

**REGULAR MEETING OF APRIL 16, 2019**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Tuesday evening, April 16, 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. Eleven (11) Councillors were present including President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, 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 James Walsh and seconded by Councillor James Johnson, it was voted viva voce, eleven (11) yeas, President Scott Joseph 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 waive reading and to accept the Minutes of the Regular Meeting of April 1, 2019, as printed.

**EXECUTIVE SESSION**

President Graves informed the Council that at the previous meeting, he neglected to report that there are two sets of Executive Session minutes that were not recommended for release (September 8, 2015 and December 18, 2017) and that the Council should enter into Executive Session in order to discuss the contents of the Minutes and to address the legal justification for not releasing them, as well as disclosing the reasons why that they cannot be released at this time.



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**REGULAR MEETING OF APRIL 16, 2019**

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On a motion by Councillor Edward Gravel and seconded by Councillor Nathan Boudreau, on call of the roll, it was voted eleven (11) yeas, President Scott Joseph 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 enter into Executive Session for the purpose of complying with, or act under the authority of, any general or special law or federal grant-in-aid requirements, pursuant to Section 7 (26) of Chapter 4 of the General Laws, and that the City Council would reconvene in open session immediately following.

The Council reconvened its Regular Meeting at 7:40 p.m.

President Graves announced that while in Executive Session, the City Council discussed the Minutes of the September 8, 2015 and December 18, 2017 Executive Sessions and determined that the Minutes could not be released since they involve pending litigation and a personnel matter that involves a former employee.

**COMMUNICATIONS FROM THE MAYOR**

**#10076**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Finance Committee voted to recommend that the Order be adopted, in order to maintain an adequate balance in the account as a result of the amount that was withdrawn from the Account in the current year for the School Budget.

He moved to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO STABILIZATION

ORDER: That there be and is hereby appropriated the sum of Two Hundred Twenty-Three Thousand Four Hundred Twenty Nine Dollars and No Cents (\$223,429.00) from Free Cash to Stabilization.

Councillor James Walsh seconded the motion.

On the motion, Councillor Walsh said that he believes that an appropriation to the Stabilization Fund is appropriate, which is the reason that he supported the motion in Committee to recommend adoption of the Order; however, reserving his right to seek to re-evaluate the Order and to possibly seek an amendment. He said that the Mayor proposes to appropriate 15% of Free Cash to the Stabilization Fund, representing an increase of 300% over the amounts that were appropriated over the past several years, which had been 5% annually. He noted that the purpose for using the fund was to stabilize the School Budget; however, 15% is not warranted and the difference should be used for current needs. He suggested that the

REGULAR MEETING OF APRIL 16, 2019

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amount be reduced by 50% and the balance should be committed to items like road resurfacing.

Councillor Walsh moved to amend the Order to read, as follows:

## AN ORDER APPROPRIATING FROM FREE CASH TO STABILIZATION

ORDER: That there be and is hereby appropriated the sum of One Hundred Eleven Thousand Two Hundred Twelve Dollars and Fifty Cents (\$111,212.50) from Free Cash to Stabilization.

Councillor Ronald Cormier seconded the motion.

On the motion to amend, Councillor Edward Gravel expressed opposition, saying he “is pretty leery not to vote for the amendment, since \$600,000 was taken from the Fund for the Schools, and that the City may have to draw from the Fund again.” “A penny saved is penny earned,” he added, and concluded by saying “Being penny smart and pound foolish is not what we’re looking for.”

Councillor Christine Johnson stated that the Council was told that there would not be a Proposition 2½ Override ballot question this year and noted that the Stabilization Account has balance over \$2M; that a lesser appropriation would not hurt the Fund; and, that there is an opportunity to invest more money into infrastructure. Accordingly, she expressed support for the amendment.

Councillor Boone stated the importance in maintaining a certain balance in the Stabilization Fund and noted his opposition to the amendment.

Councillor Nathan Boudreau said he would only agree to the reduction if the Mayor agreed that the additional amount would be committed to road resurfacing.

