



**City of Gardner, Massachusetts  
Office of the City Council**

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**CALENDAR FOR THE MEETING**

*of*

**TUESDAY, JANUARY 3, 2023**

**CITY COUNCIL CHAMBER**

**7:30 P.M.**

**ORDER OF BUSINESS**

**I. CALL TO ORDER**

**II. CALL OF THE ROLL OF COUNCILLORS**

**\*\* ELECTION OF THE COUNCIL PRESIDENT**

**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)**

- October 3, 2023, Informal Meeting

**VII. PUBLIC HEARINGS**

**VIII. COMMUNICATIONS FROM THE MAYOR**

**IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**

**X. REPORTS OF STANDING COMMITTEES**

**APPOINTMENTS COMMITTEE**

**10872** – A Measure Confirming the Council President's Appointment of Jennifer Zlotnik Pelavin, Esq., to the position of Special Act Charter Drafting Committee Member, for term expiring upon submission to City Council. *(In the City Council and Referred to Appointments Committee 12/19/2022)*

### **APPOINTMENTS COMMITTEE, continued**

- 10873** – A Measure Confirming the Council President’s Appointment of Alan L. Agnelli, to the position of Special Act Charter Drafting Committee Member, for term expiring upon submission to City Council. *(In the City Council and Referred to Appointments Committee 12/19/2022)*
- 10875** – A Measure Confirming the Mayor’s Appointment of Neil Janssens, to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council. *(In the City Council and Referred to Appointments Committee 12/19/2022)*
- 10876** – A Measure Confirming the Mayor’s Appointment of Tina Griffin, to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council. *(In the City Council and Referred to Appointments Committee 12/19/2022)*
- 10877** – A Measure Confirming the Mayor’s Appointment of Robert Rice, Esq., to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council. *(In the City Council and Referred to Appointments Committee 12/19/2022)*

### **SAFETY COMMITTEE**

- 10861** – An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled “Vehicles and Traffic,” Section 42, Entitled “One Way Street.” *(In the City Council and Referred to Safety Committee 12/5/2022; More Time 12/19/2022)*

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

- 10856** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Section 68, Entitled “Personnel Compensation Schedule,” – Related to FY2023 Supplemental Budget. *(In the City Council and Referred to Finance Committee 12/5/2022; Ordered to First Printing 12/19/2022; First Printing 12/22/2022)*
- 10857** – An Ordinance to Amend the Code of the City of Gardner, Chapter 428, Entitled “Hawkers and Peddlers.” *(In the City Council and Referred to Safety Committee 12/5/2022; Ordered to First Printing 12/19/2022; First Printing 12/22/2022)*
- 10864** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Entitled “Personnel Compensation Schedule,” – Assistant Director of Veterans Services. *(In the City Council and Referred to Finance Committee 12/5/2022; Ordered to First Printing 12/19/2022; First Printing 12/22/2022)*

## **XII. NEW BUSINESS**

## **XIII. CLOSING PRAYER**

## **XIV. ADJOURNMENT**

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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 n to the extent permitted by law.

**INFORMAL MEETING OF OCTOBER 3, 2022**

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Informal Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, October 3, 2022.

**CALL TO ORDER**

Council President Kazinskas called the meeting to order at 6:45 o'clock p.m.

**ATTENDANCE**

Councillors present were President Elizabeth Kazinskas and Councillors Nathan Boudreau, James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh. Councillor Craig Cormier was absent

Mayor Michael Nicholson was also present.

President Kazinskas announced "For the public watching this evening, we are meeting informally tonight regarding agenda item #10781 An Act relative to establish a Special Act Charter Drafting Committee. A regular meeting will follow this meeting at 7:30 PM this evening which will give the council the opportunity to vote on the item."

