



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

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**CALENDAR FOR THE MEETING**

*of*

**MONDAY, FEBRUARY 7, 2022 - AMENDED**

**\*Remotely via ZOOM**

**7:30 P.M.**

**ORDER OF BUSINESS**

**I. CALL TO ORDER**

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

**\*\* OATH OF OFFICE FOR COUNCILLOR ELECT JAMES BOONE**

**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)**

- December 20, 2021 Regular Meeting
- January 3, 2022 Regular Meeting

**VII. PUBLIC HEARINGS**

**VIII. COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS**

**10598** – A Measure Confirming the Mayor's Appointment of Christine Oliva Kumar to the position of City Assessor, for term expiring January 19, 2025.  
*(Appointments Committee)*

**10599** – A Measure Confirming the Mayor's Appointment of James Wood to the position of Airport Commission Member, for term expiring January 19, 2025.  
*(Appointments Committee)*

**10600** – A Measure Confirming the Mayor's Appointment of Robert R. Swartz, Jr. to the position of Airport Commission Member, for term expiring January 19, 2025. *(Appointments Committee)*

### **APPOINTMENTS – continued**

**10601** – A Measure Confirming the Mayor’s Appointment of David Urquhart to the position of Airport Commission Member, for term expiring January 19, 2025. (*Appointments Committee*)

### **ORDINANCES**

**10602** – An Ordinance to Amend the Code of the City of Gardner, Section 8, Chapter 390, Entitled “Fire Department Fee Schedule.” (*Finance Committee*)

**10603** – An Ordinance to Amend Sections of the Code of the City of Gardner, Chapter 390, Entitled “Fees.” (*Finance Committee*)

**10604** – An Ordinance to Amend Chapter 567 of the Code of the City of Gardner, Entitled Streets and Sidewalks. (*Finance Committee*)

### **ORDERS**

**10605** – An Order Appropriating \$22,200.00 from Free Cash to South Gardner Fire Station Abate and Design Project Account. (*Finance Committee*)

**10606** – An Order Appropriating \$30,000.00 from Free Cash to Uptown Rotary Improvements Account. (*Finance Committee*)

### **COMMUNICATIONS**

**10607** – A Measure Accepting MGL 140, §139C, Waiver of Dog License Fees for Individuals Aged Seventy Years or Older. (*Finance Committee*)

**10608** – An Order of Taking for a Parcel of Land located at the intersection of Central Street, Woodland Avenue, Green Street, and Pearl Street, commonly known as “Parcel 2” of the Uptown Rotary. (*Finance Committee*)

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

**10609** – An Application by The Witches Wardrobe, for a License to Deal in Second Hand Articles. (*Safety Committee*)

**10610** – An Application by The Witches Wardrobe, for a Fortune Teller License. (*Safety Committee*)

**10611** – An Open Meeting Law Complaint filed by Scott Joseph Graves.

## **X. REPORTS OF STANDING COMMITTEES**

### **APPOINTMENTS COMMITTEE**

**10595** – A Measure Confirming the Mayor’s Appointment of Ethan Kolodny to the position of Assistant City Solicitor, for term expiring January 3, 2023. *(In the City Council and referred to Appointments Committee 1/18/2022)*

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

## **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 to the extent permitted by law.

*\*Subject to the law passed and signed by the Governor on June 16, 2021, this meeting of the City of Gardner Council Meeting will be conducted via remote participation to the greatest extent possible. For this meeting, members of the public who wish to watch the meeting may do so in the following manner: watching on the City of Gardner YouTube page. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the City’s website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.*

**REGULAR MEETING OF DECEMBER 20, 2021**

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Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, December 20, 2021.

**CALL TO ORDER**

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

**CALL OF THE ROLL**

City Clerk Titi Siriphan called the Roll of Members. Eleven (11) Councillors were present including Councillor James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Elizabeth Kazinskas, Scott Joseph Graves, 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 to the assembly that the Open Meeting Recording and Public Records Announcement. 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 recordings shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the chair as they become part of the meeting minutes pursuant to General Law Chapter 38 Section 20.

**READING & ACCEPTANCE OF MINUTES**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted on call of the roll, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, George Tyros and James Walsh to waive the reading and to accept the minutes as printed of November 15, 2021. Councillors Scott Joseph Graves and Judy Mack abstained from the vote as they were absent from the meeting that day.





## REGULAR MEETING OF DECEMBER 20, 2021

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**COMMUNICATIONS FROM THE MAYOR**  
**APPOINTMENTS**

**#10575**

Reporting from the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee was in favor of the appointment. Mr. Stephen Cormier is a new appointment who is replacing Irene Dubzinski.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Scott Joseph Graves, Judy Mack, George Tyros and James Walsh to confirm the following Appointment received from the Mayor:

**Stephen Cormier** to the position of Housing Authority Member, for term expiring December 7, 2026.

**COMMUNICATIONS FROM THE MAYOR**  
**ORDERS**

**#10582**

Reporting from the Finance Committee, Councillor James Walsh informed the Council that this appropriation was needed for the Wayside Pond/Dam Project. It is the City's matching portion and the dam is listed in critical condition.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, 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, Karen Hardern, Scott Joseph Graves, Judy Mack, George Tyros and James Walsh that the following Order ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO WAYSIDE POND/DAM  
PROJECT ACCOUNT

ORDERED: That there be and is hereby appropriated the sum of Forty-One Thousand Five Hundred Seventy-Five Dollars and No Cents (\$41,575.00) from Free Cash to the Wayside Pond/Dam Account.

REGULAR MEETING OF DECEMBER 20, 2021

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**#10583**

Reporting from the Finance Committee, Councillor Ronald Cormier informed the Council that this appropriation was for the old Fontaine Factory located at 14 Leamy Street. It is a city owned building since 2017 and is in serious condition.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, 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, Karen Hardern, Scott Joseph Graves, Judy Mack, George Tyros and James Walsh that the following Order ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO THE BUILDING  
DEMOLITION ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Three Thousand Dollars and No Cents (\$30,000.00) from Free Cash to the Building Demolition Account.

**#10584**

Reporting from the Finance Committee, Councillor James Walsh informed the Council that the GRA took ownership of the property located at the corner of Connor and Parker Street. It is in the process of rehabilitation to bring the building to market rate housing units.

Councillor Scott Joseph Graves was not in favor of the appropriation. He would like to see an itemization for the \$80,000.00.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Judy Mack, George Tyros and James Walsh; one (1) nay, Councillor Scott Joseph Graves; that the following Order ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO THE PARKER STREET  
REHABILITATION PROJECT ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Eighty Thousand Dollars and No Cents (\$80,000.00) from Free Cash to the Parker Street Rehabilitation Project Account.

REGULAR MEETING OF DECEMBER 20, 2021

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**#10585**

Reporting from the Finance Committee, Councillor James Walsh informed the Council that the Committee was in favor of the appropriation. The open space plan was done in 2015 and it is best practice to renew the plan every 5 years so that the City can apply for grants.

Councillors Scott Joseph Graves and James Boone were not in favor of the appropriation. Councillor Scott Joseph Graves said “we have a Community Development Department, why don’t we use someone in-house instead of hiring consultants.”

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of the Finance Committee, it was voted on call of the roll, nine (9) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Judy Mack, George Tyros and James Walsh; two (2) nays, Councillors James Boone and Scott Joseph Graves; that the following Order ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO OPEN SPACE PLAN ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) from Free Cash to the Open Space Plan Account.

**#10586**

Councillor Ronald Cormier took the chair so that President Kazinskas could step down and participate in discussion for items # 10586 and #10587.

Reporting from the Finance Committee, President Elizabeth Kazinskas informed the Council that this PARC Grant (Parkland Acquisitions and Renovations for Communities) is referred to the Bailey Brook Project, which is in Ward 2. This grant is for Phase 2 of the grant that will go towards multi-use court (not soccer field) and playground for children under 5 years old. The appropriation is the City’s matching portion for design.

On a motion made by President Kazinskas and seconded by Councillor James Walsh, 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, Karen Hardern, Scott Joseph Graves, Judy Mack, George Tyros and James Walsh that the following Order ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO THE PARC BAILEY BROOK PROJECT.

REGULAR MEETING OF DECEMBER 20, 2021

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ORDERED: That there be and is hereby appropriated the sum of Thirty Nine Thousand Eight Hundred Dollars and No Cents (\$39,800.00) from Free Cash to the Parc Bailey Brook Project Account.

**COMMUNICATIONS****#10587**

Reporting from the Finance Committee, President Elizabeth Kazinskas informed the Council that this Resolution is required by PARC to show in good faith effort that the City will continue the project.

