



City of Gardner, Massachusetts
Office of the City Council

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**CALENDAR FOR THE MEETING**

*of*

**TUESDAY, FEBRUARY 20, 2018**

**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 February 5, 2018 Informal Meeting, Joint Convention, and Regular Meeting.

- VII. PUBLIC HEARING**
- VIII. COMMUNICATIONS FROM THE MAYOR**
- IX. PETITIONS, APPLICATIONS, ETC.**

**9897** – A Petition by Verizon New England, Inc. for Permission to Install one (1) SO Pole on the easterly side of Graham Street at a point approximately 97' southerly from the centerline of Richmond Street (*Public Service Committee*) (*Public Hearing Required*).

**9898** – A Petition by Zero Point Development, Inc. to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," by Adding a Solar Photovoltaic Overlay District off Lovewell Street (*Planning Board*) (*Public Welfare Committee*).

- X. REPORTS OF STANDING COMMITTEES**
- 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.

INFORMAL MEETING OF FEBRUARY 5, 2018

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Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, February 5, 2018.

**CALL TO ORDER**

Council President Scott J. Graves called the meeting to order at 6:00 o'clock p.m.

**ATTENDANCE**

Nine (9) Councillors were present\* including President Scott Graves and Councillors James Boone, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas. \*Councillor Nathan Boudreau arrived at 6:08 p.m. Councillor James Walsh was absent.

Others participating were Mayor Mark Hawke, Fire Chief Richard Areas, and Assistant Director of Community Development & Planning Joshua Cormier

President Graves introduced Assistant Director of Community Development & Planning Joshua Cormier to address the Council concerning Calendar No. 9893, *A Resolution Relative to the FY2018 Community Development Block Grant Mini-Entitlement Plan*.

Assistant Director Cormier presented the proposed CDBG Mini-Entitlement Plan, as follows:

- **Demolition** – Demolish select parcels in the Target areas. CDBG Funding \$106,250.00.
- **Downtown Phase I** – Design and construction of crosswalks, sidewalks, and lighting repairs and upgrades. CDBG Funding \$548,750.00.
- **Small Business Technical Assistance Program** – Small business assistance services for 15 LMI Gardner residents. CDBG Funding \$7,500.00.
- **Domestic Violence Services** – Provide counseling for 40 LMI at-risk men, women, and children. CDBG Funding \$12,000.00.
- **Veterans Community Integration Initiative** – Provide health and well-being courses for 150 LMI veterans and civilians. CDBG Funding \$16,750.00.
- **Gardner Public School Athletics** – Provide financial assistance for LMI student athletes at Gardner High School and Gardner Middle School. CDBG Funding \$10,000.00.
- **Administrative and Delivery Costs** - \$123,750.00.

Mr. Cormier informed the Council that every year, from September to October, the Department issues Requests for Proposals and offered the following overview:

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Mr. Cormier stated that Gardner Public School Athletics would pay \$100 for athletic user fees (per sport) for LMI students (under LMI Guidelines).

The Veterans Community Integration Initiative is a joint effort with MVOC, with each paying half the cost of the first year of the program. He said that the initiative would offer health and well-being courses (yoga, meditation) for 150 LMI veterans and civilians. He said that the plan would be to contract with local businesses for these services.

The Domestic Violence Services Initiative would be provided by *Voices of Truth* and would provide counseling for 40 LMI at-risk men, women, and children.

The Downtown Phase I Initiative includes design and construction of crosswalks, sidewalks, and lighting repairs and upgrades. He said that many of the crosswalks and sidewalks in the Downtown are not ADA-compliant and that lighting in certain areas is insufficient.

The Demolition Initiative would find the demolition of select parcels in the Target areas. He said that the Department would evaluate the conditions of various buildings that pose danger. He cited the building located at 20 Rock Street as a City-owned blighted building which, he noted, was taken under Tax Title.

Administrative and Delivery Costs provide salaries for the Assistant Director and Financial Administrator.

Councillor Edward Gravel cited Monument Park as having lack of accessibility for handicapped individuals and noted limited lighting.

Mr. Cormier said that the plan is in 9 phases and that lighting is not in the first phase, adding that it is a planning document and other issues can be looked into.

Councillor James Johnson cited lack of lighting at the Sullivan-Minns stairs between Pine Street and Rear Main Street.

Mr. Cormier said that he would investigate whether lighting is included in the Rear Main Street Project and would respond to the Council.

Councillor Gravel added that lighting is a safety concern.

Assistant Director Cormier departed at 6:16 p.m.

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President Graves introduced the Mayor and Fire Chief Richard Ares to address the Council concerning Calendar No. 9873, *An Order Appropriating \$255,000.00 from Free Cash to Fire/EMT Department - New Vehicle Account.*

Councillor Christine Johnson mentioned that Free Cash could be used as a loan to buy the Ambulance and then have it repaid later from an Enterprise Fund. She said that the City can recoup expenses for only the prior two years.

Councillor James Johnson reminded Councillors that the Public Safety Committee voted to recommend adoption of the Order.

