



City of Gardner, Massachusetts

Office of the City Council

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### CALENDAR FOR THE MEETING

of

MONDAY, OCTOBER 17, 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 October 3, 2016 Regular Meeting Minutes.

#### VII. PUBLIC HEARING

#### VIII. COMMUNICATIONS FROM THE MAYOR

##### APPOINTMENTS

**9697** – A Measure Confirming the Mayor’s Appointment of Carole Baublis to the position of Member, Council on Aging, for term expiring September 29, 2019 (*Finance Committee*).

**9698** – A Measure Confirming the Mayor’s Appointment of Marcelle Cormier to the position of Member, Council on Aging, for term expiring September 29, 2019 (*Finance Committee*).

**9699** – A Measure Confirming the Mayor’s Appointment of Sophie DeGrace to the position of Member, Council on Aging, for term expiring September 29, 2019 (*Finance Committee*).

**9700** – A Measure Confirming the Mayor’s Appointment of Jeffrey Nelson to the position of Member, Council on Aging, for term expiring September 29, 2019 (*Finance Committee*).

**9701** – A Measure Confirming the Mayor’s Appointments of Additional Election Officers for terms expiring September 1, 2017 (*Finance Committee*).

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

**9702** –A Measure Confirming the City Clerk’s Appointment of Titi Siriphan to the position of Assistant City Clerk for term expiring November 1, 2019 (*Finance Committee*).

**X. REPORTS OF STANDING COMMITTEES**

**PUBLIC SAFETY 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 (*In City Council, Referred to Public Safety, and Public Hearing Ordered 9/6/2016; Public Hearing Held 10/3/2016*).

**9691** – An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Thereof, Entitled “Vehicles and Traffic,” Article V. Parking Meters (*In City Council and Referred to Public Safety 9/19/2016*).

**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*).

**9686** – A Resolution Endorsing the DPW Plan to Upgrade the Dewatering Equipment and Pursuit of a New/Expanded Sludge Landfill (*In City Council and Referred to Committee of the Whole 9/6/2016; Public Hearing scheduled October 17, 2016 at 6:00 p.m.*).

**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 OCTOBER 3, 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, October 3, 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. Nine (9) Councillors were present including President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance. Councillors Craig Cormier and Marc Morgan were absent.

**OPENING PRAYER**

President Walsh led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

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

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

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

**READING & ACCEPTANCE OF MINUTES**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to waive reading and to accept the Minutes of the September 19, 2016 Informal and Regular Meetings, as printed.

**PUBLIC HEARING**

**#9688**

President Walsh opened the Public Hearing by reading aloud the following Notice:

Pursuant to the provisions of G.L. c.148, §13, notice is hereby given that the City Council will conduct a Public Hearing on Monday, October 3, 2016 at 7:30 p.m. in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, Massachusetts, on an application by Paul L. Roy to amend the conditions of the

REGULAR MEETING OF OCTOBER 3, 2016

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existing license in order to store 200,000 gallons of lubricants (motor oil, hydraulic oil) in aboveground storage tanks on land situated at 211 Colony Road, Gardner. Persons interested in this matter are encouraged to attend and offer testimony.

He called for persons wishing to testify in favor of the License application.

Fire Chief Richard Ares testified in favor, saying that inquiries made to the State Fire Marshal's Office were satisfied and that certain documents required for the Permit would be obtained.

The President called thrice for persons wishing to testify in favor of the License application.

There being none, thrice the President he called for persons wishing to testify in opposition of the License application. There being none, the President declared the public hearing closed.

### COMMUNICATIONS FROM THE MAYOR

#### APPOINTMENTS

##### **#9693**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Boone, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to confirm the following Appointment received from the Mayor:

**SUSAN BYRNE** to the position of City Assessor for term expiring September 15, 2019.

**Worcester, ss.**

**October 3, 2016**

Then personally appeared **SUSAN BYRNE** and made oath that she would faithfully and impartially perform the duties of **CITY ASSESSOR** according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

##### **#9694**

On a motion by Councillor Paul Tassone and seconded by Councillor James Johnson, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to confirm the following Appointment received from the Mayor:



REGULAR MEETING OF OCTOBER 3, 2016

RONALD F. CORMIER to the position of Member, Redevelopment Authority, for term expiring September 15, 2021.

