



City of Gardner, Massachusetts

Office of the City Council

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### CALENDAR FOR THE MEETING

of

MONDAY, APRIL 3, 2017

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 March 20, 2017 Regular Meeting.

#### VII. PUBLIC HEARINGS

#### VIII. COMMUNICATIONS FROM THE MAYOR

##### APPOINTMENTS

**9763** – A Measure Confirming the Mayor’s Appointment of Darrell Sweeney to the Position of Inspector of Wires for term expiring March 20, 2020 (*Finance Committee*).

**9764** – A Measure Confirming the Mayor’s Appointment of Patricia Darby to the Position of Member, Board of Registrars of Voters, for the term expiring March 9, 2020 (*Finance Committee*).

**9765** – A Measure Confirming the Mayor’s Appointment of Mario Guay to the Position of Member, Board of Registrars of Voters, for the term expiring March 9, 2020 (*Finance Committee*).

**9766** – A Measure Confirming the Mayor’s Appointment of George Ouellet to the Position of Member, Housing Authority, for the term expiring March 24, 2022 (*Finance Committee*).

**9767** – A Measure Confirming the Mayor’s Appointment of Stephen Hancock to the Position of Member, Housing Authority, for the term expiring March 24, 2022 (*Finance Committee*).

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

**9768** – A Measure Authorizing a Temporary Stop Sign on Heywood Street Westbound Entering Woodland Avenue (*Public Safety Committee*).

**X. REPORTS OF STANDING COMMITTEES**

**FINANCE COMMITTEE**

**9741** – Review of Yearly Salaries for Various Positions (§171-66 of the City Code) (*In City Council and Referred to the Finance Committee 2/6/2017*).

**9755** – An Order Appropriating \$50,000.00 from Free Cash to Community Development & Planning, Zoning Code Update Account (*In City Council and Referred to the Finance Committee 3/6/2017*).

**COMMITTEE OF THE WHOLE**

**9758** – A Resolution Creating a City Council Ad-hoc Charter Committee (*In City Council and Referred to the Committee of the Whole 3/6/2017*).

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

**9762** – An Ordinance to Amend the Code of the City of Gardner, Chapter 600 Thereof, Entitled “Vehicles and Traffic,” Obedience to Isolated Stop Signs and Isolated Yield Signs – South Main, Kendall, and Travers Streets (*In City Council and Ordered to First Printing 3/20/2017; First Printing 3/24/2017*).

**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.

March 20, 2017

RECEIVED

# Commonwealth of Massachusetts

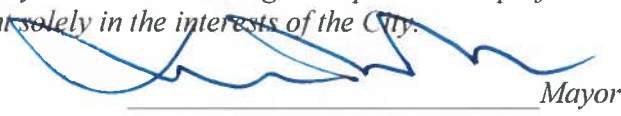
2017 Worcester County

City of Gardner

CITY CLERK'S OFFICE  
GARDNER MA

## CERTIFICATE OF APPOINTMENT

I appoint Darrell Sweeney to the position of Inspector of Wires, and I certify  
613 South Road, Templeton, MA  
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the  
duties of said office, and that I make the appointment solely in the interests of the City.



Mark P. Hawke

Mayor

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

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

Alan L. Agnelli

Expires: March 20, 2020

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

Then personally appeared the above named Darrell Sweeney and made oath that he/she  
would faithfully and impartially perform the duties of the office of Inspector of Wires 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 \_\_\_\_\_

9764

March 9, 2017

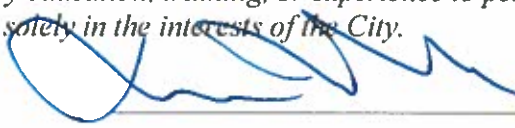
RECEIVED Commonwealth of Massachusetts

2017 MAR 24 AM 9 08  
Worcester County  
CITY CLERK'S OFFICE  
GARDNER MA

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Patricia Darby to the position of Member, Board of Registrars, and I certify  
83 Cross Street, Gardner, MA  
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the  
duties of said office, and that I make the appointment solely in the interests of the City.

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

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

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

Expires: March 9, 2020

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

Then personally appeared the above named Patricia Darby and made oath that he/she  
would faithfully and impartially perform the duties of the office of Member, Board of Registrars  
according to law and the best of his/her abilities.

Before me,  
\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

9765

March 9, 2017

RECEIVED

Commonwealth of Massachusetts

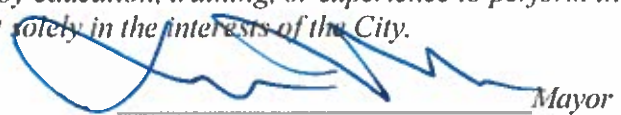
2017 MAR 24 AM 9 08

Worcester County  
CITY CLERK'S OFFICE  
GARDNER MA

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Mario Guay to the position of Member, Board of Registrars, and I certify  
195 Lawrence Street, Gardner, MA  
that in my opinion he/she is a person specially fitted by education, training, or experience to perform the  
duties of said office, and that I make the appointment solely in the interests of the City.



Mark P. Hawke

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

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

Alan L. Agnelli

Expires: March 9, 2020

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

Then personally appeared the above named Mario Guay and made oath that he/she  
would faithfully and impartially perform the duties of the office of Member, Board of Registrars  
according to law and the best of his/her abilities.

