



IN CITY COUNCIL

REGULAR MEETING OF OCTOBER 1, 2018

Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, October 1, 2018.

CALL TO ORDER

Council President Scott Joseph Graves called the meeting to order at 7:30 o'clock p.m. and announced that Councillor Craig Cormier would be participating remotely due to geographic distance, in accordance with 940 CMR 29.10(5). He added that all votes taken during the meeting would be by call of the roll.

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 Johnson, on call of the roll, it was voted 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 August 6, 2018 and September 17, 2018 Joint Public Hearings, and the September 17, 2018 Regular Meeting, as printed.



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PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#9996

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 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 Order:

CITY OF GARDNER, MASSACHUSETTS
STATE ELECTION ORDER
TUESDAY, NOVEMBER 6, 2018

VOTED:

It is ordered that meetings of the citizens of this City qualified to vote in the State Election shall be held on TUESDAY, the 6th DAY OF NOVEMBER, 2018 for the purpose of casting their votes in the State Election for the candidates for the following offices and questions:

SENATOR IN CONGRESS.....	FOR THIS COMMONWEALTH
GOVERNOR and LIEUTENANT GOVERNOR.....	FOR THIS COMMONWEALTH
ATTORNEY GENERAL.....	FOR THIS COMMONWEALTH
SECRETARY OF STATE	FOR THIS COMMONWEALTH
TREASURER AND RECEIVER GENERAL.....	FOR THIS COMMONWEALTH
AUDITOR.....	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.....	THIRD DISTRICT
COUNCILLOR.....	SEVENTH DISTRICT
SENATOR IN GENERAL COURT.....	WORCESTER & MIDDLESEX DISTRICT
REPRESENTATIVE IN GENERAL COURT.....	SECOND WORCESTER DISTRICT
DISTRICT ATTORNEY.....	MIDDLE DISTRICT
CLERK OF COURTS	WORCESTER COUNTY
REGISTER OF DEEDS.....	WORCESTER DISTRICT

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

SUMMARY

This proposed law would limit how many patients could be assigned to each registered nurse in Massachusetts hospitals and certain other health care facilities. The maximum number of patients per registered nurse would vary by type of unit and level of care, as follows:



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- In units with step-down/intermediate care patients: 3 patients per nurse;
- In units with post-anesthesia care or operating room patients: 1 patient under anesthesia per nurse; 2 patients post-anesthesia per nurse;
- In the emergency services department: 1 critical or intensive care patient per nurse (or 2 if the nurse has assessed each patient's condition as stable); 2 urgent non-stable patients per nurse; 3 urgent stable patients per nurse; or 5 non-urgent stable patients per nurse;
- In units with maternity patients: (a) active labor patients: 1 patient per nurse; (b) during birth and for up to two hours immediately postpartum: 1 mother per nurse and 1 baby per nurse; (c) when the condition of the mother and baby are determined to be stable: 1 mother and her baby or babies per nurse; (d) postpartum: 6 patients per nurse; (e) intermediate care or continuing care babies: 2 babies per nurse; (f) well-babies: 6 babies per nurse;
- In units with pediatric, medical, surgical, telemetry, or observational/outpatient treatment patients, or any other unit: 4 patients per nurse; and
- In units with psychiatric or rehabilitation patients: 5 patients per nurse.

The proposed law would require a covered facility to comply with the patient assignment limits without reducing its level of nursing, service, maintenance, clerical, professional, and other staff.

The proposed law would also require every covered facility to develop a written patient acuity tool for each unit to evaluate the condition of each patient. This tool would be used by nurses in deciding whether patient limits should be lower than the limits of the proposed law at any given time.

The proposed law would not override any contract in effect on January 1, 2019 that set higher patient limits. The proposed law's limits would take effect after any such contract expired.

The state Health Policy Commission would be required to promulgate regulations to implement the proposed law. The Commission could conduct inspections to ensure compliance with the law. Any facility receiving written notice from the Commission of a complaint or a violation would be required to submit a written compliance plan to the Commission. The Commission could report violations to the state Attorney General, who could file suit to obtain a civil penalty of up to \$25,000 per violation as well as up to \$25,000 for each day a violation continued after the Commission notified the covered facility of the violation. The Health Policy Commission would be required to establish a toll-free telephone number for complaints and a website where complaints, compliance plans, and violations would appear.