Councillor James Boone stated that he spoke with the Fire Chief about researching vehicles "off the lot," and found that some can be purchased that are already equipped, but that they're not four-wheel drive vehicles. He added that he spoke with a salesman and was informed that Gardner is ordering a good vehicle at a good price. He then questioned how the City will fund the vehicle, suggesting that it work to reduce overtime.

Councillor Ronald Cormier informed the Council that the Finance Committee discussed the issue informally, and then agreed to refer discussion to the Council as Committee of the Whole.

Councillor Gravel stated that he supports purchasing the ambulance from Free Cash at this time and then to pay it back later.

President Graves reminded Councillors to focus its discussion on the Order before the Council, which is to purchase an ambulance from Free Cash.

Councillor Christine Johnson remarked that the Mayor said that if borrowed, the Tax Levy would be raised to the 2½% limit, but that she wants to see "a zero percent increase" in the levy. She added that borrowing is not beneficial to the City.

Councillor Ronald Cormier stated that the City does not have a full year's experience with revenues and expenses, so perhaps it should wait for at least a year or one and a half years of experience before pursuing an Enterprise Fund.

President Scott Graves commented that the Mayor must also approve the creation of an Enterprise Fund.

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Mayor Hawke stated that an Enterprise Fund is strictly an accounting format, separately set-up in MUNIS that tracks revenues and expenses.

President Graves explained that two separate overtime accounts are set up within the Fire Department, one for Fire and the second for EMS/Ambulance. He asked the Chief if the Department had hired the planned 8 new Firefighters/EMTs.

Chief Ares responded, saying that the last 5 of the 8 hired resigned unexpectedly. He added that new FF/EMT's were hired to replace a few, but that the Department had several FF recently retire. He said that each shift should have 9 personnel, but that the Department has been at least one FF short. He noted that as of that day, the cost for vacation coverage alone is about \$100,000.

Councillor James Johnson asked the Chief for his plan for the used Ambulance.

Chief Ares stated that he would repair the current unit by replacing the chassis, since the box is in good shape, and keep it as a back-up.

On questioning, the Chief said that MedStar and Wood's Ambulance serve as back-up if the FD unit is unavailable. If neither is available, then the City contacts the Town of Westminster. If the City's Ambulance is out of town for longer than 1½ hours, another FF is called in on OT.

Mayor Hawke stated that the plan has been to find a way to add Firefighters to the Department at little to no cost to the taxpayers, adding that FF/EMT's "are Firefighters first."

President Scott Graves solicited the Mayor's comments concerning using Free Cash for capital items.

Mayor Hawke stated that for the past 8 years, the City has used Free Cash for capital items, adding that small items and Police cruisers are included in the operating budget. He noted that funding for larger capital purchases or projects are either borrowed or from Free Cash.

The meeting was concluded at 6:34 p.m.

**Accepted by the City Council:**

JOINT CONVENTION OF FEBRUARY 5, 2018

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Monday evening, February 5, 2018. Joint Convention of the City Council and School Committee, held in the City Council Chamber, was called to order by Presiding Officer Mayor Mark P. Hawke at 7:00 o'clock p.m. for the purpose of appointing a Representative to the Montachusett Regional Vocational Technical School District Committee for four years.

City Clerk Alan L. Agnelli called the Roll of Convention. Present were:

**Members of the City Council (10)**

Scott J. Graves, President  
James S. Boone  
Nathan R. Boudreau  
Craig R. Cormier  
Ronald F. Cormier  
Edward A. Gravel  
Karen G. Hardern  
Christine A. Johnson  
James D. Johnson  
Elizabeth J. Kazinskas

Absent: James M. Walsh

**Members of the School Committee (7)**

Mark P. Hawke, Mayor and Chairman  
James R. Abare  
Anne F. Hurst  
John M. LaFreniere  
Jennifer Z. Pelavin  
Melody B. Phelps  
Robert J. Swartz

Mayor Hawke informed the Convention of the nomination process as outlined under Robert's Rules of Order, Chapter XIV, §46 (pp.416-418) and the requirements for appointment as outlined under the 3<sup>rd</sup> Amendment (1989) to the Montachusett Regional Vocational School District Agreement.

- ❖ Nominations from the floor will be recognized.
- ❖ A nomination does not require a second; however, a nomination may be seconded to indicate endorsement.
- ❖ No one may nominate more than one person, if an objection is made, until every member wishing to nominate has had an opportunity to do so.
- ❖ If no further nominations are offered, the Presiding Officer will call for a motion to close nominations.
- ❖ A two-thirds vote is required to close nominations.
- ❖ A majority vote is required to reopen nominations.
- ❖ The City Clerk will call the roll, whereupon each Councillor and School Committee member shall state the name of the person whom they choose.
- ❖ The nominee receiving the requisite ten (10) votes shall be declared appointed.
- ❖ Further balloting shall be undertaken until someone is appointed.

JOINT CONVENTION OF FEBRUARY 5, 2018

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Mayor Hawke called for nominations from the floor.

Councillor Karen Hardern nominated Matthew C. J. Vance. Councillor Nathan Boudreau seconded the nomination.

Councillor Edward Gravel nominated Eric D. Commodore.

