Teacher/Paraprofessional
Fill in this box if it applies to you.	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	City of Gardner School Department
Agency Address	70 Waterford Street, Gardner, MA 01440
Office phone:	(978) 632-1000
Office e-mail:	
	Check one: <input type="checkbox"/> Elected or <input checked="" type="checkbox"/> Non-elected
Starting date as a municipal employee.	January 4, 2016
BOX # 1 Select either STATEMENT #1 or STATEMENT #2. Write an X beside your financial interest.	ELECTED MUNICIPAL EMPLOYEE I am an elected municipal employee. <input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. OR <input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency. My financial interest in a municipal contract is: <input type="checkbox"/> I have a non-elected, compensated municipal employee position. <input type="checkbox"/> A municipal agency has a contract with me. <input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization. <input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.
BOX # 2 Select either STATEMENT #1 or STATEMENT #2.	NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE I am a non-elected municipal employee. <input type="checkbox"/> STATEMENT # 1: I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.

2016 FEB 26 A 8:37
CITY CLERKS OFFICE
GARDNER, MA

<p>Write an X beside your financial interest.</p>	<p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>-- OR --</p> <p><input type="checkbox"/> STATEMENT # 2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input checked="" type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
<p>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</p>	
<p>Name and address of municipal agency that made the contract</p>	<p>City of Gardner School Department 70 Waterford Street Gardner, MA 01440</p>
<p>Please put in an X to confirm these facts.</p>	<p>"My Municipal Agency" is the municipal agency that I serve as a municipal employee.</p> <p>The "contracting agency" is the municipal agency that made the contract.</p> <p><input type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
<p>FILL IN THIS BOX OR THE BOX BELOW</p>	<p>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</p> <p>- Please explain what the contract is for.</p> <p>Contracted by City of Gardner School Department to provide interpretive services in the translation of documents (English - Spanish).</p>
<p>FILL IN THIS BOX OR THE BOX ABOVE</p>	<p>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</p> <p>- Please identify the person or entity that has the contract with the municipal agency. - What is your relationship to the person or entity? - What is the contract for?</p>

What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it. I will receive compensation for the provision of interpreter services in addition to receiving compensation as a Substitute Teacher/Paraprofessional for the School Department. All interpretive services will be conducted during my non-working hours.
Date when you acquired a financial interest	Commencement of 2015-2016 school year.
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it. None.
Date when your immediate family acquired a financial interest	N/A
Write an X to confirm each statement.	<p>FOR A CONTRACT FOR PERSONAL SERVICES –</p> <p>Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency).</p> <p>I will have a contract with a municipal agency to provide personal services.</p> <p><input checked="" type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee.</p> <p><input checked="" type="checkbox"/> The services are not required as part of my regular duties as a municipal employee.</p> <p><input checked="" type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.</p>
Employee signature:	<i>Erica Corral</i>
Date:	3/15/16

Attach additional pages if necessary.

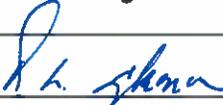
NOT A PERSONAL SERVICES CONTRACT – File disclosure with the city or town clerk.

SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.

FOR CONTRACTS FOR PERSONAL SERVICES ONLY:

If you are disclosing a financial interest in a contract for personal services with a municipal agency, you must file the Certification below signed by the head of the contracting agency, and you must get approval of the exemption from the city council, board of aldermen, board of selectmen or town council.

CERTIFICATION BY HEAD OF CONTRACTING AGENCY

	INFORMATION ABOUT HEAD OF CONTRACTING AGENCY
Name:	Denise Clemons
Title/ Position	Superintendent of Schools
Municipal Agency:	City of Gardner School Department
Agency Address:	70 Waterford Street, Gardner, MA 01440
Office Phone:	(978) 632-1000
	CERTIFICATION
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to my municipal agency, identified above. I certify that no employee of my agency is available to perform the services described above as part of his or her regular duties.
Signature:	
Date:	2/23/16

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN OR TOWN COUNCIL**

	INFORMATION ABOUT APPROVING BODY
Name:	James Walsh, Esq.
Title/ Position	President, Gardner City Council
Agency Address:	95 Pleasant Street Gardner, MA 01440
Office Phone:	(978) 632-1000
	APPROVAL
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

Attach additional pages if necessary.
File disclosure, Certification and Approval with the city or town clerk.

9610

DISCLOSURE BY MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 268A, § 20(b)

RECEIVED

MUNICIPAL EMPLOYEE INFORMATION	
Name of municipal employee:	Traci Podrazik
Title/ Position	Guidance Counselor
Fill in this box if it applies to you.	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	City of Gardner School Department
Agency Address	70 Waterford Street, Gardner, MA 01440
Office phone:	(978) 632-1000
Office e-mail:	
	Check one: <input type="checkbox"/> Elected or <input checked="" type="checkbox"/> Non-elected
Starting date as a municipal employee.	August 31, 1998
BOX # 1 Select either STATEMENT #1 or STATEMENT #2. Write an X beside your financial interest.	<p>ELECTED MUNICIPAL EMPLOYEE</p> <p>I am an elected municipal employee.</p> <p><input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. OR</p> <p><input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
BOX # 2 Select either STATEMENT #1 or STATEMENT #2.	<p>NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE</p> <p>I am a non-elected municipal employee.</p> <p><input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.</p>

2016 FEB 26 A 8:31
CITY CLERKS OFFICE
GARDNER, MA

<p>Write an X beside your financial interest.</p>	<p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>-- OR --</p> <p><input type="checkbox"/> STATEMENT # 2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input checked="" type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
<p>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</p>	
<p>Name and address of municipal agency that made the contract</p>	<p>City of Gardner School Department 70 Waterford Street Gardner, MA 01440</p>
<p>Please put in an X to confirm these facts.</p>	<p>"My Municipal Agency" is the municipal agency that I serve as a municipal employee.</p> <p>The "contracting agency" is the municipal agency that made the contract.</p> <p><input type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
<p>FILL IN THIS BOX OR THE BOX BELOW</p>	<p>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</p> <p>- Please explain what the contract is for.</p> <p>Contracted by City of Gardner School Department to provide interpretive services in the translation of documents (English - Spanish).</p>
<p>FILL IN THIS BOX OR THE BOX ABOVE</p>	<p>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</p> <p>- Please identify the person or entity that has the contract with the municipal agency.</p> <p>- What is your relationship to the person or entity?</p> <p>- What is the contract for?</p>

What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it. I will receive compensation for the provision of interpreter services in addition to receiving compensation as a Guidance Counselor for the School Department. All interpretive services will be conducted during my non-working hours.
Date when you acquired a financial interest	Commencement of 2015-2016 school year.
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it. None.
Date when your immediate family acquired a financial interest	N/A
Write an X to confirm each statement.	FOR A CONTRACT FOR PERSONAL SERVICES – Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency). I will have a contract with a municipal agency to provide personal services. <input checked="" type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee. <input checked="" type="checkbox"/> The services are not required as part of my regular duties as a municipal employee. <input checked="" type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.
Employee signature:	<i>Traci A. Pochayek</i>
Date:	<i>3/11/16</i>

Attach additional pages if necessary.

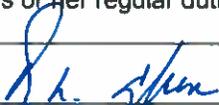
NOT A PERSONAL SERVICES CONTRACT -- File disclosure with the city or town clerk.

SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.

FOR CONTRACTS FOR PERSONAL SERVICES ONLY:

If you are disclosing a financial interest in a contract for personal services with a municipal agency, you must file the Certification below signed by the head of the contracting agency, and you must get approval of the exemption from the city council, board of aldermen, board of selectmen or town council.

CERTIFICATION BY HEAD OF CONTRACTING AGENCY

INFORMATION ABOUT HEAD OF CONTRACTING AGENCY	
Name:	Denise Clemons
Title/ Position	Superintendent of Schools
Municipal Agency:	City of Gardner School Department
Agency Address:	70 Waterford Street, Gardner, MA 01440
Office Phone:	(978) 632-1000
CERTIFICATION	
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to my municipal agency, identified above. I certify that no employee of my agency is available to perform the services described above as part of his or her regular duties.
Signature:	
Date:	2/23/16

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN OR TOWN COUNCIL**

INFORMATION ABOUT APPROVING BODY	
Name:	James Walsh, Esq.
Title/ Position	President, Gardner City Council
Agency Address:	95 Pleasant Street Gardner, MA 01440
Office Phone:	(978) 632-1000
APPROVAL	
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

Attach additional pages if necessary.
File disclosure, Certification and Approval with the city or town clerk.

9611

City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED



2016 APR 12 A 8:27
CITY CLERKS OFFICE
GARDNER, MA

April 11, 2016

James M. Walsh, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Municipal Electric Aggregation

Dear President Walsh and Councilors,

I had forwarded to you previously information regarding Municipal Electric Aggregation. I would like to schedule a time to have Colonial Power come to the City for a presentation before the City Council on Municipal Electric Aggregation.

Once a date is set, I will ask Colonial Power to forward information in advance for your review.

Respectfully,

Mark Hawke
Mayor, City of Gardner

City of Gardner, *Executive Department*



Mark Hawke, Mayor

RECEIVED

2016 APR -4 A 10:42

CITY CLERKS OFFICE
GARDNER, MA

March 31, 2016

James M. Walsh, President
And City Councilors
95 Pleasant Street
Gardner, MA 01440

RE: Municipal Electric Aggregation

Dear President Walsh and Councilors,

Municipal Electric Aggregation is the method by which the City can buy electric power on behalf of our constituents. The enabling legislation, passed in 1997, allows consumers to purchase electric power from an entity other than their distribution company. A key provision of the legislation specifically allows local municipal governments to aggregate the electric loads of the consumers within their boundaries in order to negotiate more favorable terms with a power supplier.

This process is very similar to how we are able to achieve such favorable pricing for our trash removal services. Everyone is included, but anyone may opt out. This allows us to achieve tremendous economies of scale thereby saving money.

The Department of Energy Resources has produced a useful guidebook which can be found here <http://www.mass.gov/cea/docs/doer/electric-deregulation/agg-guid.pdf>

I would like to schedule a time to have Colonial Power come to the City for a presentation before the City Council. Therefore, I ask that this item be referred to the Council as a Committee of the Whole and that we arrange a mutually agreed upon date to hold a special/informal meeting of the City Council.

Respectfully,

Mark Hawke
Mayor, City of Gardner

WHEREAS, the Commonwealth of Massachusetts has engaged in a process to establish a competitive market place through the restructuring of the electricity market; and

WHEREAS, citizens of Gardner have a substantial economic and social interest in terms of greater customer choice and opportunities for savings in this restructured market~ and

WHEREAS, the City of Gardner hereby finds that it may be in the interest of its citizens who are electric ratepayers, both residential and commercial/industrial, to develop and secure such approvals and enter into appropriate agreements with consultants, experts and attorneys in connection with the establishment and operation of an electricity aggregation plan.

BE IT THEREFORE RESOLVED that the City of Gardner hereby:

Accepts the provisions of M.G.L. c. 164, § 134, and publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers and to authorize the Mayor, as provided by such statute to develop a plan, for review by the citizens of the City of Gardner, detailing the process and consequences of aggregation and further to reestablish such plan if its operation is suspended, and to negotiate and enter into such contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any electricity) alternatives they desire and, further, to take such other action relative hereto as may be appropriate and necessary.



PART I ADMINISTRATION OF THE GOVERNMENT
TITLE XXII CORPORATIONS
CHAPTER 164 MANUFACTURE AND SALE OF GAS AND ELECTRICITY
Section 134 Load aggregation programs

Section 134. (a) Any municipality or any group of municipalities acting together within the commonwealth is hereby authorized to aggregate the electrical load of interested electricity consumers within its boundaries; provided, however, that such municipality or group of municipalities shall not aggregate electrical load if such are served by an existing municipal lighting plant. Such municipality or group of municipalities may group retail electricity customers to solicit bids, broker, and contract for electric power and energy services for such customers. Such municipality or group of municipalities may enter into agreements for services to facilitate the sale and purchase of electric energy and other related services. Such service agreements may be entered into by a single city, town, county, or by a group of cities, towns, or counties.

A municipality or group of municipalities which aggregates its electrical load and operates pursuant to the provisions of this section shall not be considered a utility engaging in the wholesale purchase and resale of electric power. Providing electric power or energy services to aggregated customers within a municipality or group of municipalities shall not be considered a wholesale utility transaction. The provision of aggregated electric power and energy services as authorized by this section shall be regulated by any applicable laws or regulations which govern aggregated electric power and energy services in competitive markets.

A town may initiate a process to aggregate electrical load upon authorization by a majority vote of town meeting or town council. A city may initiate a process to authorize aggregation by a majority vote of the city council, with the approval of the mayor, or the city manager in a Plan D or Plan E city. Two or more municipalities may as a group initiate a process jointly to authorize aggregation by a majority vote of each particular municipality as herein required.

Upon an affirmative vote to initiate said process, a municipality or group of municipalities establishing load aggregation pursuant to this section shall, in consultation with the department of energy resources, pursuant to section 6 of chapter 25A, develop a plan, for review by its citizens, detailing the process and consequences of aggregation. Any municipal load aggregation plan established pursuant to this section shall provide for universal access, reliability, and equitable treatment of all classes of customers and shall meet any requirements established by law or the department concerning aggregated service. Said plan

shall be filed with the department, for its final review and approval, and shall include, without limitation, an organizational structure of the program, its operations, and its funding; rate setting and other costs to participants; the methods for entering and terminating agreements with other entities; the rights and responsibilities of program participants; and termination of the program. Prior to its decision, the department shall conduct a public hearing.

Participation by any retail customer in a municipal or group aggregation program shall be voluntary. If such aggregated entity is not fully operational on the retail access date, any ratepayer to be automatically enrolled therein shall receive basic service unless affirmatively electing not to do so. Within 30 days of the date the aggregated entity is fully operational, such ratepayers shall be transferred to the aggregated entity according to an opt-out provision herein. Following adoption of aggregation through the votes specified above, such program shall allow any retail customer to opt-out and choose any supplier or provider such retail customer wishes. Once enrolled in the aggregated entity, any ratepayer choosing to opt-out within 180 days shall do so without penalty and shall be entitled to receive basic service as if he was originally enrolled therein. Nothing in this section shall be construed as authorizing any city or town or any municipal retail load aggregator to restrict the ability of retail electric customers to obtain or receive service from any authorized provider thereof.

It shall be the duty of the aggregated entity to fully inform participating ratepayers in advance of automatic enrollment that they are to be automatically enrolled and that they have the right to opt-out of the aggregated entity without penalty. In addition, such disclosure shall prominently state all charges to be made and shall include full disclosure of the basic service rate, how to access it, and the fact that it is available to them without penalty. The department of energy resources shall furnish, without charge, to any citizen a list of all other supply options available to them in a meaningful format that shall enable comparison of price and product.

(b) A municipality or group of municipalities establishing a load aggregation program pursuant to subsection (a) may, by a vote of its town meeting or legislative body, whichever is applicable, adopt an energy plan which shall define the manner in which the municipality or municipalities may implement demand side management programs and renewable energy programs that are consistent with any state energy conservation goals developed pursuant to chapter 25A or chapter 164. After adoption of the energy plan by such town meeting or other legislative body, the city or town clerk shall submit the plan to the department to certify that it is consistent with any such state energy conservation goals. If the plan is certified by the department, the municipality or group of municipalities may apply to the Massachusetts clean energy technology center for monies from the Massachusetts Renewable Energy Trust Fund, established pursuant to section 9 of chapter 23J, and receive, and if approved, expend moneys from the demand side management system benefit charges or line charges in an amount not to exceed that contributed by retail customers within said municipality or group

municipalities. This will not prevent said municipality or municipalities from applying to the Massachusetts clean energy technology center for additional funds. If the department determines that the energy plan is not consistent with any such state-wide goals, it shall inform the municipality or group of municipalities within six months by written notice the reasons why it is not consistent with any such state-wide goals. The municipality or group of municipalities may re-apply at anytime with an amended version of the energy plan.

The municipality or group of municipalities shall not be prohibited from proposing for certification an energy plan which is more specific, detailed, or comprehensive or which covers additional subject areas than any such state-wide conservation goals. This subsection shall not prohibit a municipality or group of municipalities from considering, adopting, enforcing, or in any other way administering an energy plan which does not comply with any such state-wide conservation goals so long as it does not violate the laws of the commonwealth.

The municipality or group of municipalities shall, within two years of approval of its plan or such further time as the department may allow, provide written notice to the department that its plan is implemented. The department may revoke certification of the energy plan if the municipality or group of municipalities fails to substantially implement the plan or if it is determined by independent audit that the funds were misspent within the time allowed under this subsection.

Alan Agnelli

From: Mayor
Sent: Friday, April 01, 2016 1:20 PM
To: Alan Agnelli; Councillor J Johnson; Councillor K Hardern; Councillor M Morgan; Councillor M Vance; Councillor R Cormier; Councillor S Graves; crcormier@comcast.net; James M. Walsh; Jim Boone; Mayor; Nathan Boudreau; Paul Tassone
Subject: Municipal Aggregation
Attachments: Municipal Aggregation 3-31-16.pdf

President Walsh and Councilors,

Please find attached correspondence relative to Municipal Aggregation. For your convenience, I've included the website link referenced in the letter here. <http://www.mass.gov/eea/docs/doer/electric-deregulation/agg-guid.pdf>

Mark

Mark Hawke

Mayor, City of Gardner
95 Pleasant Street, Room 125
Gardner, MA 01440
Mayor@Gardner-Ma.Gov
Ph 978-630-1490 Fax 978-630-3778



Vicente Sederberg, LLC
VGR Law Firm, P.C.
109 State Street, Suite 404
Boston, MA 02109

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**VICENTE
SEDERBERG**
LLC

RECEIVED
2016 FEB -8 A 8:51
CITY CLERKS OFFICE
GARDNER, MA

February 4, 2016

Gardner City Council
President James M. Walsh
c/o Clerk Alan Agnelli
95 Pleasant Street – Room 121
Gardner, MA 01440

Re: Seven Point of Massachusetts, Inc. Request for Meeting with Gardner City Council

Dear President Walsh:

Please be advised that our firms represent Seven Point of Massachusetts, Inc. (Seven Point), a non-profit corporation that has submitted applications to the Massachusetts Department of Public Health (DPH) to operate Registered Marijuana Dispensaries (RMDs). One of the steps in the RMD application process is for the applicant to obtain a letter of support or non-opposition from the municipality in which the applicant intends to locate.

On January 26, 2016, Seven Point met with Gardner’s Executive Director of Community Development, Trevor Beauregard, and Gardner’s Building Commissioner, Jeffrey Cooke, to discuss the possibility of Seven Point locating a RMD in the City of Gardner. At the meeting, Mr. Beauregard and Mr. Cooke advised Seven Point that the next step in obtaining a letter of support or non-opposition from Gardner would be to set up a meeting with the Gardner City Council. As such, Seven Point would like to schedule a time to meet with the City Council to formally request a letter of support or non-opposition from Gardner.

In advance of that meeting, if individual members of the City Council would like to meet with members of Seven Point to address concerns and to discuss the benefits of siting a RMD in Gardner, we would welcome the opportunity. Of course, we are cognizant of open meeting requirements and do not want to jeopardize our ability to work with the City.

