

**SPECIAL MEETING OF APRIL 13, 2020**

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Special Meeting of the City Council was held remotely on Monday evening, April 13, 2020.

**CALL TO ORDER**

Council President Elizabeth Kazinskas called the meeting to order at 6:00 o'clock p.m.

*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. Eleven (11) Councillors were present including 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.

President Kazinskas opened discussion by citing Calendar No. 10264, proposed polling hours for the re-scheduled May 12, 2020 Special Preliminary, the June 9, 2020 Special Election, and the designation of the polling locations. She offered the following:

- The office at the High Rise is closed to the public. The decision was made as a result of the Department of Housing and Community Development directive issued on March 20.
- The Community Room that is used as the Precinct 3B polling place has been sealed off. The room is very small and with the regular number of poll workers applying 6' social distancing, an obstacle due to the room's size.
- The same rules will apply to all other polling locations.
- Minimum hours for cities set by statute – 10:00 a.m. until 8:00 p.m.
- Proposal to reduce the number of hours for poll workers.
- There are hundreds of elderly citizens that do not have at polling site in the building where they reside.
- The Clerk's Office will mail an Early Ballot Application to each voter.
- When the Application is returned, a ballot will be mailed to the voter.
- Voting by mail will be encouraged considering the unprecedented times.
- All voters afforded equal opportunity, as well as the option to vote at the polls.
- Extensive work involved in preparing a mailing to approximately 12,000 voters, then to receive applications, and to mail the ballots.

President Kazinskas entertained a motion to adopt the Election Orders.



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Councillor James Walsh moved to adopt the following Orders:

CITY OF GARDNER, MASSACHUSETTS  
MAY 12, 2020 SPECIAL MUNICIPAL PRELIMINARY ELECTION ORDER  
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JUNE 9, 2020 SPECIAL MUNICIPAL ELECTION ORDER  
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DESIGNATION OF POLLING PLACES FOR SPECIAL ELECTIONS  
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*ORDER:* In accordance with the provisions of Section 64 of Chapter 54 of the General Laws, that meetings of the citizens of this City qualified to vote for City officers shall be held on TUESDAY, the 12<sup>th</sup> DAY of MAY, 2020 from 10:00 o'clock in the morning until 8:00 o'clock in the evening for the purpose of casting their votes for the nomination of Mayor to serve for the unexpired term.

*ORDER:* In accordance with the provisions of Section 64 of Chapter 54 of the General Laws, that meetings of the citizens of this City qualified to vote for City officers shall be held on TUESDAY, the 9<sup>th</sup> DAY of JUNE, 2020 from 10:00 o'clock in the morning until 8:00 o'clock in the evening for the purpose of casting their votes for Mayor to serve for the unexpired term.

*ORDER:* In accordance with the provisions of Section 24 of Chapter 54 of the General Laws, the following polling places are designated by this Council:

- WARD 1, PRECINCT A – Elk’s Home, 31 Park Street
- WARD 1, PRECINCT B – Elk’s Home, 31 Park Street
- WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 W Lynde Street
- WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 W Lynde Street
- WARD 3, PRECINCT A – Acadien Social Club, 193 Parker Street
- WARD 3, PRECINCT B – Acadien Social Club, 193 Parker Street
- WARD 4, PRECINCT A – Gardner Police Headquarters, 200 Main Street
- WARD 4, PRECINCT B – Gardner Police Headquarters, 200 Main Street
- WARD 5, PRECINCT A – Knights of Columbus Hall, 110 South Main Street
- WARD 5, PRECINCT B – Knights of Columbus Hall, 110 South Main Street

Councillor George Tyros seconded the motion.

On the motion, Councillor Nathan Boudreau noted:

- The High Rise is his polling site, a State building, and is closed to the public.
- There is a global health pandemic that must be mitigated.
- Quick decision to change the polling site, but that the change could be mitigated.

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Councillor Craig Cormier noted:

- Since the High Rise is closed, poll workers would not be allowed into the building.
- A separate ballot tabulator could not be implemented for only the High Rise.

The City Clerk stated that each Precinct may have only 1 tabulator and explained that each precinct has its own voter list and poll workers and results are reported by Precinct.

Councillor Boone questioned whether the application is complicated for the elderly to complete.

Clerk responded:

- Name, address, ballot mailed to (if different).
- Sign and date.

Councillor Karen Hardern noted:

- Concern that voters at the High Rise are locked down” in their building to keep them safe.
- They would have to leave to go to another site and bring back germs to their building.

Councillor Walsh noted:

- Absentee ballots have been mailed to voters for many years.
- Mailing of early ballots is an expansion of the absentee balloting process.
- Every voter in the City will have the opportunity to vote by mail.
- Many other elderly voters do not have their own polling place.
- He encouraged voter to vote my mail to minimize health risks.

Councillor Ronald Cormier concurred with Councillor Walsh and that comments made that elderly voters, of which he is one, “are incapable of completing a ballot application is almost insulting.” “Many, many senior citizens do not live in the High Rise and are quite capable of using the mails or voting in person.” He added that he is unaware of what the Council can do to make it easier for people to vote.

