

**REGULAR MEETING OF JUNE 1, 2020**

Regular Meeting of the City Council was held remotely on Monday evening, June 1, 2020.

CALL TO ORDER

Council President Elizabeth Kazinskas called the meeting to order at 7:30 o'clock p.m.

CALL OF THE ROLL

City Clerk Alan Agnelli called the Roll of Members. Ten (10) Councillors were present including Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Elizabeth Kazinskas, Judy Mack, George Tyros, and James Walsh. Councillor James Boone connected remotely via Zoom at 7:37 p.m.

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 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, and on the City's YouTube Channel. 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. She added that since the meeting is being conducted via **Zoom**, that all votes taken would be by roll call and asked Councillors to raise their hands to be recognized.

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 ten (10) yeas, President Elizabeth Kazinskas and Councillors 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 May 18, 2020 Regular Meeting, as printed.



REGULAR MEETING OF JUNE 1, 2020

NEW BUSINESS

Councillors Craig Cormier and Karen Hardern encouraged voters to cast their ballots in Tuesday's Special Preliminary Election; Councillor James Walsh wished the City Clerk best wishes in managing the Preliminary Election; Councillor Ronald Cormier noted that every effort is being made to sanitize polling places for the safety and protection of poll workers and voters; and, President Kazinskas also noted the efforts to prepare the polls for voter safety as well as citing early voting ballot returns and efforts to encourage voting by mail.

Councillor George Tyros commended the use of the CodeRED Alert system to keep citizens informed and to alert voters about the change in election dates and the vote-by-mail options while Council President Elizabeth Kazinskas expressed appreciation to Councillor James Boone for advocating the use of the CodeRED Alert System to encourage voting and added that the recent alert elicited further interest as the City Clerk's office received calls from interested voters.

Council President Elizabeth Kazinskas cited two (2) e-mails that she recently sent to a constituent regarding the proposed Bailey Brook Park and Conservation Area and said that they would be submitted to the Clerk to be added to the Meeting's Minutes for the public's information.

Councillors Judy Mack and Craig Cormier extended congratulations to the graduating Class of 2020 and wished them success and happiness.

Councillor James Walsh said that as he recites the Closing Prayer, his thoughts will be with the people across the country who are trying to understand the events of the recent week and how best to respond to it. Councillor Boone concurred.

CLOSING PRAYER

President Kazinskas led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Craig Cormier and seconded by Councillor Nathan Boudreau, 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 7:42 p.m.

Accepted by the City Council: *June 15, 2020*

Re: Bailey Brook Park Opposition

Elizabeth Kazinskas

Fri 5/15/2020 1:59 PM

To: mcmcggee1129@gmail.com <mcmcggee1129@gmail.com>;

Cc: Trevor Beauregard <tbeauregard@gardner-ma.gov>; Dane Arnold <darnold@gardner-ma.gov>; Rob Oliva <roliva@gardner-ma.gov>; Lyndsy Butler <lbutler@gardner-ma.gov>; Christine Fucile <cfucile@gardner-ma.gov>; Mayor <Mayor@gardner-ma.gov>; Rachel Stephano (Mayor's Office) <Mayor_Secretary@gardner-ma.gov>; Denise Merriam <dmerriam@gardner-ma.gov>; e_gravel@comcast.net <e_gravel@comcast.net>; George Tyros <gtyros@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; Councillor R Cormier <railron@aol.com>; Craig Cormier <ccormier@gardner-ma.gov>; James Boone <jboone@gardner-ma.gov>; Joshua Cormier <jcormier@gardner-ma.gov>; Councillor S Graves <sgraveslawoffice37@gmail.com>; Nathan R. Boudreau <nboudreau@gardner-ma.gov>; Blowry57@yahoo.com <Blowry57@yahoo.com>; christopher.a.downs@gmail.com <christopher.a.downs@gmail.com>; crimsonrose2@msn.com <crimsonrose2@msn.com>; Crwilson85@hotmail.com <Crwilson85@hotmail.com>; dannagator65@gmail.com <dannagator65@gmail.com>; dbellofatto16@gmail.com <dbellofatto16@gmail.com>; eddalizcorrea@yahoo.com <eddalizcorrea@yahoo.com>; janaygurl1988@yahoo.com <janaygurl1988@yahoo.com>; jmc3457@gmail.com <jmc3457@gmail.com>; Kcap22@yahoo.com <Kcap22@yahoo.com>; laramy_1@comcast.net <laramy_1@comcast.net>; massteacher1@gmail.com <massteacher1@gmail.com>; mjtanza@gmail.com <mjtanza@gmail.com>; msevenson1@worcester.edu <msevenson1@worcester.edu>; nancymansfield1958@gmail.com <nancymansfield1958@gmail.com>; nathan.galeota@gmail.com <nathan.galeota@gmail.com>; raybutchrichard@yahoo.com <raybutchrichard@yahoo.com>; rfigueroa0726@gmail.com <rfigueroa0726@gmail.com>; sconners3@hotmail.com <sconners3@hotmail.com>; spookyskeletons <rjjadubans@gmail.com>; stephgallagher282@comcast.net <stephgallagher282@comcast.net>; tmfluet@gmail.com <tmfluet@gmail.com>; Jonathan McGee <jmcmgee@neontherapeutics.com>; Mackowiak, Stephen P <stephen.mackowiak@phillipsmedisize.com>; Mayor <Mayor@gardner-ma.gov>;

Dear Misty,

Thank you for your email. I appreciate your input and you taking the time to submit it. As your Ward 2 City Councillor, I will continue to advocate for the neighborhood. Since last week's meeting, I have received both positive and negative feedback relative to the soccer fields and other items on the park's current proposal. Your direct communication with me helps support my advocacy efforts, where I can refer directly to a source from the neighborhood when giving feedback to the people working on the project.