On a motion made by President Kazinskas and seconded by Councillor James Walsh, 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, Karen Hardern, Scott Joseph Graves, Judy Mack, George Tyros and James Walsh that the following Resolution ought to pass:

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM  
THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF  
EMERGENCY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND  
ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES (PARC) PROGRAM  
FOR DEVELOPMENT OF BAILEY BROOK PARK

- Whereas: The land recently acquired for the purpose of developing a community park in West Gardner will by and far be a community-wide asset and that the preservation and improvements of this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and
- Whereas: The land is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3; and
- Whereas: The design and development of a park will provide substantial public benefits and greatly enhance this land and with improved site access, recreational amenities, path systems, parking, and universal access, etc.; and
- Whereas: The main focus of the project is to fund the design and construction of a multipurpose recreational area. The recreational facilities will include a universally accessible play trail and hard courts (basketball, tennis, pickleball); and



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- Whereas: The project is viewed as a series of phases, to be implemented over time, by priority as fiscal resources are available, with the intention of securing grant funding, when and if available, to assist in this effort; and
- Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities (PARC) grant program (301 CMR 5.00); and
- Whereas: Phase II of the Bailey Brook Park Design & Development Project will cost a total of up to \$582,800 (Five Hundred and Eighty Two Thousand and Eight Hundred Dollars) of which \$380,000 (Three Hundred and Eighty Thousand Dollars) has been awarded for construction and will be reimbursable through the PARC grant program and of which \$39,800 (Thirty Nine Thousand and Eight Hundred Dollars) will be allocated in FY22 toward the design of the Park, and \$543,000 (Five Hundred and Forty Three Thousand Dollars) will be allocated in FY23 toward the construction of the park; and
- Whereas: The Mayor of the City of Gardner will accept grant funds under the PARC grant program (301 CMR 5.00) and the City of Gardner will borrow, appropriate and expend up to Two Hundred and Two Thousand and Eight Hundred and 00/100 Dollars (\$202,800) for the Design (\$39,800) & Phase II Development (\$163,000) of Bailey Brook Park to be managed by the City Public Works Department, as open space parkland under Article 97 of the amendments to the Constitution of the Commonwealth of Massachusetts, under their duty and responsibility to the care and custody of City parks and playgrounds.

## NOW, THEREFORE, BE IT

1. That the Mayor, as the Chief Executive Officer of the City, be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Community Development and Planning; and
3. That this resolution shall take effect upon passage.



## REGULAR MEETING OF DECEMBER 20, 2021

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#10588**

Councillor Craig Cormier, Chairman of the Public Safety Committee, reported that the Committee met with Chief of Police and City Clerk and advised that the Applicant is in Good Standing, so the Committee voted to recommend that the License be granted.

On a motion by Craig Cormier and seconded by Councillor George Tyros, 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, Karen Hardern, Scott Joseph Graves, Judy Mack, George Tyros and James Walsh, to grant *River Side Auto, 65 Riverside Road, a License to Buy & Sell Second Hand Motor Vehicles, Class 2 for the license period January 1, 2022 through December 31, 2022.*

**#10589**

Councillor Craig Cormier, Chairman of the Public Safety Committee, reported that the Committee met with Chief of Police and City Clerk and advised that the Applicant is in Good Standing, so the Committee voted to recommend that the License be granted.

On a motion by Craig Cormier and seconded by Councillor George Tyros, 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, Karen Hardern, Scott Joseph Graves, Judy Mack, George Tyros and James Walsh, to grant *River Side Auto, 65 Riverside Road, a License to Buy & Sell Second Hand Motor Vehicles, Class 3 for the license period January 1, 2022 through December 31, 2022.*

REPORTS OF STANDING COMMITTEESPUBLIC SAFETY COMMITTEE**#10578**

Councillor Craig Cormier, Chairman of the Public Safety Committee, reported that the Committee met with Chief of Police and City Clerk and advised that the Applicants are in Good Standing, so the Committee voted to recommend that the License be granted.

On a motion by Craig Cormier and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Scott Joseph Graves, Judy Mack, George Tyros and James Walsh, to grant the following Motor Vehicle Dealers Licenses, Class I, for the license period January 1, 2021 through December 31, 2022.

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- (a) - Rob's Dyno Service LLC., 268 Coleman Street
- (b) - Salvadore Chevrolet, 442 West Broadway
- (c) - Salvadore Chrysler-Dodge-Jeep-Ram, 442 West Broadway

**#10579**

Councillor Craig Cormier, Chairman of the Public Safety Committee, reported that the Committee met with Chief of Police and City Clerk and advised that the Applicants are in Good Standing, so the Committee voted to recommend that the License be granted.

On a motion by Craig Cormier and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Scott Joseph Graves, Judy Mack, George Tyros and James Walsh, to grant the following Motor Vehicle Dealers Licenses, Class II, for the license period January 1, 20221 through December 31, 2022.

- (a) - Vilson Auto Sales, 119 Pearson Blvd
- (b) - Blake Motors, 412 Main Street
- (c) - JPJ Automotive, LLC., 78 East Broadway
- (d) - J. Wood, Inc., 361 West Street
- (e) - AC Auto Clinic, 411 Parker Street
- (f) - Gardner Five Star Auto Sales, 407 Chestnut Street
- (g) - Mike's Auto, 251 East Broadway
- (h) - Osagi Enterprise, LLC., 43 Tobey Street
- (i) - Ric's Radiator Repair Used Car Sales, 800 West Broadway
- (j) - TJ & Sons Auto Sales, located at 537 West Broadway
- (k) - Salvadore Chevrolet, 249 Timpany Blvd
- (l) - Salvadore Chevrolet, 421 West Broadway
- (m) - AutoMart, 182 West Street

**#10580**

Councillor Craig Cormier, Chairman of the Public Safety Committee, reported that the Committee met with Chief of Police and City Clerk and advised that the Applicant is in Good Standing, so the Committee voted to recommend that the License be granted.

On a motion by Craig Cormier and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Scott





## REGULAR MEETING OF DECEMBER 20, 2021

Joseph Graves, Judy Mack, George Tyros and James Walsh, to grant Motor Vehicle Dealers Licenses, Class II, to grant *Osagi Enterprise, LLC., Used Auto Parts Sales, 43 Tobey Street* for a License to Deal in Motor Vehicle Junk, Class III, for the period January 1, 20221 through December 31, 2022.

**UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION****#10573**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, 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, Karen Hardern, Scott Joseph Graves, Judy Mack, George Tyros and James Walsh to send the following Ordinance to Second and Final Printing:

CITY OF GARDNER  
FINAL PRINTING

AN ORDINANCE TO AMEND SECTION 68 OF 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:** That 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:

**A. DEPARTMENT HEADS**

| Position                 | Grade              | Annual      | Weekly     |
|--------------------------|--------------------|-------------|------------|
| City Collector/Treasurer | G-10               | \$87,893.25 |            |
|                          | MGL c.32,§20       | \$300.00    |            |
|                          | Total Compensation | \$88,193.25 | \$1,680.61 |

**B. NON-UNION DIRECT AND SUPERVISORY STAFF POSITIONS:**

| Position                          | Grade | Annual      | Weekly   |
|-----------------------------------|-------|-------------|----------|
| Assistant Veteran's Service Agent |       | \$25,000.00 | \$480.77 |





## REGULAR MEETING OF DECEMBER 20, 2021

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|                 |             |          |
|-----------------|-------------|----------|
| Airport Manager | \$25,000.00 | \$480.77 |
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**C. NON-UNION STAFF POSITIONS:****Position**

|                      | January 1, 2022 |          |         |
|----------------------|-----------------|----------|---------|
|                      | Annual          | Weekly   | Hourly  |
| DPW Business Manager | \$38,513.00     | \$740.63 | \$38.98 |

**SECTION 2.** This ordinance shall become effective upon passage and publication as required by law.

**NEW BUSINESS**

Councillor Judy Mack informed the community that COVID test kits are available at the Police Department. It will be one test per residency and you must show proof of residence. She also wishes everyone a Merry Christmas and stay safe.

Councillors Nathan Boudreau, Karen Hardern, Craig Cormier, Aleksander Dernalowicz, James Boone, Ronald Cormier would like to thank Councillor Scott Joseph Graves for his service in City Council and wish everyone a Merry Christmas and Happy New Year.

Councillor Scott Joseph Graves would like to thank everyone here working with him. He has enjoyed his 16 years as City Councillor. He thanks the citizens of Gardner as well. He wishes everyone the best of luck moving forward. Next year he would like to try to get more citizens out to vote.

Councillor James Walsh encourage the residents to take advantage of the COVID test kits this coming Wednesday.

President Kazinskas would like to thank everyone for another year. She thanks everyone for their hard work and moving the city forward.

**CLOSING PRAYER**

President Kazinskas led the Council in the Closing Prayer.

REGULAR MEETING OF DECEMBER 20, 2021

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**ADJOURNMENT**

On a motion by Councillor Craig Cormier and seconded by Councillor Nathan Boudreau, it was voted viva voce, eleven (11) yeas, Councillor James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Scott Joseph Graves, Elizabeth Kazinskas, Judy Mack, George Tyros, and James Walsh to adjourn at 8:09 p.m.

**Accepted by the City Council:**

UNACCEPTED/UNCORRECTED PROOF

**REGULAR MEETING OF JANUARY 3, 2022**

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Regular Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, January 2, 2022.

**CALL TO ORDER**

City Clerk Titi Siriphan called the meeting to order at 7:30 o'clock p.m.

**CALL OF THE ROLL**

City Clerk Titi Siriphan called the Roll of Members. Ten (10) Councillors were present including Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Elizabeth Kazinskas, George Tyros, and James Walsh. Councillor-elect James Boone was absent.

**ELECTION OF THE COUNCIL PRESIDENT**

The City Clerk announced that nominations were in order for election of Council President for the year 2022, in accordance with Section 5 of the Charter of the City of Gardner.

Councillor Elizabeth Kazinskas announced that she would recuse herself on advice from the State Ethics Commission "as candidates [for Council President] are not allowed to vote for themselves." She removed herself from the meeting participation.

The Clerk announced that nominations were in order for election of Council President for the year 2022.

