



City of Gardner, Massachusetts
Office of the City Council

CALENDAR FOR THE MEETING

of
MONDAY, MAY 18, 2020

REMOTELY*

7:30 P.M.

ORDER OF BUSINESS

RECEIVED

2020 MAY 14 PM 2:38

CITY CLERK'S OFFICE
GARDNER, MA

- I. CALL TO ORDER
- II. CALL OF THE ROLL OF COUNCILLORS
- III. OPENING PRAYER
- IV. PLEDGE OF ALLEGIANCE
- V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS

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 and exhibits used or referenced at the meeting must be submitted in duplicate to the City Clerk, as they become part of the Meeting Minutes.

- VI. READING OF MINUTES OF PRIOR MEETING(S)

Reading and Approval of the Minutes of the May 4, 2020 Informal and Regular Meetings.

- VII. PUBLIC HEARING

10260—A Petition by National Grid for permission to install one (1) SO Pole on East Broadway beginning at a point approximately 115' southeast of the centerline of Prospect Street.

- VIII. COMMUNICATIONS FROM THE ACTING MAYOR

- IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10272—A Measure Authorizing a Grant of Easement to Massachusetts Electric Company and Verizon New England, Inc. for an "Overhead System" on City-owned property on the northerly side of Pleasant Street (*Finance Committee*).

10273—An Application by Gardner Coins & Cards, Inc. for a License to Deal in Second-hand Articles at 13 Pleasant Street (*Public Safety Committee*).

10274—An Application by GameStop, Inc. for a License to Deal in Second-hand Articles at 376 Timpany Blvd. (*Public Safety Committee*).

10275—An Application by ecoATM, LLC for a License to Deal in Second-hand Articles at 677 Timpany Blvd. (*Public Safety Committee*).

X. REPORTS OF STANDING COMMITTEES

PUBLIC SERVICE COMMITTEE

10260—A Petition by National Grid for permission to install one (1) SO Pole on East Broadway beginning at a point approximately 115' southeast of the centerline of Prospect Street (*In City Council and Referred to Public Service, 4/6/2020*).

PUBLIC SAFETY COMMITTEE

10254—An Ordinance Amending the Code of the City of Gardner, Chapter 600 Thereof, Entitled “Vehicles and Traffic,” Section 600-24, Parking Prohibited on Certain Streets, Nutting Street (*In City Council and Referred to Public Safety, 3/16/2020*).

XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

XII. NEW BUSINESS

XIII. CLOSING PRAYER

XIV. ADJOURNMENT

Items listed on the Council Calendar are those reasonably anticipated by the Council President to 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.

**Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Gardner City Council will be conducted via remote participation and broadcast live on Gardner Educational Television, Channel 8, and on the City's YouTube Channel. The audio or video recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting.*



INFORMAL MEETING OF MARCH 30, 2020

Informal Meeting of the City Council was held Monday evening, March 30, 2020. Council President James Walsh and City Clerk Alan Agnelli were present in the City Council Chamber, Room 219, City Hall, while all other Councillors participated remotely.

CALL TO ORDER

Council President James Walsh called the meeting to order at 6:00 o'clock p.m.

ATTENDANCE

Eleven (11) Councillors participated including President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros.

INFORMAL MEETING NOTICE

Council President James Walsh announced that the Informal meeting was called to provide the Council with the opportunity to confer with the City Clerk as local election official and with the Acting Mayor as Chief Operating Officer to discuss the feasibility and logistics of postponing the April 7, 2020 Special City Preliminary Election and the May 5, 2020 Special City Election to new dates, as provided for under Section 1 of *Chapter 45 of the Acts of 2020*, adopted in response to the COVID-19 pandemic. He said that he would suggest that the Council take up only the question of postponement and consider re-scheduling to dates specific at a later meeting, following a vote to postpone. He added that the Preliminary election and the final Election are 4 weeks apart and new election dates must be held on or before June 30, 2020 for those already scheduled on or before May 30, 2020.

The City Clerk, as the designated local election official, informed the Council that the City Clerk's Office is prepared for any election dates that the Council chooses. He noted the following:

- Early voting by mail, the first time offered for a municipal election, as well as absentee voting.
- The April 7, 2020 Ballots used for absentee voting will be used and are valid for any re-scheduled date for the Preliminary election.
- Notices will be mailed to all registered voters along with an Early Ballot Application form, to be completed and returned to the Clerk's Office.

Council President James Walsh suggested postponement, citing the stay-at-home advisory by the Governor and the rise of COVID cases, so conducting an election in a week is out of the question. He suggested the Council vote tonight to postpone and then vote to set new dates as early as the next Council meeting. If the Council chooses May 5th for the Preliminary, it may

INFORMAL MEETING OF MARCH 30, 2020

be too soon, but the final election must be scheduled four weeks apart, so June 2, and then the vote to certify the election cannot occur until ten days following the election.

Continuing, he said that on June 12, we would have a newly-elected Mayor which would allow only a few weeks to assemble a budget for the new Fiscal Year. If the election is scheduled beyond May 5, the City then finds itself approaching the June 30 deadline, the end of the Fiscal Year. He added that the statute authorizes the postponement of elections that are scheduled on or before May 30, so there may be a problem having to re-schedule the election again.

Councillor Ronald Cormier agreed with postponing the election and for the Council to decide soon thereafter on new election dates.

Councillor Elizabeth Kazinskas concurred with the recommendation to postpone.

Councillor Craig Cormier expressed agreement, noting that the Federal Government has issued new guidelines concerning practicing social distancing for the month of April.

Councillor George Tyros also supported postponing the elections, citing data that shows that mid-April will be the peak of hospital resource demand in Massachusetts, as well as for the health and welfare of the community.

Councillor Judy Mack agreed, saying that postponement is not only for the citizens' health but for due process, and added that the May 5th date is questionable.

President Walsh stated that Councillor Graves will not participate as he has been advised to abstain from participating in the discussion although he is listening in.

Councillor James Boone expressed support for postponement and asked if the decision to postpone could be broadcast on the City's CodeRED alert system.

Council President Walsh said that it is an option and the City would plans to provide an alert.

Councillor Aleksander Dernalowicz concurred, expressing support for postponement.

Councillor Nathan Boudreau concurred, expressing support for postponement.

Councillor Karen Hardern concurred, expressing support for postponement.

On straw poll, Councillors unanimously agreed to postpone the election at this time and to delay setting new dates until another meeting.

President Walsh read aloud the proposed Order for the ensuing Special Meeting, as follows:



INFORMAL MEETING OF MARCH 30, 2020

ORDER: Pursuant to section 1 of chapter 45 of the Acts of 2020 and because of the state of emergency declared by the governor pursuant to executive order 591, Declaration of a State of Emergency to Respond to COVID-19, the Special City Preliminary Election scheduled for April 7, 2020 and the Special City Election scheduled for May 5, 2020 are hereby postponed.

The Informal Meeting concluded at 6:18 p.m.

Accepted by the City Council:

UNACCEPTED/UNCORRECTED PROOF

**SPECIAL MEETING OF MARCH 30, 2020**

Special Meeting of the City Council was held remotely on Monday evening, March 30, 2020.

CALL TO ORDER

Council President James Walsh called the meeting to order at 6:18 o'clock p.m., immediately following the conclusion of the Informal Meeting.

CALL OF THE ROLL

City Clerk Alan Agnelli called the Roll of Members. Eleven (11) Councillors participated including President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Elizabeth Kazinskas, Judy Mack, and George Tyros.

