



City of Gardner, Massachusetts

Office of the City Council

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### CALENDAR FOR THE MEETING

of

TUESDAY, SEPTEMBER 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 August 1, 2016 Regular Meeting.

#### VII. PUBLIC HEARINGS

#### VIII. COMMUNICATIONS FROM THE MAYOR

#### APPOINTMENTS

**9680** – A Measure Confirming the Mayor’s Appointment of Philip Morrissey to the Position of Member, Airport Commission, for term expiring September 1, 2017 (*Finance Committee*).

**9681** – A Measure Confirming the Mayor’s Appointment of Kristin Edson-Shouse to the Position of Member, Youth Commission, for term expiring August 10, 2019 (*Finance Committee*).

**9682** – A Measure Confirming the Mayor’s Appointment of Michael McGrath to the Position of Member, Youth Commission, for term expiring August 10, 2019 (*Finance Committee*).

**9683** – A Measure Confirming the Mayor’s Appointment of Edward Gravel to the Position of Member, Youth Commission, for term expiring August 10, 2019 (*Finance Committee*).

**9684** – A Measure Confirming the Mayor’s Appointment of Darlene Morrilly to the Position of Member, Board of Registrars of Voters, for term expiring April 1, 2018 (*Finance Committee*).

**APPOINTMENTS (continued)**

**9685** – A Measure Confirming the Mayor’s Appointment of Laurie Drake to the Position of Election Officer for term expiring September 1, 2017 (*Finance Committee*).

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

**9686** – A Resolution Endorsing the DPW Plan to Upgrade the Dewatering Equipment and Pursuit of a New/Expanded Sludge Landfill (*Public Service Committee and Finance Committee*).

**9687** – A Measure Accepting G.L. Chapter 54, Section 16A, Relative to Absent Election Officer Appointments (*Finance Committee*).

**9688** – An Application by Paul L. Roy for an Amended License to Store 200,000 Gallons of Petroleum Products in Aboveground Storage Tanks at 211 Colony Lane, Gardner (*Public Safety Committee*) (*Public Hearing Required*).

**9689** – Notice of Cancellation of Motor Vehicle Class 2 Dealer Surety Bond Relative to Marco’s Motorsports, 412 Main Street (*Public Safety Committee*).

**X. REPORTS OF STANDING COMMITTEES**

**PUBLIC SAFETY COMMITTEE**

**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*).

**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*).

**9661** – An Order Appropriating \$15,000.00 from Sewer Surplus to Sewer, Dewatering Design (*In City Council and Referred to Committee of the Whole 6/20/2016*).

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

**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.

**REGULAR MEETING OF AUGUST 1, 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, August 1, 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, Marc Morgan, Paul Tassone, and Matthew Vance. Councillor James Johnson 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 Paul Tassone, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to waive reading and to accept the Minutes of the July 5, 2016 Regular Meeting, as printed.

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

**#9672**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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



## REGULAR MEETING OF AUGUST 1, 2016

Cormier, Scott Graves, Karen Hardern, Marc Morgan, Paul Tassone, and Matthew Vance, to confirm the following Election Officer Appointments received from the Mayor:

|                  |                       |         |
|------------------|-----------------------|---------|
| Robert W. Nevard | 61 Bickford Hill Road | Gardner |
| Ruth Anne Nevard | 61 Bickford Hill Road | Gardner |
| Pan Greenwood    | 99 Main Street, #1    | Gardner |

**#9673**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to confirm the following Appointment received from the Mayor:

**KIM LANDRY** to the position of Animal Control Officer for term expiring June 20, 2017.

Worcester, ss.

August 19, 2016

Then personally appeared **KIM LANDRY** and made oath that she would faithfully and impartially perform the duties of Animal Control Officer according to law and the best of her abilities.

Before me,

/s/ Titi Siriphan, Assistant City Clerk

**#9674**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to confirm the following Appointment received from the Mayor:

**CHERYL SLACK** to the position of Animal Control Officer for term expiring June 20, 2017.

Worcester, ss.

August 2, 2016

Then personally appeared **CHERYL SLACK** and made oath that she would faithfully and impartially perform the duties of Animal Control Officer according to law and the best of her abilities.

Before me,

/s/ Titi Siriphan, Assistant City Clerk



REGULAR MEETING OF AUGUST 1, 2016

**#9675**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to confirm the following Appointment received from the Mayor:

**ROBYN INNIS** to the position of Animal Control Officer for term expiring June 20, 2017.

**Worcester, ss.**

**August 3, 2016**

Then personally appeared **ROBYN INNIS** and made oath that she would faithfully and impartially perform the duties of Animal Control Officer according to law and the best of her abilities.

Before me,  
/s/ Titi Siriphan, Assistant City Clerk

**PETITIONS, APPLICATIONS, ETC.**

**#9676**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Order:

STATE PRIMARY ORDER  
SEPTEMBER 8, 2016

VOTED: That meetings of the citizens of this City qualified to vote in the State be held on THURSDAY, THE EIGHTH DAY OF SEPTEMBER, 2016, FROM 7:00 A.M. TO 8:00 P.M. for the purpose of casting their votes in the State Primaries for the candidates of political parties for the following offices:

REPRESENTATIVE IN CONGRESS.....THIRD DISTRICT  
COUNCILLOR.....SEVENTH DISTRICT  
SENATOR IN GENERAL COURT.....WORCESTER & MIDDLESEX DISTRICT  
REPRESENTATIVE IN GENERAL COUR.....SECOND WORCESTER DISTRICT  
SHERIFF.....WORCESTER COUNTY

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

WARD 1, PRECINCT A – Elk’s Home, 31 Park Street  
WARD 1, PRECINCT B – Elk’s Home, 31 Park Street

REGULAR MEETING OF AUGUST 1, 2016

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WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 West Lynde Street  
WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 West Lynde Street  
WARD 3, PRECINCT A – Acadien Social Club, 193 Parker Street  
WARD 3, PRECINCT B – High Rise Community Room, 104 Church Street  
WARD 4, PRECINCT A – Police Headquarters, 200 Main Street  
WARD 4, PRECINCT B – Police Headquarters, 200 Main Street  
WARD 5, PRECINCT A – Knights of Columbus, 110 South Main Street  
WARD 5, PRECINCT B – Knights of Columbus, 110 South Main Street

Presented to Mayor for Approval – August 2, 2016

Approved – August 8, 2016

MARK P. HAWKE, Mayor

**#9677**

On a motion by Councillor Paul Tassone and seconded by Councillor Matthew Vance, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Measure:

VOTED: To restrict traffic on Friday August 5 from 8:00 a.m. to 7:00 p.m. and Saturday, August 6 from 8:00 a.m. to 5:00 p.m. for the Annual Experience Gardner Festival & Sidewalk Sale. During these periods, vehicle traffic shall be prohibited in the following areas:

- Main Street beginning at 46 Main Street (Paramount Café) to 4 Main Street (Priscilla Candy Shop).
- Pleasant Street beginning at 39 Pleasant Street (Suzette's Breakfast & Lunch Shop) to 2 Parker Street.
- West Lynde Street from 4 Main Street (Priscilla Candy Shop) to 10 West Lynde Street (Synergy Hair Salon).
- Parker Street from 29 Parker Street (Bank of America) through the traffic lights at Parker Street and Connors Street to the end of the building at 57-67 Parker Street (Maki Block), both sides of street.
- Parker Street from 60 Parker Street (PYCA Thrift Shop) to 104 Parker Street (The Buffer Zone/Pampering Parlor) at Lafayette Square.

Presented to Mayor for Approval – August 2, 2016

Approved – August 8, 2016

MARK P. HAWKE, Mayor



REGULAR MEETING OF AUGUST 1, 2016

REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

#9629

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

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

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

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

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

|                  |       |                                                                                                      |
|------------------|-------|------------------------------------------------------------------------------------------------------|
| City Hall Avenue | North | Beginning 33 feet from the corner of Connors Street easterly for a distance of 115 feet (10 spaces). |
|------------------|-------|------------------------------------------------------------------------------------------------------|

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

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

| Name of Street   | Side  | Location                                                                                                                                                                                   |
|------------------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City Hall Avenue | North | Beginning 33 feet from the corner of Connors Street easterly for a distance of 115 feet (10 parking spaces), in front of the police station for police cruiser and official business only. |
| City Hall Avenue | South | 151.5 feet from Pleasant Street a distance of 42 feet (4 angle spaces) (police business only).                                                                                             |

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

|                  |       |                                                                                                                               |
|------------------|-------|-------------------------------------------------------------------------------------------------------------------------------|
| City Hall Avenue | South | 130 feet from Pleasant Street, a distance of 63 feet (6 spaces).<br>Vehicles shall not remain in spaces longer than 12 hours. |
|------------------|-------|-------------------------------------------------------------------------------------------------------------------------------|

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

REGULAR MEETING OF AUGUST 1, 2016

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COMMITTEE OF THE WHOLE**#9234**

President Walsh informed the Council that he is awaiting a response from the City Solicitor regarding language that addresses the creation and filling of vacancies, adding that he plans to contact him for a response prior to the next Council meeting. There being no objections, the Committee of the Whole was granted more time.

**#9661**

President Walsh informed the Council that the measure involves the sludge treatment facility. He said that the Mayor recently indicated to him that the money order is moot since it is an appropriation from the prior fiscal year; therefore, the Council could anticipate that the Mayor will seek leave to withdraw the Order and to submit a Resolution concerning the topic and that the Committee of the Whole would meet to address the issue. There being no objections, the Committee of the Whole was granted more time.

NEW BUSINESS

On a motion by Councillor Scott Graves and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, Marc Morgan, Paul Tassone, and Matthew Vance, to consider New Business.

**#9678**

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, Marc Morgan, Paul Tassone\*, and Matthew Vance, to adopt the following Order:

AUTHORIZING THE CITY OF GARDNER  
TO PURCHASE 32 PARKER STREET  
FROM THE GARDNER REDEVELOPMENT AUTHORITY

VOTED: To authorize the Mayor to purchase 32 Parker Street further identified on the City of Gardner Assessor's Map as MAP ID: M22/5/24 for the amount of \$1.00, from the Gardner Redevelopment Authority and upon such terms as the Mayor shall consider proper in accordance with this Vote.

Presented to Mayor for Approval – August 2, 2016

Approved – August 8, 2016

MARK P. HAWKE, Mayor



## REGULAR MEETING OF AUGUST 1, 2016

*\* Councillors Ronald Cormier and Paul Tassone are also members of the Gardner Redevelopment Authority and each has filed a Disclosure of Appearance of Conflict of Interest with the Office of the City Clerk.*

**#9679**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Auditor informed the Committee that the payment to DOR represents an obligation under the Affordable Care Act.

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Measure:

AUTHORIZING PAYMENT OF PRIOR YEAR  
PATIENT CENTER OUTCOMES RESEARCH FEES  
TO THE MASSACHUSETTS DEPARTMENT OF REVENUE

VOTED: To authorize payment of Patient Center Outcomes Research Fees to the Department of Revenue from the Employee Health Benefit Insurance Account for prior years FY2014 and FY2015, as follows:

|              |                           |
|--------------|---------------------------|
| FY2014       | \$ 1,485.00               |
| FY2015       | \$ 1,980.00               |
| <b>TOTAL</b> | <b><u>\$ 3,465.00</u></b> |

Presented to Mayor for Approval – August 2, 2016

Approved – August 8, 2016

MARK P. HAWKE, Mayor

**Commentary**

Councillor Paul Tassone encouraged residents to attend the Annual Experience Gardner Festival & Sidewalk Sale on Friday and Saturday.

Councillor Scott Graves announced that he continues to maintain his law practice in South Gardner, with the same telephone and fax numbers, and e-mail addresses.

Councillor Nathan Boudreau encouraged residents to attend the CAC-sponsored Gardner National Night Out event on Tuesday, August 2 at Monument Park.

Councillor Nathan Boudreau congratulated Councillor Matthew Vance on his recent marriage to Kassandra Norcross.



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**REGULAR MEETING OF AUGUST 1, 2016**

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Councillor James Boone expressed his appreciation to the PACC for its successful fireworks display held on Saturday, July 31.

Councillor Marc Morgan recognized the services of Gardner and Templeton EMS crews that assisted his mother during a recent medical emergency.

Councillor Ronald Cormier recognized Council President James Walsh and his wife, Kim, on the occasion of their 34<sup>th</sup> Wedding Anniversary.

**CLOSING PRAYER**

President Walsh led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau 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, Marc Morgan, Paul Tassone, and Matthew Vance, to adjourn at 7:44 o'clock p.m.

