

**REGULAR MEETING OF JUNE 21, 2022**

Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Tuesday 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 19, 2022, Joint Convention with the School Committee, April 19 Regular Meeting, and May 2, 2022 Regular Meeting.

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COMMUNICATIONS FROM THE MAYORORDERS**#10723**

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 DEPT- TENNIS COURTS CAPITAL PROJECT ACCOUNT

ORDERED: That there be and is hereby appropriated the sum of Ninety Thousand dollars and No Cents (\$90,000.00) from Free Cash to the School Dept. – Tennis Courts Capital Project Account.

#10724

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 RECREATION DEPARTMENT – NEW EQUIPMENT ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from Free Cash to the Recreation Department – New Equipment Account.

#10725

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, Nathan Boudreau, Craig Cormier, Ronald Cormier, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh; Councillor Aleksander Dernalowicz abstained due to conflict of interest; that the following ORDER ought to pass:



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AN ORDER REQUESTING A TRANSFER FROM GOLF SURPLUS/RETAINED EARNINGS TO GOLF DEPT EXPENDITURES.

ORDERED: That there be and is hereby transfer the sum of Two Hundred One Thousand Dollars and 00/100 (\$100,000.00) from Golf Surplus/Retained Earnings to Golf Expenditures as follow:

TERMINATION LEAVE	\$21,287.01
REPAIRS AND MAINT.	\$16,000.00
GOLF CART RENT & MAINT.	\$ 9,000.00
PROFESSIONAL SERVICES	\$18,000.00
GOLF COURSE SUPPLIES	\$35,712.99

#10726

Reporting from the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee was in favor of the appropriation. Changes have been made on the proposed budget.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz to pass the order.

Councillor James Walsh stated that the purpose of this money order is to fund a portion of the contract for the Fire Department Salary and Labor contract. During the informal meeting, it has yet to be completed. This is to fund a salary increase of 2% for the current fiscal year 2022 as part of their labor negotiations for a new contract. They are looking to fund an increase for the current fiscal year. This doesn't have to be done this year, and for that reason discussed during the informal meeting, this will give us the opportunity to review the contract in full form. The fact that we are still waiting for an audit report on the Fire Department operations and Ambulance operations, pursuant to section 28 of the charter, he objects to the money order.

President Kazinskas announced that since Councillor James Walsh objected the money order, pursuant to section 20 of the City Charter, this item need to be postponed:

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

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ORDERED: That there be and is hereby appropriated the sum of Sixty-Five Dollars and No Cents (\$65,000.00) from Free Cash to the Fire Department – Salary Expense Account.

#10727

Reporting from the Finance Committee, Councillor Ronald Cormier informed the Council that the committee was in favor of the appropriation. The high school varsity cheerleading team has gone to the nationals a few times and actually won then. They are used for all three seasons. These uniforms, like all sport programs, are being decimated. Cheerleading uniforms are the most expensive uniforms. The booster club is working on getting uniforms for the elementary and middle school students. The average cost for the uniforms is about a thousand dollars and a life span is between 5-10 years.

Councillor James Walsh was not in favor of the order. He supports the cheerleaders, but the amount of the uniforms is excessive per unit.

Councillor Judy Mack stated that she is not against the cheerleaders or their program. She would like better information to be provided. This is a lot of money to be voted on without specifics.

Councillor George Tyros said the specific reason for his vote is that he believes some of the funding could come from the Williams Rockwell fund whereas they have voted to fund band equipment.

On a motion made by Councillor Judy Mack and seconded by Councillor James Walsh to refer this money order back to Finance Committee, on call of the roll, five (5) yeas, Councillors James Boone, Karen Hardern, Judy Mack, George Tyros, and James Walsh; six (6) nays, Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, and President Elizabeth Kazinskas. This motion was defeated.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted on call of the roll, six (6) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath; five (5) nays, Councillors James Boone, Karen Hardern, Judy Mack, George Tyros, and James Walsh that the following ORDER ought to pass:

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AN ORDER APPROPRIATING FROM FREE CASH TO SCHOOL ATHLETIC DEPT-
UNIFORM ACCOUNT

ORDERED: That there be and is hereby appropriated the sum of Twenty-Five
Thousand dollars and No Cents (\$25,000.00) from Free Cash to the School Athletic
Dept. – Uniform Account.

#10728

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 TRANSFER ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO DEPARTMENT OF PUBLIC
WORKS DEPT. - ROAD RESURFACING EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Eighty-Eight
Thousand Three Hundred Ninety Dollars and No Cents (\$88,390.00) from Free Cash
to Department of Public Works Dept. – Road Resurfacing Expense Account.

