



REGULAR MEETING OF AUGUST 7, 2023

Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, August 7, 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 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 waive the reading and accept the MINUTES of:

- June 20, 2023, Regular Meeting

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- June 20, 2023, Informal Meeting
- July 3, 2023, Regular Meeting

President Elizabeth Kazinskas announce she is taking item #11048 – A Measure Confirming the Mayor’s Appointment of Mr. Sullivan Hulette to the Permanent Position of Fire Department Therapy Dog, out of order.

#11048

On a motion made by Councillor Georg Tyros and seconded by Councillor Judy Mack, 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 Wals to confirm the Fire Chief’s Appointment:

A Measure Confirming the Mayor’s Appointment of **Mr. Sullivan Hulette** to the Permanent Position of Fire Department Therapy Dog.

A recess was called to administer the oath of office, 7:34 PM.

Meeting resumed at 7:36 PM.

President Elizabeth Kazinskas announce she is taking item #11043 – 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; #11045 – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Amend Section 1070 thereof, entitled, “Marijuana Establishments” to Change the Method to Increase the Quota Allowed by the Code of the City of Gardner; and item #11046 – 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; out of order. There is an executive session on the calendar and the public will have to leave. The President is aware that many of the public that are present are here for these 3 items. The executive session is not related to the 3 items taken out of order. The President announced that the only action the Council can legally take on these 3 items is to refer them to the Planning Board and schedule a Joint Public Hearing with the Planning Board and City Council, because it is the first time on the agenda. That is the process for zoning amendments.

#11043

Councillor James Walsh mentioned that this zoning amendment submitted is incomplete because it does not include any maps as stated in the zoning ordinance.



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Councillor Dana Heath responded that this is his first time submitting an ordinance to the Council. He will attach the maps later.

Councillor James Walsh stated that he has received an email back in May from Linda Tocci, a public relation firm called Dewey Square, in Boston. The email read that she is working on a possible project for the city parcel on route 140 and they wanted to meet with him about the project. Councillor Walsh declined to meet because there was nothing on the council about this matter. Mrs. Tocci's client was Bay State racing, the developer for these parcels on city land and the rezoning of the land on 140. He would like to get some additional information.

Councillor Dana Heath responded that his ordinance submitted was to change parcels from residential to commercial. Bay State Racing is one of many businesses that would like to go in that location. There were some words taken out of context with a conversation he had with Mrs. Kamuda. It is on record how he feels about this ordinance change. He can't speak for the other Councillors.

On a motion made by Councillor Judy Mack and seconded by Councillor Dana Heath, it was voted viva voce ten (10) yeas, President Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, and George Tyros; one (1) nay, Councillor 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 Planning Board for further study and report and schedule a Joint Public Hearing.*

#11045

On a motion made by Councillor Judy Mack and seconded by Councillor Dana Heath, it was voted viva voce eleven (11) yeas, President 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 *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to Amend Section 1070 thereof, entitled, "Marijuana Establishments" to Change the Method to Increase the Quota Allowed by the Code of the City of Gardner to the Planning Board for further study and report and schedule a Public Hearing.*

#11046

On a motion made by Councillor Judy Mack and seconded by Councillor Dana Heath, 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



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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 Planning Board for further study and report and schedule a Public Hearing.*

Recess 7:49 PM.

Meeting resumed at 7:49 PM.

PUBLIC HEARING

#11026

President Elizabeth Kazinskas opened the Public Hearing on A Petition by National Grid, Manca Drive – to install 1 Single Owned Pole on Manca Drive beginning at a point approximately 640' feet west of the centerline of the intersection of W Broadway and Manca Drive. Install 1 Single Owned Pole to bring 3 ph power to new EV charging stations at Car dealership.

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

Will Fontaine of National Grid spoke in favor of the petition. He mentioned that a pole is being installed to supply electricity to a car dealership.

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.

There being none, President Kazinskas closed the Hearing at 7:52 PM.