**Accepted by the City Council:**

9680

July 25, 2016

Commonwealth of Massachusetts

RECEIVED

Worcester County

City of Gardner  
2016 JUL 25 A 11: 46

CERTIFICATE OF APPOINTMENT

CITY CLERKS OFFICE  
GARDNER, MA

I appoint Philip Morrissey to the position of Member, Airport Commission, and I certify  
200 Pail Factory Road, Templeton, 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: July 25, 2019

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

Then personally appeared the above named Philip Morrissey and made oath that he/she  
would faithfully and impartially perform the duties of the office of Member, Airport Commission  
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 \_\_\_\_\_

9681

August 10, 2016

# Commonwealth of Massachusetts

RECEIVED

Worcester County

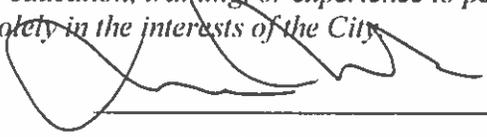
City of Gardner

AUG 10 PM 2 02

## CERTIFICATE OF APPOINTMENT

I appoint Kristin Edson-Shouse to the position of Member, Youth Commission, and I certify  
3 Shore Road, 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



Mayor

Mark P. Hawke

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

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

Alan L. Agnelli

Expires: August 10, 2019

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

Then personally appeared the above named Kristin Edson-Shouse and made oath that  
he/she would faithfully and impartially perform the duties of the office of Member, Youth  
Commission 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 \_\_\_\_\_

9682

August 10, 2016

# Commonwealth of Massachusetts

RECEIVED

Worcester County

City of Gardner

2016 AUG 10 PM 2:02

## CERTIFICATE OF APPOINTMENT

I appoint Michael McGrath to the position of Member, Youth Commission, and I certify

194 Central Street, #310, 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.



Mayor

Mark P. Hawke

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

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

Alan L. Agnelli

Expires: August 10, 2019

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

Then personally appeared the above named Michael McGrath and made oath that he/she would faithfully and impartially perform the duties of the office of Member, Youth Commission 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 \_\_\_\_\_

August 10, 2016

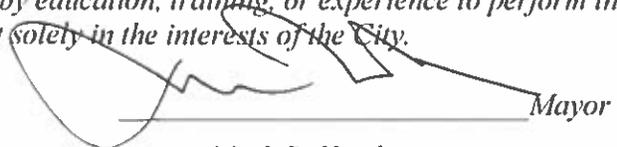
RECEIVED  
**Commonwealth of Massachusetts**

2016 AUG 10 PM 7 01  
**Worcester County**  
CITY CLERK  
GARDNER

**City of Gardner**

**CERTIFICATE OF APPOINTMENT**

I appoint Edward Gravel to the position of Member, Youth Commission, and I certify  
410 West 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.

  
\_\_\_\_\_  
Mayor  
Mark P. Hawke

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

\_\_\_\_\_  
City Clerk  
Alan L. Agnelli

Expires: August 10, 2019

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

Then personally appeared the above named Edward Gravel and made oath that he/she  
would faithfully and impartially perform the duties of the office of Member, Youth Commission  
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 \_\_\_\_\_

9684

August 16, 2016

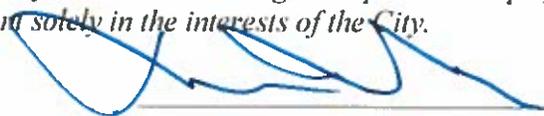
REC  
**Commonwealth of Massachusetts**

2016 AUG 16 AM 11 35  
Worcester County  
CITY CLERK  
GARDNER

*City of Gardner*

**CERTIFICATE OF APPOINTMENT**

I appoint **Darlene Morilly** to the position of **Member, Board of Registrars**, and I certify  
77 Bayberry Drive, 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 \_\_\_\_\_

\_\_\_\_\_  
Alan L. Agnelli  
City Clerk

Expires: April 1, 2018

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

Then personally appeared the above named **Darlene Morrilly** and made oath that he/she  
would faithfully and impartially perform the duties of the office of **Member, Board of Registrars**  
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 \_\_\_\_\_

9685

# City of Gardner, *Executive Department*



Mark Hawke, Mayor

RECEIVED

2016 AUG 22 AM 10 14

CITY CLERK

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

CITY OF GARDNER

I appoint the following person to the position of Election Officer, and I hereby certify that in my opinion she is a person specially fitted by education, training and experience to perform the duties of said office and that I make the appointment solely in the interest of the City.

Mark P. Hawke, Mayor

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

for term expiring September 1, 2017

\_\_\_\_\_  
Alan L. Agnelli, City Clerk

Laurie Drake    61 West Broadway    Gardner

RESOLUTION  
ENDORISING THE DEPARTMENT OF PUBLIC WORKS PLAN  
TO UPGRADE THE DEWATERING EQUIPMENT  
AND PURSUIT OF A NEW/EXPANDED SLUDGE LANDFILL

The City Council of Gardner wishes to endorse the Department of Public Works Plan to upgrade the dewatering equipment and pursue a new/expanded sludge landfill.

The plan will include improving the technology, replacing the pumps, repairing the 30 year old facility, and pursuing a new/expanded sludge landfill. The City has performed a comprehensive study looking at several alternatives for the disposal of the City's sludge. These options included composting, anaerobic digestion, off-site disposal by a private hauler, and upgrading and continuing our current operations.

Based on the evaluations, the most cost effective long term solution was deemed to be upgrading the present dewatering equipment and disposing of the sludge at a City owned sludge landfill.

147 7686 (9661)

# City of Gardner, *Executive Department*



Mark Hawke, Mayor

RECEIVED

2016 AUG 09 AM 9 03

CITY CLERK  
GARDNER

August 9, 2016

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

RE: Leave to Withdraw Council Item #9661

Dear President Walsh and Councilors,

I request Leave to Withdraw Council Item 9661; An Order Appropriating \$15,000 from Sewer Surplus to Sewer, Dewatering Design.

I seek this request as Item 9661 needed to be acted upon before the end of the fiscal year. Since the fiscal year has ended, the funds are no longer available to be appropriated. However, the intent of the Order was to inform the Council, and allow action upon an item, of the City's intent to develop a new Sludge Landfill.

In order to better fulfill this objective, I have submitted a resolution stating the City's intent to pursue a new Sludge Landfill for your endorsement.

Respectfully,

Mark Hawke  
Mayor, City of Gardner

9661

# CITY OF GARDNER

## Department of Public Works

RECEIVED

2016 JUN -7 P 12:41

CITY CLERKS OFFICE  
GARDNER, MA



- Highway
- Water
- Sewer
- Forestry
- Parks/Playgrounds
- Cemeteries

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

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

RE: Dewatering and Sludge Landfill

June 1, 2016

Dear Mayor and City Council:

I am writing you in regards to the on-going upgrade at the Wastewater Treatment Facility (WWTF). The upgrade not only includes improving the technology, replacing pumps, and repairing the 30 year old facility, but also includes determining the most cost effective method to dispose of our sludge for the next 25-30 years.

Over the past year we have completed a comprehensive study and looked into several alternatives for the disposal of the City's sludge. This evaluation was very in-depth and took into consideration future costs, fuel prices, electrical costs, trucking costs, odors, design costs, construction costs, and even contract negotiations with disposal sites, other municipalities, and trucking companies.

Options we considered for disposing of the City's Sludge:

1. Continue to dewater sludge at plant and haul to City Owned Sludge Landfill.
2. Composting Sludge at our Sludge Landfill
3. Anaerobic Digestion
  - a. Another Municipality
  - b. At our WWTF
4. Offsite Disposal by a Private Hauler
  - a. Haul liquid sludge to off-site Landfill
  - b. Haul sludge cake to off-site Landfill
  - c. Haul liquid sludge to an off-site Incinerator

Attached are detailed descriptions and cost analysis of each method.

### DEWATERING

This study also included looking at many technologies to reduce the amount of moisture contained in the sludge. Again, many items were evaluated, such as design costs, construction costs, electrical costs, repair and replacement costs, and ease of operation.

After evaluating different technologies and visiting other facilities, it was determined that a centrifuge would be the best alternative for the dewatering the City's wastewater sludge. A pilot test of a centrifuge was conducted in August of 2015; which is basically a large cylinder that spins and uses centripetal force to dry the sludge and great results were achieved.

The importance for the correct dewatering technology is very important for several reasons. The dryer the sludge that can be achieved, the less amendment (sand) has to be added to aid in "working" the material at the landfill. Also, the dryer the sludge, the less odors are generated during the hauling and covering process at the landfill. For every cubic yard of sand we save, its money not spent. Over 25 years, this could add up to be millions of dollars. Also, for every cubic yard of amendment we don't use, is a cubic yard we can extend the capacity of the sludge landfill in the future. In other words if we can generate a sludge that uses 30% less additive, we will extend the life of our landfill by 30%.

We have determined that replacing the old Belt Filter Presses that exist at the WWTF with Centrifuges for the dewatering process and hauling the dewatered sludge cake to the City's Sludge Landfill is the most cost effective and best alternative for the disposal of the City's sludge.

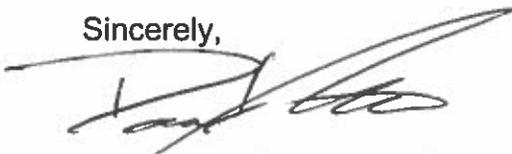
#### **LANDFILL**

**The decision to move forward with the design and construction of Centrifuges would ultimately mean the expansion of the Sludge Landfill located off West Street.** The cost of expanding the Sludge Landfill was factored into the cost analysis of our recommended alternative. Even with the nearly million dollar construction costs of the sludge landfill factored into the annual costs, we still found it almost half the cost compared to hauling the sludge out of town. Supporting documentation is enclosed.

Currently the Sludge Landfill has capacity and Suez (formally Earth Tech) is on the hook for sludge disposal until 2018 when their contract expires. The City needs to prepare and submit design plans for a Horizontal Expansion (outward). It is very important to note that DEP has acknowledged the site is already permitted for such expansion. Once we have all design documents approved by DEP, we would be looking to have the expansion of the Landfill completed when Suez's contract expires in 2018.

If you have any questions or would like to discuss this matter as a whole, I would be glad to have a meeting.

Sincerely,



Dane E. Arnold, Director  
Department of Public Works

PC: Bob Hankinson, City Engineering Department  
Matt LaPointe, Suez  
Jen Susan-Roy, Board of Health  
Rob Sims, Maguire  
Kevin Olsen, Wright Pierce



**CDR** | MAGUIRE

February 2, 2016

Mr. Dane E. Arnold  
Director  
Gardner DPW  
416 West Broadway  
Gardner, MA 01440

**Re: Gardner Wastewater Treatment Plant Upgrades  
Sludge Disposal Evaluation**

Dear Dane:

This letter provides a brief overview and summary of recent studies and evaluations that have been conducted to assess long term methods for disposing of the sludge from the City's Wastewater Treatment Plant (WWTP) on Plant Road in Templeton.

#### **EVALUATION BACKGROUND**

The City has conducted a Wastewater Facility Plan for upgrades to the WWTP. One facet of the facility plan evaluations was an assessment of the sludge processing and disposal alternatives for the WWTP.

The Facility Plan evaluated several technologies for dewatering sludge including Inclined Screw Press, Horizontal Screw Press, Rotary Press, Centrifuge and the current technology Belt Filter Press. Major factors considered in the alternative evaluation included capital cost, energy consumption, disposal costs, transportation, additives (sand), sampling and general operation and maintenance.

**Dewater and City Owned Landfill** – This alternative included upgrades to the dewatering process at the WWTP and disposal at the City owned landfill on West Street. Capital costs including dewatering equipment upgrades and expansion costs for the landfill are included.

**Dewater and Haul** – This alternative included modifications to the dewatering methods at the WWTP with private hauling of dewatered sludge for disposal. Although the use of the landfill is eliminated there are increased transportation and volatile disposal costs. Unknown variables exist for the alternative as the private hauler with likely have contract provisions for changes in regulations, fuel costs and the availability of their disposal site.

**Haul Liquid** – This alternative involved no modifications at the WWTP, but did include disposal costs. This alternative is the most volatile due to unknown contractual impacts for changes in regulation, fuel and available space at private disposal locations. Although not a responsibility of the City, because the volume of the sludge has not been reduced through dewatering, there will be an increase in truck traffic at the WWTP.

Based on the information gathered, the present worth cost for the 20-year planning period of the three alternatives is presented in the following table. To obtain the present worth value the annual operating & maintenance costs are amortized and added to the capital costs. For this evaluation we used a 20-year term and the City's current borrowing rate of 3.75%.

| Alternative                             | Dewater & City Owned<br>Landfill Disposal | Dewater & Private<br>Hauler | Haul Liquid              |
|-----------------------------------------|-------------------------------------------|-----------------------------|--------------------------|
| Capital Costs                           | \$4,183,200 <sup>(1)</sup>                | \$3,416,500 <sup>(2)</sup>  | \$0 <sup>(3)</sup>       |
| Annual Operation &<br>Maintenance Costs | \$221,200                                 | \$536,550 <sup>(4)</sup>    | \$897,300 <sup>(4)</sup> |
| Present Worth                           | \$7,435,000                               | \$12,789,000                | \$12,470,000             |

- (1) Includes \$3.4 million for dewatering upgrades and \$0.77 million for expansion costs at the current sludge landfill.
- (2) Includes \$3.4 million for dewatering upgrades
- (3) Does not include an amount for new sludge pumping equipment
- (4) Includes costs for additional sludge sampling

Based on the evaluations, it was determined that the most cost-effective long-term solution for the City's wastewater sludge processing is to upgrade the present dewatering equipment and continue to dispose of dewatered sludge at the City's sludge landfill by expanding the capacity of the landfill.