#10729

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 THE CLERK'S
PROFESSIONAL SERVICES ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Two Thousand
Five Hundred Dollars and No Cents (\$2,500.00) from Free Cash to the Clerk's
Professional Services Account.

#10730

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

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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 CLERK'S OFFICE SUPPLY ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of One Thousand Five Hundred Dollars and No Cents (\$1,500.00) from Free Cash to the Clerk's Office Supply Account.

#10731

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 THE FIRE DEPARTMENT – REPAIRS & MAINTENANCE EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Thirteen Thousand Twenty-Eight Dollars and No Cents (\$13,028.00) from Free Cash to the Fire Department – Repairs & Maintenance Expense Account.

COMMUNICATIONS**#10732**

Reporting from the Finance Committee informed the Council that this item is a notification of Municipal Disbursement from the Massachusetts Department of Public Utilities for 2021 Transportation Network Company Division.

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 NOTIFICATION be placed on file.

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#10733

Reporting from the Finance Committee, Councillor Ronald Cormier informed the Council that this item was a letter from the Mayor regarding properties sales owned by the city.

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 NOTIFICATION be placed on file.

#10734

President Elizabeth Kazinskas informed the Council that this item was a follow up on item #10698, new health department vehicle. She gave the Mayor the opportunity to speak on this item.

Mayor Nicholson informed the Council that this vehicle was the least expensive vehicle purchased by the city in the past five years. The City will be reimbursed \$7,000 trade in value of the existing vehicle, as well as a federal rebate of \$7,500, and a rebate from the Commonwealth of \$1,500 once the vehicle arrives from the lot.

On a motion made by Councillor James Walsh 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 NOTIFICATION be placed on file.

REPORTS OF STANDING COMMITTEES**FINANCE COMMITTEE****#10707**

Reporting from the Finance Committee, Councillor Aleksander Dernalowicz informed the Council that this is the startup fund for the City's Centennial Celebration next 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:

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AN ORDER APPROPRIATING FROM FREE CASH TO THE MAYOR'S UNCLASSIFIED – CITY CENTENNIAL CELEBRATION EXPENSE 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 Mayor's Unclassified –City Centennial Celebration Expense Account.

#10708

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 ASSESSOR'S DEPT. – VALUATION UPDATE EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Twenty-Two Thousand Two Hundred Dollars and No Cents (\$22,200.00) from Free Cash to the Assessor's Dept. –Valuation Update Expense Account.

#10709

Mayor Nicholson informed the Council that he did receive several questions about this appropriation from some Councillors that he would like to answer to provide a timeline. The city purchased the property with approval from the Council on December 15, 2016. After the building was torn down, the city purchased the land through the Gardner Redevelopment Authority on February 13, 2017. This property that the city has tried to disperse three separate times before and received no interest. The biggest hurdle that they received from feedback from those who have inquired on the property is that per state building code and the local zoning code, while the West Street parking lot is directly adjacent to the property, anything constructed on that property would have to have it's own dedicated parking. The city wouldn't be able to count the West Street parking lot as anything that goes towards that building or anything that is built on that, therefore the lot would also have to contain whatever structure is constructed and enough parking to fit whatever the building is used for. The existing lot does not meet current ADA compliance due to the 5% slope grade. The design for this project was approved by the City Council for funding through Community Development Block Grant on August 2, 2021. Since then the design has been completed and

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the proposal before the Council to do the work being done in a way that the property can still be sold.

Reporting from the Finance Committee, Councillor Aleksander Dernalowicz informed the Council that the Committee was in favor of this appropriation. He mentioned that the requirements for parking spots, the city is not allowed to sell any from the municipal lot so it is not an option to expand to build.

Councillor James Boone spoke in opposition of this appropriation. It is taking another property off the tax roll. When he last checked with the City Assessor, Gardner had more open space and park space than any city and towns in the area. The city is going to spend \$180,000.00 and take away a property that could be developed.

Councillor James Walsh spoke in opposition of the appropriation for two reasons. One has to do with the merits and need for this park downtown in this location. The other reason is the financial part. There are other parks downtown. To spend \$180,000.00 to improve a \$55,000.00 parcel doesn't make sense to him on the financial side.

