

**REGULAR MEETING OF FEBRUARY 21, 2017**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, February 21, 2017.

**CALL TO ORDER**

Council President Ronald Cormier 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 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.

**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".

**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 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 waive reading and to accept the Minutes of the February 6, 2017 Regular Meeting, as printed.

**COMMUNICATIONS FROM THE MAYOR****#9746**

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:

REGULAR MEETING OF FEBRUARY 21, 2017

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**JEFFREY LEGROS** to the position of **CONSERVATION AGENT** for term expiring February 10, 2020.

Worcester, ss.

February 21, 2017

Then personally appeared **JEFFREY LEGROS** and made oath that he would faithfully and impartially perform the duties of **CONSERVATION AGENT** according to law and the best of his abilities.

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

**#9747**

Councillor Scott Graves moved to place on file *A Communication from the Mayor Relative to Establishing a Mayor-Council Ad-hoc Committee*. Councillor James Walsh seconded the motion.

On the motion, Councillor Matthew Vance expressed support for an ad-hoc committee and noted his disappointment with the manner in which discussions on the City Charter ended. He said that there is still more to be discussed and that he hopes that the parties will come to agreement with passing some changes to the Charter. He added that he will look into forming an ad-hoc committee and presenting it to the Council in the future.

Councillor Karen Hardern stated that she was happy that the Council worked together on the Charter, but that she didn't think that forming an ad-hoc committee was a bad idea. She noted agreement with some of Councillor Vance's comments and suggested that the Council could move forward with an ad-hoc committee and choose a few Councillors to work with the Mayor.

On the motion, it was voted viva voce, eight (8) yeas, President Ronald Cormier and Councillors Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Matthew Vance, and James Walsh; three (3) nays, Councillors James Boone, Nathan Boudreau, and Paul Tassone, to place the communication on file.

**#9748**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee met with City Auditor John Richard to review his performance. Mr. Walsh reported that Mr. Richard has progressed well in his position and possesses a good command of the MUNIS system and is working toward certification through the Auditors and Accountants Association, which he anticipates will occur in March, 2018. He said that the City has received positive feedback about Mr. Richard from the City's outside auditors "who have given a good report, according to the Mayor." The Committee's report is favorable of Mr. Richard, Councillor Walsh added, and then placed his name in nomination.

REGULAR MEETING OF FEBRUARY 21, 2017

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Councillor Marc Morgan seconded the nomination.

On a motion by Councillor Scott Graves and seconded by Councillor Nathan Boudreau, 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 close nominations.

On call of the Roll:

Councillor James Boone voting for JOHN RICHARD  
Councillor Nathan Boudreau voting for JOHN RICHARD  
Councillor Craig Cormier voting for JOHN RICHARD  
Councillor Scott Graves voting for JOHN RICHARD  
Councillor Karen Hardern voting for JOHN RICHARD  
Councillor James Johnson voting for JOHN RICHARD  
Councillor Marc Morgan voting for JOHN RICHARD  
Councillor Paul Tassone voting for JOHN RICHARD  
Councillor Matthew Vance voting for JOHN RICHARD  
Councillor James Walsh voting for JOHN RICHARD  
President Ronald Cormier voting for JOHN RICHARD.

Having received eleven (11) votes, John Richard was declared unanimously elected City Auditor for the term expiring February 3, 2020.

Worcester, ss.

February 22, 2017

Then personally appeared **JOHN RICHARD** and made oath that he would faithfully and impartially perform the duties of **CITY AUDITOR** according to law and the best of his abilities.

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

**#9749**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that Councillor Tassone also serves as a timekeeper for basketball games at Gardner High School.

On a motion by Councillor James Walsh and seconded by Councillor Marc Morgan, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Matthew Vance, and James Walsh; one (1) abstention, Councillor Paul Tassone, to adopt the following Measure:

**REGULAR MEETING OF FEBRUARY 21, 2017**

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APPROVAL OF EXEMPTION PURSUANT TO G.L. C.268A, §20(b)  
FINANCIAL INTEREST OF PAUL G. TASSONE  
CONTRACT FOR NON-ELECTED, INTERMITTENT PART-TIME SERVICES

*VOTED:* To approve an Exemption pursuant to G.L. C. 268A, §20(b) in the Matter of a Financial Interest by Paul G. Tassone for a Contract for Non-Elected, Intermittent Part-time Services.

