



REGULAR MEETING OF AUGUST 5, 2019

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, August 5, 2019.

CALL TO ORDER

Council President Scott Joseph 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. Ten (10) Councillors were present including President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh. Councillor Edward Gravel was 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 Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to waive reading and to accept the Minutes of the June 10, 2019 Informal and Special Meetings; the Minutes of the June 24, 2019 Informal Meeting; and, the Minutes of the July 1, 2019 Regular Meeting, as printed.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

#10133

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that Mr. Carlberg presently serves on the Redevelopment Authority, has served admirably for a number of years, and that the Committee voted favorably to recommend that his appointment be confirmed.



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On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

M. PAUL CARLBERG to the position of **MEMBER, REDEVELOPMENT AUTHORITY**, for term expiring June 26, 2024.

Worcester, ss.

August 27, 2019

Then personally appeared **M. PAUL CARLBERG** and made oath that he would faithfully and impartially perform the duties of **MEMBER, REDEVELOPMENT AUTHORITY**, according to law and the best of his abilities.

Before me,

/s/ Faith A. Glover, Assistant City Clerk

#10134

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend that the Election Officers appointments be confirmed.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Election Officer Appointments received from the Mayor, for terms expiring August 31, 2020:

WARD 1A

Warden	Norman	H.	Beauregard	147 Oak Street
Clerk	Roland	D.	Mailloux, Jr.	20 Teaberry Lane
Inspector	Shirley	B.	Bunarowski	182 Graham Street #1
Inspector	Sally	Q.	Hartshorn	61 Elm Street
Inspector	Jacqueline	M.	Kraskouskas	222 Bickford Hill Road
Inspector	Ellen	T.	Kudravetz	90 Cherry Street
Inspector	Michael	L.	Kudravetz	90 Cherry Street
Inspector	Erana	E.	Landry	298 Park Street
Inspector	Glenice	M.	Rossignol	103 Highland Street

WARD 1B

Warden	Lynn	M.	Roux	203 Betty Spring Road
Clerk	Gloria	C.	Bourgeois	47 Racette Avenue
Inspector	Carolyn		Fournier	158 Ash Street
Inspector	Carlene	A.	Kemp	108 Opal Lane
Inspector	Carolyn	A.	LaBonte	169 Summer Street



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Inspector	Valerie	D.	Spar	20 Plymouth Street
Inspector	Marjorie	J.	Whittemore	47 Lake Street, A606

WARD 2A

Warden	Clifton	J.	Melatti	37 Rosewood Drive
Clerk	Donna	M.	Lehtinen	203 Green Street
Inspector	Alice	P.	Anderson	34 Chapman Park
Inspector	Joseph	R.	Andrews	139 Euclid Street
Inspector	Carol	A.	Cormier	47 Lake Street, A207
Inspector	Robert	J.	Cormier	47 Lake Street, A207
Inspector	Mary	L.	Glotch	47 Montvale Road
Inspector	Dianne	A.	Hunt	28 Osgood Street, #1
Inspector	Cathy	T.	Leger	134 Greenwood Place
Inspector	Annette	M.	Melanson	178 Waterford Street

WARD 2B

Warden	Donald	J.	Cosentino	131 Lovewell Street
Clerk	Nancy	M.	Girouard	110 Marquette Street
Inspector	Val	J.	Cormier	166 Acadia Road
Inspector	Aline		Cosentino	131 Lovewell Street
Inspector	Patricia	A.	LeBlanc	66 Conant Street
Inspector	Roger	R.	LeBlanc	66 Conant Street
Inspector	Patricia	A.	Lewis	32 Water Wheel Circle, Templeton
Inspector	Priscilla	J.	Proulx	228 Washington Street
Inspector	Marcia	J.	White	92 Ryan Street

WARD 3A

Warden	Donald	R.	Girouard	52 Draper Road
Clerk	Barbara	M.	Cormier	116 Sand Street
Inspector	Rachel	I.	Blais	25 Way Street
Inspector	Anita	M.	Boudreau	8 Jackson Park
Inspector	Jane	M.	Couch	467 Parker Street
Inspector	Irene	V.	Hales	61 Waterford Street
Inspector	Lisa	E.	Hales	61 Waterford Street
Inspector	Gloria	M.	Landry	458 Pearl Street
Inspector	Toby	P.	LaRoche	83 Murray Road Ashburnham
Inspector	Marcel		Martin	62 Ash Street
Inspector	Robert	L.	Owens	217 Riverside Road