#10256

On a motion by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, on call of the roll, it was voted eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to adopt the following Order:

**AN ORDER POSTPONING THE APRIL 7, 2020 SPECIAL CITY PRELIMINARY
AND THE MAY 5, 2020 SPECIAL CITY ELECTION**

ORDERED: Pursuant to section 1 of chapter 45 of the Acts of 2020 and because of the state of emergency declared by the governor pursuant to executive order 591, Declaration of a State of Emergency to Respond to COVID-19, the Special City Preliminary Election scheduled for April 7, 2020 and the Special City Election scheduled for May 5, 2020 are hereby postponed.

Presented to the Acting Mayor for Approval – March 31, 2020

Approved – March 31, 2020

JAMES M. WALSH, Acting Mayor

On a motion by Councillor Judy Mack and seconded by Councillor Nathan Boudreau, on call of the roll, it was voted eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to delay rescheduling the Special Preliminary Election and the Special Election until the April 6, 2020 Regular City Council Meeting.



SPECIAL MEETING OF MARCH 30, 2020

ADJOURNMENT

On a motion by Councillor James Boone and seconded by Councillor Nathan Boudreau, on call of the roll, it was voted eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to adjourn at 6:23 p.m.

Accepted by the City Council:

UNACCEPTED/UNCORRECTED PROOF



INFORMAL MEETING OF MAY 4, 2020

Informal Meeting of the City Council was held on Monday evening, May 4, 2020, remotely via Zoom teleconference and broadcast live on WGET.

CALL TO ORDER

Council President Elizabeth Kazinskas called the meeting to order at 7:00 o'clock p.m. and announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Gardner City Council will be conducted via remote participation and broadcast live on Gardner Educational Television, Channel 8. The audio or video recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting.

CALL OF THE ROLL

City Clerk Alan Agnelli called the Roll of Members. Ten (10) Councillors were present including President James Walsh and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros. Councillor James Boone was absent.

President Kazinskas announced the Informal Meeting was called to discuss postponing the May 12, 2020 Special City Preliminary Election and the June 9, 2020 Special City Election and rescheduling the elections. She noted that the elections have been rescheduled once – the Preliminary from April 7 to May 12 and the final Election from May 5 to June 9 - and that the Governor extended the State of Emergency Order to May 18, 2020. She added that the City Clerk provided scheduling options for the Council to consider if it decides to postpone the elections, as follows:

2020 SPECIAL CITY PRELIMINARY AND FINAL ELECTION
SCHEDULING OPTIONS FOR FURTHER POSTPONED ELECTIONS
 Governor's Current Emergency Order ends on Monday, May 18, 2020

| Council Votes | For Preliminary Election on | Rescheduled Election information posted on website (20 days before the election) | Last Day to Register to Vote for the rescheduled Preliminary (10 days before the election) | Final Election held on | Election is certified and earliest that Mayor can take office (after 5pm) |
|---------------|-----------------------------|--|--|------------------------|---|
| May 4 | May 26* | Wednesday, May 6 | Friday, May 15** | June 23 | July 3 |
| May 11 | June 2 | Wednesday, May 13 | Friday, May 22** | June 30 | July 10 |

*May 26 – day following Memorial Day. Mail is not delivered on Memorial Day.

** Voter Registration Session Notices have been published in **The Gardner News** for 2 consecutive weeks prior to the Voter Registration session date in order to provide voters/residents with ample notice to either register to vote or to make changes to their voter registration.

INFORMAL MEETING OF MAY 4, 2020

President Kazinskas said that the elections must be completed on or before June 30 and that the Council must vote not later than 20 days before the rescheduled election. She cited the action dates in the Clerk's options matrix.

Continuing, she said that the City Clerk expressed concerns for the health and safety of election officials and the voters and that poll officials have expressed that they would be more comfortable working after May 18 when the Governor's extended emergency order ends, adding that the Clerk's Office is prepared to follow all of the guidelines issued to run a safe and efficient election and to take into consideration the concerns raised by the poll officials.

President Kazinskas said that based on the various concerns raised, she suggested that the Special Preliminary Election be postponed and be rescheduled to June 2 and the final election be postponed and be rescheduled to June 30.

Councillor Ronald Cormier said that recently, the State of Wisconsin did not reschedule its election and a number of people became ill whether caused directly or indirectly by [participating in] the election. Whichever date is chosen, he said, the Council "should decide this evening" as well as "to be fair as possible to the candidates." To postpone a decision as to when the rescheduled dates would be an injustice to the candidates and that he would accept the June 2 and June 30 dates to give more room, he added.

Councillor James Walsh asked the City Clerk, that as he understands it, the concern about having the Preliminary on May 26 would be that Memorial Day is the day before and that it has not so much to do with receiving Absentee or Early ballots, but processing Early or Absentee ballot applications.

The Clerk concurred.

Councillor Walsh added that only those requests for Early or Absentee ballots that, if it wasn't a holiday, would be received on the day before the election.

The Clerk responded, saying that if a voter sends in an AV or EV application by mail on a Thursday or Friday [preceding the election], the mail is then processed over the weekend [before Memorial Day], then applications processed by the Post Office on that weekend would not be received by the Clerk's Office until Tuesday, which is one day late for receiving EV and AV ballot applications. Those voters, he said, would then have to go to their polling location in order to cast their ballots.

Councillor Walsh sought confirmation that the Clerk's Office could receive Early or Absentee ballots on Election Day.

INFORMAL MEETING OF MAY 4, 2020

The Clerk responded, saying that as long as AV and EV ballots are returned by 8:00 p.m. to the Clerk's Office or via the Drop Box, then they are processed.

Councillor Walsh sought confirmation that the unavailability of mail on the day before [the Election] "doesn't affect the receipt of actual ballots, but only the processing of ballot applications."

The Clerk concurred.

Councillor Walsh stated that if the Council opted for either May 26 or June 2, then it would require that the Council address next year's budget by way of a 1/12th Budget for the month of July. He noted that City Auditor John Richard was on the call and if he would explain the procedure to the Council to pass a 1/12th Budget since a new Administration would not be in place until July 3 or July 10 – three days or ten days into the new Fiscal Year. He said that the procedure is authorized by statute and that the Council would have to take action prior to the end of the Fiscal Year, as the step would be necessary if the elections were postponed.

Continuing, Councillor Walsh said that another concern is to provide the new Administration with as much time as possible to formulate a new budget for the upcoming Fiscal Year – either of the dates limit the availability of time, but "the earlier the better." He added that he agrees with Councillor Ronald Cormier's position that, if the Council is going to postpone the elections, that the Council should choose the dates tonight.

Councillor George Tyros informed the Council that from the recent Finance Committee meeting, he was pleased to hear the Early voting turnout figures that were provided and happy to hear about the precautions to be taken by the Clerk's Office on Election Day. He said that the Council "made the right call" when it postponed the original election dates, adding "we know a lot more now than we did back then." "And," he added, "we shouldn't forget the reason – the health and safety of the community. I trust our Clerk and I want to make sure that our of poll officials feel safe and the voters feel safe, as well." He added that he plans to support the proposed June 2 Preliminary election date.

Councillor Nathan Boudreau suggested that "it will not be off to the races" on the 18th, so he asked the Clerk if he believes that he will have enough poll workers to run the election.

The Clerk responded, saying that 21 poll workers informed him that they would not work at the elections either way, which leave 63 available. 60 are required to staff 10 precincts – 6 per precinct, he added.

Councillor Boudreau suggested getting college student who are home and not working, a younger group, to volunteer to work the polls.

INFORMAL MEETING OF MAY 4, 2020

The Clerk stated that if enough trained and seasoned poll workers are willing to work, then the polls will be properly staffed. He noted that if people need to be recruited at the last minute, they will have to be trained. He outlined some of the issues that poll workers face in training, which is mandated. He added that new workers would become City employees and undergo CORI checks.

