



City of Gardner, Massachusetts

Office of the City Council

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### CALENDAR FOR THE MEETING

of

MONDAY, JUNE 6, 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 16, 2016 Informal Meeting, Public Hearing, and Regular Meeting.

#### VII. PUBLIC HEARINGS

#### VIII. COMMUNICATIONS FROM THE MAYOR

#### APPOINTMENTS

**9634** – A Measure Confirming the Mayor's Appointment of Jeanne May to the position of Member, Housing Authority, for term expiring May 18, 2021 (*Finance Committee*).

**9635** – A Measure Confirming the Mayor's Appointment of Roger Tousignant to the position of Member, Housing Authority, for term expiring May 18, 2021 (*Finance Committee*).

#### ORDERS

**9636** – An Order Appropriating \$33,000.00 from Free Cash to City Auditor, Professional Services (*Finance Committee*).

**9637** – An Order Appropriating \$3,500.00 from Free Cash to City Council, Communications (*Finance Committee*).

**9638** – An Order Transferring \$1,933,652.11 from the Williams-Rockwell Educational Stabilization Account to the Williams-Rockwell Educational Gift Fund (*Finance Committee*).

**9639** – An Order Appropriating \$75,000.00 from Free Cash to Bailey Brook Land Conservation Project (*Finance Committee*).

## **ORDERS**

- 9640** – An Order Rescinding Loan Order No. 12690, Greenwood Spray Park Project (*Finance Committee*).
- 9641** – An Order to Raise and Appropriate \$10,437,391.00 for the Various Departments for the Salary & Labor Budgets for Fiscal Year 2017.
- 9642** – An Order to Raise and Appropriate \$18,890,266.00 for the Various Departments for the Expense Budget for Fiscal Year 2017.
- 9643** – An Order to Raise and Appropriate \$22,067,952.00 for the School Department Budget for Fiscal Year 2017.
- 9644** – An Order Appropriating \$70,690.00 from Available Funds – Parking Meter Receipts Reserved to Fiscal Year 2017 Treasurer, Parking Meter Clerk Salary and Parking Meter Maintenance and DPW Parking Meter Maintenance.
- 9645** – An Order Appropriating \$176,504.00 from Available Funds – Cable Commission Fees Reserved to the Fiscal Year 2017 Cable Commission Budget.
- 9646** – An Order Appropriating \$8,819,181.00 from Available Enterprise Funds – Receipts Reserved to FY2017 Various Departments Enterprise Funds.
- 9647** – An Order Authorizing Fiscal Year 2017 Revolving Funds.

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

- 9648** – A Measure Approving a Financial Interest Under G.L. Chapter 268A, § 20(b) in the Matter of Peter A. Gamache, Firefighter, for a Contract for Part-time Employment for the Gardner School Department to Provide Soccer Coaching Services (*Finance Committee*).
- 9649** – A Measure Approving a Financial Interest Under G.L. Chapter 268A, § 20(b) in the Matter of Peter A. Gamache, Firefighter, for a Contract for Part-time Employment for the Gardner School Department to Provide Basketball Coaching Services (*Finance Committee*).
- 9650** – A Measure Approving a Financial Interest Under G.L. Chapter 268A, § 20(b) in the Matter of Robert F. Allard, Police Officer, for a Contract for Part-time Employment for the Gardner School Department to Provide Football Coaching Services (*Finance Committee*).
- 9651** – A Measure Approving a Financial Interest Under G.L. Chapter 268A, § 20(b) in the Matter of Daniel J. Berry, Golf Pro Shop Manager, for a Contract for Part-time Employment for the Gardner School Department to Provide Golf Team Coaching Services (*Finance Committee*).
- 9652** – A Petition by National Grid and Verizon New England, Inc. for Permission to Relocate one (1) Jointly-owned pole of Montvale Road (*Public Service Committee*)(*Public Hearing Required*).

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

- 9653** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171-68, Entitled “Personnel,” to Change the Compensation of the Council on Aging Director and the Director of Public Health (*Finance Committee*).
- 9654** – A Resolution Endorsing the City of Gardner Community Choice Power Supply Program Aggregation Plan.
- 9655** – A Communication from the Mayor Relative to An Ordinance to Amend the Code of the City of Gardner, Chapter 171-68, Entitled “Personnel,” to Change Compensation Schedule 2.

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

### **PUBLIC SAFETY COMMITTEE**

- 9626** – An Order Appropriating \$160,000.00 from Free Cash to DPW, Road Resurfacing (*In City Council and Referred to Public Safety Committee 5/16/2016*).
- 9628** – An Ordinance to Amend the Code of the City of Gardner by Adding a New Chapter Entitled “Solicitors.” (*In City Council and Referred to Public Safety Committee 5/16/2016*).
- 9629** – An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Thereof, Entitled “Vehicles and Traffic,” Various Sections (*In City Council and Referred to Public Safety Committee 5/16/2016*).

### **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*).

## **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 Received, Ordered to First Printing 5/16/2016; First Printing 5/20/2016*).
- 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 Referred to Public Welfare 1/19/2016; Ordered to Public Hearing 2/16/2016; Joint Hearing 4/19/2016; Planning Board Final Report Received, Ordered to First Printing 5/16/2016; First Printing 5/20/2016*).

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

**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; On Vote to Pass the Ordinance/Order to 2<sup>nd</sup> Printing, Motion to Reconsider and Enter on the Minutes 5/16/2016*).

## **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 16, 2016

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Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, May 16, 2016.

### CALL TO ORDER

Council President James Walsh called the informal meeting to order at 6:15 o'clock p.m.

### ATTENDANCE

Nine (9) Councillors were present, including President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance. Councillors Scott Graves and Paul Tassone were absent.

Others in attendance were Mayor Mark Hawke; Brian Murphy, Colonial Power Group; and, Dan Bianchi, Global Partners.

Brian Murphy of Colonial Power Group presented the following Power Point slides:

- Colonial Power Group, Inc. (CPG)
  - Energy consulting company (*since 2002*)
  - Retained by municipalities
- Specializes in Community Choice Aggregation (CCA) Programs
  - Design: all phases of program creation
  - Implementation: get CCA up-and-running
  - Management: day-to-day operations of CCA
- CPG currently manages CCAs for 43 communities in MA
- CPG believes that “opt-out” aggregation
  - Enhances the competitive market
  - Encourages fixed rate pricing
  - Preserves customer rights through a transparent, locally-managed purchasing program

### **What is a Community Choice Aggregation?**

- A CCA is an optional buying group organized by a municipality or group of municipalities to benefit electric customers.
- A CCA would enter into an electricity supply contract for all customers who remain on default service within a given municipality.
- Customers are automatically enrolled, unless they opt-out.
- Customers can participate in long-term fixed rates and greener power supply options.

INFORMAL MEETING OF MAY 16, 2016

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**Benefits of Community Choice Aggregation**

- Choice – No longer “stuck” with utility default rates
- Control – Municipality sets its own energy goals, e.g., long-term fixed rates or a higher mix of renewable energy
- Stability – Municipality can seek long-term rates to avoid gas market volatility
- No Tax Dollars Used – No adds to staff or burden on local budgets, e.g., program administration outsourced to Consultant
- No Penalties for Consumers – Opt-out **anytime** and go back to default service or choose another ESCo
- Leverage – Larger buying group attracts attention
- Pro-Consumer – Contract terms and conditions are designed to protect consumers
- Public Oversight – Local officials hold ESCo and Consultant accountable
- Professional Expertise – Retaining a qualified Consultant ensures smooth roll-out of the program
- Green Power – Municipality can “green-up” entire supply portfolio or offer “opt-in” green products to consumers

**Steps in the Process**

- Local Acceptance of the Aggregation Statute
- City Council Adoption of Aggregation Plan
- State Filings by Aggregation Consultant
  - Consultation with DOER
  - Approval by DPU
- Solicitation of Energy Pricing by Aggregation Consultant
- City Decision to Proceed...and how to Proceed
- Ratepayer Notifications by Aggregation Consultant
- Opt-Out Period Managed by Aggregation Consultant
- Energy Flows

**Education is Critical to Success**

- CPG works collaboratively with community leaders to develop and execute an outreach plan
  - Local Print Media
  - Municipal and Community Websites
  - Local Cable TV
  - Community Meetings
  - City Newsletters

Brian Murphy and Dan Bianchi stressed the following advantages:

INFORMAL MEETING OF MAY 16, 2016

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- ✓ Customers can “opt-out” at any time.
- ✓ Simple contract terms.
- ✓ Offers protection from fluctuating utility costs.
- ✓ Assists fixed-income residents that have faced two to three years of seasonal increases.
- ✓ No tax dollars to administer the program – outsourced to Aggregation Consultants.

President Walsh questioned the time period for each contract and how the consultant is compensated.

Brian Murphy stated that the consultant solicits price quotes for period of six months, twelve months, and eighteen months for the following electricity types:

- ✓ Regular power
- ✓ 50% regular power
- ✓ 100% Green power.

He said that, by statute, the contract period for consulting services is three years with additional two additional one-year extensions and that the Consultant is compensated at the rate of one-tenth of one cent per kilowatt hour per customer.

Mr. Walsh questioned whether National Grid’s consumer rates would be [negatively] affected because of the aggregation of energy rates for most everyone else in the service area.

Mr. Murphy stated that National Grid’s rates apply to all residents in the service area, which are State-approved.

Councillor Ronald Cormier questioned whether consumers that have contracted with third-party energy suppliers will receive notice of the aggregation option.

Mr. Murphy stated that consumers with third-party energy suppliers can opt-in when their contract expires or if the terms of their contract permit them to switch at any time. He noted that 15% to 20% of residential consumer’s contracts are with third-party suppliers and that National Grid’s basic service customers will be eligible to participate.

Dan Bianchi stated that if a community decides to join the program, a contract is signed by the City and a plan is subsequently adopted on behalf of all customers.

Councillor Morgan questioned whether any communities have withdrawn from the aggregation program.

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Mr. Murphy stated that no communities have withdrawn.

Mr. Bianchi noted that the City is not under any obligation to join the program if it is dissatisfied with the terms outlined in the plan.

Mr. Murphy stated that the Town of Ashland was part of the program in 2012 and 2013 and at the end of their contract; they discovered that National Grid had favorable rates, so they returned to the market. Mr. Bianchi added that “energy is a fluid commodity.”

Councillor Vance requested clarification of the process and suggested that if the Council approves the Resolution and adopts the statute, the Mayor then decides [the contract provisions].

President Walsh responded, saying that the Council vote provides the Mayor with the authority to implement the Plan.

Councillor Nathan Boudreau asked whether there would be a cost to “opt back in” once a consumer has withdrawn from the program.

Mr. Bianchi and Mr. Murphy replied that there is no cost to “opt back in.”

On questioning by President Walsh, Mr. Bianchi and Mr. Murphy stated that there are other aggregation consulting firms in Massachusetts, but that the procurement of energy services is exempt from the provisions of G.L. Chapter 30B, and that all aggregation consultants charge the same rates. He added that his company is the only one that offers “opt-in” and “opt-out” choices.

Mayor Hawke asked the gentlemen to address how they will handle homeowners with solar panels and how they would realize energy savings.

Mr. Murphy stated that rooftop solar panels can generate 8 cents per kilowatt hour for homeowners when they become “sellers of energy.” When they are “net consumer,” he said, then they will pay the City rate.

Mr. Murphy continued, saying that at the highest National Grid rate of 16 cents per kilowatt hour, the aggregation price in Lowell was just over 10 cents per kilowatt hour. If the aggregation rates were to be implemented now, the rate would be between 7 and 7 ½ cents per kilowatt hour, realizing savings averaging about \$10 per month.

INFORMAL MEETING OF MAY 16, 2016

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Dan Bianchi added that the savings depends upon consumer usage and the community.

President Walsh noted that National Grid adjusts its rate twice each year, in May and in November.

Councillor Craig Cormier questioned whether the new program would change the current consumer billing process.

Mr. Bianchi stated that the consumer would continue to receive a bill from their utility company, but that the generation section would list the name of the winning supplier.

Councillor Matthew Vance questioned the average percentage of consumers that elect to opt-out of the program based upon the communities that Colonial Power contracts with.

Mr. Bianchi and Mr. Murphy replied that about 3% opt-out. Mr. Murphy noted that the first 1/3<sup>rd</sup> of the 3% that opt-out do so because they do not want change; the second 1/3<sup>rd</sup> due to confusion; and the last 1/3<sup>rd</sup> because they want nothing to do with a government program.

On questioning by Councillor Ronald Cormier, Mr. Bianchi stated that the program is not limited to residential customers, that any electric consumer can join the program.

On questioning by Councillor James Boone, Mr. Bianchi stated that the company sends notices of the aggregation program to large businesses, as well.

Mr. Murphy stated that the burden of joining the aggregation program falls upon those consumers that have third-party electric generator providers. He said that Colonial Power would obtain National Grid's quarterly service reports for lists of customers.

Councillor James Johnson noted the Council's role in order to implement the program – acceptance of the statute and the Plan.

Mayor Hawke noted that the Plan's adoption is referred to in the State Regulations, but not the statute. He added that the final rate per kilowatt hour is agreed to by the Mayor.

Mr. Murphy stated that the Plan encompasses general terms and conditions, but not the pricing.

Councillor Vance questioned whether to City could solicit bids after the first three years of the contract.



INFORMAL MEETING OF MAY 16, 2016

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Mr. Bianchi said that the City is required to retain a consultant in order to solicit bids, adding that the City could renew its contract with Colonial Power.

Councillor Craig Cormier questioned if the acceptance statute that is before Council the same one that other communities have adopted.

Mr. Murphy said that the solicitation language is boilerplate and used for all communities.

The meeting was adjourned at 6:52 p.m.

Accepted by the City Council:

UNACCEPTED/UNCORRECTED MINUTES

PUBLIC HEARINGS OF MAY 16, 2016

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ATTENDANCE

Ten 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, and Matthew Vance. Councillor Paul Tassone was absent.

PUBLIC HEARINGS**#9576**

President James Walsh opened the Public Hearing at 7:00 p.m. in the City Council Chamber, reading aloud the comprehensive Hearing Notice, as follows:

“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

President Walsh called for persons wishing to testify.

Robert Hankinson, City Engineer, testified in favor of the Resolution, stating that Matthews Street “is a very old way” that begins across from Heywood Hospital and travels northeast across what is now Route 140 (in existence before Route 140 was constructed) and ending at Pearl Street. He said that the section of Matthews Street on the opposite side of Route 140 is not connected to Route 140, but connected to Pearl Street and Pearly Lane, and that only a portion of the street has been developed and has houses along it.

Mr. Hankinson continued, saying that the main reason that the proposal is before the Council is to address public safety concerns – Ambulance, Fire, and Police. The City presently “has three ways named ‘Matthews,’” a “Matthew Street,” “Matthews Road,” and “Old Matthews Way.” The legal name for all three, he said, is “Matthews Street,” thus, in order for emergency services [mutual aid] to reach the homes on Matthews Street on the northeast side of Route 140; then the City must clearly identify the location. He said that the street sign on the section proposed to be named “Old Matthews Street” reads “Old Matthews Street” and that some of the property deeds on the street read “Old Matthews Street,” some read “Matthews Street.” He remarked that no house numbers will change, since the Engineering Department assigned house numbers sequentially when the roadway was laid out in order to avoid confusion.

With no other persons presenting themselves, the Hearing was closed at 7:05 P.M.

PUBLIC HEARINGS OF MAY 16, 2016

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#9577

President James Walsh opened the Public Hearing at 7:06 p.m. in the City Council Chamber, reading aloud the comprehensive Hearing Notice, as follows:

“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

Robert Hankinson, City Engineer, testified in favor of the Resolution, saying that the measure is a follow-up action to the Council’s recent decision to accept Clairmont Street as a public way. He said that the portion of the roadway immediately off Union Street is presently named “Summit Avenue” while the remainder of the road parallel to Union Street is named “Clairmont Street.” He said that confusion arose when Summit Avenue was originally laid-out, beginning at Union Street, crossing both Rouville Avenue and Jerome Avenue, and ending at Ames Avenue. He noted that confusion persists with emergency services and UPS deliveries because the section off Union Street is called “Summit Avenue.” The proposal, he stated, is to rename only the portion of Summit Avenue from Union to Clairmont Street as “Clairmont Street,” adding that no houses are affected because each has a Clairmont Street address.

With no other persons presenting themselves, the Hearing was closed at 7:08 P.M. and adjourned.

**Accepted by the City Council:**

**REGULAR MEETING OF MAY 16, 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 16, 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. Ten (10) 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, and Matthew Vance. Councillor Paul Tassone was absent.

**OPENING PRAYER**

President Walsh led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

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

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

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

**READING & ACCEPTANCE OF MINUTES**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Boone, 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, to waive reading and to accept the Minutes of the May 2, 2016 Informal and Regular Meetings, as printed.

**COMMUNICATIONS FROM THE MAYOR****CORRESPONDENCE**

**#9624**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, 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, to place on file correspondence from the Mayor "Relative to the Tax Burden."

REGULAR MEETING OF MAY 16, 2016

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Councillor James Johnson thanked the Mayor for providing information regarding the amount of taxes paid by local residents. He said, however, that it would be helpful to look at the tax burden by reviewing the tax rate in addition to the amount taxed.

**ORDERS****#9625**

Reporting for the Finance Committee, Councillor Marc Morgan informed the Council that \$60,000 of the Order will be used to purchase the Cumberland Farms [City Hall Avenue] property, while \$5,000 will be committed to surveying the parcel along Rear Main Street that Cumberland Farms is donating to the City.

Councillor James Boone congratulated the Mayor for putting together the deal with Cumberland Farms and noted that the [underground petroleum storage] tanks will be removed by Cumberland Farms.

Councillor Scott Graves questioned whether a written agreement exists outlining the proposed deal between the City and Cumberland Farms, citing whether a Chapter 21E inspection will be performed of the site and, if the soil is found to be contaminated, if the agreement will include cleanup costs.

President Walsh recognized Mayor Hawke who stated that such conditions will be included and that the responsible party would provide for cleanup, if necessary.

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, 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, to adopt the following Order:

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.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

REGULAR MEETING OF MAY 16, 2016

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**#9626**

On a motion by Councillor Marc Morgan and seconded by Councillor Nathan Boudreau, on recommendation of the Finance Committee, 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, to refer the following Order to the Public Safety Committee and Traffic Commission for further study and report:

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

ORDER: 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.

**#9627**

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

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.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**ORDINANCES****#9628**

On a motion by Councillor Matthew Vance and seconded by Councillor Karen Hardern, 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, to refer AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING A NEW CHAPTER 429, TO BE ENTITLED “DOOR-TO-DOOR SOLICITORS to the Public Safety Committee for study and report.

REGULAR MEETING OF MAY 16, 2016

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**#9629**

On a motion by Councillor Matthew Vance and seconded by Councillor Karen Hardern, 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, to refer AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600, THEREOF, ENTITLED "VEHICLES AND TRAFFIC," VARIOUS SECTIONS to the Public Safety Committee for study and report.

**PETITIONS, APPLICATIONS, ETC.****#9630**

Reporting for the Public Safety Committee, Councillor Matthew Vance reported that the Committee did not address the license application; however, he recommended that the license be granted since Brian's Bowlaway has been a longstanding business in the City of Gardner and that he is comfortable that there are no issues with its renewal.

On a motion by Councillor Matthew Vance and seconded by Councillor Nathan Boudreau, on recommendation of the Public Safety Committee, 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, to approve the application of Brian's Bowlaway for renewal of a Bowling Alley License at 123 Main 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.

**#9631**

Reporting for the Public Safety Committee, Councillor Matthew Vance reported that the Committee did not address the license application; however, he recommended that the license be granted since The Salvation Army has been a longstanding business in the City of Gardner and that he is comfortable that there are no issues with its renewal.

On a motion by Councillor Matthew Vance and seconded by Councillor James Johnson, on recommendation of the Public Safety Committee, 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, to approve the application of The Salvation Army for renewal of a License to Deal in Second Hand Articles at 8 Union Square 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.



## REGULAR MEETING OF MAY 16, 2016

**#9632**

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

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

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

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**#9633**

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

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

*VOTED:* 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.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**REPORTS OF STANDING COMMITTEES**

**PUBLIC SERVICE COMMITTEE**

**#9616**

On a motion by Councillor Scott Graves and seconded by Councillor Nathan Boudreau, it was voted on roll call, ten (10) yeas, President James Walsh and Councillors James Boone,

REGULAR MEETING OF MAY 16, 2016

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Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, 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.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**FINANCE COMMITTEE**

**#9588**

President Walsh informed the Council that at the recent Finance Committee meeting, the Mayor indicated that there was nothing new to report; however, there was indication that there might be some movement and that there might be a report at the next Council meeting. 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).

**COMMITTEE OF THE WHOLE**

**#9234**

President Walsh informed the Council that the City has yet to receive a response from the Attorney General's Office regarding an opinion concerning proposed Charter provisions. He said that he forwarded information that he received from Atty. Michelle Tassinari, Director of the State Election Division, to the City Solicitor. The information that he passed along to the City Solicitor were samples of Charter provisions from various municipal Charters; however, the Solicitor did not forward those samples to the Attorney General's Office. Mr. Walsh added that he then forwarded the Charter samples to the Attorney General's Office. There being no objections, the Committee of the Whole was granted more time.