On a motion by Council President Scott Graves and seconded by Councillor Edward Gravel, it was voted viva voce to close nominations.

The Mayor asked the City Clerk to call the roll.

On Call of the Roll:

Councillor James S. Boone voting for Matthew C. J. Vance  
Councillor Nathan R. Boudreau voting for Matthew C. J. Vance  
Councillor Craig R. Cormier voting for Eric D. Commodore  
Councillor Ronald F. Cormier voting for Eric D. Commodore  
Councillor Edward A. Gravel voting for Eric D. Commodore  
Councillor Scott J. Graves voting for Eric D. Commodore  
Councillor Karen G. Hardern voting for Matthew C. J. Vance  
Councillor Christine A. Johnson voting for Eric D. Commodore  
Councillor James D. Johnson voting for Eric D. Commodore  
Councillor Elizabeth J. Kazinskas voting for Matthew C. J. Vance  
Mr. James R. Abare voting for Matthew C. J. Vance  
Mrs. Anne F. Hurst voting for Matthew C. J. Vance  
Mr. John M. LaFreniere voting for Matthew C. J. Vance  
Mrs. Jennifer Z. Pelavin voting for Matthew C. J. Vance  
Mrs. Melody B. Phelps voting for Matthew C. J. Vance  
Mr. Robert J. Swartz voting for Matthew C. J. Vance  
Mayor Mark P. Hawke voting for Matthew C. J. Vance

Eric D. Commodore having received six (6) votes, Matthew C. J. Vance having received eleven (11) votes, Matthew C. J. Vance was appointed Representative to the MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT COMMITTEE for term expiring January 1, 2022.



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Worcester, ss.

February 5, 2018

Then personally appeared **MATTHEW C. J. VANCE** and made oath that he would faithfully and impartially perform the duties of Representative to the Montachusett Regional Vocational Technical School District Committee according to law and the best of his abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

On motion and duly seconded, it was voted viva voce to adjourn at 7:07 p.m.

Accepted by the City Council:



**REGULAR MEETING OF FEBRUARY 5, 2018**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, February 5, 2018.

**CALL TO ORDER**

Council President Scott J. Graves 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 Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas. Councillor James Walsh was absent.

**OPENING PRAYER**

President Graves led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

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

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

President Graves 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 Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to waive reading and to accept the Minutes of the January 16, 2018 Regular Meeting, as printed.

**PUBLIC HEARING**

President Graves opened the Public Hearing on #9883, *A Petition by National Grid for Permission to install one (1) solely-owned Pole on Clark Street beginning at a point approximately 147' NW of the centerline of the intersection of Century Way.* The Hearing was continued from January 16, 2018.

**REGULAR MEETING OF FEBRUARY 5, 2018**

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The President called for persons wishing to testify in favor of the Petition.

Javier Morales, representing National Grid, testified that the proposed pole would serve a new residential home.

Mike Leger, the builder of the new home, testified in favor.

Jason and Ashley Chicoine, whose new home is under construction and will be serviced by the new pole, testified in favor of the Petition.

The President again called for persons wishing to testify in favor of the Petition.

There being none, the President thrice called for persons wishing to testify in opposition to the Petition.

There being none, the President declared the public hearing closed at 7:34 p.m.

**MEASURE TAKEN OUT OF ORDER****#9883**

President Scott Graves called for Calendar #9883 to be taken out of Order. There were no objections.

Councillor Nathan Boudreau, Chairman of the Public Service Committee, reported that the Service Committee met and voted to recommend favorable action.

Councillor Boudreau then moved to adopt the following Order:

**ORDER FOR POLE AND WIRE LOCATIONS**

By the City Council of the City of Gardner, Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That NATIONAL GRID be and is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 4<sup>th</sup> day of December, 2017.

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked – Clark Street – Gardner – Massachusetts.



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No. 24156457..... Dated: December 4, 2017 - filed with this order.

There may be attached to said poles such wires, cables and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referenced to may be erected, and the number of poles which may be erected thereon under this order:-

Clark Street - National Grid to install 1 SO pole on Clark Street beginning at a point approximately 147' northwest of the centerline of the intersection of Century Way. National Grid to install a new solely-owned pole number 33-1 approximately 147' northwest of Century Way and 460' southeast of Brookside Drive for new customer located at 300 Clark Street.

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

Councillor Craig Cormier seconded the motion.

On the motion to adopt the Order, Councillor Christine Johnson informed the Council that as a former Ward 2 Councillor, she knows the site of the proposed pole location and is in favor of passing the Order.

Directing his attention to the affected homeowners in the Chamber, Councillor Edward Gravel personally apologized, saying that the pole petition created a significant delay to their project and that "there was a little miscommunication at the last Council meeting."

On behalf of the Council, President Scott Graves also offered an apology "for the snafu."

On the motion, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the Order.

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENT**

**#9890**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee met with the Mayor and with Mr. Jean. He said that Mr. Jean has served as the City's Local Inspector since November, 2015 and has obtained all required certifications.

REGULAR MEETING OF FEBRUARY 5, 2018

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He then moved to confirm the Mayor's Appointment of Roland Jean, Jr. to the position of Building Commissioner for the term expiring January 17, 2021. Councillor Karen Hardern seconded the motion.