We are prepared to meet with you to discuss our recommendation. We look forward to continuing the progress on the upgrades.

Very truly yours,

CDR MAGUIRE INC.



Robert P. Sims, PE  
Project Manager

cc: Steve Landry (CDR Maguire)  
Bob Hankinson (Gardner)  
Matt LaPointe (United Water)  
Kevin Olson (Wright-Pierce)

References:

1. Wastewater Treatment Facility Plan for the City of Gardner by Wright-Pierce, November 2015
2. CDR Maguire Landfill Expansion Capacity memorandum, February 2016

## *Memorandum*

**Date:** May 20, 2015  
**To:** Dane Arnold  
**From:** Robert Sims  
**Subject:** Gardner Sludge Disposal - Alternatives Analysis

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### **BACKGROUND**

The City of Gardner currently treats wastewater at a treatment facility located off of Parker Street in the Town of Templeton. The facility discharges into the Otter River. The facility is governed by the USEPA through a NPDES permit (Permit # MA0100994). This permit allows for a design flow of 5.0 million gallons per day of treated effluent to enter the Otter River. The discharge must meet limits of concentration and total loading mandated in the Permit.

As part of this process, sludge is removed during the primary and secondary phases of the treatment process. Once the sludge is removed it is stored in tanks and thickened by gravity. The thickened sludge (approximately 3% solids) is mixed with a polymer which hastens the removal of additional water and the mixture passes through a pair of belt filter presses. This process squeezes the water between two parallel permeable sheets and water is extruded. The extruded water is drained off and returned to the headwater of the plant. The solids content of the sludge is increased to about 22% and it is now referred to as sludge cake.

The cake falls off of the press and is deposited into a dump truck and hauled to the sludge landfill where it is mixed with approximately 3:1 ratio of amendment (sand, dirt and gravel) to further increase the solids content and make the material workable for spreading at the landfill. Once spread, it is covered with a daily cover to reduce odors.

The pressing and hauling currently occurs 4 days a week and 8 trucks of sludge are deposited and worked at the landfill. The average monthly total (as reported in annual reports) is approximately 400 cubic yards per month.

This evaluation is to perform a comparison of three additional alternatives for processing of the sludge. The driving factor in the analysis will be cost, but other factors such as land use and needed infrastructure improvements will be part of the discussion. Although much harder to define, but equally important are the impact of environmental changes and reliance on stable and predictable costs from private waste haulers.

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## ALTERNATIVES

As part of the alternatives analysis we investigated the cost and non-cost impacts for utilizing each alternative. The costs included the cost of land, infrastructure improvements, equipment purchase and operation and maintenance. The non-cost impacts included traffic and odors.

- Continue dewatering and landfilling
- Composting
- Anaerobic Digestion
- Offsite disposal

For the new options we considered the pros and cons of performing the activity at the treatment plant and at the landfill site.

## OPTIONS

Option 1 - Continue dewatering and landfilling. This option is a continuation of the current method of sludge disposal and would require little change. Sludge is thickened and dewatered at the plant and transported to the sludge landfill. Due to size restraints of the existing landfill, the current landfill would have to be expanded. The City currently owns the property for the expansion. In addition, the site has been assessed and approved by the regulatory agencies. This was completed prior to the original construction in the late 1980's.

The costs for this option will include development of the plans for the expansion, replacement of the existing dewatering equipment, site work, installation of a liner, an extension of the existing leachate collection system and mixing material. It is anticipated that a portion (if not all) of the in-situ material can be used for daily cover and final cover material for the closing of the existing landfill.

As stated above, the land has already been set aside for development as a sludge landfill. This was completed as part of the original approval.

Option 2 – Composting. This option would involve gravity thickening and dewatering of the sludge prior to conversion to compost. To convert to compost, the dewatered sludge will be mixed with an amendment (typically wood chips) and stored for decomposition. To facilitate a consistent process and finished product, the mixed piles of sludge and amendment are placed over a pumped air distribution system. The mixture can also be simply turned with mechanical equipment, but utilizing the supplemental air controls the process and ensures complete conversion of the material.

For composting it is best to have the process be performed under cover. This does not have to be an enclosed setting, but protection from rain is key. Simple structures are available to perform this process, but the process needs a place for construction. Besides needing space for the cover, air blowers, piping and wood chips would have to be purchased and stored. It's anticipated that approximately 3 acres of space would be needed for this process. It's expected that this would either occur at the existing treatment plant or at the sludge landfill.

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Each site has its limitation and would require some site work. The existing sand filter beds at the treatment plant were constructed to allow treated water to soak into the ground. This condition is not preferred for composting and would have to be modified with some sort of impenetrable covering, most likely concrete. The landfill site is suitable yet is currently wooded. Some clearing and site development would have to occur. Each option would require that a site specific design be performed.

A key component of the composting option is being able to dispose of the finished product. Testing of the sludge is being performed to determine the quality. Massachusetts environmental regulations (310 CMR 32.00) dictate the limits of the end use of compost based on the concentration of certain components of the sludge.

1. Type I Sludge – Distributed without further DEP approval
2. Type II Sludge – Distributed only with prior DEP approval
3. Type III Sludge – Not for food chain crops and applications are recorded for the property at the Registry of Deeds

The Type of material created greatly dictates the ability to dispose of the finished product. Whereas a Type I sludge can be sold or given to homeowners for lawn and garden supplement without any further input from the regulatory agencies, a Type III compost would have a very limited distribution and it is feasible that a cost would be incurred for final disposal. The Town of Pepperell has a small composting facility that has is a Type I product and the Town is able to dispose of their product through uses by the DPW, homeowners and landscapers. Their sludge meets the DEP requirements.

Additionally, since composting occurs in an open air environment, the generation of odors and other vectors (birds and rats) are a distinct possibility.

Option 3 – Anaerobic Digestion. This process involves utilizing the gravity thickened (but not dewatered) sludge and introducing it into an anaerobic (no oxygen) environment that allows certain bacteria to grow that destroy the pathogens in the sludge. Food waste can also be added to enhance the process. Changes in food waste disposal regulations support the development of these kinds of operations. Depending on the characteristics of the sludge certain amounts of methane are produced that can be used for energy production (and cost recovery). One of the inherent downsides to this operation is that sludge is still produced requiring disposal. Disposal through the open market is possible, but quality limitations determine the approved end use.

The City of Fitchburg has recently begun an investigation to create an energy generation project by utilizing sludge from their in-City treatment plant, in-City paper mill waste, in-City food waste and wastewater sludge from surrounding communities. At a public hearing on March 31, 2015, the consulting engineer for the City held a public forum to present the idea and facilitate a discussion.

The Proposed Fitchburg proposal would generate 1.5 mega-watts of energy and require in addition to the six in-City truckloads of material, the delivery of 24 40-cubic yard dump trucks of wastewater sludge from surrounding communities. When asked why the proposal was for such a large complex and included the necessity for material from outside the community, the engineer stated that it needed to be that big to make the project viable by achieving the appropriate economy of scale. That being, that a smaller project would not be cost effective.

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Fitchburg is in a unique situation because many of the facilities necessary for the process are already built. Their West Treatment plant was recently decommissioned yet some of the existing structures could house some of the needed equipment. This significantly reduces the capital costs. The intent of the Fitchburg facility is to fund the construction and operation through tipping fees and energy credits. If Gardner was to proceed with participating in the Fitchburg process, the existing process of dewatering the thickened sludge could be discontinued. However, a new tanker vehicle would be needed to transport the liquid sludge to Fitchburg. Additional capital would be required for new vehicle and new personnel expenses would be encumbered for the transportation to Fitchburg. Based on current sludge production, it is anticipated that approximately 10 tanker trucks a week would be delivered to Fitchburg.

For new anaerobic digestion facilities in Gardner, new structures would be required including tanks for processing, mixing and storage. Siting the anaerobic digestion process is complicated. It would be most cost-effective to locate it at the treatment plant to reduce the hauling of the liquid to an off-site location (most likely the sludge landfill).

The anticipated mixing ratio of food waste to sludge is estimated to be 1:5. That is you need 1/5 of the amount of food waste for the process. The exact ratio would need to be verified before a detailed analysis could be completed. Based on a study by the Commonwealth, the City of Gardner has 17 viable sources of food waste. These are shown in Table X. As seen in Table X, the 17 establishments in the City generate an estimate 3.31 tons of food waste per day. Based on the estimated ratio and the average production of 13.3 tons per day of sludge, the new anaerobic digestion facility would require 2.9 tons of food waste per day. That amounts to 88% of the food waste generated in the City. This data was taken from the Massachusetts Department of Environmental Protection Website – Food Waste Generation.

Because of the multiple sources of food waste, the collection by the City will require additional staff. Another option is to require the delivery of the food waste. Either way, the City will need a person to either collect the material or oversee the disposal by the generator.

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TABLE 1  
SUMMARY OF FOOD WASTE GENERATORS IN GARDNER

| Source                          | Location        | Amount (Tons/year)      |
|---------------------------------|-----------------|-------------------------|
| Burger King                     | Crawford Street | 39.0                    |
| Legend Rehabilitation           | Eastwood        | 39.4                    |
| Dunkin Donuts                   | Main Street     | 30.0                    |
| D'Angelo's                      | Union Square    | 24.0                    |
| Friendly's                      | Pearson Blvd    | 90.0                    |
| Heywood Hospital                | Green Street    | 83.6                    |
| Heywood Transitional Care       | Green Street    | 6.2                     |
| McDonald's                      | Timpany Blvd    | 45.0                    |
| Mt. Wachusett Community College | Green Street    | 92.5                    |
| Papa Gino's                     | Timpany Blvd    | 21.0                    |
| Peter Ray's Pan                 | Ross Road       | 105.0                   |
| Stop-n-Shop                     | Timpany Blvd    | 165.0                   |
| Stop-n-Shop                     | Timpany Blvd    | 300.0                   |
| Taco Bell                       | Pearson Blvd    | 27.0                    |
| Wachusett Manor                 | Hospital Hill   | 31.5                    |
| Wendy's                         | Pearson Blvd    | 40.5                    |
| Williams Restaurant             | Pearson Blvd    | 67.5                    |
|                                 | TOTAL           | 1207.2 or 3.31 tons/day |

There appears to be available space at the treatment plant for construction. The downside is that the plant is located in the Town of Templeton and the power grid is owned and operated by the Templeton Power Utility that does not have incentive programs for these kinds of arrangements. Not receiving an incentive would reduce the viability of this option.

Siting the anaerobic digestion at the landfill site is possible but would involve developing a portion of the available space, the construction of the infrastructure, and hauling of the liquid to the site. It would however allow for the return of the investment in energy recovery. It's expected that the anaerobic digestion process would return power to the grid as the sanitary landfill currently does.

A major impact to the anaerobic digestion process is the ability to receive consistent quality of material (food waste and sludge). A consistent material will assist in generating a consistent product (energy and waste sludge). To allow for the delivery of consistent amounts of material, it is anticipated that storage facilities will be required for both sludge and food waste.

As with the production of compost, the quality of the sludge will affect the ability to dispose of the treated sludge from the anaerobic digestion process. Testing of the sludge is being performed to determine the quality. Massachusetts environmental regulations (310 CMR 32.00) dictate the limits of the end use of compost based on the concentration of certain components of the sludge.

1. Type I Sludge – Distributed without further DEP approval
2. Type II Sludge – Distributed only with prior DEP approval

3. Type III Sludge – Not for food chain crops and applications are recorded for the property at the Registry of Deeds

The Type of material created greatly dictates the ability to dispose of the finished product. Whereas a Type I sludge can be sold or given to homeowners for lawn and garden supplement, a Type III compost would have a very limited distribution and it's feasible that a cost would be incurred for final disposal.

To date the sludge generated in Gardner has not been sufficiently tested and an expectation of the quality of the end product of the anaerobic digestion process is uncertain.

At this time, based on the contributing issues in Gardner and the downsides from the presentation by Fitchburg, we would not recommend the creation of an anaerobic digestion facility for sludge disposal. However, in light of the recommendation, we have included a cost estimate for this option.

In addition to our evaluation of anaerobic digestion, we have had conversation with solid waste regulator's at the MADEP in Worcester and their opinion is that the logistic of a consistent product, food waste and byproduct render, this not a viable option.

Option 4 – Offsite Disposal. This option involves no action by the City other than contracting with a sludge hauler. There are subcategories for this type of disposal including:

- Hauling of liquid sludge by a hauler to a offsite landfill
- Hauling of sludge cake by a hauler to offsite landfill
- Hauling and incineration of liquid sludge to an offsite incinerator

Each subcategory has inherent costs. Aside from the cost of hauling and disposal, the sludge cake option would require the replacement of the belt filter press while the hauling of liquid sludge would require a retrofit at the treatment plant to accommodate the disposal of liquid sludge which is not currently an option.

These options are all viable, and in some cases moderately cost competitive, there is the unknown impact of changes regulatory environment and unknown contract language impacts from a private hauler. Specific modifications to the planned cost are very difficult to include in the analysis, but pose a significant risk.

