

**REGULAR MEETING OF JUNE 6, 2022**

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Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, June 6, 2022.

**CALL TO ORDER**

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

**CALL OF THE ROLL**

City Clerk Titi Siriphan called the Roll of Members. Eleven (11) Councillors were present including Councillor James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, 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 Elizabeth Kazinskas announced to the assembly that the Open Meeting Recording and Public Records Announcement. Any person may make a video or audio recording of an open session of a meeting or may transmit the meeting through any medium subject to reasonable requirements of the chair as to the number placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recordings shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the chair as they become part of the meeting minutes pursuant to General Law Chapter 38 Section 20.

**READING & ACCEPTANCE OF MINUTES**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to waive the reading and accept the Minutes of April 4, 2022 Regular Meeting.

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PUBLIC HEARINGS**#10685**

President Kazinskas opened the Public Hearing on a petition of NATIONAL GRID and VERIZON NEW ENGLAND, INC. for permission to locate poles, wire, and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

CROSS STREET - to install 1 Jointly Owned Pole on Cross Street beginning at a point approximately 45 feet west of the centerline of the intersection of Sherman Street. Install Stub Pole 5-84 Cross Street, across from existing Pole 5 Cross Street, at the intersection of Sherman Street.

The President called for persons wishing to testify in favor of the Petition.

Will Fontaine of National Grid spoke in favor of the petition. Will informed the Council that National Grid will be replacing an old stub pole and moving it out for easier access without disrupting neighbors.

The President called again for persons wishing to testify in favor of the Petition.

There being none, the President thrice called for persons wishing to testify in opposition.

There being none, President Kazinskas closed the Hearing at 7:36 p.m.

**#10686**

President Kazinskas opened the Public Hearing on a petition of NATIONAL GRID for permission to locate poles, wire, and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

To install electric conduits 269.5 feet northwest of the centerline of the intersection of Donlan Street and Timpany Blvd and continuing approximately 411 feet in a south direction. Install 411' of 1-2" conduit from HH 3-80, HH 6-80 on Timpany Blvd as shown in the plans. Install heavy duty handholes HH 3-80, HH 5-80, and HH 6-80 on Timpany Blvd.

The President called for persons wishing to testify in favor of the Petition.

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Matthew Saunders of TRC is representing on behalf of National Grid spoke in favor of the petition. He informed the Council that the proposed layout is to install underground facilities to feed electrical street lighting along this path.

Councillor James Walsh asked Mr. Saunders if this will solve the problem of lighting at the underpass of route 2 and leading up to the rotary?

Mr. Saunders responded that it would.

Will Fontaine of National Grid also spoke in favor of the petition and affirmed what Mr. Saunders had mentioned.

The President called again for persons wishing to testify in favor of the Petition.

There being none, the President thrice called for persons wishing to testify in opposition.

There being none, President Kazinskas closed the Hearing at 7:41 p.m.

**#10687**

President Kazinskas opened the Public Hearing on a petition of NATIONAL GRID for permission to locate poles, wire, and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

PEARSON BLVD. – to install electric conduits at a point approximately 588 feet southeast of the centerline of the intersection of Elm Street and Pearson Blvd and continuing approximately 128 feet in a southeast direction. Install 149' of 1-2" conduit from P4-80 to P5 on Pearson Blvd as shown in the plans. Install heavy duty hand holes HH4-80 and HH5 on Pearson Blvd as shown in the plans.

The President called for persons wishing to testify in favor of the Petition.

Matthew Saunders spoke in favor of the petition. He said this was similar to the previous petition to install underground facilities for street lighting along Pearson Blvd.

Will Fontaine of National Grid also spoke in favor of the petition and affirmed what Mr. Saunders had mentioned.

The President called again for persons wishing to testify in favor of the Petition.

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There being none, the President thrice called for persons wishing to testify in opposition.

There being none, President Kazinskas closed the Hearing at 7:44 p.m.

