



City of Gardner, Massachusetts  
Office of the City Council

CALENDAR FOR THE MEETING

of  
MONDAY, JULY 6, 2020

REMOTELY\*

7:30 P.M.

ORDER OF BUSINESS

RECEIVED

2020 JUL -2 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 June 15, 2020 Regular Meeting.

- VII. PUBLIC HEARING

10288—A Petition by National Grid for permission to install 197' of conduit starting at 370 Park Street and heading north to Pole 40 Clark Street.

- VIII. COMMUNICATIONS FROM THE ACTING MAYOR

- IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10295—An Application by Gardner Ten Pins, Inc., 560 West Broadway, for Renewal of a Bowling Alley License (*Public Safety Committee*).

10296—A Petition by National Grid for permission to install 6 SO poles on Clark Street beginning at a point approximately 25' northwest of the centerline of the intersection of Racette Avenue and Clark Street and continuing approximately 700' in a northwest direction (*Public Service Committee*).

- X. REPORTS OF STANDING COMMITTEES

10288—A Petition by National Grid for permission to install 197' of conduit starting at 370 Park Street and heading north to Pole 40 Clark Street (*In City Council, Referred to Public Service, and Public Hearing Ordered, 6/15/2020*) (Ref: Calendar #10165, An Order Granting National Grid permission to construct 1100 feet of conduit starting at 370 Park Street and heading north to Pole 1 Clark Street, Adopted October 7, 2019).

**XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**

**XII. NEW BUSINESS**

**XIII. CLOSING PRAYER**

**XIV. ADJOURNMENT**

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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.*

**REGULAR MEETING OF JUNE 15, 2020**

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Regular Meeting of the City Council was held remotely on Monday evening, June 15, 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. Eleven (11) Councillors were present including Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Elizabeth Kazinskas, Judy Mack, George Tyros, and James Walsh.

**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, 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. 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 eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, 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 June 1, 2020 Regular Meeting, as printed.

**COMMUNICATIONS FROM THE ACTING MAYOR****#10276**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted to recommend passage of the Order. He said that the Snow and Ice Account is typically underfunded and that an appropriation is made at the end of the fiscal year as

REGULAR MEETING OF JUNE 15, 2020

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expenses vary year-to-year. The Auditor reported that the deficit currently stands at \$271,600; however, the DPW Director expects additional invoices bringing the final deficit to \$275,000. Councillor Ronald Cormier added the DPW Director reported that the current Fiscal Year's expenses are about \$5,000 less than last year.

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 Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO SNOW AND ICE REMOVAL.

ORDERED: That there be and is hereby appropriated the sum of Two Hundred Seventy Five Thousand Dollars and No Cents (\$275,000.00) from Free Cash to Snow and Ice Removal.

Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**#10277**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted to recommend passage of the Order. Citing the DPW Director's letter, he reported that the Department reduced the line item for street lights in anticipation of lower rates for LED street light installations. He said that the City was billed at the higher rates since National Grid had not established rates for the LEDs and that the City is expecting a significant reimbursement for the time that the City has been online with the LED lights, which is about \$57,000.

Councillor Boone questioned where the reimbursed funds are deposited.

Councillor Walsh stated that he believes that the reimbursement falls to the General Fund.

City Auditor John Richard stated that the reimbursement is deposited into the General Fund and then fall to Free Cash in the following year. He added, however, that he does not anticipate receipt until the next Fiscal Year.

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, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Judy Mack, George Tyros, and James Walsh; one (1) nay, Councillor Scott Joseph Graves, to adopt the following Order:

REGULAR MEETING OF JUNE 15, 2020

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AN ORDER APPROPRIATING FROM FREE CASH TO PUBLIC WORKS – STREET LIGHTING.

ORDERED: That there be and is hereby appropriated the sum of Thirty Two Thousand and No Cents (\$32,000.00) from Free Cash to Public Works – Street Lighting.

Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**#10278**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee met with the Fire Chief who reported that overtime expenses are due to 5 resignations this year and only 3 were hired as replacements. He added that 1 Lieutenant is out injured and will be retired at the end of June. He said, as pointed out, the Department has a minimum manning clause that requires 1 Lieutenant and 7 firefighters on each shift; therefore, every shift requires overtime.

Councillor James Boone noted that very year there is more overtime and questioned where the salaries go if people resign.

Councillor Ronald Cormier responded, saying that the wages are paid to the firefighters filling the shifts, plus overtime. He added that another problem is that it takes a long time to get new recruits into the Fire Academy and for certification, all before a firefighter can start.

Councillor James Boone suggested that the City is paying a higher rate because veteran firefighters are being paid at the overtime rate.

Councillor Ronald Cormier stated that overtime is predicated on the salary that the [particular] firefighter receives.

Councillor Scott Graves stated that he communicated with the Fire Chief and that the Department has experienced resignations primarily because of the low pay.

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 Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO FIRE – SALARIES AND OVERTIME.

ORDERED: That there be and is hereby appropriated the sum of Seventy-One Thousand Dollars and No Cents (\$71,000.00) from Free Cash to Fire Department Salaries/Overtime.