## COST

For the cost evaluation we converted the capital and operating costs to an annualized cost. The City of Gardner Sludge Alternative Cost Summary is included at the end of this memorandum as well as a simplified summary for each option. For this evaluation we made the assumptions listed below.

- The term of the borrowing for the evaluation would be 20 years.
  - The interest rate would be 4% (based on current borrowing).
  - We assumed that the plant will not expand and will produce sludge at a consistent rate for the life of the term.
  - We assumed that the gravity thickener produces sludge at a consistency of 3% solids.
  - The belt filter press generates sludge at a rate of 22% solids.
-

- The current landfill accepts approximately 400 cubic yards of material every month (@22% solids). This calculates to approximately 1,500 dry tons per year.
- We assumed that the engineering, permitting and construction oversight for each alternative is 25%.
- To be slightly conservative in our approach and to allow for certain variability, we have also included a 25% contingency.
- For an option involving sludge cake, we assumed that the belt filter press would be replaced
- Operation & Maintenance of equipment is equal to 4% of the capital cost.
- Costs for Hauling liquid sludge, sludge cake and incineration were prorated to increase over the term of the evaluation at 4%.
- Power from anaerobic digestion valued at \$0.15 per Kilo-watt

### TRAFFIC

Another intangible that was not included as part of the cost evaluation is traffic. Currently the landfill option generates about 8 trips per week.

Composting would also include 8 trips per week of sludge cake to the landfill. The increase in traffic for hauling amendment would offset the hauling of amendment for the landfill option. Composting will not increase traffic.

The anaerobic digestion process involves the hauling of a liquid sludge. Since the dewatering reduces the overall volume, the number of truck trip would increase to approximately 10 trips per week of a 9,000 gallon truck.

A private hauler of sludge cake would likely reduce traffic as they would likely use a larger truck to maintain efficiency. A truck twice the size of the one currently used by the city would reduce the truck trips by 50% to approximately 4 a week. However, for hauling liquid sludge (disposal or incineration) would result is the same increase as hauling liquid to Fitchburg (8 to 10).

### ODORS

Odors are a part of sludge handling. Of the options investigated, the landfilling and compost have the highest incident of odor complaints. For anaerobic digestion and private hauling, it is expected that the odors would be limited to the treatment plant. Anaerobic digestion at the landfill site might have some odors, but they would be expected to be less that landfilling or composting.

As part of the vertical expansion of the existing landfill, the operator (United Water) is investigating the odors and is developing a plan for reducing the odors associated with the landfill operations.

### OTHER COSTS

A private hauler will also require that the material meet certain contaminant levels and require additional testing. From our discussion with a private waste hauler, some parameters are annually and

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some are quarterly. The hauler's estimate of additional sampling would be an annual amount of \$15,000 to \$20,000.

### **SUMMARY**

Given the cost comparison and the intrinsic risk of utilizing a private waste hauler, we recommend continuing with the process of dewatering and landfilling of the current sludge generated at the wastewater plant. Given the reasonably close cost analysis it may be beneficial to consider the hauling of sludge cake as a backup alternative.

Both options do require the replacement of the sludge dewatering equipment at the treatment plant and we feel confident that the City can continue with those plans.



**CITY OF GARDNER  
SLUDGE DISPOSAL ANALYSIS  
COSTING OF ALTERNATIVES**

| OPTION | DESCRIPTION                     | ANNUAL<br>COST | Delta      | % inc. | VOLUME<br>(dt/yr) | COST<br>(\$/dt) |
|--------|---------------------------------|----------------|------------|--------|-------------------|-----------------|
| 1      | Landfill                        | \$ 360,960     | \$ -       | 0%     | 1,500             | \$ 240.64       |
| 2      | Compost                         | \$ 626,400     | \$ 265,440 | 74%    | 1,500             | \$ 417.60       |
| 3A     | Anaerobic Digestion - Fitchburg | \$ 623,780     | \$ 262,820 | 73%    | 1,500             | \$ 415.85       |
| 3B     | Anaerobic Digestion - Gardner   | \$ 676,160     | \$ 315,200 | 50%    | 1,500             | \$ 450.77       |
| 4A     | Haul Liquid                     | \$ 937,700     | \$ 576,740 | 160%   | 1,500             | \$ 625.13       |
| 4B     | Haul Sludge                     | \$ 435,600     | \$ 74,640  | 21%    | 1,500             | \$ 290.40       |
| 5      | Haul & Burn                     | \$ 1,237,700   | \$ 876,740 | 243%   | 1,500             | \$ 825.13       |

CITY OF GARDNER SLUDGE ALTERNATIVES

| OPTION 1 - LANDFILL |                     | A/P, 20,4%   |      |          |             |             |
|---------------------|---------------------|--------------|------|----------|-------------|-------------|
|                     |                     | Item         | term | interest | Cost Factor | Annual Cost |
| Capital             | BFP                 | \$ 1,500,000 | 20   | 0.04     | 0.0736      | \$ 110,400  |
|                     | Land @ 150k/acre    | \$ 900,000   | 20   | 0.04     | 0.0736      | \$ 66,240   |
| Subtotal            |                     | \$ 2,400,000 | 20   | 0.04     | 0.0736      | \$ 176,640  |
| Engineering (25%)   |                     | \$ 600,000   | 20   | 0.04     | 0.0736      | \$ 44,160   |
| Contingency (25%)   |                     | \$ 600,000   | 20   | 0.04     | 0.0736      | \$ 44,160   |
|                     |                     | \$ 3,600,000 | 20   | 0.04     | 0.0736      | \$ 264,960  |
| O&M                 | O&M (4% of capital) | \$ 96,000    |      |          |             | \$ 96,000   |
| Annualized cost     |                     |              |      |          |             | \$ 360,960  |

| OPTION 2-COMPOST  |                     | A/P, 20,4%   |      |          |             |             |
|-------------------|---------------------|--------------|------|----------|-------------|-------------|
|                   |                     | Item         | term | interest | Cost Factor | Annual Cost |
| Capital           | BFP                 | \$ 1,500,000 | 20   | 0.04     | 0.0736      | \$ 110,400  |
|                   | Composting Equip    | \$ 500,000   | 20   | 0.04     | 0.0736      | \$ 36,800   |
|                   | Land Development    | \$ 1,500,000 | 20   | 0.04     | 0.0736      | \$ 110,400  |
| Subtotal          |                     | \$ 3,500,000 | 20   | 0.04     | 0.0736      | \$ 257,600  |
| Engineering (25%) |                     | \$ 875,000   | 20   | 0.04     | 0.0736      | \$ 64,400   |
| Contingency (25%) |                     | \$ 875,000   | 20   | 0.04     | 0.0736      | \$ 64,400   |
|                   |                     | \$ 5,250,000 | 20   | 0.04     | 0.0736      | \$ 386,400  |
| O&M               | O&M (4% of capital) | \$ 140,000   |      |          |             | \$ 140,000  |
|                   | Manpower            | \$ 100,000   |      |          |             | \$ 100,000  |
| Annualized cost   |                     |              |      |          |             | \$ 626,400  |

| OPTION 3A ANAEROBIC DIGESTION - FITCHBURG |                     | A/P, 20,4%   |      |          |             |             |
|-------------------------------------------|---------------------|--------------|------|----------|-------------|-------------|
|                                           |                     | Item         | term | interest | Cost Factor | Annual Cost |
| Capital                                   | Tanker              | \$ 200,000   | 20   | 0.04     | 0.0736      | \$ 14,720   |
|                                           | Minor Improvements  | \$ 500,000   | 20   | 0.04     | 0.0736      | \$ 36,800   |
| Subtotal                                  |                     | \$ 700,000   | 20   | 0.04     | 0.0736      | \$ 51,520   |
| Engineering (25%)                         |                     | \$ 175,000   | 20   | 0.04     | 0.0736      | \$ 12,880   |
| Contingency (25%)                         |                     | \$ 175,000   | 20   | 0.04     | 0.0736      | \$ 12,880   |
|                                           |                     | \$ 1,050,000 | 20   | 0.04     | 0.0736      | \$ 77,280   |
| O&M                                       | O&M (4% of capital) | \$ 28,000    |      |          |             | \$ 28,000   |
|                                           | Personnel           | \$ 100,000   |      |          |             | \$ 100,000  |
|                                           | Tipping Fee         | \$ 279       | 1500 |          |             | \$ 418,500  |
| Annualized cost                           |                     |              |      |          |             | \$ 623,780  |

CITY OF GARDNER SLUDGE ALTERNATIVES

| OPTION 3B ANAEROBIC DIGESTION - GARDNER |                                |              |          |             | A/P, 20,4%                 |  |
|-----------------------------------------|--------------------------------|--------------|----------|-------------|----------------------------|--|
|                                         | Item                           | term         | interest | Cost Factor | Annual Cost                |  |
| Capital                                 | Tanker                         | \$ 200,000   | 20       | 0.04        | 0.0736 \$ 14,720           |  |
|                                         | Site Improvement               | \$ 1,875,000 | 20       | 0.04        | 0.0736 \$ 138,000          |  |
|                                         | Land Development               | \$ 450,000   | 20       | 0.04        | 0.0736 \$ 33,120           |  |
|                                         | Subtotal                       | \$ 2,525,000 | 20       | 0.04        | 0.0736 \$ 185,840          |  |
|                                         | Engineering (25%)              | \$ 631,250   | 20       | 0.04        | 0.0736 \$ 46,460           |  |
|                                         | Contingency (25%)              | \$ 631,250   | 20       | 0.04        | 0.0736 \$ 46,460           |  |
|                                         |                                | \$ 3,787,500 | 20       | 0.04        | 0.0736 \$ 278,760          |  |
| O&M                                     | O&M (4% of capital)            | \$ 101,000   |          |             | \$ 101,000                 |  |
|                                         | Personnel                      | \$ 100,000   | 3        |             | \$ 300,000                 |  |
|                                         | Annual Energy Return (23.5 MW) | \$ (3,600)   |          |             | \$ (3,600)                 |  |
|                                         |                                |              |          |             | Annualized cost \$ 676,160 |  |

| OPTION 4A-HAUL LIQUID |                     |            |          |             | A/P, 20,4%                 |  |
|-----------------------|---------------------|------------|----------|-------------|----------------------------|--|
|                       | Item                | term       | interest | Cost Factor | Annual Cost                |  |
| Capital               | Retrofit at Plant   | \$ 500,000 | 20       | 0.04        | 0.0736 \$ 36,800           |  |
|                       | Subtotal            | \$ 500,000 | 20       | 0.04        | 0.0736 \$ 36,800           |  |
|                       | Engineering (25%)   | \$ 125,000 | 20       | 0.04        | 0.0736 \$ 9,200            |  |
|                       | Contingency (25%)   | \$ 125,000 | 20       | 0.04        | 0.0736 \$ 9,200            |  |
|                       |                     | \$ 750,000 | 20       | 0.04        | 0.0736 \$ 55,200           |  |
| O&M                   | Hauling             | \$ 575     | 1500     |             | \$ 862,500                 |  |
|                       | O&M (4% of capital) | \$ 20,000  |          |             | \$ 20,000                  |  |
|                       |                     |            |          |             | Annualized cost \$ 937,700 |  |

| OPTION 4B-HAUL CAKE |                     |              |          |             | A/P, 20,4%                 |  |
|---------------------|---------------------|--------------|----------|-------------|----------------------------|--|
|                     | Item                | term         | interest | Cost Factor | Annual Cost                |  |
| Capital             | BFP                 | \$ 1,500,000 | 20       | 0.04        | 0.0736 \$ 110,400          |  |
|                     | Subtotal            | \$ 1,500,000 | 20       | 0.04        | 0.0736 \$ 110,400          |  |
|                     | Engineering (25%)   | \$ 375,000   | 20       | 0.04        | 0.0736 \$ 27,600           |  |
|                     | Contingency (25%)   | \$ 375,000   | 20       | 0.04        | 0.0736 \$ 27,600           |  |
|                     |                     | \$ 2,250,000 | 20       | 0.04        | 0.0736 \$ 165,600          |  |
| O&M                 | Hauling             | \$ 140       | 1500     |             | \$ 210,000                 |  |
|                     | O&M (4% of capital) | \$ 60,000    |          |             | \$ 60,000                  |  |
|                     |                     |              |          |             | Annualized cost \$ 435,600 |  |

CITY OF GARDNER SLUDGE ALTERNATIVES

| OPTION 5-INCINERATE |                   | A/P, 20,4% |      |          |             |              |
|---------------------|-------------------|------------|------|----------|-------------|--------------|
|                     |                   | Item       | term | interest | Cost Factor | Annual Cost  |
| Capital             | Retrofit at Plant | \$ 500,000 | 20   | 0.04     | 0.0736      | \$ 36,800    |
|                     | Tank Hauler       | \$ -       | 20   | 0.04     | 0.0736      | \$ -         |
|                     | Land Development  | \$ -       | 20   | 0.04     | 0.0736      | \$ -         |
| Subtotal            |                   | \$ 500,000 | 20   | 0.04     | 0.0736      | \$ 36,800    |
| Engineering (25%)   |                   | \$ 125,000 | 20   | 0.04     | 0.0736      | \$ 9,200     |
| Contingency (25%)   |                   | \$ 125,000 | 20   | 0.04     | 0.0736      | \$ 9,200     |
|                     |                   | \$ 750,000 | 20   | 0.04     | 0.0736      | \$ 55,200    |
| O&M                 | O&M (4% Capital)  | \$ 20,000  | 1    |          |             | \$ 20,000    |
|                     | Haul & Burn       | \$ 775     | 1500 |          |             | \$ 1,162,500 |
| Annualized cost     |                   |            |      |          |             | \$ 1,237,700 |



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## Memorandum

**Date:** February 2, 2016

**To:** Dane Arnold, Director (Gardner Water/Sewer Department)

**From:**  Robert Sims (CDR Maguire), Robin Dyer (CDR Maguire)

**Subject:** Landfill Expansion Capacity  
CDR/Maguire, Inc. Project No. 19474.01

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### SLUDGE DISPOSAL BACKGROUND

Since the mid 1980's the City of Gardner has been utilizing the sludge only landfill on West Street for disposal of sludge generated from the wastewater treatment plant (WWTP). The site was permitted to encompass the entire 37 acre parcel taken from multiple parties in 1919. The current landfill footprint only incorporates 11 acres. In addition to the landfill itself, this area includes the existing variable width (14' to 20' wide) perimeter access road and an existing building that houses equipment. Outside of the existing perimeter fence are drainage control including two retention ponds.