**#9611**

On the motion to adopt the Resolution and to accept the provisions of M.G.L. c. 164, §134, Councillor James Boone stated that by adopting the measure, residents could possibly receive lower electric rates and have the choice of opting-out of the program if they so choose.

Councillor Matthew Vance expressed skepticism of the proposal, saying that isn't certain that it will be a benefit to residents. He said, however, that the Council should approve the

REGULAR MEETING OF MAY 16, 2016

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measure in order to move ahead and then to receive proposals with the details before the Council agrees to the plan.

Councillor Nathan Boudreau stated that he saw this plan succeed in another community and that the community will save money.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, 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, to adopt the following Measure:

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.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

REGULAR MEETING OF MAY 16, 2016

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UNFINISHED BUSINESS**#9551**

President Walsh informed the Council that the Planning Board submitted its Final Report to the City Council on the proposed Zoning Ordinance amendment.

On a motion by Councillor James Boone and seconded by Councillor Karen Hardern, 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, to Order the following Ordinance to First Printing:

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

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

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

A. Purpose

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

B. Scope of Authority

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

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

C. Designation of Mill Street Corridor Development Overlay District

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

D. Additional Uses

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

E. Dimensional Requirements

1. Any new structure, substantial improvement or alternative to an existing structure involving more than 50 percent of that structure's gross floor area shall be subject to the following:
  - a. Minimum lot size: 60,000 square feet
  - b. Minimum frontage: none
  - c. Front yard setback: none
  - d. Side yard setback: 10 feet; or none if abuts commercial or industrial use
  - e. Rear yard setback: 20 feet; or 40 feet if abuts residential zone



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- f. Maximum building height: 5 stories or 60 feet
  - g. Maximum building coverage including accessory buildings 65%
2. Improvements or alterations to an existing structure involving less than 50 percent of that structure's gross floor area shall not be subject to dimensional requirements, except that the minimum lot size shall not be less than 60,000 square feet and the structure shall not expand in terms of percentage of lot coverage, and side and rear setbacks shall be met.

F. Design and Preservation Standards

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

Parking Requirements MSCDOD:

| Use                                                                    | Parking Spaces Required                                                                       |
|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Retail Store                                                           | 1 space per 250 square feet gross floor area                                                  |
| Business or professional office                                        | 1 space per 300 square feet gross floor area                                                  |
| Restaurant, lodge or club, or other place of assembly                  | 1 space per 4 seats plus 1 space per employee, or 1 space per 75 square feet of assembly area |
| Library, museum, art gallery, civic center, or Recreational facilities | 2 spaces per 1,000 square feet gross floor area                                               |
| Outdoor recreation                                                     | 1 space per 1,000 square feet of recreational land area                                       |

2. Parking Lot Design
- a. The provisions of § 675-770, Design requirements for parking lots, facilities, and drive-throughs shall apply unless superseded by the following standards.
  - b. Sidewalks and pedestrian paths shall connect the lots to the principal uses they will serve. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from public access routes and parking areas. Car stops shall be provided to prevent parked cars from damaging trees and shrubs or disrupting pedestrian walkways.
  - c. The Planning Board may modify the above requirements for any interior landscaped areas or islands that serve as vegetated swales or bioretention cells.

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3. Lighting and utilities.
  - a. All lighting shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property. Lighting shall comply with § 675-770B, Lighting and landscaping requirements, Subsection B(4), and § 675-1020F, development impact standards.
  - b. All lights and illuminated signs shall be designed to prevent objectionable light and glare from crossing property lines. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward.
  - c. All electric, telephone, television and other communication lines, both main and service connections, shall be provided by underground wiring.
4. Complete Streets - Whenever a development within the MSCDOD fronts a public way, Complete Streets design principles consistent with the Timpany Boulevard Complete Streets Study, dated June 2015, shall be incorporated into the design.
5. Projects shall take into consideration the preservation of sensitive natural features including streams and water bodies. Development shall preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize alteration of natural features. If appropriate walking and hiking trails should be incorporated into the development to enhance walkability within the development.
6. Bicycle accommodation.
  - a. Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy of any building that results in the need for additional vehicular parking facilities. One bicycle space shall be provided for every 10 vehicle parking spaces, up to a maximum of 25 spaces.
  - b. Parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which the user may lock a bicycle.
  - c. Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
  - d. Bicycle parking facilities shall be located in a clearly designated safe and convenient location. Whenever possible, the bicycle parking shall be placed within 50 feet of building entrances and in well-lit areas.

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7. Landscaping and screening.
  - a. A registered landscape architect shall prepare a landscape plan drawn to scale, including dimensions and distances. The plan shall delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials and tree cover.
  - b. Loading areas and service facilities (dumpsters, storage areas, utility boxes, etc.) shall be placed to the rear of buildings in visually unobtrusive locations. Screening and landscaping shall prevent direct views of such areas from adjacent properties or from public ways. Screening shall be achieved through walls, fences, landscaped berms, evergreen plantings, or combinations thereof. Fences made of wood, stone, or brick are preferred.
  - c. Heating, ventilating and air-conditioning (HVAC) units, telephone boxes, electrical transformers, etc., shall be screened through use of landscaping, berms, or fences and shall be as unobtrusive as possible. Heating, ventilating and air-conditioning (HVAC) units may be located behind roof ridgelines so they are not visible from the front view of the building.
  - d. When a proposed development abuts a residential district, whether presently developed or not, landscaped buffers shall be employed to shield the residential property from view of the proposed development and to minimize lighting and noise impacts. Such a buffer shall contain a screen of plantings not less than three feet in width and six feet in height at the time of planting and shall thereafter be maintained by the owner or occupant so as to provide a dense screen year round. At least 50% of the plants shall consist of evergreens. A solid wall or fence, not to exceed six feet in height, complemented by suitable plantings, may be substituted for such landscaped buffers.
  
8. Architectural standards.
  - a. The site plan application shall contain elevations of all proposed buildings, prepared by a licensed architect.
  - b. Exterior materials for the front façade and any sides of buildings fronting on public streets may include clapboard, wood shingles, stone, brick, textured or coated concrete block, textured or coated precast concrete, or materials of comparable appearance as approved by the Planning Board. Applicants are encouraged to use green building technologies and materials, wherever possible, to limit environmental impacts.
  - c. Architectural focal points. In any development with 10,000 square feet or more of retail use, the principal building on a lot shall have clearly defined, highly visible customer entrances featuring at least two of the following: canopies or porticos; overhangs; recesses/projections; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; display windows; and planters or wing walls that incorporate landscaped areas and/or places for sitting.

*FIRST PRINTING - May 20, 2016*

REGULAR MEETING OF MAY 16, 2016

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**#9569**

President Walsh informed the Council that the Planning Board submitted its Final Report to the City Council on the proposed Zoning Ordinance amendment.

On a motion by Councillor James Boone and seconded by Councillor Craig Cormier, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance; one (1) nay, Councillor Scott Graves, to Order the following Ordinance to First Printing:

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

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

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

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

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

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

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

REGULAR MEETING OF MAY 16, 2016

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**#9576**

On a motion by Councillor Matthew Vance and seconded by Councillor Karen Hardern, 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, to adopt the following Measure:

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.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**#9577**

On a motion by Councillor Matthew Vance and seconded by Councillor Karen Hardern, 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, to adopt the following Measure:

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.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor



## REGULAR MEETING OF MAY 16, 2016

**#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).

**#9599**

Councillor Ronald Cormier moved to pass the following Ordinance and Councillor Craig Cormier seconded the motion:

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         | City               | \$60,825.00 |            |             |            |
|                                                      | G-10 GRA           | \$20,556.00 |            |             |            |
|                                                      | CDBG               | \$4,283.00  |            |             |            |
|                                                      | Total Compensation | \$85,664.00 | \$1,647.38 |             |            |
| Director of Local Origination & Educational Planning | G-6                | \$57,846.66 | \$1,112.44 |             |            |
| Director of Public Health                            | G-10               | \$75,027.41 | \$1,442.83 |             |            |
| Fire Chief                                           | G-13               | \$85,009.00 | \$1,634.79 | \$87,487.00 | \$1,682.44 |
| Golf Course Driving Range/Superintendent             | G-9                | \$70,740.67 | \$1,360.40 |             |            |
| Human Resources Director                             | G-11               | \$77,645.00 | \$1,493.17 | \$80,263.00 | \$1,543.52 |



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|                                             |      |        |             |            |                        |
|---------------------------------------------|------|--------|-------------|------------|------------------------|
|                                             |      | City   | \$44,304.21 |            |                        |
| Information Technology Director             | G-10 | 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 |       | City        | \$3,198.00  |            |             |            |         |
|                                             | G-7   | CDBG        | \$60,754.00 |            |             |            |         |
|                                             |       | Total       | \$63,952.00 | \$1,229.85 |             |            |         |
| Assistant Director of Public Health         | G-5   | \$49,306.40 | \$948.20    |            |             |            |         |
| Assistant Library Director                  | G-6   | \$53,972.18 | \$1,037.93  |            |             |            |         |
| Deputy Chief of Police                      | G-11  | \$77,645.00 | \$1,493.17  |            | \$80,263.00 | \$1,543.52 |         |
| Economic Development Coordinator            |       | City        | \$46,480.00 |            |             |            |         |
|                                             | G-7   | Other       | \$10,520.00 |            |             |            |         |
|                                             |       | Total       | \$57,000.00 | \$1,096.15 |             |            |         |
| GIS Technician                              | G-5   | \$48,231.90 | \$927.54    |            |             |            |         |
| Golf Professional                           | G-6   | \$1,183.67  | Weekly      |            |             |            |         |
| Golf Pro Manager                            | G-6   | \$1,020.00  | Weekly      |            |             |            |         |
| Local Inspector                             | G-6   | \$55,734.85 | \$1,071.82  |            |             |            |         |
| Producer                                    | G-2   | \$43,841.01 | \$843.10    |            |             |            |         |
| Senior Animal Control Officer               | G-2   | \$37,513.70 | \$721.42    |            |             |            |         |
| Systems Manager                             | G-6   | \$58,950.00 | \$1,133.65  |            |             |            |         |
| Electrical Inspector                        | G-6   |             |             | \$28.97    |             |            |         |
| Plumbing Inspector                          | G-6   |             |             | \$25.89    |             | \$27.12    |         |
| Transfer Station Supervisor                 | G-3   |             |             | \$20.48    |             |            |         |
| Conservation Agent                          | G-6   | \$27.29     |             |            |             |            |         |
| Planning Agent                              | G-6   | \$29.37     |             |            |             |            |         |
|                                             |       |             | Annual      | Monthly    |             |            |         |
| Civil Defense Director                      |       | \$8,473.40  | \$706.12    |            |             |            |         |
| Sealer of Weights & Measures                |       | \$8,629.99  | \$719.17    |            |             |            |         |



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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***

On the motion, Councillor Scott Graves stated that he initially opposed the Ordinance at First Printing because one particular position was not slated for an increase. He said, however, that he would support the Ordinance at this time “so as not to throw out the baby with the bathwater.”

One call of the roll, six (6) yeas, Councillors Craig Cormier, Ronald Cormier, Scott Graves, James Johnson, Marc Morgan, and Matthew Vance; four (4) nays, President James Walsh and Councillors James Boone, Nathan Boudreau, and Karen Hardern, the motion did not pass.

President Walsh relinquished the Chair to Councillor Ronald Cormier.

President Pro-tem Ronald Cormier recognized Councillor James Walsh.

Councillor Walsh moved to ***Reconsider and Enter on the Minutes*** the vote on #9599. Councillor Marc Morgan seconded the motion.

Councillor Ronald Cormier relinquished the Chair and President Walsh resumed the Chair.

President Walsh explained that the motion to Reconsider and Enter on the Minutes requires that the matter be placed on the Calendar at the next regular meeting.

**NEW BUSINESS**

On a motion by Councillor James Boone and seconded by Councillor Marc Morgan, 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, to consider New Business.

**Announcements and Commentary**

Councillor Karen Hardern informed the Council that former Ward 4 Councillor James Minns suffered a fall, but that he is doing well. She extended her thoughts and prayers to him for a speedy recovery.



---

**REGULAR MEETING OF MAY 16, 2016**

---

Councillor Scott Graves commended the Mayor for coming to an agreement to acquire the Cumberland Farms property and having it cleaned up for the price of \$65,000.

Councillor Nathan Boudreau congratulated students graduating from MWCC and other colleges, as well as congratulating Mayor Hawke for being named “Alumnus of the Year” at MWCC.

Councillor Marc Morgan commented on a news article that recently appeared in *The Gardner News* concerning the School Department seeking additional funding in the upcoming Budget. He said that “what stood out to him” as a school system is that “we sit here and allow this to continue.” He stated that the school system is very important to this community, because no one and no businesses will come into a community “that has a school system at the bottom in the state.” He applauded the Mayor for possibly coming forward with a plan to improve the school system.

**CLOSING PRAYER**

President Walsh led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Johnson, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, James Johnson, Marc Morgan, and Matthew Vance, to adjourn at 8:00 o'clock p.m.

**Accepted by the City Council:**

9634

May 18, 2016

RECEIVED

# Commonwealth of Massachusetts

2016 MAY 18 P 1:55  
Worcester County

City of Gardner

CITY CLERKS OFFICE  
GARDNER, MA

## CERTIFICATE OF APPOINTMENT

I appoint Jeanne May to the position of Member, Housing Authority, and I certify  
104 Church Street, Apt. 110, Gardner, MA  
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the  
duties of said office, and that I make the appointment solely in the interests of the City.



Mark P. Hawke

Confirmed by City Council \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Alan L. Agnelli

Expires: May 18, 2021

Worcester, ss., \_\_\_\_\_

Then personally appeared the above named Jeanne May and made oath that he/she  
would faithfully and impartially perform the duties of the office of Member, Housing Authority  
according to law and the best of his/her abilities.

Before me,

\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

May 18, 2016

*Commonwealth of Massachusetts*

RECEIVED

*Worcester County*

*City of Gardner*

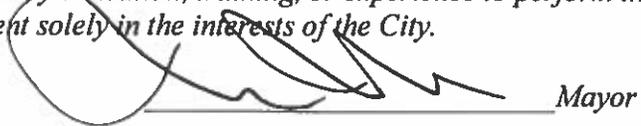
2016 MAY 18 P 1:55

CITY CLERKS OFFICE  
GARDNER, MA

**CERTIFICATE OF APPOINTMENT**

I appoint Roger Tousignant to the position of Member, Housing Authority, and I certify  
133 Saunders Street, Gardner, MA

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the  
duties of said office, and that I make the appointment solely in the interests of the City.



Mark P. Hawke

Mayor

Confirmed by City Council \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Alan L. Agnelli

Expires: May 18, 2021

Worcester, ss., \_\_\_\_\_

Then personally appeared the above named Roger Tousignant and made oath that  
he/she would faithfully and impartially perform the duties of the office of Member, Housing  
Authority according to law and the best of his/her abilities.

Before me,

\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

9636, 9637, 9639



**CITY of GARDNER**

**Office of the City Auditor**

John Richard, City Auditor

95 Pleasant Street, Room 126

Gardner, MA 01440

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

Email: jrichard@gardner-ma.gov

RECEIVED

2016 MAY 26 P 2:03

CITY CLERKS OFFICE  
GARDNER, MA

To: City Council

Re: Money Orders for consideration on June 1, 2016

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

These balances are as of May 26, 2016:

|           |                                   |             | <u>Money<br/>Order</u> | <u>Balance</u> |
|-----------|-----------------------------------|-------------|------------------------|----------------|
| Free Cash |                                   |             |                        | \$ 184,560     |
| 10000-    | to City Council for               |             |                        |                |
| 35400     | Communications                    | 11111-52150 | \$ 3,500               | \$ 181,060     |
|           | to Audit Dept. for Prof. Services | 11135-52190 | \$ 33,000              | \$ 148,060     |
|           | to City's Capital Expense for     |             |                        |                |
|           | Land Aquis. of Bailey Brook       |             |                        |                |
|           | Conservation Project              | 38199-58100 | \$ 75,000              | \$ 73,060      |
|           |                                   |             |                        | \$ 73,060      |

The Snow & Ice account currently has available \$56,757.86  
14421-52210

Sincerely

John Richard  
City Auditor

copies: Mayor  
City Clerk

AN ORDER APPROPRIATING FROM FREE CASH TO CITY AUDITOR,  
PROFESSIONAL SERVICES.

ORDERED:

That there be and is hereby appropriated the sum of Thirty Three Thousand Dollars and No Cents (\$33,000.00) from Free Cash to City Auditor, Professional Services.

**Mayor**

9636

**From:** John Richard  
**Sent:** Monday, May 23, 2016 12:03 PM  
**To:** Mayor  
**Subject:** Professional Services for Audit Dept  
**Attachments:** Auditor Dept Prof Services FY16.xlsx

RECEIVED  
2016 MAY 24 A 9:50  
CITY CLERKS OFFICE  
GARDNER, MA

Hi Mark

Due to the deficiencies of the previous auditor and training of new appointed auditor the professional services account will be short by \$33K at the end of FY16. I request an additional \$33K of funding will be needed to cover this deficit. Please see FY16 budgeted and expenses account analysis for the Audit Dept-Prof Services. Let me know if you need more information.

Thank you

John Richard  
City Auditor



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

9636

# AUDITOR DEPARTMENT PROFESSIONAL SERVICES FY2016 EXPENDITURE ANALYSIS

100 11135 52190

| YEAR | PER | JOURNAL | EFF DATE   | PO/REF2 | AMOUNT       | VDR NAME/ITEM DESC    | FY15 Year End Audit Progress Billing            |
|------|-----|---------|------------|---------|--------------|-----------------------|-------------------------------------------------|
| 2016 | '09 | '000301 | 3/31/2016  | '11702  | \$ 10,000.00 | 'MELANSON             | 2014 OPEB Actuarial GASB 45 Reporting Services. |
| 2016 | '10 | '000135 | 4/14/2016  | '11640  | \$ 7,800.00  | 'KMS ACTUARIES        | Gene never encumbered PO from FY15              |
| 2016 | '10 | '000045 | 4/7/2016   | '11214  | \$ 440.00    | 'CLIFTON LARSON ALLEN | Hannah's March Services                         |
| 2016 | '09 | '000301 | 3/31/2016  | '11702  | \$ 25,000.00 | 'MELANSON             | FY15 Year End Audit Progress Billing            |
| 2016 | '09 | '000091 | 3/10/2016  | '11214  | \$ 5,129.30  | 'CLIFTON LARSON ALLEN | Hannah's March Services                         |
| 2016 | '08 | '000147 | 2/18/2016  | '11214  | \$ 5,967.50  | 'CLIFTON LARSON ALLEN | Hannah's February Services                      |
| 2016 | '07 | '000233 | 1/28/2016  | '11214  | \$ 8,800.00  | 'CLIFTON LARSON ALLEN | Hannah's January's Services                     |
| 2016 | '06 | '000091 | 12/10/2015 | '11205  | \$ 1,500.00  | 'CALVIN BROOKS        | Calvin's December Services                      |
| 2016 | '06 | '000091 | 12/10/2015 | '11214  | \$ 1,677.50  | 'CLIFTON LARSON ALLEN | Hannah's December's Services                    |
| 2016 | '06 | '000091 | 12/10/2015 | '11214  | \$ 7,414.00  | 'CLIFTON LARSON ALLEN | Hannah's December's Services                    |
| 2016 | '05 | '000129 | 11/19/2015 | '11073  | \$ 2,000.00  | 'MELANSON             | 'AUDITING SERVICES                              |
| 2016 | '05 | '000129 | 11/19/2015 | '11073  | \$ 3,500.00  | 'MELANSON             | 'AUDITING SERVICES                              |
| 2016 | '05 | '000129 | 11/19/2015 | '11073  | \$ 500.00    | 'MELANSON             | 'AUDITING SERVICES                              |
| 2016 | '04 | '000183 | 10/22/2015 | '       | \$ 1,800.00  | 'MELANSON             | 'FY 2015 END OF YEAR REPOR                      |
| 2016 | '04 | '000059 | 10/8/2015  | '       | \$ 337.50    | 'CALVIN BROOKS        | Calvin's July's Services                        |
| 2016 | '04 | '000059 | 10/8/2015  | '       | \$ 712.50    | 'CALVIN BROOKS        | Calvin's August Services                        |

FY16 Actual as of 5/23/16 \$ 82,578.30

Remaining PO's

| YEAR | PER | JOURNAL | EFF DATE  | PO/REF2 | AMOUNT       | VDR NAME/ITEM DESC    |
|------|-----|---------|-----------|---------|--------------|-----------------------|
| 2016 | '05 | '000270 | 12/9/2015 | '11214  | \$ 2,636.70  | 'CLIFTON LARSON ALLEN |
| 2016 | '09 | '000222 | 3/22/2016 | '11702  | \$ 10,000.00 | 'MELANSON             |

PO's Remaining Balance \$ 12,636.70

|                      |              |
|----------------------|--------------|
| Actual plus Open Pos | \$ 95,215.00 |
| Original Budget      | \$ 42,500.00 |
| Transfer in          | \$ 20,000.00 |
| Revised Budget       | \$ 62,500.00 |
| Over(Under)          | \$ 32,715.00 |

Services because of Gene absence \$ 23,941.50

Training the new auditor \$ 11,536.80

RECEIVED  
2016 MAY 24 A 9:50  
CITY CLERKS OFFICE  
GARDNER, MA

AN ORDER APPROPRIATING FROM FREE CASH TO CITY COUNCIL,  
COMMUNICATIONS.

