

**REGULAR MEETING OF MAY 2, 2016**

Regular Meeting of the City Council was held in the City Council Chamber, 2nd Floor, City Hall, on Monday evening, May 2, 2016.

CALL TO ORDER

President James Walsh called the meeting to order at 7:30 o'clock p.m.

CALL OF THE ROLL

City Clerk Alan Agnelli called the Roll of Members. Eleven (11) Councillors were present, including President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance.

OPENING PRAYER

President Walsh led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

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

READING & ACCEPTANCE OF MINUTES

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to waive reading and to accept the Minutes of the April 19, 2016 Public Hearing and Regular Meeting, as corrected.

COMMUNICATIONS FROM THE MAYOR**APPOINTMENTS**

#9612

On a motion by Councillor Scott Graves and seconded by Councillor Nathan Boudreau, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to confirm the following appointment received from the Mayor:

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CLAUDE LEGER to the position of Senior Citizens' Director for term expiring April 13, 2018

Worcester, ss.

May 2, 2016

Then personally appeared **CLAUDE LEGER** and made oath that he would faithfully and impartially perform the duties of Senior Citizens' Director according to law and the best of his abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

#9613

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to confirm the following appointment received from the Mayor:

ALANNA TOOMEY to the position of Member, Historical Commission, for term expiring April 19, 2019.

Worcester, ss.

May 2, 2016

Then personally appeared **ALANNA TOOMEY** and made oath that she would faithfully and impartially perform the duties of Member, Historical Commission, according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

ORDERS**#9614**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that that the original appropriation for FY2016 was \$700,000 and that 75% of benefits disbursed is reimbursed by the State. He said that the Finance Committee agreed that the State should reimburse the City at 100% of benefits disbursed.

Councillor Scott Graves stated that Massachusetts is the only state that has such a law in place, noting that the state does not send people to war, but that the Federal Government does. Citing the Mayor's letter, he said that in FY2016, the City spent \$206,000 for benefits and that it is estimated that the City will spend \$908,000 in the current fiscal year. "At some point, we are not going to be able to do it," he said.

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On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, it was voted on roll call, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO VETERAN'S BENEFITS.

ORDERED: That there be and is hereby appropriated the sum of Two Hundred Eight Thousand Dollars and No Cents (\$208,000.00) from Free Cash to Veteran's Benefits.

Presented to Mayor for Approval – May 3, 2016

Approved – May 3, 2016

MARK P. HAWKE, Mayor

#9615

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the City Hall postage machine is irreparable and that the proposed replacement “is state-of-the art.”

Councillor Scott Graves asked if a maintenance contract comes with the new machine.

Mayor Hawke indicated that a maintenance contract is included with the purchase.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, on recommendation of the Finance Committee, it was voted on roll call, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO TREASURER MINOR EQUIPMENT.

ORDERED: That there be and is hereby appropriated the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) from Free Cash to Treasurer, Minor Equipment.

Presented to Mayor for Approval – May 3, 2016

Approved – May 3, 2016

MARK P. HAWKE, Mayor

#9616

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that Building Commissioner Jeffrey Cooke informed the Committee that the appropriation would replace two School Zone warning signals approaching Elm Street School and two approaching Waterford Street School, which he noted are over twenty years old.



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Councillor Ronald Cormier moved to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO BUILDING REPAIRS AND MAINTENANCE.

ORDER: That there be and is hereby appropriated the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Free Cash to Building Repairs and Maintenance.

Councillor Marc Morgan seconded the motion.

Councillor Scott Graves moved to refer the Order to the Public Service Committee for further study and report. Councillor Nathan Boudreau seconded the motion.

On the motion by Councillor Scott Graves and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance; one (1) nay, Councillor, Paul Tassone, to refer the following Order to the Public Service Committee for further study and report:

AN ORDER APPROPRIATING FROM FREE CASH TO BUILDING REPAIRS AND MAINTENANCE.

ORDER: That there be and is hereby appropriated the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Free Cash to Building Repairs and Maintenance.

PETITIONS, APPLICATIONS, ETC.

#9617

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend passage of the Lease Amendment.

Councillor Scott Graves said that recently, the Council voted against granting municipally-owned land to Heywood Hospital for construction of a parking lot due to environmental concerns. He then questioned whether there are any environmental concerns associated with siting a solar carport system on the property.

Councillor Marc Morgan responded, saying that the Finance Committee addressed the question with the City Engineer who advised the Committee that rainwater discharged from the solar panels would enter the existing drainage.

