

**REGULAR MEETING OF JUNE 4, 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, June 4, 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. Nine (9) Councillors were present including President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh. Councillors Christine Johnson and James Johnson were 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 James Walsh and seconded by Councillor Edward Gravel, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the May 21, 2018 Regular Meeting, as printed.

**PUBLIC HEARING**

**#9929**

President Graves recognized Councillor Nathan Boudreau.

Councillor Nathan Boudreau, Chairman of the Public Service Committee, reported that the Service Committee is scheduled to meet on Thursday, June 7 to discuss the Petition. He then requested that the Committee be granted more time.

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President Graves then opened the Public Hearing on *A Petition by National Grid to install one (1) solely-owned pole on Parker Street beginning at a point approximately 162' northeast of the centerline of the intersection of Marquette Street.*

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

Kim Tavallaimola, representing National Grid, testified that the new pole will provide the GFA Federal Credit Union with 400 amp service.

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

There being none, the President called twice 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.

President Graves called for a Report from the Public Service Committee.

Citing no opposition to the Petition, Councillor James Walsh, through the Chair, asked if the Committee Chairman, Councillor Boudreau, would have no objection to discharging the Petition from Committee, absent a Committee Report, in order for the City Council to immediately vote on the matter.

Councillor Boudreau expressed no opposition.

On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig Cormier, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to Discharge the Petition from the Public Service Committee.

On a motion by Councillor James Walsh and seconded by Councillor Nathan Boudreau, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to grant the Petition and 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:



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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 8<sup>th</sup> day of May, 2018.

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 – Parker Street – Gardner – Massachusetts.

No. 26026894..... Dated: May 8, 2018 - 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:-

PARKER STREET - National Grid to install one (1) solely-owned pole on Parker Street beginning at a point approximately 162 feet northeast of the centerline of the intersection of Marquette Street. National Grid to install a new solely-owned 45 foot pole number 13-50. This pole is needed for new electrical service to be delivered to the downsized property located at 229 Parker 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.

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENT**

**#9933**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Finance Committee voted to recommend confirming Mr. LeBlanc to the Board of Assessors, where he has served as a member for many years.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to confirm the Mayor’s Appointment of Charles R. LeBlanc to the position of Member, Board of Assessors, for term expiring May 21, 2021.



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Worcester, ss.

June 12, 2018

Then personally appeared **CHARLES R. LEBLANC** and made oath that he would faithfully and impartially perform the duties of **MEMBER, BOARD OF ASSESSORS**, according to law and the best of his abilities.

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

Worcester, ss.

June 12, 2018

Then personally appeared **CHARLES R. LEBLANC**, having been chosen to assess taxes and estimate the value of property for the purpose of taxation for the City of Gardner for the years ensuing, made oath that he would truly and impartially, according to his best skill and judgment, assess and apportion all such taxes as he may during that time assess; that he would neither overvalue nor undervalue any property subject to taxation, and would faithfully perform all the duties of said office.

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

**ORDERS****#9934**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee was informed that the prior Auditor posted but failed to transfer funds authorized by the three Orders; therefore, the City's Outside Auditor recommended that the City Council ratify and affirm its actions on all three Orders.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to adopt the following Measure:

A MEASURE RATIFYING AND AFFIRMING APPROPRIATIONS  
FROM SEWER SURPLUS TO SEWER DEPARTMENT, FACILITY  
PLAN AND DESIGN, HEADWORKS DESIGN, AND OWNERS  
PROJECT MANAGER WWTF.

*VOTED:* To Ratify and Affirm Appropriations from Sewer Surplus to Sewer Department, as follows:

ORDER NO. 12651, AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER DEPARTMENT, FACILITY PLAN & DESIGN.

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ORDERED: That there be and is hereby appropriated the sum of Three Hundred Sixty Three Thousand Six Hundred Dollars and No Cents (\$363,600.00) from Sewer Surplus to Sewer Department, Facility Plan & Design.

ORDER NO. 12664, AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER, HEADWORKS DESIGN.

ORDERED: That there be and is hereby appropriated the sum of Three Hundred Sixty Eight Thousand Five Hundred Dollars and No Cents (\$368,500.00) from Sewer Surplus to Sewer, Headworks Design.

ORDER NO. 12669, AN ORDER APPROPRIATING FROM SEWER SURPLUS TO SEWER, OWNERS PROJECT MANAGER WWTF.