REGULAR MEETING OF JUNE 15, 2020

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Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**#10279**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that overtime expenses are due to the resignations in the department, all firefighters who are also EMTs, but that their overtime is paid from the Ambulance budget line item.

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 Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO AMBULANCE – SALARIES/OVERTIME.

ORDERED: That there be and is hereby appropriated the sum of Eight Thousand Seven Hundred Dollars and No Cents (\$8,700.00) from Free Cash to Ambulance Department Salaries/Overtime.

Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**#10280**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Order covers the cost of billing services and that payments are made only on amounts collected. Also, some costs are associated with COVID, so the Fire Chief is hoping some of the expenses are reimbursable, he added.

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 Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO AMBULANCE – OPERATING EXPENSES.

ORDERED: That there be and is hereby appropriated the sum of Six Thousand Eight Hundred Dollars and No Cents (\$6,800.00) from Free Cash to Ambulance Operating Expenses.

REGULAR MEETING OF JUNE 15, 2020

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Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**#10281**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted to recommend passage of the Order. Referencing the HR Director's correspondence, Councillor Walsh stated that the account was originally budgeted for \$15,000, but due to a significant increase in the number of people that have been hired, both School and Municipal, the account is in deficit. The additional \$10,000 should cover the need for the remainder of the Fiscal Year, he added.

Councillor James Boone questioned whether it is common to pay for new employee physicals.

Councillor Walsh responded, saying that it has been the practice for the City – obtaining various tests (drug, driving), physicals, etc., in order to make sure that the new hires are qualified to perform the jobs that they are hired for.

Councillor Ronald Cormier noted that random drug tests and psychiatric examinations for public safety officers are also provided for.

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 Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO HR MEDICAL EXAMS ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Free Cash to the HR Medical Exams Account.

Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**#10282**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted to recommend passage of the Order. He said that the Termination Leave account has a balance of \$28,300 with 2 upcoming retirements before the end of the month - the Treasurer's Department cost is \$26,250 and \$19,640 cost in the Police Department, leaving a deficit of \$17,497.05. Termination Leave provides for benefits that employees are entitled to upon separation from service such as accumulated vacation leave and sick leave buyback.

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Councillor Judy Mack questioned the reason that [Termination Leave] accounts are not part of the [individual] department's budget, as every department has to anticipate hirings and resignations, adding that the cost [to the Department] is reduced when a new employee is hired. She questioned the reason that these specific [Termination Leave] budget requests are coming from Free Cash and not from each Department's budget.

Councillor Walsh responded, saying that Termination Leave is a reserve account that serves all the different departments and is the method that the Mayor in prior years has chosen to budget for termination leave.

City Auditor John Richard stated that the \$200,000 was budgeted for the Fiscal Year; however, some employees provide little advanced notice of when they plan to retire.

Councillor Mack questioned "all departments," as the School Department has its own budget for termination leave.

Mr. Richard stated that the School Department has its own budget and that the [Termination Leave] Reserve account covers only City [municipal-side] employees.

Councillor Mack clarified that School Department employees are also City employees.

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 Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO TERM LEAVE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Seventeen Thousand Five Hundred Dollars and No Cents (\$17,500.00) from Free Cash to the Term Leave Account.

Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**#10283**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the funds are for advertising for various Planning Board hearings and that the applicant fees include advertising expenses. He added that the fees fall to the General Fund, as there is no revolving fund for the fees.



REGULAR MEETING OF JUNE 15, 2020

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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, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Judy Mack, George Tyros, and James Walsh; one (1) nay, Councillor Scott Joseph Graves, to adopt the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO PLANNING BOARD COMMUNICATIONS ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of One Thousand Two Hundred Sixty Dollars and No Cents (\$1260.00) from Free Cash to the Planning Board Communications Account.

Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**#10284**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Finance Committee is favorable, noting that documentation provided to the Council indicates that E-Rate is the amount that the City receives from the State each year for telecommunications in the School Department. The reimbursement from the State is deposited into the General Fund and then the City has to transfer the funds back into the School Department's account to reimburse for what has been expended, he said.

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 Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Order:

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

ORDERED: That there be and is hereby appropriated the sum of Eighty Thousand Eight Hundred Fifty-Three Dollars and No Cents (\$80,853.00) from Free Cash to the School E-Rate Expenses Account.

Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

REGULAR MEETING OF JUNE 15, 2020

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**#10285**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted to recommend passage of the Order and that the Order is a companion to #10286. He said that the Golf Course has been affected by the COVID-19 pandemic as it caused a delay in opening the Golf Course and operations have been restricted, resulting in a significant revenue loss. He said that funds in the Indirect Cost Expense account were not used in the prior Fiscal Year, as was explained, and that the funds are needed to cover unanticipated lost revenues. Continuing, he said that the Commission is seeking to rescind the Order and to use the funds for current regular operating expenses and that the Commission expects that the appropriation would cover expenses for the current season. He added that the Commission sought an additional \$50,000 for possible expenses, but the Finance Committee believed that any additional appropriation should be sought only if there is an actual need.

Councillor Scott Joseph Graves said that he is pleased that the Finance Committee dissuaded the Golf Commission from asking the City Council for an appropriation for possible expenses.