We look forward to the opportunity to meet with the City Council in the near future. Please do not hesitate to contact our offices if you have any questions. Thank you for your attention to this matter.

Very truly yours,


Brandon R. Kurtzman, Esq.

BRK/tc



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Care Safety and Quality
Medical Use of Marijuana Program
99 Chauncy Street, 11th Floor, Boston, MA 02111

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

Tel: 617-660-5370
www.mass.gov/medicalmarijuana

Guidance for Municipalities Regarding the Medical Use of Marijuana
Updated August 2015

The following information is provided to assist municipalities in addressing questions related to the marijuana for medical use. Additional information is available on our website at mass.gov/medicalmarijuana or by contacting our support center at (617) 660-5370 or medicalmarijuana@state.ma.us.

Department of Public Health Regulations & Local Laws or Regulations

Role of Municipalities. The Department of Public Health Regulations, 105 CMR 725.000, et. seq. (the “Regulations”)¹ implementing the Humanitarian Medical Use of Marijuana Act, Ch. 369 of the Acts of 2012 (the “Act”)² recognize the role of municipalities in adopting local laws and regulations regarding uses related to marijuana for medical use that are appropriate for their community.

Local Option. The Department does not, however, mandate any involvement by municipalities or local boards of health in the regulation of registered marijuana dispensaries (“RMDs”), qualifying patients with hardship cultivation registrations, or any other aspects of marijuana for medical use. 105 CMR 725.600(B).

Compliance with Local Law. The Regulations require RMDs and all other persons registered with the Medical Use of Marijuana Program to comply with all local ordinances, bylaws and regulations. 105 CMR 725.600(A). Nothing in the Regulations will be construed to prohibit lawful local oversight and regulation that does not conflict or interfere with the operation of 105 CMR 725.000. 105 CMR 725.600(B). For example, 105 CMR 725.110(A)(11) requires that an RMD must “[e]nsure that trees, bushes, and other foliage outside of the RMD do not allow for a person or persons to conceal themselves from sight...” Local ordinances or bylaws may not require landscaping that would conflict with this provision.

The Attorney General’s Office has issued decisions regarding bylaws or ordinances that it believes to conflict with state law, including a bylaw attempted to prohibit RMDs, a bylaw requiring all registered qualified patients within a municipality to register with the municipality, bylaws requiring personal caregivers or anyone engaged in home cultivation to register with local officials who are not law enforcement personnel, bylaws requiring a special permit for home cultivation, bylaws limiting home cultivation to a particular area in the community, bylaws prohibiting home delivery, bylaws requiring buffer zones around home cultivation sites, and bylaws requiring RMDs to comply with federal law. For

¹ <http://www.mass.gov/cohhs/docs/dph/regs/105cmr725.pdf>

² <https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter369>

more information on the decisions of the Attorney General's Office regarding bylaws or ordinances regarding marijuana for medical use, please consult the website for the Attorney General's Office at <http://www.mlu.ago.state.ma.us/>.

Municipalities must use their best judgment in crafting local requirements, so as not to create a conflict with 105 CMR 725.000. When in doubt, the municipality should consult its Town Counsel or City Solicitor.

Buffer Zone. One opportunity for municipalities to exercise local control over the placement of RMDs in their community is the setting of a buffer zone. The Regulations, 105 CMR 725.110(A)(14), state:

A RMD shall comply with all local requirements regarding siting, provided however that if no local requirements exist, a RMD shall not be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate. The 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD.

The Department measures the distance from building to building rather than property line to property line. A facility is not, however, limited to a building. For example, a playground outside a school would be considered a facility where children congregate, so in that case the line would be measured from the edge of the playground to the nearest point of the building that would house the potential RMD. If a municipality enacts its local bylaw or ordinance regarding the buffer zone, it may also determine its own standard of measure.

The Department interprets a "facility in which children commonly congregate" to include facilities in which children are gathered for a particular purposes in a structured and scheduled manner or which are dedicated to the use of children, such as playgrounds, youth services programs, day care centers, youth sports facilities, dance schools, and gymnastic schools. It includes a private home housing a family day care center, but not a private home where children happen to live. It does not include other facilities, such as ice cream shops, where children may happen to congregate, but not in a structured, scheduled manner.

Municipalities may set their own buffer zone, but if they do not, the default buffer zone will be the 500 foot distance described in the Regulations.

Local Permitting. Municipalities are not required to wait for DPH to issue an RMD a Provisional Certificate of Registration before acting on local permit applications, but may elect to require an RMD to demonstrate that it has received such a registration first. Please note, however, that under the Regulations, 105 CMR 725.100(B)(5)(f), an RMD must submit architectural plans to the Department prior to construction or renovation of an RMD. Proceeding with construction or renovation without Department approval is done at the applicant's risk and any construction or renovation already performed may need to be changed at the applicant's expense.

Registered Marijuana Dispensaries

Vertically-Integrated System. In Massachusetts, the RMDs are required to be "vertically-integrated," which means RMDs grow and process their own marijuana, with limited exceptions, rather than purchasing marijuana from a supplier.

Non-Profit Requirement. Only an entity that is incorporated in Massachusetts as a non-profit corporation under M.G.L. c. 180 can apply to operate an RMD.

Retail v. Cultivation. An RMD may have a retail facility, as well as cultivation and processing operations. Some RMDs elect to do cultivation, processing and retail operations all in one location, which is commonly referred to as a “co-located” operation. An RMD may also choose to have a retail dispensary in one location and grow marijuana at a remote cultivation location. It may conduct the processing of the marijuana at either the retail dispensary location or the remote cultivation location. The remote cultivation location need not be in the same municipality or even the same county as the retail dispensary.

Multiple RMDs. A non-profit corporation may operate up to 3 RMDs. The retail dispensaries of one non-profit corporation may share a remote cultivation facility. Different non-profit corporations may not, however, share a remote cultivation facility with each other.

Amount of Marijuana. There is no specified numeric maximum amount that an RMD may have on its premises. The Regulations require that RMDs must limit their inventory of seeds, plants, and useable marijuana to reflect the projected needs of registered qualifying patients. 105 CMR 725.105(G)(1).

Number of RMDs per Municipality. It is up to a municipality to determine how many RMDs it deems appropriate for the community. The municipality may express that determination through granting or denying a request by an applicant for a letter of support or non-opposition. An RMD will not be permitted to proceed to the Inspections Phase if it has not obtained a letter of support or non-opposition.

Taxation. The Department of Revenue (“DOR”) has determined that the sales tax exemption for prescription medicine in G.L. c. 64H, § 6(I) applies to sales of marijuana and products containing marijuana to a qualifying patient or the patient’s personal caregiver pursuant to a written certification by a licensed physician. Any other supplies, educational materials or other items sold by the medical marijuana treatment center are subject to tax unless another exemption applies. For further information, please consult the DOR website: <http://www.mass.gov/dor/businesses/help-and-resources/legal-library/directives/directives-by-years/2015-directives/dd-15-1.html>; or consult your Town Counsel or City Solicitor for further information.

Other Activities at an RMD. An RMD is defined as a non-profit entity “that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.” An RMD is not a health care provider or a provider of general wellness services. Under the Regulations, 105 CMR 725.105(N)(7), an RMD may not sell any products other than marijuana, marijuana-infused products (MIPs), marijuana seeds, and other products such as vaporizers that facilitate the use of marijuana for medical purposes. RMDs may, however, conduct a patient education program in compliance with the Regulations, 105 CMR 725.105(K).

Hours of Operation. The Regulations do not specify particular hours of operation. Municipalities may set reasonable requirements in this regard.

Home Delivery. The Regulations permit, but do not require, home delivery to registered qualifying patients and personal caregivers within the Commonwealth.

Limitations on Entry. Only registered qualifying patients, personal caregivers, dispensary agents and authorized state and local officials may enter an RMD, with strictly limited exceptions.

Patient Choice. Qualifying patients may choose to purchase from different dispensaries from around the Commonwealth. RMDs are required to track purchases in the Medical Use of Marijuana Online

Registration System so that patients are not permitted to purchase more than the amount their physician has certified as appropriate for their debilitating medical condition.

Coordination with local law enforcement. The Regulations require RMDs to coordinate with local enforcement regarding panic alarms, providing hours of operation, after-hours contact information and access to RMD surveillance operations; as well as requiring dispensary agents to produce their Program ID Card to law enforcement upon request.

Certain issues must be reported to local law enforcement, often within 24 hours: diversion of marijuana; unusual discrepancies identified during inventory, theft, loss and any criminal action; unusual discrepancy in weight or inventory during transportation; any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport; any suspicious act involving the sale, cultivation, distribution, processing, or production of marijuana by any person; unauthorized destruction of marijuana; any loss or unauthorized alteration of records related to marijuana, registered qualifying patients, personal caregivers, or dispensary agents; an alarm activation or other event that requires response by public safety personnel; failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours; and any other breach of security.

Ongoing Inspections. The Department will conduct ongoing inspections of RMDs after they open, including scheduled and unscheduled inspections. If local officials encounter issues with an RMD, they should contact the Medical Use of Marijuana Program at (617) 66-5370 or RMDcompliance@state.ma.us.

Annual Registration Renewal. RMDs are required to renew their registration annually with the Department.

The RMD Application Process

Overview. DPH will evaluate the applications received on or after June 29, 2015 on a rolling basis, with priority given to the review of applicants proposing to site an RMD in an Open County. Each successful applicant will be notified that they are authorized to proceed to the Inspection Phase, during which they may seek all required local permits, and when authorized by their community, commence building out the RMD. The Inspections Phase also includes evaluation of documentation prepared in compliance with the Regulations and guidance provided by the Department regarding the operation of a nonprofit RMD. After passing all applicable local and state inspections, an RMD may receive a Final Certificate of Registration.

Role of Municipalities. Municipalities should determine what local permits or licenses may be required if a RMD wishes to locate there, and consult their Town Counsel or City Solicitor if there are any questions about the required process.

Proposed Locations. As part of the application process, an RMD applicant will submit an *Application of Intent*, a *Management and Operations Profile*, and a *Siting Profile* in sequential order. An applicant must be formally invited by the Department in writing in order to submit a *Management and Operations Profile* or *Siting Profile*. An RMD applicant does not inform the Department of their proposed RMD location(s) until the time of submission of the *Siting Profile*.

Letters of Support or Non-Opposition. RMDs may approach municipal officials to acquire letters of local support or non-opposition, which is required for the *Siting Profile* portion of the application. An RMD is required to obtain a letter of support or non-opposition from its host community before it will be

permitted to proceed to the Inspection Phase. In terms of the evaluation, there is no difference between a letter of support or a letter of non-opposition. Either letter will satisfy the requirement.

If the applicant is proposing a retail dispensary location and a remote cultivation facility, the applicant must submit a letter of support or non-opposition from both municipalities. This letter may be signed by (a) the Chief Executive Officer/Chief Administrative Officer, as appropriate, for the desired municipality; or (b) the City Council, Board of Alderman, or Board of Selectmen for the desired municipality. The applicant's choice of (a) or (b) should be done in consultation with the host community. Each letter requires that particular language be included in the letter, as provided in Section C of the *Siting Profile*. If the applicant and the host community choose (b), please note that the template language requires the signor to state that there was a vote to sign the letter taken at a duly noticed meeting and to identify the date of that meeting.

Notification of Municipality. After receiving an invitation to submit a *Management and Operations Profile*, the applicant must Notify the chief administrative officer, or equivalent, and chief of police, or equivalent, of the proposed city or town in which an RMD would be sited, if applicable, and the sheriff of the applicable county, of the intent to submit a *Management and Operation Profile* and a *Siting Profile*.

Municipal Approval Prior to Opening. Before an RMD can open, it must comply with all local rules, regulations, ordinances and bylaws, in addition to all applicable state laws.

Home Cultivation

Eligibility: The Regulations allow for home cultivation, also known as “hardship cultivation” when a qualifying patient meets at least one of three criteria:

- Verified financial hardship;
- Physical incapacity to access reasonable transportation;
- Lack of an RMD within a reasonable distance.
-

Until the Department announces the registration of home or hardship cultivators, qualifying patients and personal caregivers are permitted to engage in limited cultivation in compliance with the Regulations.

Where. Home cultivation may only occur at either the qualifying patient's or personal caregiver's primary residence, but not both.

How. Cultivation and storage must occur in an enclosed, locked area, not visible for the street or other public areas. Only an amount sufficient to provide the qualifying patient with a sixty day supply may be cultivated.

Online Registration System

Who. The Online Registration System provides online certification and registration for qualifying patients, as well as registration for physicians, personal caregivers and dispensary agents. Pediatric patients are registered through a paper process.

Accessible. The Online Registration System allows access for law enforcement 24 hours a day, 7 days a week.

Verification. The Online Registration System allows law enforcement to verify that an individual may legally possess marijuana.

Real-Time. The Online Registration System allows real-time updates of certification and registration information.

Secure. The Online Registration System has appropriate security and access limitations to protect sensitive or confidential information.

Additional Information. Further information regarding the Online Registration System may be found on the Medical Use of Marijuana Program website:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/hcq/medical-marijuana/patients-and-caregivers.html>.

Public Records

Protection of RMD Security Information. Municipalities may receive information about RMDs in the course of the local permitting process that may compromise the RMD if disclosed.

Municipalities may refer to exemption (n) to the definition of “public records” in M.G.L. c. 4, s. 7, which provides that the following are exempt from disclosure as public records:

“(n) records, including, but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66, is likely to jeopardize public safety.”

Municipalities should consult with their Town Counsel or City Solicitor regarding Public Records laws and use their best efforts to keep confidential any information that, if released, may jeopardize public safety.

9582

SEVEN POINT OF MASSACHUSETTS, INC.

March 9, 2016

City of Gardner
c/o Alan L. Agnelli, City Clerk
95 Pleasant St. - Room 125
Gardner, MA 01440

RECEIVED
2016 MAR 14 A 10:50
CITY CLERKS OFFICE
GARDNER, MA

RE: IMPACT OF "DISPENSARY" FACILITY IN GARDNER, MA

Dear Mr. Agnelli:

The purpose of this correspondence is to explain in greater detail the meaning of a Dispensary Only Facility ("DF") and its potential impact on the community of Gardner in regard to traffic, activity, safety, and security.

What is a Dispensary-Only Facility?

Pursuant to 105 CMR 725.100, Medical Marijuana Treatment Center means a not-for-profit entity, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible Marijuana Infused Products ("MIPs"), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

A DF will be devoted solely to retail distribution of medical marijuana and MIPs. Such retail distribution will be via patients visiting the DF and deliveries. Most all marijuana and MIPs delivered to the DF will be grown and/or manufactured at Seven Point's cultivation facility which is planned to be in Ayer. It's possible some deliveries may come from other cultivators as well via secure vehicles.

Who will have access to the DF?

Access to the DF will be strictly limited to the minimum number of Seven Point employees essential for efficient operations in addition to registered patients with an active medical marijuana card. Access will also be available anytime to local regulatory and health officials, local law enforcement officials, security personnel, and the Massachusetts Department of Public Health ("DPH").

We expect to employ six to twelve full or part time employees to operate the DF. This may increase in subsequent years based on volume of sales. All employees are required to undergo background checks and be certified/registered by the DPH pursuant to 105 CMR 725.030.

All outside vendors, contractors, and visitors must obtain a visitor identification badge prior to accessing the DF, and shall be escorted at all times by a dispensary agent authorized to enter the DF. The visitor identification badge must be visibly displayed at all times while the visitor is in the DF. All visitors will be logged in and out, and that log shall be available for inspection by the DPH and local authorities at all times. All visitor identification badges shall be returned to the DF upon exit.

What will the exterior of the DF look like?

The exterior of the building may remain the same or could possibly be redone and will have a clean aesthetically pleasing appearance. The appearance of the exterior will be evaluated by management if/when Seven Point receives a conditional registration by DPH for its proposed Gardner dispensary. There will be nothing on the

SEVEN POINT OF MASSACHUSETTS, INC.

the building, all entrances and exits, and the parking facility. The building will be well-maintained and landscaped throughout the year. We have attached as part of our presentation materials a picture of the proposed property for your review on page 9.

How will the DF affect traffic in the area?

We do not expect the DF to have any increased impact on traffic in Gardner. The amount of traffic will be the same or less than any other business with a comparable number of employees operating in the same space. As previously mentioned, access to the DF will be limited to essential employees, patients and caregivers with medical cannabis cards ("Program Cards") and local and state law enforcement and regulatory officials.

As a comparison, a traffic study was conducted for an applicant who is opening a RMD with cultivation and retail in Quincy, Massachusetts and it was determined that there would not be an adverse impact on traffic in Quincy, even with the additional patient traffic. That applicant was granted a special permit by the Zoning Board of Appeals in Quincy.

What kind of activity can we expect around the DF?

The activity around the DF will be limited to employees, patients, patient caregivers with medical marijuana cards, ("Program Cards") and state and local inspectors. Employees will work in shifts, with the majority during the day, and fewer at night. Additionally, the DF will receive scheduled deliveries from our cultivation facility via secure transport vehicles.

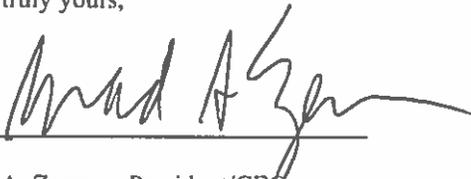
Pursuant to 105 CMR 725.110, we will ensure that marijuana is: (a) transported in a secure, locked storage compartment that is part of the vehicle transporting the marijuana, whether from our cultivation facility to our dispensaries or from our cultivation facility and DF to registered patients; (b) not visible from outside the vehicle; and (c) transported in a vehicle that bears no markings that indicate that the vehicle is being used to transport marijuana nor indicates the name of the RMD.

Will there be noise, odors and lights from the DF?

If necessary, we will use carbon air filters to prevent odors related to the cannabis from escaping the DF. We do not anticipate this will be necessary though. The activities at the DF will not create any significant noise. Any offsite lumens from the parking lot will meet code.

For your information and review, I have attached DPH guidelines for writing a letter of support or non-opposition for an RMD. Please do not hesitate to contact us with any additional questions regarding Seven Point of Massachusetts, Inc. or the Medical Use of Marijuana Program.

Very truly yours,



Brad A. Zerman, President/CEO

Enclosures: Seven Point collateral materials

SECTION C: LETTER OF SUPPORT OR NON-OPPOSITION

Attach a letter of support or non-opposition, using one of the templates below (Option A or B), signed by the local municipality in which the applicant intends to locate a dispensary. The applicant may choose to use either template, in consultation with the host community. If the applicant is proposing a dispensary located and a separate cultivation/processing location, the applicant must submit a letter of support or non-opposition from both municipalities. This letter may be signed by (a) the Chief Executive Officer/Chief Administrative Officer, as appropriate, for the desired municipality; or (b) the City Council, Board of Alderman, or Board of Selectmen for the desired municipality. The letter of support or non-opposition must contain the language as provided below. The letter must be printed on the municipality's official letterhead.