ORDERED:

That there be and is hereby appropriated the sum of Three Thousand Five  
Hundred Dollars and No Cents (\$3,500.00) from Free Cash to City Council,  
Communications.



9637

**CITY OF GARDNER  
MASSACHUSETTS 01440-2630**

OFFICE OF THE  
CITY CLERK

May 23, 2016

Honorable Mark P. Hawke, Mayor  
James M. Walsh, Council President  
And City Councillors

Re: FY2016 City Council Communications Supplemental Appropriation

Dear Mayor Hawke, President Walsh and City Councillors:

I am writing to respectfully request that \$3,500.00 be appropriated from available funds to City Council Communications to provide for statutorily-mandated legal publications for the remainder of Fiscal Year 2016.

The enclosed FY2016 Year-to-Date Budget Report indicates that \$7,575.06 in expenditures have been processed, with an additional \$1,260.77 committed but not yet paid, leaving \$164.17 remaining of the \$9,000.00 appropriation. I estimate that \$3,650.00 will be required for the remainder of the year if the following printings are ordered:

- ❖ \$1,125.00 for Final Printing of the Ordinance Amendment relating to the Mill Street Corridor Development Overlay District (Calendar #9551).
- ❖ \$250.00 for Final Printing of the Ordinance Amendment relating to Signs Permitted in Commercial or Industrial Districts and Signs in Historic Areas (Calendar #9569).
- ❖ \$575.00 for Final Printing of Chapter 171, Compensation Schedule 2 (Calendar #9599).
- ❖ \$300.00 for potential further amendments to Chapter 171, Compensation.
- ❖ \$800.00 for First and Final Printings for amendments to Chapter 428, Hawkers, Peddlers, and Solicitors (Calendar #9628).
- ❖ \$600.00 for First and Final Printings for amendments to Chapter 600, Vehicles and Traffic (Calendar #9629).

Please note that these are merely projections, since I cannot predict the number of ordinance amendments or public hearings that the City Council will order before June 30, as well as the size and actual cost of any of the publications.

Thank you for your consideration.

Very truly yours,

ALAN L. AGNELLI  
City Clerk

Enclosure

05/23/2016 08:31  
aagnelli

GARDNER, MA  
YEAR-TO-DATE BUDGET REPORT

FY2016

P  
glyctdbud

FOR 2016 13

JOURNAL DETAIL 2016 0 TO 2016 13

| ACCOUNTS FOR:<br>100 GENERAL FUND | ORIGINAL<br>APPROP | REVISED<br>BUDGET | YTD EXPENDED     | MTD EXPENDED | ENCUMBRANCES                   | AVAILABLE<br>BUDGET | PCT<br>USED |
|-----------------------------------|--------------------|-------------------|------------------|--------------|--------------------------------|---------------------|-------------|
| 11111 CITY COUNCIL                |                    |                   |                  |              |                                |                     |             |
| 111 CITY COUNCIL                  |                    |                   |                  |              |                                |                     |             |
| 52150 COMMUNICATIONS              |                    |                   |                  |              |                                |                     |             |
| 100 -100-111-52150 -              | 9,000              | 9,000.00          | 7,575.06         | .00          | .00                            | 1,424.94            | 84.2%       |
|                                   |                    | COMMUNICATIONS    |                  |              |                                |                     |             |
| 2016/01/000209 07/23/2015 API     | 868.20 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 7/10 COMPENSATION SCHEDULE     |                     | 191173      |
| 2016/01/000209 07/23/2015 API     | 940.23 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 7/10 FEES FOR SEWER USE        |                     | 191173      |
| 2016/01/000209 07/23/2015 API     | 231.52 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 7/10 SECONHAND VEHICLES        |                     | 191637      |
| 2016/02/000160 08/20/2015 API     | 101.29 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 8/7 SCHOOL COMMITTEE           |                     | 191637      |
| 2016/02/000160 08/20/2015 API     | 101.29 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 8/7 MAYOR SALARY               |                     | 191809      |
| 2016/02/000220 08/27/2015 API     | 101.29 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 8/17 CITY COUNCIL YEARLY SALAR |                     | 191809      |
| 2016/02/000220 08/27/2015 API     | 911.61 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 8/14 COMPENSATION SCHEDULE     |                     | 191809      |
| 2016/02/000220 08/27/2015 API     | 260.46 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 8/14 SECONHAND VEHICLES        |                     | 191809      |
| 2016/04/000011 10/01/2015 API     | 115.76 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 9/15 MAYOR SALARY              |                     | 192591      |
| 2016/04/000011 10/01/2015 API     | 130.23 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 9/15 CITY COUNCIL SALARIES     |                     | 192591      |
| 2016/04/000011 10/01/2015 API     | 130.23 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 9/15 SCHOOL COMMITTEE SALARIES |                     | 193813      |
| 2016/05/000212 11/25/2015 API     | 115.76 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 11/6 YIELD SIGNS               |                     | 193959      |
| 2016/06/000011 12/03/2015 API     | 144.70 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 11/23 YIELD, MAIN & DONELAN ST |                     | 194794      |
| 2016/06/000011 12/03/2015 API     | 72.35 VND          | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 11/21 LEGAL PROPERTY TAX       |                     | 194921      |
| 2016/07/000088 01/14/2016 API     | 542.63 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 12/28 VEHICLES AND TRAFFIC     |                     | 194921      |
| 2016/07/000150 01/21/2016 API     | 207.62 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 12/31 & 1/7 MONTY TECH         |                     | 194921      |
| 2016/07/000150 01/21/2016 API     | 177.96 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 12/31 & 1/7 SCHOOL COMMITTEE   |                     | 195259      |
| 2016/08/000038 02/04/2016 API     | 91.14 VND          | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 1/25 ADMINISTRATIVE ASSISTANT  |                     | 195259      |
| 2016/08/000038 02/04/2016 API     | 151.90 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 1/25 COMPENSATION              |                     | 195259      |
| 2016/08/000038 02/04/2016 API     | 531.65 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 1/25 VEHICLES & TRAFFIC        |                     | 195259      |
| 2016/08/000038 02/04/2016 API     | 121.52 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 2/5 COMPENSATION               |                     | 195985      |
| 2016/08/000147 02/18/2016 API     | 136.71 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 2/26 CITY SOLICITOR            |                     | 195985      |
| 2016/09/000091 03/10/2016 API     | 121.52 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 2/26 ADMINISTRATIVE ASSISTANT  |                     | 195985      |
| 2016/09/000091 03/10/2016 API     | 182.28 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 2/26 MAYOR STAFF               |                     | 196628      |
| 2016/09/000091 03/10/2016 API     | 98.74 VND          | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 3/25 LEGAL DISCONTINUANCE OF P |                     | 196628      |
| 2016/10/000045 04/07/2016 API     | 121.52 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 3/25 LEGAL PUBLIC WAYS LAYOUT  |                     | 197131      |
| 2016/10/000045 04/07/2016 API     | 182.28 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 3/28 & 4/11 LEGAL MILL STREET  |                     | 197131      |
| 2016/10/000262 04/28/2016 API     | 212.66 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 3/28/ & 4/11 LEGAL SIGNS FOR H |                     | 198234      |
| 2016/11/000230 05/19/2016 API     | 302.91 VND         | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 5/6 COMPENSATION SCHEDULE      |                     | 198234      |
| 2016/11/000230 05/19/2016 API     | 83.55 VND          | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 5/6 MATTHEWS STREET            |                     | 198234      |
| 2016/11/000230 05/19/2016 API     | 83.55 VND          | 000056 PO 1900    | THE GARDNER NEWS | GARDNER NEWS | 5/6 SUMMIT AVENUE              |                     | 198234      |
| TOTAL CITY COUNCIL                | 9,000              | 9,000.00          | 7,575.06         | .00          | .00                            | 1,424.94            | 84.2%       |

9637

AN ORDER TRANSFERRING A SUM OF MONEY TO THE WILLIAMS - ROCKWELL EDUCATIONAL GIFT FUND.

ORDERED:

To transfer the sum of ONE MILLION NINE HUNDRED THIRTY-THREE THOUSAND SIX HUNDRED FIFTY-TWO and 11/100 DOLLARS, (\$1,933,652.11) and any additional interest thereon currently held in the Williams - Rockwell Educational Stabilization Account to the Williams-Rockwell Educational Gift Fund.

05/24/2016 12:11  
jrichard

GARDNER, MA  
ACCOUNT SUMMARY TRIAL BALANCE FOR FY16/JUL TO EOY  
FUND

P 1  
glatrbal

| ACCOUNT<br>ACCOUNT NAME     | BEG. BALANCE  | ORG   | DEBITS | CREDITS   | NET CHANGE | END BALANCE   |
|-----------------------------|---------------|-------|--------|-----------|------------|---------------|
| 701 EXPENDABLE TRUST FUNDS  |               |       |        |           |            |               |
| 701 -32959 -                |               | 70100 | .00    | 14,714.72 | -14,714.72 | -1,933,652.11 |
| WILLIAMS-ROCKWELL EDUC STAB | -1,918,937.39 |       |        |           |            |               |
| TOTALS FOR FUND 701         | -1,918,937.39 |       | .00    | 14,714.72 | -14,714.72 | -1,933,652.11 |
| EXPENDABLE TRUST FUNDS      |               |       |        |           |            |               |
| REPORT TOTALS               | -1,918,937.39 |       | .00    | 14,714.72 | -14,714.72 | -1,933,652.11 |

\*\* END OF REPORT - Generated by John Richard \*\*

9638

9639

AN ORDER APPROPRIATING FROM FREE CASH TO BAILEY BROOK  
LAND CONSERVATION PROJECT.

ORDERED:

That there be and is hereby appropriated the sum of Seventy-Five Thousand  
Dollars and No Cents (\$75,000.00) from Free Cash to Bailey Brook Land Conservation  
Project.

9639

CITY OF GARDNER  
CONSERVATION COMMISSION

RECEIVED



2016 MAY 25 P 3: 34  
CITY CLERKS OFFICE  
GARDNER, MA

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

May 9, 2016

Re: Bailey Brook Land Conservation Project

Dear Mr. Mayor:

The Conservation Commission is in support of the Gardner and Winchendon Landscape Connection Project, which will conserve land in the Bailey Brook corridor. Funds for this project have been awarded by the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs, Landscape Partnership grant program. This project will permanently conserve approximately 900 acres of land in Gardner and Winchendon, including at least 203 acres of land in Gardner.

On May 9<sup>th</sup>, 2016, the Commission voted unanimously to recommend that City Council approve the allocation of funds required for the purchase of 246 acres of land owned by Stanley Alisaukas, which includes 203 acres of land on Howard Street in Gardner and 43 adjacent acres on Mellen Road in Winchendon, and pledged their willingness to accept ownership of the property, as conservation land, should it be acquired. The Alisaukas property is primarily forest land and wetlands, with 3,440 feet of frontage on Bailey Brook, a pristine cold water stream. The property also includes a 10-acre field with prime farmland soils, which the Commission would manage as wildlife habitat and possible future agricultural uses. The entire Alisaukas property is exemplary environment for recreation, forestry, hunting and fishing.

The Commission feels that acquisition of the Alisaukas property should be considered a first priority for the acquisition of conservation of land in the City. This acquisition would be a financially sound decision due to the economic, ecological, and recreational value and benefits it would provide. Under the Landscape Partnership grant program, the state will reimburse the City for the majority of the purchase cost and Mr. Alisaukas has agreed to donate a portion of the property's value under a state tax incentive program. Under the Landscape Partnership Grant the final cost to the City will be \$66,025 after reimbursed expenses of an original investment of \$335,550. Simply put, the City will receive this land at a bargain price.

Acquisition of the Alisaukas property would provide additional conservation land for many recreational purposes. The mix of forest and open fields, along with riparian flood-plain forest, provides a broad array of habitat types for a variety of wildlife and protects Bailey Brook, one of the only remaining cold-water fisheries supporting native brook trout in this City. The land connects to other existing conservation lands and will help protect a habitat designated by the Commonwealth as a Critical Natural Landscape for biodiversity. The existing trails make this an area that can be enjoyed by Gardner residents now and for generations to come. We are extremely lucky to have this opportunity to obtain this property and ask for your support and positive recommendation to City Council.

For these reasons, the Commission strongly recommends that City Council approve the expenditure of City funds necessary for the purchase of the Alisaukas property as conservation land to be owned by the City of Gardner, Conservation Commission. We feel very strongly that the public benefits, values, and opportunities will be worth the limited costs of this valuable land.

Sincerely,

  
Gregory P. Dumas  
Chairman, Conservation Commission

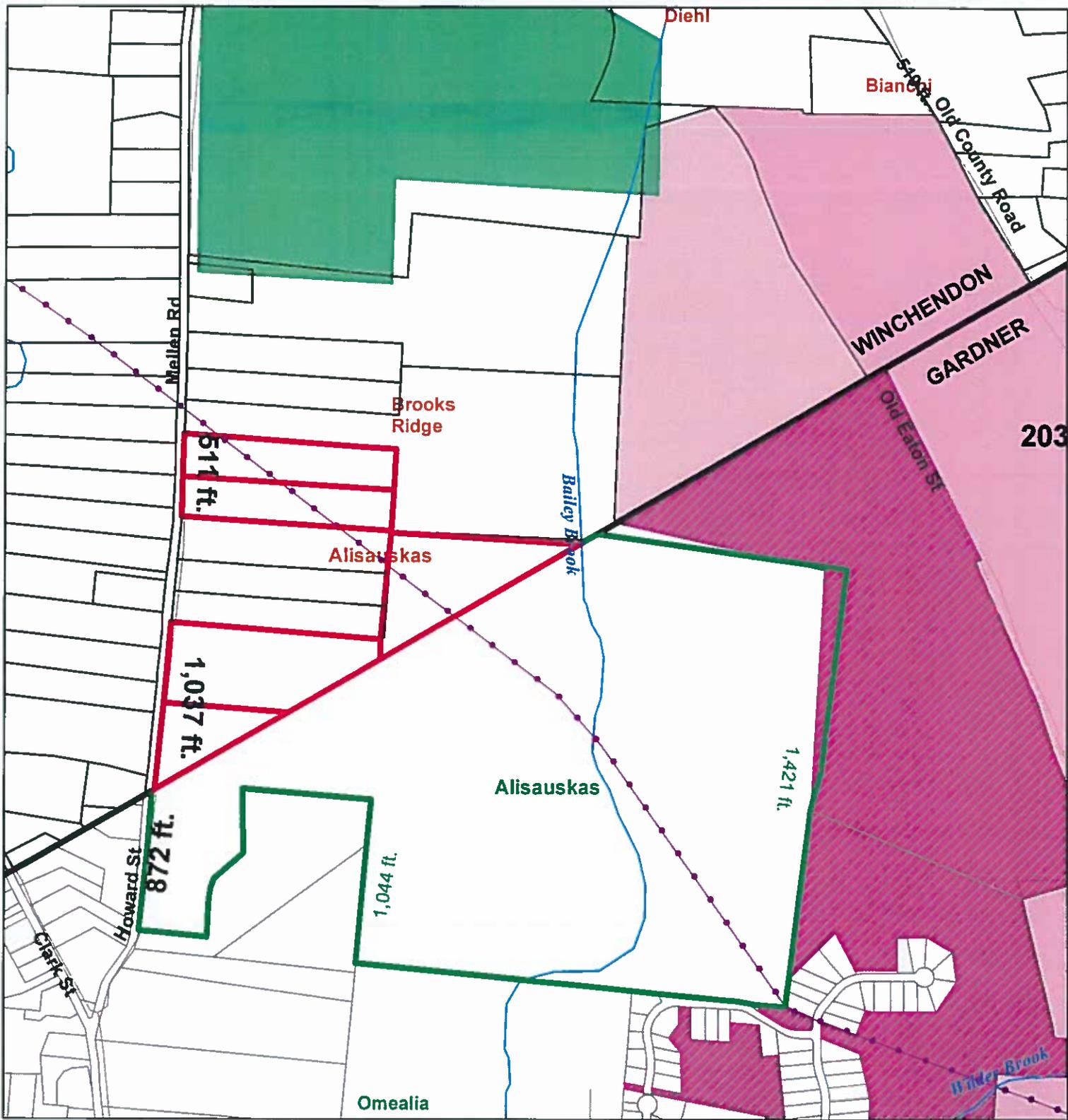
  
Jeffrey D. Legros  
Conservation Agent

| Gardner & Winchendon | Parcel 1                          | Landscape Connection |                     | Project Budget        |       | Appraised Value (EST.) | Landowner Donation | Landowner % Donation | Landowner CLTC | Landowner NET | City Cost | City % Cost  | Consultant % Cost |
|----------------------|-----------------------------------|----------------------|---------------------|-----------------------|-------|------------------------|--------------------|----------------------|----------------|---------------|-----------|--------------|-------------------|
|                      |                                   | City of Gardner      | Alisuaskas Property | State Landscape Grant | State |                        |                    |                      |                |               |           |              |                   |
| <b>EXPENSES</b>      |                                   |                      |                     |                       |       |                        |                    |                      |                |               |           |              |                   |
|                      | Appraisal                         | \$4,000              |                     |                       |       |                        |                    |                      |                |               |           |              |                   |
|                      | Appraised Value                   |                      |                     |                       |       | \$445,000              |                    |                      |                |               |           |              |                   |
|                      | Purchase Price                    | \$295,000            |                     | \$255,000             |       |                        | \$150,000          | 33.7%                |                |               | \$40,000  | 9%           |                   |
|                      | Title examination                 | \$3,500              |                     |                       |       |                        |                    |                      |                |               |           |              |                   |
|                      | Title insurance policy            | \$250                |                     |                       |       |                        |                    |                      |                |               |           |              |                   |
|                      | Survey                            | \$20,000             |                     |                       |       |                        |                    |                      |                |               |           |              |                   |
|                      | Legal                             | \$1,000              |                     |                       |       |                        |                    |                      |                |               |           |              |                   |
|                      | Closing - recording fees          | \$300                |                     |                       |       |                        |                    |                      |                |               |           |              |                   |
|                      | Baseline Documentation Report/LMP | \$4,000              |                     |                       |       |                        |                    |                      |                |               |           |              |                   |
|                      | Consulting Fee                    | \$7,500              |                     |                       |       |                        |                    |                      |                |               |           |              | 2.2%              |
|                      | <b>TOTAL EXPENSES</b>             | <b>\$335,550</b>     |                     |                       |       |                        |                    |                      |                |               |           |              |                   |
| <b>REVENUES</b>      |                                   |                      |                     |                       |       |                        |                    |                      |                |               |           |              |                   |
|                      | Purchase Price                    |                      |                     | \$255,000             |       |                        | \$150,000          | 33.7%                | \$75,000       | \$370,000     | \$40,000  | 9%           |                   |
|                      | Title & Insurance                 |                      |                     | \$1,875               |       |                        |                    |                      |                |               |           |              |                   |
|                      | Survey                            |                      |                     | \$10,000              |       |                        |                    |                      |                |               |           |              |                   |
|                      | Town Legal                        |                      |                     | \$500                 |       |                        |                    |                      |                |               |           |              |                   |
|                      | Closing - recording fees          |                      |                     | \$150                 |       |                        |                    |                      |                |               |           |              |                   |
|                      | Baseline Documentation Report/LMP |                      |                     | \$2,000               |       |                        |                    |                      |                |               |           |              |                   |
|                      | <b>TOTAL REVENUES</b>             |                      |                     | <b>\$269,525</b>      |       |                        |                    |                      |                |               |           |              |                   |
| <b>NET CITY COST</b> |                                   |                      | <b>\$66,025</b>     |                       |       |                        |                    |                      |                |               |           | <b>19.7%</b> |                   |

| <b>Gardner &amp; Winchendon</b>        | <b>Landscape Connection</b>      | <b>Project Timeline</b> |
|----------------------------------------|----------------------------------|-------------------------|
| <b><i>Parcel 1</i></b>                 | <b><i>Alisaukas Property</i></b> | <b><u>Date</u></b>      |
| <u>Grant Application Award</u>         |                                  | 4/20/16                 |
| <u>State Contract</u>                  |                                  |                         |
| Review Budget                          | Mayor & Comm. Dev. Plan          | April/May 2016          |
| Vote Accepting Property                | Conservation Commission          | 5/9/2016                |
| Vote Approving Expenditure             | City Council                     | June 2016               |
| Sign Contract                          | Mayor                            | June 2016               |
| <u>Conservation Land Tax Credit</u>    | CLTC                             |                         |
| Application Filed                      | EOEEA                            | May 2016                |
| Part 1 Approval                        | EOEEA                            | June 2016               |
| Appraisal Complete                     |                                  | August 2016             |
| Survey Complete                        |                                  | October 2016            |
| Report/Plan Complete                   |                                  | October 2016            |
| Part 2 Approval                        |                                  | November 2016           |
| <u>Appraisal &amp; Title</u>           |                                  |                         |
| Request for Proposals                  |                                  | June 2016               |
| Accept Proposal                        |                                  | July 2016               |
| Appraisal/Title Complete               |                                  | August 2016             |
| <u>Survey</u>                          |                                  |                         |
| Request for Proposals                  |                                  | August 2016             |
| Accept Proposal                        |                                  | September 2016          |
| Survey Complete                        |                                  | October 2016            |
| <u>Baseline Report/Management Plan</u> |                                  |                         |
| Request for Proposals                  |                                  | August 2016             |
| Accept Proposal                        |                                  | September 2016          |
| Report/Plan Complete                   |                                  | October 2016            |
| <u>Property Conveyed</u>               |                                  | January 2017            |
| <u>City Reimbursement</u>              |                                  |                         |
| 50% Reimbursement Request              | EOEEA                            | January 2017            |
| 50% Reimbursement Received             |                                  | February 2017           |
| Balance Reimbursement Submitted        |                                  | July 2017               |
| Balance Reimbursement Received         |                                  | September 2017          |