On the motion to confirm, Councillor Edward Gravel extended his congratulations to Mr. Jean for passing the Building Commissioner's test.

Councillor Karen Hardern stated that she was fortunate to witness Mr. Jean handling himself under pressure, citing a recent fire on Pine Street and flooding in the City Hall Annex.

On the motion, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to confirm the following Appointment received from the Mayor:

**ROLAND JEAN, JR.** to the position of **BUILDING COMMISSIONER** for term expiring January 17, 2021.

Worcester, ss.

February 5, 2018

Then personally appeared **ROLAND JEAN, JR.** and made oath that he would faithfully and impartially perform the duties of **BUILDING COMMISSIONER** according to law and the best of his abilities.

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

**ORDER**

**#9891**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee met with the Fire Chief and was informed that a replacement pump in Engine 1 could extend the life of the Engine by 5 to 7 years.

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee discussed the Order and voted to recommend its passage, adding that the Chief referred to Engine 1 as the Department's "workhorse primary pumper."

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, on recommendation of the Finance Committee and the Public Safety Committee, it was voted on call of the roll, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Order:




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 REGULAR MEETING OF FEBRUARY 5, 2018
 

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AN ORDER APPROPRIATING FROM FREE CASH TO FIRE DEPARTMENT – PUMP FOR ENGINE NO. 1 ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Forty-One Thousand Dollars and No Cents (\$41,000.00) from Free Cash to the Fire Department – Pump for Engine No. 1 Account.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor

**PETITIONS, APPLICATIONS, ETC.**

**#9892**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee met with the Superintendent of Schools and the School Business Manager concerning the project. He said that the City has been invited to apply for a grant, which if approved; funding would have to be authorized by the City Council. He noted that Gardner would be eligible for nearly 80% reimbursement from the MSBA for the new roof. The Committee voted to recommended adoption of the Order.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Measure:

MASSACHUSETTS SCHOOL BUILDING AUTHORITY  
ACCELERATED REPAIR PROGRAM  
STATEMENT OF INTEREST  
GARDNER MIDDLE SCHOOL  
(ROOF REPAIRS)

*VOTED:* To authorize the Superintendent to submit to the Massachusetts School Building Authority a Statement of Interest dated February 14, 2018 for Gardner Middle School, located at 297 Catherine Street, Gardner, MA 01440, which describes and explains the following deficiencies and the priority category(ies) for which Gardner Public Schools may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority Category:

Priority # 5- Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility;



## REGULAR MEETING OF FEBRUARY 5, 2018

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- Description of Deficiencies:

The Gardner Middle School opened in 1997. The roof is original to the building and has been maintained as leaks have occurred, however new leaks continue to occur at an increased pace, recently above the library and computer lab, and three assessments by different outside companies in the past three years have recommended repair or replacement;

The Gardner City Council hereby further specifically acknowledges that by submitting this statement of interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant, or any other funding commitment from the Massachusetts School Building Authority or commits the Gardner Public Schools to filing an application for funding with the Massachusetts School Building Authority.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor

### #9893

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Finance Committee voted to recommend adoption of the Resolution. He said that the Committee of the Whole met informally with Assistant Director of Community Development and Planning Joshua Cormier prior to the Regular Meeting and that he believed that Councillors' questions were answered to their satisfaction.

On a motion by Councillor Ronald Cormier and seconded by Councillor Christine Johnson, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Resolution:

### RESOLUTION

#### FY 2018 COMMUNITY DEVELOPMENT BLOCK GRANT

#### Mini-Entitlement Plan

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

WHEREAS, the City council has reviewed the proposals prepared by the Department of Community Development and Planning for inclusion within the FY 2018 Community Development Block Grant (CDBG) Mini-Entitlement Plan; and

WHEREAS, the CDBG proposals seek funding for support of public social services, demolition, infrastructure repair and upgrade, economic development, and associated administrative costs; and

REGULAR MEETING OF FEBRUARY 5, 2018

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WHEREAS, the activities proposed within the FY 2018 CDBG Mini-Entitlement Plan meet the priorities identified within the City's 2018 Community Development Strategy, and the 2004 Community Development Plan; and

WHEREAS, the City does not possess the bonding capacity or have the availability of funds to appropriate from its general budget to undertake such projects and reliance upon grant funds is required, and

WHEREAS, the City Council supports each of the activities as being consistent with the City's goal of promoting quality programs for its citizens;

NOW THEREFORE, the City Council hereby extends its support of each proposed activity and endorses the City's FY 2018 CDBG Mini-Entitlement Plan to be submitted to the Commonwealth of Massachusetts, Department of Housing and Community Development.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor

**#9894**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Order would authorize the City to borrow funds for the project, basically “up fronting the costs,” and then anticipate reimbursement. He noted that the Council had previously voted to authorize the project (at various stages) and added that the Finance Committee voted to recommended adoption of the Order.