My hope for this project is that it is a positive contribution to Gardner and the neighborhood. I have advocated for the neighborhood to our Conservation Agent Lyndsy Butler, Director of Community Development and Planning Trevor Beauregard, Assistant Director of Community Development and Planning Jeff Legros and the developers/engineers on this project, in terms of lighting at night, traffic, parking, noise and safety. I've also made it clear that I believe it is important to remember the area was built as, and still very much is, a neighborhood. I have spoken to them on an individual basis and also in a group setting at a meeting with City Department Heads and the developers, which included Fire, Police, Traffic Commission, etc. They have been receptive to those concerns and understand the serious impact of this project.

I spoke with Trevor Beauregard today, and suggested that a web page be developed for the City's website regarding information and progress for this project. I suggested that the webpage be updated as information becomes available, so that interested citizens have a point of reference for correct and consistent progress and information relative to this project. I hope the webpage is able to be developed and helpful for those interested in this project.

Thank you, again. I look forward to the communication remaining open.

Best,
Lizzy

Elizabeth Kazinskas
Council President
Ward 2 City Councillor
City of Gardner
Cell: (978) 337-1533
ekazinskas@gardner-ma.gov

From: Misty McGee <mcmcggee1129@gmail.com>

Sent: Thursday, May 14, 2020 9:03 PM

To: Trevor Beauregard <tbeauregard@gardner-ma.gov>; Dane Arnold <darnold@gardner-ma.gov>; Rob Oliva <roliva@gardner-ma.gov>; Lyndsy Butler <lbutler@gardner-ma.gov>; Christine Fucile <cfucile@gardner-ma.gov>; Mayor <Mayor@gardner-ma.gov>; Rachel Stephano (Mayor's Office) <Mayor_Secretary@gardner-ma.gov>; Denise Merriam <dmerriam@gardner-ma.gov>; e_gravel@comcast.net; George Tyros <gtyros@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; Councillor R Cormier <railron@aol.com>; Craig Cormier <ccormier@gardner-ma.gov>; James Boone <jboone@gardner-ma.gov>; Joshua Cormier <jcormier@gardner-ma.gov>; Councillor S Graves <sgraveslawoffice37@gmail.com>; Nathan R. Boudreau <nboudreau@gardner-ma.gov>

Cc: bailey.faulkner@yahoo.com; Blowry57@yahoo.com; christopher.a.downs@gmail.com; crimsonrose2@msn.com; Crwilson85@hotmail.com; dannagartor65@gmail.com; dbellofatto16@gmail.com; eddalizcorrea@yahoo.com; janaygurl1988@yahoo.com; jmc3457@gmail.com; Kcap22@yahoo.com; laramy_1@comcast.net; massteacher1@gmail.com; mjtanza@gmail.com; msevenson1@worcester.edu; nancymansfield1958@gmail.com; nathan.galeota@gmail.com; raybutchrichard@yahoo.com; rfigueroa0726@gmail.com; sconners3@hotmail.com; spookyskeletons <rjjadubans@gmail.com>; stephgallagher282@comcast.net; tmfluet@gmail.com; Jonathan McGee <jmcee@neontherapeutics.com>; Mackowiak, Stephen P <stephen.mackowiak@phillipsmedisize.com>

Subject: Bailey Brook Park Opposition

To Whom It May Concern:

This email is being sent to all City representatives and associated parties, including the many concerned residents of Leo Drive, Brookside Drive, Century Way, and all connecting streets on copy.

We, the citizens of this community, **do not approve** or feel comfortable supporting the style of park that is currently being proposed to abut to our community. When this was first proposed and presented to our neighborhood by the Conservation Commission back in September, it was offered up as a quiet natural park, filled with trails and natural features. When we expressed concerns over the fields being a possibility, we were assured they would be small, hidden behind a significant natural buffer, and not show up for many years. Most importantly, they would be added only if there is a true need and neighborhood decides they want them.

When we were invited to this meeting, it was under the premise that our voices would be heard: ***"Your input is important to help identify community needs, desired recreational amenities, and to help provide important input prior to the creation of a design plan for the proposed multi-use, open space park."*** Our important input, both during that rushed meeting and after, was regarding our concerns about this affecting this quiet community as minimally as possible. We expressed quite plainly, that we in *no way* were interested in sporting fields that would be open to large groups of people, and were verbally very concerned about the overflow parking, noise, and traffic, in a community already facing crime and issues with people speeding down our streets, and putting our children in danger. We were told at this meeting that it would have little to no interference with our daily lives or the security and safety of our neighborhood.

Now, after hearing the current plans being presented, it is clear we have significantly strayed far beyond what was originally explained to us. These current plans will bring hundreds of people who do not live in this community into our quiet and peaceful neighborhood. Having a constant flow of traffic going between the houses in the proposed Leo Drive entrances is not acceptable, as it will interfere with the privacy and safety of the people in this community. As a community we stand by our approval for a natural park, but absolutely not in the way it is planned currently as it was presented on 5.6.2020.

Our primary concerns are as follows:

- 145-spot parking lot is unacceptable, and not meant for a small neighborhood style park, which will include a much higher traffic volume and increase the risk and safety of our children in a tightly nested neighborhood.
 - Was traffic surveying done?
 - Was a neighborhood safety evaluation done?
 - Was overflow parking considered? (Decreasing noise/visual buffer in favor for parking is not an option for our Leo Drive abutters. Remove the athletic fields, reduce the parking area, and put up a small natural playground, *as was stated in September.*)
 - Parking on the streets will happen blocking in houses and driveways and being a visual eyesore.
 - The response of "we will handle it if it happens" is *not* acceptable.

- In the original statement there was to be a 100' buffer from the abutting property lines on Leo Drive, and the presentation on May 6th indicated it has been since reduced to a mere 30'.
 - Due to the size of the fields and amount of spaces this will contribute to unnecessary noise and risk of people trespassing onto properties with the reduced buffer.
 - Privacy for those abutting will be very minimal when in their backyards
 - Part of the draw of this neighborhood, which includes many families and retirees, was the conservation land and the beauty of the wooded area, this will eliminate or tamper with that view.
 - Safety is a main concern. Will lighting be installed? If so, will that interfere with the neighborhood during evening games?

