

**REGULAR MEETING OF FEBRUARY 5, 2018**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, February 5, 2018.

**CALL TO ORDER**

Council President Scott J. Graves 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 President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas. Councillor James Walsh was absent.

**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 Ronald Cormier and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to waive reading and to accept the Minutes of the January 16, 2018 Regular Meeting, as printed.

**PUBLIC HEARING**

President Graves opened the Public Hearing on #9883, *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.* The Hearing was continued from January 16, 2018.

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The President called for persons wishing to testify in favor of the Petition.

Javier Morales, representing National Grid, testified that the proposed pole would serve a new residential home.

Mike Leger, the builder of the new home, testified in favor.

Jason and Ashley Chicoine, whose new home is under construction and will be serviced by the new pole, testified in favor of the Petition.

The President again called for persons wishing to testify in favor of the Petition.

There being none, the President thrice called for persons wishing to testify in opposition to the Petition.

There being none, the President declared the public hearing closed at 7:34 p.m.

**MEASURE TAKEN OUT OF ORDER****#9883**

President Scott Graves called for Calendar #9883 to be taken out of Order. There were no objections.

Councillor Nathan Boudreau, Chairman of the Public Service Committee, reported that the Service Committee met and voted to recommend favorable action.

Councillor Boudreau then moved to adopt the following Order:

**ORDER FOR POLE AND WIRE 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 be and is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 4<sup>th</sup> day of December, 2017.

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 – Clark Street – Gardner – Massachusetts.



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No. 24156457..... Dated: December 4, 2017 - filed with this order.

There may be attached to said poles 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:-

Clark Street - National Grid to install 1 SO pole on Clark Street beginning at a point approximately 147' northwest of the centerline of the intersection of Century Way. National Grid to install a new solely-owned pole number 33-1 approximately 147' northwest of Century Way and 460' southeast of Brookside Drive for new customer located at 300 Clark Street.

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 the petitioner may desire for distributing purposes.

Councillor Craig Cormier seconded the motion.

On the motion to adopt the Order, Councillor Christine Johnson informed the Council that as a former Ward 2 Councillor, she knows the site of the proposed pole location and is in favor of passing the Order.

Directing his attention to the affected homeowners in the Chamber, Councillor Edward Gravel personally apologized, saying that the pole petition created a significant delay to their project and that "there was a little miscommunication at the last Council meeting."

On behalf of the Council, President Scott Graves also offered an apology "for the snafu."

On the motion, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the Order.

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENT**

**#9890**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee met with the Mayor and with Mr. Jean. He said that Mr. Jean has served as the City's Local Inspector since November, 2015 and has obtained all required certifications.

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He then moved to confirm the Mayor's Appointment of Roland Jean, Jr. to the position of Building Commissioner for the term expiring January 17, 2021. Councillor Karen Hardern seconded the motion.

On the motion to confirm, Councillor Edward Gravel extended his congratulations to Mr. Jean for passing the Building Commissioner's test.

Councillor Karen Hardern stated that she was fortunate to witness Mr. Jean handling himself under pressure, citing a recent fire on Pine Street and flooding in the City Hall Annex.

On the motion, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to confirm the following Appointment received from the Mayor:

**ROLAND JEAN, JR.** to the position of **BUILDING COMMISSIONER** for term expiring January 17, 2021.

Worcester, ss.

February 5, 2018

Then personally appeared **ROLAND JEAN, JR.** and made oath that he would faithfully and impartially perform the duties of **BUILDING COMMISSIONER** according to law and the best of his abilities.

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

**ORDER**

**#9891**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee met with the Fire Chief and was informed that a replacement pump in Engine 1 could extend the life of the Engine by 5 to 7 years.

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee discussed the Order and voted to recommend its passage, adding that the Chief referred to Engine 1 as the Department's "workhorse primary pumper."