Councillor Nathan Boudreau said that he, President Kazinskas, and Councillor Walsh received an e-mail from Councillor Scott Graves questioned the legality of the Special Meeting and whether the Council can vote.

President Kazinskas stated that she called a Special Meeting of the Council to take action on Council Order #10264, which needs to be addressed.

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Councillor Karen Hardern questioned when absentee ballots will be counted.

The City Clerk said that the ballots are processed at the polls on Election Day - checked-in, checked-out - and then placed in the ballot box (tabulator).

Councillor Scott Joseph Graves:

- The City Solicitor warned him that he cannot take part in any vote or discussion having to do with the special election, only procedures.
- He agrees with the Council President that she has the right to call a Special Meeting under Council Rule 1.

Councillor Judy Mack:

- Spoke with Health Director regarding relocating the 3B polling location, whose response was “Why would we even consider risking it? Putting a population at risk when we could avoid it.”
- What the City is doing follows the CDCs guidelines for relocating polling places during the pandemic. The polls and equipment will have to be disinfected throughout the day to protect voters and poll workers.
- Citizens capable of Early and absentee voting.

President Elizabeth Kazinskas:

- The CDC directive dated March 27 “... encourages moving election polling locations away from long term care facilities and facilities housing older persons to minimize COVID-19 exposure among older individuals and those with chronic medical conditions.”
- All voters living in Precinct 3B would also have to go to the High Rise to vote, as it is not only for the residents of the building.
- Vote by Mail in place for every Gardner registered voter, including Precinct 3B voters.

Councillor George Tyros noted:

- Expressed support for the Election Order
- Cited the various discussion points raised
- Cited common sense approach.

On the motion, on call of the roll, it was voted nine (9) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Judy Mack, Elizabeth Kazinskas, and George Tyros; one (1) nay, Councillor Karen Hardern; one (1) abstention, Councillor Scott Joseph Graves, to adopt the following Orders:



**SPECIAL MEETING OF APRIL 13, 2020**

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MAY 12, 2020 SPECIAL MUNICIPAL PRELIMINARY ELECTION ORDER

JUNE 9, 2020 SPECIAL MUNICIPAL ELECTION ORDER

DESIGNATION OF POLLING PLACES FOR SPECIAL ELECTIONS

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 WARD 5, PRECINCT B – Knights of Columbus Hall, 110 South Main Street

Presented to the Acting Mayor for Approval – April 14, 2020

Approved – April 14, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

**ADJOURNMENT**

On a motion by Councillor James Walsh and seconded by Councillor Nathan Boudreau, on call of the roll, it was voted eleven (11) yeas, President James Walsh and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, and George Tyros, to adjourn at 6:24 p.m.

**Accepted by the City Council: *May 4, 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



**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 9, 2020

**CITY COUNCIL SPECIAL MEETING**

**Date:** Monday, April 13, 2020  
**Time:** 6:00 P.M.  
**Location:** Remotely\*

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The City Council will meet on Monday, April 13, 2020 to act on #10264, Orders Relating to the May 12, 2020 Special City Preliminary Election; the June 9, 2020 Special City Election; and, Designating Official Polling Places for the Special Elections.

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

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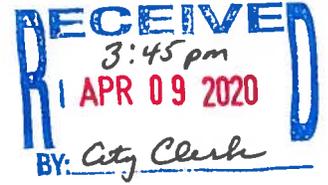
**NOTICE:** *The listing of Agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*

10264



**CITY OF GARDNER  
MASSACHUSETTS  
CITY CLERK**

95 PLEASANT STREET, ROOM 121  
GARDNER, MA 01440-2630  
TEL 978-630-4058



**ALAN L. AGNELLI**  
City Clerk  
Registrar of Voters

April 9, 2020

**JOHN A. OLIVARI**  
Assistant City Clerk  
**FAITH A. GLOVER**  
Assistant City Clerk

Hon. Elizabeth J. Kazinskas, President  
And Members of the City Council  
City Hall  
Gardner, MA 01440

Re: Special City Elections

Dear President Kazinskas and Councillors:

I am writing to address two concerns that were raised at Monday's meeting associated with the upcoming special elections, particularly since the Preliminary is now scheduled only one week after the Governor's Emergency Order is due to expire.

My first concern is the Precinct 3B polling location – the High Rise. Since it is a residential building, I believe that it should not be used for voting for the near future. Therefore, I am recommending that Precinct 3B be relocated to the Acadien Club until the pandemic ceases, at the least.

Secondly, I recommend that the potential health risks to our election officers be reduced by shortening the polling hours by opening at 10:00 a.m. and closing at 8:00 p.m. The 10:00 a.m. opening time is allowed under G.L. c. 54, § 64. Many other precautionary measures for poll officer and voter health and safety will be implemented.

Finally, once these changes are acted on, I can begin preparing the mass mailing to all voters. I am hopeful that many voters will choose to vote by mail and avoid any potential health risks by going to the polls on Election Day. A draft of the Final Election Orders are enclosed for your consideration.

Thank you very much for your attention and consideration of this matter.

Very truly yours,

Alan L. Agnelli  
City Clerk

Enclosure

**CITY OF GARDNER, MASSACHUSETTS**

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BY ORDER OF THE CITY COUNCIL