Presented to Mayor for Approval – February 22, 2017  
Approved – March 1, 2017  
MARK P. HAWKE, Mayor

**REPORTS OF STANDING COMMITTEES****PUBLIC WELFARE COMMITTEE****#9722**

The Public Welfare Committee is awaiting the Planning Board's Final Report; accordingly, the 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 I.

**FINANCE COMMITTEE****#9741**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee is seeking more time to continue its evaluation of compensation for both the Mayor's and Councillors' positions. He said that the Council has until late in the year to act on the matter, since it would affect the next term of office for both the Mayor and City Council. He noted that the City Solicitor rendered an opinion a few years ago on the topic which indicated that it isn't really until the fall that the Council has to act on the matter; however, the Committee does not anticipate waiting until then. There being no objections, the Finance Committee was granted more time to report on the Review of Yearly Salaries for Various Positions (§171-66 of the City Code).

**UNFINISHED BUSINESS****#9722**

The City Council is awaiting the Planning Board's Final Report; accordingly, the Council took no action on a Petition by GFA Federal Credit Union to Rezone a Single Parcel at 229 Parker Street from General Residential 3 to Commercial I.



REGULAR MEETING OF FEBRUARY 21, 2017

#9740

Councillor James Walsh moved to pass the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL," TO CHANGE THE COMPENSATION OF THE CITY ENGINEER.

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

Section 1. Section 171-68 of Chapter 171, Personnel, Compensation Schedule 2, of the Code of the City of Gardner, is hereby amended to change the compensation of the City Engineer to read as follows:

A. Department Heads	<u>01/17/17</u>	
	<u>Annual</u>	<u>Weekly</u>
City Engineer	\$80,262.72	\$1,543.51

Section 2. Effective date.

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

Councillor James Johnson seconded the motion.

On the motion, Councillor James Boone stated that his only objection [to the Ordinance] is not to the person or possibly skills [of the person holding the position], but the fact that [the City] is not advertising outside [non-internally] for its leaders. "It's important to give opportunities to others to obtain such positions," he said.

On the motion, it was voted viva voce, ten (10) yeas, President Ronald Cormier and Councillors Nathan Boudreau, Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh; one (1) nay, Councillor James Boone, to pass the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL," TO CHANGE THE COMPENSATION OF THE CITY ENGINEER.

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

Section 1. Section 171-68 of Chapter 171, Personnel, Compensation Schedule 2, of the Code of the City of Gardner, is hereby amended to change the compensation of the City Engineer to read as follows:

A. Department Heads	<u>01/17/17</u>	
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City Engineer	\$80,262.72	\$1,543.51



REGULAR MEETING OF FEBRUARY 21, 2017

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Section 2. Effective date.

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

In City Council – February 6, 2017

Ordered Printed – February 6, 2017

First Printing – February 10, 2017

Ordinance Passed – February 21, 2017

Presented to Mayor for Approval – February 22, 2017

Approved – March 1, 2017

MARK P. HAWKE, Mayor

**#9743**

On a motion by Councillor James Walsh and seconded by Councillor Marc Morgan, it was voted viva voce, nine (9) yeas, President Ronald Cormier and Councillors Craig Cormier, Scott Graves, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh; two (2) nays, Councillors James Boone and Nathan Boudreau, to pass the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 160 THEREOF, ENTITLED “OFFICERS AND EMPLOYEES,” ARTICLE II, ASSISTANT CITY CLERK.

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

Section 1. Section 160-2 of the Code of the City of Gardner is hereby amended to read as follows:

The Office of Assistant City Clerk is established. The City Clerk may appoint two Assistant City Clerks for terms of three years, subject to confirmation by the City Council, who shall be sworn to the faithful performance of duty and, in the absence of the City Clerk, may perform those duties and have the powers and be subject to the requirements and penalties applicable to that office. Nothing contained herein shall be construed to prevent the reappointment of an Assistant City Clerk upon the expiration of the term of office.

