

**REGULAR MEETING OF APRIL 17, 2018**

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, April 17, 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 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 waive reading and to accept the Minutes of the April 2, 2018 Regular Meeting, as printed.

MEASURE TAKEN OUT OF ORDER**#9912**

President Graves recommended that #9912 be taken out of order, since action on Calendar Nos. 9910 and 9911 are dependent on the Council's action on this measure. There were no objections.



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Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted to recommend that the Order be referred to the Council as Committee of the Whole for further study.

Councillor Ronald Cormier moved to refer the Special Election Order to the Council as Committee of the Whole.

Councillor James Walsh seconded the motion.

On the motion, Councillor Nathan Boudreau said that it doesn't make sense to delay the process and a decision.

Councillor Boone agreed that the School Department should present its budget to the City Council and then the Council can discuss whether to pursue an override.

Councillor Christine Johnson noted that the Mayor has not yet submitted his Budget recommendations to the City Council and that she just received spreadsheets from the School Department. She said that the DOR FY2016 Report indicates that there were errors in the School Budget that she has not yet received the FY2017 Audit, and that the Council must make sure that there is a real need.

Councillor James Johnson agreed that the Council, in Committee of the Whole, should hear the School Budget presentation on the 23rd.

Councillor James Walsh expressed hope that an informal meeting would allow the Council to discover potential alternative financing such as the availability of Free Cash, use of Stabilization funds, and other options, such as reductions in the municipal budget, particularly before seeking additional tax dollars from the taxpayers. He noted that if an override passed, the funds would only be earmarked from one year and could be allocated for other means in ensuing years.

Councillor Boudreau said that the Council "can't just jerry rig" the School Budget, adding that the schools "are in peril" and that there needs to be a more serious way to address the problem.

Councillor Christine Johnson expressed disagreement with Councillor Boudreau's comment that the Council is "jerry rigging the School budget." She said that the Council has not received a presentation of the School Budget and that as the legislative branch; the Council must have a good reason to pursue an override. She added that in her time on the School Committee, she witnessed budget reductions and restorations in the same year.



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Councillor Edward Gravel stated that he is not too concerned about the \$100 tax increase of the override passed, but that he is looking at the bigger picture. He cited the growing senior citizen population as a concern, noting that the City must keep them in their homes.

On the motion, 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 Council as Committee of the Whole the following:

CITY OF GARDNER, MASSACHUSETTS
SPECIAL ELECTION ORDER
JUNE 12, 2018

VOTE: That meetings of the citizens of this City qualified to vote shall be held on TUESDAY, the TWELFTH DAY of JUNE, 2018 for the purpose of casting their votes in response to the following Question:

Shall the City of Gardner be allowed to assess an additional \$700,000.00 in real estate and personal property taxes for the purposes of funding the School Department for the fiscal year beginning July 1, 2018?

Yes

No

It is further ordered that the following polling places are designated by this Council:

WARD 1, PRECINCT A – Elk’s Home, 31 Park Street

WARD 1, PRECINCT B – Elk’s Home, 31 Park Street

WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 West Lynde Street

WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 West Lynde Street

WARD 3, PRECINCT A – Acadien Social Club, 193 Parker Street

WARD 3, PRECINCT B – High Rise Community Room, 104 Church Street

WARD 4, PRECINCT A – Gardner Police Headquarters, 200 Main Street

WARD 4, PRECINCT B – Gardner Police Headquarters, 200 Main Street

WARD 5, PRECINCT A – Knights of Columbus, 110 South Main Street

WARD 5, PRECINCT B – Knights of Columbus, 110 South Main Street

It is further ordered that the polls shall open at 7:00 o'clock in the morning and close at 8:00 o'clock in the evening.



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COMMUNICATIONS FROM THE MAYOR**#9910**

On a motion by Councillor Ronald Cormier 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 the following Order to the Council as Committee of the Whole for study and report:

AN ORDER APPROPRIATING FROM FREE CASH TO ELECTIONS AND REGISTRATIONS, WAGES.

ORDER: That there be and is hereby appropriated the sum of Fourteen Thousand One Hundred Fifty Dollars and No Cents (\$14,150.00) from Free Cash to Elections and Registrations, Wages.

#9911

On a motion by Councillor Ronald Cormier 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 the following Order to the Council as Committee of the Whole for study and report:

AN ORDER APPROPRIATING FROM FREE CASH TO ELECTIONS AND REGISTRATIONS, EXPENSES.

ORDER: That there be and is hereby appropriated the sum of Four Thousand Two Hundred Fourteen Dollars and No Cents (\$4,214.00) from Free Cash to Elections and Registrations, Expenses, detailed below:

Communications	\$ 445.00
Professional Services	3,369.00
Office Supplies	400.00

PETITIONS, APPLICATIONS, ETC.**#9913**

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee reviewed the application and voted to recommend that the License be granted.

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

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Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to grant GameStop, Inc. a License to Deal in Second Hand Articles at 376 Timpany Boulevard for the period May 1, 2018 through April 30, 2019.

#9914

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee reviewed the application and voted to recommend that the License be granted.

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 grant The Salvation Army a License to Deal in Second Hand Articles at 8 Union Square for the period May 1, 2018 through April 30, 2019.

#9915

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee reviewed the application and voted to recommend that the License be granted.

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 grant HOPEful Boutique a License to Deal in Second Hand Articles at 33 Parker Street for the period May 1, 2018 through April 30, 2019.

#9916

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee reviewed the application and voted to recommend that the License be granted.

