



City of Gardner, Massachusetts
Office of the City Council

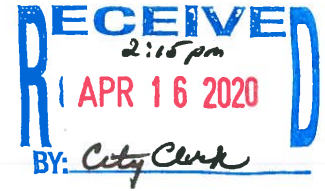
~~~~~  
CALENDAR FOR THE MEETING

of

TUESDAY, APRIL 21, 2020

REMOTELY\*

7:30 P.M.



ORDER OF BUSINESS

I. CALL TO ORDER

II. CALL OF THE ROLL OF COUNCILLORS

III. OPENING PRAYER

IV. PLEDGE OF ALLEGIANCE

V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS

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 recording shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the City Clerk, as they become part of the Meeting Minutes.

VI. READING OF MINUTES OF PRIOR MEETING(S)

Reading and Approval of the Minutes of the April 6, 2020 Regular Meeting.

VII. PUBLIC HEARINGS

VIII. COMMUNICATIONS FROM THE ACTING MAYOR

IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10265—A Measure Endorsing Various Provisions of Chapter 53 of the Acts of 2020 (*Finance Committee*).

10266—A Measure Discontinuing Use of AccuVote ES2000 Optical Scan Tabulators and Implementing use of ImageCast® Precinct Optical Tabulators, effective for the September 1, 2020 State Primary (*Finance Committee*).

10267—A Communication from the Greater Gardner Chamber of Commerce Relative to Resources for Business Owners and Managers During COVID-19.

X. REPORTS OF STANDING COMMITTEES

PUBLIC SERVICE COMMITTEE

10260—A Petition by National Grid for permission to install one (1) SO Pole on East Broadway beginning at a point approximately 115' southeast of the centerline of Prospect Street (*Public Service Committee*)(*Public Hearing Pending*).

## **PUBLIC SAFETY COMMITTEE**

**10254**—An Ordinance Amending the Code of the City of Gardner, Chapter 600 Thereof, Entitled “Vehicles and Traffic,” Section 600-24, Parking Prohibited on Certain Streets, Nutting Street *(In City Council and Referred to Public Safety, 3/16/2020)*.

## **PUBLIC WELFARE COMMITTEE**

**10252**—A Petition by Traven Development LLC to renew the designation of two (2) parcels at 525 Parker Street as a Development Overlay District 1 *(In City Council and Referred to the Public Welfare Committee and Planning Board, 3/2/2020)*.

## **FINANCE COMMITTEE**

**10250**—An Order Appropriating \$52,788.00 from Free Cash to FY2019 Firefighters Salary and Wages Account *(In City Council and Referred to Finance, 3/2/2020)*.

**10251**—An Order Appropriating \$54,818.67 from Free Cash to the Firefighters Salary and Wages Account *(In City Council and Referred to Finance, 3/2/2020)*.

## **XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**

**10252**—A Petition by Traven Development LLC to renew the designation of two (2) parcels at 525 Parker Street as a Development Overlay District 1 *(In City Council and Referred to the Planning Board and Public Welfare Committee, 3/2/2020)*.

## **XII. NEW BUSINESS**

## **XIII. CLOSING PRAYER**

## **XIV. ADJOURNMENT**

---

Items listed on the Council Calendar are those reasonably anticipated by the Council President to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

*\*Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Gardner City Council will be conducted via remote participation and broadcast live on Gardner Educational Television, Channel 8. The audio or video recording, transcript, or other comprehensive record of proceedings will be posted on the City’s website as soon as possible after the meeting.*

**REGULAR MEETING OF APRIL 6, 2020**

---

Regular Meeting of the City Council was held remotely on Monday evening, April 6, 2020.

**CALL TO ORDER**

As a result of the Council President vacancy, City Clerk Alan Agnelli called the meeting to order at 7:30 o'clock p.m. and announced that Councillors would participate remotely via Zoom Video Conferencing due to the Governor's State of Emergency Order and that all votes taken would be by roll call.