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

March 24, 2017

Commonwealth of Massachusetts

RECEIVED

Worcester County 24 AM 11 32

City of Gardner

CITY CLERK'S OFFICE GARDNER MA

CERTIFICATE OF APPOINTMENT

I appoint George Ouellet to the position of Member, Housing Authority, and I certify 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.

[Handwritten Signature]

Mark P. Hawke

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

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

Alan L. Agnelli

Expires: March 24, 2022 \_\_\_\_\_

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

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

Before me, \_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

9767

March 24, 2017

RECEIVED  
**Commonwealth of Massachusetts**

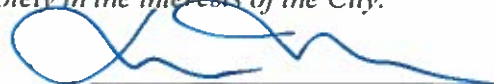
Worcester County 24 AM 11 32

City of Gardner

CITY CLERK'S OFFICE  
GARDNER, MA

**CERTIFICATE OF APPOINTMENT**

I appoint Stephen Hancock to the position of Member, Housing Authority, and I certify  
146 Leo 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: March 24, 2022

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

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

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

ESTABLISHING TEMPORARY RULES FOR THE REGULATION OF TRAFFIC  
OBEDIENCE TO ISOLATED STOP SIGNS  
HEYWOOD STREET  
ONE HUNDRED AND TWENTY DAY TRIAL PERIOD COMMENCING APRIL 4, 2017

*VOTE:* 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> |
|--------------------|----------------------------|-----------------------------|
| Heywood Street     | Westbound                  | Woodland Avenue             |



**Alan Agnelli**

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**From:** John Bernard  
**Sent:** Wednesday, March 29, 2017 9:27 AM  
**To:** Alan Agnelli  
**Cc:** Chris Coughlin; Councillor M Vance; Dane Arnold; Jennifer Dymek; John Bernard; Trevor Beaugard  
**Subject:** Emailing: MVA Heywood and Woodland. March 28, 2017  
**Attachments:** MVA Heywood and Woodland. March 28, 2017.pdf

Alan, and TC Members,

We investigated a crash yesterday (see log call attached) on Heywood and Woodland Ave. Officer Lafrennie states the operator (not from area) came off Heywood onto Woodland and was struck by an operator on Woodland heading north. A neighbor told Lafrennie he has stated for years, a STOP sign should be placed on Heywood at Woodland. I have had no such request here in 3 years.

Based on this accident, I spoke with Chief Erickson, and he is in agreement there should be a Stop sign here. With no meeting scheduled ahead, can I ask under this recent crash for some help moving this forward as soon as possible through Public Safety and Council to add sign to code, and then ask DPW to install. FYI; the data does not show a serious issue, however this accident was quite serious, and the Chief does not want a repeat anytime soon.

Please advise if there needs to be further discussion before implementing.

Regards,  
John

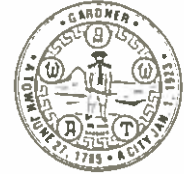
Your message is ready to be sent with the following file or link attachments:

MVA Heywood and Woodland. March 28, 2017

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

# City of Gardner, *Executive Department*

Mark Hawke, Mayor



RECEIVED

2017 JAN 27 PM 12 01

CITY CLERK'S OFFICE  
GARDNER MA

January 27, 2017

Ronald F. Cormier, President  
And Finance Committee Members  
95 Pleasant Street  
Gardner, MA 01440

RE: Mayor's Salary

Dear President Cormier and Councilors,

At your January 11, 2017 Finance Committee meeting, I was asked to provide input as to my thoughts on the current Mayor's Salary and provide any recommendation for an increase.

City Code Chapter 171, Article XV, §171-66 states, in part, "*On or after January 1 of each odd-numbered year beginning in 2007, the Finance Committee of the City Council shall report to the Council, as a committee of the Whole, its recommendations for adjustment, if any, to the salaries of the Mayor and City Councilors.*"

The salary of the Mayor was last increased on January 4, 2016. The salary increased from \$78,650 to \$88,650. The reason for the large increase was simply that the salary was low and had not been increased in seven (7) years.

In reviewing the salaries of forty-one (41) Mayors from across the Commonwealth (spreadsheet attached, Boston and Springfield excluded) we find the current average salary is \$109,381.98 and the median salary is \$108,021.00.

In Gardner, we tend to compare ourselves to communities of similar size and similar socio-economic indices. If we sort the data by population and average the five (5) cities higher and lower than Gardner (population range of 13,533 to 29,393), the average Mayoral salary is \$97,512.18. If we sort the data by per capita income ranking and average the five (5) cities higher and lower than Gardner, the average Mayoral salary is \$107,941.19. All of these numbers are likely to increase in two years as all cities are looking at possible increases in salaries at this time.

After the Mayor's salary was increased in Gardner, a two-percent (2%) raise was included in the FY 17 Budget for all exempt employees. The FY 18 Budget will include the same two-percent increase. Given that any increase in the Mayor's salary would not take effect until January of 2018, and making the assumption that a two-percent (2%) increase would occur in FY 19 and FY 20, the Mayor's salary will always be lagging behind the rest of the City employees by at least four-percent (4%).

In calculating a recommendation we should add the two-percent (2%) FY 17 and FY 18 increases to the current salary. Since this salary will be in effect for FY 19 and FY 20, I would add an estimated one and a half percent (1.5%) increase for each year, note this is less than the anticipated two-percent (2%) we have in our five (5) year outlook.