- This park is designed and set up as a profit center to host league style games both in city teams and out of city teams.
 - This brings in a large volume of strangers to the community
 - This brings a possibility of increased crime, vandalism, littering etc? Who will be dealing with the security and cleanup? Who is in charge of making sure it stays clean on a daily basis? The city is already stressed with workers to do these jobs, how will you provide regular monitoring of this park? The neighborhood needs to hear a clear plan on this.
 - Out of town individuals will not know what part of the area is the park vs. what is not.
 - There are already many parks that are minimally tended to and monitored in Gardner, as well as large athletic fields a stone's throw away from here at Mt. Wachusett Community College. Why is this one necessary less than 5 minutes away? It is *not*.
 - There is plenty of land at the school complex, and with a proper drainage project, could provide more than two multi-use fields and additional parking. It could also include a centralized concession stand for additional revenue generation.
 - A walking path could be added to the entire perimeter of the filed for exercise activities by all.
 - There are local playgrounds that could be renovated to accommodate new soccer fields. Especially with the many of the program's low participation numbers.
 - Has the City vetted out the true field requirements for the current youth sports programs? We would like to understand those numbers.

- Having a road connecting to the park coming from Leo drive and not Clark street does not make sense and is unacceptable:
 - Vehicles should not be allowed to have to go through a tightly nested residential neighborhood, where the streets are littered with playing children, and people walking pets, in order to access a recreational facility. You are completely negating what the neighborhood asked for if our children cannot freely play because of increased traffic.
 - A longer road should perhaps come from Clark Street as an alternate entry
 - A suggested way to eliminate the impact on Leo drive all together would be to evaluate reclassifying the parcels of land. Reclassify the 84-acre parcel on the west side of the brook to a Park & Recreation property. The 36-acre parcel on the East side of the brook, that abuts Leo drive, changes to Conservation land. The Park and Recreation side would be large enough, and very private, to accommodate a multi-use park and sports complex. The abutting parcel to Leo Drive would maintain the peace and tranquil barrier separation to the existing neighborhood.
 - The current design, that was presented, with a single entrance and turn around, would fit nicely on the west side parcel entering from Clark street. It could follow the old cart path that runs the

5/20/2020

Re: Bailey Brook Park Opposition - Elizabeth Kazinskas

entire property length on the west side of the brook.

Overall, we all moved here because the area was quiet and peaceful. It is a wonderful area full of beautiful woods, scenery, and wildlife. We enjoy the company of our neighbors and keep a close relationship as a community. As it is, we already deal with situations like car break-ins and speeding vehicles, but this new proposal needs to go back to the drawing board, as it compromises the security we expect and is certainly not what we were promised. This new proposal may force a good amount of the community to want to sell their houses that they had planned on being their forever homes. We respectfully ask that you do as you said you would back at the September meeting, and truly hear our concerns, and use them in redeveloping the plans for the proposed park.

This evening, 5/14/2020, we were made aware at the last possible minute about some sort of a public hearing by the one resident in the neighborhood that seemed to know about it. This lack of communication between city officials and the neighborhood directly affected by the proposed project, is terrible at best. The poor attendance from our neighborhood at tonight's minimally publicized meeting does NOT represent the opposition, as I assure you, we are MANY. We would like this done in a public meeting forum, allowing us a real voice **before** any clearing, building or work is done.

Online petition from us all to follow as soon as possible.

Thank you for your time and look forward to hearing from you,

Sincerely,

The Residents of This Community

Re: Bailey Brook Park Opposition

Elizabeth Kazinskas

Sun 5/17/2020 10:38 AM

To: Misty McGee <mcmcgee1129@gmail.com>;

Cc: Trevor Beauregard <tbeauregard@gardner-ma.gov>; Dane Arnold <darnold@gardner-ma.gov>; Rob Oliva <roliva@gardner-ma.gov>; Lyndsy Butler <lbutler@gardner-ma.gov>; Christine Fucile <cfucile@gardner-ma.gov>; Mayor <Mayor@gardner-ma.gov>; Rachel Stephano (Mayor's Office) <Mayor_Secretary@gardner-ma.gov>; Denise Merriam <dmerriam@gardner-ma.gov>; e_gravel@comcast.net <e_gravel@comcast.net>; George Tyros <gtyros@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; Councillor R Cormier <railron@aol.com>; Craig Cormier <ccormier@gardner-ma.gov>; James Boone <jboone@gardner-ma.gov>; Joshua Cormier <jcormier@gardner-ma.gov>; Councillor S Graves <sgraveslawoffice37@gmail.com>; Nathan R. Boudreau <nboudreau@gardner-ma.gov>; Blowry57@yahoo.com <Blowry57@yahoo.com>; christopher.a.downs@gmail.com <christopher.a.downs@gmail.com>; crimsonrose2@msn.com <crimsonrose2@msn.com>; Crwilson85@hotmail.com <Crwilson85@hotmail.com>; dannagator65@gmail.com <dannagator65@gmail.com>; dbellofatto16@gmail.com <dbellofatto16@gmail.com>; eddalizcorrea@yahoo.com <eddalizcorrea@yahoo.com>; janaygurl1988@yahoo.com <janaygurl1988@yahoo.com>; jmc3457@gmail.com <jmc3457@gmail.com>; Kcap22@yahoo.com <Kcap22@yahoo.com>; laramy_1@comcast.net <laramy_1@comcast.net>; massteacher1@gmail.com <massteacher1@gmail.com>; mjtanza@gmail.com <mjtanza@gmail.com>; msevenson1@worchester.edu <msevenson1@worchester.edu>; nancymansfield1958@gmail.com <nancymansfield1958@gmail.com>; nathan.galeota@gmail.com <nathan.galeota@gmail.com>; raybutchrichard@yahoo.com <raybutchrichard@yahoo.com>; rfigueroa0726@gmail.com <rfigueroa0726@gmail.com>; sconners3@hotmail.com <sconners3@hotmail.com>; spookyskeletons <rjadubans@gmail.com>; stephgallagher282@comcast.net <stephgallagher282@comcast.net>; tmfluet@gmail.com <tmfluet@gmail.com>; Jonathan McGee <jmcgee@neontherapeutics.com>; Mackowiak, Stephen P <stephen.mackowiak@phillipsmedisize.com>; herdatatel@gmail.com <herdatatel@gmail.com>; pdf714@yahoo.com <pdf714@yahoo.com>; Gallagher282@comcast.net <Gallagher282@comcast.net>; Steve.breton10@gmail.com <Steve.breton10@gmail.com>; Leon.yamilet@outlook.com <Leon.yamilet@outlook.com>;