**CALL OF THE ROLL**

City Clerk Alan Agnelli called the Roll of Members. Eleven (11) Councillors were present including Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Elizabeth Kazinskas, Judy Mack, George Tyros, and James Walsh.

**ELECTION OF THE COUNCIL PRESIDENT**

The City Clerk announced that nominations were in order for the election of the Council President (Councillor James M. Walsh submitted his resignation, effective at 7:30 p.m.)

Reading from a prepared Statement, Councillor Karen Hardern nominated Councillor Scott Joseph Graves, noting his strength, maturity, experience, and someone with a great mind to be Council President and Acting Mayor. Councillor James Boone seconded the nomination.

Councillor Judy Mack nominated Councillor Elizabeth J. Kazinskas, reading aloud the following Statement (submitted):

"It is with pleasure that I nominate Ward 2 Councillor Elizabeth Kazinskas for Council President. Councillor Kazinskas has served the city and her constituents well during her tenure on the council.

Experience comes in a number of different ways. Many of the city's former mayors have had less experience and served the city admirably. Councillor Kazinskas has worked previously in the Mayor's office and is familiar with the daily running of city government. She has worked closely with the department heads and continues to do so on behalf of her constituents as she serves on the finance and public safety committees.

Councillor Kazinskas is committed to the city, I think it's fair to say she is at more community events than any other member of the council. Her passions for the city with her business knowledge, levelheadedness and professional demeanor, as well as her availability to commit the time needed to both positions as council president and for the remaining brief tenure of acting mayor is why I without hesitation make this nomination."

Councillor Nathan Boudreau seconded the nomination.

REGULAR MEETING OF APRIL 6, 2020

---

There being no further nominations, the City Clerk entertained a motion to close nominations.

On a motion by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, on call of the roll, it was voted eleven (11) yeas, Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, George Tyros, and James Walsh, to close nominations.

On call of the roll:

Councillor James S. Boone voting for SCOTT JOSEPH GRAVES  
Councillor Nathan R. Boudreau voting ELIZABETH J. KAZINSKAS  
Councillor Craig R. Cormier voting for ELIZABETH J. KAZINSKAS  
Councillor Ronald F. Cormier voting for ELIZABETH J. KAZINSKAS  
Councillor Aleksander H. Dernalowicz voting for ELIZABETH J. KAZINSKAS  
Councillor Scott Joseph Graves ABSTAINED.  
Councillor Karen G. Hardern voting for SCOTT JOSEPH GRAVES  
Councillor Judy A. Mack voting for ELIZABETH J. KAZINSKAS  
Councillor Elizabeth J. Kazinskas voting for ELIZABETH J. KAZINSKAS  
Councillor George C. Tyros voting for ELIZABETH J. KAZINSKAS  
Councillor James M. Walsh voting for ELIZABETH J. KAZINSKAS

Having received eight (8) votes, Councillor Elizabeth J. Kazinskas was declared elected Council President.

President Kazinskas assumed the Chair and expressed her appreciation to her colleagues, as follows:

"I think it's fair to say that this is the most unique set of circumstances under which any Council President has been elected in recent memory.

I want to thank all of you, especially those of you who voted for me for humbling me with your support and confidence.

A matter of Council business, as Council President I will assume the Chair of the Finance Committee, and Councillor Walsh will take my former seat as member of the Finance Committee.

I want to give my fellow Councillors and the public my intentions and plans for the coming days as I chart a course forward.

I will debrief outgoing Acting Mayor James Walsh to get up to speed on the most current state of our City. I will connect with the Executive Assistant to the Mayor Rachel Stephano, to develop a plan for the operations of the office. I will conduct one-on-one meetings

**REGULAR MEETING OF APRIL 6, 2020**

---

by phone, with our City Department Heads to assess the readiness, condition, and prospects for the near and medium term for each of their departments. I will then compile a report and share it publicly.

