

**REGULAR MEETING OF OCTOBER 3, 2022**

Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, October 3, 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. Ten (10) Councillors were present including Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, Judy Mack, and James Walsh. Councillor Craig Cormier was absent.

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, nine (9) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to waive the reading and accept the Minutes of the June 21, 2022 Informal Meeting and June 21, 2022 Regular Meeting. Councillor James Boone abstained because he was not present for the meetings.

REGULAR MEETING OF OCTOBER 3, 2022

COMMUNICATIONS FROM THE MAYOR
ORDERS**#10799**

Councillor Aleksander Dernalowicz informed the Council that this appropriation transfer was for outside counsel. State Ethics Commission recommended that Attorney John Flick recuse himself and not represent the city from the cases listed due to a conflict of interest.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor, Ronald Cormier it was voted on call of the roll, nine (9) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh; one (1) nay, Councillor James Boone; to Adopt the following Transfer Order:

AN ORDER TRANSFERRING APPROPRIATIONS FROM LAW DEPT, ASSISTANT SALARIES TO OUTSIDE COUNSEL EXPENDITURES

ORDERED: That there be and is hereby transferred the appropriations sum of Three Thousand Dollars and No Cents (\$3,000.00) from Law Department, Assistant Salaries to Outside Counsel Expenditures.

#10804

Councillor Aleksander Dernalowicz informed the Council that this appropriation was from an opioid settlement that the city signed on as co-plaintiffs in the lawsuit. Gardner is slated to receive \$526,663.18 from this settlement in the form of eighteen (18) payments between now and 2038. To date, the city has received \$46,143.61.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor, Ronald Cormier it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to Adopt the following order:

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



REGULAR MEETING OF OCTOBER 3, 2022

ORDERED: To raise and appropriate for the expense of the City of Gardner for Fiscal Year beginning July 1, 2022, to June 30, 2023 sums as designated below for the Operating expenditure of Mayor Unclassified department, in the amount of FORTY SIX THOUSAND ONE HUNDRED FORTY THREE DOLLARS 61/100 (\$46,143.61):

Mayor unclassified Dept.	Opioid Prof Serv Exp.	\$46,413.61
--------------------------	-----------------------	-------------

COMMUNICATIONS FROM THE MAYOR
COMMUNICATIONS

#10800

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to Authorize the Acceptance of Donations:

ACCEPTANCE OF DONATIONS AND GIFTS – PARKS DEPARTMENT

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

#10801

Councillor Ronald Cormier informed the Council that flowerpots were placed in the downtown area and additional ones in the village center of South Gardner. There is a list of individuals who donated funds to sponsor the flowers in the flowerpots. Individuals each donated \$75 to cover the cost of the flowers. This helps beautify the city.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to Authorize the Acceptance of Donations:

ACCEPTANCE OF DONATIONS AND GIFTS – MAYOR'S DEPARTMENT

REGULAR MEETING OF OCTOBER 3, 2022

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

#10802

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor, Ronald Cormier it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to place on file: *A Notification on the Status of Funding from the American Rescue Plan Act ("ARPA")*.

#10803

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor, Ronald Cormier it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to place on file: *A Notification of Independent Auditor's Report – FY2022 Single Audit: No Findings*.

REPORTS OF STANDING COMMITTEES
APPOINTMENTS COMMITTEE

#10770

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to CONFIRM the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Frances LeMieux** to the position of Cultural Council Member, for term expiring August 30, 2025.

#10771

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to CONFIRM the Mayor's Appointment:

REGULAR MEETING OF OCTOBER 3, 2022

A Measure Confirming the Mayor's Appointment of **Paulette Burns** to the position of Cultural Council Member, for term expiring August 30, 2025.

#10772

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to CONFIRM the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Kristina Singer** to the position of Cultural Council Member, for term expiring August 30, 2025.

#10773

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to CONFIRM the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Kathleen Deal** to the position of Cultural Council Member, for term expiring August 30, 2025.

#10788

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to CONFIRM the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Chuck LaHaye**, to the position of Historical Commission Member, for term expiring September 13, 2025.

#10789

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to CONFIRM the Mayor's Appointment:

REGULAR MEETING OF OCTOBER 3, 2022

A Measure Confirming the Mayor's Appointment of **Scott Huntoon**, to the position of Historical Commission Member, for term expiring September 13, 2025

#10790

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to CONFIRM the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Alanna Toomey**, to the position of Historical Commission Member, for term expiring September 13, 2025.

#10791

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to CONFIRM the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Chris Pera**, to the position of Historical Commission Member, for term expiring September 13, 2025.

REPORTS OF STANDING COMMITTEES**PUBLIC SAFETY COMMITTEE****#10784**

President Elizabeth Kazinskas stepped down as chair and recused herself on the following item due to a conflict of interest. Councillor Ronald Cormier took the chair to discuss this item.

On a motion made by Councillor James Boone and seconded by Councillor Karen Hardern, it was voted viva voce, nine (9) yeas, Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh; President Elizabeth Kazinskas recused herself from the vote due to a conflict of interest; to GRANT *An Application by Gardner Ten Pins, Inc., located at 560 W Broadway, for a Bowling Alley License.*

REGULAR MEETING OF OCTOBER 3, 2022

#10785

On a motion made by Councillor James Boone and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to GRANT *An Application by Gardner Thrift Store, for a License to deal in Second-hand Articles at 280 Central Street.*

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**#10781**

On a motion made by Councillor James Walsh and seconded by Councillor Ronald Cormier, it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to table *An Act Relative to Establish a Special Act Charter Drafting Committee*, and schedule an informal meeting as a Committee of the Whole for the second City Council meeting in November.

#10798

President Elizabeth informed the Council that the Planning Board has not met and they are still waiting on a report. The President requested more time. There were no objections, more time was granted.

NEW BUSINESS

Councillor Aleksander Dernalowicz announced that another family member of his father will be having his annual Veterans round table at the Gardner Museum at 7pm this Thursday. This year it is at the North Quabbin Trail Association worked to make trails in the area available for vets and those with mobility issues.

Councillor Boone questioned if there was a camera located by the dropbox at city hall and if not, if it's possible to get one. A lot of "funny" things having been happening with dropboxes the past few years. It would be a good idea to have one there "just in case." He also mentioned that during the Public Safety Committee Meeting, Board of Health Director will need about \$200,000.00 to fix the pumps at the landfill. He would like to have the Finance Committee and Mayor deliberate on this issue and see what can be done for the landfill.

Councillor Nathan Boudreau mentioned that on Saturday, September 24th, the city celebrated the chair luge and Fabulous Fall Festival and it was a great day. He would like to thank Square Two and the Gardner Festival Committee, The Gardner Ale House, Acadian Club and



REGULAR MEETING OF OCTOBER 3, 2022

everyone involved with this event.

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, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to adjourn at 8:07 p.m.

Accepted by the City Council: January 17, 2023