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, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh; one (1) abstention, Councillor Aleksander Dernalowicz, to adopt the following Order:

AN ORDER RESCINDING AN APPROPRIATION ORDER NO. 12874 GOLF  
INDIRECT COST EXPENSE

ORDERED: To rescind the vote taken on June 17, 2019, under Calendar Item #10128, Order No. 12874, ordering that the City of Gardner appropriates the sum of \$100,000 from Golf Enterprise Fund to Golf Indirect Cost Expense, as the funds were not needed.

Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**#10286**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted to recommend passage of the Order and for the reasons explained under #10285.

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, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh; one (1) abstention, Councillor Aleksander Dernalowicz, to adopt the following Order:



## REGULAR MEETING OF JUNE 15, 2020

AN ORDER APPROPRIATING A SUM OF MONEY FROM GOLF ENTERPRISE FUND ACCOUNT TO GOLF VARIOUS EXPENDITURES

ORDERED: That there be and is hereby appropriated the sum of Ninety-Five Thousand Three Hundred Eighty Dollars and No Cents (\$95,380.00) from Golf Enterprise Fund to Golf Various Expenditures.

Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**#10287**

Councillor Ronald Cormier moved to adopt the following Order:

ORDERED: THAT PURSUANT TO M. G. L. CHAPTER 44, SECTION 32, THE CITY OF GARDNER HEREBY APPROVES THE JULY, 2020 CONTINUING APPROPRIATION BUDGET AS FOLLOWS:

GENERAL FUND	\$6,515,360
SCHOOL FUND	\$2,061,263
SEWER ENTERPRISE FUND	\$ 296,382
WATER ENTERPRISE FUND	\$ 299,076
GOLF ENTERPRISE FUND	\$ 69,210
LANDFILL CLOSURE ENT. FUND	\$ 4,903
SOLID WASTE ENTERPRISE FUND	\$ 140,531

Councillor Judy Mack seconded the motion.

On the motion, Councillor Scott Joseph Graves informed the Council that he sent a referral to the Finance Committee because some Councillors had been talking about the 1/12<sup>th</sup> Continuing Appropriation Budget. He said that his question went back to the end of March and “whether or not a 1/12<sup>th</sup> Budget is a good idea.” “My question,” he said, “given the language of the statute, which is Chapter 44, section 32, whether the Acting Mayor had any authority to recommend – because it has to come from the Mayor – the language of the statute says that the Continuing Appropriation Budget ... has to come from the Mayor ... because we didn’t have a Mayor, my question has been and still is ... I know the Finance Committee dealt with it and kind of resolved this on their own ... that’s why we don’t see my referral on the City Council agenda.” “But the question still is ... now I understand on June 6, after my referral, the State Senate passed Bill S. 2680, which is subject of City Solicitor Flick’s Memorandum. That doesn’t change anything because that Senate language is exactly the same as the language of Chapter 44, section 32. The only difference is that if the elected Mayor was not able to do the Budget and was not able because of COVID, the Senate says that time is going to be extended.”



## REGULAR MEETING OF JUNE 15, 2020

Continuing, Councillor Graves stated, “But, it’s never been our issue as to why we weren’t going to get the Mayor to do a budget. The reason why we weren’t going to get the Mayor to do a budget is because the Mayor left without doing a budget. So, we never had the elected Mayor doing the budget. So the Senate bill doesn’t help us with this one question – ‘Does the Acting Mayor have the authority to do this what we’re doing tonight?’” “And,” he continued, “I understand what Councillor Walsh said at the Finance Committee meeting and he’s correct that it’s Acting Mayor Kazinskas’ discretion and that is what she’s exercising now. So I just wanted to point out that is the reason for my referral.” “And,” he continued, “I think I also agree with Councillor Walsh when he says at the Finance Committee meeting that it’s preferable to do a 1/12<sup>th</sup> Budget as opposed to the City Council doing a budget, because again, and that is the question why I didn’t think – I was wondering whether or not it was an emergency by the Acting Mayor because the law says that the City Council ... and John Richard and I had some conversations on this ... and it’s crystal clear that the law says that the City Council has the authority to do the budget itself if the elected Mayor doesn’t do it. And that is exactly the situation we have.” Continuing, Councillor Graves said, “So, given the fact that the law gave us this out ... it was just questionable to me to whether or not the Acting Mayor had a ‘matter not admitting of delay’ because the City Council had an option.”

Concluding, Councillor Graves said, “So, that’s a long way to say the reason for my question, but I do agree with the Finance Committee meeting that I think it’s preferable that we do it this way as opposed to the City Council doing the entire Fiscal Year 2021 Budget. But, just because something’s preferable, doesn’t mean that you can overrun the law.”

Councillor George Tyros expressed support and believes “there is an argument that we do not have an elected Mayor due to COVID because we would have had the election process completed by now,” so that’s why my logic says its preferable to go in this manner.”