# Bailey Brook Project

9639



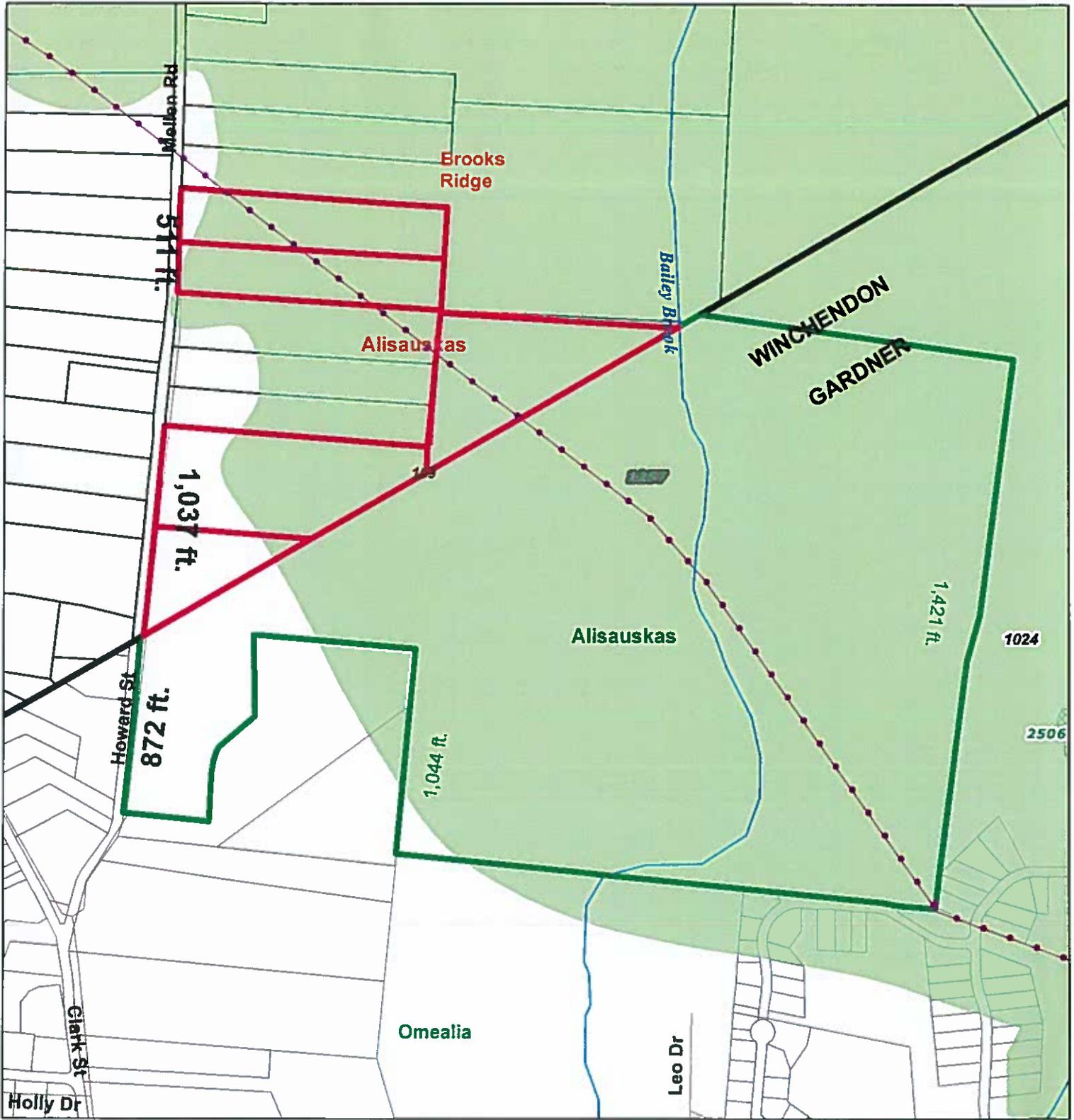
  Alisaukas Winchendon    
   Alisaukas Gardner    
 —●— Powerline

| Protected Open Space |            |
|----------------------|------------|
|                      | DCR        |
|                      | DFG        |
|                      | Municipal  |
|                      | Land Trust |
|                      | Non-Profit |
|                      | Private    |



# Bailey Brook Project

9639



 Alisaukas Winchendon  Alisaukas Gardner

 Powerline



**BioMap2**

-  BioMap2 Core Habitat
-  BioMap2 Critical Natural Landscape
-  BioMap2 CH Species of Conservation Concern

9640

CITY OF GARDNER

AN ORDER RESCINDING LOAN ORDER NO. 12690

GREENWOOD SPRAY PARK PROJECT

*VOTE:* To rescind the vote taken on April 21, 2015 under Calendar Item #9401, ordering that the City of Gardner appropriates the sum of Two Hundred Eighty Thousand Dollars (\$280,000.00) to pay costs of a spray park project to be located at the Greenwood Pool, and paying all other costs incidental or related thereto; to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 7(25), or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this order; and that the Mayor is authorized to take any other action necessary or convenient to carry out this vote.

9640



**CITY OF GARDNER**  
**Treasurer/Collector's Department**

RECEIVED

Charline M. Daigle, Treasurer/Collector  
95 Pleasant Street, Room 116  
Gardner, MA 01440  
Tel: 978-630-4016 • Fax: 978-630-6520  
2016 MAY 26 P 2:03  
CITY CLERKS OFFICE  
GARDNER, MA

May 26, 2016

Mayor Mark Hawke  
and Members of the Finance Committee  
City Hall  
Gardner, MA 01440

**Re: REQUEST TO RESCIND LOAN AUTHORIZATIONS**

Dear Mayor Hawke and Councilors:

We are requesting that the following loan order be rescinded:

**Greenwood Spray Park Project – Rescind \$280,000.**  
Loan Order #12690 Approved April 22, 2015  
Chapter 44

The project is completed and borrowing is not needed.

Thank you for your attention on this matter.

Sincerely,

Charline M. Daigle  
City Treasurer/Collector

John Richard  
City Auditor

7401  
Ref: 9640

CITY OF GARDNER, MASSACHUSETTS  
IN CITY COUNCIL

AMENDMENT TO LOAN ORDER NO. 12684  
GREENWOOD SPRAY PARK PROJECT

*Amend Loan Order No. 12684, as approved by the City Council on September 8, 2014  
under Calendar Item #9316, to read as follows:*

**ORDERED:**

That the City of Gardner appropriates the sum of Two Hundred Eighty Thousand Dollars (\$280,000.00) to pay costs of a spray park project to be located at the Greenwood Pool, and paying all other costs incidental or related thereto; to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 7(25), or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this order; and that the Mayor is authorized to take any other action necessary or convenient to carry out this vote.

A TRUE COPY ATTEST:

*Alana Agnechi*

CITY CLERK  
CITY OF GARDNER

Order No. 12690

# Order

In City Council

April 21, ..... 2015

Order Passed

April 21, ..... 2015

10 years, 1 absent.

*Alank Agnew* ..... Clerk

Presented to Mayor for approval

April 22, ..... 2015

Approved on April 22 ..... 2015

 ..... Mayor  
Mayor's Signature

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE SALARY AND LABOR BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017.

*ORDERED:*

To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2016 to June 30, 2017 sums as designated for the expenditures of the various departments, Salary and Labor budgets, according to the detailed schedule hereto annexed and made a part of this money order in the amount of TEN MILLION, FOUR HUNDRED THIRTY-SEVEN THOUSAND, THREE HUNDRED NINETY-ONE DOLLARS (\$10,437,391.00)

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE EXPENSE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017.

*ORDERED:*

To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2016 to June 30, 2017 sums as designated for the expenditures of the various departments, other than what was presented to City Council in the Salary and Labor budget, according to the detailed schedule hereto annexed and made a part of this money order in the amount of EIGHTEEN MILLION, EIGHT HUNDRED NINETY THOUSAND, TWO HUNDRED SIXTY-SIX DOLLARS (\$18,890,266.00)

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE SCHOOL DEPARTMENT BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017.

*ORDERED:*

To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2016 to June 30, 2017 sums as designated for the expenditures of the School Department according to the detailed schedule hereto annexed and made a part of this money order in the amount of TWENTY-TWO MILLION, SIXTY-SEVEN THOUSAND, NINE HUNDRED FIFTY-TWO DOLLARS (\$22,067,952.00)

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-  
PARKING METER RECEIPTS RESERVED TO VARIOUS ACCOUNTS FOR THE  
FICAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017

*ORDERED:*

That there be and is hereby appropriated for the Fiscal Year beginning July 1,  
2016 to June 30, 2017 the sum of SEVENTY THOUSAND, SIX HUNDRED NINETY  
DOLLARS (\$70,690.00) from Available Funds-Parking Meter Receipts Reserved to the  
following accounts:

|                |                            |              |
|----------------|----------------------------|--------------|
| City Treasurer | Parking Meter Clerk Salary | \$ 10,690.00 |
| City Treasurer | Parking Meter Maintenance  | 20,000.00    |
| Public Works   | Parking Meter Maintenance  | 40,000.00    |

9645

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-  
CABLE COMMISSION FEES RESERVED TO CABLE COMMISSION BUDGET  
FOR THE FICAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017

*ORDERED:*

That there be and is hereby appropriated for the Fiscal Year beginning July 1,  
2016 to June 30, 2017 the sum of ONE HUNDRED SEVENTY-SIX THOUSAND, FIVE  
HUNDRED FOUR DOLLARS (\$176,504.00) from Available Funds-Cable Commission  
Fees Reserved to the Cable Commission budget.

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE ENTERPRISE FUNDS-VARIOUS RECEIPTS RESERVED TO VARIOUS ACCOUNTS FOR THE FICAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017

ORDERED:

That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2016 to June 30, 2017 the sum of EIGHT MILLION, EIGHT HUNDRED NINETEEN THOUSAND, ONE HUNDRED EIGHTY-ONE DOLLARS (\$8,819,181.00) from Available Enterprise Funds-Receipts Reserved to the following accounts:

|                  |                 |                |
|------------------|-----------------|----------------|
| Sewer Dept       | Enterprise Fund | \$2,826,423.00 |
| Water Dept       | Enterprise Fund | 3,796,195.00   |
| Golf Course      | Enterprise Fund | 752,072.00     |
| Landfill Closure | Enterprise Fund | 87,000.00      |
| Solid Waste      | Enterprise Fund | 1,357,491.00   |

AUTHORIZING FY2017 REVOLVING FUNDS  
M.G.L. CH.44, S.53E½

**ORDER:** To authorize and direct the City Treasurer to establish the following revolving funds for the fiscal year beginning July 1, 2016 to June 30, 2017 in accordance with M.G.L. Chapter 44, section 53E½:

| Revolving Fund                           | Authorized to Expend      | Revenue Source                                  | Purpose of Fund                                                            | Spending Limit                                   |
|------------------------------------------|---------------------------|-------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------|
| Airport Fuel                             | Airport Commission        | Sale of airplane fuel                           | Purchase of fuel, airport programs, and improvements                       | Available balance or \$20,000, whichever is less |
| Wetland Protection                       | Conservation Commission   | Local wetland filing fees                       | Costs associated with wetland protection activities                        | Available balance or \$20,000, whichever is less |
| Council on Aging Recreational Activities | Council on Aging Director | Recreation Fees                                 | Salaries and expenses relating to recreational activities at Senior Center | Available balance or \$20,000, whichever is less |
| Gardner's Summer Celebration             | Mayor                     | Collections and donations                       | Costs associated with Gardner's Summer Celebration                         | Available balance or \$20,000, whichever is less |
| Planning Board Publications              | Planning Board            | Sale of Planning Board publications             | Preparation and production of Planning Board publications                  | Available balance or \$3,000, whichever is less  |
| Road Resurfacing                         | Public Works Director     | Fees charged for cutting into newly paved roads | Costs associated with road resurfacing and road maintenance                | Available balance or \$20,000, whichever is less |
| High School Summer Football Camp         | School Department         | Camp fees and donations                         | Salaries and expenses for the High School Summer Football Camp             | Available balance or \$20,000, whichever is less |
| Summer Basketball Camp                   | School Department         | Camp fees and donations                         | Salaries and expenses for the Summer Basketball Camp                       | Available balance or \$12,000, whichever is less |
| Transportation                           | School Department         | Bus passes and fees for transportation          | Salaries and expenses relating to school transportation                    | Available balance or \$20,000, whichever is less |

As per M.G.L., interest earned on these funds shall be treated as general fund revenue.

The person or persons authorized to expend from each fund shall report annually to the Mayor and City Council the total amount of receipts and expenditures for the prior fiscal year and for the current fiscal year through December 31<sup>st</sup>, along with any other information that City Council may by vote require.

In the event any fund is not reauthorized for the following fiscal year or the city changes the purpose of the revolving fund, the balance in the fund shall revert to surplus revenue, unless City Council and the Mayor vote to transfer the funds to another revolving fund established in accordance with M.G.L. Chapter 44, section 53E½.

9641-9646

## FY2017 BUDGET MONEY ORDERS

|                                               |                 | BUDGET<br>2017       |
|-----------------------------------------------|-----------------|----------------------|
| SCHOOL EXPENSES                               |                 | \$ 22,067,952.00     |
| SALARY AND WAGES                              |                 | \$ 10,437,391.00     |
| EXPENSES (INCL: PENSIONS / DEBT / INSURANCES) |                 | \$ 18,890,266.00     |
| CABLE COMMISSION                              |                 | \$ 176,504.00        |
| <b>PARKING METER (BELOW)</b>                  |                 |                      |
| CITY TREASURER PARKING METER CLERK SALARY     | \$ 10,690.00    |                      |
| CITY TREASURER PARKING METER MAINT.           | \$ 20,000.00    |                      |
| PUBLIC WORK PARKING METER MAINT.              | \$ 40,000.00    | \$ 70,690.00         |
| <b>ENTERPRISE FUNDS (BELOW)</b>               |                 |                      |
| SEWER DEPT FUND                               | \$ 2,826,423.00 |                      |
| WATER DEPT FUND                               | \$ 3,796,195.00 |                      |
| GOLF COURSE FUND                              | \$ 752,072.00   |                      |
| LANDFILL CLOSURE FUND                         | \$ 87,000.00    |                      |
| SOLID WASTE FUND                              | \$ 1,357,491.00 | \$ 8,819,181.00      |
| <br>TOTAL                                     |                 | <br>\$ 60,461,984.00 |

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
FINANCIAL INTEREST OF PETER A. GAMACHE  
CONTRACT FOR SOCCER COACHING SERVICES

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

9648

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

RECEIVED

2016 MAY 13 A 9:22

CITY CLERKS OFFICE

GARDNER, MA

| MUNICIPAL EMPLOYEE INFORMATION              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name of municipal employee:                 | Peter A. Gamache                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Title/ Position                             | Fire Fighter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 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 - Fire Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Agency Address                              | 70 City Hall Avenue, Gardner, MA 01440                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Office phone:                               | (978) 630-4051                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Office e-mail:                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                             | Check one: <input type="checkbox"/> Elected    or <input checked="" type="checkbox"/> Non-elected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Starting date as a municipal employee.      | March 21, 2005                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>BOX # 1</b>                              | <b>ELECTED MUNICIPAL EMPLOYEE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Select either STATEMENT #1 or STATEMENT #2. | I am an elected municipal employee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Write an X beside your financial interest.  | <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. <b>OR</b><br><input type="checkbox"/> <b>STATEMENT #2:</b> I will have a new financial interest in a contract made by a municipal agency.                                                                                                                                                                                                                           |
|                                             | <b>My financial interest in a municipal contract is:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                             | <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>                              | <b>NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Select either STATEMENT #1 or STATEMENT #2. | I am a non-elected municipal employee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                             | <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 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 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/seasonal employment for the City of Gardner School Department providing girl's soccer head coaching 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 compensation for the provision of girl's soccer head coaching services in addition to receiving compensation as a full time fire fighter for the City of Gardner. All coaching services will be conducted during my non-working hours as a fire fighter.                                                                                                                                                                                                                                                                                                                                                            |
| Date when you acquired a financial interest                   | Commencement of 2016-2017 school soccer season.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 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><b>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).</b><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:                                                         | 5-2-19                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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:             | 5/12/16                                                                                                                                                                                                                                                                                                |

**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) 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.

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
FINANCIAL INTEREST OF PETER A. GAMACHE  
CONTRACT FOR BASKETBALL COACHING SERVICES

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

9649

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

RECEIVED

2016 MAY 13 A 9:22  
CITY CLERKS OFFICE  
GARDNER, MA

| MUNICIPAL EMPLOYEE INFORMATION                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name of municipal employee:                                                                                         | Peter A. Gamache                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Title/ Position                                                                                                     | Fire Fighter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 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 - Fire Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Agency Address                                                                                                      | 70 City Hall Avenue, Gardner, MA 01440                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Office phone:                                                                                                       | (978) 630-4051                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Office e-mail:                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                     | Check one: <input type="checkbox"/> Elected    or <input checked="" type="checkbox"/> Non-elected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Starting date as a municipal employee.                                                                              | March 21, 2005                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>BOX # 1</b><br><br>Select either STATEMENT #1 or STATEMENT #2.<br><br>Write an X beside your financial interest. | <p><b>ELECTED MUNICIPAL EMPLOYEE</b></p> <p>I am an elected municipal employee.</p> <p><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. <b>OR</b></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 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> |
| <b>BOX # 2</b><br><br>Select either STATEMENT #1 or STATEMENT #2.                                                   | <p><b>NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE</b></p> <p>I am a non-elected municipal employee.</p> <p><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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

|                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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 School Department<br/>70 Waterford Street<br/>Gardner, MA 01440</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>Please put in an X to confirm these facts.</b></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/seasonal employment for the City of Gardner School Department providing girl's basketball head coaching 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 compensation for the provision of girl's basketball head coaching services in addition to receiving compensation as a full time fire fighter for the City of Gardner. All coaching services will be conducted during my non-working hours as a fire fighter.                                                                                                                                                                                                                                                                                                                                                 |
| Date when you acquired a financial interest                   | Commencement of 2016-2017 school basketball season.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 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:                                                         | 5-2-14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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:        | <i>D. Clemons</i>                                                                                                                                                                                                                                                                                      |
| Date:             | 5/12/14                                                                                                                                                                                                                                                                                                |

**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.

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
FINANCIAL INTEREST OF ROBERT F. ALLARD  
CONTRACT FOR FOOTBALL COACHING SERVICES

*VOTE:* To approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Robert F. Allard for a Contract for Football Coaching Services.

9650

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

RECEIVED

2016 MAY 13 A 9:21

CITY CLERKS OFFICE  
GARDNER, MA

|                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MUNICIPAL EMPLOYEE INFORMATION</b>       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Name of municipal employee:                 | Robert F. Allard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Title/ Position                             | Police Officer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 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 - Police Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Agency Address                              | 200 Main Street, Gardner, MA 01440                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Office phone:                               | (978) 632-5600                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Office e-mail:                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                             | Check one: <input type="checkbox"/> Elected    or <input checked="" type="checkbox"/> Non-elected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Starting date as a municipal employee.      | February 20, 1995                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>BOX # 1</b>                              | <b>ELECTED MUNICIPAL EMPLOYEE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Select either STATEMENT #1 or STATEMENT #2. | I am an elected municipal employee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Write an X beside your financial interest.  | <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.                                                                                                                                                                                                                                  |
|                                             | <b>My financial interest in a municipal contract is:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                             | <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>                              | <b>NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Select either STATEMENT #1 or STATEMENT #2. | I am a non-elected municipal employee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                             | <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>Write an X beside your financial interest.</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 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 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>FILL IN THIS BOX OR THE BOX BELOW</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/seasonal employment in the City of Gardner School Department providing football team head coaching duties.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>FILL IN THIS BOX OR THE BOX ABOVE</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 football coaching services in addition to receiving compensation as a full time police officer for the City of Gardner. All coaching services will be conducted during my non-working hours as a police officer.                                                                                                                                                                                                                                                                                                                                                           |
| Date when you acquired a financial interest                   | Commencement of 2016-2017 high school football season.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 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:                                                         | 5-2-16                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

Attach additional pages if necessary.

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

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

**FOR CONTRACTS FOR PERSONAL SERVICES ONLY:**

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

**CERTIFICATION BY HEAD OF CONTRACTING AGENCY**

|                   |                                                                                                                                                                                                                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | <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:             | 5/12/14                                                                                                                                                                                                                                                                                                |

**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.

9651

APPROVAL OF EXEMPTION PURSUANT TO G.L. C. 268A, §20(b)  
FINANCIAL INTEREST OF DANIEL J. BERRY  
CONTRACT FOR GOLF TEAM COACHING SERVICES

***VOTE:*** To approve an Exemption pursuant to G.L. c. 268A, §20(b) in the Matter of a Financial Interest by Daniel J. Berry, Golf Pro Shop Manager, for a contract for Golf Team Coaching Services.