Councillor Aleksander Dernalowicz nominated Councillor Elizabeth Kazinskas.

Councillor Nathan Boudreau seconded the nomination of Councillor Kazinskas.

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

On a motion by Councillor James Walsh and seconded by Councillor Craig Cormier, it was voted viva voce, nine (9) yeas, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh, to close nominations.

On call of the roll:

Councillor Nathan R. Boudreau voting ELIZABETH J. KAZINSKAS

Councillor Craig R. Cormier voting for ELIZABETH J. KAZINSKAS

REGULAR MEETING OF JANUARY 3, 2022

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Councillor Ronald F. Cormier voting for ELIZABETH J. KAZINSKAS  
Councillor Aleksander H. Dernalowicz voting for ELIZABETH J. KAZINSKAS  
Councillor Karen G. Hardern voting for ELIZABETH J. KAZINSKAS  
Councillor Dana M. Heath ELIZABETH J. KAZINSKAS  
Councillor Judy A. Mack voting for ELIZABETH J. KAZINSKAS  
Councillor Elizabeth J. Kazinskas ABSTAINED  
Councillor George C. Tyros voting for ELIZABETH J. KAZINSKAS  
Councillor James M. Walsh voting for ELIZABETH J. KAZINSKAS

Having received nine (9) votes, Councillor Elizabeth J. Kazinskas was declared elected Council President. Councillors applauded and extended personal congratulations.

President Kazinskas assumed the Chair and expressed appreciation to his colleagues for electing him to the Council Presidency.

**OPENING PRAYER**

President Kazinskas led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

President Walsh led the Council in reciting the "Pledge of Allegiance".

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

President Kazinskas announced to the assembly that the Open Meeting Recording and Public Records Announcement. 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 recordings shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the chair as they become part of the meeting minutes pursuant to General Law Chapter 38 Section 20.

**READING & ACCEPTANCE OF MINUTES**

There were no meeting minutes submitted to approve.

REGULAR MEETING OF JANUARY 3, 2022

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PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#10590**

On a motion by Councillor Craig Cormier and seconded by Councillor George Tyros it was voted viva voce, ten (10) yeas, President James Walsh and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer the following Measure to the Safety Committee for study and report, *An Application for License to Buy & Sell Second Hand Motor Vehicles, Class 2 for Brian's Auto Sales, located at 549 W Broadway.*

**#10591**

On a motion by Councillor Craig Cormier and seconded by Councillor George Tyros it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to refer the following Measure to Service Committee for study and report and schedule a public hearing:

**Church Street** - A petition by National Grid to install 1 Single Owned Pole on Church Street beginning at a point approximately 255' feet west of the centerline of the intersection of Marquette Street and Church Street and continuing approximately 20 feet in a north direction. Install 40'C2, Pole 9 to provide power to 116 Church Street

**#10592**

Councillor Judy Mack would like to commend the Mayor and President Kazinskas for establishing this committee. There are quite a few appointments coming up this year and said this is an excellent committee being formed.

Councillor Ronald Cormier recommends that the committee consists of one member of each other subcommittee since all appointments have effects on various committees. This would expedite and integrate the process.

On a motion by Councillor Nathan Boudreau and seconded by Councillor Aleksander Dernalowicz it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to adopt the following Measure:

A MEASURE TO AMEND THE RULES OF THE CITY COUNCIL

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

REGULAR MEETING OF JANUARY 3, 2022

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Section 1. Rule 13(4) of the Rules of the City Council be amended by removing the provisions stating "Appointments."

Section 2. Rule 13 of the Rules of the City Council be amended by adding the following:

5. The Committee on Appointments, composed of three members, the first named member thereof to be Chairman; the President to be member of ex-officio without voting rights; this Committee shall have oversight of legislative matters associated with the following:

|              |
|--------------|
| Appointments |
|--------------|

Section 3. This amendment shall take effect upon passage by law.

### NEW BUSINESS

Councillor Judy Mack would like to welcome Councillor Heath to the team, and she is looking forward to working with everyone here, the citizens, taxpayers and moving the city forward.

Councillor Craig Cormier, Nathan Boudreau, and Karen Hardern all welcome Councillor Dana Heath to the Committee and also congratulations to President Kazinskas for being elected as Council President.

Councillor James Walsh said "As we begin a new two-year term, I always try to reflect on the experiences that those of us who've been on the council for a while. I look forward to the experience of those years. The opportunity to contribute on an ongoing basis, to the well-being of the citizens of Gardner, to the taxpayers, to the people who work for the city and for the businesses that provide goods and services, to our community, and hope that we can all understand that it's our job to make all of them better. I look forward to that opportunity thank you."

Councillor Ronald Cormier would like to paraphrase Father Pagan this morning who gave the invocation at the swearing-in ceremony blessing. To all of our citizens, the elected officials, the officials that support the people of Gardner, happy new year and a healthy one to all. He would also like to welcome Councillor Heath and congratulations to President Kazinskas.

President Kazinskas would also like to welcome Ward 2 Councillor Heath to the council and

REGULAR MEETING OF JANUARY 3, 2022

---

wish him the best during his first term. She is confident that he will work hard and be dedicated to the position. She would also like to answer any questions he may have and offer any assistance. Congratulations to returning Councillors as well and Mayor Nicholson.

**CLOSING PRAYER**

President Walsh led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Craig Cormier, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to adjourn at 7:44 p.m.

Accepted by the City Council:

RECEIVED

January 19, 2022

2022 JAN 19 PM 2:23

Commonwealth of Massachusetts

Worcester County  
CITY CLERK'S OFFICE  
GARDNER, MA

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint **Christine Oliva Kumar** to the position of **City Assessor** and I certify that in my opinion 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.

  
 Michael J. Nicholson Mayor

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

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

Expires: January 19, 2025

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

Then personally appeared the above named **Christine Oliva Kumar**, having been chosen to assess taxes and estimate the value of property for the purpose of taxation for the City of Gardner for the years ensuing, made oath that she would truly and impartially, according to her best skill and judgment, assess and apportion all such taxes as she may during that time assess; that she would neither overvalue nor undervalue any property subject to taxation, and would faithfully perform all the duties of said office.

Before me,

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

Chapter 303 Acts of 1975  
 and  
 Chapter 409 Acts of 1983

Received \_\_\_\_\_



RECEIVED

January 19, 2022

2022 JAN 20 AM 11:01

Commonwealth of Massachusetts

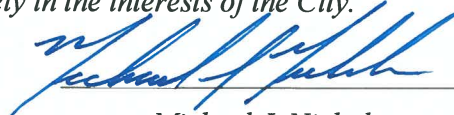
Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint James Woods to the position of Member, Airport Commission, and I certify  
Gardner, MA

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: January 19, 2025

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

Then personally appeared the above named James Woods and made oath that he/she  
would faithfully and impartially perform the duties of the office of Member, Airport Commission  
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 \_\_\_\_\_

RECEIVED

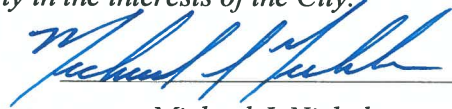
January 19, 2022

2022 JAN 20

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

I appoint **Robert R. Swartz, Jr.** to the position of **Member, Airport Commission,** and I certify  
Gardner, MA

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: January 19, 2025

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

Then personally appeared the above named **Robert R. Swartz, Jr.** and made oath that  
he/she would faithfully and impartially perform the duties of the office of **Member, Airport**  
**Commission** 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 \_\_\_\_\_

RECEIVED

January 19, 2022

2022 JAN 20 AM 8:11

Commonwealth of Massachusetts

Worcester County

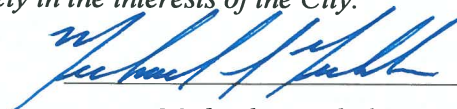
CITY CLERK'S OFFICE  
GARDNER, MA

City of Gardner

## CERTIFICATE OF APPOINTMENT

I appoint David Urquhart to the position of Member, Airport Commission, and I certify  
Gardner, MA

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: January 19, 2025

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

Then personally appeared the above named David Uquhart and made oath that he/she  
would faithfully and impartially perform the duties of the office of Member, Airport Commission  
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, *Executive Department*

Michael J. Nicholson, Mayor

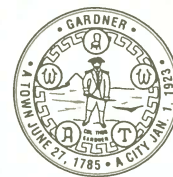
January 19, 2022

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

RECEIVED

2022 JAN 19 PM 4:12

CITY CLERK'S OFFICE  
GARDNER, MA



RE: Ordinance Proposal- Fire Department Fees

Dear Madam President and Councilors,

Attached, please find a proposed ordinance amendment with regard to the fee schedule for permits and inspections issued by the Gardner Fire Department.

The last time the ordinance was amended was in 2008. When Chief Lagoy was appointed to his current position, he and I spoke and it was brought up that Gardner's fee schedule had not kept up with area departments, causing some fees to be much lower than they should be and not addressing certain sections of the General Laws that require permits to be issued by the Department.

The result of this review is the attached proposal. Alongside the ordinance proposal is a document that shows where in the General Laws and/or Code of Massachusetts Regulations these permits and inspections are required, what we currently charge for these functions, and what the proposed change would be. Also included are the fee schedules of other area fire departments provided for means of comparison. These other municipalities were selected on the basis that they had revised their fee schedules for these function within the past five (5) years.