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

ORDERED: THAT PURSUANT TO M. G. L. CHAPTER 44, SECTION 32, THE CITY OF GARDNER HEREBY APPROVES THE JULY, 2020 CONTINUING APPROPRIATION BUDGET AS FOLLOWS:

GENERAL FUND	\$6,515,360
SCHOOL FUND	\$2,061,263
SEWER ENTERPRISE FUND	\$ 296,382
WATER ENTERPRISE FUND	\$ 299,076
GOLF ENTERPRISE FUND	\$ 69,210
LANDFILL CLOSURE ENT. FUND	\$ 4,903
SOLID WASTE ENTERPRISE FUND	\$ 140,531

REGULAR MEETING OF JUNE 15, 2020

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Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

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

**#10288**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Karen Hardern, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to refer a *Petition by National Grid for permission to install 197' of conduit starting at 370 Park Street and heading north to Pole 40 Clark Street* to the Public Service Committee for study and report and to schedule a Public Hearing.

**#10289**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council the Committee is favorable and that the City receives better rates for long-term bids.

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 Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Order:

AUTHORIZING FIVE-YEAR CONTRACT PERIOD FOR ON-CALL  
PROFESSIONAL ENGINEERING & ENVIRONMENTAL CONSULTING SERVICES

VOTED: To authorize the City to enter into contracts not to exceed five (5) years for On-Call Professional Engineering and Environmental Consulting Services, pursuant to the provisions of Massachusetts General Law, Chapter 30B, section 12 and under the terms outlined in the Purchasing Agent's letter dated June 3, 2020.

Presented to the Acting Mayor for Approval – June 16, 2020

Approved – June 16, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**#10290**

Councillor Craig Cormier moved to place on file Correspondence from Roxanna Figueroa relative to the proposed Bailey Brook Park and Conservation Area.

Councillor Nathan Boudreau seconded the motion.

On the motion, Councillor Scott Joseph Graves said, speaking for himself as a City Councillor, that he "loves seeing this type of organization and this type of interest on the part of the

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citizenry when we get documentation and get communication from the citizenry. It gives us a great indication as to how people feel about things.” He said that he hoped everyone had a chance to read the Petition and to look at the names. “And I appreciate that. I’m not saying how I feel about the issue right now because it’s very early in the process, but I do appreciate the communication and the petition,” he added.

Councillor James Boone stated that he browsed through some of the signatures on the petition and noted names from Austria and New Zealand. He expressed agreement with Councillor Graves that “we are looking out for the best interest of where they live and how to enjoy their peaceful time,” but that he “doesn’t get why people from across the world have a say to what’s going on.”

On a motion, on call of the roll, it was voted eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to place on file Correspondence from Roxanna Figueroa relative to the proposed Bailey Brook Park and Conservation Area.

#### NEW BUSINESS

Councillor James Boone expressed concern that the legislature did not take any action to postpone the layoffs and cuts that are happening to the school districts all across the state. He said that it is really disappointing that they didn’t allow that extension to delay pink slips. He noted that there were 76 school personnel cut in Winchendon.

Councillor Scott Graves informed the Council that another referral to the Finance Committee concerned “the open meeting spirit of government transparency” and making sure that the public knows what’s going on in its government. He said that his referral related to a public records request that stemmed from an incident where a citizen requested a certain document in December while he was Council President. He said that the document was provided by the City Solicitor and that the words “Attorney-Client Communication” were written on it and, for that reason, when the document came to the Council, he had the Clerk get input from the Law Department to find out what the Attorney-Client situation was about as he [Councillor Graves] didn’t agree that it was “Attorney-Client privilege.” He said that after Councillor Walsh became Council President, he “never heard from it again,” but learned that the citizen went through the Supervisor of Public Records to appeal the City Solicitor’s response, but in the end, the Supervisor of Records accepted the City Solicitor’s opinion that it was “Attorney-Client Privilege.”

Continuing, Councillor Graves stated that a referral comes to the City Council, that it should be answered by the City Council. “Now,” he said, “I think Councillor Walsh was confused at the Finance Committee meeting because he said, that I said ‘That the City Clerk cannot obtain

REGULAR MEETING OF JUNE 15, 2020

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the assistance and involvement of the Law Department' and that I said 'It is not appropriate for him to do so.' I never said that. You can read my referral, it's in black and white." "What I said was 'he can have all the input he wants, but it's the City Council that has to answer the records request -- it's on us, we are the legislative body of the government.'" Councillor Graves continued by citing 950 CMR 32 which, he said, says "the Clerk can designate RAO's, but that he [Clerk] has to list the RAOs, but the Clerk never picked John Flick in this instance." "I was hoping the Finance Committee would agree with me," he added.

Concluding, he said that if Atty. Flick says the document is "Attorney-Client Privilege," the City Council is the client and only the client can assert and waive the Privilege. "That's our [Council's] domain," he added.

Councillor Judy Mack stated that, to her knowledge, the Gardner Public Schools did not recommend cuts or issue pink slips, but others like Quabbin, Ash-West, and Winchendon were hit tremendously. In addition, she stated that the concerns and presence of the residents of Leo Drive on the issue speaks volumes and that the Council is listening. She also encouraged voters to obtain early ballots for the June 30 special election soon.

Councillor James Walsh concurred with Councillor Mack's remarks and people receiving ballots to promptly respond to them. Referencing Councillor Graves' remarks, Councillor Walsh said that in addition to the Clerk having the right to designate other Records Access Officers, he and any other municipal employee or Records Access Officer have the right to seek the Law Department's input.