Dear Misty,

Thank you for your response. I agree that the concerns you and the residents presented are valid and important, and should be seriously considered and addressed in an open discussion. It is my opinion that you and the residents on the email provided a clear and thorough list of questions, concerns and comments that serves as the beginning of the dialogue you are requesting. I believe the next step is for Lyndsy Butler (lbutler@gardner-ma.gov), our Conservation Agent who is managing the project, and the people working on the project, to address your questions or to provide information as to when and how they will be addressed. I look forward to the answers to your questions being addressed and the answers becoming available.

It is my understanding that this project is in its very early stages of the planning phase. No final decisions will be made any time soon. No final decision will be made without the public weighing in with their input. My experience is that these types of projects typically have processes and timelines that must be followed and deadlines that must be met, which are usually set by the terms of the project's Grant and not by the City. I contacted Trevor Beauregard and Lyndsy Butler requesting all information relative to this project be made available to the public. My request included the project's process, terms, timeline, and best method of communication be made clear and available to the public through either the webpage I suggested or another resource.

I understand why people were surprised to see soccer fields in the most recent proposed plan at the May 6th public input meeting. I was also at the public information meeting in the fall where different information was provided. I had also advocated for the neighborhood at another meeting, where the people working on the project, the developers, Fire, Police, Traffic Commission, DPW, etc. were present. I raised my serious concerns for the impacts of traffic, lighting, parking, noise and safety on the neighborhood. I made a comment at the public

input meeting on May 6th, stating that no residents had contacted me directly in opposition to soccer fields at that time. The reason I said that was because a resident on the meeting's call expressed that all residents were opposed to soccer fields. My comment was an attempt to welcome residents to contact me with their thoughts because at that time I had not been contacted directly. Thank you to you and the residents who have contacted me since then. Your feedback is important and supports advocacy efforts when input is provided to the people working on this project.

Ms. Butler is the best resource to answer your questions, and provide more information on the timeline and process relative to this project. She is our Conservation Agent and the person managing this project. My role as your Ward 2 City Councillor is to responsibly connect residents with appropriate resources, communicate, follow up and stay informed to advocate in their best interest. I have and will continue to do that on this project. I believe the best way to get correct, updated and consistent information is to go directly to the source.

Thank you, again, for your response. I appreciate the time and attention you and the neighborhood residents have taken to connect on this matter. If you do not receive answers to your questions or a response as to when/how you will receive answers to your questions, I will be glad to follow up with Ms. Butler for you and the residents of the neighborhood. Please feel free to contact me at any time. In addition to reaching me by email, my cell phone number is 978-337-1533.

Best,
Lizzy

Elizabeth Kazinskas
Council President
Ward 2 City Councillor
City of Gardner
Cell: (978) 337-1533
ekazinskas@gardner-ma.gov

From: Misty McGee <mcmcggee1129@gmail.com>

Sent: Saturday, May 16, 2020 11:33 AM

To: Elizabeth Kazinskas

Cc: Trevor Beauregard; Dane Arnold; Rob Oliva; Lyndsy Butler; Christine Fucile; Mayor; Rachel Stephano (Mayor's Office); Denise Merriam; e_gravel@comcast.net; George Tyros; Judy Mack; Councillor R Cormier; Craig Cormier; James Boone; Joshua Cormier; Councillor S Graves; Nathan R. Boudreau; Blowry57@yahoo.com; christopher.a.downs@gmail.com; crimsonrose2@msn.com; Crwilson85@hotmail.com; dannagartor65@gmail.com; dbellofatto16@gmail.com; eddalizcorrea@yahoo.com; janaygurl1988@yahoo.com; jmc3457@gmail.com; Kcap22@yahoo.com; laramy_1@comcast.net; massteacher1@gmail.com; mjtanza@gmail.com; msevenson1@worchester.edu; nancymansfield1958@gmail.com; nathan.galeota@gmail.com; raybutchrhichard@yahoo.com; rfigueroa0726@gmail.com; sconners3@hotmail.com; spookyskeletons; stephgallagher282@comcast.net; tmfluet@gmail.com; Jonathan McGee; Mackowiak, Stephen P; herdatatel@gmail.com; pdf714@yahoo.com; Gallagher282@comcast.net; Steve.breton10@gmail.com; Leon.yamilet@outlook.com

Subject: Re: Bailey Brook Park Opposition

Hello Lizzy and thank you for your response. We in the neighborhood believe that our concerns are extremely valid and we appreciate that you want to keep lines of communication open, as do we. We are definitely seeking a positive solution and compromise here that will represent all parties involved, mainly those directly involved and will be the most impacted, which are the taxpayers that live in this neighborhood.

I would also like to make sure that is clear, that although this is coming by way of my personal email, this is from all of the people that were copied in the neighborhood, and even more that have been added to this reply. Some

didn't have email, but would definitely be at a meeting. We also have a petition of around 70 signatures from this area and surrounding just since yesterday. Many that don't even live in this neighborhood were shocked that anyone would consider about putting a sports complex in a residential neighborhood this type. We are also walking the neighborhood today and tomorrow and will be discussing it directly with abutters and those who may not be on the page that myself and Mr. Breton run for the neighborhood. Some of them up until this point have been very surprised when showed the plans.

