

**REGULAR MEETING OF MARCH 20, 2017**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, March 20, 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. Ten (10) Councillors were present including President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh. Councillor Scott Graves was absent.

**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, ten (10) yeas, President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to waive reading and to accept the Minutes of the March 6, 2017 Regular Meeting, as printed.

**COMMUNICATIONS FROM THE MAYOR****PRESENTATION BY DR. STEPHEN HEMMEN**

President Ronald Cormier introduced Dr. Stephen Hemmen, former Superintendent of the Narragansett Regional School District and now Special Projects Assistant to Superintendent of School Mark Pellegrino, to make a presentation on the MSBA Waterford Street Elementary School Project.

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Dr. Hemmen informed the Council that this year, the MSBA reviewed seventy to eighty applications or Statements of Interest (“SOI”), and that Gardner was one of only seventeen communities to be invited to the Eligibility Period for the Waterford Elementary School.

He said that the MSBA “is very prescriptive,” citing eight modules in the Module Overview included in the packet. The first Module, he noted, was the “Eligibility Period Schedule of Deliverables,” which outlines various requirements to be met within the 270 day period commencing May 1, 2017 and concluding January 26, 2018, including:

- Initial Compliance Certification.
- School Building Committee (Appointed by the Mayor).
- Educational Profile Questionnaire.
- Online Enrollment Projection.
- Enrollment/Certification Executed.
- Maintenance and Capital Planning Information.
- Local Vote Authorization.
- Feasibility Study Agreement

Dr. Hemmen stated that the next phase of the Project is to determine the cost of the Feasibility Study, which he will address with the City Council in May or June.

**#9760**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted unanimously to recommend that the Council confirm the appointment of Duncan Burns who, in the opinion of the Finance Committee, has done a fine job over many years of service as a member of the Conservation Commission.

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, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to confirm the following appointment received from the Mayor:

**DUNCAN H. BURNS** to the position of **MEMBER, CONSERVATION COMMISSION**, for term expiring February 28, 2020.

Worcester, ss.

March 21, 2017

Then personally appeared **DUNCAN H. BURNS** and made oath that he would faithfully and impartially perform the duties of **MEMBER, CONSERVATION COMMISSION** according to law and the best of his abilities.

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Before me,  
/s/ John A. Olivari, Assistant City Clerk

**#9761**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted unanimously to recommend that the Council confirm the appointment of John Olivari to the position of Assistant City Clerk. He said that Mr. Olivari is the appointee to the position that the Council, by Ordinance, created and which was authorized by special legislation, as passed by the legislature and signed by the Governor. He added that the City Clerk feels confident that the appointee is qualified to serve in the position.

Councillor Walsh then moved to confirm the appointment. Councillor Marc Morgan seconded the motion.

On the motion, Councillor Boudreau said that he was adamantly against [creating the position] because he felt that it was not needed and the funding might not be correct, but [that] I am adamantly in favor of [confirming] Mr. Olivari. "I watched him over the past four years and grow in his position and become an incredibly professional clerk and employee. I will be voting in favor tonight because now it is time to vote for the people that are qualified to fill the position."

Councillor Matthew Vance stated that when the Council voted to override the Mayor's disapproval [of the Ordinance], there was a question [at that time] that if the Union had a concern and wanted to impact bargain the position, it would happen at the time that an appointment was made. "If the Union has an issue with this, would it happen before the Council confirms the appointment or [to] confirm and then wait to see what happens?"

Councillor Walsh replied, saying that the sequence is that once the appointment is made and "the impact occurs," then the impact bargaining would ensue at that point. "Right now, there is no impact if an appointment has not been made, but once the appointment is made, then that would create the impact, [at which point] the bargaining would occur," he said.

Councillor James Boone stated that he, too, was opposed to funding the position as he did not believe that another \$7,000 was appropriate at this time, adding that he has nothing personal against Mr. Olivari. He said, "Where is the money coming from and, secondly, if we do have to impact bargain, is that an additional cost?"

Councillor Walsh replied, stating that [the cost] would depend on the result of "impact bargaining" and that the Mayor does the bargaining. He said that the position of Assistant City Clerk was "impact bargained" before, resulting in its removal from the Union by agreement with the Union. "So," he said "that will play into the fact that this is a second



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[Assistant City Clerk] position and, if there is a cost to it, [then] the last time the Council played no role in it.” He concluded by saying “At this point, I don’t think that we’re in a position to know exactly what, if any, cost [that] there might be, as the ‘impact bargaining’ has not yet occurred.”

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, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to confirm the following appointment received from the City Clerk:

**JOHN A. OLIVARI** to the position of **ASSISTANT CITY CLERK** for term expiring March 20, 2020.

Worcester, ss.