Template Option A: Use this language if signatory is a Chief Executive Officer/Chief Administrative Officer
I, [Name of person], do hereby provide [support/non-opposition] to [name of non-profit organization] to operate a Registered Marijuana Dispensary ("RMD") in [name of city or town].
I have verified with the appropriate local officials that the proposed RMD facility is located in a zoning district that allows such use by right or pursuant to local permitting.

Name and Title of Individual

Signature

Date

Template Option B: Use this language if signatory is acting on behalf of a City Council, Board of Alderman, or Board of Selectman
The [name of council/board], does hereby provide [support/non-opposition] to [name of non-profit organization] to operate a Registered Marijuana Dispensary in [name of city or town]. I have been authorized to provide this letter on behalf of the [name of council/board] by a vote taken at a duly noticed meeting held on [date].

The [name of council/board] has verified with the appropriate local officials that the proposed RMD facility is located in a zoning district that allows such use by right or pursuant to local permitting.

Name and Title of Individual (or person authorized to act on behalf of council or board) (add more lines for names if needed)

Signature (add more lines for signatures if needed)

Date

Information on this page has been reviewed by the applicant, and where provided by the applicant, is accurate and complete, as indicated by the initials of the authorized signatory here: _____

9595

AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER,
CLERK.

ORDERED:

That there be and is hereby appropriated the sum of Four Thousand Five Hundred
Forty-four Dollars and No Cents (\$4,544.00) from Sewer Surplus to Sewer, Clerk.

9595

CITY OF GARDNER
Department of Public Works

RECEIVED

Highway
Water
Sewer
Forestry
Parks/Playgrounds
Cemeteries

2016 FEB 16 P 2: 11
CITY CLERKS OFFICE
GARDNER, MA



Dane E. Arnold, Director
416 West Broadway
Gardner, MA 01440-2687
Telephone (978) 632-7661
Fax (978) 630-4029
darnold@gardner-ma.gov

Mayor Mark P. Hawke
City Hall
95 Pleasant Street
Gardner, MA 01440

RE: Sewer Clerk

January 26, 2016

Dear Mayor Hawke:

I am requesting **\$4,544** from available **Sewer Surplus** for the **(61440-51013) Clerk in Sewer Department**. This position existed and had a part-time employee working in the Utility Billing Office. The employee left at the end of the Fiscal Year and an existing full-time employee within City Hall took the position.

Sincerely,

Dane E. Arnold, Director
Department of Public Works

PC: Public Service Committee
John Richard, City Auditor

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

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 Schedule 2 – Compensation Schedule and replacing it to read as follows:

A. DEPARTMENT HEADS

Position	Grade		07/01/15		01/01/16	
			Annual	Weekly	Annual	Weekly
Building Commissioner	G-10		\$72,287.27	\$1,390.14	\$73,644.00	\$1,416.23
Chief of Police	G-13		\$90,730.00	\$1,744.81	\$92,498.00	\$1,778.81
City Assessor	G-9		\$63,781.00	\$1,226.56	\$67,568.00	\$1,299.38
City Auditor	G-10		\$75,027.41	\$1,442.83		
City Clerk	G-10		\$72,287.27	\$1,390.14	\$73,644.00	\$1,416.23
City Collector/Treasurer	G-10		\$77,706.96	\$1,494.36		
City Engineer	G-11		\$93,248.55	\$1,793.24		
City Solicitor	G-10		\$74,491.70	\$1,432.53		
Council on Aging Director	G-8		\$50,814.00	\$977.19	\$52,179.00	\$1,003.44
Director of Community Development & Planning	G-10	City	\$60,825.00			
		GRA	\$20,556.00			
		CDBG	\$4,283.00			
		Total Compensation	\$85,664.00	\$1,647.38		
Director of Local Origination & Educational Planning	G-6		\$57,846.66	\$1,112.44		
Director of Public Health	G-10		\$75,027.41	\$1,442.83		
Fire Chief	G-13		\$85,009.00	\$1,634.79	\$87,487.00	\$1,682.44
Golf Course Driving Range/Superintendent	G-9		\$70,740.67	\$1,360.40		
Human Resources Director	G-11		\$77,645.00	\$1,493.17	\$80,263.00	\$1,543.52
Information Technology Director	G-10	City	\$44,304.21			
		School	\$43,652.68			
		Total	\$87,956.89	\$1,691.48		
Library Director	G-10		\$72,287.27	\$1,390.14		
Public Works Director	G-12		\$92,470.75	\$1,778.28		
Purchasing Agent/Civil Enforcement Director	G-10		\$70,406.31	\$1,353.97	\$71,144.00	\$1,368.15
Veterans' Director	G-6		\$53,591.00	\$1,030.60		

B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS

Position	Grade	07/01/15			07/01/16		
		Annual	Weekly	Hourly	Annual	Weekly	Hourly
Executive Secretary	G-4	\$43,402.00	\$834.65	\$22.56	\$43,932.00	\$844.85	\$22.83
Assistant City Clerk	G-4	\$39,476.00		\$20.52	\$40,299.00		\$20.95
Assistant City Engineer	G-8	\$59,585.00	\$1,145.87		\$61,993.00	\$1,192.17	

Position	Grade	07/01/15			07/01/16		
		Annual	Weekly	Hourly	Annual	Weekly	Hourly
Assistant City Solicitor	G-3	\$41,175.03	\$791.83				
Assistant Director of Community Development	City	\$3,198.00					
	G-7 CDBG	\$60,754.00					
	Total	\$63,952.00	\$1,229.85				
Assistant Director of Public Health	G-5	\$49,306.40	\$948.20				
Assistant Library Director	G-6	\$53,972.18	\$1,037.93				
Deputy Chief of Police	G-11	\$77,645.00	\$1,493.17		\$80,263.00	\$1,543.52	
Economic Development Coordinator	City	\$46,480.00					
	G-7 Other	\$10,520.00					
	Total	\$57,000.00	\$1,096.15				
GIS Technician	G-5	\$48,231.90	\$927.54				
Golf Professional	G-6	\$1,183.67	Weekly				
Golf Pro Manager	G-6	\$1,020.00	Weekly				
Local Inspector	G-6	\$55,734.85	\$1,071.82				
Producer	G-2	\$43,841.01	\$843.10				
Senior Animal Control Officer	G-2	\$37,513.70	\$721.42				
Systems Manager	G-6	\$58,950.00	\$1,133.65				
Electrical Inspector	G-6			\$28.97			
Plumbing Inspector	G-6			\$25.89		\$27.12	
Transfer Station Supervisor	G-3			\$20.48			
Conservation Agent	G-6	\$27.29					
Planning Agent	G-6	\$29.37					
		Annual	Monthly				
Civil Defense Director		\$8,473.40	\$706.12				
Sealer of Weights & Measures		\$8,629.99	\$719.17				

C. NON-UNION STAFF POSITIONS

Position	07/01/15			07/01/16		
	Annual	Weekly	Hourly	Annual	Weekly	Hourly
Animal Control Officer	\$29,160.00	\$560.77	\$14.02	\$31,000.00	\$596.15	\$14.90

Section 2. This Ordinance shall be effective July 1, 2015.



**CITY OF GARDNER
MASSACHUSETTS 01440**

OFFICE OF THE
CITY CLERK

ALAN L. AGNELLI, City Clerk
TITI SIRIPHAN, Asst. City Clerk
95 Pleasant Street, Room 121
Tel (978) 630-4058
Fax (978) 630-2589

CITY OF GARDNER
NOTICE OF JOINT PUBLIC HEARING

Pursuant to the provisions of Section 5 of Chapter 40A of the General Laws, notice is hereby given that the Gardner City Council and Planning Board will conduct a Joint Public Hearing on Tuesday, April 19, 2016 at 6:30 P.M. in the City Council Chamber, Room 219, Gardner City Hall to consider amending the Code of the City of Gardner, Chapter 675, Zoning, by adding new Section 675-590, Mill Street Corridor Development Overlay District. The proposed Amendment is available for viewing in the City Clerk's Office, the Department of Community Development & Planning (DCDP), or on the City's website – www.gardner-ma.gov. All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

GARDNER CITY COUNCIL
ALAN L. AGNELLI, City Clerk

ORDINANCE

1 AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675
2 THEREOF, ENTITLED "ZONING," TO ADD A NEW SUBSECTION 675-590. MILL
3 STREET CORRIDOR DEVELOPMENT OVERLAY DISTRICT.

4
5 Be it ordained by the City Council of the City of Gardner, as follows:
6

7 Section 1. Chapter 675 is hereby amended to add a new subsection 675-590, Mill Street Corridor
8 Development Overlay District, as follows:

9 **A. Purpose**

10 To encourage commercial and industrial development and increase redevelopment options, in the
11 Mill Street Corridor Urban Renewal Area (MSCURA), to provide local employment and
12 enhance the tax base while protecting surrounding neighborhoods from land use conflicts.
13 Redevelopment options will be consistent with city-wide growth and development policies
14 within economically stressed areas within the MSCURA by providing for additional uses as a
15 matter of right and altering dimensional requirements.

16 **B. Scope of Authority**

- 17 1. The Mill Street Corridor Development Overlay District (MSCDOD) shall only be applied
18 over all parcels that are included in the Mill Street Corridor Urban Renewal Area.
19
- 20 2. Any use permitted by right or Special Permit in the underlying districts, as provided for by
21 this Ordinance, shall continue to be permitted in addition to all other uses permitted by the
22 MSCDOD.
23
- 24 3. Site plan review. All developments proposed for MSCDOD shall undergo site plan review in
25 accordance with § 675-1020. Site Plan Review, shall apply to any new structure or group of
26 structures under the same ownership on the same or contiguous lots that consist of 2,500
27 square feet or more of gross floor area; or any improvement, alteration, or change in use
28 which results in an increase of 2,500 square feet or more of gross floor area.

ORDINANCE

29
30 4. Waivers. The Planning Board may modify or waive any requirement of the overlay district
31 upon finding that, due to topography, location, or unusual conditions affecting the property,
32 the requirements of this section would unreasonably restrict development of the property. In
33 modifying or waiving these provisions, the Planning Board may impose conditions it deems
34 necessary to protect the public interest and promote the orderly development of the corridor.

35 **C. Designation of Mill Street Corridor Development Overlay District**

36 Designation is limited to parcels that are included in the Mill Street Corridor Urban Renewal
37 Area due to the areas economic stress. Criteria for measuring economic stress include vacancy
38 rates, incidences of arson, declining property values, building code violations, property tax
39 delinquencies and inclusion in ongoing revitalization efforts.

40 **D. Additional Uses**

- 41 1. Properties included in the MSCDOD shall be permitted for the following uses as a matter of
42 right:
- 43 a. Library, museums, art gallery or civic center.
 - 44 b. Country or tennis club, lodge building or other non-profit social, civic, conservation or
45 recreational use.
 - 46 c. Professional Office and Retail Store, regardless of square footage.
 - 47 d. Restaurant, fast food, including appurtenant structures to provide drive-through or drive-
48 in services.
 - 49 e. Restaurant serving food or beverages with live or mechanical entertainment.
 - 50 f. Indoor amusement or recreation place of assembly provided that the building is so
51 insulated and maintained as to confine noise to the premises.
 - 52 g. Commercial clubs and/or recreational establishments such as swimming pools, tennis
53 courts, ski clubs, camping areas, skating rinks or other commercial facilities offering
54 outdoor recreation.

ORDINANCE

55 **E. Dimensional Requirements**

- 56 1. Any new structure, substantial improvement or alternative to an existing structure involving
57 more than 50 percent of that structure's gross floor area shall be subject to the following:
- 58 a. Minimum lot size: 60,000 square feet
 - 59 b. Minimum frontage: none
 - 60 c. Front yard setback: none
 - 61 d. Side yard setback: 10 feet; or none if abuts commercial or industrial use
 - 62 e. Rear yard setback: 20 feet; or 40 feet if abuts residential zone
 - 63 f. Maximum building height: 5 stories or 60 feet
 - 64 g. Maximum building coverage including accessory buildings 65%

- 65
- 66 2. Improvements or alterations to an existing structure involving less than 50 percent of that
67 structure's gross floor area shall not be subject to dimensional requirements, except that the
68 minimum lot size shall not be less than 60,000 square feet and the structure shall not expand
69 in terms of percentage of lot coverage, and side and rear setbacks shall be met.

70

71 **F. Design and Preservation Standards**

- 72
- 73 1. The provisions of § 675-750, Schedule of Parking Uses; loading areas shall apply unless
74 superseded by the following standards.

75

76 **Parking Requirements MSCDOD:**

77

78 Use	Parking Spaces Required
79 Retail Store	1 space per 250 square feet gross floor area
80	
81 Business or professional office	1 space per 300 square feet gross floor area

82

ORDINANCE

83 Restaurant, lodge or club, or other place of 1 space per 4 seats plus 1 space per
84 assembly employee, or 1 space per 75 square feet of
85 assembly area

86
87 Library, museum, art gallery, civic center, or 2 spaces per 1,000 square feet gross floor
88 Recreational facilities area

89
90 Outdoor recreation 1 space per 1,000 square feet of recreational
91 land area

92

93 2. Parking Lot Design

94 a. The provisions of § 675-770, Design requirements for parking lots, facilities, and drive-
95 throughs shall apply unless superseded by the following standards.

96

97 b. Sidewalks and pedestrian paths shall connect the lots to the principal uses they will serve.
98 Facilities and access routes for deliveries, service and maintenance shall be separated,
99 where practical, from public access routes and parking areas. Car stops shall be provided
100 to prevent parked cars from damaging trees and shrubs or disrupting pedestrian
101 walkways.

102

103 c. The Planning Board may modify the above requirements for any interior landscaped
104 areas or islands that serve as vegetated swales or bioretention cells.

105

106 3. Lighting and utilities.

107 a. All lighting shall be arranged and shielded so as to prevent direct glare from the light
108 source into any public street or private way or onto adjacent property. Lighting shall
109 comply with § 675-770B, Lighting and landscaping requirements, Subsection B(4), and
110 § 675-1020F, development impact standards.

111

ORDINANCE

- 112 b. All lights and illuminated signs shall be designed to prevent objectionable light and glare
113 from crossing property lines. Externally lit signs, display, building and aesthetic lighting
114 must be lit from the top and shine downward.
115
- 116 c. All electric, telephone, television and other communication lines, both main and service
117 connections, shall be provided by underground wiring.
118
- 119 4. Complete Streets - Whenever a development within the MSCDOD fronts a public way,
120 Complete Streets design principles consistent with the Timpany Boulevard Complete Streets
121 Study, dated June 2015, shall be incorporated into the design.
122
- 123 5. Projects shall take into consideration the preservation of sensitive natural features including
124 streams and water bodies. Development shall preserve the natural features of the site, avoid
125 areas of environmental sensitivity, and minimize alteration of natural features. If appropriate
126 walking and hiking trails should be incorporated into the development to enhance walkability
127 within the development.
128
- 129 6. Bicycle accommodation.
- 130 a. Bicycle parking facilities shall be provided for any new building, addition or enlargement
131 of an existing building, or for any change in the occupancy of any building that results in
132 the need for additional vehicular parking facilities. One bicycle space shall be provided
133 for every 10 vehicle parking spaces, up to a maximum of 25 spaces.
134
- 135 b. Parking for bicycles shall include provision for secure storage of bicycles. Such facilities
136 shall provide lockable enclosed lockers or racks or equivalent structures in or upon which
137 the user may lock a bicycle.
138
- 139 c. Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas
140 to protect parked bicycles from damage by motor vehicles. The separation may be

ORDINANCE

141 accomplished through grade separation, distance or physical barrier, such as curbs, wheel
142 stops, poles or other similar features.

143
144 d. Bicycle parking facilities shall be located in a clearly designated safe and convenient
145 location. Whenever possible, the bicycle parking shall be placed within 50 feet of
146 building entrances and in well-lit areas.

147

148 7. Landscaping and screening.

149 a. A registered landscape architect shall prepare a landscape plan drawn to scale, including
150 dimensions and distances. The plan shall delineate all existing and proposed parking
151 spaces or other vehicle areas, access aisles, driveways, and the location, size and
152 description of all landscaping materials and tree cover.

153 b. Loading areas and service facilities (dumpsters, storage areas, utility boxes, etc.) shall be
154 placed to the rear of buildings in visually unobtrusive locations. Screening and
155 landscaping shall prevent direct views of such areas from adjacent properties or from
156 public ways. Screening shall be achieved through walls, fences, landscaped berms,
157 evergreen plantings, or combinations thereof. Fences made of wood, stone, or brick are
158 preferred.

159 c. Heating, ventilating and air-conditioning (HVAC) units, telephone boxes, electrical
160 transformers, etc., shall be screened through use of landscaping, berms, or fences and
161 shall be as unobtrusive as possible. Heating, ventilating and air-conditioning (HVAC)
162 units may be located behind roof ridgelines so they are not visible from the front view of
163 the building.

164 d. When a proposed development abuts a residential district, whether presently developed or
165 not, landscaped buffers shall be employed to shield the residential property from view of
166 the proposed development and to minimize lighting and noise impacts. Such a buffer
167 shall contain a screen of plantings not less than three feet in width and six feet in height at
168 the time of planting and shall thereafter be maintained by the owner or occupant so as to
169 provide a dense screen year round. At least 50% of the plants shall consist of evergreens.

ORDINANCE

170 A solid wall or fence, not to exceed six feet in height, complemented by suitable
171 plantings, may be substituted for such landscaped buffers.