The people that this park will directly impact by-and-large are not pleased with the current plans. From what I understand about your email response, although a website sounds like a great way to keep multiple people informed, nothing in your response indicates that there is any plan to take our concerns seriously and discuss compromise. It is my understanding that we are still in the planning phase, correct? So then this is a good time to potentially redirect how this is being implemented. We also believe it is highly inappropriate to be pushing any sort of agenda like this without a full acting mayor in office and during a pandemic when a lot of people's hands are tied to meet publicly.

We also have been recently made aware that while still being our current Ward Counselor who owns property here, your main residence may no longer be in this Ward, let alone this neighborhood. We are highly trusting that should this be true, it will not affect your ability to represent this Ward and this neighborhood as you should, which is by majority. We have a vested interest to keep this area as it is as much as possible. We have paid a lot of money for our homes in this area, and a lot of us pay a lot of money in property taxes and upkeep to keep it beautiful and a nice small tight knit community.

How will the points in our email be addressed by the people involved? We are looking for an actual forum to be able to have an open discussion here. We believe that this is a highly inappropriate area for a sports complex, and that is what they are proposing. We are all in favor of a conservation park with natural features and relocation of the actual sporting complex and parking spots to a different area of the land, away from our properties, as long as there is a direct route of entry from an area that isn't our neighborhood.

What else does city hall need from the neighborhood to be able to begin this dialog?

Thank You,

The Residents of the Leo/Brookside Drive Area Neighborhood

On Fri, May 15, 2020, 1:59 PM Elizabeth Kazinskas <ekazinskas@gardner-ma.gov> wrote:

Dear Misty,

Thank you for your email. I appreciate your input and you taking the time to submit it. As your Ward 2 City Councillor, I will continue to advocate for the neighborhood. Since last week's meeting, I have received both positive and negative feedback relative to the soccer fields and other items on the park's current proposal. Your direct communication with me helps support my advocacy efforts, where I can refer directly to a source from the neighborhood when giving feedback to the people working on the project.

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Thank you, again. I look forward to the communication remaining open.

Best,
Lizzy

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ekazinskas@gardner-ma.gov

From: Misty McGee <mcmcgee1129@gmail.com>

Sent: Thursday, May 14, 2020 9:03 PM

To: Trevor Beauregard <tbeauregard@gardner-ma.gov>; Dane Arnold <darnold@gardner-ma.gov>; Rob Oliva <roliva@gardner-ma.gov>; Lyndsy Butler <lbutler@gardner-ma.gov>; Christine Fucile <cfucile@gardner-ma.gov>; Mayor <Mayor@gardner-ma.gov>; Rachel Stephano (Mayor's Office) <Mayor_Secretary@gardner-ma.gov>; Denise Merriam <dmerriam@gardner-ma.gov>; e_gravel@comcast.net; George Tyros <gtyros@gardner-ma.gov>; Judy Mack <jmack@gardner-ma.gov>; Councillor R Cormier <railron@aol.com>; Craig Cormier <ccormier@gardner-ma.gov>; James Boone <jboone@gardner-ma.gov>; Joshua Cormier <jcormier@gardner-ma.gov>; Councillor S Graves <sgraveslawoffice37@gmail.com>; Nathan R. Boudreau <nboudreau@gardner-ma.gov>

Cc: bailey.faulkner@yahoo.com; Blowry57@yahoo.com; christopher.a.downs@gmail.com; crimsonrosey2@msn.com; Crwilson85@hotmail.com; dannagartor65@gmail.com; dbellofatto16@gmail.com; eddalizcorrea@yahoo.com; janavgurl1988@yahoo.com; jmc3457@gmail.com; Kcap22@yahoo.com; laramy_1@comcast.net; massteacher1@gmail.com; mjtanza@gmail.com; msevenson1@worchester.edu; nancymansfield1958@gmail.com; nathan.galeota@gmail.com; raybutchrichard@yahoo.com; rfigueroa0726@gmail.com; sconnors3@hotmail.com; spookyskeletons <rjjadubans@gmail.com>; stephgallagher282@comcast.net; tmfluet@gmail.com; Jonathan McGee <jmcgee@neontherapeutics.com>; Mackowiak, Stephen P <stephen.mackowiak@phillipsmedisize.com>

Subject: Bailey Brook Park Opposition

To Whom It May Concern:

This email is being sent to all City representatives and associated parties, including the many concerned residents of Leo Drive, Brookside Drive, Century Way, and all connecting streets on copy.

We, the citizens of this community, do not approve or feel comfortable supporting the style of park that is currently being proposed to abut to our community. When this was first proposed and presented to our neighborhood by the Conservation Commission back in September, it was offered up as a quiet natural park, filled with trails and natural features. When we expressed concerns over the fields being a possibility, we were assured they would be small, hidden behind a significant natural buffer, and not show up for many years. Most importantly, they would be added only if there is a true need and neighborhood decides they want them.

When we were invited to this meeting, it was under the premise that our voices would be heard: *"Your input is important to help identify community needs, desired recreational amenities, and to help provide important input prior to the creation of a design plan for the proposed multi-use, open space park."* Our important input, both during that

rushed meeting and after, was regarding our concerns about this affecting this quiet community as minimally as possible. We expressed quite plainly, that we in *no way* were interested in sporting fields that would be open to large groups of people, and were verbally very concerned about the overflow parking, noise, and traffic, in a community already facing crime and issues with people speeding down our streets, and putting our children in danger. We were told at this meeting that it would have little to no interference with our daily lives or the security and safety of our neighborhood.

Now, after hearing the current plans being presented, it is clear we have significantly strayed far beyond what was originally explained to us. These current plans will bring hundreds of people who do not live in this community into our quiet and peaceful neighborhood. Having a constant flow of traffic going between the houses in the proposed Leo Drive entrances is not acceptable, as it will interfere with the privacy and safety of the people in this community. As a community we stand by our approval for a natural park, but absolutely **not** in the way it is planned currently as it was presented on 5.6.2020.