I will also be in touch with you, my fellow Councillors, to set up one-on-one phone meetings with you to give you the opportunity to express any thoughts, concerns or questions you may have and to solicit from you input on priorities moving forward. I will also do the same with Jennifer Pelavin, Vice-Chair of the School Committee. I think a continued, productive dialogue between all of us, as City leaders, is essential.

Next I will contact State Senator Dean Tran, State Representative Jon Zlotnik, Greater Gardner Chamber President Carol Jacobsen, and Heywood Healthcare CEO Win Brown to formally notify them of my new position and open a line of communication. I will also inquire with Senator Tran, and Representative Zlotnik as to any other state officials I should contact.

Lastly, once we make a decision as to the new dates for the Special Mayoral Election, I will establish communication with each of the four campaigns as it is my intention, once the preliminary election is concluded, to brief, and keep up to speed the two finalist candidates to smooth the eventual transition as it will be far speedier than during a normal election cycle, and come at an important time in the City's fiscal year.

I'd like to thank Councillor James Walsh for his work as our Council President and Acting Mayor. Thank you."

**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 that the meeting is being broadcast live and recorded on Gardner Educational Television and asked that Councillors raise their hands to be recognized, since the meeting is being conducted via Zoom.

**READING & ACCEPTANCE OF MINUTES**

On a motion by Councillor Ronald Cormier and seconded by Councillor George Tyros, on call of the roll, it was voted eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to waive reading and to accept the Minutes of the March 16, 2020 Regular Meeting, as printed.

REGULAR MEETING OF APRIL 6, 2020

---

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#10257**

On a motion by Councillor Craig Cormier and seconded by Councillor Aleksander Dernalowicz, on call of the roll, it was voted eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to place on file a communication from Councillor James Walsh announcing his resignation as Council President.

**#10258**

Councillor James Walsh moved to schedule the postponed April 7, 2020 Special City Preliminary Election for May 12, 2020 and the postponed May 5, 2020 Special City Election for June 9, 2020. Councillor Karen Hardern seconded the motion.

On a motion, Councillor James Walsh stated that at the Informal Meeting, the Council discussed the pros and cons of different dates and noted that at its most recent meeting, the Council voted to postpone the April 7 Special Preliminary and the May 5 Special Election as a result of the Governor's Order and the COVID-19 consequences. He said the elections must be completed on or before June 30 and that the two elections must be held 4 weeks apart and scheduled at least 20 days in advance. He suggested that the election be held sooner so that an elected Mayor would be office to make decisions associated with the end of the Fiscal Year and for the beginning of the new Fiscal Year on July 1. "It is a guessing game," he said, "but the Declaration of Emergency is scheduled to end on May 4, and by scheduling the Preliminary on May 12, that strikes the right balance for the concern for people voting and those taking advantage of early voting by mail." He added that those voters who already voted by Absentee will have their votes counted for the new date.

On the motion, on call of the roll, it was voted ten (10) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Elizabeth Kazinskas, Judy Mack, and George Tyros; one (1) abstention, Councillor Scott Joseph Graves, to adopt the following:

POSTPONED SPECIAL CITY PRELIMINARY ELECTION  
AND POSTPONED SPECIAL CITY ELECTION SCHEDULE

VOTED: To schedule the postponed April 7, 2020 Special City Preliminary Election for May 12, 2020 and the postponed May 5, 2020 Special City Election for June 9, 2020.

