

**REGULAR MEETING OF MAY 1, 2023**

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Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Tuesday evening, May 1, 2023.

**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 Titi Siriphan called the Roll of Members. Ten (10) Councillors were present including Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, Judy Mack, Paul Tassone George Tyros, and James Walsh. Councillor Craig Cormier was absent.

**OPENING PRAYER**

President Kazinskas led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

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

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

President 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**

No minutes were present.

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**COMMUNICATIONS FROM THE MAYOR**  
**COMMUNICATIONS****#10966**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to GRANT the Authorization:

AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE CITY OF GARDNER AND THE TOWN OF TEMPLETON FOR VETERAN'S SERVICES

**VOTED:** To authorize the Mayor of the City of Gardner to enter into an Inter-Municipal with the Town of Templeton for the purpose of providing Veteran's services among the two communities for the remainder of this fiscal year and through Fiscal Year 2026, under such terms and conditions as the Mayor deems appropriate and in accordance with the provisions of Section 4A of Chapter 40 of General Laws.

**#10967**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to PLACE ON FILE, *A Notification from the Mayor Regarding the Sale of City Properties Authorized by the City Council since 2020.*

**#10968**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to PLACE ON FILE and schedule an INFORMAL MEETING on *A Notification from the Mayor Regarding Information about District Improvement Financing Study.*

**#10975**

On a motion made by Councillor Judy Mack and seconded by Councillor George Tyros, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James



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Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to schedule an INFORMAL MEETING for the FY2024 School Department Budget Presentation.

**#10976**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh refer, *A Notification from the Mayor regarding the FY2023 \$1 Million Federal Earmark to replace the Water Transmission Line*, to the Public Service Committee for further study and report.

**COMMUNICATIONS FROM THE MAYOR****ORDERS****#10969**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh that the following ORDER ought to pass:

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-BONDS PROCEEDS CAPITAL PROJECT RESERVED.

ORDERED: That there be and is hereby appropriated the sum of THREE HUNDRED, FIFTY THOUSAND DOLLARS and No Cents (\$350,000.00) from Available Funds-Bonds Proceeds Capital Reserved to Downtown Improvement Capital Project.

**#10977**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$99,000.00 from Free Cash to the Personnel Employee Benefits Account-Workers Compensation Audit*, to the Finance Committee for further study and report.

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**#10978**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$701,700.00 from Free Cash to the DPW Snow and Ice Removal Expense Account*, to the Finance Committee for further study and report.

**#10979**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$10,000.00 from Free Cash to the Treasurer Department Professional Services-Tax Title Foreclosure*, to the Finance Committee for further study and report.

**#10980**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$3,312.00 from Free Cash to Law Department Outside Counsel Expense Account*, to the Finance Committee for further study and report.

**#10981**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$500.00 from Free Cash to Law Department Deposition and Discovery Expense Account*, to the Finance Committee for further study and report.

**#10982**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order*

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*Appropriating \$879.00 from Free Cash to Law Department Professional Development and Travel Account, to the Finance Committee for further study and report.*

**#10983**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$15,000.00 from Free Cash to Personnel Department Medical Exam Expense Account, to the Finance Committee for further study and report.*

**#10984**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$45,000.00 from Free Cash to Mayor's Unclassified Energy and Utilities Account – Waterford Street School and Prospect Street School, to the Finance Committee for further study and report.*

**#10985**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$25,000.00 from Free Cash to Mayor's Unclassified S. Graves vs City Lawsuit Account, to the Finance Committee for further study and report.*

**#10986**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$10,000.00 from Free Cash to City Hall Maintenance Repairs and Maintenance Account, to the Finance Committee for further study and report.*

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**#10987**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$25,000.00 from Free Cash to DPW Street Lights Expense Account*, to the Finance Committee for further study and report.

**#10988**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$32,000.00 from Free Cash to Greenwood Pool- Pool Filtration System Expense Account*, to the Finance Committee for further study and report.

**#10989**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$1,091.00 from Free Cash to Community Development Project Manager/Financial Administrator Salary Account*, to the Finance Committee for further study and report.

**#10990**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Order Appropriating \$14,925.00 from Free Cash to the IT Department City Hall Copy Machine Account*, to the Finance Committee for further study and report.

