

## REGULAR MEETING OF FEBRUARY 21, 2023

Council President Kazinskas called the meeting to order at 7:30 o'clock p.m

ATTENDANCE Councillors present were President Elizabeth Kazinskas and Councillors Ronald Cormier, Aleksander Dernalowicz, George Tyros, James Walsh, Paul Tassone, Karen Hardern, Judy Mack, James Boone, and Dana Heath. Councilor Craig Cormier was absent.

President Kazinskas led the Council in reciting the Opening Prayer.

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

President Elizabeth Kazinskas announced to the assembly that the Open Meeting Recording and Public Records Announcement. Any person may make a video or audio recording of an open session of a meeting or may transmit the meeting through any medium subject to reasonable requirements of the chair as to the number placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recordings shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the chair as they become part of the meeting minutes pursuant to General Law Chapter 38 Section 20.

## READING & ACCEPTANCE OF MINUTES

No minutes were present.

## VIII. COMMUNICATIONS FROM THE MAYOR

### APPOINTMENTS

10905

On a motion made by Councillor Geroge Tyros and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillor James Boone, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, George Tyros, James Walsh, Judy Mack, Paul Tassone, and Karen Hardern to refer the following item to the Appointments Committee: A Measure Confirming the Mayor's Appointment of Robert Charland, Esq. to the position of Assistant City Solicitor, for a term expiring January 1, 2024. (Appointments Committee)

### ORDERS

10894 – An Order Appropriating \$60,000.00 from Free Cash to the Mayor's Department – Professional Services Account. (Finance Committee)

Councilor Dernalowicz noted the Central Massachusetts Regional Planning Commission's suitability to seek grants on behalf of the city, and noted the Finance Committee was in favor of the order.

Councilor Ron Cormier noted there were 2,700 possible grants able to be obtained by the City through ARPA funding, and noted the Finance Committee felt it wouldn't be long until the appropriation paid for itself.

Councilor James Walsh noted that the Council did not yet have a scope of services for the contract with CMRPC

Councilor James Boone agreed with Councilor Walsh that there were already City employees who wrote grant applications as part of their duties, and agreed with the notion that the Council needed more time.

Councilor George Tyros expressed concern that the City would miss out on grants by delaying several weeks.

Councilor Ron Cormier agreed that time was of the essence.

Councilor Dernalowicz reiterated that it was likely the appropriation would pay for itself and that time was of the essence.

Councilor Tassone noted that CMRPC would provide one centralized point of contact for grant writing for the City, and expressed his support.

A motion made by Councillor James Walsh and seconded by Councillor Ronald Cormier to refer the item back to the Finance Committee was passed, with a vote of seven (7) yeas, including President Elizabeth Kazinskas and Councilors James Walsh, Karen Hardern, Paul Tassone, James Boone, Judy Mack, and Dana Heath and three (3) nays, including councilors Ronald Cormier, Aleksander Dernalowicz, and George Tyros.

10895 – An Order Appropriating \$150,000.00 from Free Cash to the Fire Department – New Equipment for Truck Account. (Finance Committee; Public Safety Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, the motion was passed by a roll-call vote of ten (10) yeas.

ORDINANCES 10896 – An Ordinance to Amend the Code of the City of Gardner, Chapter 22, entitled "Assessing Department." (Finance Committee)

On a motion made by Councilor Aleksander Dernalowicz and seconded by Councilor Ron Corimer, it was voted viva voce, ten (10) yeas, to send the item to first printing.

10890 – An Ordinance to Amend the Code of the City of Gardner, Section 2 of Chapter 13, entitled “Council on Aging- Membership; Terms of Office.” (Welfare Committee)

On a motion made by Councilor Judy Mack and seconded by Councilor Dana Heath, it was voted viva voce, ten (10) yeas, to send the item to first printing.

10891 – 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 (Welfare Committee; Public Hearing Required)

On a motion made by Councilor Judy Mack and seconded by Councilor Dana Heath, it was voted viva voce, ten (10) yeas, to send the item to the Planning Board and schedule a public hearing.

10892 – 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. (Welfare Committee; Public Hearing Required)

Councilor Boone expressed that he hoped the Welfare Committee was not trying to avoid bringing money into Gardner. He noted Massachusetts has been behind in allowing sports betting, and expressed hope for future revenue from sports betting. Councilor Heath thanked the Mayor for being proactive in securing the rights to sports betting.

On a motion made by Councilor Judy Mack and seconded by Councilor Dana Heath, it was voted viva voce, ten (10) yeas, to send the item to the Planning Board and schedule a public hearing.