ORDERED: That there be and is hereby appropriated the sum of Two Hundred Fourteen Thousand Seven Hundred Eighty Dollars and No Cents (\$214,780.00) from Sewer Surplus to Sewer, Owners Project Manager WWTF.

Presented to Mayor for Approval –June 5, 2018

Approved – June 5, 2018

MARK P. HAWKE, Mayor

**#9935**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted on call of the roll, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO THE SCHOOL E-RATE EXPENSES ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Ninety-Three Thousand Dollars and No Cents (\$93,000.00) from Free Cash to the School E-Rate Expenses Account.

Presented to Mayor for Approval –June 5, 2018

Approved – June 5, 2018

MARK P. HAWKE, Mayor

**#9936**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend passage, saying that the bids for the Dog Park were high. As a result, he said, the Mayor and DPW are working to restructure the project in a way that would reduce the potential cost by having City departments perform a portion of the work. Councillor Walsh stated that the Stanton Foundation, contributor of 90% of the

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construction cost (up to \$250,000.00), remains interested in the project, notwithstanding the high bids, and that the Mayor desires to commit \$25,000.00 from FY2018 Free Cash to cover any additional costs. He noted, too, that there is an earmark in the State Senate's Budget for \$30,000 for Pulaski Park/Dog Park; however, it is uncertain whether the earmark will be included in the final State Budget. He added that if the earmark is included in the State Budget, it can be used for improvements to Pulaski Park, not just for a Dog Park.

Councillor Nathan Boudreau informed the Council that the Senate Budget earmark has not yet been vetted by the Senate-House Conference Committee and its fate is uncertain.

Councillor Edward Gravel questioned how the Dog Park will be maintained once it is completed, citing availability of manpower and related costs.

Responding for the Finance Committee, Councillor Ronald Cormier stated that the Committee did not inquire about long-term maintenance of the Dog Park.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted on call of the roll, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO CITY CAPITAL PROJECT. – DOG PARK.

ORDERED: That there be and is hereby appropriated the sum of Twenty Five Thousand Dollars and No Cents (\$25,000.00) from Free Cash to the City Capital Project – Dog Park.

Presented to Mayor for Approval – June 5, 2018

Approved – June 5, 2018

MARK P. HAWKE, Mayor

**#9937**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Fire Chief explained that when the Fire Department's Ambulance is dispatched and an advanced life support unit ("ALS") is required to respond, then the fees generated by the ALS response are evenly split between the (private) vendor and the City. He added that the fees are then credited to the City's General Fund.

Councillor James Boone cited the self-sufficiency of the Ambulance through the collection of service fees.

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President Graves added that the City collected \$70,000, thus retaining \$35,000 in service fees.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted on call of the roll, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO AMBULANCE DEPARTMENT – PROFESSIONAL SERVICES ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Thirty Five Thousand Dollars and No Cents (\$35,000.00) from Free Cash to the Ambulance Department – Professional Services Account.

Presented to Mayor for Approval – June 5, 2018

Approved – June 5, 2018

MARK P. HAWKE, Mayor

**#9938**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee questioned the Fire Chief about the use of overtime, who advised the Committee that four firefighters will be graduating from the Fire Academy in September and in October. He added that the four Firefighters “are on-duty” but are unable to perform all functions until they graduate (i.e. firefighting apparatus), but are EMTs and work on the Ambulance. Therefore, he said, the Department remains “understaffed” until the four are graduated.

With regard to additional funds sought for maintenance and repairs, Councillor Cormier cited a number of unanticipated expenses associated with buildings and vehicles, which were “over and above” the budget.

Councillor Boone questioned the Committee as to their knowledge of whether overtime use would be considerably reduced as a result of the additional four firefighters, and also questioned overtime expenses to-date.

Councillor James Walsh responded by saying that the Order before the Council is the only supplemental request for overtime since the budget was adopted and that once the Firefighters complete the Academy, the Department will be fully staffed and meeting minimum manning levels, per the [Union] Contract. Continuing, Councillor Walsh stated



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that upon inquiry, the Mayor informed him that he is unaware of any additional departures or retirements by Firefighters “at this time.”

Councillor Edward Gravel, a member of the Public Safety Committee, reported that the Overtime account was budgeted at \$200,000 and, at the present time, \$342,193.00 has been expended and would carry the Department through the end of the Fiscal Year.

Councillor Walsh noted that the City is unable to enroll Firefighter recruits into the State Fire Academy until they are on the City’s payroll, per State requirements.