City Auditor John Richard informed the Council that a 1/12th Budget is taking the current Fiscal Year's Budget (FY2020) and dividing each line item by 1/12th and that is what the City would use for the month of July. He said that he is seeking additional guidance from DOR Local Services and noted that he asked the question of the City's DLS Representative if a City Council vote is necessary and was advised that it is not, only to inform the Director of Accounts of the reason that the Budget is not approved. The Representative said that the City has "a really good reason," and added that a Bulletin would be issued this week that would provide further guidance. He again noted that the City would take 1/12th of the approved current FY Budget.

On straw poll, nine (9) Councillors in favor of the Preliminary election rescheduled to June 2 and Councillor Graves responded, "Present."

President Kazinskas noted the sense of the Council for June 2 to be addressed at the Regular Meeting.

Councillor James Walsh stated that two votes would be taken, the first to postpone and the second to establish the dates by adopting the Orders.

The Informal Meeting concluded at 7:22 p.m.

Accepted by the City Council:

**REGULAR MEETING OF MAY 4, 2020**

Regular Meeting of the City Council was held remotely on Monday evening, May 4, 2020.

CALL TO ORDER

Council President Elizabeth Kazinskas called the meeting to order at 7:30 o'clock p.m.

CALL OF THE ROLL

City Clerk Alan Agnelli called the Roll of Members. Ten (10) Councillors were present including Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Elizabeth Kazinskas, Judy Mack, George Tyros, and James Walsh. Councillor James Boone was absent.

OPENING PRAYER

President Kazinskas led the Council in reciting the Opening Prayer.

PLEDGE OF ALLEGIANCE

President Kazinskas led the Council in reciting the "Pledge of Allegiance".

OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT

President Kazinskas announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Gardner City Council will be conducted via remote participation and broadcast live on Gardner Educational Television, Channel 8. The audio or video recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting. She added that since the meeting is being conducted via **Zoom**, that all votes taken would be by roll call and asked Councillors to raise their hands to be recognized.

READING & ACCEPTANCE OF MINUTES

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted ten (10) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to waive reading and to accept the Minutes of the April 6, 2020 Informal Meeting, the April 13, 2020 Special Meeting, and the April 21, 2020 Regular Meeting, as printed.



REGULAR MEETING OF MAY 4, 2020

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#10268**

On a motion by Councillor Judy Mack and seconded by Councillor Craig Cormier, on call of the roll, it was voted nine (9) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Judy Mack, George Tyros, and James Walsh; one (1) abstention, Councillor Scott Joseph Graves, to adopt the following Order:

AN ORDER POSTPONING THE MAY 12, 2020 SPECIAL CITY
PRELIMINARY AND THE JUNE 9, 2020 SPECIAL CITY ELECTION

ORDERED: Pursuant to section 1 of chapter 45 of the Acts of 2020 and because of the state of emergency declared by the governor pursuant to executive order 591, Declaration of a State of Emergency to Respond to COVID-19, the Special City Preliminary Election scheduled for May 12, 2020 and the Special City Election scheduled for June 9, 2020 are hereby postponed.

Presented to the Acting Mayor for Approval – May 5, 2020

Approved – May 6, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

#10269

On a motion by Councillor James Walsh and seconded by Councillor George Tyros, on call of the roll, it was voted nine (9) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Judy Mack, George Tyros, and James Walsh; one (1) abstention, Councillor Scott Joseph Graves, to adopt the following Orders:

CITY OF GARDNER, MASSACHUSETTS
SPECIAL MUNICIPAL PRELIMINARY ELECTION ORDER
SPECIAL MUNICIPAL ELECTION ORDER
DESIGNATION OF POLLING PLACES FOR SPECIAL ELECTIONS

ORDERED: In accordance with the provisions of Section 64 of Chapter 54 of the General Laws, that meetings of the citizens of this City qualified to vote for City officers shall be held on TUESDAY, the 2nd DAY of JUNE, 2020 from 10:00 o'clock in the morning until 8:00 o'clock in the evening for the purpose of casting their votes for the nomination of Mayor to serve for the unexpired term.

ORDERED: In accordance with the provisions of Section 64 of Chapter 54 of the General Laws, that meetings of the citizens of this City qualified to vote for City officers shall be held on TUESDAY, the 30th DAY of JUNE, 2020 from 10:00 o'clock in the morning until 8:00 o'clock in the evening for the purpose of casting their votes for Mayor to serve for the unexpired term.



REGULAR MEETING OF MAY 4, 2020

ORDERED: In accordance with the provisions of Section 24 of Chapter 54 of the General Laws, 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 W Lynde Street
 WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 W Lynde Street
 WARD 3, PRECINCT A – Acadien Social Club, 193 Parker Street
 WARD 3, PRECINCT B – Acadien Social Club, 193 Parker Street
 WARD 4, PRECINCT A – Gardner Police Headquarters, 200 Main Street
 WARD 4, PRECINCT B – Gardner Police Headquarters, 200 Main Street
 WARD 5, PRECINCT A – Knights of Columbus Hall, 110 South Main Street
 WARD 5, PRECINCT B – Knights of Columbus Hall, 110 South Main Street

Presented to the Acting Mayor for Approval – May 5, 2020

Approved – May 6, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

#10270

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee met with Conservation Commission representatives concerning the conservation restriction. He said that the City has had a number of projects on the north side of Clark Street and west of Leo Drive associated with land conservation and recreation along Bailey Brook and that the current project involves a conservation restriction to preserve land owned by the Gardner Fish and Gun Club which is located south of Clark Street and along both sides of Bailey Brook. He said that this restriction has been approved by the Fish and Gun Club and must also be approved by the City and the Conservation Commission. The action, he said, would restrict development and other activities along Baily Brook.

Concluding, Councillor Walsh said that the funding is provided through the Small Grants Program of the North American Wetlands Conservation Act; that the City is a sub-recipient; and, the \$38,000 total cost of the project is covered by the Grant. He added that the first vote by the Council would authorize the Mayor to accept the conservation restriction

Councillor James Walsh moved to adopt the following Measure:

AUTHORIZING A CONSERVATION RESTRICTION ON 20.47 ACRES
 OF LAND OWNED BY THE GARDNER FISH & GUN CLUB, INC.
 LOCATED ON THE SOUTH SIDE OF CLARK STREET

VOTE: To authorize the Mayor of the City of Gardner to approve and accept a conservation restriction on 20.47 acres of land owned by the Gardner Fish & Gun Club, Inc., located on the south side of Clark Street, being a portion of Assessor's Parcels H32/4/19 and H37/23/1A, as shown on the attached map and

REGULAR MEETING OF MAY 4, 2020

survey plan, comprised of the riverfront area of Bailey Brook, including wetlands complex and flood plain, to be held and monitored by the Conservation Commission for conservation and natural resource protection, pursuant to M.G.L. Chapter 40, Section 8C, and M.G.L. Chapter 184, Section 32, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Scott Joseph Graves stated that he noticed on the Acceptance that it has to be signed by the Mayor, asking “Is it correct that the Acting Mayor can sign this?”

In response, Councillor James Walsh stated that during the Finance Committee meeting, he questioned Attorney Morrison about the urgency of the matter and was advised that the funds have to be expended on or before June 30.