9651

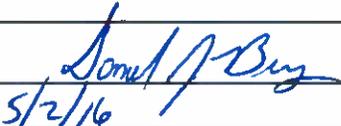
DISCLOSURE BY MUNICIPAL EMPLOYEE  
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT  
AS REQUIRED BY G. L. c. 268A, § 20(b)

RECEIVED

|                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MUNICIPAL EMPLOYEE INFORMATION</b>                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Name of municipal employee:                                                                                         | Daniel J. Berry                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Title/ Position                                                                                                     | Golf Pro Shop Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 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 - Municipal Golf Course                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Agency Address                                                                                                      | 152 Eaton Street, Gardner, MA 01440                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Office phone:                                                                                                       | (978) 632-9703                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Office e-mail:                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                     | Check one: <input type="checkbox"/> Elected    or <input checked="" type="checkbox"/> Non-elected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Starting date as a municipal employee.                                                                              | April 13, 2009                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>BOX # 1</b><br><br>Select either STATEMENT #1 or STATEMENT #2.<br><br>Write an X beside your financial interest. | <p><b>ELECTED MUNICIPAL EMPLOYEE</b></p> <p>I am an elected municipal employee.</p> <p><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. <b>OR</b></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 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> |
| <b>BOX # 2</b><br><br>Select either STATEMENT #1 or STATEMENT #2.                                                   | <p><b>NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE</b></p> <p>I am a non-elected municipal employee.</p> <p><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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

2016 MAY 13 A 9:21  
CITY CLERKS OFFICE  
GARDNER, MA

|                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Write an X beside your financial interest.</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 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 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/seasonal employment for the City of Gardner School Department providing golf team head coaching 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 compensation for the provision of golf team head coaching services in addition to receiving compensation as the full time golf pro shop manager for the City of Gardner. All coaching services will be conducted during my non-working hours as the golf pro shop manager.                                                                                                                                                                                                                                                                                                                                          |
| Date when you acquired a financial interest                   | Commencement of 2016-2017 school golf season.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 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><b>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).</b><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:                                                         | 5/2/16                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

Attach additional pages if necessary.

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

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

**FOR CONTRACTS FOR PERSONAL SERVICES ONLY:**

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

**CERTIFICATION BY HEAD OF CONTRACTING AGENCY**

|                   |                                                                                                                                                                                                                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | <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:             | 5/12/16                                                                                                                                                                                                                                                                                                |

**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) 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.

9652

Questions contact – Iris Price 508-860-6364

RECEIVED

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

2016 MAY 31 A 10: 23

North Andover, Massachusetts

CITY CLERKS OFFICE  
GARDNER, MA

To the City Council  
Of Gardner, Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Montvale Road - National Grid to relocate 1 JO Pole on Montvale Road beginning at a point approximately 120' feet northeast of the centerline of the intersection of Sunset Road and continuing approximately 25' feet in a north direction.

Location approximately as shown on plan attached

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

No. 21708402 May 27, 2016

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

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

NATIONAL GRID  
BY \_\_\_\_\_  
Engineering Department



VERIZON NEW ENGLAND, INC.  
BY \_\_\_\_\_  
Manager / Right of Way

9652

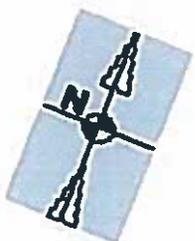
RECEIVED

Montvale Road - Gardner

2016 MAY 31 A 10: 23

CITY CLERKS OFFICE  
GARDNER, MA

Pole 9 Montvale Road  
Relocate one J.O. Pole  
To shorten the distance between poles.



P 9 

↑  
25'

P 9 

↓

C/L 120'

↓

Montvale Road

Sunset Road

**Petition**

New JO pole



Existing JO pole



Job Description: relocate one JO pole

DISTANCES ARE APPROXIMATE

**nationalgrid**

Date: May 3, 2016

Work Request #: 21708402

To the Town of: Gardner

For Proposed Location: Montvale Road

Drawn By: Iris Geeston-Price

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL," TO CHANGE THE COMPENSATION OF THE COUNCIL ON AGING DIRECTOR AND THE DIRECTOR OF PUBLIC HEALTH.

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 to change the compensation of the Council on Aging Director and the Public Health Director, as follows:

A. DEPARTMENT HEADS

|                           |                     | <u>04/19/16</u> |               |
|---------------------------|---------------------|-----------------|---------------|
|                           |                     | <u>Annual</u>   | <u>Weekly</u> |
| Council on Aging Director |                     | \$52,179.00     | \$1,003.44    |
|                           |                     | <u>05/25/16</u> |               |
|                           |                     | <u>Annual</u>   | <u>Weekly</u> |
| Director of Public Health | Step 1              | \$65,000.00     | \$1,250.00    |
|                           | Step 2 <sup>o</sup> | \$72,500.00     | \$1,394.23    |

<sup>o</sup>Increase to Step 2 upon receipt of Registered Sanitarian certification.

9654

RESOLUTION  
ENDORISING THE CITY OF GARDNER COMMUNITY CHOICE POWER SUPPLY  
PROGRAM, AGGREGATION PLAN  
PREPARED BY COLONIAL POWER GROUP, INC.

*VOTE:* The City Council of Gardner endorses the City of Gardner Community Choice Power Supply Program Aggregation Plan prepared by Colonial Power Group, Inc., in accordance with the City Council's vote accepting MGL Ch 164, Sec 134, regarding public aggregation of electric consumers.

City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED



2016 JUN -1 P 3: 26

CITY CLERKS OFFICE  
GARDNER, MA

June 1, 2016

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

RE: Municipal Aggregation Plan

Dear President Walsh and Councilors,

In accordance with the presentation by Colonial Power at the May 16, 2016 City Council meeting and in accordance with the Council's vote accepting MGL Ch. 164, § 134, I am enclosing the "Aggregation Plan" for your approval.

This is a standard plan which has been adopted by numerous communities and has been approved by the Department of Energy Resources (DOER). It has been tweaked specifically for the City of Gardner.

Upon Council approval, the plan would then come back to me for signature and then to the DOER for approval. A public hearing would then occur. Following the public hearing we would be able to begin the process of selecting a competitive supplier and work toward full implementation of the Plan.

I look forward to working with the City Council to enact the Aggregation Plan and working to save the citizens of the City of Gardner money on their monthly electric bills.

Respectfully,

Mark Hawke  
Mayor, City of Gardner



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# **CITY OF GARDNER COMMUNITY CHOICE POWER SUPPLY PROGRAM**

## **AGGREGATION PLAN**

PREPARED BY

**COLONIAL POWER GROUP, INC.**

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### **PURPOSE OF THE AGGREGATION PLAN**

The City of Gardner (“City”) developed this Aggregation Plan (“Plan”) in compliance with Massachusetts law regarding public aggregation of electric consumers. It contains required information on the structure, operations, services, funding, and policies of the City’s Plan. The Plan has been developed in consultation with an aggregation implementation consultant (Consultant), initially Colonial Power Group, Inc. (CPG) and the Massachusetts Department of Energy Resources (DOER).

The purpose of this Plan is to represent consumer interests in competitive markets for electricity. It seeks to aggregate consumers in the City to negotiate rates for power supply. It brings together the buying power of more than 20,000 consumers. Furthermore, the City seeks to take control of energy prices. Participation is voluntary for each eligible consumer. Eligible consumers have the opportunity to decline service provided through the Plan and to choose any Competitive Supplier they wish. Based on enrollment figures from previous community aggregations, CPG anticipates that 97% of the eligible consumers will participate. The City has distributed this Plan for public review prior to submitting it to the Massachusetts Department of Public Utilities (“Department”).

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# **REQUIREMENTS FOR MUNICIPAL AGGREGATION**

The Massachusetts Electric Utility Restructuring Act of 1997 (“Restructuring Act”) contains several requirements for municipal aggregators. One requirement is to develop an aggregation plan in consultation with the DOER. The Plan is subject to review by consumers in the participating municipality and approval by the Department.

## **1 THE PROCESS OF MUNICIPAL AGGREGATION**

---

Municipal aggregation involves a multi-step public process as follows:

- 1.1 Vote and Authorization to become a Public Aggregator
- 1.2 Development of Plan in Consultation with DOER
- 1.3 Review of Plan by Mayor, City Council and Consumers
- 1.4 Vote on Plan by City Council
- 1.5 Submission of Plan for Department Approval
- 1.6 Public Hearing on Plan by Department
- 1.7 Selection of Date for Receipt of Price Terms from Competitive Suppliers
- 1.8 Selection of Competitive Supplier by Mayor
- 1.9 Notification of Enrollment for Eligible Consumers
- 1.10 Beginning of Opt-Out Period (30 days prior to first service date)
- 1.11 Transfer of Participating Consumers to Competitive Supplier

In addition to this process, municipal aggregators must comply with open meeting laws, ethical rules, and certain public bidding and information requirements.

## **2 GARDNER'S COMMUNITY CHOICE POWER SUPPLY PROGRAM**

---

The City offers one program to achieve its goals: Gardner's Community Choice Power Supply Program ("Program"). The Program provides professional representation on behalf of consumers in state proceedings and in regional or local forums to protect consumer interests in an evolving marketplace.

The Program is designed to offer competitive choice to eligible consumers and to gain other favorable economic and non-economic terms in service contracts. The City does not buy and resell power, but represents consumer interests to set the terms for service. Through a competitive bid and negotiation process, the City develops a contract with a Competitive Supplier for firm, all-requirements service. The contract runs for a fixed term. The process of contract approval contains checks and balances. Once the contract has been negotiated by the City's agent, it must be submitted to the Mayor for approval. And lastly, eligible consumers may opt-out of the Program, and select Basic Service or power supply from any other Competitive Supplier they wish at any time before or following their enrollment in the City's Program. No eligible consumer is required to receive service under the City's contract. [See Section 4.1.6 for detailed information on the opt-out process.]

### **2.1 ORGANIZATIONAL STRUCTURE**

The City's government is led by a Mayor and eleven (11) person City Council. Daily operations are overseen by a Mayor. City elections are held the first Tuesday in November.

The City Council is composed of eleven members elected for two year terms. They meet every first and third Monday evening at 7:30 P.M. at City Hall. They may also hold other meetings from time to time. The Mayor acts as the City's Chief Executive and the City Council as the Legislative body, both are responsible for the general welfare of the community. The operational role of the City and its agent in relation to consumers is outlined and described in the following pages.

### **2.2 OPERATIONAL LEVELS**

There are five operational levels to the City's Program as follows:

#### **2.2.1 Level One: Consumers**

Consumers hold the ultimate authority over the Program and its functions. They can elect candidates for Mayor and the City Council who may take positions regarding the Program. They can participate in local and regional meetings and hearings regarding issues related to

restructuring in general and the City's Program in particular. And they can attend meetings to express their views.

Every eligible consumer in the City may participate in the City's Program. All eligible consumers will also have the ability to decline service through the Competitive Supplier and choose any other power supply option they wish or remain with the Local Distributor, National Grid (NGRID). Eligible consumers who are dissatisfied with services provided under the contract negotiated by the City may also communicate directly with the Competitive Supplier or the Consultant retained by the City to assist with the implementation of the Plan via e-mail or toll-free telephone number in an effort to alter or otherwise improve service. Eligible consumers may also opt-out at any time by contacting the Competitive Supplier. Eligible consumers may also bring issues before the Mayor and the City Council.

#### **2.2.2 Level Two: Mayor**

The Mayor serves as the Chief Executive Officer of the City. The Mayor will be, or may appoint someone to serve as, the direct contact for the City's agent and the City. The Mayor may raise issues directed to him/her by consumers..

#### **2.2.3 Level Three: City Council**

The City Council serves as the Legislative Body for the City. The City Council may inquire of the City's agent regarding specific policy or program decisions to be made under the Program. It may also raise issues directed to it by consumers for the City to address.

#### **2.2.4 Level Four: Consultant**

As the City's agent, the Consultant shall provide the day-to-day management and supervision of the business affairs of the Program under a contract agreement. The Consultant shall serve as the City's procurement agent, utilizing its existing staff to solicit services as requested by the City. In addition, the Consultant provides office space and administrative support to coordinate the Program's operations.

This administrative support includes:

- communications;
- program development;
- recordkeeping; and
- program oversight and maintenance.

### **2.2.5 Level Five: Competitive Suppliers**

Competitive Suppliers contract with the City through its Mayor. The contract is negotiated, recommended, and monitored for compliance by the Consultant. No contract is binding until it is approved by the Mayor. The complete set of Competitive Supplier responsibilities is found in the Electric Service Agreement (ESA) between the City and the Competitive Supplier.

## **2.3 OPERATIONS**

The Program's operations are guided by the provisions and goals contained in this Plan and the instructions and decisions of the Mayor, the Consultant, and participating consumers.

The goals of this Plan are as follows:

- provide the basis for aggregation of eligible consumers on a non-discriminatory basis;
- acquire a market rate for power supply and transparent pricing;
- provide equal sharing of economic savings based on current electric rates;
- allow those eligible consumers who choose not to participate to opt-out;
- provide full public accountability to participating consumers; and
- utilize municipal and other powers and authorities that constitute basic consumer protection to achieve these goals.

## **2.4 STAFFING AND MANPOWER**

The operations necessary to plan, deliver, and manage the City's Program include:

- technical analysis;
- competitive procurement of services;
- regulatory approvals;
- accounting and fiscal management;
- contract maintenance;
- communications;
- program coordination; and
- administrative support.

The City intends to utilize the Consultant as the professional, technical, and legal consultant to operate the Program. The Consultant is a licensed broker of electricity in Massachusetts (EB-107). The Consultant has experience designing, implementing and administering opt-out municipal aggregation programs.

The Consultant will be responsible for monitoring all aspects of the Program and any resulting contractual agreements, including but not limited to: monitoring and reporting on compliance with all contract terms and conditions, resolution of contract issues, implementation of the opt-out process for consumers, participation in negotiations with NGRID, preparation of reports, as directed, and routine updates and attendance at meetings with the Mayor or City Council.

The Program has been developed on behalf of the City by the Consultant with the support of technical consultants and legal counsel. Once a contract has been secured, the Consultant will administer the Program.

The Consultant will undertake negotiations with Competitive Suppliers and provide representation at the state level, as needed, at the direction of the Mayor. The terms and conditions of any contract may be subject to review by the City Solicitor, as well as by any outside legal counsel which may be selected by the City, and may be further subject to the City Solicitor's approval as to legal form.

### **3 FUNDING**

---

Initial funding for City's Program comes from private capital supplied by CPG. The ESA with a Competitive Supplier will include a \$0.001 per kWh adder that will be paid by the Competitive Supplier to the Consultant. The \$0.001 per kWh adder will fund the on-going costs of the Program. The start-up costs, to be borne by the Consultant, include costs for legal representation, public education, and communications. Mailing costs will be borne by the Competitive Supplier.

### **4 ACTIVATION AND TERMINATION**

---

#### **4.1 ACTIVATION**

Following the process of municipal aggregation and competitive procurement of a proposed contract by the City, activation of the Program requires the following steps:

- a) Approval of Plan by Department
- b) Acceptance of ESAs by Mayor
- c) Signing of ESA by Mayor
- d) Notification of Enrollment for Eligible Consumers
- e) Notification of NGRID
- f) Beginning of Opt-Out Period
- g) Transfer of Participating Consumers to Competitive Supplier

Each of these steps is described as follows:

#### **4.1.1 Approval of Plan by Department**

The City, through its agent, shall file this Plan with the Department. The Department is required to hold a public hearing on the Plan.

#### **4.1.2 Acceptance of ESAs by Mayor**

All contracts negotiated by the City shall be expressly conditioned upon the acceptance of the contract by the Mayor. Competitive Suppliers and contracts must comply with all applicable laws and rules and regulations promulgated by the Department concerning Competitive Suppliers.

#### **4.1.3 Signing of ESA by Mayor**

With the signing of the contract by the Mayor, the terms and conditions in the contract will be utilized for service for eligible consumers within the municipal boundaries of the City, except for those eligible consumers who have selected a Competitive Supplier prior to the contract activation date and do not wish to switch to service under the City's contract, or those eligible consumers who affirmatively opt-out of the Program.

#### **4.1.4 Notification of Enrollment for Eligible Consumers**

Following approval of the contract by the City, the Competitive Supplier shall undertake notification of all eligible consumers on Basic Service to be enrolled. NGRID will inform the Competitive Supplier and the Consultant as to which consumers are on Basic Service and which consumers are receiving power from third-party suppliers. NGRID will electronically transmit the name, address and account of eligible consumers and run this data just prior to the meter read at which the change to the Competitive Supplier is set to occur to ensure that no consumers contracted with third-party suppliers are enrolled. Only current Basic Service consumers will be sent opt-out notices. The City may also generally notify all consumers receiving competitive service of their eligibility to receive power from the City's Competitive Supplier. Once the appropriate notification has been provided to the eligible consumer and applicable opt-out requirements met, the Competitive Supplier will electronically enroll the eligible consumer by submitting an "enroll customer" transaction to NGRID in accordance with the rules and procedures set forth in the EBT Working Group Report, which is applicable to all Competitive Suppliers and distribution companies in Massachusetts.

The process of notification shall be multi-layered and will include:

- mailings by the City;
- newspaper notices;
- public service announcements (PSAs); and
- notices posted in City Hall.

Prior to enrollment, this notification shall:

- inform eligible consumers they have the right to opt-out of the aggregated entity without penalty and choose Basic Service at any time before or after their first day of service;
- prominently state all charges to be made and a comparison of the price and primary terms of the City's contract compared to the price and terms of NGRID's Basic Service;
- explain the opt-out process; and
- provide written notification that no charges associated with the opt-out will be made by the Competitive Supplier.

When a new eligible consumer first moves to the City, the eligible consumer will not be assigned to the City's Competitive Supplier until the Competitive Supplier submits an "enroll customer" transaction. Prior to such "enroll customer" transaction, the eligible consumer shall receive Basic Service. The Competitive Supplier is responsible for including new eligible consumers in the Program as they move into the City by the requesting electronic transmittals on a quarterly basis from NGRID, notifying and enrolling per the procedures followed for the initial enrollment.

The approximate timing of the major procedural steps related to the notification of consumers is as follows:

|            |                                                                                 |
|------------|---------------------------------------------------------------------------------|
| Day 1      | Supply contract executed between City and Competitive Supplier                  |
| Day 2      | Competitive Supplier notifies NGRID to prepare City eligible consumer data      |
| Day 3      | Competitive Supplier begins EDI testing with NGRID                              |
| Day 14     | Competitive Supplier receives eligible consumer data from NGRID                 |
| Day 18     | CPG and/or Competitive Supplier mails opt-out notice to all eligible consumers  |
| Day 19     | 30-day opt-out period begins on date of postmark                                |
| Day 21     | Eligible consumers receive mail                                                 |
| Days 21-51 | Consumers wishing to opt-out return pre-paid reply card to Competitive Supplier |

|        |                                                                                            |
|--------|--------------------------------------------------------------------------------------------|
| Day 33 | Competitive Supplier completes EDI testing with NGRID                                      |
| Day 52 | Competitive Supplier removes opt-outs from eligible list                                   |
| Day 53 | Competitive Supplier sends “supplier enrolls customer” EDI for all participating consumers |

Participating consumers are enrolled with supplier on the next meter read, provided that the enrollment transaction is submitted no fewer than two full business days before the meter read.

Our Consultant’s experience with previous aggregation programs suggests that the City, Competitive Supplier and NGRID need about two months to complete the consumer notification and enrollment process.

The procedures described above may also be found in NGRID’s Terms and Conditions for Municipal Aggregators, M.D.P.U. No. 1202, as amended or superseded from time to time. These procedures were discussed in numerous meetings between CPG and NGRID.

The methods by which eligible consumers will be enrolled in the Program are consistent with NGRID’s Terms and Conditions for Competitive Suppliers, M.D.P.U. No. 1201, as amended or superseded from time to time.

**4.1.5 Notification of NGRID**

Along with notification of eligible consumers, the City shall notify the selected Competitive Supplier and NGRID to begin preparation of the administrative process to transfer eligible consumers coincident with each eligible consumer’s billing cycle. Alternatively, or in combination with the City notification, the selected Competitive Supplier may notify NGRID to begin preparation of the administrative process.

**4.1.6 Beginning of Opt-Out Period**

Eligible consumers may opt-out of service from the Program at no charge either in advance of service start up deadlines or at any time after the first day of service. Participating consumers who seek to return to NGRID’s Basic Service should provide notice to the Competitive Supplier and/or NGRID five or more business days before the next scheduled meter read date. Pursuant to NGRID’s Terms and Conditions for Municipal Aggregators, M.D.P.U. No. 1202, participating residential consumers will be transferred to NGRID’s Basic Service in two business days if they directly notify NGRID of the intent to terminate generation service from the Competitive Supplier. If a commercial or industrial consumer directly notifies NGRID of the choice to terminate generation service from the Competitive Supplier, the generation service shall be terminated on the date of the customer’s next scheduled meter read. If a residential, commercial, or industrial customer notifies the Competitive Supplier of the choice to terminate receipt of

generation service, the termination shall take place on the date of the customer's next scheduled meter read, so long as the Competitive Supplier has submitted the transaction to NGRID no fewer than two business days prior to the meter read date. There shall be no charge for returning to NGRID's Basic Service in this manner. Further opportunities for eligible consumer opt-out may be negotiated by the City and the Competitive Supplier and included in the terms of the contract presented to the Mayor and made part of the public information offered to each eligible consumer. Eligible consumers who opt-out and subsequently wish to enroll may be enrolled at the Competitive Supplier's discretion and pursuant to NGRID's Terms and Conditions for Competitive Suppliers, M.D.P.U. No. 1201, as amended or superseded from time to time.

