

**REGULAR MEETING OF MAY 16, 2016**

---

Regular Meeting of the City Council was held in the City Council Chamber, 2<sup>nd</sup> Floor, City Hall, on Monday evening, May 16, 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. Ten (10) 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, and Matthew Vance. Councillor Paul Tassone was absent.

**OPENING PRAYER**

President Walsh led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

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

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

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

**READING & ACCEPTANCE OF MINUTES**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Boone, 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, to waive reading and to accept the Minutes of the May 2, 2016 Informal and Regular Meetings, as printed.

**COMMUNICATIONS FROM THE MAYOR****CORRESPONDENCE**

**#9624**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, 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, to place on file correspondence from the Mayor "Relative to the Tax Burden."

REGULAR MEETING OF MAY 16, 2016

---

Councillor James Johnson thanked the Mayor for providing information regarding the amount of taxes paid by local residents. He said, however, that it would be helpful to look at the tax burden by reviewing the tax rate in addition to the amount taxed.

**ORDERS****#9625**

Reporting for the Finance Committee, Councillor Marc Morgan informed the Council that \$60,000 of the Order will be used to purchase the Cumberland Farms [City Hall Avenue] property, while \$5,000 will be committed to surveying the parcel along Rear Main Street that Cumberland Farms is donating to the City.

Councillor James Boone congratulated the Mayor for putting together the deal with Cumberland Farms and noted that the [underground petroleum storage] tanks will be removed by Cumberland Farms.

Councillor Scott Graves questioned whether a written agreement exists outlining the proposed deal between the City and Cumberland Farms, citing whether a Chapter 21E inspection will be performed of the site and, if the soil is found to be contaminated, if the agreement will include cleanup costs.

President Walsh recognized Mayor Hawke who stated that such conditions will be included and that the responsible party would provide for cleanup, if necessary.

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, 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, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO CUMBERLAND FARM PURCHASE.

ORDERED: That there be and is hereby appropriated the sum of Sixty Five Thousand Dollars and No Cents (\$65,000.00) from Free Cash to Cumberland Farms Purchase.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

REGULAR MEETING OF MAY 16, 2016

---

**#9626**

On a motion by Councillor Marc Morgan and seconded by Councillor Nathan Boudreau, on recommendation of the Finance Committee, 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, to refer the following Order to the Public Safety Committee and Traffic Commission for further study and report:

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO PUBLIC WORKS, ROAD RESURFACING.

ORDER: That there be and is hereby appropriated the sum of One Hundred Sixty Thousand Dollars and No Cents (\$160,000.00) from Free Cash to DPW, Road Resurfacing.

**#9627**

On a motion by Councillor Marc Morgan and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted on roll call, 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, to adopt the following Order:

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO PUBLIC WORKS, NEW EQUIPMENT.

ORDERED: That there be and is hereby appropriated the sum of Forty Thousand Dollars and No Cents (\$40,000.00) from Free Cash to Public Works, New Equipment.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**ORDINANCES****#9628**

On a motion by Councillor Matthew Vance and seconded by Councillor Karen Hardern, 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, to refer AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING A NEW CHAPTER 429, TO BE ENTITLED “DOOR-TO-DOOR SOLICITORS to the Public Safety Committee for study and report.

REGULAR MEETING OF MAY 16, 2016

---

**#9629**

On a motion by Councillor Matthew Vance and seconded by Councillor Karen Hardern, 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, to refer AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600, THEREOF, ENTITLED "VEHICLES AND TRAFFIC," VARIOUS SECTIONS to the Public Safety Committee for study and report.

**PETITIONS, APPLICATIONS, ETC.****#9630**

Reporting for the Public Safety Committee, Councillor Matthew Vance reported that the Committee did not address the license application; however, he recommended that the license be granted since Brian's Bowlaway has been a longstanding business in the City of Gardner and that he is comfortable that there are no issues with its renewal.

On a motion by Councillor Matthew Vance and seconded by Councillor Nathan Boudreau, on recommendation of the Public Safety Committee, 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, to approve the application of Brian's Bowlaway for renewal of a Bowling Alley License at 123 Main 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.

**#9631**

Reporting for the Public Safety Committee, Councillor Matthew Vance reported that the Committee did not address the license application; however, he recommended that the license be granted since The Salvation Army has been a longstanding business in the City of Gardner and that he is comfortable that there are no issues with its renewal.

On a motion by Councillor Matthew Vance and seconded by Councillor James Johnson, on recommendation of the Public Safety Committee, 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, to approve the application of The Salvation Army for renewal of a License to Deal in Second Hand Articles at 8 Union Square 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.



