

**REGULAR MEETING OF FEBRUARY 7, 2022**

Regular Meeting of the City Council was held remotely on Monday evening, February 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. Ten (10) Councillors were present including Councillor Elect James Boone and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, Elizabeth Kazinskas, George Tyros, and James Walsh.

OATH OF OFFICE FOR COUNCILLOR ELECT JAMES BOONE

James S. Boone was administered the oath of office to the position of City Councillor for term expiring December 31, 2023.

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, ten (10) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Judy Mack, George Tyros, and James Walsh to waive the reading and accept the minutes as



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printed of December 20, 2021 Regular Meeting. Councillor Dana Heath abstained as he was not present at the meeting.

On a motion made by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted on call of the roll, nine (9) yeas, President Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, George Tyros, and James Walsh to waive the reading and accept the minutes as printed of January 3, 2022 Regular Meeting; Councillor James Boone abstained. He was not present for the meeting.

COMMUNICATIONS FROM THE MAYOR
APPOINTMENTS

#10598

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

A Measure Confirming the Mayor's Appointment of **Christine Oliva Kumar** to the position of City Assessor, for term expiring January 19, 2025.

#10599

On a motion made by Councillor George Tyros and seconded by Councillor James Boone, it was voted on call of the role, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, George Tyros, and James Walsh to confirm the following Appointment received from the Mayor:

A Measure Confirming the Mayor's Appointment of **James Wood** to the position of Airport Commission Member, for term expiring January 19, 2025.

#10600

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz,

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Dana Heath, Judy Mack, George Tyros, and James Walsh to confirm the following Appointment received from the Mayor:

A Measure Confirming the Mayor's Appointment of Robert R. Swartz, Jr. to the position of Airport Commission Member, for term expiring January 19, 2025.

#10601

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

A Measure Confirming the Mayor's Appointment of **David Urquhart** to the position of Airport Commission Member, for term expiring January 19, 2025.

COMMUNICATIONS FROM THE MAYOR**ORDINANCES****#10602**

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

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 Aleksander Dernalowicz, it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, George Tyros, and James Walsh to send the following Ordinance to Committee of the Whole:

An Ordinance to Amend Sections of the Code of the City of Gardner, Chapter 390, Entitled "Fees."

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#10604

Reporting from the Finance Committee, Councillor Aleksander Dernalowicz informed the Council that this ordinance will assist in helping to keep the downtown area accessible and safe for the public following winter weather events.

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, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, George Tyros, and James Walsh that the following Ordinance be sent to first printing:

AN ORDINANCE TO AMEND CHAPTER 567 OF THE CODE OF THE CITY OF GARDNER, ENTITLED STREETS AND SIDEWALKS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

SECTION 1: Section 31(C) of Chapter 567 of the Code of the City of Gardner, entitled Enforcement; Violations and Penalties, be amended by striking out items (1) and (2) out of said section of the Code and inserting in place thereof the following:

- (1) First Offense: \$100
- (2) Second Offense: \$200
- (3) Third and subsequent offenses: \$300

SECTION 2: Section 31(e) of Chapter 567 of the Code of the City of Gardner, entitled Enforcement; Violations and Penalties, be amended by striking out said section of the Code in its entirety and inserting in place thereof the following:

E. Any violation of §567-30 shall result in a fine of \$300

SECTION 3: This ordinance shall become effective upon passage and publication as required by law.

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COMMUNICATIONS FROM THE MAYOR
ORDERS**#10605**

Reporting from the Finance Committee, Councillor Aleksander Dernalowicz informed the Council that this has been on the agenda for quite some time. This appropriation would be for design and replacement of the current boiler system located at the South Gardner Fire Station. The current boiler is only 30% efficient. The equipment stored there and room must be kept in temperature control of 55 degrees. They have looked into rental facilities that were limited, but those locations were not suitable or feasible for what was required.

Councillor James Walsh spoke in opposition of the Order. He said "What we got at the South Gardner Fire Station is a glorified storage locker. This appropriation doesn't buy the equipment to replace the boiler. I just abates the asbestos that's associated with the existing boiler and pays for a study to design a new heating system." More funds will be needed down the line for purchase and installation.

Councillor Judy Mack spoke in favor of the order. If the City rented a facility, they would be spending more money on rent. It would be more cost effective to replace the boiler.

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted on call of the roll, eight (8) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, and George Tyros; two (2) nays, Councillors James Boone and James Walsh; that the following Order ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO SOUTH GARDNER FIRE STATION ABATE AND DESIGN PROJECT ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Twenty-Two Thousand Two Hundred Dollars and No Cents (\$22,200.00) from Free Cash to the South Gardner Fire Station Abate and Design Project Account.