Worcester, ss.

October 3, 2016

Then personally appeared RONALD F. CORMIER and made oath that he would faithfully and impartially perform the duties of Member, Redevelopment Authority, according to law and the best of his abilities.

Before me,
/s/ Alan L. Agnelli, City Clerk

PETITIONS, APPLICATIONS, ETC.

#9695

On a motion by Councillor Ronald Cormier and seconded by Councillor Karen Hardern, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to adopt the following Measure:

VOTED:

That meetings of the citizens of this City qualified to vote in the State Election shall be held on TUESDAY, THE EIGHTH DAY OF NOVEMBER, 2016, from 7:00 A.M. TO 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

- ELECTORS OF PRESIDENT AND VICE PRESIDENT.... FOR THIS COMMONWEALTH REPRESENTATIVE IN CONGRESS.....THIRD DISTRICT COUNCILLOR.....SEVENTH DISTRICT SENATOR IN GENERAL COURT.....WORCESTER & MIDDLESEX DISTRICT REPRESENTATIVE IN GENERAL COURT.....SECOND WORCESTER DISTRICT SHERIFF..... WORCESTER COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines.

REGULAR MEETING OF OCTOBER 3, 2016

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The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

**A YES VOTE** would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

**A NO VOTE** would make no change in current laws regarding gaming.

**QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

**SUMMARY**

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

**A YES VOTE** would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

**A NO VOTE** would make no change in current laws relative to charter schools.

REGULAR MEETING OF OCTOBER 3, 2016

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**QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

**SUMMARY**

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

**A YES VOTE** would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

**A NO VOTE** would make no change in current laws relative to the keeping of farm animals.

**QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

REGULAR MEETING OF OCTOBER 3, 2016

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**SUMMARY**

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments.

The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

REGULAR MEETING OF OCTOBER 3, 2016

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The proposed law would take effect on December 15, 2016.

A **YES VOTE** would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A **NO VOTE** would make no change in current laws relative to marijuana.

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
- 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 – October 4, 2016

Approved – October 4, 2016

MARK P. HAWKE, Mayor

### REPORTS OF STANDING COMMITTEES

#### PUBLIC SAFETY COMMITTEE

##### **#9688**

Councillor Paul Tassone, Chairman of the Public Safety Committee, requested that the Public Safety Committee be granted more time. There being no objections, the Public Safety Committee was granted more time to report on the *Application by Paul L. Roy, 55 Corey Hill Road, Ashburnham, for an Amended License to Store 200,000 Gallons of Petroleum Products in Aboveground Storage Tanks at 211 Colony Lane, Gardner.*

##### **#9691**

Councillor Paul Tassone, Chairman of the Public Safety Committee, requested that the Public Safety Committee be granted more time, since the Committee plans to meet prior to the next Council meeting to discuss the proposed Ordinance. There being no objections, the Public Safety Committee was granted more time to report on the following:



## REGULAR MEETING OF OCTOBER 3, 2016

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CODE 600-18-A TWO HOUR PARKING METERS AND CODE 600-19 THIRTY-MINUTE PARKING METERS.

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

**Delete Code §600-19-A & B – Thirty minute parking meters.**

A. No person shall park a vehicle for a period of time longer than 30 minutes between the hours of 9:00 a.m. and 6:00 p.m. at any metered location on the streets or portions thereof listed below. This restriction shall not apply on Sundays or during the hours of legal holidays during which business establishments are required by law to remain closed.

| Name of Street   | Location                                                             |
|------------------|----------------------------------------------------------------------|
| City Hall Avenue | Between Pleasant Street and Nichols Street, unless otherwise posted. |

B. The actual location of meters to be placed within the above locations shall be designated and may from time to time be changed by vote of the City Council Public Safety Committee.

AND

**Amend Code §600-18 – Two-hour parking meters.**

No person shall park a vehicle for a period of time longer than two hours between the hours of 9:00 a.m. and 6:00 p.m. at any metered location on the streets or portions thereof listed below. This restriction shall not apply on Sundays or during the hours of legal holidays during which business establishments are required by law to remain closed.