Given the above analysis, I would recommend the Mayor's salary be set at a minimum of \$94,980 (FY17-FY20 increases) and a maximum of \$97,512 (the lowest of any of the averages calculated). This will still result in a Mayoral salary that is lower than approximately seventy-five percent (75%) of the Mayor's in the Commonwealth.

Respectfully,



Mark Hawke  
Mayor, City of Gardner

## Population and Salary of 5 higher and lower Cities.

| Population | Population Rank |         | Mayor's Salary |
|------------|-----------------|---------|----------------|
| 29,393     | 57              |         | \$100,000.00   |
| 28,705     | 62              |         | \$85,000.00    |
| 28,684     | 63              |         | \$110,000.00   |
| 28,495     | 64              |         | \$92,500.00    |
| 27,690     | 68              |         | \$125,000.00   |
| 20,354     | 93              | Gardner | \$88,650.00    |
| 17,800     | 108             |         | \$98,376.00    |
| 17,492     | 111             |         | \$88,687.00    |
| 16,650     | 117             |         | \$80,000.00    |
| 15,971     | 124             |         | \$75,000.00    |
| 13,533     | 148             |         | \$129,421.00   |
| Average    |                 |         | \$97,512.18    |

## Per Capita Income and Salary of 5 higher and lower Cities

| Per Capita Income | Per Capita Income Rank |         | Mayor's Salary |
|-------------------|------------------------|---------|----------------|
| \$23,494          | 280                    |         | \$95,000.00    |
| \$22,874          | 289                    |         | \$115,057.00   |
| \$22,649          | 291                    |         | \$114,000.00   |
| \$20,160          | 308                    |         | \$128,092.00   |
| \$20,136          | 309                    |         | \$88,687.00    |
| \$18,848          | 321                    | Gardner | \$88,650.00    |
| \$18,694          | 322                    |         | \$136,542.00   |
| \$18,644          | 323                    |         | \$85,000.00    |
| \$18,542          | 324                    |         | \$108,021.00   |
| \$18,382          | 325                    |         | \$145,000.00   |
| \$17,307          | 334                    |         | \$83,312.00    |
| Average           |                        |         | \$107,941.91   |