Councillor Judy Mack also spoke in opposition and agrees with Councillor Walsh's many points. There is a lot going on downtown and she thinks we need to see what happens with the 34 storefronts and let's bring businesses in. Give the Pleasant Street project a chance. There are greater needs in the city.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted on call of the roll, eight (8) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros; three (3) nays, Councillors James Boone, Judy Mack, James Walsh; that the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO THE MAKI PARK –
EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of One Hundred Eighty Thousand Dollars and No Cents (\$180,000.00) from Free Cash to the Maki Park –Expense Account.

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#10710

President Elizabeth Kazinskas informed the Council that the Mayor submitted supplemental information to the Council this evening and gave him a chance to speak on this item.

Mayor Nicholson informed the Council that this is something that was part of the negotiations that the previous administration did in 2014. On June 25th, 2014, the City Council approved the conveyance of land on Parker Street to move the Parker Street National Grid substation from the previous location next to the Greenwood Pool to its current location behind the Crystal Lake cemetery. The restrictions that are put in place on the land that we conveyed as part of that land swap agreement with National Grid, are very restrictive. This is probably the only thing that could be done with that land. It is something that we would have to license and lease from National Grid as National Grid does not sell land that the previous substation was on. The previous substation restriction had a “no digging” can be done on the site at all due to any potential contaminants that could be in the soil in that area. As a result of there being a previous substation in that area any, the parking area that would have to be there for the 45 parking spots would have to be a permeable surface, that way any water runoff would go through the pavement rather than run off into the reservoir. That is why the land closest to the reservoir would also have to be a grass area or a gravel area for the walking path. There wouldn't be any potential runoff into the reservoir of any potential contaminants but again there is no other use for the site per the DEP and EPA regulations as well as what National Grid has restricted the property to in the licensed lease agreements.

Reporting from the Finance Committee, Councillor Aleksander Dernalowicz informed the Council that the Committee was in favor of the appropriation and that the Mayor had hit all the notes he had during his statement.

Councillor James Walsh spoke in opposition of this appropriation. His reasons he gave on the previous item applies to this appropriation as well, except the merits on this is a little different. This is a proposed park for viewing passive viewing of Crystal Lake and a 45 spot parking lot. A 45 spot parking lot doesn't sound like a park to him. There are parks in the area across Park Street, Monument Park for which there are plans for significant improvements over the next couple of years. There is also Crystal Lake a few miles down and a beautiful bike trail. He said that this is a lot of money to build a parking lot on somebody's property and it makes no sense. The funds will be needed to supplement several accounts at the end of the next fiscal year. This isn't needed and too expensive.

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Councillor James Boone concurs with Councillor James Walsh and spoke in opposition of this appropriation.

Councillor Judy Mack also spoke in opposition of this appropriation because this is a lot of money for land we do not own. We don't know how long the lease would be for and what we would be responsible for. A 45-lot parking lot doesn't help everyone.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted on call of the roll, seven (7) yeas, President Elizabeth Kazinskas and Councillors Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros; four () nays, Councillors James Boone, Nathan Boudreau, Judy Mack, James Walsh; that the following ORDER ought to pass:

#10711

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 FIRE DEPARTMENT – REPAIRS & MAINTENANCE EXPENSE ACCOUNT.

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 Fire Department – Repairs & Maintenance Expense Account.

#10712

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 AMBULANCE DEPARTMENT – OVERTIME SALARY EXPENSE ACCOUNT.



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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 Ambulance Department – Overtime Salary Expense Account.

#10713

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 FIRE DEPARTMENT – OVERTIME SALARY EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of One Hundred Thirty-Five Dollars and No Cents (\$135,000.00) from Free Cash to the Fire Department – Overtime Salary Expense Account.

#10714

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 TRANSFERRING APPROPRIATIONS FROM DPW DEPARTMENT, MAINTENANCE CREW SALARIES TO VARIOUS OPERATING EXPENDITURES.

ORDERED: That there be and is hereby appropriated the sum of Ninety-Four Thousand Dollars and No Cents (\$94,000.00) from DPW Department, Maintenance Crew Salaries to Various Operating Expenditures.

STREET LIGHTING EXPENDITURES	\$46,000.00
SNOW & ICE EXPENDITURES	\$16,000.00
VEHICLE FUEL EXPENDITURES	\$17,000.00
ROAD MAINTENANCE EXPENDITURES	<u>\$15,000.00</u>
TOTAL	\$94,000.00

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#10715

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 TRANSFERRING APPROPRIATIONS FROM ASSESSOR DEPT,
CLERK/ASST SALARIES TO VALUATION UPDATE EXPENDITURES

ORDERED: That there be and is hereby transferred the appropriations sum of Nine Thousand, Eight Hundred Dollars and No Cents (\$9,800.00) from Assessor's Department, Clerk/Asst. Salaries to Valuation Update Expenditures.

