

**REGULAR MEETING OF JUNE 20, 2023**

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Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Tuesday evening, June 20, 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. Eleven (11) Councillors were present including Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, Judy Mack, Paul Tassone, 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 made by Councillor Ronald Cormier and seconded by Councillor Paul Tassone, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dama Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to waive the reading and accept the MINUTES of April 18, 2023, Regular Meeting.

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PUBLIC HEARING**#10993**

President Elizabeth Kazinskas opened the Public Hearing on a petition by National Grid and Verizon New England Inc., Elm Street – to install 1, Remove 1 and Relocate 1 Jointly Owned Pole on Elm Street beginning at a point approximately 360 feet southeast of the centerline of the intersection of Elm Street and Cross Street and continuing approximately 500 feet in a south direction. P6-80 Replace and Relocate +/- 30' West. Install anchor guy on West of Pole. P7-99 is being removed. P10-99 is installing Push Brace on West side of P10.

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

Yee Jee Young of National Grid spoke in favor of the petition. The purpose of the petition is to maintain their poles and the ones listed are leaning and not up to date. These poles are being replaced, removed or providing a push brace for better support.

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

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

Kevin Sanbourin, 137 Elm Street, spoke in opposition. A year and a half ago they had an electrical problem because National Grid did not maintain wires behind their house, and it costs them thousands of dollars to fix the issue. His insurance company charged National Grid for damages to the house due to negligence. Currently there is a new pole placed, and according to the petition, it's the one that will be removed and placed in the front of his house. The new pole was installed, but the old one is still there with the wiring.

Calvin Brooks, 147 Elm Street, spoke in opposition. His understanding of the petition is that a pole located by the Helen Mae Sauter and Elm Street school will be moved across the street between his and his neighbor's driveway. He has concerns backing out of his driveway. His other concern is the placement of the guide wire. It could be a safety issue with people walking on the sidewalk and under a wire, or if a sidewalk plow could get through.

The President again called for persons wishing to testify in opposition of the petition.

The President thrice called for persons wishing to testify in opposition of the petition.

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



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COMMUNICATIONS FROM THE MAYOR  
ORDERS**#11018**

On a motion made by Councillor Ronald Cormier and seconded by Councillor George Tyros, it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh; one (1) abstained, Councillor Aleksander Dernalowicz; that the following ORDER ought to pass:

AN ORDER APPROPRIATING A SUM OF MONEY FROM GOLF SURPLUS RETAINED EARNINGS ENTERPRISE FUND ACCOUNT TO GOLF SUPPLIES EXPENSE

ORDERED: That there be and is hereby appropriated the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) from Golf Surplus Retained Earnings Enterprise Fund to Golf Supplies Expense.

**#11019**

Councillor Ronald Cormier informed the Council that the Fire Department has had staffing issues for a long time. There are four people in the academy and three being interviewed. If this comes to fruition, it will help with the overtime. They are currently seven positions short.

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, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO THE FIRE DEPARTMENT – OVERTIME SALARY EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Eighty-Nine Thousand Five Hundred Forty-Seven Dollars and No Cents (\$89,547.00) from Free Cash to the Fire Department – Overtime Salary Expense Account.



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**#11020**

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, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh the following ORDER ought to pass:

AN ORDER APPROPRIATING AN ADDITIONAL SUM OF MONEY FROM AVAILABLE WATER FUNDS-VARIOUS RECEIPTS RESERVED TO SALARY ACCOUNT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 TO JUNE 30, 2024.

*ORDERED:* That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2023 to June 30, 2024 the additional sum of THIRTY-ONE THOUSAND, FOUR HUNDRED EIGHT DOLLARS 47/100 CENTS (\$31,408.47) from Available Water Funds-Receipts Reserved to the following accounts:

Water Dept Clerk Salary & Wages	\$31,408.47
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**#11021**

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, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh the following ORDER ought to pass:

AN ORDER TRANSFERRING APPROPRIATIONS FROM CITY HALL CUSTODIAN SALARIES & WAGES TO OPERATING EXPENDITURES.