To put the issues regarding our fees into perspective, during the last fiscal year we collected a total of \$12,975.00 in fees for service from the Fire Department. Meanwhile, the functions of the inspections required by these permits took up approximately fifty percent (50%) of the time put in by our two (2) fire department inspectors- which equates to a time value of approximately \$101,811.14.

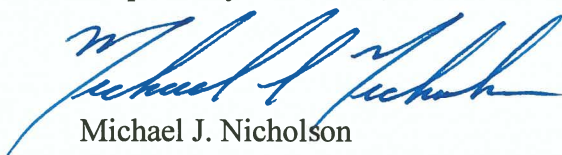
While this change does not cover the gap between the cost of service and the cost of the fee, it does help bring it closer.

Also attached is a copy of Section 10A of Chapter 148 of the General Laws that limits the amount that can be charged for fire inspection services. Furthermore, while this section of the laws states that the fee structure can be changed by the Mayor of a City, Gardner's fee schedule was codified into the City Code, and thus requires a vote of the City Council through the ordinance process to amend.

These fees are user-based fees that for the majority of the time do not impact the majority of the taxpayers of the City. These cost are associated largely with safety requirements that management companies are required to comply with or private property owners who voluntarily undertook work to their properties. With the large increase in permit applications and the larger request for inspections, we are looking to increase the fees for permits to reduce the amount that the taxpayers- who are not benefiting from the work being done - subsidize the work individuals and companies undertake by their own choosing.

Please let me know if you have any questions on this matter. Chief Lagoy and I are more than happy to provide any additional information that may be requested along the way.

Respectfully Submitted,



Michael J. Nicholson  
Mayor, City of Gardner



AN ORDINANCE TO AMEND SECTION 8 OF CHAPTER 390 OF THE CODE OF THE  
CITY OF GARDNER, ENTITLED FIRE DEPARTMENT FEE SCHEDULE

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

SECTION 1: That Section 8 of Chapter 390 of the Code of the City of Gardner, entitled Fire Department Fee Schedule, be amended by striking out said section of the Code in its entirety and inserting the in place thereof the following:

|                                                                                                                                                                         |                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Ceremonial Bonfires                                                                                                                                                     | \$50.00                                                                              |
| Open Flame (heat producing) Devices                                                                                                                                     | \$50.00                                                                              |
| Storage of Combustible Materials                                                                                                                                        | \$50.00                                                                              |
| Fumigation and Insecticidal Fogging                                                                                                                                     | \$50.00                                                                              |
| Use of Canine Guards                                                                                                                                                    | \$50.00                                                                              |
| Installation, removal, or alteration of any fuel oil burning equipment, oil line upgrade                                                                                | \$50.00                                                                              |
| Storage of acceptable liquid fuel                                                                                                                                       | \$50.00                                                                              |
| Installation, removal or replacement of a fuel storage tank unless provided otherwise in Chapter 66                                                                     | \$50.00                                                                              |
| Carbon Monoxide/Smoke Alarm Installation - at time of property sale or transfer                                                                                         | \$50.00 single unit<br>\$100.00 two units<br>\$150.00 3-6 units<br>\$500.00 7+ units |
| Carbon Monoxide/Smoke Alarm Re-Inspection (after failed initial inspection)                                                                                             | \$25.00 single unit<br>\$50.00 two units<br>\$75.00 3-6 units<br>\$250.00 7+ units   |
| Installation of carbon monoxide protection technical options                                                                                                            | \$50.00                                                                              |
| Impairment or disconnection of any sprinkler system, water main, hydrant or other device used for fire protection-systems including carbon monoxide detection and alarm | \$50.00                                                                              |
| Torch-applied roofing operations                                                                                                                                        | \$50.00                                                                              |
| Placement of a tar kettle on roof                                                                                                                                       | \$50.00                                                                              |
| Use of salamanders                                                                                                                                                      | \$50.00                                                                              |
| Rubbish Containers > 6 cubic yards                                                                                                                                      | \$50.00                                                                              |
| Assembly Occupancies                                                                                                                                                    | \$50.00                                                                              |
| Food Service Provisions                                                                                                                                                 | \$50.00                                                                              |
| Open Flame devices & Pyrotechnics                                                                                                                                       | \$50.00                                                                              |
| Exposition Facilities                                                                                                                                                   | \$50.00                                                                              |
| Storage & Handling of Cellulose Nitrate Film                                                                                                                            | \$50.00                                                                              |
| High-Piled Storage                                                                                                                                                      | \$50.00                                                                              |
| Unvented Propane or Natural Gas Heaters                                                                                                                                 | \$50.00                                                                              |

|                                                                                                                                                                                        |         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Use, Storage or Handling of Hazardous Materials (Cleanrooms)                                                                                                                           | \$50.00 |
| Use, Storage or Handling of Hazardous Materials (Dry Cleaning)                                                                                                                         | \$50.00 |
| Handling or storage of chemicals in laboratory buildings, laboratory units and laboratory work areas whether located above or below grade                                              | \$50.00 |
| Use, Storage or handling of Hazardous Materials (Motor Fuel Dispensing Facilities & Repair Garages)                                                                                    | \$50.00 |
| Storage of Mulch >300 cubic yards                                                                                                                                                      | \$50.00 |
| Soundstages & Approved production facilities                                                                                                                                           | \$50.00 |
| Production Locations                                                                                                                                                                   | \$50.00 |
| Processing or extracation of cannabis involving hazardous materials (see 38.1)                                                                                                         | \$50.00 |
| An operation that uses or produces combustibles dust                                                                                                                                   | \$50.00 |
| Cutting & Welding Operations (Hot Works)                                                                                                                                               | \$50.00 |
| Installation or connection of gaseous fuel containers & systems                                                                                                                        | \$50.00 |
| To Store flammable & Combustible Liquid For dispensing motor fuel from a tank vehicle (Refueling Cargo Tanks, Portable Tanks or Tranfer Tanks)                                         | \$50.00 |
| Alternate Fuels                                                                                                                                                                        | \$50.00 |
| The dispensing, transferring of fuel at marine fueling facilities.<br>To construct or alter a new or existing fueling facility.<br>To maintain a fueling facility                      | \$50.00 |
| Storage, use or handling of hazardous materials (Spraying, Dipping & Coating Using Flammable or Combustible Materials                                                                  | \$50.00 |
| For storage or handling of combustible fibers >100 ft <sup>3</sup> (2.8m <sup>3</sup> )                                                                                                | \$50.00 |
| Installation and Operation of an Industrial Oven or furnace                                                                                                                            | \$50.00 |
| To install and operate energy storage systems have a capacity greater than the quantities listed in Table 52.3.1                                                                       | \$50.00 |
| To install and operate stationary battery systems having an electrolyte capacity more than 100 gal (378.5 L) in sprinklered buildings or 50 gal (189.3 L) in non-sprinklered buildings | \$50.00 |

|                                                                                                                                                        |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Process or Processing of any Hazardous Material in Category 2, 3, 4 and/or 5                                                                           | \$50.00                                   |
| Crop ripening or color processing                                                                                                                      | \$50.00                                   |
| Aerosol Products Storage >500 lbs                                                                                                                      | \$50.00                                   |
| Storage of Compressed gases, both Inside of a building/outside of a building                                                                           | \$50.00                                   |
| Display of Fireworks<br>Supervision of the use of explosives, fireworks and cannon mortar.                                                             | \$50.00                                   |
| A vehicle carrying explosive materials left unattended and parked in an authorized area                                                                | \$50.00                                   |
| Pyrotechnics before a proximate audience                                                                                                               | \$50.00                                   |
| Flame effects before an audience                                                                                                                       | \$50.00                                   |
| Model rocketry including storage of solid propellant model rocket motors, reloading kits or motor components > 50 lbs (23kg) net weight at a residence | \$50.00                                   |
| High Power rocketry, including storage of high power model rocket motors, motor reloading kits, and pyrotechnic modules                                | \$50.00                                   |
| Blasting                                                                                                                                               | \$50.00                                   |
| Delivery of fireworks to authorized personnel                                                                                                          | \$50.00                                   |
| Cannon or Mortar Firing                                                                                                                                | \$50.00                                   |
| To keep, store, manufacture, handle flammables or combustible liquids                                                                                  | \$50.00                                   |
| Installation, maintenance and storage of waste oil storage tanks                                                                                       | \$50.00                                   |
| Storage of alcohol based hand rub preparations >10 gallons                                                                                             | \$50.00                                   |
| Removal of tanks and underground piping                                                                                                                | \$50.00 per tank                          |
| Abandoned Tanks                                                                                                                                        | \$50.00 per tank                          |
| Storage of Flammable solids                                                                                                                            | \$50.00                                   |
| Storage, use and handling and the installation or modification of stationary installations (LP gases and LNG)                                          | \$50.00                                   |
| Keeping, removal, storage or use of LP gas >42 lbs                                                                                                     | \$50.00                                   |
| Small arms ammunition & primers                                                                                                                        | \$25.00 residential<br>\$50.00 commercial |
| Smokeless propellants                                                                                                                                  | \$25.00 residential<br>\$50.00 commercial |
| Copies of Fire/EMS Reports                                                                                                                             | \$10.00                                   |
| Quarterly (Healthcare)                                                                                                                                 | \$50.00                                   |
| Annual Life Safety                                                                                                                                     | \$50.00                                   |
| Liquor License                                                                                                                                         | \$25.00                                   |
| Quarterly Code Compliance                                                                                                                              | \$50.00                                   |
| Annual Code Compliance                                                                                                                                 | \$50.00                                   |
| Liquor License/304 (under 100 occupant)                                                                                                                | \$50.00                                   |



|                                                                       |           |
|-----------------------------------------------------------------------|-----------|
| Liquor License/304 (100 occupant or more)                             | \$100.00  |
| Plan Review (7500 sq ft or less)                                      | \$50.00   |
| Plan Review (more than 7500 sq ft)                                    | \$100.00  |
| Fire Drills                                                           | No Charge |
| Re-inspection Fee (for failed/missed inspection, not specified above) | \$25.00   |
| 21E Site/Property Review (includes copies of related documents)       | \$100.00  |

SECTION 2:                    This ordinance shall become effective upon passage and publication as required by law.