President Kazinskas read aloud the following Act:

**AN ACT TO ESTABLISH A  
SPECIAL ACT CHARTER DRAFTING COMMITTEE****BE IT VOTED BY THE CITY COUNCIL AS FOLLOWS:**

- Section 1: That there be established a Special Act Charter Drafting Committee consisting of three members to be appointed by the Mayor and confirmed by two-thirds vote of the City Council. Said Committee shall draft a Special Act Charter for the City for submission to the General Court and replacement on the municipal general election ballot.
- Section 2: The Committee shall meet in open session, hold public hearings, and shall submit its draft Special Act to the City Council for its consideration.
- Section 3: Upon final action on the draft Special Act Charter by the City Council, the Special Act Charter Drafting Committee shall be dissolved.

INFORMAL MEETING OF OCTOBER 3, 2022

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The discussion this evening, Mayor Nicholson has asked that the City Council vote to establish a special act chart or drafting committee to review our City Charter and submit proposed amendments to it. The President would like to note that the Mayor submitted an outline to the city of the issues and updates that he believes should be reviewed in the City Charter as it currently exists, but that is not what we are discussing here this evening. Additionally on that note, if the City Council votes to create the committee, then the committee may consider the Mayor's suggestions or not and any other sections of the charter in their process. Also, the President wanted to be very clear that the question before the City Council is whether to create the committee to review the charter and that is the topic of discussion for tonight's informal meeting.

Councillor James Walsh spoke in opposition of the committee and disagree with the assessment with the Mayor's proposals for changes are not a topic for discussion because they are essential to the Mayor's initiative:

- He has been through the process of trying to review the charter a few years ago. It's continuous, difficult, and ultimately unsuccessful.
- He has a narrow and skeptical view of whether these things should be established at all, especially since we have a 100-year-old charter that worked effectively.
- Is there an urgency to move on this?

Mayor Nicholson responded that there is no urgency. This is some "housekeeping" and that he would like to update some documents and certain sections that conflict with state laws.

Councillor James Walsh questions if there is a special compelling need to establish a committee. This is our municipal constitution, and we should be very cautious and careful about the study.

Councillor Ronald Cormier was present for the prior charter review. It was painful, contentious, and expensive in time, not necessarily in dollars. He hopes to have more time to study the proposal and the entire concept of changing the charter because it has worked for 99 years, it has been 99 years, but conversely, the argument is two sided and worked all those years.

Councillor Judy Mack spoke in favor of the charter review committee. The charter committee is making recommendations, they are not actually changing it. The committee is submitting proposals to them, and the Council will take it from there. There should be 5 members of the committee instead of 3.

INFORMAL MEETING OF OCTOBER 3, 2022

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Councillor James Boone is not opposed to having a committee and reviewing the charter, but request that there be more time to study the proposals.

Councillor George Tyros questioned who are the 3 appointed committee members and what are their qualifications?

Mayor Nicholson responded that the minimum requirement for a committee is 3 members per state law. The three members he plans to put forward for the appointments are Attorney Bob Rice, former State Representative and Assistant City Solicitor; Neil Janssens, former City Council President; Mrs. Tina Griffin, who have all been involved with the city and part of different organizations for several years. He is not opposed to the makeup of the committee by expanding the members.

Councillor Dana Heath also spoke in favor of the committee and stated that it should be looked at considering it is 100 years old and times have changed. He is opened to people's considerations.

Councillor Alex Dernalowicz also spoke in favor in having a committee, but also more time should be given to study the proposals.

The Informal Meeting concluded at 7:28 p.m.

