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CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL



January 15, 2019

PUBLIC SERVICE COMMITTEE and MUNICIPAL GROUNDS COMMISSION

Date: Thursday, January 17, 2019
Time: 4:30 p.m.
Location: DPW Office, 50 Manca Drive

ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents referenced or used during the meeting must be submitted in duplicate to the Clerk of the Committee, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

AGENDA

- I. Review and Approval of the Minutes of Prior Meeting(s).
- II. Department Updates:
 - Public Works/Sewer/Water – Dane Arnold, DPW Director
 - Survey/Engineering – Chris Coughlin, City Engineer
 - Conservation Commission – Jeffrey Legros, Conservation Agent
- III. Abatements Water/Sewer:
 - a. 119 Graham Street
 - b. 110 Temple Street
- IV. #10007, An Ordinance to Amend the Code of the City of Gardner, Chapter 156 Thereof, Entitled “Municipal Grounds Commission, to Add Provisions relating to a Community Bandstand Committee (In City Council and Referred to Public Service, 11/5/18).
- V. #10008 A Measure Authorizing Acceptance of Donations and Gifts for Use by the Community Bandstand Committee for Musical Concerts and Other Entertainment Events (Ref. #10007) (In City Council and Referred Jointly to Public Service and Finance, 11/5/2018).
- VI. Adjournment.

NOTICE: The listing of Agenda items are those reasonably anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

CITY COUNCIL OF GARDNER

Nathan R. Boudreau

Councilor Nathan R. Boudreau

Chairman, Public Service Committee

ORDINANCE

1 AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 156
2 THEREOF, ENTITLED "MUNICIPAL GROUNDS COMMISSION," TO ADD PROVISIONS
3 RELATING TO A COMMUNITY BANDSTAND COMMITTEE.

4

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

6

7 Section 1. Chapter 156-3 of the Code of the City of Gardner is hereby amended by adding the
8 following:

9

10 B. There is hereby established under this Section the "Community Bandstand Committee"
11 which shall exist and be operated hereunder for the purpose of implementing seasonal programs
12 to be conducted in the City's parks including but not limited to summer musical concerts and
13 other community entertainment events at the Bandstand located in Monument Park, as well as at
14 the City's other parks, at the City's other municipal grounds and at other appropriate locations in
15 the City. The Community Bandstand Committee shall consist of no less than three (3) members,
16 one of whom shall be a member of the Municipal Grounds Commission, to carry out the
17 purposes of this Section 156-3B. All members shall be appointed in accordance with Section
18 156-1A.

19

20 C. The Community Bandstand Committee may receive donations and gifts of property, both
21 real and personal, in the name of the City to further the purposes as set forth in Section 156-3B.
22 Upon receipt of any such donation or gift the Community Bandstand Committee shall provide
23 each such gift or donation to the Treasurer, who shall deposit same into an account to be created
24 and named the "Community Bandstand Committee Program Fund." All funds in such
25 Community Bandstand Committee Program Fund shall be used for the purposes set forth in
26 Section 156-3B.

27

28 D. Revise the former (present) 156-3B to 156-30.

29

30 Section 2. Effective date.

31

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

10007

The following Code does not display images or complicated formatting. Codes should be viewed online.
This tool is only meant for editing.

Chapter 156

Municipal Grounds Commission

[HISTORY: Adopted by the City Council of the City of Gardner 3-7-1983 by Ord. No. 800; amended 11-7-1988 by Ord. No. 983; 8-6-2012 by Ord. No. 1551. Subsequent amendments noted where applicable.]

§ 156-1 Commission established; membership; terms of office.

There shall be established a Municipal Grounds Commission for the City of Gardner consisting of six members, legal voters of said City, five of whom shall be appointed by the Mayor, subject to confirmation by the City Council, as follows:

- A. The Mayor shall immediately appoint one person to serve until the expiration of one year, two to serve until the expiration of two years and two to serve until the expiration of three years from the first day of April 1983 and thereafter annually shall appoint the appropriate number of persons (either one or two) to serve for the term of three years from the first day of April then next ensuing. A vacancy occurring may be filled at any time for the unexpired term by the Mayor, subject to confirmation by the City Council. Before entering upon the discharge of their duties, the members shall be sworn to the faithful discharge thereof.
- B. The sixth member shall be the Director of Public Works, who shall be a nonvoting member of the Commission during his term of office. **[Amended 11-18-2013 by Ord. No. 1563]**

§ 156-2 Meetings.

The Commission shall meet annually in April of each year to organize and elect a Chairperson and Secretary. The Commission shall hold meetings no less than once a month during the course of the year. The Secretary shall keep accurate minutes and records of all meetings of the Commission. The Director of Public Works shall not hold office within the Commission.

§ 156-3 Duties.

- A. The Commission shall be an advisory body and shall advise the Director of Public Works, Mayor and City Council on matters relating to the Municipal Grounds Division.
- B. The duties, powers and responsibilities of the Commission may be broadened or diminished at any time by ordinance consistent with prevailing General Laws or City ordinances.

§ 156-4 Compensation.

Members of said Commission shall receive for their services such compensation as the Mayor and City Council may prescribe.

§ 156-5 Transfer of personnel.

All necessary persons employed by and under the supervision of the named Municipal Grounds Department, boards and commissions shall, upon the effective date of this chapter, be transferred to the Department of Public Works. All such transfers of personnel shall be made without loss of pay and without change in rating, seniority, retirement or pension rights, or any other privileges under the provisions of this chapter.

ACCEPTANCE OF DONATIONS AND GIFTS
COMMUNITY BANDSTAND CONCERTS AND EVENTS

VOTE: That the City of Gardner is authorized to accept donations and gifts for use by the Community Bandstand Committee for musical concerts and other community entertainment events, said acceptance in accordance with the provisions of Chapter 44, Section 53A½ of the General laws.

Section 53A½ ACCEPTANCE OF DONATIONS AND GIFTS

Section 53A½. A city council, with the mayor's approval if the charter so provides, or a board of selectmen, or prudential committee or town council may, in its sole discretion and authority, accept gifts of tangible personal property on behalf of the city, town or district from the federal government, a charitable foundation, private corporation, individual, or from the commonwealth or any political subdivision thereof and may, in its sole discretion and authority, use said gifts, without further appropriation thereof, for the purpose of such a gift or, if no restrictions are attached to the gift, for such other purposes as it deems advisable.