

**REGULAR MEETING OF JANUARY 3, 2017**

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, January 3, 2017.

CALL TO ORDER

City Clerk Alan Agnelli 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. Eleven (11) Councillors were present including Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, 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.
- ❖ 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 2017, in accordance with Section 5 of the Charter of the City of Gardner.

Councillor Karen Hardern nominated Councillor Ronald F. Cormier. Councillor Paul Tassone seconded the nomination.

REGULAR MEETING OF JANUARY 3, 2017

In nominating Councillor Cormier, Councillor Hardern said that Councillor Cormier “is a kind man with a fierce love of the City and its people.” She cited his thirty years on the City Council and that it “is an honor to serve alongside him and to have learned from his many years of experience and knowledge.”

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

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

On call of the roll:

Councillor James S. Boone voting for RONALD CORMIER.
Councillor Nathan R. Boudreau voting for RONALD CORMIER.
Councillor Craig R. Cormier voting for RONALD CORMIER.
Councillor Ronald F. Cormier voting for RONALD CORMIER.
Councillor Scott J. Graves voting for RONALD CORMIER.
Councillor Karen G. Hardern voting for RONALD CORMIER.
Councillor James D. Johnson voting for RONALD CORMIER.
Councillor Marc Morgan voting for RONALD CORMIER.
Councillor Paul G. Tassone voting for RONALD CORMIER.
Councillor Matthew C. J. Vance voting for RONALD CORMIER.
Councillor James M. Walsh voting for RONALD CORMIER.

Having received eleven (11) votes, Councillor Ronald Cormier was declared elected Council President. Councillors applauded and extended personal congratulations.

President Ronald Cormier assumed the Chair and expressed appreciation to his colleagues for electing him to the Council Presidency.

OPENING PRAYER

President Cormier led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE

President Cormier led the Council in reciting the “Pledge of Allegiance”.

REGULAR MEETING OF JANUARY 3, 2017

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

President Cormier 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 Paul Tassone, it was voted viva voce, eleven (11) yeas, President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to waive reading and to accept the Minutes of the December 19, 2016 Regular Meeting, as printed.

COMMUNICATION FROM THE MAYOR**#9726**

On a motion by Councillor James Walsh and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to place on file the Mayor's appointment of John Flick to the position of City Solicitor for term expiring January 3, 2018.

Worcester, ss.

January 5, 2017

Then personally appeared **JOHN M. FLICK** and made oath that he would faithfully and impartially perform the duties of City Solicitor according to law and the best of his abilities.

Before me,

/s/ Titi Siriphan, Assistant City Clerk

#9727

On a motion by Councillor James Walsh and seconded by Councillor James Boone, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to place on file the Mayor's appointment of Rachel Stephano to the position of Executive Secretary for term expiring January 3, 2018.

REGULAR MEETING OF JANUARY 3, 2017

Worcester, ss.

January 4, 2017

Then personally appeared **RACHEL J. STEPHANO** and made oath that she would faithfully and impartially perform the duties of Executive Secretary according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

#9728

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

JILL ROMER to the position of Assistant City Solicitor for term expiring January 3, 2018.

Worcester, ss.

January 5, 2017

Then personally appeared **JILL ROMER** and made oath that she would faithfully and impartially perform the duties of Assistant City Solicitor according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

#9729

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee met with the Fire Chief who explained to the Committee that the proposed new vehicle would replace a 2002 pickup truck which has been the subject of significant disrepair and, if retained, would require extensive and costly repairs. The Chief also reported that the current vehicle is used for transporting personnel to emergency locations, for transporting equipment and supplies, and the new vehicle would be used for the same purposes.

Councillor Paul Tassone, recent Chairman of the Public Safety Committee, informed the Council that the Committee met with the Fire Chief to review the request and endorsed its purchase.

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

REGULAR MEETING OF JANUARY 3, 2017

AN ORDER APPROPRIATING FROM FREE CASH TO FIRE DEPARTMENT – NEW VEHICLE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00) from Free Cash to the Fire Department – New Vehicle Account.

Presented to Mayor for Approval – January 4, 2017

Approved – January 4, 2017

MARK P. HAWKE, Mayor

PETITIONS, APPLICATIONS, ETC.

#9730

On a motion by Councillor Paul Tassone and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to refer the application of R&R Motors, 7 Donlan Street, for a License to Buy and Sell Second Hand Motor Vehicles, Class 2, to the Public Safety Committee for study and report.

REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

#9716

There being no objections, the Public Safety Committee was granted more time to study and to report on the Application by Brian's Auto Sales, 549 West Broadway, for a Class 3 Motor Vehicle Junk License.