REPORTS OF STANDING COMMITTEES**PUBLIC SAFETY COMMITTEE****#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 GRANT *A License 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.*

#10704

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 send an ORDINANCE to *Amend the Code of the City of Gardner by adding a new Chapter Entitled "Litter and Handbills"* to First Printing.

COMMITTEE OF THE WHOLE**#10702**

On a motion made by Councillor James 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

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Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to place *A Communication from Mayor Nicholson Regarding the FY2023 City Budget Proposal* on file with the substituted budget proposed by the Mayor including the increase to the sewer department expense budget.

#10716

On a motion made by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted on call of the roll, 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 that the following order ought to pass:

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-CABLE COMMISSION FEES RESERVED TO CABLE COMMISSION BUDGET FOR THE FICAL YEAR BEGINNING JULY 1, 2022 TO JUNE 30, 2023

ORDERED: That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2022 to June 30, 2023 the sum of ONE HUNDRED EIGHTY-FOUR THOUSAND, NINE HUNDRED TWENTY-ONE DOLLARS 01/00 (\$184,921.01) from Available Funds-Cable Commission Fees Reserved to the Cable Commission budget. **Any unused funds will revert back to the Cable Commission Fees Reserved Fund at year end.**

#10717

On a motion made by Councillor Ronald Cormier and seconded by Councillor George Tyros, it was voted on call of the roll, 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 that the following order ought to pass:

AUTHORIZING FY2023 REVOLVING FUNDS
M.G.L. CH.44, S.53E½

ORDER: To authorize and direct the City Treasurer to establish the following revolving funds for the fiscal year beginning July 1, 2022 to June 30, 2023 in accordance with M.G.L. Chapter 44, section 53E½:



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Revolving Fund	Authorized to Expend	Revenue Source	Purpose of Fund	Spending Limit
Airport Fuel	Airport Commission	Sale of airplane fuel	Purchase of fuel, airport programs, and improvements	Available balance or \$20,000, whichever is less
Community Development Projects	Community Development/ Planning	Historic Housing Rehab Income	Salaries and expenses relating to Community Development Activities	Available balance or \$20,000, whichever is less
Wetland Protection	Conservation Commission	Local wetland filing fees	Costs associated with wetland protection activities	Available balance or \$20,000, whichever is less
Health Prevention Activities	Health Director	Health Prevention Training Fees	Salaries and expenses related to Health Dept	Available balance or \$20,000, whichever is less
Council on Aging Recreational Activities	Council on Aging Director	Recreation Fees	Salaries and expenses relating to recreational activities at Senior Center	Available balance or \$20,000, whichever is less
Gardner's Summer Celebration	Mayor	Collections and donations	Costs associated with Gardner's Summer Celebration	Available balance or \$20,000, whichever is less
Planning Board Publications	Planning Board	Sale of Planning Board publications	Preparation and production of Planning Board publications	Available balance or \$3,000, whichever is less
Road Resurfacing	Public Works Director	Fees charged for cutting into newly paved roads	Costs associated with road resurfacing and road maintenance	Available balance or \$20,000, whichever is less
Municipal Recreation	Municipal Recreation	Fees charges and donations	Salaries and expenses related	Available balance or



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Dept	Director		to Municipal Recreation Dept	\$50,000, whichever is less
High School Summer Football Camp	School Department	Camp fees and donations	Salaries and expenses for the High School Summer Football Camp	Available balance or \$20,000, whichever is less
Summer Basketball Camp	School Department	Camp fees and donations	Salaries and expenses for the Summer Basketball Camp	Available balance or \$12,000, whichever is less
Transportation	School Department	Bus passes and fees for transportation	Salaries and expenses relating to school transportation	Available balance or \$20,000, whichever is less

As per M.G.L., interest earned on these funds shall be treated as general fund revenue.

The person or persons authorized to expend from each fund shall report annually to the Mayor and City Council the total amount of receipts and expenditures for the prior fiscal year and for the current fiscal year through December 31st, along with any other information that City Council may by vote require.

In the event any fund is not reauthorized for the following fiscal year or the city changes the purpose of the revolving fund, the balance in the fund shall revert to surplus revenue, unless City Council and the Mayor vote to transfer the funds to another revolving fund established in accordance with M.G.L. Chapter 44, section 53E½.