172

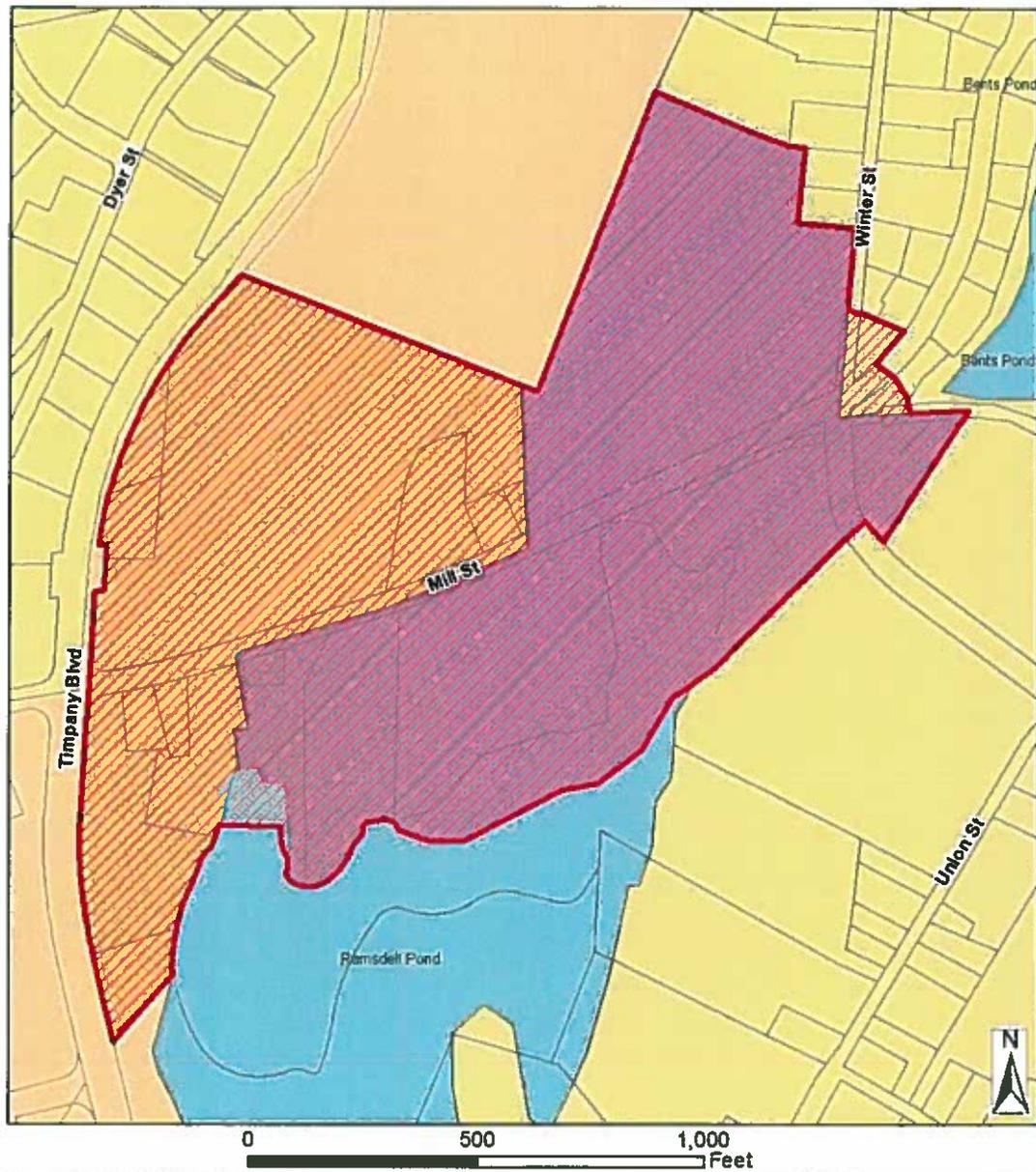
173 8. Architectural standards.

174 a. The site plan application shall contain elevations of all proposed buildings, prepared by a
175 licensed architect.

176 b. Exterior materials for the front façade and any sides of buildings fronting on public
177 streets may include clapboard, wood shingles, stone, brick, textured or coated concrete
178 block, textured or coated precast concrete, or materials of comparable appearance as
179 approved by the Planning Board. Applicants are encouraged to use green building
180 technologies and materials, wherever possible, to limit environmental impacts.

181 c. Architectural focal points. In any development with 10,000 square feet or more of retail
182 use, the principal building on a lot shall have clearly defined, highly visible customer
183 entrances featuring at least two of the following: canopies or porticos; overhangs;
184 recesses/projections; raised corniced parapets over the door; peaked roof forms; arches;
185 outdoor patios; display windows; and planters or wing walls that incorporate landscaped
186 areas and/or places for sitting.

Figure E-2: Proposed Zoning



Legend		Proposed Zoning	
	Proposed Urban Renewal Boundary		General Business
	Roads		Industrial
	Parcels		Single Family Residential 5,000-14,999 sq. ft.
	Gardner Water Bodies		Mill Street Urban Renewal Overlay District



**CITY OF GARDNER
MASSACHUSETTS 01440**

OFFICE OF THE
CITY CLERK

ALAN L. AGNELLI, City Clerk
TITI SIRIPHAN, Asst. City Clerk
95 Pleasant Street, Room 121
Tel (978) 630-4058
Fax (978) 630-2589

**CITY OF GARDNER
NOTICE OF JOINT PUBLIC HEARING**

Pursuant to the provisions of Section 5 of Chapter 40A of the General Laws, notice is hereby given that the Gardner City Council and Planning Board will conduct a Joint Public Hearing on Tuesday, April 19, 2016 at 6:30 P.M. in the City Council Chamber, Room 219, Gardner City Hall to consider amending the Code of the City of Gardner, Chapter 675, Zoning, Section 675-970, Signs Permitted in Commercial and Industrial Districts, Perpendicular Signs, and Section 675-980, Special Regulations for Signs in Historic Areas, Perpendicular Signs. The proposed Amendment is available for viewing in the City Clerk's Office, the Department of Community Development & Planning (DCDP), or on the City's website – www.gardner-ma.gov. All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

**GARDNER CITY COUNCIL
ALAN L. AGNELLI, City Clerk**

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



RECEIVED
2016 FEB 2 PM 1 43

CITY CLERK'S OFFICE
GARDNER MA

February 2, 2016

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

Subject: Zoning Amendment – PERPENDICULAR SIGNAGE

Dear President Walsh:

The Planning Board voted at its meeting on October 13, 2015 to recommend that the City Council consider adopting the subject zoning amendment to the City of Gardner Code, Subsection 675-970, Signs Permitted in Commercial or Industrial Districts, and Subsection 675-980, Special Regulations for Signs in Historic Areas as follows:

Proposed amendment to Subsection 675-970, Signs Permitted in Commercial or Industrial Districts, by adding the following:

G. Perpendicular signs. One projecting, or perpendicular sign, may be erected within five feet of the business's entrance and must be erected no less than ten (10) feet from the ground level, at the base of the building above a sidewalk to the bottom of the sign, so long as public safety is not endangered, and no more than twenty (20) feet from the ground level to the top of the sign. Such sign shall not extend above the building, nor be more than eight (8) square feet in area and, when combined with any existing alternative signage, shall not exceed a total of eighty (80) square feet. All perpendicular signs must be externally lit from the top and shine downward.

Proposed amendment to Subsection 675-980, Special Regulations for Signs in Historic Areas by adding the following:

G. Perpendicular signs. One projecting, or perpendicular sign, may be erected within five feet of the business's entrance and must be erected no less than ten (10) feet from the ground level at the base of the building above a sidewalk to the bottom of the sign, so long as public safety is not endangered, and no more than twenty (20) feet from the ground level to the top of the sign. Such sign shall not extend above the building, nor be more than eight (8) square feet in area and, when combined with any existing alternative signage, shall not exceed a total of forty (40) square feet. All perpendicular signs must be externally lit from the top and shine downward.

Recently there have been a number of inquiries from local businesses that have an interest in erecting a perpendicular sign for their respective business; however, since perpendicular signs are not allowed under our current zoning, the proponents would need to seek a variance from the Zoning Board of Appeals. The timeliness, cost, and uncertainty of this process discourages many businesses from pursuing it further. Since this type of signage can be aesthetically pleasing and consistent with the character of our commercial and industrial areas, the Planning Board is proposing this amendment. Copies of the Subsections with the proposed amendments are attached for your information. The Planning Board requests that the City Council schedule a joint public hearing on the proposed amendment at your earliest convenience.

The Planning Board looks forward to joining the City Council for a public hearing regarding the subject zoning amendment. Please feel free to contact the Director of Planning and Community Development, Trevor Beauregard, at 978-630-4014 or tbeauregard@gardner-ma.gov if you have any questions or need additional information.

Sincerely,


Allen L. Gross
Chairman 

- C: Trevor M. Beauregard, Director
- Jeffrey Cooke, Building Commissioner
- Raymond F. LaFond, Zoning Board of Appeals

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2016 FEB 2 PM 1 43
CITY CLERK'S OFFICE
GARDNER, MA

675-970. Signs permitted in commercial or industrial districts.

Any principal use permitted in the commercial or industrial districts may erect a sign or signs subject to the following:

- A. **Wall sign or individual letter sign.** A wall sign or individual letter sign shall not exceed four feet in height. A wall sign or individual letter sign on the exterior wall of the first floor of a building shall not exceed in area two square feet for each linear foot of the wall or 80 square feet, whichever is less. The length of signs of businesses occupying other than the first floor of a building shall not exceed six feet. No portion of a wall sign or individual letter sign shall project more than one foot from the face of the wall or above the wall of any building. In no case shall a sign project above a parapet wall. A business may divide the entire display area permitted herein into separate wall signs or individual letter signs, provided that the maximum height of each separate sign does not exceed the maximum height permitted herein and the sum of the aggregate width and area of each separate sign does not exceed the maximum permitted herein.
- B. **Secondary signs.** If a business has a direct entrance into the business in a wall other than the front wall, there may be a secondary sign affixed to such wall, and if a business has a wall, other than the front wall, that faces upon a street or parking area, there may be a secondary sign affixed to such a wall; provided, however, that no business shall have more than two secondary signs in any event. This display area of all secondary signs shall not exceed one square foot for each linear foot of the walls or 40 square feet, whichever is less.
- C. **Directory signs.** One exterior directory sign listing the name and location of the occupants of the premises may be erected on the exterior wall or pole of a building at each entrance or other appropriate location, provided that the display area shall not exceed one square foot for each occupant identified on the directory sign.
- D. **Directional signs.** Directional signs may be erected near a street, driveway, or parking area if necessary for the safety and direction of vehicular or pedestrian traffic. The display area of each directional sign shall not exceed two square feet, and no directional sign shall be located more than six feet above the ground level if mounted on a wall of a building or more than 3 1/2 feet above the ground if freestanding. Directional signs shall not advertise, identify, or promote any product, person, premises, or activity but may identify the street name/number and provide directions.
- E. **Freestanding business signs.** One freestanding business sign which identifies only the name of a business center or a business may be erected on a lot. The display area of a freestanding business sign shall not exceed 50 square feet and the height shall not exceed 15 feet, with a maximum seven feet six inches clearance above the grade.

- F. Awning signs. Awning signs are permitted, provided that sign lettering does not occupy more than 30% of the awning area. Awnings must be placed at a minimum of seven feet six inches from the surface of the sidewalk.
- G. *Perpendicular signs. One projecting, or perpendicular sign, may be erected within five feet of the business's entrance and must be erected no less than ten (10) feet from the ground level, at the base of the building above a sidewalk to the bottom of the sign, so long as public safety is not endangered, and no more than twenty (20) feet from the ground level to the top of the sign. Such sign shall not extend above the building, nor be more than eight (8) square feet in area and, when combined with any existing alternative signage, shall not exceed a total of eighty (80) square feet. All perpendicular signs must be externally lit from the top and shine downward.*

675-980. Special regulations for signs in historic areas.

Signs erected in duly authorized historic districts and signs erected on sites listed on the National Historic Register or the State Register of Historic Places shall comply with the following requirements:

- A. Signs shall be designed to complement the historic character of the district or site. No sign shall obscure contributing architectural features of historic structures, including but not limited to cornices, lintels, transoms, windows, and doors.
- B. Wall sign or individual letter sign. A wall sign or individual letter sign shall not exceed four feet in height. A wall sign or individual letter sign on the exterior wall of the first floor of a building shall not exceed in area one square foot for each linear foot of the wall or 40 square feet, whichever is less. The length of signs of businesses occupying other than the first floor of a building shall not exceed six feet. No portion of a wall sign or individual letter sign shall project more than one foot from the face of the wall or above the wall of any building. In no case shall a sign project above a parapet wall. A business may divide the entire display area permitted herein into separate wall signs or individual letter signs, provided that the maximum height of each separate sign does not exceed the maximum height permitted herein and the sum of the aggregate width and area of each separate sign does not exceed the maximum permitted herein.
- C. Secondary signs. If a business has a direct entrance into the business in a wall other than the front wall, there may be a secondary sign affixed to such wall, and if a business has a wall, other than the front wall, that faces upon a street or parking area, there may be a secondary sign affixed to such a wall; provided, however, that no business shall have more than two secondary signs in any event. The display area of all secondary signs shall not exceed one square foot for each two linear feet of walls or 30 square feet, whichever is less.
- D. Awnings. Awning signs are permitted, provided that sign lettering does not occupy more than 20% of the awning area. Awnings must be placed a minimum seven feet six inches from the surface of the sidewalk.
- E. Commodity/trademark signs. Such signs are prohibited in historic districts and on historic structures.
- F. Freestanding business sign. One freestanding business sign which identifies only the name of a business center or a business may be erected on a lot, provided that no other sign(s) permitted under this chapter other than directory or directional signs shall be on the same lot. The display area of a freestanding business sign shall not exceed 20 square feet and the height shall not exceed six feet six inches, with a maximum three feet six inches clearance above the grade.

- G. Perpendicular signs. One projecting, or perpendicular sign, may be erected within five feet of the business's entrance and must be erected no less than ten (10) feet from the ground level at the base of the building above a sidewalk to the bottom of the sign, so long as public safety is not endangered, and no more than twenty (20) feet from the ground level to the top of the sign. Such sign shall not extend above the building, nor be more than eight (8) square feet in area and, when combined with any existing alternative signage, shall not exceed a total of forty (40) square feet. All perpendicular signs must be externally lit from the top and shine downward.**

Amended page
9570

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CITY OF GARDNER
SURVEY DEPARTMENT

Room 226, City Hall - Gardner Ma 01440-2688

2016 APR 15 A 9:11
CITY CLERKS OFFICE
GARDNER MA

Robert B. Hankinson, P.E.
City Engineer

Tel: (978) 630-4010
FAX: (978) 630-4896



April 14, 2016

Re: Amended John Street Discontinuance

Dear Mayor Hawke and James M. Walsh Esq.,

As a result of input received at the public hearing held on Monday April 4th regarding the John Street discontinuance, I would like to offer the attached amended discontinuance. The amended order attached if approved, would only discontinue the portion of John Street between Pleasant Street and the Route 2 right of way. By discontinuing this 334 foot roadway, we will eliminate the confusion over the existence of two John Streets within the City and provide the two abutting Pleasant Street properties with a driveway that enhances their property value.

The remaining portion of John Street would not change status as an accepted City Street. This proposed change removes a portion of John Street from the original discontinuance order.

Thank you for your consideration.

Very truly yours,

Robert B. Hankinson, P.E.
City Engineer

Cc: Alan Agnelli, Clerk, Titi Siriphan, Asst. Clerk



- Subject Road
- Abutters
- ▭ Parcels
- Road Centerlines

JOHN STREET

CITY OF GARDNER
95 Pleasant Street
Gardner, MA 01440

0 37.5 75

Feet

Data Sources
City of Gardner Engineering,
Office of Geographic and
Environmental Information (MassGIS),
Commonwealth of Massachusetts, EDA

9572 - R

**DISCONTINUING AS A PUBLIC WAY
JOHN STREET FROM PLEASANT STREET
TO THE ROUTE 2 RIGHT OF WAY**

WHEREAS: In the opinion of City Council of the City of Gardner, a certain parcel of land known as John Street running between Pleasant Street and Route 2 is in excess of the City's current and future needs, it is therefore;

ORDERED: The portion of John Street from Pleasant Street running east 334 feet to the layout of Route 2 (as laid out and accepted as a Town road in 1881 and in 1921) be discontinued as a public way, with the following conditions:

The City and Others shall retain existing easement rights in and over the parcel for maintenance of utilities and access. Abutting property owners shall have a right-of-way over the discontinued way to or from their property to the nearest or most accessible roadway.

The parcel as described contains approximately 4,300 square feet.

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2016 APR 12 P 1:31

CITY CLERKS OFFICE
GARDNER, MA

CITY OF GARDNER

SURVEY DEPARTMENT

Room 226, City Hall - Gardner Ma 01440-2688

Robert B. Hankinson, P.E.
City Engineer

Tel: (978) 630-4010
FAX: (978) 630-4896



April 12, 2016

Dear Mayor Hawke,

As a result of input received at the public hearing held on Monday April 4th regarding the John Street discontinuance, I would like to offer the attached amended discontinuance. The amended order if approved would only discontinue the portion of John Street between Pleasant Street and the Route 2 right of way. By discontinuing this 334 foot roadway, we will eliminate the confusion over the existence of two John Streets within the City and provide the two abutting Pleasant Street properties with a driveway that enhances their property value.

The remaining portion of John Street would not change status as an accepted City Street.

Thank you for your consideration.

Very truly yours,

Robert B. Hankinson, P.E.
City Engineer

Cc: Alan Agnelli, Clerk, Titi Siriphan, Asst. Clerk

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2016 APR 12 P 1:30
CITY CLERKS OFFICE
CITY OF GARDNER, MA

9573

PRESIDENT
James M. Walsh, Esq.
COUNCILLORS AT LARGE
James S. Boone
Craig R. Cormier
Ronald F. Cormier
Scott J. Graves, Esq.
Marc Morgan
Matthew C. J. Vance

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL

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2016 MAR 22 A 8:37

CITY CLERKS OFFICE
GARDNER, MA



WARD 1 COUNCILLOR
James M. Walsh, Esq.
WARD 2 COUNCILLOR
Paul G. Tassone
WARD 3 COUNCILLOR
Nathan R. Boudreau
WARD 4 COUNCILLOR
Karen G. Hardern
WARD 5 COUNCILLOR
James D. Johnson

CITY OF GARDNER
NOTICE OF PUBLIC HEARING
DISCONTINUANCE OF NOTRE DAME ROAD AS A PUBLIC WAY

In accordance with the provisions of Chapter 567 of the Code of the City of Gardner, notice is hereby given that the Gardner City Council will conduct a Public Hearing on Monday, April 4, 2016 at 6:30 P.M. in the City Council Chamber, Room 219, Gardner City Hall, to consider discontinuing Notre Dame Road as a public way.

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

GARDNER CITY COUNCIL
ALAN L. AGNELLI, City Clerk

**DISCONTINUING AS A PUBLIC WAY
NOTRE DAME ROAD FROM WEST STREET
TO LAND OF THE ROMAN CATHOLIC BISHOP**

WHEREAS: In the opinion of City Council of the City of Gardner, a certain parcel of land known as Notre Dame Road running between West Street and Notre Dame Cemetery is in excess of the City's current and future needs, it is therefore;

ORDERED: That the portion of Notre Dame Road from West Street running south 1242 feet to land of the Roman Catholic Bishop (as laid out and accepted as a Town road in 1921) be discontinued as a public way, with the following condition:

The City and Others shall retain existing easement rights in and over the street for maintenance of utilities and access.

The parcel as described contains approximately 47,000 square Feet.

9572-9573

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CITY OF GARDNER
Department of Public Works

2016 APR -4 A 10: 47

Highway
Water
Sewer
Forestry
Parks/Playgrounds
Cemeteries

CITY CLERKS OFFICE
GARDNER, MA



Dane E. Arnold, Director
416 West Broadway
Gardner, MA 01440-2687
Telephone (978) 632-7661
Fax (978) 630-4029
darnold@gardner-ma.gov

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

RE: Street Abandonments

April 4, 2016

Dear Mayor and City Councilors;

I am writing you in regards to the street abandonments of St. Johns Road and Notre Dame Road.

For clarity, the Cemetery Department has not used the vault or brick structure to my or the Cemetery Forman's knowledge as far back as 15-20 years. The Cemetery Department performs burials year round.

The Department of Public Works does plow and sand the first 500' +/- of both streets, but the remaining routes throughout the cemeteries are maintained by the Church. The streets within the cemetery may go several days after a snow event without being plowed by the Church.

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In closing, the Department of Public Works radios are tuned into Police, Fire, and the Ambulance and we have staff on call 24/7/365 in the event an emergency takes place and access is required to any portion of the cemeteries.

