

**REGULAR MEETING OF JUNE 6, 2016**

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Regular Meeting of the City Council was held in the City Council Chamber, 2<sup>nd</sup> Floor, City Hall, on Monday evening, June 6, 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, Marc Morgan, Paul Tassone, and Matthew Vance. Councillor James Johnson 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, Marc Morgan, Paul Tassone, and Matthew Vance, to waive reading and to accept the Minutes of the May 16, 2016 Informal Meeting, Public Hearing, and Regular Meeting, as printed.

**COMMUNICATIONS FROM THE MAYOR****APPOINTMENTS**

**#9634**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to confirm the following appointment received from the Mayor:

REGULAR MEETING OF JUNE 6, 2016

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**JEANNE MAY** to the position of Member, Housing Authority, for term expiring May 18, 2021.

**Worcester, ss.**

**June 6, 2016**

Then personally appeared **JEANNE MAY** and made oath that she would faithfully and impartially perform the duties of Member, Housing Authority, according to law and the best of her abilities.

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

**#9635**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to confirm the following appointment received from the Mayor:

**ROGER TOUSIGNANT** to the position of Member, Housing Authority, for term expiring May 18, 2021.

**Worcester, ss.**

**June 6, 2016**

Then personally appeared **ROGER TOUSIGNANT** and made oath that he would faithfully and impartially perform the duties of Member, Housing Authority, according to law and the best of his abilities.

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

**MAYOR'S FY2017 BUDGET PRESENTATION**

President Walsh recognized Mayor Hawke for his FY2017 Budget Presentation.

Mayor Hawke informed the Council that he submitted an "adequate budget" to the Council, noting that for the first time, "the City would not be taxing to the max," leaving "\$48,000 [excess levy capacity] on the table." He stated that the Budget relies on a projected increase in local revenues and Local Aid. He cited \$357,000 in additional educational spending above "Net School Spending." With respect to projected expenses, the Mayor stated that the City would be assessed \$322,000 in School Choice Sending Tuition (out of district); \$67,000 increase in health insurance costs (less than 1% of the total). His Budget proposal includes \$309,000 to retain six positions in the School Department; a full-time Executive Aide position in the Mayor's Office (currently part-time); increase in the Plumbing Inspector's hours from 16 to 19 hours per week; an additional Local Inspector in the Building Department to handle 110/R2 inspections, which fees will cover the additional labor expenses; and seven additional firefighters.

REGULAR MEETING OF JUNE 6, 2016

---

ORDERS**#9636**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the supplemental appropriation provides for additional professional consulting services for the Auditing Department during the transition period.

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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO CITY AUDITOR, PROFESSIONAL SERVICES.

ORDERED: That there be and is hereby appropriated the sum of Thirty Three Thousand Dollars and No Cents (\$33,000.00) from Free Cash to City Auditor, Professional Services.

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

**#9637**

Reporting for the Finance Committee, Councillor Ronald Cormier cited the City Clerk's letter outlining the expenditures from the City Council's Communications account and projected publications and expenses for the remainder of the fiscal year.

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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO CITY COUNCIL, COMMUNICATIONS.

ORDERED: That there be and is hereby appropriated the sum of Three Thousand Five Hundred Dollars and No Cents (\$3,500.00) from Free Cash to City Council, Communications.

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

REGULAR MEETING OF JUNE 6, 2016

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**#9638**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee was informed that an investment firm has been retained to invest funds from the account, which has earned interest since being placed in the Stabilization account.

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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Order:

AN ORDER TRANSFERRING A SUM OF MONEY TO THE WILLIAMS - ROCKWELL EDUCATIONAL GIFT FUND.

ORDERED: To transfer the sum of ONE MILLION NINE HUNDRED THIRTY-THREE THOUSAND SIX HUNDRED FIFTY-TWO and 11/100 DOLLARS, (\$1,933,652.11) and any additional interest thereon currently held in the Williams - Rockwell Educational Stabilization Account to the Williams-Rockwell Educational Gift Fund.

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

**#9639**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Conservation Commission, Community Development Office, and the Planning Board, supports the project as the best use of the land. He added that grant funds would pay for the bulk of the land purchase and the \$75,000 represents the City's share.

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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO BAILEY BROOK LAND CONSERVATION PROJECT.

ORDERED: That there be and is hereby appropriated the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) from Free Cash to Bailey Brook Land Conservation Project.

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

REGULAR MEETING OF JUNE 6, 2016

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**#9640**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that in order to initiate grant-funded projects, it is routine practice for the City to authorize borrowing to fully-fund a project, in anticipation of reimbursement at a later time. He said that the City has been reimbursed by the State and the borrowing authorization is no longer necessary; therefore, should be rescinded.

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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Order:

AN ORDER RESCINDING LOAN ORDER NO. 12690  
GREENWOOD SPRAY PARK PROJECT

ORDERED: To rescind the vote taken on April 21, 2015 under Calendar Item #9401, ordering that the City of Gardner appropriates the sum of Two Hundred Eighty Thousand Dollars (\$280,000.00) to pay costs of a spray park project to be located at the Greenwood Pool, and paying all other costs incidental or related thereto; to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 7(25), or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this order; and that the Mayor is authorized to take any other action necessary or convenient to carry out this vote.

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

**Calendar Nos. 9641 through 9647**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to refer Calendar Nos. 9641 through 9647, following, to the Council as a Committee of the Whole for study and report:

**#9641**

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE SALARY AND LABOR BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017.



REGULAR MEETING OF JUNE 6, 2016

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ORDER: To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2016 to June 30, 2017 sums as designated for the expenditures of the various departments, Salary and Labor budgets, according to the detailed schedule hereto annexed and made a part of this money order in the amount of TEN MILLION, FOUR HUNDRED THIRTY-SEVEN THOUSAND, THREE HUNDRED NINETY-ONE DOLLARS (\$10,437,391.00).

**#9642**

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE EXPENSE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017.

ORDER: To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2016 to June 30, 2017 sums as designated for the expenditures of the various departments, other than what was presented to City Council in the Salary and Labor budget, according to the detailed schedule hereto annexed and made a part of this money order in the amount of EIGHTEEN MILLION, EIGHT HUNDRED NINETY THOUSAND, TWO HUNDRED SIXTY-SIX DOLLARS (\$18,890,266.00).

**#9643**

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE SCHOOL DEPARTMENT BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017.

ORDER: To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2016 to June 30, 2017 sums as designated for the expenditures of the School Department according to the detailed schedule hereto annexed and made a part of this money order in the amount of TWENTY-TWO MILLION, SIXTY-SEVEN THOUSAND, NINE HUNDRED FIFTY-TWO DOLLARS (\$22,067,952.00)

**#9644**

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-PARKING METER RECEIPTS RESERVED TO VARIOUS ACCOUNTS FOR THE FICAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017.