**Insert:**

| Name of Street | Side     | Location                             |
|----------------|----------|--------------------------------------|
| Connors Street | Easterly | From Knowlton Street 260 feet North. |
| Connors Street | Westerly | From Knowlton Street 400 feet North. |

**Delete:**

On Thursdays, the limited parking time shall be from 9:00 a.m. to 9:00 p.m.

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

**COMMITTEE OF THE WHOLE**

**#9234**

President Walsh informed the Council that City Clerk provided him with draft legislation that incorporates the various revisions to the Charter, as agreed upon by the Council. He said that he would schedule a meeting of the Committee of the Whole once he completes a review of the legislation. There being no objections, the Committee of the Whole was granted more time.



## REGULAR MEETING OF OCTOBER 3, 2016

**#9686**

President Walsh stated that a public hearing concerning the proposed upgrade to the dewatering equipment and pursuing a new and or expanded sludge landfill would be scheduled for Monday, October 17 at 6:00 p.m. in order to afford citizens an opportunity to ask questions, offer input, and to share information on the matter. He added that the City Council has yet to receive any input from the Mayor on the proposal and that he would like to learn of the Mayor's position either before or at the Public Hearing. There being no objections, the Committee of the Whole was granted more time for study and report.

**NEW BUSINESS**

On a motion by Councillor Paul Tassone and seconded by Councillor Nathan Boudreau, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to consider New Business.

**#9696**

On a motion by Councillor Paul Tassone and seconded by Councillor Nathan Boudreau, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to adopt the following Order:

**VOTED:** To authorize obedience to isolated STOP signs (§600-54 of the Code of the City of Gardner), as follows:

| <b>Stop Street</b> | <b>Direction of Travel</b> | <b>For Traffic Entering</b> |
|--------------------|----------------------------|-----------------------------|
| South Main Street  | Southbound                 | Kendall Street              |
| South Main Street  | Westbound                  | Travers Street              |

To temporarily suspend obedience to isolated Yield Signs (§600-55 of the Code of the City of Gardner), as follows:

| <b>Yield Street</b> | <b>Direction of Travel</b> | <b>At Intersection of</b> |
|---------------------|----------------------------|---------------------------|
| South Main Street   | Southbound                 | Kendall Street            |

Presented to Mayor for Approval – October 4, 2016

Approved – October 4, 2016

MARK P. HAWKE, Mayor

**ANNOUNCEMENTS**

Councillor Paul Tassone announced that October is Breast Cancer Awareness Month.



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**REGULAR MEETING OF OCTOBER 3, 2016**

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Councillor Tassone commended Councillor Ronald Cormier, who also serves as Chairman of the Redevelopment Authority, about his passion for moving the City forward in his capacity as Chairman.

Councillor Nathan Boudreau remarked that the Fabulous Fall Festival and Chair Luge were successful.

Councillor Ronald Cormier informed the Council that on Thursday, September 29, the Community Development and Planning Conference Room was dedicated in memory of former Community Development and Planning Director Robert Hubbard. He said that Mr. Hubbard spearheaded the City's Urban Renewal Plan and was responsible for many of the improvements that the City experienced over the years that he served as Director.

President James Walsh added that the Library remains "the linchpin" to the Rear Main Street and Derby Drive redevelopment project.

**CLOSING PRAYER**

President Walsh led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Johnson, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to adjourn at 7:48 o'clock p.m.

**Accepted by the City Council:**

September 29, 2016

Commonwealth of Massachusetts

RECEIVED

Worcester County

City of Gardner

2016 SEP 30 AM 7 49

CITY CLERK  
GARDNER MA

CERTIFICATE OF APPOINTMENT

I appoint Carole Baublis to the position of Member, Council on Aging, and I certify  
252 Union 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: September 29, 2019

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

Then personally appeared the above named Carole Baublis and made oath that he/she  
would faithfully and impartially perform the duties of the office of Member, Council on Aging  
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 \_\_\_\_\_

9698

September 30, 2016

# Commonwealth of Massachusetts

RECEIVED

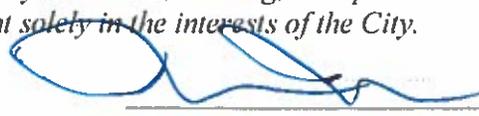
Worcester County

City of Gardner

SEP 30 10 43 AM '16  
CITY CLERK  
GARDNER MA

## CERTIFICATE OF APPOINTMENT

I appoint Marcelle Cormier to the position of Member, Council on Aging, and I certify  
55 Wickman 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.