Sincerely,

Dane E. Arnold, Director
Department of Public Works

PC: Bob Hankinson, City Engineer

9573

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



March 16, 2016

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

Subject: Discontinuances/Abandonment of Public Ways

Dear President Walsh:

RECEIVED
2016 MAR 16 10:31 AM
CITY CLERK'S OFFICE
CITY OF GARDNER, MA

The Planning Board voted at its meeting on March 8, 2016 to recommend that the City Council consider several petitions for discontinuance/abandonment of public ways, in accordance with Chapter 567 of the *Code of the City of Gardner*. The Petitions include the following:

- John Street, entire length, both sides of Route 2.
- Rislely Street, entire length.
- Saint John Road, off West Street.
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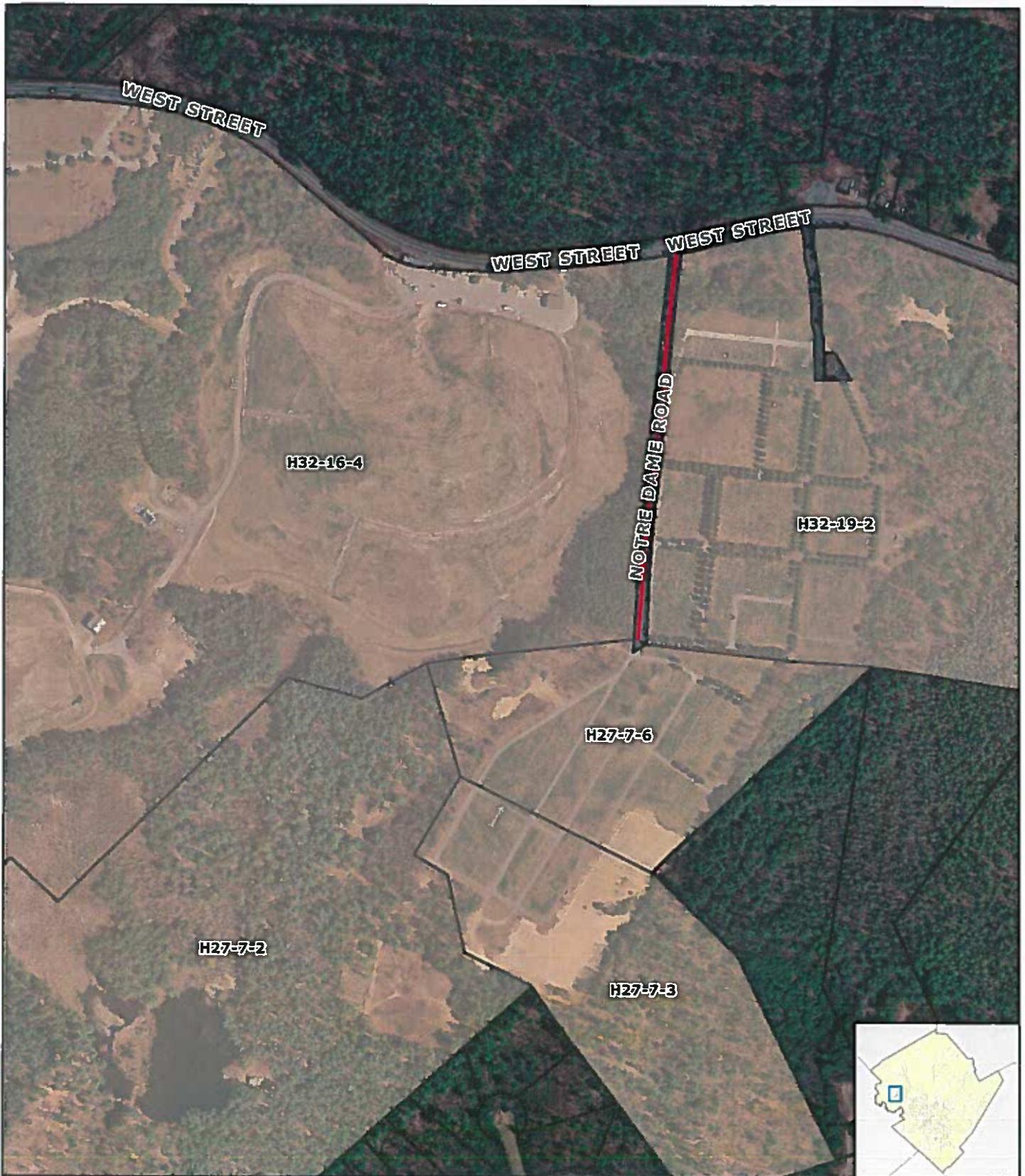
The Planning Board looks forward to working with the City Council on this important amendment. Please feel free to contact the Planning Director, Trevor Beauregard, if you have any questions or concerns.

Sincerely,


Allen L. Gross
Chairman 

C: Trevor M. Beauregard, Director
Robert Hankinson, City Engineer
Dane Arnold, Director DPW

City Hall Annex, 115 Pleasant Street, Room 201, Gardner, Massachusetts 01440
Telephone: (978) 630-4011 ♦ Facsimile: (978) 632-1905 ♦ CDBG (978) 632-3800



-  Subject Road
-  Abutters
-  Parcels
-  Road Centerlines

ABUTTER'S LIST (CLERK)
NOTRE DAME ROAD

CITY OF GARDNER
95 Pleasant Street
Gardner, MA 01440

0 200 400 Feet



Data Sources
City of Gardner Engineering,
Office of Geographic and
Environmental Information (MassGIS),
Commonwealth of Massachusetts, EOEIA



9572-9573



ANNUNCIATION RECEIVED



PARISH 2016 MAR 23 A 10:18

CITY CLERKS OFFICE
GARDNER, MA

March 21, 2016

City Council of Gardner
95 Pleasant St. Room 121
Gardner Ma 01440

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The City of Gardner (and before that the town of Gardner) has maintained the plowing and operations for both roads. Notre Dame Road leads up to the City Owned tomb which the Gardner Catholic Cemeteries have leased and used for a number of years, when weather conditions and frost levels have made it necessary to do so.

There is also a safety issue as both roads have an appreciable incline leading to state road Rte 68. These short stretches of pavement are used by the public to access the cemeteries even in the winter, visiting the burial places of loved ones and decorating graves is part of our cultural heritage honoring the dead.

Other parishioners have spoken of their concern also. We ask for your consideration and attention in this matter.

Sincerely,

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"The Word of the Lord remains for ever. And this word is the Good News that was announced to you." 1 Peter 1:25

135 Nichols St - Gardner Massachusetts 01440-4011
Tel. (978) 632-0253 Fax (978) 630-1773

9570-9574

Alan Agnelli

From: Morancy, Nadine <Nadine.Morancy@nationalgrid.com>
Sent: Monday, April 04, 2016 2:19 PM
To: Alan Agnelli
Cc: Morancy, Nadine
Subject: Re: Public Hearing for the Discontinuance of Public Ways

Importance: High

nationalgrid

April 4, 2016

Re: Public Hearing for the Discontinuance of Public Ways

Dear Mr. Allen L. Agnelli:

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I thank you in advance for your time and attention. Kindly acknowledge receipt of this email with a return email, thank you.

Respectfully,
Nadine J. Morancy

Nadine J. Morancy
Real Estate Representative
US Shared Services, RE Energy Delivery Support
nationalgrid
939 Southbridge Street, 2nd Floor
Worcester, Massachusetts 01610
Phone: 508-860-6455
Nadine.Morancy@nationalgrid.com

This e-mail, and any attachments are strictly confidential and intended for the addressee(s) only. The content may also contain legal, professional or other privileged information. If you are not the intended recipient, please

Alan Agnelli

From: Alan Rousseau <rousseau@verizon.net>
Sent: Friday, April 01, 2016 12:08 PM
To: Alan Agnelli
Subject: FW: Notre Dame Road Discontinuance
Attachments: Notre Dame Rd ArcGIS Map with labels 4Mar2016.pdf; Notre Dame Rd Acceptance 1921 13Nov2013.pdf

Hi Alan,

Forwarding you an email string that began with an initial email that I sent to the City Council on Monday. I also added the two attachments in my initial email.

Best Regards,
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From: Mayor [mailto:Mayor@gardner-ma.gov]
Sent: Thursday, March 31, 2016 9:06 PM
To: Alan Rousseau
Cc: Craig Cormier; Councillor J Johnson; James M. Walsh; James Boone; Councillor K Hardern; Councillor M Morgan; Councillor M Vance; Nathan R. Boudreau; Paul G. Tassone; Councillor R Cormier; Councillor S Graves; Robert Hankinson; Dane Arnold; Rev. Joseph J. Jergelonis; Don Robinson
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Mark

Mark Hawke
Mayor, City of Gardner

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Cc: Mayor; Robert Hankinson; Dane Arnold; Rev. Joseph J. Jergelonis; Don Robinson
Subject: Notre Dame Road Discontinuance
Importance: High

Dear Gardner City Councilors,

As you probably are aware, the Gardner City Council will be conducting a Public Hearing on April 4, 2016 on the discontinuance of 5 city streets and roads, including Notre Dame Road. **I am strongly opposed to the discontinuance of Notre Dame Road.** Please reference the following two attached docs: (1) Notre Dame Road Town Way acceptance document and (2) ArcGIS Web Map provided by the City Engineering Department. Notre Dame Road was accepted by the Town of Gardner in 1921. Notre Dame Road provides the only legal and safe access to my property and buildings. Without Notre Dame Road as a public way, I will have no legal and safe access to my property.

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Notre Dame Road has provided safe and legal access to my family's property (previously owned by my father, Norman Rousseau) since 1943. As such, my father and I have paid real estate taxes to the City of Gardner for this property for a total of 73 years. We consume very little in city services relative to this property with the exception of this access to the property via Notre Dame Road.

There is a city owned Tomb that is located on the west side of Notre Dame Road. This Tomb is small building that is utilized for the temporary storage of bodies when burial is not possible during winter conditions. It is currently under a 20-year lease to the Worcester Diocese. The lease agreement provides for City use as needed. If Notre Dame Road is discontinued and not plowed or sanded during the winter, this building will not be accessible for use.

I also frequently visit Notre Dame and St. Johns Cemeteries as I have many deceased relatives interred at these cemeteries. Thousands of residents of Gardner and surrounding communities visit both of these cemeteries all year long. Imagine a resident driving down this steep grade on an un-plowed and un-treated road unable to safely stop at the intersection of Route 68. At the same time, imagine a large truck traveling along Route 68 faced with the situation of a vehicle from Notre Dame Road sliding into the truck's path. This situation presents the conditions that could result in a terrible vehicular accident,

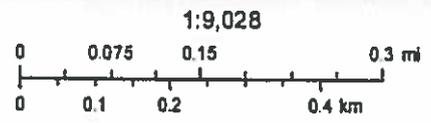
ArcGIS Web Map

3/4/16
City Eng.



March 4, 2016

Parcels



Notre Dame Road. Vol. I, P. 402.

Westerly Line.

Commencing at a stone monument in the southerly line of West Street, which monument is distant westerly 25.5 feet from Massachusetts Highway bound No. 19; thence southerly by a line which makes an included angle of $101^{\circ} 4'$ with the southerly line of said West Street as the same extends easterly from the point of beginning, a distance of 1242 feet to a monument at land of the Catholic Bishop of Springfield.

Easterly Line.

Said street is to have a uniform width of 50 feet, and the easterly line is to extend from the southerly line of said West Street to said land of the Catholic Bishop of Springfield.

Grade.

The grade of said Notre Dame Road is to be as shown on the plan filed herewith.

The said Board having considered the question of damages sustained by anyone in their property by the aforesaid layout, are of the opinion that no damage has been sustained in the matter aforesaid and therefore, award no damages.

The said Board hereby report the layout of said road as aforesaid to said Town for its acceptance and allowance.

Gardner, Mass., February 8, 1921.

*Accepted as a Town Way
at Annual Town Meeting Mar. 12, 1921
Order of Taking by Bd. of Selectmen
Mar. 21, 1921*

Alan Agnelli

From: Joan M. Gould <jgould104@yahoo.com>
Sent: Sunday, April 03, 2016 8:15 PM
To: James M. Walsh; Councillor S Graves; Councillor M Morgan; Councillor Tassone; James S. Boone; Councillor J Johnson; Alan Agnelli; Councillor M Vance; Councillor K Hardern; Nathan R. Boudreau
Cc: Alan Rousseau; Joan M. Gould; Andrew Boucher; Councillor R Cormier; Andrew Mansfield; Alberta Bell
Subject: Subject: Discontinue Notre Dame Road as a Public Way

My dear fathers and mother:

As I see it or my two cents worth!

Does anyone know what the cost is to plow each time it snows for 0.235 I believe feet of roadway there? Is the City that destitute for money. Just do Notre Dame Road as it connects to the crypt and easily accessible to St John's Road.

Its not that the City isn't getting any tax money for this area as Mr. Rousseau pays taxes for his camp. And,

How many of you know that even when we die we are taxed. Our last city permit - a \$10 burial permit. Which I find very repulsive.

In the 2014 Annual Report, 303 Burial permits. I realize that this is for the Gardner area.

The blizzard of 2008 housed a few bodies in the crypt, (my son was one of them) what would of happened if this plan was in place?

Actually, my whole family is buried there, and I frequent them frequently.

Was the feelings of people involved in this 'whole' plan ever considered?

Surely there are other alternatives to save a buck?

An aggrieved citizen of Gardner,

JMGould

9573

PRESIDENT
James M. Walsh, Esq.
COUNCILLORS AT LARGE
James S. Boone
Craig R. Cormier
Ronald F. Cormier
Scott J. Graves, Esq.
Marc Morgan
Matthew C. J. Vance

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL

RECEIVED

2016 MAR 22 A 8:37

CITY CLERKS OFFICE
GARDNER, MA



WARD 1 COUNCILLOR
James M. Walsh, Esq.

WARD 2 COUNCILLOR
Paul G. Tassone

WARD 3 COUNCILLOR
Nathan R. Boudreau

WARD 4 COUNCILLOR
Karen G. Hardern

WARD 5 COUNCILLOR
James D. Johnson

CITY OF GARDNER
NOTICE OF PUBLIC HEARING
DISCONTINUANCE OF NOTRE DAME ROAD AS A PUBLIC WAY

In accordance with the provisions of Chapter 567 of the Code of the City of Gardner, notice is hereby given that the Gardner City Council will conduct a Public Hearing on Monday, April 4, 2016 at 6:30 P.M. in the City Council Chamber, Room 219, Gardner City Hall, to consider discontinuing Notre Dame Road as a public way.

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

GARDNER CITY COUNCIL
ALAN L. AGNELLI, City Clerk

**DISCONTINUING AS A PUBLIC WAY
NOTRE DAME ROAD FROM WEST STREET
TO LAND OF THE ROMAN CATHOLIC BISHOP**

WHEREAS: In the opinion of City Council of the City of Gardner, a certain parcel of land known as Notre Dame Road running between West Street and Notre Dame Cemetery is in excess of the City's current and future needs, it is therefore;

ORDERED: That the portion of Notre Dame Road from West Street running south 1242 feet to land of the Roman Catholic Bishop (as laid out and accepted as a Town road in 1921) be discontinued as a public way, with the following condition:

The City and Others shall retain existing easement rights in and over the street for maintenance of utilities and access.

The parcel as described contains approximately 47,000 square Feet.

9572-9573

RECEIVED
CITY OF GARDNER
Department of Public Works

2016 APR -4 A 10: 47

Highway
Water
Sewer
Forestry
Parks/Playgrounds
Cemeteries

CITY CLERKS OFFICE
GARDNER, MA



Dane E. Arnold, Director
416 West Broadway
Gardner, MA 01440-2687
Telephone (978) 632-7661
Fax (978) 630-4029
darnold@gardner-ma.gov

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

RE: Street Abandonments

April 4, 2016

Dear Mayor and City Councilors;

I am writing you in regards to the street abandonments of St. Johns Road and Notre Dame Road.

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Sincerely,

Dane E. Arnold, Director
Department of Public Works

PC: Bob Hankinson, City Engineer

9573

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



March 16, 2016

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

Subject: **Discontinuances/Abandonment of Public Ways**

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RECEIVED
2016 MAR 16 10:31 AM
CITY CLERK'S OFFICE
CITY OF GARDNER, MA

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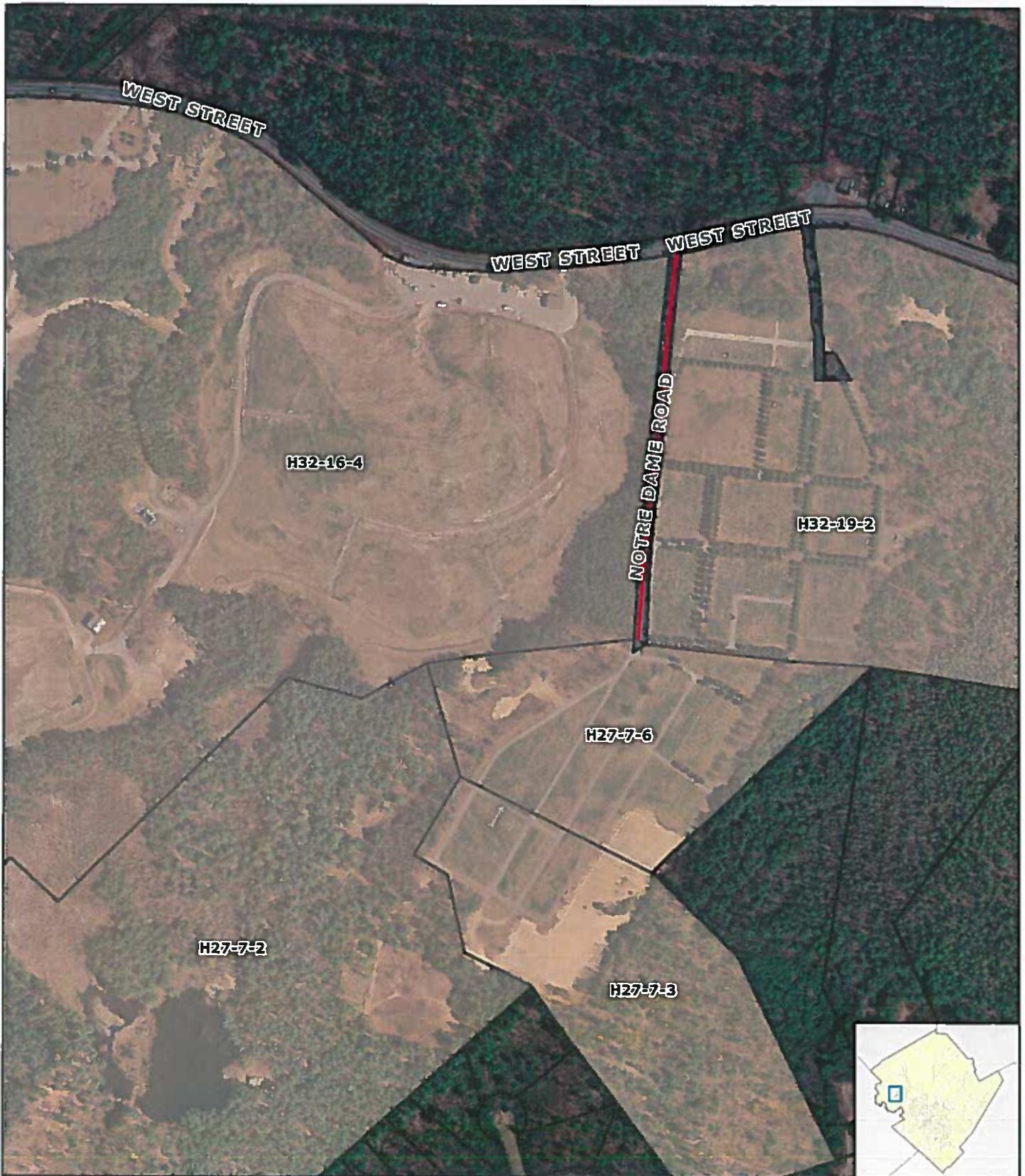
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Allen L. Gross
Chairman 

C: Trevor M. Beauregard, Director
Robert Hankinson, City Engineer
Dane Arnold, Director DPW

City Hall Annex, 115 Pleasant Street, Room 201, Gardner, Massachusetts 01440
Telephone: (978) 630-4011 ♦ Facsimile: (978) 632-1905 ♦ CDBG (978) 632-3800



-  Subject Road
-  Abutters
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-  Road Centerlines

ABUTTER'S LIST (CLERK)
NOTRE DAME ROAD

CITY OF GARDNER
95 Pleasant Street
Gardner, MA 01440

0 200 400 Feet



Data Sources
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Office of Geographic and
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9572-9573



ANNUNCIATION RECEIVED



PARISH 2016 MAR 23 A 10:18

CITY CLERKS OFFICE
GARDNER, MA

March 21, 2016

City Council of Gardner
95 Pleasant St. Room 121
Gardner Ma 01440

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135 Nichols St - Gardner Massachusetts 01440-4011
Tel. (978) 632-0253 Fax (978) 630-1773

9570-9574

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Importance: High

nationalgrid

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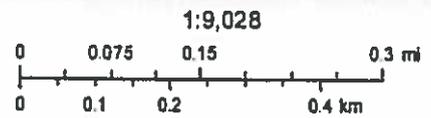
ArcGIS Web Map

3/4/16
City Eng.