Presented to the Acting Mayor for Approval – April 9, 2020

Approved – April 10, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

REGULAR MEETING OF APRIL 6, 2020

---

**#10259**

Leading to a motion, Councillor James Walsh stated that correspondence from the Attorney General's Office was delivered to him while he was Council President, although the letter was addressed to former Council President Scott Graves who was President at the time that the Complaint was initiated. He said that the correspondence is a ruling on an Open Meeting Law Complaint concerning an e-mail dated September 4, 2019 in which former Councillor Christine Johnson responded to an e-mail which was submitted to then-Mayor Hawke and all Councillors were copied on the e-mail. She then responded and copied all of the Councillors at the same time. The Ruling from Assistant Attorney General Elizabeth Carnes Flynn of the Division of Open Government said that [the e-mail] was a violation of the Open Meeting Law. He read aloud the Conclusion, as follows:

“For the reasons stated above, we find the Council violated the Open Meeting Law by improperly deliberating via email on September 4. We order immediate and future compliance with the Open Meeting Law, and caution that similar violations in the future may be considered evidence of intent to violate the Law. 940 CMR 29.02. We also order that the Council release the September 4 email referenced in this letter to the public within 30 days following its receipt of this determination.”

Continuing, Councillor Walsh informed the Council that he contacted Assistant Attorney General Flynn to learn what would constitute a release. He said that she advised him that as long as the September 4, 2019 e-mail was included with the Minutes of tonight's meeting, then that would be adequate release.

Councillor James Walsh moved to place on file the March 13, 2020 Ruling from the Attorney General relative to an Open Meeting Law Complaint and that former Councillor Christine Johnson's e-mail of September 4, 2019 be included in the Minutes of the meeting.

Councillor Craig Cormier seconded the motion.

On the motion, Councillor Scott Graves stated that he believes that it is important to note the name of the Complainant that deserves mention and that is the Complaint of Paul DeMeo. He added that although it is a violation of the Open Meeting Law, when the Council looked at it when he was Council President, “it is a close call ... and so easily can be done.” “We hit ‘reply all’ so often that when you hit send, it is too late. I think that is why the Attorney General's Office has been fairly lenient on public bodies. These things happen ... probably never done on purpose, usually an inadvertent mistake. He concluded, saying that he sent out the Open Meeting Law Guide and other information so that the Council had a chance to review it and we are now more cognizant,” he added

REGULAR MEETING OF APRIL 6, 2020

---

On the motion, on call of the roll, it was voted eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to place on file the Ruling from the Attorney General relative to an Open Meeting Law Complaint and that former Councillor Christine Johnson's e-mail of September 4, 2019 be included with the Minutes of the Council meeting.

**#10260**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Karen Hardern, on call of the roll, it was voted eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to refer *A Petition by National Grid for permission to install one (1) SO Pole on East Broadway beginning at a point approximately 115' southeast of the centerline of the intersection Prospect Street* to the Public Service Committee for study and report and that a Public Hearing be scheduled.

**#10261**

Leading to a motion, Councillor Ronald Cormier informed the Council that by presenting the Ordinance, he was trying to address what he feels "is an injustice in the lack of remuneration for an Acting Mayor [serving] for a long period of time." He added that the proposal is not exactly what he wanted, so he moved to remove the Ordinance from the Calendar.

Councillor Craig Cormier seconded the motion.

On the motion, on call of the roll, it was voted nine (9) yeas, Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, and George Tyros; two (2) abstentions, President Elizabeth Kazinskas and Councillor James Walsh, to remove the following Ordinance from the Calendar:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 171 THEREOF, ENTITLED "PERSONNEL" TO CHANGE COMPENSATION SCHEDULE EXHIBIT A.

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

Section 1. Section 171-68 of Chapter 171, Personnel, of the Code of the City of Gardner is hereby amended by deleting and repealing Compensation Schedule Exhibit A and inserting in place thereof, the following:

**Exhibit A****Mayor**

Effective 1-2-2018

\$92,196.00





## REGULAR MEETING OF APRIL 6, 2020

Acting Mayor

Effective 1-1-2020

75% of the Mayor's Compensation

Section 2. Effective date.

This ordinance shall become effective on passage and publication as required by law.

**#10262**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to place on file a *Communication from the Gardner Contributory Retirement Board relative to a cost-of-living adjustment for retirees and beneficiaries.*

**REPORTS OF STANDING COMMITTEES**

**PUBLIC SAFETY COMMITTEE**

**#10254**

There being no objections, the Public Safety Committee was granted more time to study and to report on the following Ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC."

