

**REGULAR MEETING OF MAY 16, 2022**

Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, May 16, 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. 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 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

There were no meeting minutes present.

**COMMUNICATIONS FROM THE MAYOR
ORDINANCES****#10679**

Reporting for the Public Safety Committee, Councillor Craig Cormier informed the Council that this item was not referred to public safety committee, but it was on their agenda at their

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last meeting. This ordinance would change yard sale times to start at 8:00 a.m. instead of 9:00 a.m.

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, 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 send the following ORDINANCE to *First Printing*:

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER CHAPTER
664, ENTITLED "YARD SALES"**

Be it ordained by the City Council of the City of Gardner as follows:

SECTION 1: Section 2(B) of Chapter 664 of the Code of the City of Gardner, entitled "Yard Sales: Registration Required, General restrictions," be amended by deleting "9:00 a.m." and inserting in place thereof, "8:00 a.m."

SECTION 2: This ordinance shall take effect upon passage and publication as required by law.

#10680

Reporting for the Public Safety Committee, Councillor Craig Cormier informed the Council that this item was not referred to public safety committee, but it was on their agenda at their last meeting. This ordinance would update an ordinance that was passed earlier this year regarding problem properties throughout the City. Councillor James Boone had several questions that the Mayor was able to answer.

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 and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to send the following ORDINANCE to *First Printing*:

**AN ORDINANCE TO AMENDE THE CODE OF THE CITY OF GARDNER
CHAPTER 500, ENTITLED "NUISANCES: VACANT, BLIGHTED, AND
ABANDONED PROPERTIES"**

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Be it Ordained by the City Council of the City of Gardner as follows:

SECTION 1: Section 500-3 of the Code of the City of Gardner, entitled “Property Standards,” be amended by adding the following:

G. The owner of a vacant building must promptly repair all broken windows, doors, other openings and any unsafe conditions at a vacant building. Boarding up of open or broken windows and doors is prohibited except as a temporary measure for no longer than forty-five (45) consecutive days, unless the Commissioner determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a period of time longer than forty-five (45) consecutive days. Boards or coverings must be fitted to the opening size and colored to blend with the existing building color scheme.

H. The owner must maintain the building and property for the duration of the vacancy or abandonment. The owner shall maintain the condition of the building and property so as to appear not to be vacant. Upon notice by the Building Commissioner, any accumulated trash and/or graffiti shall be removed from the property by the owner within (7) days. The Building Commissioner and/or his designee will document violations.

I. If deemed necessary by the Building Commissioner, the owner must erect and maintain, at his/her own expense, a six (6)-foot privacy fence within thirty (30) feet of the entire building. The Building Commissioner shall notify the owner in writing of the basis for requiring any such fencing. Such an order from the Commissioner must first be confirmed by obtaining written letters of support by the Fire Chief, Police Chief, City Engineer, and one (1) disinterested party who is not an employee of the City, confirming the opinion of the Building Commissioner.

SECTION 2. Section 500-4 of the Code of the City of Gardner, entitled “Certificate of Building Closure and Other Requirements,” be amended by removing Subsection (A)(1) and inserting in place thereof the following:

(1) Prior to or not more than seven (7) days after a building becomes a vacant building, as defined herein, the owner(s) must file a certificate of building closure application in a form prescribed and amended from time to time by the Director, Commissioner and the Fire Chief setting forth the following: the status of such building, including in such notice the name, address and telephone number of the

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owner; the location of the building; the length of time the building has been vacant; the estimated time the building will remain vacant; and the nature of the contents of the building;

SECTION 3. Chapter 500 of the Code of the City of Gardner, entitled “Buildings, Vacant and Abandoned Amendment; Nuisances Amendment; Nuisances: Vacant, Blighted and Abandoned Properties,” be amended by adding a new Section 6 to be entitled, “Utility Shut Offs,” as follows, with the subsequent sections being renumbered to account for this new section:

A. The Building Commissioner shall have the discretionary authority to disconnect utilities immediately if a potential hazard that may be dangerous to life and limb is present.

B. The Building Commissioner shall have the authority to order that all utilities to a property be disconnected after the property has been vacant, as defined in this Chapter of the City Code, for a period of six (6) months.

SECTION 4: Chapter 500 of the Code of the City of Gardner, entitled “Buildings, Vacant and Abandoned Amendment; Nuisances Amendment; Nuisances: Vacant, Blighted and Abandoned Properties,” be amended by adding a new Section 7 to be entitled, “Inspections,” as follows, with the subsequent sections being renumbered to account for this new section:

500-7: Inspections

The Building Commissioner, Police Chief, Fire Chief and the Health Agent, or their designees shall have the authority to periodically inspect the exterior and interior of any building subject to this Chapter of the City Code for compliance, as authorized under the terms of registration form filed with the Building Commissioner, required in Section 500-4.

SECTION 5: Chapter 500 of the Code of the City of Gardner, entitled “Buildings, Vacant and Abandoned Amendment; Nuisances Amendment; Nuisances: Vacant, Blighted and Abandoned Properties,” be amended by adding a new Section 11 to be entitled, “Inspections,” as follows:

500-11: Severability

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If any provision of this by-law is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

SECTION 6: This ordinance shall take effect upon passage and publication as required by law.

#10681

Reporting for the Public Safety Committee, Councillor Craig Cormier informed the Council that the committee requested that his ordinance be referred to the Public Safety for further study and report.

Councillor George Tyros expressed some concerns about this ordinance. One of them was the use in cemeteries. He is opposed to use in cemeteries with respect and safety reasons. The second area of concern were questions Councillor Boone had regarding fees.

Councillor James Boone stated that he has seen these bikes in Florida and they were left all over the place and not being picked up. There is no fee structure. He said that there should be more time to consider and “absorb” this ordinance.

Councillor Nathan Boudreau mentioned that he has seen these mobile devices being used when he was working in the City of Marlborough. There are ways to detect who was the last person to use the devices through means of the app used or payment.

Councillor Dana Heath stated he has used these mobile devices in other states/cities. Licenses are required, age has to be over 18, and adults would have to “sign-off” for minors to use. A photo was required when you return the device.

Councillor James Walsh spoke in favor of referring the ordinance for further time and study. It is a lengthy ordinance and commends the committee for taking the time into looking into this matter. These devices will become part of the city’s landscape.

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 and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer *An Ordinance to Amend the Code of the City of Gardner, Chapter 330, Entitled “Bicycles and Play Vehicles”, by Adding a New Article III, to be Entitled “Sharable Dockless Mobility Devices,” Which Article Provides for the Definition of Sharable Dockless Mobility Devices, Licensing and*

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Operation Requirements, Regulatory Authority, and Enforcement to the Public Safety Committee for further study and report.

COMMUNICATIONS FROM THE MAYOR
COMMUNICATIONS

#10682

Reporting for the Public Safety Committee, Councillor Craig Cormier informed the Council that this item was brought up in discussion before regarding closing portions of Pleasant Street for outdoor dining for the summer months. Both Lt. McAvene and Building Commissioner were in favor of the closure. Businesses involved did submit letters in favor of the proposal.

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 and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to ADOPT *A Measure Authorizing Traffic Restrictions Temporarily Closing a Portion of Pleasant Street.*

PETITIONS, APPLICATIONS, COMMUNICATIONS, ECT.

#10678

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, 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 GRANT *An Application by House of Peace and Education, Inc., d/b/a HOPEful Boutique, for a License to Deal in Second Hand Articles at 29 Pleasant Street*

#10685

Councillor James Walsh informed the Council that this application was a new pole petition.

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, 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 refer *A Petition by National Grid and Verizon New England Inc., Cross Street – to install 1 Jointly Owned Pole on Cross Street beginning at a point approximately 45 feet west of the centerline of the*

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intersection of Sherman Street. Install Stub Pole 5-84 Cross Street, across from existing Pole 5 Cross Street, at the intersection of Sherman Street to the Public Service Committee for further study and report and schedule a public hearing.

#10686

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, 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 refer *A Petition by National Grid, Timpany Blvd. – to install electric conduits 269.5 feet northwest of the centerline of the intersection of Donlan Street and Timpany Blvd and continuing approximately 411 feet in a south direction. Install 411' of 1-2" conduit from HH 3-80, HH 6-80 on Timpany Blvd as shown in the plans. Install heavy duty handholes HH 3-80, HH 5-80, and HH 6-80 on Timpany Blvd.* to the Public Service Committee for further study and report and schedule a public hearing.