The site abuts the former municipal landfill. The former municipal landfill has a gas extraction and energy recovery component. It also has two small buildings, one for equipment and one that houses the sludge landfill leachate pumping station. The former municipal landfill does not have a leachate collection system while the sludge landfill does.

Approximately 400 cy of sludge are generated each month at the WWTP. The sludge is trucked to the site from the WWTP, mixed with amendment, spread and covered daily. The existing sludge landfill is approaching the capacity allowed by its current permit. A new application (WP 44) for vertical expansion of the landfill has been submitted to the Massachusetts Department of Environmental Protection (DEP) and is under review. For more information on the vertical expansion see "Vertical Expansion" below.

The current sludge is historically dewatered to an average solids content of 22%. This information was used to determine an approximate unit weight of the amended sludge to allow for the conversion to tonnage from volume. The sludge is dewatered at the WWTP with the use of two belt filter presses. The current amendment ratio is three (3) parts amendment to one (1) part sludge and yields the design unit weight is 75 pounds per cubic foot.

In addition to the expansion to the landfill, the City of Gardner has enlisted the services of an engineering firm to perform upgrades at the existing WWTP. The first design component is a new headworks facility. In addition to the upgrade of the headworks, the City is also evaluating an upgrade of the sludge processing equipment. The upgrades to the sludge processing equipment will allow for the reduction in the amendment ratio due to attaining a higher solids content in the sludge. The amendment is added to increase the workability; the drier the sludge, the less amendment that is

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required. Currently an amendment (sand) is mixed with the sludge at a 3:1 ratio. Through pilot testing, the new processing equipment is expected to produce a drier sludge (30% solids) and lower the ratio to 2:1. This change will result in significant savings and extend the life of the landfill.

#### **PREVIOUS WORK**

As part of the ongoing management of the landfill, we have reviewed the last few years of the Operations Reports generated by the contract operator (Suez North America) as well as performed a Sludge Recommendation study (2012) to analyze a horizontal expansion. An existing conditions survey was completed by DiPrete Engineering Associates, Inc. in 2012 to assist in the evaluation of the possible vertical expansion of the sludge landfill. CDR/Maguire, Inc. prepared a slope stability analysis in 2012 for the City of Gardner to confirm that the vertical expansion of the landfill was possible. Areas of concern included the area where washouts previously occurred. It was determined that a 3 ft horizontal to 1 ft vertical side slope was acceptable.

#### **VERTICAL EXPANSION**

In November of 2014, United Water submitted a plan for the vertical expansion of the landfill. This was to be a temporary solution until a horizontal expansion could be planned and executed. The vertical expansion would raise the top of the sludge landfill from its current cap elevation of 1020.0 to elevation 1046.0. This additional capacity would add 107,563 cubic yards (CY) which is equivalent to adding approximately six (6) years to the life of the existing landfill with the current 3:1 amendment ratio. The initial survey was completed in August 2012 for the site. The revised buildout elevation would be reached in the year 2018.

#### **WORK PERFORMED TO DATE**

Additional survey of the horizontal expansion area was completed by DiPrete Engineering Associates, Inc. in October and November, 2013. The boring program was completed in November, 2013. Seven 2-inch diameter groundwater monitoring wells were installed at the location of the seven borings. The monitoring wells include a 4-inch diameter steel sleeve and locking cap. The boring locations were staked in the field by DiPrete Engineering Associates, Inc. As drilled location were determined by tape and hand compass from the staked locations. In February, 2014 CDR/Maguire issued a report entitled, "Geotechnical Report Proposed Sludge Landfill Expansion Area Subsurface Characterization." This report covered the findings from the field and laboratory testing for the soils. Also, included were water table adjustments using the method described in "Probable High Ground-Water Levels in Massachusetts", issued by the U.S. Geological Survey in cooperation with the Commonwealth of Massachusetts Department of Environmental Quality Engineering, known as the "Frimpter Method".

#### **HORIZONTAL EXPANSION**

The current 3:1 amendment to sludge cake ratio and a potential 2:1 amendment to sludge ratio have been evaluated in the determination of the life expectancy for the expanded landfill. The decreased ratio is based on the new sludge dewatering process being more efficient than the current one. The current product averages 22% solids. The expectation of the new method is a final product of 30% solids (less water). The higher solids content allows for less amendment to make the product "workable" at the landfill.

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The volume of a proposed horizontal landfill expansion was estimated using the program AutoCAD Civil-3D. This was done utilizing the existing survey information collected by DiPrete Engineering Associates, Inc. and water table information gathered by our geotechnical engineer. This information was input into AutoCAD Civil 3D and representative surfaces were developed. A surface was created which represented the existing groundwater table with the input of water table data from the seven borings, supplemented with engineering assumptions about extrapolating beyond existing data points. Along the edge of the wetlands, a water table with a two foot depth was assumed. The existing site was then graded down to the elevation four feet above the ground water table, utilizing 3:1 side slopes. In areas which were already steeper than 3:1, the existing grading remained and the proposed grades were tied into those areas. No grading was to be done within one hundred feet of the wetlands or fifty (50) from the northeasterly property line. This resulted in the removal of 155,412 CY of existing material. A new surface was then developed with a merger of the existing grades, proposed vertical expansion and the new lowered grading. This was designated as the new existing condition to determine the volume of sludge which the site could accept. The site was then graded up to elevation 1060 and a new surface was developed to represent this condition. The proposed grading was also used to develop surfaces with cap elevations of 1020, 1030, 1040 and 1050. These surfaces were then compared to the new existing surface to determine storage capacities at the various elevations. The table below shows the additional volume as they relate to the elevations.

| Landfill Cap Elevation | Landfill Volume (CY) |
|------------------------|----------------------|
| 1030                   | 367,831              |
| 1030                   | 470,732              |
| 1040                   | 554,633              |
| 1046                   | 594,249              |
| 1050                   | 620,659              |
| 1060                   | 666,142              |

Horizontal expansion would increase the portion of the site utilized for the sludge land fill from 11 acres to approximately 19.5 acres of the 37 acres previously permitted. The proposed layout will maximize the available property. The remaining land is a buffer, wetland or functionally unusable.

#### LANDFILL LIFE

Using the geospatial data, an estimate of the volume of space available within the landfill property was calculated. This volume was divided by the annual volume of material generated annually. Based on this information, we determined the number of years the life of the landfill would be extended for each proposed elevation. This calculation was performed both the 2:1 and 3:1 amendment ratios. We have also included a conservative settlement factor of 30% for the sludge. The following table shows the results of these calculations, assuming the deposit of 400 CY of sludge within the landfill each month.

For the sake of the evaluation, we ran the calculations for a variety of cap elevations. Additional years of capacity can be attained by increasing the cap elevations. However, because of the pyramid shape, the extra elevation does not translate to significantly more volume. For example, the volume increases 15% when raising from 1030 to 1040, but only 7% when raising it from 1050 to 1060.

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For the recommended analysis, we assumed that the cap of the horizontal expansion would match the current planned cap of the vertical expansion (1046.0 feet). Therefore, the new landfill will have a cap elevation of 1046.0 and the life would be 45.8 years at a 2:1 sludge to amendment ratio and 33.4 years for a 3:1 ratio.

| Final Landfill Cap Elevation | Available Volume (cy) | Years at 3:1 (current conditions) | Years at 2:1 (dewater upgrades) |
|------------------------------|-----------------------|-----------------------------------|---------------------------------|
| 1020                         | 367,831               | 20.7 yrs                          | 28.4 yrs                        |
| 1030                         | 470,732               | 26.5 yrs                          | 36.3 yrs                        |
| 1040                         | 554,633               | 31.2 yrs                          | 42.8 yrs                        |
| 1046                         | 594,249               | 33.4 yrs                          | 45.8 yrs                        |
| 1050                         | 620,659               | 34.9 yrs                          | 47.8 yrs                        |
| 1060                         | 666,142               | 37.5 yrs                          | 51.3 yrs                        |

### COSTS

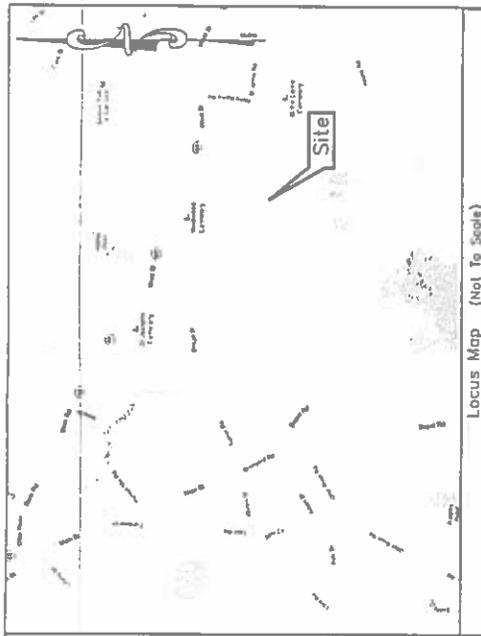
Based on the cost estimate of developing the landfill site at \$150,000 per acre, we estimate that preparing the site to receive sludge will cost \$1,275,000 (\$150,000 for 8.5 acres).

Because the landfill will last longer than the 20-year planning period, we developed an annual cost for the life of the landfill and then amortized the cost of a 20-year period. For example – the \$1.275 million dollars to develop the landfill for the cap elevation of 1046 feet for the proposed conditions would spread over 45.8 years. The amortized cost of the landfill would calculate to be \$55,200 per year.

Calculating the present worth for the 20-year design period would result in a capital cost of the 20-year landfill of \$770,000. For the current amendment conditions (3:1), the same procedure is utilized except the original \$1,275,000 is spread out over 33 years. The resulting 20-year present worth cost would be \$903,000.

### CONCLUSION

The conclusion is based on the horizontal expansion being capped at the same elevation as the current landfill after vertical expansion approval. At a sludge to amendment mix of 2:1, the expanded landfill will have an estimated life of 45.8 years and project an annual cost of \$55,200. If the sludge to amendment ratio remains at 3:1, the life shortens to 33.4 years and the annualized cost increases to \$65,000. The 20-year present worth of the two options is \$770,000 and \$903,000 respectively.



