



REGULAR MEETING OF JANUARY 2, 2018

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, January 2, 2018.

CALL TO ORDER

City Clerk Alan Agnelli called the meeting to order at 7:30 o'clock p.m.

OATH OF OFFICE

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Gardner, Massachusetts

January 2, 2018

I, ALAN L. AGNELLI, City Clerk of the City of Gardner, hereby certify that on the 2nd day of January 2018 at 7:31 o'clock in the evening before the City Council at 95 Pleasant Street, Gardner, Massachusetts, I administered the oath required by the City Charter to **JAMES S. BOONE**.

Then personally appeared **JAMES S. BOONE** and made oath that he would faithfully and impartially perform the duties of the office of **CITY COUNCILLOR** according to law and the best of his abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

In testimony of which is required by the City Charter, I make this certificate to be entered on the journals of the meetings of the City Council.

/s/ Alan L. Agnelli, City Clerk

CALL OF THE ROLL

City Clerk Alan Agnelli called the Roll of Members. Eleven (11) Councillors were present including Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Scott Graves, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh.

ELECTION OF THE COUNCIL PRESIDENT

The City Clerk read aloud the procedures for nomination and election of the Council President, as follows:

- ❖ Nominations from the floor will be recognized.
- ❖ A nomination does not require a second; however, Councillors may second a nomination to indicate endorsement.
- ❖ A nomination is debatable, is not amendable, and cannot be reconsidered.

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- ❖ No one may nominate more than one person, if an objection is made, until every member wishing to nominate has had an opportunity to do so.
- ❖ A Councillor may nominate himself or herself.
- ❖ If no further nominations are offered, the Clerk will call for a motion to close nominations.
- ❖ A two-thirds vote is required to close nominations.
- ❖ A majority vote is required to reopen nominations.
- ❖ The Clerk will call the roll of members, whereupon each Councillor shall state the name of the Councillor whom they choose to be President.
- ❖ The nominee receiving the requisite six votes shall be declared elected.
- ❖ Further balloting shall be undertaken until a President is elected.

The City Clerk announced that nominations were in order for election of Council President for the year 2018, in accordance with Section 5 of the Charter of the City of Gardner.

Councillor James Walsh nominated Councillor Scott J. Graves.

In nominating Councillor Graves, Councillor Walsh said that Councillor Graves is someone well-suited to serve as Council President; that he has served six terms as a Councillor at-Large representing the entire City, and has served on all Council committees, including Chairman of the Public Service and Public Safety Committees, as well as a member of the Traffic Commission.

Continuing, Councillor Walsh stated that Councillor Graves is a homeowner in the City; therefore, understands the needs and concerns of taxpayers and, having operated his Law Practice in the City, also understands the needs and concerns of small business owners. He said that Councillor Graves is a product of the Gardner School system, and that he earned a Bachelor's Degree, Master's Degree, and Doctoral Degree; therefore, understands the importance of education and the value that it adds to someone's life.

Concluding his remarks, Councillor Walsh stated, "All of these are qualifications that reveal a Councillor with a background, experience, and an understanding of the importance of the role that the Council plays in the management of municipal government."

Councillor Karen Hardern, prior to placing a name in nomination, expressed her appreciation to Councillor Ronald Cormier for his dedication and commitment to the Council during his tenure as Council President, as well as continuing to serve as a mentor to her and to fellow Councillors.

Councillor Karen Hardern then nominated Councillor Nathan R. Boudreau for Council President.

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She stated that Councillor Boudreau was just sworn in to serve his third term as Ward 3 Councillor and that over the past four years; she has seen Councillor Boudreau “grow both as a person and a Councillor.” “He has shown me time and time again,” she said, “that he is a true gentleman who was raised with manners, respect, and a commitment to the people to whom he serves.”

Continuing, Councillor Hardern stated that Councillor Boudreau is a graduate of American International College and a recipient of a Graduate Certificate of Local Government Leadership from Suffolk University. “Nate has the knowledge and experience to make him an excellent Council President. If elected President, Nate would bring a new life to the Council by opening the office of Council President up to a new generation. With such experienced Councillors in office, this serves as the perfect time to pass the torch down to the next generation. This provides all of us with a chance to work together as one Council. With younger Councillors leading us to the future and the more experienced Councillors helping to mentor, nurture, and guide along the way.”

There being no further nominations, the City Clerk entertained a motion to close nominations.

On a motion by Councillor Christine Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Scott Graves, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to close nominations.