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, on recommendation of the Finance Committee and the Public Safety Committee, it was voted on call of the roll, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Order:

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AN ORDER APPROPRIATING FROM FREE CASH TO FIRE DEPARTMENT – PUMP FOR ENGINE NO. 1 ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Forty-One Thousand Dollars and No Cents (\$41,000.00) from Free Cash to the Fire Department – Pump for Engine No. 1 Account.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor

**PETITIONS, APPLICATIONS, ETC.**

**#9892**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee met with the Superintendent of Schools and the School Business Manager concerning the project. He said that the City has been invited to apply for a grant, which if approved; funding would have to be authorized by the City Council. He noted that Gardner would be eligible for nearly 80% reimbursement from the MSBA for the new roof. The Committee voted to recommended adoption of the Order.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Measure:

MASSACHUSETTS SCHOOL BUILDING AUTHORITY  
ACCELERATED REPAIR PROGRAM  
STATEMENT OF INTEREST  
GARDNER MIDDLE SCHOOL  
(ROOF REPAIRS)

*VOTED:* To authorize the Superintendent to submit to the Massachusetts School Building Authority a Statement of Interest dated February 14, 2018 for Gardner Middle School, located at 297 Catherine Street, Gardner, MA 01440, which describes and explains the following deficiencies and the priority category(ies) for which Gardner Public Schools may be invited to apply to the Massachusetts School Building Authority in the future:

- Priority Category:

Priority # 5- Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility;



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- Description of Deficiencies:

The Gardner Middle School opened in 1997. The roof is original to the building and has been maintained as leaks have occurred, however new leaks continue to occur at an increased pace, recently above the library and computer lab, and three assessments by different outside companies in the past three years have recommended repair or replacement;

The Gardner City Council hereby further specifically acknowledges that by submitting this statement of interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant, or any other funding commitment from the Massachusetts School Building Authority or commits the Gardner Public Schools to filing an application for funding with the Massachusetts School Building Authority.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor

### #9893

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Finance Committee voted to recommend adoption of the Resolution. He said that the Committee of the Whole met informally with Assistant Director of Community Development and Planning Joshua Cormier prior to the Regular Meeting and that he believed that Councillors' questions were answered to their satisfaction.

On a motion by Councillor Ronald Cormier and seconded by Councillor Christine Johnson, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Resolution:

### RESOLUTION

#### FY 2018 COMMUNITY DEVELOPMENT BLOCK GRANT Mini-Entitlement Plan

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

WHEREAS, the City council has reviewed the proposals prepared by the Department of Community Development and Planning for inclusion within the FY 2018 Community Development Block Grant (CDBG) Mini-Entitlement Plan; and

WHEREAS, the CDBG proposals seek funding for support of public social services, demolition, infrastructure repair and upgrade, economic development, and associated administrative costs; and

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WHEREAS, the activities proposed within the FY 2018 CDBG Mini-Entitlement Plan meet the priorities identified within the City's 2018 Community Development Strategy, and the 2004 Community Development Plan; and

WHEREAS, the City does not possess the bonding capacity or have the availability of funds to appropriate from its general budget to undertake such projects and reliance upon grant funds is required, and

WHEREAS, the City Council supports each of the activities as being consistent with the City's goal of promoting quality programs for its citizens;

NOW THEREFORE, the City Council hereby extends its support of each proposed activity and endorses the City's FY 2018 CDBG Mini-Entitlement Plan to be submitted to the Commonwealth of Massachusetts, Department of Housing and Community Development.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor

**#9894**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Order would authorize the City to borrow funds for the project, basically “up fronting the costs,” and then anticipate reimbursement. He noted that the Council had previously voted to authorize the project (at various stages) and added that the Finance Committee voted to recommended adoption of the Order.

On a motion by Councillor Ronald Cormier and seconded by Councillor Karen Hardern, on recommendation of the Finance Committee, it was voted on call of the roll, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Order:

AN ORDER AUTHORIZING THE CITY TO ACCEPT LAND GRANT FUNDS,  
TO BORROW, AND TO TAKE OTHER ACTIONS RELATING TO THE  
ACQUISITION OF THE “OMEALIA PROPERTY”

ORDERED: To authorize the Mayor of the City of Gardner to accept grant funds in the amount of up to Seventy One Thousand Thirty Eight and 00/100 Dollars (\$71,038.00) awarded to the City under the LAND Grant program, 301 CMR 5:00, and enter any necessary contracts thereto, for the purpose of purchasing approximately 93.5<sup>+/-</sup> acres of land on Leo Drive, known as the Omealia Property, described below, to be held and managed by the Conservation Commission for conservation and passive recreation, pursuant to M.G.L.