## REGULAR MEETING OF MAY 16, 2016

**#9632**

On a motion by Councillor Marc Morgan and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, 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, to adopt the following Measure:

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
FINANCIAL INTEREST OF AMEE DELLASANTA  
CONTRACT FOR INTERPRETIVE SERVICES/TRANSLATION OF DOCUMENTS

*VOTED:* To approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Amee Dellasanta for a Contract for Interpretive Services in the Translation of Documents.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**#9633**

On a motion by Councillor Marc Morgan and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, 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, to adopt the following Measure:

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
FINANCIAL INTEREST OF DILLON HAMMOND  
CONTRACT FOR DATA COLLECTION SERVICES

*VOTED:* To approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Dillon Hammond for a Contract for Data Collection Services.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**REPORTS OF STANDING COMMITTEES**

**PUBLIC SERVICE COMMITTEE**

**#9616**

On a motion by Councillor Scott Graves and seconded by Councillor Nathan Boudreau, it was voted on roll call, ten (10) yeas, President James Walsh and Councillors James Boone,

REGULAR MEETING OF MAY 16, 2016

---

Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance, 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.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**FINANCE COMMITTEE**

**#9588**

President Walsh informed the Council that at the recent Finance Committee meeting, the Mayor indicated that there was nothing new to report; however, there was indication that there might be some movement and that there might be a report at the next Council meeting. 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).

**COMMITTEE OF THE WHOLE**

**#9234**

President Walsh informed the Council that the City has yet to receive a response from the Attorney General's Office regarding an opinion concerning proposed Charter provisions. He said that he forwarded information that he received from Atty. Michelle Tassinari, Director of the State Election Division, to the City Solicitor. The information that he passed along to the City Solicitor were samples of Charter provisions from various municipal Charters; however, the Solicitor did not forward those samples to the Attorney General's Office. Mr. Walsh added that he then forwarded the Charter samples to the Attorney General's Office. There being no objections, the Committee of the Whole was granted more time.

**#9611**

On the motion to adopt the Resolution and to accept the provisions of M.G.L. c. 164, §134, Councillor James Boone stated that by adopting the measure, residents could possibly receive lower electric rates and have the choice of opting-out of the program if they so choose.

Councillor Matthew Vance expressed skepticism of the proposal, saying that isn't certain that it will be a benefit to residents. He said, however, that the Council should approve the

REGULAR MEETING OF MAY 16, 2016

---

measure in order to move ahead and then to receive proposals with the details before the Council agrees to the plan.

Councillor Nathan Boudreau stated that he saw this plan succeed in another community and that the community will save money.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, 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, to adopt the following Measure:

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.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

REGULAR MEETING OF MAY 16, 2016

---

UNFINISHED BUSINESS**#9551**

President Walsh informed the Council that the Planning Board submitted its Final Report to the City Council on the proposed Zoning Ordinance amendment.

On a motion by Councillor James Boone and seconded by Councillor Karen Hardern, 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, to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO ADD A NEW SUBSECTION 675-590. MILL STREET CORRIDOR DEVELOPMENT OVERLAY DISTRICT.

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

Section 1. Chapter 675 is hereby amended to add a new subsection 675-590, Mill Street Corridor Development Overlay District, as follows:

A. Purpose

To encourage commercial and industrial development and increase redevelopment options, in the Mill Street Corridor Urban Renewal Area (MSCURA), to provide local employment and enhance the tax base while protecting surrounding neighborhoods from land use conflicts. Redevelopment options will be consistent with city-wide growth and development policies within economically stressed areas within the MSCURA by providing for additional uses as a matter of right and altering dimensional requirements.

B. Scope of Authority

1. The Mill Street Corridor Development Overlay District (MSCDOD) shall only be applied over all parcels that are included in the Mill Street Corridor Urban Renewal Area.
2. Any use permitted by right or Special Permit in the underlying districts, as provided for by this Ordinance, shall continue to be permitted in addition to all other uses permitted by the MSCDOD.
3. Site plan review. All developments proposed for MSCDOD shall undergo site plan review in accordance with § 675-1020. Site Plan Review, shall apply to any new structure or group of structures under the same ownership on the same or contiguous lots that consist of 2,500 square feet or more of gross floor area; or any improvement, alteration, or change in use which results in an increase of 2,500 square feet or more of gross floor area.