Councillor Gravel stated that it takes a million dollars to pave one mile of road in this City and \$111,000 would fund only 1/10<sup>th</sup> of a mile.

Councillor Boudreau said that he believed that the cost is more like \$650,000 for one mile.

Councillor James Walsh noted that Ward Councillors get many calls from their constituents for this kind of issue and that this is an opportunity to do more for them.

Councillor James Johnson expressed support for the amendment, noting that when the Mayor provided \$80,000 in the City budget for paving, Banner Road in Ward 5 was repaved and the residents were pleased. So, he added, that any additional amount committed to road resurfacing would be well received.

REGULAR MEETING OF APRIL 16, 2019

---

President Graves recognized Mayor Hawke.

Mayor Hawke informed the Council that Free Cash was certified at \$1,489,526; that the cost of pave one mile of road is approximately \$300,000; that the City receives \$600,000 each year in Chapter 90 Aid which pays to resurface only 2 miles of roadway and Gardner has 100 miles of roads and can take 55 years. He added that resurfaced roads do not last long any more due to “greener asphalt” which has recycled materials. As an example, the Mayor cited Lawrence Street, which was repaved 7 to 8 years ago, but needs to be resurfaced again. He said that it is important for the City to build it reserves in order to maintain its AA Bond rating. He added that Bonding agencies recommend that reserves should cover from 5% to 7% of the annual budget.

On the motion, on call of the roll, three (3) yeas, Councillors Christine Johnson, James Johnson, and James Walsh; eight (8) nays, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, and Elizabeth Kazinskas, the amendment did not pass.

On the main motion, on recommendation of the Finance Committee, it was voted on call of the roll, ten (10) yeas, President Scott Joseph Graves and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and Elizabeth Kazinskas; one (1) nay, Councillor James Walsh, the following Order was adopted:

AN ORDER APPROPRIATING FROM FREE CASH TO STABILIZATION

ORDER: That there be and is hereby appropriated the sum of Two Hundred Twenty-Three Thousand Four Hundred Twenty Nine Dollars and No Cents (\$223,429.00) from Free Cash to Stabilization.

Presented to Mayor for Approval – April 17, 2019

Approved – April 17, 2019

MARK P. HAWKE, Mayor

**#10077**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the appropriation is applied to the City’s outstanding OPEB Liability.

Councillor Walsh moved to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO THE OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND.

ORDER: That there be and is hereby appropriated the sum of Fourteen Thousand Eight

REGULAR MEETING OF APRIL 16, 2019

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Hundred Ninety Six Dollars and No Cents (\$14,896.00) from Free Cash to the Other Post-Employment Benefits Liability Trust Fund.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Boudreau questioned the date when the City would achieve full-funding.

Councillor Walsh responded by saying that full-funding is dependent upon the amount of the City's annual contributions.

President Graves recognized Mayor Hawke.

The Mayor informed the Council that the City's pension liability is scheduled to be fully-funded by 2034, but that in 2012, the City's OPEB Liability stood at \$112M and now stands at \$92M. He added that the liability also counts as a credit toward the City's Bond rating.

On the motion, on recommendation of the Finance Committee, it was voted on call of the roll, eleven (11) yeas, President Scott Joseph 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:

AN ORDER APPROPRIATING FROM FREE CASH TO THE OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND.

ORDER: That there be and is hereby appropriated the sum of Fourteen Thousand Eight Hundred Ninety Six Dollars and No Cents (\$14,896.00) from Free Cash to the Other Post-Employment Benefits Liability Trust Fund.

Presented to Mayor for Approval – April 17, 2019

Approved – April 17, 2019

MARK P. HAWKE, Mayor

**#10078**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the E-Rate revenue was recorded as Free Cash and the Order restores it to the School Department, which incurs the expense.

Mayor Hawke added that the E-Rate accounting process changed, as the City is now required to create a revenue and an expense account. Next year, it will be set up within the School Department budget.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted on call of the roll, eleven (11) yeas,

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REGULAR MEETING OF APRIL 16, 2019

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President Scott Joseph 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:

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

ORDER: That there be and is hereby appropriated the sum of Seventy Three Thousand Eight Hundred Seventy-Six Dollars and No Cents (\$73,876.00) from Free Cash to the School E-Rate Expenses Account.