WARD 3B

Warden	Thomas	H.	Patterson	132 Pinewood Drive
Clerk	Paulette	A.	Burns	5 Travers Street
Inspector	Gayle	M.	Jaillet	35 Wickman Drive



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Inspector	Christoph	A.	Knoll	238 Greenwood Street
Inspector	Odette	R.	Racette	44 Jean Street
Inspector	Ernie	J.	Richard	50 Jean Street
Inspector	Juliette	L.	Richard	50 Jean Street
Inspector	Dorothy	M.	Ronn	145 Prospect Street
Inspector	Paul	W.	Ronn	145 Prospect Street

WARD 4A

Warden	Robert	J.	Swartz	53 Racette Avenue
Clerk	Janice		Magliacane	358 Temple Street
Inspector	Judith	A.	King	32 Jay Street
Inspector	Donald	A.	LeBlanc	209 Elm Street
Inspector	Dianne	M.	LeBlanc	209 Elm Street
Inspector	Judith		Roy	51 Pinewood Drive
Inspector	Ronald	J.	Roy	51 Pinewood Drive

WARD 4B

Warden	Marjorie	F.	Tetzloff	317 Pine Street	
Clerk	David	E.	Tetzloff	317 Pine Street	
Inspector	Ann		Chandler	133 Pleasant Street, #2	
Inspector	Brian	J.	Dickens	65 Krantz Road	Winchendon
Inspector	Susan		Greninger	194 Central Street, #315	
Inspector	Theresa	H.	Hillman	155 Champagne Road	
Inspector	Diane	R.	Jasiewicz	36 Robillard Street	
Inspector	Jacqueline	M.	LaPrade	322 Pine Street	
Inspector	Charlene	A.	Wilson	44 Olde Colonial Dr, U1	

WARD 5A

Warden	Paul	A.	Spano	33 Adams Street
Clerk	Barbara	D.	LeBlanc	37 Bayberry Drive
Inspector	Sandra	J.	Barton	331 High Street
Inspector	Carole	A.	Baublis	252 Union Street
Inspector	Judith	T.	Collette	47 Kendall Street
Inspector	Claire	M.	Lagasse	131 Champagne Road
Inspector	Charles	R.	LeBlanc	37 Bayberry Drive
Inspector	Gloria	M.	O'Malley	80 Kendall Pond Rd West

WARD 5B

Warden	Marcelle	S.	Cormier	55 Wickman Drive
Clerk	Barbara	A.	Yablonski	195 Sherman Street
Inspector	Patricia	L.	Cormier	365 Pearl Street
Inspector	Stephen	E.	Cormier	365 Pearl Street
Inspector	William		Edwards	4 Sunrise Lane
Inspector	Dorothy	E.	Leger-Lore	31 Lennon Street, Unit B
Inspector	Melissa	A.	Paulhus	144 Sawyer Street



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Inspector	Leonette	M.	Roy	49 Temple Street
Inspector	Doris	H.	St. John	204 Willis Road
Inspector	Marcia	A.	Stone	185 Bridge Street
Inspector	Mary	Ann	Suchocki	154 Sand Street
Inspector	Edward	S.	Yablonski	195 Sherman Street

#10135

Reporting for the Finance Committee, Councillor James Walsh informed the Council that Mr. Athame presently serves on the Disability Commission and that the Committee voted favorably to recommend that his appointment be confirmed.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

SEBAZIUS ATHAME to the position of **MEMBER, DISABILITY COMMISSION**, for term expiring July 18, 2022.

Worcester, ss.

August 13, 2019

Then personally appeared **SEBAZIUS ATHAME** and made oath that he would faithfully and impartially perform the duties of **MEMBER, DISABILITY COMMISSION**, according to law and the best of his abilities.

Before me,

/s/ John A. Olivari, Assistant City Clerk

#10136

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee “was reminded quite eloquently” that the Council only acts to confirm individuals that “are deemed to be qualified,” and that the Committee voted to recommend the Appointments to the Bandstand Committee.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

JASON PELAVIN to the position of **MEMBER, BANDSTAND COMMITTEE**, for term expiring July 16, 2020.



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Worcester, ss.

August 5, 2019

Then personally appeared **JASON PELAVIN** and made oath that he would faithfully and impartially perform the duties of **MEMBER, BANDSTAND COMMITTEE**, according to law and the best of his abilities.

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

#10137

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

DONNA RUSSO to the position of **MEMBER, BANDSTAND COMMITTEE**, for term expiring July 16, 2022.

Worcester, ss.

August 5, 2019

Then personally appeared **DONNA RUSSO** and made oath that she would faithfully and impartially perform the duties of **MEMBER, BANDSTAND COMMITTEE**, according to law and the best of her abilities.

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

#10138

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to confirm the following Appointment received from the Mayor:

MICHAEL ZLOTNIK to the position of **MEMBER, BANDSTAND COMMITTEE**, for term expiring July 16, 2021.

Worcester, ss.

August 5, 2019

Then personally appeared **MICHAEL ZLOTNIK** and made oath that he would faithfully and impartially perform the duties of **MEMBER, BANDSTAND COMMITTEE**, according to law and the best of his abilities.

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



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ORDERS

#10139

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Mayor and the Superintendent of Schools provided the Committee with an explanation for the use of the additional Chapter 70 Aid, which is \$454,290 greater than the amount forecasted in the School Department’s Budget. The Committee was satisfied with the details in the Superintendent’s correspondence and recommended that the Order be adopted, he added.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE SCHOOL DEPARTMENT BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

ORDERED: To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2019 to June 30, 2020 sums as designated below for the expenditures of the School Department in the amount of FOUR HUNDRED FIFTY FOUR THOUSAND TWO HUNDRED NINETY DOLLARS (\$454,290).

School	School Expenses	\$454,290
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IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

#10140

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee’s report addresses Calendar Nos. 10140, 10141, 10142, and 10143, since the Orders are related. He said that two FY2020 Budget Orders are to be rescinded and in their place, two Orders that would permit unused funds to remain in their respective Reserve Accounts at the end of the Fiscal Year. As the Orders were adopted, he said, all unused funds would revert to Free Cash at the close of the Fiscal Year, as is determined by the Department of Revenue and the City’s outside auditors. The Committee voted favorably to recommend adoption of Calendar Nos. 10140, 10141, 10142, and 10143, he added.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

REGULAR MEETING OF AUGUST 5, 2019

AN ORDER RESCINDING COUNCIL ORDER NO. 12879, AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS – CABLE COMMISSION FEES RESERVED – TO CABLE COMMISSION BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

ORDERED: To rescind Council Order No. 12879, under Council Calendar No. 10110, an Order appropriating for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED SEVENTY-SEVEN THOUSAND, THREE HUNDRED SIXTEEN DOLLARS (\$177,316) from Available Funds – Cable Commission Fees Reserved – to the Cable Commission budget.

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

#10141

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS –CABLE COMMISSION FEES RESERVED – TO CABLE COMMISSION BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

ORDERED: That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED SEVENTY-SEVEN THOUSAND, THREE HUNDRED SIXTEEN DOLLARS (\$177,316) from Available Funds – Cable Commission Fees Reserved – to the Cable Commission budget. Any unused funds will revert back to the Cable Commission Fees Reserved Fund at year end.

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

#10142

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER RESCINDING COUNCIL ORDER NO. 12880, AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS – PARKING METER RECEIPTS RESERVED – TO VARIOUS ACCOUNTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.



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ORDERED: To rescind Council Order No. 12880, under Council Calendar No. 10111, an Order appropriating for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED TEN THOUSAND, FIVE HUNDRED FIFTY DOLLARS (\$110,550.00) from Available Funds-Parking Meter Receipts Reserved to the following accounts:

City Treasurer	Parking Meter Clerk Salary	\$ 12,730.00
City Treasurer	Parking Meter Maintenance	25,000.00
Police	Parking Meter Patrol	21,420.00
Public Works	Parking Meter Maintenance	20,000.00
Public Works	DPW Maint. Crew Sal & Wages	31,400.00

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.

#10143

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, on call of the roll, it was voted ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS –PARKING METER RECEIPTS RESERVED – TO VARIOUS ACCOUNTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 TO JUNE 30, 2020.

ORDERED: That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2019 to June 30, 2020 the sum of ONE HUNDRED TEN THOUSAND, FIVE HUNDRED FIFTY DOLLARS (\$110,550.00) from Available Funds-Parking Meter Receipts Reserved to the following accounts:

City Treasurer	Parking Meter Clerk Salary	\$ 12,730.00
City Treasurer	Parking Meter Maintenance	25,000.00
Police	Parking Meter Patrol	21,420.00
Public Works	Parking Meter Maintenance	20,000.00
Public Works	DPW Maint. Crew Sal & Wages	31,400.00

Any unused funds will revert back to the Parking Meter Receipts Reserved Fund at year end.

IN ACCORDANCE WITH SECTION 30 OF THE CITY CHARTER, APPROPRIATIONS BY THE CITY COUNCIL UNDER SECTION THIRTY-TWO OF CHAPTER FORTY-FOUR OF THE GENERAL LAWS ARE NOT PRESENTED TO THE MAYOR FOR APPROVAL.



REGULAR MEETING OF AUGUST 5, 2019

ORDINANCES**#10144**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend that the City Council compensation be increased for only one year, consistent with a vote by the City Council several month ago.

Councillor Ronald Cormier then moved to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBITS A AND B.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by deleting and repealing Compensation Schedule Exhibit B and inserting in place thereof, the following:

Exhibit B
City Council

Position	Effective 1-2-2018	Effective 1-6-2020
President	\$ 10,707.00	\$ 10,921.00
Councillor	\$ 7,326.00	\$ 7,473.00

Section 2. Effective date.

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

Councillor James Walsh seconded the motion.

President Graves ruled that the Motion constitutes a "renewal of a motion" as the matter was previously decided. He noted that the Ordinance [defeated on June 17, 2019] could have been reconsidered at the following meeting, but no motion to reconsider was proffered. He said that a motion is in order if the measure [Ordinance] "is substantially different" than the measure that was defeated the first time; however, he determined that the measure "is not substantially different," notwithstanding the Mayor's assertion that his proposal "divides the question for the City Council." The President cited provisions within Robert's Rules of Order that outlines situations by which some elements of a Resolution must be "left out" in order to achieve a "non-renewable motion." However, he said, since there are only two elements, and which are the same as previously acted on, then the Motion is out of order.

Councillor James Walsh moved to suspend Section 38 of Robert's Rules of Order, 10th Edition, "Renewal of Motions" (Ref: Council Rule 20).

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Councillor Ronald Cormier seconded the motion.

On the motion, Councillor James Walsh stated that he did not necessarily disagree with the ruling of the Council President and did not seek to appeal the ruling as a result. He said that he hoped that the matter could again be voted by the Council because the initial vote was 5 in favor and 5 opposed [to order to First Printing], since he was absent from the meeting, and that he would like the opportunity to vote on the measure. He noted that in order for a Councillor to move for reconsideration, a Councillor would have had to vote on the prevailing side. He added that he isn't asking any Councillor to change his/her vote, unless they have a good reason, but only because he'd like to cast a vote on the issue.

Councillor James Johnson noted that since Councillor Gravel is absent from the meeting, "would the Council then be asked to vote again due to his absence?"

Councillor Walsh responded, saying "that would be Councillor Gravel's decision."

Councillor Walsh and Councillor Ronald Cormier noted that the Ordinance is a two-step [adoption] process.

Councillor James Boone questioned whether the matter could be tabled until the next meeting so that Councillor Gravel would have a chance to speak.

Councillor Boone moved to postpone the matter until the next meeting.

Councillor Boudreau seconded the motion.

Councillor Walsh raised a Point of Order, asking whether the motion to postpone "is priority over the motion to suspend the rules."

President Graves ruled that the motion to suspend the rules takes precedence over the motion to postpone.

On show of hands, seven (7) yeas, President Scott Joseph Graves and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Christine Johnson, Elizabeth Kazinskas, and James Walsh; three (3) nays, Councillors James Boone, Karen Hardern, and James Johnson, the motion to suspend the rules did not pass for lack of the requisite two-thirds majority.

#10145

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted, two in favor and one opposed, to recommend that the Mayor's compensation be increased for only one year.

Councillor Ronald Cormier then moved to Order the following Ordinance to First Printing:



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AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED “PERSONNEL” TO CHANGE COMPENSATION SCHEDULE EXHIBITS A AND B.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by deleting and repealing Compensation Schedule Exhibit A and inserting in place thereof, the following:

Exhibit A
Mayor

Effective 1-2-2018	Effective 1-6-2020
\$92,196.00	\$94,040.00

Section 2. Effective date.

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

Councillor James Walsh seconded the motion.

President Graves stated that the Motion constitutes a “renewal of a motion” as the matter had been previously decided; therefore, he ruled that the Motion was out of order.

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#10146

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend that the City Council approve the Resolution, noting that the legislation merely authorizes the Director of Public Works to act in the City’s interests in matters involving the various water pollution abatement projects.

Councillor Nathan Boudreau, Chairman of the Public Service Committee, informed the Council that, although the Committee did not take a formal vote, it discussed the matter at its recent meeting and supported the Measure.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Resolution:

AUTHORITY TO FILE

Whereas the City of Gardner after thorough investigation, has determined that the work activity consisting of: Water/Sewer/Stormwater Infrastructure Asset Management is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

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Whereas, the Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

1. That Dane Arnold, the Director of Public Works, is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said grant(s) and/or loan(s), if awarded, shall be to fund construction activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

Presented to Mayor for Approval – August 6, 2019

Approved – August 8, 2019

MARK P. HAWKE, Mayor

#10147

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend that the City Council approve the Declaration of Disposition, noting that the property was foreclosed for non-payment of property taxes; that it cleared the Land Court; that the Treasurer recommended that the parcel be placed out for bid; and, that the proposed minimum price would cover the amount of outstanding taxes and would return the property "to the tax rolls."

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adopt the following Measure:

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DECLARING SURPLUS FOR PURPOSE OF DISPOSAL
LAND AND BUILDINGS AT 62 LINCOLN STREET

VOTED: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 62 Lincoln Street, further identified on the City of Gardner Assessor's Map as R22-00002-00007, to establish as a minimum amount of \$40,000.00 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.

Presented to Mayor for Approval – August 6, 2019

Approved – August 8, 2019

MARK P. HAWKE, Mayor

#10148

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer the *Petition to Lay Out James Street Extension as a Public Way* to the Public Service Committee for study and report and to the Planning Board for report and recommendation.

#10149

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer a *Petition by National Grid for permission to construct a line of underground electric conduits on City Hall Avenue beginning at a point approximately 50' east of the centerline of Pleasant Street for approximately 35' in an easterly direction* to the Public Service Committee for study and report and to schedule a Public Hearing at the next regular meeting.

#10150

On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig Cormier, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer a *Petition by National Grid and Verizon New England, Inc. for permission to install four (4) JO poles on Clark Street beginning at a point approximately 200' northwest of the centerline of the intersection of Century Way and Clark Street and continuing approximately 850' in a northwesterly direction* to the Public Service Committee for study and report and to schedule a Public Hearing at the next regular meeting.

REGULAR MEETING OF AUGUST 5, 2019

#10151

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to refer a *Petition by National Grid and Verizon New England, Inc. for permission to install five (5) JO poles on Clark Street beginning at a point approximately 200' northwest of the centerline of the intersection of Leo Drive and Clark Street and continuing approximately 1200' in a northwesterly direction* to the Public Service Committee for study and report and to schedule a Public Hearing at the next regular meeting.

#10152

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend increases to the annual stipend for members of the Contributory Retirement Board, including the City Treasurer. He noted that it has been a number of years since stipends were adopted and that the Mayor's Budget included funds for the proposed stipend increases, which was then adopted by the City Council. The Council is now asked to align the Ordinance figures with the amounts budgeted, he added.

Also reporting for Finance Committee, Councillor James Walsh stated that unlike boards and commissions whose stipends are established by the City Council at its discretion, the range of salaries for Retirement Board members is fixed by statute (Chapter 32, § 20 (6)). He said that the statute establishes the annual minimum compensation at \$3,000 and the annual maximum compensation at \$4,500.00 and that the proposed annual increase is \$500 for each board member and \$300 for the City Treasurer.

Councillor Ronald Cormier added that, unlike the members of other boards and commissions, members of the Retirement Board are required by State guidelines to attend mandatory training classes, "which have become more challenging over the years."

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBITS C AND E.

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



REGULAR MEETING OF AUGUST 5, 2019

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by striking from Compensation Schedule “Exhibit C”, the following:

<u>Position</u>	<u>Annual Stipend</u>
Retirement Board Member [MGL c. 32, §20(6)]	\$ 3,000.00

And inserting in place thereof, the following:

<u>Position</u>	<u>Annual Stipend</u>
Retirement Board Member [MGL c. 32, §20(6)]	\$ 3,500.00 <i>(Effective 7/1/2019)</i>

Section 2. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by striking from Compensation Schedule “Exhibit E”, the following:

<u>Position</u>	<u>Grade</u>	<u>Annual</u>	<u>Weekly</u>
City Treasurer/Collector	G-10	\$ 84,118.88	
	MGL c. 32, §20(6)	\$ 300.00	
	Total Compensation:	\$ 84,418.88	\$1,623.44

And inserting in place thereof, the following:

<u>Position</u>	<u>Grade</u>	<u>Annual</u>	<u>Weekly</u>
City Treasurer/Collector	G-10	\$ 84,118.88	
	MGL c. 32, §20(6)	\$ 600.00	
	Total Compensation:	\$ 84,718.88	\$1,629.21 <i>(Effective 7/1/2019)</i>

Section 3. Effective date.

