



REGULAR MEETING OF SEPTEMBER 5, 2018

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Wednesday evening, September 5, 2018.

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. 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 and 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 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, and Elizabeth Kazinskas, to waive reading and to accept the Minutes of the June 4, 2018 Public Hearing and the August 6, 2018 Regular Meeting, as printed.

COMMUNICATIONS FROM THE MAYOR

#9983

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted unfavorably and to not recommend passage of the Petition. Citing the Mayor's letter, Councillor Walsh stated that the method of appointment has worked well since 1923 and that there are no compelling reasons to change it.



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Councillor Walsh then moved to pass the following Petition with the intent to defeat.

AN ACT REVISING THE CHARTER FOR THE CITY OF GARDNER

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1.

Section 6 of the Charter for the City of Gardner be deleted and repealed in its entirety and replaced with the following:

Section 6: All heads of departments and members of municipal boards, except for the School Committee, the city clerk, officers whose election is provided for by this act, and officials appointed by the governor, shall be appointed by the mayor, subject to confirmation by the city council.

SECTION 2.

Section 9 of the Charter for the City of Gardner be deleted and repealed in its entirety and replaced with the following:

Section 9. The city clerk shall be elected by the city council, and shall serve for terms of three years and may be removed at any time by a two thirds vote of the city council.

SECTION 3. Effective Date

This act shall take effect upon its passage.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Walsh stated that the City Council went through the Charter review process not long ago and that the current method of appointments “is a wise one.” He added that the Mayor “feels that some appointments that were made by the City Council did not work out well,” but that “he should look back in history at some of his appointments.”

On the motion, on recommendation of the Finance Committee, on call of the roll, one (1) yea, Councillor Elizabeth Kazinskas; ten (10) nays, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and James Walsh, the measure was defeated.



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PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#9984

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, 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 adopt the following Measure:

DECLARING SURPLUS FOR PURPOSE OF DISPOSAL
LAND AND BUILDINGS AT 57-67 PARKER STREET

VOTED: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 57-67 Parker Street, further identified on the City of Gardner Assessor's Map as M22-5-7, to establish as a minimum amount of \$1.00 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 – September 11, 2018

Approved – September 11, 2018

MARK P. HAWKE, Mayor

#9985

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, 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 adopt the following Measure:

DECLARING SURPLUS FOR PURPOSE OF DISPOSAL
LAND AND BUILDINGS AT TEMPLE STREET

VOTED: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at Temple Street, further identified on the City of Gardner Assessor's Map as R22-00019-00019, to establish as a minimum amount of \$1.00 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 – September 11, 2018

Approved – September 11, 2018

MARK P. HAWKE, Mayor

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#9986

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the project encompasses the acquisition of land off Route 140 near the water tank for a new industrial park.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, 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 adopt the following Resolution:

RESOLUTION
CITY BUSINESS PARK ACQUISITION AND PLANNING PROJECT

WHEREAS, The Gardner Redevelopment Authority (GRA), a Massachusetts Redevelopment Authority created under G.L. c. 121B with an address of 115 Pleasant Street, Gardner, Worcester County, Massachusetts, 01440, wishes to express support for the *City's Business Park Acquisition and Planning Project*, which encompasses the acquisition of two parcels of land contiguous to a City-owned parcel located at the junction of State Routes 140 and 101 in Gardner, MA.

WHEREAS, The GRA is partnering with the City of Gardner to acquire 124 +/- acres of land for siting a proposed 146 acre business park. Development of this proposed park is expected to provide significant public benefits such as substantial private investment within the City and region, and the generation of local property taxes and jobs. Assistance through the Commonwealth's Site Readiness Program, administered by the Massachusetts Development Finance Agency, would grant the City and GRA with the necessary resources to initiate this proposed project. Gardner Redevelopment Authority has been awarded a Site Readiness Program Grant in the amount of \$350,000.00 from MassDevelopment for the acquisition costs associated with this project.

