

**REGULAR MEETING OF MARCH 7, 2022**

Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, March 7, 2022.

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 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 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 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 waive the reading and accept the minutes as printed of the February 7, 2022 Regular Meeting Minutes.

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REPORTS OF STANDING COMMITTEESFINANCE COMMITTEE**#10620**

Reporting for the Finance Committee, Councillor Aleksander Dernalowicz informed the Council that the Committee unanimously recommended to approve the order. This order will be used to renovate the fields between the High School and Middles School as well as updates to the girls' softball field and Stedman field. These fields are also used by the flag teams, marching band, summer recreational program and local sport groups. The goal is to accommodate all softball, baseball practices and games.

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; 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 ATHLETIC FIELD IMPROVEMENTS ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of One Hundred Twenty-One Thousand Nine Hundred Five Dollars and No Cents (\$121,905.00) from Free Cash to the School Athletic Field Improvements Account.

#10622

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Finance Committee were in favor of the ordinance to correct some parts of the ordinance. Department of Public Safety is now known as the Civilian Systems Manager and it was listed in the ordinance that they receive holiday pay, and they do not. The ordinance provides additional compensation to employees who are expected to work on holidays as part of their normal job performance.

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

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Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh; to send the following Ordinance to First Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, SECTION 44 OF CHAPTER 171, ENTITLED “COMPENSATION IN LIEU OF PAID HOLIDAYS”

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDNER THAT:

SECTION 1: Section 44(A) of Chapter 171 of the Code of the City of Gardner, entitled “Compensation in Lieu of Paid Holidays: Police Department,” be amended by deleting the words “Civilian Systems Manager,” from the provisions of this section.

SECTION 2: Section 44(A) of Chapter 171 of the Code of the City of Gardner, entitled “Compensation in Lieu of Paid Holidays: Police Department,” be amended by deleting the word “Captain” from the provisions of this section.

SECTION 3: Section 44(B) of Chapter 171 of the Code of the City of Gardner, entitled “Compensation in Lieu of Paid Holidays: Fire Department,” be amended by deleting the words “Fire Alarm Superintendent” from the provisions of this section.

SECTION 4: This ordinance shall take effect upon passage and publication as required by law.

REPORTS OF STANDING COMMITTEES
PUBLIC SAFETY COMMITTEE

#10623

Reporting for the Safety Committee Councillor Craig Cormier informed the Council that this ordinance amendment would remove two different chapters and combine them into one. The Building Commissioner Roland Jean, Board of Health Director Lauren Saunders and Fire Chief Greg Lagoy were in favor of the amendment. The ordinance had a few conflicting chapters. The new amendment would clarify any confusion, clarify what department is responsible for enforcement, and increase fines.

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Councillor James Boone spoke in opposition. He questioned “director or his designee shall be the final binding on the parties.” He would like to know why one person gets to choose the refusal.

Councillor George Tyros said when it comes to Public Service, the water bills, these matters that come before us have to do with public safety of the citizens. It comes down to the experts of the field, the Police Chief, Health Director, Building Commissioner, they know the laws and the safety standards that are needed to keep these buildings in order. He believes that the authority is rightly with the most capable hands of the city.

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas; Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh; one (1) nay, Councillor James Boone; that the following Ordinance be sent to First Printing: *An Ordinance to Amend the Code of The City of Gardner by Deleting Chapter 357, Entitled “Vacant and Abandoned Buildings,” and Chapter 493, Entitled “Nuisances,” and Adding a New Chapter 500 to be Entitled, “Blighted, Nuisance, Vacant, and Abandoned Properties,” Which Chapter Provides for Public Safety Measures for Blighted, Nuisance, Vacant, and Abandoned Properties, Prohibitions, and Penalties for Violation of the Chapter.*

#10624

Reporting for the Safety Committee Councillor Craig Cormier informed the Council that this ordinance would codify an ordinance that the Governor put in place during the emergency measures from COVID-19. It has done well for the business during this time, and they would like to see it continue.

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; 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 Ordinance be sent to First Printing, *An Ordinance to Amend the Code of the City of Gardner by adding a New Chapter 501 to be Entitled “Outdoor Restaurant Seating and Services,” Which Chapter Provides for Definition of Outdoor Dining Services, Licensing Procedures, and Hours of Operations.*

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#10625

Reporting for the Safety Committee Councillor Craig Cormier informed the Council that this ordinance amendment is mainly “housekeeping.” The ordinance has not been reviewed for quite some time and it is out of sync with state laws. The fines are below what the state law recommends as well as language used.

Councillor James Boone questioned §312-4 (a), Disposition of unclaimed dogs, states that “Any dog which is impounded and is not redeemed by the owner within the ten-day period of the confinement shall be made available for adoption in accordance with procedures established by the Gardner Police Department and the National Animal Control Association.” §312-4 (b) states, “Any unclaimed dog which is in custody of the Police Department shall be disposed of in accordance with MGL c. 140, §151A when each of the following criteria has been met: (1) The dog that was detained for a period of seven days.” Councillor Boone stated that he was confused does not agree with the language of the ordinance.

Mayor Nicholson informed the Council that “We have to hold a dog for a minimum of seven days to make sure that a dog is claimed by an owner. The owner can retake the dog after seven days. If the dog is unclaimed after seven days, the City can put the dog up for adoption. The reasoning for the ten days is that the Police Chief and the Board of Health have the authority to euthanize an unclaimed dog after 10 days. It is something normally done. They try to wait for two weeks before a dog is put up for adoption. The 10 days gives the owner a chance to claim the dog before putting it up for adoption.”

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas; Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh; one (1) nay, Councillor James Boone; that the following Ordinance be sent to First Printing, *An Ordinance to Amend Chapter 312 of the Code of the City of Gardner, Entitled “Animals.”*

#10626

Reporting for the Safety Committee Councillor Craig Cormier informed the Council that this ordinance was originally put in place in the early 80s when arcades were becoming a rage. The city has never had a full-blown arcade and the ordinance has not been enforced.

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; Councillors James



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Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh; that the following Ordinance be sent to First Printing, *An Ordinance to Amend the Code of the City of Gardner by Deleting Chapter 318, Entitled Arcades.*

COUNCIL AS COMMITTEE OF THE WHOLE**#10602**

President Elizabeth Kazinskas announced that there was an informal meeting earlier in the evening regarding items #10602 and #10603 with a presentation from Mayor Nicholson and additional information from Fire Chief Greg Lagoy and Building Commissioner Roland Jean. On a motion made by Councillor Ronald Cormier and seconded by Councillor Judy Mack, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas; 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 Ordinance be sent to First Printing: *An Ordinance to Amend the Code of the City of Gardner, Section 8, Chapter 390, Entitled "Fire Department Fee Schedule."*

#10603

On a motion made by Councillor Ronald Cormier and seconded by Councillor Dana Heath, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas; 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 Ordinance be sent to First Printing: *An Ordinance to Amend Sections of the Code of the City of Gardner, Chapter 390, Entitled "Fees."*

CLOSING PRAYER

President Kazinskas led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig 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 Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to adjourn at 7:57 p.m.

Accepted by the City Council: *May 2, 2022*