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 grant a Bowling Alley License to Brian's Bowlaway, Inc., 123 Main Street, for the period May 1, 2018 through April 30, 2019.

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REPORTS OF STANDING COMMITTEESPUBLIC SERVICE COMMITTEE & PUBLIC WELFARE COMMITTEE**#9905**

Councillor Christine Johnson, Chairperson of the Public Welfare Committee, informed the Council that a joint meeting with the Public Service Committee is tentatively scheduled for April 30, 2018 to discuss *An Ordinance to Amend the Code of the City of Gardner by Adding a New Chapter to Be Entitled "Scenic Roads."* She requested that the Council grant to the Committees more time to study the Measure. There being no objections, the Committees were granted more time.

PUBLIC SAFETY COMMITTEE**#9906**

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee reviewed the application and voted to recommend that the License be granted.

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 grant ecoATM, LLC a License to Deal in Second Hand Articles at 677 Timpany Boulevard, for the period May 1, 2018 through April 30, 2019.

#9907

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee reviewed the application and voted to recommend that the License be granted.

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 grant Gardner Coins & Cards, Inc. a License to Deal in Second Hand Articles at 13 Pleasant Street for the period May 1, 2018 through April 30, 2019.

#9908

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee reviewed the application and voted to recommend that the License be granted.



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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 grant a Bowling Alley License to Gardner Ten Pins, Inc., 560 West Broadway for the period May 1, 2018 through April 30, 2019.

PUBLIC WELFARE COMMITTEE**#9898**

Councillor Christine Johnson, Chairperson of the Public Welfare Committee, informed the Council that the Committee met on April 11 and voted 2 to 1 to recommend passage of the Ordinance amendment, adding that the Planning Board also voted to recommend passage. She said that there are still a number of unanswered questions, so she moved to refer to the Council as Committee of the Whole *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.*

Councillor James Walsh seconded the motion.

On the motion, Councillor James Boone stated that he was on vacation and unable to attend the public hearing, so he would support the motion to refer.

Councillor Elizabeth Kazinskas questioned the legislative process beyond action of the Council in Committee of the Whole.

President Graves said that the Council will discuss the Ordinance informally in Committee of the Whole and then the Council may act on the Measure at a regular meeting.

Councillor James Walsh suggested that the petitioners be invited to attend the meeting in order to respond to a number of questions and comments that were raised during the hearing.

On the motion, it was voted viva voce, ten (10) yeas, President Scott Graves and Councillors James Boone, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh; one (1) nay, Councillor Nathan Boudreau, to refer to the Council as Committee of the Whole *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.*



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#9909

There being no objections, the Public Welfare Committee was granted more time to study and report on *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.*

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

President Graves informed the Council that a meeting of the Committee of the Whole would be scheduled. 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**

The Final Report of the Planning Board was received on the 17th relative to *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."*

NEW BUSINESS

On a motion by Councillor Nathan Boudreau 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 consider New Business.

ANNOUNCEMENTS AND COMMENTARY**Proposition 2½ Override/School Department Budget**

Councillor James Boone said that Councillors are all supportive of the Schools, but that it is premature to send the question to the voters and that it is prudent to meet in Committee of the Whole.



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Councillor Nathan Boudreau said that Councillors are forwarding a message to a large population of people that rent, suggesting that they don't pay taxes directly, but that it goes through their landlords.

Councillor Christine Johnson suggested that no slight was intended to those residents that are renters, as all are taxpayers and that all are affected if property taxes increase.

Councillor Edward Gravel said that he was a renter for years and that property taxes continue to rise, he is very concerned for senior citizens. He added that Councillors are mindful of the school department's budget situation but that the process should not be rushed.

Councillor James Walsh congratulated the Superintendent and his staff for their efforts to make positive changes in the School Department, but expressed concern as to whether an override, which is a permanent property tax increase, is the path to take. He noted that at the recent School Budget Public Hearing, the Mayor encouraged people to send letters to Councillors in support of an override with their suggestions and concerns about staff cuts. Councillor Walsh stated that the City Council makes no decisions about staffing and only votes "on the bottom line." He added that it is the roles of the School Committee and the School Administration for make staffing decisions and that the City Council has not yet received the Mayor's Recommendations for the Municipal Budget for FY2019.

Councillor Ronald Cormier stated that the Council role is "subtractive" and that any override is earmarked for only the first year, which must be taken into consideration.

Fire Department

Councillor James Johnson reported that the Public Safety Committee met earlier in the evening and that Engine One's pump replacement is nearly completed and that if a grant is not awarded to replace Engine 3, then its replacement cost will eventually fall to the City at a cost of half-million dollars.

Council Issues

President Scott Graves informed the Council that three issues are currently facing the Council – the Zoning Code Update; the Budget; and, the Proposition 2½ Override questions. He noted that these issues cannot be handles hastily and that all stakeholders will be invited to participate in sessions of Committee of the Whole.



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Community Events

President Scott Graves informed the Council that he attended a recent event at *The Gardner Museum* which featured a lecture by former City Engineer Arthur Young. He said that Mr. Young informed attendees of projects that he was involved with back on the 1970's through the 1990's.

President Scott Graves announced Earth Day activities scheduled for Saturday, April 21, 2018 and a Ribbon Cutting scheduled for Tuesday, April 24 at 2:00 p.m. at the Gardner Rehabilitation and Nursing Center on Eastwood Circle.

CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Christine 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 adjourn at 8:17 o'clock p.m.

Accepted by the City Council: *May 7, 2018*