ORDER: That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2016 to June 30, 2017 the sum of SEVENTY THOUSAND, SIX HUNDRED NINETY DOLLARS (\$70,690.00) from Available Funds-Parking Meter Receipts Reserved to the following accounts:

City Treasurer	Parking Meter Clerk Salary	\$10,690.00
City Treasurer	Parking Meter Maintenance	20,000.00
Public Works	Parking Meter Maintenance	40,000.00



REGULAR MEETING OF JUNE 6, 2016

**#9645**

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-CABLE COMMISSION FEES RESERVED TO CABLE COMMISSION BUDGET FOR THE FICAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017

ORDER: That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2016 to June 30, 2017 the sum of ONE HUNDRED SEVENTY-SIX THOUSAND, FIVE HUNDRED FOUR DOLLARS (\$176,504.00) from Available Funds-Cable Commission Fees Reserved to the Cable Commission budget.

**#9646**

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE ENTERPRISE FUNDS-VARIOUS RECEIPTS RESERVED TO VARIOUS ACCOUNTS FOR THE FICAL YEAR BEGINNING JULY 1, 2016 TO JUNE 30, 2017

ORDER: That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2016 to June 30, 2017 the sum of EIGHT MILLION, EIGHT HUNDRED NINETEEN THOUSAND, ONE HUNDRED EIGHTY-ONE DOLLARS (\$8,819,181.00) from Available Enterprise Funds-Receipts Reserved to the following accounts:

Sewer Dept	Enterprise Fund	\$2,826,423.00
Water Dept	Enterprise Fund	3,796,195.00
Golf Course	Enterprise Fund	752,072.00
Landfill Closure	Enterprise Fund	87,000.00
Solid Waste	Enterprise Fund	1,357,491.00

**#9647**

AUTHORIZING FY2017 REVOLVING FUNDS  
M.G.L. CH.44, S.53E½

ORDER: To authorize and direct the City Treasurer to establish the following revolving funds for the fiscal year beginning July 1, 2016 to June 30, 2017 in accordance with M.G.L. Chapter 44, section 53E½:

Revolving Fund	Authorized to Expend	Revenue Source	Purpose of Fund	Spending Limit
Airport Fuel	Airport Commission	Sale of airplane fuel	Purchase of fuel, airport programs, and improvements	Available balance or \$20,000, whichever is less
Wetland Protection	Conservation Commission	Local wetland filing fees	Costs associated with wetland protection activities	Available balance or \$20,000, whichever is less



## REGULAR MEETING OF JUNE 6, 2016

Council on Aging Recreational Activities	Council on Aging Director	Recreation Fees	Salaries and expenses relating to recreational activities at Senior Center	Available balance or \$20,000, whichever is less
Gardner's Summer Celebration	Mayor	Collections and donations	Costs associated with Gardner's Summer Celebration	Available balance or \$20,000, whichever is less
Planning Board Publications	Planning Board	Sale of Planning Board publications	Preparation and production of Planning Board publications	Available balance or \$3,000, whichever is less
Road Resurfacing	Public Works Director	Fees charged for cutting into newly paved roads	Costs associated with road resurfacing and road maintenance	Available balance or \$20,000, whichever is less
High School Summer Football Camp	School Department	Camp fees and donations	Salaries and expenses for the High School Summer Football Camp	Available balance or \$20,000, whichever is less
Summer Basketball Camp	School Department	Camp fees and donations	Salaries and expenses for the Summer Basketball Camp	Available balance or \$12,000, whichever is less
Transportation	School Department	Bus passes and fees for transportation	Salaries and expenses relating to school transportation	Available balance or \$20,000, whichever is less

As per M.G.L., interest earned on these funds shall be treated as general fund revenue.

The person or persons authorized to expend from each fund shall report annually to the Mayor and City Council the total amount of receipts and expenditures for the prior fiscal year and for the current fiscal year through December 31<sup>st</sup>, along with any other information that City Council may by vote require.

In the event any fund is not reauthorized for the following fiscal year or the city changes the purpose of the revolving fund, the balance in the fund shall revert to surplus revenue, unless City Council and the Mayor vote to transfer the funds to another revolving fund established in accordance with M.G.L. Chapter 44, section 53E $\frac{1}{2}$ .




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 REGULAR MEETING OF JUNE 6, 2016
 

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PETITIONS, APPLICATIONS, ETC.
**#9648**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that Mr. Gamache and others under the following three Measures are full-time City employees and that the Council is required to take this action in order for them to perform part-time coaching services for the School Department.

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following:

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
 FINANCIAL INTEREST OF PETER A. GAMACHE  
 CONTRACT FOR SOCCER COACHING SERVICES

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

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

**#9649**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following:

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
 FINANCIAL INTEREST OF PETER A. GAMACHE  
 CONTRACT FOR BASKETBALL COACHING SERVICES

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

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

REGULAR MEETING OF JUNE 6, 2016

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**#9650**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following:

APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
FINANCIAL INTEREST OF ROBERT F. ALLARD  
CONTRACT FOR FOOTBALL COACHING SERVICES

*VOTED:* To approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Robert F. Allard for a Contract for Football Coaching Services.

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

**#9651**

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following:

APPROVAL OF EXEMPTION PURSUANT TO G.L. C. 268A, §20(b)  
FINANCIAL INTEREST OF DANIEL J. BERRY  
CONTRACT FOR GOLF TEAM COACHING SERVICES

*VOTED:* To approve an Exemption pursuant to G.L. c. 268A, §20(b) in the Matter of a Financial Interest by Daniel J. Berry, Golf Pro Shop Manager, for a contract for Golf Team Coaching Services.

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

**#9652**

On a 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, Marc Morgan, Paul Tassone, and Matthew Vance, to refer to the Public Service Committee for study and report and to schedule a public hearing on the petition of NATIONAL GRID and



REGULAR MEETING OF JUNE 6, 2016

Verizon New England, Inc., for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way: MONTVALE ROAD – NATIONAL GRID to relocate 1 jointly-owned pole beginning at a point approximately 120 feet northeast of the centerline of the intersection of Sunset Road and continuing approximately 25 feet in a northerly direction.

**#9653**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the proposed changes include amending the revised compensation effective date to mirror the new Council on Aging Director’s starting date, as well as to implement steps for the new Public Health Director to coincide with required professional certifications.

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, 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 OF THE COUNCIL ON AGING DIRECTOR AND DIRECTOR OF PUBLIC HEALTH.

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 to change the compensation of the Council on Aging Director and Director of Public Health to read as follows:

A. Department Heads

		<u>Effective 4/19/16</u>	
		<u>Annual</u>	<u>Weekly</u>
Council on Aging Director		\$52,179.00	\$1,003.44
		<u>Effective 5/25/16</u>	
		<u>Annual</u>	<u>Weekly</u>
Director of Public Health	Step 1	\$65,000.00	\$1,250.00
	Step 2◊	\$72,500.00	\$1,394.23

◊Increase to Step 2 upon receipt of Registered Sanitarian certification.