Presented to Mayor for Approval – April 17, 2019

Approved – April 17, 2019

MARK P. HAWKE, Mayor

**#10079**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that according to the information provided in the Mayor's correspondence, the City is obligated to monitor the landfill closure until 2035. For a period of 30 years from the date of closure. The annual cost of monitoring the closed landfill is approximately \$50,000.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted on call of the roll, eleven (11) yeas, President Scott Joseph 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:

AN ORDER APPROPRIATING FROM FREE CASH TO LANDFILL CLOSURE BUDGET

ORDER: That there be and is hereby appropriated the sum of Seventy-five Thousand Dollars and No Cents (\$75,000.00) from Free Cash to Landfill Closure Budget.

Presented to Mayor for Approval – April 17, 2019

Approved – April 17, 2019

MARK P. HAWKE, Mayor

**#10080**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend that the Order be adopted.

He moved to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO NEW SCHOOL LAND ACQUISITION.

REGULAR MEETING OF APRIL 16, 2019

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ORDER: That there be and is hereby appropriated the sum of One Hundred Fifteen Thousand Dollars and No Cents (\$115,000.00) from Free Cash to New School Land Acquisition.

Councillor James Walsh seconded the motion.

Councillor Christine Johnson informed the Council that she has some concerns. She then moved to postpone action until the May 20 Council meeting.

Councillor James Boone seconded the motion.

On the motion to postpone, she informed the Council that she conducted a Facebook poll that included 141 respondents, of which 36 expressed opposition to a hearing. She said that there is enough time for the Council to conduct a hearing on the issue of purchasing the land, thereby affording the public an opportunity to see the presentation that the Council observed.

Councillors noted that the deadline to act on the purchase and to close on the parcel is July 8, that preliminary work on the property has been completed, so that there ample time to hear from the public.

Mayor Hawke questioned the effect that Councillors hoped to obtain from a hearing, noting that presentations were made and that a series of presentations are planned for other local organizations. He added that he would not place much stock in a Facebook poll.

Councillor Boudreau added that he, too, conducted a Facebook poll involving 86 people who overwhelmingly agreed to move forward with the project.

Councillor Walsh suggested that there is no risk to delaying the project if the Council scheduled the hearing soon, as the Traffic Study will be forthcoming and the delay would provide the Council with time to review the Study.

Councillor Christine Johnson amended her motion to postpone action to the May 6 meeting.

Councillors expressed concerns that the appropriate experts are present for the hearing.

President Graves stated that he would arrange for the public presentation/hearing accommodations.

On the motion, it was voted on call of the roll, nine (9) yeas, Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Edward Gravel, Karen Hardern, Christine Johnson, James Johnson, and James Walsh; two (2) nays, President Scott Joseph Graves and Councillor Elizabeth Kazinskas, to postpone action on the Order until the May 6, 2019 Council meeting and that the Council President will schedule a public hearing during the week of April 29.



REGULAR MEETING OF APRIL 16, 2019

ORDINANCE

#10081

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee met with the Sealer of Weights & Measures and was informed that the Sealer survey communities in this region and recommended modest fee increases.

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 Joseph 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 Order the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 390 THEREOF, ENTITLED "FEES," TO CHANGE THE SEALER OF WEIGHTS AND MEASURES FEE SCHEDULE.

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

Section 1. Section 390-9 of Chapter 390, Fees, of the Code of the City of Gardner, is hereby amended to change the fee schedule to read, as follows:

- A. Scales.
 

<b>Pounds</b>	<b>Fee</b>
Over 10,000	\$200
5,000 to 10,000	\$100
1,000 to 5,000	\$100
100 to 1,000	\$75
10 to 100	\$30
10 or less	\$30
- B. Weights.
 

(1) Avoirdupois:	\$15
(2) Metric:	\$15
(3) Apothecary:	\$15
(4) Troy:	\$15
- C. Capacity.
 