On the motion, on call of the roll, it was voted ten (10) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Measure:

AUTHORIZING A CONSERVATION RESTRICTION ON 20.47 ACRES
OF LAND OWNED BY THE GARDNER FISH & GUN CLUB, INC.
LOCATED ON THE SOUTH SIDE OF CLARK STREET

VOTED: To authorize the Mayor of the City of Gardner to approve and accept a conservation restriction on 20.47 acres of land owned by the Gardner Fish & Gun Club, Inc., located on the south side of Clark Street, being a portion of Assessor's Parcels H32/4/19 and H37/23/1A, as shown on the attached map and survey plan, comprised of the riverfront area of Bailey Brook, including wetlands complex and flood plain, to be held and monitored by the Conservation Commission for conservation and natural resource protection, pursuant to M.G.L. Chapter 40, Section 8C, and M.G.L. Chapter 184, Section 32, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Presented to the Acting Mayor for Approval – May 5, 2020

Approved – May 6, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

#10271

Reporting for the Finance Committee, Councillor James Walsh informed the Council that this measure is to fund the conservation restriction that was just passed and that all costs associated with the project are funded by the Grant.

Councillor James Walsh moved to adopt the following Measure:

REGULAR MEETING OF MAY 4, 2020

AUTHORIZING ACCEPTANCE OF GRANT FUNDS
FOR PURCHASE OF A CONSERVATION RESTRICTION
ON 20.47 ACRES OF LAND ON THE SOUTH SIDE OF CLARK STREET

VOTE: To authorize the Mayor of the City of Gardner to accept grant funds from the North American Wetlands Conservation Act, Small Grants Program, in the amount up to Thirty Three Thousand Eight Hundred and 00/ 1 00 Dollars (\$33,800.00), as sub-recipient of an award to the Gardner and Winchendon Wetlands Protection Project, and to enter any necessary contracts thereto, for the purpose of purchasing a conservation restriction on 20.47 acres of land owned by the Gardner Fish & Gun Club, Inc., located on the south side of Clark Street, being a portion of Assessor's Parcels H32/4/19 and H37/23/1A, as shown on the attached map and survey plan, to be held and monitored by the Conservation Commission for conservation and natural resource protection, pursuant to M.G.L. Chapter 40, Section 8C, and M.G.L. Chapter 184, Section 32, and to expend said funds for the purchase of said conservation restriction, and for necessary due diligence and costs, in accordance with the attached budget, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Scott Graves questioned the Vote language before the Council, noting that the document before the Council is the Petition from the Conservation Commission.

The City Clerk stated that the language contained in the submitted document is the language required for the Council's adoption.

Councillor Graves then questioned the Finance Committee, stating that he thinks that the Council should amend the authorization to read "Acting Mayor."

Responding for the Finance Committee, Councillor James Walsh asked Councillor Graves if he will move to amend the Order.

Councillor Graves replied "No," saying that he wouldn't move the Measure because the Council "does not have the vote in front of it, only a letter from Greg Dumas."

On the motion, on call of the roll, it was voted ten (10) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Measure:

AUTHORIZING ACCEPTANCE OF GRANT FUNDS
FOR PURCHASE OF A CONSERVATION RESTRICTION
ON 20.47 ACRES OF LAND ON THE SOUTH SIDE OF CLARK STREET



REGULAR MEETING OF MAY 4, 2020

VOTED: To authorize the Mayor of the City of Gardner to accept grant funds from the North American Wetlands Conservation Act, Small Grants Program, in the amount up to Thirty Three Thousand Eight Hundred and 00/ 1 00 Dollars (\$33,800.00), as sub-recipient of an award to the Gardner and Winchendon Wetlands Protection Project, and to enter any necessary contracts thereto, for the purpose of purchasing a conservation restriction on 20.47 acres of land owned by the Gardner Fish & Gun Club, Inc., located on the south side of Clark Street, being a portion of Assessor's Parcels H32/4/19 and H37/23/1A, as shown on the attached map and survey plan, to be held and monitored by the Conservation Commission for conservation and natural resource protection, pursuant to M.G.L. Chapter 40, Section 8C, and M.G.L. Chapter 184, Section 32, and to expend said funds for the purchase of said conservation restriction, and for necessary due diligence and costs, in accordance with the attached budget, the property to be permanently conserved under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Presented to the Acting Mayor for Approval – May 5, 2020

Approved – May 6, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

#10254

There being no objections, the Public Safety Committee was granted more time to study and to report on the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC."

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

Section 1. Section 600-24 of Chapter 600, Vehicles and Traffic, Parking Prohibited on certain streets, is amended by adding the following:

| <u>Name of Street</u> | <u>Side</u> | <u>Location</u> |
|-----------------------|-------------|-----------------|
| Nutting Street | Both | Entire length |

Section 2. This Ordinance shall take effect upon passage and publication as required by law.

PUBLIC SERVICE COMMITTEE

#10260

There being no objections, the Public Service Committee was granted more time to study and to report on *A Petition by National Grid for permission to install one (1) SO Pole on East Broadway beginning at a point approximately 115' southeast of the centerline of the intersection Prospect Street.*

REGULAR MEETING OF MAY 4, 2020

PUBLIC WELFARE COMMITTEE**#10252**

Public Welfare Committee Chairman Aleksander Dernalowicz reported that McCarty Engineering and the owner appeared before the Planning Board and that the Planning Board requested more modifications. He added that correspondence was received today from McCarty Engineering requesting leave to withdraw the Petition without prejudice.

Councillor James Walsh suggested that in order to comply with the Zoning statute, the appropriate action would be for the Council to grant the Petitioner leave to withdraw without prejudice.

On a motion by Councillor Aleksander Dernalowicz and seconded by Councillor James Walsh, on call of the roll, it was voted ten (10) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to grant the Petitioner leave to withdraw the Petition without prejudice and to remove from the Calendar *A Petition by Traven Development LLC to renew the designation of two (2) parcels at 525 Parker Street as a Development Overlay District 1.*

FINANCE COMMITTEE**#10250**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Contract was entered into through a Memorandum of Understanding that was agreed to after negotiations were completed by the City Solicitor and Personnel Director during the prior Mayor's term of office. The Order, he said, is for the first year's salary and wages (FY2019) and is recommended by a majority of the Finance Committee.

Councillor Ronald Cormier moved to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS SALARY AND WAGES FY2019 ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Fifty-Fifty-two Thousand Seven Hundred Eighty-eight and 33/100 (\$52,788.33) from Free Cash to the Fiscal 2019 Firefighters Salary and Wages Account.

Councillor James Walsh seconded the motion.

On the motion, Councillor Judy Mack said that she has an issue with using Free Cash to supplement contract negotiations. Noting that others have had to negotiate raises payable from within their budget allowances, she expressed concern that by using Free Cash for the Firefighters contract, it would "open it up to any other department to come back to the City Council for Free Cash to supplement pay raises and retroactive raises." She added that other

REGULAR MEETING OF MAY 4, 2020

unions have had retroactive pay and that those unions have had to figure out how to compensate their employees.

Councillor George Tyros expressed support for the appropriations, saying that he believes that the addition of the Ambulance service increased the workload for the entire department and that all Firefighters are required to also serve as EMTs. He added that the City Solicitor provided a seven-page timeline of the negotiations and that “it is clear there has been misunderstandings and that a lot of time has passed but that it isn’t a difficult decision, and that the City needs to move forward.”

Councillor Scott Joseph Graves stated that he is confused by the legal opinion from Attorney Rozak of Mirick-O’Connell “which seems to conflict with the March 2nd advisory from the City Solicitor ... so I don’t know who to believe, Mirick O’Connell or John Flick.” “My question is,” he stated, “it looks to me that John Flick’s timeline on March 2nd that a lot of stuff happened after the Memorandum of Agreement (MOA) was signed – it looked like a bunch of stuff happened, like important stuff ... in late January and February.” “So,” he continued, “my question is this ... if we’re signing the MOA... so we’re signing the MOA – we’re appropriating the MOA, not the CBA, should we be doing that? Is it the same thing or are we signing something that we shouldn’t be signing?”

Councillor James Walsh said that it is his understanding from the opinion of Mirick O’Connell that “the execution of the Memorandum of Agreement is what bound the City, subject to appropriation.” As he read it, he said, “It includes language that would cause it to be included in the general agreement. That’s the way that I understand it,” adding that he understands, the Acting Mayor has indicated that “she either would or has signed the overall augmented Agreement.”

Councillor Scott Joseph Graves said that the Council had a letter from Mayor Hawke dated March 31st and “It’s troublesome to me to hear things like ‘the Firefighters are attempting to double-dip and secure an increase twice that of any City-side Union’.” “I think we have to be careful, what we do here in terms of how it’s going to affect other unions ... I’m not a member of one of these unions, so I think I can talk about it. Mark Hawke says something like, ‘Let me be clear. If the City Council approves this funding, they will be doubling the cost of living allowance increase allotted to the Firefighters. The other six city-side unions will have received one-half of what the Firefighters will be receiving. I would expect they would be looking for reparations if this passes’.” “And, then he [Hawke] goes on to say, ‘We would be facing cuts in the Fire Department if we do this’.” “So,” Councillor Graves stated, “I would be very hesitant to move forward with this given the fact that I think it’s ... I have no reason to not believe Mayor Hawke - he pretty much knows what he’s talking about when it comes to these things.” “So,” Councillor Graves continued, “that scares me and the other thing that scares me is I have e-mails going back to April 6th with Mayor Hawke asking about whether

REGULAR MEETING OF MAY 4, 2020

or not he had given authority to Deb Pond and Attorney Flick on this and he had told me that he didn't. Now I'm reading a letter dated April 27th that ... maybe **his** memory was refreshed ... I don't know, **and that is fine ... but ...** this whole thing is raising some questions for me."

Councillor James Walsh stated, "There is nobody that has greater respect for the services provided by our public safety departments than I do, both the Fire Department and the Police Department – they perform remarkable tasks – and do so courageously, and are deserving of being fairly compensated for the work that they do." "I believe firmly," he continued, "that the unions for the City deserve to be compensated fairly for the services that they provide and they should be treated fairly during contract negotiations. By the same token, I believe that the City needs to be treated fairly, as well, in all those contract negotiations." "I hasten to point out," he continued, "that if these money orders do not pass, that doesn't mean it's over. What happens is the matter goes back to the Joint Labor-Management Committee where it will be scheduled for arbitration at some point down the road and would then be managed by whoever the newly-elected Mayor would be. I'm concerned that then City wasn't treated fairly in this particular deal and it isn't a good deal and intend to vote against the Orders."

On the motion, on call of the roll, it was voted six (6) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, and George Tyros; four (4) nays, Councillors Scott Joseph Graves, Karen Hardern, Judy Mack, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS SALARY AND WAGES FY2019 ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Fifty-Fifty-two Thousand Seven Hundred Eighty-eight and 33/100 (\$52,788.33) from Free Cash to the Fiscal 2019 Firefighters Salary and Wages Account.

Presented to the Acting Mayor for Approval – May 5, 2020

Approved – May 6, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

#10251

Councillor Ronald Cormier informed the Council that due to a computation error, the corrected amount of the Order should read "\$113,159.74" and he then moved to adopt the following Substitute Order:

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS SALARY AND WAGES ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of One Hundred Thirteen Thousand One Hundred Fifty-Nine and 74/100 (\$113,159.74) from Free Cash to the Firefighters Salary and Wages Account.

REGULAR MEETING OF MAY 4, 2020

Councillor James Walsh seconded the motion.

On the motion, on call of the roll, it was voted six (6) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, and George Tyros; four (4) nays, Councillors Scott Joseph Graves, Karen Hardern, Judy Mack, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS SALARY AND WAGES ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of One Hundred Thirteen Thousand One Hundred Fifty-Nine and 74/100 (\$113,159.74) from Free Cash to the Firefighters Salary and Wages Account.

Presented to the Acting Mayor for Approval – May 5, 2020

Approved – May 6, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

#10252

As action was taken under the Report of the Public Welfare Committee, President Kazinskas cited the Petitioner's request to withdraw without prejudice *A Petition by Traven Development LLC to renew the designation of two (2) parcels at 525 Parker Street as a Development Overlay District 1.*

NEW BUSINESS

Councillor James Walsh commended the Office of the City Clerk in managing the response to Early Voting applications and balloting, noting that it is a new undertaking.

President Kazinskas informed the Council that she has been working with Information Technology Director Bob O'Keefe to provide appropriate platforms for hosting all meetings, including Council committees. Department heads and committee/commission chairs have been notified that Zoom-broadcast meetings will be supplemented via YouTube and be streamed live and added that the public will be able to attend meetings virtually, she said.

CLOSING PRAYER

President Kazinskas led the Council in the Closing Prayer.



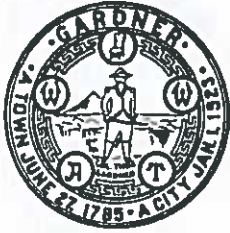
REGULAR MEETING OF MAY 4, 2020

ADJOURNMENT

On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig Cormier, on call of the roll, it was voted ten (10) yeas, President Elizabeth Kazinkas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adjourn at 8:06 p.m.

Accepted by the City Council:

UNACCEPTED/UNCORRECTED PROOF



**CITY OF GARDNER
MASSACHUSETTS 01440-2630**

**OFFICE OF THE
CITY CLERK**

Room 121, City Hall
Tel (978) 630-4058
Fax (978) 630-2589

**CITY OF GARDNER
NOTICE TO ABUTTERS**

May 7, 2020

TO INTERESTED PARTIES:

Pursuant to the provisions of M.G.L.A., c.166, §22, you are hereby notified that the City Council will conduct a Public Hearing on **Monday, May 18, 2020** at **7:30 p.m.** upon the petition of **NATIONAL GRID** for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

EAST BROADWAY – National Grid to install 1 solely-owned pole on East Broadway beginning at a point approximately 115' southeast of the centerline of the intersection of Prospect Street. National Grid to install 1 SO pole 4-2, sidewalk anchor/guy for customer electrical upgrade.

A diagram of the proposed pole location is attached for your edification.

The Public Hearing will be conducted via **Zoom** Video Conferencing and broadcast live on Gardner Educational Television Channel 8 and on the City's YouTube Channel.

Parties interested in testifying before the City Council are requested to contact City Clerk Alan Agnelli by e-mail at aagnelli@gardner-ma.gov to register and to obtain participation/call-in instructions.

CITY COUNCIL OF GARDNER

Alan Agnelli

City Clerk

10260

RECEIVED
2020 MAR 30 PM 12:10
CITY CLERK'S OFFICE
GARDNER, MA

Questions contact – Kim Tavallaimola 508-860-6448

PETITION FOR POLE AND WIRE LOCATIONS

North Andover, Massachusetts

To the City Council
Of Gardner, Massachusetts

Massachusetts Electric Company d/b/a National Grid requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

East Broadway - National Grid to install 1 SO Pole on East Broadway beginning at a point approximately 115' feet southeast of the centerline of the intersection of Prospect Street. Install 1 SO pole 4-2, sidewalk anchor/guy for customer electrical upgrade.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – East Broadway - Gardner – Massachusetts.

No.# 27407276 March 26, 2020

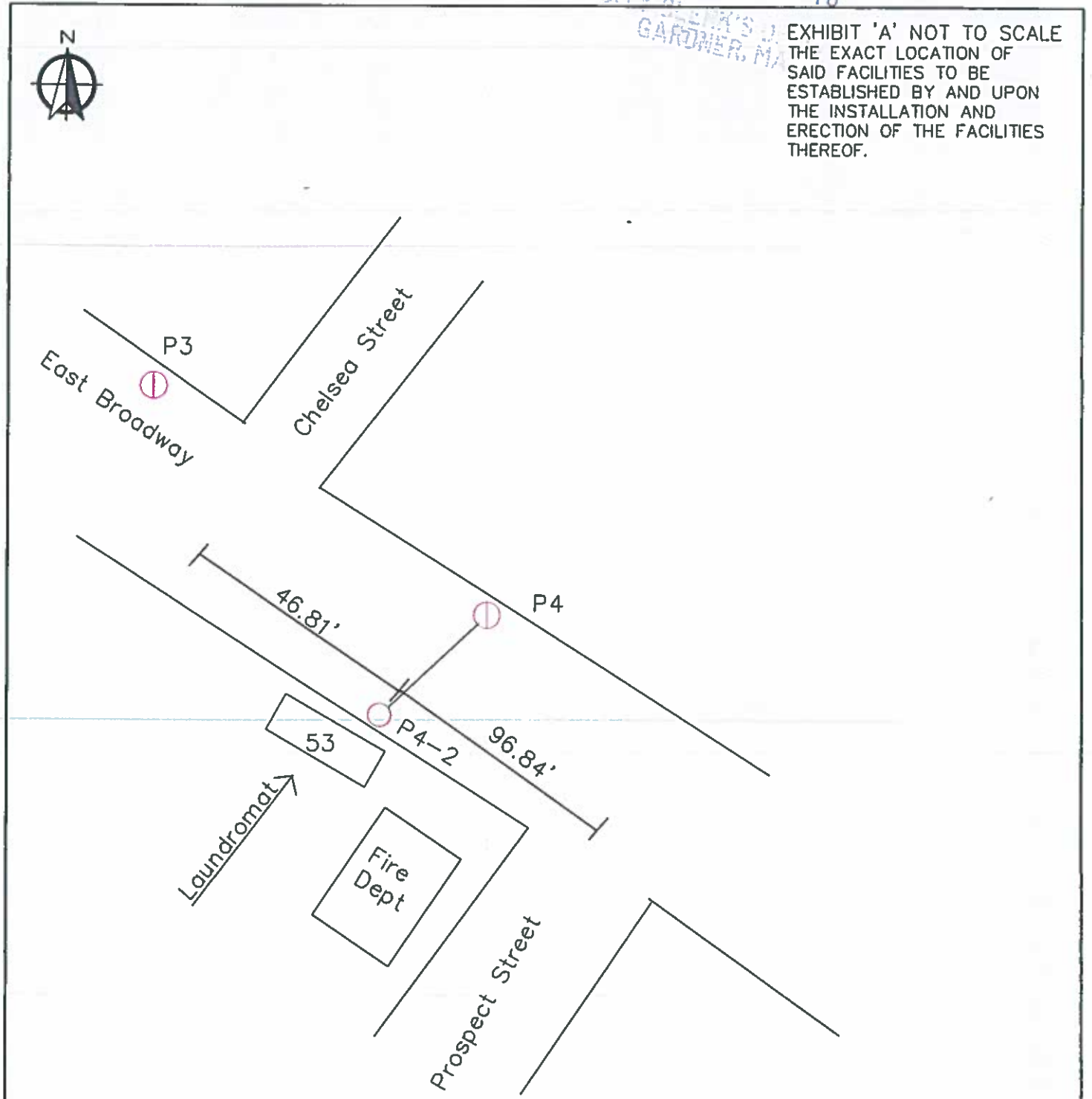
Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a National Grid
BY Pat Cody
Engineering Department

RECEIVED
2020 MAR 30 PM 12:10
CITY CLERK'S OFFICE
GARDNER, MA

EXHIBIT 'A' NOT TO SCALE
THE EXACT LOCATION OF
SAID FACILITIES TO BE
ESTABLISHED BY AND UPON
THE INSTALLATION AND
ERECTION OF THE FACILITIES
THEREOF.



LEGEND

- Ⓛ Existing J0 Pole
- Proposed S0 Pole
- Overhead Line

53 East Broadway
Petition

53 East Broadway Gardner, MA
New pole for business

Date: 03/26/2020

Designer: Kim Tav

W/R: 27407276



10272



RECEIVED

2020 MAY 14 AM 7:52

CITY CLERK'S OFFICE
GARDNER, MA

Scott T. Farrar
Manager, Community & Customer Management

May 13, 2020

Hon. Elizabeth J. Kazinskas, Acting Mayor
City of Gardner
95 Pleasant Street, Room 125
Gardner, MA 01440

Re: DOT 608864 – RR Bridge project

Dear Mayor Kazinskas,

As part of the MA DOT bridge reconstruction project on Pleasant Street, National Grid is required to relocate its equipment (poles, wires) to facilitate the road-widening efforts. Our crews have been on-site and have completed as much required work as possible. Upon further review of the project, we have determined that moving Pole #34 approximately 90' in a southwesterly direction would serve us in the work we are required to complete.

I believe you received an easement request from Carol Childress on May 12, 2020 to place this pole and 2 guy wires on the City parcel of land. Assuming the City Council can approve this easement request, we can re-mobilize our crews to complete the necessary utility line work. Given the urgency to complete the bridge reconstruction project, we are requesting the approval of the easement request at your earliest convenience.

If you have any question, please contact me at scott.farrar@nationalgrid.com or my cell phone (508-868-4899).

Sincerely,

Scott T. Farrar

Property Address: Pleasant Street, Gardner, MA (Worcester South)

GRANT OF EASEMENT

The **CITY OF GARDNER**, a municipal corporation with a mailing address at 95 Pleasant Street, Gardner, Massachusetts 01440 (hereinafter referred to as the Grantor), for consideration of One (\$1.00) Dollar, grants to **MASSACHUSETTS ELECTRIC COMPANY**, 40 Sylvan Road, Waltham, Massachusetts 02451, a Massachusetts corporation, and **VERIZON NEW ENGLAND INC.**, a New York corporation, having a local address of 125 High Street – Oliver Tower, 07 Floor, Boston, MA 02110 (hereinafter referred to as the Grantees) with quitclaim covenants, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for the transmission of intelligence and telephone use, lines to consist of, but not limited to, one (1) pole, (which may be erected at different times) with wires and cables installed thereon, and all necessary foundations, anchors, guys, braces, fittings, equipment and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") over, across, under and upon the Grantor's land in Gardner, Worcester County, Massachusetts, to serve Grantor's property and others.

Said "OVERHEAD SYSTEM" is to be located in, through, under, over, across and upon Grantor's property, which is located on the northerly side of Pleasant Street, to consist of Pole P.34, to become established by and upon the final installation thereof by the Grantees.

WR#28579845

Address of Grantee:

Mass El, 40 Sylvan Road, Waltham, Massachusetts 02451
Verizon, 125 High Street – Oliver Tower, 07 Floor, Boston, MA 02110

After recording return to:

Carol Childress
National Grid USA
Service Company, Inc.
939 Southbridge Street
Worcester, MA 01610

05 GARDMA GEN

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repossess, over, across and upon Grantor's land, as is reasonable and necessary, in order to renew, replace, repair, remove, add to, maintain, operate and patrol and otherwise change said "OVERHEAD SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantees, their successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" is specifically located of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantees, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM".

It is agreed that the "OVERHEAD SYSTEM" shall remain the property of the Grantees, their successors and assigns, and that the Grantees, their successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM". The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantees, for themselves, their successors and assigns, that this Grant of Easement and the location of the "OVERHEAD SYSTEM" may not be changed or modified without the written consent of the Grantees, their successors and assigns, which consent may be withheld by the Grantees in their sole discretion. The rights and easement herein granted are over, across and upon a certain parcel of land being more particularly described in an Instrument of Taking dated December 17, 1956, recorded with the Worcester South District Registry of Deeds in Book 3833, Page 584.

And further, said "OVERHEAD SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) is approximately shown on a sketch entitled: "EASEMENT SKETCH; Exhibit A - Not to Scale; Designer: David Turk Date: 5/1/20; Address: Pleasant Street Gardner, MA Work Order: 28579845; nationalgrid", a reduced copy of said sketch is attached hereto as "Exhibit A", copies of which are in the possession of the Grantor and Grantees herein, but the final definitive locations of said "OVERHEAD SYSTEM" shall become established by and upon the installation and erection thereof by the Grantees.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within a portion of the Grantor's land an "OVERHEAD SYSTEM" for the transmission of intelligence and for supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM".

10272

For Grantor's title, see Instrument of Taking dated December 17, 1956, recorded with the Worcester South District Registry of Deeds in Book 3833, Page 584.

IN WITNESS WHEREOF, the City of Gardner has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by Elizabeth Kazinskas, the Acting Mayor, being thereto duly authorized this _____ day of _____, 2020.

CITY OF GARDNER

By: Elizabeth Kazinskas
Its: Acting Mayor

WR#28579845

The provisions of Massachusetts
General Laws, Chapter 183,
Section 6B, are not applicable.

10272

Commonwealth of Massachusetts

County of _____ } ss.

On this the _____ day of _____, 2020, before me,

Name of Notary Public the undersigned Notary Public,

personally appeared Elizabeth Kazinskas, proved to me through satisfactory evidence of identity, which was

Description of Evidence of Identity,

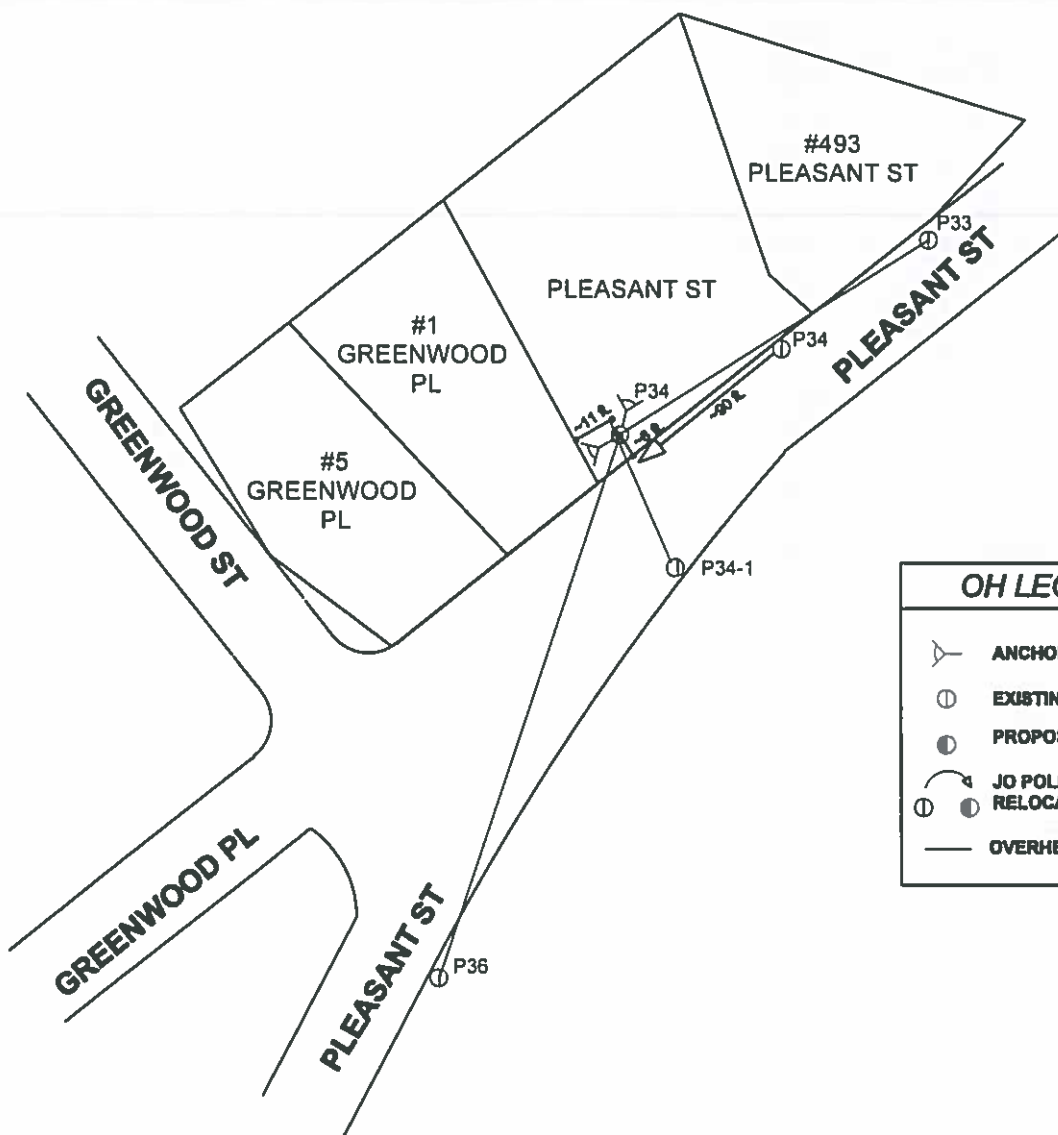
to be the person whose name is signed on the preceding Grant of Easement and acknowledged to me that she signed it voluntarily for its stated purpose, as the Acting Mayor in the City of Gardner.

Signature of Notary Public

Printed Name of Notary

My Commission Expires _____

Place Notary Seal and/or Any Stamp Above



| OH LEGEND | |
|-----------|-------------------------|
| | ANCHORED GUY |
| | EXISTING JO POLE |
| | PROPOSED JO POLE |
| | JO POLE TO BE RELOCATED |
| | OVERHEAD WIRES |

Sketch to accompany an easement for Pleasant Street property for the installation of relocated pole 34 approximately 6 ft. on to private property along with the installation of associated anchors and overhead wires.

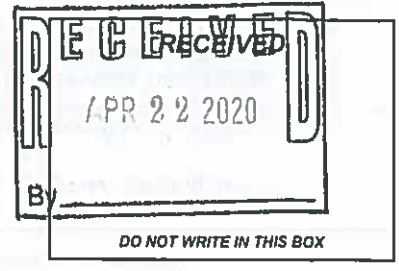
| | | |
|--|--|--|
| EASEMENT SKETCH | Exhibit A - Not to Scale | |
| Designer: David Turk Date: 5/1/20 Address: Pleasant Street Gardner, MA Work Order: 28579845 | The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof. | |

10273

COLLECTOR LICENSE APPLICATION FEE - \$30.00
DEALER LICENSE APPLICATION FEE - \$100.00



CITY OF GARDNER
MASSACHUSETTS 01440
95 PLEASANT STREET - ROOM 121
TELEPHONE (978) 630-4058
FACSIMILE (978) 630-2589



APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

New Renewal Change of Location

APPLICANT INFORMATION

Applicant / Licensee Name: Joseph Valardi
Applicant / Licensee Address: 36 Donovan Rd, N. Brookfield, MA
Applicant / Licensee phone number(s): 978-990-0307
Applicant / Licensee E-mail: gardnercc@yahoo.com
Social Security number: _____ OR Business FID numb

ESTABLISHMENT INFORMATION

Establishment Name: Gardner Coins & Cards Inc
Establishment address (Current): 13 Pleasant St, Gardner, MA
Establishment address (New, if applicable): _____
Establishment Phone: 978-632-7123
On-Site manager / contact person: Joseph Valardi
For which type of license(s) are you applying? Secondhand dealer

Check all that apply to this Application:

- SECONDHAND COLLECTOR has the same meaning as the term "junk collector" in MGL c.140, § 56.
- SECONDHAND DEALER has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? Precious Metals, Antiques, Sports Memorabilia, & Collectibles

Where at the licensed address will the articles be stored, displayed, etc? Stored and displayed throughout location.