**#10688**

President Kazinskas opened the Public Hearing on a petition of NATIONAL GRID for permission to locate poles, wire, and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

PEARSON BLVD. – to install electric conduits beginning at a point approximately 176 feet northeast of the centerline of the intersection of Olney Street and Pearson Blvd. and continuing approximately 88 feet in a northeast direction. Install 106' of 1-2" conduit from P21-80 to P15-80 on Pearson Blvd. as shown in the plans. Install heavy duty hand holes HH21-80 and HH15-80 on Pearson Blvd. as shown in the plans

The President called for persons wishing to testify in favor of the Petition.

Matthew Saunders spoke in favor of the petition. He said this was similar to the previous 2 petitions to install underground facilities for street lighting along Pearson Blvd. One note he did mention was that the City Engineer requested the relocation or movement of hand hole 21-80 five feet northeast which they will accommodate.

Will Fontaine of National Grid also spoke in favor of the petition and affirmed what Mr. Saunders had mentioned.

The President called again for persons wishing to testify in favor of the Petition.

There being none, the President thrice called for persons wishing to testify in opposition.

There being none, President Kazinskas closed the Hearing at 7:47 p.m.

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**COMMUNICATIONS FROM THE MAYOR**  
**ORDERS****#10692**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the City provides the sand for the storage sludge from the storage land plant. Instead of buying it from a retail vendor, it would be twice the price.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, 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, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh that the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO LANDFILL CLOSURE  
EXPENDITURES

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

**#10693**

Reporting for the Finance Committee, Councillor Aleksander Dernalowicz informed the Council that the City has hired over 169 employees. Several of these hires were public safety personnel who require additional physical abilities testing which comes at a higher price but required by state law and regulations. This appropriation will cover the existing shortfall and carry the account through the end of the fiscal year.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, 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, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh that the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO PERSONNEL DEPT. –  
MEDICAL EXAMS EXPENSE ACCOUNT

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ORDERED: That there be and is hereby appropriated the sum of Eighteen Thousand Dollars and No Cents (\$18,000.00) from Free Cash to the Personnel Dept. – Medical Exam Expense Account.

**#10694**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that this appropriation was needed to repair the City Hall building. The building is over 100 years old and repairs were needed for the heating and panic button systems.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, 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, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh that the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO CITY HALL – REPAIRS AND MAINTENANCE EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Eleven Thousand Dollars and No Cents (\$11,000.00) from Free Cash to the City Hall Repairs and Maintenance Expense Account.

**#10695**

Reporting for the Finance Committee, Councillor Aleksander Dernalowicz informed the Council that this was an unexpected retirement. This appropriation would cover buy back time earned which is a partial percentage of time earned, incentive and vacation time.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, 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, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh that the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO THE UNCLASSIFIED TERMINATION LEAVE ACCOUNT.

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ORDERED: That there be and is hereby appropriated the sum of Forty Five Thousand Dollars and No Cents (\$45,000.00) from Free Cash to the Unclassified Termination Leave Account.

**#10696**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that this appropriation would help the students in the Elementary School band students. There were over 155 students enrolled in the program that the concerts had to be divided into 2 concert nights.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, 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, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh that the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO SCHOOL CAPITAL PROJECT – MUSIC SUPPORT ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) from Free Cash to the School Capital Project – Music Support Account.

**#10697**

Reporting for the Finance Committee, Councillor Aleksander Dernalowicz informed the Council that this appropriation transfer was needed to cover the cost of election expenses. The expenses were higher due to increased costs of printing ballots, census postcards, notifications of new poll locations and the 2020 federal census redistricting. Due to unexpended salaries in the Election Workers line items, we are able to cover the full costs of the deficits.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, 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, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh that the following TRANSFER ORDER ought to pass:

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AN ORDER TRANSFERRING APPROPRIATIONS FROM ELECTION & REGISTRATION, ELECTION OFFICERS SALARIES TO PROFESSIONAL SERVICES EXPENDITURES.

ORDERED: That there be and is hereby transferred the appropriations sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Election & Registration Department, Election Officer Salaries to Professional Services Expenditures.

**#10698**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that an appropriation request to replace a vehicle for the Health Department. The present vehicle is a 2013 Ford Explorer that is no longer safe. There are roof leaks, gas odors and mold issues. The vehicle requested is on the state bid list and is an energy efficient SUV. Later on the calendar there is a resolution to discuss regarding electric vehicles.