PUBLIC WELFARE COMMITTEE

There being no objections, the Public Welfare Committee was granted more time to study and to report on a Petition by GFA Federal Credit Union to Rezone a Single Parcel at 229 Parker Street from General Residential 3 to Commercial 2.

UNFINISHED BUSINESS & MATTERS FOR RECONSIDERATION

#9234

Councillor James Walsh moved to pass the Petition entitled AN ACT RELATIVE TO THE CHARTER OF THE CITY OF GARDNER, notwithstanding disapproval by the Mayor. Councillor Marc Morgan seconded the motion.

REGULAR MEETING OF JANUARY 3, 2017

On the motion, Councillor Walsh said that as the Council is aware from prior home rule legislation, the Council's action to pass the Petition would be symbolic since the Legislature, due to Constitutional issues, cannot act on Home Rule legislation without the Mayor's approval. He said that by again passing the Petition, the Council would be validating its efforts, as well as showing that the Council was truly committed to updating and modernizing the Charter, which the Petition represents.

Councillor Walsh continued, saying that the Mayor indicated that he studied extensively the history of the Charter; [therefore,] "I would imagine that had he done so, his veto of the measure is not in keeping with the Charter at all, as there is no mention of "veto" in Section 30 or in the whole Charter. We know that 'he disapproves,' which is the word [used] in the Charter."

He concluded his remarks by saying that he thinks that the Council "knows why he [Mayor] disapproves, and not all for reasons that he provides for in his letter. So, I am hopeful that the Council will validate its effort and its work in considering these changes to the Charter and, although symbolic, will pass the Petition, notwithstanding the disapproval of the Mayor."

Councillor Scott Graves concurred with Councillor Walsh's comments and said that he "was taken aback" by the Mayor's contentiousness at which he has gone about the issue. Councillor Graves cited his appointment by former Mayor Gerald St. Hilaire to serve as Chairman of an ad-hoc Charter Committee that was charged with identifying obsolete Charter provisions and ambiguities. He said that former Deputy Chief of Police Rock Barrieau, former GIS Coordinator Judy Seppala, former Purchasing Agent Mary Delaney, were also members of the ad-hoc committee that was organized in 2006 and that produced a final report to the Mayor. He concluded his remarks by saying that he hopes that the Council can move forward, since "the [current] Charter does work and that so far, no big problems."

Councillor Nathan Boudreau pointed out that "the Mayor and the Council are on the same team, but the team we're representing was completely left out of the discussion about the Charter that we're pushing forward tonight without another member of the team approving it." He continued, saying "We're going to be the only member of said team that's moving forward with this...without the community's involvement and without the Mayor's approval. That just doesn't make sense to me."

Councillor James Boone expressed concurrence with comments made by Councillors Walsh and Graves concerning great strides that have been met, but said that "he is on the fence" since the Mayor brings up other good points...that the other Committee did a lot of work to put together some things to improve our City and to move us even further ahead." He stated



REGULAR MEETING OF JANUARY 3, 2017

that he is struggling and wants to get Version 1 on the table, “but on the same token, are we doing the right thing?” he questioned. He concluded his remarks by saying that he is “looking for more input from other Councillors, if there is any.”

On call of the roll, six (6) yeas, President Ronald Cormier and Councillors Craig Cormier, Scott Graves, Karen Hardern, Marc Morgan, and James Walsh; five (5) nays, Councillors James Boone, Nathan Boudreau, James Johnson, Paul Tassone, and Matthew Vance, the motion was defeated for lack of the requisite two-thirds necessary to again pass the Petition, notwithstanding disapproval by the Mayor.

#9710

On a motion by Councillor James Walsh and seconded by Councillor Scott Graves, on recommendation of the Mayor, it was voted viva voce, eleven (11) yeas, President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to remove from further consideration *A Notice of Intent to Sell for Other Use, pursuant to G.L. c. 61B, § 9, Land Outlots A&B behind 74 and 80 Chapel Street.*

#9719

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED “PERSONNEL,” BY ADDING VARIOUS POSITIONS.

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

Section 1. Section 171-68, Compensation Schedule, of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by adding the following positions:

B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS:

<u>POSITION</u>	<u>Grade</u>	<u>Annual</u>	<u>Weekly</u>
Assistant City Treasurer/Collector	5	\$50,292.53	\$ 967.16
Director of Public Safety Regional Dispatch Center	8	\$70,000.00	\$1,346.15

Section 2. Effective date.