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to adopt the following Measure:



REGULAR MEETING OF MAY 2, 2016

AMENDMENT TO LEASE BETWEEN CITY OF GARDNER
AND
HENRY HEYWOOD MEMORIAL HOSPITAL

VOTED: That the City of Gardner, acting through its Mayor and its Director of Public Works, amend its lease with Henry Heywood Memorial Hospital dated April 9, 1968, and recorded in Worcester District Registry of Deeds, Book 4869, Page 185, to assent to the construction and maintenance of a solar carport system, all or a portion of said system to be on a portion of leased land describe as Parcel 1; and to further authorize the Mayor and the Director of Public Works, as successor to the rights, privileges, duties and liabilities of its former Public Works Board to further to sign, seal and deliver an agreement or amendment to said lease and to do any other thing deemed necessary or advisable to give full effect to this vote, his signature on such instrument to be conclusive that its execution is within the authority conferred by this vote.

Presented to Mayor for Approval – May 3, 2016

Approved – May 3, 2016

MARK P. HAWKE, Mayor

#9618

Councillor Paul Tassone, Chairman of the Public Safety Committee, reported that the Committee voted to recommend that the license application be granted, conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines. He added that the Police Chief had no objections.

Councillor Matthew Vance, a member of the Public Safety Committee, stated that the City Council issued a license to ecoATM last year, adding that the unit is located inside Walmart.

Councillor Nathan Boudreau stated that he had never seen this type of licensee before and asked if the City Council would have to license all Coinstar® machines, as well. “This isn’t a storefront and there are no employees, so it doesn’t make much sense to me,” he said.

Councillor Vance informed the Council that the Safety Committee addressed the same license almost a year ago, and that the Police Department has not had any issues to-date.

Councillor Scott Graves stated that he had mentioned before that “We are entering on to a slippery slope on this because we are okay with this but we’re not okay with a very fine gentleman that came in here and wanted to sell cars, similar to this – no location. There are no employees, no human beings manning the thing.” He concluded his comments, saying “We voted that down, but we voted okay to this. And, there are banks out there that don’t have locations in the City, but that they can do business in the City. We are just not being consistent,” adding, however, that he supports issuing the license.



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Councillor Vance stated that for clarification for people listening [to the broadcast], the Council passed an ordinance for the car dealership that doesn't have a location, "so we are treating everyone the same."

On a motion by Councillor Paul Tassone and seconded by Councillor Matthew Vance, on recommendation of the Public Safety Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to approve the application of ecoATM, Inc. for renewal of a License to Deal in Second Hand Articles at 677 Timpany Boulevard for the period May 1, 2016 through April 30, 2017. The issuance of the license is conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines.

#9619

On a motion by Councillor Paul Tassone and seconded by Councillor Matthew Vance, on recommendation of the Public Safety Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to approve the application of Gardner Coins & Cards, Inc. for renewal of a License to Deal in Second Hand Articles at 25 Pleasant Street for the period May 1, 2016 through April 30, 2017. The issuance of the license is conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines,

#9620

On a motion by Councillor Paul Tassone and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to approve the application of GameStop, Inc. for renewal of a License to Deal in Second Hand Articles at 376 Timpany Boulevard for the period May 1, 2016 through April 30, 2017. The issuance of the license is conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines,

#9621

On a motion by Councillor Paul Tassone and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone,

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Matthew Vance, to approve the application of Gardner Ten Pins, Inc., 560 West Broadway, for renewal of a Bowling Alley License for the period May 1, 2016 through April 30, 2017. The issuance of the license is conditioned upon Certification that the applicant is in good standing with all municipal taxes, assessments, and other municipal fees or fines.

#9622

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend passage of the Resolution, which was requested by the Gardner Redevelopment Authority.

Councillor Scott Graves stated “There’s not a building big enough in the City to name after Rob Hubbard.” He said that it is appropriate to name the Conference Room after Rob, but wished that there was a building to name after Rob.”

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to adopt the following Resolution:

RESOLUTION
APPROVING THE NAMING OF THE CITY HALL ANNEX CONFERENCE ROOM
IN HONOR OF ROBERT L. HUBBARD

WHEREAS, Robert L. Hubbard was a dedicated employee of the City of Gardner serving as Director of Community Development and Planning Department for twenty two years; and

WHEREAS, over the tenure with the City of Gardner Rob oversaw countless projects such as the Levi Heywood Memorial Library, Summit Industrial Park, the creation of two Urban Renewal Plans, the Greater Gardner Community Development Corporation building as well as renovations to the Heywood Wakefield buildings; and

WHEREAS, Rob played an instrumental role in the renovation of the Annex into professional office space for the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Gardner name the conference room on the second floor in the City Hall Annex, the Robert L. Hubbard Conference Room, in honor of his hard work and dedication to this City.