| #  | Community        | Mayor Form | Chief Municipal Officer | Legislative Body | Population | Population Rank | Per Capita Income (2013) | Per Capita Income Rank | Current Mayor           | Salary       | Salary Source             | Notes                                                                                                                   |
|----|------------------|------------|-------------------------|------------------|------------|-----------------|--------------------------|------------------------|-------------------------|--------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------|
| 1  | North Adams      | A          | Mayor                   | Council (9)      | 13,533     | 148             | \$15,110                 | 343                    | Richard Alcombricht     | \$129,421.00 | North Adams FY'16 Budget  |                                                                                                                         |
| 2  | Easthampton      |            | Mayor                   | Council (9)      | 15,971     | 124             | \$26,514                 | 248                    | Karen Cardieux          | \$75,000.00  | MassLive                  |                                                                                                                         |
| 3  | Amesbury         | F          | Mayor                   | Council (9)      | 16,650     | 117             | \$32,950                 | 158                    | Ken Gray                | \$80,000.00  | Amesbury 2016 Budget      | 2015 - Mayor Gray vetoes City Council order to increase Mayor salary from \$80,000 to \$90,000 (+12.5%)                 |
| 4  | Greenfield       |            | Mayor                   | Council (13)     | 17,492     | 111             | \$20,136                 | 309                    | William Martin          | \$88,687.00  | City Clerk Data           |                                                                                                                         |
| 5  | Newburyport      | B          | Mayor                   | Council (11)     | 17,800     | 108             | \$50,964                 | 58                     | Donna Holaday           | \$98,376.00  | City Clerk Data           | \$3,000 for expenses, \$2,000 for travel                                                                                |
| 6  | Gardner          | B          | Mayor                   | Council (11)     | 20,354     | 93              | \$18,848                 | 321                    | Mark Hawke              | \$88,650.00  | Gardner FY'17 Budget      |                                                                                                                         |
| 7  | Melrose          | B          | Mayor                   | Aldermen (11)    | 27,690     | 68              | \$42,056                 | 94                     | Robert Dolan            | \$125,000.00 | City Clerk Data           | 7,000 travel and conference                                                                                             |
| 8  | Northampton      | B          | Mayor                   | Council (9)      | 28,495     | 64              | \$30,172                 | 198                    | David Narkewicz         | \$92,500.00  | Northampton FY'17 Budget  |                                                                                                                         |
| 9  | West Springfield | A          | Mayor                   | Council (9)      | 28,684     | 63              | \$25,698                 | 260                    | William Reichelt        | \$110,000.00 | MassLive                  | Increased to \$110,000 in 2016                                                                                          |
| 10 | Agawam           | A          | Mayor                   | Council (11)     | 28,705     | 62              | \$26,876                 | 243                    | Richard Cohen           | \$85,000.00  | Agawam 2016 Budget        |                                                                                                                         |
| 11 | Gloucester       |            | Mayor                   | Council (9)      | 29,393     | 57              | \$32,591                 | 162                    | Sefalia Romeo Theken    | \$100,000.00 | Gloucester FY'17 Budget   |                                                                                                                         |
| 12 | Braintree        |            | Mayor                   | Council (9)      | 36,727     | 43              | \$36,980                 | 122                    | Joseph Sullivan         | \$128,366.00 | Braintree 2016 Budget     |                                                                                                                         |
| 13 | Woburn           |            | Mayor                   | Aldermen (9)     | 39,083     | 40              | \$34,899                 | 140                    | Scott Galvin            | \$103,000.00 | City Clerk Data           |                                                                                                                         |
| 14 | Marlborough      | B          | Mayor                   | Council (11)     | 39,414     | 39              | \$31,176                 | 181                    | Arthur Vigeant          | \$85,105.00  | Marlborough FY'16 Budget  |                                                                                                                         |
| 15 | Holyoke          | A          | Mayor                   | Council (15)     | 40,249     | 38              | \$15,099                 | 344                    | Alex Morse              | \$85,000.00  | Holyoke FY'16 Budget      |                                                                                                                         |
| 16 | Fitchburg        | B          | Mayor                   | Council (11)     | 40,383     | 37              | \$17,307                 | 334                    | Stephen DiNatale        | \$83,312.00  | Fitchburg FY'17 Budget    |                                                                                                                         |
| 17 | Beverly          | A          | Mayor                   | Council (9)      | 40,664     | 36              | \$38,632                 | 110                    | Michael Cahill          | \$106,047.00 | Beverly FY'17 Budget      | Increases \$5,000 annually according to ordinance and is reviewed every two years                                       |
| 18 | Leominster       | A          | Mayor                   | Council (9)      | 41,002     | 35              | \$25,693                 | 261                    | Dean Mazzarella         | \$81,256.00  | Sun Chronicle - 6/27/2016 |                                                                                                                         |
| 19 | Westfield        | B          | Mayor                   | Council (13)     | 41,301     | 34              | \$24,387                 | 271                    | Brian Sullivan          | \$100,000.00 | MassLive - 3/29/16        | \$5,000 for travel; 2015 salary - "The annual salary of a mayor for the city with a population of 41,608 is \$100,000." |
| 20 | Salem            | B          | Mayor                   | Council (11)     | 42,544     | 32              | \$26,662                 | 245                    | Kimberley Driscoll      | \$120,461.00 | Salem News - 2/28/14      |                                                                                                                         |
| 21 | Everett          |            | Mayor                   | Council (11)     | 42,935     | 31              | \$18,542                 | 324                    | Carlo DeMaria           | \$108,021.00 | City Clerk Data           |                                                                                                                         |
| 22 | Attleboro        |            | Mayor                   | Council (11)     | 43,886     | 30              | \$28,225                 | 226                    | Kevin Dumas             | \$119,267.00 | Sun Chronicle - 6/27/2016 | Step increases every two years up to \$151,060                                                                          |
| 23 | Pittsfield       | B          | Mayor                   | Council (11)     | 44,057     | 28              | \$23,494                 | 280                    | Linda Tyer              | \$95,000.00  | MassLive                  |                                                                                                                         |
| 24 | Methuen          |            | Mayor                   | Council (9)      | 48,514     | 26              | \$27,089                 | 240                    | Stephen Zanni           | \$80,000.00  | Methuen FY'16 Budget      |                                                                                                                         |
| 25 | Peabody          | D          | Mayor                   | Council (11)     | 52,044     | 25              | \$29,062                 | 217                    | Edward Bettencourt, Jr. | \$110,000.00 | City Clerk Data           |                                                                                                                         |
| 26 | Revere           | B          | Mayor                   | Council (11)     | 53,756     | 24              | \$20,160                 | 308                    | Brian Arrigo            | \$128,092.00 | City Clerk Data           | \$6,000 vehicle and travel                                                                                              |