Our primary concerns are as follows:

- 145-spot parking lot is unacceptable, and not meant for a small neighborhood style park, which will include a much higher traffic volume and increase the risk and safety of our children in a tightly nested neighborhood.
 - Was traffic surveying done?
 - Was a neighborhood safety evaluation done?
 - Was overflow parking considered? (Decreasing noise/visual buffer in favor for parking is not an option for our Leo Drive abutters. Remove the athletic fields, reduce the parking area, and put up a small natural playground, *as was stated in September.*)
 - Parking on the streets will happen blocking in houses and driveways and being a visual eyesore.
 - The response of "we will handle it if it happens" is *not* acceptable.

- In the original statement there was to be a 100' buffer from the abutting property lines on Leo Drive, and the presentation on May 6th indicated it has been since reduced to a mere 30'.
 - Due to the size of the fields and amount of spaces this will contribute to unnecessary noise and risk of people trespassing onto properties with the reduced buffer.
 - Privacy for those abutting will be very minimal when in their backyards
 - Part of the draw of this neighborhood, which includes many families and retirees, was the conservation land and the beauty of the wooded area, this will eliminate or tamper with that view.
 - Safety is a main concern. Will lighting be installed? If so, will that interfere with the neighborhood during evening games?

- This park is designed and set up as a profit center to host league style games both in city teams and out of city teams.
 - This brings in a large volume of strangers to the community
 - This brings a possibility of increased crime, vandalism, littering etc? Who will be dealing with the security and cleanup? Who is in charge of making sure it stays clean on a daily basis? The city is already stressed with workers to do these jobs, how will you provide regular monitoring of this park? The neighborhood needs to hear a clear plan on this.
 - Out of town individuals will not know what part of the area is the park vs. what is not.
 - There are already many parks that are minimally tended to and monitored in Gardner, as well as large athletic fields a stone's throw away from here at Mt. Wachusett Community College. Why is this one necessary less than 5 minutes away? It is *not*.
 - There is plenty of land at the school complex, and with a proper drainage project, could provide more than two multi-use fields and additional parking. It could also include a centralized concession stand for additional revenue generation.
 - A walking path could be added to the entire perimeter of the field for exercise activities by all.
 - There are local playgrounds that could be renovated to accommodate new soccer fields. Especially with the many of the program's low participation numbers.
 - Has the City vetted out the true field requirements for the current youth sports programs? We would like to understand those numbers.

- Having a road connecting to the park coming from Leo drive and not Clark street does not make sense and is unacceptable:

- Vehicles should not be allowed to have to go through a tightly nested residential neighborhood, where the streets are littered with playing children, and people walking pets, in order to access a recreational facility. You are completely negating what the neighborhood asked for if our children cannot freely play because of increased traffic.
- A longer road should perhaps come from Clark Street as an alternate entry
- A suggested way to eliminate the impact on Leo drive all together would be to evaluate reclassifying the parcels of land. Reclassify the 84-acre parcel on the west side of the brook to a Park & Recreation property. The 36-acre parcel on the East side of the brook, that abuts Leo drive, changes to Conservation land. The Park and Recreation side would be large enough, and very private, to accommodate a multi-use park and sports complex. The abutting parcel to Leo Drive would maintain the peace and tranquil barrier separation to the existing neighborhood.
 - The current design, that was presented, with a single entrance and turn around, would fit nicely on the west side parcel entering from Clark street. It could follow the old cart path that runs the entire property length on the west side of the brook.

Overall, we all moved here because the area was quiet and peaceful. It is a wonderful area full of beautiful woods, scenery, and wildlife. We enjoy the company of our neighbors and keep a close relationship as a community. As it is, we already deal with situations like car break-ins and speeding vehicles, but this new proposal needs to go back to the drawing board, as it compromises the security we expect and is certainly not what we were promised. This new proposal may force a good amount of the community to want to sell their houses that they had planned on being their forever homes. We respectfully ask that you do as you said you would back at the September meeting, and truly hear our concerns, and use them in redeveloping the plans for the proposed park.

This evening, 5/14/2020, we were made aware at the last possible minute about some sort of a public hearing by the one resident in the neighborhood that seemed to know about it. This lack of communication between city officials and the neighborhood directly affected by the proposed project, is terrible at best. The poor attendance from our neighborhood at tonight's minimally publicized meeting does NOT represent the opposition, as I assure you, we are MANY. We would like this done in a public meeting forum, allowing us a real voice before any clearing, building or work is done.

Online petition from us all to follow as soon as possible.

Thank you for your time and look forward to hearing from you,

Sincerely,

The Residents of This Community



City of Gardner, Massachusetts
Office of the City Council

CALENDAR FOR THE MEETING

of
MONDAY, JUNE 1, 2020

REMOTELY*

7:30 P.M.

ORDER OF BUSINESS

RECEIVED

2020 MAY 28 PM 12:02

CITY CLERK'S OFFICE
GARDNER, MA

- 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 May 18, 2020 Regular Meeting.
- VII. PUBLIC HEARINGS
- VIII. COMMUNICATIONS FROM THE ACTING MAYOR
- IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.
- X. REPORTS OF STANDING COMMITTEES
- XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION
- 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, and on the City's YouTube Channel. 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 MAY 18, 2020**

Regular Meeting of the City Council was held remotely on Monday evening, May 18, 2020.

CALL TO ORDER

Council President Elizabeth Kazinskas called the meeting to order at 7:30 o'clock p.m.

CALL OF THE ROLL

City Clerk 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.

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 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, and on the City's YouTube Channel. 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. She added that since the meeting is being conducted via **Zoom**, that all votes taken would be by roll call and asked Councillors to raise their hands to be recognized.

READING & ACCEPTANCE OF MINUTES

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted ten (10) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh; one (1) abstention, Councillor James Boone, to waive reading and to accept the Minutes of the March 30, 2020 Informal and Special Meetings, and the May 4, 2020 Informal and Regular Meetings, as printed.

