CITY OF GARDNER IN CITY COUNCIL

REGULAR MEETING OF JANUARY 17, 2017

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, January 17, 2017.

CALL TO ORDER

In the absence of Council President Ronald Cormier, 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. Ten (10) Councillors were present including Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh. Council President Ronald Cormier was absent.

ELECTION OF COUNCIL PRESIDENT PRO TEM

The City Clerk called for nominations for the position of President pro tem.

Councillor Marc Morgan nominated Councillor James Walsh. Councillor James Boone seconded the nomination.

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 Craig Cormier, it was voted viva voce, ten (10) yeas, Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to close nominations.

On a motion by Councillor Matthew Vance and seconded by Councillor Paul Tassone, it was voted viva voce, ten (10) yeas, Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to elect Councillor James Walsh as President pro tem by acclamation.

President pro tem James Walsh assumed the Chair

OPENING PRAYER

President pro tem Walsh led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE

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

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

President pro tem 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 Marc Morgan and seconded by Councillor Craig Cormier, it was voted viva voce, ten (10) yeas, President pro tem James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to waive reading and to accept the Minutes of the January 3, 2017 Regular Meeting, as printed.

COMMUNICATION FROM THE MAYOR

#9731

On a motion by Councillor Marc Morgan and seconded by Councillor James Boone, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President pro tem James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to confirm the following appointment received from the Mayor:

> **NEIL C. ERICKSON** to the position of **CHIEF OF POLICE** for term expiring January 3, 2020.
>
> Worcester, ss. January 17, 2017
>
> Then personally appeared **NEIL C. ERICKSON** and made oath that he would faithfully and impartially perform the duties of **CHIEF OF POLICE** according to law and the best of his abilities.
>
> Before me,
> /s/ Alan L. Agnelli, City Clerk

#9732

On a motion by Councillor Marc Morgan and seconded by Councillor Nathan Boudreau, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President pro tem James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to confirm the following appointment received from the Mayor:

> **JOHN A. BERNARD** to the position of **DEPUTY CHIEF OF POLICE** for term expiring January 3, 2020.

Worcester, ss. January 17, 2017

Then personally appeared **JOHN A. BERNARD** and made oath that he would faithfully and impartially perform the duties of **DEPUTY CHIEF OF POLICE** according to law and the best of his abilities.

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

#9733

Reporting for the Finance Committee, Councillor Marc Morgan informed the Council that the Committee voted to recommend that the Order ought to pass.

Councillor Matthew Vance questioned the reason that the City would opt to seek a loan for the land purchase versus an appropriation from Free Cash.

Councillor Morgan responded, saying that the Mayor informed the Committee that the City would likely not have to borrow the money, but that the total amount of the project must first be authorized. He added that the City already appropriated its match of the project cost.

President pro-tem Walsh, a member of the Finance Committee, noted that there may be an effort to rescind the loan authorization at a later date so that the Loan Order "would no longer be on the books."

Councillor James Johnson questioned the reason that the City is purchasing land in the Town of Winchendon and, if the transaction is approved, asked if the land would then become part of the City of Gardner.

President pro-tem Walsh responded, "No," and cited, as an example, the Gardner Municipal Airport which occupies land in the Town of Templeton. He noted that the "lion's share" of the [Alisauskas] parcel is located within Gardner's city limits.

Councillor Nathan Boudreau announced that he would recuse himself from voting on the measure since a family member in involved in the transaction.

Councillor Vance questioned if the Town of Winchendon levies a tax on conservation land.

President pro-tem Walsh responded, saying "not once it is designated [as conservation land]."