(1) Vehicle tanks:	\$60
(2) Any at 100 gallons or less:	\$30
- D. Liquid measuring meters.
 

(1) Oil and grease:	\$20
(2) Gasoline:	\$30
(3) Vehicle tank pump:	\$60
(4) Vehicle tank gravity:	----





## REGULAR MEETING OF APRIL 16, 2019

(5) Bulk storage:	\$75
E.	
(1) Taxi meter:	\$30
(2) Fabric meter:	\$30
(3) Yard stick:	\$30
(4) Adjustments:	\$15
(5) Retest:	\$20
(6) Scanner test:	
(a) Under five:	\$100
(b) Under 10:	\$375
(c) Over 10:	\$375
F. Reverse Vending	\$30

## Section 2. Effective date.

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

*FIRST PRINTING – April 23, 2019*

**PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**

**#10082**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Purchasing Director recommends that the City Council approve the authorization.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted on call of the roll, eleven (11) yeas, President Scott Joseph 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:

AUTHORIZING CONTRACTS NOT-TO-EXCEED FIVE (5) YEARS  
FOR AIRPORT CONSULTING AND ENGINEERING SERVICES,  
GENERATOR MAINTENANCE, OFFICE AND JANITORIAL SUPPLIES,  
PARKING TICKET PROCESSING

*VOTED:* To authorize the City to enter into contracts not to exceed five (5) years for Airport Consulting and Engineering Services, Generator Maintenance, Office and Janitorial Supplies, and Parking Ticket Processing, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's April 3, 2019 Memorandum.

Presented to Mayor for Approval – April 17, 2019

Approved – April 17, 2019

MARK P. HAWKE, Mayor

REGULAR MEETING OF APRIL 16, 2019

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**#10083**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend adoption of the Order.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Scott Joseph 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 postpone action on the following Order of Taking until May 6, 2019:

## THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS  
ORDER OF TAKING

WHEREAS, the City of Gardner, a municipality organized and incorporated under the laws of Massachusetts, with a usual place of business located at 95 Pleasant Street, Gardner, MA is authorized to take land by eminent domain for any municipal purpose pursuant to Section 36, of the City of Gardner Charter as amended to November 8, 1989 and M.G.L. c. 79, as amended and Chapter 121B; and

WHEREAS, the City of Gardner, has realized a need for the construction of a new elementary school and that construction of said elementary school (the "Project") on land located in the proximity of its middle and high school; and

WHEREAS, the City of Gardner has voted and appropriated monies to be used to acquire property to construct a new elementary school; and

WHEREAS, the Mayor Mark P. Hawke has approved the construction of a new elementary school and the acquisition of land for said construction and recommended to the City Council an order of taking; and

WHEREAS sufficient funds have been appropriated to compensate the property owners for the property rights taken hereby

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself in fee simple by eminent domain, for the purposes associated with the Project, the property known as land on Pearl Street in Gardner, MA, consisting for 17.34 acres, more or less, as more fully described in a deed recorded at Worcester South Registry of Deeds, Book 16852, Page 237, which is attached hereto as Exhibit A.



## REGULAR MEETING OF APRIL 16, 2019

The taking is made in fee simple, and, except as provided herein, is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of the supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property.

The City Council of said City of Gardner, does hereby decree that public necessity and convenience require the City to obtain by eminent domain for the purposes of constructing a new elementary school on the above described parcel.

The City Council hereby awards damages sustained by persons in their property by reasons of this taking as follows:

<u>OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>AWARD</u>
Kymalainen Realty Trust Alice M. Kymalainen	Off Pearl Street Gardner, Worcester County, MA	\$115,000.00

The City Council does direct and authorize the Mayor to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in the Order of Taking so that the same shall be payable within sixty (60) days after the rights to damages become vested in the persons entitled to damages. The Mayor is further requested to direct the City Solicitor for and on behalf of the City Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of General Laws Chapter 79, Sections 7B, 7C, 7F, 77G, 8A, and 8B.

