

1. 6:30 P.M. City Council Informal Meeting Agenda (PDF)

Documents:

[05-02-2016 CITY COUNCIL INFORMAL MEETING NOTICE.PDF](#)

2. City Council Regular Meeting Calendar

Documents:

[05-16-2016 COUNCIL CALENDAR AND PACKET.PDF](#)

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

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
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL



April 25, 2016

CITY COUNCIL INFORMAL MEETING

Date: Monday, May 2, 2016
Time: 6:30 P.M.
Location: City Council Chamber, Room 219, City Hall

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

AGENDA

The City Council will meet with the Mayor and Fire Department officials regarding implementing a Fire Department-operated Ambulance Service.

NOTICE: The listing of Agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

CITY COUNCIL OF GARDNER

JAMES M. WALSH
Council President



City of Gardner, Massachusetts

Office of the City Council

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### CALENDAR FOR THE MEETING

of

MONDAY, MAY 16, 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 May 2, 2016 Informal and Regular Meetings.

#### VII. PUBLIC HEARINGS

#### VIII. COMMUNICATIONS FROM THE MAYOR

##### CORRESPONDENCE

**9624** – A Communication from the Mayor Relative to the Tax Burden.

##### ORDERS

**9625** – An Order Appropriating \$65,000.00 from Free Cash to Cumberland Farms Purchase (*Finance Committee*).

**9626** – An Order Appropriating \$160,000.00 from Free Cash to DPW, Road Resurfacing (*Finance Committee*).

**9627** – An Order Appropriating \$40,000.00 from Free Cash to DPW, New Equipment (*Finance Committee*).

##### ORDINANCES

**9628** – An Ordinance to Amend the Code of the City of Gardner by Adding a New Chapter Entitled “Solicitors.” (*Public Safety Committee*).

**9629** – An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Thereof, Entitled “Vehicles and Traffic,” Various Sections (*Public Safety Committee*).

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

- 9630** – An Application by Brian’s Bowlayway, Inc. for a License to Operate a Bowling Alley at 123 Main Street (*Public Safety Committee*).
- 9631** – An Application by The Salvation Army for a License to Deal in Second Hand Articles at 8 Union Square (*Public Safety Committee*).
- 9632** – A Measure Approving a Financial Interest Under G.L. Chapter 268A, § 20(b) in the Matter of Ameer Dellasanta, Teacher, for a Contract for Interpretive Services in the Translation of Documents (*Finance Committee*).
- 9633** – A Measure Approving a Financial Interest Under G.L. Chapter 268A, § 20(b) in the Matter of Dillon T. Hammond, Production Assistant, for a Contract for Data Collection Services (*Finance Committee*).

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

### **PUBLIC SERVICE COMMITTEE**

- 9616** – An Order Appropriating \$10,000.00 from Free Cash to Building Department, Repairs and Maintenance (*In City Council and Referred to Public Service 5/2/2016*)

### **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*).

### **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*).
- 9611** – A Resolution Relative to Aggregation of Electric Power and a Measure Accepting G.L. Chapter 164, § 134, Load Aggregation Programs (*In City Council and Referred to Committee of the Whole 4/19/2016; Informal Meeting with Colonial Power scheduled for 5/16/2016 at 6:15 p.m.*).

## **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 4/19/2016; Planning Board Final Report Pending*).
- 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 4/19/2016; Planning Board Final Report Pending*).

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

**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 Scheduled 5/16/2016 at 7:00 p.m.).*

**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 Scheduled 5/16/2016 at 7:00 p.m.).*

**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).*

**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 3/21/2016; Ordered to First Printing 5/2/2016; First Printing 5/6/2016).*

## **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.

**INFORMAL MEETING OF MAY 2, 2016**

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Informal Meeting of the City Council was held in the City Council Chamber, 2<sup>nd</sup> Floor, City Hall, on Monday evening, May 2, 2016.

**CALL TO ORDER**

Council President James Walsh called the informal meeting to order at 6:30 o'clock p.m.

**ATTENDANCE**

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.

Others in attendance were Mayor Mark Hawke, Fire Chief Richard Ares, Fire Captain Greg Lagoy, and Fire Private Eric Hulette, EMS Coordinator.

President Walsh welcomed the Mayor and Fire Department officials for discussion of implementing a Fire Department-operated BLS Ambulance Service. He said that the Mayor invited questions from Councillors and that Councillor Ronald Cormier submitted a series of questions.

President Walsh recognized Councillor Ronald Cormier.

Councillor Ronald Cormier addressed the Council, as follows:

“At the last council meeting, the Finance Committee was rebuffed in its request to have the issue of establishing a municipal ambulance service referred to the Council as a Committee of the Whole. This refusal to honor a request for a referral was unusual and disturbing at best. It was suggested that this would merely delay the process and that we had enough information presented in the past. I can assure you that our request for this presentation was not to delay but in fact to have an opportunity for all Councillors both new and old to have a chance to ask any questions and to have clarification of a number of significant issues. I and the other members of the Finance Committee felt that in the past when changes in ambulance service were instituted by the Mayor there was a great degree of displeasure from the members of the council at that time, as well as by the general citizenry.

Our goal then, and it should be the desire of all members of the City Council presently, was to provide an opportunity for transparency in the process of

INFORMAL MEETING OF MAY 2, 2016

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implementation of this significant change in emergency services and to prevent any misunderstanding by the council, the mayor, the fire department administration and the public. As part of our due diligence I have presented the Mayor with a long list of questions and issues concerning this process and I would invite him and the administrative members of the Fire Department to address them at this time. By doing so they can provide clarification of any questions that may have been asked or thought of. Having voted with the majority on item 9608, the partial salary portion of the creation of this endeavor, I would have been prepared to ask for reconsideration of this item if a proper forum for questions and information had not been provided.

Perhaps, Mr. President this approach will serve to inform all of us present and prevent misunderstandings from developing. I would also like to acknowledge the efforts of the President and Mayor in providing us with this opportunity to exercise our responsibilities as Councillors.”

Mayor Hawke addressed the questions that were submitted by Councillor Cormier, as follows:

1. Will additional clerical help be required for the maintenance of “run records” and submittal to either insurance companies or billing company?

Mayor Hawke: At this time, none are anticipated. If so, the cost would be borne through revenues.

2. Has a budget been established for the annual maintenance of the ambulance?

Mayor Hawke: Incorporated into the operating budget under a line item for gasoline, maintenance, and repairs.

3. It is assumed that all budget items, estimates and other related information are being presented by the responsible parties, including the Executive branch of our local government, with assistance provided by the Administration of the Department in question. In addition, it should be clear that the responsible committees of the City Council, in this case the Finance and Safety Committees, will be given an opportunity to endorse the plan in its entirety before any expenditures are made.

Mayor Hawke: Only via money orders. No plans or changes endorsed by the Council.

INFORMAL MEETING OF MAY 2, 2016

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4. Will the Finance and Safety Committees be allowed an opportunity to review any contracts that are to be developed concerning supplemental ambulance coverage?

Mayor Hawke: No Council action is necessary.

5. A review of contracts that are involved in the creation of this venture and those of private contractors involved as well as all liability issues should, in fact, be reviewed by the Law Department.

Mayor Hawke: Always reviewed by the Law Department.

6. There is a possibility that a service as recommended should be operated as an Enterprise-funded project? Has a timeline been developed that will serve as a guideline to establish this as an Enterprise Fund?

Mayor Hawke: No, not at this time. Operate for 1 to 2 years under the Fire Department budget – first year “start-up” and second year fully-operational. Eventually, move to an enterprise fund.

- 6.1. Is there a legal requirement that a service such as this be operated as an enterprise system?

Mayor Hawke: Not aware of one.

7. In the event that budget estimates are not sustainable is an alternate plan in place?

Mayor Hawke: If sufficient receipts are not generated to support the Ambulance, then the Fire Department budget would cover the shortfall.

8. This plan is a dramatic change of services for the Citizens of Gardner, what input from the citizenry has been solicited, if any?

Mayor Hawke: The same level of services will be provided.

9. What input has been solicited and/or received from the medical community?

Mayor Hawke: Both MedStar and Woods have publicly stated support for the Fire Department ambulance.

INFORMAL MEETING OF MAY 2, 2016

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10. Has a budget item been included for insurance costs?
- 10.1. Liability  
Mayor Hawke: Included in the City's umbrella insurance policy.
- 10.2. Motor vehicle  
Mayor Hawke: \$75,000 budget line item for motor vehicle insurance coverage which might change by an "X dollar amount" if a used ambulance is added to the fleet.
11. Has a budget been established for the cost of training and certifying the new firefighter/EMTs?
- Mayor Hawke: Yes, included in the budget presented.
12. What is the annual cost associated with re-certification?
- 12.1. Ambulance and related equipment  
Mayor Hawke: \$500 license fee.
- 12.2. Personnel  
Mayor Hawke: EMT Update \$2,000 training/recertification.
13. What is the total estimated capital cost to establish this subset of the Department and how will it be paid for until such time as the revenue stream is sufficient to cover the associated costs?
- Mayor Hawke: If the Department receives 170 transports per month for the first 4 months, then receipts are estimated to be \$300,000.
- 13.1. Does the amount include Overtime costs for vacation coverage?
- Mayor Hawke: Yes, it is built into the budget.
- 13.2. Is there an amount calculated to cover OT costs for sick days or injury days?
- Mayor Hawke: Yes, it is built into the budget.

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- 13.3. Has an amount been calculated to cover interest costs if the city is required to borrow money in order to establish the program?

Mayor Hawke: Interest costs would apply only to acquisition of an ambulance, as the City cannot borrow for salaries and operating expenses. In Year 2, \$55,000 included in the Budget for a lease payment for a new ambulance.

- 13.4. Are insurance costs included?

Mayor Hawke: Yes, it is in the City budget.

14. Will the existing command staffing formula be adequate to cover this venture?

Mayor Hawke: Yes, we are adding 2 per shift- 1 Lieutenant and five privates.

15. Union contracts may be affected, how will those changes be addressed?

Mayor Hawke: The Union is voting on May 10 to accept the negotiated changes.

- 15.1. How will dispatch be operated?

- 15.2. When will centralize dispatch take over?

- 15.3. When will the Department dispatch be eliminated?

Mayor Hawke: The Union Agreement has the Fire Captain, the Fire Chief, and Police Chief agreeing when Fire dispatch will be transferred to the Police HQ. The City will use the Gardner-Athol regionalization grant ( $\pm$ \$1M) to pay for infrastructure expenses associated with relocating FD dispatching.

Chief Ares: At the recent Dispatch Regionalization meeting, the Consultant advised that 12-18 months is expected for the transition.

16. The Mayor's attempt to eliminate certain debts was rebuffed. Will this affect budgeting in the next Fiscal Year?

Mayor Hawke: I certainly hope not!

INFORMAL MEETING OF MAY 2, 2016

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17. Has a Capital item been included for the cost of an ambulance?

Mayor Hawke: Year 1 budget includes \$8,000 for a used ambulance from Westminster (not a capital expense; therefore, not included on the CIP).

18. Will the increased costs associated with the establishment of this new service result in the need to either borrow in anticipation of revenue, or will it require cuts in the Fire Department or other Departments until such time as the anticipated revenue stream is adequate to cover costs?

Mayor Hawke: No. Anticipated receipts should offset projected expenses.

Councillor Vance: If actual receipts fall short of projections, how will the shortfall be addressed?

Mayor Hawke: Mid-year changes to the budget would be necessary or, worst case scenario, the City could resort to appropriations from Free Cash or the Stabilization Fund. Maximum exposure for the year would be \$300,000.00.

19. Collection of ambulance charges are an issue. How have they been addressed?

- 19.1. What percentage of charges do collection companies retain?

Chief Ares: An RFP is being assembled to send to billing companies that are used by many area departments. Companies charge based on amounts collected, not billed. Once the operation is up and running, expect about 4% of the total amount collected to pay the billing company for billing and collection services.

Councillor Vance: Why is the range of fees from a low of 2% to a high of 7%?

Chief Ares: Billing companies use a certain formula which average 4%.

- 19.2. We have been given some statistics on the number of runs that are done during the course of a year. What is the breakdown on collections?

Chief Ares: There is no way to tell at this time.

INFORMAL MEETING OF MAY 2, 2016

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President Walsh: Would other communities be able to tell?

Chief Ares: The Department could inquire with MedStar for actual numbers.

19.2.1. What percentage is paid by insurance companies?

19.2.2. What percentage of the payment by an insurance company is in full or is it pro-rated.

Chief Ares: There is no definitive method to determine who has insurance. The Department could provide an estimate based on the number of runs and amounts collected.

Mayor Hawke: The City's BLS transport base rate would be \$440, which is the lowest of any community in North Central Massachusetts.

19.2.3. What percentage of calls are refusal of transport and how is that cost covered?

Chief Ares: Data is not maintained for refusals to transport. Persons waiving transport are required to sign a form waiving care.

19.2.4. What percentage of calls is private pay?

Chief Ares: Not known/unable to determine.

19.2.5. Will any transfers be made by the city run agency?

Chief Ares: No transports to nursing homes.

19.2.6. In the event that non-insured or other reasons cause non-payment for services rendered, has an amount been budgeted to cover this short fall that could occur?

Mayor Hawke: Costs for billing services are based on collections, not on amounts billed.

19.3. It is assumed that the city run ambulance will be for basic life support.

INFORMAL MEETING OF MAY 2, 2016

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Mayor Hawke: Yes, at this time.

Councillor Marc Morgan: ALS is the big moneymaker. Understanding is that the emergency vehicle that transports the patient collects the fees.

Chief Ares: Leominster paramedics ride along with the ALS transporter.

- 19.3.1. A contract will need to be negotiated with a private firm to supply back up service as well as Advanced Life Support. Who will be responsible for keeping track of these additional services and who will be responsible for the billing?

Mayor Hawke: The City maintains the current contract.

- 19.3.2. If ALS or back up runs become uncollectible or service is refused will the City be responsible for the private contractor's costs?

Mayor Hawke: No.

20. May we have a complete itemized breakdown of all costs associated with establishing this new venture including but not limited to the following:

- 20.1. Ambulance purchase cost (used)

Mayor Hawke: \$8,000.

- 20.2. Ambulance purchase or lease cost in the future.

Mayor Hawke: \$55,000 per year lease. One vehicle to start the BLS operation and acquire a backup in the second year.

- 20.3. Ambulance maintenance costs such as tune ups, fuel, tires, batteries, etc.

Mayor Hawke: Within Fire Department budget line items.

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## 20.4. Ambulance equipment costs:

## 20.4.1. Permanent equipment such as radios, etc.

Mayor Hawke: Expenses are included in the budget proposal.

## 20.4.2. Ongoing renewable equipment

## 20.4.3. Certification requirements

## 20.5. Insurance costs

## 20.5.1. Liability

## 20.5.2. Motor vehicle

Mayor Hawke: Outlined earlier in the meeting.

## 20.6. Manpower costs

## 20.6.1. Salaries

Mayor Hawke: Salaries and overtime for 7 FF/EMT's are included in the budget proposal.

## 20.6.2. Overtime anticipated

Mayor Hawke: Overtime costs associated with BLS services would be drawn from the Ambulance budget. He said that in the current fiscal year, FD OT is expected to reach \$300,000. Most municipal Fire-operated ambulance services operate via an Enterprise Fund.

## 20.6.3. Fringe benefits

Mayor Hawke: Budget includes health insurance for six Family and one Individual plan.

Councillor Graves: Noted retirement contributions by the City and pension costs for seven new FF. If retiree lives to age 95,

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that's 40 years of pension payments, citing 55 retirement age of for FF/EMT's.

Mayor Hawke: Current employee contributions to the retirement system are 9% plus 2% for income exceeding \$32,000/year. He envisions that the contribution rate would increase to 10% + 2%.

Councillor Graves: How much will the additional FF/EMT's cost the taxpayer?

Mayor Hawke: We are working our way to "full-funding" the retirement system.

Chief Ares: Studies have shown that the average firefighter lives for seven years after retirement. He added that hopefully, ambulance-run revenues cover the added expenses.

Mayor Hawke: Possibility that some or all new FF might not require health insurance through the City (spouse coverage).

20.6.4. Retraining

20.6.5. Recertification

20.7. Other expected costs should be provided to all involved as soon as possible.

Councillor Morgan: How will the City control expenses and account for the revenues and expenditures for this new operation?

Mayor Hawke: There is no additional cost to the City to account for revenues and expenses.

Councillor Ronald Cormier: Goal is to maintain separate accounting for the Ambulance service. – Itemization of all expenses.

Mayor Hawke: The City can itemize most expenses associated with the ambulance operation; however, certain items such as oil and gasoline are drawn from the Fire Department's operating budget.

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Mayor Hawke: With regard to overtime control, the Department operates on a “platoon system,” 42-hour work week, 4 days on, 2 days off, with 1 “floater.” If all goes well, revenues should be sufficient to cover any overtime for ambulance services.

Councillor Graves: Why wouldn't the City establish an Enterprise Fund at this time?

Mayor Hawke: That is the plan; however, it will be several months before the new FF/EMT's are on-board (Civil Service lists) and that it is too late in the budget preparation season to implement an Enterprise Fund.

Councillor Ronald Cormier: Would like to have at least one year of actual revenues and expenditure data before embarking on an enterprise system.

Councillor Tassone: What is the downside?

Mayor Hawke: Bad timing. A service operating within an Enterprise system must be financially self-sustaining.

Councillor Tassone: When will the FD-operated ambulance service begin?

Chief Ares: January 1, 2017 is the target to implement the service.

Councillor Graves: The City has all of the run data from MedStar, so we can project that the City should have the same number of runs.

Chief Ares: Using the transport figures from the January, 2015 Presentation, the Department projects that it would transport approximately 25% fewer patients than MedStar, since the FD would be engaged with other calls.

Mayor Hawke: Budget estimates compute that the same seven FF/EMT's move up the FF pay scale for seven years – unlikely that the seven FF/EMT's assigned to the ambulance would remain on that assignment for seven years.

Chief Ares: New hires will be assigned to the ambulance.

INFORMAL MEETING OF MAY 2, 2016

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President Walsh: Elements of the \$300,000 Ambulance budget? Revenues and expenditures?

Mayor Hawke: 2,800 annual transports; Initial 680 transports at \$440 per transport = \$300,000. Expenses include salaries, holiday pay, clothing, supplies, etc. Not accounting for oil and gasoline for the ambulance.

President Walsh: Cost to add the ambulance service should affect the City's Liability insurance significantly more than \$300 per year.

President Walsh: Our experience by adding an ambulance might change that. There are indirect costs that are not included in the \$300,000 budget that the City is not in a position at this time to determine.

The meeting was adjourned at 7:12 p.m.

Accepted by the City Council:

**REGULAR MEETING OF MAY 2, 2016**

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Regular Meeting of the City Council was held in the City Council Chamber, 2<sup>nd</sup> Floor, City Hall, on Monday evening, May 2, 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 Marc Morgan, 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 April 19, 2016 Public Hearing and Regular Meeting, as corrected.

**COMMUNICATIONS FROM THE MAYOR****APPOINTMENTS**

**#9612**

On a motion by Councillor Scott Graves and seconded by Councillor Nathan Boudreau, on recommendation of the Finance Committee, 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 confirm the following appointment received from the Mayor:

REGULAR MEETING OF MAY 2, 2016

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**CLAUDE LEGER** to the position of Senior Citizens' Director for term expiring April 13, 2018

Worcester, ss.

May 2, 2016

Then personally appeared **CLAUDE LEGER** and made oath that he would faithfully and impartially perform the duties of Senior Citizens' Director according to law and the best of his abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

**#9613**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, 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 confirm the following appointment received from the Mayor:

**ALANNA TOOMEY** to the position of Member, Historical Commission, for term expiring April 19, 2019.

Worcester, ss.