Council President Kazinskas stated that the residents of Leo Drive and Brookside Drive have done a fantastic job communicating their opinions concerning Baily Brook Park and that her role is to advocate for them as Ward Councillor and also by relaying their information and concerns to the relevant staff in the Community Development and Planning office.

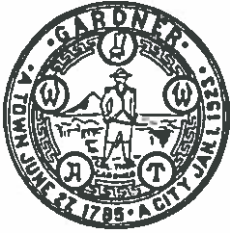
**CLOSING PRAYER**

President Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor James Boone and seconded by Councillor James Walsh, on call of the roll, it was voted eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adjourn at 8:24 p.m.

**Accepted by the City Council:**



**CITY OF GARDNER  
MASSACHUSETTS 01440-2630**

**OFFICE OF THE  
CITY CLERK**

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

**NOTICE TO ABUTTERS**

June 22, 2020

**TO ABUTTERS AND OTHER INTERESTED PARTIES:**

Pursuant to the provisions of M.G.L. c. 166, §22, you are hereby notified that a Public Hearing will be conducted via Remote Participation\* on **Monday, July 6, 2020 at 7:30 o'clock P.M.** on the petition of **NATIONAL GRID** for permission to construct a line of underground conduits, including the necessary sustaining and protecting fixtures, under along and across the following public way(s):

**PARK STREET and CLARK STREET-** National Grid to install ~197 feet of conduit starting at 370 Park Street and heading north to Pole 40 Clark Street.

Engineering sketches of the proposed conduit are attached for your information.

\*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 calling **978-630-4058** or by e-mail at **[aagnelli@gardner-ma.gov](mailto:aagnelli@gardner-ma.gov)** to register and to obtain participation/call-in instructions.

CITY COUNCIL OF GARDNER

By: **ALAN L. AGNELLI**  
City Clerk



10288

RECEIVED

2020 MAY 18 AM 9:42

CITY CLERK'S OFFICE  
GARDNER, MA

Questions contact – Douglas Hyland 781-423-3076

Petition of the NATIONAL GRID  
Of NORTH ANDOVER, MASSACHUSETTS  
For Electric conduit Location:

To the City Council of Gardner, Massachusetts

Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Park Street & Clark Street - Gardner – Massachusetts.

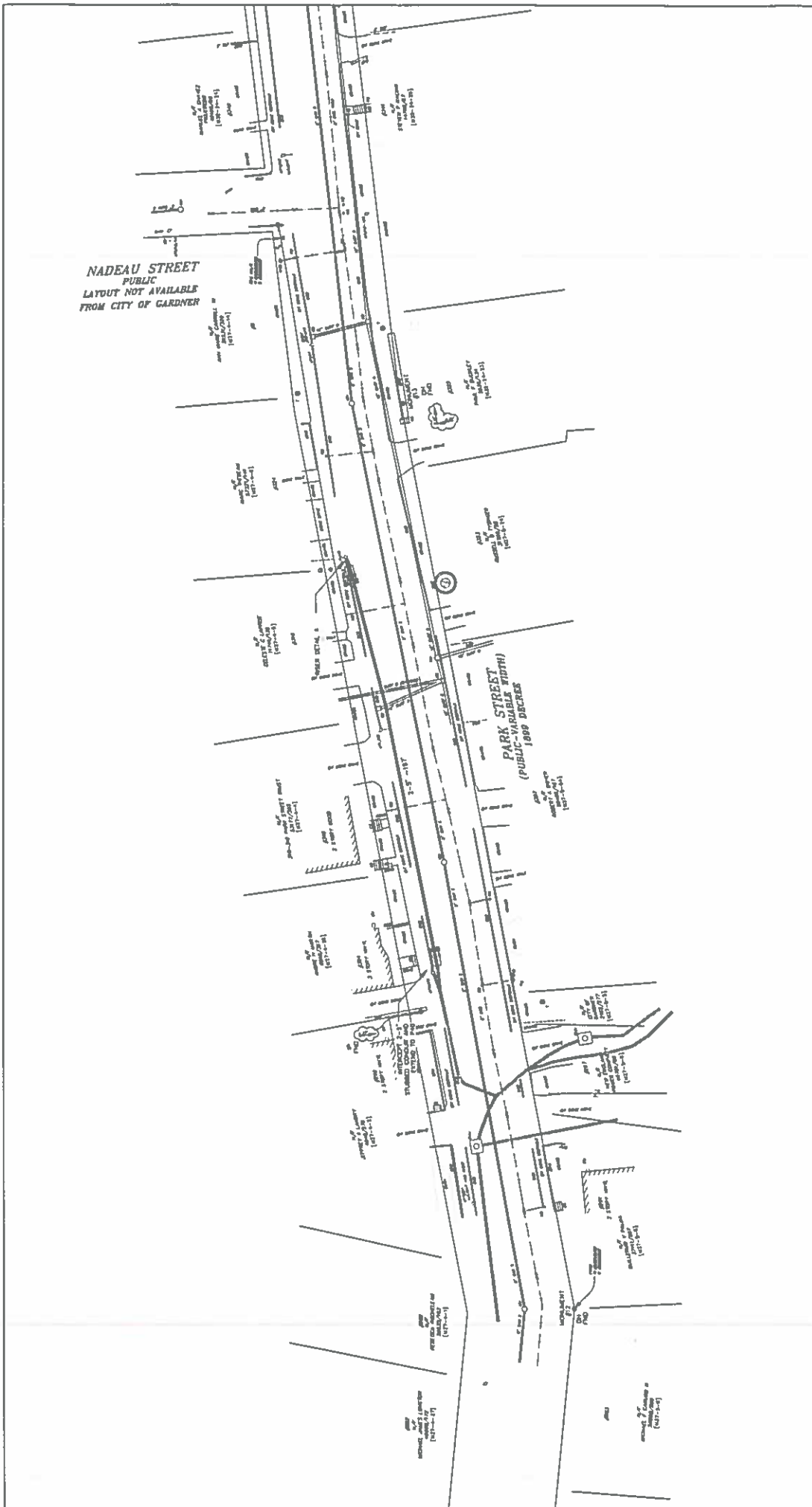
The following are the streets and highways referred to: Plan number # 28039529  
Park Street & Clark Street - National Grid to install ~197' of conduit starting at 370 Park Street and heading north to pole 40 Clark St.

Location approximately as shown on plan attached

NATIONAL GRID

BY Pat Cody  
Engineering Department

Dated: May 13, 2020



**ControlPoint nationalgrid**  
TECHNOLOGIES

200 LEDGEWOOD PLACE (SUITE 300)  
ROCKLAND, MA 02370  
TEL: (781)-423-3076  
EMAIL: DMTLAND@CPTECH.COM  
ENGINEER: DOUG INYLAND

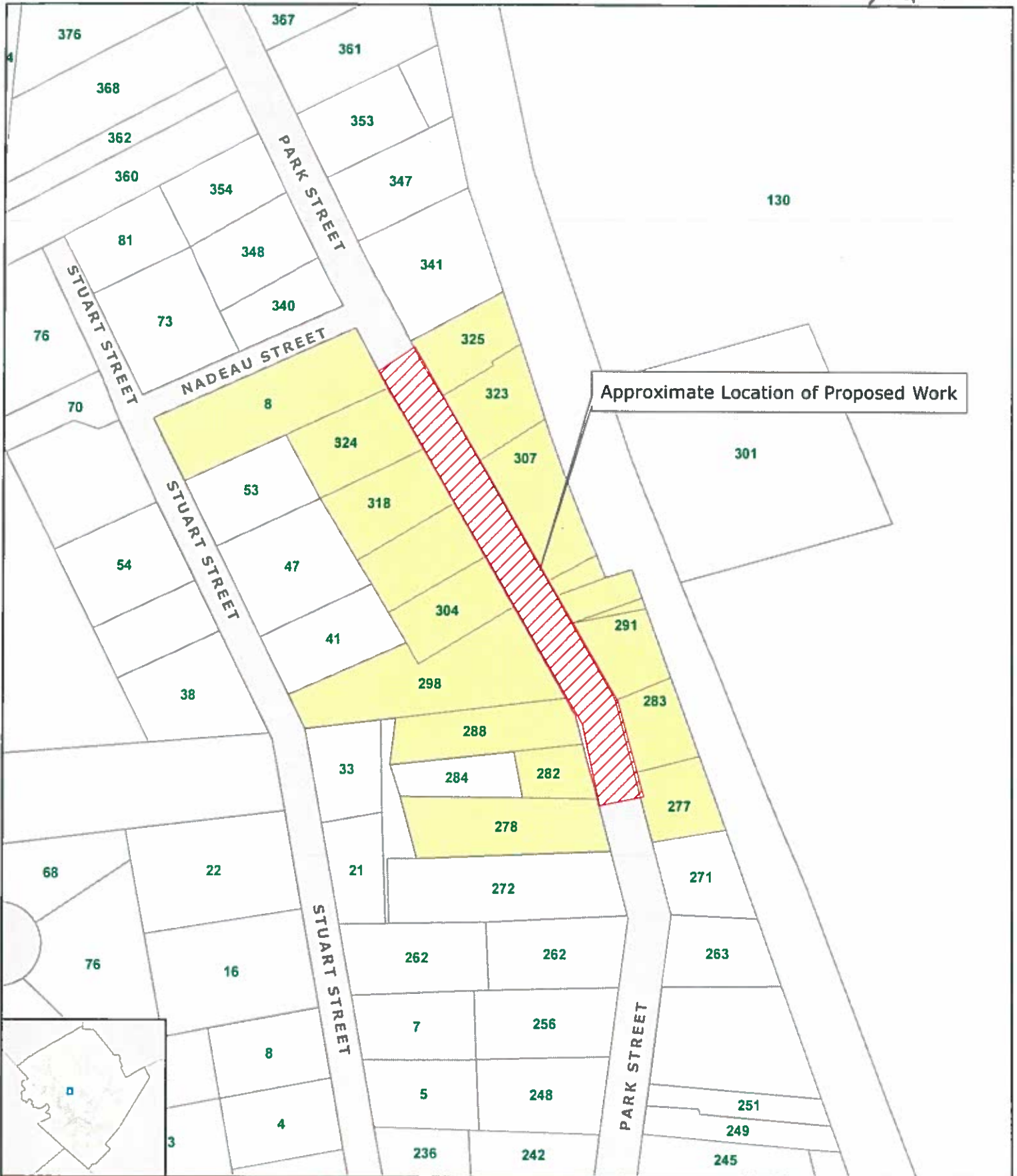
TJA SOLAR INTERCONNECTION  
GARDNER, MA  
W/R# 28039529