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

FIRST PRINTING – AUGUST 9, 2019

REPORTS OF STANDING COMMITTEES
PUBLIC WELFARE COMMITTEE

#10090

Councillor Christine Johnson, Chairperson of the Public Welfare Committee, reported that the Committee met on July 24 with Community Development and Planning Director Trevor Beauregard to discuss the proposed amendment and that the proposed changes were well explained and well received by the Committee. Accordingly, she said that the Committee voted to recommend that the Ordinance be ordered to First Printing.

On a motion by Councillor Christine Johnson and seconded by Councillor Elizabeth Kazinskas, on recommendation of the Public Welfare Committee, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier,



 REGULAR MEETING OF AUGUST 5, 2019

Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO CHANGE VARIOUS PROVISIONS RELATING TO MARIJUANA ESTABLISHMENTS.

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

Section 1. Chapter 675-1070 Marijuana Establishments, is hereby amended by deleting and repealing Subsection C (3) (a) in its entirety.

Section 2. Subsection C (9) (c) of Chapter 675-1070 Marijuana Establishments, is hereby amended by deleting the words "shall not exceed the number of registered medical marijuana treatment centers in Gardner engaged in the same type of activity and".

Section 3. 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.

FIRST PRINTING – AUGUST 9, 2019

UNFINISHED BUSINESS

#10119

On a motion by Councillor Ronald Cormier and seconded by Councillor James Johnson, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to remove from further Consideration and to take from the Calendar *A Measure Authorizing an Eighth Amendment to the April 9, 1968 Lease Between the City and Henry Heywood Memorial Hospital.*

#10130

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, 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 275 THEREOF, ENTITLED "TRAFFIC COMMISSION," TO CHANGE COMMISSION MEMBERSHIP.

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



 REGULAR MEETING OF AUGUST 5, 2019

Section 1. Subsection B. of § 275-1 of the Code of the City of Gardner is hereby amended by inserting the words “Civil Enforcement Director” immediately following the words “Director of Community Development and Planning.”

Section 2. Effective date.

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

In City Council – June 17, 2019

Ordered Printed – July 1, 2019

First Printing – July 8, 2019

Ordinance Passed – August 5, 2019

The foregoing was laid before the Mayor on the 6th day of August, 2019 and after ten days it had the “force of the law” as prescribed under Section 30 of the Charter of the City of Gardner, as it was not returned with objections within that time.

Final Printing – August 14, 2019

NEW BUSINESS

On a motion by Councillor Christine Johnson and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to consider New Business.

ANNOUNCEMENTS and COMMENTARY

#10153

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to send a *Letter of Appreciation* to retiring *City Treasurer and City Collector of Taxes Charline Daigle* on the occasion of her retirement.

Expressions of Appreciation were extended to fellow City Councillor Edward Gravel for his many years organizing the Concerts in the Park series.

Councillor Nathan Boudreau announced that the Ribbon Cutting for the Dog Park will be held on Saturday, August 24. Invitations will be sent to all Councillors.

Councillor Christine Johnson observed a demonstration of a Stryker Power Load System at the Fire Department which has reduced back injuries of EMS personnel. She said that the cost is approximately \$25,000 and the Council may expect to receive an appropriation in the future. She distributed a sheet listing the cost to fill a shift of an injured firefighter.



REGULAR MEETING OF AUGUST 5, 2019

Revisiting earlier remarks made concerning the Council's role in confirming Mayoral Appointments, Council President Scott Graves stated that "to some, it appears that the Council merely 'rubber stamps' the Mayor's decision," however, "the Mayor is the Executive, he gets to make the decision. You may have reason to believe that the person chosen isn't fit for that particular reason, then a City Councillor has the prerogative to vote 'no'."

CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Christine Johnson and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:17 p.m.

Accepted by the City Council: *September 3, 2019*