On call of the roll:

Councillor James S. Boone voting for NATHAN R. BOUDREAU.
Councillor Nathan R. Boudreau voting for NATHAN R. BOUDREAU.
Councillor Craig R. Cormier voting for SCOTT J. GRAVES.
Councillor Ronald F. Cormier voting for SCOTT J. GRAVES.
Councillor Edward A. Gravel voting for NATHAN R. BOUDREAU.
Councillor Scott J. Graves voting for SCOTT J. GRAVES.
Councillor Karen G. Hardern voting for NATHAN R. BOUDREAU.
Councillor Christine A. Johnson voting for SCOTT J. GRAVES.
Councillor James D. Johnson voting for NATHAN R. BOUDREAU.
Councillor Elizabeth J. Kazinskas voting for SCOTT J. GRAVES.
Councillor James M. Walsh voting for SCOTT J. GRAVES.

Having received six (6) votes, Councillor Scott J. Graves was declared elected Council President. Councillors applauded and extended personal congratulations.



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President Scott J. Graves assumed the Chair and expressed appreciation to his colleagues for electing him to the Council Presidency.

OPENING PRAYER

President Graves led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

President Graves 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 James Walsh and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the December 18, 2017 Informal, Executive Session, and Regular Meeting, as printed.

PETITIONS, APPLICATIONS, ETC.

#9885

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to schedule a Joint Convention with the School Committee to appoint a Member to the Montachusett Regional Vocational Technical School District Committee and to solicit interested applicants.

REPORTS OF STANDING COMMITTEES**PUBLIC SERVICE COMMITTEE**

#9883

On a motion by Councillor James Walsh and seconded by Councillor Christine Johnson, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone,

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Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to schedule a Public Hearing on a *Petition by National Grid for Permission to install one (1) Solely-owned Pole on Clark Street beginning at a point approximately 147' NW of the centerline of the intersection of Century Way.*

President Graves announced that since the 2018 Public Service Committee has not been constituted, more time was granted for study and report.

FINANCE COMMITTEE**#9872**

President Graves informed the Council that since the 2018 Finance Committee has not been constituted; more time was granted to study and report on AN ORDER APPROPRIATING FROM FREE CASH TO CITY HALL IMPROVEMENT CAPITAL.

#9875

President Graves informed the Council that since the 2018 Finance Committee has not been constituted; more time was granted to study and report on AN ORDER APPROPRIATING FROM FREE CASH TO THE ROOM TAX MAYOR'S DEPT. – PROFESSIONAL FEES.

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**#9873**

On a motion by Councillor Christine Johnson and seconded by Councillor Ronald Cormier, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh; one (1) nay, Councillor Nathan Boudreau, to refer *An Order Appropriating \$245,000.00 from Free Cash to Fire/EMT Department – New Vehicle Account* to the Public Safety Committee for further study and report.

#9882

Having voted on the prevailing side of Calendar #9882 on December 18, 2017, Councillor Ronald Cormier moved to reconsider a RESOLUTION IN SUPPORT OF THE REMEDIATION AND REDEVELOPMENT OF 246-248 CENTRAL STREET, GARDNER, MA 01440.

Councillor James Walsh seconded the motion.

On the motion, Councillor Edward Gravel requested a brief overview of the measure.

Councillor Ronald Cormier stated that a baseline [assessed] value of the property must be established as part of the Resolution. He noted that in December, the Council adopted the

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Resolution that listed a Baseline figure of \$134,230; however, the actual baseline amount should have read "\$103,000.00." If reconsidered, he said, the baseline figure would be reduced, thereby reducing the City's annual repayment amount.

On the motion, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to reconsider a RESOLUTION IN SUPPORT OF THE REMEDIATION AND REDEVELOPMENT OF 246-248 CENTRAL STREET, GARDNER, MA 01440.

The Resolution having been reconsidered, Councillor Walsh moved to amend the Resolution by striking the figure "\$134,230.00" and inserting in place thereof, the figure "\$103,000.00." Councillor James Boone seconded the motion.

On the motion, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the amendment.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Resolution, as amended:

RESOLUTION IN SUPPORT OF THE REMEDIATION AND REDEVELOPMENT
OF 246-248 CENTRAL STREET, GARDNER, MA 01440

WHEREAS, the land located at 246-248 Central Street has become a public safety danger due to the substantial presence of hazardous materials, and remediation has become the only viable option for the property to be reused/occupied;

WHEREAS, NewVue Affordable Housing Corporation has been awarded a Brownfields Recoverable Grant in the amount of \$134,230.00 from MassDevelopment for the remediation of air quality issues at the Site;

WHEREAS, to foster this economic development opportunity in the Downtown Urban Renewal Area, the City of Gardner has agreed to repay the Recoverable Grant pursuant to the terms of the grant agreement:

NOW, THEREFORE, the Gardner City Council votes as follows:

Beginning in the fiscal year when any Economic Benefit to the Municipality (as hereafter defined) is realized, the City of Gardner shall include in its annual budget a line item

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requiring payment to MassDevelopment of an amount equal to 15 % of any Economic Benefit to the Municipality, until the earlier of: (i) full payment of the amount of the Recoverable Grant that has been disbursed and has not already been repaid to MassDevelopment, (ii) the expiration of 30 years from the date on which the first Economic Benefit to the Municipality is realized, or (iii) if no redevelopment on the Site commences, the expiration of 30 years from the date of the Recoverable Grant.