Councillor Ronald Cormier added that unlike Firefighters, Police candidates can pay their own way through the Police Academy.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted on call of the roll, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO FIRE DEPARTMENT - VARIOUS ACCOUNTS.

ORDERED: That there be and is hereby appropriated the sum of One Hundred Twenty-Four Thousand Dollars and No Cents (\$124,000.00) from Free Cash to the following accounts:

Fire Department	Overtime	\$115,000.00
Fire Department	Repairs & Maintenance	\$ 5,000.00
Fire Department	Minor Equipment	\$ 4,000.00

Presented to Mayor for Approval –June 5, 2018

Approved – June 5, 2018

MARK P. HAWKE, Mayor

### #9939

Reporting for the Finance Committee, Councillor James Walsh informed the Council that an appropriation for this project was passed at the last Council meeting; however, the funds were appropriated to the wrong account. Therefore, he said, the Mayor filed an Order transferring the funds to the correct account.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted on call of the roll, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier,



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Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER TO TRANSFER A SUM FROM PRINCIPAL INSIDE DEBT TO CAPITAL PROJECT – NEW DPW BUILDING.

ORDERED: That there be and is hereby an order to transfer the sum of Two Hundred Thousand Dollars and No Cents (\$200,000.00) from Principal Inside Debt to Capital Project – New DPW Building.

Presented to Mayor for Approval – June 5, 2018

Approved – June 5, 2018

MARK P. HAWKE, Mayor

**FY2019 BUDGET ORDERS**

There being no objections, Councillor James Walsh moved to refer Budget Orders 9940, 9941, 9942, 9943, 9944, 9945, and 9946, to the Council as Committee of the Whole for study. Councillor Ronald Cormier seconded the motion.

On the motion, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to refer the following Orders to the Council as Committee of the Whole for further study and report:

**#9940**

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE SALARY AND LABOR BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 TO JUNE 30, 2019.

*ORDER:* To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2018 to June 30, 2019 sums as designated for the expenditures of the various departments, Salary and Labor budgets, according to the detailed schedule hereto annexed and made a part of this money order in the amount of ELEVEN MILLION, FOUR HUNDRED TWENTY THOUSAND, NINE HUNDRED NINETY-SEVEN DOLLARS (\$11,420,997.00)

**#9941**

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE EXPENSE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 TO JUNE 30, 2019.



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*ORDER:* To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2018 to June 30, 2019 sums as designated for the expenditures of the various departments, other than what was presented to City Council in the Salary and Labor budget, according to the detailed schedule hereto annexed and made a part of this money order in the amount of NINETEEN MILLION, NINE HUNDRED SIXTY-ONE THOUSAND, NINE HUNDRED SEVENTY DOLLARS (\$19,961,970.00)

**#9942**

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE SCHOOL DEPARTMENT BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 TO JUNE 30, 2019.

*ORDER:* To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2018 to June 30, 2019 sums as designated for the expenditures of the School Department according to the detailed schedule hereto annexed and made a part of this money order in the amount of TWENTY-THREE MILLION, FOURTEEN THOUSAND, SEVEN HUNDRED EIGHTY-FOUR DOLLARS (\$23,014,784.00).

**#9943**

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-PARKING METER RECEIPTS RESERVED TO VARIOUS ACCOUNTS FOR THE FICAL YEAR BEGINNING JULY 1, 2018 TO JUNE 30, 2019

*ORDER:* That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2018 to June 30, 2019 the sum of EIGHTY-SEVEN THOUSAND, EIGHT HUNDRED EIGHTY DOLLARS (\$87,880.00) from Available Funds-Parking Meter Receipts Reserved to the following accounts:

City Treasurer	Parking Meter Clerk Salary	\$12,480.00
City Treasurer	Parking Meter Maintenance	24,000.00
Public Works	Parking Meter Maintenance	20,000.00
Public Works	DPW Maint. Crew Sal & Wages	31,400.00

**#9944**

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-CABLE COMMISSION FEES RESERVED TO CABLE COMMISSION BUDGET FOR THE FICAL YEAR BEGINNING JULY 1, 2018 TO JUNE 30, 2019

*ORDER:* That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2018 to June 30, 2019 the sum of ONE HUNDRED SEVENTY-FIVE THOUSAND, THREE HUNDRED EIGHTY-SEVEN DOLLARS (\$175,387) from Available Funds-Cable Commission Fees Reserved to the Cable Commission budget.