 \_\_\_\_\_ Mayor

Mark P. Hawke

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

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

Alan L. Agnelli

Expires: September 29, 2019

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

Then personally appeared the above named Marcelle Cormier and made oath that  
he/she would faithfully and impartially perform the duties of the office of Member, Council on  
Aging 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 \_\_\_\_\_

September 30, 2016

# Commonwealth of Massachusetts

RECEIVED  
 Worcester County  
 2016 SEP 30 AM 10 56  
 CITY CLERK'S OFFICE  
 GARDNER, MA

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint Sophie DeGrace to the position of Member, Council on Aging, and I certify  
 19 Ford 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: September 29, 2019

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

Then personally appeared the above named Sophie DeGrace and made oath that he/she  
 would faithfully and impartially perform the duties of the office of Member, Council on Aging  
 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 \_\_\_\_\_

9700

September 29, 2016

# Commonwealth of Massachusetts

RECEIVED

Worcester County

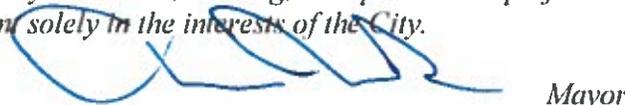
City of Gardner

2016 SEP 30 AM 7 49

## CERTIFICATE OF APPOINTMENT

CITY CLERK  
GARDNER MA

I appoint Jeff Nelson to the position of Member, Council on Aging, and I certify  
85 Ridgewood Lane, Gardner, MA  
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the  
duties of said office, and that I make the appointment solely in the interests of the City.



Mark P. Hawke

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

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

Alan L. Agnelli

Expires: September 29, 2019

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

Then personally appeared the above named Jeff Nelson and made oath that he/she would  
faithfully and impartially perform the duties of the office of Member, Council on Aging  
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 \_\_\_\_\_

9701

# City of Gardner, *Executive Department*



Mark Hawke, Mayor

COMMONWEALTH OF MASSACHUSETTS

WORCESTER COUNTY

CITY OF GARDNER

I appoint the following persons to the positions of Election Officers, and I hereby certify that in my opinion they are persons specially fitted by education, training and experience to perform the duties of said office and that I make the appointments solely in the interest of the City.

Mark P. Hawke, Mayor

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

for terms expiring September 1, 2017

Alan L. Agnelli, City Clerk

|                         |                         |         |
|-------------------------|-------------------------|---------|
| Anita Boudreau          | 8 Jackson Park          | Gardner |
| Stephanie S. Samsia-Nji | 317 Pleasant Street, #3 | Gardner |

9702



SEPTEMBER 26, 2016

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint TITI SIRIPHAN to the position of ASSISTANT CITY CLERK and certify that in my opinion 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.

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

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

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

Expires: November 1, 2019

Worcester, ss., \_\_\_\_\_ 2016

*Then personally appeared the above named Titi Siriphan and made oath that she would faithfully and impartially perform the duties of the office of Assistant City Clerk according to law and the best of her abilities.*

*Before me,*

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

9688



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: \_\_\_\_\_

**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: \_\_\_\_\_

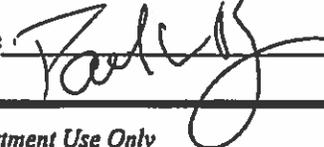
❖ Maximum amount (in pounds) of Class 1.3: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

❖ 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: \_\_\_\_\_

9688

**Alan Agnelli**

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**From:** Richard Ares  
**Sent:** Monday, October 03, 2016 3:06 PM  
**To:** Paul Tassone; Councillor K Hardern; Councillor M Vance; James M. Walsh  
**Cc:** info@roycodistributors.com; Alan Agnelli  
**Subject:** License Hearing

Councillors,  
Because I have been able to get the necessary information relative to the license amendment application at 211 Colony Rd., I do not anticipate a need for a continuance. I am approving the license application. The existing license already requires the storage to be in accordance with 527 CMR and M.G.L Chapter 148.