**FIRST PRINTING – JUNE 10, 2016.**

**#9654**

On a motion by Councillor Matthew Vance 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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Resolution:



REGULAR MEETING OF JUNE 6, 2016

RESOLUTION ENDORSING THE CITY OF GARDNER COMMUNITY CHOICE  
POWER SUPPLY PROGRAM, AGGREGATION PLAN  
PREPARED BY COLONIAL POWER GROUP, INC.

**VOTED:** The City Council of Gardner endorses the City of Gardner Community Choice Power Supply Program Aggregation Plan prepared by Colonial Power Group, Inc., in accordance with the City Council's vote accepting MGL Ch. 164, Sec 134, regarding public aggregation of electric consumers.

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

#9655

Councillor James Boone moved to Order the following Ordinance to First Printing, with Councillor Karen Hardern seconding the motion:

Amendment to City Code  
Chapter 171: Personnel  
Article XVI: Classification and Compensation  
§171-68  
Compensation Schedule

An amendment to §171-68 Compensation Schedule, 171b Schedule 2.

A classification plan is hereby established for offices and positions in the service of the City, and establishing compensation grades there.

All appointive officers and all positions in the City of Gardner, except those filled by popular election and those under the direction and control of the School Committee, shall be classified into positions, groups, and grades according to their duties pertaining to each as herein provided.

CLASSIFICATION CLASS TITLE

Pay Grade	Class/Title
S-4	Certified Pool Operator (Seasonal)
S-5	Head Lifeguard
S-6	Lifeguard (includes seasonal employees)
T-4	Temporary Seasonal Employee (Department of Public Works)
T-5	Temporary Seasonal Recreational Playground Supervisor
T-6	Temporary Seasonal Technical
GC-4	Golf Course Laborers/Pro-Shop Assistants - Temporary Seasonal Employment
GC-5	Golf Course Groundsman
GC-6	Golf Course Ranger
GC-8	Grounds Maintenance Man or Motor Equipment Repairman
GC-9	Working Foreman Grounds Maintenance Man or Working Foreman Motor Equipment Repairman

The officers, positions, and classifications are hereby allocated and fixed into salary grades in accordance with the following schedule.

COMPENSATION SCHEDULE

A. DEPARTMENT HEADS

Position	Grade	07/01/15		01/01/16		07/01/16	
		Annual	Weekly	Annual	Weekly	Annual	Weekly
Building Commissioner	G-10	\$72,287.27	\$1,390.14	\$73,644.00	\$1,416.23	\$75,116.88	\$1,444.56
Chief of Police	G-13	\$90,730.00	\$1,744.81	\$92,458.00	\$1,778.81	\$94,347.96	\$1,814.38
City Assessor	G-9	\$62,781.00	\$1,226.56	\$67,558.00	\$1,299.38	\$68,919.36	\$1,325.37
City Auditor	G-10	\$75,027.41	\$1,424.07	\$77,000.00	\$1,476.19	\$79,000.00	\$1,511.54
	MGL c. 32, §20(f)	\$3,000.00	\$57.69	\$3,000.00	\$57.69	\$3,000.00	\$57.69
	Total Compensation	\$78,027.41	\$1,500.53	\$80,000.00	\$1,533.88	\$82,000.00	\$1,569.23
City Clerk	G-10	\$66,951.76	\$1,273.53	\$69,594.00	\$1,338.35	\$71,066.88	\$1,358.17
	MGL c. 41, §19F	\$3,500.00	\$66.92	\$3,500.00	\$66.92	\$3,500.00	\$66.92
	MGL c. 41, §19G	\$3,500.00	\$66.92	\$3,500.00	\$66.92	\$3,500.00	\$66.92
	Total Compensation	\$73,951.76	\$1,407.37	\$76,594.00	\$1,472.19	\$78,066.88	\$1,491.81
City Collector/Treasurer	G-10	\$77,706.96	\$1,465.54	\$79,644.00	\$1,524.39	\$81,616.88	\$1,562.11
	MGL c. 32, §20	\$3,000.00	\$57.69	\$3,000.00	\$57.69	\$3,000.00	\$57.69
	Total Compensation	\$80,706.96	\$1,523.23	\$82,644.00	\$1,582.08	\$84,616.88	\$1,619.80
City Engineer	G-11	\$93,248.55	\$1,779.24	\$95,248.55	\$1,829.11	\$97,248.55	\$1,868.41
City Solicitor	G-10	\$74,491.70	\$1,421.53	\$76,491.70	\$1,471.53	\$78,491.70	\$1,521.53

9/5/16



REGULAR MEETING OF JUNE 6, 2016

Council on Aging Director	G-8	\$50,814.00	\$977.19				
Director of Community Development & Planning	G-10	City GRA CDBG Total Compensation	\$60,825.00 \$20,556.00 \$4,283.00 \$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	Step 1 Step 2		
Fire Chief	G-13		\$85,009.00	\$1,634.79			
Golf Course Driving Range/Superintendent	G-9		\$70,740.67	\$1,360.40			
Human Resources Director	G-11		\$77,645.00	\$1,493.17			
Information Technology Director	G-10	City School Total Compensation	\$44,304.21 \$43,652.68 \$87,956.89	\$1,691.48	\$80,263.00	\$1,543.52	
Library Director	G-9		\$69,668.31	\$1,339.78			
Public Works Director	G-12		\$92,470.75	\$1,778.28			
Purchasing Agent/Civil Enforcement Director	G-10		\$69,668.24				
Veterans' Director	G-6	MGL c. 148A, §5 Total Compensation	\$2,500.00 \$72,168.24 \$53,591.00	\$1,339.77 \$1,030.60			