May 2, 2016

Then personally appeared **ALANNA TOOMEY** and made oath that she would faithfully and impartially perform the duties of Member, Historical Commission, according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

**ORDERS****#9614**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that that the original appropriation for FY2016 was \$700,000 and that 75% of benefits disbursed is reimbursed by the State. He said that the Finance Committee agreed that the State should reimburse the City at 100% of benefits disbursed.

Councillor Scott Graves stated that Massachusetts is the only state that has such a law in place, noting that the state does not send people to war, but that the Federal Government does. Citing the Mayor's letter, he said that in FY2016, the City spent \$206,000 for benefits and that it is estimated that the City will spend \$908,000 in the current fiscal year. "At some point, we are not going to be able to do it," he said.

REGULAR MEETING OF MAY 2, 2016

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On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, it was voted on roll call, 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 adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO VETERAN'S BENEFITS.

ORDERED: That there be and is hereby appropriated the sum of Two Hundred Eight Thousand Dollars and No Cents (\$208,000.00) from Free Cash to Veteran's Benefits.

Presented to Mayor for Approval – May 3, 2016

Approved – May 3, 2016

MARK P. HAWKE, Mayor

**#9615**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the City Hall postage machine is irreparable and that the proposed replacement “is state-of-the art.”

Councillor Scott Graves asked if a maintenance contract comes with the new machine.

Mayor Hawke indicated that a maintenance contract is included with the purchase.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, on recommendation of the Finance Committee, it was voted on roll call, 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 adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO TREASURER MINOR EQUIPMENT.

ORDERED: That there be and is hereby appropriated the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) from Free Cash to Treasurer, Minor Equipment.

Presented to Mayor for Approval – May 3, 2016

Approved – May 3, 2016

MARK P. HAWKE, Mayor

**#9616**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that Building Commissioner Jeffrey Cooke informed the Committee that the appropriation would replace two School Zone warning signals approaching Elm Street School and two approaching Waterford Street School, which he noted are over twenty years old.

**REGULAR MEETING OF MAY 2, 2016**

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Councillor Ronald Cormier moved to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO BUILDING REPAIRS AND MAINTENANCE.

ORDER: That there be and is hereby appropriated the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Free Cash to Building Repairs and Maintenance.

Councillor Marc Morgan seconded the motion.

Councillor Scott Graves moved to refer the Order to the Public Service Committee for further study and report. Councillor Nathan Boudreau seconded the motion.

On the motion by Councillor Scott Graves and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance; one (1) nay, Councillor, Paul Tassone, to refer the following Order to the Public Service Committee for further study and report:

AN ORDER APPROPRIATING FROM FREE CASH TO BUILDING REPAIRS AND MAINTENANCE.

ORDER: That there be and is hereby appropriated the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Free Cash to Building Repairs and Maintenance.

**PETITIONS, APPLICATIONS, ETC.****#9617**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend passage of the Lease Amendment.

Councillor Scott Graves said that recently, the Council voted against granting municipally-owned land to Heywood Hospital for construction of a parking lot due to environmental concerns. He then questioned whether there are any environmental concerns associated with siting a solar carport system on the property.

Councillor Marc Morgan responded, saying that the Finance Committee addressed the question with the City Engineer who advised the Committee that rainwater discharged from the solar panels would enter the existing drainage.

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, 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 adopt the following Measure:

REGULAR MEETING OF MAY 2, 2016

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AMENDMENT TO LEASE BETWEEN CITY OF GARDNER  
AND  
HENRY HEYWOOD MEMORIAL HOSPITAL

VOTED: That the City of Gardner, acting through its Mayor and its Director of Public Works, amend its lease with Henry Heywood Memorial Hospital dated April 9, 1968, and recorded in Worcester District Registry of Deeds, Book 4869, Page 185, to assent to the construction and maintenance of a solar carport system, all or a portion of said system to be on a portion of leased land describe as Parcel 1; and to further authorize the Mayor and the Director of Public Works, as successor to the rights, privileges, duties and liabilities of its former Public Works Board to further to sign, seal and deliver an agreement or amendment to said lease and to do any other thing deemed necessary or advisable to give full effect to this vote, his signature on such instrument to be conclusive that its execution is within the authority conferred by this vote.

Presented to Mayor for Approval – May 3, 2016

Approved – May 3, 2016

MARK P. HAWKE, Mayor

**#9618**

Councillor Paul Tassone, Chairman of the Public Safety Committee, reported that the Committee voted to recommend that the license application be granted, conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines. He added that the Police Chief had no objections.

Councillor Matthew Vance, a member of the Public Safety Committee, stated that the City Council issued a license to ecoATM last year, adding that the unit is located inside Walmart.

Councillor Nathan Boudreau stated that he had never seen this type of licensee before and asked if the City Council would have to license all Coinstar® machines, as well. “This isn’t a storefront and there are no employees, so it doesn’t make much sense to me,” he said.

Councillor Vance informed the Council that the Safety Committee addressed the same license almost a year ago, and that the Police Department has not had any issues to-date.

Councillor Scott Graves stated that he had mentioned before that “We are entering on to a slippery slope on this because we are okay with this but we’re not okay with a very fine gentleman that came in here and wanted to sell cars, similar to this – no location. There are no employees, no human beings manning the thing.” He concluded his comments, saying “We voted that down, but we voted okay to this. And, there are banks out there that don’t have locations in the City, but that they can do business in the City. We are just not being consistent,” adding, however, that he supports issuing the license.



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**REGULAR MEETING OF MAY 2, 2016**

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Councillor Vance stated that for clarification for people listening [to the broadcast], the Council passed an ordinance for the car dealership that doesn't have a location, "so we are treating everyone the same."

On a motion by Councillor Paul Tassone and seconded by Councillor Matthew Vance, on recommendation of the Public Safety Committee, 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 approve the application of ecoATM, Inc. for renewal of a License to Deal in Second Hand Articles at 677 Timpany Boulevard for the period May 1, 2016 through April 30, 2017. The issuance of the license is conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines.

**#9619**

On a motion by Councillor Paul Tassone and seconded by Councillor Matthew Vance, on recommendation of the Public Safety Committee, 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 approve the application of Gardner Coins & Cards, Inc. for renewal of a License to Deal in Second Hand Articles at 25 Pleasant Street for the period May 1, 2016 through April 30, 2017. The issuance of the license is conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines,

**#9620**

On a motion by Councillor Paul Tassone and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, 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 approve the application of GameStop, Inc. for renewal of a License to Deal in Second Hand Articles at 376 Timpany Boulevard for the period May 1, 2016 through April 30, 2017. The issuance of the license is conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines,

**#9621**

On a motion by Councillor Paul Tassone and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, 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,

REGULAR MEETING OF MAY 2, 2016

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Matthew Vance, to approve the application of Gardner Ten Pins, Inc., 560 West Broadway, for renewal of a Bowling Alley License for the period May 1, 2016 through April 30, 2017. The issuance of the license is conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines.

**#9622**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend passage of the Resolution, which was requested by the Gardner Redevelopment Authority.

Councillor Scott Graves stated “There’s not a building big enough in the City to name after Rob Hubbard.” He said that it is appropriate to name the Conference Room after Rob, but wished that there was a building to name after Rob.”

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, 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 adopt the following Resolution:

## RESOLUTION

APPROVING THE NAMING OF THE CITY HALL ANNEX CONFERENCE ROOM  
IN HONOR OF ROBERT L. HUBBARD

WHEREAS, Robert L. Hubbard was a dedicated employee of the City of Gardner serving as Director of Community Development and Planning Department for twenty two years; and

WHEREAS, over the tenure with the City of Gardner Rob oversaw countless projects such as the Levi Heywood Memorial Library, Summit Industrial Park, the creation of two Urban Renewal Plans, the Greater Gardner Community Development Corporation building as well as renovations to the Heywood Wakefield buildings; and

WHEREAS, Rob played an instrumental role in the renovation of the Annex into professional office space for the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Gardner name the conference room on the second floor in the City Hall Annex, the Robert L. Hubbard Conference Room, in honor of his hard work and dedication to this City.

Presented to Mayor for Approval – May 3, 2016

Approved – May 3, 2016

MARK P. HAWKE, Mayor

REGULAR MEETING OF MAY 2, 2016

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

On a motion by Councillor Paul Tassone and seconded by Councillor Matthew Vance, 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 remove from further consideration the request by Seven Point of Massachusetts, Inc. for Support/Non-opposition to siting a Registered Marijuana Dispensary in the City of Gardner.

FINANCE COMMITTEE**#9588**

President Walsh informed the Council that he was not aware if the Law Department had received a response from Attorney Elisha Erb in response to its letter concerning the City's counteroffer. 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).

**#9599**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Finance Committee voted unanimously to recommend the Ordinance amendment, as presented to the Council.

Councillor James Boone informed the Council that he submitted a spreadsheet to the Finance Committee that compared the Mayor's recommendations to the Finance Committee's recommendations. He said that the comparison "apparently received no traction," but going forward, it would be nice to have clear delineation on what the parties do." He added that he was disappointed that he did not receive a spreadsheet with the comparisons, but said that the [compensation study] process has been ongoing for some time in order to get people up to proper pay levels and in their proper positions.

Councillor Scott Graves remarked that he appreciated the work that Councillor Boone did to analyze the compensation and for sharing it with him. He said that some employees will receive raises and that some will not, citing the Treasurer/Collector as one who is not getting a raise "that some department heads lateral to her [position] are receiving, adding "That alone makes it seem unfair."



## REGULAR MEETING OF MAY 2, 2016

Councillor Karen Hardern stated that she noticed that the Purchasing Agent is leaving her position after many years and questioned why the City did not give her a little more money “to keep her here.” She said that the City will have to hire someone new and train him/her.

President Walsh informed the Council that under G.L. Chapter 44, section 33A, a two-thirds vote is required to pass the Ordinance.

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, it was voted viva voce, eight (8) yeas, President James Walsh and Councillors James Boone, Craig Cormier, Ronald Cormier, Karen Hardern, James Johnson, Marc Morgan, and Paul Tassone; three (3) nays, Councillors Nathan Boudreau, Scott Graves, and Matthew Vance, to Order the following Ordinance to First Printing:

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 |



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|                                             |      |        |             |            |             |            |
|---------------------------------------------|------|--------|-------------|------------|-------------|------------|
| 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    |             |            | 01/01/16    |            |         |
|---------------------------------------------|-------|-------------|-------------|------------|-------------|------------|---------|
|                                             |       | 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 |         |
| Assistant City Solicitor                    | G-3   | \$41,175.03 | \$791.83    |            |             |            |         |
| Assistant Director of Community Development | G-7   | City        | \$3,198.00  |            |             |            |         |
|                                             |       | 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            | G-7   | City        | \$46,480.00 |            |             |            |         |
|                                             |       | 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    |            |             |            |         |



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C. NON-UNION STAFF POSITIONS

| Position               | 07/01/15    |          |         | 01/01/16    |          |         |
|------------------------|-------------|----------|---------|-------------|----------|---------|
|                        | 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.

*FIRST PRINTING – MAY 6, 2016*

**COMMITTEE OF THE WHOLE**

**#9234**

President Walsh stated that the Law Department has not yet received a response from Assistant Attorney General Kelli Gunagan regarding proposed Charter provisions and added that he hoped that a response would be forthcoming by the end of May. There being no objections, the Committee of the Whole was granted more time.

**#9611**

There being no objections, the Committee of the Whole was granted more time on the following:

ELECTRIC POWER AGGREGATION RESOLUTION  
AND ACCEPTANCE OF G.L. CHAPTER 164, § 134

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.



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**REGULAR MEETING OF MAY 2, 2016**

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**UNFINISHED BUSINESS****#9606**

Councillor Matthew Vance moved to reconsider Calendar #9606, as follows:

AN ORDER APPROPRIATING FROM FREE CASH TO DEBT SERVICE.

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

Councillor Paul Tassone seconded the motion.

President Walsh announced that Councillor Vance voted on the prevailing side; therefore, his motion is properly before the Council.

Councillor Scott Graves questioned the reason for reconsideration, since the City Council defeated the Order at the last meeting.

President Walsh stated that Council Rules permit reconsideration and that the motion is properly before the Council.

Councillor Vance responded, stating that after some fact-finding, it was made clearer to him of the reasons for paying-off the debt. He said that there is an additional fee to borrow the funds which is significant enough to use Free Cash, allowing sufficient funds in Free Cash to fund other projects.

Councillor Marc Morgan stated that it was his understanding that the loan payment had been made, questioning why the Council is deliberating the payment of a debt that already has been paid.

Councillor Ronald Cormier referred to the Mayor's letter, noting that the Mayor received information from the Treasurer that the loan payment was due on Friday, April 29, 2016. He said that the Mayor indicates in his letter that it is too late to borrow the money.

Councillor Nathan Boudreau questioned the effect, if any, should the City Council not approve the appropriation.

President Walsh responded, saying that the Mayor indicated that the funds would have to be found in the next fiscal year's budget.

Councillor Graves commented that that he disagreed with the motion [to reconsider], saying "this body [Council] said no, you know why, because it is a philosophy. The philosophy, I hope we get, is that the homeowners in our community pay for everything... the real estate owners pay for everything." He continued, saying "Every year, your real estate taxes go up and up and up," and "you can't fix your roof and you can't paint your house, you can't put

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your floor in, because you're paying your taxes to the City. Why? To pay for stuff like this." He concluded, saying, "We live in a poor community, let's not kid ourselves. We have very few homeowners left...they're disappearing," citing 'For Sale' signs and foreclosure notices on homes. "At some point we have to draw a line in the sand and say 'no more'," he said.

Mayor Hawke addressed the Council, saying that he takes full responsibility for the error as he was unaware that the deadline [to borrow] was that close, which typically occurs at the end of the fiscal year. He said that the loan payment due date by April 29; therefore, there wasn't time to borrow. He said that the cost to bond is approximately \$7,000 and that he authorized the Treasurer to make the loan payment; otherwise, the City would have defaulted. He said that the majority of Free Cash was generated from unanticipated revenue. "It would be a mountain to climb to find \$242,000 in next year's budget," he said.

Councillor Karen Hardern stated that she voted previously to pass the Order, adding that "we have the money; we have a bill, [so] then pay it."

On the motion, 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 reconsider the Order.

On call of the roll, it was voted 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 adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO DEBT SERVICE.

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

Presented to Mayor for Approval – May 3, 2016

Approved – May 3, 2016

MARK P. HAWKE, Mayor

**#9551**

President Walsh informed the Council that the Planning Board is scheduled to meet on May 10; therefore, the Council should expect the Planning Board's Final Report by the second Council meeting in May 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, AND SUBSECTION 675-980, SPECIAL REGULATIONS FOR SIGNS IN HISTORIC AREAS, PERPENDICULAR SIGNS.

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**#9569**

President Walsh informed the Council that the Planning Board is scheduled to meet on May 10; therefore, the Council should expect the Planning Board's Final Report by the second Council meeting in May 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.

**#9576**

President Walsh informed the Council that a Public Hearing on *A Resolution to Rename a Portion of Matthews Street to Old Matthews Street* is scheduled for Monday, May 16, 2016 at 7:00 p.m. in the City Council Chamber.

**#9577**

President Walsh informed the Council that a Public Hearing on *A Resolution to Rename a Portion of Summit Avenue to Clairmont Street (from Union Street for approx. 210' southeasterly)* is scheduled for Monday, May 16, 2016 at 7:00 p.m. in the City Council Chamber.

**#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 Scott Graves and seconded by Councillor James Boone, 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.

**City of Gardner Rain Barrel Program**

Councillor Paul Tassone announced that rain barrels will be available from the Board of Health beginning on June 18. He said that between 50 to 100 barrels will be available and that the price per barrel is \$25 for Gardner residents.

**Motor Vehicle Dealer Licensing**

Councillor Scott Graves commented that the City had a business that wanted to sell cars out of a house, but that the City Council shut down that business even though it was allowable under the City's Ordinance at that time. He said that the Council then created an entirely new ordinance, only because the proposed dealership did not have cars at that locale. He



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**REGULAR MEETING OF MAY 2, 2016**

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noted that he did not support the ordinance change at that time and still does not support it. He continued, saying that the Council “will continue to pick and choose” which businesses will require ordinances, which “is not a good business to get into.” He closed his remarks by saying that with technological advances, there are a lot of businesses that will come into the City that cannot be regulated by ordinance.

**Secondhand Dealers**

Councillor Nathan Boudreau, stating that he is “piggybacking” comments made by Councillor Graves, said that he is looking forward to all of the Coinstar®, Redbox® and candy bar machines coming to the Council at future meetings.

**National Teacher Appreciation Week**

Councillor Nathan Boudreau informed the Council that this week is National Teacher Appreciation Week. He acknowledged teachers, retired teachers, and administrators.

**Breast Cancer Awareness “Light the Town Purple”**

Councillor James Johnson reminded the Councillors that the “Light the Town Purple” ceremony is being held in front of City Hall at that time.

**Citywide Cleanup Day**

Councillor James Johnson informed Councillors that the recent Citywide Cleanup Day, sponsored by the Gardner Leo Club, was very successful and that 225 bags of trash were collected in 4 truckloads.

**#9623 - David Curran Recognition**

Councillor Ronald Cormier informed the Council that David Curran, long-time Executive Director of the Gardner Housing Authority, has retired after 36 years of service to the City.

On a motion by Councillor Ronald Cormier and seconded by Councillor Scott Graves, 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 send a letter of appreciation to former Gardner Housing Authority Executive Director David Curran on the occasion of his retirement following 36 years of dedicated service.

**#9599 – Compensation Ordinance**

President Walsh expressed his appreciation to the Council for voting to order the Compensation Ordinance to First Printing, saying that upon receipt of the Salary and Compensation Study, the Finance Committee attempted to ensure that [non-union] employees were assigned to a fair grade and that salaries were at or above the minimum of the ranges provided [by the Consultant]. He noted that some employees’ salaries were



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**REGULAR MEETING OF MAY 2, 2016**

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adjusted and others were not; however, no salaries were reduced. He added that the Committee will be working with the Mayor to establish a “step system” as the next phase in the process.

**Free Cash & Debt Service (#9606)**

President Walsh informed the Council that that since he voted on the prevailing side when the Council did not pass the appropriation from Free Cash to Debt Service under Calendar #9606, he believed that an explanation is warranted. He said that he asked the City Auditor to provide him with a breakdown of the elements of the Budget that comprised available Free Cash. He learned that from FY2015, \$307,000 of the nearly \$2.2 Million in Free Cash originated from the category “Education.” Thus, when he was apprised of the amount and given the fact that the money order was submitted to pay the loan for the Elm Street School project, he concluded that reverting \$242,000 from Free Cash to Debt Service was justified; accordingly, his rationale for voting to reconsider the Order.

**CLOSING PRAYER**

President Walsh led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Scott Graves 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, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to adjourn at 8:25 o'clock p.m.

**Accepted by the City Council:**

9624

# City of Gardner, *Executive Department*



Mark Hawke, Mayor

RECEIVED

2016 MAY -9 A 11: 02

CITY CLERKS OFFICE  
GARDNER, MA

May 9, 2016

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

RE: Tax Burden

Dear President Walsh and Councilors,

At recent City Council meetings I've heard some Councilors speak of the high real estate tax burden in Gardner. The two (2) attached PDF's will dispute that notion.

The data clearly shows that the City of Gardner is in the bottom 20% of all communities in the Commonwealth when it comes to an average single family tax burden. In fact, Gardner comes in at #287 for fiscal year 2015. The data looking at Gardner's tax burden history shows that Gardner was once near the midpoint of all communities ranking at #200 (1989). However, when compared to a neighboring community (Westminster), an oft compared to community to our west (Greenfield) and a couple communities to our east (Fitchburg, Leominster, Shirley), Gardner comes out far more affordable with respect to taxes.