## PROPOSED GARDNER FIRE DEPARTMENT FEE SCHEDULE

| REQUIRED PERMITS                                                                                                                                                        | 527 CMR 1.00 Ref.                                           | Current                    | Proposed                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------|
| Ceremonial Bonfires                                                                                                                                                     | 10.10.4.1.1                                                 | N/A                        | \$50.00 plus Fire Dept. Detail (at current rate + 10% admin fee)                     |
| Open Flame (heat producing) Devices                                                                                                                                     | 10.10.1<br>10.10.9.1                                        | N/A                        | \$50.00                                                                              |
| Storage of Combustible Materials                                                                                                                                        | 10.15.1.2<br>10.15.2.1<br>10.18.2                           | N/A                        | \$50.00                                                                              |
| Fumigation and Insecticidal Fogging                                                                                                                                     | 10.20.1                                                     | N/A                        | \$50.00                                                                              |
| Use of Canine Guards                                                                                                                                                    | 10.21.1                                                     | N/A                        | \$50.00                                                                              |
| Installation, removal, or alteration of any fuel oil burning equipment, oil line upgrade                                                                                | 11.5.1.8                                                    | \$25.00                    | \$50.00                                                                              |
| Storage of acceptable liquid fuel                                                                                                                                       | 11.5.1.10                                                   | N/A                        | \$50.00                                                                              |
| Installation, removal or replacement of a fuel storage tank unless provided otherwise in Chapter 66                                                                     |                                                             | \$50.00                    | \$50.00                                                                              |
| Carbon Monoxide/Smoke Alarm Installation - at time of property sale or transfer                                                                                         | MGL Ch. 148<br>§§ 26F & 26F1/2<br>Certificate of Compliance | \$25.00 S/F<br>\$50.00 M/F | \$50.00 single unit<br>\$100.00 two units<br>\$150.00 3-6 units<br>\$500.00 7+ units |
| Carbon Monoxide/Smoke Alarm Re-Inspection (after failed initial inspection)                                                                                             | MGL Ch. 148<br>§§ 26F & 26F1/2<br>Certificate of Compliance | N/A                        | \$25.00 single unit<br>\$50.00 two units<br>\$75.00 3-6 units<br>\$250.00 7+ units   |
| Installation of carbon monoxide protection technical options                                                                                                            | Section 13.7.2                                              | N/A                        | \$50.00                                                                              |
| Impairment or disconnection of any sprinkler system, water main, hydrant or other device used for fire protection-systems including carbon monoxide detection and alarm | MGL C 148 § 27A<br>Section 13.7.2.2                         | \$25.00                    | \$50.00                                                                              |
| Torch-applied roofing operations                                                                                                                                        | Section 16.6.1                                              | N/A                        | \$50.00                                                                              |
| Placement of a tar kettle on roof                                                                                                                                       | Section 16.7.1.2                                            | N/A                        | \$50.00                                                                              |
| Use of salamanders                                                                                                                                                      | Section 16.1.1.1<br>See Section 1.12.8.4                    | N/A                        | \$50.00                                                                              |
| Rubbish Containers > 6 cubic yards                                                                                                                                      | Section 19.1.1                                              | N/A                        | \$50.00                                                                              |
| Assembly Occupancies                                                                                                                                                    | Section 20.1.1.1                                            | N/A                        | \$50.00                                                                              |
| Food Service Provisions                                                                                                                                                 | Section 20.1.5.2.4.1                                        | N/A                        | \$50.00                                                                              |
| Open Flame devices & Pyrotechnics                                                                                                                                       | Section 20.1.5.3.1                                          | N/A                        | \$50.00                                                                              |
| Exposition Facilities                                                                                                                                                   | Section 20.1.5.5.1                                          | N/A                        | \$50.00                                                                              |
| Storage & Handling of Cellulose Nitrate Film                                                                                                                            | Section 20.15.7.2                                           | N/A                        | \$50.00                                                                              |
| High-Piled Storage                                                                                                                                                      | Section 20.15.8.2                                           | N/A                        | \$50.00                                                                              |

|                                                                                                                                                |                                                                                                                |         |                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|---------|------------------------------------------------------------------|
| Unvented Propane or Natural Gas Heaters                                                                                                        | Sections 20.2.4.5.1<br>20.3.2.1.1 20.8.2.6.1<br>20.9.2.2.1 20.10.2.1<br>20.11.2.1                              | \$25.00 | \$50.00                                                          |
| Use, Storage or Handling of Hazardous Materials (Cleanrooms)                                                                                   | Section 23.3<br>Section 61.1.2<br>Section 61.5.3.3.1<br>Section 63.1.2<br>Section 66.1.5<br>Section 69.1.2     | N/A     | \$50.00                                                          |
| Use, Storage or Handling of Hazardous Materials (Dry Cleaning)                                                                                 | Section 24.2<br>Section 61.1.2<br>Section 61.5.3.3.1<br>Section 63.1.2<br>Section 66.1.5<br>Section 69.1.2     | N/A     | \$50.00                                                          |
| Handling or storage of chemicals in laboratory buildings, laboratory units and laboratory work areas whether located above or below grade      | Section 26.2<br>Section 61.1.2<br>Section 61.5.3.3.1<br>Section 63.1.2<br>Section 66.1.5<br>Section 69.1.2     | N/A     | \$50.00                                                          |
| Use, Storage or handling of Hazardous Materials (Motor Fuel Dispensing Facilities & Repair Garages)                                            | Section 30.1.1.3<br>Section 61.1.2<br>Section 61.5.3.3.1<br>Section 63.1.2<br>Section 66.1.5<br>Section 69.1.2 | N/A     | \$50.00                                                          |
| Storage of Mulch >300 cubic yards                                                                                                              | Section 31.2                                                                                                   | N/A     | \$50.00                                                          |
| Soundstages & Approved production facilities                                                                                                   | Section 32.4.2                                                                                                 | N/A     | \$50.00                                                          |
| Production Locations                                                                                                                           | Section 32.5.2                                                                                                 | N/A     | \$50.00                                                          |
| Processing or extracation of cannabis involving hazardous materials (see 38.1)                                                                 | Section 38.2<br>Section 60.8                                                                                   | N/A     | \$50.00                                                          |
| An operation that uses or produces combustibles dust                                                                                           | Section 40.2                                                                                                   | N/A     | \$50.00                                                          |
| Cutting & Welding Operations (Hot Works)                                                                                                       | Section 41.1.5.3<br>Section 41.3.2.2<br>Section 41.3.4                                                         | \$25.00 | \$50.00 plus Fire Dept. Detail (at current rate + 10% admin fee) |
| Installation or connection of gaseous fuel containers & systems                                                                                | Section 42.2.2.1                                                                                               | N/A     | \$50.00                                                          |
| To Store flammable & Combustible Liquid For dispensing motor fuel from a tank vehicle (Refueling Cargo Tanks, Portable Tanks or Tranfer Tanks) | Section 42.2.2.1                                                                                               | N/A     | \$50.00                                                          |
| Alternate Fuels                                                                                                                                | Section 42.8                                                                                                   | N/A     | \$50.00                                                          |