10893 – 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 increase the quote allowed by the Code of the City of Gardner. (Welfare Committee; Public Hearing Required)

On a motion made by Councilor Judy Mack and seconded by Councilor Dana Heath, it was voted viva voce, ten (10) yeas, to send the item to the Planning Board and schedule a public hearing.

10906 – An Ordinance to Amend the Code of the City of Gardner, by adding a new Chapter 502, to be entitled “Mobile Food Operations,” which Chapter Provides for the Regulations for Food Operating Food Truck Services in the City. (Public Safety Committee)

On a motion made by Councilor Paul Tassone and seconded by Councilor Karen Hardern, it was voted viva voce, ten (10) yeas, to refer the item to the Public Safety Committee.

COMMUNICATIONS

10897 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 28 Central Street. (Finance Committee)

Councilor Walsh noted the City Engineer explained these measures were required by the Department of Transportation, who are largely funding the Uptown Rotary project, and noted the necessity of this measure.

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10898 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 13 Elm Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10899 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 22 Elm Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10900 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 23 Elms Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10901 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 9 Green Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10902 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 15 Green Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10903 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 12 Pearl Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10904 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 16 Woodland Avenue. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

#### IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10907 – A Petition by National Grid to install new hand hole in accordance with the plan filed herewith marked – Edgell Street – to install new hand hole at the edge of the 69 Edgell Street property at approximately (42.577342, -71.982237). Install 2-3” conduit from pole 6, Edgell Street to new hand hole. (Public Service Committee; Public Hearing Required)

On a motion made by Councilor James Walsh and seconded by Councilor George Tyros, it was voted viva voce, ten (10) yeas, to refer the item to the Service Committee and for a Public Hearing to be scheduled.

10908 – A Petition by National Grid and Verizon New England, Inc. – Edgell Street – to Relocate 1 jointly owned pole on Edgell Street beginning at a point approximately 300 feet east of the centerline of the intersection of Westford Street and Edgell Street. Relocate Pole #8 approximately 45’ east of its current location. (Public Service Committee; Public Hearing Required)

On a motion made by Councilor James Walsh and seconded by Councilor George Tyros, it was voted viva voce, ten (10) yeas, to refer the item to the Service Committee and for a Public Hearing to be scheduled.

10909 – A Petition by National Grid and Verizon New England, Inc. – Cross Street – to install 4 jointly owned poles on Cross Street beginning at a point approximately 15 feet north of the centerline of the intersection of Lawrence Street and Cross Street and continuing approximately 800 feet in a west direction. Install 4 new poles on Cross Street. (Public Service Committee; Public Hearing Required)

On a motion made by Councilor James Walsh and seconded by Councilor George Tyros, it was voted viva voce, ten (10) yeas, to refer the item to the Service Committee and for a Public Hearing to be scheduled.

#### X. REPORTS OF STANDING COMMITTEES

##### APPOINTMENTS COMMITTEE

10880 – A Measure Confirming the Mayor’s Appointment of Leonette Roy, to the position of Housing Authority Member, for term expiring December 27, 2027. (In the City Council and Referred to Appointment Committee 1/17/2023; More Time 2/6/2023)

On a motion made by Councilor George Tyros and seconded by Councilor James Walsh, it was voted viva voce, ten (10) yeas, to confirm the Mayor’s appointment.

#### SAFETY COMMITTEE

10861 – An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled “Vehicles and Traffic,” Section 42, Entitled “One Way Street.” (In the City Council and Referred to Safety Committee 12/5/2022; More Time 12/19/2022, 01/03/2023, 1/17/2023; More Time 2/6/2023)

Per a request by Councilor Paul Tassone, the Public Safety Committee was granted more time to consider the item.

#### XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

##### COMMITTEE OF THE WHOLE

10885 – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel,” to Change Compensation Schedule 1, Yearly Salaries, Mayor and City Councillors. (In the City Council and Referred to Finance Committee 1/17/2023; Referred to Committee of the Whole 2/6/2023; Informal Meeting 2/21/2023 @ 6:15 PM)

On a motion made by Councilor James Walsh and seconded by Councilor Judy Mack, it was voted viva voce, ten (10) yeas, to refer the item back to the Finance Committee for further study and recommendation.

#### XII. NEW BUSINESS

Councilor Heath noted he had recently met with the Chief of Police and that he was very excited about several recruits that were coming to the Police Department, and noted that he knew several of them.

Councilor Boone apologized to the Public Welfare Committee, noting his son was a big proponent of sports betting.

Councilor Tassone commended the energy he saw regarding Gardner High sports teams the previous night.

**Accepted by the City Council: March 20, 2023**