**Accepted by the City Council:**

December 15, 2022

**Commonwealth of Massachusetts****Worcester County****City of Gardner****CERTIFICATE OF APPOINTMENT**

*I appoint Alan L. Agnelli to the position of Member, Special Act Charter Drafting Committee and I certify that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.*

\_\_\_\_\_  
City Council President

Elizabeth J. Kazinskas

Confirmed by City Council \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Titi Siriphan

Expires Upon Submission to City Council

Worcester, ss., \_\_\_\_\_ 2022

*Then personally appeared the above named Alan L. Agnelli, made oath that he/she would faithfully and impartially perform the duties of the office of Member, Special Act Charter Drafting Committee according to law and the best of his/her abilities.*

Before me,

\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

December 15, 2022

*Commonwealth of Massachusetts*

*Worcester County*

*City of Gardner*

**CERTIFICATE OF APPOINTMENT**

I appoint Neil Janssens to the position of Member, Special Act Charter Drafting Committee and I certify that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

 Mayor  
Michael J. Nicholson

Confirmed by City Council \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Titi Siriphan

Expires Upon submission to the City Council

Worcester, ss., \_\_\_\_\_ 2022

Then personally appeared the above named Neil Janssens, made oath that he/she would faithfully and impartially perform the duties of the office of Member, Special Act Charter Drafting Committee according to law and the best of his/her abilities.

Before me,

\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_



December 15, 2022

RECEIVED  
2022 DEC 16 AM 8:40  
CITY CLERK'S OFFICE  
GARDNER, MA

# Commonwealth of Massachusetts

Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint Tina Griffin to the position of Member, Special Act Charter Drafting Committee and I certify that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

  
 \_\_\_\_\_ Mayor  
 Michael J. Nicholson

Confirmed by City Council \_\_\_\_\_

\_\_\_\_\_ City Clerk

Titi Siriphan

Expires Upon submission to the City Council

Worcester, ss., \_\_\_\_\_ 2022

Then personally appeared the above named Tina Griffin, made oath that he/she would faithfully and impartially perform the duties of the office of Member, Special Act Charter Drafting Committee according to law and the best of his/her abilities.

Before me,

\_\_\_\_\_ City Clerk

Chapter 303 Acts of 1975  
 and  
 Chapter 409 Acts of 1983

Received \_\_\_\_\_

December 15, 2022

RECEIVED  
2022 DEC 16 AM 8:40  
CITY CLERK'S OFFICE  
Worcester, MA

# Commonwealth of Massachusetts

Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint Robert Rice, Esq. to the position of Chair, Special Act Charter Drafting Committee and I certify that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

  
 \_\_\_\_\_ Mayor  
 Michael J. Nicholson

Confirmed by City Council \_\_\_\_\_

\_\_\_\_\_  
 Titi Siriphan  
 City Clerk

Expires Upon submission to the City Council

Worcester, ss., \_\_\_\_\_ 2022

Then personally appeared the above named Robert Rice, Esq., made oath that he/she would faithfully and impartially perform the duties of the office of Chair, Special Act Charter Drafting Committee according to law and the best of his/her abilities.

Before me,

\_\_\_\_\_  
 City Clerk

Chapter 303 Acts of 1975  
 and  
 Chapter 409 Acts of 1983

Received \_\_\_\_\_



# CITY OF GARDNER POLICE DEPARTMENT

200 Main Street  
Gardner, Massachusetts 01440  
Phone: (978) 632-5600  
Fax: (978) 632-9045



Eric P. McAvene  
Chief of Police

Nicholas P. Maroni  
Deputy Chief of Police

December 1, 2022

The Honorable Elizabeth J. Kazinskas, Council President and City Councilors  
Gardner City Hall, Rm. 121  
95 Pleasant Street  
Gardner, MA 01440

Re: Regan Street One-Way Proposal

Dear Madam President and Councilors,

The Traffic Commission recently met and voted to recommend changing Regan Street from two-way traffic to one-way in a north direction. The request was made as there are traffic concerns during events at Holy Rosary Church and regular pickup at Holy Family Academy. Regular resident parking and the additional vehicle traffic for the church and the school can cause a bottleneck. Through traffic sometimes must stop to allow vehicles traveling the opposite direction to safely pass.

The effect of the proposal on residents would be mitigated by access to Regan from Moran Street. With the change, parking on Regan Street would remain the same, but allows vehicles to safely pass traveling in one direction.