Councillor James Boone questioned if there is a trade in value for the Ford?

Councillor Ronald Cormier responded that it not me salvageable.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, 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, Dana Heath, Judy Mack, and James Walsh; one (1) nay, Councillor George Tyros; that the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO B.O.H. DEPT. FOR NEW VEHICLE EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriate the sum of Forty Seven Thousand, Six Hundred Forty-five Dollars and No Cents (\$47,645.00) from Free Cash to the BOH Dept New Vehicle Expense Account.

**#10707**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Appropriating \$100,000.00 from Free Cash to the Mayor's Unclassified-City*



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*Centennial Celebration Expense Account* to the Finance Committee for further study and report.

**#10708**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Appropriating \$22,200.00 from Free Cash to the Assessor's Department – Valuation Update Expense Account* to the Finance Committee for further study and report.

**#10709**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Appropriating \$180,000.00 from Free Cash to the Maki Park – Expense Account* to the Finance Committee for further study and report.

**#10710**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Appropriating \$268,000.00 from Free Cash to the Park Street Park – Expense Account* the Finance Committee for further study and report.

**#10711**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Appropriating \$18,000.00 from Free Cash to the Fire Department – Repairs & Maintenance Expense Account* the Finance Committee for further study and report.

**#10712**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and

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Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Appropriating \$10,000.00 from Free Cash to the Ambulance Department – Overtime Salary Expense Account* the Finance Committee for further study and report.

**#10713**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Appropriating \$135,000.00 from Free Cash to the Fire Department – Overtime Salary Expense Account* the Finance Committee for further study and report.

**#10714**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Transferring \$94,400.00 from DPW Department Maintenance Crew Salaries to Various Operating Expenditures* the Finance Committee for further study and report.

**#10715**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Transferring \$9,800.00 from Assessor Department, Clerk/Assistant Clerk Salaries to Valuation Update Expenditures* the Finance Committee for further study and report.

**COMMUNICATIONS FROM THE MAYOR**  
**ORDINANCES**

**#10699**

Councillor Aleksander Dernalowicz informed the Council that this item was on the Finance Committee agenda but there was no further discussion. This ordinance was put on the agenda so the Council would be aware of this ordinance.

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On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled "Personnel" to Change Compensation Schedule Exhibit E* to the Committee of the Whole for further study and report.

**#10704**

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Ordinance to Amend the Code of the City of Gardner by adding a new Chapter Entitled "Litter and Handbills."* to the Public Safety Committee for further study and report.

**COMMUNICATIONS FROM THE MAYOR**  
**COMMUNICATIONS**

**#10700**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to *ADOPT A Measure Declaring Surplus for the Purpose of Disposal of Land and Buildings on Conant Street:*

**DECLARING SURPLUS FOR PURPOSE OF DISPOSAL OF  
LAND AND BUILDINGS AT CONANT STREET**

**VOTED:** To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at Conant Street, further identified on the City of Gardner Assessor's Map as R17-2-14, to establish as a minimum amount of \$22,800 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

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**#10701**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor George Tyros, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to *ADOPT A Measure Declaring Surplus for the Purpose of Disposal of Land and Buildings on Chelsea Street:*

**DECLARING SURPLUS FOR PURPOSE OF DISPOSAL OF  
LAND AND BUILDINGS AT CHELSEA STREET**

VOTED: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at Conant Street, further identified on the City of Gardner Assessor's Map as R17-15-1, to establish as a minimum amount of \$43,400 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

**#10702**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *A Communication from Mayor Nicholson Regarding the FY2023 City Budget Proposal* to the Committee of the Whole for further study and report.

**#10705**

Councillor Judy Mack would like to thank the Mayor for his response to her concerns at the previous City Council meeting regarding handicapped parking. She would like the public to know that there is free parking in the downtown area if they have a handicapped plaque and that they do not have to feed the meters. She did want to correct that there is only once handicapped parking space downtown behind Bullnose Park, across from the Paramount.