|                                                                                                                                                                                        |                                    |          |                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------|------------------------------------------------------------------|
| The dispensing,transferring of fuel at marine fueling facilities.<br>To construct or alter a new or existing fueling facility.<br>To maintain a fueling facility                       | Section 42.9.1.4                   | N/A      | \$50.00                                                          |
| Storage, use or handling of hazardous materials (Spraying, Dipping & Coating Using Flammable or Combustible Materials                                                                  | Section 43.1.1.4                   | N/A      | \$50.00                                                          |
| For storage or handling of combustible fibers >100 ft <sup>3</sup> (2.8m <sup>3</sup> )                                                                                                | Section 45.1.3                     | N/A      | \$50.00                                                          |
| Installation and Operation of an Industrial Oven or furnace                                                                                                                            | Section 51.1.2                     | N/A      | \$50.00                                                          |
| To install and operate energy storage systems have a capacity greater than the quantities listed in Table 52.3.1                                                                       | Section 52.1.2                     | N/A      | \$50.00                                                          |
| To install and operate stationary battery systems having an electrolyte capacity more than 100 gal (378.5 L) in sprinklered buildings or 50 gal (189.3 L) in non-sprinklered buildings | Section 52.2                       | N/A      | \$50.00                                                          |
| Process or Processing of any Hazardous Material in Category 2, 3, 4 and/or 5                                                                                                           | Section 60.8.1.1.1                 | N/A      | \$50.00                                                          |
| Crop ripening or color processing                                                                                                                                                      | Section 60.8.4                     | N/A      | \$50.00                                                          |
| Aerosol Products Storage >500 lbs                                                                                                                                                      | Section 61.1.2                     | N/A      | \$50.00                                                          |
| Storage of Compressed gases<br>Inside of a building/outside of a building                                                                                                              | Section 63.1.2                     | N/A      | \$50.00                                                          |
| Display of Fireworks<br>Supervision of the use of explosives, fireworks and cannon mortar.                                                                                             | Section 65.2.3                     | \$100.00 | \$50.00 plus Fire Dept. Detail (at current rate + 10% admin fee) |
| A vehicle carrying explosive materials left unattended and parked in an authorized area                                                                                                |                                    | N/A      | \$50.00                                                          |
| Pyrotechnics before a proximate audience                                                                                                                                               | Section 65.3.3                     | N/A      | \$50.00 plus Fire Dept. Detail (at current rate + 10% admin fee) |
| Flame effects before an audience                                                                                                                                                       | Section 65.4.1.1<br>Section 65.4.2 | N/A      | \$50.00 plus Fire Dept. Detail (at current rate + 10% admin fee) |
| Model rocketry including storage of solid propellant model rocket motors, reloading kits or motor components > 50 lbs (23kg) net weight at a residence                                 | Section 65.6.1                     | N/A      | \$50.00                                                          |
| High Power rocketry, including storage of high power model rocket motors, motor reloading kits, and pyrotechnic modules                                                                | Section 65.8.2                     | N/A      | \$50.00                                                          |
| Blasting                                                                                                                                                                               | Section 65.9.2.2                   | \$25.00  | \$50.00 plus Fire Dept. Detail (at current rate + 10% admin fee) |
| Delivery of fireworks to authorized personnel                                                                                                                                          | Section 65.9.6.3                   | N/A      | \$50.00                                                          |
| Cannon or Mortar Firing                                                                                                                                                                | Section 65.11.2                    | N/A      | \$50.00                                                          |



|                                                                                                               |                |                  |                                           |
|---------------------------------------------------------------------------------------------------------------|----------------|------------------|-------------------------------------------|
| To keep, store, manufacture, handle flammables or combustible liquids                                         | Section 66.1.5 | \$50.00          | \$50.00                                   |
| Installation, maintenance and storage of waste oil storage tanks                                              | Chapter 66     | N/A              | \$50.00                                   |
| Storage of alcohol based hand rub preparations >10 gallons                                                    | Chapter 66     | N/A              | \$50.00                                   |
| Removal of tanks and underground piping                                                                       | Chapter 66     | \$50.00 per tank | \$50.00 per tank                          |
| Abandoned Tanks                                                                                               | Chapter 66     | N/A              | \$50.00 per tank                          |
| Storage of Flammable solids                                                                                   | Section 67.1.2 | \$25.00          | \$50.00                                   |
| Storage, use and handling and the installation or modification of stationary installations (LP gases and LNG) | Section 69.1.2 | \$25.00          | \$50.00                                   |
| Keeping, removal, storage or use of LP gas >42 lbs                                                            | Section 69.1.2 | \$25.00          | \$50.00                                   |
| Small arms ammunition & primers                                                                               | 1.12.8.50.1    | \$10.00          | \$25.00 residential<br>\$50.00 commercial |
| Smokeless propellants                                                                                         | 1.12.8.50.1    | \$10.00          | \$25.00 residential<br>\$50.00 commercial |
| Other Required Permit (not specified above)                                                                   |                | N/A              | \$50.00                                   |
| Copies of Fire/EMS Reports                                                                                    |                | \$10.00          | \$10.00                                   |

| <b>REQUIRED INSPECTIONS</b>               | 527 CMR 1.00 Ref.  | Current            | Proposed  |
|-------------------------------------------|--------------------|--------------------|-----------|
| Quarterly Code Compliance                 | MGL Ch. 148 Sec. 4 | N/A                | \$50.00   |
| Annual Code Compliance                    | Various Secs.      | N/A                | \$50.00   |
| Liquor License/304 (under 100 occupant)   |                    | N/A                | \$50.00   |
| Liquor License/304 (100 occupant or more) |                    | N/A                | \$100.00  |
| Plan Review (7500 sq ft or less)          |                    | \$10.00            | \$50.00   |
| Plan Review (more than 7500 sq ft)        |                    | \$10.00/1000 sq ft | \$100.00  |
| Fire Drills                               | Various Secs.      | N/A                | No Charge |

| <b>OTHER</b>                                                          |  |     |          |
|-----------------------------------------------------------------------|--|-----|----------|
| Re-inspection Fee (for failed/missed inspection, not specified above) |  | N/A | \$25.00  |
| 21E Site/Property Review (includes copies of related documents)       |  | N/A | \$100.00 |
|                                                                       |  |     |          |

**Mayor**

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**From:** John Richard  
**Sent:** Monday, July 19, 2021 10:33 AM  
**To:** Mayor  
**Subject:** FIRE DEPT FEES

Hi Mike

Here you go.

| Description  | 2022 Original Budget | 2021 Revised Budget | 2021 Actual  | 2020 Act |
|--------------|----------------------|---------------------|--------------|----------|
| FIRE FINES   | \$ -                 | \$ -                | \$ 4,200.00  | \$ 2,3   |
| FIRE PERMITS | \$ 4,553.00          | \$ 5,539.00         | \$ 12,975.00 | \$ 5,1   |
|              |                      |                     |              |          |
| TOTAL        | \$ 4,553.00          | \$ 5,539.00         | \$ 17,175.00 | \$ 7,5   |

John Richard  
 City Auditor



95 Pleasant Street, Room 114  
 Gardner, MA 01440  
 978-632-1900 ext 8020

## **GARDNER FIRE DEPT.**

### **FEE SCHEDULE AS OF MARCH 10, 2008**

|                                                        |          |
|--------------------------------------------------------|----------|
| Smoke/Carbon Monoxide Detector Inspection (one unit)   | \$25.00  |
| Smoke/Carbon Monoxide Detector Inspection (multi unit) | \$50.00  |
| Carbon Monoxide Detector Inspection (one unit)         | \$25.00  |
| Carbon Monoxide Detector Inspection (multi unit)       | \$50.00  |
| Residential Plan Review                                | \$10.00  |
| Commercial Plan Review (per 1000 sq. ft)               | \$10.00  |
| Oil Burners                                            | \$25.00  |
| L.P. Gas/Storage                                       | \$25.00  |
| Underground Tank Installation (per tank)               | \$100.00 |
| Underground Tank Removal (per tank)                    | \$50.00  |
| Flammable Fluids, Solids & Gas                         | \$25.00  |
| Maintain Existing/New Underground Storage Facility     | \$25.00  |
| System Modification                                    | \$25.00  |
| Sprinkler System Installation                          | \$25.00  |
| Facility Renewal (5yr./ownership)                      | \$25.00  |
| Aboveground Storage                                    | \$50.00  |
| Tank Truck Inspection                                  | \$50.00  |
| Blasting Permits                                       | \$25.00  |
| Black Powder Storage                                   | \$10.00  |
| Smokeless Powder Storage                               | \$10.00  |
| Ammunition                                             | \$10.00  |
| Space Heaters                                          | \$25.00  |
| Fireworks                                              | \$100.00 |
| Copies of Fire Reports                                 | \$10.00  |

|                    |                                                                                                  |
|--------------------|--------------------------------------------------------------------------------------------------|
| <b>Part I</b>      | ADMINISTRATION OF THE GOVERNMENT                                                                 |
| <b>Title XX</b>    | PUBLIC SAFETY AND GOOD ORDER                                                                     |
| <b>Chapter 148</b> | FIRE PREVENTION                                                                                  |
| <b>Section 10A</b> | HEADS OF FIRE DEPARTMENTS; PERMITS; INSPECTIONS; RECORDS; FEES;<br>LIST OF FIRE DEPARTMENT HEADS |

Section 10A. The head of the fire department in each city, town or fire district shall grant, in accordance with the rules and regulations of the board, such permits for use in such city, town or fire district as may be required by such rules and regulations, and make such inspections therein, and have and exercise such powers and duties in connection therewith, as the marshal may direct. The head of the fire department shall keep a record of every permit so issued, and shall furnish the marshal with such information in respect to such permits as he may require. The head of the fire department or the marshal may revoke any such permit for cause. A fee of \$25 may be charged by the head of the fire department for any permit granted under this section, unless otherwise set in a town by the board of selectmen or town council, or in a city by the mayor, but such fee shall not exceed \$50 except as provided in this paragraph. If a smoke detector inspection, conducted pursuant to section 26F, and a carbon monoxide alarm inspection, conducted pursuant to section 26F1/2, are conducted simultaneously, the owner shall not be subject to an additional fee for the carbon monoxide alarm inspection. The fee for either a carbon monoxide alarm inspection or a smoke detector inspection, conducted separately, shall not exceed: \$50 for a single-family dwelling or a single dwelling unit; \$100 for a 2-family dwelling; \$150 for any building or structure with 6 or fewer residential units; and \$500 for any building or structure with more than 6 units.

The clerk of each city and town shall annually, not later than April first, transmit to the marshal in writing the name and official address of the head of the fire department in his city or town, or in the fire district or districts in which his town is located or which is or are established within his town.