Locus Map (Not To Scale)

**Legend**

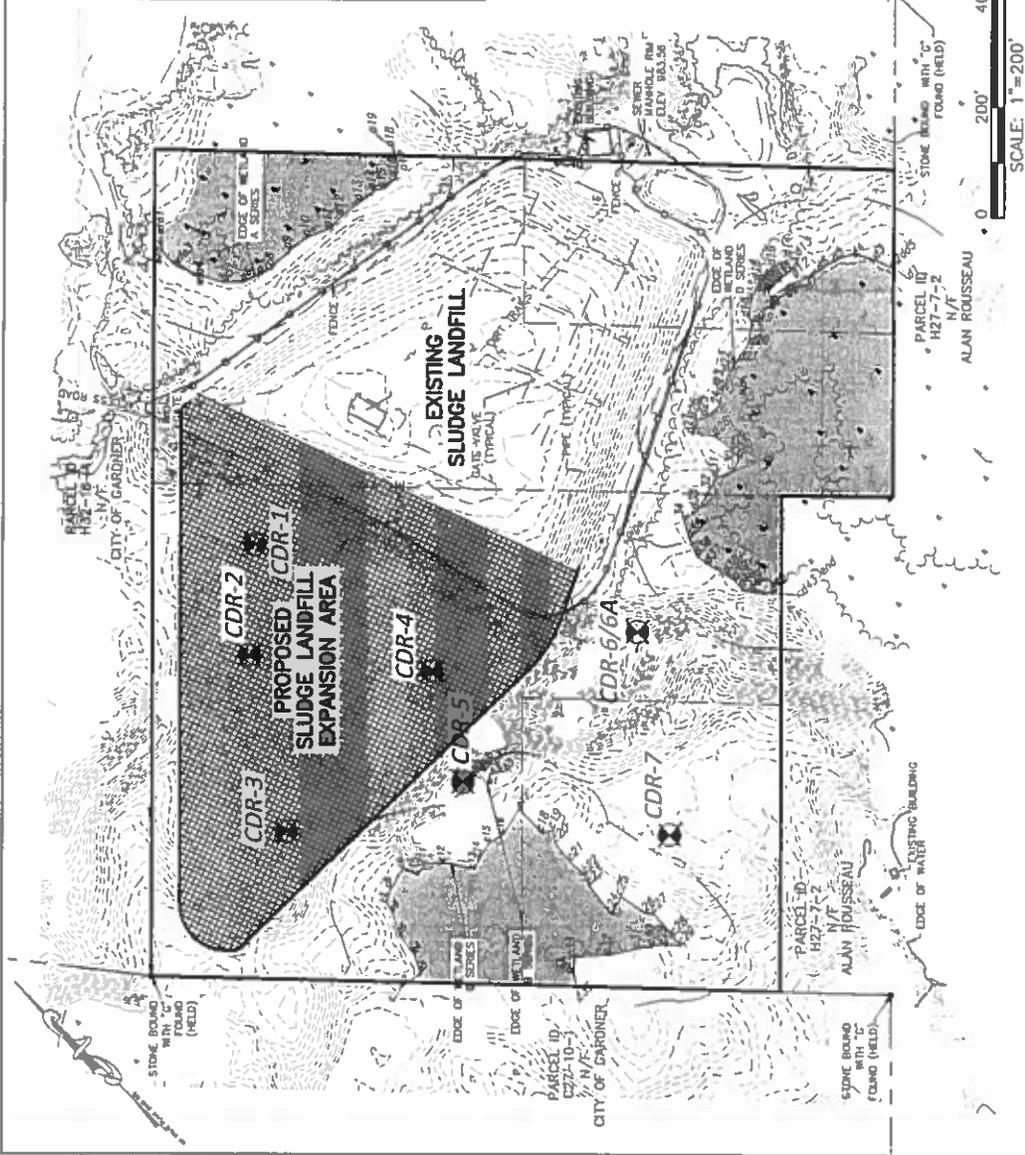
- PROPERTY LINE
- ASSESSORS LINE
- TREELINE
- FENCE
- MINOR CONTOUR LINE
- MAJOR CONTOUR LINE
- 100 FT WETLAND BUFFER
- FLAGGED WETLAND
- WETLAND SYMBOL
- BUILDING

**General Notes**

1. EXISTING CONDITION SURVEY OBTAINED FROM DIPRETE ENGINEERING ASSOCIATES, INC. TWO STAFFORD COURT GRANSTON, RHODE ISLAND 02920.
2. BORINGS PERFORMED BY CDR MAGUIRE, INC.

**Datum Note**

1. ELEVATIONS SHOWN, IN U.S. SURVEY FEET, ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), AS DETERMINED BY DIPRETE ENGINEERING USING REAL TIME KINEMATIC G.P.S. OBSERVATIONS.



|             |           |
|-------------|-----------|
| PROJECT NO. | 1041118   |
| DATE        | 08/20/15  |
| BY          | JMP/PC    |
| SCALE       | 1" = 200' |
| DATE        | 08/20/15  |
| SCALE       | 1" = 200' |
| DATE        | 08/20/15  |
| SCALE       | 1" = 200' |

**CDR**  
 CDR/Maguire, Inc.  
 275 Chatham Street, Suite 200  
 Providence, Rhode Island 02903  
 401-421-2000  
 www.cdrmaguire.com

THIS LINE IS ONE INCH  
 FULL SCALE IN A 12 X 17  
 DRAWING

**GARNER SLUDGE LANDFILL  
 EXPANSION AREA**

**FIGURE 2**

**FIGURE 2  
 AS-DRILLED BORING LOCATION PLAN**

DRAWING NO.

SHEET 2 OF 2

ACCEPTANCE OF M.G.L. CHAPTER 54, SECTION 16A  
ABSENT ELECTION OFFICER APPOINTMENTS

*VOTE:* To accept the provisions of Section 16A of Chapter 54 of the General Laws, empowering the City Clerk to appoint a warden, clerk or inspector, or the deputy of any such officer, if any is not present at the opening of the polls.

9687



|                                                    |
|----------------------------------------------------|
| <b>PART I ADMINISTRATION OF THE GOVERNMENT</b>     |
| <b>TITLE VIII ELECTIONS</b>                        |
| <b>CHAPTER 54 ELECTIONS</b>                        |
| <b>Section 16A</b> Vacancies; appointments to fill |

Section 16A. In any city or town which accepts this section, if the warden, clerk or inspector, or the deputy of any such officer, if any, is not present at the opening of the polls, the city or town clerk may appoint a person to fill such vacancy who shall be an enrolled voter of the same political party as the absent officer, if any competent person enrolled in such party is present and willing to serve.

7688



FP-002A  
(Rev. 1.1.2015)

The Commonwealth of Massachusetts

City/Town of GARONER

### Application For License

Massachusetts General Law, Chapter 148 §13

New License     Amended License

|                 |                |
|-----------------|----------------|
| GIS Coordinates |                |
| _____           | LAT.           |
| _____           | LONG.          |
| _____           | License Number |

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 211 COLONY ROAD  
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: PAUL L. ROY

Address of Land Owner: 55 COREY HILL ROAD, ASHBURNHAM, MA 01430

Use and Occupancy of Buildings and Structures: \_\_\_\_\_

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments  
12-21-2009  
Attach a copy of the current license

#### Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

| PRODUCT NAME                    | CLASS | MAXIMUM QUANTITY | UNITS<br>gal., lbs,<br>Cubic feet | CONTAINER<br>UST, AST, IBC,<br>drums |
|---------------------------------|-------|------------------|-----------------------------------|--------------------------------------|
| <u>MOTOR OIL, HYDRAULIC OIL</u> |       | <u>200,000</u>   | <u>ABOVEGROUND</u>                |                                      |
|                                 |       |                  |                                   |                                      |
|                                 |       |                  |                                   |                                      |
|                                 |       |                  |                                   |                                      |
|                                 |       |                  |                                   |                                      |

Total quantity of all flammable liquids to be stored: \_\_\_\_\_

Total quantity of all combustible liquids to be stored: \_\_\_\_\_

Total quantity of all flammable gases to be stored: \_\_\_\_\_

Total quantity of all flammable solids to be stored: \_\_\_\_\_

CITY OF GARONER  
RECEIVED  
DEC 31 2009 11:11

**LP-gas** (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: \_\_\_\_\_

List sizes and capacities of all aboveground containers used for storage: \_\_\_\_\_

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: \_\_\_\_\_

List sizes and capacities of all underground containers used for storage: \_\_\_\_\_

Total aggregate quantity of all LP-gas to be stored: \_\_\_\_\_

**Fireworks** (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.3G: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.4G: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_ Type/class of magazine used for storage: \_\_\_\_\_

Total aggregate quantity of all classes of fireworks to be stored: \_\_\_\_\_

**Explosives** (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.1: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.2: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.3: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.5: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.6: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

I, PAUL L. ROY, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature  Date 8/26/16 Name PAUL L ROY

**Fire Department Use Only**

I, \_\_\_\_\_, Head of the \_\_\_\_\_ Fire Department endorse this application with my

Approval  Disapproval

Signature of Head of the Fire Department

Date

Recommendations: \_\_\_\_\_

Ref: 9688



The Commonwealth of Massachusetts

City/Town of GARDNER

License

Massachusetts General Law, Chapter 148 §13

FP-2 (Rev. 12-2008)

New License Amended License

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws, a license is hereby granted to use the land herein described for the purposes described.

Location of Land: 211 Colony Road Street, Number and Assessor's Map and Parcel ID

Owner of Land: Paul L. Roy

Address of Land Owner: 55 Corey Hill Road, Ashburnham, MA 01430

Fireworks (Complete this section for the storage of fireworks)

- Maximum amount (in pounds) of Class 1.3G:
Maximum amount (in pounds) of Class 1.4G:
Maximum amount (in pounds) of Class 1.4:

Total aggregate quantity of all classes of fireworks to be stored:

LP-gas (Complete this section for the storage of LP-gas or propane)

- Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers:
List sizes and capacities of all aboveground containers used for storage

- Maximum quantity (in gallons) of LP-gas to be stored in underground containers:
List sizes and capacities of all underground containers used for storage

Total aggregate quantity of all LP-gas to be stored:

Explosives (Complete this section for the storage of explosives)

- Maximum amount (in pounds) of Class 1.1: Number of magazines used for storage:
Maximum amount (in pounds) of Class 1.2: Number of magazines used for storage:
Maximum amount (in pounds) of Class 1.3: Number of magazines used for storage:
Maximum amount (in pounds) of Class 1.4: Number of magazines used for storage:
Maximum amount (in pounds) of Class 1.5: Number of magazines used for storage:
Maximum amount (in pounds) of Class 1.6: Number of magazines used for storage:

THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.

**Flammable and Combustible Liquids, Flammable Gases and Solids**

Complete this section for the storage of flammable and combustible liquids solids and gases. All tanks and containers are considered full for the purposes of licensing and permitting.

| PRODUCT NAME             | CLASS | MAXIMUM QUANTITY       | UNITS<br>gal., lbs,<br>cubic feet | CONTAINER<br>UST, AST, IBC,<br>drums |
|--------------------------|-------|------------------------|-----------------------------------|--------------------------------------|
| Motor Oil, Hydraulic Oil |       | 100,000<br>aboveground |                                   |                                      |
|                          |       |                        |                                   |                                      |
|                          |       |                        |                                   |                                      |
|                          |       |                        |                                   |                                      |
|                          |       |                        |                                   |                                      |

**Licensing Authority Use:**

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

**ADDITIONAL RESTRICTIONS:**

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Alan Agnell                      CITY CLERK                      12-21-2009  
Signature of Licensing Authority                      Title                      Date

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.**



9689

**CITY OF GARDNER  
MASSACHUSETTS 01440**

OFFICE OF THE  
CITY CLERK

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

CERTIFIED MAIL – 7009 2250 0003 2865 0427

August 19, 2016

Marco's Motorsports  
Attn: Mark Russell  
412 Main Street  
Gardner, MA 01440

Re: Motor Vehicle Dealer License, Class 2  
Notice of Cancellation of Surety Bond

Dear Mr. Russell:

I am writing in follow-up to my e-mail to you on July 27, 2016 concerning the enclosed letter from Hudson Insurance Company stating that your Second Hand Motor Vehicle Dealer Surety Bond would be cancelled effective August 19, 2016. Please notify my office immediately if the Bond has been reinstated and, if not, the City Council will consider revoking your Class II Motor Vehicle Dealer License.

Thank you very much for your prompt attention in this matter.

Sincerely,

ALAN L. AGNELLI  
City Clerk

Enclosure

9689

Hudson Insurance Company  
100 William Street, 5th Floor  
New York, NY 10038

RECEIVED

2016 JUL 18 A 9:50

CITY CLERKS OFFICE  
GARDNER, MA

### Cancellation Notice

City of Gardner, Massachusetts  
City Hall – Room 121 – 95 Pleasant Street  
Gardner, MA 01440-2630

7015 1730 0000 7156 6148  
Certified Mail

In accordance with the terms of the Bond or Statute, you are hereby given written notice of cancellation of the following bond:

Bond Number 10029273  
issued to MARCO'S MOTORSPORTS  
in favor of City of Gardner, Massachusetts  
described as Motor Vehicle Dealer

Cancellation shall be effective on August 19, 2016

In witness whereof, Hudson Insurance Company has caused its corporate seal to be hereunto affixed this 12th day of July 20 16.

By: Amanda P. Raghunanan  
Amanda Raghunanan, Attorney-in-Fact

Distribution Copy to: 10029273

MARCO'S MOTORSPORTS  
412 MAIN STREET  
Gardner, MA 01440

Surety 1  
3225 Monier Circle, Suite 100  
Rancho Cordova, CA 95742  
916-294-0044

# 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<br>14 Connors Street easterly for a distance<br>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 City Hall Avenue | South | 151.5 feet from Pleasant Street a                                                                                                                                                                                  |

29

# ORDINANCE

---

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

32

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

35

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

40

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

9629

## Alan Agnelli

---

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

Paul and Alan,

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

Mark

---

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

Mayor,

Please review and make any corrections you see fit.