I understand that taxes are a necessary evil. Taxes are meant to allow Government to provide core services such as education, public safety via police and fire services, and maintain infrastructure via Public Works. The easiest thing in the world to do is to spend someone else's money. However, I feel we have done an excellent job in holding the line on spending while maintaining adequate services.

I hope you will find this information useful and that it will dispel the myth of high taxes in Gardner as the data simply does not support that notion.

Respectfully,

Mark Hawke  
Mayor, City of Gardner



## Municipal Databank

Average Single Family Tax Bill  
Data current as of 04/29/2016

Table Graphs State Totals

Please select a Municipality:

Please select a Fiscal Year:

Compare communities with FY2015 operating budgets within the following ranges:

From:  to:

1

| DOR Code | Municipality | Year | Single Family Values | Single Family Parcels | Average Single Family Value | Single Family Tax Bill* | Rank** |
|----------|--------------|------|----------------------|-----------------------|-----------------------------|-------------------------|--------|
| 103      | Gardner      | 1988 | 221,063,700          | 3,078                 | 71,821                      | 1,088                   | 203    |
| 103      | Gardner      | 1989 | 222,832,500          | 3,076                 | 72,442                      | 1,134                   | 200    |
| 103      | Gardner      | 1990 | 342,193,420          | 3,081                 | 111,066                     | 1,185                   | 239    |
| 103      | Gardner      | 1991 | 354,836,520          | 3,172                 | 111,865                     | 1,223                   | 211    |
| 103      | Gardner      | 1992 | 360,453,400          | 3,209                 | 112,326                     | 1,265                   | 275    |
| 103      | Gardner      | 1993 | 302,773,500          | 3,245                 | 93,305                      | 1,322                   | 273    |
| 103      | Gardner      | 1994 | 309,433,500          | 3,296                 | 93,882                      | 1,370                   | 282    |
| 103      | Gardner      | 1995 | 314,884,300          | 3,345                 | 94,136                      | 1,428                   | 279    |
| 103      | Gardner      | 1996 | 297,381,000          | 3,386                 | 87,827                      | 1,516                   | 271    |
| 103      | Gardner      | 1997 | 301,750,900          | 3,424                 | 88,128                      | 1,521                   | 284    |
| 103      | Gardner      | 1998 | 307,740,600          | 3,469                 | 88,712                      | 1,623                   | 273    |
| 103      | Gardner      | 1999 | 322,472,000          | 3,515                 | 91,742                      | 1,679                   | 270    |
| 103      | Gardner      | 2000 | 329,143,600          | 3,562                 | 92,404                      | 1,773                   | 299    |
| 103      | Gardner      | 2001 | 335,192,300          | 3,607                 | 92,928                      | 1,851                   | 265    |
| 103      | Gardner      | 2002 | 437,212,500          | 3,633                 | 120,345                     | 2,059                   | 258    |
| 103      | Gardner      | 2003 | 443,577,700          | 3,659                 | 121,229                     | 2,148                   | 257    |
| 103      | Gardner      | 2004 | 455,156,600          | 3,715                 | 122,519                     | 2,231                   | 269    |
| 103      | Gardner      | 2005 | 701,110,200          | 3,746                 | 187,162                     | 2,353                   | 268    |
| 103      | Gardner      | 2006 | 760,568,000          | 3,801                 | 200,097                     | 2,463                   | 266    |
| 103      | Gardner      | 2007 | 830,075,800          | 3,828                 | 216,843                     | 2,524                   | 278    |
| 103      | Gardner      | 2008 | 817,294,300          | 3,856                 | 211,954                     | 2,567                   | 286    |
| 103      | Gardner      | 2009 | 772,397,800          | 3,874                 | 199,380                     | 2,606                   | 290    |
| 103      | Gardner      | 2010 | 701,294,700          | 3,895                 | 180,050                     | 2,676                   | 293    |
| 103      | Gardner      | 2011 | 680,455,200          | 3,907                 | 174,163                     | 2,729                   | 300    |
| 103      | Gardner      | 2012 | 671,116,900          | 3,906                 | 171,817                     | 2,864                   | 292    |
| 103      | Gardner      | 2013 | 670,651,600          | 3,909                 | 171,566                     | 2,996                   | 282    |
| 103      | Gardner      | 2014 | 633,628,900          | 3,913                 | 161,929                     | 3,056                   | 294    |
| 103      | Gardner      | 2015 | 627,774,800          | 3,945                 | 159,132                     | 3,179                   | 287    |
| 103      | Gardner      | 2016 | 650,308,100          | 3,962                 | 164,136                     | 3,360                   |        |

\*DLS does not have sufficient data to calculate an average single family tax bill for communities that have adopted the residential exemption (MGL c59:5C).

\*\*2016 rankings will not be published until all community tax rates are approved.



## Municipal Databank

Average Single Family Tax Bill  
Data current as of 04/29/2016

Table Graphs State Totals

Please select a Municipality:

Please select a Fiscal Year:

Compare communities with FY2015 operating budgets within the following ranges:

From:  to:

| DOR Code | Municipality | Year | Single Family Values | Single Family Parcels | Average Single Family Value | Single Family Tax Bill* | Rank** |
|----------|--------------|------|----------------------|-----------------------|-----------------------------|-------------------------|--------|
| 097      | Fitchburg    | 2009 | 1,323,507,500        | 6,392                 | 207,057                     | 2,630                   | 287    |
| 097      | Fitchburg    | 2015 | 1,013,182,300        | 6,502                 | 155,826                     | 3,222                   | 281    |
| 097      | Fitchburg    | 2016 | 1,029,905,800        | 6,518                 | 158,009                     | 3,355                   |        |
| 103      | Gardner      | 2009 | 772,397,800          | 3,874                 | 199,380                     | 2,606                   | 290    |
| 103      | Gardner      | 2015 | 627,774,800          | 3,945                 | 159,132                     | 3,179                   | 287    |
| 103      | Gardner      | 2016 | 650,308,100          | 3,962                 | 164,136                     | 3,360                   |        |
| 114      | Greenfield   | 2009 | 734,663,500          | 3,851                 | 190,772                     | 3,339                   | 191    |
| 114      | Greenfield   | 2015 | 673,116,357          | 3,855                 | 174,609                     | 3,930                   | 211    |
| 114      | Greenfield   | 2016 | 696,366,057          | 3,861                 | 180,359                     | 3,934                   |        |
| 153      | Leominster   | 2009 | 2,123,015,400        | 7,967                 | 266,476                     | 3,206                   | 215    |
| 153      | Leominster   | 2015 | 1,735,884,900        | 8,109                 | 214,069                     | 4,161                   | 185    |
| 153      | Leominster   | 2016 | 1,828,256,100        | 8,152                 | 224,271                     | 4,391                   |        |
| 270      | Shirley      | 2009 | 423,995,490          | 1,406                 | 301,562                     | 3,447                   | 182    |
| 270      | Shirley      | 2015 | 381,230,530          | 1,487                 | 256,376                     | 4,438                   | 168    |
| 270      | Shirley      | 2016 | 411,667,950          | 1,502                 | 274,080                     | 4,525                   |        |
| 332      | Westminster  | 2009 | 753,848,600          | 2,544                 | 296,324                     | 3,852                   | 146    |
| 332      | Westminster  | 2015 | 601,043,700          | 2,606                 | 230,638                     | 4,371                   | 174    |
| 332      | Westminster  | 2016 | 621,580,900          | 2,637                 | 235,715                     | 4,427                   |        |

\*DLS does not have sufficient data to calculate an average single family tax bill for communities that have adopted the residential exemption (MGL c59-5C).

\*\*2016 rankings will not be published until all community tax rates are approved.

9625

AN ORDER APPROPRIATING FROM FREE CASH TO CUMBERLAND  
FARM PURCHASE.

ORDERED:

That there be and is hereby appropriated the sum of Sixty Five Thousand  
Dollars and No Cents (\$65,000.00) from Free Cash to Cumberland Farms Purchase.

# City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED



2016 MAY -9 A 10: 24

CITY CLERKS OFFICE  
GARDNER, MA

May 9, 2016

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

RE: Free Cash Appropriation to Cumberland Farms Purchase

Dear President Walsh and Councilors,

After a long negotiation period, we have struck a deal with Cumberland Farms for two (2) pieces of property. Their former City Hall Ave site was listed on the Multiple Listings Service (MLS) for \$179,000. We negotiated over the past several weeks and agreed to a price of \$60,000.

Cumberland Farms will remove the canopy and the gas tanks and perform 21E testing to ensure the site is clear of any contamination before conveyance occurs. This site will initially be used for additional storage as the Fire Department is experiencing a storage crunch (i.e. the storage containers and shed behind the station as well as the items stored in the station). Long term, the building may be razed and the a portion of the land may house a "wing" off of the fire station to house female quarters and perhaps another garage bay.

Combined with this is the offer of a donation of excess land behind their new facility on Main Street. The donated land is abutting the Rear Main Street/Derby Drive Project and may contain  $\frac{1}{2}$  to  $\frac{3}{4}$  of an acre. This land will be crucial to achieving the desired effect of this project.

Respectfully,

Mark Hawke  
Mayor, City of Gardner

9626

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO  
PUBLIC WORKS, ROAD RESURFACING.

ORDERED:

That there be and is hereby appropriated the sum of One Hundred Sixty Thousand  
Dollars and No Cents (\$160,000.00) from Free Cash to DPW, Road Resurfacing.

9626

# City of Gardner, *Executive Department*



Mark Hawke, Mayor

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2016 MAY -9 A 10: 24

CITY CLERKS OFFICE  
GARDNER, MA

May 9, 2016

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

RE: Free Cash Appropriation to DPW New Equipment, Road Resurfacing

Dear President Walsh and Councilors,

After careful consultation with DPW Director Dane Arnold, it was determined that the best use of additional funding would be to purchase a new piece of equipment and to design a rotary.

The first priority for the department is to purchase a new sidewalk tractor for the winter. We would couple approximately \$40,000 of Free Cash with the remainder of the snow & ice funds, approximately \$55,000, in order to purchase the new sidewalk tractor. The department currently has three (3) working tractors and one (1) tractor available for parts. Our newest tractor is approximately twelve (12) years old. The new tractor would replace one that is approximately twenty-two (22) years old and breaks down frequently. The new sidewalk tractor would also be more versatile in that the front end is able to raise and lower in order to clear snow bankings.

It was also determined that in order to receive a much larger return on our investment, that we should continue our pursuit of Transportation Improvement Project (TIP) list funding. Therefore, we are seeking to spend approximately \$160,000 on design plans for the Elm, Pearl, Green and Central Streets rotary. The total estimated cost to reconstruct and reconfigure this intersection is estimated at \$1.5 million. The way the TIP list works is that qualifying roads must be designed at the community's expense, and then the construction cost is paid for by the state.

Most recently we have spent approximately \$70,000 on design plans for Mathews Street. The original construction estimate was about \$800,000. Now, due to the addition of sidewalks, the estimated construction cost is estimated at \$1.4 million.

Respectfully,

Mark Hawke  
Mayor, City of Gardner

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO PUBLIC WORKS, NEW EQUIPMENT.

ORDERED:

That there be and is hereby appropriated the sum of Forty Thousand Dollars and No Cents (\$40,000.00) from Free Cash to Public Works, New Equipment.

# City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED



2016 MAY -9 A 10: 24

CITY CLERKS OFFICE  
GARDNER, MA

May 9, 2016

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

RE: Free Cash Appropriation to DPW New Equipment, Road Resurfacing

Dear President Walsh and Councilors,

After careful consultation with DPW Director Dane Arnold, it was determined that the best use of additional funding would be to purchase a new piece of equipment and to design a rotary.

The first priority for the department is to purchase a new sidewalk tractor for the winter. We would couple approximately \$40,000 of Free Cash with the remainder of the snow & ice funds, approximately \$55,000, in order to purchase the new sidewalk tractor. The department currently has three (3) working tractors and one (1) tractor available for parts. Our newest tractor is approximately twelve (12) years old. The new tractor would replace one that is approximately twenty-two (22) years old and breaks down frequently. The new sidewalk tractor would also be more versatile in that the front end is able to raise and lower in order to clear snow bankings.

It was also determined that in order to receive a much larger return on our investment, that we should continue our pursuit of Transportation Improvement Project (TIP) list funding. Therefore, we are seeking to spend approximately \$160,000 on design plans for the Elm, Pearl, Green and Central Streets rotary. The total estimated cost to reconstruct and reconfigure this intersection is estimated at \$1.5 million. The way the TIP list works is that qualifying roads must be designed at the community's expense, and then the construction cost is paid for by the state.

Most recently we have spent approximately \$70,000 on design plans for Mathews Street. The original construction estimate was about \$800,000. Now, due to the addition of sidewalks, the estimated construction cost is estimated at \$1.4 million.

Respectfully,

Mark Hawke  
Mayor, City of Gardner

# ORDINANCE

1  
2 AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING A  
3 NEW CHAPTER 429, TO BE ENTITLED "DOOR-TO-DOOR SOLICITORS."

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

6  
7 **Section 1.**

8 The Code of the City of Gardner is hereby amended by adding thereto a new Chapter, to be  
9 Chapter 429, Door-to-Door Solicitors, to read as follows:

10 **Sec. 429-1. Purpose.**

11 It is the purpose of this chapter to regulate persons or organizations engaged in door to door  
12 soliciting in the City of Gardner through the issuance and imposition of other limitations on such  
13 conduct for the purpose of protecting the city's residents from disruption of the peaceful  
14 enjoyment of their residences and from crime and fraud, and further, to allow reasonable access  
15 to residents in their homes by persons or organizations who wish to engage in commercial  
16 solicitation.

17 **Sec. 429-2. Definitions.**

18 A door to door solicitor or solicitor as used herein is defined as any individual, whether a  
19 resident of the City of Gardner or not, traveling either by foot, motor vehicle, or any other type  
20 of conveyance, from place to place, house to house, taking or attempting to take orders for sale  
21 of goods, wares, merchandise, personal property of any nature for immediate or future delivery,  
22 or for services or utilities to be furnished or performed immediately or in the future on behalf of  
23 themselves or another person or business and whether or not he or she collects advance payments  
24 on such sales.

25 **Sec. 429-3. License required.**

26 It shall be unlawful for any solicitor as defined in §429-2 of this chapter to engage in such  
27 business in the City of Gardner without first obtaining a license in compliance with the

# ORDINANCE

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28 provisions of this chapter. Such license shall be obtained from the chief of police, and upon  
29 payment of a one hundred dollar (\$100.00) license fee. This requirement shall not apply to any  
30 door to door solicitation of newspapers, religious publications, ice, flowering plants and flowers,  
31 and wild fruits, nuts and berries. This requirement shall further not apply to an individual  
32 licensed by the Commonwealth pursuant to M.G.L. c. 101, § 22 and conducting sales in  
33 accordance with said license, provided that such licensees shall be subject to § 429-7 and § 429-9  
34 of this chapter and any other applicable city ordinance or regulation.

35 Any person who is not properly licensed under this chapter shall be ordered to immediately cease  
36 and desist all solicitation in the city until they attain a proper license.

37 Nothing in this chapter shall be construed to impose any license requirement or otherwise restrict  
38 or in any way regulate any activity for noncommercial purposes, including but not limited to any  
39 activity for religious, charitable, civic or political purposes, regardless of whether such activity  
40 includes acts that would otherwise constitute soliciting. Nor shall anything in this chapter be  
41 construed to impose any license requirement or otherwise restrict or in any way regulate any  
42 person under the age of eighteen (18), who is not engaged in an organized business, either  
43 individually or as an employee, from conducting any activity related to taking or attempting to  
44 take orders for sale of personal services (such as babysitting, snow shoveling, lawn mowing, or  
45 yard maintenance) to be furnished or performed immediately or in the future

## 46 **Sec. 429-4. Application and fee.**

47 A. Each individual applicant for a license under this chapter shall submit to the chief of police or  
48 his/her designee an application along with a fee of one hundred dollars (\$100.00) (per individual  
49 applicant) payable to the City of Gardner which will be used to cover the cost of processing  
50 permits and conducting the investigation of the application.

51 B. Each applicant must complete a sworn application in writing, at least ten working days prior  
52 to the requested starting date for solicitation, on a form provided by the police department. Said  
53 form shall include the following information:

54 1. Name, physical description, and date of birth;

# ORDINANCE

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- 55 2. Social Security number of the applicant;
- 56 3. Permanent home address as well as full local address for the applicant;
- 57 4. A brief description of the nature of the business and/or goods to be sold;
- 58 5. If employed, name and address of employer, including credentials which establish the exact  
59 relationship;
- 60 6. The length of time for which the license is desired (not to exceed ninety days);
- 61 7. Names of manufacturer, of source of merchandise, and proposed method of delivery;
- 62 8. Two photographs of the applicant, taken within the past sixty days prior to filing of the  
63 application, showing only the head and shoulders of the applicant in a clear and distinguishing  
64 manner;
- 65 9. A statement as to whether or not the applicant has been convicted of any crime listed in § 429-  
66 5 of the chapter or is a level 2 or level 3 sex offender required to register with the Sex Offenders  
67 Registry Board.

68 **Sec. 429-5. Investigation and issuance of license.**

69 A. If after an investigation into the facts contained in the license application the police chief is  
70 satisfied the applicant is of suitable character, the police chief, or his designee, shall grant the  
71 requested license.

72 B. The police chief or his designee shall refuse to issue a license to any organization or  
73 individual whose license has been revoked for violation of this chapter within the previous two-  
74 year period or who has been convicted of murder/manslaughter, rape, robbery, arson,  
75 burglary/breaking and entering, felony assault, or larceny over two hundred fifty dollars, as such  
76 persons pose a substantial degree of dangerousness to minors and other persons vulnerable to  
77 becoming victims of the violent crimes so listed. The police chief shall also refuse to grant a  
78 license to a person who is a sex offender required to register with the Sex Offenders Registry

# ORDINANCE

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79 Board and who is finally classified as level 2 or level 3 sex offender, as such persons have been  
80 found to have a moderate to high risk of re-offense and pose a substantial degree of  
81 dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

## 82 **Sec. 429-6. Identification card.**

83 The police department, after a review of the information contained in the license application, but  
84 in no event more than ten working days after receipt of a fully completed application, shall issue  
85 to each qualified applicant an identification card which shall contain the words "licensed  
86 solicitor," the individual's picture, identification and expiration date of the license. Persons  
87 engaged in solicitation or peddling as defined in this chapter must carry the registration card  
88 while soliciting or peddling and present the card to any police officer or person solicited upon  
89 request.

## 90 **Sec. 429-7. Solicitation hours & Daily Check-in.**

91 A properly licensed solicitor shall check in with the Gardner Police Department on each day  
92 during which he or she seeks to solicit to provide the geographic area of the city in which the  
93 solicitation will take place. On such days, the solicitor may only solicit between the following  
94 hours:

95 A. Monday through Friday: 9:00 A.M. through 7:00 P.M.

96 B. Saturday, Sunday and holidays: 10:00 A.M. through 6:00 P.M.

## 97 **Sec. 429-8. Records.**

98 The chief of police shall maintain all pertinent records of licenses issued and violations recorded.

## 99 **Sec. 429-9. - Enforcement and penalties.**

100

101 A. Whoever continues to solicit in the city in willful violation of this chapter, by continuing to  
102 solicit after being informed by a police officer to cease and desist, may be arrested without a  
103 warrant by a police officer in accordance with the provisions of M.G.L. c. 272, § 59, and

# ORDINANCE

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104 subject to a fine of three times the application up not to exceed three hundred dollars for  
105 each violation.

106 B. Notwithstanding the above licensing procedures, no licensee may enter private property  
107 after being forbidden to do so either directly by the person in charge of the property or by a  
108 conspicuously posted notice of “No Trespassing” or “No Soliciting.” Such trespass  
109 violations are controlled by M.G.L. c. 266, § 120, which authorizes the arrest (without a  
110 warrant) of a person found committing such a trespass in the presence of a police officer.