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The proposed law would prohibit discipline or retaliation against any employee for complying with the patient assignment limits of the law. The proposed law would require every covered facility to post within each unit, patient room, and waiting area a notice explaining the patient limits and how to report violations. Each day of a facility's non-compliance with the posting requirement would be punishable by a civil penalty between \$250 and \$2,500.

The proposed law's requirements would be suspended during a state or nationally declared public health emergency.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

A YES VOTE would limit the number of patients that could be assigned to one registered nurse in hospitals and certain other health care facilities.

A NO VOTE would make no change in current laws relative to patient-to-nurse limits.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

SUMMARY

This proposed law would create a citizens commission to consider and recommend potential amendments to the United States Constitution to establish that corporations do not have the same Constitutional rights as human beings and that campaign contributions and expenditures may be regulated.

Any resident of Massachusetts who is a United States citizen would be able to apply for appointment to the 15-member commission, and members would serve without compensation. The Governor, the Secretary of the Commonwealth, the state Attorney General, the Speaker of the state House of Representatives, and the President of the state Senate would each appoint three members of the commission and, in making these appointments, would seek to ensure that the commission reflects a range of geographic, political, and demographic backgrounds.

The commission would be required to research and take testimony, and then issue a report regarding (1) the impact of political spending in Massachusetts; (2) any limitations on the state's ability to regulate corporations and other entities in light of Supreme Court decisions that allow corporations to assert certain constitutional rights; (3) recommendations for constitutional amendments; (4) an analysis of constitutional amendments introduced to Congress; and (5) recommendations for advancing proposed amendments to the United States Constitution.



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The commission would be subject to the state Open Meeting Law and Public Records Law. The commission's first report would be due December 31, 2019, and the Secretary of the Commonwealth would be required to deliver the commission's report to the state Legislature, the United States Congress, and the President of the United States.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

A **YES VOTE** would create a citizens commission to advance an amendment to the United States Constitution to limit the influence of money in elections and establish that corporations do not have the same rights as human beings.

A **NO VOTE** would not create this commission.

QUESTION 3: REFERENDUM ON AN EXISTING LAW

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on July 7, 2016?

SUMMARY

This law adds gender identity to the list of prohibited grounds for discrimination in places of public accommodation, resort, or amusement. Such grounds also include race, color, religious creed, national origin, sex, disability, and ancestry. A "place of public accommodation, resort or amusement" is defined in existing law as any place that is open to and accepts or solicits the patronage of the general public, such as hotels, stores, restaurants, theaters, sports facilities, and hospitals. "Gender identity" is defined as a person's sincerely held gender-related identity, appearance, or behavior, whether or not it is different from that traditionally associated with the person's physiology or assigned sex at birth.

This law prohibits discrimination based on gender identity in a person's admission to or treatment in any place of public accommodation. The law requires any such place that has separate areas for males and females (such as restrooms) to allow access to and full use of those areas consistent with a person's gender identity. The law also prohibits the owner or manager of a place of public accommodation from using advertising or signage that discriminates on the basis of gender identity.

This law directs the state Commission Against Discrimination to adopt rules or policies and make recommendations to carry out this law. The law also directs the state Attorney General to issue regulations or guidance on referring for legal action any person who asserts gender identity for an improper purpose.



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The provisions of this law governing access to places of public accommodation are effective as of October 1, 2016. The remaining provisions are effective as of July 8, 2016.

A YES VOTE would keep in place the current law, which prohibits discrimination on the basis of gender identity in places of public accommodation.

A NO VOTE would repeal this provision of the public accommodation law.

QUESTION 4

Shall the City of Gardner be allowed to assess an additional \$601,947.00 in real estate and personal property taxes for the purposes of funding the School Department for the fiscal year beginning July 1, 2019?