Rach

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

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

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

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

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

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

**AND**

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

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

**AND**

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

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

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



## CITY OF GARDNER TRAFFIC COMMISSION

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

9234

# CITY OF GARDNER LAW DEPARTMENT

John M. Flick  
City Solicitor

Jill A. Romer  
Assistant City Solicitor



144 Central Street, Suite 201  
Gardner, MA 01440

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

Writer's Email:

RECEIVED  
2016 SEP 1 09 31  
CITY OF GARDNER

August 26, 2016

## VIA FIRST CLASS MAIL

James Walsh, President  
Gardner City Council  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

Re: Law Department Charter Review for the City of Gardner

Dear President Walsh:

As you know the Attorney General's Office has declined to provide any comment regarding the Council's proposed changes to Section 23 of the City Charter regarding absences of candidates elected to the position of City Councilor from the administration of the oath of office. It remains the Law Departments that any language which is contradictory to M.G.L. c. 43, § 59A and does not provide a recall procedure to allow the electorate to address other types of "vacancies" is contrary to the Massachusetts Declaration of Rights and the Constitution. Placing the power to negate the choice of the electorate into the hands of the City Council, a legislative body, provides much opportunity for arbitrary and capricious decisions to be made regarding extending time to take an oath of office, and other such mischief. The Law Department does recognize that the Attorney General's office has directed the City's attention to several approved charters which do provide some mechanism by which the municipality can enforce strict time limits on taking oaths of office of elected officials. In recognizing this fact, however, caution should still be exercised as research indicates that constitutionality of these charter provisions has not been tested in the courts.

Nevertheless, in the interest of bringing this matter to a close, the Law Department recommends the following changes to Sections 23 and 43 of the City Charter.

### SECTION 23

#### Current Language:

SECTION 23. On the first Monday in January the mayor-elect and the councilors-elect shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk

or by any justice of the peace, and a certificate that the oath has been taken shall be entered on the journal of the city council. At any meeting thereafter the oath may be administered, in the presence of the city council, to the mayor, or to any councilor absent from the meeting on the first Monday in January.

**Recommended Change:**

SECTION 23. On the first Monday in January the mayor-elect and the councilors-elect shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by any justice of the peace, and a certificate that the oath has been taken shall be entered on the journal of the city council. At any meeting no more than sixty (60) days thereafter the oath may be administered, in the presence of the city council, to any councilor absent from the meeting on the first Monday in January. The Council may, upon a two thirds vote extend the period of time in which a councilor-elect has to take the oath of office up to ninety (90) additional days. If the mayor-elect fails to take the office as set forth herein, the office of Mayor shall be filled pursuant to Section 32. If the mayor-elect continues in his or her failure to take the oath of office for a period of six (6) months after the first Monday in January, the office shall be deemed vacant and thereafter filled in accordance with Section 32.

**SECTION 43**

**Current Language:**

SECTION 43. If a vacancy occurs in the school committee by failure to elect, or otherwise, the city council and the remaining members of the school committee shall meet in joint convention and elect a suitable person to fill the vacancy until the next regular city election. The mayor, if present, shall preside at the convention.

**Recommended Change:**

SECTION 43. On the first Monday in January the school committee members – elect shall appear before the city council and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by any justice of the peace. At any meeting no more than sixty (60) days thereafter the oath may be administered, in the presence of the city council and the school committee, to any school committee member-elect absent from the meeting on the first Monday in January. The school committee may, upon a two thirds vote extend the period of time in which a school committee member-elect has to take the oath of office up to ninety (90) additional days. If a vacancy occurs in the school committee by failure to elect, or otherwise, the city council and the remaining members of the school committee shall meet in joint convention and elect a suitable person to fill the vacancy until the next regular city election. The mayor, if present, shall preside at the convention.

NOTE: The Law Department recommends retaining the provision of the existing charter that requires a vacancy in the School Committee to be filled via a joint convention of the school committee and city council.

In regard to Councilor Graves question regarding the recommended changes to Section 46 of the Charter set forth below, this recommended change comes directly from M.G.L. c. 43, § 39.

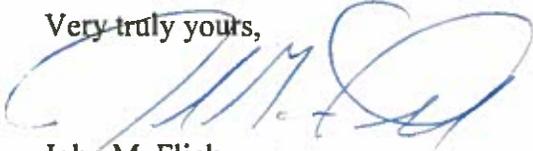
**Recommended Change:**

SECTION 46. If an initiative petition be signed by registered voters equal in number, except as otherwise provided in this act, to at least fifteen per cent of the whole number of registered voters, the city council or the school committee shall, within twenty days after the date of the certificate of the registrars of voters that the petition has been signed by the required percentage of registered voters, either –

1. Pass said measure without alteration, subject to the referendum vote provided by this act, or
2. the city clerk shall call a special election to be held on a Tuesday fixed by said clerk not less than thirty nor more than forty-five days after the date of qualification, and shall submit the proposed measure without alteration to a vote of the registered voters of the city at that election; provided, however, that if any city election is otherwise to occur within ninety days after the date of qualification, the city clerk may, at his discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

Please let me know if the Council has any additional questions regarding this matter.

Very truly yours,



John M. Flick

Cc: Mark P. Hawke, Mayor

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

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

OFFICE OF THE  
CITY COUNCIL



**WARD 1 COUNCILLOR**  
James M. Walsh, Esq.

**WARD 2 COUNCILLOR**  
Paul G. Tassone

**WARD 3 COUNCILLOR**  
Nathan R. Boudreau

**WARD 4 COUNCILLOR**  
Karen G. Hardern

**WARD 5 COUNCILLOR**  
James D. Johnson

June 30, 2016

John M. Flick, Esq., City Solicitor  
City of Gardner Law Department  
144 Central Street, Suite 2  
Gardner, MA 01440

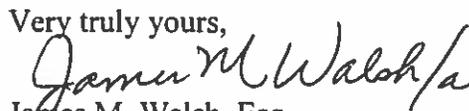
Re: Charter Revision Language

Dear Attorney Flick:

Thank you for providing me with a copy of correspondence dated June 14, 2016 which you received from Assistant Attorney General Kelli E. Gunagan in response to your letter of April 14, 2016 to her requesting an Attorney General's opinion on certain Charter revision language which the City Council requested of you.

Although Attorney Gunagan indicates that her office does not provide such opinions, she has suggested that the examples of Charter language provided by Attorney Michelle Tassinari, Director and Legal Counsel of the Elections Division of the Secretary of State's Office, provide guidance for your use in preparing the language requested by the Council.

I would appreciate it if you could now provide us with proposed revisions to the Charter which were requested of you in my correspondence of February 12, 2016.

Very truly yours,  
  
James M. Walsh, Esq.  
Council President



THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE ATTORNEY GENERAL RECEIVED

7234

RECEIVED CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301

JUN 17 2016

WORCESTER, MA 01608

2016 JUN 30 A 10:45

MAURA HEALEY  
ATTORNEY GENERAL

CITY CLERKS OFFICE  
GARDNER, MA

(508) 792-7600  
(508) 795-1991 fax  
www.mass.gov/ago

June 14, 2016

John M. Flick, City Solicitor  
144 Central Street, Suite 201  
Gardner, MA 01440

Dear Mr. Flick:

Please allow this letter to so serve as a follow up to our previous correspondence and your letter of April 14, 2016. In your letter, you asked this Office to give an advisory opinion regarding a charter revision proposed by the Gardner City Council. Specifically, the issue pertains to a Charter revision to Section 23 and Section 43. A letter from Council President James Walsh to you states that the City Council requested that you add a provision to Section 23 to:

establish a deadline by which a councilor-elect must take the oath of office and failure to do so would constitute a vacancy within the meaning of Section 32. The Council has voted to request that you prepare and present a revised Section 23 which would provide an initial deadline period of sixty days but would also give the Council, by a two-thirds vote, within that initial sixty days, the authority to extend the deadline, for good cause shown, for up to an additional sixty days.

Your letter to this Office further states that the City of Gardner Law Department's opinion is that the revisions requested by Council President James Walsh violate the Home Rule Amendment, Mass. Const. amend. Art. 2, § 7 in that these provisions seek to regulate elections. You have informed us that "the issue arises solely from two existing sections of the Gardner City Charter and an apparent lack of a definition for the term 'vacancy.'" Therefore, you have stated that it is the Law Department's opinion that adopting a recall procedure within the charter is the only legal means to resolve the issue.

With that framework, you have asked us for advice before the City of Gardner proceeds with the G.L. c. 43B charter amendment process.

The Attorney General's statutory authority to render formal legal guidance and opinions extends only to opinion requests by state officials, district attorneys, and branches and committees of the Legislature. This limitation on the Attorney General's authority it spelled out in the General Laws at G.L. c. 12, § 3, 6, and 9. More specifically, under G.L. c. 12, § 3, the Attorney General is authorized to provide representation and other legal services to "the commonwealth and... state departments, officers, and commissions [.]" An important additional requirement is that state officials may request opinions only on legal questions that have an

immediate, concrete relationship to those officials' own duties, rather than to the duties of members of the public or of local officials. Therefore, we are unable to provide you with an official legal opinion on this matter.

However, we hope that the following informal information may assist you. We understand that City Council President James Walsh has already received examples from Michelle Tassinari, Director and Legal Counsel, Elections Division of charter provisions adopted by special acts from the Legislature. You may wish to revisit the charter provision examples given by Attorney Tassinari.

Very truly yours,

*Kelli E. Gunagan*

Kelli E. Gunagan  
Assistant Attorney General  
Municipal Law Unit

# CITY OF GARDNER LAW DEPARTMENT

John M. Flick  
City Solicitor

Jill A. Romer  
Assistant City Solicitor



144 Central Street, Suite 201  
Gardner, MA 01440

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

Writer's Email:

April 14, 2016

Kelli Gunagan, Assistant Attorney General  
Municipal Law Unit  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608

Dear Attorney Gunagan:

I am writing to seek an advisory opinion or similar guidance from the Attorney General's office regarding a charter revision proposed by the Gardner City Council. I have enclosed a copy of a letter from Council President James Walsh regarding the proposed revisions. It is the opinion of the City of Gardner Law Department that the requested revisions violate the Home Rule Amendment, Mass. Const. amend. Art. 2, § 7 in that these provisions seek to regulate elections.

This issue arises solely from two existing sections of the Gardner City Charter and an apparent lack of a definition for the term "vacancy" in any Massachusetts statute governing elections. Currently the relevant Gardner City Charter sections allow as follows:

**SECTION 23.** On the first Monday in January the mayor-elect and the councilors-elect shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by any justice of the peace, and a certificate that the oath has been taken shall be entered on the journal of the city council. *At any meeting thereafter the oath may be administered, in the presence of the city council, to the mayor, or to any councilor absent from the meeting on the first Monday in January.* [Emphasis Added.]

**SECTION 32.** If a vacancy occurs in the office of mayor before the last six months of the term of office, the city council shall order an election to fill the same for the unexpired term; and if such vacancy occurs in the office of the mayor in the last six months of said term, the president of the city council shall succeed thereto for the unexpired term.

If a vacancy occurs in the position of councilor at large, the city council shall appoint the person who received the seventh highest vote total for the position of councilor at large during the most recent municipal election to fill the vacancy for the unexpired term, if the person is willing to serve, then to the eighth and so on until a person is appointed.

If a vacancy occurs in the position of ward councilor, the city council shall appoint the person from the same ward who received the next highest vote total in the most recent municipal election to fill the vacancy for the unexpired term, except that if there was not another candidate for the ward councilor position, then the city council, by a majority vote, may elect a resident of the same ward to fill the vacancy for the unexpired term.

If the Mayor is absent or unable from any cause temporarily to perform his duties, or if his office is vacant during the first eighteen months of his term, his duties shall be performed by the president of the city council. The person upon whom such duties shall devolve shall be called "acting mayor", and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments.

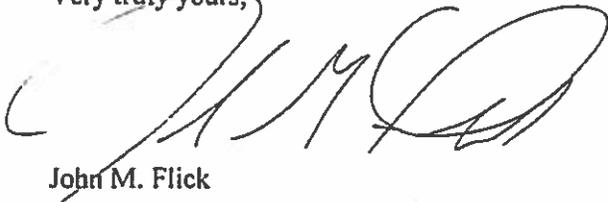
Should an appointive officer of the city be temporarily unable for any cause to perform his duties, the mayor or the city council, whichever has the power of original appointment, may make a temporary appointment of some person to act until the official shall resume his duties. (Section 32 is given as amended by Chap.590 Acts of 1975.)

In reading these two sections together, it is clear that a person elected to the office of mayor or councilor can take the oath of office at any time during the elected term and the failure to do so in a timely manner would not constitute a vacancy in the office. It is the Law Department's opinion that the only legal means to resolve this issue is to adopt a recall procedure within the Charter. By doing so, the City would maintain the electorate's authority to elect elected officials, thereby preserving the sanctity of the electoral process.

The recommended changes of the City Council seek to establish firm deadlines by which an elected candidate must take the oath of office. The deadlines can only be extended upon a showing of good cause as approved by a 2/3 vote of the City Council. It is the opinion of the Law Department that these provisions constitute unconstitutional regulation of elections, allow for arbitrary and capricious decisions on determining eligibility to extend the taking of the oath of office, and otherwise disenfranchise the voters who elected the successful candidate in question.

For the above reasons, the City of Gardner is seeking the guidance and or advice of the Attorney General's office before proceeding with completing the Charter amendment process. Your assistance is appreciated and I am available should you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "John M. Flick", written over a circular stamp or seal.

John M. Flick

Enc.