111 C. After investigation by a police officer, licenses issued under the provisions of this chapter  
112 may be revoked by the chief of police or his designee after notice and hearing; provided,  
113 however, that a license may be suspended immediately, without notice and a hearing, if the  
114 public safety or welfare so requires, for any of the following causes:

- 115 (1) Fraud, misrepresentation, or false statement contained in the license application;
- 116 (2) Fraud, misrepresentation, or false statements made in the course of carrying on the  
117 business of solicitation;
- 118 (3) Any violation of this chapter;
- 119 (4) Conviction of any crime listed in [section] 10-5 of this chapter or classification as a  
120 Level 2 or Level 3 sex offender;
- 121 (5) Conducting the business of soliciting or peddling in an unlawful manner or in such a  
122 manner as to constitute a breach of the peace, or to constitute a menace to health, safety,  
123 or the general welfare of the public; and
- 124 (6) High-pressure tactics, harassment, or a refusal to accept a refusal as an answer, when  
125 verified in writing.

126 D. If a license is suspended under the provisions of this section, notice of a hearing with regard  
127 to the same shall be given forthwith in accordance with the following subsections:

- 128 (1) Notice of hearing for revocation or suspension of a license shall be given in writing,  
129 setting forth specifically the grounds of the complaint and a time and place of the  
130 hearing.

# ORDINANCE

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131 (2) Such notice shall be hand delivered to the licensee or forwarded by certified mail to the  
132 licensee at his or her last known address at least five days prior to the hearing date.

133 E. The liability for any fine instituted in accordance herewith shall be joint and several between  
134 the individual and any other individual or entity on whose behalf the solicitation is being  
135 conducted.

136 F. Pursuant to M.G.L. c. 40, § 21D, in lieu of a criminal disposition of any violation of this  
137 Ordinance, the City of Gardner, by and through its Police Department, may give to any  
138 offender a notice to appear before the Clerk of the Gardner District Court not later than 21-  
139 days after the date of the notice to appear.

140 **Sec. 429-10. - Expiration of license.**

141  
142 All licenses for soliciting in the city are valid only for the particular dates or time period  
143 specified thereon, and in no case for longer than ninety days.

144 **Sec. 429-11. - Appeals.**

145 Any person or organization who is denied a license or whose license has been revoked  
146 may appeal by filing a written notice of appeal with the City of Gardner Police Chief or his or  
147 her designee. Such appeal must be filed within five days after receipt of the notice or denial or  
148 revocation. Within five business days, the Chief or his or her designee shall hear the appeal;  
149 provided, however, that if the Chief or his or her designee fails to make a determination within  
150 thirty days after the filing of the appeal, the license shall be deemed granted or reinstated, as the  
151 case may be.

152 **Sec. 429-12. - Severability.**

153 The provisions of this chapter are declared to be severable, and if any section, sentence,  
154 clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional,  
155 such decision shall not affect the validity of the remaining sections, sentences, clauses and  
156 phrases of this chapter they shall remain in effect, it being the legislative intent that this chapter  
157 shall stand, notwithstanding the invalidity of any part.

158

# ORDINANCE

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159 Section 2. This Ordinance shall become effective upon passage and publication as required by  
160 law.  
161

# ORDINANCE

1 AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600  
2 THEREOF, ENTITLED "VEHICLES AND TRAFFIC."

3  
4 Be it ordained by the City Council of the City of Gardner as follows:

5  
6 Section 1. Section 600-28 of Chapter 600, Vehicles and Traffic, Parking Time Limited in  
7 Designated Spaces, of the Code of the City of Gardner, is amended by adding the following:

8  
9 D. Two Hour Parking. No person shall park a vehicle for a period of time longer than  
10 two hours on the following described streets or parts thereof between the hours of 9:00  
11 a.m. and 6:00 p.m., except on Sundays and holidays:

12  
13 City Hall Avenue North Beginning 33 feet from the corner of  
14 Connors Street easterly for a distance  
15 of 115 feet (10 spaces).  
16

17 Section 2. The Code of the City of Gardner is hereby amended by deleting and repealing § 600-  
18 29 (B), Police Vehicle Parking Only.

19  
20 Section 3. Section 600-32 of Chapter 600, Vehicles and Traffic, Angle Parking, of the Code of  
21 the City of Gardner, is hereby amended by deleting and repealing the following:

| 22 | Name of Street   | Side  | Location                                                                                                                                                                                               |
|----|------------------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23 | City Hall Avenue | North | Beginning 33 feet from the corner of<br>Connors Street easterly for a distance<br>of 115 feet (10 parking spaces), in<br>front of the police station for police<br>cruiser and official business only. |
| 29 | City Hall Avenue | South | 151.5 feet from Pleasant Street a                                                                                                                                                                      |

# ORDINANCE

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30 distance of 42 feet (4 angle spaces)  
31 (police business only).  
32

33 Section 4. Section 600-32 of Chapter 600, Vehicles and Traffic, Angle Parking, of the Code of  
34 the City of Gardner, is amended by adding thereto the following:  
35

|    |                  |       |                                     |
|----|------------------|-------|-------------------------------------|
| 36 | City Hall Avenue | South | 130 feet from Pleasant Street, a    |
| 37 |                  |       | distance of 63 feet (6 spaces).     |
| 38 |                  |       | Vehicles shall not remain in spaces |
| 39 |                  |       | longer than 12 hours.               |
| 40 |                  |       |                                     |

41 Section 5. This Ordinance shall take effect upon passage and publication as required by law.

9629

**Alan Agnelli**

---

**From:** Mayor  
**Sent:** Tuesday, May 10, 2016 3:45 PM  
**To:** Alan Agnelli; 'Paul Tassone (ptassoneward2gcc@comcast.net)'  
**Subject:** FW: Amendment to Ordinance 600-32  
**Attachments:** TC Meeting March 29, 2016.pdf; Amendment to Ordinance 600-32.docx

Paul and Alan,

Would you please place this on the City Council agenda and/or the Public Safety Committee agenda. There is a new business in the old police station and the Post Office employees are parking in the free spots all day, every day. I've contacted the Postmaster and informed her of the impending change.

Mark

---

**From:** Rachel Stephano (Mayor's Office)  
**Sent:** Tuesday, May 10, 2016 9:09 AM  
**To:** Mayor  
**Subject:** Amendment to Ordinance 600-32

Mayor,

Please review and make any corrections you see fit.

Rach

*Rachel J. Stephano*  
*Executive Assistant to the Mayor*

City Hall  
95 Pleasant Street, Room 125  
Gardner, MA 01440  
Tel: 978-630-1490  
Fax: 978-630-3778  
[rstephano@gardner-ma.gov](mailto:rstephano@gardner-ma.gov)  
Website: [www.gardner-ma.gov](http://www.gardner-ma.gov)

*When responding, please remember the Secretary of State considers e-mail a public record.*

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AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CODE 600-29-B POLICE VEHICLE PARKING ONLY AND CODE 600-32 IN REFERENCE TO ANGLE PARKING.

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

**Delete Code §600-29-B. Police vehicle parking only.**

**AND**

**Delete Code §600-32 in reference to Angle Parking on City Hall Avenue:**

**NORTH SIDE** which reads (Beginning 33 feet from the corner of Connors Street easterly for a distance of 115 feet (10 spaces), in front of the police station for police cruiser and official business only, and **insert;** (Beginning 33 feet from the corner of Connors Street easterly for a distance of 115 feet (10 spaces) and these spaces shall be designated “non-metered 2 hour parking”.

**AND**

**Amend Code §600-32 (City Hall Avenue)**

**SOUTH SIDE: Delete** 151.5 feet from Pleasant Street, a distance of 42 feet (4 angle spaces) (Police Business only), And **insert,** 130 feet from Pleasant Street, a distance of 63 feet (6 spaces). Vehicles shall not remain in spaces longer than 12 hours.

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



## CITY OF GARDNER TRAFFIC COMMISSION

### MINUTES OF MEETING, MARCH 29, 2016

**Members Present:** Deputy Chief John Bernard, Trevor Beauregard, Chris Coughlin, Dane Arnold, Robert Hankinson, Mary Delaney. (In attendance: Jeffrey Cooke).

**Members Absent:** Councillor Matt Vance.

The meeting was called to order by Deputy Chief Bernard at 1:06 pm.

1. (For courtesy-moved to #6 on agenda): **Protective Barrier** at the Colonial Cooperative Bank. Mr. Joseph Guercio, representative of the bank in attendance. The Deputy Chief informed that a beat officer had noticed walking by bank that motorists came close to the edge of the parking berm recently, and realized the bank has little protection for cars hopping over berm and possibly crashing into the Main Street where cars are parked and people could be on the sidewalk. In efforts to prevent a possible accident, the commission is advising the bank to consider a barrier system such as concrete berms (called "wheel stops") or another device such as a protective guardrail system for safety. Mr. Guercio stated he would research the best option for the bank for this concern.
2. **CROSSWALK-Pearl and Betty Spring**-Several requests were sent to commission for the crosswalk that extends from Pearl St. into Betty Spring be repainted. Motion by Dane Arnold, 2<sup>nd</sup> by Bob Hankinson to discontinue the crosswalk. The crossing was placed when busing was suspended for middle schools students in the early 2000 period, and the school children were walking up from Betty Spring Rd. The crosswalk does not include a wheelchair ramp on the Pearl St. side, and carries pedestrians into the travel lane on Betty Spring, and stops by the edge of the roadway with no sidewalk to carry pedestrians. This is a safety hazard for pedestrians and motorists.
3. **DONATION BOXES**-Several clothing and items boxes are placed around the city in locations that are either unsafe for drop-offs, or are an eyesore with all the items that collect outside the boxes. The commission was made aware of one box, located on the Nouria (Shell Station) property on Timpany Blvd. The box is placed in such a location that drop-offs are done from the travel lane on West Broadway, a very unsafe location, leaving a high risk of a motor vehicle accident. Jeff Cooke (building inspector) has researched this box, which had no contact information located on box, and learned that the shell had no idea how the box landed on their property. This box will be removed by Shell management. This leaves the additional boxes placed around the city still as a concern for the regulations, and rules for placing, contact information, and the eyesore it causes. Further research is needed by the city to regulate such drop off boxes.
4. **STOP SIGN**-Jay and Grant St. A new sign has been replaced by DPW following a complaint it was missing.
5. **CROSSWALK**- Central and Pine St. Several complaints made regarding the site view for pedestrians while crossing at this location. Pedestrian's site is obstructed by cars coming from upper Central St into downtown. Motion by Trevor Beauregard, 2<sup>nd</sup> by Bob Hankinson to install better "Pedestrian Crossing Signs" on both sides of Central and Pine St. Dane Arnold will research funds for a Solar-powered Pedestrian



## CITY OF GARDNER TRAFFIC COMMISSION

crossing sign to aid in warning motorist approaching this area of Central. Dane Arnold will also have the safety hash marks painted on each side of the crosswalk to deter vehicles from encroaching from the marked spaces. Commission will revisit other options if these improvements do not provide relief.

- PARKING**-City Hall Avenue. The angle space on the north side of City Hall Ave, previously designated for police vehicles has currently no restrictions. Angle spaces on the south side are also by code designated for police official business only. Motion by Dane Arnold, 2<sup>nd</sup> by Trevor Beauregard to recommend to the Public Safety Committee/Council to; **Delete Code 600-29-B (Police Vehicle Parking Only)** And **Delete ;Code 600-32 in reference to Angle Parking on City Hall Avenue :NORTH SIDE** which reads (Beginning 33 feet from the corner of Connors Street easterly for a distance of 115 feet (10 spaces), in front of the police station for police cruiser and official business only, and **insert;** (Beginning 33 feet from the corner of Connors Street easterly for a distance of 115 feet (10 spaces) and these spaces shall be designated "non-metered 2 hour parking."

Code 600-32 (City Hall Avenue) **SOUTH SIDE:** Delete; 151.5 feet from Pleasant Street, a distance of 42 feet (4 angle spaces) (Police Business only). And **Insert;** 130 feet from Pleasant Street, a distance of 63 feet (6 spaces). Vehicles shall not remain in spaces longer than 12 hours.

- METERS UPDATE:** Mary Delaney reported that the Mayor's Meter Ad Hoc Committee on parking meters and is scheduled meet in the upcoming months and discuss further planning to address the aging meters in the downtown district.
- Motion to adjourn: Motion by Dane, 2<sup>nd</sup> by Trevor to adjourn at; 2:15Pm.

Respectfully submitted:

John A. Bernard  
Deputy Chief

9630

RECEIVED



**CITY OF GARDNER**  
**MASSACHUSETTS 01440**  
95 PLEASANT STREET - ROOM 121  
TELEPHONE (978) 630-4058  
FACSIMILE (978) 630-2589

2016 APR 28 2:39  
CITY CLERKS OFFICE  
GARDNER, MA  
DO NOT WRITE IN THIS BOX

**APPLICATION FOR BILLIARD TABLE AND/OR BOWLING ALLEY LICENSE**

**APPLICANT INFORMATION**

Applicant / Licensee Name: BRIAN N. FAVREAU  
Applicant / Licensee Address: 336 West St.  
Applicant / Licensee phone number(s): 978 8855723 Applicant / Licensee E-mail: thebowlaway@gmail.com  
Social Security Number \_\_\_\_\_ OR FEIN \_\_\_\_\_

**ESTABLISHMENT INFORMATION**

Establishment Name: BRIAN'S BOWLAWAY INC  
Establishment address: 123 MAIN ST. Establishment Phone: 978 632 9710  
On-Site manager / contact person: BRIAN FAVREAU  
License(s) applied for? Bowling Alley Lic. No. of lanes? 14 No. of billiard tables? 0

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §177 AND §§ 201-205.  
SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.  
B. Favreau DATE SIGNED 4-13-16  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

NOTICE: THE FILING OF THIS APPLICATION CONFERS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. c.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL APPLICATION FORM, WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

BILLIARD TABLE AND BOWLING ALLEY LICENSES EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY

9631

COLLECTOR LICENSE APPLICATION FEE - \$30.00  
DEALER LICENSE APPLICATION FEE - \$100.00



**CITY OF GARDNER**  
**MASSACHUSETTS 01440**  
95 PLEASANT STREET - ROOM 121  
TELEPHONE (978) 630-4058  
FACSIMILE (978) 630-2589

RECEIVED  
RECEIVED  
2016 MAY 12 A 11: 02  
CITY CLERKS OFFICE  
GARDNER, MA  
DO NOT WRITE IN THIS BOX

**APPLICATION FOR LICENSE TO COLLECT  
OR DEAL IN SECOND HAND ARTICLES**

New     Renewal     Change of Location

**APPLICANT INFORMATION**

Applicant / Licensee Name: The Salvation Army  
Applicant / Licensee Address: 440 West Nyack Road, West Nyack, NY 10994  
Applicant / Licensee phone number(s): (845) 620-7330  
Applicant / Licensee E-mail: RAllen@USE.SalvationArmy.org  
Social Security number: \_\_\_\_\_ OR Business FID number 13-5562351

**ESTABLISHMENT INFORMATION**

Establishment Name: The Salvation Army  
Establishment address (Current): 8 Union Street, Gardner, MA 01440  
Establishment address (New, if applicable): \_\_\_\_\_  
Establishment Phone: (978) 632-9854  
On-Site manager / contact person: \_\_\_\_\_  
For which type of license(s) are you applying? Secondhand Collector and Dealer

**Check all that apply to this Application:**

- SECONDHAND COLLECTOR** has the same meaning as the term "junk collector" in MGL c.140, § 56.
- SECONDHAND DEALER** has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? non purchased or stored clothing and/or household items will be collected and sold

Where at the licensed address will the articles be stored, displayed, etc? items will be displayed on the sales floor; 95% are clothing, linens, shoes; 5% are household items i.e. glassware, dishes, games

Massachusetts Sales & Use Tax Registration number: 135 562 351  
(Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

DATE SIGNED May 9, 2016

~~INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE~~  
OFFICER OR APPLICANT

Richard D. Allen, Assistant Secretary -Legal

NOTICE: THE FILING OF THIS APPLICATION CONFERS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. c.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES  
EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY.

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
FINANCIAL INTEREST OF AMEE DELLASANTA  
CONTRACT FOR INTERPRETIVE SERVICES/TRANSLATION OF DOCUMENTS

*VOTE:* To approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Ameer Dellasanta for a Contract for Interpretive Services in the Translation of Documents.

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

| <b>MUNICIPAL EMPLOYEE INFORMATION</b>                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name of municipal employee:                                                                                                               | Amee Dellasanta                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Title/ Position                                                                                                                           | Teacher                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 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:    ___ Elected    or <u> X </u> Non-elected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Starting date as a municipal employee.                                                                                                    | January 6, 2000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>BOX # 1</b><br><br>Select either <b>STATEMENT #1</b> or <b>STATEMENT #2</b> .<br><br>Write an <b>X</b> beside your financial interest. | <p><b>ELECTED MUNICIPAL EMPLOYEE</b></p> <p>I am an elected municipal employee.</p> <p>___ <b>STATEMENT #1:</b> 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. <b>OR</b></p> <p>___ <b>STATEMENT #2:</b> I will have a new financial interest in a contract made by a municipal agency.</p> <p><b>My financial interest in a municipal contract is:</b></p> <p>___ I have a non-elected, compensated municipal employee position.</p> <p>___ A municipal agency has a contract with me.</p> <p>___ 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>___ 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> |
| <b>BOX # 2</b><br><br>Select either <b>STATEMENT #1</b> or <b>STATEMENT #2</b> .                                                          | <p><b>NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE</b></p> <p>I am a non-elected municipal employee.</p> <p>___ <b>STATEMENT # 1:</b> 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Write an X beside your financial interest.</b></p>           | <p><b>My financial interest in a municipal contract is:</b></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"/> <b>STATEMENT # 2:</b> I will have a new financial interest in a contract made by a municipal agency.</p> <p><b>My financial interest in a municipal contract is:</b></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><b>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</b></p>           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>Name and address of municipal agency that made the contract</p> | <p>City of Gardner School Department<br/>70 Waterford Street<br/>Gardner, MA 01440</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>Please put in an X to confirm these facts.</p>                  | <p><b>"My Municipal Agency"</b> is the municipal agency that I serve as a municipal employee.</p> <p>The <b>"contracting agency"</b> 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><b>FILL IN THIS BOX OR THE BOX BELOW</b></p>                    | <p><b>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</b></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><b>FILL IN THIS BOX OR THE BOX ABOVE</b></p>                    | <p><b>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</b></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.<br><br>I will receive compensation for the provision of interpreter services in addition to receiving compensation as a Teacher 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.<br><br>None.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Date when your immediate family acquired a financial interest | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Write an X to confirm each statement.                         | <b>FOR A CONTRACT FOR PERSONAL SERVICES –</b><br><br>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).<br><br>I will have a contract with a municipal agency to provide personal services.<br><br><input checked="" type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee.<br><br><input checked="" type="checkbox"/> The services are not required as part of my regular duties as a municipal employee.<br><br><input checked="" type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year. |
| Employee signature:                                           | <i>Anne Pellasantu</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Date:                                                         | 04-27-2016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

Attach additional pages if necessary.

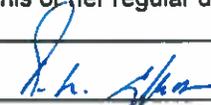
NOT A PERSONAL SERVICES CONTRACT -- File disclosure with the city or town clerk.