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*City of Fitchburg*

*Fire Department Fee Schedule*

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## SMOKE & CARBON MONOXIDE DETECTOR REGULATIONS

If you are selling a residential property in the City of Fitchburg, you must contact the Fire Prevention Bureau at (978) 345-9672 to schedule a Smoke and Carbon Monoxide Detector Inspection at least two weeks prior to your scheduled closing to ensure you will get an appointment and have time to make any necessary changes, if required. Certificates of Compliance are valid for sixty days from the date of issue. The Fire Prevention Bureau is available to conduct inspections Monday – Friday between the hours of 9:30 a.m. and 3:30 p.m. If the property consists of six or more residential units, you may be required to have an electrician present during the inspection.

**Please note - New and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property, regardless of whether mail is delivered to such building or property.**

Upon transfer of ownership, all residential properties in the City of Fitchburg must be equipped with hard-wired Photoelectric smoke detectors with a battery backup. Ionized Detectors of any kind are not allowed under Massachusetts Building and Fire Codes.

*Please see the Smoke Detector/Carbon Monoxide Regulations below for additional requirements.*

### **26F, 26F1/2 Certificate of Compliance Fees**

| Number of Residential Units                       | Fee                |
|---------------------------------------------------|--------------------|
| 1/Condo                                           | \$50.00            |
| 2                                                 | \$100.00           |
| 3-6                                               | \$150.00           |
| 7+                                                | \$500.00           |
| <i>Re-Inspection After Each Failed Inspection</i> | Additional \$25.00 |

**Please have a check or money order made payable to the City of Fitchburg.**

**Fitchburg Fire Department – Fire Prevention Bureau**  
**978-345-9672**  
**Permit Application Procedure and Fees**

\* Please make all checks payable to the City of Fitchburg\*

\* All Permit Applications must include: Name of Person, Firm, or Corporation applying for permit, contact information (phone number, email) and address; purpose for which the permit is requested; location (if different than applicant address); and Competent Operator/Certification Number if applicable. Permits must be paid for at the time of application.

**Please note: It is not uncommon for our Fire Prevention Inspectors to be booked out at least one to two weeks. Please plan accordingly when applying for permits.**

**Permits listed below can be found on our website**

**<http://www.ci.fitchburg.ma.us/203/Fire-Department>**

**Underground Storage Tank Removal – Commercial - \$50.00 – FP-292**

Contact Fire Prevention to schedule an appointment several days prior to removing the tank. Fire Prevention must be present upon tank removal to inspect tank and removal location. An LSP (Licensed Site Professional) must also be present for contamination assessment.

**Blasting - \$50.00 – FP-6**

Contact Lieutenant Phil Jordan upon permit application to discuss blasting location and times/length of project. Fire Watch Detail will be required. Minimum 4 hour charge based on current Collective Bargaining Agreement detail fee, plus \$5.00 Treasurer Fee/person.

Dig Safe number must be listed on the Permit.

**Cut & Weld (“Hot Work”) – \$25.00 – FP-6**

Fitchburg Fire Department will make the determination if detail will be required. Minimum 4 hour charge. The detail rate is based on the current Collective Bargaining Agreement, plus \$5.00 Treasurer Fee/person. You must have current, signed permit. Details should be scheduled 24 hours in advance. You can contact the Deputy Chief at 978-345-9665 to schedule details, or fill-out the online form and submit to Fire Department Headquarters, located at 33 North Street. Please provide the **billing email** and phone number when requesting a detail. Payment for details are expected within 30 days of the performed detail. **\*\*Nonpayment may result in a delay of permit renewal, or future permit approval\*\***. Fire Systems that are down for more than 8 hours, or overnight, require notification to Deputy Chief. Please contact via phone at 978-345-9665.

**Detail Cancellation Policy** - Details must be cancelled within 24 hours of detail. If the detail requested is not cancelled within 24 hours of the scheduled date and time, the requestor/company may be charged the minimum of four hours, per person requested. You can cancel your request by calling 978-345-9665.

**Hazardous Material Process - \$25.00 – FP-300 & FP-310 – Annual**

Complete Form FP-300. Call to schedule an inspection with Fire Prevention.

**Liquid Propane Storage - \$25.00 – FP-6**

- **Residential** – Fire Prevention will need a letter from Unitil stating whether Natural Gas is available at the address. If there is not, setup may be done by Propane Installation Company and inspected by Lieutenant Phil Jordan. If propane is already in use and a new company is applying for a permit for a “swap out” of services, Fire Prevention may issue permit without inspection. **\*\*New permit is required upon expiration of tank or tank company change\*\***.
- **Underground Liquid Propane Tank** - Requires an Inspection from Fire Prevention and Plumbing Inspector. Contact Fire Prevention several days prior to backfill date.

- **Portable Propane Bottles** – Each household is allowed 42 pounds (10 gallons) of propane. Any quantity over that requires a flammable/combustible storage permit.
- **Portable Fuel or Liquid Propane Tanks Refueling Stations - Annual** (propane cylinder exchange) Schedule an appointment with Lieutenant Phil Jordan to determine cage placement. Permit will require annual inspection. Facilities that are storing propane must call to schedule their annual appointment. Permits expire annually on January 31<sup>st</sup>.

**Temporary Propane/Hardship Permit**– Company installing the propane needs to fill out a permit. Letter needed from Unitil stating the date gas will become available. If Natural Gas is available, and you wish to use propane, a hardship form may be filled out and Fire Prevention will determine whether or not a permit will be issued on the grounds of hardship.

**Any portable fill station has to be inspected for location and operation requirements for permit:**

- Containment
- Barrier Protection – Bollards or Jersey Barriers
- Emergency pump shut off – away from pump with marked signage
- Extinguisher
- No Smoking Signage
- Lighting is preferred

#### **Cargo Tank/Tanker Truck - FP-6**

In previous versions of the state fire code, fire departments were required to inspect and issue permit stickers for vehicles used for the transportation of combustible liquids bi-annually. The safety requirements within the fire code have not changed; however, the Fitchburg Fire Department will no longer be issuing permit stickers for these vehicles. We will continue to issue FP-6 permits for the storage of fuel within these tank vehicles for the site address which they are parked during non-business hours. (See Cargo/Transfer Tank Inspection Worksheets for requirements).

**Cargo Tank** - \$25.00 bi-annual permit -Single tank with a capacity of 55- 119 gallons

**Tanker Truck** - \$25.00 annual permit- Single (or multiple) tanks with a capacity of 119 gallons or more

\*Please provide us with the number of vehicles and gallon capacity of each.\*

**Gasoline Storage** - More than 793 gallons of gasoline requires a land license, which is obtained through the City Clerk's Office. These figures are based on an aggregate amount for the property location, so (2) 500 gallon portable tanks will require a land license.

**Diesel fuel** -Requires permit. Land License required at 10,000 gallons (fixed storage).

#### **Installation or Alteration of Fuel Oil Burning Equipment and Storage of Fuel - \$25.00 – FP-056**

Technician should apply for permit and provide occupant name and phone number. Fire Prevention will call the property owner to set up the inspection. If the application includes a *removal of an oil storage tank* there will be an additional fee of \$25.00 (please specify on the application). \*\*This form may also be used solely for residential oil tank removal.

#### **Storage of Explosives – Residential \$25.00, Commercial \$50.00 – FP-6 – Annual**

Fire Prevention may require an inspection upon application for Storage of Explosives. Permit application should clearly state the type of materials stored and the amount. More than 30,000 rounds requires a Land License.



**Storage of Ammunition – FP-6 - Annual**

More than 10,000 rounds of ammunition requires a permit. More than 30,000 rounds requires a land License. More than 5,000 rounds of shotgun shells requires a land license.

**Storage of Flammable Combustible Materials - Annual - \$25.00 – FP-6**

Fire Prevention may require an inspection of above and underground storage of flammable combustible materials. Permit application should clearly state the type of materials stored and the amount.

**Fire Alarm System Repair (or alteration) - \$25.00 – FP-6**

Fire Prevention may require an inspection upon application for Fire Alarm System Repairs/Alterations. If Fire Alarm System is tied directly to Fire Department, the technician must notify Fire Department of repair work by calling (978) 345-9660 extension 0 for dispatch before taking the system off line and again when system is back on line. \*\*. Fire Systems that are down for more than 8 hours, or overnight, require notification to Deputy Chief. Please contact via phone at 978-345-9665.

**New Fire Alarm System - N/C – FP-6**

Plans should be submitted to Fire Prevention. Contact Fire Prevention to determine if permit is required, or if it is covered under the Building Permit. Fire Prevention may require and inspection/test of all Fire Alarm Systems.

**Sprinkler Repair - \$25.00 – FP-6**

Plans should be submitted to Fire Prevention for review along with application for permit. Fire Prevention may require and inspection/test of all Sprinkler Systems. Fire Systems that are down for more than 8 hours, or overnight, require notification to Deputy Chief. Please contact via phone at 978-345-9665.

**New Sprinkler System N/C – Building Permit**

Plans should be submitted to Fire Prevention for review. Contact Fire Prevention to determine if an inspection is required upon completion. Permit fee may be covered under Building Permit.

**Range Hood - \$25.00 – FP-6**

Fire Prevention may require an inspection of a Range Hood.

- NFPA 96 requires all Hood Systems to include Dry Chemical Suppression if they create any grease laden vapor. This includes Food Trucks and mobile food operations. Call Fire Prevention for further information regarding compliance.

**Fire Suppression System - \$25.00 – FP-6**

Fire Prevention may require an inspection of a Fire Suppression System.

