



INFORMAL MEETING OF MAY 4, 2020

Informal Meeting of the City Council was held on Monday evening, May 4, 2020, remotely via Zoom teleconference and broadcast live on WGET.

CALL TO ORDER

Council President Elizabeth Kazinskas called the meeting to order at 7:00 o'clock p.m. and announced that 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.

CALL OF THE ROLL

City Clerk Alan Agnelli called the Roll of Members. Ten (10) Councillors were present including President James Walsh and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros. Councillor James Boone was absent.

President Kazinskas announced the Informal Meeting was called to discuss postponing the May 12, 2020 Special City Preliminary Election and the June 9, 2020 Special City Election and rescheduling the elections. She noted that the elections have been rescheduled once – the Preliminary from April 7 to May 12 and the final Election from May 5 to June 9 - and that the Governor extended the State of Emergency Order to May 18, 2020. She added that the City Clerk provided scheduling options for the Council to consider if it decides to postpone the elections, as follows:

2020 SPECIAL CITY PRELIMINARY AND FINAL ELECTION
SCHEDULING OPTIONS FOR FURTHER POSTPONED ELECTIONS
 Governor's Current Emergency Order ends on Monday, May 18, 2020

Council Votes	For Preliminary Election on	Rescheduled Election information posted on website (20 days before the election)	Last Day to Register to Vote for the rescheduled Preliminary (10 days before the election)	Final Election held on	Election is certified and earliest that Mayor can take office (after 5pm)
May 4	May 26*	Wednesday, May 6	Friday, May 15**	June 23	July 3
May 11	June 2	Wednesday, May 13	Friday, May 22**	June 30	July 10

*May 26 – day following Memorial Day. Mail is not delivered on Memorial Day.

** Voter Registration Session Notices have been published in **The Gardner News** for 2 consecutive weeks prior to the Voter Registration session date in order to provide voters/residents with ample notice to either register to vote or to make changes to their voter registration.

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President Kazinskas said that the elections must be completed on or before June 30 and that the Council must vote not later than 20 days before the rescheduled election. She cited the action dates in the Clerk's options matrix.

Continuing, she said that the City Clerk expressed concerns for the health and safety of election officials and the voters and that poll officials have expressed that they would be more comfortable working after May 18 when the Governor's extended emergency order ends, adding that the Clerk's Office is prepared to follow all of the guidelines issued to run a safe and efficient election and to take into consideration the concerns raised by the poll officials.

President Kazinskas said that based on the various concerns raised, she suggested that the Special Preliminary Election be postponed and be rescheduled to June 2 and the final election be postponed and be rescheduled to June 30.

Councillor Ronald Cormier said that recently, the State of Wisconsin did not reschedule its election and a number of people became ill whether caused directly or indirectly by [participating in] the election. Whichever date is chosen, he said, the Council "should decide this evening" as well as "to be fair as possible to the candidates." To postpone a decision as to when the rescheduled dates would be an injustice to the candidates and that he would accept the June 2 and June 30 dates to give more room, he added.

Councillor James Walsh asked the City Clerk, that as he understands it, the concern about having the Preliminary on May 26 would be that Memorial Day is the day before and that it has not so much to do with receiving Absentee or Early ballots, but processing Early or Absentee ballot applications.

The Clerk concurred.

Councillor Walsh added that only those requests for Early or Absentee ballots that, if it wasn't a holiday, would be received on the day before the election.

The Clerk responded, saying that if a voter sends in an AV or EV application by mail on a Thursday or Friday [preceding the election], the mail is then processed over the weekend [before Memorial Day], then applications processed by the Post Office on that weekend would not be received by the Clerk's Office until Tuesday, which is one day late for receiving EV and AV ballot applications. Those voters, he said, would then have to go to their polling location in order to cast their ballots.

Councillor Walsh sought confirmation that the Clerk's Office could receive Early or Absentee ballots on Election Day.

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The Clerk responded, saying that as long as AV and EV ballots are returned by 8:00 p.m. to the Clerk's Office or via the Drop Box, then they are processed.

Councillor Walsh sought confirmation that the unavailability of mail on the day before [the Election] "doesn't affect the receipt of actual ballots, but only the processing of ballot applications."

The Clerk concurred.