#### **4.1.7 Transfer of Participating Consumers to Competitive Supplier**

The process of activation is an administrative function with three parts:

- a) Data Preparation: NGRID will identify all eligible consumers on Basic Service in the City by eliminating those who have already selected a Competitive Supplier.
- b) Automatic Enrollment: All verified eligible consumers shall be transferred to the City's Competitive Supplier coincident with NGRID's billing periods, unless they have previously sent in notification of their intent to opt-out according to established deadlines. Eligible consumers will be enrolled with the new Competitive Supplier over the period of one month. Service under the new Competitive Supplier shall begin at the start of the billing period following transfer.
- c) Notification: NGRID shall notify each transferred participating consumer of the change to the City's Competitive Supplier with its last bill for Basic Service.

#### **4.2 TERMINATION**

The Program may be terminated in two ways:

- upon contract termination or expiration without any extension, renewal, or subsequent contract being negotiated; or
- at the decision of the Mayor to dissolve the Program.

Each participating consumer receiving service under the City's Program will receive notification of termination of the Program 90 days prior to such termination.

In the event of contract termination, participating consumers would return to NGRID's Basic Service or choose a Competitive Supplier. This transfer would occur in coordination with NGRID using established EDI protocols and in accordance with the rules and procedures set forth in the EBT Working Group Report.

### **5 METHODS FOR ENTERING AND TERMINATING AGREEMENTS**

The City's process for entering, modifying, enforcing, and terminating all agreements associated with the Program shall comply with the requirements of the City's charter, and state and federal laws. Where required, the procedures outlined in M.G.L. c. 30B shall be followed. Other agreements shall be entered, modified, or terminated in compliance with the law and according to the express provisions of the relevant agreement.

Prior to the end of the initial ESA, the Consultant will be responsible for conducting a subsequent bidding process for a new ESA. The Mayor is responsible for executing a new ESA. Customers will be notified through press releases and public notices. New opt-out notices will not be mailed. The City will not use on-bill messaging or bill inserts. However, NGRID may include on-bill messaging notifying consumers of a supplier switch. The transfer of customers from the existing supplier to the new supplier is conducted by the new supplier in coordination with NGRID using established EDI protocols.

The City will notify NGRID of the planned termination or extension of the program. In particular, the City will provide NGRID notice:

- 90 days prior to a planned termination of the program;
- 90 days prior to the end of the anticipated term of the program's ESA; and
- four business-days after the successful negotiation of a new electricity service agreement.

## **6 RATE SETTING, COSTS, AND BILLING**

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The City will offer the Program at rates and terms to be negotiated with Competitive Suppliers. All Competitive Supplier charges to the participating consumer will be fully and prominently disclosed under the notification process.

NGRID shall continue to provide metering, billing, and maintenance of the distribution system as a regulated monopoly function. Charges for metering, billing and other distribution services shall be regulated by the Department, unless otherwise provided for in law, or Department rules and regulations.

### **6.1 RATE SETTING**

Under Department orders, NGRID assigns the rate classification and corresponding character of service and associated regulated rates. These rates include a monthly customer charge, a distribution charge, a transmission charge, a transition charge, an energy conservation charge, and a renewable energy charge that currently make up a portion of a ratepayer's bill. Although the City, or its agent, may participate in regulatory proceedings and represent the interests of ratepayers regarding these regulated rates, it will not assign or alter existing rate classifications without the approval of the Department. [See Section 6.3 for an example of a typical residential bill.]

The focus of the City, as noted above, will be acquisition of competitive prices and terms for power supply. This price, or prices, will be set through the competitive bid and negotiation process, and will be noted on the participating consumer's bill as the "generation charge".

The competitive bid process will seek prices that will differ among the rate classifications established by NGRID's tariffs. The terms and conditions of service may also vary among rate classifications.

## 6.2 COSTS

There is no cost to eligible or participating consumers. The Program funding will be derived from a \$0.001 per kWh commission fee payable by the Competitive Supplier to the Consultant.

In addition, the City may fund personnel costs associated with an Energy Manager position(s), of which one of the responsibilities would be to assist with the Aggregation Program, through an Operational Adder payable by the Competitive Supplier to the Town.

## 6.3 BILLING

Participating consumer billing under the City's Program will be made by the Competitive Supplier under contract and shall be incorporated into the standard monthly utility billing. Participating consumers will receive a "complete bill" from NGRID that incorporates the power supply charge and NGRID's delivery charges. The bill shall include a clear delineation of all regulated and non-regulated charges.

The typical residential "complete bill" for use of 500 kWh shows the following charges for NGRID's Basic Service in November 2015:

| For Customer With Monthly Usage of 500 kWh |  |  |
|--------------------------------------------|--|--|
|                                            |  |  |

|                                                       | Rate<br>(\$/kWh) | Charge           |
|-------------------------------------------------------|------------------|------------------|
| <b>Delivery Services Detail (Rate: R1)</b>            |                  |                  |
| Customer Charge                                       |                  | 4.00             |
| Distribution Charge                                   | 0.03977          | 19.89            |
| Transition Charge                                     | (0.00164)        | (0.82)           |
| Transmission Charge                                   | 0.02614          | 13.07            |
| Energy Efficiency Charge                              | 0.01624          | 8.12             |
| Renewable Energy Charge                               | 0.00050          | 0.25             |
| Total Delivery Services                               |                  | \$ 44.51         |
| <b>Supplier Services Detail (Rate: Basic Service)</b> |                  |                  |
| Generation Services Charge                            | 0.13038          | 65.19            |
| Total Supplier Services                               |                  | \$ 65.19         |
| <b>Average Bill Total</b>                             |                  | <b>\$ 109.70</b> |

Sources: [http://www.nationalgridus.com/masselectric/non\\_html/MA\\_Residential\\_Table.pdf](http://www.nationalgridus.com/masselectric/non_html/MA_Residential_Table.pdf)  
[http://www.nationalgridus.com/non\\_html/1115meco.pdf](http://www.nationalgridus.com/non_html/1115meco.pdf)

Accessed: November 1, 2015

## **7 UNIVERSAL ACCESS**

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“Universal access” is a term derived from the traditional regulated utility environment in which all consumers desiring service receive that service. The DOER’s Guide to Municipal Electric Aggregation in Massachusetts has defined universal access to mean “electric services sufficient for basic needs (an evolving bundle of basic services) available to virtually all members of the population regardless of income.” The Guide also provides that a municipal aggregation plan meets the requirement of universal access “by giving all consumers within its boundaries the opportunity to participate, whether they are currently on Basic Service or the supply service of a Competitive Supplier.” For the purposes of the City’s Program this will mean that all existing consumers within the borders of the City and all new consumers in the City shall be eligible for service from the Competitive Supplier under the terms and conditions of the contract. One of the City’s goals, as indicated in Section 2.3, is to “Provide the basis for aggregation of eligible consumers on a non-discriminatory basis”.

Service under the City’s Program shall include rate classifications in adherence with universal service principles and requirements, and the traditional non-discriminatory practices of local government. Contracts with all Competitive Suppliers shall contain provisions to maintain these principles and equitable treatment of all rate classifications.

Eligible existing consumers in the City shall be transferred to the Program unless they have already contracted with a Competitive Supplier or affirmatively opted-out of the Program.

Eligible low-income consumers shall remain subject to all existing provisions of state law regarding their rights to return to Basic Service and to participate in the Program as well. New Eligible consumers in the service territory shall be enrolled in the Program unless they already contracted with a Competitive Supplier or affirmatively opted-out of the Program. New Eligible consumers will retain the right to opt-out any time after the commencement of Program service.

## **8 EQUITABLE TREATMENT OF RATEPAYERS**

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All ratepayers will be treated equitably. They will be guaranteed the right to raise and resolve disputes with the Competitive Supplier, be provided all required notices and information, and always retain the right to opt-out of the City's Program as described herein or to switch Competitive Suppliers. The requirement of equitable treatment of all ratepayers does not, however, require that all ratepayers be offered the same pricing or terms and conditions. To impose such an interpretation to the statutory requirements governing municipal aggregation programs would, in effect, result in inequitable treatment, as attempting to apply identical prices, terms, and conditions to ratepayers with widely disparate characteristics would have the inevitable effect of giving some ratepayers more favorable service than others. The implementation of the Program will recognize this reality through appropriate distinctions in pricing and, where applicable, terms and conditions among ratepayers.

## **9 RELIABILITY**

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"Reliability" in power supply and in transmission and distribution is essential to consumers. This will be accomplished and reinforced by the Program at several levels through:

- provisions of the contract that will include language on reliability of supply, liability and damages provisions;
- traditional proceedings related to NGRID's regulated transmission and distribution services; and
- direct discussions with NGRID concerning specific or general problems related to quality and reliability of transmission and distribution service in the City.

## **10 RIGHTS AND RESPONSIBILITIES OF PARTICIPANTS**

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### **10.1 RIGHTS**

All participating consumers shall enjoy the protections of law afforded to them as they currently exist or as they may be amended from time to time. These include rights to question billing or service quality or service practices. Under protocols developed by the Department, problems related to billing or service shall be directed to the appropriate parties. All eligible consumers shall also enjoy the individual right to decline participation in the City's Program.

## **10.2 RESPONSIBILITIES**

All participating consumers shall meet all standards and responsibilities required by the Department, including payment of billings and access to essential metering and other equipment to carry out utility operations.

## **11 BENEFITS OF MUNICIPAL AGGREGATION**

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The Program functions under the restrictions of state law and reflects a range of results and opportunities:

### **11.1 PARTICIPATION IN COMPETITIVE MARKET**

Many consumers lack knowledge and leverage to negotiate terms for power supply. A municipal aggregator provides them with an option for professional representation and the leverage of a large group so that they may participate more effectively in the competitive process and achieve benefits.

### **11.2 SELECTION OF ALTERNATE SUPPLIER**

Because the law guarantees the right to opt-out, including the right to choose Basic Service at no charge, all eligible consumers have the right to select a Competitive Supplier other than the one chosen by the Mayor.

### **11.3 INDEMNIFICATION AND RISK ASSOCIATED WITH COMPETITIVE MARKET**

In a competitive market, it is possible that the failure of a Competitive Supplier to provide service may result in the need for participating consumers to acquire alternative power supply, or for participating consumers to receive power at Basic Service prices. The City will seek to minimize this risk by contracting with reputable Competitive Suppliers who demonstrate reliable service. The City also intends to include conditions in its contract with a Competitive Supplier that will indemnify participating consumers against risks or problems with power supply service.

#### **11.4 RENEWABLE ENERGY CERTIFICATES**

In addition to soliciting bids for power supply that meet the required Massachusetts Renewable Portfolio Standard (RPS) obligation, the City will solicit bids to supply additional Renewable Energy Certificates (RECs) for an optional product. The City will seek RECs from a variety of renewable sources and will choose the proposal that offers the best combination of environmental benefit and price.

The City will ask Competitive Suppliers to identify the technology, vintage, and location of the renewable generators that are the sources of the RECs. The City will require that the RECs either be created and recorded in the New England Power Pool Generation Information System or be certified by a third party such as Green-e.

#### **11.5 OTHER PROTECTIONS**

The City intends to negotiate a range of provisions in its contracts to enhance participating consumer protection.

### **12 REQUIREMENTS CONCERNING AGGREGATED SERVICE**

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The City shall comply with the requirements established by law and the rules set forth by the Department concerning aggregated service.

# City of Gardner, *Executive Department*

Mark Hawke, Mayor

RECEIVED



2016 MAY 31 P 1: 50

CITY CLERKS OFFICE  
GARDNER, MA

May 31, 2016

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

RE: Salary Schedule

Dear President Walsh and Councilors,

The FY 17 Budget's salaries are based upon the attached Salary Schedule. The attached schedule mirrors what I originally submitted as an updated schedule based upon the salary survey performed at the request of the City Council.

The attached schedule also carries a 2% cost of living allowance (COLA) on top of the originally recommended changes.

The schedule also adds further transparency by breaking down the pay for the positions that receive compensation from other areas/sources (i.e. City Auditor, City Clerk, City Collector/Treasurer, Purchasing Agent/Civil Enforcement). This transparency was already in other sections of the schedule, such as the Community Development & Planning Office employees who receive compensation from city funds, Redevelopment Authority and grants.

The retro-active pays to July 1, 2015 and January 1, 2016 are still included. The new column for July 1, 2016 carries the 2% COLA for all employees.

This Salary Schedule will need to be passed before the end of the fiscal year on June 30 in order to process the retro-active pay utilizing the funds in the existing FY16 budget.

Respectfully,

Mark Hawke  
Mayor, City of Gardner

**Amendment to City Code  
Chapter 171: Personnel  
Article XVI: Classification and Compensation  
§171-68  
Compensation Schedule**

**An amendment to §171-68 Compensation Schedule, 171b Schedule 2.**

A classification plan is hereby established for offices and positions in the service of the City, and establishing compensation grades there.

All appointive officers and all positions in the City of Gardner, except those filled by popular election and those under the direction and control of the School Committee, shall be classified into positions, groups, and grades according to their duties pertaining to each as herein provided.

CLASSIFICATION CLASS TITLE

| Pay Grade | Class/Title                                                                          |
|-----------|--------------------------------------------------------------------------------------|
| S-4       | Certified Pool Operator (Seasonal)                                                   |
| S-5       | Head Lifeguard                                                                       |
| S-6       | Lifeguard (includes seasonal employees)                                              |
| T-4       | Temporary Seasonal Employees (Department of Public Works)                            |
| T-5       | Temporary Seasonal Recreational Playground Supervisor                                |
| T-6       | Temporary Seasonal Technical                                                         |
| GC-4      | Golf Course Laborens/Pro-Shop Assistants - Temporary Seasonal Employment             |
| GC-5      | Golf Course Groundsman                                                               |
| GC-6      | Golf Course Ranger                                                                   |
| GC-8      | Grounds Maintenance Man or Motor Equipment Repairman                                 |
| GC-8      | Working Foreman Grounds Maintenance Man or Working Foreman Motor Equipment Repairman |

The officers, positions, and classifications are hereby allocated and fixed into salary grades in accordance with the following schedule:

**A. DEPARTMENT HEADS**

COMPENSATION SCHEDULE

| Position                 | Grade | 07/03/15    |            | 01/01/16    |            | 07/03/16    |            |
|--------------------------|-------|-------------|------------|-------------|------------|-------------|------------|
|                          |       | Annual      | Weekly     | Annual      | Weekly     | Annual      | Weekly     |
| Building Commissioner    | G-10  | \$72,287.27 | \$1,390.14 | \$73,644.00 | \$1,416.23 | \$75,116.88 | \$1,444.56 |
| Chief of Police          | G-13  | \$92,161.00 | \$1,772.33 | \$95,359.00 | \$1,833.83 | \$97,266.18 | \$1,870.50 |
| City Assessor            | G-9   | \$63,781.00 | \$1,226.56 | \$67,568.00 | \$1,299.38 | \$68,919.36 | \$1,325.37 |
| City Auditor             | G-10  | \$75,027.41 |            |             |            | \$76,587.96 |            |
|                          |       | \$3,000.00  |            |             |            | \$3,000.00  |            |
| City Clerk               | G-10  | \$78,027.41 | \$1,500.53 | \$69,594.00 | \$1,338.35 | \$79,587.96 | \$1,530.54 |
|                          |       | \$66,951.76 | \$1,287.53 | \$3,500.00  |            | \$71,066.88 |            |
|                          |       | \$550.00    |            | \$550.00    |            | \$550.00    |            |
| City Collector/Treasurer | G-10  | \$71,001.76 | \$1,365.42 | \$73,644.00 | \$1,416.23 | \$75,116.88 | \$1,444.56 |
|                          |       | \$77,706.96 |            |             |            | \$79,267.10 |            |
|                          |       | \$300.00    |            |             |            | \$300.00    |            |
| City Engineer            | G-11  | \$78,006.96 | \$1,500.13 |             |            | \$79,567.10 | \$1,530.14 |
| City Solicitor           | G-10  | \$93,248.55 | \$1,793.24 |             |            | \$95,113.52 | \$1,829.11 |
|                          |       | \$74,491.70 | \$1,432.53 |             |            | \$75,981.53 | \$1,461.18 |

9655

|                                                      |      |                    | 04/19/16    | 07/01/16   |
|------------------------------------------------------|------|--------------------|-------------|------------|
| Council on Aging Director                            | G-6  |                    | \$50,814.00 | \$977.19   |
| 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 |
|                                                      |      | Step 1             |             |            |
|                                                      |      | Step 2             |             |            |
| Fire Chief                                           | G-12 |                    | \$85,009.00 | \$1,634.79 |
| Golf Course Driving                                  | G-9  |                    | \$70,740.67 | \$1,360.40 |
| Range/Superintendent                                 | G-11 |                    | \$77,645.00 | \$1,493.17 |
| Human Resources Director                             | G-10 | City               | \$44,304.21 |            |
|                                                      |      | School             | \$43,652.68 |            |
|                                                      |      | Total Compensation | \$87,956.89 | \$1,691.48 |
| Library Director                                     | G-9  |                    | \$69,668.31 | \$1,339.78 |
| Public Works Director                                | G-12 |                    | \$92,470.75 | \$1,778.28 |
| Purchasing Agent/Civil Enforcement Director          | G-10 |                    | \$69,668.24 |            |
|                                                      |      | MGL c. 148A, §5    | \$2,500.00  |            |
|                                                      |      | Total Compensation | \$72,168.24 | \$1,339.77 |
| 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    |            |         | 07/01/16    |            |         |
|-----------------------------------------------|-------|-------------------|------------|---------|-------------|------------|---------|-------------|------------|---------|
|                                               |       | Annual            | Weekly     | Hourly  | Annual      | Weekly     | Hourly  | Annual      | Weekly     | Hourly  |
| Executive Secretary                           | G-4   | \$43,402.00       | \$834.65   | \$22.56 | \$43,932.00 | \$844.85   | \$22.83 | \$44,810.64 | \$861.74   | \$23.29 |
| Assistant City Clerk                          | G-3   | \$39,476.00       | \$759.15   | \$20.52 | \$40,299.00 | \$774.98   | \$20.95 | \$41,104.98 | \$790.48   | \$21.36 |
| Assistant City Engineer                       | G-8   | \$59,585.00       | \$1,145.87 |         | \$61,993.00 | \$1,192.17 |         | \$63,232.86 | \$1,216.02 |         |
| Assistant City Solicitor                      | G-3   | \$41,175.03       | \$791.83   |         |             |            |         | \$41,998.53 | \$807.66   |         |
| Assistant Director of Community Development** | G-7   | \$3,198.00        |            |         |             |            |         | \$3,261.96  |            |         |
|                                               |       | \$60,754.00       |            |         |             |            |         | \$61,969.08 |            |         |
|                                               |       | \$63,952.00       | \$1,229.85 |         |             |            |         | \$65,231.04 | \$1,254.44 |         |
| Assistant Director of Public Health           | G-5   | \$49,306.40       | \$948.20   |         |             |            |         | \$50,292.53 | \$967.16   |         |
| Assistant Library Director                    | G-6   | \$53,972.18       | \$1,037.93 |         |             |            |         | \$55,051.62 | \$1,058.69 |         |
| Deputy Chief of Police                        | G-9   | \$77,645.00       | \$1,493.17 |         | \$80,263.00 | \$1,543.52 |         | \$82,470.00 | \$1,585.96 |         |
| Economic Development Coordinator**            | G-7   | \$46,480.00       |            |         |             |            |         | \$47,409.60 |            |         |
|                                               |       | \$10,520.00       |            |         |             |            |         | \$10,730.40 |            |         |
|                                               |       | \$57,000.00       | \$1,096.15 |         |             |            |         | \$58,140.00 | \$1,118.08 |         |
| GIS Technician                                | G-5   | \$48,231.90       | \$927.54   |         |             |            |         | \$49,196.54 | \$946.09   |         |
| Golf Professional                             | G-6   | \$1,183.67 Weekly |            |         |             |            |         | \$1,207.34  |            |         |
| Golf Pro Manager                              | G-6   | \$1,020.00 Weekly |            |         |             |            |         | \$1,040.40  |            |         |
| Local Inspector                               | G-6   | \$55,734.85       | \$1,071.82 |         |             |            |         | \$56,849.55 | \$1,093.26 |         |
| Producer                                      | G-2   | \$43,841.01       | \$843.10   |         |             |            |         | \$45,594.65 | \$876.82   |         |
| Senior Animal Control Officer                 | G-2   | \$37,513.70       | \$721.42   |         |             |            |         | \$38,263.97 | \$735.85   |         |
| Systems Manager                               | G-6   | \$58,950.00       | \$1,133.65 |         |             |            |         | \$60,129.00 | \$1,156.33 |         |