On a motion by Councillor Ronald Cormier and seconded by Councillor Karen Hardern, on recommendation of the Finance Committee, it was voted on call of the roll, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Order:

AN ORDER AUTHORIZING THE CITY TO ACCEPT LAND GRANT FUNDS,  
TO BORROW, AND TO TAKE OTHER ACTIONS RELATING TO THE  
ACQUISITION OF THE “OMEALIA PROPERTY”

ORDERED: To authorize the Mayor of the City of Gardner to accept grant funds in the amount of up to Seventy One Thousand Thirty Eight and 00/100 Dollars (\$71,038.00) awarded to the City under the LAND Grant program, 301 CMR 5:00, and enter any necessary contracts thereto, for the purpose of purchasing approximately 93.5<sup>+/-</sup> acres of land on Leo Drive, known as the Omealia Property, described below, to be held and managed by the Conservation Commission for conservation and passive recreation, pursuant to M.G.L.



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Chapter 40, Section 8C, and to borrow, appropriate and expend up to One Hundred Fourteen Thousand Five Hundred and 00/100 Dollars (\$114,352), pursuant to M.G.L. Chapter 44, Section 7, for the purchase of said land in fee, in accordance with the attached **Budget**, being a portion of Assessors Parcel *H37/23/35*, located on Leo Drive, shown as **Parcel B** on the attached Map, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor

**#9895**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Boone, on recommendation of the Finance Committee, it was voted on call of the roll, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Order:

AN ORDER AUTHORIZING THE CITY TO ACCEPT PARC GRANT FUNDS,  
TO BORROW, AND TO TAKE OTHER ACTIONS RELATING TO THE  
ACQUISITION OF THE “OMEALIA PROPERTY”

ORDERED: To authorize the Mayor of the City of Gardner to accept grant funds in the amount of up to Ninety Seven Thousand Three Hundred Eighty Eight and 00/100 Dollars (\$97,388.00) awarded to the City under the PARC Grant program, 301 CMR 5:00, and enter any necessary contracts thereto, for the purpose of purchasing approximately 28.8<sup>+/-</sup> acres of land on Leo Drive, known as the Omealia Property, described below, to be held and managed by the Department of Public Works, Parks and Recreation for active recreation and park purposes, pursuant to M.G.L. Chapter 45, Section 3, and to borrow, appropriate and expend up to One Hundred Thirty Nine Thousand One Hundred Twenty Five and 00/100 Dollars (\$139,125.00), pursuant to M.G.L. Chapter 44, Section 7, for the purchase of said land in fee, in accordance with the attached **Budget**, being a portion of Assessors Parcel *H37/23/35*, located on Leo Drive, shown as **Parcel A** on the attached Map, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor





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**REGULAR MEETING OF FEBRUARY 5, 2018**

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**#9896**

On a motion by Councillor Ronald Cormier and seconded by Councillor Craig Cormier, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to place on file a *Communication from the Contributory Retirement Board Relative to a Meeting to Determine a Cost-of-Living Adjustment for Retirees* and that those interested in attending the meeting to do so.

**REPORTS OF STANDING COMMITTEES****COMMITTEE OF THE WHOLE****#9873**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, on recommendation of the Finance Committee and Public Safety Committee, it was voted on call of the roll, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Order, as substituted:

AN ORDER APPROPRIATING FROM FREE CASH TO FIRE/EMT DEPARTMENT – NEW VEHICLE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Two Hundred Fifty-Five Thousand Dollars and No Cents (\$255,000.00) from Free Cash to the Fire/EMT Department – New Vehicle Account.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor

**UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION****#9885**

The City Council and School Committee, having met in Joint Convention and having appointed Matthew C. J. Vance, the *Biennial Appointment of a Member to the Montachusett Regional Vocational Technical School District Committee* was removed from the Calendar.



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**REGULAR MEETING OF FEBRUARY 5, 2018**

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**NEW BUSINESS**

On a motion by Councillor James Johnson and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to consider New Business.

**ANNOUNCEMENTS AND RECOGNITION**

Councillor Nathan Boudreau congratulated Matthew Vance on his appointment to the Monty Tech School Committee.

Council President Scott Graves and Councillor Nathan Boudreau congratulated Mayor Hawke on his recent ascendancy to the Presidency of the Massachusetts Municipal Association by the Board of Directors of the Association.

Commenting that she did not support Councillor Scott Graves for Council President, Councillor Karen Hardern praised him for “doing an outstanding job.”

**COMMENTS****Montachusetts Regional Vocational Technical School District**

Commenting on his past two years serving on the Monty Tech School District Committee, Councillor James Boone said that some of his experiences “have been a bit challenging,” and that both he and the Mayor have asked that the District Agreement be reviewed. He said that in the past, the response that he received from some of the members of the Monty Tech School Committee is that “they will not do anything unless the Attorney General forces us to do so.” He said that a Fitchburg member of the School Committee “is constantly asking the [School] Administration for information,” but “is on a wait list,” and [is] “constantly met with opposition.”

Mr. Boone continued, “We suggested that the School maybe allow 5% of the students that want a vocational education to be able to attend Monty Tech,” and added that he was fortunate to be able to attend Monty Tech, but then questioned if he “would be able to get into the school today.” He said that at the present time, Monty Tech has [enrollment] criteria: a student’s Grade is #1, Attendance is #2, and Discipline is #3. “So, unless you’re a top tier student, you are not going to get into that school.” He pointed out that the last selection criterion is “Do you want a trade?” The trade is a small percentage, he noted.