Councillor Walsh stated that if the Council opted for either May 26 or June 2, then it would require that the Council address next year's budget by way of a 1/12th Budget for the month of July. He noted that City Auditor John Richard was on the call and if he would explain the procedure to the Council to pass a 1/12th Budget since a new Administration would not be in place until July 3 or July 10 – three days or ten days into the new Fiscal Year. He said that the procedure is authorized by statute and that the Council would have to take action prior to the end of the Fiscal Year, as the step would be necessary if the elections were postponed.

Continuing, Councillor Walsh said that another concern is to provide the new Administration with as much time as possible to formulate a new budget for the upcoming Fiscal Year – either of the dates limit the availability of time, but "the earlier the better." He added that he agrees with Councillor Ronald Cormier's position that, if the Council is going to postpone the elections, that the Council should choose the dates tonight.

Councillor George Tyros informed the Council that from the recent Finance Committee meeting, he was pleased to hear the Early voting turnout figures that were provided and happy to hear about the precautions to be taken by the Clerk's Office on Election Day. He said that the Council "made the right call" when it postponed the original election dates, adding "we know a lot more now than we did back then." "And," he added, "we shouldn't forget the reason – the health and safety of the community. I trust our Clerk and I want to make sure that our of poll officials feel safe and the voters feel safe, as well." He added that he plans to support the proposed June 2 Preliminary election date.

Councillor Nathan Boudreau suggested that "it will not be off to the races" on the 18th, so he asked the Clerk if he believes that he will have enough poll workers to run the election.

The Clerk responded, saying that 21 poll workers informed him that they would not work at the elections either way, which leave 63 available. 60 are required to staff 10 precincts – 6 per precinct, he added.

Councillor Boudreau suggested getting college student who are home and not working, a younger group, to volunteer to work the polls.

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The Clerk stated that if enough trained and seasoned poll workers are willing to work, then the polls will be properly staffed. He noted that if people need to be recruited at the last minute, they will have to be trained. He outlined some of the issues that poll workers face in training, which is mandated. He added that new workers would become City employees and undergo CORI checks.

City Auditor John Richard informed the Council that a 1/12th Budget is taking the current Fiscal Year's Budget (FY2020) and dividing each line item by 1/12th and that is what the City would use for the month of July. He said that he is seeking additional guidance from DOR Local Services and noted that he asked the question of the City's DLS Representative if a City Council vote is necessary and was advised that it is not, only to inform the Director of Accounts of the reason that the Budget is not approved. The Representative said that the City has "a really good reason," and added that a Bulletin would be issued this week that would provide further guidance. He again noted that the City would take 1/12th of the approved current FY Budget.

On straw poll, nine (9) Councillors in favor of the Preliminary election rescheduled to June 2 and Councillor Graves responded, "Present."

President Kazinskas noted the sense of the Council for June 2 to be addressed at the Regular Meeting.

Councillor James Walsh stated that two votes would be taken, the first to postpone and the second to establish the dates by adopting the Orders.

The Informal Meeting concluded at 7:22 p.m.

Accepted by the City Council: *May 18, 2020*

PRESIDENT
Elizabeth J. Kazinskas

COUNCILLORS AT LARGE
James S. Boone
Craig R. Cormier
Ronald F. Cormier
Scott Joseph Graves, Esq.
Judy A. Mack
George C. Tyros

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL

RECEIVED
2020 APR 30 PM 4:15
CITY CLERK'S OFFICE
GARDNER, MA



WARD 1 COUNCILLOR
James M. Walsh, Esq.

WARD 2 COUNCILLOR
Elizabeth J. Kazinskas

WARD 3 COUNCILLOR
Nathan R. Boudreau

WARD 4 COUNCILLOR
Karen G. Hardern

WARD 5 COUNCILLOR
Aleksander Dernalowicz, Esq.

April 30, 2020

CITY COUNCIL INFORMAL MEETING

Date: Monday, May 4, 2020
Time: 7:00 P.M.
Location: Remotely*

The City Council will meet informally on Monday, May 4, 2020 to discuss postponing the May 12, 2020 Special City Preliminary Election and the June 9, 2020 Special City Election and rescheduling the elections.