WHEREAS, to foster this economic development opportunity in the City of Gardner. The City of Gardner has agreed to repay the Recoverable Grant pursuant to the terms of the grant agreement:

NOW, THEREFORE, the Gardner City Council votes as follows:

VOTED: To approve Paragraph 2(d)(i) of a certain Memorandum of Understanding between the City of Gardner and MassDevelopment as negotiated by the Mayor, which reads as follows, and to authorize the Mayor to sign the same:

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“If the Site or any portion thereof is sold, conveyed, gifted, demised, ground leased, otherwise transferred, or refinanced, and as a result, Recipient, or any affiliate, receives funds that exceed the aggregate amount necessary for repayment of existing monetary liens, mortgage loans, and other debt on the Project and all of the costs incurred by them in the acquisition, development, ownership, and sale of the Site or of the portion of the Site transferred (the “Net Proceeds”), then Recipient shall reimburse MassDevelopment the full amount of the Net Proceeds, in an amount up to the Disbursed Funds. This Section 2(d)(i) shall only apply from the Effective Date established above through 11:59 P.M. on the date 30 years thereafter, but shall survive the earlier expiration or termination of this Agreement.”

VOTED: To approve Paragraph 2(d)(ii) of a certain Memorandum of Understanding between the City of Gardner and MassDevelopment as negotiated by the Mayor, which reads as follows, and to authorize the Mayor to sign the same: “Beginning in the fiscal year when any Economic Benefit to the Municipality (as hereinafter defined) is realized, the City of Gardner shall include in its annual budget a line item requiring payment to MassDevelopment of an amount equal to 15% of any Economic Benefit to the Municipality, until the earlier of: (i) full repayment of the amount of the Recoverable Grant that has been disbursed and has not already been repaid to MassDevelopment, (ii) the expiration of 30 years from the date on which the first Economic Benefit to the Municipality is realized, or (iii) if no redevelopment on the Site commences, the expiration of 30 years from the date of the Recoverable Grant.”

Presented to Mayor for Approval – September 11, 2018

Approved – September 11, 2018

MARK P. HAWKE, Mayor

#9987

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee voted unanimously to not recommend passage of the Ordinance, adding that both the Fire and Police Chiefs oppose the change.

Councillor Nathan Boudreau, Chairman of the Public Service Committee, informed the Council that the Committee voted unanimously to recommend passage of the Ordinance.

Councillor James Walsh moved to remove #9987 from further consideration and from the Calendar. Councillor James Johnson seconded the motion.

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President Graves recognized Mayor Hawke.

The Mayor stated that both the Fire Chief and the Police Chief “admit that it is different, and a change.” “Is it a perfect system?” he asked, suggesting that the parking ban may be needed for “only a dozen days” and that most people have two cars and that they cannot park on the street after November 15, although there may be warm temperatures during the months that the ban is in effect. He suggested that the City should try the proposed change for one to two years, since there is a hardship in the City.

Councillor Boudreau said that he “has been loud about it [issue] for three to four years,” noting that persons in multi-family units have limited off-street parking options. He added that a majority of department heads are in favor of the Ordinance and that he spoke with the DPW Directors in Leominster and Fitchburg and that they use the proposed system of notification. “It’s a modern society,” he said, noting the use of Facebook and Reverse 911 as methods of communication.

Councillor James Boone concurred with the Mayor and Councillor Boudreau, suggesting that the City implement the change to see if it will work.

Councillor Karen Hardern noted that Ward 4 has many multi-family units that have a single parking space, which is a hardship. She questioned the effects of the proposed Ordinance, asking that if a resident is required to move their vehicle after a storm notice, then where will they park their cars for the next 48 hours until the roads are cleared.

The Mayor responded, saying that “in theory,” the City will provide advanced notice – 24 hours in advance, so residents will park their vehicles in the same places where they park them now.

Councillor James Walsh suggested that the language is defective and should be reworded. He noted that some residents may be proficient in the use of social media, but that there are a lot who are not proficient and will not receive notice and therefore, will not comply. He said that the existing Ordinance provides certainty, so that residents know what to expect, especially when renting an apartment. “Certainty is the benefit,” he added.

Councillor Edward Gravel stated that even though some people “are not technology savvy,” they have options such as Code Red, Facebook, Twitter, Snapchat, and Instagram, and noted that the Town of Amherst has a blue light in the center of Town that alerts residents to an emergency. He added that several people from Ward 3 contacted him and said that “they’re tickets are out of control,” and that the proposed Ordinance could be a temporary measure, for the first year.