Continuing, Councillor Boone said that a few of the members and the Mayor asked if 5% [could be allotted] for trade students, but the School Committee members said, “No, too bad,

REGULAR MEETING OF FEBRUARY 5, 2018

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they have to do better in school – have better grades” and thus, “they refuse to bend [even] a little bit.” He added that with Matthew Vance on the Committee, he “hopes to see a little bend.” He concluded by saying that “Monty Tech gets all the money that they need, because the cities and towns have to pay whatever they ask for,” and said that Eric Commodore was an excellent School Committee member, but that he “was glad that we made a change.”

**GFD/EMS Ambulance Enterprise Fund**

Councillor Christine Johnson informed Councillors that she distributed a brief synopsis of establishing an Enterprise Fund on each desk and added that the Ambulance is a “revenue generating entity,” which requires further investigation.

Councillor Christine Johnson then moved to refer to the Finance Committee and Public Safety Committee an Order to study an Enterprise Fund for the Ambulance. Councillor James Johnson seconded the motion.

Councillor Edward Gravel stated that “we dealt with the Golf Course Commission when elected in 2010,” adding that “everything is accounted for – it’s an accounting practice.”

Councillor James Boone asked for clarification.

Councillor Christine Johnson explained that the intent is to study and Enterprise Fund for the Ambulance service.

President Scott Graves recognized Mayor Hawke.

The Mayor questioned the specifics of the Councillor’s intent and suggested that the question is premature since earlier discussions focused on the need for more data.

Councillor Christine Johnson expressed disagreement with the Mayor, saying “We’re having a conversation and that the Ambulance is a revenue-generating entity.” She added that the study would determine whether an Enterprise Fund would be a good idea.

Councillor Karen Hardern agreed that the study may be premature, noting that the Council is dealing with the need for a new ambulance. She said that sometimes it takes 3 to 5 years to get the service running, so that she would not support the motion to refer.

Councillor Nathan Boudreau said that the Firefighters “are overworked and underpaid, a really, really hard job, so we’re going to throw another thing at them – another thing on their plate? It doesn’t make any sense to me.”



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**REGULAR MEETING OF FEBRUARY 5, 2018**

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Councillor James Johnson remarked that the committees could be studying the proposal for a few months and noted that under an Enterprise Fund, the City can go back only two years to recover start-up costs, if that is what it chooses to do.

Councillor Ronald Cormier said that as discussed earlier, the City needs to collect facts, figures and historical data before it can create an Enterprise Fund; otherwise, "it will be done blindly." He added that with one to one and one-half years data, the City may be in a better position to create the Fund, but at the present time, it may be premature.

Councillor Christine Johnson stated that the Council would not create the Enterprise Fund with the motion, but would open the dialogue with the Fire Department. She added that it is not the intent to add more work to the Fire Department's plate.

On the motion to refer, five (5) yeas, President Scott Graves and Councillors James Boone, Edward Gravel, Christine Johnson, and James Johnson; five (5) nays, Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, and Elizabeth Kazinskas, the Order did not pass.

Councillor Ronald Cormier reminded Councillors that although the motion to refer did not pass, it does not preclude either Committee from studying the issue.

**Chair's Participation in Debate (Robert's Rules of Order)**

Referencing a remark that he made at the prior Regular Meeting, Council President Scott Graves extended an apology to Council Nathan Boudreau for ruling that, as Council President, he could not respond to a specific question raised by the Councillor. The President stated that as Council President, he is able to answer questions like that one that was raised; however, is unable to debate the merits of the question.

**CLOSING PRAYER**

President Graves led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Christine Johnson, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adjourn at 8:09 o'clock p.m.

**Accepted by the City Council:**

9897

RECEIVED

**PETITION FOR JOINT POLE LOCATION**

2018 FEB 12 AM 10:43

CITY CLERK'S OFFICE  
GARDNER, MA

To the City Council

Of Gardner, Massachusetts.

**VERIZON NEW ENGLAND INC.** requests permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

**GRAHAM STREET:** Place one (1) solely owned pole numbered T.6S on the easterly side of Graham Street at a point approximately ninety-seven (97) feet southerly from the center line of Richmond Street.

1 Pole to be placed

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – **VERIZON No. 1A2PG2P**, Dated January 30, 2018.