Presented to Mayor for Approval – May 3, 2016

Approved – May 3, 2016

MARK P. HAWKE, Mayor

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REPORTS OF STANDING COMMITTEESPUBLIC SAFETY COMMITTEE**#9582**

On a motion by Councillor Paul Tassone and seconded by Councillor Matthew Vance, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to remove from further consideration the request by Seven Point of Massachusetts, Inc. for Support/Non-opposition to siting a Registered Marijuana Dispensary in the City of Gardner.

FINANCE COMMITTEE**#9588**

President Walsh informed the Council that he was not aware if the Law Department had received a response from Attorney Elisha Erb in response to its letter concerning the City's counteroffer. There being no objections, the Finance Committee was granted more time to report on A NOTICE UNDER G.L. CHAPTER 61, §8, RIGHT OF FIRST REFUSAL, SALE OF LAND CLASSIFIED AS FOREST LAND (PARCEL M32-6-5, 85.41 ACRES EASTERLY OF CLARK STREET; PARCEL M-37-21-42, 3.37 ACRES EASTERLY OF CENTURY WAY; M32-6-10, 0.34 ACRES EASTERLY OF CLARK STREET).

#9599

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Finance Committee voted unanimously to recommend the Ordinance amendment, as presented to the Council.

Councillor James Boone informed the Council that he submitted a spreadsheet to the Finance Committee that compared the Mayor's recommendations to the Finance Committee's recommendations. He said that the comparison "apparently received no traction," but going forward, it would be nice to have clear delineation on what the parties do." He added that he was disappointed that he did not receive a spreadsheet with the comparisons, but said that the [compensation study] process has been ongoing for some time in order to get people up to proper pay levels and in their proper positions.

Councillor Scott Graves remarked that he appreciated the work that Councillor Boone did to analyze the compensation and for sharing it with him. He said that some employees will receive raises and that some will not, citing the Treasurer/Collector as one who is not getting a raise "that some department heads lateral to her [position] are receiving, adding "That alone makes it seem unfair."



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Councillor Karen Hardern stated that she noticed that the Purchasing Agent is leaving her position after many years and questioned why the City did not give her a little more money “to keep her here.” She said that the City will have to hire someone new and train him/her.

President Walsh informed the Council that under G.L. Chapter 44, section 33A, a two-thirds vote is required to pass the Ordinance.

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, it was voted viva voce, eight (8) yeas, President James Walsh and Councillors James Boone, Craig Cormier, Ronald Cormier, Karen Hardern, James Johnson, Marc Morgan, and Paul Tassone; three (3) nays, Councillors Nathan Boudreau, Scott Graves, and Matthew Vance, to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED “PERSONNEL,” TO CHANGE THE COMPENSATION SCHEDULE.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by deleting and repealing Schedule 2 – Compensation Schedule and replacing it to read as follows:

A. DEPARTMENT HEADS

Position	Grade	07/01/15		01/01/16	
		Annual	Weekly	Annual	Weekly
Building Commissioner	G-10	\$72,287.27	\$1,390.14	\$73,644.00	\$1,416.23
Chief of Police	G-13	\$90,730.00	\$1,744.81	\$92,498.00	\$1,778.81
City Assessor	G-9	\$63,781.00	\$1,226.56	\$67,568.00	\$1,299.38
City Auditor	G-10	\$75,027.41	\$1,442.83		
City Clerk	G-10	\$72,287.27	\$1,390.14	\$73,644.00	\$1,416.23
City Collector/Treasurer	G-10	\$77,706.96	\$1,494.36		
City Engineer	G-11	\$93,248.55	\$1,793.24		
City Solicitor	G-10	\$74,491.70	\$1,432.53		
Council on Aging Director	G-8	\$50,814.00	\$977.19	\$52,179.00	\$1,003.44
Director of Community Development & Planning	G-10	City	\$60,825.00		
		GRA	\$20,556.00		
		CDBG	\$4,283.00		
		Total Compensation	\$85,664.00	\$1,647.38	
Director of Local Origination & Educational Planning	G-6	\$57,846.66	\$1,112.44		
Director of Public Health	G-10	\$75,027.41	\$1,442.83		
Fire Chief	G-13	\$85,009.00	\$1,634.79	\$87,487.00	\$1,682.44



