

**REGULAR MEETING OF APRIL 2, 2018**

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, April 2, 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. Eleven (11) 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, Elizabeth Kazinskas, and James Walsh.

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 Christine Johnson and seconded by Councillor Nathan Boudreau, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the March 19, 2018 Regular Meeting, as printed.

PETITIONS, APPLICATIONS, ETC.**#9906**

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer to the Public Safety Committee for study and report an *Application by ecoATM, LLC for Renewal of a License to Deal in Second Hand Articles at 677 Timpany Boulevard.*

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#9907

On a motion by Councillor James Johnson and seconded by Councillor James Walsh, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer to the Public Safety Committee for study and report an *Application by Gardner Coins & Cards, Inc. for Renewal of a License to Deal in Second Hand Articles at 13 Pleasant Street.*

#9908

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer to the Public Safety Committee for study and report *An Application by Gardner Ten Pins, Inc., 560 West Broadway, for Renewal of a Bowling Alley License.*

#9909

On a motion by Councillor Christine Johnson and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer to the Public Welfare Committee for study and report and to the Planning Board for review a *Petition by Cedar Hills Solar Portfolio to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Expand the West Street Solar Photovoltaic Overlay District.*

REPORTS OF STANDING COMMITTEES**PUBLIC SERVICE COMMITTEE AND PUBLIC WELFARE COMMITTEE, JOINTLY****#9905**

Public Welfare Committee Chair Christine Johnson and Public Service Committee Chair Nathan Boudreau reported that their respective Committees had not yet met on the Ordinance. There being no objections, the Public Service Committee and Public Welfare Committee were granted more time to report on AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING A NEW CHAPTER TO BE ENTITLED "SCENIC ROADS."

PUBLIC WELFARE COMMITTEE**#9898**

With a Public Hearing scheduled for April 9, 2018, the Committee was granted more time to report on *Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," by Adding a Solar Photovoltaic Overlay District off Lovewell Street.*

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COUNCIL AS COMMITTEE OF THE WHOLE**#9899**

With a Public Hearing scheduled for April 9, 2018, the Committee of the Whole was granted more time to report on *An Ordinance to Amend the Code of the City of Gardner by Deleting and Repealing Chapter 675 Thereof, "Zoning," and Replacing it With a New Chapter 675, to be Entitled "Zoning."*

UNFINISHED BUSINESS**#9898**

There being no objections, the Planning Board was granted more time to issue its Report and Recommendation on *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," by Adding a Solar Photovoltaic Overlay District off Lovewell Street.*

#9899

There being no objections, the Planning Board was granted more time to issue its Report and Recommendation concerning *An Ordinance to Amend the Code of the City of Gardner by Deleting and Repealing Chapter 675 Thereof, "Zoning," and Replacing it With a New Chapter 675, to be Entitled "Zoning."*

#9904

On a motion by Councillor Edward Gravel and seconded by Councillor James Johnson, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to pass the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 567 THEREOF, ENTITLED "STREETS AND SIDEWALKS," TO PROHIBIT THE DEPOSIT OF SNOW OR ICE ON PUBLIC PROPERTY.

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

Section 1. Section 567-30 of Chapter 567, Streets and Sidewalks, of the Code of the City of Gardner, is hereby amended by deleting and repealing the first sentence in its entirety and inserting in place thereof, the sentence "No person shall remove snow, slush or ice from privately owned real property and place it upon any public sidewalk, street, or public property."

Section 2. Effective date.

This ordinance shall become effective upon passage.



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In City Council – March 19, 2018
Ordered Printed – March 19, 2018
First Printing – March 23, 2018
Ordinance Passed – April 2, 2018
Presented to Mayor for Approval – April 3, 2018
Approved – April 3, 2018
MARK P. HAWKE, Mayor
FINAL PRINTING – April 6, 2018

NEW BUSINESS

On a motion by Councillor Nathan Boudreau and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

ANNOUNCEMENTS AND COMMENTARY**Holy Family Academy “Mock” City Council Meeting**

Councillor Nathan Boudreau commended the students of Holy Family Academy for their fine performance at the recent “Mock” City Council Meeting. He also commended Councillor Ronald Cormier for his continuing efforts to organize the annual Student Government Program at Holy Family Academy.