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

- WARD 1, PRECINCT A – Elk’s Home, 31 Park Street
- WARD 1, PRECINCT B – Elk’s Home, 31 Park Street
- WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 West Lynde Street
- WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 West Lynde Street
- WARD 3, PRECINCT A – Acadien Social Club, 193 Parker Street
- WARD 3, PRECINCT B – High Rise Community Room, 104 Church Street
- WARD 4, PRECINCT A – Police Headquarters, 200 Main Street
- WARD 4, PRECINCT B – Police Headquarters, 200 Main Street
- WARD 5, PRECINCT A – Knights of Columbus, 110 South Main Street
- WARD 5, PRECINCT B – Knights of Columbus, 110 South Main Street

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

It is further directed that this Order be posted in accordance with the provisions of Section 63 of Chapter 54 of the General Laws.

Presented to Mayor for Approval – October 2, 2018

Approved – October 2, 2018

MARK P. HAWKE, Mayor

#9997

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the PACE program is an energy-saving program for commercial and industrial concerns, similar to MassSave; serves only residential properties; and, is funded by MassDevelopment



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at a minimum project cost of \$250,000. He noted that there are several local entities expressing interest in the program.

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 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:

AUTHORIZING THE CITY OF GARDNER TO PARTICIPATE
IN THE MASSACHUSETTS COMMERCIAL PROPERTY ASSESSED
CLEAN ENERGY PROGRAM
(PACE MASSACHUSETTS)

VOTED: WHEREAS, pursuant to M.G.L. c. 23M (the "PACE Act"), the Commonwealth has established a commercial sustainable energy program known as the Massachusetts Property Assessed Clean Energy Program ("PACE Massachusetts") to provide a financing mechanism ("PACE financing") to private owners of commercial and industrial properties for certain qualifying commercial energy improvements and

WHEREAS, pursuant to the PACE Act, PACE Massachusetts is administered by the Massachusetts Development Finance Agency ("MassDevelopment"), in consultation with the Massachusetts Department of Energy Resources; and

WHEREAS, under PACE Massachusetts, the owner of the commercial or industrial property benefitting from the improvements (the "benefitted property") is required to repay the PACE financing through the payment of a betterment assessment (a "PACE betterment assessment") placed on such benefitted property by the municipality in which the benefitted property is located; and

WHEREAS, in order for an owner of commercial or industrial property to participate in PACE Massachusetts, Section 2 of the PACE Act requires that the municipality in which such property is located must elect to participate in PACE Massachusetts; and

WHEREAS, the City of Gardner has determined that it is in the best interest of the Municipality to participate in PACE Massachusetts as a "participating municipality," as provided in the PACE Act, to permit the owners of commercial and industrial properties located in the Municipality to access PACE financing for qualifying commercial energy improvements through PACE Massachusetts;



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WHEREAS, NOW THEREFORE, BE IT ORDERED, as follows:

The City Council of the City of Gardner, hereby approves the City of Gardner's participation in PACE Massachusetts pursuant to the PACE Act, and authorizes the Mayor to enter into a PACE Massachusetts Municipal Assessment and Assignment Agreement (the "Agreement") with MassDevelopment, pursuant to which the Municipality will agree to (i) levy PACE betterment assessments and impose PACE betterment assessment liens on benefitted properties located in the Municipality, in the amounts determined by MassDevelopment to be sufficient to repay the PACE financing, (ii) assign the PACE betterment assessment liens to MassDevelopment, which MassDevelopment may in turn assign to the providers of the PACE financing (each a "capital provider"), as collateral for such PACE financing, (iii) include on the property tax bills for the benefitted properties the installment payments necessary to repay the PACE betterment assessments, in the amounts and at the times as determined by MassDevelopment, (iv) collect and pay over to MassDevelopment or its designee, the PACE betterment assessment installment payments, as and when collected, and (v) enforce, to the extent required by the Agreement, the PACE betterment assessments and liens; the Agreement to be substantially in the form presented to this meeting, with such changes, modifications and insertions as the Mayor may approve as being in the best interest of the Municipality. The Collector/Treasurer of the City as may be designated in the Agreement is authorized to levy such PACE betterment assessments and impose the PACE betterment assessment liens on behalf of the City without further authorization by this legislative body.

Notwithstanding any other provision of law to the contrary, officers and officials of the Municipality, including, without limitation, municipal tax assessors and tax collectors, are not personally liable to MassDevelopment or to any other person for claims, of whatever kind or nature, under or related to PACE Massachusetts, including, without limitation, claims for or related to uncollected PACE betterment assessments. Other than fulfillment of the obligations specified in the Agreement, the Municipality has no liability to the owner of the benefitted property or to any capital provider related to the Municipality's participation in PACE Massachusetts.