EXECUTIVE SESSION

Entered under Exemption 3 of the Open Meeting Law: "To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares," (MGL c.30A, §21(3)) and Exemption 6 of the Open Meeting Law: "To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body." MGL c.30A, §21(6) and to approve the Executive Session meeting minutes of April 3, 2023. The City Council will reconvene an open session at the conclusion of the executive session for the remainder of the meeting.



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On a motion made by Councillor George Tyros and seconded by 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 to enter into executive session at 7:52 PM.

The Executive session concluded, and the City Council Meeting resumed at 8:46 PM.

COMMUNICATIONS FROM THE MAYOR
COMMUNICATIONS

#11033

On a motion made by Councillor Ronald Cormier and seconded by 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 ADOPT the following MEASURE:

ACCEPTANCE OF DONATIONS AND GIFTS – MAYOR’S DEPT.

VOTED: That the City of Gardner is authorized to accept certain donations and gifts for use by the Mayor’s Dept. – Summer Celebration Account, said acceptance in accordance with the provisions of Chapter 44, Section 53A ½ of the General Laws.

#11034

On a motion made by Councillor Ronald Cormier and seconded by 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 ADOPT the following MEASURE:

ACCEPTANCE OF DONATIONS AND GIFTS – MAYOR’S DEPT.

VOTED: That the City of Gardner is authorized to accept certain donations and gifts for use by the Mayor’s Dept. – Summer Celebration Account, said acceptance in accordance with the provisions of Chapter 44, Section 53A ½ of the General Laws.

#11035

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



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Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros and James Walsh, to ADOPT the following MEASURE:

ACCEPTANCE OF DONATIONS AND GIFTS – MAYOR’S DEPT.

VOTED: That the City of Gardner is authorized to accept certain donations and gifts for use by the Mayor’s Dept. – Summer Celebration Account, said acceptance in accordance with the provisions of Chapter 44, Section 53A ½ of the General Laws.

#11036

On a motion made by Councillor Ronald Cormier and seconded by 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 ADOPT the following MEASURE:

ACCEPTANCE OF DONATIONS AND GIFTS

WELCOME TO GARDNER SIGN DONATION

VOTED: That the City of Gardner is authorized to accept certain donations and gifts, namely a welcome to Gardner sign, with an estimated value of \$8,600, said acceptance in accordance with the provisions of Chapter 44, Section 53A ½ of the General Laws.

#11038

On a motion made by Councillor Aleksander Dernalowicz and seconded by Ronald Cormier, 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 ADOPT the following MEASURE:

ACCEPTANCE OF DONATIONS AND GIFTS

GARDNER WATERFORD STREET BUILDING DONATIONS

VOTED: That the City of Gardner is authorized to accept certain donations and gifts four use by the City of Gardner, said acceptance in accordance with the provisions of Chapter 44, Section 53A ½ of the General Laws.

#11042

On a motion made by Councillor James Walsh and seconded by 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 PLACE ON FILE, *A Memorandum from the Director of Public Works Regarding Staffing Levels.*



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COMMUNICATIONS FROM THE MAYOR
ORDERS

#11037

On a motion made by Councillor Aleksander Dernalowicz and seconded by Dana Heath, 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, that the following ORDER ought to pass:

AN ORDER TRANSFERRING FY23 APPROPRIATIONS FROM VARIOUS DPW SALARIES & WAGES TO FY23 VARIOUS OPERATING EXPENDTURES.

ORDERED: That there be and is hereby transferred the appropriations sum of Thirty-Nine Thousand Dollars, Six Hundred, Forty-Three and 48/100 Cents (\$39,643.48) from DPW Various Salaries & Wages Accounts to Various Operating Expenditures.

#11039

On a motion made by Councillor James Walsh and seconded by 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, to TABLE the following ORDER:

BOND ORDER NO. _____

IN CITY COUNCIL _____, 2023

A BOND ORDER TO PAY COSTS OF REMODELING AND EQUIPPING AN EXISTING CITY BUILDING FOR USE BY THE COUNCIL ON AGING AND VARIOUS OTHER COMMUNITY ORGANIZATIONS

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

That there be raised and appropriated the sum of Five Hundred Fifty Thousand Dollars (\$550,000) to pay costs of remodeling and equipping an existing City-owned building for use by the Council on Aging and various other community organizations, and for the payment of all other costs incidental and related thereto, and to meet this appropriation, the City Treasurer, with the approval of the Mayor, be and hereby is authorized to borrow said

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amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor is authorized to accept and expend any federal or state grants that may be available for the City on account of the projects described above. The amount authorized to be borrowed pursuant to this loan order shall be reduced to the extent of any federal or Commonwealth grants received by City on account of the project approved by this vote.