On a motion made by Councillor Judy Mack and seconded by Councillor George Tyros, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to PLACE ON FILE *A Communication from Mayor Nicholson Regarding Parking for Handicap/Disabled Personnel.*



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#10706

Councillor Ronald Cormier informed the Council that this Resolution was presented to the Finance Committee a number of months ago. It's an opportunity for the city to start looking into alternative forms of vehicles. The city is already equipped with a number of charging stations for electric vehicles.

On a motion made by Councillor Ronald Cormier and seconded by Councillor George Tyros, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to ADOPT the following Resolution:

10706



City of Gardner

95 Pleasant St., Gardner, MA 01440
Mayor Michael J. Nicholson
Councilor Ronald Cormier, Councilor At - Large

RECEIVED

2022 JUN -2 PM 1:14

CITY CLERK'S OFFICE
GARDNER, MA

RESOLUTION REGARDING ELECTRIC VEHICLES IN THE CITY FLEET

Be it hereby resolved that:

The Executive Department shall research and develop plans for the introduction and use of energy conserving vehicles. That departments that do not require uniquely equipped vehicles, such as those departments that provide inspectional services, and others, transition to electric vehicles and/or hybrid vehicles in the future as vehicle replacements are needed.

The city does have electric charging stations in place and they could be utilized for this purpose without additional installation costs.

The need for a cleaner environment needs to be addressed on a local level as well as the state and national level, and this would be an opportune time for the city to do its part.

Adopted as policy by vote of the City Council on \_\_\_\_\_:

Michael J. Nicholson
Mayor, City of Gardner

Elizabeth J. Kazinskas
City Council President
Councilor At- Large

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PETITIONS, APPLICATION, COMMUNICATIONS, ETC.**#10703**

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Application to Buy & Sell Second Hand Motor Vehicles, Class 2 for North East Bus and Truck d/b/a Gardner Five Star Auto Sales, located at 407 Chestnut Street* to the Public Safety Committee for further study and report.

REPORTS OF STANDING COMMITTEESPUBLIC SAFETY COMMITTEE**#10679**

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to ADOPT and submit the following ORDINANCE to *Second and Final Printing*:

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER CHAPTER  
664, ENTITLED "YARD SALES"**

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

SECTION 1: Section 2(B) of Chapter 664 of the Code of the City of Gardner, entitled "Yard Sales: Registration Required, General restrictions," be amended by deleting "9:00 a.m." and inserting in place thereof, "8:00 a.m."

SECTION 2: This ordinance shall take effect upon passage and publication as required by law.

**#10680**

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen

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Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to ADOPT and submit the following ORDINANCE to *Second and Final Printing*:

**AN ORDINANCE TO AMENDE THE CODE OF THE CITY OF GARDNER  
CHAPTER 500, ENTITLED "NUISANCES: VACANT, BLIGHTED, AND  
ABANDONED PROPERTIES"**

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

**SECTION 1:** Section 500-3 of the Code of the City of Gardner, entitled "Property Standards," be amended by adding the following:

G. The owner of a vacant building must promptly repair all broken windows, doors, other openings and any unsafe conditions at a vacant building. Boarding up of open or broken windows and doors is prohibited except as a temporary measure for no longer than forty-five (45) consecutive days, unless the Commissioner determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a period of time longer than forty-five (45) consecutive days. Boards or coverings must be fitted to the opening size and colored to blend with the existing building color scheme.

H. The owner must maintain the building and property for the duration of the vacancy or abandonment. The owner shall maintain the condition of the building and property so as to appear not to be vacant. Upon notice by the Building Commissioner, any accumulated trash and/or graffiti shall be removed from the property by the owner within (7) days. The Building Commissioner and/or his designee will document violations.

I. If deemed necessary by the Building Commissioner, the owner must erect and maintain, at his/her own expense, a six (6)-foot privacy fence within thirty (30) feet of the entire building. The Building Commissioner shall notify the owner in writing of the basis for requiring any such fencing. Such an order from the Commissioner must first be confirmed by obtaining written letters of support by the Fire Chief, Police Chief, City Engineer, and one (1) disinterested party who is not an employee of the City, confirming the opinion of the Building Commissioner.