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

Section 1. Section 600-24 of Chapter 600, Vehicles and Traffic, Parking Prohibited on certain streets, is amended by adding the following:

| <u>Name of Street</u> | <u>Side</u> | <u>Location</u> |
|-----------------------|-------------|-----------------|
| Nutting Street        | Both        | Entire length   |

Section 2. This Ordinance shall take effect upon passage and publication as required by law.

**PUBLIC WELFARE COMMITTEE**

**#10252**

Public Welfare Committee Chairman Scott Graves reported that the Planning Board is scheduled to meet on May 12 to discuss the Petition, but that the meeting might take place on April 28; therefore, the Committee is requesting for time. There being no objections, the Public Welfare Committee was granted more time to study and report on *A Petition by Traven Development LLC to renew the designation of two (2) parcels at 525 Parker Street as a Development Overlay District 1.*

REGULAR MEETING OF APRIL 6, 2020

---

FINANCE COMMITTEE**#10250**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee's report addresses both #10250 and #10251, for which the Committee is seeking more time as it is awaiting a Judicial Determination of the authority of an Acting Mayor to sign the contract.

Continuing, he said that #10250 provides funding for FY2019 for the proposed Firefighters' Contract in the amount of \$52,788.33.

There being no objections, the Finance Committee was granted more time to study and report on the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS SALARY AND WAGES FY2019 ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Fifty-Fifty-two Thousand Seven Hundred Eighty-eight and 33/100 (\$52,788.33) from Free Cash to the Fiscal 2019 Firefighters Salary and Wages Account.

**#10251**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee is seeking more time as it is awaiting a Judicial Determination of the authority of an Acting Mayor to sign the contract.

Continuing, he said that #10251 provides funding for FY2020 for the proposed Firefighters' Contract. He noted that the Council was provided with documentation provided by the City Auditor that details a computation error in arriving at the necessary funding for FY2020. He noted that the first calculation included a 2% adjustment using current wage rates and for FY2020 included another 2% on the current wage rates, thus not taking into account the compounded rates. So, when the Order is presented, the Committee will seek to substitute the Money Order to read \$113,159.74.

There being no objections, the Finance Committee was granted more time to study and report on the following Order:

AN ORDER APPROPRIATING FROM FREE CASH TO FIREFIGHTERS SALARY AND WAGES ACCOUNT.

ORDER: That there be and is hereby appropriated the sum of Fifty-four Thousand Eight Hundred Eighteen and 67/100 (\$54,818.67) from Free Cash to the Firefighters Salary and Wages Account.

REGULAR MEETING OF APRIL 6, 2020

---

UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**#10252**

With action pending before the Planning Board, *A Petition by Traven Development LLC to renew the designation of two (2) parcels at 525 Parker Street as a Development Overlay District 1* was continued.

NEW BUSINESS**#10263**

President Kazinskas recognized Councillor Boudreau.

Councillor Nathan Boudreau stated that on March 19, 2020, the Council received a message from Gardner Firefighter Matt Bettez (Ref. Calendar Nos. 10250 & 10251). He said that as he was heading to a meeting, he replied to the e-mail, but replied to all in error. He said that he was bringing the matter to the Council's attention per the directive of the Attorney General's Office of Open Government to whom he self-reported. He asked that the self-report be made part of the meeting record.

On a motion by Councillor Nathan Boudreau and seconded by Councillor Aleksander Dernalowicz, on call of the roll, it was voted ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Judy Mack, George Tyros, and James Walsh; one (1) nay, Councillor Scott Joseph Graves, to include in the Minutes of the Meeting the *Self-Reporting of an OML Violation concerning a March 19, 2020 e-mail that Councillor Nathan Boudreau copied to all Councillors that was e-mailed to Firefighter Matthew Bettez (Ref. Cal. Nos. 10250 & 10251)*.