#11040

On a motion made by Councillor Aleksander Dernalowicz and seconded by George Tyros, 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, that the following ORDER ought to pass:

AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-SALE OF CITY PROPERTY RESERVED.

ORDERED: That there be and is hereby appropriated the sum of ONE HUNDRED FIFTEEN THOUSAND DOLLARS 00/100 CENTS (\$115,000.00) from Available Funds-Sale of City Property Reserved to GRA Rear Main Street Capital Project.

COMMUNICATIONS FROM THE MAYOR**APPOINTMENTS****#11029**

On a motion made by Councillor George Tyros and seconded by 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, *A Measure Confirming the Mayor's Appointment of Jane Clabaugh to the Position of Disability Commission Member, for term expiring July 6, 2026.*

#11030

On a motion made by Councillor George Tyros and seconded by 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, *A Measure Confirming the Mayor's Appointment of Francine Pera to the Position of Disability Commission Member, for term expiring July 6, 2026.*

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#11031

On a motion made by Councillor George Tyros and seconded by 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, *A Measure Confirming the Mayor's Appointment of Stephen Hirons to the Position of Sealer of Weights and Measures, for term expiring July 11, 2024.*

#11032

On a motion made by Councillor George Tyros and seconded by 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, *A Measure Confirming the Mayor's Appointment of Robert O'Keefe to the Position of Information Technology Director, for term expiring July 11, 2026.*

#11047

On a motion made by Councillor George Tyros and seconded by 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, *A Measure Confirming the Mayor's Appointment of Darrell Sweeney to the Position of Electrical Inspector, for term expiring August 6, 2026.*

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#11041**

On a motion made by Councillor George Tyros and seconded by 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, *A Measure Confirming the City Clerk's Appointment of Elizabeth Doiron to the Position of Assistant City Clerk, for term expiring July 25, 2026.*

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#11044

On a motion made by Councillor Craig Cormier and seconded by 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 refer to the Safety Committee, *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*, for further study and report.

#11049

On a motion made by Councillor Aleksander Dernalowicz and seconded by 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 schedule an informal meeting, *A Communication from Economic Development Coordinator Requesting an Informal Meeting Regarding District Improvement Financing (DIF)*.

REPORTS OF STANDING COMMITTEES
PUBLIC SERVICE COMMITTEE

#10993

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.

#11026

On a motion made by Councillor James Walsh and seconded by Councillor Craig Cormier, 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 GRANT, *A Petition by National Grid, Manca Drive – to install 1 Single Owned Pole on Manca Drive beginning at a*

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point approximately 640' feet west of the centerline of the intersection of W Broadway and Manca Drive. Install 1 Single Owned Pole to bring 3 ph power to new EV charging stations at Car dealership.

REPORTS OF STANDING COMMITTEES**COMMITTEE OF THE WHOLE****#11023**

On a motion made by Councillor James Walsh and seconded by Councillor James Boone, 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 refer the *Charter Review Committee Final Review Recommendations*, back to the Law Department for further review, amend the legislation to exclude section 6, and change the language to gender neutral.

#11024

President Elizabeth Kazinskas announced that she will schedule an Informal Meeting on, *A Communication from the Community Development & Planning Director Relative to an Update to the Open Space and Recreation Plan*

The President requested more time on.

There were no objections. More time was granted.

RESOLUTION

OPEN SPACE AND RECREATION PLAN

2022 UPDATE

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



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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.

CLOSING PRAYER

President Elizabeth Kazinskas led the Council in the Closing Prayer.

ADJOURNMENT

On a motion made by Councillor James Walsh and seconded by Councillor James Boone, 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 9:09 p.m.

Accepted by the City Council: October 16, 2023