The change to Regan Street will require an ordinance change to section 600-42 of the City Code. I would recommend the update to 600-42 by adding:

| <u>Name of Street</u> | <u>Direction of Travel</u> | <u>Location</u>                    |
|-----------------------|----------------------------|------------------------------------|
| Regan Street          | Northerly                  | From Baker Street to Parker Street |

Very truly yours,

  
Eric P. McAvene  
Chief of Police

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER  
CHAPTER 600, ENTITLED “VEHICLES AND TRAFFIC”, SECTION 42,  
ENTITLED “ONE WAY STREETS”**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

**SECTION 1:** Section 42, of Chapter 600 of the Code of the City of Gardner, entitled “One Way Streets” by amended by adding the following:

| <b><u>Name of Street</u></b> | <b><u>Direction of Travel</u></b> | <b><u>Location</u></b>             |
|------------------------------|-----------------------------------|------------------------------------|
| Reagan Street                | Northerly                         | From Baker Street to Parker Street |

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

**City of Gardner - *Executive Department*****Mayor Michael J. Nicholson**

RECEIVED

2022 NOV 30 PM 12:37

CITY CLERK'S OFFICE  
GARDNER, MA

November 30, 2022

Hon. Elizabeth J. Kazinskas, Council President  
And City Councilors  
Gardner City Hall, Rm 121  
95 Pleasant St  
Gardner, MA 01440

RE: Ordinance to Amend the City of Gardner Compensation Schedule related to FY2023  
Supplemental Budget

Dear Madam President and Councilors,

Attached, please find an ordinance to amend the City's Compensation Schedule that reflects the changes for which funding was approved at the November 21, 2022 meeting of the City Council when the FY 2023 Supplemental Budget was approved.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**AN ORDINANCE TO AMEND SECTION 68 OF THE CHAPTER 171 OF THE CODE OF THE CITY OF GARDNER, ENTITLED PERSONNEL COMPENSATION SCHEDULE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

**SECTION 1:** Section 68 of Chapter 171 of the Code of the City of Gardner entitled Personnel Compensation Schedule, be amended by removing the provisions of GIS Coordinator and inserting in place thereof the following to said section of the code:

**B. Non-Union Direct and Supervisory Staff Positions**

| <b>Position</b> | <b>Grade</b> |                    | <b>Annual</b> | <b>Weekly</b> |
|-----------------|--------------|--------------------|---------------|---------------|
| GIS Coordinator | G-5          | General Fund       | \$56,375.00   |               |
|                 |              | Water Enterprise   | \$10,000.00   |               |
|                 |              | Sewer Enterprise   | \$10,000.00   |               |
|                 |              | Total Compensation | \$76,375.00   | \$1,468.75    |

**SECTION 2:** Section 68 of Chapter 171 of the Code of the City of Gardner entitled Personnel Compensation Schedule, be amended by adding the following to said section of the code:

**C. Non-Union Staff Positions**

| <b>Position</b>                      | <b>Grade</b> | <b>Annual</b> | <b>Weekly</b> | <b>Hourly</b> |
|--------------------------------------|--------------|---------------|---------------|---------------|
| Part-time Domestic Violence Advocate |              | \$20,800      | \$400.00      | \$20.00       |
| Food/Housing Inspector               |              | \$50,000      | \$961.54      | \$25.99       |

**SECTION 3:** This ordinance shall take effect upon passage and publication as required by law.



**City of Gardner - Executive Department**  
**Mayor Michael J. Nicholson**

RECEIVED  
2022 NOV 30 PM 12:37  
CITY CLERK'S OFFICE  
GARDNER, MA

November 28, 2022

Hon. Elizabeth J. Kazinskas, Council President  
And City Councilors  
Gardner City Hall, Rm 121  
95 Pleasant St  
Gardner, MA 01440

RE: An Ordinance to Amend the Code of the City of Gardner, Chapter 482- "Hawkers and Peddlers"

Dear Madam President and Councilors,

In July of 2010, the City of Gardner adopted an ordinance requiring all vendors operating on public property in the City register with the Gardner Police Department at least ten (10) days before an event occurs.