Presented to Mayor for Approval – October 2, 2018

Approved – October 2, 2018

MARK P. HAWKE, Mayor



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REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

#9988

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably on the Measure and that the Committee's Report on Calendar #9988 also applies to Calendar #9989 and #9990. Councillor Cormier outlined the following:

- Amounts paid by solar companies through PILOT Agreements are based on the cost of the equipment that is used onsite (panels).
- The payments to the City are guaranteed for twenty years and will remain constant for the period and include 2½% increases per year.
- The total payment obligation for twenty years is divided into twenty equal payments, which is advantageous to the City because the City is assured of a set amount each year and guarantees that no [personal property tax] abatement could be requested.
- Solar companies are not obligated to enter into PILOT Agreements with the City and that a municipality cannot impose personal property taxes on solar equipment.
- Under personal property taxation, if the tax rate is reduced, then the [personal property] revenue could decrease, but stays constant under a PILOT Agreement.
- There is "a slower depreciation" than would normally be allowed when computing equipment depreciation.

Councillor Ronald Cormier then moved to authorize the Mayor to 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.

Councillor James Walsh seconded the motion.

On the motion, Councillor Edward Gravel informed the Council that he just started reading the annual payment language, so he "wanted to make sure that the public understands that there'll be no payments, from what I understand, until November 1st, 2020, so they will not be on this year's tax rolls [or] two years from now."

Councillor James Walsh noted that "PILOT" is an acronym for "Payment in lieu of taxes," as there are no taxes owed on items listed in the Agreement, because the particular statute prohibits personal property taxation of this type of equipment and a PILOT Agreement is part of the incentive for this type of development. He said that there is concern on the part of the developers that the [particular] statute may change, and so by entering into PILOT Agreements, they "have locked in" their obligations for twenty years and added that the City



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may anticipate additional PILOT Agreements as a result of recent solar development proposals.

Councillor Ronald Cormier added that the PILOT payments “are above and beyond the [real estate] taxes on the land.”

On the motion, on call of the roll, it was voted 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:

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

VOTED: 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.

Presented to Mayor for Approval – October 2, 2018

Approved – October 2, 2018

MARK P. HAWKE, Mayor

#9989

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, on call of the roll, it was voted 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:

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

VOTED: 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.

Presented to Mayor for Approval – October 2, 2018

Approved – October 2, 2018

MARK P. HAWKE, Mayor



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#9990

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, on call of the roll, it was voted 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:

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

VOTED: 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.

Presented to Mayor for Approval – October 2, 2018

Approved – October 2, 2018

MARK P. HAWKE, Mayor

COUNCIL AS COMMITTEE OF THE WHOLE

#9899

President Graves informed the Council that the continued Public Hearing is scheduled for Monday, October 15 at 6:30 p.m., followed by an Informal Meeting. Accordingly, 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

#9987

Councillor Nathan Boudreau moved to pass the following Ordinance:

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



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- 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.

Councillor James Boone seconded the motion.

Councillor James Walsh then moved to amend Section 3. Effective Date. to read as follows: "This ordinance amendment shall be effective upon passage and publication as required by law and its provisions shall expire on October 1, 2020."

Councillor Nathan Boudreau seconded the motion.

On the motion, Councillor Walsh stated that his motion added the word "amendment" from the originally proposed amendment that was distributed through the Clerk's Office. He added that if the Ordinance amendment does expire, then it would only be the amendment (2-years) and not the existing Ordinance that expires.

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee met again following its original vote and voted 2 in favor, 1 opposed, to not recommend the proposed Ordinance amendment. He said that one of the main reasons that the Committee cited is because of "the fallibility of the weather forecasts."



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Councillor Karen Hardern informed the Council that she is the member of the Public Safety Committee that supports the amendment. She said that she has opposed the amendment for quite some time, but that with Councillor Walsh's amendment, the City would have 2 years to evaluate the effects of the change. She added that the change "would give people some flexibility which they are looking for" and "hopes that they use their common sense and follow through." She then questioned whether the Ordinance could be amended at any time should it be necessary.

