

**REGULAR MEETING OF OCTOBER 3, 2016**

Regular Meeting of the City Council was held in the City Council Chamber, 2nd Floor, City Hall, on Monday evening, October 3, 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. Nine (9) Councillors were present including President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance. Councillors Craig Cormier and Marc Morgan were 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 Johnson, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to waive reading and to accept the Minutes of the September 19, 2016 Informal and Regular Meetings, as printed.

PUBLIC HEARING

#9688

President Walsh opened the Public Hearing by reading aloud the following Notice:

Pursuant to the provisions of G.L. c.148, §13, notice is hereby given that the City Council will conduct a Public Hearing on Monday, October 3, 2016 at 7:30 p.m. in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, Massachusetts, on an application by Paul L. Roy to amend the conditions of the

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existing license in order to store 200,000 gallons of lubricants (motor oil, hydraulic oil) in aboveground storage tanks on land situated at 211 Colony Road, Gardner. Persons interested in this matter are encouraged to attend and offer testimony.

He called for persons wishing to testify in favor of the License application.

Fire Chief Richard Ares testified in favor, saying that inquiries made to the State Fire Marshal's Office were satisfied and that certain documents required for the Permit would be obtained.

The President called thrice for persons wishing to testify in favor of the License application.

There being none, thrice the President he called for persons wishing to testify in opposition of the License application. There being none, the President declared the public hearing closed.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

#9693

On a motion by Councillor Ronald Cormier and seconded by Councillor James Boone, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to confirm the following Appointment received from the Mayor:

SUSAN BYRNE to the position of City Assessor for term expiring September 15, 2019.

Worcester, ss.

October 3, 2016

Then personally appeared **SUSAN BYRNE** and made oath that she would faithfully and impartially perform the duties of **CITY ASSESSOR** according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

#9694

On a motion by Councillor Paul Tassone and seconded by Councillor James Johnson, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to confirm the following Appointment received from the Mayor:



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RONALD F. CORMIER to the position of Member, Redevelopment Authority, for term expiring September 15, 2021.

Worcester, ss.

October 3, 2016

Then personally appeared RONALD F. CORMIER and made oath that he would faithfully and impartially perform the duties of Member, Redevelopment Authority, according to law and the best of his abilities.

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

PETITIONS, APPLICATIONS, ETC.

#9695

On a motion by Councillor Ronald Cormier and seconded by Councillor Karen Hardern, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to adopt the following Measure:

VOTED:

That meetings of the citizens of this City qualified to vote in the State Election shall be held on TUESDAY, THE EIGHTH DAY OF NOVEMBER, 2016, from 7:00 A.M. TO 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

- ELECTORS OF PRESIDENT AND VICE PRESIDENT.... FOR THIS COMMONWEALTH REPRESENTATIVE IN CONGRESS.....THIRD DISTRICT COUNCILLOR.....SEVENTH DISTRICT SENATOR IN GENERAL COURT.....WORCESTER & MIDDLESEX DISTRICT REPRESENTATIVE IN GENERAL COURT.....SECOND WORCESTER DISTRICT SHERIFF..... WORCESTER COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines.

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The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

A YES VOTE would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

A NO VOTE would make no change in current laws regarding gaming.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

A YES VOTE would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

A NO VOTE would make no change in current laws relative to charter schools.

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QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A NO VOTE would make no change in current laws relative to the keeping of farm animals.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

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SUMMARY

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments.

The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

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The proposed law would take effect on December 15, 2016.

A **YES VOTE** would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A **NO VOTE** would make no change in current laws relative to marijuana.

It is further ordered that the following polling places are designated by the City Council:

WARD 1, PRECINCT A – Elk’s Home, 31 Park Street
WARD 1, PRECINCT B – Elk’s Home, 31 Park Street
WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 West Lynde Street
WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 West Lynde Street
WARD 3, PRECINCT A – Acadien Social Club, 193 Parker Street
WARD 3, PRECINCT B – High Rise Community Room, 104 Church Street
WARD 4, PRECINCT A – Police Headquarters, 200 Main Street
WARD 4, PRECINCT B – Police Headquarters, 200 Main Street
WARD 5, PRECINCT A – Knights of Columbus, 110 South Main Street
WARD 5, PRECINCT B – Knights of Columbus, 110 South Main Street