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Councillor Karen Hardern informed the Council that she spoke with a Leominster City Councillor about their experience and was told that the Ordinance was brought back to the Chief of Police to rework that language.

Councillor Ronald Cormier cited difficulties that the DPW has encountered removing snow when residents leave their trash barrels at the roadside for a couple of days. He noted that perhaps the barrels are not as significant as parked cars impeding snow removal, but that it poses problems for snow plows when they have to dodge barrels.

Councillor James Johnson questioned the proposed change about the times that vehicles are required to off the streets, 11 pm to 7 am; asked its purpose, and then cited the effect on certain business establishments that are open until 2 a.m.

Councillor Nathan Boudreau responded, saying that the 8-hour window would grant the DPW more time to clear the roads of snow.

Councillor Gravel noted that churches and a package store rent parking space to residents.

Councillor Christine Johnson expressed concern about the advanced notice requirement to residents and suggested that the Service Committee be afforded more time to rework the Ordinance language.

Councillor Boudreau expressed concern about the time frame.

President Graves recognized Mayor Hawke.

Mayor Hawke stated that there is a multitude of ways to notify residents, adding that “ignorance of the law is no excuse,” and that there is only a small percentage of the City that would be affected by the change.

Councillor James Walsh withdrew his motion to remove from the Calendar and then moved to refer the Ordinance to the Public Service and Public Safety Committees for further study and report. Councillor Edward Gravel seconded the motion.

On the motion, it was voted viva voce, eight (8) yeas, President Scott Graves and Councillors Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh; three (3) nays, Councillors James Boone, Nathan Boudreau, and Craig Cormier, to refer the following Ordinance to the Public Service and Public Safety Committees for further study and report:

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AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600, ENTITLED "VEHICLES AND TRAFFIC," ARTICLE VI: STOPPING, STANDING, AND PARKING, SECTION 23: ALL-NIGHT PARKING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

Section 1. Section 600-23(a) of the Code of the City of Gardner be repealed and replaced by the following:

§600-23(a): Parking Ban

- i. The Mayor, or designee, after consultation with the Police Department and the Department of Public Works, may order a parking ban to be put in place and enforced by the Gardner Police Department.
- ii. During the parking ban, no vehicles will be permitted to park on any public way, highway or parking lot under the control of the City between the hours of 11:00 pm and 7:00 am.
- iii. Notification to residents about the ban will occur by posting the information through social media, the City's emergency alert system, notification to the local newspaper and/or by any other technology deemed fit for this purpose.
- iv. The Parking Ban shall expire upon notice from the Mayor, or designee, stating the date and time that the ban will expire. The Mayor, or designee, may choose to issue this notice at a separate date and time from when the ban is declared.
- v. Fines issued by the Police Department by those in violation of this ordinance shall be set according to the provisions of Chapter 390 of the Code of the City of Gardner.

Section 2. Section 600-23(d) of the Code of the City of Gardner be amended by striking the following: "(November 15 to April 1)"

Section 3: Effective Date.

This ordinance shall be effective upon passage and publication as required by law.

#9988, #9989, #9990

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee expressed concerns with the proposed language relating to "Assignment," so the Committee plans to address it at their next meeting, along with the assistance of the City Assessor.

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 Graves and Councillors James Boone, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh;



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one (1) nay, Councillor Nathan Boudreau, to refer the following Measures to the Finance Committee for further study and report:

#9988

AUTHORIZING THE MAYOR TO ENTER INTO
A SOLAR ENERGY PILOT AGREEMENT
WITH WEST STREET SOLAR 1, LLC

VOTE: To authorize the Mayor execute the attached Solar Energy PILOT Agreement with West Street Solar 1, LLC., pursuant to the provisions of Massachusetts General Law, Chapter 59, Section 38H, as negotiated by the Mayor.

#9989

AUTHORIZING THE MAYOR TO ENTER INTO
A SOLAR ENERGY PILOT AGREEMENT
WITH 978 SOLAR DEVELOPMENT, LLC

VOTE: To authorize the Mayor to execute the attached Solar Energy PILOT Agreement with 978 Solar Development, LLC., pursuant to the provisions of Massachusetts General Law, Chapter 59, Section 38H, as negotiated by the Mayor.

#9990

AUTHORIZING THE MAYOR TO ENTER INTO
A SOLAR ENERGY PILOT AGREEMENT
WITH OTTER RIVER ROAD SOLAR, LLC

VOTE: To authorize the Mayor to execute the attached Solar Energy PILOT Agreement with Otter River Road Solar, LLC., pursuant to the provisions of Massachusetts General Law, Chapter 59, Section 38H, as negotiated by the Mayor.

REPORTS OF STANDING COMMITTEES

PUBLIC SERVICE COMMITTEE & PUBLIC WELFARE COMMITTEE

#9905

Councillor Christine Johnson, Chairperson of the Public Welfare Committee, reported that the Committee expressed disagreement with the City Solicitor's opinion about the [scope of the] Ordinance, citing the Welfare Committee's belief that the City has the power to establish stricter rules for Scenic Roads. Therefore, the Committee is requesting more time.

Councillor Nathan Boudreau, Chairman of the Public Service Committee, reported that the Service Committee voted to recommend to the City Council that the Ordinance be placed on file.

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President Graves added that the Council has not had the time to fully research the matter, citing many other pressing matters before the Council. 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**#9962**

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 deny the *Application by Folgar Salvage and Export Company for a License to Buy and Sell Second Hand Motor Vehicles, Class 2, at Rear 27 Hill Street.*

#9963

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 deny the *Application by Folgar Salvage and Export Company for License to Deal in Motor Vehicle Junk, Class 3, at Rear 27 Hill Street.*

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

President Graves informed the Council that the Consultant recently transmitted correspondence to the City Council and that the Council may take up the matter at the next meeting. 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."*

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**#9898**

Councillor James Walsh moved to pass the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," BY AMENDING THE ZONING MAP DESIGNATING CERTAIN PARCELS OF LAND EASTERLY OF LOVEWELL STREET AS A LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT.

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

Section 1. Chapter 675 of the Code of the City of Gardner, the Zoning Map, is hereby amended by designating Parcel R07-3-11 easterly of Lovewell Street as a Large-Scale Ground-Mounted Solar Photovoltaic Overlay District.

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

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor James Johnson expressed his continued opposition, noting that the City attempted to purchase the parcel in 2015, but was turned down.

Councillor Edward Gravel noted that the vote would be to establish a solar overlay district, which is in a rural residential area.

Councillor Elizabeth Kazinskas stated that the Council “has received more than enough information on this [overlay] and that plenty of people in the area are in favor.” She said that “there are 50 other things than can go in Rural Residential zones,” and questioned if “there is a better option for the City for that area.”

Mayor Hawke noted that if the Ordinance does not pass, then there will not be any more solar developments in Gardner.

Councillor Kazinskas added that if the Overlay is not approved, then other towns in the queue will benefit from solar developments.

Councillor James Boone stated that zoning is in place for a reason and that he opposes solar in rural residential areas, adding that once the City opens the area to solar, “it is precedent setting.”

Councillor Edward Gravel said that he believes that there are nine solar farms in the City and that “they’ll keep coming.”

Councillor Nathan Boudreau stated that the Smart Growth Initiative runs out, as “there is only a certain amount of subsidy and pricing, then it’s done. We are approaching the limit.”

Councillor Kazinskas stated, “These are the last two projects – we will not see any more companies coming and we cannot use another’s town’s substation.” She added that “this is not strong-arming, but how the Smart Program works.”



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Councillor Karen Hardern stated that the land is pristine and still in its natural state.

Reacting to Councillor Boone’s comments, Mayor Hawke stated that the three existing solar arrays are in residential areas, so “nothing is precedent-setting.” He questioned where commercial and industrial entities will go if solar consumes those two zoning districts.

Councillor Nathan Boudreau stated that the land is not conservation land and is owned by a member of the community.

On the motion, on call of the roll, five (5) yeas, Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Elizabeth Kazinskas, and James Walsh; six (6) nays, President Scott Graves and Councillors James Boone, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, the motion was defeated.

#9909

Councillor James Walsh moved to pass the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED “ZONING,” BY AMENDING THE ZONING MAP DESIGNATING CERTAIN PARCELS OF LAND SOUTHWESTERLY OF WEST STREET AS A LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT.

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

Section 1. Chapter 675 of the Code of the City of Gardner, the Zoning Map, is hereby amended by designating the following parcels southwesterly of West Street as a Large-Scale Ground-Mounted Solar Photovoltaic Overlay District:

H27-7-3	H27-00019-00024	H27-00013-00051	H27-00023-00078
H27-7-6	H27-00019-00025	H27-00013-00052	H27-00023-00079
C32-14-18	H27-00019-00026	H27-00013-00053	H27-00024-00080
H27-00013-00106	H27-00024-00027	H27-00013-00054	H27-00024-00081
H27-00025-00001	H27-00024-00028	H27-00013-00055	H27-00024-00082
H27-00025-00002	H27-00023-00029	H27-00017-00056	H27-00024-00083
H27-00020-00022	H27-00023-00030	H27-00017-00057	H27-00024-00084
H27-00020-00021	H27-00023-00031	H27-00017-00058	H27-00019-00085
H27-00020-00020	H27-00018-00032	H27-00017-00059	H27-00019-00086
H27-00019-00006	H27-00018-00033	H27-00017-00060	H27-00019-00087
H27-00019-00007	H27-00018-00034	H27-00017-00061	H27-00020-00088
H27-00019-00008	H27-00013-00035	H27-00017-00062	H27-00025-00089
H27-00019-00009	H27-00018-00036	H27-00017-00063	H27-00025-00090
H27-00019-00010	H27-00018-00037	H27-00017-00064	H27-00025-00091
H27-00019-00011	H27-00018-00038	H27-00017-00065	H27-00025-00092



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H27-00019-00012	H27-00018-00039	H27-00017-00066	H27-00025-00093
H27-00019-00013	H27-00023-00040	H27-00017-00067	H27-00025-00094
H27-00019-00014	H27-00023-00041	H27-00017-00068	H27-00025-00095
H27-00019-00015	H27-00022-00042	H27-00017-00069	H27-00025-00096
H27-00014-00016	H27-00017-00043	H27-00022-00070	H27-00025-00097
H27-00014-00017	H27-00017-00044	H27-00022-00071	H27-00025-00098
H27-00014-00018	H27-00017-00045	H27-00023-00072	H27-00025-00099
H27-00014-00019	H27-00017-00046	H27-00023-00073	H27-00014-00101
H27-00014-00020	H27-00017-00047	H27-00023-00074	H27-00014-00102
H27-00015-00021	H27-00013-00048	H27-00023-00075	H27-00015-00105
H27-00014-00022	H27-00013-00049	H27-00023-00076	
H27-00019-00023	H27-00013-00050	H27-00023-00077	

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

Councillor Nathan Boudreau seconded the motion.

On the motion, Councillor Christine Johnson informed the Council that she received reports from residents of the area of the proposed overlay district, saying that the Proponents sent three people at a time to talk to residents to try to garner their support for the project and to get them to sign their Petition. She said that they also tried “to strong-arm” the five Councillors that voted against the Ordinance. Continuing, she said that the proposed overlay district is residentially-zoned “so why bother having zoning at all.” She added that the Council has the responsibility to protect the residents.

Councillor Edward Gravel informed the Council that he received five phone calls today while at work, saying that the proponents “would not take ‘no’ for an answer.” He said that it has happened at other times and that it is strange getting calls at work. Continuing, he expressed concern for the neighborhood if the Ordinance is passed and “for those of us that live in this neighborhood.” He added that the original plan to construct 100 homes would bring in \$5,000 each in property taxes, for a total of \$500,000 which, he said, “would grow the City’s population.”

Councillor Nathan Boudreau informed the Council that he supports the Ordinance because this project is needed and will work in the long run.

Councillor Karen Hardern said that she, too, was visited by project representatives “who were very professional.” She noted that the land has been disturbed for ten years, that the City could use the revenue, and that she studied the impact on the wells and found that they would not be affected.