*ORDERED:* That there be and is hereby transferred the appropriations sum of Fourteen Thousand Dollars and No Cents (\$14,000.00) from City Hall Custodian Salaries & Wages to Operating Expenditures.

REPAIRS&MAINT	\$8,000
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ENERGY & UTILITIES	\$6,000
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COMMUNICATIONS FROM THE MAYOR  
APPOINTMENTS**#11022**

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer to the Appointments Committee for further study and report, *A Measure Confirming the Mayor's Appointment of Paul Crowley to the position of Council on Aging Member, for term expiring June 7, 2023.*

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#11023**

On a motion made by Councillor Karen Hardern and seconded by Councillor George Tyros, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to refer to the Committee of the Whole for further study and report and to the Law Department to put the recommendation in legislative form, *Charter Review Committee Final Review Recommendations.*

**#11024**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Paul Tassone, it was voted on call of the roll, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and James Walsh; two (2) nays, Councillors Judy Mack and George Tyros to refer to the Committee of the Whole for further study and report, *A Communication from the Community Development & Planning Director Relative to an Update to the Open Space and Recreation Plan:*

RESOLUTION  
OPEN SPACE AND RECREATION PLAN  
2022 UPDATE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS

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FOLLOWS:

WHEREAS, the City Council has reviewed the proposals prepared by the Open Space and Recreation Committee for inclusion within the Open Space and Recreation Plan (OSRP) 2022 Update: and

WHEREAS, the OSRP proposal does not seek nor require funding directly, but simply makes recommendations for preservation, maintenance, and for expansion of open space and recreation activity within City boundaries; and

WHEREAS, the Open Space and Recreation Committee performed or reviewed all matters relating to the OSRP update at numerous publicly posted meetings, and further sponsored a city-wide survey and conducted two advertised public meetings for the primary purpose of soliciting public input regarding matters appropriate to the OSRP: and

WHEREAS, the OSRP has been developed and updated in accordance with requirements of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services; and

WHEREAS, the City Council supports the activity as being consistent with the City's goal of promoting quality programs for its citizens;

NOW THEREFORE, the City Council hereby extends its support and endorses the City's Open Space and Recreation Plan 2022 Update to be submitted to the Commonwealth of Massachusetts, Division of Conservation Services.

**#11025**

Councillor James Walsh mentioned that this complaint is without a merit.

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, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to allow the Council President to respond to the complaint and inform them that there was no violation and that the agenda was in compliance with the open meeting law regarding *An Open Meeting Law Complaint filed by Paul DeMeo Regarding Agenda Item Postings and Discussions*.

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**REPORTS OF STANDING COMMITTEES**  
**PUBLIC SERVICE COMMITTEE****#10993**

Councillor James Walsh informed the Council that the Committee did meet on this petition. There was no Nation Grid representative present. City Engineer has sent them a memo regarding a few concerns.

Councillor James Walsh Requested more time on *A Petition by National Grid and Verizon New England Inc., Elm Street – to install 1, Remove 1 and Relocate 1 Jointly Owned Pole on Elm Street beginning at a point approximately 360 feet southeast of the centerline of the intersection of Elm Street and Cross Street and continuing approximately 500 feet in a south direction. P6-80 Replace and Relocate +/- 30' West. Install anchor guy on West of Pole. P7-99 is being removed. P10-99 is installing Push Brace on West side of P10.*

There were no objections. More time was granted.

**UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION****#11007**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Judy Mack, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh to APPROVE and send to FINAL PRINTING, *An Ordinance to Amend the Code of the City of Gardner, Chapter 171, thereof entitled "Personnel" to Change the Compensation Schedule, Exhibit E- Non-Union Personnel.*

**COUNCIL COMMENTS AND REMARKS**

Councillor Paul Tassone would like to wish everyone a happy, warm, safe summer.

**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

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**ADJOURNMENT**

On a motion made by Councillor Craig Cormier and seconded by Councillor Paul Tassone, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, 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:

UNACCEPTED / UNCORRECTED