REGULAR MEETING OF MAY 18, 2020

PUBLIC HEARING**#10272**

President Elizabeth Kazinskas opened the Public Hearing on a Petition by National Grid to install 1 SO pole on East Broadway beginning at a point approximately 115' feet southeast of the centerline of the intersection of Prospect Street. National Grid to install 1 SO pole 4-2, sidewalk anchor/guy for customer electrical upgrade.

The President called for persons wishing to testify in favor of the Petition.

Kim Tavallaimola, representing National Grid, testified that Pole 4-2 needs to be installed in front of 53 East Broadway for the laundromat as the load that they will be carrying requires a very heavy cable strung across the street, so the new pole would support it.

The President again called for persons wishing to testify in favor of the Petition.

There being none, the President thrice called for persons wishing to testify in opposition.

There being none, President Kazinskas closed the Hearing at 7:36 p.m.

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#10272**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend granting the Easement. He said that the Easement is requested by National Grid to install a pole and guy wires on City-owned property as part of the Pleasant Street Bridge Project and the relocation of the pole is part of the redesign of the project.

Councillor James Walsh moved to adopt the following Order:

GRANT OF EASEMENT

The CITY OF GARDNER, a municipal corporation with a mailing address at 95 Pleasant Street, Gardner, Massachusetts 01440 (hereinafter referred to as the Grantor), for consideration of One (\$1.00) Dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, 40 Sylvan Road, Waltham, Massachusetts 02451, a Massachusetts corporation, and VERIZON NEW ENGLAND INC., a New York corporation, having a local address of 125 High Street – Oliver Tower, 07 Floor, Boston, MA 02110 (hereinafter referred to as the Grantees) with quitclaim covenants, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for the transmission of intelligence and telephone use, lines to consist of, but not limited to, one (1) pole, (which may be erected at different times) with wires and cables installed thereon, and all necessary foundations, anchors, guys, braces, fittings, equipment and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") over, across, under and upon the Grantor's land in Gardner, Worcester County, Massachusetts, to serve Grantor's property and others.

REGULAR MEETING OF MAY 18, 2020

Said "OVERHEAD SYSTEM" is to be located in, through, under, over, across and upon Grantor's property, which is located on the northerly side of Pleasant Street, to consist of Pole P.34, to become established by and upon the final installation thereof by the Grantees.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass, over, across and upon Grantor's land, as is reasonable and necessary, in order to renew, replace, repair, remove, add to, maintain, operate and patrol and otherwise change said "OVERHEAD SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantees, their successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" is specifically located of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantees, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM".

It is agreed that the "OVERHEAD SYSTEM" shall remain the property of the Grantees, their successors and assigns, and that the Grantees, their successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM". The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantees, for themselves, their successors and assigns, that this Grant of Easement and the location of the "OVERHEAD SYSTEM" may not be changed or modified without the written consent of the Grantees, their successors and assigns, which consent may be withheld by the Grantees in their sole discretion. The rights and easement herein granted are over, across and upon a certain parcel of land being more particularly described in an Instrument of Taking dated December 17, 1956, recorded with the Worcester South District Registry of Deeds in Book 3833, Page 584.

And further, said "OVERHEAD SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) is approximately shown on a sketch entitled: "EASEMENT SKETCH; Exhibit A – Not to Scale; Designer: David Terk Date: 5/1/20; Address: Pleasant Street Gardner, MA Work Order: 28579845; nationalgrid", a reduced copy of said sketch is attached hereto as "Exhibit A", copies of which are in the possession of the Grantor and Grantees herein, but the final definitive locations of said "OVERHEAD SYSTEM" shall become established by and upon the installation and erection thereof by the Grantees.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within a portion of the Grantor's land an "OVERHEAD SYSTEM" for the transmission of intelligence and for supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM".

REGULAR MEETING OF MAY 18, 2020

For Grantor's title, see Instrument of Taking dated December 17, 1956, recorded with the Worcester South District Registry of Deeds in Book 3833, Page 584.

Councillor Ronald Cormier seconded the motion.

On the motion, Councillor Scott Joseph Graves informed the Council that he had never seen an Easement that allows the Grantees, National Grid and Verizon, to expand the Easement which, he said, "gives me pause." He said the Easement also gives the Grantees the right to conduct excavation or excavations "which is troublesome especially in that it doesn't say who pays to fix the roads after." Continuing, he stated that "It's called an Overhead System – it's kind of odd to see the word 'excavation' and 'under' with respect to an Overhead System, but it probably has to do with the anchors and guy wires." Concluding, Councillor Graves stated that he "would like to have seen more specificity in that agreement as to how much they can add to it, what kind of excavation they can do, and whether or not they're going to fix the streets."

On the motion, on recommendation of the Finance Committee, it was voted on call of the roll, 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 grant the following Easement:

GRANT OF EASEMENT

The CITY OF GARDNER, a municipal corporation with a mailing address at 95 Pleasant Street, Gardner, Massachusetts 01440 (hereinafter referred to as the Grantor), for consideration of One (\$1.00) Dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, 40 Sylvan Road, Waltham, Massachusetts 02451, a Massachusetts corporation, and VERIZON NEW ENGLAND INC., a New York corporation, having a local address of 125 High Street – Oliver Tower, 07 Floor, Boston, MA 02110 (hereinafter referred to as the Grantees) with quitclaim covenants, the perpetual right and easement to construct, reconstruct, repair, maintain, operate and patrol, for the transmission of high and low voltage electric current and for the transmission of intelligence and telephone use, lines to consist of, but not limited to, one (1) pole, (which may be erected at different times) with wires and cables installed thereon, and all necessary foundations, anchors, guys, braces, fittings, equipment and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") over, across, under and upon the Grantor's land in Gardner, Worcester County, Massachusetts, to serve Grantor's property and others.