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Councillor James Walsh informed the Council that he has favored the Ordinance and project since the beginning, saying that “he wished that the same level of information that was recently provided to the Council was provided before the Ordinance was initially defeated.” He said that the proposed overlay would be mostly situated on the site of a failed subdivision, which is substantially disturbed. He noted that a Proposition 2½ Override question is scheduled for November which, if approved, will definitely raise taxes. However, he added, there are inducements to this project.

Councillor Elizabeth Kazinskas stated that the proponents provided all of the information that the Councillors requested and that the project has the support of 37 abutting residents. She noted that the three existing solar overlays are located in rural residentially-zones areas in the City. Continuing, she said that this project is important to the City as there are many benefits and that the land will be in better shape.

Councillor James Boone noted that the Cedar Hills project was a failed development during an economic downturn, but that property values are increasing; that this parcel is “prime for development,” and, that Gardner has room in its schools for additional students. He said that he “never felt so strong-armed since being on the School Committee and City Council,” and added that they showed up at his house.

Councillor Edward Gravel informed the Council that the “median income of a house in Gardner is \$300,000, and that houses are being built.”

Councillor James Johnson informed the Council that he spent a couple hours today viewing the proposed site encompassing 220 acres and suggested that the parcels owned by Annunciation Parish near the Templeton town line (backside of St. Joseph’s Cemetery) be stricken from the overlay district.

Councillor James Johnson then moved to amend the motion by striking C32-14-18 from the Ordinance.

Councillor Christine Johnson seconded the motion.

On the motion, on viva voce vote, three (3) yeas, Councillors Edward Gravel, Christine Johnson, and James Johnson; eight (8) nays, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Elizabeth Kazinskas, and James Walsh, the amendment was defeated.

President Graves recognized Mayor Hawke.



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Mayor Hawke informed the Council that 40 acres of trees are proposed for cutting while 60 acres [of the site] “is raped land,” and that he took offense to Councillors using slanderous language about an award-winning environmental company. The Mayor said that this project “is the poster child for what should be done with this land,” adding it is a \$15 million project, that it would be a quiet neighbor, but “that some [Councillors] would not even speak to the developers.”

On the motion, on call of the roll, six (6) yeas, Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Elizabeth Kazinskas, and James Walsh; five (5) nays, President Scott Graves and Councillors Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, to motion to pass the Ordinance was defeated for lack of the requisite two-thirds vote.

#9954

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the HR Director reported in correspondence to the Council that one additional change needs to be made to the Compensation Schedule. He cited the compensation of a Special Detail Officer, which mirrors the pay rate in the Police Union Contract.

Councillor Walsh moved to amend the Ordinance by incorporating the following and to pass the Ordinance with the amendment:

Position	07/01/18			07/01/19
	Step 1	Step 2	Step 3	Step 1
Special Detail Police Officer	\$48.00			\$49.00

Councillor Ronald Cormier seconded the motion.

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED “PERSONNEL” TO CHANGE COMPENSATION SCHEDULE EXHIBIT E.

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 E and inserting in place thereof, the following:



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Exhibit E
Non-Union Employees
Effective Date: 07/01/2018