#10687

On a motion made by Councillor James Walsh and seconded by Councillor George Tyros, it was voted viva voce, 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 refer *A Petition by National Grid, Pearson Blvd. – to install electric conduits at a point approximately 588 feet southeast of the centerline of the intersection of Elm Street and Pearson Blvd and continuing approximately 128 feet in a southeast direction. Install 149' of 1-2" conduit from P4-80 to P5 on Pearson Blvd as shown in the plans. Install heavy duty hand holes HH4-80 and HH5 on Pearson Blvd as shown in the plans* to the Public Service Committee for further study and report and schedule a public hearing.

#10688

On a motion made by Councillor James Walsh and seconded by Councillor George Tyros, it was voted viva voce, 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 refer *A Petition by National Grid, Pearson Blvd. – to install electric conduits beginning at a point approximately 176 feet northeast of the centerline of the intersection of Olney Street and Pearson Blvd. and continuing approximately 88 feet in a northeast direction. Install 106' of 1-2" conduit from P21-80 to P15-80 on Pearson Blvd. as shown in the plans. Install heavy duty hand holes*

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HH21-80 and HH15-80 on Pearson Blvd. as shown in the plans to the Public Service Committee for further study and report and schedule a public hearing.

#10689

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, 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 refer *An Application by ECO ATM, LLC for a License to deal in Second-hand Articles at 677 Timpany Blvd.* to the Public Safety Committee for further study and report.

REPORTS OF STANDING COMMITTEES**APPOINTMENTS COMMITTEE****#10631**

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, 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 CONFIRM the following Appointment received from the Mayor:

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

#10664

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, 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 CONFIRM the following Appointment received from the Mayor:

A Measure Confirming the Mayor's Appointment of **Robert Oliva** to the position of City Engineer, for term expiring April 15, 2025.

#10665

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, eleven (11) yeas, President Kazinskas and Councillors James Boone,

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Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, 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 **Michael Zlotnik** to the position of Bandstand Committee Member, for term expiring April 15, 2025.

#10666

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, 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 CONFIRM the following Appointment received from the Mayor:

A Measure Confirming the Mayor's Appointment of **Nevonya Smith** to the position of Youth Commission Member, for term expiring April 13, 2025.

#10667

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, 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 CONFIRM the following Appointment received from the Mayor:

A Measure Confirming the Mayor's Appointment of **Paul Leone** to the position of Council on Aging Member, for term expiring April 13, 2025.

REPORTS OF STANDING COMMITTEES
PUBLIC SAFETY COMMITTEE

#10675

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, 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 GRANT *An Application by GameStop, Inc. #3725, for a License to deal in Second-hand Articles at 376 Timpany Blvd.*

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#10676

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted viva voce, 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 GRANT *An Application by The Salvation Army – Family Store & Donation Center, for a License to deal in Second-hand Articles at 8 Union Street.*

#10677

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted viva voce, 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 GRANT *An Application by Gardner Coins & Cards, Inc., for a License to deal in Second-hand Articles at 18 Parker Street.*

REPORTS OF STANDING COMMITTEES**PUBLIC SERVICE COMMITTEE****#10655**

Reporting for the Public Service Committee, Councillor James Walsh informed the Council that the committee request more time until the revised petition was received for item #10656.

There was no objection, More Time was granted.

#10656

Reporting for the Public Service Committee, Councillor James Walsh requests More Time until the corrected order is received.

There was no objection, More Time was granted.

NEW BUSINESS

Councillor Dana Heath would like to thank Director Dane Arnold at the DPW office for fixing a floor at the Ovila Case Playground. It was repaired within an hour after reporting the issue.



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Councillor Judy Mack would like to suggest the traffic commission and disability commission look into handicap accessible parking spots on Parker, Central and Main Street for disabled people. With recent road work downtown, there are curb cuts to allow for accessibility to the sidewalks, but we have not made parking accessible other than parking lots.

Councillor James Boone mentioned that he found a 1922 argus yearbook in the attic of 76 Osgood Street. He would like to put this in a safe place (museum, high school) because it's over 100 years old.

Councillor James Walsh would like to follow up on the National Grid petitions. It was past practice that the City Engineer review these petitions in advance before being presented to the City Council to avoid any errors. He appreciates the newly appointed City Engineer will be doing this moving forward.

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, 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 8:00 p.m.

Accepted by the City Council: July 5, 2022