| #  | Community   | Mayor Form | Chief Municipal Officer | Legislative Body | Population | Population Rank | Per Capita Income (2013) | Per Capita Income Rank | Current Mayor           | Salary       | Salary Source                 | Notes                                                                                        |
|----|-------------|------------|-------------------------|------------------|------------|-----------------|--------------------------|------------------------|-------------------------|--------------|-------------------------------|----------------------------------------------------------------------------------------------|
| 27 | Weymouth    |            | Mayor                   | Council (11)     | 55,419     | 23              | \$30,221                 | 197                    | Robert Hedlund          | \$110,750.00 | City Council member           |                                                                                              |
| 28 | Chicopee    |            | Mayor                   | Council (13)     | 55,717     | 22              | \$19,644                 | 323                    | Richard Kos             | \$85,000.00  | Chicopee 2016 Budget          |                                                                                              |
| 29 | Taunton     |            | Mayor                   | Council (9)      | 56,069     | 21              | \$22,874                 | 289                    | Thomas Hoye             | \$115,057.00 | City Clerk Data               |                                                                                              |
| 30 | Medford     | A          | Mayor                   | Council (7)      | 57,170     | 20              | \$32,853                 | 159                    | Stephanie Burke         | \$138,400.00 | City Clerk Data               | \$2,400 gas & mileage                                                                        |
| 31 | Malden      | A          | Mayor                   | Council (11)     | 60,509     | 17              | \$22,649                 | 291                    | Gary Christenson        | \$114,000.00 | City Clerk Data               | \$2,400 gas & mileage                                                                        |
| 32 | Haverhill   | A          | Mayor                   | Council (9)      | 62,088     | 16              | \$25,662                 | 262                    | James Fiorentini        | \$110,000.00 | City Clerk Data               | \$3,300 for travel                                                                           |
| 33 | Waltham     | B          | Mayor                   | Council (15)     | 62,227     | 15              | \$32,021                 | 171                    | Jeannette McCarthy      | \$130,704.00 | Waltham FY'17 Budget          |                                                                                              |
| 34 | Lawrence    |            | Mayor                   | Council (9)      | 77,657     | 13              | \$13,083                 | 347                    | Daniel Rivera           | \$100,769.00 | City Clerk Data               |                                                                                              |
| 35 | Somerville  | A          | Mayor                   | Aldermen (11)    | 78,804     | 12              | \$31,465                 | 178                    | Joseph Curtatone        | \$180,000.00 | City Clerk Data               |                                                                                              |
| 36 | Newton      | A          | Mayor                   | Aldermen (24)    | 87,971     | 11              | \$104,821                | 10                     | Sethi Warren            | \$125,482.00 | Wicked Local                  | 2016 - Newton's Highest Paid City Employees                                                  |
| 37 | Fall River  | A          | Mayor                   | Council (9)      | 88,697     | 10              | \$15,413                 | 341                    | Jasiel Correia          | \$119,598.00 | Herald News                   |                                                                                              |
| 38 | Lynn        | A          | Mayor                   | 90000*1.06       | 91,589     | 9               | \$18,382                 | 325                    | Judith Flanagan Kennedy | \$145,000.00 | Boston Globe                  |                                                                                              |
| 39 | Quincy      | A          | Mayor                   | Council (9)      | 93,494     | 8               | \$30,093                 | 201                    | Thomas Koch             | \$153,216.00 | Quincy FY'17 Budget           | \$720 vehicle                                                                                |
| 40 | Brockton    |            | Mayor                   | Council (11)     | 94,089     | 7               | \$18,694                 | 322                    | Bill Carpenter          | \$136,542.00 | Brockton Enterprise - 5/14/16 | "Brockton Mayor Bill Carpenter ranks at No. 91 on the list. He took in \$140,268 last year." |
| 41 | New Bedford | B          | Mayor                   | Council (11)     | 95,078     | 6               | \$15,410                 | 342                    | Jon Mitchell            | \$114,582.00 | Southcoast Today              |                                                                                              |

Average Salary: \$109,381.98

\*\*Cities with Mayor-City Council form of gov't not included

- 1 City Rationale
- 2 Boston Population of city (645,966), not a relevant comparison
- 3 Springfield Population of city (153,703), not a relevant comparison

9755

AN ORDER APPROPRIATING FROM FREE CASH TO COMMUNITY DEVELOPMENT & PLANNING, ZONING CODE UPDATE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) from Free Cash to the Community Development and Planning, Zoning Code Update Account.

RECEIVED  
2017 MAR 2 AM 9 16  
CITY CLERK'S OFFICE  
GARDNER MA



**CITY of GARDNER**

**Office of the City Auditor**

John Richard, City Auditor  
95 Pleasant Street, Room 126  
Gardner, MA 01440

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

Email: jrichard@gardner-ma.gov

To: City Council

Re: Money Orders for consideration on March 06, 2017

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

These balances are as of March 06, 2017:

|           |                                        |             | <u>Money<br/>Order</u> | <u>Balance</u> |
|-----------|----------------------------------------|-------------|------------------------|----------------|
| Free Cash |                                        |             |                        |                |
|           |                                        | 10000-35400 |                        | \$1,948,274.47 |
|           | To Comm Dev Zoning Code Update Expense | TBA         | \$ 50,000.00           | \$1,898,274.47 |
|           |                                        |             |                        | \$1,898,274.47 |

The Snow & Ice account currently has available (\$156,849.94)  
14421-52210

Sincerely

John Richard  
City Auditor

copies: Mayor  
City Clerk



9755

# CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



RECEIVED

2017 MAR 2 AM 9 16

CITY CLERK'S OFFICE  
GARDNER MA

February 28, 2017

The Honorable Mark Hawke  
Mayor  
City of Gardner  
95 Pleasant Street  
Gardner, MA 01440

Dear Mayor Hawke,

On behalf of the Planning Board, I am requesting \$50,000 in funds to assist with the rewrite of the City of Gardner Zoning Code. The most recent rewrite of our Zoning Code was completed in January of 2006. Since this time many revisions and additions have taken place in a piecemeal manner. It has been highly recommended by both the Planning Board and Building Commissioner that the document be recodified and updated to improve organization and consistency with new regulations and case law along with making the document more user friendly for the general public.

In November of 2016 I issued a Scope of Service to three consulting firms, RKG Associates, BSC Group, and Harriman. I have received one response to this request from BSC Group in the amount of \$46,750.00. I have included a 7% contingency for any unknown costs that may arise, and printing of the final document for a total request of \$50,000.00.

Please feel free to contact me with any questions or if you need additional information.

Thank you in advance for your consideration,

Trevor M. Beauregard  
Director

## BSC Zoning Experience Summary

### Town of Groton

- Wind Energy Bylaw
- Site Plan Review
- Schedule of Use Regulations Re Write
- Off Street Parking
- Dimensional Regulations Update
- Medical Marijuana Regulations
- Town Center Mixed Use Overlay District
- Business District Zoning Rewrite
- Non-Conforming Use Provisions Rewrite

### Town of Needham

- Site Plan Review
- Zoning Bylaw recodification and rewrite
- Flexible Residential Development (cluster)
- Off Street Parking

### Town of Sherborn

- Senior Housing Zoning Bylaw revisions
- Zoning Map Amendment

### City of Taunton

- Bio Medical Zoning Ordinance Revisions

### Town of Bedford

- Zoning Rewrite Graphic Illustrations

### City of Quincy

- Transit Oriented Development Ordinance

We routinely provide zoning/permitting services to public and private clients and serve as Expert Witness on behalf of clients involved in zoning litigation.