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**#9945**

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE ENTERPRISE FUNDS-VARIOUS RECEIPTS RESERVED TO VARIOUS ACCOUNTS FOR THE FICAL YEAR BEGINNING JULY 1, 2018 TO JUNE 30, 2019

*ORDER:* That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2018 to June 30, 2019 the sum of EIGHT MILLION, THREE HUNDRED TWENTY-ONE THOUSAND, FOUR HUNDRED SIXTY-NINE DOLLARS (\$8,321,469.00) from Available Enterprise Funds-Receipts Reserved to the following accounts:

Sewer Dept	Enterprise Fund	\$2,564,056.00
Water Dept	Enterprise Fund	3,356,161.00
Golf Course	Enterprise Fund	829,380.00
Landfill Closure	Enterprise Fund	86,300.00
Solid Waste	Enterprise Fund	1,485,572.00

**#9946**

AUTHORIZING FY2019 REVOLVING FUNDS  
M.G.L. CH.44, S.53E½

*ORDER:* To authorize and direct the City Treasurer to establish the following revolving funds for the fiscal year beginning July 1, 2018 to June 30, 2019 in accordance with M.G.L. Chapter 44, section 53E½:

Revolving Fund	Authorized to Expend	Revenue Source	Purpose of Fund	Spending Limit
Airport Fuel	Airport Commission	Sale of airplane fuel	Purchase of fuel, airport programs, and improvements	Available balance or \$20,000, whichever is less
Wetland Protection	Conservation Commission	Local wetland filing fees	Costs associated with wetland protection activities	Available balance or \$20,000, whichever is less
Council on Aging Recreational Activities	Council on Aging Director	Recreation Fees	Salaries and expenses relating to recreational activities at Senior Center	Available balance or \$20,000, whichever is less
Gardner's Summer Celebration	Mayor	Collections and donations	Costs associated with Gardner's Summer Celebration	Available balance or \$20,000, whichever is less
Planning Board Publications	Planning Board	Sale of Planning Board publications	Preparation and production of Planning Board publications	Available balance or \$3,000, whichever is less
Road Resurfacing	Public Works Director	Fees charged for cutting into newly paved roads	Costs associated with road resurfacing and road maintenance	Available balance or \$20,000, whichever is less



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High School Summer Football Camp	School Department	Camp fees and donations	Salaries and expenses for the High School Summer Football Camp	Available balance or \$20,000, whichever is less
Summer Basketball Camp	School Department	Camp fees and donations	Salaries and expenses for the Summer Basketball Camp	Available balance or \$12,000, whichever is less
Transportation	School Department	Bus passes and fees for transportation	Salaries and expenses relating to school transportation	Available balance or \$20,000, whichever is less

As per M.G.L., interest earned on these funds shall be treated as general fund revenue.

The person or persons authorized to expend from each fund shall report annually to the Mayor and City Council the total amount of receipts and expenditures for the prior fiscal year and for the current fiscal year through December 31<sup>st</sup>, along with any other information that City Council may by vote require.

In the event any fund is not reauthorized for the following fiscal year or the city changes the purpose of the revolving fund, the balance in the fund shall revert to surplus revenue, unless City Council and the Mayor vote to transfer the funds to another revolving fund established in accordance with M.G.L. Chapter 44, section 53E½.

**ORDINANCE**

**#9922**

President Graves informed the Council that pursuant to the City Charter, the City Council is unable to act on the Mayor’s Disapproval of *An Ordinance to Amend the Code of the City of Gardner, Chapter 45 Thereof, Entitled “City Council,” to Add a New Article and Section Providing for Legal Counsel* for a period of 7 days following the Mayor’s filing with the City Council. Accordingly, further action on the following Amendment is postponed:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 45 THEREOF, ENTITLED “CITY COUNCIL,” TO ADD A NEW ARTICLE AND SECTION PROVIDING FOR LEGAL COUNSEL.

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

Section 1. Chapter 45 of the Code of the City of Gardner is hereby amended by adding thereto a new Article, to be Article II, and a new section 45-3, to read as follows:

§ 45-3. Legal counsel.

- A. The City Council shall have the authority to retain independent legal counsel of its own selection from time to time by majority vote, and legal counsel shall be a member of the Bar of the Commonwealth of Massachusetts in good standing.




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- B. Legal counsel shall assist the City Council in the preparation and formulation of legislation and in the rendering of opinions concerning legal matters, either of a substantive or procedural nature, the provisions of § 140-2 of the Code of the City of Gardner notwithstanding.
- C. Any invoice or charge for payment from said legal counsel shall be paid from the City Council budget.

## Section 2. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or part of this ordinance.

## Section 3. Effective date.

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

In City Council – May 7, 2018

Ordered Printed – May 7, 2018

First Printing – May 11, 2018

Ordinance Passed – May 21, 2018

Presented to Mayor for Approval – May 22, 2018

Disapproved and Returned with Objections – May 30, 2018

MARK P. HAWKE, Mayor

**PETITIONS, APPLICATIONS, ETC.**

**#9947**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to confirm the City Clerk's Appointment of Faith A. Glover to the position of Assistant City Clerk for term expiring June 4, 2021.

Worcester, ss.

June 4, 2018

Then personally appeared **FAITH A. GLOVER** and made oath that she would faithfully and impartially perform the duties of Assistant City Clerk according to law and the best of her abilities.

Before me,

/s/ Alan L. Agnelli, City Clerk

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**#9948**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee is favorable to the adoption of the Measure. He said that the Committee met with the Purchasing Agent who recommended authorization to solicit bids for a contract for a period of up to five-years, suggesting that bids [process] could “be more competitive,” as a result. He added that the food services contracts are for 1 year, renewable annually for up to five years at the option of the City.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to adopt the following Measure:

AUTHORIZING A FIVE-YEAR CONTRACT PERIOD  
FOR SCHOOL FOOD SERVICE

VOTED: To authorize the City to enter into a contract not to exceed five (5) years to provide for school food services, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the memorandum from the Purchasing Agent to the Mayor.

Presented to Mayor for Approval – June 5, 2018

Approved – June 5, 2018

MARK P. HAWKE, Mayor

**REPORTS OF STANDING COMMITTEES**

**PUBLIC SERVICE COMMITTEE & PUBLIC WELFARE COMMITTEE**

**#9905**

President Graves informed the Council that the Committees are awaiting an opinion from the Law Department. There being no objections, the Committees were granted more time for study and report on *An Ordinance to Amend the Code of the City of Gardner by Adding a New Chapter to Be Entitled “Scenic Roads.”*

**PUBLIC SAFETY COMMITTEE**

**#9923**

Councillor Edward Gravel, reporting for the Public Safety Committee, informed the Council that the Committee voted to support the Ordinance amendment upon the recommendation of the Traffic Commission and the Department of Public Works.



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On a motion by Councillor Edward Gravel and seconded by Councillor James Walsh, on recommendation of the Public Safety Committee, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to Order the following Ordinance amendment to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC."

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

Section 1. Section 600-24 of Chapter 600, Vehicles and Traffic, Parking Prohibited on certain streets, is amended by adding the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Sawyer Street	Both	From Dyer Street westerly for a distance of 665 feet

Section 2. This Ordinance shall take effect upon passage and publication as required by law.

***FIRST PRINTING – JUNE 8, 2018***

**COUNCIL AS COMMITTEE OF THE WHOLE**

**#9899**

President Graves announced that the Committee of the Whole met recently and recessed with the intent to continue its discussions at a later date. He said that a meeting of the Committee of the Whole would be scheduled in the near future. There being no objections, the Committee was granted more time to study and 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."*

**#9909**

President Graves announced that earlier in the evening, the City Council and the Planning Board conducted a Public Hearing 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.*

Councillor James Walsh noted that the Planning Board has yet to issue its Final Report to the City Council on the Amendment; therefore, the Committee of the Whole should have more time. There being no objections, the Committee of the Whole was granted more time.

REGULAR MEETING OF JUNE 4, 2018

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UNFINISHED BUSINESS**#9899**

President Graves announced that the Committee of the Whole would meet soon to continue its review of *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."*

**#9898**

President Graves announced that at its last meeting, the Council voted to send back to the Planning Board *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* with a request to consider reducing the size of the proposed solar overlay district.

NEW BUSINESS

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to consider New Business.

ANNOUNCEMENTS AND COMMENTARY

Councillor Nathan Boudreau announced that the Food Truck Festival will be held on Saturday, June 9 on City Hall Plaza and the Relay for Life will be held on Friday and Saturday at Mt. Wachusett Community College.

Councillors extended congratulations to recent graduates of Gardner High School and Monty Tech.

CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor James Walsh and seconded by Councillor Edward Gravel, it was voted viva voce, nine (9) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:07 o'clock p.m.

Accepted by the City Council: *June 18, 2018*