CITY COUNCIL OF GARDNER
Elizabeth J. Kazinskas
ELIZABETH J. KAZINSKAS
Council President

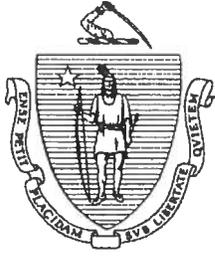
**Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Gardner City Council will be conducted 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.*

NOTICE: *The listing of Agenda items are those reasonably anticipated by the Chair which may 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.*

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SCHEDULING OPTIONS FOR FURTHER POSTPONED ELECTIONS
Governor's Current Emergency Order ends on Monday, May 18, 2020

Council Votes no later than	For Preliminary on	Final Election held on	Election is certified and earliest that Mayor can take office (after 5pm)
May 6	May 26*	June 23	July 3
May 13	June 2	June 30	July 10

**May 26 – day following Memorial Day.*



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER FURTHER EXTENDING THE CLOSING OF CERTAIN WORKPLACES
AND THE PROHIBITION ON GATHERINGS OF MORE THAN 10 PEOPLE**

COVID-19 Order No. 30

Further Extending the Operation of COVID-19 Order No. 13

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, on March 19, 2020, the Federal Cybersecurity and Infrastructure Security Agency issued guidance to assist States in identifying critical infrastructure sectors whose workers provide services and functions that are essential to maintain in order to support a strong response to the COVID-19 pandemic;

WHEREAS, on March 23, 2020, I issued COVID-19 Order No. 13, which designated certain COVID-19 Essential Services, as defined in the Order, temporarily closed the bricks-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;

WHEREAS, on March 31, 2020, I issued COVID-19 Order No. 21, which amended the earlier issued list of COVID-19 Essential Services and extended the operation of COVID-19 Order No. 13;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise in the Commonwealth. As of April 27, 2020, the Department of Public Health

had reported 56,462 cases of COVID-19, including 3,003 deaths, with all counties in the Commonwealth affected;

WHEREAS, the Federal Centers for Disease Control have advised that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing personal contact with environments where the virus may be transmitted;

WHEREAS, the Department of Public Health accordingly continues to urge all residents of the Commonwealth to limit activities outside of the home and to practice social distancing at all times to limit the spread of this highly contagious and potentially deadly virus; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby order the following:

The provisions of the March 23, 2020 Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More than 10 People (“COVID-19 Order No. 13”) are hereby extended until May 18, 2020. Accordingly, all businesses and other organizations that do not provide COVID-19 Essential Services shall not re-open their bricks-and-mortar premises to workers, customers, or the public before May 18, 2020.

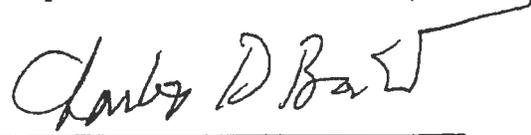
Gatherings of more than 10 people also remain prohibited until May 18, 2020.

The Commissioner of Public Health shall continue to issue guidance as necessary and subject to my approval to implement the terms of COVID-19 Order No. 13.

The provisions of COVID-19 Order No. 21 that extended the operation of COVID-19 Order No. 13 until May 4, 2020 are hereby rescinded and superseded by this Order. Exhibit A to COVID-19 Order No. 13, as amended by COVID-19 Order No. 21, remains effective and is unchanged by this Order.

This Order is effective immediately and shall remain in effect until May 18, 2020 unless further extended.

Given in Boston at 11:30 AM this 28th day
of April, two thousand and twenty

A handwritten signature in cursive script, reading "Charles D. Baker". The signature is written in black ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Chapter 45
of the Acts of 2020

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Ninety-First General Court

AN ACT GRANTING AUTHORITY TO POSTPONE 2020 MUNICIPAL ELECTIONS IN THE COMMONWEALTH AND INCREASE VOTING OPTIONS IN RESPONSE TO THE DECLARATION OF EMERGENCY TO RESPOND TO COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the rescheduling of elections as a result of the governor's declaration of emergency to respond to COVID-19 and to increase voting options, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding section 9 of chapter 39, sections 26 and 28 of chapter 51 and chapters 53 and 54 of the General Laws or any other general or special law or by-law to the contrary, a city or town with a municipal caucus or annual or special municipal election scheduled between the effective date of this act and May 30, 2020, may postpone such municipal caucus or municipal election in accordance with this act.