### References

Susan Glazer – Former Planning Board Member, Town of Needham 781 910 3888

Michelle Collette – Town Planner, Town of Groton 978 448 1105

Gino Carlucci – Town Planner, Town of Sherborn 508 651 7855

Rob Stevens – City Planner, City of Quincy 617 376 1365

October 27, 2016

Trevor Beauregard, Director  
Department of Community Development and Planning  
115 Pleasant Street  
Gardner, MA Planning e 01440

**RE: Gardner Zoning Ordinance Rewrite**

Dear Trevor:

BSC Group, Inc. (BSC) is pleased to submit this proposal for Planning Services relative to Revisions to the City of Gardner Zoning Ordinance. The proposed services shall include be in accordance with the following Project Approach and Scope. .BSC has prepared this proposal based upon the following understanding of your needs and circumstances:

## Project Approach

The City of Gardner (the City) seeks professional services to recodify and update the Gardner Zoning Ordinance. The City has experienced growth pressures and has made numerous amendments to the Zoning Ordinance to manage growth in accordance with local preference and the best available zoning practices. However, as these amendments have occurred piecemeal over a period of time, the Zoning Ordinance has evolved in an incremental fashion that has created duplication, inconsistencies, and organizational inefficiencies. Additionally, there have been a number of recent planning initiatives undertaken by the City that require regulatory action for implementation.

To that end, the City seeks to make revisions to the Gardner Zoning Ordinance to address the above concerns.

In order to remedy organizational inefficiencies and consolidate regulatory provisions a minor recodification of the Zoning Ordinance is proposed. The re-codification will address the organizational and formatting issues and consolidate redundancies. It will result in a user friendly document that is less subject to misinterpretation. A re-codification is a reorganization of the existing zoning provisions without any significant regulatory changes.

Second, specific regulatory amendments will be developed to implement the goals and vision articulated in recent planning efforts, better coordinated zoning review and administration, and address issues that have been identified during the Zoning Rewrite Process. As these amendments may involve qualitative changes to the regulatory provisions, a robust public engagement process will help to shape this effort.

33 Waldo Street  
Worcester, MA 01608

Tel: 508-792-4500  
800-288-8123

[www.bscgroup.com](http://www.bscgroup.com)

Engineers

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## Project Scope

### 1. Overall Tasks

#### 1.1 Zoning Rewrite Committee/Meetings/ Public Engagement

It is recommended a Zoning Rewrite Committee be established comprised of zoning users (Building Commissioner, Planning Director, Planning Board Member, Zoning Board of Appeals Member, City Council Member). As part of initial responsibility in working with the Committee the BSC Group (Consultant) will attend a kick off meeting with the Committee to finalize the work program and project schedule, to prepare a Study Outline that provides a straightforward overview of the zoning rewrite process and the sequence of issues/topics to be studied by the Committee. The objective of the Study Outline will be to provide the Committee, other public officials, and the general public an understanding of the scope and sequencing of the study and thereby assist in maximizing the input of all stakeholders and interested parties. The Committee will provide the Consultant input and feedback from those who administer, interpret, or are otherwise involved or affected, based on their respective experience with the Zoning Ordinance.

During Phase 1, as the Re-codification process is of an administrative, procedural and organizational nature, the Consultants will interact predominately with the Committee with periodic working sessions to review work products. A Public Hearing before the Planning Board is required by Massachusetts General Laws Chapter 40A Section 5. The consultant shall attend and prepare supporting material for the Planning Board Public Hearing including summaries, charts and diagrams as required.

During Phase 2 the Consultant, as guided by the Committee, will undertake the drafting of proposed revisions to the recently re-codified Zoning Ordinance. As these revisions will involve changes to the regulatory provisions, and Zoning Map an on-going public engagement process is proposed to provide citizens, property owners, and other stakeholders an update on specific amendments and to solicit input and feedback. As with any Zoning initiative, public engagement is a critical factor in securing approval by the City Council where a super majority of two thirds is required for adoption. If there are issues it is better to identify and address them in advance of City Council consideration.

#### 1.2 Understanding Current Zoning/ Research and Analysis

The Consultant has reviewed the existing zoning bylaw and the amendments since 2004. Further, the Consultant prepared and is familiar with the Downtown and Mill Street Corridor Urban Renewal Plans. Moreover, we are cognizant of the need to use said plans in the development of the proposed zoning amendments. Additionally, the Consultants plans to reach out to Zoning Stakeholders (public officials and Boards, frequent petitioners, and other “zoning users” who administer, interpret, or are otherwise involved with the Zoning

Ordinance to identify inconsistencies, redundancies, deficiencies, the need for clarification, and other issues encountered. With over 30 years' experience drafting amending, reviewing and interpreting zoning by-laws and ordinances, the Consultant will provide the City with best practices expertise in land use regulation.

### **1.3 Required Public Meetings**

As part of the project process the Consultant shall work with the Committee in presentation (s) to the Planning Board and City Council to address any amendments made during said review. Similarly, we will work with the Client at the mandated City Council and Planning Board Public Hearings to secure adoption of any and/or all recommendations.