On Councillor Hardern's inquiry, President Graves offered Councillor Walsh the opportunity to respond.

Councillor Walsh stated that should the amendment pass, an Ordinance could be introduced at any time to address the issue.

Councillor Hardern stated that if the change doesn't work after 2 weeks, then someone could bring it back and added that it is up to the public, as the change will give them flexibility.

Councillor Christine Johnson said that she "believes that change is good" and that "there are people that have asked for this change and that the Council needs to give them the change." She noted that for the first year of change, "it's going to be a disaster and you're going to have hiccups," but that "two-years will provide a good picture, and [we] will see the second year done a little bit better," and "the City of Gardner has the ability to notify its residents that the snow is going to fly and to get your vehicles off [the streets]." She concluded by saying the people in the City change and that their needs change" and so "it is a good Ordinance."

Councillor James Johnson said that he will vote against the Ordinance, but that if it does pass, then "there should be amendment on the time frame, as it will hurt businesses that remain open after 11:00 p.m. and rely on City parking lots and City streets for [customer parking]."

Councillor Edward Gravel informed the Council that he voted in Committee to oppose the change and "would probably vote the same way tonight." He said that "change is tough, change is hard," and that he "spoke previously about ways to reach residents, such as Reverse 911 and the School System, and other ways." Continuing, he said "This is New England," and "we've got to think about our seniors, too," and to think about residents exiting their driveways when snowbanks block visibility. He noted that he has seen cars parked on City Hall Avenue that haven't moved in seven days because he passes by every day – "the same two cars in the same two spots," and questioned why they're not ticketed since they're in



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metered spaces.” He noted that the Committee had discussion with a former City Councillor “who made some very valid points,” and that the comments be entered into the record.

President Graves informed the Council that discussion should focus on the motion to amend.

On the amendment, on call of the roll, ten (10) yeas, Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, one (1) nay, President Scott Graves, the amendment was adopted.

On the motion to adopt the Ordinance, as amended,

Councillor Nathan Boudreau stated, “Change is good. Change is really good,” and that “there are people here in other avenues of their life going after change for changes sake. And, for some of these people to sit here and talk down on making similar changes is a bit of a conundrum to me.”

Continuing, Councillor Boudreau said, “The people have asked for this,” adding that for the past four or four and a half years, he has “run into over hundreds of people. Hundreds of people have been complaining about the all-encompassing winter parking ban.” He said that “November to April is a really long time for people to not be able to access parts of their property or be able to park in an accessible spot especially when there are some days in February where it’s 45 or 50.”

Continuing, he stated, “People are looking for a little bit of alleviation – people are looking for a break. Whether it’s the person who gets tickets all the time because they don’t have a reliable parking spot or the person who accidentally left their car out there on one of those warm spells and got a ticket. But, this is a break for the people at home. This is making something a lot easier.”

Continuing, Councillor Boudreau stated, “I am, personally, not a snow ban administrator, so I would hope that the professionals that the City of Gardner has plenty of, would take this and run with it, as we are a policy board, not a group of administrators.”

Concluding, he stated, “I do not believe that the problems brought up by former Councillor Palmieri at the Public Safety meeting are truly warranted. Maybe in his personal case where he lives on a hill and in an area where parking is an issue, that’s something we can talk about – putting up a mirror or making the street more accessible. But I don’t think that that’s a reason to throw the baby out with the bathwater.”



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Councillor James Johnson said, “Most change is good,” and “we’ve all see days where school is called off and we get absolutely no snow and others days where they’re telling us that they are releasing kids early because suddenly we’ve gotten a lot more snow than predicted.” Continuing, he said “Yes, we have a lot of professionals in town, but we are still relying on weather forecasts. What do we do on that day when suddenly at 2 o’clock when we realize that we’re getting more snow and then suddenly have to do a ban and then trying to move people off the streets so they can clear the roads?”

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

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

- vi. 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.
- vii. 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.
- viii. 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.
- ix. 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.
- x. 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)”



IN CITY COUNCIL

REGULAR MEETING OF OCTOBER 1, 2018

Section 3: Effective Date.

