

**REGULAR MEETING OF JUNE 20, 2016**

Regular Meeting of the City Council was held in the City Council Chamber, 2nd Floor, City Hall, on Monday evening, June 20, 2016.

CALL TO ORDER

President James Walsh called the meeting to order at 7:30 o'clock p.m. and declared a brief recess. The Council resumed its business at 7:35 p.m.

CALL OF THE ROLL

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

OPENING PRAYER

President Walsh led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

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

READING & ACCEPTANCE OF MINUTES

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to waive reading and to accept the Minutes of the June 6, 2016 Regular Meeting, as printed.

PUBLIC HEARING**#9652**

President Walsh opened the Public Hearing on a petition by National Grid and Verizon New England, Inc. for permission to relocate 1 jointly-owned pole on Montvale Road 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.



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Iris Price, National Grid, testified that the plan is to relocate the existing pole in order to reduce the distance between two existing poles.

The President called thrice for persons wishing to testify in favor of the Petition. There being none, the President called thrice for persons wishing to testify in opposition to the Petition. There being none, the President declared the public hearing closed.

On a motion by Councillor Scott Graves and seconded by Councillor Nathan Boudreau, on recommendation of the Public Service Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson to grant the Petition and to Order the following:

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

By the City Council of the City of Gardner, Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That NATIONAL GRID and VERIZON NEW ENGLAND, INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said companies dated the 27th day of May, 2016.

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked – Montvale Road – Gardner, Massachusetts.

No. #21708402.....Dated: May 27, 2016 - filed with this order.

There may be attached to said poles by NATIONAL GRID and VERIZON NEW ENGLAND, INC. such wires, cables and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referenced to may be erected, and the number of poles which may be erected thereon under this order:-

Montvale Road – National Grid to relocate 1 JO 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.



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Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

COMMUNICATIONS FROM THE MAYOR**ORDERS****#9656**

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

AN ORDER APPROPRIATING FROM FREE CASH TO CITY HALL REPAIRS AND MAINTENANCE.

ORDERED: That there be and is hereby appropriated the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) from Free Cash to City Hall Repairs and Maintenance.

Presented to Mayor for Approval – June 21, 2016

Approved – June 21, 2016

MARK P. HAWKE, Mayor

#9657

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the appropriation would provide funding for an additional 500 feet of road resurfacing.

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

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO PUBLIC WORKS DEPARTMENT – ROAD RESURFACING

ORDERED: That there be and is hereby appropriated the sum of Twenty-Three Thousand Dollars and No Cents (\$23,000.00) from Free Cash to Public Works – Road Resurfacing.

Presented to Mayor for Approval – June 21, 2016

Approved – June 21, 2016

MARK P. HAWKE, Mayor

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#9658

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

AN ORDER APPROPRIATING FROM SOLID WASTE SURPLUS TO SOLID WASTE TRASH DISPOSAL.

ORDERED: That there be and is hereby appropriated the sum of Six Thousand Dollars and No Cents (\$6,000.00) from Solid Waste Surplus to Solid Waste Trash Disposal.

Presented to Mayor for Approval – June 21, 2016

Approved – June 21, 2016

MARK P. HAWKE, Mayor

#9659

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to approve the Mayor's request for leave to withdraw Calendar #9641, An Order to Raise and Appropriate \$10,437,391.00 for the Various Departments for the Salary & Labor Budgets for FY2017 and admitting in place thereof, the following:

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.

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 FOURTY-ONE THOUSAND, FOUR HUNDRED FORTY-ONE DOLLARS (\$10,441,441.00).

#9660

Councillor Ronald Cormier moved to grant the Mayor's request for leave to withdraw Calendar #9643, An Order to Raise and Appropriate \$22,067,952.00 for the School Department Budget for Fiscal Year 2017 and admitting in place thereof, An Order to Raise and Appropriate \$22,112,952.00 for the School Department Budget for Fiscal Year 2017. He added that the increased appropriation would retain one High School teaching position.