### **1.4 Working Drafts.**

All working drafts will be prepared electronically as well as in hard copy and based on discussions with the Committee. All documents for review will be submitted prior to the scheduled review meeting.

## **2.0 Specific Tasks**

### **2.1 Reformatting/Recodification**

To insure a more user friendly document for the general public and City officials the reformatting task will commence with initial interviews with all appropriate zoning stakeholders, as directed by the Committee.

Based on said interviews and the experience of the Consultant a number of organizational format recommendations will be presented to the Committee for review, discussion and selection. As part of the reformatting task we will provide examples of various forms of zoning tables and matrices for committee review. Further, we will explore with the Committee the use of graphic representations of various types of zoning regulations that can be made part of the zoning bylaws or a separate explanatory guideline.

Using the study outline and selected reformatting protocols and all appropriated adopted plans we will proceed to the section by section review of the zoning bylaws.

### **2.2 Noted Zoning Tasks/Zoning Amendments**

This task will involve amendments to the Zoning Ordinance that involve changes of a regulatory nature. The Consultant proposes to examine every section of the Zoning Bylaw using a review, initial approval and final review process. Essentially, we will examine every component of the Zoning Bylaw and based on committee comments, comments from all interested parties, and our own experience we will prepare detailed review documents for committee review and decision. After initial approval of a particular section/ issue we will set said section/issue aside and repeat the review and decision making process for the next

portion of the bylaw. Once completed, the initially approved items will be revisited as a comprehensive whole for purposes of further refinement and overall document consistency.

### **2.3 Open Space/Building Coverage**

We note that the City wishes to examine the Dimensional standards in general and the Lot Coverage /Open Space requirements in detail. This may also involve the introduction of floor area ratios (FAR)

### **2.4 “Green Zoning”**

Our approach to including low impact development (LID) and green sustainable technologies as part of the revised bylaw is to prepare a workshop/study session with the Committee to illustrate the various options and methodologies that are currently available. Given the rapidly evolving nature and meaning of sustainable technologies it will be our objective to not only include said requirements where practical but to insure as much as possible that we do not preclude new approaches, without having to continually amend the zoning bylaw. The Consultants have experience in wind energy and solar photovoltaic zoning techniques. Additionally, BSC recently assisted the Devens Enterprise Commission in upgrading its Stormwater Management Regulations. Additional “Green Zoning” measures may include electric recharge stations as utility companies are currently introducing these facilities in many municipalities.

### **2.5 Definitions**

The current Zoning Ordinance has a unique feature where all terms which are defined are highlighted in bold throughout the text. This allows the user to refer to the Definitions Section. The definitions will be examined and assessed in terms of ease of understanding. The Committee shall identify any definitions that need updating or clarification based on past experience in interpreting and administering the Ordinance. Definitions that have been placed on other new sections of the Ordinance shall be consolidated into the Definition Section

### **2.6 Lot Shape**

Lot shape regulation is most commonly accomplished in the form of mathematical formulas or by geometric shape factors. Both are intended to preclude gerrymandered lot shapes and innovative ways to circumvent the Subdivision Control Law. However, lot shape requirements if not properly crafted can thwart site design and building placement. As part of our effort to insure that future residential lots do not have unconventional shapes we will not only provide the detailed language for Committee review and adoption but also provide graphic representation of permitted and not-permitted residential lot configurations. Given the Committee’s decision said graphic representations may or may not be included in the amended zoning bylaw.

## **2.7 Schedule of Use Regulations**

The Consultant will review all existing commercial zones, industrial zones and overlay districts relative to operational efficiency and effectiveness, development capacity, and scale in addition to examining possible consolidation of said districts or the need for additional districts. Further, an objective of the Consultant will be protection of residential qualities where commercial/ industrial uses abut. This effort will focus on all aspects of zoning i.e. buffers, use, density, intensity, scale, and visual impact.

In addition, the Consultant will provide the Committee with an overview of the fiscal implications of existing commercial/ industrial zoning as a means of providing a comprehensive examination of all the aspects of commercial/ industrial zoning and any potential amendments to be considered by the committee.

## **2.8 Off Street Parking Requirements**

Existing parking requirements will be evaluated with respect to design and minimum space requirements for various use types. Maximum parking space requirements will also be examined in addition to provisions for waivers in certain instances.

## **2.9 Non-Conforming Uses.**

Our review of non-conforming use regulations and procedures will require meetings with the Zoning Board of Appeals (ZBA) to ascertain their concerns and suggestions regarding both use and dimensional non-conformance. Based their suggestions and our experience and review, we will generate a series of recommendations to the Committee. Given that in large part the non-conforming regulations in local bylaws must conform to Chapter 40A our objective will be to make the non-conforming section of the amended bylaw as clear and understandable as possible. The recent Massachusetts Supreme Judicial Court decision, Gale vs. City of Gloucester also raises certain issues relative to nonconformity as it relates to single family uses. To that end our organization of said section will likely include graphic representations during committee review sessions and depending on Committee decisions, the inclusion of illustrations in the bylaw or support document.

## **2.10 Special Permit and Site Plan Review**

Similar to our review procedure with the ZBA regarding non-conformance issues we will work with all parties that have input into the special permit and or site plan review process regarding their experience and issues. As a supplement to said reviews we will add our experience with the various approaches found regionally in order to present the Committee with a comprehensive set of options to address the concerns of all parties. As part of the Committee review process we will present methods, for Committee discussion, that allow for abbreviated and full site plan review depending on the nature of the project.