\*\*\*\*\*

Councillors extended congratulations to Councillor Elizabeth Kazinskas on her election as Council President and expressed appreciation to Councillor James Walsh for his service as Council President.

Councillor Scott Graves informed the Council that the Council is still able to meet since it is exempted from the 10 people or less restricted meetings or gatherings. "We can still have public meetings as we always have had, just spread out for social distancing," he said.

Councillor Judy Mack informed the Council that as it is only her seventh meeting, so she is still learning. She offered an apology to Councillor Graves for "her vote on the motion that he made regarding the language on the sewer ordinance [solid waste fees] at the last meeting." "In hindsight," she said, "I would have voted 'yes'." She said that it is difficult to receive information minutes before a meeting "which has happened twice thus far" and "be able to make a fair decision." In the future, she said, she would request that if Councillors have additional information, it would be helpful to have it before a meeting. "If not and if I feel that I need more time, I will make a motion to table so that I have the ability to look things



---

**REGULAR MEETING OF APRIL 6, 2020**

---

over so I can make sure that I am voting correctly.” Continuing, she stated that there have been very few votes, thus far, but that her votes are based solely on the information that she receives and if she makes the wrong decision, she will own it, but also stand by the votes that she believes are in the best interest of the City, its taxpayers, and citizens.

Continuing, Councillor Mack said, “We are experiencing very unsettling times and is concerned about our community, the well-being of our citizens, the small businesses in Gardner that have been greatly affected and been ordered to close. This is still the beginning of this pandemic and I fear the worst is yet to come. I want to encourage people to stay home, to social-distance, and stay safe.” Lastly, she expressed thanks and appreciation to all those that keep the Citizens safe.

Councillor George Tyros stated that he “feels that there are many Councillors who have strengths that can help the City through these challenging times, individually, and if the Council works as a team, those Councillors will be much more effective.” “The months ahead,” he said, “are not going to be easy and we’ll be forced to make tough decisions and for the sake of public health the community will go under immense stress – medically, financially, and emotionally.” “We all need to be there for one another and work as a team, even if there are disagreements here or there, we must make the best decisions we can and move on,” he added.

Councillor George Tyros reminded residents to return their Census 2020 forms as the Census has major financial implications for the City.

Councillor James Walsh expressed appreciation to his colleagues for placing their confidence in him during his tenure as Council President and as Acting Mayor. He also expressed thanks to all Department Heads for providing guidance to him and especially to Rachel Stephano for her perspective, guidance, and her suggestions.

Continuing, Councillor Walsh outlined the challenges ahead, including the use of Free Cash and the potential revenue shortfall due to the emergency.

**CLOSING PRAYER**

President Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor James Walsh and seconded by Councillor Karen Hardern, on call of the roll, it was voted eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adjourn at 8:17 p.m.

**Accepted by the City Council:**

18259

**Alan Agnelli**

---

**From:** Christine Johnson <christine.johnson2014@comcast.net>  
**Sent:** Wednesday, September 4, 2019 8:51 AM  
**To:** PAUL DEMEO  
**Cc:** Mayor; Rachel Stephano (Mayor's Office); James Boone; Nate Boudreau; Craig Cormier; Councillor R Cormier; Gravel, Ed; Scott Graves; Councillor K Hardern; Councillor J Johnson; Elizabeth Kazinskas; James M. Walsh; newstips@telegram.com; News@sentinelandenterprise.com; newstips@wbztv.com; newstips@whdh.com; news@wgaw1340.com; newsroom@wcvb.com; karyn.polito@state.ma.us; carolynkamuda@aol.com; Michellewells11@icloud.com; jeff palmieri; Alan Agnelli; slandry@thegardnernews.com; ddurling@thegardnernews.com; Jennifer Dymek  
**Subject:** Re: Mayor pays women less in Gardner

Mr Demeo,

I find I interesting the people who have a Grudge against the Mayor are fabricating such an outlandish statement bordering on defamation of character.

You fail to acknowledge that the 3 women on the Council agree with the change in the salary Ordinance.

I take offense to the statement that women are paid less in our city. The women and men in the city are paid according to experience and required certificates in the city.

I find it interesting that no facts as to the reason for reduction of salary are mentioned.

As I stated in the meeting there were half truths stated last night and I made points as to why anyone was paid less than ordinance.

Mayor Hawke was clearly upset at the remarks of a Councillor stating that he was sexually bias against women. Any human would have reacted the same way.

As a woman I find your email appalling and disgraceful.

Thank you  
Christine Johnson

Christine Johnson

On Sep 3, 2019, at 11:36 PM, PAUL DEMEO <[ryanrealty@comcast.net](mailto:ryanrealty@comcast.net)> wrote:

Mr. Mayor,

Your behavior was shameful at the Gardner City Council meeting tonight. It is apparent you became so defensive because you do in fact **pay women less in the City of Gardner.**

City Councilor Walsh did the research on the salary discrepancy between men and women in Gardner and I believe his facts to be correct tonight. As a retired attorney, Atty. Walsh dealt with facts his whole career.

Out of the eleven men hired in recent years **only one** was hired at a reduced salary. Ten received the same salary as the predecessor.

In the same time period three women were hired and **two had to accept a reduced salary! Dymek tonight! Shameful!**

**Yes, you got your way tonight with Jennifer Dymek, the City of Gardner's new Treasurer as she was forced to accept \$1400 less than her predecessor and the city council on a 6/5 Vote, carried out *your agenda* once again.**

**You wrongfully fired Board of Health Agent Jennifer Susen Roy back in the Spring and paid her "hush money" to be silent. Those facts will be coming out and disclosed publicly.**

---

**Anybody can review the video of the taped meeting tonight online.**

It's time for you to step down as mayor in the City of Gardner and move on..... twelve years is more than enough!

Regards,

Paul DeMeo

**Alan Agnelli**

---

**From:** Nathan R. Boudreau  
**Sent:** Friday, April 3, 2020 11:28 AM  
**To:** Alan Agnelli  
**Cc:** John Flick; James M. Walsh  
**Subject:** Fwd: Self Report

Alan,

Per Attorney Benedon's suggestion, I will be bringing this up under new business at the meeting on Monday. Is there a way to get the document included in the packet this late?

Thank you,

Councilor Nathan R Boudreau

Begin forwarded message:

**From:** "OpenMeeting (AGO)" <[openmeeting@state.ma.us](mailto:openmeeting@state.ma.us)>  
**Date:** April 3, 2020 at 11:22:18 AM EDT  
**To:** "Nathan R. Boudreau" <[nboudreau@gardner-ma.gov](mailto:nboudreau@gardner-ma.gov)>  
**Subject:** Re: Self Report

Nathan,

Thank you for contacting the Division of Open Government. We appreciate your recognition of this accidental deliberation and desire to correct it. In this situation, we recommend that at the next public meeting you mention that you accidentally sent the email to a quorum of the city council, and include your email in the list of documents used at the meeting so that it becomes part of a public meeting record.

Sincerely,

Carrie Benedon  
Assistant Attorney General  
Director, Division of Open Government  
Massachusetts Office of the Attorney General  
(617) 963-2540

---

**From:** Nathan R. Boudreau <[nboudreau@gardner-ma.gov](mailto:nboudreau@gardner-ma.gov)>  
**Sent:** Friday, April 3, 2020 10:49 AM  
**To:** OpenMeeting (AGO) <[OpenMeeting@MassMail.State.MA.US](mailto:OpenMeeting@MassMail.State.MA.US)>  
**Subject:** Self Report

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

It has been brought to my attention that I sent the following to the entire Gardner City Council. I didn't hit reply all and thought the message was to me individually.