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Councillor Marc Morgan seconded the motion.

On the motion, Councillor James Boone stated that he was struggling with the fact that the School Committee and School Administration was aware that the School was operating in a budget deficit, but then negotiated a pay raise for staff and administrators, retroactive to July 1, 2015. He said that the current budget provides for pay raises while staff are being laid off and suggested that if the Mayor had not advocated for an additional \$350,000, then “where would they [School Department] be now?”

Councillor Paul Tassone remarked that the School Department also cut two Guidance Counselor positions, one each at the Gardner Middle School and Elm Street School, as well as an Adjustment Counselor. He noted that there is a need for these positions as they serve at two of the largest schools in the City, and added that he hopes that the Administration is able to find a way to restore these positions.

On the motion, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to approve the Mayor’s request for leave to withdraw Calendar #9643, An Order to Raise and Appropriate \$22,067,952.00 for the School Department Budget for Fiscal Year 2017 and admitting in place thereof, the following:

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, ONE HUNDRED TWELVE THOUSAND, NINE HUNDRED FIFTY-TWO DOLLARS (\$22,112,952.00).

#9661

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the proposed appropriation is insignificant in comparison to the overall cost of the project; however, “[Passage] could conceivably lead to the way in which it [sludge disposal] operates in the future.” He said that for this reason, the Finance Committee voted unanimously to recommend that the Order be referred to the Council as Committee of the Whole.

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

AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER DESIGN OF THE DEWATERING.

ORDER: That there be and is hereby appropriated the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from Sewer Surplus to Sewer Design of the Dewatering.

ORDINANCE**#9662**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Mayor's proposed FY2017 Compensation Schedule reflects two-percent across-the-board cost-of-living adjustments for all listed positions. He added that due to a scrivener's error, the Library Director's position is listed as "G-9" whereas it should read "G-10."

On a motion by Councillor Ronald Cormier and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, 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 COMPENSATION SCHEDULE 2.

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

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.



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CLASSIFICATION CLASS TITLE

<u>Pay Grade</u>	<u>Class/Title</u>
S-4	Certified Pool Operator (Seasonal)
S-5	Head Lifeguard
S-6	Lifeguard (includes seasonal employees)
T-4	Temporary Seasonal Employees (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	07/01/16	
		Annual	Weekly
Building Commissioner	G-10	\$75,116.88	\$1,444.56
Chief of Police	G-13	\$97,266.18	\$1,870.50
City Assessor	G-9	\$68,919.36	\$1,325.37
City Auditor	G-10		\$76,587.96
		MGL c. 32, §20(6)	\$3,000.00
		Total Compensation	\$79,587.96
City Clerk	G-10		\$75,116.88
		MGL c. 41, §19F	\$3,500.00
		MGL c. 41, §19G	\$550.00
		Total Compensation	\$79,166.88
City Collector/Treasurer	G-10		\$79,267.10
		MGL c. 32, §20	\$300.00
		Total Compensation	\$79,567.10
City Engineer	G-11	\$95,113.52	\$1,829.11
City Solicitor	G-10	\$75,981.53	\$1,461.18
Council on Aging Director	G-6	\$53,222.70	\$1,023.48
Director of Community Development & Planning	G-10	City	\$62,041.50
		GRA	\$20,967.12
		CDBG	\$4,368.66
		Total Compensation	\$87,377.28



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Director of Local Origination & Educational Planning	G-6		\$60,160.53	\$1,156.93
Director of Public Health	G-10**	Step 1**	\$66,300.00	\$1,275.00
		Step 2**	\$73,950.00	\$1,422.12
Fire Chief	G-12		\$89,236.74	\$1,716.09
Golf Course Driving Range/Superintendent	G-9		\$72,155.48	\$1,387.61
Human Resources Director	G-11		\$81,868.26	\$1,580.46
Information Technology Director	G-10	City	\$45,190.29	
		School	\$44,525.73	
		Total Compensation	\$89,716.03	\$1,725.31
Library Director	G-10		\$71,061.68	\$1,366.57
Public Works Director	G-12		\$94,320.17	\$1,813.85
Purchasing Agent/Civil Enforcement Director	G-10		\$72,566.88	
		MGL c. 148A, §5	\$2,500.00	
		Total Compensation	\$75,116.88	\$1,444.56
Veterans' Director	G-6		\$54,662.82	\$1,051.21

B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS

Position	Grade		07/01/16		
			Annual	Weekly	Hourly
Executive Secretary	G-4		\$44,810.64	\$861.74	\$23.29
Assistant City Clerk	G-3		\$41,104.98	\$790.48	\$21.36
Assistant City Engineer	G-8		\$63,232.86	\$1,216.02	
Assistant City Solicitor	G-3		\$41,998.53	\$807.66	
Assistant Director of Community Development**	G-7	City	\$3,261.96		
		CDBG	\$61,969.08		
		Total Compensation	\$65,231.04	\$1,254.44	
Assistant Director of Public Health	G-5		\$50,292.53	\$967.16	
Assistant Library Director	G-6		\$55,051.62	\$1,058.69	
Deputy Chief of Police	G-11		\$81,268.26	\$1,574.39	
Economic Development Coordinator**	G-7	City	\$47,409.60		
		Other	\$10,730.40		
		Total Compensation	\$58,140.00	\$1,118.08	
GIS Technician	G-5		\$49,196.54	\$946.09	
Golf Professional	G-6			\$1,207.34	
Golf Pro Manager	G-6			\$1,040.40	
Local Inspector	G-6		\$56,849.55	\$1,093.26	
Producer	G-2		\$45,594.65	\$876.82	
Senior Animal Control Officer	G-2		\$38,263.97	\$735.85	
Systems Manager	G-6		\$60,129.00	\$1,156.33	



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Library Technician	\$17.70		
Library Clerical Staff	\$12.38	\$12.63	
Library Custodian	\$15.12	\$17.16	\$19.21
Head Life Guard	\$10.89	\$11.89	\$15.76
Parking Meter Clerk	\$13.66		
Production Assistant	\$13.92		
Transfer Station Monitor	\$11.00		

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

Position		07/01/16		01/01/17
		Step 1	Step 2	
Alternate Animal Control Officer		\$11.00		
Certified Pool Operator	S-4	\$20.81		
Golf Course Laborer/Pro Shop Assistant	GC-4	\$11.00		
Golf Course Groundsman	GC-5	\$13.68		
Golf Course Ranger	GC-6	\$11.00		
Lifeguard	S-6	\$11.00	\$11.25	
Temporary Seasonal Technical	T-6	\$13.53		
Election Warden		\$12.00		\$13.00
Election Inspector		\$10.00		\$11.00
Election Clerk		\$11.00		\$12.00
Special Detail Police Officer				\$42.00

		01/01/17				
		Step 1	Step 2	Step 3	Step 4	Step 5
Temporary Seasonal Laborer	T-4	\$11.00	\$11.79	\$11.97	\$13.56	\$14.25
Recreational Playground Supervisor	T-5	\$11.00	\$11.78	\$13.37		

**Compensation increase contingent upon positive evaluation of oversight commission, Board or 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%.

Section 2. This Ordinance shall be effective July 1, 2016.

FIRST PRINTING – JUNE 24, 2016

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PETITIONS, APPLICATIONS, ETC.

#9663

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

SUPPORTING THE PERFORMANCE GUARANTEED ENERGY AUDITING
AND CONTRACTING AGREEMENT WITH HONEYWELL INTERNATIONAL INC.