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

In City Council – September 5, 2018
Ordered Printed – September 17, 2018
First Printing – September 21, 2018
Ordinance Passed – October 1, 2018
Presented to Mayor for Approval – October 2, 2018
Approved – October 3, 2018
MARK P. HAWKE, Mayor
FINAL PRINTING – October 9, 2018

#9993

Reporting for the Finance Committee, Councillor James Walsh stated that the Council witnessed a very effective presentation at the recent public hearing, that it is a project in the works, and requires the Council's endorsement in order to proceed further. He stated that there have been a number of residential properties identified that the program would benefit from.

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 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:

RESOLUTION
APPROVING THE NEWVUE LIABILITY TO ASSETS APPLICATION
(THE PROJECT)

VOTED: WHEREAS, the Commonwealth of Massachusetts Department of Housing and Community Development has developed the Liabilities to Assets (LTA) Project for five communities in North Central Massachusetts to participate in: Fitchburg, Leominster, Athol, Gardner, and Clinton;

WHEREAS, a new nonprofit organization, NewVue LTA, has been formed by NewVue Communities to administer the LTA Project and to acquire and re-develop selected properties identified therein;

WHEREAS, the NewVue LTA Project is consistent with Gardner's Community Development Strategy (CDS), which identifies the need to expand housing opportunities in appropriate locations to meet the needs of Gardner's population;



IN CITY COUNCIL

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WHEREAS, the City of Gardner has been investigating the use of the LTA Project to stabilize neighborhoods by re-developing vacant and deteriorated properties that are considered a blight in the community including 13 properties identified in the LTA Application;

WHEREAS, the City of Gardner has participated in a multi-phase planning process with a number of public information gathering and project development meetings, along with a public hearing, providing citizens and property owners an opportunity to comment;

WHEREAS, a NewVue Liability to Assets Application was presented to the City Council at a joint meeting with the Gardner Planning Board on September 17, 2018; and

WHEREAS, the City Council supports the goals and objectives of the LTA Application and supports the rehabilitation of the Gardner properties identified in the application;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Gardner

1. Finds that there is a clear need and necessity for the City to participate in the LTA Project;
2. Approves the rehabilitation of properties identified in the LTA Application and as depicted in Target Area Map;
3. Finds that the Gardner properties identified within the LTA Application are vacant and blighted as defined by M.G.L. c 121A, and are in need of rehabilitation;
4. Approves the NewVue LTA Application dated July 31, 2018, prepared by NewVue Communities;
5. Requests the Mayor submit the NewVue Communities LTA Application dated July 31, 2018 to the Department of Housing and Community Development for final approval; and
6. Authorizes the Major to approve minor, non-substantive language changes to the LTA Application if such changes are recommended by the Department of Housing and Community Development.

Presented to Mayor for Approval – October 2, 2018

Approved – October 2, 2018

MARK P. HAWKE, Mayor



IN CITY COUNCIL

REGULAR MEETING OF OCTOBER 1, 2018

NEW BUSINESS

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

ANNOUNCEMENTS and COMMENTARY

Councillors Nathan Boudreau, Christine Johnson, Elizabeth Kazinskas, and Edward Gravel acknowledged the successful weekend festival and recognized the many persons responsible. Councillor Gravel commented on the various concert and musical events, as well.

Councillor James Johnson recognized his cousin, Chris Daly, on the publication of his book, "Hub Heroes," and who was at John's Sport Shop for a book signing.

Councillor James Walsh noted that Gardner voters will be going to the polls in a few weeks and will be asked to decide a series of statewide ballot questions, as well as a local Proposition 2½ Override that, if passed, "would permanently increase the levy by over \$600,000 on an annual basis." He noted that revenues would be expected from solar installations in the form of personal property taxes, as well as from the solar PILOT Agreements. He reminded Councillors that "down the road, there will be some discussion of a Debt Exclusion or permanent override to pay for a new elementary school." He added that he hopes that it will be well publicized and that "the public needs to look long and hard to determine if this is the time and whether there is a real need for adding over \$600,000 to the tax base on an annual basis."

CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Edward Gravel and seconded by Councillor Elizabeth Kazinskas, on call of the roll, it was voted, eleven (11) yeas, President Scott Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, Elizabeth Kazinskas, and James Walsh, to adjourn at 8:10 p.m.

Accepted by the City Council: *October 15, 2018*