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Golf Course Driving Range/Superintendent	G-9		\$70,740.67	\$1,360.40		
Human Resources Director	G-11		\$77,645.00	\$1,493.17	\$80,263.00	\$1,543.52
Information Technology Director	G-10	City	\$44,304.21			
		School	\$43,652.68			
		Total	\$87,956.89	\$1,691.48		
Library Director	G-10		\$72,287.27	\$1,390.14		
Public Works Director	G-12		\$92,470.75	\$1,778.28		
Purchasing Agent/Civil Enforcement Director	G-10		\$70,406.31	\$1,353.97	\$71,144.00	\$1,368.15
Veterans' Director	G-6		\$53,591.00	\$1,030.60		

B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS

Position	Grade	07/01/15			01/01/16		
		Annual	Weekly	Hourly	Annual	Weekly	Hourly
Executive Secretary	G-4	\$43,402.00	\$834.65	\$22.56	\$43,932.00	\$844.85	\$22.83
Assistant City Clerk	G-4	\$39,476.00		\$20.52	\$40,299.00		\$20.95
Assistant City Engineer	G-8	\$59,585.00	\$1,145.87		\$61,993.00	\$1,192.17	
Assistant City Solicitor	G-3	\$41,175.03	\$791.83				
Assistant Director of Community Development	G-7	City	\$3,198.00				
		CDBG	\$60,754.00				
		Total	\$63,952.00	\$1,229.85			
Assistant Director of Public Health	G-5	\$49,306.40	\$948.20				
Assistant Library Director	G-6	\$53,972.18	\$1,037.93				
Deputy Chief of Police	G-11	\$77,645.00	\$1,493.17		\$80,263.00	\$1,543.52	
Economic Development Coordinator	G-7	City	\$46,480.00				
		Other	\$10,520.00				
		Total	\$57,000.00	\$1,096.15			
GIS Technician	G-5	\$48,231.90	\$927.54				
Golf Professional	G-6	\$1,183.67	Weekly				
Golf Pro Manager	G-6	\$1,020.00	Weekly				
Local Inspector	G-6	\$55,734.85	\$1,071.82				
Producer	G-2	\$43,841.01	\$843.10				
Senior Animal Control Officer	G-2	\$37,513.70	\$721.42				
Systems Manager	G-6	\$58,950.00	\$1,133.65				
Electrical Inspector	G-6			\$28.97			
Plumbing Inspector	G-6			\$25.89		\$27.12	
Transfer Station Supervisor	G-3			\$20.48			
Conservation Agent	G-6	\$27.29					
Planning Agent	G-6	\$29.37					
			Annual	Monthly			
Civil Defense Director		\$8,473.40	\$706.12				
Sealer of Weights & Measures		\$8,629.99	\$719.17				



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C. NON-UNION STAFF POSITIONS

Position	07/01/15			01/01/16		
	Annual	Weekly	Hourly	Annual	Weekly	Hourly
Animal Control Officer	\$29,160.00	\$560.77	\$14.02	\$31,000.00	\$596.15	\$14.90

Section 2. This Ordinance shall be effective July 1, 2015.

FIRST PRINTING – MAY 6, 2016

COMMITTEE OF THE WHOLE

#9234

President Walsh stated that the Law Department has not yet received a response from Assistant Attorney General Kelli Gunagan regarding proposed Charter provisions and added that he hoped that a response would be forthcoming by the end of May. There being no objections, the Committee of the Whole was granted more time.

#9611

There being no objections, the Committee of the Whole was granted more time on the following:

ELECTRIC POWER AGGREGATION RESOLUTION
AND ACCEPTANCE OF G.L. CHAPTER 164, § 134

WHEREAS, the Commonwealth of Massachusetts has engaged in a process to establish a competitive market place through the restructuring of the electricity market; and

WHEREAS, citizens of Gardner have a substantial economic and social interest in terms of greater customer choice and opportunities for savings in this restructured market—and

WHEREAS, the City of Gardner hereby finds that it may be in the interest of its citizens who are electric ratepayers, both residential and commercial/industrial, to develop and secure such approvals and enter into appropriate agreements with consultants, experts and attorneys in connection with the establishment and operation of an electricity aggregation plan.