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

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

**VERIZON NEW ENGLAND INC.**

By   
\_\_\_\_\_  
Albert E. Bessette, Manager - Rights of Way



# PETITION PLAN

GARDNER

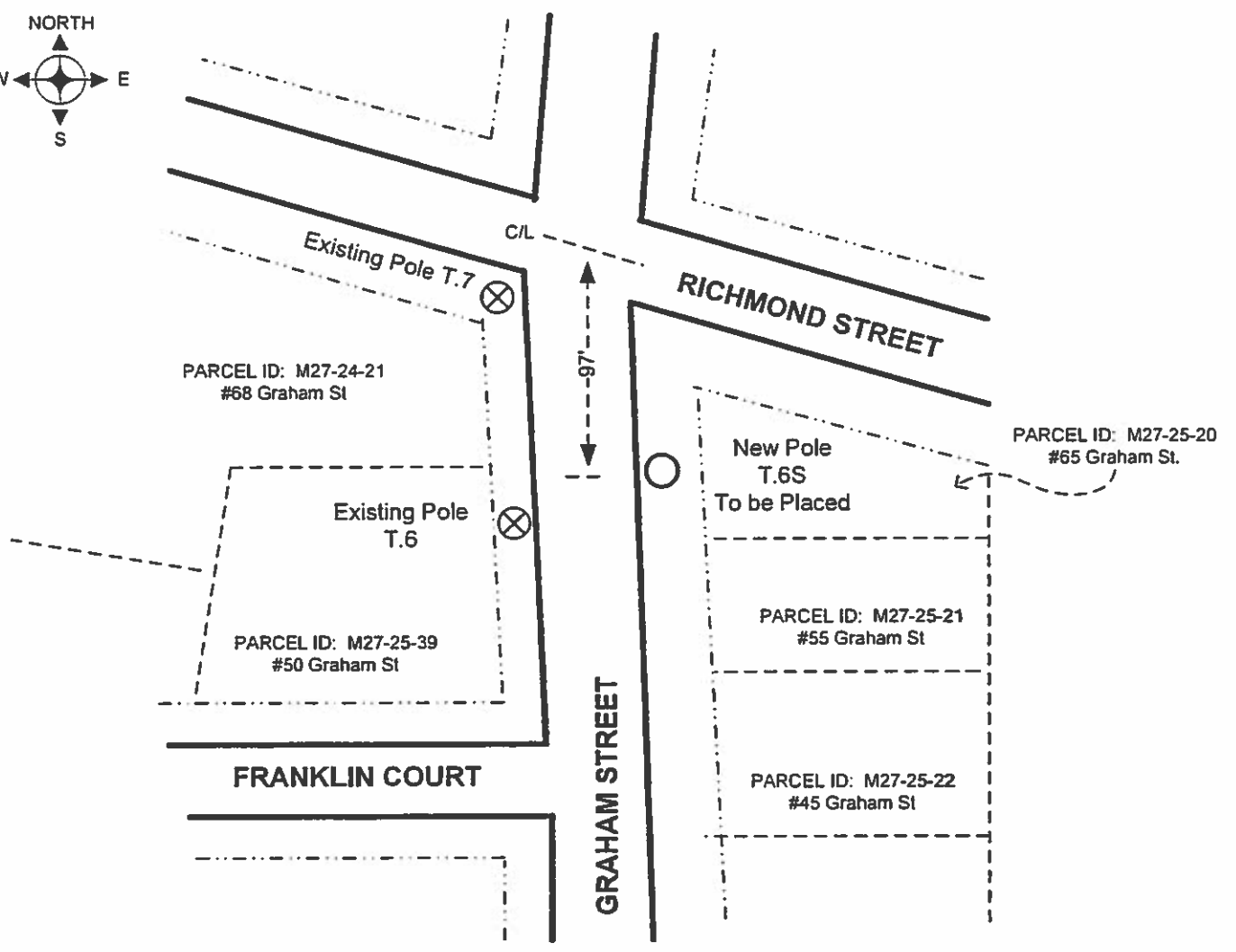
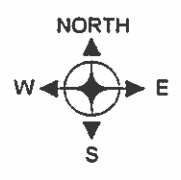
NO. 1A2PG2P

VERIZON NEW ENGLAND, INC

DATE: JANUARY 30, 2018

SHOWING

## PROPOSED POLE ON GRAHAM STREET



### LEGEND

- PROPERTY LINE
- EDGE OF ROAD
- - - - - EDGE OF PAVEMENT

- ⊗ EXISTING POLE
- PROPOSED POLE
- ⌘ PROPOSED ANCHOR

**GRAHAM STREET:** Place one (1) solely owned pole numbered T.6S on the easterly side of Graham Street at a point approximately ninety-seven (97) feet southerly from the center line of Richmond Street.

**Reason:** Place one (1) jointly owned pole on Graham Street to provide lateral support to the existing pole line; and to provide for the distribution of intelligence and telecommunications and for the transmission of high and low voltage electric current.

9898

**HANNIGAN  
ENGINEERING, INC.**

RECEIVED

8 MONUMENT SQUARE, LEOMINSTER, MA 01453 PHONE: (978) 534-1234 FAX (978) 534-6060

CIVIL ENGINEERS & LAND SURVEYORS

2018 FEB 12 PM 1:41

**Gardner City Council**  
95 Pleasant Street  
Gardner, MA 01440

CITY CLERK'S OFFICE  
GARDNER, MA

January 30, 2018

**RE: Proposed Zoning Overlay District  
Large-Scale Ground-Mounted Solar Photovoltaic Overlay District  
Land off Lovewell Street, Gardner, Massachusetts**