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**

|                                                     |                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>INFORMATION ABOUT HEAD OF CONTRACTING AGENCY</b> |                                                                                                                                                                                                                                                                                                        |
| 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                                                                                                                                                                                                                                                                                         |
| <b>CERTIFICATION</b>                                |                                                                                                                                                                                                                                                                                                        |
|                                                     | 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:                                               | 4/14/16                                                                                                                                                                                                                                                                                                |

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

|                                         |                                                                                                                                                                                                             |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>INFORMATION ABOUT APPROVING BODY</b> |                                                                                                                                                                                                             |
| Name:                                   | James Walsh, Esq.                                                                                                                                                                                           |
| Title/ Position                         | President, Gardner City Council                                                                                                                                                                             |
| Agency Address:                         | 95 Pleasant Street<br>Gardner, MA 01440                                                                                                                                                                     |
| Office Phone:                           | (978) 632-1000                                                                                                                                                                                              |
| <b>APPROVAL</b>                         |                                                                                                                                                                                                             |
|                                         | 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.

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
FINANCIAL INTEREST OF DILLON HAMMOND  
CONTRACT FOR DATA COLLECTION SERVICES

*VOTE:* To approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Dillon Hammond for a Contract for Data Collection Services.

9633

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

RECEIVED

2016 MAY -2 A 10: 0  
CITY CLERKS OFFICE  
GARDNER, MA

| MUNICIPAL EMPLOYEE INFORMATION                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name of municipal employee:                                                                                         | Dillon T. Hammond                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Title/ Position                                                                                                     | Production Assistant (Part Time - 16 Hours)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 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 - Gardner Educational TV                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Agency Address                                                                                                      | 200 Catherine Street, Rm. 111 Gardner, MA 01440                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Office phone:                                                                                                       | (978) 632-7836                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Office e-mail:                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                     | Check one: <input type="checkbox"/> Elected or <input checked="" type="checkbox"/> Non-elected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Starting date as a municipal employee.                                                                              | August 1, 2013                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>BOX # 1</b><br><br>Select either STATEMENT #1 or STATEMENT #2.<br><br>Write an X beside your financial interest. | <b>ELECTED MUNICIPAL EMPLOYEE</b><br>I am an elected municipal employee.<br><br><input type="checkbox"/> <b>STATEMENT #1:</b> 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<br><input type="checkbox"/> <b>STATEMENT #2:</b> I will have a new financial interest in a contract made by a municipal agency.<br><br><b>My financial interest in a municipal contract is:</b><br><input type="checkbox"/> I have a non-elected, compensated municipal employee position.<br><input type="checkbox"/> A municipal agency has a contract with me.<br><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.<br><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. |
| <b>BOX # 2</b><br><br>Select either STATEMENT #1 or STATEMENT #2.                                                   | <b>NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE</b><br>I am a non-elected municipal employee.<br><br><input type="checkbox"/> <b>STATEMENT #1:</b> 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><b>Write an X beside your financial interest.</b></p>           | <p><b>My financial interest in a municipal contract is:</b></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"/> <b>STATEMENT # 2:</b> I will have a new financial interest in a contract made by a municipal agency.</p> <p><b>My financial interest in a municipal contract is:</b></p> <p><input checked="" 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><b>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</b></p>           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>Name and address of municipal agency that made the contract</p> | <p>City of Gardner (Assessor's Department)<br/>95 Pleasant Street, Rm. 226<br/>Gardner, MA 01440</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>Please put in an X to confirm these facts.</p>                  | <p><b>"My Municipal Agency"</b> is the municipal agency that I serve as a municipal employee.</p> <p>The <b>"contracting agency"</b> is the municipal agency that made the contract.</p> <p><input type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input checked="" 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 checked="" type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>FILL IN THIS BOX OR THE BOX BELOW</b></p>                    | <p><b>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</b></p> <p>- Please explain what the contract is for.</p> <p>Part time employment in the City of Gardner Assessor's Department providing data collection duties.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>FILL IN THIS BOX OR THE BOX ABOVE</b></p>                    | <p><b>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</b></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.<br><br>I will receive hourly compensation for each hour worked as a Technical Seasonal/ Data Collector, not to exceed 24 hours, in addition to receiving compensation as the part time Production Assistant for the Gardner Educational TV Department. Work for each department will be conducted during separate working hours - not to exceed full time hours (total of 40 hours).                                                                                                                                                                                                                                               |
| Date when you acquired a financial interest                   | Commences May 2016 and terminating August 31, 2016.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| What is the financial interest of your immediate family?      | - Please explain the financial interest and include the dollar amount if you know it.<br><br>None.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Date when your immediate family acquired a financial interest | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Write an X to confirm each statement.                         | <b>FOR A CONTRACT FOR PERSONAL SERVICES –</b><br><br>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).<br><br>I will have a contract with a municipal agency to provide personal services.<br><br><input checked="" type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee.<br><input checked="" type="checkbox"/> The services are not required as part of my regular duties as a municipal employee.<br><input checked="" type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year. |
| Employee signature:                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Date:                                                         | 4-29-2016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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**

| <b>INFORMATION ABOUT HEAD OF CONTRACTING AGENCY</b> |                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name:                                               | Mark Hawke                                                                                                                                                                                                                                                                                             |
| Title/ Position                                     | Mayor                                                                                                                                                                                                                                                                                                  |
| Municipal Agency:                                   | City of Gardner                                                                                                                                                                                                                                                                                        |
| Agency Address:                                     | 95 Pleasant Street, Gardner, MA 01440                                                                                                                                                                                                                                                                  |
| Office Phone:                                       | (978) 632-1490                                                                                                                                                                                                                                                                                         |
| <b>CERTIFICATION</b>                                |                                                                                                                                                                                                                                                                                                        |
|                                                     | 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:                                               | 4/29/14                                                                                                                                                                                                                                                                                                |

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

| <b>INFORMATION ABOUT APPROVING BODY</b> |                                                                                                                                                                                                             |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name:                                   | James Walsh, Esq.                                                                                                                                                                                           |
| Title/ Position                         | President, Gardner City Council                                                                                                                                                                             |
| Agency Address:                         | 95 Pleasant Street<br>Gardner, MA 01440                                                                                                                                                                     |
| Office Phone:                           | (978) 630-4058                                                                                                                                                                                              |
| <b>APPROVAL</b>                         |                                                                                                                                                                                                             |
|                                         | 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.

9616

AN ORDER APPROPRIATING FROM FREE CASH TO BUILDING REPAIRS  
AND MAINTENANCE.

ORDERED:

That there be and is hereby appropriated the sum of Ten Thousand  
Dollars and No Cents (\$10,000.00) from Free Cash to Building Repairs and Maintenance.

RECEIVED

2016 APR 22 A 8: 04

CITY CLERKS OFFICE  
GARDNER, MA

9616

City of Gardner, *Executive Department*



RECEIVED

Mark Hawke, Mayor

2016 APR 22 A 8:04

CITY CLERKS OFFICE  
GARDNER, MA

April 22, 2016

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

RE: Free Cash Appropriation to Building Inspector, Repairs and Maintenance

Dear President Walsh and Councilors,

The City's "School Zone" signs, to the best of our knowledge, have not been updated or replaced in many decades. The signs are grand-fathered in as they do not meet current code specifications for "School Zone" signage.

The Building Commissioner and Wiring Inspector have obtained quotes to replace four (4) School Zone signs. The cost per sign is \$2,100. This does not include the cost of the new poles, if needed. Sanding and painting of the poles (new or existing) would be done with in-house labor. The total estimated cost is \$10,000.

The signs that will be replaced are the two (2) on Waterford Street and the two (2) on Elm Street as these are in the worst condition and in the highest traffic volume areas.

Respectfully,

Mark Hawke  
Mayor, City of Gardner

# CITY OF GARDNER LAW DEPARTMENT

John M. Flick  
City Solicitor

Jill A. Romer  
Assistant City Solicitor



144 Central Street, Suite 201  
Gardner, MA 01440

Telephone (978) 632-7948  
Fax (978) 630-3703

Writer's Email:

April 14, 2016

## VIA FIRST CLASS MAIL

Elisha W. Erb, Esq  
Erb & Southcotte  
P.O. Box 827  
Fitchburg, MA 01420-0056

Re: Gardner Assessors Parcels: M32-6-5, M37-21-42, M32-6-10

Dear Attorney Erb:

The City of Gardner is in receipt of your letter dated February 10, 2016 allegedly providing notice pursuant to M.G.L. c. 61, § 8 of your client's intent to sell the subject property. The notice and the accompanying Purchase and Sale Agreement appear to be in proper form. However, your certification was not received by the City until February 16, 2016. Nevertheless, the City is relying on the February 10, 2016 letter which was received on February 12, 2016. Therefore the City's 120 day review period terminates on Monday, June 13, 2016.

As you know if the City exercises its statutory option to purchase, it must exercise its option according to the terms of the offer. To that end the City is considering the following options at this time:

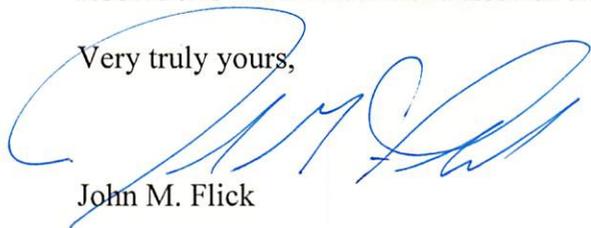
- Exercising its option in accordance with the same terms and conditions set forth in the purchase and sale agreement including the acceptance of the promissory note, or assigning its option to a nonprofit conservation organization who will exercise the option under these same terms and conditions as set forth in the purchase and sale agreement;
- Not exercise its option and record notice of the City's non-exercise and further conditioning its non-exercise on the Buyer fulfilling all obligations of the Purchase and Sale Agreement including completing all payments to your client pursuant to the Promissory Note, and further verification by the Parties that there are no side deals, early payment discounts, refunds, etc.

Notwithstanding the foregoing, the City is willing to make an offer at this time to purchase the land for \$270,000.00. The amount of this offer is based on the most recent fair market appraisal

the City obtained which was in 2015. This offer is subject to the City obtaining grant funding to fund the purchase and any approval and/or appropriation by the City Council. The City would appreciate a response by May 2, 2016 so that it can plan accordingly.

Thank you for your attention to this matter. I will keep you apprised of the City's efforts to resolve this matter before the close of the 120 day review period.

Very truly yours,



John M. Flick

Cc: Mark P. Hawke, Mayor  
James M. Walsh, Esq., City Council President  
Trevor Beauregard, Dir. Community Development

9588

ERB & SOUTHCOTTE

780 MAIN STREET  
P.O. BOX 827

FITCHBURG, MASSACHUSETTS 01420-0056

2016 FEB 16 P 12:11

CITY CLERKS OFFICE  
GARDNER, MA

Donald R. Erb  
Elisha W. Erb  
David G. Southcotte, Sr.\*  
\* Also admitted in New Hampshire

Telephone (978) 343-4856  
Facsimile (978) 343-4858  
E Mail [erbandsouthcotte@verizon.net](mailto:erbandsouthcotte@verizon.net)

11 February 2016

Mark P. Hawke, Mayor  
City of Gardner  
95 Pleasant Street, Room 125  
Gardner, Massachusetts 01440

Gardner City Council  
c/o Allen L. Agnelli, City Clerk  
95 Pleasant Street, Room 121  
Gardner, Massachusetts 01440

Gardner Planning Board  
City of Gardner - Manca Annex  
115 Pleasant Street, Room 201  
Gardner, Massachusetts 01440

Gardner Conservation Commission  
City of Gardner - Manca Annex  
115 Pleasant Street  
Gardner, Massachusetts 01440

Board of Assessors  
City of Gardner  
95 Pleasant Street, Room 226  
Gardner, Massachusetts 01440

Mr. Leo Roy, Commissioner.  
Department of Conservation  
and Recreation  
251 Causeway Street, Suite 900  
Boston, Massachusetts 02114-2104

Dear Sirs and Mesdames:

RE: Notice under Massachusetts General Laws, Chapter 61, Section 8  
concerning the sale of land classified as forest land

Reference is made to the letter I mailed to each of you yesterday in which I, on behalf of Chester E. Pultorak, gave notice of removal from classification as

forestry land of the land that he owns by virtue of the deed dated 4 December 2013, recorded in the Worcester Registry of Deeds in Book 51824, Page 38.

Enclosed with the copy of that letter mailed to each of you was a photocopy of the Purchase and Sale Agreement in which Mr. Pultorak agreed to sell such land to Conrad J. Donell. Though I stated in my letter that the enclosed copy of the Agreement "is a certified true copy of the Purchase and Sale Agreement" and that there were no additional or "side" agreements between Mr. Pultorak and Mr. Donell regarding the sale of the Subject Land or the price to be paid for the Subject Land, I overlooked including an express certification that the enclosed copy of the Agreement was a true copy of the original.

I, Elisha W. Erb, hereby certify the copy of the Purchase and Sale Agreement dated 5 February 2016 in which Mr. Chester E. Pultorak agreed to sell certain land to Conrad J. Donell in exchange for \$375,000.00 that was enclosed with the letter I sent each of you yesterday is a true and complete copy of the original document.

Kindly attach this letter to your copy of the Agreement.

Yours very truly,



Elisha W. Erb

e/1275/3A/ewe

ERB & SOUTHCOTTE  
780 MAIN STREET  
P.O. BOX 827  
FITCHBURG, MASSACHUSETTS 01420-0056

Donald R. Erb  
Elisha W. Erb  
David G. Southcotte, Sr.\*  
\* Also admitted in New Hampshire

RECEIVED  
2016 FEB 12 A 8:40  
Telephone (978) 343-4858  
Facsimile (978) 343-4858  
E Mail [erband@southcotteverizon.net](mailto:erband@southcotteverizon.net)  
CITY CLERK'S OFFICE  
GARDNER, MA

10 February 2016

Mark P. Hawke, Mayor  
City of Gardner  
95 Pleasant Street, Room 125  
Gardner, Massachusetts 01440

Certified Mail No.  
7015 1520 0003 0208 9465

Gardner City Council  
c/o Allen L. Agnelli, City Clerk  
95 Pleasant Street, Room 121  
Gardner, Massachusetts 01440

Certified Mail No.  
7015 1520 0003 0208 9472

Gardner Planning Board  
City of Gardner - Manca Annex  
115 Pleasant Street, Room 201  
Gardner, Massachusetts 01440

Certified Mail No.  
7015 1520 0003 0208 9489

Gardner Conservation Commission  
City of Gardner - Manca Annex  
115 Pleasant Street  
Gardner, Massachusetts 01440

Certified Mail No.  
7015 1520 0003 0208 9397

Board of Assessors  
City of Gardner  
95 Pleasant Street, Room 226  
Gardner, Massachusetts 01440

Certified Mail No.  
7015 1520 0003 0208 9403

Mr. Leo Roy, Commissioner  
Department of Conservation  
and Recreation  
251 Causeway Street, Suite 900  
Boston, Massachusetts 02114-2104

Certified Mail No.  
7015 1520 0003 0208 9410

Dear Sirs and Mesdames:

RE: Notice under Massachusetts General Laws, Chapter 61, Section 8  
concerning the sale of land classified as forest land

I am sending this letter to you on behalf of my client, Chester E. Pultorak, who resides at 18 Gay Street, Orange, Massachusetts 01364. His Telephone Number is 978-544-8880.

Mr. Pultorak owns by virtue of the deed dated 4 December 2013, recorded in the Worcester Registry of Deeds in Book 51824, Page 38, the following three adjoining parcels of land:

City of Gardner's Assessor Parcel M32-6-5 located easterly of Clark Street with an area of 85.41 acres.

City of Gardner's Assessor Parcel M37-21-42 located on the easterly side of Century Way with an area of 3.37 acres.

City of Gardner's Assessor Parcel M32-6-10 located easterly of Clark Street with an area of 0.34 acres.

The foregoing three parcels of land are hereinafter referred to as the "Subject Land". Enclosed is a printout of the relevant part of the City of Gardner's online assessor's plan on which I have indicated the three land parcels that constitute the Subject Land.

The Gardner Board of Assessors, in response to an application made by Mr. Pultorak, classified the Subject Land as forestry land on 10 July 2014, the classification to take effect on 1 January 2015.

Mr. Pultorak recently entered into a Purchase and Sale Agreement to sell the Subject Land to Conrad J. Donell. Enclosed with the copy of this letter being sent to each of you is a certified true copy of the Purchase and Sale Agreement. There are no additional or "side" agreements between Mr. Pultorak and Mr. Donell regarding the sale of the Subject Land or the price to be paid for the Subject Land.

Mr. Donell has informed Mr. Pultorak, that he, Mr. Donell, intends to use the Subject Land for residential use, as permitted by the Gardner Zoning Ordinance.

If the City of Gardner determines it will not exercise its Section 8 option to purchase, notice of the decision to not exercise the option should be mailed to Chester E. Pultorak at his address set forth above. Kindly mail a copy of the notice to me.

Yours very truly,



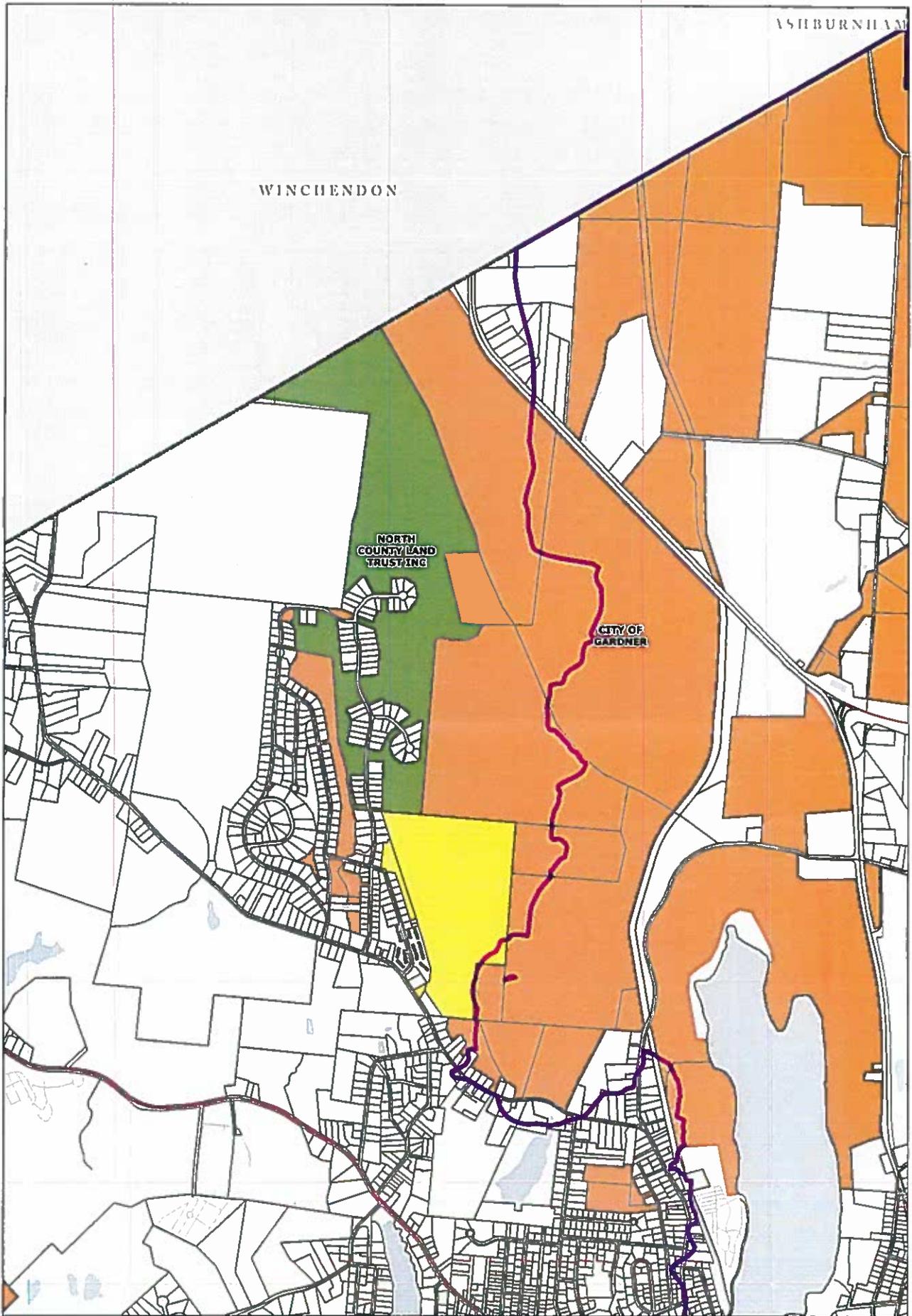
Elisha W. Erb

e/1275/3/ewe

WINCHENDON

NORTH  
COUNTRY LAND  
TRUSTING

CITY OF  
GARDNER



- Pulaski Property
- Surface Water Protection District
- Open Space Owners**
- North Country Land Trusting
- City of Gardner