Section 2. Section 160-3 Compensation, is amended to read as follows:

The salary of Assistant City Clerk shall be included in the ordinances designating salaries and wages for the City employees.

Section 3. Effective date.

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

REGULAR MEETING OF FEBRUARY 21, 2017

---

In City Council – February 6, 2017  
Ordered Printed – February 6, 2017  
First Printing – February 10, 2017  
Ordinance Passed – February 21, 2017  
Presented to Mayor for Approval – February 22, 2017  
Disapproved – March 1, 2017  
MARK P. HAWKE, Mayor

**NEW BUSINESS**

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 consider New Business.

**#9750**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee met earlier in the evening with Representative Jon Zlotnik and the Executive Director of the Montachusett Veterans Outreach Center (MVOC), the Agency that would be the recipient of the land swap. He said that additional written information will be forthcoming from both Representative Zlotnik and MVOC for the Committee's next meeting, anticipating that the Council would require documentation.

Councillor Walsh moved to refer *A Measure Declaring Surplus for Purpose of Disposal Land and Buildings at Stump Pond* to the Finance Committee for further study and report.

Councillor Marc Morgan seconded the motion.

**DECLARING SURPLUS FOR PURPOSE OF DISPOSAL  
LAND AND BUILDINGS AT STUMP POND**

VOTE: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and any buildings at Stump Pond, further identified on the City of Gardner Assessor's Map as W27-11-2 to establish as a minimum amount of \$1.00 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or a larger amount, and upon such other terms as the mayor shall consider proper in accordance with this Vote.

Citing the Surplus Declaration, Councillor Matthew Vance questioned whether the language, as drafted, would permit anyone to bid on the parcel, potentially jeopardizing the purpose for the disposition.



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**REGULAR MEETING OF FEBRUARY 21, 2017**

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Responding as Chairman of the Finance Committee, President Cormier said that the disposal of Stump Pond “would be a swap” under State law, noting that the State requires an equal or greater value of property to replace the parcel that would be granted to MVOC. He noted that the Stump Pond parcel is considered surplus to the City’s needs and added that it is the Committee’s understanding that Stump Pond should have been conveyed to the State at the same time that Dunn Pond was conveyed.

Councillor Scott Graves remarked that Councillor Vance “is probably correct,” that if somebody bids on the parcel, it could jeopardize the plan to swap properties.

Councillor James Walsh commented that the Councillor posed a fair question, and said that the Finance Committee would seek a definitive answer and then would report back to the Council for its next meeting.

On the motion, 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 Measure to the Finance Committee for further study and report.

### **ANNOUNCEMENTS AND COMMENTS**

#### **Passing of Former Council Candidate Francis “Frank” Jackson**

Councillor Karen Hardern acknowledged the recent passing of Frank Jackson, a Gardner resident and candidate for City Council in recent municipal elections, and expressed her condolences to his wife and family.

#### **Public Safety**

Councillor Nathan Boudreau commented, “Before it was 55° and sunny, it snowed” and “during that time period, the DPW, Police, and Fire all did a pretty bang-up job.”

#### **Passing of Former Deputy Chief of Police Rock Barrieau (#9751)**

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Walsh, 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 send a letter of condolence to the Family of the late Rock Barrieau, former Deputy Chief of Police.

#### **#9722 – A Petition by GFA Federal Credit Union to Rezone a Single Parcel at 229 Parker Street from General Residential 3 to Commercial I.**

Councillor Scott Graves stated that it is his hope that the GFA Federal Credit Union would reimburse the City’s taxpayers for advertising and codification costs to change the zoning



**REGULAR MEETING OF FEBRUARY 21, 2017**

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classification on its parcel of land, since the change only impacts and benefits the GFA. He said that he hopes that the Planning Board would ask the GFA to pay the costs. He added that he is leery of making changes that would affect a single business, citing situation years earlier where a building on Central Street was zoned commercial and the three or four businesses fronting Chestnut Street were zoned Residential, and the City would not help that business to rezone a building.

**CLOSING PRAYER**

President Cormier led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor James Johnson and seconded by Councillor Nathan Boudreau, 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 7:54 o'clock p.m.

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