March 4, 2016

Parcels



Notre Dame Road. Vol. I, P. 402.

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Subject: Subject: Discontinue Notre Dame Road as a Public Way

My dear fathers and mother:

As I see it or my two cents worth!

Does anyone know what the cost is to plow each time it snows for 0.235 I believe feet of roadway there? Is the City that destitute for money. Just do Notre Dame Road as it connects to the crypt and easily accessible to St John's Road.

Its not that the City isn't getting any tax money for this area as Mr. Rousseau pays taxes for his camp. And,

How many of you know that even when we die we are taxed. Our last city permit - a \$10 burial permit. Which I find very repulsive.

In the 2014 Annual Report, 303 Burial permits. I realize that this is for the Gardner area.

The blizzard of 2008 housed a few bodies in the crypt, (my son was one of them) what would of happened if this plan was in place?

Actually, my whole family is buried there, and I frequent them frequently.

Was the feelings of people involved in this 'whole' plan ever considered?

Surely there are other alternatives to save a buck?

An aggrieved citizen of Gardner,

JMGould

9574

PRESIDENT
James M. Walsh, Esq.
COUNCILLORS AT LARGE
James S. Boone
Craig R. Cormier
Ronald F. Cormier
Scott J. Graves, Esq.
Marc Morgan
Matthew C. J. Vance

CITY OF GARDNER
MASSACHUSETTS 01440-2630

RECEIVED

OFFICE OF THE
CITY COUNCIL

2016 MAR 22 A 8:37
CITY CLERKS OFFICE
GARDNER, MA



WARD 1 COUNCILLOR
James M. Walsh, Esq.

WARD 2 COUNCILLOR
Paul G. Tassone

WARD 3 COUNCILLOR
Nathan R. Boudreau

WARD 4 COUNCILLOR
Karen G. Hardern

WARD 5 COUNCILLOR
James D. Johnson

CITY OF GARDNER
NOTICE OF PUBLIC HEARING
DISCONTINUANCE AS A PUBLIC WAY

MATTHEWS STREET FROM ROUTE 140 TO RELOCATED MATTHEWS STREET

In accordance with the provisions of Chapter 567 of the Code of the City of Gardner, notice is hereby given that the Gardner City Council will conduct a Public Hearing on Monday, April 4, 2016 at 6:30 P.M. in the City Council Chamber, Room 219, Gardner City Hall, to consider discontinuing as a public way a portion of Matthews Street from Route 140 to Relocated Matthews Street (southwesterly approximately 2,600 feet).

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

GARDNER CITY COUNCIL
ALAN L. AGNELLI, City Clerk

**DISCONTINUING AS A PUBLIC WAY
MATTHEWS STREET FROM STATION 70 OF THE
RELOCATED MATTHEWS STREET TO ROUTE 140**

WHEREAS: In the opinion of City Council of the City of Gardner, a certain parcel of land known as Matthews Street running between Route 140 and the relocated portion of Matthews Street is in excess of the City's current and future needs, it is therefore;

ORDERED: That the portion of Matthews Street from Route 140 and running southwesterly approximately 2600 feet to the relocated Matthews Street (as laid out and accepted as a Town road in 1803 and in 1980) be discontinued as a public way, with the following conditions:

The City and Others shall retain existing easement rights in and over the street for maintenance of utilities and access. Abutting property owners shall have a right-of-way over the discontinued way to or from their property to the nearest or most accessible roadway.

The parcel as described contains approximately 90,420 square feet.

9574

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



March 16, 2016

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

Subject: **Discontinuances/Abandonment of Public Ways**

Dear President Walsh:

RECEIVED
2016 MAR 16 10 31 AM
CITY CLERK'S OFFICE
CITY OF GARDNER, MA

The Planning Board voted at its meeting on March 8, 2016 to recommend that the City Council consider several petitions for discontinuance/abandonment of public ways, in accordance with Chapter 567 of the *Code of the City of Gardner*. The Petitions include the following:

- John Street, entire length, both sides of Route 2.
- Rislely Street, entire length.
- Saint John Road, off West Street.
- Notre Dame Road, off West Street.
- Matthews Street, from approximately house number 292 to Route 140.

The Planning Board looks forward to working with the City Council on this important amendment. Please feel free to contact the Planning Director, Trevor Beauregard, if you have any questions or concerns.

Sincerely,


Allen L. Gross
Chairman 

C: Trevor M. Beauregard, Director
Robert Hankinson, City Engineer
Dane Arnold, Director DPW

9570 - 9574

Alan Agnelli

From: Morancy, Nadine <Nadine.Morancy@nationalgrid.com>
Sent: Monday, April 04, 2016 2:19 PM
To: Alan Agnelli
Cc: Morancy, Nadine
Subject: Re: Public Hearing for the Discontinuance of Public Ways
Importance: High

nationalgrid

April 4, 2016

Re: Public Hearing for the Discontinuance of Public Ways

Dear Mr. Allen L. Agnelli:

National Grid would like to request of the City Council, regarding the matter of the discontinuance of public way that upon the such discontinuance of the streets, the city reserve in that vote an easement for the city and all public utilities, including Massachusetts Electric Company, to continue to own and maintain the existing infrastructure in the streets, and further all rights necessary and property to maintain, repair, renew, replace, add to, and otherwise change such infrastructure from time to time and at all times, forever.

I thank you in advance for your time and attention. Kindly acknowledge receipt of this email with a return email, thank you.

Respectfully,
Nadine J. Morancy

Nadine J. Morancy
Real Estate Representative
US Shared Services, RE Energy Delivery Support
nationalgrid
939 Southbridge Street, 2nd Floor
Worcester, Massachusetts 01610
Phone: 508-860-6455
Nadine.Morancy@nationalgrid.com

This e-mail, and any attachments are strictly confidential and intended for the addressee(s) only. The content may also contain legal, professional or other privileged information. If you are not the intended recipient, please

**RESOLUTION
CHANGING THE NAME OF
MATTHEWS ROAD TO MATTHEWS STREET**

WHEREAS: In the opinion of City Council of the City of Gardner, a certain way in existence known as Matthews Road running between Matthews Street (Station 70 of the 1980 Layout) and its termination at Route 140, is therefore;

ORDERED: To be renamed Matthews Street pursuant to the authority given to the City Council under Chapter 567 Article II, Paragraph 9 of the Code of the City of Gardner relative to the names of streets, squares and parks.

The entire length of roadway from Green Street to Route 140 shall therefore be known as Matthews Street.

RESOLUTION
CHANGING THE NAME OF A PORTION OF
MATTHEWS STREET TO OLD MATTHEWS STREET

WHEREAS: In the opinion of City Council of the City of Gardner, a certain way in existence known as Matthews Street running in a northeasterly direction between its end at Route 140 and its intersection with Pearl Street, is therefore;

ORDERED: To be renamed Old Matthews Street pursuant to the authority given to the City Council under Chapter 567 Article II, Paragraph 9 of the Code of the City of Gardner relative to the names of streets, squares and parks.

RESOLUTION
CHANGING THE NAME OF A PORTION OF
SUMMIT AVENUE TO CLAIRMONT STREET

WHEREAS: In the opinion of City Council of the City of Gardner, a certain way in existence known as Summit Avenue running in a southeasterly direction for approximately 210 feet from Union Street is therefore;

ORDERED: To be renamed Clairmont Street pursuant to the authority given to the City Council under Chapter 567 Article II, Paragraph 9 of the Code of the City of Gardner relative to the names of streets, squares and parks.

PRESIDENT
James M. Walsh, Esq.
COUNCILLORS AT LARGE
James S. Boone
Craig R. Cormier
Ronald F. Cormier
Scott J. Graves, Esq.
Marc Morgan
Matthew C. J. Vance

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL

RECEIVED

2016 MAR 22 A 8:38
CITY CLERKS OFFICE
GARDNER, MA



WARD 1 COUNCILLOR
James M. Walsh, Esq.
WARD 2 COUNCILLOR
Paul G. Tassone
WARD 3 COUNCILLOR
Nathan R. Boudreau
WARD 4 COUNCILLOR
Karen G. Hardern
WARD 5 COUNCILLOR
James D. Johnson

CITY OF GARDNER
NOTICE OF PUBLIC HEARING
LAYOUT OF CLAIRMONT STREET AS A PUBLIC WAY

In accordance with the provisions of Chapter 567 of the Code of the City of Gardner, notice is hereby given that the Gardner City Council will conduct a Public Hearing on Monday, April 4, 2016 at 6:30 P.M. in the City Council Chamber, Room 219, Gardner City Hall, to consider laying out as a public street or way Clairmont Street from its beginning at Union Street to its dead end a distance of approximately 600 feet and of a width of 40.00 and 50.00 feet.

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

GARDNER CITY COUNCIL
ALAN L. AGNELLI, City Clerk

ORDER OF TAKING IN FEE
FOR PUBLIC WAY
BY THE CITY OF GARDNER BY AND THROUGH ITS CITY
COUNCIL
FOR CLAIRMONT STREET

In City Council 16th day of February, 2016

RESOLVED:

Whereas, in the opinion of the Mayor and City Council of the City of Gardner, the Public convenience and necessity of the inhabitants of the City require that the roadway known as Clairmont Street be laid out as a public street of the City of Gardner, from its beginning at Union Street to its dead end a distance of approximately 600 feet and of a width of 40.00 and 50.00 feet, all as more particularly hereinafter described, and for that purpose it is necessary to take the parcel of land, it is therefore:

ORDERED:

That by virtue of the authority conferred by Chapter 79 and every other power and authority thereto enabling, the City of Gardner, acting by its City Council, hereby lay out and establish as a public street or way on behalf of the City of Gardner as described in "Exhibit A" attached hereto, and as shown on a plan entitled "Street Plan of a Portion of Clairmont Street, Gardner, MA", prepared for the City of Gardner. Plan Date: September 19, 2007, prepared by Szoc Surveyors, to be recorded, and made a part of this taking with a copy filed in the office of the Survey Department, of the City of Gardner Massachusetts.

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.

ATTEST: _____
ALAN L. AGNELLI, CITY CLERK

DATE: _____

EXHIBIT A

Being more specifically described as follows:

Beginning at a stone wall on the southerly side of the Union Street layout, approximately 66 feet west of an iron pipe located on the Union Street sideline.

THENCE: S.16° 41' 35"E., one hundred twenty four and 29/100 feet (124.29') to an iron pin;
THENCE: S.15° 02' 19"E., eighty five and 00/100 feet (85.00') to a corner;
THENCE: N.74° 57' 47"E., fifty and 00/100 feet (50.00') to a corner;
THENCE: S.15° 02' 13"E., forty and 00/100 feet (40.00') to a corner;
THENCE: S.74° 57' 47"W., fifty and 00/100 feet (50.00') to a corner;
THENCE: S.15° 02' 13"E., fifty and 00/100 feet (50.00') to a corner;
THENCE: S.74° 57' 47"W., fifty and 00/100 feet (50.00') to a corner;
THENCE: N.15° 02' 13"W., fifty and 00/100 feet (50.00') to a corner;
THENCE: S.74° 57' 47"W., four hundred eleven and 08/100 feet (411.08') to a corner;
THENCE: N.08° 16' 56"E., twelve and 28/100 feet (12.28') to a point;
THENCE: N.10° 35' 18"E., thirty one and 85/100 feet (31.85') to a corner;
THENCE: N.74° 57' 47"E., three hundred ninety two and 44/100 feet (392.44') to a corner;
THENCE: N.15° 02' 13"W., eighty four and 28/100 feet (84.28') to a point;
THENCE: N.16° 41' 35"W., one hundred twenty six and 25/100 feet (126.25') to a corner;
THENCE: N.76° 22' 23"E., fifty and 07/100 feet (50.07') to the point of beginning.

The total area described by this order of taking is 33,073 square feet.

9578

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



RECEIVED
2016 MAR 16 A 11:31
CITY CLERKS OFFICE
GARDNER, MA

March 16, 2016

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

Subject: Layouts & Orders of Taking for Public Ways

Dear President Walsh:

The Planning Board voted at its meeting on March 8, 2016 to recommend that the City Council consider petitions to layout and accompanying Orders of Taking in Fee of several ways, in accordance with Chapter 567 of the *Code of the City of Gardner*. The Petitions include the following ways:

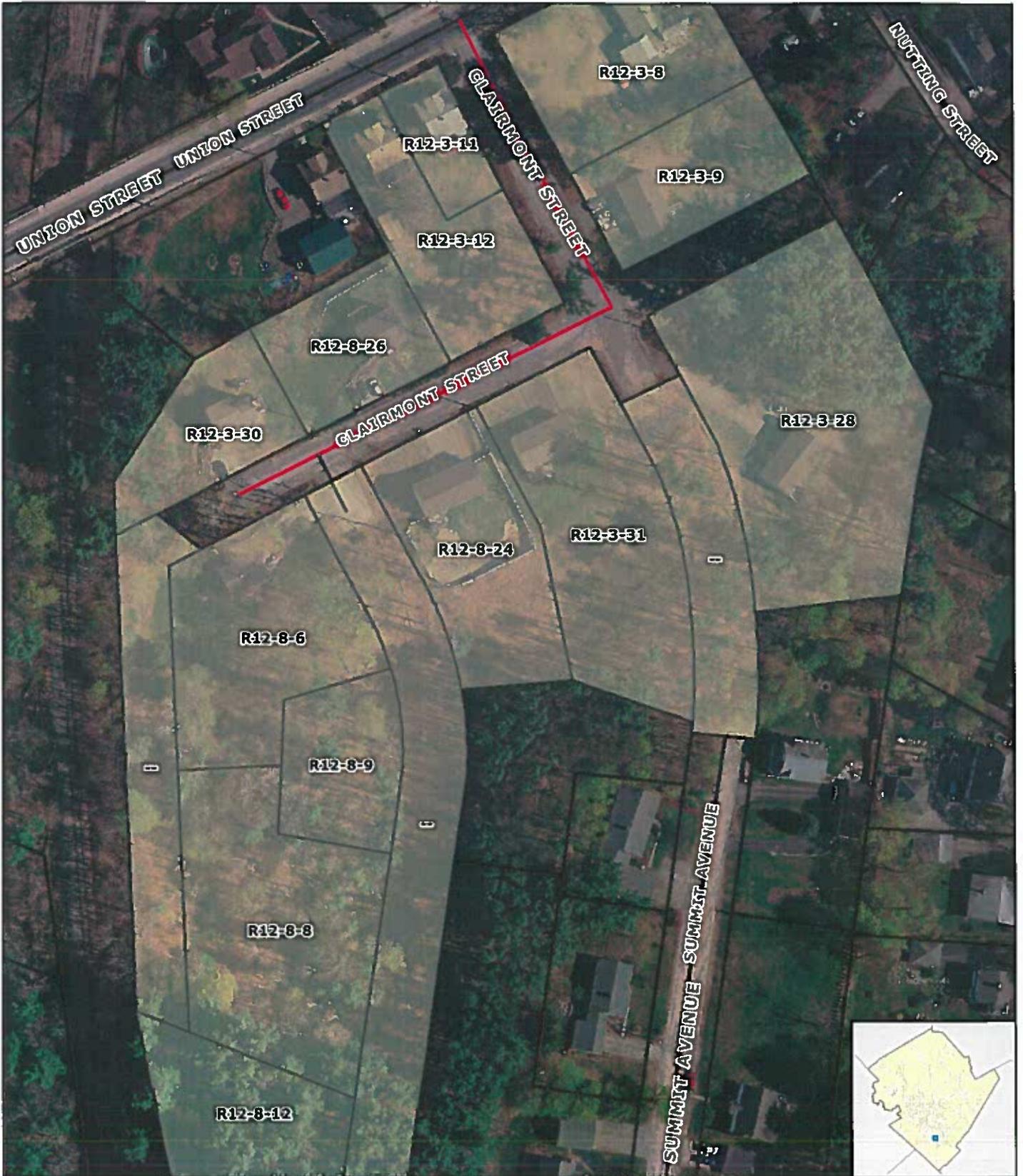
- Fredette Street from the end of the portion accepted in 1979 to the accepted portion of Wilkins Road accepted in 1974, a total length of approximately 2,226 feet.
- Snake Pond Road, in its entirety.
- Clairmont Street, from Union Street to its end.

The Planning Board looks forward to working with the City Council on this important amendment. Please feel free to contact the Planning Director, Trevor Beauregard, if you have any questions or concerns.