**#10084**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorable to recommend adoption of 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, eleven (11) yeas, President Scott Joseph 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 PAYMENT OF PRIOR YEAR'S COMPENSATION TO EMPLOYEE

*VOTED:* To authorize the City to pay compensation to an out of town officer for a detail performed in 2016 for an 8 hour shift at \$42.00 per hour for a total of \$336.00 from the Police Detail Account.

Presented to Mayor for Approval – April 17, 2019

Approved – April 17, 2019

MARK P. HAWKE, Mayor

REGULAR MEETING OF APRIL 16, 2019

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**#10085**

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 Joseph 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 place on file a *Notice from the Gardner Contributory Retirement Board Relative to a Cost-of-living Adjustment for Retirees and Beneficiaries for FY2020*.

**#10086**

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, President Scott Joseph 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 refer *An Application by ecoATM, LLC for a License to Deal in Second Hand Articles at 677 Timpany Boulevard* to the Public Safety Committee for study and report.

**#10087**

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, President Scott Joseph 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 refer *An Application by GameStop, Inc. for a License to Deal in Second Hand Articles at 376 Timpany Boulevard* to the Public Safety Committee for study and report.

**#10088**

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, President Scott Joseph 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 refer *An Application by Tanguay Jewelers for a License to Deal in Second Hand Articles at 19 Connors Street* to the Public Safety Committee for study and report.

**#10089**

On a motion by Councillor James Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, President Scott Joseph 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 refer *An Application by Gardner Coins & Cards, Inc. for a License to Deal in Second Hand Articles at 13 Pleasant Street* to the Public Safety Committee for study and report.

REGULAR MEETING OF APRIL 16, 2019

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**#10090**

On a motion by Councillor Christine Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, President Scott Joseph 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 refer A Communication from the Planning Board Relative to An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Change Section 675-1070, Marijuana Establishments to the Planning Board for review, to the Public Welfare Committee for study and report, and that a Public Hearing be scheduled.

**REPORTS OF STANDING COMMITTEES****PUBLIC SAFETY COMMITTEE****#10069**

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee voted favorably to recommend that *Osagi Enterprise, LLC, be granted a License to Buy and Sell Second Hand Motor Vehicles, Class 2, on Toby Street* for the period expiring December 31, 2019, with the following conditions and, further, that the current License issued to Rahaim Auto Sales shall be revoked upon transfer of the property:

- 1) The fence be repaired
- 2) Mounted extinguishers must be properly installed in the main business office/shop area.
- 3) Fire Department Permit required for the storage of combustible liquids and adequate protections (clearances) for container storage.
- 4) The hot work (welding/cutting) area is in need of proper clearance and removal of combustibles (storage of combustible liquids/materials) in the area.
- 5) The overhead structure of the hot work area is compromised due to a past fire that needs to be addressed to ensure structure integrity. A Permit from the Building Commissioner is required.
- 6) The hot work area is in need of approval (permit) as a designated work area by the Fire Department.
- 7) Hours of operation will remain as they are currently established, as follows: Monday through Saturday, 8:00 a.m. to 5:00 p.m.; closed on Sundays.
- 8) The scope of the existing operation shall remain and shall not be expanded into other areas of the property.

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President Scott Joseph 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 *Osagi Enterprise, LLC, be granted a License to Buy and Sell Second Hand Motor Vehicles, Class 2, on Toby Street* for the period expiring December 31, 2019, with the following conditions and, further, that the current License issued to Rahaim Auto Sales shall be revoked upon transfer of the property:

REGULAR MEETING OF APRIL 16, 2019

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- 1) The fence be repaired
- 2) Mounted extinguishers must be properly installed in the main business office/shop area.
- 3) Fire Department Permit required for the storage of combustible liquids and adequate protections (clearances) for container storage.
- 4) The hot work (welding/cutting) area is in need of proper clearance and removal of combustibles (storage of combustible liquids/materials) in the area.
- 5) The overhead structure of the hot work area is compromised due to a past fire that needs to be addressed to ensure structure integrity. A Permit from the Building Commissioner is required.
- 6) The hot work area is in need of approval (permit) as a designated work area by the Fire Department.
- 7) Hours of operation will remain as they are currently established, as follows: Monday through Saturday, 8:00 a.m. to 5:00 p.m.; closed on Sundays.
- 8) The scope of the existing operation shall remain and shall not be expanded into other areas of the property.