This was done as a way to ensure that the City knew when an event was occurring and to make sure the vendors did not pose a safety concern to the residents of the area.

However, this has caused some issues with events put on the City cause a large duplication of work requirement for any vendors that want to participate in these events. While the spirit of the ordinance is good and – in my opinion – necessary for private events being conducted on City land, it has really caused inefficiencies when a public event is being planned. Furthermore, whereas this ordinance was put in place to ensure the City knew who was holding an event and who was involved- this is already taken care of when the City itself is the one putting it together.

Therefore, in consultation with the Police Department, I am requesting that the attached ordinance proposal be adopted, which would create an exemption for City sponsored events from the provisions of this Chapter of the City Code.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER  
428, ENTITLED "HAWKERS AND PEDDLERS"**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDNER THAT:

**SECTION 1:** Chapter 428 of the Code of the City of Gardner, entitled "Hawkers and Peddlers," be amended by adding a new Section 6 to be entitled "§428-6: City Exemption" which states:

**§428-6: City Exemption**

Events sponsored and put on by the City of Gardner shall be exempt from the provisions of this Chapter.

**SECTION 2:** Section 6 of Chapter 428, entitled "Violations and Penalties" be renumbered as Section 7.

**SECTION 3:** This ordinance shall take effect upon passage and publication as required by law.



**CITY OF GARDNER POLICE DEPARTMENT**

200 Main Street  
Gardner, Massachusetts 01440  
Phone: (978) 632-5600  
Fax: (978) 632-9045



**Eric P. McAvene**  
Chief of Police

**Nicholas P. Maroni**  
Deputy Chief of Police

November 28, 2022

The Honorable Michael J. Nicholson, Mayor  
Gardner City Hall  
95 Pleasant Street  
Gardner, MA 01440

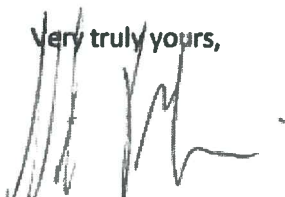
Re: Hawkers and Peddlers Code Change

Dear Mayor,

Chief McAvene and I have reviewed your proposal on changing the Hawkers and Peddlers Ordinance that would exempt events sponsored and/or put on by the City of Gardner from Chapter 428 provisions. There are no issues or concerns with the change, and we support the added provision.

If you have any questions or concerns, please contact me.

Very truly yours,



Nicholas P. Maroni  
Deputy Chief of Police

Cc: Chief of Police Eric P. McAvene



**City of Gardner - *Executive Department***  
**Mayor Michael J. Nicholson**

RECEIVED

2022 DEC -1 PM 4:15

CITY CLERK'S OFFICE  
GARDNER, MA

December 1, 2022

Hon. Elizabeth J. Kazinskas, Council President  
And City Councilors  
Gardner City Hall, Rm 121  
95 Pleasant St  
Gardner, MA 01440

RE: An Ordinance to Amend the Code of the City of Gardner – Asst Director of Veterans Services

Dear Madam President and Councilors,

Attached, please find an ordinance amendment related to the appropriation transfer request for the Assistant Director of Veterans Services position.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**AN ORDINANCE TO AMEND SECTION 68 OF THE CHAPTER 171 OF THE CODE OF THE CITY OF  
GARDNER, ENTITLED PERSONNEL COMPENSATION SCHEDULE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

**SECTION 1:** Section 68 of Chapter 171 of the Code of the City of Gardner entitled Personnel Compensation Schedule, be amended by adding the following to said section of the code:

**B. Non-Union Direct and Supervisory Staff Positions**

| <b>Position</b>                    | <b>Grade</b> | <b>Annual</b> | <b>Weekly</b> |
|------------------------------------|--------------|---------------|---------------|
| Asst Director of Veterans Services |              | \$55,000.00   | \$1,057.69    |

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