B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS

Position	Grade	07/01/15			01/01/16			07/01/16		
		Annual	Weekly	Hourly	Annual	Weekly	Hourly	Annual	Weekly	Hourly
Executive Secretary	G-4	\$43,403.00	\$834.65	\$22.56	\$43,932.00	\$844.85	\$22.83	\$44,810.64	\$861.74	\$23.29
Assistant City Clerk	G-4	\$39,476.00	\$759.15	\$20.52	\$40,299.00	\$774.98	\$20.95	\$41,104.98	\$790.48	\$21.36
Assistant City Engineer	G-8	\$59,585.00	\$1,145.87		\$61,993.00	\$1,192.17		\$63,232.86	\$1,216.02	
Assistant City Solicitor	G-3	\$41,175.03	\$791.83					\$41,998.53	\$807.66	
Assistant Director of Community Development**	G-7	City CDBG Total Compensation	\$3,198.00 \$60,754.00 \$63,952.00	\$1,229.85				\$3,261.96 \$61,969.08 \$65,231.04	\$1,254.44	
Assistant Director of Public Health	G-5		\$49,306.40	\$948.20				\$50,292.53	\$967.16	
Assistant Library Director	G-6		\$53,972.38	\$1,037.93				\$55,051.62	\$1,058.69	
Deputy Chief of Police	G-9		\$77,645.00	\$1,493.17	\$80,263.00	\$1,543.52		\$82,470.00	\$1,585.96	
Economic Development Coordinator**	G-7	City Other Total Compensation	\$46,480.00 \$10,520.00 \$57,000.00	\$1,096.15				\$47,409.60 \$10,730.40 \$58,140.00	\$1,118.08	
GIS Technician	G-5		\$48,231.90	\$927.54				\$49,196.54	\$946.09	
Golf Professional	G-6		\$1,183.67 Weekly					\$1,207.34		
Golf Pro Manager	G-6		\$1,020.00 Weekly					\$1,040.40		
Local Inspector	G-6		\$55,734.85	\$1,071.82				\$56,849.55	\$1,093.26	
Producer	G-2		\$43,841.01	\$843.10				\$45,594.65	\$876.82	
Senior Animal Control Officer	G-2		\$37,513.70	\$721.42				\$38,263.97	\$735.85	
Systems Manager	G-6		\$58,950.00	\$1,133.65				\$60,129.00	\$1,156.33	



REGULAR MEETING OF JUNE 6, 2016

B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS (cont.)

Position	Grade	07/01/15			01/01/16			07/01/16		
		Annual	Weekly	Hourly	Annual	Weekly	Hourly	Annual	Weekly	Hourly
Electrical Inspector	G-6			\$18.97						\$19.55
Plumbing Inspector	G-6			\$25.89			\$27.12			\$27.66
Transfer Station Supervisor	G-3			\$20.48						\$20.89
Conservation Agent	G-6			\$27.29						\$27.84
Planning Agent	G-6			\$29.37						\$29.96
Executive Aide				\$25.00						\$25.50
		<b>Annual</b>	<b>Monthly</b>		<b>Annual</b>	<b>Monthly</b>		<b>Annual</b>	<b>Monthly</b>	
Civil Defense Director	G-6	\$8,473.40	\$706.12		\$8,642.87	\$720.24		\$8,802.59	\$733.55	
Sealer of Weights & Measures		\$8,629.99	\$719.17							

C. NON-UNION STAFF POSITIONS

Position	Grade	07/01/15			01/01/16			07/01/16		
		Annual	Weekly	Hourly	Annual	Weekly	Hourly	Annual	Weekly	Hourly
Animal Control Officer	G-1	\$29,160.00	\$560.77	\$14.02	\$31,000.00	\$596.15	\$14.90			
Administrative Coordinator		Step 1	Step 2	Step 3				Step 1	Step 2	Step 3
Administrative Clerk		\$13.04	\$15.35	\$17.68				\$13.30	\$15.67	\$18.03
Animal Shelter Attendant		\$12.63	\$14.68	\$16.73				\$12.88	\$14.97	\$17.06
Assistant Animal Control Officer		\$10.00			\$10.50			\$11.00		
Budget/Project Manager**		\$10.08			\$10.61			\$11.00		
	City	\$1.01						\$1.03		
	GRA	\$0.60						\$0.62		
	CDBG	\$21.11						\$21.53		
	Total Compensation	\$22.72						\$23.17		
Building Maintenance Craftsman		\$16,720.3	\$18,861.0	\$20,997.5				\$17.05	\$19.24	\$21.42
Building Maintenance Man		\$15,289.1	\$17,357.9	\$19,433.9				\$15.59	\$17.71	\$19.82
Council on Aging Coordinator		\$11.95						\$12.19		
Financial Administrator		\$13.93	\$16.61	\$19.59				\$14.21	\$16.94	\$19.98
Financial Clerk		\$12.79	\$15.05	\$17.56				\$13.05	\$15.35	\$17.91
Golf Course Positions										
Golf Pro Shop Supervisor		\$13.00	\$13.50	\$14.00				\$13.25	\$13.77	\$14.28
Grounds Maintenance Man	GC-8	\$15.30	\$16.83	\$18.62				\$15.61	\$17.17	\$18.99
Motor Equipment Repairman	GC-8	\$15.30	\$16.83	\$18.62				\$15.61	\$17.17	\$18.99
Working Foreman - Grounds										
Maintenance Man	GC-9	\$18.80						\$19.18		
Working Foreman - Motor Equipment										
Repairman	GC-9	\$18.80						\$19.18		
Library Department Positions										
Staff Librarian		\$20.20						\$20.60		
Senior Library Technician		\$18.39						\$18.76		
Library Technician		\$17.35						\$17.70		
Library Clerical Staff		\$12.14	\$12.38					\$12.38	\$12.63	
Library Custodian		\$14.82	\$16.82	\$18.83				\$15.12	\$17.16	\$19.21
Head Life Guard		\$10.68	\$11.66	\$15.45				\$10.89	\$11.89	\$15.76
Parking Meter Clerk		\$13.39						\$13.66		
Production Assistant		\$13.65						\$13.92		
Transfer Station Monitor		\$10.50			\$10.75			\$11.00		



REGULAR MEETING OF JUNE 6, 2016

D. NON-UNION STAFF: TEMPORARY, SEASONAL AND INTERMITTENT POSITIONS

Position		07/01/15			01/01/16		07/01/16		01/01/17
		Step 1	Step 2	Step 3	Step 1	Step 2	Step 1	Step 2	
Alternate Animal Control Officer		\$9.50			\$10.00			\$11.00	
Certified Pool Operator	S-4	\$20.40						\$20.81	
Golf Course Laborer/Pro Shop Assistant	GC-4	\$9.50			\$10.00			\$11.00	
Golf Course Groundsman	GC-5	\$13.68						\$11.00	
Golf Course Ranger	GC-6	\$9.00			\$10.00			\$11.00	
Lifeguard	S-6	\$10.00	\$10.25		\$11.00	\$11.25			
Temporary Seasonal Technical	T-6	\$13.26						\$13.53	
Election Warden		\$11.00			\$12.00				\$13.00

D. NON-UNION STAFF: TEMPORARY, SEASONAL AND INTERMITTENT POSITIONS (cont.)

Position		07/01/15			01/01/16		07/01/16		01/01/17
		Step 1	Step 2	Step 3	Step 1	Step 2	Step 1	Step 2	
Election Inspector		\$9.00			\$10.00			\$11.00	
Election Clerk		\$10.00			\$11.00			\$12.00	
Special Detail Police Officer		\$42.00							

Position		07/01/15					01/01/17				
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 1	Step 2	Step 3	Step 4	Step 5
Temporary Seasonal Laborer	T-4	\$10.60	\$11.56	\$11.74	\$13.29	\$13.97	\$11.00	\$11.79	\$11.97	\$13.56	\$14.25
Recreational Playground Supervisor	T-5	\$10.00	\$10.57	\$13.11			\$11.00	\$11.78	\$13.37		

\*\*Compensation increase contingent upon positive evaluation of oversight commission, board or individual (Mayor or City Council) with the approval of the Mayor.  
 \*Community Development & Planning Administrative Coordinator Wages paid for by City, CDBG and GRA in the following approximate percentages: City - 84.5%, GRA 10.5% and CDBG 5%.