On a motion by Councillor Marc Morgan and seconded by Councillor James Boone, on recommendation of the Finance Committee, it was voted by call of the roll, nine (9) yeas, President pro tem James Walsh and Councillors James Boone, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance; one (1) abstention, Councillor Nathan Boudreau, to adopt the following Order:

ORDERED: That the City of Gardner appropriates the sum of Four Hundred Nine Thousand Five Hundred Fifty Dollars ($409,550) to pay costs of acquiring, for conservation purposes, the portion of the Alisauskas Property, so-called, located within the boundaries of the City and the Town of Winchendon, including the payment of all costs incidental and related thereto; that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 7(1), or any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor is authorized to apply for, accept and expend any grants or gifts available the City to defray the costs of acquiring the Alisauskas Property, so-called, and the amount authorized to be borrowed by this order shall be reduced to the extent of any such funds received by the City.

Presented to Mayor for Approval – January 18, 2017
Approved – January 18, 2017
MARK P. HAWKE, Mayor

#9734

Reporting for the Finance Committee, Councillor Marc Morgan informed the Council that due to a prior-year bookkeeping oversight, the proposed Order would restore funds to the [Encumbered Professional Services] Account.

On a motion by Councillor Marc Morgan and seconded by Councillor Nathan Boudreau, on recommendation of the Finance Committee, it was voted by call of the roll, ten (10) yeas, President pro tem James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Order:

ORDERED: That there be and is hereby appropriated the sum of Three Thousand One Hundred-Fifty Dollars and No Cents ($3,150.00) from Free Cash to the City Council, Encumbered Professional Services Account.

Presented to Mayor for Approval – January 18, 2017
Approved – January 18, 2017
MARK P. HAWKE, Mayor

#9735

Reporting for the Finance Committee, Councillor Marc Morgan informed the Council that due to a prior-year bookkeeping oversight, the proposed Order would restore funds to the [Encumbered Communications] Account.

On a motion by Councillor Marc Morgan and seconded by Councillor James Boone, on recommendation of the Finance Committee, it was voted by call of the roll, ten (10) yeas, President pro tem James Walsh and Councillors James Boone, Nathan Boudreau, Craig

Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to adopt the following Order:

> ORDERED: That there be and is hereby appropriated the sum of Five Hundred Nine Dollars and No Cents ($509.00) from Free Cash to Elections and Registrations, Encumbered Communications Account.

Presented to Mayor for Approval – January 18, 2017
Approved – January 18, 2017
MARK P. HAWKE, Mayor

#9736

Reporting for the Finance Committee, Councillor Marc Morgan informed the Council that the Finance Committee voted to recommend passage of the amendment, as it would make the Conservation Agent's term of office consistent with other [appointed] positions.

On a motion by Councillor Marc Morgan and seconded by Councillor Karen Hardern, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President pro tem James Walsh and Councillors James Boone, Nathan Boudreau, Craig 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 160 THEREOF, ENTITLED "OFFICERS AND EMPLOYEES," BY CHANGING THE TERM OF APPOINTMENT FOR THE AGENT FOR THE CONSERVATION COMMISSION.
>
> Be it ordained by the City Council of the City of Gardner as follows:
>
> Section 1. Section 160-18 of the Code of the City of Gardner is hereby amended by deleting the words "one year" and inserting in place thereof the words "three years."
>
> Section 2. Effective date.
> This ordinance shall become effective upon passage and publication as required by law.

First Printing – January 24, 2017

REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

#9716

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

#9730

Councillor Paul Tassone, Chairman of the Public Safety Committee, reported that the Committee met earlier in the evening and that on the recommendation of the Chief of Police, voted to recommend that the Council grant to R&R Motors, a License to Buy and Sell Second Hand Motor Vehicles, Class 2, at 7 Donlan Street.

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, ten (10) yeas, President pro tem James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to grant a License to Buy and Sell Second Hand Motor Vehicles, Class 2, to R&R Motors, 7 Donlan Street, for the license period expiring December 31, 2017.

PUBLIC WELFARE COMMITTEE

On a motion by Councillor Marc Morgan and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President pro tem James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to schedule a Joint Public Hearing with the Planning Board with respect to a Petition by GFA Federal Credit Union to Rezone a Single Parcel at 229 Parker Street from General Residential 3 to Commercial 2.