Presented to Mayor for Approval – October 4, 2016

Approved – October 4, 2016

MARK P. HAWKE, Mayor

REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

#9688

Councillor Paul Tassone, Chairman of the Public Safety Committee, requested that the Public Safety Committee be granted more time. There being no objections, the Public Safety Committee was granted more time to report on the *Application by Paul L. Roy, 55 Corey Hill Road, Ashburnham, for an Amended License to Store 200,000 Gallons of Petroleum Products in Aboveground Storage Tanks at 211 Colony Lane, Gardner.*

#9691

Councillor Paul Tassone, Chairman of the Public Safety Committee, requested that the Public Safety Committee be granted more time, since the Committee plans to meet prior to the next Council meeting to discuss the proposed Ordinance. There being no objections, the Public Safety Committee was granted more time to report on the following:



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AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CODE 600-18-A TWO HOUR PARKING METERS AND CODE 600-19 THIRTY-MINUTE PARKING METERS.

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

Delete Code §600-19-A & B – Thirty minute parking meters.

A. No person shall park a vehicle for a period of time longer than 30 minutes between the hours of 9:00 a.m. and 6:00 p.m. at any metered location on the streets or portions thereof listed below. This restriction shall not apply on Sundays or during the hours of legal holidays during which business establishments are required by law to remain closed.

Name of Street	Location
City Hall Avenue	Between Pleasant Street and Nichols Street, unless otherwise posted.

B. The actual location of meters to be placed within the above locations shall be designated and may from time to time be changed by vote of the City Council Public Safety Committee.

AND

Amend Code §600-18 – Two-hour parking meters.

No person shall park a vehicle for a period of time longer than two hours between the hours of 9:00 a.m. and 6:00 p.m. at any metered location on the streets or portions thereof listed below. This restriction shall not apply on Sundays or during the hours of legal holidays during which business establishments are required by law to remain closed.

Insert:

Name of Street	Side	Location
Connors Street	Easterly	From Knowlton Street 260 feet North.
Connors Street	Westerly	From Knowlton Street 400 feet North.

Delete:

On Thursdays, the limited parking time shall be from 9:00 a.m. to 9:00 p.m.

This ordinance shall become effective upon passage and publication as required by law.

COMMITTEE OF THE WHOLE

#9234

President Walsh informed the Council that City Clerk provided him with draft legislation that incorporates the various revisions to the Charter, as agreed upon by the Council. He said that he would schedule a meeting of the Committee of the Whole once he completes a review of the legislation. There being no objections, the Committee of the Whole was granted more time.



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#9686

President Walsh stated that a public hearing concerning the proposed upgrade to the dewatering equipment and pursuing a new and or expanded sludge landfill would be scheduled for Monday, October 17 at 6:00 p.m. in order to afford citizens an opportunity to ask questions, offer input, and to share information on the matter. He added that the City Council has yet to receive any input from the Mayor on the proposal and that he would like to learn of the Mayor's position either before or at the Public Hearing. There being no objections, the Committee of the Whole was granted more time for study and report.

NEW BUSINESS

On a motion by Councillor Paul Tassone and seconded by Councillor Nathan Boudreau, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to consider New Business.

#9696

On a motion by Councillor Paul Tassone and seconded by Councillor Nathan Boudreau, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to adopt the following Order:

VOTED: To authorize obedience to isolated STOP signs (§600-54 of the Code of the City of Gardner), as follows:

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

To temporarily suspend obedience to isolated Yield Signs (§600-55 of the Code of the City of Gardner), as follows:

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

Presented to Mayor for Approval – October 4, 2016

Approved – October 4, 2016

MARK P. HAWKE, Mayor

ANNOUNCEMENTS

Councillor Paul Tassone announced that October is Breast Cancer Awareness Month.

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Councillor Tassone commended Councillor Ronald Cormier, who also serves as Chairman of the Redevelopment Authority, about his passion for moving the City forward in his capacity as Chairman.

Councillor Nathan Boudreau remarked that the Fabulous Fall Festival and Chair Luge were successful.

Councillor Ronald Cormier informed the Council that on Thursday, September 29, the Community Development and Planning Conference Room was dedicated in memory of former Community Development and Planning Director Robert Hubbard. He said that Mr. Hubbard spearheaded the City's Urban Renewal Plan and was responsible for many of the improvements that the City experienced over the years that he served as Director.

President James Walsh added that the Library remains "the linchpin" to the Rear Main Street and Derby Drive redevelopment project.

CLOSING PRAYER

President Walsh led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Johnson, it was voted viva voce, nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Paul Tassone, and Matthew Vance, to adjourn at 7:48 o'clock p.m.

Accepted by the City Council: *October 17, 2016*