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

REGULAR MEETING OF JANUARY 3, 2017

In City Council – December 19, 2016
Ordered Printed – December 19, 2016
First Printing – December 23, 2016
Ordinance Passed – January 3, 2017
Presented to Mayor for Approval – January 4, 2017
Approved – January 4, 2017
MARK P. HAWKE, Mayor
FINAL PRINTING – January 9, 2017

#9722

President Cormier announced that the Council has not received a response from the Planning Board with respect to the Council's December 20, 2016 request for a recommendation of the Petition by GFA Federal Credit Union to Rezone a Single Parcel at 229 Parker Street from General Residential 3 to Commercial 2. More time was granted.

#9234

Councillor Matthew Vance stated that he would like to reconsider #9234; a Petition entitled AN ACT RELATIVE TO THE CHARTER OF THE CITY OF GARDNER, adding that he would like it to be reconsidered as if it never passed.

Councilor Walsh raised a point of order, citing the December 19, 2016 Council vote to approve the Petition. He said that his view is that since the Council already voted on #9234 earlier in the meeting; then a motion to reconsider would not be in order.

President Cormier said that since the Council already voted to again pass the Petition, thereby sustaining the Mayor's disapproval, then that particular vote represented a second vote on the measure, thus precluding a vote to reconsider.

Councillor Vance suggested that based on the President's comments, the Council would not have additional options available on a vote to override a veto, adding that while under reconsideration of the original matter, the Council could make amendments and other changes to it that would have more substantial impact.

President Cormier agreed that the measure could have been reconsidered before the Council took action to again pass the petition, which was the second vote on the measure; however, due to the second vote, reconsideration would not be allowed. He offered Councillor Vance the option of possibly reconsidering the vote to again pass the Petition, notwithstanding the Mayor's disapproval.

REGULAR MEETING OF JANUARY 3, 2017

Councillor Vance asked that if the Council reconsidered the motion to again pass the Petition, notwithstanding the Mayor's disapproval, would the Council's option still be limited to "overriding the override?"

Councillor James Walsh then moved to consider New Business. Councillor Morgan seconded the motion.

Councillor Nathan Boudreau questioned whether the Council could recess in order to review Councillor Vance's inquiry.

President Cormier responded, saying that the Councillor could move to recess if he chose to do so.

Councillor Boudreau chose not to pursue a motion to recess.

Councillor James Johnson moved to recess the meeting. The motion was duly seconded.

Councillor Walsh stated his opposition to recessing the meeting, saying that since a point of order was made and that the Chair issued a ruling; then there is no reason to recess the meeting.

On the motion on show of hands, six (6) yeas, Councillors James Boone, Nathan Boudreau, Scott Graves, Karen Hardern, James Johnson, and Matthew Vance; five (5) nays, President Ronald Cormier and Councillors Craig Cormier, Marc Morgan, Paul Tassone, and James Walsh, it was voted to recess at 7:56 p.m.

The Council reconvened at 8:00 p.m.

Following a review of Robert's Rules of Order, President Cormier informed the Council that the ability to reconsider [a measure] requires that a motion to reconsider be made before any other action on the item. Accordingly, since action had been taken by the Mayor, in the form of his letter of disapproval, and the Council acted to sustain the Mayor's disapproval [veto], then the Petition could not be reconsidered, he said.

NEW BUSINESS

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



REGULAR MEETING OF JANUARY 3, 2017

Councillor Matthew Vance moved “To submit a Charter discussion to the Committee of the Whole to continue discussions of the Charter with the Mayor to hopefully find out what it would take to bridge our gap beyond his 8-page letter that was not that clear.”

Councillor Nathan Boudreau seconded the motion.

Councillor James Walsh objected under Section 28 of the City Charter. Accordingly, action on the measure was postponed for the remainder of the meeting.

ANNOUNCEMENTS AND COMMENTS

Councillors congratulated President Ronald Cormier on his election as Council President and wished him well in his new role.

Councillors expressed appreciation to Councillor James Walsh for his three years of leadership as Council President and Councillor Graves commended Councillor Walsh for making himself available to serve as Council President [and] for “maintaining the Council’s independence.”

Councillor James Walsh congratulated President Ronald Cormier for his willingness to serve as Council President and expressed confidence in the leadership that he will provide in the New Year. He also expressed appreciation to his fellow Councillors for their support and for the kind words expressed for his tenure as Council President. He added that at the time that he sought the Presidency, his objective was to preserve the important role that the Council provides in the management of City affairs, as well as the orderly management of Council business.

CLOSING PRAYER

President Cormier led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig Cormier, it was voted viva voce, eleven (11) yeas, President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to adjourn at 8:06 o’clock p.m.

Accepted by the City Council: *January 17, 2017*