BE IT THEREFORE RESOLVED that the City of Gardner hereby:

Accepts the provisions of M.G.L. c. 164, § 134, and publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers and to authorize the Mayor, as provided by such statute to develop a plan, for review by the citizens of the City of Gardner, detailing the process and consequences of aggregation and further to reestablish such plan if its operation is suspended, and to negotiate and enter into such contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any electricity) alternatives they desire and, further, to take such other action relative hereto as may be appropriate and necessary.

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UNFINISHED BUSINESS**#9606**

Councillor Matthew Vance moved to reconsider Calendar #9606, as follows:

AN ORDER APPROPRIATING FROM FREE CASH TO DEBT SERVICE.

ORDER: That there be and is hereby appropriated the sum of Two Hundred Forty-Two Thousand and No Cents (\$242,000.00) from Free Cash to Debt Service.

Councillor Paul Tassone seconded the motion.

President Walsh announced that Councillor Vance voted on the prevailing side; therefore, his motion is properly before the Council.

Councillor Scott Graves questioned the reason for reconsideration, since the City Council defeated the Order at the last meeting.

President Walsh stated that Council Rules permit reconsideration and that the motion is properly before the Council.

Councillor Vance responded, stating that after some fact-finding, it was made clearer to him of the reasons for paying-off the debt. He said that there is an additional fee to borrow the funds which is significant enough to use Free Cash, allowing sufficient funds in Free Cash to fund other projects.

Councillor Marc Morgan stated that it was his understanding that the loan payment had been made, questioning why the Council is deliberating the payment of a debt that already has been paid.

Councillor Ronald Cormier referred to the Mayor's letter, noting that the Mayor received information from the Treasurer that the loan payment was due on Friday, April 29, 2016. He said that the Mayor indicates in his letter that it is too late to borrow the money.

Councillor Nathan Boudreau questioned the effect, if any, should the City Council not approve the appropriation.

President Walsh responded, saying that the Mayor indicated that the funds would have to be found in the next fiscal year's budget.

Councillor Graves commented that that he disagreed with the motion [to reconsider], saying "this body [Council] said no, you know why, because it is a philosophy. The philosophy, I hope we get, is that the homeowners in our community pay for everything... the real estate owners pay for everything." He continued, saying "Every year, your real estate taxes go up and up and up," and "you can't fix your roof and you can't paint your house, you can't put

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your floor in, because you're paying your taxes to the City. Why? To pay for stuff like this." He concluded, saying, "We live in a poor community, let's not kid ourselves. We have very few homeowners left...they're disappearing," citing 'For Sale' signs and foreclosure notices on homes. "At some point we have to draw a line in the sand and say 'no more'," he said.

Mayor Hawke addressed the Council, saying that he takes full responsibility for the error as he was unaware that the deadline [to borrow] was that close, which typically occurs at the end of the fiscal year. He said that the loan payment due date by April 29; therefore, there wasn't time to borrow. He said that the cost to bond is approximately \$7,000 and that he authorized the Treasurer to make the loan payment; otherwise, the City would have defaulted. He said that the majority of Free Cash was generated from unanticipated revenue. "It would be a mountain to climb to find \$242,000 in next year's budget," he said.

Councillor Karen Hardern stated that she voted previously to pass the Order, adding that "we have the money; we have a bill, [so] then pay it."

On the motion, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to reconsider the Order.

On call of the roll, it was voted eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO DEBT SERVICE.

ORDER: That there be and is hereby appropriated the sum of Two Hundred Forty-Two Thousand and No Cents (\$242,000.00) from Free Cash to Debt Service.

Presented to Mayor for Approval – May 3, 2016

Approved – May 3, 2016

MARK P. HAWKE, Mayor

#9551

President Walsh informed the Council that the Planning Board is scheduled to meet on May 10; therefore, the Council should expect the Planning Board's Final Report by the second Council meeting in May on AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675, ZONING, SUBSECTION 675-970, SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS, PERPENDICULAR SIGNS, AND SUBSECTION 675-980, SPECIAL REGULATIONS FOR SIGNS IN HISTORIC AREAS, PERPENDICULAR SIGNS.

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#9569

President Walsh informed the Council that the Planning Board is scheduled to meet on May 10; therefore, the Council should expect the Planning Board's Final Report by the second Council meeting in May on AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675, ZONING, ADD A NEW SECTION 675-590, MILL STREET CORRIDOR DEVELOPMENT OVERLAY DISTRICT.