March 21, 2017

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

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

**#9762**

Councillor Paul Tassone, Chairman of the Public Safety Committee, reported that the Committee met earlier in the evening and was informed that the temporary traffic pattern has not experienced any problems; therefore, the Committee voted to recommend that the temporary pattern be changed to a permanent pattern.

On a motion by Councillor Paul Tassone and seconded by Councillor Matthew Vance, on recommendation of the Public Safety Committee, it was voted viva voce, ten (10) yeas, President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED “VEHICLES AND TRAFFIC,” OBEDIENCE TO ISOLATED STOP SIGNS AND ISOLATED YIELD SIGNS.

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

Section 1. The Code of the City of Gardner is hereby amended by adding to Section 600-54, Obedience to Isolated Stop Signs, the following:



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Stop Street	Direction of Travel	For Traffic Entering
South Main Street	Southbound	Kendall Street
South Main Street	Westbound	Travers Street

Section 2. The Code of the City of Gardner is further amended by striking from Section 600-55, Obedience to Isolated Yield Signs, the following:

Yield Street	Direction of Travel	At Intersection of
South Main Street	Southbound	Kendall Street

Section 3. This Ordinance shall take effect upon passage and publication as required by law.

*FIRST PRINTING – March 24, 2017*

**REPORTS OF STANDING COMMITTEES**

**FINANCE COMMITTEE**

**#9741**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee is requesting more time, as the City Clerk is collecting Mayoral and Council salary information from communities with comparable municipal operating budgets and other appropriate data for the Committee's consideration. He added that the Committee would also seek an opinion from the City Solicitor to ascertain whether it is lawful, under applicable statutes and the State Constitution, to adjust the Mayor's and Councillors salaries based on CPI indexing or other factors.

Councillor Walsh continued, noting that in the Mayor's recommendations "with regard to the amount that he feels is appropriate for an adjustment to the Mayor's salary," one of the communities that the Mayor included was the City of North Adams. He said that the North Adams Mayor's salary was listed approximately \$129,500; however, after an inquiry by the City Clerk, "it turns out that the Mayor's figure was an amount for the entire salary budget for the City's Executive Department, not just the Mayor." "And", he said, "The appropriate number [salary] for the Mayor, alone, is roughly \$84,500." Councillor Walsh concluded his report by saying that the Committee has a number of months remaining in which to report to the Council on the matter, adding that any adjustments will not become effective until the next calendar year following the 2017 City Election.

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).

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**#9755**

Reporting for the Finance Committee, Councillor Walsh informed the Council that the Committee met with Community Development & Planning Director Trevor Beauregard and expressed concern that although the [consulting services] contract is exempt from Chapter 30B bidding requirements, a Request for Proposals was issued to only three potential vendors and only one responded. He said that the Committee questioned whether other methods are available to the City for bidding the project in order to obtain more than one response. He said that he inquired with the Purchasing Director about other methods and was advised that there are other methods available, so the Committee addressed options with the Mr. Beauregard. He said that Mr. Beauregard is agreeable to initiating a [procurement] process similar to bidding through the Purchasing Department in order to obtain additional bids.

Councillor Walsh concluded his report by saying that the Finance Committee voted to request that the Mayor ask for leave to withdraw the Order while the bidding process moves forward which, he noted, might take approximately 60 days. The Committee expects to make the request of the Mayor at its next meeting and is hopeful to have the Mayor's request for Leave to withdraw the money order, he added.

There being no objections, the Finance Committee was granted more time to report on AN ORDER APPROPRIATING FROM FREE CASH TO COMMUNITY DEVELOPMENT & PLANNING, ZONING CODE UPDATE ACCOUNT.

**COMMITTEE OF THE WHOLE****#9758**

President Ronald Cormier informed the Council that he is requesting more time, as he has some questions [concerning the measure] that he hopes to resolve with the City Solicitor. There being no objections, the Committee of the Whole was granted more time to report on a RESOLUTION CREATING AN AD-HOC COMMITTEE OF THE GARDNER CITY COUNCIL TO MAKE RECOMMENDATIONS ON THE CITY CHARTER.

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

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO CHANGE THE CLASSIFICATION OF A PORTION OF A CERTAIN PARCEL OF LAND LOCATED AT 229 PARKER STREET.