Massachusetts Sales & Use Tax Registration number:
(Attach a copy of your Massachusetts Sales & Use T

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.


INDIVIDUAL ~~PARTNER~~ OR AUTHORIZED CORPORATE
OFFICER OR APPLICANT

DATE SIGNED 4/15/2020

NOTICE: THE FILING OF THIS APPLICATION CONFERS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. C.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES
EXPIRE ON APRIL 30TH ANNUALLY.

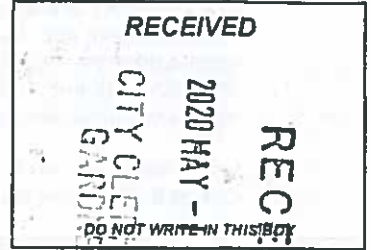
10274

COLLECTOR LICENSE APPLICATION FEE - \$30.00
DEALER LICENSE APPLICATION FEE - \$100.00



CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121
TELEPHONE (978) 630-4058
FACSIMILE (978) 630-2589



APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

New Renewal Change of Location

APPLICANT INFORMATION

Applicant / Licensee Name: GAMESTOP, INC.
Applicant / Licensee Address: 625 Westport Pkwy, Grapevine, TX 76051
Applicant / Licensee phone number(s): 817-424-200
Applicant / Licensee E-mail: Licesningandsalestax@gamestop.com
Social Security number: _____ OR Business FID number 41-1609563

ESTABLISHMENT INFORMATION

Establishment Name: GAMESTOP #3725
Establishment address (Current): 376 Timany Blvd., Gardner, MA 01440
Establishment address (New, if applicable): _____
Establishment Phone: 978-630-0282
On-Site manager / contact person: Secondhand Dealer
For which type of license(s) are you applying? _____

Check all that apply to this Application:

- SECONDHAND COLLECTOR has the same meaning as the term "junk collector" in MGL c.140, § 56.
- SECONDHAND DEALER has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? Retail sales of new/used video games, consoles, electronics & accessories

Where at the licensed address will the articles be stored, displayed, etc? _____

Massachusetts Sales & Use Tax Registration number: 1890082816
(Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.



INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE
OFFICER OR APPLICANT

DATE SIGNED 4-15-20

NOTICE: THE FILING OF THIS APPLICATION CONFERS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. c.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES
EXPIRE ON APRIL 30TH ANNUALLY.

10275

COLLECTOR LICENSE APPLICATION FEE - \$30.00
DEALER LICENSE APPLICATION FEE - \$100.00



CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121
TELEPHONE (978) 630-4058
FACSIMILE (978) 630-2589

RECEIVED
2020 MAY -5 PM 4:35
CITY CLERK'S OFFICE
GARDNER, MA
DO NOT WRITE IN THIS BOX

APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

New Renewal Change of Location

APPLICANT INFORMATION

Applicant / Licensee Name: ecoATM, LLC
Applicant / Licensee Address: Mailing: 10121 Barnes Canyon Rd, San Diego, CA 92121
Applicant / Licensee phone number(s): 858-766-7244
Applicant / Licensee E-mail: hunter.bjorkman@ecoatm.com
Social Security number: _____ **OR** Business FID number 26-3879952

ESTABLISHMENT INFORMATION

Establishment Name: ecoATM, LLC
Establishment address (Current): 677 Timpany Blvd, Gardner, MA 01440 (Kiosk inside Walmart2155)
Establishment address (New, if applicable): n/a
Establishment Phone: 858-766-7244
On-Site manager / contact person: Hunter Bjorkman
For which type of license(s) are you applying? Junk Dealer

Check all that apply to this Application:

- SECONDHAND COLLECTOR** has the same meaning as the term "junk collector" in MGL c.140, § 56.
- SECONDHAND DEALER** has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? Self-automated kiosk that purchases used cell phones, mp3 players, and tablets. No sales made; purchase only.

Where at the licensed address will the articles be stored, displayed, etc? Items are stored inside machine, not visible to the public.

Massachusetts Sales & Use Tax Registration number: n/a
(Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

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SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.



DATE SIGNED 4/3/2020

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE
OFFICER OR APPLICANT

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**JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES
EXPIRE ON APRIL 30TH ANNUALLY.**

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC."

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

Section 1. Section 600-24 of Chapter 600, Vehicles and Traffic, Parking Prohibited on certain streets, is amended by adding the following:

| <u>Name of Street</u> | <u>Side</u> | <u>Location</u> |
|-----------------------|-------------|-----------------|
| Nutting Street | Both | Entire length |

Section 2. This Ordinance shall take effect upon passage and publication as required by law.



CITY OF GARDNER POLICE DEPARTMENT

200 Main Street, Suite 214
Gardner, Massachusetts 01440

Phone: (978) 632-5600
Fax: (978) 630-4027

10254



James F. Trifiro Jr.
Deputy Chief of Police
Email: JTrifiro@gardner-ma.gov

March 10th, 2020

Gardner City Council Members,

In September of 2019, the members of the Traffic Commission discussed concerns received from a resident of South Gardner related to roadside parking complaints on Nutting Street. This information generated a dialogue that questioned if motor vehicles were legally parking or, could roadside parking create obstructions and conceivably affect the safe transit of motor vehicles along the travel route. According to Gardner City Code(s) 567-8/Specifications, in combination with 600-21/General Prohibitions, roadways shall have a width of not less than 28 feet and parking of a motor vehicle should leave a clear and unobstructed lane at least 10 feet wide for passing traffic. Given that the configuration of Nutting Street has a two way traffic pattern, and designated parking spots are required to be 8 feet wide it would be most relevant to have 28 feet in roadway width to meet the Gardner City Code(s) specifications and sanction roadway (one side) parking. An extensive survey was launched and measurements of Nutting Street had been conducted in joint venture with the Department of Public Works Director along with myself. The results of this survey determined that the width of the roadway ranged from approximately 21 feet in width near the vicinity of the Prospect Street intersection, funneling to a span of approximately 29 feet in width near the vicinity of the Union Street intersection. In addition, the span identified as being approximately 29 feet in width only extended for approximately 50 feet from the intersection and this dimension combined with the fact that motor vehicles are not permitted to park within 20 feet of an intersection (Gardner City Code 600/21) significantly restricted the availability of sanctioned roadside parking down to approximately 30 feet. In summary, our analysis showed that the bulk of Nutting Street predominantly did not appear to have the approved conditions permissible for roadside parking and was considered under width according to Gardner City Code.

On February 14th, 2020 at the quarterly Traffic Commission Meeting these survey items and talking points were brought forward for any additional discussion. After an examination regarding the factors as documented in City Code, in combination with the data gathered from the dimensions obtained on Nutting Street, a unanimous decision from the commission members was affirmed to recommend the following ordinance amendment in Gardner City Code:

600-24/Parking prohibited on certain streets – Nutting Street/Both Sides/Entire Length

In summary and on behalf of the Traffic Commission, we believe that this change meets the guidelines as documented in roadway guidance by Gardner City Code, acts in the best interest of public safety and would formally address any parking concerns generated from citizens in the area.

Your favorable consideration in our recommendation would be greatly appreciated.

James F. Trifiro Jr.
Deputy Chief of Police
City of Gardner Police Department