REGULAR MEETING OF MAY 16, 2016

---

4. Waivers. The Planning Board may modify or waive any requirement of the overlay district upon finding that, due to topography, location, or unusual conditions affecting the property, the requirements of this section would unreasonably restrict development of the property. In modifying or waiving these provisions, the Planning Board may impose conditions it deems necessary to protect the public interest and promote the orderly development of the corridor.

C. Designation of Mill Street Corridor Development Overlay District

Designation is limited to parcels that are included in the Mill Street Corridor Urban Renewal Area due to the areas economic stress. Criteria for measuring economic stress include vacancy rates, incidences of arson, declining property values, building code violations, property tax delinquencies and inclusion in ongoing revitalization efforts.

D. Additional Uses

1. Properties included in the MSCDOD shall be permitted for the following uses as a matter of right:
  - a. Library, museums, art gallery or civic center.
  - b. Country or tennis club, lodge building or other non-profit social, civic, conservation or recreational use.
  - c. Professional Office and Retail Store, regardless of square footage.
  - d. Restaurant, fast food, including appurtenant structures to provide drive-through or drive-in services.
  - e. Restaurant serving food or beverages with live or mechanical entertainment.
  - f. Indoor amusement or recreation place of assembly provided that the building is so insulated and maintained as to confine noise to the premises.
  - g. Commercial clubs and/or recreational establishments such as swimming pools, tennis courts, ski clubs, camping areas, skating rinks or other commercial facilities offering outdoor recreation.

E. Dimensional Requirements

1. Any new structure, substantial improvement or alternative to an existing structure involving more than 50 percent of that structure's gross floor area shall be subject to the following:
  - a. Minimum lot size: 60,000 square feet
  - b. Minimum frontage: none
  - c. Front yard setback: none
  - d. Side yard setback: 10 feet; or none if abuts commercial or industrial use
  - e. Rear yard setback: 20 feet; or 40 feet if abuts residential zone



REGULAR MEETING OF MAY 16, 2016

- f. Maximum building height: 5 stories or 60 feet
  - g. Maximum building coverage including accessory buildings 65%
2. Improvements or alterations to an existing structure involving less than 50 percent of that structure's gross floor area shall not be subject to dimensional requirements, except that the minimum lot size shall not be less than 60,000 square feet and the structure shall not expand in terms of percentage of lot coverage, and side and rear setbacks shall be met.

F. Design and Preservation Standards

1. The provisions of § 675-750, Schedule of Parking Uses; loading areas shall apply unless superseded by the following standards.

Parking Requirements MSCDOD:

Use	Parking Spaces Required
Retail Store	1 space per 250 square feet gross floor area
Business or professional office	1 space per 300 square feet gross floor area
Restaurant, lodge or club, or other place of assembly	1 space per 4 seats plus 1 space per employee, or 1 space per 75 square feet of assembly area
Library, museum, art gallery, civic center, or Recreational facilities	2 spaces per 1,000 square feet gross floor area
Outdoor recreation	1 space per 1,000 square feet of recreational land area

2. Parking Lot Design
- a. The provisions of § 675-770, Design requirements for parking lots, facilities, and drive-throughs shall apply unless superseded by the following standards.
  - b. Sidewalks and pedestrian paths shall connect the lots to the principal uses they will serve. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from public access routes and parking areas. Car stops shall be provided to prevent parked cars from damaging trees and shrubs or disrupting pedestrian walkways.
  - c. The Planning Board may modify the above requirements for any interior landscaped areas or islands that serve as vegetated swales or bioretention cells.

REGULAR MEETING OF MAY 16, 2016

---

3. Lighting and utilities.
  - a. All lighting shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property. Lighting shall comply with § 675-770B, Lighting and landscaping requirements, Subsection B(4), and § 675-1020F, development impact standards.
  - b. All lights and illuminated signs shall be designed to prevent objectionable light and glare from crossing property lines. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward.
  - c. All electric, telephone, television and other communication lines, both main and service connections, shall be provided by underground wiring.
4. Complete Streets - Whenever a development within the MSCDOD fronts a public way, Complete Streets design principles consistent with the Timpany Boulevard Complete Streets Study, dated June 2015, shall be incorporated into the design.
5. Projects shall take into consideration the preservation of sensitive natural features including streams and water bodies. Development shall preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize alteration of natural features. If appropriate walking and hiking trails should be incorporated into the development to enhance walkability within the development.
6. Bicycle accommodation.
  - a. Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy of any building that results in the need for additional vehicular parking facilities. One bicycle space shall be provided for every 10 vehicle parking spaces, up to a maximum of 25 spaces.
  - b. Parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which the user may lock a bicycle.
  - c. Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
  - d. Bicycle parking facilities shall be located in a clearly designated safe and convenient location. Whenever possible, the bicycle parking shall be placed within 50 feet of building entrances and in well-lit areas.