President Scott Graves commended Councillor Ronald Cormier for directing the Student Government Week Program for decades which, he said is a lot of work; has been a great tradition for 38 years; and, is named in honor of J. Ulysse Cormier.

#9898

Councillor Christine Johnson informed the Council that the Planning Board has scheduled a “site walk” for Thursday, April 5 at 5:00 p.m. on the property of the proposed Solar Overlay District on Lovewell Street and invited Councillors to participate. She noted, however, that the property is private and therefore, the public is not invited.

Proposition 2½ Override/School Department Budget

Councillor Christine Johnson commented on a potential Proposition 2½ Override election to address a reported \$1.8 million [FY2018] School Department Budget deficit. She said that she questioned School Department officials about their budget, including FY2017 unspent funds that reverted to “Free Cash” at the close of the year, adding that she was told that “nothing was unexpended.” Councillor Johnson said that when she received a report from the Auditor, it indicated that \$200,927 was sent back to the City in Free Cash that as certified for the FY2017 year.

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Continuing, Councillor Johnson said that she also requested information concerning the “Circuit Breaker” and “the amount that was actually in the account.” Subsequent to sharing that information with Councillors, she said that she received other information that indicated that the amount was much less than what was included in the previous communication. She said that the Council may wish to consider auditing the books, suggesting that “there are a lot of inconsistencies going around,” adding that the School Business Administrator is retiring and that the job has been posted. “We owe it to the taxpayers ... to take a closer look at the books,” she said.

Councillor James Walsh informed the Council that he heard rumors of a potential override to fund a portion of the School budget for the next fiscal year and commended Councillor Christine Johnson for “her efforts to cast light on the Department’s budgetary issues.” He said that “it is amazing to me to think that under all of the circumstances that we’ve encountered over the past several budget years that we would now have to be looking at a potential override – not a debt exclusion – but an override, which will be carried year after year – in order to properly fund the School Department budget.”

Councillor Walsh continued his remarks by saying that for a number of years, the City has “taxed under its levy limit and not appropriated all that it could,” adding “The Mayor has taken great credit for having kept it under, ascribed it to his efforts to keeping our tax burden down. And now we see that the budget for the school department is underfunded and that a potential override may be necessary.” He continued, saying “And this is in anticipation of what is expected to be a debt exclusion initiative in the next year or two for the building of a new grammar school.” He said that he shares the concerns of others on the Council for the burden that this kind of budget management could have if it [override] passed. “The history of overrides passing is not good and that there’s good reason for that.” He cited the debt exclusion ballot question for the Middle School which, he said, did not pass. He noted that the City was able to fund the [Middle School] loan from “its normal appropriations and borrowing abilities,” which, he added, “Is the route that the Council should be taking at this time.”

Mr. Walsh concluded by saying that it may be premature “since the Council hasn’t looked at anything specific, any justification or explanation for it,” but “will look forward with skepticism until receiving such information.”

Bandstand Committee

Councillor Edward Gravel said that he would “like to give a ‘shout out’ to our new sponsor coordinator for the Bandstand Committee, which is an ‘all volunteer committee’ that I happen to be part of.” He noted that he has a letter from the GFA [Credit Union] that says

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“they will come on board and support us and they plan to do a check presentation.” He thanked Buddy Ducharme for “stepping up to do the job that I used to do.”

Community Events

Councillor Edward Gravel informed the Council that the Leo Club sponsored an Easter Egg Hunt in Perry Auditorium and that there was an Easter Egg Hunt event at Ovila Case Playground for “Team Jose Autism Awareness.”

CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Edward Gravel and seconded by Councillor Christine Johnson, it was voted viva voce, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 7:49 o'clock p.m.

Accepted by the City Council: *April 17, 2018*