**B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS (cont.)**

| Position                     | Grade | 07/01/15      |                |         | 01/01/16      |                |         | 07/01/16      |                |         |
|------------------------------|-------|---------------|----------------|---------|---------------|----------------|---------|---------------|----------------|---------|
|                              |       | Annual        | Weekly         | Hourly  | Annual        | Weekly         | Hourly  | Annual        | Weekly         | Hourly  |
| Electrical Inspector         | G-6   |               |                | \$28.97 |               |                |         |               |                | \$29.55 |
| Plumbing Inspector           | G-6   |               |                | \$25.89 |               |                | \$27.12 |               |                | \$27.66 |
| Transfer Station Supervisor  | G-3   |               |                | \$20.48 |               |                |         |               |                | \$20.89 |
| Conservation Agent           | G-6   |               |                | \$27.29 |               |                |         |               |                | \$27.84 |
| Planning Agent               | G-6   |               |                | \$29.37 |               |                |         |               |                | \$29.96 |
| Executive Aide               |       |               |                | \$25.00 |               |                |         |               |                | \$25.50 |
|                              |       | <b>Annual</b> | <b>Monthly</b> |         | <b>Annual</b> | <b>Monthly</b> |         | <b>Annual</b> | <b>Monthly</b> |         |
| Civil Defense Director       |       | \$8,473.40    | \$706.12       |         | \$8,642.87    | \$720.24       |         | \$8,802.59    | \$733.55       |         |
| Scaler of Weights & Measures |       | \$8,629.99    | \$719.17       |         |               |                |         |               |                |         |

**C. NON-UNION STAFF POSITIONS**

| Position                          | Grade | 07/01/15      |               |               | 01/01/16      |               |               | 07/01/16      |               |               |
|-----------------------------------|-------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
|                                   |       | Annual        | Weekly        | Hourly        | Annual        | Weekly        | Hourly        | Annual        | Weekly        | Hourly        |
| Animal Control Officer            | G-1   | \$29,160.00   | \$560.77      | \$14.02       | \$31,000.00   | \$596.15      | \$14.90       |               |               |               |
|                                   |       | <b>Step 1</b> | <b>Step 2</b> | <b>Step 3</b> | <b>Step 1</b> | <b>Step 2</b> | <b>Step 3</b> | <b>Step 1</b> | <b>Step 2</b> | <b>Step 3</b> |
| Administrative Coordinator        |       | \$13.04       | \$15.36       | \$17.68       |               |               |               | \$13.30       | \$15.67       | \$18.03       |
| Administrative Clerk              |       | \$12.63       | \$14.68       | \$16.73       |               |               |               | \$12.88       | \$14.97       | \$17.06       |
| Animal Shelter Attendant          |       | \$10.00       |               |               | \$10.50       |               |               | \$11.00       |               |               |
| Assistant Animal Control Officer  |       | \$10.08       |               |               | \$10.61       |               |               | \$1.03        |               |               |
| Budget/Project Manager**          |       | \$1.01        |               |               |               |               |               | \$0.62        |               |               |
| City                              |       | \$21.11       |               |               |               |               |               | \$21.53       |               |               |
| GRA                               |       | \$22.72       |               |               |               |               |               | \$23.17       |               |               |
| CDBG                              |       | \$16.7203     | \$18.8610     | \$20.9975     |               |               |               | \$17.05       | \$19.24       | \$21.42       |
| Total Compensation                |       | \$15,2891     | \$17,3579     | \$19,4339     |               |               |               | \$15.59       | \$17.71       | \$19.82       |
| Building Maintenance Craftsman    |       | \$11.95       |               |               |               |               |               | \$12.19       |               |               |
| Building Maintenance Man          |       | \$13.93       | \$16.61       | \$19.59       |               |               |               | \$14.21       | \$16.94       | \$19.98       |
| Council on Aging Coordinator      |       | \$12.79       | \$15.05       | \$17.56       |               |               |               | \$13.05       | \$15.35       | \$17.91       |
| Financial Administrator           |       |               |               |               |               |               |               |               |               |               |
| Financial Clerk                   |       |               |               |               |               |               |               |               |               |               |
| Golf Course Positions             |       |               |               |               |               |               |               |               |               |               |
| Golf Pro Shop Supervisor          |       | \$13.00       | \$13.50       | \$14.00       |               |               |               | \$13.26       | \$13.77       | \$14.28       |
| Grounds Maintenance Man           | GC-8  | \$15.30       | \$16.83       | \$18.62       |               |               |               | \$15.61       | \$17.17       | \$18.99       |
| Motor Equipment Repairman         | GC-8  | \$15.30       | \$16.83       | \$18.62       |               |               |               | \$15.61       | \$17.17       | \$18.99       |
| Working Foreman - Grounds         |       |               |               |               |               |               |               |               |               |               |
| Maintenance Man                   | GC-9  | \$18.80       |               |               |               |               |               | \$19.18       |               |               |
| Working Foreman - Motor Equipment | GC-9  | \$18.80       |               |               |               |               |               | \$19.18       |               |               |
| Repairman                         |       |               |               |               |               |               |               |               |               |               |
| Library Department Positions      |       |               |               |               |               |               |               |               |               |               |
| Staff Librarian                   |       | \$20.20       |               |               |               |               |               | \$20.60       |               |               |
| Senior Library Technician         |       | \$18.39       |               |               |               |               |               | \$18.76       |               |               |
| Library Technician                |       | \$17.35       |               |               |               |               |               | \$17.70       |               |               |
| Library Clerical Staff            |       | \$12.14       | \$12.38       | \$12.63       |               |               |               | \$12.38       | \$12.63       | \$12.88       |
| Library Custodian                 |       | \$14.82       | \$16.82       | \$18.83       |               |               |               | \$15.12       | \$17.16       | \$19.21       |
| Head Life Guard                   |       | \$10.68       | \$11.66       | \$15.45       |               |               |               | \$10.89       | \$11.89       | \$15.76       |
| Parking Meter Clerk               |       | \$13.39       |               |               |               |               |               | \$13.66       |               |               |
| Production Assistant              |       | \$13.65       |               |               |               |               |               | \$13.92       |               |               |
| Transfer Station Monitor          |       | \$10.50       |               |               |               |               |               | \$10.75       |               |               |

D. NON-UNION STAFF: TEMPORARY, SEASONAL AND INTERMITTENT POSITIONS

| Position                         | 07/01/15 |         |        | 01/01/16 |        |         | 07/01/16 |        |        | 01/01/17 |        |         |
|----------------------------------|----------|---------|--------|----------|--------|---------|----------|--------|--------|----------|--------|---------|
|                                  | Step 1   | Step 2  | Step 3 | Step 1   | Step 2 | Step 3  | Step 1   | Step 2 | Step 3 | Step 1   | Step 2 | Step 3  |
| Alternate Animal Control Officer | \$9.50   |         |        | \$10.00  |        |         | \$11.00  |        |        | \$11.00  |        |         |
| Certified Pool Operator          | \$20.40  |         |        |          |        |         | \$20.81  |        |        |          |        |         |
| Golf Course Laborer/Pro Shop     |          |         |        |          |        |         |          |        |        |          |        |         |
| Assistant                        | \$9.50   |         |        | \$10.00  |        |         | \$11.00  |        |        |          |        |         |
| Golf Course Groundsman           | \$13.68  |         |        |          |        |         |          |        |        |          |        |         |
| Golf Course Ranger               | \$9.00   |         |        | \$10.00  |        |         | \$11.00  |        |        |          |        |         |
| Lifeguard                        | \$10.00  | \$10.25 |        | \$11.00  |        | \$11.25 |          |        |        |          |        |         |
| Temporary Seasonal Technical     | \$13.26  |         |        |          |        |         | \$13.53  |        |        |          |        |         |
| Election Warden                  | \$11.00  |         |        | \$12.00  |        |         |          |        |        |          |        | \$13.00 |

| Position                      | 07/01/15 |        |        | 01/01/16 |        |        | 07/01/16 |        |        | 01/01/17 |        |         |
|-------------------------------|----------|--------|--------|----------|--------|--------|----------|--------|--------|----------|--------|---------|
|                               | Step 1   | Step 2 | Step 3 | Step 1   | Step 2 | Step 3 | Step 1   | Step 2 | Step 3 | Step 1   | Step 2 | Step 3  |
| Election Inspector            | \$9.00   |        |        | \$10.00  |        |        | \$11.00  |        |        | \$11.00  |        |         |
| Election Clerk                | \$10.00  |        |        | \$11.00  |        |        |          |        |        |          |        | \$12.00 |
| Special Detail Police Officer | \$42.00  |        |        |          |        |        |          |        |        |          |        |         |

| Position                           | 07/01/15 |         |         | 01/01/16 |         |         | 07/01/16 |         |         | 01/01/17 |         |         |
|------------------------------------|----------|---------|---------|----------|---------|---------|----------|---------|---------|----------|---------|---------|
|                                    | Step 1   | Step 2  | Step 3  | Step 4   | Step 5  | Step 1  | Step 2   | Step 3  | Step 4  | Step 5   | Step 1  | Step 2  |
| Temporary Seasonal Laborer         | \$10.60  | \$11.56 | \$11.74 | \$13.29  | \$13.97 | \$11.00 | \$11.79  | \$11.97 | \$13.56 | \$14.25  | \$11.00 | \$11.78 |
| Recreational Playground Supervisor | \$10.00  | \$10.57 | \$13.11 |          |         | \$11.00 | \$11.78  | \$13.37 |         |          |         |         |

\*\*Compensation increase contingent upon positive evaluation of oversight commission, Board or individual (Mayor or City Council) with the approval of the Mayor.  
 %Community Development & Planning Administrative Coordinator Wages paid for by City, CDBG and GRA in the following approximate percentages: City - 84.5%, GRA 10.5% and CDBG 5%.

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

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

#9628

Renumbered the Chapter/sections  
and edited

# ORDINANCE

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AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 428, THEREOF, ENTITLED HAWKERS AND PEDDLERS, TO ADD A NEW ARTICLE PROVIDING FOR DOOR-TO-DOOR SOLICITORS.

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

Section 1.

Section 428 of the Code of the City of Gardner is hereby amended by adding new Article III, Door-to-Door Solicitors, to read as follows:

~~§~~ **Sec. 428-7. Purpose.**

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

~~§~~ **Sec. 428-8. Definitions.**

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

# ORDINANCE

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28

29 **§See. 428-9. License required.**

30 It shall be unlawful for any solicitor as defined in § ~~428-8~~<sup>429-2</sup> of this chapter to engage  
31 in such business in the City of Gardner without first obtaining a license in compliance  
32 with the provisions of this chapter. Such license shall be obtained from the chief of  
33 police, and upon payment of a one hundred dollar (\$100.00) license fee. This requirement  
34 shall not apply to any door-to-door solicitation of newspapers, religious publications,  
35 ice, flowering plants and flowers, and wild fruits, nuts and berries. This requirement shall  
36 further not apply to an individual licensed by the Commonwealth pursuant to M.G.L. c.  
37 101, § 22 and conducting sales in accordance with said license, provided that such  
38 licensees shall be subject to § ~~428-13~~<sup>429-7</sup> and § ~~428-15~~<sup>429-9</sup> of this chapter and any  
39 other applicable city ordinance or regulation.

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

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

52 **§See. 428-10. Application and fee.**

53 A. Each individual applicant for a license under this chapter shall submit to the chief of  
54 police or his/her designee an application along with a fee of one hundred dollars

## ORDINANCE

55 (\$100.00) (per individual applicant) payable to the City of Gardner which will be used to  
56 cover the cost of processing permits and conducting the investigation of the application.

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

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

61 2. Social Security number of the applicant;

62 3. Permanent home address as well as full local address for the applicant;

63 4. A brief description of the nature of the business and/or goods to be sold;

64 5. If employed, name and address of employer, including credentials which establish the  
65 exact relationship;

66 6. The length of time for which the license is desired (not to exceed ninety days);

67 7. Names of manufacturer, of source of merchandise, and proposed method of delivery;

68 8. Two photographs of the applicant, taken within the past sixty days prior to filing of the  
69 application, showing only the head and shoulders of the applicant in a clear and  
70 distinguishing manner;

71 9. A statement as to whether or not the applicant has been convicted of any crime listed in  
72 ~~§ 428-11~~ 429-5 of the chapter or is a level 2 or level 3 sex offender required to register  
73 with the Sex Offenders Registry Board.

74 ~~§~~ See: 428-11. Investigation and issuance of license.

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

## ORDINANCE

78 B. The police chief or his designee shall refuse to issue a license to any organization or  
79 individual whose license has been revoked for violation of this chapter within the  
80 previous two-year period or who has been convicted of murder/manslaughter, rape,  
81 robbery, arson, burglary/breaking and entering, felony assault, or larceny over two  
82 hundred fifty dollars, as such persons pose a substantial degree of dangerousness to  
83 minors and other persons vulnerable to becoming victims of the violent crimes so listed.  
84 The police chief shall also refuse to grant a license to a person who is a sex offender  
85 required to register with the Sex Offenders Registry Board and who is finally classified as  
86 level 2 or level 3 sex offender, as such persons have been found to have a moderate to  
87 high risk of re-offense and pose a substantial degree of dangerousness to minors and  
88 other persons vulnerable to becoming victims of sex crimes.

89 **§Sec. 428-12. Identification card.**

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

97 **§Sec. 428-13. Solicitation hours & Daily Check-in.**

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

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

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

## ORDINANCE

104 | **§Sec. 428-14. Records.**

105 | The chief of police shall maintain all pertinent records of licenses issued and violations  
106 | recorded.

107 | **§Sec. 428-15. - Enforcement and penalties.**

108

109 | A. Whoever continues to solicit in the city in willful violation of this chapter, by  
110 | continuing to solicit after being informed by a police officer to cease and desist, may  
111 | be arrested without a warrant by a police officer in accordance with the provisions of  
112 | M.G.L. c. 272, § 59, and subject to a fine of three times the application fee up to but  
113 | not to exceed three hundred dollars for each violation.

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

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

125 | (1) Fraud, misrepresentation, or false statement contained in the license application;

126 | (2) Fraud, misrepresentation, or false statements made in the course of carrying on  
127 | the business of solicitation;

128 | (3) Any violation of this chapter;

129 | (4) Conviction of any crime listed in § 428-11~~[section] 10-5~~ of this chapter or  
130 | classification as a Level 2 or Level 3 sex offender;

## ORDINANCE

- 131 (5) Conducting the business of soliciting or peddling in an unlawful manner or in  
132 such a manner as to constitute a breach of the peace, or to constitute a menace to  
133 health, safety, or the general welfare of the public; and
- 134 (6) High-pressure tactics, harassment, or a refusal to accept a refusal as an answer,  
135 when verified in writing.
- 136 D. If a license is suspended under the provisions of this section, notice of a hearing with  
137 regard to the same shall be given forthwith in accordance with the following  
138 subsections:
- 139 (1) Notice of hearing for revocation or suspension of a license shall be given in  
140 writing, setting forth specifically the grounds of the complaint and a time and  
141 place of the hearing.
- 142 (2) Such notice shall be hand delivered to the licensee or forwarded by certified  
143 mail to the licensee at his or her last known address at least five days prior to the  
144 hearing date.
- 145 E. The liability for any fine instituted in accordance herewith shall be joint and several  
146 between the individual and any other individual or entity on whose behalf the  
147 solicitation is being conducted.
- 148 F. Pursuant to M.G.L. c. 40, § 21D, in lieu of a criminal disposition of any violation of  
149 this Ordinance, the City of Gardner, by and through its Police Department, may give  
150 to any offender a notice to appear before the Clerk of the Gardner District Court not  
151 later than 21-days after the date of the notice to appear.

152 | **§See. 428-16. - Expiration of license.**

153

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

156 | **§See. 428-17. - Appeals.**

157 Any person or organization who is denied a license or whose license has been  
158 revoked may appeal by filing a written notice of appeal with the City of Gardner Police

# ORDINANCE

159 Chief or his or her designee. Such appeal must be filed within five days after receipt of  
160 the notice or denial or revocation. Within five business days, the Chief or his or her  
161 designee shall hear the appeal; provided, however, that if the Chief or his or her designee  
162 fails to make a determination within thirty days after the filing of the appeal, the license  
163 shall be deemed granted or reinstated, as the case may be.

164 **§Sec. 428-18. - Severability.**

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

170

171 **Section 2. Section 428-4 of the Code of the City of Gardner is amended by deleting**  
172 **subsection B in its entirety and replacing it to read as follows:**

173

174 **B. Licensed Hawkers and Peddlers may operate within 1000' of a park or**  
175 **playground on any day of the week upon written approval of the Director of Public**  
176 **Works, if the Director deems that public interest and/or convenience will be served.**

177

178 **Section 3. This Ordinance shall become effective upon passage and publication as**  
179 **required by law.**

**Comment [ALA1]:** Separate Amendment to  
Chapter 428 proposed by Public Works Director  
(May 23, 2016 Safety Committee Agenda Item IV)

9628

**Alan Agnelli**

---

**From:** Alan Agnelli  
**Sent:** Friday, May 13, 2016 7:51 AM  
**To:** Councillor Hardern; Councillor Tassone; Councillor Vance; Councillor Walsh  
**Subject:** FW: Hawkers and Peddlers in Parks  
**Attachments:** Code 428 Hawkers and Peddlers within 1000 feet 2016.docx

|                  |                    |                              |
|------------------|--------------------|------------------------------|
| <b>Tracking:</b> | <b>Recipient</b>   | <b>Delivery</b>              |
|                  | Councillor Hardern |                              |
|                  | Councillor Tassone |                              |
|                  | Councillor Vance   |                              |
|                  | Councillor Walsh   | Delivered: 5/13/2016 7:51 AM |

Chairman Tassone and Councillors Hardern and Vance:

DPW Director Dane Arnold sent this to me yesterday. Perhaps the Committee could address it when it deliberates on the two proposed Ordinances, Item #9628 and #9629, which appear for the first time on Monday's Council Calendar.

Regards,

Alan

---

**From:** Dane Arnold  
**Sent:** Thursday, May 12, 2016 11:44 AM  
**To:** Mayor  
**Cc:** Alan Agnelli; Jennifer Susen-Roy; Police Chief  
**Subject:** Hawkers and Peddlers in Parks

Unless anyone wants or needs to change anything in this Code change, Its ready to go. Alan can attach this change with the current changes proposed to the Hawkers and Peddlers Code.

I don't want to step on anyone's toes and I also want to be sure the Hawkers and Peddlers are properly licensed and inspected. SO by all means, please comment if necessary before it goes to printing.

Thank you

**Dane E. Arnold, Director**  
**Department of Public Works**

416 West Broadway  
Gardner, MA 01440  
Phone: 978-632-7661  
Fax: 978-630-4029  
[darnold@gardner-ma.gov](mailto:darnold@gardner-ma.gov)

**Delete:**

**§ 428-4. Operation near schools, playgrounds and parks restricted. [Amended 8-7-1978 by Ord. No. 665, 9-4-1979 by Ord. No. 700; 6-16-1980 by Ord. No. 728]**

- B. The City Council, by a majority vote, or the Police Department, upon recommendation of the Director of Public Works, in its discretion, may waive the one-thousand-foot requirement for hawkers and peddlers relative to parks and playgrounds if it is deemed that public interest and/or convenience will be served. [Amended 11-18-2013 by Ord. No. 1563]

**Insert:**

- B. Licensed Hawkers and Peddlers may operate within 1000' of a Park or Playground and on Holidays and Sundays, upon written approval from the Director of Public Works if it is deemed that public interest and/or convenience will be served.

9628

**Alan Agnelli**

---

**From:** John Bernard  
**Sent:** Tuesday, April 26, 2016 1:15 PM  
**To:** Alan Agnelli; Paul Tassone; Councillor M Vance; Councillor K Hardern  
**Cc:** John Flick; Police Chief; John Bernard; Cheryl Blodgett; Mayor  
**Subject:** FW: Gardner Ordinance - Solicitors.docx  
**Attachments:** Gardner Ordinance - Solicitors.docx

Alan,

Attached above is a new ordinance drafted by Attorney John Flick. I respectfully request this draft be forwarded to the Public Safety Committee for review, and with their approval, sent to the City Council for consideration. I worked with Attorney Flick for an extensive period of time on this ordinance.

Some background on the need for this updated ordinance is due to the limited version we now operate under. Briefly, the department has seen a dramatic increase in "door to door" solicitation over the past couple years. The biggest uptick being from the Solar Power and energy companies soliciting. Our current regulations are limited in dealing with the numerous complaints we receive from our community. Many of these companies employ pressure tactics, operate in late evening hours that frighten our elderly. Applicants have found to have people with extensive criminal backgrounds. This new draft will help protect our community, keep solicitor's compliant in our rules, and allow any necessary enforcement to remove them if needed. I will make myself available through the process of enacting this ordinance for any further questions.

Regards,  
John

***Deputy Chief John A. Bernard  
Gardner Police Department  
200 Main Street.  
Gardner, Ma 01440  
978-630-1379***

---

**From:** John Flick [<mailto:jflick@flicklawgroup.com>]  
**Sent:** Monday, April 25, 2016 3:30 PM  
**To:** John Bernard  
**Subject:** Gardner Ordinance - Solicitors.docx

John,

Please review. I think this contains everything we need.

John

John M. Flick, Esq.  
Flick Law Group PC  
144 Central Street, Suite 201  
Gardner, MA 01440  
978-632-7948, Ext. 301 Voice  
978-630-3703 Fax  
978-273-6326 Cell  
[www.flicklawgroup.com](http://www.flicklawgroup.com)

.....  
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**CHAPTER 429 (Proposed)**  
**DOOR TO DOOR SOLICITORS**

§ 429-1. Purpose.

§ 429-2. Definitions.