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Chapter 40, Section 8C, and to borrow, appropriate and expend up to One Hundred Fourteen Thousand Five Hundred and 00/100 Dollars (\$114,352), pursuant to M.G.L. Chapter 44, Section 7, for the purchase of said land in fee, in accordance with the attached **Budget**, being a portion of Assessors Parcel *H37/23/35*, located on Leo Drive, shown as **Parcel B** on the attached Map, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor

**#9895**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Boone, on recommendation of the Finance Committee, it was voted on call of the roll, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Order:

AN ORDER AUTHORIZING THE CITY TO ACCEPT PARC GRANT FUNDS,  
TO BORROW, AND TO TAKE OTHER ACTIONS RELATING TO THE  
ACQUISITION OF THE “OMEALIA PROPERTY”

ORDERED: To authorize the Mayor of the City of Gardner to accept grant funds in the amount of up to Ninety Seven Thousand Three Hundred Eighty Eight and 00/100 Dollars (\$97,388.00) awarded to the City under the PARC Grant program, 301 CMR 5:00, and enter any necessary contracts thereto, for the purpose of purchasing approximately 28.8<sup>+/-</sup> acres of land on Leo Drive, known as the Omealia Property, described below, to be held and managed by the Department of Public Works, Parks and Recreation for active recreation and park purposes, pursuant to M.G.L. Chapter 45, Section 3, and to borrow, appropriate and expend up to One Hundred Thirty Nine Thousand One Hundred Twenty Five and 00/100 Dollars (\$139,125.00), pursuant to M.G.L. Chapter 44, Section 7, for the purchase of said land in fee, in accordance with the attached **Budget**, being a portion of Assessors Parcel *H37/23/35*, located on Leo Drive, shown as **Parcel A** on the attached Map, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor



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**#9896**

On a motion by Councillor Ronald Cormier and seconded by Councillor Craig Cormier, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to place on file a *Communication from the Contributory Retirement Board Relative to a Meeting to Determine a Cost-of-Living Adjustment for Retirees* and that those interested in attending the meeting to do so.

**REPORTS OF STANDING COMMITTEES****COMMITTEE OF THE WHOLE****#9873**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, on recommendation of the Finance Committee and Public Safety Committee, it was voted on call of the roll, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adopt the following Order, as substituted:

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

ORDERED: That there be and is hereby appropriated the sum of Two Hundred Fifty-Five Thousand Dollars and No Cents (\$255,000.00) from Free Cash to the Fire/EMT Department – New Vehicle Account.

Presented to Mayor for Approval – February 6, 2018

Approved – February 6, 2018

MARK P. HAWKE, Mayor

**UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION****#9885**

The City Council and School Committee, having met in Joint Convention and having appointed Matthew C. J. Vance, the *Biennial Appointment of a Member to the Montachusett Regional Vocational Technical School District Committee* was removed from the Calendar.



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**NEW BUSINESS**

On a motion by Councillor James Johnson and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to consider New Business.

**ANNOUNCEMENTS AND RECOGNITION**

Councillor Nathan Boudreau congratulated Matthew Vance on his appointment to the Monty Tech School Committee.

Council President Scott Graves and Councillor Nathan Boudreau congratulated Mayor Hawke on his recent ascendancy to the Presidency of the Massachusetts Municipal Association by the Board of Directors of the Association.

Commenting that she did not support Councillor Scott Graves for Council President, Councillor Karen Hardern praised him for “doing an outstanding job.”

**COMMENTS****Montachusetts Regional Vocational Technical School District**

Commenting on his past two years serving on the Monty Tech School District Committee, Councillor James Boone said that some of his experiences “have been a bit challenging,” and that both he and the Mayor have asked that the District Agreement be reviewed. He said that in the past, the response that he received from some of the members of the Monty Tech School Committee is that “they will not do anything unless the Attorney General forces us to do so.” He said that a Fitchburg member of the School Committee “is constantly asking the [School] Administration for information,” but “is on a wait list,” and [is] “constantly met with opposition.”