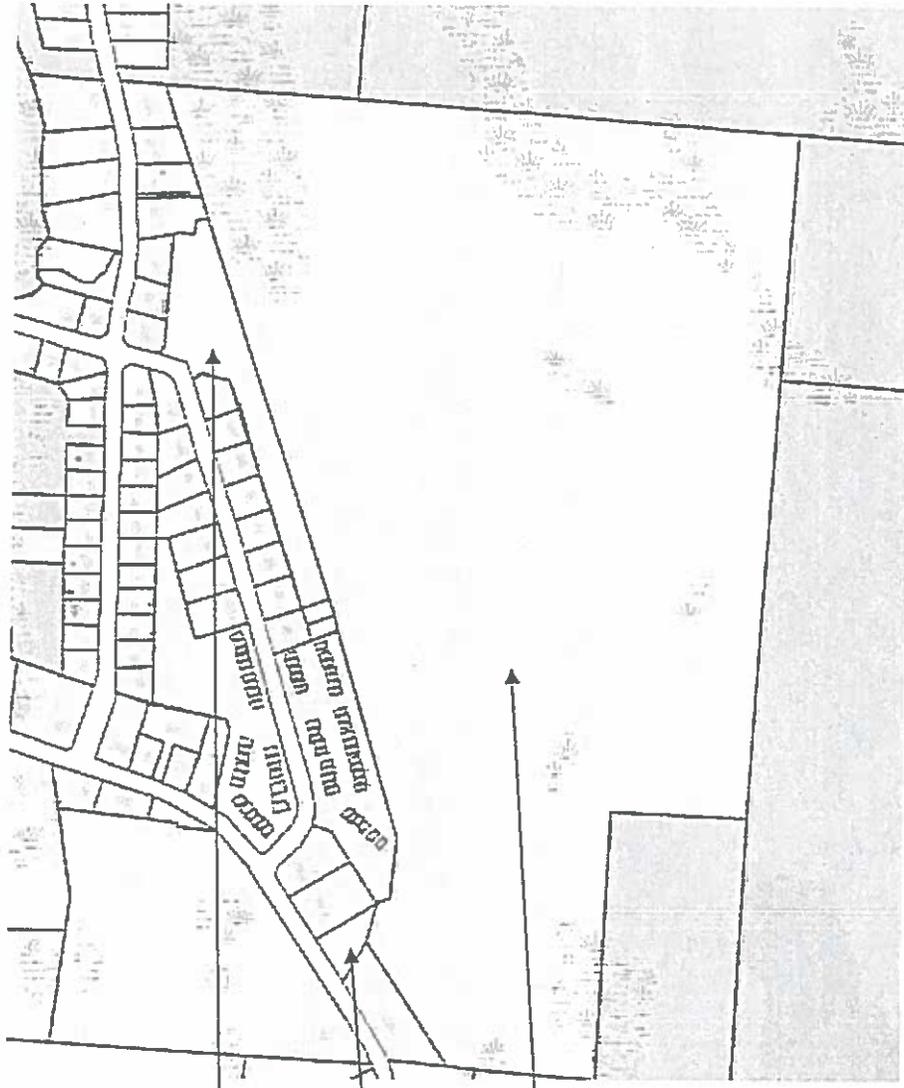
**OPEN SPACE - OWNERSHIP**

0 600 1,200  
 Feet  
 1 inch = 1,200 feet



Data Sources:  
 City of Gardner,  
 MassGIS

City of Gardner



M37-21-42 M32-6-10 M32-6-5,

PC: Chester E. Pultorak  
Thomas A. Gibbons, Esq.

RECEIVED

AGREEMENT OF SALE AND PURCHASE OF REAL PROPERTY

2016 FEB 12 A 8:40

Chester E. Pultorak, 18 Gay Street, Orange, Massachusetts 01364,  
hereinafter called "SELLER", hereby agrees to sell,

CITY CLERKS OFFICE  
GARDNER, MA

AND

Conrad J. Donell, 106 Lancaster Street, Shirley, Massachusetts 01464,  
hereinafter called "BUYER", hereby agrees to buy,

UPON THE TERMS AND CONDITIONS HEREAFTER SET FORTH  
the three adjoining parcels of land described in the proposed deed attached  
hereto as Exhibit A (the "Subject Property") and made a part hereof for the sum  
of \$375,000.00

This Agreement is upon the following conditions and stipulations to all  
of which the parties hereto expressly agree, they being:

(1) Payment of Price - The said purchase price of \$375,000.00 has been,  
and shall be, paid, as follows:

(a) a down payment of \$18,750.00, receipt of which  
SELLER does hereby acknowledge \$18,750.00

(The \$18,750.00 has been transferred to, and shall be held by, Erb and Southcotte, Seller's attorneys, in their IOLTA Escrow Account, which does not pay available interest, and be disbursed in accordance with this Agreement.)

(b) a payment of \$28,125.00 to be paid by cash, cashier's check, certified check, attorney's escrow check, wired funds or a combination of the same at the consummation of the transaction 28,125.00

(c) the delivery to SELLER of the promissory note of which a copy is attached hereto as Exhibit B signed by BUYER'S nominee for taking title to the Subject Property, as maker, and by BUYER, as Guarantor.

(d) the recording in the Worcester Registry of Deeds at BUYER'S expense immediately after the recording of the SELLER'S deed conveying the Subject Property to Buyer's nominee the mortgage, fully executed, of which a copy is attached hereto as Exhibit C 328,125.00

TOTAL \$375,000.00

RJD

- (2) Consummation of Transaction - The transaction shall be consummated by SELLER delivering to BUYER'S nominee a fully executed Quitclaim Deed conveying good record and marketable title to the Subject Property free and clear of all liens and encumbrances [except as provided in Paragraph (4)] and upon BUYER delivering to SELLER the balance of the purchase price as specified in Paragraph 1.
- (3) Place and Time - Except as provided otherwise in Paragraph 6, transfer of title to the Subject Property to BUYER'S nominee shall be consummated at the Law Office of Thomas A. Gibbons, P.C., 21 Park Street, Ayer, MA, 01432 at 10:00 AM on the day specified in Paragraph 6 or such other time of day or place in Worcester County or earlier date as BUYER selects by two (2) days' notice to SELLER.
- (4) Defective Title - In the event SELLER shall be unable to convey good record and marketable title to the Subject Property, free and clear of all liens and encumbrances, other than:
- (a) provisions of local building and zoning laws;
  - (b) taxes for the current municipal fiscal year which are not due and payable on the date of delivery of the deed; and
  - (c) liens for municipal betterments assessed after the date of this Agreement;

SELLER shall promptly use reasonable efforts to remove any defects in title and the time for performance shall be extended for a period of thirty (30) days, or such longer time as is acceptable to BUYER. Thereafter, BUYER shall have the option to accept such title as SELLER can convey and to pay therefore the full purchase price as specified in Paragraph (1) herein above, or to terminate this Agreement without liability on the part of BUYER. In the event BUYER elects to terminate hereunder, all payments made under this Agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this Agreement shall be void without recourse to the parties hereto.

- (5) Taxes Assessed on the Subject Property - SELLER shall pay the taxes due the City of Gardner on account of the conveyance tax imposed by Chapter 61, Sections 6 of the General Laws of Massachusetts or the rollback tax imposed by Section 7, whichever applies, immediately following the consummation of the transaction and all other taxes on the Subject Property for the municipal fiscal year in which the transaction is consummated. BUYER shall pay to SELLER at the consummation of the transaction the BUYER'S prorated share of the real estate taxes for the municipal fiscal year in which the sale is consummated, the proration to be based on the full fair market value of the Subject Property real estate tax (i.e. "the regular tax") that the Gardner Assessor uses in calculating the rollback tax for the municipal fiscal year in which the sale is consummated, the pro-rated payment paid by the BUYER to be held in escrow by the BUYER'S attorney in his IOLTA Escrow Account (which does not pay available interest) and delivered to SELLER

promptly after SELLER has recorded in the Registry of Deeds a Municipal Lien Certificate that reports all taxes through to the end of such municipal fiscal year have been paid, and if such a certificate has not been recorded by the first anniversary of when the transaction was consummated, the pro-rated payment shall be paid to the City of Gardner for application to the taxes assessed on the Subject Property.

- (6) Forestry Land - The Subject Property is classified as forestry land under Chapter 61 of the Massachusetts General Laws. Chapter 61, Section 8 requires notice be given as specified in Section 8 should land classified as forestry land "be sold for, or converted to, residential, industrial, or commercial use". BUYER intends to use the Subject Property for residential use, as permitted by the Gardner Zoning Ordinance. SELLER will, promptly after this agreement has been signed, give the required notice and the consummation of the sale contemplated by this agreement will be postponed until the seventh day after the City of Gardner has released its option to purchase under Section 8, or, if the option is not released, the seventh day after the expiration of the 120 day option period of Section 8. If the option to purchase under Section 8 is exercised by the City of Gardner or by its assignee, this agreement shall immediately terminate, all payments made under this Agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this Agreement shall be void.
- (7) Right to Go Upon the Land - BUYER and his representatives shall at all times while this Agreement remains in effect have full right to go upon the Subject Property for the purpose of making surveys and land tests, including borings, the same to be done, however, at BUYER'S expense. BUYER will fill any holes in the land created by BUYER.
- (8) Forfeiture of Down Payment - In the event SELLER shall be able to deliver to BUYER the aforesaid Quitclaim Deed conveying good and marketable title (except as provided in Paragraph (4)) and BUYER shall fail or refuse to consummate the transaction as specified above, SELLER shall keep the aforesaid down payment of 18,750.00 as liquidated damages, unless BUYER'S failure or refusal to consummate the transaction is authorized under the provisions of Paragraphs (4) or (6) hereinabove, and this Agreement shall thereupon terminate and neither party hereto shall have any rights hereunder against the other.
- (9) Possession - Full possession of said premises **FREE OF** all tenants and occupants, except as herein provided, is to be delivered at the time of the delivery of the deed, said premises to be then in compliance with provisions of any instrument referred to in clause 4 hereof.
- (10) Acceptance and Recording of Deed - The acceptance and recording of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.

(11) Seller represents to the best of their knowledge and agrees with Buyer as follows:

A. Seller has the legal right, power and authority to enter into this agreement and to perform all of its obligations hereunder:

B. There are no tenancies, occupancies or licenses in or to the premises.

C. Seller has not commenced nor has Seller received notice of the commencement of any proceeding which would affect the present zoning classification of the Premises. Seller will not initiate any such proceedings and will promptly notify Buyer if Seller receives notice of any such proceeding commenced by third parties.

D. There is, to the best of the Seller's knowledge and belief, no notice, suit, order, decree, claim, writ, injunction or judgment relating to any material violations of any laws, ordinances, codes, regulations or other requirements with respect to the Premises in, of or by any court, administrative agency or office or governmental authority having jurisdiction over the Premises.

E. There are no suits, actions or proceedings current, pending or threatened against the Seller materially affecting the Premises or seller's right or power to consummate the transaction contemplated in the agreement before any court, administrative agency or office or governmental authority that will not be removed simultaneously with the delivery of the Deed.

F. There is no pending Seller bankruptcy that would inhibit this conveyance. The Seller is not applying for a short sale or would be short funds to closing. Seller has the financial ability to consummate the transaction. The Seller represents and warrants that Seller has not filed a voluntary or there has not been filed an involuntary proceeding in the United States Bankruptcy Court with competent jurisdiction in the preceding one year and that the Premises is not subject to any approval, review or control of any bankruptcy trustee whatsoever .

G. The Seller has received no notice of any eminent domain taking, condemnation, betterment or special assessment, actual or proposed, with respect to the Premises and the Seller shall have an affirmative obligation to notify the Buyer of any change in circumstances from the date of the Agreement to the date of closing.

(12) Buyer's performance hereunder is conditioned upon title to the premises being insurable on a standard ALTA form B insurance policy by companies licensed to do business in the Commonwealth of Massachusetts without exception for any matters not expressly permitted hereunder.

(13) Both parties represent to each other that they have not dealt with any real estate broker with respect to this transaction other than those set

forth herein. If either party were to breach the foregoing representation, the breaching party shall indemnify and hold the non-breaching party harmless from any claim, loss, damage, cost or liability for any brokerage commission or fee which may arise due to such breach. The Buyer's and Seller's representations to each other as set forth in this paragraph shall survive the delivery of the deed.

- (14) Any matter of practice arising under or relating to this agreement which is the subject of a title standard or a practice standard of the Massachusetts Real Estate Bar Association at the time for delivery of the deed shall be covered by said title standard or practice standard to the extent applicable.
- (15) The Seller represents, that to the best of the Seller's knowledge, there are not now, nor have there ever been underground fuel storage tanks on the premises and to the best of the Seller's knowledge and belief, there are no hazardous substances on or under the premises.

SIGNED as a sealed instrument this 5<sup>th</sup> day of ~~January~~ <sup>February</sup> 2016.

BUYER:

  
\_\_\_\_\_  
Conrad J. Donell

SELLER:

  
\_\_\_\_\_  
Chester E. Pultorak

Erb and Southcotte acknowledges receiving the \$18,750.00 deposit specified in Paragraph (1), Clause (1) of the above Agreement and will hold and disburse the same as specified in the Agreement.

Erb and Southcotte

By:   
\_\_\_\_\_  
Elisha W. Erb, Partner

**EXHIBIT A**

**QUITCLAIM DEED**

**CHESTER E. PULTORAK**, who resides at 18 Gay Street, Orange,  
Massachusetts 01364

FOR THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00)  
CONSIDERATION PAID, GRANT TO

<**NOMINEE**, 106 Lancaster Street, Shirley, Massachusetts 01464>

**WITH QUITCLAIM COVENANTS**

three contiguous parcels of land located in the northwesterly part of Gardner,  
Massachusetts on the easterly side of Clark Street.

**FIRST PARCEL**

The first parcel is bounded and described as follows:

BEGINNING at the southwesterly part thereof on the easterly side of  
Clark Street at land now or formerly of Irene M. Chicone;

THENCE, North 10° 46' 43" West, by Clark Street, 21.26 feet to a stone  
wall at land now or formerly of Luis A. Perez, Trustee (said Perez land is  
now the THIRD PARCEL herein);

THENCE, North 48° 40' 36" East, by a stone wall by said Perez land,  
139.85 feet to a point;

THENCE, North 47° 29' 05" East, by a stone wall by said Perez land,  
130.00 feet to an iron pipe at land now or formerly of Century Way  
Development;

THENCE, North 21° 15' 01" East by said Century Way Development  
land, 177.18 feet to an iron pipe;

THENCE, North 1° 35' 37" West, by a stone wall by said Century Way  
Development land, 217.77 feet to a point;

THENCE, North 2° 05' 51" West, by a stone wall by said Century Way  
Development land, 197.46 feet to a point;

THENCE, North 3° 25' 22" West, by a stone wall by said Century Way  
Development land, 219.93 feet to a drill hole in the stone wall (the last  
7.82 feet of this course, the following eight courses and part of the  
following ninth course are now beside the SECOND PARCEL herein);

LOCATION OF PROPERTY: East side of Clark Street, Gardner

THENCE, North 2° 43' 56" East, across an opening in the stone wall and by said Century Way Development land, 58.70 feet to a drill hole in the stone wall;

THENCE, North 4° 00' 28" West, by a stone wall by said Century Way Development land, 91.06 feet to a corner;

THENCE, North 3° 28' 08" West, by a stone wall by said Century Way Development land, 199.49 feet to a corner;

THENCE, North 4° 37' 38" West, by a stone wall by said Century Way Development land, 199.39 feet to a corner;

THENCE, North 3° 47' 48" West, by a stone wall by said Century Way Development land, 195.26 feet to a point;

THENCE, North 4° 51' 30" West, by a stone wall by said Century Way Development land, 172.01 feet to a point;

THENCE, North 5° 03' 33" West, by a stone wall by said Century Way Development land, 117.99 feet to a point;

THENCE, North 4° 19' 36" West, by a stone wall by said Century Way Development land, 117.26 feet to a drill hole;

THENCE, North 4° 19' 36" West, by said Century Way Development land, 490.13 feet to a corner;

THENCE, South 71° 34' 55" East, partly by said Century Way Development land and partly by land now or formerly of the City of Gardner, 2,003.14 feet to a corner;

THENCE, South 18° 08' 22" West, by said City land, 704.88 feet to a point;

THENCE, South 18° 02' 43" West, by said City land, 1,253.69 feet to a corner;

THENCE, North 70° 16' 00" West, by said City land, 400 feet to a corner;

THENCE, South 18° 02' 42" West, by said City land, 779.99 feet to a corner at land now or formerly of Luis A. Perez, Trustee;

THENCE, North 74° 09' 16" West, by said Perez land, 480.86 feet to a point;

THENCE, North 73° 19' 16" West, by said Perez land, 78.24 feet to a corner at land now or formerly of Irene M. Chicone;

ASD

THENCE, North 21° 03' 01" West, by said Chicone land, 426.00 feet to a corner;

THENCE, South 49° 10' 13" West, by said Chicone land, 134.00 feet to the place of beginning.

Containing approximately 85.41 acres.

#### SECOND PARCEL

The second parcel is located on the northwest side of Century Way, Gardner, Massachusetts and is the parcel containing approximately 3.372 acres identified as "JAB Realty Trust" on (a) the plan titled: "Plan of Lots prepared for Jab Realty Trust, Gardner, MA", dated 18 October 1994 and recorded in the Worcester Registry of Deeds in Plan Book 689, Page 100<sup>1</sup> and (b) the plan titled: "Revised Definitive Subdivision Plan of Wilder Brook Estates in Gardner, Ma.", dated 7 July 1995, recorded in said Registry of Deeds in Plan Book 709, Page 122<sup>2</sup>. Said parcel of land is bounded and described as follows:

Beginning at the corner in the northwesterly sideline of Century Way that is northerly of Lot 39 on the Plan Book 689, Page 100 plan and southeasterly of Lot 19 on said plan;

Thence, South 2° 53' 00" East, beside Clark Street, 78.19 feet to Lot 39 on the Plan Book 689, Page 100 plan;

Thence, northerly and easterly by a curve to the right having a radius of 25.00 feet, beside said Lot 39, a distance measured along the arc of 48.58 feet to a point of tangency;

Thence, South 71° 32' 46" East, beside said Lot 39 for 81.42 feet to a corner;

Thence, South 2° 53' 00" East, beside Lots 39 through 46 on said plan 784.11 feet to a corner at Out Lot "A" on said plan;

Thence, North 85° 05' 30" East, beside said Out Lot "A" 83.81 feet to land formerly of CEPCO Realty Trust (now the FIRST PARCEL herein);

Thence, North 03° 25' 22" West, by said CEPCO land, 7.82 feet to a point (This course and the following seven courses are now beside the FIRST PARCEL herein);

Thence, North 02° 43' 56" East, by said CEPCO land, 58.70 feet to a point;

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<sup>1</sup> Shows part of the Second Parcel.

<sup>2</sup> Shows part of the Second Parcel. The two plans, taken together, show the entire Second Parcel.