For the purposes of this vote, “Economic Benefit to the Municipality” means any increase in the annual property tax and/or other municipal revenues for the Site (including but not limited to non-profit PILOT revenue, local hotel-or restaurant-tax revenue, and new local revenues derived from municipality – owned redevelopment projects) attributable to development of the Property above the Baseline Value of the property (as hereinafter defined). The “Baseline Value” means the amount of property tax and related tax revenue assessed by the City of Gardner on the Site in the fiscal year of the execution of the, such amount having been calculated by the municipality and determined to be \$103,000.00 (the “Baseline”).

Presented to Mayor for Approval – January 3, 2018

Approved – January 3, 2018

MARK P. HAWKE, Mayor

NEW BUSINESS

On a motion by Councillor Craig Cormier and seconded by Councillor Nathan Boudreau, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

#9886 (New Business)

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer a Measure Confirming the Mayor’s Appointment of Priya Gandbhir to the position of Assistant City Solicitor to the Finance Committee for study and report.

#9887/#9888 (New Business)

On a motion by Councillor Nathan Boudreau and seconded by Councillor Christine Johnson, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to place on file the Mayor’s Appointment of John Flick to the position of City Solicitor for term expiring January 7, 2019

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(#9887) and the Mayor's Appointment of Rachel Stephano to the position of Executive Secretary for term expiring January 7, 2019 (#9888).

ANNOUNCEMENTS AND COMMENTS

Councillors extended personal congratulations to newly-elected Council President Scott Graves, as well as to newly-elected Councillors Edward Gravel, Christine Johnson, and Elizabeth Kazinskas.

Councillor Nathan Boudreau expressed appreciation to Councillor Karen Hardern for her "glowing words" about him and to his colleagues that gave him "their vote of trust this evening." He also extended congratulations to Council President Scott Graves, saying that he [Boudreau] believes that he [Graves] will do a wonderful job, adding that "he [Graves] is qualified in almost every way."

Continuing, Councillor Boudreau said that "there is one thing that he found while campaigning for the office of Council President," which is "how divisive a group sitting around this table. We are not on the same page on almost anything." He said, "I've been called, 'in someone's pocket,' which I am not," and "I've been berated on my votes against the raises of employees which I felt were justified by incredibly respected members of this community and Councillors that have served decades." He concluded his remarks saying, "This body is more divided as ever and I hope we can bring it all back together within the next two years to do something better for this upstanding community that we all love."

Councillors Edward Gravel, Christine Johnson, and Elizabeth Kazinskas expressed thanks to the voters for placing their confidence in them. Councillor Gravel added his personal thanks to recently-departed Councillors for their service to the City.

Councillors praised the Inaugural Ceremony program, particularly the enjoyable entertainment. Councillor Christine Johnson cited both the High School Select Choir and the Middle School Bobcat Chorus, particularly its rendition of "Don't Stop Believing."

Councillor James Johnson commended the Fire Department for its response to a recent gasoline spill on Timpany Boulevard, noting that Firefighters "spent approximately five and a half hours in the bitter cold doing what they do best." "A job well done," he added.

Councillor James Boone stated that the Council should continue to pursue the Ambulance service, noting that the Council "was sold" on the Ambulance service as a way to reduce the use of overtime in the Fire Department, "which continues to be a problem." He added that he hopes that the next Public Safety Committee will work to assure that overtime is reduced.



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Councillor Elizabeth Kazinskas expressed appreciation to her colleagues for welcoming her to the Council and commented that the Inaugural Ceremony “was very special for the City.”

Councillor James Walsh remarked that he “begged to differ with comments suggesting that ‘the Council is more divided than ever.’” “While it may be true,” he said, “that we don’t always agree, that doesn’t mean that we are disagreeable. It means that we may have different points of view or a different opinion.” Continuing, “We may have a different view of the policy that should be adopted, employed, or changed. That does not mean that we are divided. It means that we are striving to do the best that we can for the people who elect us. And that is our job. It is the oath that we take.” He concluded saying, “So, I look forward to continuing that process and having respect for the important role that the Council plays in the management of our municipal matters.”

President Scott Graves informed the Council that he will communicate with each Councillor about Standing Committee appointments and will make assignments that would best serve Gardner’s citizens, adding that he plans to announce the appointments prior to the next Council meeting.

CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor James Johnson and seconded by Councillor Christine Johnson, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 7:58 o’clock p.m.

Accepted by the City Council: *January 16, 2018*