#10606

Reporting from the Finance Committee, Councillor Ronald Cormier informed the Council this is the final portion in the area of the rotary that, following the title search for the parcel, has come back as owner unknown. The City will take the property by eminent domain. This appropriation will be held in escrow for a year and then fall back to free cash following the conclusion of the land taking process.



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

AN ORDER APPROPRIATING FROM FREE CASH TO UPTOWN ROTARY IMPROVEMENTS ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) from Free Cash to the Uptown Rotary Improvement Account.

COMMUNICATIONS FROM THE MAYOR
COMMUNICATIONS

#10607

Reporting from the Finance Committee, Councillor Aleksander Dernalowicz informed the Council that this was co-petition submitted by himself and the Mayor. This measure is to accept the Mass General Law S140 Section 139C to waive licensing fees for dogs owned by individuals for residents ages seventy (70) and older.

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 James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, and George Tyros; one (1) abstained, Councillor James Walsh because he is a resident who would benefit from this passage; to Adopt the following Measure:

**ACCEPTANCE OF M.G.L. CHAPTER 140, SECTION 139C
WAIVER OF DOG LICENSE FEES FOR INDIVIDUALS
AGED SEVENTY YEARS OR OLDER**

VOTE: To accept the provisions of Section 139C of Chapter 140 of the General Laws, waiving the fee for all persons aged seventy (70) years or older from the fees associated with annually licensing dogs in the City of Gardner, as required by Section 137 of the General Laws.

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#10608

Reporting from the Finance Committee, Councillor Ronald Cormier informed the Council that the money order was passed earlier in the meeting. This measure is for the taking of the land.

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

An Order of Taking for a Parcel of Land located at the intersection of Central Street, Woodland Avenue, Green Street, and Pearl Street, commonly known as "Parcel 2" of the Uptown Rotary.

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#10609**

On a motion made by Councillor Craig Cormier and seconded by Councillor George Tyros, it was voted on call of the vote, ten (10) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, George Tyros and James Walsh to send *An Application by The Witches Wardrobe, for a License to Deal in Second Hand Articles* to Public Safety Committee for further study and report.

#10610

On a motion made by Councillor Craig Cormier and seconded by Councillor George Tyros, it was voted on call of the vote, ten (10) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, George Tyros and James Walsh to send *An Application by The Witches Wardrobe, for a Fortune Teller License* to Public Safety Committee for further study and report.

#10611

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor George Tyros, it was voted on call of the roll, nine (9) yeas, President Kazinskas and Councillor Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, George Tyros and James Walsh; one (1) nay, Councillor James

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Boone; to approve the response letter submitted in regard to An Open Meeting Law Complaint filed by Scott Joseph Graves.

REPORTS OF STANDING COMMITTEES
APPOINTMENTS COMMITTEE

#10595

Reporting for the Appointments Committee, Councillor George Tyros informed the Council that Mr. Kolodny has been the Assistant City Solicitor since 2020. He has been involved with union negotiations, ordinance review and legal opinions. The Mayor indicated that Mr. Kolodny has performed very well and that he enjoys working with the city. The committee unanimously voted to recommend his appointment.

Councillor James Boone spoke in opposition of the appointment. He said “It is still my belief that the city does not need an assistant on top of a full-time City Solicitor when indeed. We end up farming out much of the work so that, I'm going to be voting against this motion.”

Councillor James Walsh spoke in favor of the appointment. More than 20 years ago, he served as City Solicitor for four years. He can certify that the work the city requires of the law department is sufficient and require the service of an assistant.

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

A Measure Confirming the Mayor’s Appointment of **Ethan Kolodny** to the position of Assistant City Solicitor, for term expiring January 3, 2023.

NEW BUSINESS

Councillor Dana Heath would like to thank the DPW for keeping the roads safe while the roads are currently icy and slippery.

Councillor Judy Mack appreciates the Zoom meeting this evening and putting into consideration everyone’s safety. She would also like to send condolences to Don Lemieux family and friends and former swimmers of coach Don Lemieux.



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On a motion made by Councillor Judy Mack, seconded by Councillor Nathan Boudreau, it was voted on call of the roll, ten (10) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, George Tyros and James Walsh to send a letter of condolences.

Councillor James Boone also echoes Councillor Judy Mack regarding Don Lemieux.

Councillor Nathan Boudreau would like to ask the residents to be patient with the sidewalk clearing. It has been a very icy winter. Thank you to the DPW and first responders who have been working around the clock during the winter storms.

President Elizabeth Kazinskas would also like to echo the sentiments from Councillor Mack and think it is wonderful to send a letter of condolences.

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, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to adjourn at 8:35 p.m.

Accepted by the City Council: *March 7, 2022*