REGULAR MEETING OF MAY 16, 2016

---

7. Landscaping and screening.
  - a. A registered landscape architect shall prepare a landscape plan drawn to scale, including dimensions and distances. The plan shall delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials and tree cover.
  - b. Loading areas and service facilities (dumpsters, storage areas, utility boxes, etc.) shall be placed to the rear of buildings in visually unobtrusive locations. Screening and landscaping shall prevent direct views of such areas from adjacent properties or from public ways. Screening shall be achieved through walls, fences, landscaped berms, evergreen plantings, or combinations thereof. Fences made of wood, stone, or brick are preferred.
  - c. Heating, ventilating and air-conditioning (HVAC) units, telephone boxes, electrical transformers, etc., shall be screened through use of landscaping, berms, or fences and shall be as unobtrusive as possible. Heating, ventilating and air-conditioning (HVAC) units may be located behind roof ridgelines so they are not visible from the front view of the building.
  - d. When a proposed development abuts a residential district, whether presently developed or not, landscaped buffers shall be employed to shield the residential property from view of the proposed development and to minimize lighting and noise impacts. Such a buffer shall contain a screen of plantings not less than three feet in width and six feet in height at the time of planting and shall thereafter be maintained by the owner or occupant so as to provide a dense screen year round. At least 50% of the plants shall consist of evergreens. A solid wall or fence, not to exceed six feet in height, complemented by suitable plantings, may be substituted for such landscaped buffers.
  
8. Architectural standards.
  - a. The site plan application shall contain elevations of all proposed buildings, prepared by a licensed architect.
  - b. Exterior materials for the front façade and any sides of buildings fronting on public streets may include clapboard, wood shingles, stone, brick, textured or coated concrete block, textured or coated precast concrete, or materials of comparable appearance as approved by the Planning Board. Applicants are encouraged to use green building technologies and materials, wherever possible, to limit environmental impacts.
  - c. Architectural focal points. In any development with 10,000 square feet or more of retail use, the principal building on a lot shall have clearly defined, highly visible customer entrances featuring at least two of the following: canopies or porticos; overhangs; recesses/projections; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; display windows; and planters or wing walls that incorporate landscaped areas and/or places for sitting.

*FIRST PRINTING - May 20, 2016*

REGULAR MEETING OF MAY 16, 2016

---

**#9569**

President Walsh informed the Council that the Planning Board submitted its Final Report to the City Council on the proposed Zoning Ordinance amendment.

On a motion by Councillor James Boone and seconded by Councillor Craig Cormier, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, James Johnson, Marc Morgan, and Matthew Vance; one (1) nay, Councillor Scott Graves, to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO ADD NEW SUBSECTIONS TO SECTION 675-970, SIGNS PERMITTED IN COMMERCIAL OR INDUSTRIAL DISTRICTS, AND TO SECTION 675-980, SPECIAL REGULATIONS FOR SIGNS IN HISTORIC AREAS,

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

Section 1. Chapter 675 is hereby amended by adding a new subsection to 675-970, Signs Permitted in Commercial or Industrial Districts, as follows:

- G. Perpendicular signs. One projecting, or perpendicular sign, may be erected within five feet of the business's entrance and must be erected no less than ten (10) feet from the ground level, at the base of the building above a sidewalk to the bottom of the sign, so long as public safety is not endangered, and no more than twenty (20) feet from the ground level to the top of the sign. Such sign shall not extend above the building, nor be more than eight (8) square feet in area and, when combined with any existing alternative signage, shall not exceed a total of eighty (80) square feet. All perpendicular signs must be externally lit from the top and shine downward.

Section 2. Chapter 675 is further amended by adding a new subsection to 675-980, Special Regulations for Signs in Historic Areas, as follows:

- G. Perpendicular signs. One projecting, or perpendicular sign, may be erected within five feet of the business's entrance and must be erected no less than ten (10) feet from the ground level at the base of the building above a sidewalk to the bottom of the sign, so long as public safety is not endangered, and no more than twenty (20) feet from the ground level to the top of the sign. Such sign shall not extend above the building, nor be more than eight (8) square feet in area and, when combined with any existing alternative signage, shall not exceed a total of forty (40) square feet. All perpendicular signs must be externally lit from the top and shine downward.

Section 3. This Ordinance shall become effective upon passage and publication as required by law.