§ 429-3. License required.

§ 429-4. Application and fee.

§ 429-5. Investigation and issuance of license.

§ 429-6. Identification card.

§ 429-7. Solicitation hours.

§ 429-8. Records.

§ 429-9. Enforcement and penalties.

§ 429-10. Expiration of license.

§ 429-11. Appeals.

§ 429-12. Severability.

§ 429-13. Sale or use of certain amusement products prohibited in public areas.

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

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

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

A door to door solicitor or solicitor as used herein is defined as any individual, whether a resident of the City of Gardner or not, traveling either by foot, motor vehicle, or any other type of conveyance, from place to place, house to house, taking or attempting to take orders for sale of goods, wares, merchandise, personal property of any nature for immediate or future delivery, or for services or utilities to be furnished or performed immediately or in the future on behalf of

themselves or another person or business and whether or not he or she collects advance payments on such sales.

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

It shall be unlawful for any solicitor as defined in §429-2 of this chapter to engage in such business in the City of Gardner without first obtaining a license in compliance with the provisions of this chapter. Such license shall be obtained from the chief of police, and upon payment of a one hundred dollar (\$100.00) license fee. This requirement shall not apply to any door to door solicitation of newspapers, religious publications, ice, flowering plants and flowers, and wild fruits, nuts and berries. This requirement shall further not apply to an individual licensed by the Commonwealth pursuant to M.G.L. c. 101, § 22 and conducting sales in accordance with said license, provided that such licensees shall be subject to § 429-7 and § 429-9 of this chapter and any other applicable city ordinance or regulation.

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

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

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

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

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

1. Name, physical description, and date of birth;
2. Social Security number of the applicant;
3. Permanent home address as well as full local address for the applicant;
4. A brief description of the nature of the business and/or goods to be sold;

5. If employed, name and address of employer, including credentials which establish the exact relationship;
6. The length of time for which the license is desired (not to exceed ninety days);
7. Names of manufacturer, of source of merchandise, and proposed method of delivery;
8. Two photographs of the applicant, taken within the past sixty days prior to filing of the application, showing only the head and shoulders of the applicant in a clear and distinguishing manner;
9. A statement as to whether or not the applicant has been convicted of any crime listed in § 429-5 of the chapter or is a level 2 or level 3 sex offender required to register with the Sex Offenders Registry Board.

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

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

B. The police chief or his designee shall refuse to issue a license to any organization or individual whose license has been revoked for violation of this chapter within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over two hundred fifty dollars, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The police chief shall also refuse to grant a license to a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as level 2 or level 3 sex offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

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

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

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

A properly licensed solicitor shall check in with the Gardner Police Department on each day during which he or she seeks to solicit to provide the geographic area of the city in which the

solicitation will take place. On such days, the solicitor may only solicit between the following hours:

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

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

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

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

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

- A. Whoever continues to solicit in the city in willful violation of this chapter, by continuing to solicit after being informed by a police officer to cease and desist, may be arrested without a warrant by a police officer in accordance with the provisions of M.G.L. c. 272, § 59, and subject to a fine of three times the application up not to exceed three hundred dollars for each violation.
- B. Notwithstanding the above licensing procedures, no licensee may enter private property after being forbidden to do so either directly by the person in charge of the property or by a conspicuously posted notice of "No Trespassing" or "No Soliciting." Such trespass violations are controlled by M.G.L. c. 266, § 120, which authorizes the arrest (without a warrant) of a person found committing such a trespass in the presence of a police officer.
- C. After investigation by a police officer, licenses issued under the provisions of this chapter may be revoked by the chief of police or his designee after notice and hearing; provided, however, that a license may be suspended immediately, without notice and a hearing, if the public safety or welfare so requires, for any of the following causes:
- (1) Fraud, misrepresentation, or false statement contained in the license application;
  - (2) Fraud, misrepresentation, or false statements made in the course of carrying on the business of solicitation;
  - (3) Any violation of this chapter;
  - (4) Conviction of any crime listed in [section] 10-5 of this chapter or classification as a Level 2 or Level 3 sex offender;
  - (5) Conducting the business of soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to health, safety, or the general welfare of the public; and
  - (6) High-pressure tactics, harassment, or a refusal to accept a refusal as an answer, when verified in writing.
- D. If a license is suspended under the provisions of this section, notice of a hearing with regard to the same shall be given forthwith in accordance with the following subsections:

- (1) Notice of hearing for revocation or suspension of a license shall be given in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing.
  - (2) Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date.
- E. The liability for any fine instituted in accordance herewith shall be joint and several between the individual and any other individual or entity on whose behalf the solicitation is being conducted.
- F. Pursuant to M.G.L. c. 40, § 21D, in lieu of a criminal disposition of any violation of this Ordinance, the City of Gardner, by and through its Police Department, may give to any offender a notice to appear before the Clerk of the Gardner District Court not later than 21-days after the date of the notice to appear.

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

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

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

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

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

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

# 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>24 Connors Street easterly for a distance<br>25 of 115 feet (10 parking spaces), in<br>26 front of the police station for police<br>27 cruiser and official business only. |
| 28<br>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)

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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

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.



6. **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.

7. **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.
8. Motion to adjourn: Motion by Dane, 2<sup>nd</sup> by Trevor to adjourn at; 2:15Pm.

Respectfully submitted:

John A. Bernard  
Deputy Chief



## 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

9588

# City of Gardner, *Executive Department*



Mark Hawke, Mayor

RECEIVED

2016 JUN -2 A 9:09

CITY CLERKS OFFICE  
GARDNER, MA

June 1, 2016

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

RE: Council Item #9588, Right of First Refusal, Pultorak Property

Dear President Walsh and Councilors,

I write to inform you that the City will not be seeking to exercise its Right of First Refusal for Council Item #9588 for the following reasons:

1. Based upon the recommendations of the Planning Board and the Conservation Commission, the Bailey Brook (Alisaukas) property is a higher priority for acquisition.
2. The Bailey Brook (Alisaukas) property contains substantially more environmentally sensitive areas than the Pultorak property.
3. Only approximately one (1) acre of the roughly one-hundred (100) acres of the Pultorak property actually falls within watershed land.
4. The Bailey Brook (Alisaukas) property has already received the Landscape Partnership grant award which contains an approximate 80-20 funding split reducing the City's cost to approximately \$66,00-\$75,000.
5. The Pultorak properties Right of First Refusal price is \$375,000 while the appraised value of the property was only \$270,000.
6. Any possibility of reimbursement for acquisition of the Pultorak property would be speculative and only amount to 70% of the appraised value, not the acquisition cost.

It is for these reasons, and more, that we will not be seeking to exercise our Right of First Refusal on this property.

Respectfully,

Mark Hawke  
Mayor, City of Gardner

# ORDINANCE

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

4

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

6

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

9 A. Purpose

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

16 B. Scope of Authority

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

# ORDINANCE

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

## 34 C. Designation of Mill Street Corridor Development Overlay District

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

## 39 D. Additional Uses

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

# ORDINANCE

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54 E. Dimensional Requirements

55 1. Any new structure, substantial improvement or alternative to an existing structure involving  
56 more than 50 percent of that structure's gross floor area shall be subject to the following:

- 57 a. Minimum lot size: 60,000 square feet  
58 b. Minimum frontage: none  
59 c. Front yard setback: none  
60 d. Side yard setback: 10 feet; or none if abuts commercial or industrial use  
61 e. Rear yard setback: 20 feet; or 40 feet if abuts residential zone  
62 f. Maximum building height: 5 stories or 60 feet  
63 g. Maximum building coverage including accessory buildings 65%

64  
65 2. Improvements or alterations to an existing structure involving less than 50 percent of that  
66 structure's gross floor area shall not be subject to dimensional requirements, except that the  
67 minimum lot size shall not be less than 60,000 square feet and the structure shall not expand  
68 in terms of percentage of lot coverage, and side and rear setbacks shall be met.

69  
70 F. Design and Preservation Standards

71  
72 1. The provisions of § 675-750, Schedule of Parking Uses; loading areas shall apply unless  
73 superseded by the following standards.

74  
75 Parking Requirements MSCDOD:

| 76 Use                             | Parking Spaces Required                      |
|------------------------------------|----------------------------------------------|
| 77 Retail Store                    | 1 space per 250 square feet gross floor area |
| 78 Business or professional office | 1 space per 300 square feet gross floor area |

81

# ORDINANCE

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|    |                                                |                                               |
|----|------------------------------------------------|-----------------------------------------------|
| 82 | Restaurant, lodge or club, or other place of   | 1 space per 4 seats plus 1 space per          |
| 83 | assembly                                       | employee, or 1 space per 75 square feet of    |
| 84 |                                                | assembly area                                 |
| 85 |                                                |                                               |
| 86 | Library, museum, art gallery, civic center, or | 2 spaces per 1,000 square feet gross floor    |
| 87 | Recreational facilities                        | area                                          |
| 88 |                                                |                                               |
| 89 | Outdoor recreation                             | 1 space per 1,000 square feet of recreational |
| 90 |                                                | land area                                     |

91  
92  
93  
94  
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## 2. Parking Lot Design

- a. The provisions of § 675-770, Design requirements for parking lots, facilities, and drive-throughs shall apply unless superseded by the following standards.
- b. Sidewalks and pedestrian paths shall connect the lots to the principal uses they will serve. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from public access routes and parking areas. Car stops shall be provided to prevent parked cars from damaging trees and shrubs or disrupting pedestrian walkways.
- c. The Planning Board may modify the above requirements for any interior landscaped areas or islands that serve as vegetated swales or bioretention cells.

## 3. Lighting and utilities.

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

# ORDINANCE

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

# ORDINANCE

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

142  
143 d. Bicycle parking facilities shall be located in a clearly designated safe and convenient  
144 location. Whenever possible, the bicycle parking shall be placed within 50 feet of  
145 building entrances and in well-lit areas.

146

147 7. Landscaping and screening.

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

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

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

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

# ORDINANCE

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

171

172 8. Architectural standards.

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

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

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

186

187 **Section 2. This Ordinance shall become effective upon passage and publication as required by**  
188 **law. Any claims of invalidity by reason of any defect in the procedure of adoption may only**  
189 **be made ninety days after the posting or the second publication.**

CITY OF GARDNER  
MAY 20, 2016  
FIRST PRINTING

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO add a new subsection 675-590. mill street corridor development overlay district.

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

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

**A. Purpose**

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

**B. Scope of Authority**

1. The Mill Street Corridor Development Overlay District (MSCDOD) shall only be applied over all parcels that are included in the Mill Street Corridor Urban Renewal Area.
2. Any use permitted by right or Special Permit in the underlying districts, as provided for by this Ordinance, shall continue to be permitted in addition to all other uses permitted by the MSCDOD.
3. Site plan review. All developments proposed for MSCDOD shall undergo site plan review in accordance with § 675-1020. Site Plan Review, shall apply to any new structure or group of structures under the same ownership on the same or contiguous lots that consist of 2,500 square feet or more of gross floor area; or any improvement, alteration, or change in use which results in an increase of 2,500 square feet or more of gross floor area.
4. Waivers. The Planning Board may modify or waive any requirement of the overlay district upon finding that, due to topography, location, or unusual conditions affecting the property, the requirements of this section would unreasonably restrict development of the property. In modifying or waiving these provisions, the Planning Board may impose conditions it deems necessary to protect the public interest and promote the orderly development of the corridor.

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

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

**D. Additional Uses**

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

**E. Dimensional Requirements**

1. Any new structure, substantial improvement or alternative to an existing structure involving more than 50 percent of that structure's gross floor area shall be subject to the following:
  - a. Minimum lot size: 60,000 square feet
  - b. Minimum frontage: none
  - c. Front yard setback: none
  - d. Side yard setback: 10 feet; or none if abuts commercial or industrial use
  - e. Rear yard setback: 20 feet; or 40 feet if abuts residential zone
  - f. Maximum building height: 5 stories or 60 feet
  - g. Maximum building coverage including accessory buildings 65%
2. Improvements or alterations to an existing structure involving less 50 percent of that structure's gross floor area shall not be subject to dimensional requirements, except that the minimum lot size shall not be less than 60,000 square feet and the structure shall not expand in terms of percentage of lot coverage, and side and rear setbacks shall be met.

**E. Design and Preservation Standards**

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

**Parking Requirements MSCDOD:**

| Use          | Parking Spaces Required     |
|--------------|-----------------------------|
| Retail Store | 1 space per 250 square feet |

|                                                                             |                                                                                               |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| gross floor area                                                            |                                                                                               |
| Business or professional office                                             | 1 space per 300 square feet gross floor area                                                  |
| Restaurant, lodge or club, or other place of assembly                       | 1 space per 4 seats plus 1 space per employee, or 1 space per 75 square feet of assembly area |
| Library, museum, art gallery, civic center, or Recreational facilities area | 2 spaces per 1,000 square feet gross floor                                                    |
| Outdoor recreation                                                          | 1 space per 1,000 square feet of recreational land area                                       |

**2. Parking Lot Design**

- a. The provisions of § 675-770, Design requirements for parking lots, facilities, and drive-throughs shall apply unless superseded by the following standards.
- b. Sidewalks and pedestrian paths shall connect the lots to the principal uses they will serve. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from public access routes and parking areas. Car stops shall be provided to prevent parked cars from damaging trees and shrubs or disrupting pedestrian walkways.
- c. The Planning Board may modify the above requirements for any interior landscaped areas or islands that serve as vegetated swales or bioretention cells.

**3. Lighting and utilities.**

- a. All lighting shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property. Lighting shall comply with § 675-770B, Lighting and landscaping requirements, Subsection B(4), and § 675-1020F, development impact standards.
- b. All lights and illuminated signs shall be designed to prevent objectionable light and glare from crossing property lines. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward.
- c. All electric, telephone, television and other communication lines, both main and service connections, shall be provided by underground wiring.

**4. Complete Streets - Whenever a development within the MSCDOD fronts a public way, Complete Streets design principles consistent with the Timpany Boulevard Complete Streets Study, dated June 2015, shall be incorporated into the design.**

**5. Projects shall take into consideration the preservation of sensitive natural features including streams and water bodies. Development shall preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize alteration of natural features. If appropriate walking and hiking trails should be incorporated into the development to enhance walkability within the development.**

**6. Bicycle accommodation.**

- a. Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy of any building that results in the need for additional vehicular parking facilities. One bicycle space shall be provided for every 10 vehicle parking spaces, up to a maximum of 25 spaces.
- b. Parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which the user may lock a bicycle.
- c. Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- d. Bicycle parking facilities shall be located in a clearly designated safe and convenient location. Whenever possible, the bicycle parking shall be placed within 50 feet of building entrances and in well-lit areas.

**7. Landscaping and screening.**

- a. A registered landscape architect shall prepare a landscape plan drawn to scale, including dimensions and distances. The plan shall delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials and tree cover.
- b. Loading areas and service facilities (dumpsters, storage areas, utility boxes, etc.) shall be placed to the rear of buildings in visually unobtrusive locations. Screening and landscaping shall prevent direct views of such areas from adjacent properties or from public ways. Screening shall be achieved through walls, fences, landscaped berms, evergreen plantings, or combinations thereof. Fences made of wood, stone, or brick are preferred.
- c. Heating, ventilating and air-conditioning (HVAC) units, telephone boxes, electrical transformers, etc., shall be screened through use of landscaping, berms, or fences and shall be as unobtrusive as possible. Heating, ventilating and air-conditioning (HVAC) units may be located behind roof ridgelines so they are not visible from the front view of the building.
- d. When a proposed development abuts a residential district, whether presently developed or not, landscaped buffers shall be employed to shield the residential property from view of the proposed development and to minimize lighting and noise impacts. Such a buffer shall contain a screen of plantings not less than three feet in width and six feet in height at the time of planting and shall thereafter be maintained by the owner or occupant so as to provide a dense screen year round. At least 50% of the plants shall con-

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

**8. Architectural standards.**

- a. The site plan application shall contain elevations of all proposed buildings, prepared by a licensed architect.
- b. Exterior materials for the front façade and any sides of buildings fronting on public streets may include clapboard, wood shingles, stone, brick, textured or coated concrete block, textured or coated precast concrete, or materials of comparable appearance as approved by the Planning Board. Applicants are encouraged to use green building technologies and materials, wherever possible, to limit environmental impacts.
- c. Architectural focal points. In any development with 10,000 square feet or more of retail use, the principal building on a lot shall have clearly defined, highly visible customer entrances featuring at least two of the following: canopies or porticos; overhangs; recesses/projections; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; display windows; and planters or wing walls that incorporate landscaped areas and/or places for sitting.

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

may20-1t

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>GRA<br>CDBG<br>Total | \$60,825.00<br>\$20,556.00<br>\$4,283.00 |             |            |
|                                                      |       | Compensation                 | \$85,664.00                              | \$1,647.38  |            |
| Director of Local Origination & Educational Planning | G-6   | \$57,846.66                  | \$1,112.44                               |             |            |
| Director of Public Health                            | G-10  | \$75,027.41                  | \$1,442.83                               |             |            |
| Fire Chief                                           | G-13  | \$85,009.00                  | \$1,634.79                               | \$87,487.00 | \$1,682.44 |
| Golf Course Driving Range/Superintendent             | G-9   | \$70,740.67                  | \$1,360.40                               |             |            |
| Human Resources Director                             | G-11  | \$77,645.00                  | \$1,493.17                               | \$80,263.00 | \$1,543.52 |
| Information Technology Director                      | G-10  | City<br>School<br>Total      | \$44,304.21<br>\$43,652.68               | \$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        | \$3,198.00  |            |             |            |         |
| Assistant Director of Community Development | G-7   | CDBG        | \$60,754.00 |            |             |            |         |
|                                             |       | Total       | \$63,952.00 | \$1,229.85 |             |            |         |
| Assistant Director of Public Health         | G-5   | \$49,306.40 | \$948.20    |            |             |            |         |
| Assistant Library Director                  | G-6   | \$53,972.18 | \$1,037.93  |            |             |            |         |
| Deputy Chief of Police                      | G-11  | \$77,645.00 | \$1,493.17  |            | \$80,263.00 | \$1,543.52 |         |
|                                             |       | City        | \$46,480.00 |            |             |            |         |
| Economic Development Coordinator            | G-7   | Other       | \$10,520.00 |            |             |            |         |
|                                             |       | Total       | \$57,000.00 | \$1,096.15 |             |            |         |
| GIS Technician                              | G-5   | \$48,231.90 | \$927.54    |            |             |            |         |
| Golf Professional                           | G-6   | \$1,183.67  | Weekly      |            |             |            |         |
| Golf Pro Manager                            | G-6   | \$1,020.00  | Weekly      |            |             |            |         |
| Local Inspector                             | G-6   | \$55,734.85 | \$1,071.82  |            |             |            |         |
| Producer                                    | G-2   | \$43,841.01 | \$843.10    |            |             |            |         |
| Senior Animal Control Officer               | G-2   | \$37,513.70 | \$721.42    |            |             |            |         |
| Systems Manager                             | G-6   | \$58,950.00 | \$1,133.65  |            |             |            |         |
| Electrical Inspector                        | G-6   | \$28.97     |             |            |             |            |         |
| Plumbing Inspector                          | G-6   | \$25.89     | \$27.12     |            |             |            |         |
| Transfer Station Supervisor                 | G-3   | \$20.48     |             |            |             |            |         |
| Conservation Agent                          | G-6   | \$27.29     |             |            |             |            |         |
| Planning Agent                              | G-6   | \$29.37     |             |            |             |            |         |
|                                             |       | Annual      | Monthly     |            |             |            |         |
| Civil Defense Director                      |       | \$8,473.40  | \$706.12    |            |             |            |         |
| Sealer of Weights & Measures                |       | \$8,629.99  | \$719.17    |            |             |            |         |

**C. NON-UNION STAFF POSITIONS**

| Position               | 07/01/15    |          |         | 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

# City of Gardner, *Executive Department*



Mark Hawke, Mayor

May 12, 2016

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

RE: Council Item #9599 Salary Ordinance

Dear President Walsh and Councilors,

In preparing the retro-active pay for the positions affected by the impending salary ordinance changes, a discrepancy/oversight was noticed. In the existing ordinance, single asterisks are marked on four (4) positions; Auditor, City Clerk, Treasurer Collector and Purchasing Agent/Civil Enforcement. The asterisks were included as a means of transparency and denote that additional compensation is received. These asterisks were included in my submittal also.

The amended version before the Council now does not contain asterisks. This makes it unclear as to whether or not the stipends are included as part of the base pay. Further complicating the matter is the fact that the City Clerk is listed as a G-10 with a salary of \$73,644, which is the recommended minimum for a G-10. However, the Purchasing Agent/Civil Enforcement is listed as a G-10 with a salary of \$71,144. The difference between the Purchasing Agent/Civil Enforcement salary and recommended minimum is the amount of the stipend the Civil Enforcement carries, \$2,500.

This also leads to the question of stipends for the Collector Treasurer and City Auditor and whether or not they are included in the stated salary. Since their salaries are currently above the recommended minimum, it is unclear if the stipend is included.

It should also be pointed out that the duties for which these four (4) stipends are paid are also included in each of the positions job descriptions. My recommendation is that the stipends NOT be over and above the base pay.

Prior to sending to second printing, I request that this oversight/ discrepancy be corrected so it is clear as to whether or not the stipends are included as part of the base pay.

Respectfully,

Mark Hawke  
Mayor, City of Gardner