Said "OVERHEAD SYSTEM" is to be located in, through, under, over, across and upon Grantor's property, which is located on the northerly side of Pleasant Street, to consist of Pole P.34, to become established by and upon the final installation thereof by the Grantees.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass, over, across and upon Grantor's land, as is reasonable and necessary, in order to renew, replace, repair, remove, add to, maintain, operate and patrol and

REGULAR MEETING OF MAY 18, 2020

otherwise change said “OVERHEAD SYSTEM” and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantees, their successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the “OVERHEAD SYSTEM” is specifically located of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantees, interfere with the efficient and safe operation and maintenance of the “OVERHEAD SYSTEM”.

It is agreed that the “OVERHEAD SYSTEM” shall remain the property of the Grantees, their successors and assigns, and that the Grantees, their successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor’s property and the further right to service others from said “OVERHEAD SYSTEM”. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantees, for themselves, their successors and assigns, that this Grant of Easement and the location of the “OVERHEAD SYSTEM” may not be changed or modified without the written consent of the Grantees, their successors and assigns, which consent may be withheld by the Grantees in their sole discretion. The rights and easement herein granted are over, across and upon a certain parcel of land being more particularly described in an Instrument of Taking dated December 17, 1956, recorded with the Worcester South District Registry of Deeds in Book 3833, Page 584.

And further, said “OVERHEAD SYSTEM” (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) is approximately shown on a sketch entitled: “EASEMENT SKETCH; Exhibit A – Not to Scale; Designer: David Turk Date: 5/1/20; Address: Pleasant Street Gardner, MA Work Order: 28579845; nationalgrid”, a reduced copy of said sketch is attached hereto as “Exhibit A”, copies of which are in the possession of the Grantor and Grantees herein, but the final definitive locations of said “OVERHEAD SYSTEM” shall become established by and upon the installation and erection thereof by the Grantees.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within a portion of the Grantor’s land an “OVERHEAD SYSTEM” for the transmission of intelligence and for supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said “OVERHEAD SYSTEM”.

For Grantor’s title, see Instrument of Taking dated December 17, 1956, recorded with the Worcester South District Registry of Deeds in Book 3833, Page 584.

Presented to the Acting Mayor for Approval – May 19, 2020

Approved – May 19, 2020

ELIZABETH J. KAZINSKAS, Acting Mayor

REGULAR MEETING OF MAY 18, 2020

#10273

Reporting for the Public Safety Committee on Calendar items #10273, #10274, and #10275, Committee Chairman Councillor Craig Cormier informed the Council that Police Detective Lieutenant Eric McAvene reported that the Police Department has no issues with any of the three Applicants. Chairman Cormier added that all Applicants “are in Good Standing.”

On a motion by Councillor Karen Hardern and seconded by Councillor George Tyros, on recommendation of the Public Safety Committee, it was voted on call of the roll, 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 grant to Gardner Coins & Cards, Inc. a License to Deal in Secondhand Articles at 13 Pleasant Street for the period May 1, 2020 through April 30, 2021.

#10274

On a motion by Councillor Karen Hardern and seconded by Councillor George Tyros, on recommendation of the Public Safety Committee, it was voted on call of the roll, 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 grant to GameStop, Inc. a License to Deal in Secondhand Articles at 376 Timpany Boulevard for the period May 1, 2020 through April 30, 2021.

#10275

On a motion by Councillor Karen Hardern and seconded by Councillor George Tyros, on recommendation of the Public Safety Committee, it was voted on call of the roll, 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 grant to ecoATM, LLC a License to Deal in Secondhand Articles at 677 Timpany Boulevard for the period May 1, 2020 through April 30, 2021.

REPORTS OF STANDING COMMITTEES**PUBLIC SERVICE COMMITTEE****#10260**

Councillor Nathan Boudreau, Chairman of the Public Service Committee, reported that the Committee voted to recommend that the Petition be granted.

On a motion by Councillor Nathan Boudreau and seconded by Councillor Judy Mack, on recommendation of the Public Service Committee, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig



REGULAR MEETING OF MAY 18, 2020

Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Order:

ORDER FOR POLE AND WIRE LOCATIONS

By the City Council of the City of Gardner, Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That NATIONAL GRID be and is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 26th day of March, 2020.

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked – East Broadway – Gardner – Massachusetts.

No. 27407276..... Dated: March 26, 2020 - filed with this order.

There may be attached to said poles such wires, cables and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referenced to may be erected, and the number of poles which may be erected thereon under this order:-

- East Broadway – National Grid to install 1 SO pole on East Broadway beginning at a point approximately 115’ feet southeast of the centerline of the intersection of Prospect Street.
- National Grid to install 1 SO pole 4-2, sidewalk anchor/guy for customer electrical upgrade.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as the petitioner may desire for distributing purposes.

PUBLIC SAFETY COMMITTEE

#10254

Reporting for the Public Safety Committee, Committee Chairman Councillor Craig Cormier informed the Council that the Committee met and brought constituent concerns to the attention of Deputy Chief of Police James Trifiro; that the Committee voted to recommend that the Ordinance be referred back to the Traffic Commission for further public comment and to come back with recommendations; and, to remove the Measure from the Calendar:



REGULAR MEETING OF MAY 18, 2020

On a motion by Councillor Craig Cormier and seconded by Councillor James Walsh, on recommendation of the Public Safety Committee, it was voted on call of the roll, 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 the following Ordinance back to the Traffic Commission for further public comment and to remove from the Calendar:

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.

NEW BUSINESS

Councillor Aleksander Dernalowicz informed the Council that the Gardner Municipal Golf Course is open and asked that social distancing rules be observed.

Councillor Scott Joseph Graves informed the Council that he participated in an MMCA Webinar on budgets affected by the COVID-19 pandemic and that the City Council has the right to submit its own budget, which was discussed at the Webinar.

Councillors Judy Mack and James Walsh encouraged voters to vote by mail via Early Ballot for the upcoming Preliminary Election.

CLOSING PRAYER

President Kazinskas led the Council in the Closing Prayer.

ADJOURNMENT

On a motion by Councillor Nathan Boudreau 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 adjourn at 7:51 p.m.

Accepted by the City Council: