



# City of Gardner, Massachusetts

## Office of the City Council

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### CALENDAR FOR THE MEETING

of

MONDAY, MARCH 5, 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 20, 2018 Regular Meeting.

#### VII. PUBLIC HEARING

**9897** – A Petition by Verizon New England, Inc. for permission to install one (1) solely-owned pole on the easterly side of Graham Street at a point approximately 97' southerly from the centerline of Richmond Street.

#### VIII. COMMUNICATIONS FROM THE MAYOR

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

**9899** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," by Replacing Chapter 675 in its Entirety.  
(*Public Welfare Committee*)(*Planning Board*).

#### X. REPORTS OF STANDING COMMITTEES

##### PUBLIC SERVICE COMMITTEE

**9897** – A Petition by Verizon New England, Inc. for permission to install one (1) solely-owned pole on the easterly side of Graham Street at a point approximately 97' southerly from the centerline of Richmond Street (*In City Council and Referred to Public Service Committee 2/20/2018*).

##### PUBLIC WELFARE COMMITTEE

**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 (*In City Council and Referred to Public Welfare Committee 2/20/2018*).

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

**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 (*In City Council and Referred to Public Welfare Committee for study and to the Planning Board for Review 2/20/2018*).

**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 FEBRUARY 20, 2018**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, February 20, 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. Nine (9) Councillors were present including President Scott Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, Elizabeth Kazinskas, and James Walsh. Councillors James Boone and James Johnson were 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 Christine Johnson, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the February 5, 2018 Informal Meeting, Joint Convention, and Regular Meeting, as printed.

**PETITIONS, APPLICATIONS, ETC.**

**#9897**

On a motion by Councillor James Walsh and seconded by Councillor Nathan Boudreau, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, Elizabeth Kazinskas, and James Walsh, to refer *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*

REGULAR MEETING OF FEBRUARY 20, 2018

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*approximately 97' southerly from the centerline of Richmond Street to the Public Service Committee for study and report and to Order that a Public Hearing be scheduled at the next Regular Meeting.*

**#9898**

On a motion by Councillor Ronald Cormier and seconded by Councillor Christine Johnson, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, Elizabeth Kazinskas, and James Walsh, to refer *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* to the Public Welfare Committee for study and report and to the Planning Board for review.

**NEW BUSINESS**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Edward Gravel, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

**ANNOUNCEMENTS AND COMMENTARY****Monty Tech School Committee Meeting**

Commenting on her attendance at a recent meeting of the Monty Tech School Committee, Councillor Christine Johnson informed the Council that the Committee voted to update the Regional Agreement. She said that during a discussion concerning recording of School Committee meetings, Holden Committee member James Cournoyer repeatedly lashed out at Gardner's Representatives, but that Gardner member Matthew Vance spoke up for himself and "kept his cool." She added that Mr. Cournoyer's behavior, in her opinion, was uncalled for and unprofessional, and that he should be censured by the Committee.

President Graves remarked that he, too, attended the meeting and noted the belligerence directed toward the City of Gardner, adding that he "knows what the Mayor is up against."

**Survey**

Councillor Christine Johnson informed the Council that she reached out to the public to see three things that they would like for Gardner. She cited an indoor farmers, vendors, or crafters market; Dog Park; keyboarding; reopening the Greenwood Pool; more clothing stores; youth center; sporting arena; and upgrade to City Hall Plaza to serve as a Veterans' memorial and to close Pleasant Street in front of City Hall for a gathering area.

REGULAR MEETING OF FEBRUARY 20, 2018

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**“Concerts in the Park” and “Movies in the Park”**

Councillor Edward Gravel informed the Council that the 2018 Series of “Movies in the Park” and “Concerts in the Park” have been posted on the City’s website.

**Potholes and Road Conditions**

Councillors Nathan Boudreau and Edward Gravel commented on the City’s efforts to maintain the roads in light of severe potholes during the winter season.

Councillor James Walsh noted that the long-term solution would be to invest more money into repaving the City’s streets. He cited the City’s Free Cash commitment of \$980,000.00 for road repaving in the prior Fiscal Year and added that it is his hope that the City will again commit at least the same amount of Free Cash in the current Fiscal Year, which should be a priority. “The need is even greater due to the current road conditions,” he added.

**Executive Sessions**

Commenting on his recent decision to cancel an Executive Session concerning “the Coil Litigation,” Council President Graves informed the Council that it was suggested to him by the City Solicitor to conduct an executive session for the purpose of discussing pending litigation. He said that after looking into the issue more closely, he concluded that the City Council should rarely, if ever, enter into Executive Session for litigation purposes since the City Council has no say in the City’s litigation strategy. He added that the City Council “can either open its doors or close its doors and talk behind closed doors,” and that he’d “rather err on the side of the open meeting law and [in the open meeting] spirit.”

**Adult Use Marijuana Ordinance**

Council President Graves informed the Council that he anticipated that the Adult Use Marijuana Ordinance is expected in the near future and said that the Community Development and Planning Department is working on it. He added that the State’s Cannabis Control Commission has until March 15 to finalize its Regulations and that they expect that retail stores will be open by July 1, 2018; therefore, the Council “will have some work to do pretty quickly.”

**Informal Meeting**

Council President Graves informed the Council that he will call an Informal Meeting of the City Council for Monday, March 5 at 6:45 p.m. for iPad training.