REGULAR MEETING OF MAY 16, 2016

---

**#9576**

On a motion by Councillor Matthew Vance and seconded by Councillor Karen Hardern, 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, to adopt the following Measure:

RESOLUTION CHANGING THE NAME OF A PORTION OF  
MATTHEWS STREET TO OLD MATTHEWS STREET

*WHEREAS:* In the opinion of City Council of the City of Gardner, a certain way in existence known as Matthews Street running in a northeasterly direction between its end at Route 140 and its intersection with Pearl Street, is therefore;

*ORDERED:* To be renamed Old Matthews Street pursuant to the authority given to the City Council under Chapter 567 Article II, Paragraph 9 of the Code of the City of Gardner relative to the names of streets, squares and parks.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor

**#9577**

On a motion by Councillor Matthew Vance and seconded by Councillor Karen Hardern, 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, to adopt the following Measure:

RESOLUTION CHANGING THE NAME OF A PORTION OF  
SUMMIT AVENUE TO CLAIRMONT STREET

*WHEREAS:* In the opinion of City Council of the City of Gardner, a certain way in existence known as Summit Avenue running in a southeasterly direction for approximately 210 feet from Union Street is therefore;

*ORDERED:* To be renamed Clairmont Street pursuant to the authority given to the City Council under Chapter 567 Article II, Paragraph 9 of the Code of the City of Gardner relative to the names of streets, squares and parks.

Presented to Mayor for Approval – May 17, 2016

Approved – May 18, 2016

MARK P. HAWKE, Mayor



## REGULAR MEETING OF MAY 16, 2016

**#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).

**#9599**

Councillor Ronald Cormier moved to pass the following Ordinance and Councillor Craig Cormier seconded the motion:

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
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



REGULAR MEETING OF MAY 16, 2016

		City	\$44,304.21		
Information Technology Director	G-10	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		City	\$3,198.00				
	G-7	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		City	\$46,480.00				
	G-7	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					
			<b>Annual</b>	<b>Monthly</b>			
Civil Defense Director		\$8,473.40	\$706.12				
Sealer of Weights & Measures		\$8,629.99	\$719.17				



REGULAR MEETING OF MAY 16, 2016

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***

On the motion, Councillor Scott Graves stated that he initially opposed the Ordinance at First Printing because one particular position was not slated for an increase. He said, however, that he would support the Ordinance at this time “so as not to throw out the baby with the bathwater.”

One call of the roll, six (6) yeas, Councillors Craig Cormier, Ronald Cormier, Scott Graves, James Johnson, Marc Morgan, and Matthew Vance; four (4) nays, President James Walsh and Councillors James Boone, Nathan Boudreau, and Karen Hardern, the motion did not pass.

President Walsh relinquished the Chair to Councillor Ronald Cormier.

President Pro-tem Ronald Cormier recognized Councillor James Walsh.

Councillor Walsh moved to ***Reconsider and Enter on the Minutes*** the vote on #9599. Councillor Marc Morgan seconded the motion.

Councillor Ronald Cormier relinquished the Chair and President Walsh resumed the Chair.

President Walsh explained that the motion to Reconsider and Enter on the Minutes requires that the matter be placed on the Calendar at the next regular meeting.

**NEW BUSINESS**

On a motion by Councillor James Boone and seconded by Councillor Marc Morgan, 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, to consider New Business.

**Announcements and Commentary**

Councillor Karen Hardern informed the Council that former Ward 4 Councillor James Minns suffered a fall, but that he is doing well. She extended her thoughts and prayers to him for a speedy recovery.



---

**REGULAR MEETING OF MAY 16, 2016**

---

Councillor Scott Graves commended the Mayor for coming to an agreement to acquire the Cumberland Farms property and having it cleaned up for the price of \$65,000.

Councillor Nathan Boudreau congratulated students graduating from MWCC and other colleges, as well as congratulating Mayor Hawke for being named “Alumnus of the Year” at MWCC.

Councillor Marc Morgan commented on a news article that recently appeared in *The Gardner News* concerning the School Department seeking additional funding in the upcoming Budget. He said that “what stood out to him” as a school system is that “we sit here and allow this to continue.” He stated that the school system is very important to this community, because no one and no businesses will come into a community “that has a school system at the bottom in the state.” He applauded the Mayor for possibly coming forward with a plan to improve the school system.

**CLOSING PRAYER**

President Walsh led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Johnson, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, James Johnson, Marc Morgan, and Matthew Vance, to adjourn at 8:00 o'clock p.m.

Accepted by the City Council: *June 6, 2016*