

**REGULAR MEETING OF MARCH 21, 2022**

Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, March 21, 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 James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, Judy Mack, and James Walsh. Councillor George Tyros 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 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, Karen Hardern, Dana Heath, and James Walsh to waive the reading and accept the minutes as printed of the February 22, 2022, Joint Convention of the City Council and School Committee Meeting Minutes. Councillor Judy Mack abstained. She was not present at that meeting.

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COMMUNICATIONS FROM THE MAYOR
APPOINTMENTS**#10631**

On a motion made by Councillor Judy Mack and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, and James Walsh refer the following Appointment to the Appointments Committee for further study and report:

A Measure Confirming the Mayor's Appointment of **Casey Bashaw** to the position of Alternate Plumbing & Gas Inspector, for term expiring March 9, 2025.

#10632

On a motion made by Councillor Judy Mack and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, and James Walsh refer the following Appointment to the Appointments Committee for further study and report:

A Measure Confirming the Mayor's Appointment of **Philip Morrissey** to the position of Airport Commission Member, for term expiring March 4, 2025.

#10633

On a motion made by Councillor Judy Mack and seconded by Councillor Craig Cormier, it was voted viva voce, ten (10) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, and James Walsh refer the following Appointment to the Appointments Committee for further study and report:

A Measure Confirming the Mayor's Appointment of **James Morrissey** to the position of Airport Commission Member, for term expiring March 4, 2025.

#10634

On a motion made by Councillor Judy Mack and seconded by Councillor Craig Cormier, it was voted viva voce, ten (10) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, and James Walsh refer the following Appointment to the Appointments Committee for further study and report:

A Measure Confirming the Mayor's Appointment of **John Lavoie** to the position of Airport Commission Member, for term expiring March 4, 2025.

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#10635

On a motion made by Councillor Judy Mack and seconded by Councillor Craig Cormier, it was voted viva voce, ten (10) yeas, President Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, and James Walsh refer the following Appointment to the Appointments Committee for further study and report:

A Measure Confirming the Mayor's Appointment of **Andre Guertin** to the position of Airport Commission Member, for term expiring March 3, 2025.

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**#10602**

On a motion made by Councillor James Walsh and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas; Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack and James Walsh; that the following Ordinance be Passed and sent to Final Printing:

AN ORDINANCE TO AMEND SECTION 8 OF CHAPTER 390 OF THE CODE OF THE CITY OF GARDNER, ENTITLED FIRE DEPARTMENT FEE SCHEDULE

In the City Council – February 7, 2022

Ordered Printed – March 7, 2022

First Printing – March 10, 2022

Ordinance Passed – March 21, 2022

Presented to the Mayor for Approval – March 22, 2022

Michel J. Nicholson, Mayor

A TRUE COPY, ATTEST:

TITI SIRIPHAN, CITY CLERK

March 25, 2022

#10603

On a motion made by Councillor James Walsh and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas; Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack and James Walsh; that the following Ordinance be Passed and sent to Final Printing:



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Michael J. Nicholson, Mayor

A TRUE COPY, ATTEST:
TITI SIRIPHAN, CITY CLERK
March 25, 2022

#10622

On a motion made by Councillor James Walsh and seconded by Councillor Karen Hardern, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas; Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack and James Walsh; that the following Ordinance be Passed and sent to Final 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.



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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.

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Michael J. Nicholson, Mayor

A TRUE COPY, ATTEST:
TITI SIRIPHAN, CITY CLERK
March 25, 2022

#10623

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 James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack and James Walsh; that the following Ordinance be Passed and sent to Final 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.

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Michael J. Nicholson, Mayor

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A TRUE COPY, ATTEST:
TITI SIRIPHAN, CITY CLERK
March 25, 2022

#10624

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 James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack and James Walsh; that the following Ordinance be Passed and sent to Final 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.

In the City Council – February 22, 2022
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Michael J. Nicholson, Mayor

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TITI SIRIPHAN, CITY CLERK
March 25, 2022

#10625

Councillor James Boone had a question regarding §312-4 Disposition of unclaimed dogs. It reads:

- A. Any dog which is impounded and is not redeemed by the owner within the ten-day period of confinement shall be made available for adoption in accordance with procedures established by Gardner Police Department and National Animal Control Association.
- B. Any unclaimed dog which is in the custody of the Police Department shall be disposed in accordance with MGL c. 140, § 151A, when each of the following criteria has been met:
 - (1) The dog was detained for a period of seven (7) days.

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- (2) The description of the dog was published in the local paper at least three days before the scheduled date of the destruction.
- (3) The dog was made available for adoption in accordance with Subsection A.

Councillor is confused with the language because it states that there is a ten-day period to adopt the dog, but in seven days, the dog can be disposed.

Councillor Craig Cormier explained to Councillor Boone that a dog can be “disposed” after seven days only if the 3 criteria in sub section “B” are met.

Mayor Nicholson clarified that the ten days was reduced in the general law statute to seven. Based off of the humane society's recommendations to the legislature, a dog can have some anxiety issues for being in a cage for too long. We are allowed to go up to the 10 days but may allow the dog to be adopted after seven days. It allows a three-day extra window for the owner to claim the dog.

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 James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack and James Walsh; that the following Ordinance be Passed and sent to Final Printing:

An Ordinance to Amend Chapter 312 of the Code of the City of Gardner, Entitled “Animals.”

In the City Council – February 22, 2022

Ordered Printed – March 7, 2022

First Printing – March 10, 2022

Ordinance Passed – March 21, 2022

Presented to the Mayor for Approval – March 22, 2022

Michael J. Nicholson, Mayor

A TRUE COPY, ATTEST:

TITI SIRIPHAN, CITY CLERK

March 25, 2022

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#10626

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 James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack and James Walsh; that the following Ordinance be Passed and sent to Final Printing:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY DELETING CHAPTER 318, ENTITLED ARCADES.

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

SECTION 1: Chapter 318 of the Code of the City of Gardner, entitled Arcades, be deleted in its entirety.

SECTION 2: This ordinance shall take effect upon passage by law.

In the City Council – February 22, 2022

Ordered Printed – March 7, 2022

First Printing – March 10, 2022

Ordinance Passed – March 21, 2022

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Michael J. Nicholson, Mayor

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TITI SIRIPHAN, CITY CLERK

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NEW BUSINESS

Councillor Dana Heath would like to thank the Mayor for the sale of the buildings downtown.

Councillor James Boone would like to echo the comments of Councillor Heath. He is hopeful this will improve the downtown by getting responsible owners help make the city look good again.

Councillor Nathan Boudreau was impressed with the Public Welfare Committee tour a few weeks ago at the Senior Center by Director Mike Ellis. He recommends everyone check out the Senior Center.



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CLOSING PRAYER

President Kazinskas led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Nathan Boudreau and seconded by Councillor Dana Heath, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, and James Walsh to adjourn at 7:57 p.m.

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