On the motion, Councillor Boone stated that the Ordinance is transparent and clear for the different positions that have stipends.

Councillor Karen Hardern agreed, saying that it is very transparent and fair and that it dictates the positions that have stipends and that the asterisks are visible.

Councillor Craig Cormier questioned whether a [Compensation] Ordinance is routinely referred to the Finance Committee.

President Walsh, Chairman of the Finance Committee, stated that the Ordinance under debate was not considered by the Finance Committee at its last meeting.

President Walsh relinquished the Chair to Councillor Ronald Cormier.

President Pro-tempore Ronald Cormier recognized Councillor James Walsh.

REGULAR MEETING OF JUNE 6, 2016

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Councillor Walsh expressed support for raises for all non-union employees, but noted opposition to the Ordinance under discussion for two reasons. He said that the proposed Ordinance is unfair and discriminatory to those persons who serve as elected officers by the City Council. He said that there has been much talk about stipends and suggestions of transparency, saying, however, that “this isn’t the case,” citing the four positions that are elected by the City Council – City Auditor, City Clerk, City Treasurer and Collector, as well as the Purchasing Director. Mr. Walsh said that there are recurring different amounts in addition to the salaries listed in the Compensation Ordinance, noting that the amount for the Clerk is set by statute (G.L. Chapter 41, section 19F), as well as additional amount for the Clerk of the City Council, which was adopted by the City in 2009. He continued, saying that the City Auditor serves as an ex-officio member of the Contributory Board and is paid for his services, and the City Treasurer receives a stipend, as well, which are paid from the Retirement Fund.

Councillor Walsh stated that the Purchasing Director receives a stipend, as well, and that the Committee considered the issue, but was informed by the Human Resources Director that the position was vacant and that the Mayor would consider the position separately and when an offer is made, he would consider the salary at that time. He also noted that when the position was advertised, no salary amount was provided.

Mr. Walsh continued, saying that there are other non-union positions in the City that receive compensation above and beyond their [base] salary, citing the following additional compensation and benefits:

- Compensation in lieu of 11 paid holidays equal to 10.5% of the annual salary.
- Positions that receive Longevity pay provided under a separate Ordinance.
- Under another separate Ordinance, educational incentives are provided as additional compensation up to \$3,000 per year above the base salaries. Other additional compensation provided depending on the college degree – Associates \$2,000; Bachelor’s \$3,000; and Master’s \$4,000.
- Approximately 20 non-union positions receive up to \$1,000 per year for uniform and clothing allowances, plus their longevity which provides \$150 per year after 5 years plus an additional \$30 for every year thereafter.

Mr. Walsh continued, saying that the amounts of the statutory stipends recommended “to be backed-out” of the base salaries for the four position is unfair and discriminatory. He closed by saying that he is hopeful that the Council will pass the Ordinance that appears later in the Calendar.



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**REGULAR MEETING OF JUNE 6, 2016**

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Mayor Hawke addressed the Council, saying that longevity is paid to all non-union employees and that historically, the Police Chief and Fire Chief receive additional compensation and that he is unaware of any other positions that receive this additional compensation. "I would hate to see us throw the baby out with the bath water, but this is the perfect time to divide the question. Any question that can stand on its own can be divided," he said. The Mayor recommended that the Council act on the issues separately and let each stand on their own.

On the motion to Order to First Printing, four (4) yeas, Councillors James Boon, Nathan Boudreau, Karen Hardern, and Matthew Vance; six (6) nays, President James Walsh and Councillors Craig Cormier, Ronald Cormier, Scott Graves, Marc Morgan, and Paul Tassone, the motion was defeated.

**REPORTS OF STANDING COMMITTEES****PUBLIC SAFETY COMMITTEE****#9626**

On a motion by Councillor Paul Tassone and seconded by Councillor James Boone, on recommendation of the Public Safety 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, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Order:

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

ORDERED: 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.

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

**#9628**

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

REGULAR MEETING OF JUNE 6, 2016

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AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 428, THEREOF, ENTITLED HAWKERS AND PEDDLERS, TO ADD A NEW ARTICLE PROVIDING FOR DOOR-TO-DOOR SOLICITORS.

Be it ordained by the City Council of the City of Gardner as follows:  
Section 1.

Section 428 of the Code of the City of Gardner is hereby amended by adding new Article III, Door-to-Door Solicitors, to read as follows:

**§ 428-7. Purpose.**

It is the purpose of this chapter is to regulate persons or organizations engaged in door-to-door soliciting in the City of Gardner through the issuance and imposition of other limitations on such conduct for the purpose of protecting the city's residents from disruption of the peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents in their homes by persons or organizations who wish to engage in commercial solicitation.

**§ 428-8. Definitions.**

A door-to-door solicitor or solicitor as used herein is defined as any individual, whether a resident of the City of Gardner or not, traveling either by foot, motor vehicle, or any other type of conveyance, from place to place, house to house, taking or attempting to take orders for sale of goods, wares, merchandise, personal property of any nature for immediate or future delivery, or for services or utilities to be furnished or performed immediately or in the future on behalf of themselves or another person or business and whether or not he or she collects advance payments on such sales.

**§ 428-9. License required.**

It shall be unlawful for any solicitor as defined in § 428-8 of this chapter to engage in such business in the City of Gardner without first obtaining a license in compliance with the provisions of this chapter. Such license shall be obtained from the chief of police, and upon payment of a one hundred dollar (\$100.00) license fee. This requirement shall not apply to any door-to-door solicitation of newspapers, religious publications, ice, flowering plants and flowers, and wild fruits, nuts and berries. This requirement shall further not apply to an individual licensed by the Commonwealth pursuant to M.G.L. c. 101, § 22 and conducting sales in accordance with said license, provided that such licensees shall be subject to § 428-13 and § 428-15 of this chapter and any other applicable city ordinance or regulation.

Any person who is not properly licensed under this chapter shall be ordered to immediately cease and desist all solicitation in the city until they attain a proper license.