The select board, town council, board of registrars or city council of the city or town may vote on any day prior to the date of their scheduled municipal caucus or municipal election to postpone the municipal caucus or municipal election to a date certain on or before June 30, 2020. Such rescheduled caucus or election shall be held in accordance with all applicable election laws except as otherwise provided in this act.

(b) The select board, town council or city council of a city or town postponing a municipal caucus or municipal election pursuant to this act shall, following consultation with the local election official and the chief operating officer of the municipality as to logistics and feasibility, vote to reschedule the municipal caucus or municipal election. A copy of this act, the vote of the select board, town council or city council and a sample ballot shall be placed on the official municipal website not later than 20 days before the date to which the rescheduled caucus or election has been postponed. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the rescheduled election date and to cast ballots therein. The notice may include, but shall not be limited to, a "reverse-911" call, municipal list-serve notifications, advertisement on local cable television or issuance of a press release sent to local news media.

(c) Consistent with section 107 of chapter 41 of the General Laws, an incumbent elected official whose term would have expired at a municipal annual town election if the election was not postponed pursuant to this act shall continue to serve in the official's position until a successor is elected and qualified.

(d) If this act does not take effect until after the date of a scheduled municipal caucus or municipal election during the state of emergency declared by the governor pursuant to executive order 591, declaration of a state of emergency to respond to COVID-19, the actions of the board of selectmen, town council, city council and local election officials to postpone a municipal caucus or municipal election shall be ratified, validated and confirmed as if this act had been in place prior thereto.

SECTION 2. The last day to register to vote for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 shall be 10 days before the date to which the rescheduled election has been postponed; provided, however, that the board of registrars shall hold a registration session on that date not less than from 2:00 PM to 4:00 PM and from 7:00 PM to 8:00 PM. The voting list to be used at such rescheduled election shall include all eligible voters registered as of that date.

SECTION 3. The caucus or election materials, including, but not limited to, absentee and official ballots, prepared for a municipal caucus or any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 and bearing that date shall be used for the rescheduled caucus or election to the extent practicable. If additional ballots are required to be printed, the ballots shall be identical in form to those prepared for the original caucus or election.

SECTION 4. Absentee ballots cast in connection with the original election date for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19, whether returned before the original election or otherwise, and received by the local election official before the close of polls on the date of the rescheduled election, shall be processed in accordance with applicable law; provided, however, that any voter who chooses to vote in person on the date of the rescheduled election may do so if their absentee ballot has not yet been counted. Completed applications to vote by absentee ballot in the rescheduled election shall be accepted by the board of registrars until 12:00 noon on the last business day before the rescheduled election.

For an election held on or before June 30, 2020 any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.

SECTION 5. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, any eligible voter may vote early by mail for any annual or special municipal or state election held on or before June 30, 2020.

(b) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on the last business day before the date on which the rescheduled election is held.

(c) Local election officials may substitute absentee ballots for early voting ballots for those voters requesting to vote early by mail in municipal elections. An early voting ballot or absentee ballot substituted for an early voting ballot, along with an envelope bearing an affidavit as set forth in section 25B of chapter 54 of the General Laws, shall be provided to each qualified voter who participates in early voting by mail.

(d) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.

(e) The counting of early voting ballots shall be consistent with section 25B of chapter 54 of the General Laws and implemented regulations to the extent practicable. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(f) All early voting ballots voted by mail shall be received by the town clerk before the hour fixed for closing the polls on the date on which the rescheduled election is held. Early voting ballots cast under the authority of this section shall be processed at the polls in a manner consistent with that set forth in said section 25B of said chapter 54.

House of Representatives, March 23, 2020.

Preamble adopted,

 Paul J. Donato, Speaker.

In Senate, March 23, 2020.

Preamble adopted,

 J. O. El, President.

House of Representatives, March 23, 2020.

Bill passed to be enacted,

Paul J. Donato Speaker.

In Senate, March 23, 2020.

Bill passed to be enacted,

JB , President.

March 23, 2020.

Approved,
at *4* o'clock and *57* minutes, *P*. M.

Charles D. Baker

Governor.