SCALE: HTS  
DATE: 8/20/19  
REV: 1




PROPRIETARY NOTICE

THIS DOCUMENT CONTAINS CONFIDENTIAL AND TRADE SECRET INFORMATION AND IS THE PROPERTY OF CONTROLPOINT TECHNOLOGIES, INC. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CONTROLPOINT TECHNOLOGIES, INC.

REV	DESCRIPTION	DATE	CADD	ENGINEER	APPROVED
1	RESET POLE LOCATION CHANGE	4/14/20	DH	TK	TK
0	INITIAL DRAWING RELEASE	8/20/19	DH	TK	TK




Approximate Location of Proposed Work

-  Proposed Work Area
-  Abutters
-  Parcels


**ABUTTER'S LIST (UTILITY)**  
**PARK STREET**

---

**CITY OF GARDNER**  
 95 Pleasant Street  
 Gardner, MA 01440

0 75 150 Feet 

**Data Sources**  
 City of Gardner Engineering,  
 Office of Geographic and  
 Environmental Information (MassGIS),  
 Commonwealth of Massachusetts, EOEA





REGULAR MEETING OF OCTOBER 7, 2019

**THENCE:** N.89° 13' 12"W., one hundred and thirty one and 74/100 feet (131.74') to a point;

**THENCE:** N.00° 33' 01"W., fifty and 30/100 feet (50.30') to the point of beginning;

The parcel, owner, and area of the above described taking, is as follows:

The City of Gardner – 9,042.57 square feet

The City Council having considered the question of damages sustained by persons or corporations in their property are of the opinion that no damages have been sustained and therefore award no damages.

**#10165**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig Cormier, on recommendation of the Public Service 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:

**ORDER FOR ELECTRIC CONDUIT LOCATION**

By the City Council of the City of Gardner, Massachusetts

ORDERED:

Notice having been given and a public hearing held as provided by law, that the NATIONAL GRID be and is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition of said company dated the 28<sup>th</sup> day of August, 2019.

Said underground conduits to be located substantially in accordance with the plan filed herewith marked – Park Street & Clark Street - Gardner, Massachusetts. Plan #28039529.

The following are the public ways or parts of ways under which the underground electric conduits above referred to may be laid:-

Park Street & Clark Street – National Grid to construct 1100 feet of conduit starting at 370 Park Street and heading north to Pole 1 Clark Street.

**PUBLIC WELFARE COMMITTEE**

**#10164**

Reporting for the Public Welfare Committee, Councillor Elizabeth Kazinskas informed the Council that the Committee studied the Ordinance and voted to recommend that AN

10295

BOWLING ALLEY FEE - \$30.00 FOR 1<sup>ST</sup> LANE + \$15.00 FOR EACH ADDITIONAL LANE  
BILLIARD TABLE FEE - \$30.00 FOR 1<sup>ST</sup> TABLE + \$15.00 FOR EACH ADDITIONAL TABLE



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

RECEIVED  
  
DO NOT WRITE IN THIS BOX

**APPLICATION FOR BILLIARD TABLE AND/OR BOWLING ALLEY LICENSE**

**APPLICANT INFORMATION**

Applicant / Licensee Name: GARDNER TEN PINS, INC / MICHAEL BUSWICK  
Applicant / Licensee Address: 560 W. BROADWAY / 63 BROOK LN  
Applicant / Licensee phone number(s): 978-632-0010 Applicant / Licensee E-mail: GARDNER@TENPINS.GMAIL.COM  
Social Security Number \_\_\_\_\_ OR FEIN 04-244317

**ESTABLISHMENT INFORMATION**

Establishment Name: GARDNER TEN PINS  
Establishment address: 560 W. BROADWAY Establishment Phone: 978-632-0010  
On-Site manager / contact person: MICHAEL BUSWICK  
License(s) applied for? BOWLING ALLEY No. of lanes? 24 No. of billiard tables? 1

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, §177 AND §§ 201-205.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Michael S Buswick DATE SIGNED 5/1/20  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

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 APPLICATION FORM, WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

BILLIARD TABLE AND BOWLING ALLEY LICENSES EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY

10296

Questions contact – Doug Hyland 781-423-3076

**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:

Clark St - National Grid to install 6 SO Poles on Clark Street beginning at a point approximately 25' feet northwest of the centerline of the intersection of Racette Ave & Clark St and continuing approximately 700 feet in a northwest direction. Install 6 new poles between P7 and P14 on Clark St.