WHEREAS, the City of Gardner (City), based on the achieved multi-million dollar energy and operational savings of other similarly situated municipalities, commenced a formal RFQ process to enter into a performance guaranteed energy auditing and contracting agreement with the selected firm;

WHEREAS, after the appropriate on site interviews a selection committee comprised of City staff selected, Honeywell International Inc, based on its technical expertise, sense for community involvement and guaranteed projected fiscal savings to conduct a full-fledged energy usage audit and to make the necessary Energy Conservation recommendations for all municipal buildings;

WHEREAS, Honeywell completed the audit and its report in May 2016 and worked with various municipal officials to finalize its recommendations;

WHEREAS, the Honeywell recommendations include the replacement of boilers, lighting upgrades, HVAC system upgrades, building envelope improvements, boiler control replacements, water conservation measures, electrical upgrades, the creation of an energy portal and the upgrading of all energy management systems with the latest technology to control costs and energy expenditures;

WHEREAS, the recommendations will assist the City and its taxpayers by avoiding approximately \$6.7 million in capital outlays in the proposed capital plan which is in addition to the overall projected \$7 million in savings from energy, operational and sustainability costs. These savings are guaranteed by Honeywell thereby creating a positive cash flow project;

WHEREAS, the overall project will be completed within 12 months and will be turnkey in nature with the necessary long term maintenance plan included in the agreement and will be of a great benefit to the City's citizens in terms of its fiscal and environmental impact;

WHEREAS, the City desires to purchase and/or lease to own certain equipment, with a cost not to exceed \$7 million dollars constituting personal property necessary for the City to perform essential governmental functions and to maintain and improve the operations of City

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facilities in terms of energy efficiency and cost effectiveness as detailed in the agreement between the City and Honeywell;

WHEREAS, the City proposes to enter into the appropriate Equipment Lease to own and/or Purchase agreements, to submit the necessary applications and seek qualification for the appropriate taxable energy conservation bonds and/or for any other tax-exempt avenues available to it to finance the overall project agreement with the appropriate financing entity in conjunction with Honeywell International, Inc.;

WHEREAS, any such financing will be subject to the City granting the financing entity a security interest in any equipment provided pursuant to said Equipment Lease to Own and/or Purchase agreements;

NOW THEREFORE, BE IT RESOLVED that the City Council of Gardner hereby authorizes the City by and through the Mayor to finance the lease and/or purchase of certain Energy Conservation equipment to be installed in City properties in an amount not to exceed \$7 million dollars and to further authorize the City to grant to any financing agency a security interest in said equipment.

Presented to Mayor for Approval – June 21, 2016

Approved – June 21, 2016

MARK P. HAWKE, Mayor

#9664

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

RESOLUTION

WHEREAS, in the opinion of the City Council of the City of Gardner that the intent and purpose of the Community Development Housing Rehabilitation Program is to maintain safe, affordable housing units for low to moderate income families by financially assisting owners of such properties, it is therefore resolved that:

The Mayor is duly authorized to execute the Subordination for case #11-293 in amount of \$26,000.00 subject to review and approval as to form by the City Solicitor. The term of the loan is 15 years expiring on June 7, 2028.

Presented to Mayor for Approval – June 21, 2016

Approved – June 21, 2016

MARK P. HAWKE, Mayor

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#9665

Councillor Ronald Cormier, on the recommendation of the Finance Committee, moved to declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 185 Washington Street, further identified on the City of Gardner Assessor's Map as R22-16-33, to establish as a minimum amount of \$15,000.00 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or a larger amount, and upon such other terms as the mayor shall consider proper in accordance with this Vote. Councillor Marc Morgan seconded the motion.

Councillor Matthew Vance questioned the reason for seeking only \$15,000.00 as the minimum sale amount when the property was taken through Tax Title for \$15,996.71. He offered that the City should seek to recover the entire cost through the sale of the property.

Mayor Hawke addressed the Council, suggesting that the Council could amend the Measure to increase the minimum sale amount.

Councillor Vance moved to amend the motion to increase the minimum amount to read "\$16,000.00." Councillor Nathan Boudreau seconded the motion.

On the motion, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance one (1) nay, Councillor Scott Graves, to adopt the amendment.