Thence, North 04° 00' 28" West, by said CEPCO land, 91.06 feet to a point;

Thence, North 03° 28' 08" West, by said CEPCO land, 199.49 feet to a point;

Thence, North 04° 37' 38" West, by said CEPCO land, 199.39 feet to a point;

Thence, North 03° 47' 48" West, by said CEPCO land, 195.26 feet to a point;

Thence, North 04° 51' 30" West, by said CEPCO land, 172.01 feet to a point;

Thence, North 05° 03' 33" West, by said CEPCO land, 117.99 feet to a point;

Thence, North 04° 19' 36" West, by said CEPCO land, 117.26 feet to a point;

Thence, North 04° 19' 36" West by said CEPCO land approximately 100 feet to the centerline of a brook;

Thence, westerly by the center line of the brook approximately 135 feet to the northwest corner of Lot 4 on Plan Book 709, Page 122;

Thence, South 17° 59' 14" West, beside said Lot 4 approximately 150 feet to Lot 2 on said plan;

Thence, South 17° 59' 14" West, beside said Lot 2 and beside Lot 19 on said plan 162.68 feet to a point of non-tangent curvature;

Thence, by a curve to the right with a radius of 25.00 feet, beside said Lot 19, for a distance measure along the arc of 53.31 feet to Century Way

Thence, South 60° 43' 00" East, beside Century Way, 104.32 feet to the place of beginning.

#### EXCLUDED

Excluded from the above described Second Parcel is the approximately 8,680 square feet of land that JAB Realty Trust conveyed to George R. Drouin and Dorothy P. Drouin by the deed dated 11 June 1997 and recorded in said Registry of Deeds in Book 18904, Page 41. Said land is shown on the plan titled "Plan of Land to be Conveyed by JAB REALTY TRUST", dated 20 November 1996, recorded in said Registry of Deeds in Planbook 716, Page 74.

THIRD PARCEL

The Third Parcel is bounded and described as follows:

Beginning at the southwesterly corner thereof, at a point in the easterly line of Clark Street, at a corner of land of John C. Greenan, Jr. (the FIRST PARCEL herein);

Thence North 16° 50' 03" West by said street line, 117.29 feet to a corner of land now or formerly of Gerald L. & Donna M. Poirier;

Thence North 73° 09' 57" East by said Poirier land, 200.00 feet to a corner of other land now or formerly of Joseph L. Rome and Richard, Roger and George Tobia, and being shown as a corner of "Phase 2" on a plan hereinafter referred to;

Thence North 77° 00' 30" East by said Rome & Tobia land and "Phase 2", for 44.53 feet to an iron pipe at the end of a stone wall in line of land of John C. Greenan, Jr.;

Thence South 47° 29' 05" West, 130.00 feet to a drill hole;

Thence South 48° 40' 36" West, 139.85 feet to the easterly line of Clark Street and the point of beginning, the preceding two (2) courses being by a stone and wall and said John C. Greenan, Jr. land.

Containing 14,882 square feet.

Being shown as Lot "1" on the plan titled: "Plan of Land in Gardner, Mass. made for Century Way Development Corp." dated August, 1986, recorded in said Registry of Deeds in Plan Book 564, Page 40.

The above three parcel of land are the same land that the Trustees of the John C. Greenan, Jr., Trust conveyed to Chester E. Pultorak by the deed dated 4 December 2013, recorded in said Registry of Deeds in Book 51824, Page 38.

SIGNED as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_  
2016.

\_\_\_\_\_  
Chester E. Pultorak

*CJD*

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On the \_\_\_\_ day of \_\_\_\_\_ 2016, before me, the undersigned notary public, personally appeared Chester E. Pultorak, proved to me through satisfactory evidence of identification, which was personal knowledge of identity to be the person whose name is signed on the preceding deed and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Elisha W. Erb, Notary Public  
My commission expires 13 May 2016



**PROMISSORY NOTE**

<NOMINEE> hereinafter called "MAKER", FOR VALUE RECEIVED, promises, to pay to the order of Chester E. Pultorak, 18 Gay Street, Orange, Massachusetts 01364, hereinafter called "HOLDER",

THREE HUNDRED TWENTY-EIGHT THOUSAND,  
ONE HUNDRED TWENTY-FIVE DOLLARS (\$328,125.00)

with interest on the unpaid balance at one percent (1%) per annum in seven (7) semi-annual installments as provided hereinafter with the first installment to be due and payable six (6) months from the date of this Note, and with each successive semi-annual installment to be due and payable semi-annually thereafter.

| From date of note | Principal payment | Interest payment | Total payment |
|-------------------|-------------------|------------------|---------------|
| 6 months          | 46,875.00         | 1,640.62         | 48,515.62     |
| 1 year            | 46,875.00         | 1,406.25         | 48,281.25     |
| 18 months         | 46,875.00         | 1,171.88         | 48,046.88     |
| 2 years           | 46,875.00         | 937.50           | 47,812.50     |
| 30 months         | 46,875.00         | 703.13           | 47,578.13     |
| 3 years           | 46,875.00         | 468.75           | 47,343.75     |
| 42 months         | 46,875.00         | 234.38           | 47,109.38     |

All payments made on account hereof shall be applied first to interest and the balance to the amortization of the principal.

PROVIDED, in the event any payment called for above shall at any time be in arrears, or the mortgage securing this Promissory Note shall be in default, the HOLDER may give written notice of such default to the MAKER, and if the MAKER shall fail to cure the default within ten (10) days after delivering or mailing of such demand by paying in full all payments then in arrears, plus interest at the rate of twelve percent (12%) per annum on the late payments until paid, and removing all defaults under the mortgage securing this Promissory Note, the entire balance of the principal and interest of this Promissory Note shall become due and payable on such tenth (10th) day and such entire balance (principal and interest) shall thereafter bear interest at the rate of twelve percent (12%) per annum. PROVIDED ALWAYS, that the failure of the HOLDER to exercise this option on any one or more occasions shall not be deemed a waiver of his right to exercise this option at any time thereafter when this Promissory Note or the mortgage securing it shall be in default.

The MAKER may at any time prepay this Note in full without penalty.

In the event any payment due hereunder is in default by fifteen (15) days, there shall be added to said payment due, a penalty of ten percent of the payment due.

The MAKER agrees to pay any and all expenses, including reasonable attorney's fees, incurred by the HOLDER in collecting any amounts due under this Note in the event of the MAKER'S default.

This Note is issued in conjunction with a commercial transaction. The proceeds of this Note will be used to pay part of the purchase price of undeveloped real property. This Note is secured by a mortgage on the purchased real estate.

SIGNED as a sealed instrument this \_\_\_\_ day of \_\_\_\_\_ 2016.

(In the Presence of:-)

<Nominee>

By: \_\_\_\_\_  
<title>

**GUARANTEE OF PAYMENT**

I, Conrad J. Donell, hereby unconditionally guarantee prompt payment of the foregoing Promissory Note; waive all rights of notice of acceptance, notice of non-payment or other default, protest, notice of protest, presentment, and demand for payment; acknowledge that I shall remain bound on this Guarantee notwithstanding any steps the holder of this Note may or may not have taken to collect any or all payments due, and notwithstanding that the Maker may by operation of law or otherwise be relieved of his obligations to pay said Note; acknowledge that this is a Guarantee of payment rather than of collectability and may be enforced without the holder of said Note first having to resort to any other right, remedy or security; and agree to pay any and all expenses, including reasonable attorneys' fees, incurred by the holder of said Note in collecting any amounts due from the Maker or me.

Signed as a sealed instrument this \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Conrad J. Donell

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**EXHIBIT C**

**M O R T G A G E**  
**(Statutory Form)**

<NOMINEE>, with offices at 106 Lancaster Street, Shirley,  
Massachusetts 01464, hereinafter called "MORTGAGOR,"

FOR  
CONSIDERATION PAID, GRANT TO

**Chester E. Pultorak**, 18 Gay Street, Orange, Massachusetts 01364, hereinafter  
called "MORTGAGEE,"

WITH MORTGAGE COVENANTS

to secure the payment of \$328,125.00 as provided in MORTGAGORS' Promissory Note of even date, bearing interest at the rate of one percent (1%) per year, and payable three and one half years from date, and also to secure all other obligations and amounts now, or at any time hereinafter owed by MORTGAGOR to MORTGAGEE on account of said Promissory Note or this Mortgage, the three contiguous parcels of land located in the northwesterly part of Gardner, Massachusetts on the easterly side of Clark Street described in attached Exhibit A.

All payments made under the Note secured by this Mortgage, and all payments made under this Mortgage, shall be applied by MORTGAGEE in the following order:

- (1) to reimburse MORTGAGEE for all expenses incurred by MORTGAGEE, including reasonable attorney's fees, to foreclose this Mortgage or enforce any of its provisions;
- (2) to the payment of real estate taxes and municipal assessments;
- (3) all other obligations of MORTGAGOR to MORTGAGEE under the provisions of this Mortgage;
- (4) interest on the Note secured by this Mortgage; and
- (5) amortization of the principal of said Note.

The MORTGAGOR covenants and agrees not to commit, permit or suffer any waste, impairment or deterioration of the property or any part thereof, and not to use or permit the premises to be used for any unlawful or improper purpose or in violation of any law or municipal ordinance or regulation.

If said premises or any portion thereof shall be taken by eminent domain or for public use by other act of any public authority, any damages in connection therewith shall, to the extent of the indebtedness then remaining

LOCATION OF PROPERTY: East side of Clark Street, Gardner

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unpaid, be paid to MORTGAGEE, and MORTGAGOR hereby assigns such damages to MORTGAGEE.

If bankruptcy or other proceedings affecting MORTGAGOR involve MORTGAGEE'S interest under this Mortgage, MORTGAGOR shall reimburse MORTGAGEE for all costs and expenses, including attorneys' fees, incurred in protecting MORTGAGEE'S interests in such proceedings.

If foreclosure proceedings are begun because of MORTGAGOR'S default hereunder and are subsequently terminated prior to a foreclosure sale for any reason whatsoever, including, but not limited to, termination caused by bankruptcy proceedings affecting MORTGAGOR, redemption or agreement of the parties, MORTGAGEE shall be entitled to all costs and expenses incurred in connection with such proceedings, including attorneys' fees.

If MORTGAGEE enters into possession of said premises because of MORTGAGOR'S default hereunder, MORTGAGORS shall reimburse MORTGAGEE for all costs and expenses incurred in the care and management of the property and in defending any action brought by MORTGAGORS arising out of MORTGAGEE'S possession.

MORTGAGORS further covenant that if foreclosure proceedings under any junior mortgage or other lien of any kind on the within described premises, or any part thereof, shall be instituted, and not cured within thirty days, or in the event of any levy or sale upon execution or other proceedings of any nature whereby the owner of said premises may be deprived of owners' title or right of possession of said premises, MORTGAGEE may immediately declare the entire debt and Note secured by this Mortgage due and payable and start foreclosure or such other proceedings as may be necessary to protect MORTGAGEE'S interest in the premises.

MORTGAGOR shall pay, no later than when due, the real estate taxes and betterment assessments assessed on the subject property. MORTGAGOR hereby irrevocably authorize MORTGAGEE to make any payment required of MORTGAGOR hereunder when due, including, but not limited to, payment of annual real estate taxes and betterment assessments. All such payments made by MORTGAGEE and the amount of any costs and expenses to which MORTGAGEE is entitled hereunder or incurs on account hereof shall bear interest at the rate of twelve percent (12%) per annum, shall be promptly reimbursed to MORTGAGEE by MORTGAGOR, shall be secured by the lien of this Mortgage and shall, in the event of foreclosure of this Mortgage, have priority of payment over the Promissory Note secured by this Mortgage.

In the event the ownership of said premises or any part thereof changes, MORTGAGEE may, without notice to MORTGAGOR, deal with MORTGAGOR'S successor or successors in interest with reference to the Mortgage and the debt secured hereby in the same manner as with MORTGAGOR without in any way vitiating or discharging MORTGAGOR'S liability hereunder or upon the debt secured hereby. No sale of the premises hereby mortgaged and no forbearance on the part of MORTGAGEE or extension of the time for the payment of the debt secured hereby, or any other indulgence given by MORTGAGEE, shall

operate to release, discharge, modify, change or affect the original liability of MORTGAGOR, either in whole or in part. Notwithstanding the above, the entire mortgage debt secured hereby shall become due and payable at the option of the MORTGAGEE in the event legal or significant beneficial ownership of said premises or any part thereof becomes vested in any person or persons other than the MORTGAGOR.

The MORTGAGOR agrees to pay any and all expenses, including reasonable attorney's fees, incurred by MORTGAGEE to foreclose this Mortgage or enforce any of its provisions.

This Mortgage is upon the STATUTORY CONDITION, for any breach of which, or for any breach of any of the aforementioned provisions or conditions, the holder hereof shall have the STATUTORY POWER OF SALE.

SIGNED as a sealed instrument this \_\_\_\_ day of \_\_\_\_\_ 2016.

<NOMINEE>

\_\_\_\_\_  
<Title>

\_\_\_\_\_  
<NAME>

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On the \_\_\_\_ day of \_\_\_\_\_ 2016, before me, the undersigned notary public, personally appeared <nominee officer>, proved to me through satisfactory evidence of identification, which was <personal knowledge of identity><motor vehicle operator's license>, to be the person whose name is signed on the preceding mortgage and acknowledged to me that <he><she> signed it voluntarily for its stated purpose <as the Trustee of <> Trust><as the President and Treasurer of <> corporation><as manager of <> limited liability company> and as the free act and deed of said (trust, corporation, limited liability company>.

\_\_\_\_\_  
<>, Notary Public  
My commission expires <>

*Handwritten initials/signature*

EXHIBIT A  
ATTACHED TO MORTGAGE

FIRST PARCEL

The first parcel is bounded and described as follows:

BEGINNING at the southwesterly part thereof on the easterly side of Clark Street at land now or formerly of Irene M. Chicone;

THENCE, North 10° 46' 43" West, by Clark Street, 21.26 feet to a stone wall at land now or formerly of Luis A. Perez, Trustee (said Perez land is now the THIRD PARCEL herein);

THENCE, North 48° 40' 36" East, by a stone wall by said Perez land, 139.85 feet to a point;

THENCE, North 47° 29' 05" East, by a stone wall by said Perez land, 130.00 feet to an iron pipe at land now or formerly of Century Way Development;

THENCE, North 21° 15' 01" East by said Century Way Development land, 177.18 feet to an iron pipe;

THENCE, North 1° 35' 37" West, by a stone wall by said Century Way Development land, 217.77 feet to a point;

THENCE, North 2° 05' 51" West, by a stone wall by said Century Way Development land, 197.46 feet to a point;

THENCE, North 3° 25' 22" West, by a stone wall by said Century Way Development land, 219.93 feet to a drill hole in the stone wall (the last 7.82 feet of this course, the following eight courses and part of the following ninth course are now beside the SECOND PARCEL herein);

THENCE, North 2° 43' 56" East, across an opening in the stone wall and by said Century Way Development land, 58.70 feet to a drill hole in the stone wall;

THENCE, North 4° 00' 28" West, by a stone wall by said Century Way Development land, 91.06 feet to a corner;

THENCE, North 3° 28' 08" West, by a stone wall by said Century Way Development land, 199.49 feet to a corner;

THENCE, North 4° 37' 38" West, by a stone wall by said Century Way Development land, 199.39 feet to a corner;

5/17

THENCE, North 3° 47' 48" West, by a stone wall by said Century Way Development land, 195.26 feet to a point;

THENCE, North 4° 51' 30" West, by a stone wall by said Century Way Development land, 172.01 feet to a point;

THENCE, North 5° 03' 33" West, by a stone wall by said Century Way Development land, 117.99 feet to a point;

THENCE, North 4° 19' 36" West, by a stone wall by said Century Way Development land, 117.26 feet to a drill hole;

THENCE, North 4° 19' 36" West, by said Century Way Development land, 490.13 feet to a corner;

THENCE, South 71° 34' 55" East, partly by said Century Way Development land and partly by land now or formerly of the City of Gardner, 2,003.14 feet to a corner;

THENCE, South 18° 08' 22" West, by said City land, 704.88 feet to a point;

THENCE, South 18° 02' 43" West, by said City land, 1,253.69 feet to a corner;

THENCE, North 70° 16' 00" West, by said City land, 400 feet to a corner;

THENCE, South 18° 02' 42" West, by said City land, 779.99 feet to a corner at land now or formerly of Luis A. Perez, Trustee;

THENCE, North 74° 09' 16" West, by said Perez land, 480.86 feet to a point;

THENCE, North 73° 19' 16" West, by said Perez land, 78.24 feet to a corner at land now or formerly of Irene M. Chicone;

THENCE, North 21° 03' 01" West, by said Chicone land, 426.00 feet to a corner;

THENCE, South 49° 10' 13" West, by said Chicone land, 134.00 feet to the place of beginning.

Containing approximately 85.41 acres.

#### SECOND PARCEL

The second parcel is located on the northwest side of Century Way, Gardner, Massachusetts and is the parcel containing approximately 3.372 acres identified as "JAB Realty Trust" on (a) the plan titled: "Plan of Lots prepared for Jab Realty Trust, Gardner, MA", dated 18 October 1994 and recorded in the

25A

Worcester Registry of Deeds in Plan Book 689, Page 100<sup>3</sup> and (b) the plan titled: "Revised Definitive Subdivision Plan of Wilder Brook Estates in Gardner, Ma.", dated 7 July 1995, recorded in said Registry of Deeds in Plan Book 709, Page 122<sup>4</sup>. Said parcel of land is bounded and described as follows:

Beginning at the corner in the northwesterly sideline of Century Way that is northerly of Lot 39 on the Plan Book 689, Page 100 plan and southeasterly of Lot 19 on said plan;

Thence, South 2° 53' 00" East, beside Clark Street, 78.19 feet to Lot 39 on the Plan Book 689, Page 100 plan;

Thence, northerly and easterly by a curve to the right having a radius of 25.00 feet, beside said Lot 39, a distance measured along the arc of 48.58 feet to a point of tangency;

Thence, South 71° 32' 46" East, beside said Lot 39 for 81.42 feet to a corner;

Thence, South 2° 53' 00" East, beside Lots 39 through 46 on said plan 784.11 feet to a corner at Out Lot "A" on said plan;

Thence, North 85°05' 30" East, beside said Out Lot "A" 83.81 feet to land formerly of CEPCO Realty Trust (now the FIRST PARCEL herein);

Thence, North 03° 25' 22" West, by said CEPCO land, 7.82 feet to a point (This course and the following seven courses are now beside the FIRST PARCEL herein);

Thence, North 02° 43' 56" East, by said CEPCO land, 58.70 feet to a point;

Thence, North 04° 00' 28" West, by said CEPCO land, 91.06 feet to a point;

Thence, North 03° 28' 08" West, by said CEPCO land, 199.49 feet to a point;

Thence, North 04° 37' 38" West, by said CEPCO land, 199.39 feet to a point;

Thence, North 03° 47' 48" West, by said CEPCO land, 195.26 feet to a point;

Thence, North 04° 51' 30" West, by said CEPCO land, 172.01 feet to a point;

---

<sup>3</sup> Shows part of the Second Parcel.

<sup>4</sup> Shows part of the Second Parcel. The two plans, taken together, show the entire Second Parcel.

GTD

Thence, North 05° 03' 33" West, by said CEPCO land, 117.99 feet to a point;

Thence, North 04° 19' 36" West, by said CEPCO land, 117.26 feet to a point;

Thence, North 04° 19' 36" West by said CEPCO land approximately 100 feet to the centerline of a brook;

Thence, westerly by the center line of the brook approximately 135 feet to the northwest corner of Lot 4 on Plan Book 709, Page 122;

Thence, South 17° 59' 14" West, beside said Lot 4 approximately 150 feet to Lot 2 on said plan;

Thence, South 17° 59' 14" West, beside said Lot 2 and beside Lot 19 on said plan 162.68 feet to a point of non-tangent curvature;

Thence, by a curve to the right with a radius of 25.00 feet, beside said Lot 19, for a distance measure along the arc of 53.31 feet to Century Way

Thence, South 60° 43' 00" East, beside Century Way, 104.32 feet to the place of beginning.