Location approximately as shown on plan attached

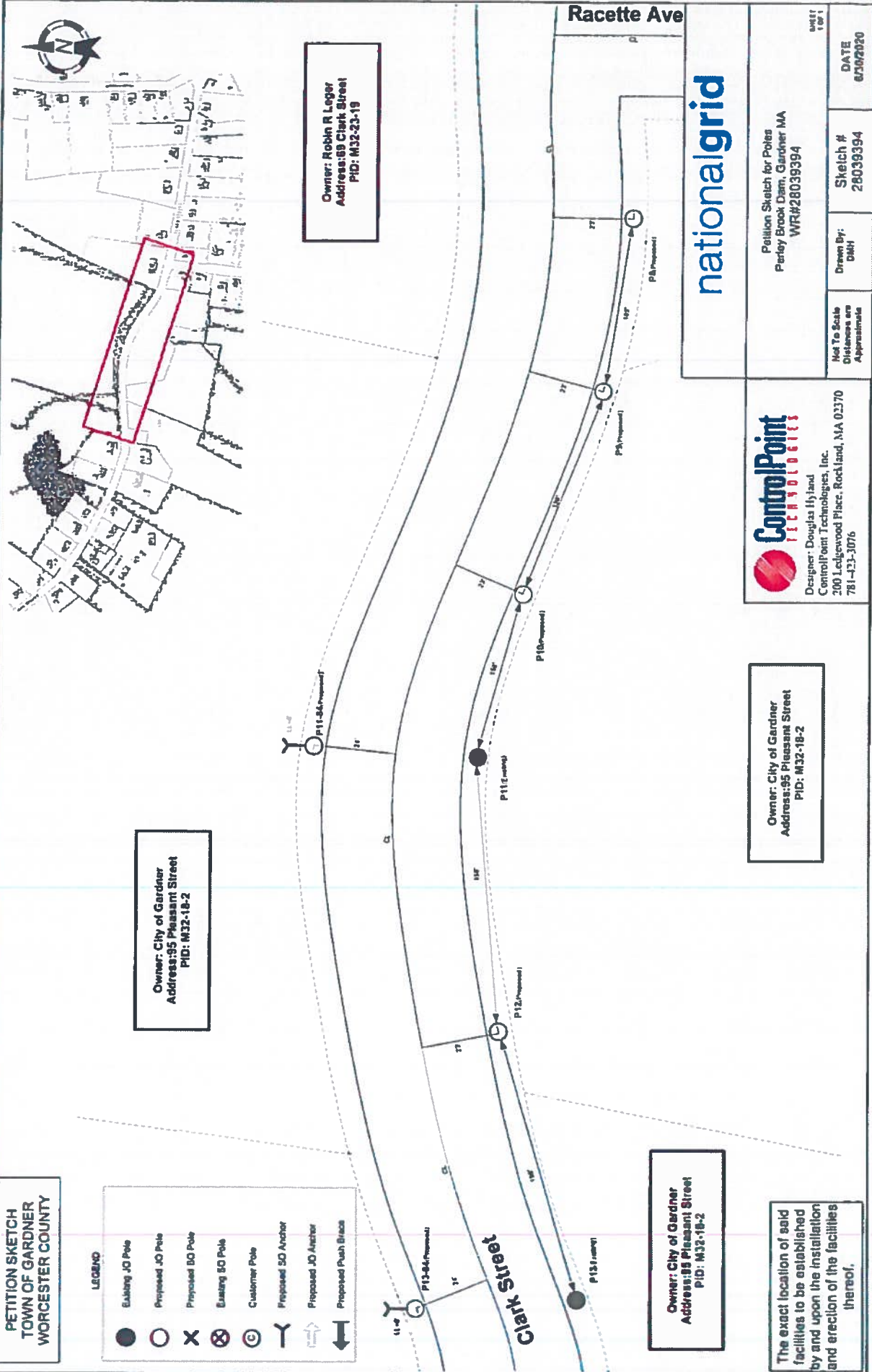
Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan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

No.# 28039394 June 30, 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



**PETITION SKETCH  
TOWN OF GARDNER  
WORCESTER COUNTY**

- LEGEND**
- Existing JO Pole
  - Proposed JO Pole
  - Proposed SO Pole
  - Existing SO Pole
  - Customer Pole
  - Proposed SO Anchor
  - Proposed JO Anchor
  - Proposed Push Block

**Owner: City of Gardner  
Address: 95 Pleasant Street  
PID: M32-18-2**

**Owner: Robin R Leger  
Address: 89 Clark Street  
PID: M32-23-19**

**Owner: City of Gardner  
Address: 95 Pleasant Street  
PID: M32-18-2**

**Owner: City of Gardner  
Address: 95 Pleasant Street  
PID: M32-18-2**

**nationalgrid**

Petition Sketch for Poles  
Parley Brook Dam, Gardner MA  
WR#28039394

Not To Scale  
Distances are  
Approximate

Drawn By:  
DHH

Skeitch #  
28039394

DATE  
07/09/2020

**ControlPoint**  
TECHNOLOGIES

Designer: Douglas Lyland  
ControlPoint Technologies, Inc.  
200 Ledgewood Place, Rockland, MA 02370  
781-423-3076

The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.