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**COMMUNICATIONS FROM THE MAYOR**  
**ORDINANCES****#10971**

On a motion made by Councillor Paul Tassone and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Ordinance to Amend the Code of the City of Gardner, Chapter 306, thereof, entitled "Alcoholic Beverages," to add a new section 5 thereof, entitled, "Marijuana Retail Establishments" to Increase the Quota Allowed and Change the Method for Amending the Quota Allowed by the Code of the City of Gardner,* to the Public Safety Committee for further study and report.

**PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.****#10991**

On a motion made by Councillor Paul Tassone and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Application by Gardner Ten Pins, Inc, for a Bowling Alley License located at 560 West Broadway,* to the Public Safety Committee for further study and report.

**#10972**

On a motion made by Councillor Judy Mack and seconded by Councillor James, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to add "Sports Betting" to the Zoning Table of Uses,* to the Law Department for further study and report.

**#10973**

On a motion made by Councillor Judy Mack and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to Amend Section 1070 thereof,*



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*entitled, "Marijuana Establishments" to increase the quota allowed by the Code of the City of Gardner, to the Law Department for further study and report.*

**#10974**

On a motion made by Councillor Judy Mack and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled "Zoning," to Change the Classification of Certain Parcels of Land Along Route 140*, to the Law Department for further study and report.

**REPORTS OF STANDING COMMITTEES**

**FINANCE COMMITTEE**

**#10958**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh that the following ORDER ought to pass:

AUTHORIZING PAYMENT OF PRIOR YEAR OPERATING EXPENDITURE

ORDERED: To authorize payment of prior year VARIOUS DEPTS operating expenditure account for prior year, as follows:

FY2022	VARIOUS DEPT ENERGY&UTILITY ACCTS	\$5,109.19
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**REPORTS OF STANDING COMMITTEES**

**SAFETY COMMITTEE**

**#10861**

Councillor Paul Tassone requested MORE TIME on An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled "Vehicles and Traffic," Section 42, Entitled "One Way Street."



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More time was granted.

**#10960**

On a motion made by Councillor Paul Tassone and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to APPROVE *An Application by Brian's Bowlaway, for a Bowling Alley License located at 123 Main Street.*

**#10961**

On a motion made by Councillor Paul Tassone and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to APPROVE *An Application by The Witch's Wardrobe, for a Fortune Tellers License located at 314 Central Street.*

**#10962**

On a motion made by Councillor Paul Tassone and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to APPROVE *An Application by GameStop, Inc. #3725 for a License to deal in Second-hand Articles at 376 Timpany Blvd.*

**#10963**

On a motion made by Councillor Paul Tassone and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to APPROVE *An Application by Gardner Coins & Cards, Inc., for a License to deal in Second-hand Articles at 18 Parker Street.*

**#10964**

On a motion made by Councillor Paul Tassone and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to APPROVE *An Application by House of Peace and Education, Inc., d/b/a HOPEful Boutique, for a License to Deal in Second-hand Articles at 29 Pleasant Street.*

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**#10970**

On a motion made by Councillor Paul Tassone and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to APPROVE *An Application by EcoATM LLC, for a License to Deal in Second Hand Articles at 677 Timpany Plaza (inside Walmart 2115).*

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

**#10909**

On a motion made by Councillor James Walsh and seconded by Councillor George Tyros, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to APPROVE *A Petition by National Grid and Verizon New England, Inc. – Cross Street – to install 4 jointly owned poles on Cross Street beginning at a point approximately 15 feet north of the centerline of the intersection of Lawrence Street and Cross Street and continuing approximately 800 feet in a west direction. Install 4 new poles on Cross Street.*

**#10965**

On a motion made by Councillor James Walsh and seconded by Councillor George Tyros, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to APPROVE *A Measure for Dedication Vote for the Uptown Rotary Reconstruction Project.*

**NEW BUSINESS**

**#10992**

President Elizabeth Kazinskas informed the Council that this was a new item placed on their desk and was added to the amended agenda. This refers to KP Laws opinion and the Attorney General's decision on an open meeting law complaint from the Swansea Board of Selectman. This will change the way the Council conducts new business. If there are any items in the future that you would like listed under new business, the decision from the Attorney General states that you have to submit them ahead of time.



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On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer *A Notification Regarding New Business* and to review a webinar provided by KP Law about new business to the Law Department for further study and report.

**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion made by Councillor James Boone and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to adjourn at 8:06 p.m.

**Accepted by the City Council: July 3, 2023**