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**SECTION 2.** Section 500-4 of the Code of the City of Gardner, entitled “Certificate of Building Closure and Other Requirements,” be amended by removing Subsection (A)(1) and inserting in place thereof the following:

- (1) Prior to or not more than seven (7) days after a building becomes a vacant building, as defined herein, the owner(s) must file a certificate of building closure application in a form prescribed and amended from time to time by the Director, Commissioner and the Fire Chief setting forth the following: the status of such building, including in such notice the name, address and telephone number of the owner; the location of the building; the length of time the building has been vacant; the estimated time the building will remain vacant; and the nature of the contents of the building;

**SECTION 3.** Chapter 500 of the Code of the City of Gardner, entitled “Buildings, Vacant and Abandoned Amendment; Nuisances Amendment; Nuisances: Vacant, Blighted and Abandoned Properties,” be amended by adding a new Section 6 to be entitled, “Utility Shut Offs,” as follows, with the subsequent sections being renumbered to account for this new section:

A. The Building Commissioner shall have the discretionary authority to disconnect utilities immediately if a potential hazard that may be dangerous to life and limb is present.

B. The Building Commissioner shall have the authority to order that all utilities to a property be disconnected after the property has been vacant, as defined in this Chapter of the City Code, for a period of six (6) months.

**SECTION 4:** Chapter 500 of the Code of the City of Gardner, entitled “Buildings, Vacant and Abandoned Amendment; Nuisances Amendment; Nuisances: Vacant, Blighted and Abandoned Properties,” be amended by adding a new Section 7 to be entitled, “Inspections,” as follows, with the subsequent sections being renumbered to account for this new section:

500-7: Inspections

The Building Commissioner, Police Chief, Fire Chief and the Health Agent, or their designees shall have the authority to periodically inspect the exterior and interior of any building subject to this Chapter of the City Code for compliance, as authorized



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under the terms of registration form filed with the Building Commissioner, required in Section 500-4.

**SECTION 5:** Chapter 500 of the Code of the City of Gardner, entitled “Buildings, Vacant and Abandoned Amendment; Nuisances Amendment; Nuisances: Vacant, Blighted and Abandoned Properties,” be amended by adding a new Section 11 to be entitled, “Inspections,” as follows:

500-11: Severability

If any provision of this by-law is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

**SECTION 6:** This ordinance shall take effect upon passage and publication as required by law.

**#10681**

Reporting for the Public Safety Committee, Councillor Craig Cormier informed the Council that this item was given more time to discuss the ordinance a little further. There is a business that would like to come into the city to rent out mobile devices as soon as July if the ordinance passes. This ordinance will give the city control of the devices via app. The mobile devices will not allow you to enter a cemetery. It will gradually slow you down and stop when you are near a cemetery. The customer will also be charged a fee if you leave the mobile vehicle in an area that it’s not supposed to be.

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to ADOPT and submit the following ORDINANCE to *Second and Final Printing: An Ordinance to Amend the Code of the City of Gardner, Chapter 330, Entitled “Bicycles and Play Vehicles”, by Adding a New Article III, to be Entitled “Sharable Dockless Mobility Devices,” Which Article Provides for the Definition of Sharable Dockless Mobility Devices, Licensing and Operation Requirements, Regulatory Authority, and Enforcement*

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**#10689**

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to GRANT *An Application by ECO ATM, LLC for a License to deal in Second-hand Articles at 677 Timpany Blvd.* to the Public Safety Committee for further study and report.

**REPORTS OF STANDING COMMITTEES**  
**PUBLIC SERVICE COMMITTEE**

**#10655**

Reporting for the Public Service Committee, Councillor James Walsh informed the Council that a public hearing was held on May 2<sup>nd</sup>. This item was held in the committee until the companion petition could be amended. The new petition has been received by National Grid. On a motion made by Councillor James Walsh and seconded by Councillor George Tyros, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to GRANT *A petition by National Grid and Verizon New England Inc., Matthews Street - to install 2 Jointly Owned Poles on Matthews Street beginning at a point approximately 3,700 feet east of the centerline of the intersection of Green Street and continuing approximately 300 feet in a south direction. Install 2 Poles underneath transmission crossing*

**#10656**

Reporting for the Public Service Committee, Councillor James Walsh informed the Council that this was the petition that needed to be amended. The amended petition has been received by National Grid.

