

**REGULAR MEETING OF SEPTEMBER 5, 2023**

Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Tuesday evening, September 5, 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. Nine (9) Councillors were present including Councillors James Boone, Craige Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, and George Tyros; Two (2) absent, Councillors Judy Mack 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.

Steven Landry of the Gardner News announce he was recording the meeting.

READING & ACCEPTANCE OF MINUTES

On a motion made by Councillor Ronald Cormier and seconded by Councillor Paul Tassone, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone and George Tyros to waive the reading and accept the MINUTES of August 7, 2023, Informal Meeting.



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COMMUNICATIONS FROM THE MAYOR
ORDERS

#11050

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

AUTHORIZING PAYMENT OF PRIOR YEAR SALARY EXPENDITURE

ORDERED: To authorize payment of prior year BUILDING, GOLF AND VETERANS DEPT salary expenditure account for prior year, as follows:

FY2023	BUILDING DEPT SALARY	\$ 96.57
FY2023	GOLF DEPT SALARY	3,783.73
FY2023	VETERANS DEPT SALARY	540.27

COMMUNICATIONS FROM THE MAYOR
APPOINTMENTS

#11051

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to CONFIRM the Mayor’s Appointment:

A Measure Confirming the Mayor’s Appointment of **Elijah Williams** to the Position of Police Officer, Permanent

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

#11052

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor George Tyros, it was voted viva voce nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen

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Hardern, Dana Heath, Paul Tassone, and George Tyros to refer *A Petition by National Grid, Park Street – to install 1 Single Owned Pole and Relocate 1 Single Owned Pole on Park Street beginning at a point approximately 100’ feet west of the centerline of the intersection of Park Street and Vernon Street and continuing approximately 150 feet in a west direction. Install 1 Single Owned Stub Pole (12-84) to replace old stub pole in back yard of apartment (will remove old stub pole 12-84). Relocating P9 and associated guy wires back ~10 in accordance with the City’s Park Street Project*, to the Public Service Committee for further study and report.

#11053

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor George Tyros, it was voted viva voce nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to refer *A Petition by National Grid and Verizon New England, Inc., Park Street - to relocate 5 Jointly Owned Poles on Park Street beginning at a point approximately 150 feet west of the centerline of the intersection of Park Street and Lake Street and continuing approximately 720 feet in a west direction. Moving Poles 3, 4, 5, 6, 7 and associated Anchors back ~5’ for City’s Park Street Project*, to the Public Service Committee for further study and report.

#11054

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to PLACE ON FILE, the Fire Chief Appointment of **Justin Calderon**, to the Position Firefighter of the Gardner Fire Department.

#11055

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to PLACE ON FILE, the Fire Chief Appointment of **Matias Pietropinto** to the Position Firefighter of the Gardner Fire Department.

#11056

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and

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Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to PLACE ON FILE, the Fire Chief Appointment of **Jonathan Rodriguez** to the Position Firefighter of the Gardner Fire Department.

#11057

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to PLACE ON FILE, the Fire Chief Appointment of **Cole Reilly** to the Position Firefighter of the Gardner Fire Department.

REPORTS OF STANDING COMMITTEES**FINANCE COMMITTEE****#11039**

President Elizabeth informed the Council that this appropriation was in the City Council and tabled on August 7th. The Law Department requested more time based on the receipt of requested information from third parties, received late in the day. The President plans to schedule an executive session at the next City Council meeting.

The President requested MORE TIME on *An Order Authorizing the City to Borrow \$550,000.00 for Waterford Street School Renovations.*

There were no objections. More time was granted.

REPORTS OF STANDING COMMITTEES**APPOINTMENTS COMMITTEE****#11029**

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to confirm the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Jane Clabaugh** to the Position of Disability Commission Member, for term expiring July 6, 2026.

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#11030

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to confirm the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Francine Pera** to the Position of Disability Commission Member, for term expiring July 6, 2026.

#11031

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to confirm the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Stephen Hiron** 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 Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to confirm the Mayor's Appointment:

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 Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to confirm the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Darrell Sweeney** to the Position of Electrical Inspector, for term expiring August 6, 2026.

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#11041

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to confirm the City Clerk's Appointment:

A Measure Confirming the City Clerk's Appointment of **Elizabeth Doiron** to the Position of Assistant City Clerk, for term expiring July 25, 2026.

REPORTS OF STANDING COMMITTEES
PUBLIC SERVICE COMMITTEE

#10993

Councillor Aleksander Dernalowicz informed the Council that National Grid requested to withdraw their petition.

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to WITHDRAW the following petition:

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.

REPORTS OF STANDING COMMITTEES
PUBLIC SAFETY COMMITTEE

#11044

Councillor Craig Cormier informed the Council that the committee have not met on this item and requested more time.

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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.

There were no objections. More time was granted.

REPORTS OF STANDING COMMITTEES
COMMITTEE OF THE WHOLE

#11024

On a motion made by Councillor George Tyros and seconded by Councillor Dana Heath, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinkas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros, to ENDORSE the Open Space and Recreation Plan:

RESOLUTION

OPEN SPACE AND RECREATION PLAN 2023 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) 2023 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

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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 2023 Update to be submitted to the Commonwealth of Massachusetts, Division of Conservation Services.

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**#11043**

Councillor Dana Heath requested that his petition be withdrawn,

On a motion made by Councillor Dana Heath and seconded by Councillor George Tyros, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to WITHDRAW, and request from the Law Department and explanation of conservation options of the parcels, *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

President Elizabeth Kazinskas informed the Council that this item is currently with the Planning Board. The President requested MORE TIME on, *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.*

There were no objections. More time was granted.

#11046

President Elizabeth Kazinskas informed the Council that this item is currently with the Planning Board. The President requested MORE TIME on, *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.*



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NEW BUSINESS

On a motion made by Councillor James Boone and seconded by Councillor Paul Tassone it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to propose an amendment to the City Charter and place the item on the next City Council meeting:

SECTION 43. IF a vacancy occurs in the school committee by failure to elect or otherwise the city council and the remaining members of the school committee shall meet in joint convention to elect a suitable person to fill the vacancy until the next regular city election. The mayor, if present, shall preside at the convention.

Change as follows:

SECTION 43. IF a vacancy occurs in the school committee by failure to elect or otherwise ~~the city council~~ and the remaining members of the school committee shall meet in ~~joint~~ convention to elect a suitable person to fill the vacancy until the next regular city election. The mayor, ~~if present~~, shall preside at the convention.

CLOSING PRAYER

President Elizabeth Kazinskas led the Council in the Closing Prayer.

ADJOURNMENT

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor George Tyros, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Paul Tassone, and George Tyros to adjourn at 8:07 p.m.

Accepted by the City Council: October 16, 2023