I will be imposing requirements on the permit for storage granted by the fire department. These requirements are based on the advice received from the Massachusetts Department of Fire Services. The location in question has to be both licensed and permitted for storage of combustible liquid. Because the facility does not have a fire suppression system and there is a large quantity of combustible liquid stored I am placing the following requirements on the permit:

- 1.) An investigation and evaluation report be completed by a registered design professional. This report shall at minimum contain:
  - A. An analysis of the current storage configuration and compliance of the combustible liquids in accordance with 527 CMR 1.00: 60.1.1 and 527 CMR 1.00:66.1.1.
  - B. A hazardous materials inventory statement
  - C. The specific use of the storage tanks, their intended uses and UL listings.
- 2.) An investigation and evaluation report by a registered design professional ( this may be the same registered design professional or different) of code required building features. These features include combustible liquid storage, existing fire wall , and other code required features. 527 CMR 1.00:1.1.4 and provisions of the Massachusetts Building Code require all existing buildings, systems, and uses be maintained in accordance with the code in effect at the time of construction (or renovation/addition).

Any discrepancies found in either report must be addressed through compliance or variance.

*Richard P. Ares*  
Fire Chief  
Gardner Fire Department  
Gardner, MA  
978-630-4051

9691

# City of Gardner, *Executive Department*



Mark Hawke, Mayor

September 12, 2016

RECEIVED

2016 SEP 13 AM 10 37

CITY CLERK  
GARDNER

James M. Walsh, President  
And City Councilors  
95 Pleasant Street  
Gardner, MA 01410

RE: Parking Meter District

Dear President Walsh and Councilors,

The Mayor's Ad-hoc Parking Meter Advisory Committee (MAPMAC) has been meeting for several months. They have been tasked with researching and recommending replacement parking meters and reviewing our current parking metered area.

MAPMAC has made the following recommendations:

- Remove parking meters on City Hall Avenue, west of Connors Street.
- Add parking meters on the east and west of Connors Street except for the spaces behind Perry Auditorium and adjacent to the Fire Station (see map).
- Replace all broken/missing meters.
- Add meters in the newly created parking spaces within the existing metered area.
- Align the parking meter ordinance with current practice.

The attached ordinance amendment will delete section 600-19. This section only allowed for 30 minute parking along City Hall Avenue. This was not enforced as the parking meters were the same as the 2 hour parking metered area and allowed for 2 hours of parking. We are also looking to remove the meters from half of City Hall Avenue.

The attached ordinance will insert another portion of Connors Street to the parking metered area.

The attached ordinance will also delete a sentence extending the 2 hour parking limit to 9:00pm on Thursdays.

Respectfully,

Mark Hawke  
Mayor, City of Gardner

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CODE 600-18-A TWO HOUR PARKING METERS AND CODE 600-19 THIRTY-MINUTE PARKING METERS.

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

**Delete Code §600-19-A & B – Thirty minute parking meters.**

A. No person shall park a vehicle for a period of time longer than 30 minutes between the hours of 9:00 a.m. and 6:00 p.m. at any metered location on the streets or portions thereof listed below. This restriction shall not apply on Sundays or during the hours of legal holidays during which business establishments are required by law to remain closed.

| <b>Name of Street</b> | <b>Location</b>                                                      |
|-----------------------|----------------------------------------------------------------------|
| City Hall Avenue      | Between Pleasant Street and Nichols Street, unless otherwise posted. |

B. The actual location of meters to be placed within the above locations shall be designated and may from time to time be changed by vote of the City Council Public Safety Committee.

**AND**

**Amend Code §600-18 – Two-hour parking meters.**

No person shall park a vehicle for a period of time longer than two hours between the hours of 9:00 a.m. and 6:00 p.m. at any metered location on the streets or portions thereof listed below. This restriction shall not apply on Sundays or during the hours of legal holidays during which business establishments are required by law to remain closed.

**Insert:**

| <b>Name of Street</b> | <b>Side</b> | <b>Location</b>                      |
|-----------------------|-------------|--------------------------------------|
| Connors Street        | Easterly    | From Knowlton Street 260 feet North. |
| Connors Street        | Westerly    | From Knowlton Street 400 feet North. |

**Delete:**

On Thursdays, the limited parking time shall be from 9:00 a.m. to 9:00 p.m.

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

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.