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to GRANT *A petition by National Grid, Matthews Street – to install 5 Single Owned Poles on Matthews Street beginning at a point approximately 1400 feet west of the centerline of the intersection of Route 140 and continuing approximately 780 feet in a north direction. Install 5 poles to extend line for a new service.*

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**#10685**

On a motion made by Councillor James Walsh and seconded by Councillor George Tyros, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to GRANT *A Petition by National Grid and Verizon New England Inc., Cross Street – to install 1 Jointly Owned Pole on Cross Street beginning at a point approximately 45 feet west of the centerline of the intersection of Sherman Street. Install Stub Pole 5-84 Cross Street, across from existing Pole 5 Cross Street, at the intersection of Sherman Street* to the Public Service Committee for further study and report and schedule a public hearing.

**#10686**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to GRANT *A Petition by National Grid, Timpany Blvd. – to install electric conduits 269.5 feet northwest of the centerline of the intersection of Donlan Street and Timpany Blvd and continuing approximately 411 feet in a south direction. Install 411' of 1-2" conduit from HH 3-80, HH 6-80 on Timpany Blvd as shown in the plans. Install heavy duty handholes HH 3-80, HH 5-80, and HH 6-80 on Timpany Blvd.* to the Public Service Committee for further study and report and schedule a public hearing.

**#10687**

On a motion made by Councillor James Walsh and seconded by Councillor George Tyros, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to GRANT *A Petition by National Grid, Pearson Blvd. – to install electric conduits at a point approximately 588 feet southeast of the centerline of the intersection of Elm Street and Pearson Blvd and continuing approximately 128 feet in a southeast direction. Install 149' of 1-2" conduit from P4-80 to P5 on Pearson Blvd as shown in the plans. Install heavy duty hand holes HH4-80 and HH5 on Pearson Blvd as shown in the plans* to the Public Service Committee for further study and report and schedule a public hearing.

**#10688**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors

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James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to GRANT *A Petition by National Grid, Pearson Blvd. – to install electric conduits beginning at a point approximately 176 feet northeast of the centerline of the intersection of Olney Street and Pearson Blvd. and continuing approximately 88 feet in a northeast direction. Install 106' of 1-2" conduit from P21-80 to P15-80 on Pearson Blvd. as shown in the plans. Install heavy duty hand holes HH21-80 and HH15-80 on Pearson Blvd. as shown in the plans* to the Public Service Committee for further study and report and schedule a public hearing.

**NEW BUSINESS****#10716**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Appropriating \$184,921.01 from Available Funds – Cable Commission Fees Reserved to the Fiscal Year 2023 Cable Commission Budget* to the Committee of the Whole.

**#10717**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Authorizing Fiscal Year 2023 Departmental Revolving Funds* to the Committee of the Whole.

**#10718**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order to Raise and appropriate \$23,188,101.03 for the Various Departments for the Expense Budget for the Fiscal Year 2023* to the Committee of the Whole.

**#10719**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors

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James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order to Raise and Appropriate \$13,610,641.08 for the Various Departments for the Salary & Labor Budgets for Fiscal Year 2023* to the Committee of the Whole.

**#10720**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Appropriating \$81,266.34 from Available Funds – Parking Meter Receipts Reserved to Fiscal Year 2023 City Treasurer, Parking Meter Clerk Salary and Parking Meter Maintenance; DPW Parking Meter Maintenance; and, Parking Meter Patrol* to the Committee of the Whole.

**#10721**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order to Raise and Appropriate \$27,819,676.29 for the School Department Budget for Fiscal Year 2023* to the Committee of the Whole.

**#10722**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Order Appropriating \$9,967,235.62 from Available Enterprise Funds – Receipts Reserved for Fiscal Year 2023 Sewer, Water, Golf, Landfill Closure, and Solid Waste Enterprise Funds* to the Committee of the Whole.

**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**



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On a motion by Councillor Nathan Boudreau and seconded by Councillor Judy Mack, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to adjourn at 8:39 p.m.

**Accepted by the City Council: July 5, 2022**