On the motion, as amended, it was voted viva voce, ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance one (1) nay, Councillor Scott Graves, to adopt the following Measure:

DECLARING SURPLUS FOR PURPOSE OF DISPOSAL
LAND AND BUILDINGS AT 185 WASHINGTON STREET

To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 185 Washington Street, further identified on the City of Gardner Assessor's Map as R22-16-33, to establish as a minimum amount of \$16,000.00 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or a larger amount, and upon such other terms as the mayor shall consider proper in accordance with this Vote.

Presented to Mayor for Approval – June 21, 2016

Approved – June 21, 2016

MARK P. HAWKE, Mayor



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#9666

On a motion by Councillor Paul Tassone and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to grant to HOPEful Boutique a License to Deal in Second Hand Articles at 33 Parker Street for the license period expiring April 30, 2017.

#9667

On a motion by Councillor Paul Tassone and seconded by Councillor Karen Hardern, on recommendation of the Public Safety Committee, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to grant to Tanguay Jewelers a License to Deal in Second Hand Articles at 19 Connors Street for the license period expiring April 30, 2017.

REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

#9629

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

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:



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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.

COMMITTEE OF THE WHOLE

#9234

President Walsh informed the Council that he has not received a written response from the Assistant Attorney General, Municipal Law Unit. There being no objections, the Committee of the Whole was granted more time.

FY2017 BUDGET ORDERS

There being no objections, the Council as Committee of the Whole was granted more time for study and report on the following FY2017 Budget Orders:

#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).



REGULAR MEETING OF JUNE 20, 2016

#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

#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



REGULAR MEETING OF JUNE 20, 2016

#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
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



REGULAR MEETING OF JUNE 20, 2016

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 31st, 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 53E½.

#9659 (Formerly #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.

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 FORTY-ONE THOUSAND, FOUR HUNDRED FORTY-ONE DOLLARS (\$10,441,441.00).

#9660 (Formerly #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, ONE HUNDRED TWELVE THOUSAND, NINE HUNDRED FIFTY-TWO DOLLARS (\$22,112,952.00)

REGULAR MEETING OF JUNE 20, 2016

UNFINISHED BUSINESS

#9628

On a motion by Councillor Paul Tassone and seconded by Councillor Matthew Vance, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to pass the following Ordinance and to order it to second and Final Printing:

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

REGULAR MEETING OF JUNE 20, 2016

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.

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);

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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.

§ 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:

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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.

- 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:

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- (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.
- 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.



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In City Council – May 16, 2016
 Ordered Printed – June 6, 2016
 First Printing – June 10, 2016
 Ordinance Passed – June 20, 2016
 Presented to Mayor for Approval – June 21, 2016
 Approved – June 21, 2016
 MARK P. HAWKE, Mayor
 FINAL PRINTING – June 24, 2016

#9653

On a motion by Councillor James Boone and seconded by Councillor Marc Morgan, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to pass the following Ordinance and to order it 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 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 \diamond	\$72,500.00	\$1,394.23

\diamond Increase to Step 2 upon receipt of Registered Sanitarian certification.

In City Council – June 6, 2016
 Ordered Printed – June 6, 2016
 First Printing – June 10, 2016
 Ordinance Passed – June 20, 2016
 Presented to Mayor for Approval – June 21, 2016
 Approved – June 21, 2016
 MARK P. HAWKE, Mayor
 FINAL PRINTING – June 24, 2016

REGULAR MEETING OF JUNE 20, 2016

NEW BUSINESS

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

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.

Snow and Ice Account

Councillor Scott Graves informed the Council that the \$55,491.57 balance of the Snow & Ice Account, as listed on the Auditor's Ledger Balance Sheet, will be used toward the purchase of a new sidewalk tractor/snow plow.

CLOSING PRAYER

President Walsh led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor James Johnson and seconded by Councillor Paul Tassone, it was voted viva voce, eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to adjourn at 7:58 o'clock p.m.

Accepted by the City Council: *July 5, 2016*