Dear Council Members,

On behalf of our client, Zero Point Development, Inc. (ZPD), Hannigan Engineering, Inc. is submitting this petition for the creation of an Overlay District relative to the provisions of the City of Gardner Zoning Ordinance Chapter 675 §580 – Large-Scale Ground Mounted Solar Photovoltaic Overlay District. This new Overlay District would be located off Lovewell Street and is proposed to include the following parcels, or any combination thereof:

Map R07, Parcel 3-11 (n/f Dubzinski Family Trust)  
Map R07, Parcel 15-14 (n/f Sandra Hunt Hamel)  
Map R07, Parcel 19-14A (n/f Peter B. Hunt)  
Map R12, Parcel 19-38 (n/f Bazydlo/Morris)  
Map R12, Parcel 19-39 (n/f Bazydlo/Morris)  
Map R07, Parcel 13-6 (n/f Gardner Rabbit Club, Inc.)

The application for this proposed Overlay District is being made by the Felix R. Dubzinski Family Trust (the Family Trust) and the other parcels to be included are acknowledged and agreed by the various owners.

The purpose of the creation of this Overlay District is to allow the construction of Large-Scale Ground-Mounted Solar Photovoltaic systems within this area. ZPD is working with the Family Trust in the creation of this Overlay District with the intention of developing a solar array on their parcel. Although no other arrays are planned at this time, the creation of this Overlay District to include these parcels, or any combination thereof, would allow the various land owners to pursue this type of development on their parcels at some point in the future. There are certain regulations and restrictions govern the timing of this type of development on contiguous parcels, which would have to be adhered to, including the local Ordinance.

The accompanying sketch entitled Proposed Zoning Overlay depicts the affected parcels and the extent of the proposed 206 acre area for this Overlay Districts. We anticipate this plan is sufficient for your needs at this time. We also have acknowledgement from the various owner as to their agreement to this petition. Information regarding this can be provided, if necessary.



As customary, we will make presentations at the various required Public Hearings to address any questions and concerns that may arise regarding this petition. We look forward to your anticipated implementation of this of this zoning change.

Sincerely,  
**HANNIGAN ENGINEERING, INC.**

  
William D. Hannigan, PE  
President

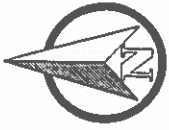
PETITIONER'S ACKNOWLEDGEMENT

  
Walter J. Dubzinski, Jr., Trustee  
Felix R. Dubzinski Family Trust

  
Dana M. Fisher, Trustee  
Felix R. Dubzinski Family Trust

2018 FEB 12 PM 1:43

CITY CLERK'S OFFICE  
GARDNER, MA



PROPOSED LARGE SCALE GROUND-MOUNTED  
SOLAR PHOTOVOLTAIC OVERLAY DISTRICT

MAP FILES & CORRECTIONS (MAPET TRUST)

MAP 007, PARCELS 1-11

ISSUE 1/2016, PAGE 111

MAP 007, PARCELS 12-14

ISSUE 1/2016, PAGE 111

MAP 007, PARCELS 15-18

ISSUE 1/2016, PAGE 111

MAP 007, PARCELS 19-22

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MAP 007, PARCELS 23-26

ISSUE 1/2016, PAGE 111

MAP 007, PARCELS 27-30

ISSUE 1/2016, PAGE 111

MAP 007, PARCELS 31-34

ISSUE 1/2016, PAGE 111

MAP 007, PARCELS 35-38

ISSUE 1/2016, PAGE 111

MAP 007, PARCELS 39-42

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MAP 007, PARCELS 43-46

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MAP 007, PARCELS 47-50

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MAP 007, PARCELS 51-54

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MAP 007, PARCELS 55-58

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MAP 007, PARCELS 59-62

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MAP 007, PARCELS 63-66

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MAP 007, PARCELS 67-70

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MAP 007, PARCELS 71-74

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MAP 007, PARCELS 75-78

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MAP 007, PARCELS 79-82

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MAP 007, PARCELS 83-86

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MAP 007, PARCELS 87-90

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MAP 007, PARCELS 91-94

ISSUE 1/2016, PAGE 111

MAP 007, PARCELS 95-98

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MAP 007, PARCELS 99-102

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MAP 007, PARCELS 103-106

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MAP 007, PARCELS 107-110

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MAP 007, PARCELS 111-114

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MAP 007, PARCELS 115-118

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MAP 007, PARCELS 119-122

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MAP 007, PARCELS 123-126

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MAP 007, PARCELS 127-130

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MAP 007, PARCELS 131-134

ISSUE 1/2016, PAGE 111

**HANNIGAN  
ENGINEERING, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS

ONE 204 125A ST  
GARDNER, MASSACHUSETTS 01453  
TEL: 978-234-0000  
WWW.HANNIGAN-INC.COM

**PROPOSED ZONING OVERLAY  
IN  
GARDNER, MASSACHUSETTS**

PREPARED FOR:  
SUNSHINE DEVELOPMENT, INC.  
208 EAST COUNTRY RD  
BURLINGAME, MASSACHUSETTS 01913  
TEL: (508) 233-8888

GRAPHIC SCALE: 1"=250'

SCALE: 1"=250'

SCALE: 1"=250'

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