REGULAR MEETING OF FEBRUARY 20, 2018

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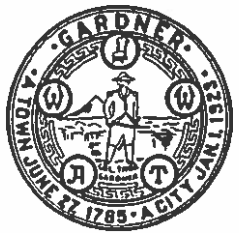
CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Christine Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 7:45 o'clock p.m.

Accepted by the City Council:



**CITY OF GARDNER  
MASSACHUSETTS 01440**

**OFFICE OF THE  
CITY CLERK**

Room 121, City Hall  
Tel (978) 630-4058  
Fax (978) 630-2589

**CITY OF GARDNER  
NOTICE TO ABUTTERS**

February 21, 2018

**TO INTERESTED PARTIES:**

Pursuant to the provisions of M.G.L.A., c.166, §22, you are hereby notified that a Public Hearing will be conducted on **Monday, March 5, 2018** at **7:30 o'clock P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, Massachusetts, upon the petition of VERIZON NEW ENGLAND, INC. for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

**GRAHAM STREET** – Place one (1) solely-owned pole numbered T6S on the easterly side of Graham Street at a point approximately 97 feet southerly from the center line of Richmond Street.

A diagram of the proposed pole location is attached for your edification.

CITY COUNCIL OF GARDNER

By: *Alanh Agnech*  
City Clerk



PETITION PLAN

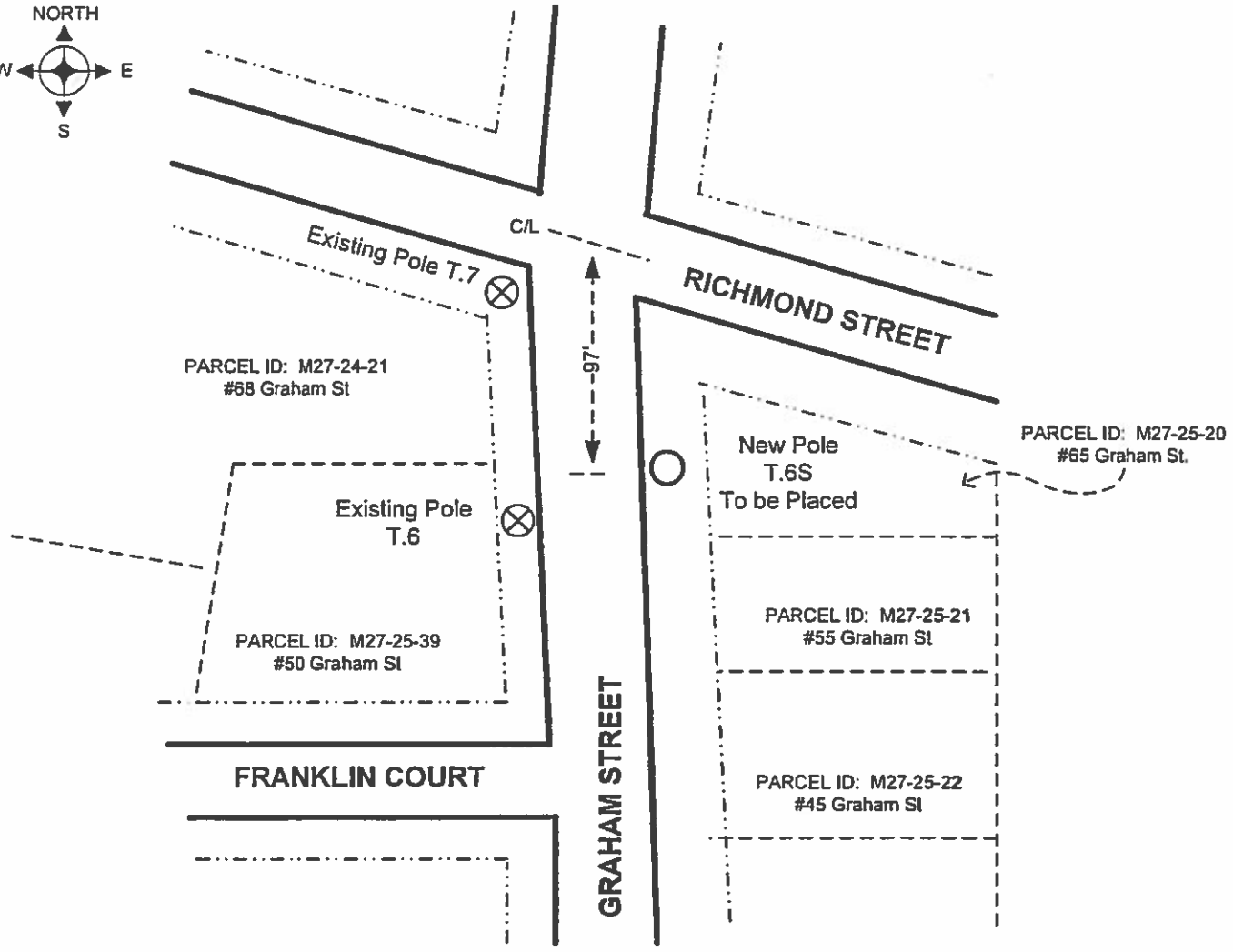
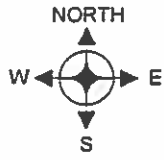
GARDNER

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
- A 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.