Sincerely,

Allen L. Gross
Allen L. Gross
Chairman 

C: Trevor M. Beauregard, Director
Robert Hankinson, City Engineer
Dane Arnold, Director DPW



- Subject Road
- Abutters
- Parcels
- Road Centerlines

ABUTTER'S LIST (CLERK)
CLAIRMONT STREET

CITY OF GARDNER
 95 Pleasant Street
 Gardner, MA 01440

0 50 100
 Feet

Data Sources
 City of Gardner Engineering,
 Office of Geographic and
 Environmental Information (MassGIS),
 Commonwealth of Massachusetts, EOE

CITY OF GARDNER CERTIFIED ABUTTERS LIST

Parcel ID	Location	Owner	Ownr2	Mailing Address	Mailing Address2	State	Zip
Clairmont Street							
R12-3-31	24 CLAIRMONT ST	BABIN ERIC & CONNIE L	✓	24 CLAIRMONT ST	GARDNER	MA	01440
R12-8-24	30 CLAIRMONT ST	GRAVES KAREN H	✓	30 CLAIRMONT ST	GARDNER	MA	01440
R12-3-30	41 CLAIRMONT ST	BINDER RICHARD K & MICHELLE	✓	41 CLAIRMONT ST	GARDNER	MA	01440
R12-8-8	57 CLAIRMONT ST	JELLYMAN RICHARD A J	✓	33 PALMER CT	CLINTON	MA	01510
R12-3-8	70 UNION ST	LEGER YVON J JR & LOUISE M	✓	70 UNION ST	GARDNER	MA	01440
R12-8-12	CLAIRMONT ST	O'NEIL JOHN T & CARYL L	✓	111 HIGH KNOB RD	ATHOL	MA	01331
R12-8-6	1 CLAIRMONT ST	PERRY JOHN J & JUNE ANN	✓	3 PINE GROVE AVE	GARDNER	MA	01440
R12-3-12	94 UNION ST	WARREN JAMISON	✓	94 UNION ST	GARDNER	MA	01440
R12-3-9	12 CLAIRMONT ST	OSBORNE TIFFANY	✓	12 CLAIRMONT ST	GARDNER	MA	01440
R12-3-11	88 UNION ST	SPURR DANIELE	✓	88 UNION ST	GARDNER	MA	01440
R12-8-26	29 CLAIRMONT ST	FAHLBECK MARK E & COURTNEY C	✓	29 CLAIRMONT ST	GARDNER	MA	01440
R12-3-28	18 CLAIRMONT ST	BOISVERT MATTHEW S	✓	18 CLAIRMONT ST	GARDNER	MA	01440
R12-8-9	PINE GROVE AVE	DYMEK CUSTOM BUILDERS INC	✓	217 CONAVANT ST STE 1	GARDNER	MA	01440
Snake Pond Road							
H12-5-19	167 SNAKE POND RD	SANDERSON NANCY C	✓	12 CARRIAGE LN	SHIRLEY	MA	01464
H12-5-23A	SNAKE POND RD	CITY OF GARDNER	✓	95 PLEASANT ST STE 125	GARDNER	MA	01440
H12-4-2	240 AIRPORT RD	MAILLET ANDREA J	✓	240 AIRPORT RD	GARDNER	MA	01440
H12-4-3	9 SNAKE POND RD	TREPTOW ROBERT W & LOIS N	✓	9 SNAKE POND RD	GARDNER	MA	01440
H12-5-13	121 SNAKE POND RD	SICILIANO JOSEPH JR	✓	121 SNAKE POND RD	GARDNER	MA	01440
H17-25-9	55 SNAKE POND RD	ALLAIRE PAUL	✓	55 SNAKE POND RD	GARDNER	MA	01440
H17-25-12	101 SNAKE POND RD	MORSE BARRY TRSTE	✓	10A CENTRAL ST	BALDWINVILLE	MA	01436
H12-5-18	151 SNAKE POND RD	BLANCHARD BRUCE M & LISA A	✓	151 SNAKE POND RD	GARDNER	MA	01440
H17-25-8	45 SNAKE POND RD	RAHIKKA SULHO	✓	45 SNAKE POND RD	GARDNER	MA	01440
H17-25-7	41 SNAKE POND RD	FARIAS MICHAEL	✓	41 SNAKE POND RD	GARDNER	MA	01440
H17-25-23	AIRPORT RD	CORMIER GERALD A	✓	135 SNAKE POND RD	GARDNER	MA	01440
H12-5-21	187 SNAKE POND RD	TOOMEY WALTER J	✓	187 SNAKE POND RD	GARDNER	MA	01440
H12-5-15	129 SNAKE POND RD	HADMACK KENNETH E	✓	129 SNAKE POND RD	GARDNER	MA	01440

9570

9377

PRESIDENT
James M. Walsh, Esq.
COUNCILLORS AT LARGE
James S. Boone
Craig R. Cormier
Ronald F. Cormier
Scott J. Graves, Esq.
Marc Morgan
Matthew C. J. Vance

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL

RECEIVED

2016 MAR 22 A 8:38

CITY CLERKS OFFICE
GARDNER, MA

WARD 1 COUNCILLOR
James M. Walsh, Esq.



WARD 2 COUNCILLOR
Paul G. Tassone

WARD 3 COUNCILLOR
Nathan R. Boudreau

WARD 4 COUNCILLOR
Karen G. Hardern

WARD 5 COUNCILLOR
James D. Johnson

CITY OF GARDNER
NOTICE OF PUBLIC HEARING
WILKINS ROAD AND FREDETTE STREET
LAYOUTS AS PUBLIC WAYS

In accordance with the provisions of Chapter 567 of the Code of the City of Gardner, notice is hereby given that the Gardner City Council will conduct a Public Hearing on Monday, April 4, 2016 at 6:30 P.M. in the City Council Chamber, Room 219, Gardner City Hall, to consider laying out as public streets or ways unaccepted portions of Wilkins Road and Fredette Street from the end of the 1974 layout of Fredette Street a distance of approximately 2,226 feet and of a uniform width of 50.00 feet throughout.

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

GARDNER CITY COUNCIL
ALAN L. AGNELLI, City Clerk

ORDER OF TAKING IN FEE
FOR PUBLIC WAY
BY THE CITY OF GARDNER BY AND THROUGH ITS CITY
COUNCIL
FOR WILKINS ROAD AND FREDETTE STREET

In City Council 16th day of February, 2016

RESOLVED:

Whereas, in the opinion of the Mayor and City Council of the City of Gardner, the Public convenience and necessity of the inhabitants of the City require that the unaccepted portions of Wilkins Road and Fredette Street be laid out as a public street of the City of Gardner, from the end of the 1974 layout of Wilkins Road to the end of the 1979 layout of Fredette Street a distance of approximately 2,226 feet and of a uniform width of 50.00 feet throughout, all as more particularly hereinafter described, and for that purpose it is necessary to take the parcel of land hereinafter described, it is therefore:

ORDERED:

That by virtue of the authority conferred by Chapter 79 of the General Laws of the Commonwealth of Massachusetts, and every other power and authority thereto enabling, the City of Gardner, acting by its City Council, hereby lay out and establish as a public street or way on behalf of the City of Gardner as described in "Exhibit A" attached hereto, and as shown on a plan entitled "Fredette Street, Acceptance Plan of Land in Gardner, MA, prepared for the City of Gardner. Plan prepared by Szoc Surveyors to be recorded, Plan Book _____ Page _____, herewith and made a part of this taking with a copy filed in the office of the Survey Department, of the City of Gardner Massachusetts.

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.

ATTEST: _____
ALAN L. AGNELLI, CITY CLERK

DATE: _____

EXHIBIT A

The following described parcel of land is taken in fee from the Greater Gardner Industrial Foundation as the layout of Wilkins Road/Fredette Street and is more particularly bounded and described as follows:

BEGINNING at the northeasterly corner of the end of the 1974 layout of Wilkins Road at a concrete bound.

Thence S 43° 33' 47" W, 50.00 feet to a concrete bound; thence N 46° 26' 13" W, 32.12 feet to a concrete bound and point of curvature; thence along a curve to the right of radius 270 feet and length of 137.21 feet to a concrete bound and point of tangency, thence N 17° 19' 10" W, 644.27 feet to a concrete bound and point of curvature, thence along a curve to the left of radius 475.00 feet and length of 366.73 feet to a concrete bound and point of tangency, thence N 61° 33' 20" W, 130.01 feet to a concrete bound and point of curvature, thence along a curve to the right of radius 525.00 feet and a length of 478.12 feet to a concrete bound and a point of tangency, thence N 09° 22' 35" W, 143.62 feet to a concrete bound and a point of curvature, thence along a curve to the left of radius 475.00 feet and 294.93 feet in length to a concrete bound and a corner, thence N 45° 02' 55" E, 50.00 feet to a concrete bound and a corner, thence along a curve to the right of radius 525.00 feet and a length of 325.97 feet to a concrete bound and a point of tangency, thence S 09° 22' 35" E, 143.62 feet to a concrete bound and a point of curvature, thence along a curve to the left of radius 475.00 feet and of 432.58 feet in length to a concrete bound and point of tangency, thence S 61° 33' 20" E, 130.01 feet to a concrete bound and a point of curvature, thence along a curve to the right of radius 525.00 feet and of length 405.33 feet to a concrete bound and point of tangency, thence S 17° 19' 10" E, 644.27 feet to a concrete bound and a point of curvature, thence along a curve to the left of radius 220.00 feet and of length 111.80 feet to a concrete bound and a point of tangency thence S 46° 26' 13" E, 32.12 feet to a concrete bound and the point of beginning.

The above described layout of Wilkins Road and Fredette Street comprises an area of 111,318 square feet, more or less all from separate lots of the Greater Gardner Industrial Foundation.

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



March 16, 2016

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

RECEIVED
2016 MAR 16 A 11:31
CITY CLERKS OFFICE
GARDNER, MA

Subject: Layouts & Orders of Taking for Public Ways

Dear President Walsh:

The Planning Board voted at its meeting on March 8, 2016 to recommend that the City Council consider petitions to layout and accompanying Orders of Taking in Fee of several ways, in accordance with Chapter 567 of the *Code of the City of Gardner*. The Petitions include the following ways:

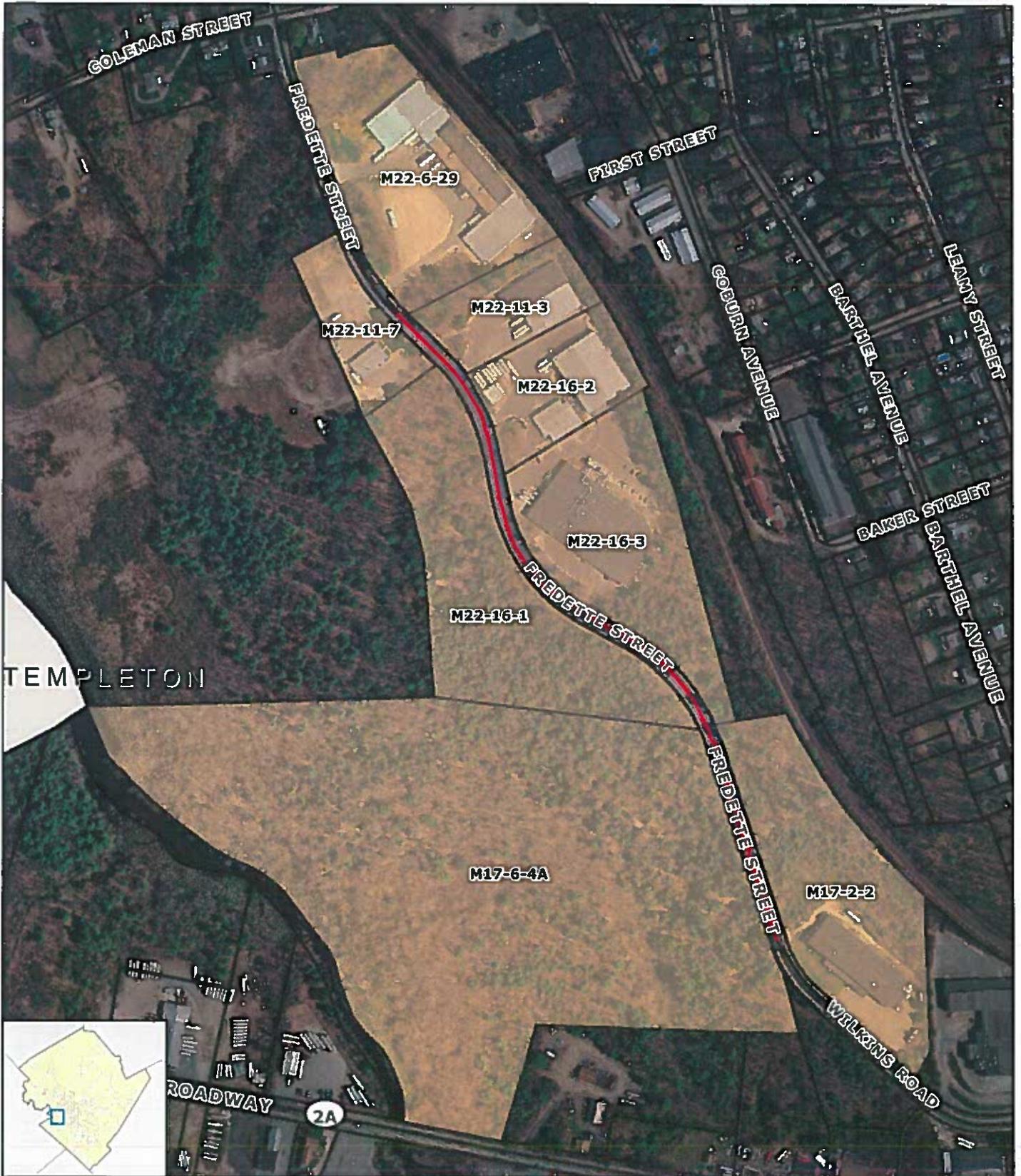
- Fredette Street from the end of the portion accepted in 1979 to the accepted portion of Wilkins Road accepted in 1974, a total length of approximately 2,226 feet.
- Snake Pond Road, in its entirety.
- Clairmont Street, from Union Street to its end.

The Planning Board looks forward to working with the City Council on this important amendment. Please feel free to contact the Planning Director, Trevor Beauregard, if you have any questions or concerns.

Sincerely,


Allen L. Gross
Chairman 

C: Trevor M. Beauregard, Director
Robert Hankinson, City Engineer
Dane Arnold, Director DPW



- Subject Road
- Abutters
- Parcels
- Road Centerlines

ABUTTER'S LIST (CLERK)
 FREDETTE/WILKINS

CITY OF GARDNER
 95 Pleasant Street
 Gardner, MA 01440

0 190 380

Feet

Data Sources
 City of Gardner Engineering,
 Office of Geographic and
 Environmental Information (MassGIS),
 Commonwealth of Massachusetts, EOEA

9579

Parcel ID	Location	Owner	Own2	Mailing Address	Mailing Address2	State	Zip
H17-25-5	64 SNAKE POND RD	SANER JOHN W & APRIL L		64 SNAKE POND RD	GARDNER	MA	01440
H17-25-1	70 SNAKE POND RD	WARD CHRISTINE M		70 SNAKE POND RD	GARDNER	MA	01440
H17-25-2	78 SNAKE POND RD	FOURNIER PAMELA G		78 SNAKE POND RD	GARDNER	MA	01440
H17-24-5	17 SNAKE POND RD	WHITNEY MARGARET		17 SNAKE POND RD	GARDNER	MA	01440
H17-25-6	29 SNAKE POND RD	DAVIDSON PAULA M		PO BOX 372	HUBBARDSTON	MA	01452
H17-25-10	81 SNAKE POND RD	MCALISTER ALAN W		546 W BROADWAY	GARDNER	MA	01440
H17-24-3	218 AIRPORT RD	MCMILLEN RUSSELL G	RACINE ANNE M	218 AIRPORT RD	GARDNER	MA	01440
H12-5-20	175 SNAKE POND RD	KULVETE FAMILY TRUST	DAVID KULVETE TRUSTEE	84 MAPLEWOOD DR	TOWNSEND	MA	01469
H12-5-17	143 SNAKE POND RD	FINN MARTHA		252 FEDERAL ST	GREENFIELD	MA	01301
H12-5-16	135 SNAKE POND RD	CORMIER GERALD A & IRMA M		135 SNAKE POND RD	GARDNER	MA	01440
H17-25-25	SNAKE POND RD	MACPHERSON MARYANN		827 WESTMINSTER HILL RD	FITCHBURG	MA	01420
H12-5-14	125 SNAKE POND RD	AUKSTIKALNIS JACK R & PAUL R TRSTES	125 SNAKE POND REALTY TRUST	441 RAYMOND AVE APT 9	SANTA MONICA	CA	90405

Parcel ID	Location	Owner	Own2	Mailing Address	Mailing Address2	State	Zip
M22-6-29	70 FREDETTE ST	SEAMAN PAPER OF MASS	C/O DENNECREPE	70 FREDETTE ST	GARDNER	MA	01440
M22-11-3	100 FREDETTE ST	CERGAR REALTY LLC		164 FREDETTE ST	GARDNER	MA	01440
M22-11-7	91 FREDETTE ST	MANCA JOHN F & DORINA G TRSTES	91 FREDETTE ST RLTY TRUST	35 SHORE RD	GARDNER	MA	01440
M22-16-1	W BROADWAY	GREATER GARDNER INDUSTRIAL FOUNDATION	C/O SOVA JOSEPH	7 CYNTHIA LN	STERLING	MA	01564
M22-16-3	164 FREDETTE ST	GARLOCK PRINTING & CONVERTING CORP		164 FREDETTE ST	GARDNER	MA	01440
M17-2-2	79 WILKINS RD	KE TUBE INC		79 WILKINS RD	GARDNER	MA	01440
M17-6-4A	W BROADWAY	GREATER GARDNER INDUSTRIAL FOUNDATION	C/O SOVA JOSEPH	7 CYNTHIA LN	STERLING	MA	01564
M22-16-2	112 FREDETTE ST	GARLOCK PRINTING & CONVERTING CORP		164 FREDETTE ST	GARDNER	MA	01440

Abutter Type: Clerk - ROW
 GIS Date: 3/23/2016
 Date of GIS/CAMA Extract: 3/22/2016

Location: as noted
 PID:
 Special Considerations: N/A

This is to certify that at the time of the last assessment for taxation made by the City of Gardner, the above names and address and the parties assessed as adjoining owners to the proposed property.

9580

PRESIDENT
James M. Walsh, Esq.
COUNCILLORS AT LARGE
James S. Boone
Craig R. Cormier
Ronald F. Cormier
Scott J. Graves, Esq.
Marc Morgan
Matthew C. J. Vance

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL

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2016 MAR 22 A 8:38
CITY CLERKS OFFICE
GARDNER, MA



WARD 1 COUNCILLOR
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WARD 2 COUNCILLOR
Paul G. Tassone
WARD 3 COUNCILLOR
Nathan R. Boudreau
WARD 4 COUNCILLOR
Karen G. Hardern
WARD 5 COUNCILLOR
James D. Johnson

CITY OF GARDNER
NOTICE OF PUBLIC HEARING
LAYOUT OF SNAKE POND ROAD AS A PUBLIC WAY

In accordance with the provisions of Chapter 567 of the Code of the City of Gardner, notice is hereby given that the Gardner City Council will conduct a Public Hearing on Monday, April 4, 2016 at 6:30 P.M. in the City Council Chamber, Room 219, Gardner City Hall, to consider laying out as a public street or way Snake Pond Road from its beginning at Airport Road to its dead end a distance of approximately 1,465 feet and of a width of 40.00 feet throughout.