Cc: Mark P. Hawke, Mayor  
James Walsh, Esq., Council President

7234

**CITY OF GARDNER  
LAW DEPARTMENT**

2016 FEB 17 P 2:44

CITY CLERKS OFFICE  
GARDNER, MA



John M. Flick  
City Solicitor

Jill A. Romer  
Assistant City Solicitor

144 Central Street, Suite 201  
Gardner, MA 01440

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

Writer's Email:

February 17, 2016

**VIA FIRST CLASS MAIL**

James M. Walsh, Esq.  
City of Gardner City Council  
95 Pleasant Street  
Gardner, MA 01440

Re: Charter Revisions

Dear President Walsh:

I am in receipt of your letter dated February 12, 2016 regarding additional requested changes to Sections 23 and 43 of the City Charter of the City of Gardner. Specifically the Council has requested that the Law Department add deadlines to the time periods in which certain elected officials have to take the oath of office. The Law Department has considered this request and for the reasons cited below, will be seeking an advisory opinion from the Massachusetts Attorney General's office regarding the legality of such a provision.

The Council's request is twofold. First, the Council is asking for a sixty day time period in which an elected official must take the oath of office. Second, the Council is looking for a provision that the Council, in its discretion can approve, by a 2/3 vote an extension of this time period. It is the Law Departments legal opinion that both provisions would be contrary to Massachusetts Law.

I refer the Council to the enclosed opinion from the Massachusetts Attorney General's office regarding a similar measure that was passed in the Town of Barre. As you can see from this opinion, the governing of elections is strictly governed by Massachusetts law. The Town of Barre attempted to establish a by-law that required elected officials to take the oath of office within 30 days of the date of election. The Attorney General's office struck down this provision because "there is no statutory provision that would authorize the removal of an elected official from office based upon the official's failure to take to oath of office within a certain time period."

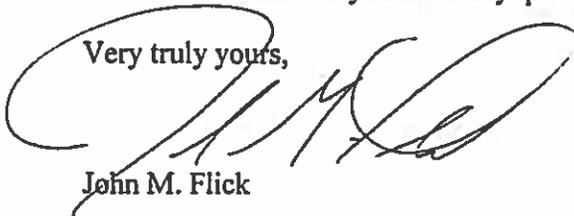
In regard to the provision allowing the Council in its discretion to grant an extension, it is the Law Department's legal opinion that this provision, likewise, is contradictory to the

Massachusetts Constitution. As addressed in the Town of Barre letter, the regulation of elections is strictly regulated by state law and the Constitution of the Commonwealth of Massachusetts. Specifically, the Massachusetts Constitution precludes cities or towns from regulating elections. Allowing the Council discretion to determine which elected persons receive extensions and under what circumstances, allows for arbitrary and capricious decisions to be made and, perhaps the improper disenfranchisement of the electorates' choice of elected officials. In short, the Council lacks the legal authority to regulate elections beyond state law and both of these requested changes seek to regulate elections at the local level. As previously stated, it remains the Law Department's legal opinion that the only appropriate way that the City can address concerns emanating from a failure to take an oath of office is to adopt a recall provision into the Charter.

The Law Department's suggested revisions to Sections 23 and 43 of the City of Gardner Charter are consistent with M.G.L. c. 43, § 59A and therefore, congruent with Massachusetts law regulating elections. Since the Council has requested changes which the Law Department believes are contradictory to Massachusetts law and potentially violate the Massachusetts Constitution, obtaining a legal opinion from the Attorney General's office at this time is prudent.

Please let me know if you have any questions regarding this matter.

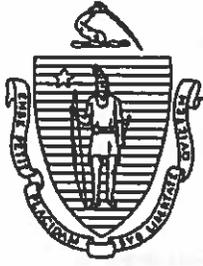
Very truly yours,

A handwritten signature in black ink, appearing to read "John M. Flick", is written over the typed name. The signature is fluid and cursive, with a large loop at the beginning.

John M. Flick

Enc.

Cc: Mark P. Hawke, Mayor



MARTHA COAKLEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

(508) 792-7600  
(508) 795-1991 fax  
[www.mass.gov/ago](http://www.mass.gov/ago)

December 3, 2013

Ellen M. Glidden, Town Clerk  
Town of Barre  
P.O. Box 418  
Barre, MA 01005-0418

**RE: Barre Annual Town Meeting of June 18, 2013 - Case # 6920  
Warrant Articles # 23, 24, and 25 (General)**

Dear Ms. Glidden:

**Articles 23 and 25** - We approve the amendments to the Barre by-laws adopted under these Articles at the June 18, 2013, Annual Town Meeting.

**Article 24** - We approve the amendments to the Barre by-laws adopted under Article 24, except as provided below. [See Page # 2 for Disapproval # 1 of 1]

**A. Summary of Article 24.**

The amendments adopted under Article 24 add a new subsection B to Chapter 119, Section 3, of the Town's general by-laws. The new subsection B provides that an elected official's failure to take the oath of office and complete the paperwork required by the state Conflict of Interest Law<sup>1</sup> and Open Meeting Law<sup>2</sup> will be deemed a vacancy in the elected office, as follows (with emphasis added):

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<sup>1</sup> General Laws Chapter 268A, Section 27, requires that every public employee be given a summary of the conflict of interest law within 30 days of becoming a public employee, and annually thereafter, and acknowledge receipt of such summaries. Section 28 requires that public employees complete on-line training on the law every other year.

<sup>2</sup> Section 29.04(1) of 940 C.M.R. requires the municipal clerk to deliver a copy of the Open Meeting Law, the regulations implementing the Open Meeting Law, and Open Meeting Law educational materials prepared by the Attorney General, to each member of a public body before the member takes office.

All Town Officers whose positions are elected by ballot, must qualify by taking an oath before the Town clerk and completing any necessary paperwork relating to the state conflict of interest and open meeting laws, within 30 days of the date of the election. **Failure to do so will be considered a failure to elect and the Board of Selectmen will proceed in accordance with MGL to fill the vacancy.**

We disapprove the text in bold and underline above because it is inconsistent with the Constitution and laws of the Commonwealth, as more fully explained below. [Disapproval # 1 of 1]

**B. Inconsistency with the Constitution and Laws of the Commonwealth.**

**1. Inconsistency with Section 7 of the Home Rule Amendment.**

The Home Rule Amendment, Mass. Const. amend. Art. 2, § 7, specifically reserves to the state the regulation of elections: “Nothing in this article shall be deemed to grant to any city or town the power to (1) regulate elections other than those prescribed by sections three and four. . . .”<sup>3</sup> Mass. Const. amend. art. 2, § 7. Towns thus have no authority to adopt a by-law that regulates elections.

The second sentence of Article 24 (in bold and underline, above) would regulate elections in that it proposes to make an elected official’s failure to perform certain acts “a failure to elect.” Because this portion of the by-law would regulate elections, it is precluded/preempted by Section 7 of the Home Rule Amendment and must be disapproved and deleted.

**2. Inconsistency with State Law.**

We must also disapprove and delete the second sentence of Article 24 on the additional basis that it is inconsistent with state law. The election, removal, and replacement of town elected officials are the subject of comprehensive state statutes. *See Turner v. City of Boston*, 462 Mass. 511, 516 (2012). Municipalities may not remove an elected official from office in the absence of a statutory provision authorizing such removal. *Id.*; *see also Attorney Gen. v. Stratton*, 194 Mass. 51, 53 (1907) (vote by Town Meeting to remove members of board of health unlawful); *Del Duca v. Town Adm’r of Methuen*, 368 Mass. 1, 7 (1975) (terms of an existing elected planning board could not be cut short by changing the board to an appointed board).

There are a number of state statutes pertaining to the removal of an elected official. *See, e.g.,* G.L. c. 41, § 109 (elected official’s voluntary resignation or change of residence to another municipality); G.L. c. 279, § 30 (automatic removal of an elected official when he is sentenced to prison on a felony conviction in state or federal court.) However, there is no statutory provision that would authorize the removal of an elected official from office based upon the official’s failure to take the oath of office within a certain time period or the official’s failure to complete

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<sup>3</sup> Mass. Const. amend. art. 2, §§ 3 and 4 allow cities and towns to adopt or amend charters to regulate elections in certain respects, but those sections are not applicable here.

the paperwork required by G.L. c. 30A, §§ 18-25 (the Open Meeting Law)<sup>4</sup> or G.L. c. 268A (the Conflict of Interest Law).<sup>5</sup> Because the second sentence of Article 24 purports to remove an elected official from office in the absence of a specific statutory authorization, we must disapprove and delete this portion of the proposed by-law, as indicated in bold and underline above.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,  
MARTHA COAKLEY  
ATTORNEY GENERAL

*Kelli E. Gunagan*

by: Kelli E. Gunagan, Assistant Attorney General  
Municipal Law Unit  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600

cc: Town Counsel James F. Baird

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<sup>4</sup> General Laws Chapter 30A, § 23 (c), defines the penalties that the Attorney General may impose for violations of the Open Meeting Laws. These penalties include orders to: (1) compel immediate and future compliance with the open meeting law; (2) compel attendance at a training session authorized by the attorney general; (3) nullify in whole or in part any action taken at the meeting; (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional violation; (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits; (6) compel that minutes, records or other materials be made public; or (7) prescribe other appropriate action. Removing someone from office is not among the penalties that may be imposed for violations of the Open Meeting Law.

<sup>5</sup> General Laws Chapter 268B, Section 4 (j), defines the penalties that the Commission can impose for violations of these sections, based on a finding of violation subsequent to a hearing. These penalties include requiring the violator to cease and desist the violation, to file any report, statement, or other information required by c. 268A, or to pay a civil penalty of up to \$10,000. Removing someone from office is not an available penalty for violation of Sections 27 or 28.

9234

**PRESIDENT**  
James M. Walsh, Esq.

**COUNCILLORS AT LARGE**  
Ronald F. Cormier  
Patrick M. Gerry  
Scott J. Graves, Esq.  
Marc Morgan  
Jeffrey M. Palmieri  
Matthew C. J. Vance

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

OFFICE OF THE  
CITY COUNCIL



**WARD 1 COUNCILLOR**  
James M. Walsh, Esq.

**WARD 2 COUNCILLOR**  
Paul G. Tassone

**WARD 3 COUNCILLOR**  
Nathan R. Boudreau

**WARD 4 COUNCILLOR**  
Karen G. Hardern

**WARD 5 COUNCILLOR**  
James D. Johnson

**EX COPY**

February 12, 2016

John M. Flick, Esq., City Solicitor  
City of Gardner Law Department  
144 Central Street, Suite 2  
Gardner, MA 01440

Re: Charter Revisions

Dear Attorney Flick:

The City Council met recently to review and discuss the content of your correspondence dated December 1, 2015 regarding possible Charter revision language to various sections. Based on our discussions from that meeting, I write to request your further assistance.

In Section 23, as you will recall, the Council wishes to add a provision which would establish a deadline by which a councillor-elect must take the oath of office and failure to do so would constitute a vacancy within the meaning of Section 32. The Council has voted to request that you prepare and present a revised Section 23 which would provide an initial deadline period of sixty days but would also give the Council, by a two-thirds vote, within that initial sixty days, the authority to extend the deadline, for good cause shown, for up to an additional sixty days.

In Section 43, the Council would like to insert language that would establish a date for members-elect to take their oath of office as well as to provide a deadline for doing so similar in language to what I have previously described for Section 23. The Council also requests an additional revision to Section 43 which would provide that if there is a vacancy in school committee membership, then it would be filled by the person who received the next highest number of votes in the applicable election for the vacant seat.

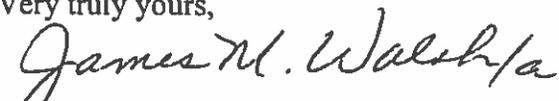
John M. Flick, Esq., City Solicitor  
February 12, 2016  
Page 2

In Section 46, Councillor Graves has raised the issue of whether the alternatives provided by Subsection 1 and Subsection 2 properly flow from the language contained in the first paragraph. We invite your comment.

Finally, for your information, the Council received favorably your suggestions on the remaining topics contained in your December 1, 2015 correspondence.

As always, I am happy to discuss these matters with you if you are in need of additional information.

Very truly yours,

  
JAMES M. WALSH, ESQ.  
Council President

JMW/aa

# City of Gardner, *Executive Department*

9661



Mark Hawke, Mayor

RECEIVED

2016 AUG 09 AM 9 03

August 9, 2016

CITY CLERK'S OFFICE  
GARDNER

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

RE: Leave to Withdraw Council Item #9661

Dear President Walsh and Councilors,

I request Leave to Withdraw Council Item 9661; An Order Appropriating \$15,000 from Sewer Surplus to Sewer, Dewatering Design.

I seek this request as Item 9661 needed to be acted upon before the end of the fiscal year. Since the fiscal year has ended, the funds are no longer available to be appropriated. However, the intent of the Order was to inform the Council, and allow action upon an item, of the City's intent to develop a new Sludge Landfill.

In order to better fulfill this objective, I have submitted a resolution stating the City's intent to pursue a new Sludge Landfill for your endorsement.

Respectfully,

Mark Hawke  
Mayor, City of Gardner

9661

AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER DESIGN OF THE DEWATERING.

ORDERED:

That there be and is hereby appropriated the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from Sewer Surplus to Sewer Design of the Dewatering.