I wanted to self report this in the name of transparency. Please let me know if there is anything else I can do.

Thank you,

Nathan Boudreau  
City Councilor  
City of Gardner  
978-807-0829 (Mobile)

Begin forwarded message:

**From:** "Nathan R. Boudreau" <[nboudreau@gardner-ma.gov](mailto:nboudreau@gardner-ma.gov)>  
**Date:** March 19, 2020 at 4:49:14 PM EDT  
**To:** Matt Bettez <[mattbettez@gardner-ma.gov](mailto:mattbettez@gardner-ma.gov)>  
**Cc:** Councillor K Hardern <[karenhardern@hotmail.com](mailto:karenhardern@hotmail.com)>, Councillor R Cormier <[railron@aol.com](mailto:railron@aol.com)>, Councillor S Graves <[sgraveslawoffice37@gmail.com](mailto:sgraveslawoffice37@gmail.com)>, Craig Cormier <[ccormier@gardner-ma.gov](mailto:ccormier@gardner-ma.gov)>, Elizabeth Kazinskas <[ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)>, James Boone <[jboone@gardner-ma.gov](mailto:jboone@gardner-ma.gov)>, "James M. Walsh" <[jwalsh@gardner-ma.gov](mailto:jwalsh@gardner-ma.gov)>, "Karen G. Hardern" <[khardern@gardner-ma.gov](mailto:khardern@gardner-ma.gov)>, Ronald F Cormier <[roncormier@gardner-ma.gov](mailto:roncormier@gardner-ma.gov)>, George Tyros <[gtyros@gardner-ma.gov](mailto:gtyros@gardner-ma.gov)>, Judy Mack <[jmack@gardner-ma.gov](mailto:jmack@gardner-ma.gov)>, Alek Dernalowicz <[adernalowicz@gardner-ma.gov](mailto:adernalowicz@gardner-ma.gov)>  
**Subject:** Re: Firefighter's COLA adjustment

Thank you, sir!

Those funds have already been earned and are well deserved to our fire department, especially in the current situation. This has already been held up long enough in negotiations. You can count on my support when it comes to the table.

-Nate

Sent from my iPhone

On Mar 19, 2020, at 4:30 PM, Matt Bettez <[mattbettez@gardner-ma.gov](mailto:mattbettez@gardner-ma.gov)> wrote:

City Council Members,



I am writing in reference to City Council items 10250 and 10251 which are money appropriations for the Gardner Firefighter's cost of living adjustments for FY 2019 and FY 2020. These money orders represent a 2% COLA dating back to July 2018. Relative to the rate at which consumer goods, food, clothing, housing and other goods and services is rising 2% is not a large amount. This 2% adjustment is the same that other city unions have negotiated and received for this same time period over a year and half ago. We have been working on negotiations and finalization for our most recent contract, which covers July 2018 to June 2021, since the beginning of 2018. This contract has required us beyond regular negotiations to get our attorney involved and ultimately go before the Joint Labor Management Committee (JLMC) just to get the 2% adjustment we were seeking to match the other city unions. Through the JLMC the City and Firefighters came to a binding agreement as to terms and wage increases for the new contract on December 16 of 2019. The new contract language and wage schedules were finally completed by the City and then signed by the Firefighters on February 20, 2020. Currently, these two money orders are being held up in the City Council, in particular the Finance Committee because Acting Mayor Walsh is questioning the ability to sign the 2018-2021 contract that had previously been negotiated and agreed upon. It is my understanding that the money can be appropriated through the Council regardless of whether or not the contract is fully executed by the City. This action would at least assure that the money is available and ready when the contract is finally signed. I am asking for the City Council to put forth a motion to approve the money order. I hope you will support this motion and in turn show support for your local first responders. Feel free to contact me with any questions or comments you may have at (978) 501-5116. Thank you for your time and consideration.

Respectfully,  
Matthew Bettez  
Local IAFF 2215 VP