### **2.11 Zoning Map Changes.**

While it is important for the Consultant and the Committee to understand the problems and opportunities relative to the zoning map, it is our intent to address map issues after the Committee has completed or substantially completed and its review with recommendations to the new zoning text. In that manner any map changes will be correlated with the Committee's zoning recommendations. BSC will assist the Committee in assessing the underlying carrying capacity and context to support various land uses and development intensities

### **2.12 Signs**

The Consultant shall review and critique the sign regulations in the existing Ordinance. New or modified regulations recommendations will be prepared using current best practices and are in conformance with the ruling in *Reed v Town of Gilbert* 135 S ct. 2218 (2015) (BJS). If appropriate, the Consultant may recommend permitting strategies for signs.

#### ***Deliverables:***

***1 Working Draft of Zoning Ordinance***

#### ***Anticipated Meetings:***

***3 Working Committee meetings***

***1 Planning Board presentation and working session***

***1 Public Meeting/Workshop***

## **3.0 Final Zoning Ordinance And Map Amendment For Public Hearing And City Council Approval**

The selected consultant shall address all feedback received on the draft by-laws and map and incorporate any revisions as necessary. The final draft zoning ordinance shall be presented at a joint meeting of the Planning Board and the Working Committee for final approval.

#### ***Deliverables:***

***Final zoning ordinance for City Council***

***Final zoning map amendments***

#### ***Anticipated Meetings:***

***1 joint Planning Board/Working Committee meeting***

***1 Public Meeting/Workshop***

***1 City Council Public Hearing***



#### 4.0 Fee For Services

BSC has estimated a budget of Forty-six thousand seven hundred fifty (46,750.00) Dollars inclusive of any and all direct reimbursable expenses for the services described herein. BSC's estimated budget for proposed services shall not be construed to be a not-to-exceed amount by line item or in the aggregate. The Company shall inform the Client as soon as practical if it becomes necessary to exceed the budget in order to perform all proposed and additional services required. BSC will not exceed the estimated budget without mutual agreement with Client.

Sincerely,

BSC GROUP, INC.

A handwritten signature in cursive script that reads "Russell J. Burke".

Russell J. Burke, AICP  
Director of Planning

## RESOLUTION

### CREATING AN AD-HOC COMMITTEE OF THE GARDNER CITY COUNCIL TO MAKE RECOMMENDATIONS ON THE CITY CHARTER

Whereas, the City Council adopted a Petition to amend the City Charter; and

Whereas, the Mayor returned the Petition with objections; and

Whereas, it is in the best interest of the city to update the City Charter.

Now, therefore, be it resolved by the Council of the city of Gardner, as follows:

- Section 1: The Committee on the City Charter is hereby created (“the Committee”).
- Section 2: The purpose of the Committee is to reconcile the differences between the Petition proposed by the City Council on the City Charter and the Mayor’s objections by his ‘veto.’
- Section 3: The Committee will consist of three (3) Councillors selected by the Council President, one will serve as Chairman. The Council President will strive to select at least one member who is generally in favor of large revisions and at least one member who is in favor of limited revisions.
- Section 4: The Committee will meet with the Mayor to come to suitable changes to the City Charter.
- Section 5: The Committee will be in effect until it provides the City Council with a Charter which is suitable to the members of the Committee and the Mayor by majority vote of the Committee.

# ORDINANCE

1 AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600  
2 THEREOF, ENTITLED "VEHICLES AND TRAFFIC," OBEDIENCE TO ISOLATED STOP  
3 SIGNS AND ISOLATED YIELD SIGNS.

4  
5 Be it ordained by the City Council of the City of Gardner as follows:

6  
7 Section 1.

8  
9 The Code of the City of Gardner is hereby amended by adding to Section 600-54, Obedience to  
10 Isolated Stop Signs, the following:

| 11 | 12                 | 13                         | 14                          |
|----|--------------------|----------------------------|-----------------------------|
|    | <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              |

15  
16 Section 2.

17  
18 The Code of the City of Gardner is further amended by striking from Section 600-55, Obedience  
19 to Isolated Yield Signs, the following:

| 20 | 21                  | 22                         | 23                        |
|----|---------------------|----------------------------|---------------------------|
|    | <b>Yield Street</b> | <b>Direction of Travel</b> | <b>At Intersection of</b> |
|    | South Main Street   | Southbound                 | Kendall Street            |

24 Section 3.

25  
26 This Ordinance shall take effect upon passage and publication as required by law.

CITY OF GARDNER  
FIRST PRINTING  
MARCH 24, 2017

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC," OBEDIENCE TO ISOLATED STOP SIGNS AND ISOLATED YIELD SIGNS.

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

Section 1. The Code of the City of Gardner is hereby amended by adding to Section 600-54, Obedience to Isolated Stop Signs, the following:

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

Section 2. The Code of the City of Gardner is further amended by striking from Section 600-55, Obedience to Isolated Yield Signs, the following:

| Yield Street      | Direction of Travel | At Intersection of |
|-------------------|---------------------|--------------------|
| South Main Street | Southbound          | Kendall Street     |

Section 3. This Ordinance shall take effect upon passage and publication as required by law. This notice is also published on the Massachusetts Newspaper Publishers Association website at <http://masspublicnotices.org/>.

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

mar24-1t