REGULAR MEETING OF JUNE 6, 2016

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Nothing in this chapter shall be construed to impose any license requirement or otherwise restrict or in any way regulate any activity for noncommercial purposes, including but not limited to any activity for religious, charitable, civic or political purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting. Nor shall anything in this chapter be construed to impose any license requirement or otherwise restrict or in any way regulate any person under the age of eighteen (18), who is not engaged in an organized business, either individually or as an employee, from conducting any activity related to taking or attempting to take orders for sale of personal services (such as babysitting, snow shoveling, lawn mowing, or yard maintenance) to be furnished or performed immediately or in the future

**§ 428-10. Application and fee.**

A. Each individual applicant for a license under this chapter shall submit to the chief of police or his/her designee an application along with a fee of one hundred dollars (\$100.00) (per individual applicant) payable to the City of Gardner which will be used to cover the cost of processing permits and conducting the investigation of the application.

B. Each applicant must complete a sworn application in writing, at least ten working days prior to the requested starting date for solicitation, on a form provided by the police department. Said form shall include the following information:

1. Name, physical description, and date of birth;
2. Social Security number of the applicant;
3. Permanent home address as well as full local address for the applicant;
4. A brief description of the nature of the business and/or goods to be sold;
5. If employed, name and address of employer, including credentials which establish the exact relationship;
6. The length of time for which the license is desired (not to exceed ninety days);
7. Names of manufacturer, of source of merchandise, and proposed method of delivery;
8. Two photographs of the applicant, taken within the past sixty days prior to filing of the application, showing only the head and shoulders of the applicant in a clear and distinguishing manner;
9. A statement as to whether or not the applicant has been convicted of any crime listed in § 428-11 of the chapter or is a level 2 or level 3 sex offender required to register with the Sex Offender Registry Board.

REGULAR MEETING OF JUNE 6, 2016

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**§ 428-11. Investigation and issuance of license.**

A. If after an investigation into the facts contained in the license application the police chief is satisfied the applicant is of suitable character, the police chief, or his designee, shall grant the requested license.

B. The police chief or his designee shall refuse to issue a license to any organization or individual whose license has been revoked for violation of this chapter within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over two hundred fifty dollars, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The police chief shall also refuse to grant a license to a person who is a sex offender required to register with the Sex Offender Registry Board and who is finally classified as level 2 or level 3 sex offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

**§ 428-12. Identification card.**

The police department, after a review of the information contained in the license application, but in no event more than ten working days after receipt of a fully completed application, shall issue to each qualified applicant an identification card which shall contain the words "licensed solicitor," the individual's picture, identification and expiration date of the license. Persons engaged in solicitation or peddling as defined in this chapter must carry the registration card while soliciting or peddling and present the card to any police officer or person solicited upon request.

**§ 428-13. Solicitation hours & Daily Check-in.**

A properly licensed solicitor shall check in with the Gardner Police Department on each day during which he or she seeks to solicit to provide the geographic area of the city in which the solicitation will take place. On such days, the solicitor may only solicit between the following hours:

A. Monday through Friday: 9:00 A.M. through 7:00 P.M.

B. Saturday, Sunday and holidays: 10:00 A.M. through 6:00 P.M.

**§ 428-14. Records.**

The chief of police shall maintain all pertinent records of licenses issued and violations recorded.

§ 428-15. - Enforcement and penalties.

REGULAR MEETING OF JUNE 6, 2016

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- A. Whoever continues to solicit in the city in willful violation of this chapter, by continuing to solicit after being informed by a police officer to cease and desist, may be arrested without a warrant by a police officer in accordance with the provisions of M.G.L. c. 272, § 59, and subject to a fine of three times the application fee up to but not to exceed three hundred dollars for each violation.
- B. Notwithstanding the above licensing procedures, no licensee may enter private property after being forbidden to do so either directly by the person in charge of the property or by a conspicuously posted notice of “No Trespassing” or “No Soliciting.” Such trespass violations are controlled by M.G.L. c. 266, § 120, which authorizes the arrest (without a warrant) of a person found committing such a trespass in the presence of a police officer.
- C. After investigation by a police officer, licenses issued under the provisions of this chapter may be revoked by the chief of police or his designee after notice and hearing; provided, however, that a license may be suspended immediately, without notice and a hearing, if the public safety or welfare so requires, for any of the following causes:
- (1) Fraud, misrepresentation, or false statement contained in the license application;
  - (2) Fraud, misrepresentation, or false statements made in the course of carrying on the business of solicitation;
  - (3) Any violation of this chapter;
  - (4) Conviction of any crime listed in § 428-11 of this chapter or classification as a Level 2 or Level 3 sex offender;
  - (5) Conducting the business of soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to health, safety, or the general welfare of the public; and
  - (6) High-pressure tactics, harassment, or a refusal to accept a refusal as an answer, when verified in writing.
- D. If a license is suspended under the provisions of this section, notice of a hearing with regard to the same shall be given forthwith in accordance with the following subsections:
- (1) Notice of hearing for revocation or suspension of a license shall be given in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing.
  - (2) Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date.
- E. The liability for any fine instituted in accordance herewith shall be joint and several between the individual and any other individual or entity on whose behalf the solicitation is being conducted.

REGULAR MEETING OF JUNE 6, 2016

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- F. Pursuant to M.G.L. c. 40, § 21D, in lieu of a criminal disposition of any violation of this Ordinance, the City of Gardner, by and through its Police Department, may give to any offender a notice to appear before the Clerk of the Gardner District Court not later than 21-days after the date of the notice to appear.

§ 428-16. - Expiration of license.

All licenses for soliciting in the city are valid only for the particular dates or time period specified thereon, and in no case for longer than ninety days.

§ 428-17. - Appeals.

Any person or organization who is denied a license or whose license has been revoked may appeal by filing a written notice of appeal with the City of Gardner Police Chief or his or her designee. Such appeal must be filed within five days after receipt of the notice or denial or revocation. Within five business days, the Chief or his or her designee shall hear the appeal; provided, however, that if the Chief or his or her designee fails to make a determination within thirty days after the filing of the appeal, the license shall be deemed granted or reinstated, as the case may be.

§ 428-18. - Severability.

The provisions of this chapter are declared to be severable, and if any section, sentence, clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this chapter they shall remain in effect, it being the legislative intent that this chapter shall stand, notwithstanding the invalidity of any part.

Section 2. Section 428-4 of the Code of the City of Gardner is amended by deleting subsection B in its entirety and replacing it to read as follows:

- B. Licensed Hawkers and Peddlers may operate within 1000' of a park or playground on any day of the week upon written approval of the Director of Public Works, if the Director deems that public interest and/or convenience will be served.

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

***FIRST PRINTING – JUNE 10, 2016***

**#9629**

There being no objections, the Public Safety Committee was granted more time to study and to report on the following Ordinance:



REGULAR MEETING OF JUNE 6, 2016

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC."