There being no objections, the Public Welfare Committee was granted more time 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

#9722

As announced under the Public Welfare Committee's Report, a Joint Public Hearing with the Planning Board will be scheduled with respect to the Petition by GFA Federal Credit Union to Rezone a Single Parcel at 229 Parker Street from General Residential 3 to Commercial 2.

NEW BUSINESS

#9737

On a motion by Councillor Marc Morgan and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President pro tem James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to refer the following Measure to the Finance Committee for study and report:

AUTHORIZING THE CITY OF GARDNER TO
PURCHASE 57-67 PARKER STREET
FROM THE GARDNER REDEVELOPMENT AUTHORITY

VOTE: To authorize the Mayor to purchase 57-67 Parker Street further identified on the City of Gardner Assessor's Map as MAP ID: M22-5-7 for $99,444.13, from the Gardner Redevelopment Authority and upon such terms as the Mayor shall consider proper in accordance with this Vote.

ANNOUNCEMENTS AND COMMENTS

Wedding Anniversary

Councillor Paul Tassone expressed heartfelt appreciation to his wife, Paula, as they celebrated their wedding anniversary on that day.

MedStar Ambulance

Councillor Scott Graves remarked that within the past three years, the Mayor "kicked Wood's Ambulance to the curb and hired another ambulance company." He said that there have been reports in the press about the City's Ambulance service "which has just agreed to pay $12.7 million dollars in a case in which a former employee brought a whistleblower action against them."

Citing his twenty-five years in the legal field, Councillor Graves stated, "Nobody pays 12.5 million dollars unless you did something wrong, in my opinion," and said that a former employee ["whistleblower"] "walked away with $3.6 Million." "Now," he said, "[that] if this former employee hadn't stepped up, then nobody would have ever known."

Councillor Graves continued, saying that "the things that were allegedly going on were double billings – both patients and Medicare for the same runs – transporting people when it was wholly unnecessary" and "billing Medicare which is not legally reimbursable." He said that he is raising the issue because "at the time that the Mayor unceremoniously got rid of Wood's after 65 years of service to the City, the City Council had no idea [that] this was going on." He noted that while he was a member of the Finance Committee, "then Council President Walsh twice asked the Mayor, point blank, about rumors surrounding MedStar and if he would like to inform the Council about what is going on. He said that both times asked, the Mayor replied, 'No.' In other words, 'no I don't want to give you any information'."

Mr. Graves continued, saying that the Mayor went ahead and hired MedStar, which he said that he (Graves) challenged in Court. "The Court agreed with me that the Mayor had no legal authority to do what he did. The judge believed that the City Council still had options." He added "the City Council hasn't done anything yet because, for all practical purposes, the Executive Department is running that show and there really is not much that the City Council can do."

He continued, saying, "At the time that the Mayor booted Wood's and brought in MedStar, believing that the case had already been filed, the rumors and allegations were circulating, the Mayor [then] proceeded without any word to the City Council." "So," he (Graves) "affirmed that the City Council had nothing to do with this, adding that he (Graves) "did his best to get the Court to order the Mayor to get legal authority to do what he did. In my opinion, he still does not have legal authority to do what he did."

Councillor Graves concluded his remarks by saying "At this point, I would imagine that MedStar is going to be out of the City, or at the very least, an audit be conducted regarding the billing practices for the City of Gardner to see if citizens have been double-billed. If I were the Mayor, they would be gone."

Councillor Marc Morgan concurred with Councillor Graves' remarks, saying that "it was atrocious what happened to Wood's Ambulance" and suggested that "the Mayor do something about what is going on here." He added, "A 12 million dollar settlement certainly raises the question that we are going down the wrong street with the wrong ambulance, and that something should be done about it."

Safe Driving

Councillor Nathan Boudreau encouraged everyone to drive safely that evening.

CLOSING PRAYER

President pro tem Walsh led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Scott Graves and seconded by Councillor Paul Tassone, it was voted viva voce, ten (10) yeas, President pro tem James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, and Matthew Vance, to adjourn at 7:52 o'clock p.m.

Accepted by the City Council: ***February 6, 2017***