**#10070**

Councillor James Johnson, Chairman of the Public Safety Committee, informed the Council that the Committee voted favorably to recommend that *Osagi Enterprise, LLC, be granted a Motor Vehicle Junk License, Class 3, on Toby Street* for the period expiring December 31, 2019, with the following conditions, and that License to Rahaim Auto Sales be revoked:

- 1) The fence be repaired
- 2) Mounted extinguishers must be properly installed in the main business office/shop area.
- 3) Fire Department Permit required for the storage of combustible liquids and adequate protections (clearances) for container storage.
- 4) The hot work (welding/cutting) area is in need of proper clearance and removal of combustibles (storage of combustible liquids/materials) in the area.
- 5) The overhead structure of the hot work area is compromised due to a past fire that needs to be addressed to ensure structure integrity. A Permit from the Building Commissioner is required.
- 6) The hot work area is in need of approval (permit) as a designated work area by the Fire Department.
- 7) Hours of operation will remain as they are currently established, as follows: Monday through Saturday, 8:00 a.m. to 5:00 p.m.; closed on Sundays.
- 8) The scope of the existing operation shall remain and shall not be expanded into other areas of the property.

On a motion by Councillor James Johnson and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President Scott Joseph 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 grant to *Osagi Enterprise, LLC, a Motor Vehicle Junk License, Class 3, on Toby Street* for the period expiring December 31, 2019, with the following conditions, and that License to Rahaim Auto Sales be revoked:

- 1) The fence be repaired
- 2) Mounted extinguishers must be properly installed in the main business office/shop area.



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**REGULAR MEETING OF APRIL 16, 2019**

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- 3) Fire Department Permit required for the storage of combustible liquids and adequate protections (clearances) for container storage.
- 4) The hot work (welding/cutting) area is in need of proper clearance and removal of combustibles (storage of combustible liquids/materials) in the area.
- 5) The overhead structure of the hot work area is compromised due to a past fire that needs to be addressed to ensure structure integrity. A Permit from the Building Commissioner is required.
- 6) The hot work area is in need of approval (permit) as a designated work area by the Fire Department.
- 7) Hours of operation will remain as they are currently established, as follows: Monday through Saturday, 8:00 a.m. to 5:00 p.m.; closed on Sundays.
- 8) The scope of the existing operation shall remain and shall not be expanded into other areas of the property.

**NEW BUSINESS**

On a motion by Councillor Nathan Boudreau and seconded by Councillor James Johnson, it was voted viva voce, eleven (11) yeas, President Scott Joseph 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**

Councillor James Boone suggested that a public hearing would draw a wider audience and Christine Johnson added that she is excited for the public to be able to see the same presentation and to be able to ask questions.

Councillor James Johnson suggested that the Superintendent could invite the City's residents through a broadcast via the City's CodeRED Alert system.

Councillor Craig Cormier noted that Councillors hear from the public on a daily basis through various methods – Facebook, e-mail, telephone, and in person.

Councillor Boudreau informed the Council that he will reading his favorite Lorax Book at an upcoming event and announced upcoming Arbor Day, Earth Day Cleanup, and the movie "Lorax" at the Library.

Councillor James Walsh noted that over the course of time, he has observed that when the Council votes to consider New Business, Councillors use it as an opportunity to again debate issues that have already been decided. He added that the practice is not what the Council intended under New Business, so that Councillors should keep that in mind.



REGULAR MEETING OF APRIL 16, 2019

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CLOSING PRAYER

President Graves led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Christine Johnson and seconded by Councillor Edward Gravel, it was voted viva voce, eleven (11) yeas, President Scott Joseph 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 9:00 p.m.

Accepted by the City Council: *May 6, 2019*