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

Section 1. Section 600-28 of Chapter 600, Vehicles and Traffic, Parking Time Limited in Designated Spaces, of the Code of the City of Gardner, is amended by adding the following:

D. Two Hour Parking. No person shall park a vehicle for a period of time longer than two hours on the following described streets or parts thereof between the hours of 9:00 a.m. and 6:00 p.m., except on Sundays and holidays:

City Hall Avenue	North	Beginning 33 feet from the corner of Connors Street easterly for a distance of 115 feet (10 spaces).
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Section 2. The Code of the City of Gardner is hereby amended by deleting and repealing § 600-29 (B), Police Vehicle Parking Only.

Section 3. Section 600-32 of Chapter 600, Vehicles and Traffic, Angle Parking, of the Code of the City of Gardner, is hereby amended by deleting and repealing the following:

Name of Street	Side	Location
City Hall Avenue	North	Beginning 33 feet from the corner of Connors Street easterly for a distance of 115 feet (10 parking spaces), in front of the police station for police cruiser and official business only.
City Hall Avenue	South	151.5 feet from Pleasant Street a distance of 42 feet (4 angle spaces) (police business only).

Section 4. Section 600-32 of Chapter 600, Vehicles and Traffic, Angle Parking, of the Code of the City of Gardner, is amended by adding thereto the following:

City Hall Avenue	South	130 feet from Pleasant Street, a distance of 63 feet (6 spaces). Vehicles shall not remain in spaces longer than 12 hours.
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Section 5. This Ordinance shall take effect upon passage and publication as required by law.

REGULAR MEETING OF JUNE 6, 2016

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FINANCE COMMITTEE**#9588**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee and the Mayor reviewed the Right of First Refusal for the parcels off Clark Street in conjunction with the Bailey Brook Land Conservation Project and determined that it would be in the City's interest to not exercise its option to purchase, and so recommended that it be removed it from the Calendar.

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to remove from the Calendar and from further consideration 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 he spoke with the Assistant Attorney General concerning the status of the opinion that was requested, and was advised that a response should be forthcoming within the next couple of weeks. He said that the Council could then get back to addressing the Charter. There being no objections, the Committee of the Whole was granted more time.

UNFINISHED BUSINESS**#9551**

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, Marc Morgan, Paul Tassone, and Matthew Vance, to pass the following Ordinance:

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:



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**REGULAR MEETING OF JUNE 6, 2016**

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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.
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.

REGULAR MEETING OF JUNE 6, 2016

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- 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
  - 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:



## REGULAR MEETING OF JUNE 6, 2016

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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.

## 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.

REGULAR MEETING OF JUNE 6, 2016

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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.
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

REGULAR MEETING OF JUNE 6, 2016

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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.

In City Council – January 19, 2016

Ordered Printed – May 16, 2016

First Printing – May 20, 2016

Ordinance Passed – June 6, 2016

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

**#9569**

On a motion by Councillor Marc Morgan 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, Marc Morgan, Paul Tassone, and Matthew Vance, to pass the following Ordinance:

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:

REGULAR MEETING OF JUNE 6, 2016

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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.

In City Council – January 19, 2016

Ordered Printed – May 16, 2016

First Printing – May 20, 2016

Ordinance Passed – June 6, 2016

Presented to Mayor for Approval – June 7, 2016

Approved – June 13, 2016

MARK P. HAWKE, Mayor

**#9599**

President Walsh relinquished the Chair to Councillor Ronald Cormier.

President Pro-tempore Ronald Cormier recognized Councillor James Walsh.

Councillor Walsh requested that the Council take up for reconsideration, Calendar 9599, which he moved to reconsider and enter on the minutes on May 16, 2016.



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**REGULAR MEETING OF JUNE 6, 2016**

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President Pro-tempore Ronald Cormier recognized that Councillor Walsh voted on the prevailing side and therefore, the motion was in order. He noted that Councillor Morgan had seconded Councillor Walsh's motion.

Councillor Walsh stated that this is the Council's opportunity to grant the people who are covered under this Ordinance "compensation that they deserve." He said that when the Ordinance was sent to a First Printing, no objections were raised at that time, other than those that voted against it. He noted that the Council is short one member again; as was the situation at the last meeting and that the Ordinance requires eight votes, "so very deserving people await our action." He urged his colleagues to vote yes on the motion to reconsider and on the motion to pass the Ordinance and send it to second printing.

Councillor Nathan Boudreau stated that "very deserving people was just said," and said that is the reason that he cannot support the Ordinance. He added that every time a raise comes up, it is about the position, not the person. He closed by saying he cannot support the Ordinance because "we are considering people, not positions."

Councillor Paul Tassone addressed the Mayor's comments, saying, "Time is of the essence," and noted "that the funds are available now, but not much longer." He expressed his disagreement with Councillor Boudreau's comments, saying that "these people have been waiting for us to take action, and I for one, do not want to penalize the people that work so hard each and every day to serve our City and keep us safe."

Councillor Karen Hardern remarked "It is a very tough decision for all of us...that the people that work for the City do a tremendous job." She said that she agreed with Councillor Boudreau "to vote for the position, not the person." She said that one of her problems with the Ordinance, which she addressed, has to do with the stipends and the asterisks.

Mayor Hawke addressed the Council, asking that the Council reconsider the matter, then divide the question or amend it, because "as was stated, and everyone agrees," there "are deserving people waiting for this."

On the motion to reconsider, seven (7) yeas, President James Walsh and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Marc Morgan, and Paul Tassone; three (3) nays, Councillors James Boone, Karen Hardern, and Matthew Vance, the motion was adopted.

Reconsideration having been adopted, the motion to pass the Ordinance and order it to Second and Final Printing was on the floor for deliberation.



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**REGULAR MEETING OF JUNE 6, 2016**

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Councillor Walsh stated, “Contrary to what has been suggested by others, this is not a consideration of person over the position. The position in question is the City Clerk’s position.” He said that the [Compensation] Study that the Finance Committee used included a recommendation that the [Clerk’s] position be listed “at a G-10 level,” which, he noted, is the minimum recommended amount for a G-10 position and which is the amount that is listed in the Ordinance that is before the Council. He continued, saying “The effort to back-out stipends, as we call them, or additional salary amounts, is unfair to the Clerk, the Auditor, and the Treasurer. In this Ordinance, they are being treated fairly with other compensation, just like other compensation is provided to others under other Ordinances.”

Mr. Walsh continued, stating there has been some suggestion that the services provided by the City Clerk, for example, is in the Job Description for the City Clerk. He said that the additional compensation that other department heads receive above and beyond what is contained in the Compensation Ordinance, such as educational incentive pay, is included in their job descriptions, as well. “So that’s a red herring issue, in my opinion,” he added.

Mr. Walsh closed his remarks by saying, “If you vote no, you are depriving all of the other people included in this Ordinance.” He suggested that the question is not a matter for division “since there aren’t separate questions before the Council,” adding “This is one Ordinance amendment.” He again urged the Council to vote to pass the Ordinance and send it to second and final printing.