Department Heads

Position	Grade		Annual	Weekly	Hourly
Building Commissioner	G-10		\$ 76,619.22	\$1,473.45	
Chief of Police	G-13		\$101,195.73	\$1,946.07	
City Assessor	G-9		\$ 71,703.71	\$1,378.92	
City Auditor	G-10		\$ 79,682.11		
Retirement Board (ex officio)			\$ 3,000.00		
		Total Compensation:	\$ 82,682.11	\$1,590.04	
City Clerk	G-10		\$ 78,151.60		
Clerk of the City Council		MGL c. 41, §19F	\$ 3,500.00		
Registrar of Voters		MGL c. 41, §19G	\$ 550.00		
		Total Compensation:	\$ 82,201.60	\$1,580.80	
City Treasurer/Collector	G-10		\$ 82,469.49		
		MGL c. 32, §20(6)	\$ 300.00		
		Total Compensation:	\$ 82,769.49	\$1,591.72	
City Engineer	G-11		\$ 83,505.33	\$1,605.87	
City Solicitor	G-10		\$ 79,051.18	\$1,520.22	
Council on Aging Director	G-6		\$ 55,372.77	\$1,064.86	
Director of Community Development & Planning	G-10	City:	\$ 64,547.98		
		GRA:	\$ 21,814.19		
		CDBG:	\$ 4,545.15		
		Total Compensation:	\$ 90,907.32	\$1,748.22	
Director of Local Origination & Educational Planning	G-6		\$62,591.01	\$1,203.67	
Director of Public Health	G-10	Step 1	\$68,978.52	\$1,326.51	
		Step 2	\$76,937.58	\$1,479.57	
Fire Chief	G-12		\$92,841.90	\$1,785.42	
Golf Course Driving Range/Superintendent	G-9		\$75,070.56	\$1,443.66	
Human Resources Director	G-11		\$85,175.74	\$1,638.00	
Information Technology Director	G-10	City	\$47,015.98		
		School	\$47,015.98		
		Total Compensation:	\$94,031.96	\$1,808.31	
Library Director	G-10		\$73,932.57	\$1,421.78	
Public Works Director	G-12		\$98,130.70	\$1,887.13	
Purchasing Agent/Civil Enforcement Director	G-10	MGL c. 148A, §5	\$ 2,500.00		
		Total Compensation:	\$77,998.58	\$1,499.97	
Veterans' Director	G-6		\$56,871.20	\$1,093.68	

Non-Union Direct and Supervisory Staff

Position	Grade		Annual	Weekly	Hourly
Assistant City Clerk	G-3	Step 1	\$41,927.08	\$ 806.29	\$21.79
		Step 2 (5 Yrs)	\$42,765.62	\$ 822.42	\$22.23
		Step 3 (10 Yrs)	\$43,620.93	\$ 838.86	\$22.67
Assistant City Engineer	G-8		\$65,787.47	\$1,265.14	
Assistant City Solicitor	G-3		\$43,695.30	\$ 840.29	



REGULAR MEETING OF SEPTEMBER 5, 2018

Assistant City Treasurer/ Collector	G-5	\$52,324.35	\$1,006.24	
Assistant Director of Community Development**	G-7	City \$ 3,277.26 CDBG <u>\$62,267.94</u>		
		Total Compensation:	\$65,545.20	\$1,260.48
Assistant Director of Public Health	G-5	\$52,324.35	\$1,006.24	
Assistant Director of Public Works	G-9	\$71,703.71	\$1,378.92	
Assistant Library Director	G-6	\$57,275.70	\$1,101.46	
Conservation/Planning Agent	G-6	\$57,855.20	\$1,112.60	
Deputy Chief of Police	G-11	\$85,175.74	\$1,638.00	
Director of Public Safety Regional Dispatch Center	G-8	\$72,828.00	\$1,400.54	
Economic Development Coordinator**	G-7	\$57,120.00	\$1,098.46	
Executive Secretary	G-4	\$46,620.99	\$ 896.56	\$24.23
GIS/Energy Analyst	G-5	\$58,000.00	\$1,115.38	
Golf Professional	G-6		\$1,256.18	
Golf Pro Manager	G-6		\$1,082.43	
Local Inspector	G-6	\$59,146.27	\$1,137.43	
Producer	G-2	\$47,436.67	\$ 912.24	
Senior Animal Control Officer	G-2	\$39,809.84	\$ 765.57	
Systems Manager	G-6	\$62,558.21	\$1,203.04	
Electrical Inspector	G-6			\$30.74
Plumbing Inspector	G-6			\$30.74
Transfer Station Supervisor	G-3			\$21.74
Executive Aide				\$26.53
		<u>Annual</u>	<u>Monthly</u>	
Civil Defense Director		\$8,992.04	\$ 749.34	
Sealer of Weights & Measures		\$9,158.21	\$ 763.18	

Non-Union Staff Positions

Animal Control Officer	G-1	<u>Annual</u>	<u>Weekly</u>	<u>Hourly</u>
		\$32,897.45	\$ 632.64	\$15.82
		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>
Administrative Assistant		\$14.60	\$16.93	\$20.40
Administrative Coordinator		\$13.84	\$16.30	\$18.76
Administrative Clerk		\$13.40	\$15.58	\$17.75
Animal Shelter Attendant		\$12.00		
Budget/Project Manager**	City	\$ 1.07		
	GRA	\$.64		
	CDBG	<u>\$22.40</u>		
Total Compensation:		\$24.11		
Building Maintenance Craftsman		\$17.74	\$20.01	\$22.29
Building Maintenance Man		\$16.22	\$18.42	\$20.62
Council on Aging Coordinator		\$12.68		
Financial Administrator		\$14.78	\$17.63	\$20.79
Financial Clerk		\$13.58	\$15.97	\$18.64