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

GARDNER CITY COUNCIL
ALAN L. AGNELLI, City Clerk

9580

ORDER OF TAKING IN FEE
FOR PUBLIC WAY
BY THE CITY OF GARDNER BY AND THROUGH ITS CITY
COUNCIL
FOR SNAKE POND ROAD

In City Council 16th day of February, 2016

RESOLVED:

Whereas, in the opinion of the Mayor and City Council of the City of Gardner, the Public convenience and necessity of the inhabitants of the City require that the roadway known as Snake Pond Road be laid out as a public street of the City of Gardner, from its beginning at Airport Road to its dead end a distance of approximately 1,465 feet and of a uniform width of 40.00 feet throughout, all as more particularly hereinafter described, and for that purpose it is necessary to take the parcel of land, it is therefore:

ORDERED:

That by virtue of the authority conferred by Chapter 79 and every other power and authority thereto enabling, the City of Gardner, acting by its City Council, hereby lay out and establish as a public street or way on behalf of the City of Gardner as described in "Exhibit A" attached hereto, and as shown on a plan entitled "Snake Pond Road, Acceptance Plan of Land in Gardner, MA, prepared for the City of Gardner. Plan Date: August 25, 1997, prepared by Szoc Surveyors, recorded in Plan Book 722, Page 19, and made a part of this taking with a copy filed in the office of the Survey Department, of the City of Gardner Massachusetts.

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.

ATTEST: _____
ALAN L. AGNELLI, CITY CLERK

DATE: _____

EXHIBIT A

Being more specifically described as follows:

Beginning at a point on the northeasterly side of the Airport Road layout, 33.95 feet southwest from the highway bound located at a point of curvature.

THENCE: Turning to the left along a curve to the left having a radius of ten and 00/1000 feet (10.00') a distance of twenty five and 236/100 feet (25.236') to a point;

THENCE: N.59° 22' 55"E., three hundred eighty one and 92/100 feet (381.92') to a point;

THENCE: Turning continuing in a southerly direction on a curve to the right having a radius of one hundred eighty five and 00/1000 feet (185.00') a distance of two hundred fifty five and 838/100 feet (255.838') to a point;

THENCE: S.41° 23' 00"E., twenty four and 22/100 feet (24.22') to a point;

THENCE: S.72° 00' 28"E., one and 86/100 feet (1.86') to a point;

THENCE: S.21° 24' 29"E., two and 77/100 feet (2.77') to a point;

THENCE: S.41° 23' 00"E., one hundred seven and 93/100 feet (107.93') to a point;

THENCE: Turning continuing in a south westerly direction on a curve to the right having a radius of one hundred eighty and 00/100 feet (180.00') a distance of one hundred eighty four and 202/1000 feet (184.202') to a point;

THENCE: S.17° 15' 00"W., sixty five and 27/100 feet (65.27') to a point;

THENCE: Turning to the left along a curve to the left having a radius of forty and 00/100 feet (40.00') a distance of thirty four and 267/1000 feet (34.267') to a point;

THENCE: S.31° 50' 00"E., eighty one and 34/100 feet (81.34') to a point;

THENCE: Turning to the right along a curve to the right having a radius of two hundred and 00/100 feet (200.00') a distance of ninety two and 416/1000 feet (92.416') to a point;

THENCE: Turning to the right along a curve to the right having a radius of five hundred and 00/100 feet (500.00') a distance of sixty eight and 462/1000 feet (68.462') to a point;

THENCE: Turning to the left along a curve to the left having a radius of thirty seven and 50/100 feet (37.50') a distance of fifty six and 435/1000 feet (56.435') to a point;

THENCE: S.83° 44' 24"E., five and 01/100 feet (5.01') to a point;

THENCE: S.06° 15' 36"W., forty and 00/100 feet (40.00') to a point;

THENCE: N.83° 44' 24"W., eighteen and 79/100 feet (18.79') to a point;

THENCE: Turning to the left along a curve to the left having a radius of twenty seven and 50/100 feet (27.50') a distance of thirty eight and 799/1000 feet (38.799') to a point;

- THENCE:** Turning to the right along a curve to the right having a radius of three hundred and 00/100 feet (300.00') a distance of fifty seven and 092/1000 feet (57.092') to a point;
- THENCE:** N.81° 09' 02"W., forty two and 26/100 feet (42.26') to a point;
- THENCE:** Turning to the left along a curve to the left having a radius of two hundred sixty and 00/100 feet (260.00') a distance of eighty and 996/1000 feet (80.996') to a point;
- THENCE:** Turning to the left along a curve to the left having a radius of four hundred sixty and 00/100 feet (460.00') a distance of eighty and 053/1000 feet (80.053') to a point;
- THENCE:** N.16° 38' 06"W., thirty four and 09/100 feet (34.09') to a point;
- THENCE:** N.07° 10' 56"W., fifty one and 96/100 feet (51.96') to a point;
- THENCE:** N.14° 01' 36"E., fourteen and 43/100 feet (14.43') to a point;
- THENCE:** Turning to the left along a curve to the left having a radius of one hundred sixty and 00/100 feet (160.00') a distance of twenty seven and 689/1000 feet (27.689') to a point;
- THENCE:** N.31° 50' 00"W., fifty and 17/100 feet (50.17') to a point;
- THENCE:** N.61° 41' 50"W., two and 16/100 feet (2.16') to a point;
- THENCE:** N.40° 32' 55"W., forty two and 00/100 feet (42.00') to a point;
- THENCE:** N.16° 11' 01"W., forty seven and 00/100 feet (47.00') to a point;
- THENCE:** N.19° 35' 25"E., twenty eight and 00/100 feet (28.00') to a point;
- THENCE:** N.35° 15' 16"E., thirty six and 41/100 feet (36.41') to a point;
- THENCE:** N.17° 15' 00"E., twenty one and 51/100 feet (21.51') to a point;
- THENCE:** Turning to the left along a curve to the left having a radius of one hundred forty and 00/100 feet (140.00') a distance of forty seven and 812/1000 feet (47.812') to a point;
- THENCE:** N.21° 24' 29"W., ninety one and 58/100 feet (91.58') to a point;
- THENCE:** Turning to the left along a curve to the left having a radius of one hundred forty and 00/100 feet (140.00') a distance of two and 162/1000 feet (2.162') to a point;
- THENCE:** N.41° 23' 00"W., one hundred thirty six and 36/100 feet (136.36') to a point;
- THENCE:** Turning to the left along a curve to the left having a radius of one hundred forty five and 00/100 feet (145.00') a distance of two hundred and 522/1000 feet (200.522') to a point;
- THENCE:** S.59° 22' 55"W., four hundred fifty and 69/100 feet (450.69') to a point;
- THENCE:** N.48° 44' 25"W., eleven and 43/100 feet (11.43') to a point;
- THENCE:** N.23° 58' 33"E., eighty one and 62/100 feet (81.62') to the point of beginning;

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CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

RECEIVED
2016 MAR 16 A 11:31
CITY CLERKS OFFICE
GARDNER, MA

March 16, 2016

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

Subject: Layouts & Orders of Taking for Public Ways

Dear President Walsh:

The Planning Board voted at its meeting on March 8, 2016 to recommend that the City Council consider petitions to layout and accompanying Orders of Taking in Fee of several ways, in accordance with Chapter 567 of the *Code of the City of Gardner*. The Petitions include the following ways:

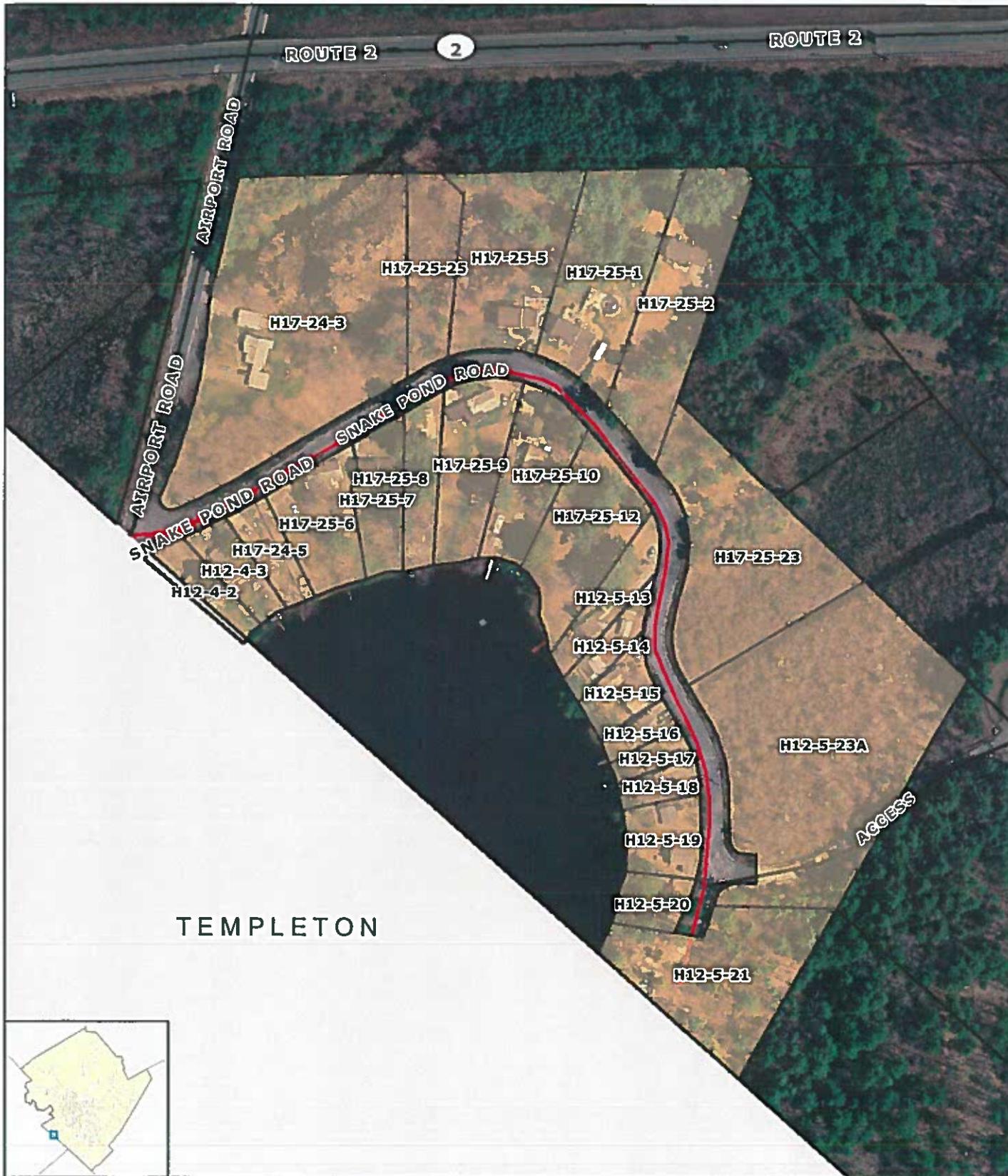
- Fredette Street from the end of the portion accepted in 1979 to the accepted portion of Wilkins Road accepted in 1974, a total length of approximately 2,226 feet.
- Snake Pond Road, in its entirety.
- Clairmont Street, from Union Street to its end.

The Planning Board looks forward to working with the City Council on this important amendment. Please feel free to contact the Planning Director, Trevor Beauregard, if you have any questions or concerns.

Sincerely,

Allen L. Gross
Allen L. Gross
Chairman 

C: Trevor M. Beauregard, Director
Robert Hankinson, City Engineer
Dane Arnold, Director DPW



 Subject Road
 Abutters
 Parcels
 Road Centerlines

ABUTTER'S LIST (CLERK)
SNAKE POND ROAD

CITY OF GARDNER
 95 Pleasant Street
 Gardner, MA 01440

0 80 160 Feet 

Data Sources
 City of Gardner Engineering,
 Office of Geographic and
 Environmental Information (MassGIS),
 Commonwealth of Massachusetts, EOEa




CITY OF GARDNER
CERTIFIED ABUTTERS LIST

Parcel ID	Location	Owner	Own 2	Mailing Address	Mailing Address 2	State	Zip
Clairmont Street							
R12-3-31	24 CLAIRMONT ST	BABIN ERIC & CONNIE L	✓	24 CLAIRMONT ST	GARDNER	MA	01440
R12-8-24	30 CLAIRMONT ST	GRAVES KAREN H	✓	30 CLAIRMONT ST	GARDNER	MA	01440
R12-3-30	41 CLAIRMONT ST	BINDER RICHARD K & MICHELLE	✓	41 CLAIRMONT ST	GARDNER	MA	01440
R12-8-8	57 CLAIRMONT ST	JELLYMAN RICHARD A J	✓	33 PALMER CT	CLINTON	MA	01510
R12-3-8	70 UNION ST	LEGER YVON J JR & LOUISE M	✓	70 UNION ST	GARDNER	MA	01440
R12-8-12	CLAIRMONT ST	O'NEIL JOHN T & CARYL L	✓	111 HIGH KNOB RD	ATHOL	MA	01331
R12-8-6	1 CLAIRMONT ST	PERRY JOHN J & JUNE ANN	✓	3 PINE GROVE AVE	GARDNER	MA	01440
R12-3-12	94 UNION ST	WARREN JAMISON	✓	94 UNION ST	GARDNER	MA	01440
R12-3-9	12 CLAIRMONT ST	OSBORNE TIFFANY	✓	12 CLAIRMONT ST	GARDNER	MA	01440
R12-3-11	88 UNION ST	SPURR DANIEL E	✓	88 UNION ST	GARDNER	MA	01440
R12-8-26	29 CLAIRMONT ST	FAHLBECK MARK E & COURTNEY C	✓	29 CLAIRMONT ST	GARDNER	MA	01440
R12-3-28	18 CLAIRMONT ST	BOISVERT MATTHEW S	✓	18 CLAIRMONT ST	GARDNER	MA	01440
R12-8-9	PINE GROVE AVE	DYMEK CUSTOM BUILDERS INC	✓	217 CONANT ST STE 1	GARDNER	MA	01440
Snake/Pond Road							
H12-5-19	167 SNAKE POND RD	SANDERSON NANCY C	✓	12 CARRIAGE LN	SHIRLEY	MA	01464
H12-5-23A	SNAKE POND RD	CITY OF GARDNER	✓	95 PLEASANT ST STE 125	GARDNER	MA	01440
H12-4-2	240 AIRPORT RD	MAILLET ANDREA J	✓	240 AIRPORT RD	GARDNER	MA	01440
H12-4-3	9 SNAKE POND RD	TREPTOW ROBERT W & LOIS N	✓	9 SNAKE POND RD	GARDNER	MA	01440
H12-5-13	121 SNAKE POND RD	SICILIANO JOSEPH JR	✓	121 SNAKE POND RD	GARDNER	MA	01440
H17-25-9	55 SNAKE POND RD	ALLAIRE PAUL	✓	55 SNAKE POND RD	GARDNER	MA	01440
H17-25-12	101 SNAKE POND RD	MORSE BARRY TRSTE	✓	10A CENTRAL ST	BALDWINVILLE	MA	01436
H12-5-18	151 SNAKE POND RD	BLANCHARD BRUCE M & LISA A	✓	151 SNAKE POND RD	GARDNER	MA	01440
H17-25-8	45 SNAKE POND RD	RAHIKKA SULHO	✓	45 SNAKE POND RD	GARDNER	MA	01440
H17-25-7	41 SNAKE POND RD	FARIAS MICHAEL	✓	41 SNAKE POND RD	GARDNER	MA	01440
H17-25-23	AIRPORT RD	CORMIER GERALD A	✓	135 SNAKE POND RD	GARDNER	MA	01440
H12-5-21	187 SNAKE POND RD	TOOMEY WALTER J	✓	187 SNAKE POND RD	GARDNER	MA	01440
H12-5-15	129 SNAKE POND RD	HADMACK KENNETH E	✓	129 SNAKE POND RD	GARDNER	MA	01440

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Parcel ID	Location	Owner	Own 2	Mailing Address	Mailing Address 2	State	Zip
H17-25-5	64 SNAKE POND RD	SANER JOHN W & APRIL L	✓	64 SNAKE POND RD	GARDNER	MA	01440
H17-25-1	70 SNAKE POND RD	WARD CHRISTINE M	✓	70 SNAKE POND RD	GARDNER	MA	01440
H17-25-2	78 SNAKE POND RD	FOURNIER PAMELA G	✓	78 SNAKE POND RD	GARDNER	MA	01440
H17-24-5	17 SNAKE POND RD	WHITNEY MARGARET	✓	17 SNAKE POND RD	GARDNER	MA	01440
H17-25-6	29 SNAKE POND RD	DAVIDSON PAULA M	✓	PO BOX 372	HUBBARDSTON	MA	01452
H17-25-10	81 SNAKE POND RD	MCAUSTER ALAN W	✓	546 W BROADWAY	GARDNER	MA	01440
H17-24-3	218 AIRPORT RD	MC MILLEON RUSSELL G	✓	218 AIRPORT RD	GARDNER	MA	01440
H12-5-20	175 SNAKE POND RD	KULVETE FAMILY TRUST	✓	84 MAPLEWOOD DR	TOWNSEND	MA	01469
H12-5-17	143 SNAKE POND RD	FINN MARTHA	✓	252 FEDERAL ST	GREENFIELD	MA	01301
H12-5-16	135 SNAKE POND RD	CORMIER GERALD A & IRMA M	✓	135 SNAKE POND RD	GARDNER	MA	01440
H17-25-25	SNAKE POND RD	MACPHERSON MARYANN	✓	827 WESTMINSTER HILL RD	FITCHBURG	MA	01420
H12-5-14	125 SNAKE POND RD	AUKSTIKALNIS JACK R & PAUL R TRSTES	✓	441 RAYMOND AVE APT 9	SANTA MONICA	CA	90405

Parcel ID	Location	Owner	Own 2	Mailing Address	Mailing Address 2	State	Zip
M22-6-29	70 FREDETTE ST	SEAMAN PAPER OF MASS	✓	70 FREDETTE ST	GARDNER	MA	01440
M22-11-3	100 FREDETTE ST	CERGAR REALTY LLC	✓	164 FREDETTE ST	GARDNER	MA	01440
M22-11-7	91 FREDETTE ST	MANCA JOHN F & DORINA G TRSTES	✓	35 SHORE RD	GARDNER	MA	01440
M22-16-1	W BROADWAY	GREATER GARDNER INDUSTRIAL FOUNDATION	✓	7 CYNTHIA LN	STERLING	MA	01564
M22-16-3	164 FREDETTE ST	GARLOCK PRINTING & CONVERTING CORP	✓	164 FREDETTE ST	GARDNER	MA	01440
M17-2-2	79 WILKINS RD	KE TUBE INC	✓	79 WILKINS RD	GARDNER	MA	01440
M17-6-4A	W BROADWAY	GREATER GARDNER INDUSTRIAL FOUNDATION	✓	7 CYNTHIA LN	STERLING	MA	01564
M22-16-2	112 FREDETTE ST	GARLOCK PRINTING & CONVERTING CORP	✓	164 FREDETTE ST	GARDNER	MA	01440

Location: as noted
 PID:
 Special Considerations: N/A

Abutter Type: Clerk - ROW
 GIS Date: 3/23/2016
 Date of GIS/CAMA Extract: 3/22/2016

This is to certify that at the time of the last assessment for taxation made by the City of Gardner, the above names and address and the parties assessed as adjoining owners to the proposed property.