#### EXCLUDED

Excluded from the above described Second Parcel is the approximately 8,680 square feet of land that JAB Realty Trust conveyed to George R. Drouin and Dorothy P. Drouin by the deed dated 11 June 1997 and recorded in said Registry of Deeds in Book 18904, Page 41. Said land is shown on the plan titled "Plan of Land to be Conveyed by JAB REALTY TRUST", dated 20 November 1996, recorded in said Registry of Deeds in Planbook 716, Page 74.

#### THIRD PARCEL

The Third Parcel is bounded and described as follows:

Beginning at the southwesterly corner thereof, at a point in the easterly line of Clark Street, at a corner of land of John C. Greenan, Jr. (the FIRST PARCEL herein);

Thence North 16° 50' 03" West by said street line, 117.29 feet to a corner of land now or formerly of Gerald L. & Donna M. Poirier;

Thence North 73° 09' 57" East by said Poirier land, 200.00 feet to a corner of other land now or formerly of Joseph L. Rome and Richard, Roger and George Tobia, and being shown as a corner of "Phase 2" on a plan hereinafter referred to;

Thence North 77° 00' 30" East by said Rome & Tobia land and "Phase 2", for 44.53 feet to an iron pipe at the end of a stone wall in line of land of John C. Greenan, Jr.;

Thence South 47° 29' 05" West, 130.00 feet to a drill hole;

Thence South 48° 40' 36" West, 139.85 feet to the easterly line of Clark Street and the point of beginning, the preceding two (2) courses being by a stone and wall and said John C. Greenan, Jr. land.

Containing 14,882 square feet.

Being shown as Lot "1" on the plan titled: "Plan of Land in Gardner, Mass. made for Century Way Development Corp." dated August, 1986, recorded in said Registry of Deeds in Plan Book 564, Page 40.

The above three parcel of land are the same land that the Trustees of the John C. Greenan, Jr., Trust conveyed to Chester E. Pultorak by the deed dated 4 December 2013, recorded in said Registry of Deeds in Book 51824, Page 38.

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.

9551

# CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



RECEIVED  
2016 MAY 11 A 8:49  
CITY CLERKS OFFICE  
GARDNER, MA

May 10, 2016

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

**Subject: Zoning Amendment – MILL STREET CORRIDOR DEVELOPMENT  
OVERLAY DISTRICT**

Dear President Walsh:

Following the City Council/Planning Board joint public hearing held on Tuesday, April 19, 2016, on the above referenced item, the Planning Board held a meeting on Tuesday May 10, 2016 and voted unanimously to recommend adoption of the subject zoning amendment by the City Council. As you are aware a Joint Public Hearing was held on by the City Council and Planning Board and there was no public opposition of said amendment.

The Planning Board respectfully requests City Council support in moving this amendment forward. Please feel free to contact the Director of Planning and Community Development, Trevor Beauregard, at 978-630-4014 or [tbeauregrad@gardner-ma.gov](mailto:tbeauregrad@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

# ORDINANCE

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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

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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

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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

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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

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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

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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

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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

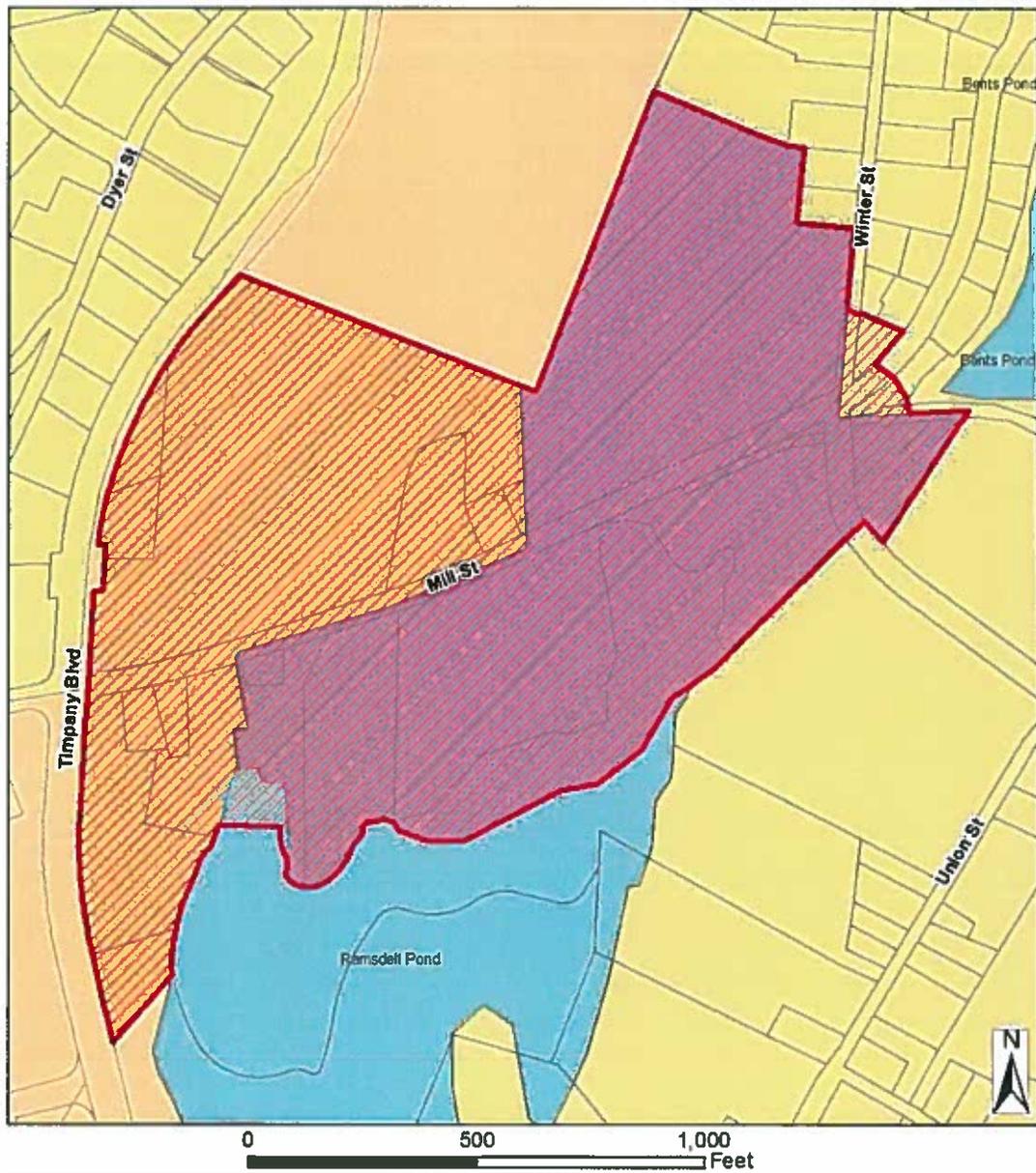
173 8. Architectural standards.

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     |

## 2.2 Mill Street Corridor Overlay – Discussion

T. Beauregard stated he put together a Draft Overlay for Zoning in the Mill Street Corridor, and explained as follows:

- The Urban Renewal Plan that was approved in 2011 identified us having an overlay in that area because as you are probably aware, the Mill Street Corridor is a combination of Commercial II and Industrial I zones.
- The Commercial II is somewhat restrictive on uses especially when comes to big box retail through a special permit process.
- Developers tend to shy away from the special permit process.
- It makes sense to develop an area where these uses are “by right”. The best way to go about this is to create a whole new Overlay.
- Looked at the other options, and could update the table of uses to allow commercial and retail for 15,000 square feet “by right” in Commercial II and Industrial I, but this opens it up City wide.
- Could also use the current Downtown Overlay, but again in doing so, would have to add Commercial II to it. Currently, in the Downtown Overlay it is only allowed in Commercial I and Industrial I zones, so we would have to add Commercial II to that, but again would open it up to any Commercial II area within the City. These reasons are why creating a whole new Overlay specific to this area of 57 or so acres included in the Mill Street Corridor makes sense.

Mr. Gross, stressed that by creating this overlay, we of the City are not giving up any control or approval authorities, this just makes it easier for a developer to come in and begin the development process. We are still going to have plenty of oversight and approval. Anything that is being done within the Corridor will come before the Planning Board.

***Motion made to approve the Overlay District for the Mill Street Corridor, and submit to the City Council for their discussion and review, and to schedule a joint public hearing with the City Council.***

***R. Swartz/R. Bettez. Vote – All in favor.***

9569

# CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

RECEIVED

2016 MAY 11 A 8:49

CITY CLERKS OFFICE  
GARDNER, MA



May 10, 2016

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

**Subject: Zoning Amendment – PERPENDICULAR SIGNAGE**

Dear President Walsh:

Following the City Council/Planning Board joint public hearing held on Tuesday, April 19, 2016, on the above referenced item, the Planning Board held a meeting on Tuesday May 10, 2016 and voted unanimously to recommend adoption of the subject zoning amendment by the City Council. As you are aware a Joint Public Hearing was held on by the City Council and Planning Board and there was no public opposition of said amendment.

The Planning Board respectfully requests City Council support in moving this amendment forward. Please feel free to contact the Director of Planning and Community Development, Trevor Beauregard, at 978-630-4014 or [tbeauregrad@gardner-ma.gov](mailto:tbeauregrad@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

**ORDINANCE**

1  
2 AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675  
3 THEREOF, ENTITLED "ZONING," TO ADD NEW SUBSECTIONS TO SECTION 675-970,  
4 SIGNS PERMITTED IN COMMERCIAL OR INDUSTRIAL DISTRICTS, AND TO SECTION  
5 675-980, SPECIAL REGULATIONS FOR SIGNS IN HISTORIC AREAS,

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

8 Section 1. Chapter 675 is hereby amended by adding a new subsection to 675-970, Signs  
9 Permitted in Commercial or Industrial Districts, as follows:

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

18  
19 Section 2. Chapter 675 is further amended by adding a new subsection to 675-980, Special  
20 Regulations for Signs in Historic Areas, as follows:

21 G. Perpendicular signs. One projecting, or perpendicular sign, may be erected within  
22 five feet of the business's entrance and must be erected no less than ten (10) feet from  
23 the ground level at the base of the building above a sidewalk to the bottom of the  
24 sign, so long as public safety is not endangered, and no more than twenty (20) feet  
25 from the ground level to the top of the sign. Such sign shall not extend above the

**ORDINANCE**

---

26 building, nor be more than eight (8) square feet in area and, when combined with any  
27 existing alternative signage, shall not exceed a total of forty (40) square feet. All  
28 perpendicular signs must be externally lit from the top and shine downward.

29  
30 Section 3. This Ordinance shall become effective upon passage and publication as required  
31 by law.

9576

**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 MAY -4 P 2: 21  
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**  
**RENAMING THE PORTION OF MATTHEWS STREET**  
**NORTH OF ROUTE 140 TO "OLD 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, May 16, 2016 at 7:00 P.M. in the City Council Chamber, Room 219, Gardner City Hall, to consider renaming the portion of Matthews Street north of Route 140 to "Old Matthews Street."

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**  
**NOTICE OF PUBLIC HEARING**  
**RENAMING THE PORTION OF MATTHEWS STREET**  
**NORTH OF ROUTE 140 TO "OLD 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, May 16, 2016 at 7:00 P.M. in the City Council Chamber, Room 219, Gardner City Hall, to consider renaming the portion of Matthews Street north of Route 140 to "Old Matthews Street."

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

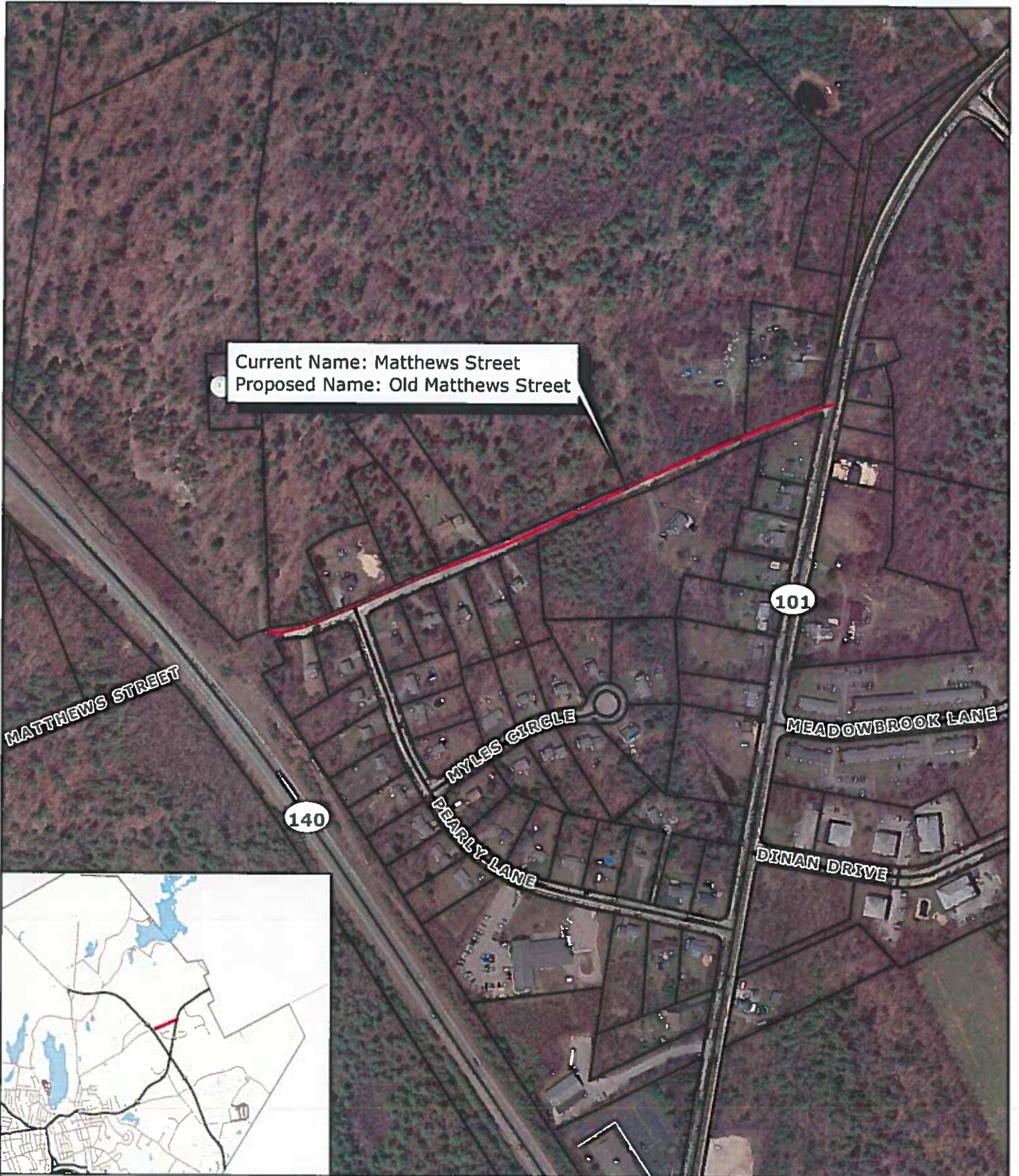
**GARDNER City Council**  
**Alan L. Agnelli, City Clerk**

may6-1t

**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.



Current Name: Matthews Street  
 Proposed Name: Old Matthews Street

- Subject Road
- Abutters
- ▭ Parcels
- Road Centerlines

**MATTHEWS STREET SECTION**  
 PROPOSED RENAME  
 OLD MATTHEWS STREET

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

**City of Gardner**  
 GIS

9577

**PRESIDENT**  
James M. Walsh, Esq.  
**COUNCILLORS AT LARGE**  
James S. Boone  
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Matthew C. J. Vance

**CITY OF GARDNER**  
**MASSACHUSETTS 01440-2630**

OFFICE OF THE  
CITY COUNCIL

RECEIVED

2016 MAY -4 P 2: 21

CITY CLERKS OFFICE  
GARDNER, MA



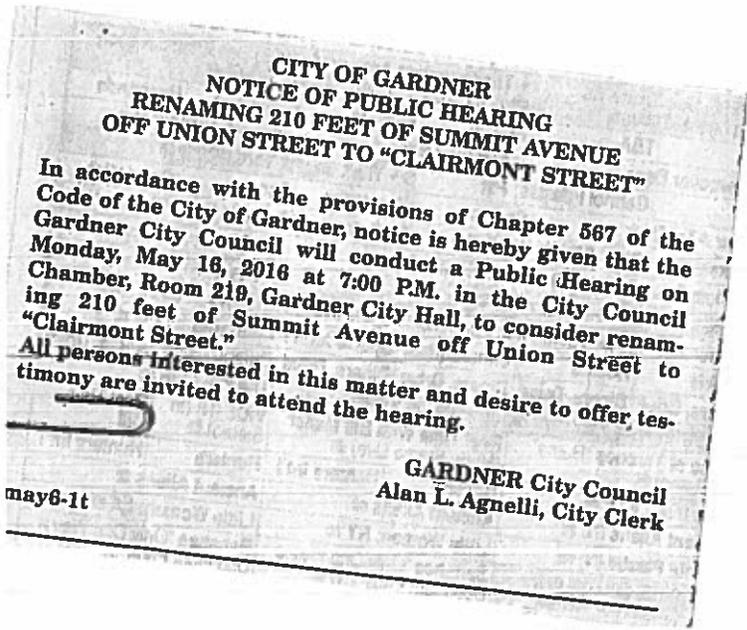
**WARD 1 COUNCILLOR**  
James M. Walsh, Esq.  
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**WARD 3 COUNCILLOR**  
Nathan R. Boudreau  
**WARD 4 COUNCILLOR**  
Karen G. Hardern  
**WARD 5 COUNCILLOR**  
James D. Johnson

**CITY OF GARDNER**  
**NOTICE OF PUBLIC HEARING**  
**RENAMING 210 FEET OF SUMMIT AVENUE**  
**OFF UNION STREET TO "CLAIRMONT 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, May 16, 2016 at 7:00 P.M. in the City Council Chamber, Room 219, Gardner City Hall, to consider renaming 210 feet of Summit Avenue off Union Street to "Clairmont Street."

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



**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.



Current Name: Summit Avenue  
Proposed Name: Clairmont Street

-  Subject Road
-  Abutters
-  Parcels
-  Road Centerlines
-  Unpaved ROW

**SUMMIT AVENUE SECTION**  
PROPOSED RENAME TO  
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, EDEA

**City of Gardner** GIS 



CITY OF GARDNER  
FIRST PRINTING  
MAY 6, 2016

9599

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<br>\$60,825.00<br>GRA<br>\$20,556.00<br>CDBG<br>\$4,283.00<br>Total<br>\$85,664.00 |             |            |
| 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<br>\$44,304.21<br>School<br>\$43,652.68<br>Total<br>\$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/<br>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             |            |         | 01/01/16    |            |         |
|---------------------------------------------|-------|----------------------|------------|---------|-------------|------------|---------|
|                                             |       | 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 |         |
| Assistant City Solicitor                    | G-3   | \$41,175.03          | \$791.83   |         |             |            |         |
|                                             |       | City<br>\$3,198.00   |            |         |             |            |         |
| Assistant Director of Community Development | G-7   | CDBG<br>\$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 |         |
|                                             |       | City<br>\$46,480.00  |            |         |             |            |         |
| Economic Development Coordinator            | G-7   | Other<br>\$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    |          |         | 01/01/16    |          |         |
|------------------------|-------------|----------|---------|-------------|----------|---------|
|                        | 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.

A TRUE COPY, ATTEST:  
ALAN L. AGNELLI, CITY CLERK