Councillor Matthew Vance moved to amend the City Clerk compensation to have the July 1, 2015 salary read “\$66,951.76 with the \$3,500 stipend and the \$550 stipend,” and to amend the January 1, 2016 salary to read “\$69,594.00 with the \$3,500 stipend and the \$550 stipend.”

Councillor Nathan Boudreau seconded the motion.

On the motion to amend, Councillor Walsh urged the Council to defeat the amendment, saying that singling out one person who has always had additional compensation provided to him beyond base salary is just unfair and discriminatory. He questioned the reason why the Council, who elects the City Clerk and who works for the Council, would do this.

Councillor Hardern stated, “This is really sad because we are all Councillors elected by the people that are supposed to be doing what is right for the City and I am not lecturing. This is tough, because the people that are sitting here do their work day after day and they’re caught in our crossfire, and that is just not fair. And I still do not support this the way it is.”

REGULAR MEETING OF JUNE 6, 2016

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Mayor Hawke addressed the Council, asking that it vote in favor [of the amendment], because if the amendment does not pass, “I am afraid that the main motion will fail.”

On the motion, five (5) yeas, Councillors James Boone, Nathan Boudreau, Karen Hardern, Paul Tassone, and Matthew Vance; five (5) nays, President James Walsh and Councillors Craig Cormier, Ronald Cormier, Scott Graves, and Marc Morgan, the amendment was defeated.

Councillor Matthew Vance moved to take out the City Clerk’s salary for a separate vote. Councillor Nathan Boudreau seconded the motion.

Councillor Walsh raised a point of parliamentary procedure, saying that the motion is essentially the same as a motion to amend, which did not pass. He requested that the Chair rule whether the proposed division of the question is appropriate under these circumstances.

President Pro-tempore Ronald Cormier ruled that the motion was appropriate.

On the motion to divide the question, four (4) yeas, Councillors James Boone, Nathan Boudreau, Karen Hardern, and Matthew Vance; six (6) nays, President James Walsh and Councillors Craig Cormier, Ronald Cormier, Scott Graves, Marc Morgan, and Paul Tassone, the motion was defeated.

On the motion to pass the Ordinance, Councillor Paul Tassone stated, “The Council cannot come to an agreement on the position of City Clerk, but at the same time, everybody before me knows how hard and what a great job that our City Clerk does. And, these people behind us work their tails off day in and day out, and deserve to be compensated. We do not need to go through the loss of more employees costing us more money to retrain. Think about what is going to happen if we do not pass this ordinance at this time. Think about getting answers when we need answers. I urge the City Council to pass this at this time.”

Councillor Scott Graves remarked that he has been on the City Council for a very long time and when evaluating such situations, “always looks at the positions,” and “that is what is before the Council.”

President Pro-tempore Ronald Cormier stated that he, too, hopes that Councillors are voting on the positions, and not the persons [holding the positions].

Councillor Walsh reminded the Council that there are only ten Councillors in attendance and that eight votes are required to pass the Ordinance.



REGULAR MEETING OF JUNE 6, 2016

He said that there have been differences of opinion, but that those differences of opinion have been resolved and that the question is whether every person that is listed in the Ordinance should be compensated at the rate that the Finance Committee proposed after a lengthy process. “So, I understand that some of you have voted differently earlier in the meeting, but now is the time to recognize that good people that are covered by this Ordinance should receive additional compensation that this Ordinance provides. I hope that we will have the eight votes to do so,” he said.

On the motion by Councillor Ronald Cormier, as seconded Councillor Craig Cormier, to pass the Ordinance, on roll call, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, Marc Morgan, and Paul Tassone; one (1) nay, Councillor Matthew Vance, the motion carried and the Ordinance, as follows, was passed and ordered to second and final 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	City	\$60,825.00			
	G-10 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		



REGULAR MEETING OF JUNE 6, 2016

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
Information Technology Director		City	\$44,304.21			
	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					



REGULAR MEETING OF JUNE 6, 2016

	Annual	Monthly
Civil Defense Director	\$8,473.40	\$706.12
Sealer of Weights & Measures	\$8,629.99	\$719.17

**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.

In City Council – March 21, 2016

Ordered Printed – May 2, 2016

First Printing – May 6, 2016

Ordinance Passed – June 6, 2016

THE FOREGOING WAS LAID BEFORE THE MAYOR ON THE 7<sup>TH</sup> DAY OF JUNE, 2016 AND AFTER TEN DAYS IT HAD THE “FORCE OF THE LAW” AS PRESCRIBED UNDER SECTION 30 OF THE CHARTER OF THE CITY OF GARDNER, AS IT WAS NOT RETURNED WITH OBJECTIONS WITHIN THAT TIME.

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

**NEW BUSINESS**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Scott Graves, 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, Marc Morgan, Paul Tassone, and Matthew Vance, to consider New Business.

**Memorial Day Program**

Councillor Paul Tassone informed the Council that the Memorial Day Program held at Gardner High School was outstanding and that there was a good turnout to honor those that have served our country.

**Gardner High School Graduation**

Councillor Tassone congratulated the Gardner High Class of 2016 on their recent graduation, and noted the great number of scholarships that the Gardner community provides to graduating students.

**Skate Park Public Meeting**

Councillor Karen Hardern announced that a public meeting is scheduled for Wednesday, June 22, 2016 at 6:00 p.m. in the City Hall Annex concerning the proposed Skate Park.



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**REGULAR MEETING OF JUNE 6, 2016**

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**Police Department Appreciation**

Councillor Marc Morgan expressed thanks and appreciation to the Gardner Police Department, most notably Police Chief Neil Erickson and Deputy Chief John Bernard, for outstanding work in apprehending “the tagger.” He added that the “tagger” admitted to all of the recent tagging crimes.

**Williams-Rockwell Educational Gift Fund**

Council President James Walsh, who also serves as a member of the Williams-Rockwell Educational Gift Fund Board of Trustees, informed the Council that the Board recently met and voted to retain the services of financial adviser Raymond James, represented by former Mayor Stephen Erickson. He said that since the Council transferred the Gift Fund, the plan by Raymond James is to invest the funds over the course of six months. The firm’s recommendation, which the Board of Trustees adopted, is for a moderate risk investment strategy of 60% equities and 40% debt securities. The Board, he said, will be receiving regular status reports from Raymond James and is hopeful that after the beginning of the new year, the Board will devise a plan to request proposals for funding worthy projects from the Fund. He acknowledged the Mayor for his leadership role in organizing the Board meetings for providing a negotiating effort which resulted in obtaining a good deal from the financial adviser (fees and expenses).

**CLOSING PRAYER**

President Walsh led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Paul Tassone, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Marc Morgan, Paul Tassone, and Matthew Vance, to adjourn at 8:35 o’clock p.m.

**Accepted by the City Council: *June 20, 2016***