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

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Section 1. Chapter 675 is hereby amended to change the classification from General Residential III to Commercial I for a portion of a certain parcel of land situated north of Parker Street, further described as follows:

Beginning at the southwesterly corner thereof in the northerly line of Parker Street at the property line between land now or formerly of the City of Gardner and land now or formerly of the Gardner Franco-American Credit Union;

Thence, northwesterly along the property line between land now or formerly of the City of Gardner and land now or formerly of the Gardner Franco-American Credit Union, a distance of 191.88 feet to a corner of land now or formerly of the City of Gardner and land now or formerly of Gardner Franco-American Credit Union;

Thence, easterly along the property line of land now or formerly of the Gardner Franco-American Credit Union, a distance of 222.73 feet to a corner of land now or formerly of Gardner Franco-American Credit Union and land now or formerly of Century West Real Estate Trust;

Thence, southeasterly along the property line now or formerly of the Gardner Franco-American Credit Union, a distance of 109.39 feet to a corner of land now or formerly of Gardner Franco-American Credit Union and land now or formerly of the Acadian Social Club, Inc.;

Thence, south along the property line now or formerly of the Gardner Franco-American Credit Union, a distance of 158.98 feet to the northerly line of Parker Street;

Thence, westerly by said line of Parker Street at distance of 314.88 feet to the point of beginning.

Section 2. This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.

In City Council – December 19, 2016

Ordered Printed – March 6, 2017

First Printing – March 10, 2017

Ordinance Passed – March 20, 2017

Presented to Mayor for Approval – March 21, 2017

Approved – March 21, 2017

RONALD F. CORMIER, Acting Mayor<sup>[1]</sup>

FINAL PRINTING – March 27, 2017

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[1] Mayor Hawke filed with the City Clerk a Disclosure of Appearance of Conflict of Interest as Required by G.L. c. 268A, § 23(b)(3), explaining that he is a member of the Board of Directors of the GFA Federal Credit Union and that the zoning amendment reclassifies a parcel of land upon which the Credit Union will undertake a facility expansion.

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**NEW BUSINESS**

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Johnson, it was voted viva voce, ten (10) yeas, President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to consider New Business.

**ANNOUNCEMENTS AND COMMENTS****Public Safety Report**

Councillor Paul Tassone, Chairman of the Public Safety Committee, reported that on February 7, 2017, seven firefighters graduated from the State Firefighting Academy and that two graduated on March 15, 2017. He also reported that the Fire Department's BLS Ambulance, which commenced on March 1, responded to 93 medical calls and 69 transports. He added that the Fire Chief reported that it is going extremely well and that there are no issues.

Councillor Tassone also reported that the Chief of Police informed the Committee that Deputy Chief of Police John Bernard was accepted into the FBI National Academy in Quantico, Virginia for a ten-week summer program.

**DPW New Buildings Project**

Councillor James Boone stated that he found a recent news story about the new DPW buildings as "disturbing" since it was reported that the project is estimated to exceed the appropriation by \$1 Million.

**Request for Proposal/Zoning**

Councillor Boone said that a local resident sent an e-mail to the City Council asking how the City goes out for a Request for Proposal when it doesn't have the approval of the Zoning Board. He said that he did not understand it, but wasn't on the Committee when the vote was taken. He welcomed any response as to how the process works.

In response to Councillor Boone's inquiry, Councillor James Walsh stated that "bidding a project is one thing, but awarding a contract is another." He said that he would anticipate that a contract would not be awarded until the necessary zoning board approvals are obtained, or the alternative, that the contract would be awarded subject to obtaining final approvals.

**East Broadway/Newton Street Utility Pole**

Councillor Marc Morgan expressed dismay that over a year ago, the City Council adopted an Order on the Petition of National Grid to relocate a utility pole from the center of Newton





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Street (at the intersection of East Broadway), but that the pole remains on Newton Street. He noted, however, that the wiring was relocated to other poles.

**#9761, Assistant City Clerk Ordinance**

In response to Councillor Boone's inquiry concerning the second Assistant City Clerk and the question that "impact bargaining" that might originate as a result, Councillor James Walsh stated "The Mayor is the person who would represent the City in any such bargaining and we all know that he is a very shrewd bargainer, so I anticipate that the cost, if any, will be minimal."

**MSBA Waterford Street Elementary School Project Presentation**

President Ronald Cormier expressed appreciation to Dr. Stephen Hemmen for presenting the MSBA Elementary School Project to the Council and the public on its progress.

**Holy Family Academy Student Government Week Programs**

President Ronald Cormier announced that the Holy Family Academy students held a mock City Council meeting that morning in the Council Chamber, noting the spirited and enthusiastic debate. He also extended an invitation to all Councillors to attend the Holy Family Academy Student Government Day Assembly on Wednesday, March 22 at 9:15 a.m. in the Church Hall.

**CLOSING PRAYER**

President Cormier led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Paul Tassone and seconded by Councillor Craig Cormier, it was voted viva voce, ten (10) yeas, President Ronald Cormier and Councillors James Boone, Nathan Boudreau, Craig Cormier, Karen Hardern, James Johnson, Marc Morgan, Paul Tassone, Matthew Vance, and James Walsh, to adjourn at 8:02 o'clock p.m.

**Accepted by the City Council: *April 3, 2017***