#9576

President Walsh informed the Council that a Public Hearing on *A Resolution to Rename a Portion of Matthews Street to Old Matthews Street* is scheduled for Monday, May 16, 2016 at 7:00 p.m. in the City Council Chamber.

#9577

President Walsh informed the Council that a Public Hearing on *A Resolution to Rename a Portion of Summit Avenue to Clairmont Street (from Union Street for approx. 210' southeasterly)* is scheduled for Monday, May 16, 2016 at 7:00 p.m. in the City Council Chamber.

#9588

There being no objections, more time was granted to the Law Department for study and report on A NOTICE UNDER G.L. CHAPTER 61, §8, RIGHT OF FIRST REFUSAL, SALE OF LAND CLASSIFIED AS FOREST LAND (PARCEL M32-6-5, 85.41 ACRES EASTERLY OF CLARK STREET; PARCEL M-37-21-42, 3.37 ACRES EASTERLY OF CENTURY WAY; M32-6-10, 0.34 ACRES EASTERLY OF CLARK STREET).

NEW BUSINESS

On a motion by Councillor Scott Graves and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to consider New Business.

City of Gardner Rain Barrel Program

Councillor Paul Tassone announced that rain barrels will be available from the Board of Health beginning on June 18. He said that between 50 to 100 barrels will be available and that the price per barrel is \$25 for Gardner residents.

Motor Vehicle Dealer Licensing

Councillor Scott Graves commented that the City had a business that wanted to sell cars out of a house, but that the City Council shut down that business even though it was allowable under the City's Ordinance at that time. He said that the Council then created an entirely new ordinance, only because the proposed dealership did not have cars at that locale. He



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noted that he did not support the ordinance change at that time and still does not support it. He continued, saying that the Council “will continue to pick and choose” which businesses will require ordinances, which “is not a good business to get into.” He closed his remarks by saying that with technological advances, there are a lot of businesses that will come into the City that cannot be regulated by ordinance.

Secondhand Dealers

Councillor Nathan Boudreau, stating that he is “piggybacking” comments made by Councillor Graves, said that he is looking forward to all of the Coinstar®, Redbox® and candy bar machines coming to the Council at future meetings.

National Teacher Appreciation Week

Councillor Nathan Boudreau informed the Council that this week is National Teacher Appreciation Week. He acknowledged teachers, retired teachers, and administrators.

Breast Cancer Awareness “Light the Town Purple”

Councillor James Johnson reminded the Councillors that the “Light the Town Purple” ceremony is being held in front of City Hall at that time.

Citywide Cleanup Day

Councillor James Johnson informed Councillors that the recent Citywide Cleanup Day, sponsored by the Gardner Leo Club, was very successful and that 225 bags of trash were collected in 4 truckloads.

#9623 - David Curran Recognition

Councillor Ronald Cormier informed the Council that David Curran, long-time Executive Director of the Gardner Housing Authority, has retired after 36 years of service to the City.

On a motion by Councillor Ronald Cormier and seconded by Councillor Scott Graves, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to send a letter of appreciation to former Gardner Housing Authority Executive Director David Curran on the occasion of his retirement following 36 years of dedicated service.

#9599 – Compensation Ordinance

President Walsh expressed his appreciation to the Council for voting to order the Compensation Ordinance to First Printing, saying that upon receipt of the Salary and Compensation Study, the Finance Committee attempted to ensure that [non-union] employees were assigned to a fair grade and that salaries were at or above the minimum of the ranges provided [by the Consultant]. He noted that some employees’ salaries were

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adjusted and others were not; however, no salaries were reduced. He added that the Committee will be working with the Mayor to establish a “step system” as the next phase in the process.

Free Cash & Debt Service (#9606)

President Walsh informed the Council that that since he voted on the prevailing side when the Council did not pass the appropriation from Free Cash to Debt Service under Calendar #9606, he believed that an explanation is warranted. He said that he asked the City Auditor to provide him with a breakdown of the elements of the Budget that comprised available Free Cash. He learned that from FY2015, \$307,000 of the nearly \$2.2 Million in Free Cash originated from the category “Education.” Thus, when he was apprised of the amount and given the fact that the money order was submitted to pay the loan for the Elm Street School project, he concluded that reverting \$242,000 from Free Cash to Debt Service was justified; accordingly, his rationale for voting to reconsider the Order.

CLOSING PRAYER

President Walsh led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Scott Graves and seconded by Councillor James Johnson, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to adjourn at 8:25 o’clock p.m.

Accepted by the City Council: *May 16, 2016*