Mr. Boone continued, “We suggested that the School maybe allow 5% of the students that want a vocational education to be able to attend Monty Tech,” and added that he was fortunate to be able to attend Monty Tech, but then questioned if he “would be able to get into the school today.” He said that at the present time, Monty Tech has [enrollment] criteria: a student’s Grade is #1, Attendance is #2, and Discipline is #3. “So, unless you’re a top tier student, you are not going to get into that school.” He pointed out that the last selection criterion is “Do you want a trade?” The trade is a small percentage, he noted.

Continuing, Councillor Boone said that a few of the members and the Mayor asked if 5% [could be allotted] for trade students, but the School Committee members said, “No, too bad,



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they have to do better in school – have better grades” and thus, “they refuse to bend [even] a little bit.” He added that with Matthew Vance on the Committee, he “hopes to see a little bend.” He concluded by saying that “Monty Tech gets all the money that they need, because the cities and towns have to pay whatever they ask for,” and said that Eric Commodore was an excellent School Committee member, but that he “was glad that we made a change.”

**GFD/EMS Ambulance Enterprise Fund**

Councillor Christine Johnson informed Councillors that she distributed a brief synopsis of establishing an Enterprise Fund on each desk and added that the Ambulance is a “revenue generating entity,” which requires further investigation.

Councillor Christine Johnson then moved to refer to the Finance Committee and Public Safety Committee an Order to study an Enterprise Fund for the Ambulance. Councillor James Johnson seconded the motion.

Councillor Edward Gravel stated that “we dealt with the Golf Course Commission when elected in 2010,” adding that “everything is accounted for – it’s an accounting practice.”

Councillor James Boone asked for clarification.

Councillor Christine Johnson explained that the intent is to study and Enterprise Fund for the Ambulance service.

President Scott Graves recognized Mayor Hawke.

The Mayor questioned the specifics of the Councillor’s intent and suggested that the question is premature since earlier discussions focused on the need for more data.

Councillor Christine Johnson expressed disagreement with the Mayor, saying “We’re having a conversation and that the Ambulance is a revenue-generating entity.” She added that the study would determine whether an Enterprise Fund would be a good idea.

Councillor Karen Hardern agreed that the study may be premature, noting that the Council is dealing with the need for a new ambulance. She said that sometimes it takes 3 to 5 years to get the service running, so that she would not support the motion to refer.

Councillor Nathan Boudreau said that the Firefighters “are overworked and underpaid, a really, really hard job, so we’re going to throw another thing at them – another thing on their plate? It doesn’t make any sense to me.”

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Councillor James Johnson remarked that the committees could be studying the proposal for a few months and noted that under an Enterprise Fund, the City can go back only two years to recover start-up costs, if that is what it chooses to do.

Councillor Ronald Cormier said that as discussed earlier, the City needs to collect facts, figures and historical data before it can create an Enterprise Fund; otherwise, “it will be done blindly.” He added that with one to one and one-half years data, the City may be in a better position to create the Fund, but at the present time, it may be premature.

Councillor Christine Johnson stated that the Council would not create the Enterprise Fund with the motion, but would open the dialogue with the Fire Department. She added that it is not the intent to add more work to the Fire Department’s plate.

On the motion to refer, five (5) yeas, President Scott Graves and Councillors James Boone, Edward Gravel, Christine Johnson, and James Johnson; five (5) nays, Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, and Elizabeth Kazinskas, the Order did not pass.

Councillor Ronald Cormier reminded Councillors that although the motion to refer did not pass, it does not preclude either Committee from studying the issue.

**Chair’s Participation in Debate (Robert’s Rules of Order)**

Referencing a remark that he made at the prior Regular Meeting, Council President Scott Graves extended an apology to Council Nathan Boudreau for ruling that, as Council President, he could not respond to a specific question raised by the Councillor. The President stated that as Council President, he is able to answer questions like that one that was raised; however, is unable to debate the merits of the question.

**CLOSING PRAYER**

President Graves led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Christine Johnson, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas, to adjourn at 8:09 o’clock p.m.

**Accepted by the City Council:**