#10718

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted on call of the roll 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 that the following order ought to pass:

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE EXPENSE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 TO JUNE 30, 2023.

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ORDERED: To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2022 to June 30, 2023 sums as designated for the expenditures of the various departments, other than what was presented to City Council in the Salary and Labor budget, according to the detailed schedule hereto annexed and made a part of this money order in the amount of TWENTY-THREE MILLION, ONE HUNDRED SIXTY-EIGHT THOUSAND, ONE HUNDRED ONE DOLLAR 03/100 CENTS (\$23,168,101.03)

#10719

On a motion made by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted on call of the roll, 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 that the following order ought to pass:

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE VARIOUS DEPARTMENTS FOR THE SALARY AND LABOR BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 TO JUNE 30, 2023.

ORDERED: To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2022 to June 30, 2023 sums as designated for the expenditures of the various departments, Salary and Labor budgets, according to the detailed schedule hereto annexed and made a part of this money order in the amount of THIRTEEN MILLION, FIVE HUNDRED FOURTY-SIX THOUSAND, SIXTY DOLLARS 04/100 CENTS (\$13,546,060.04)

#10720

On a motion made by Councillor Ronal Cormier and seconded by Councillor James Walsh, it was voted on call of the roll, 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 that the following order ought to pass:

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS- PARKING METER RECEIPTS RESERVED TO VARIOUS ACCOUNTS FOR THE FICAL YEAR BEGINNING JULY 1, 2022 TO JUNE 30, 2023

ORDERED: That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2022 to June 30, 2023 the sum of EIGHTY-ONE THOUSAND, TWO



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HUNDRED SIXTY-SIX DOLLARS 34/100 CENTS (\$81,266.34) from Available Funds-
Parking Meter Receipts Reserved to the following accounts:

City Treasurer	Parking Meter Clerk Salary	\$ 14,766.34
City Treasurer	Parking Meter Maintenance	25,000.00
Police	Parking Meter Patrol	21,500.00
Public Works	Parking Meter Maintenance	20,000.00

Any unused funds will revert back to the Parking Meter Receipts Reserved Fund at year end.

#10721

On a motion made by Councillor Judy Mack and seconded by Councillor Ronald Cormier, it was voted on call of the roll, 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 that the following order ought to pass:

AN ORDER TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE SCHOOL DEPARTMENT BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 TO JUNE 30, 2023.

ORDERED: To raise and appropriate for the expense of the City of Gardner for the Fiscal Year beginning July 1, 2022 to June 30, 2023 sums as designated for the expenditures of the School Department according to the detailed schedule hereto annexed and made a part of this money order in the amount of TWENTY-SEVEN MILLION, EIGHT HUNDRED NINETEEN THOUSAND, SIX HUNDRED SEVENTY-SIX DOLLARS 29/100 CENTS (\$27,819,676.29)

#10722

On a motion made by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted on call of the roll, 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 that the following order ought to pass:

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE ENTERPRISE FUNDS-VARIOUS RECEIPTS RESERVED TO VARIOUS ACCOUNTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 TO JUNE 30, 2023



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ORDERED: That there be and is hereby appropriated for the Fiscal Year beginning July 1, 2022 to June 30, 2023 the sum of NINE MILLION, NINE HUNDRED FIFTY-EIGHT THOUSAND, SEVEN HUNDRED THIRTY-FIVE DOLLARS 62/100 CENTS (\$9,958,735.62) from Available Enterprise Funds-Receipts Reserved to the following accounts:

Sewer Dept	Enterprise Fund	\$3,441,267.80
Water Dept	Enterprise Fund	3,735,253.68
Golf Course	Enterprise Fund	853,625.17
Landfill Closure	Enterprise Fund	82,755.00
Solid Waste	Enterprise Fund	1,845,833.97

Any unused funds will revert back to the original Enterprise Fund at year end.

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

#10699

On a motion made by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted on call of the roll, 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 submit the following ORDINANCE to First Printing: *An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled "Personnel" to Change Compensation Schedule Exhibit E.*

#10681

On a motion made by Councillor Craig 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 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*

NEW BUSINESS

Councillor Nathan Boudreau would like to thank the Mayor, the administration and department heads for the proposal of the FY2023 budget.



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CLOSING PRAYER

President Elizabeth Kazinskas led the Council in the Closing Prayer.

ADJOURNMENT

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 9:00 p.m.

Accepted by the City Council: October 3, 2022