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Golf Course Positions

Golf Pro Shop Supervisor	\$13.80	\$14.33	\$14.86
Grounds Maintenance Man GC-8	\$16.24	\$18.86	\$19.76
Motor Equipment Repairman GC-8	\$16.24	\$17.86	\$19.76
Working Foreman – Grounds Maintenance Man GC-9	\$19.95		
Working Foreman – Motor Equipment Repairman GC-9	\$19.95		

Library Department Positions

Staff Librarian	\$21.42		
Senior Library Technician	\$19.52		
Library Technician	\$18.41		
Library Clerical Staff	\$12.88	\$13.14	
Library Custodian	\$15.73	\$17.85	\$19.98
Head Lifeguard	\$15.00	\$16.40	
Parking Meter Clerk	\$16.32		
Production Assistant	\$14.48		
Transfer Station Monitor	\$12.00		

Non-Union Staff: Temporary, Seasonal, and Intermittent Positions

<u>Position</u>	<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>
Alternate Animal Control Officer	N/A	\$12.00		
Certified Pool Operator	S-4	\$21.68		
Golf Course Laborer/ Pro Shop Assistant	GC-4	\$12.00		
Golf Course Groundsman	GC-5	\$14.23		
Golf Course Ranger	GC-6	\$12.00		
Lifeguard	S-6	\$12.00		
Temporary Seasonal Technical	T-6	\$14.08		
Election Clerk	N/A	\$12.00		
Election Inspector	N/A	\$11.00		
Election Warden	N/A	\$13.00		
Special Detail Police Officer	N/A	\$47.00		
Temporary Seasonal Laborer	T-4	\$12.00	\$13.50	\$15.00
Recreational Playground Supervisor	T-5	\$15.00	\$16.40	
Recreational Support Staff	N/A	\$12.00		

**Compensation increase contingent upon positive evaluation of oversight commission, Board or individual (Mayor or City Council) with the approval of the Mayor.

%Community Development & Planning Administrative Coordinator wages paid for by City, CDBG and GRA in the following approximate percentages: City – 84.5%, GRA – 10.5%, CDBG- 5%.



REGULAR MEETING OF SEPTEMBER 5, 2018

In City Council – June 18, 2018
Ordered Printed – August 6, 2018
First Printing – August 13, 2018
Ordinance Passed – September 5, 2018
Presented to Mayor for Approval – September 11, 2018
Approved September 11, 2018
MARK P. HAWKE, Mayor
Final Printing – September 21, 2018

NEW BUSINESS

On a motion by Councillor Edward Gravel 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.

COMMENTARY

Council President Scott Graves commented that the Open Meeting Law is essential, “something that we have to have,” but, in his opinion, “handcuffs the City Council.” He said that he had lengthy communications with ERM about several issues that he had with the project, but that he “can’t share with the City Council because of the Open Meeting Law.” “So, whenever ERM responded,” he said, “the Council only sees their response.”

He continued, saying that he would like to explain why he consistently voted against the solar overlay district Ordinances. Citing G.L. Chapter 40A, section 3, he said that the statute prohibits any municipality from unreasonably interfering with solar projects, but allows the City to exert its zoning authority or regulation “if reasonable as relating to health and safety.” “The point is,” he said, “is that under that law, we [Gardner] have to have an area zoned for solar, so it [Gardner] enacted one.” The Planning Board, he said, identified the size and location of solar zones, and the City “did what it had to do.” So, when people say, it is already in residential... but if it is expanded, then “Pandora’s box is opened.”

Concluding, President Graves stated that no one has addressed his questions and concerns that further expansion “cannot or will not be sought” in the near or distant future. He said that we only heard from one side, because the proponents have all the experts and the other side had none.



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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, 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 9:12 p.m.

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