**Building Occupancy Permit – N/C –** Contact Lieutenant Jordan to sign the Building Permit in order to obtain the Occupancy

**Smoke Detector and Carbon Monoxide Certificate of Compliance –** If you are selling a residential property in the City of Fitchburg, you must contact the Fire Prevention Bureau at **(978) 345-9672** to schedule a Smoke and Carbon Monoxide Detector Inspection. Please contact the Fire Prevention Bureau **at least two weeks prior** to your scheduled closing to ensure you will get an appointment and have time to make any necessary changes if required. Certificates of Compliance are valid for sixty days from the date of issue. *The Fire Prevention Bureau is available to conduct inspections Monday – Friday between the hours of 9:30 a.m. and 3:30 p.m.* If the property consists of six or more residential units, you will be required to have an electrician present during the inspection.

Upon transfer of ownership, all residential properties in the City of Fitchburg must be equipped with hard-wired smoke detectors with a battery backup. Please see the Smoke Detector/Carbon Monoxide Regulations for additional requirements. Please contact Fire Prevention if you have any further questions. You may also schedule a pre-inspection walkthrough with the Inspector for an additional \$25.00 fee. If the property does not pass inspection, there will be a \$25.00 charge, in addition to the cost of the certificate, for each re-inspection.

**Annual Inspections - \$50.00** – Chapter 304 of the Acts of 2004, an Act Relative to Fire Safety in the Commonwealth the following establishments must have an annual valid certificate of inspection

- Nightclubs
- Restaurants
- Social Clubs
- Group Homes
- Boarding Homes
- Clinics
- Daycare Facilities

Please contact Fire Prevention to schedule at least two weeks prior to your expiration. If you require an invoice to submit for payment, please allow enough time for payment to be processed. Certificates cannot be issued without payment. Please have current copies of Fire Alarm and Sprinkler Test Reports to give to the inspector.

**Quarterly Inspections - \$25.00** - **Inspections are conducted during the months of March, June, September, and December.** If you require an invoice to submit for payment, please allow enough time for payment to be processed. Certificates cannot be issued without payment. Please have current copies of Fire Alarm and Sprinkler Test Reports to give to the inspector. The following establishments are required to have Quarterly Inspections:

- Nursing Homes
- Rest Homes
- Hospitals

**Key Safe/Lockbox Instructions** – Rapid Entry System Lock Boxes by Kidde are available for purchase online at <https://lockbox.shopkidde.com/> . Entry System Lockboxes are no longer available for purchase using an order form by phone, fax, or standard mail. Kidde has moved to the online ordering method in order to protect customer information, and provide a faster, more secure ordering process. After setting up an account, select the Fitchburg Fire Department and checkout using a credit card. Fitchburg Fire requires Supra Safe 2HS – <https://lockbox.shopkidde.com/supra-safe-2hs.html> the Keycode is OB429. Please note: it may take several weeks to receive lock box, so please plan accordingly.

When the key-safe arrives, contact the Fire Prevention Clerk at 978-345-9672, to schedule an appointment with the inspector, who will meet you at your location to discuss the key-safe mounting height and location. Please do not mount the key-safe box until you have spoken to the inspector. Once the key-safe is installed, contact Fire Prevention to make arrangements for the keys to be locked in the key-safe. Please ensure the keys are clearly tagged with the location's address. This will assist the responding emergency personnel in quickly accessing the specific incident area. Please provide the Fire Prevention Bureau a copy of your key-safe order for our records.

#### **Burning Permits – Residential**

The City of Fitchburg allows open burning between January 15 and May 1 each year, between the hours of 10:00am – 4:00pm. **\*\*A burn permit must be obtained to open burn\*\***. Please fill out the online form <http://www.fitchburgma.gov/formcenter/health-department-5/burn-permit-application-55> to obtain your permit, and schedule an appointment for an inspection with the Health Department 978-829-1870.

To be allowed to burn you will need:

- proximity access to water such as a garden hose
- Burning location away from power lines, and at least 75 feet away from any tree or building, including sheds.

With A Permit, Burning of the Following Materials Is Allowed:

- Brush, cane, driftwood, and forestry debris from other than commercial or industrial land clearing operations
- Materials normally associated with the pursuit of agriculture such as, fruit tree prunings, dead raspberry stalks, blueberry patches for pruning purposes, and infected beehives for disease control.
- Trees and brush resulting from agricultural land clearing.
- Fungus infected elm wood

Burning of the Following Materials Is Prohibited Statewide:

- Grass, hay, leaves and stumps, and tires.
- Construction material and debris

Once approved, your permit will be on file with the Fire Department. Prior to burning, please call the Fire Department after 10am at 978-345-9660 **extension 0** to notify Dispatch, and to ensure it is not a “no burn day”. Per MassDEP, at the discretion of the Fire Department, burning is only allowed on days when both the air quality and fire safety conditions are acceptable. Please note: Your permit will be valid for one burning season. Call the Health Department or renew online to keep your permit active.

#### **Burn Permit – Agricultural – Annual**

Issued by the Agricultural Zoning Board. Same burning rules apply.

#### **Outdoor Cooking Fires**

Fire pits have become popular in recent years. But unless they are being used primarily for cooking, they are technically subject to the MassDEP open burning regulation. If you do use a fire pit for cooking, the fire must be:

- Kept to a reasonable size of less than 3 feet wide X 2 feet high.
- A minimum of 10 feet from any buildings.
- Located away from combustible materials
- Contained in a non-flammable enclosure
- Tended by someone who is 18 years of age or older.

Remember to burn only clean, dry firewood. This will minimize the amount of smoke leaving your property and affecting neighbors. You may not burn trash, refuse or similar materials.

#### **21-E Request Form – Environmental Site Assessment**

Massachusetts General Law Chapter 21E was originally designed to regulate and promote cleanup of oil and hazardous materials in soil and groundwater in the Commonwealth of Massachusetts. A 21E Site Assessment Request must be filled out and returned to Fire Prevention. Please allow up to 2 weeks for the information to be collected and processed. Payment must be received before the records can be released. We do not have the staff resources to allow same day requests, but providing Fire Prevention with as much information regarding the property as possible, will help expedite the process.

**Public Assembly**

The City of Fitchburg reserves the right to require a Public Safety Review of any public assembly event taking place on public or private property that requires support, supervision, license or permits from any City Department.

The event Chairperson must complete and return the Public Assembly Request to the Fire Department Headquarters, located at 33 North Street, no less than six weeks prior to the proposed event. This will allow adequate time for processing.

Failure of the event organizer to meet public safety and other requirements specified in the review may result in refusal to allow the event to open or continue.

<http://www.ci.fitchburg.ma.us/DocumentCenter/View/1561/Request-for-Public-Assembly-Event>

Please note: a Crowd Manager is required for occupancy up to 250 people. Occupancy above 250 people requires additional Crowd Managers for every 250 people. For more information regarding Crowd Managers, or to become certified as a Crowd Manager, please click on the link below.

<https://www.mass.gov/crowd-manager-regulations-and-training-program>

An Entertainment Permit may be required if you are having Live Acoustic Music, Live Amplified Music, DJ, Dancing, or other types of entertainment the Board of License Commission feels a permit is appropriate.

**FP33C – Vehicle Fire**

In order to process a Commonwealth of Massachusetts Department of Fire Services Burned/Recovered Motor Vehicle Report (Form FP33C) the owner of the motor vehicle must contact Fitchburg Fire Prevention at 978-345-9672, to schedule an appointment to come in person, and meet with the Fire Investigator.

When you arrive at your scheduled appointment, please have the following items with you:

1. Driver's License
2. Title
3. Registration
4. Loan Paperwork
5. Bill of Sale
6. Repair Data (copies of services orders, etc.)
7. Computer printout of Last Annual Inspection
8. All Keys for Vehicle
9. Insurance Policy
10. Stolen Car Police Report (if applicable)
11. Recovery Report (if applicable).

If you are missing any of these items, please provide an explanation to the Investigator during your appointment.



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*Town of Athol*

*Fire Department Fee Schedule*

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# ATHOL FIRE DEPARTMENT

2251 MAIN STREET  
ATHOL, MA 01331  
Office: (978) 249-8275  
Fax: (978) 249-4200



## NEW PERMIT FEE SCHEDULE EFFECTIVE 7/1/2021

| Type                                                                                          | Fee Amount      |
|-----------------------------------------------------------------------------------------------|-----------------|
| <b>Inspections &amp; Certificates of Compliance</b>                                           |                 |
| Life Safety Inspections                                                                       | \$50            |
| <b>Restaurants, Liquor License, Business, Boarding House, Licensed Facilities</b>             |                 |
| Life Safety Re-Inspection                                                                     | \$50            |
| Short Term Cooking Inspection                                                                 | \$50            |
| Short Term Cooking Inspection Non Profit                                                      | \$0             |
| <b>Smoke Detector &amp; Carbon Monoxide System Sale/Transfer – MGLA 148:26F &amp; 26F 1/2</b> |                 |
| Single Family                                                                                 | \$50            |
| Two-Family                                                                                    | \$75            |
| 3-6 Units                                                                                     | \$200           |
| 7+ Units                                                                                      | \$300           |
| Re-Inspection (Per Unit)                                                                      | \$25            |
| Chapter 148 26C & 26E (Per Unit)                                                              | \$50            |
| Re-Inspection (Per Unit)                                                                      | \$25            |
| Temporary Use Permit                                                                          | \$200           |
| <b>New Protection Systems &amp; New Building</b>                                              |                 |
| 1 & 2 Family Dwellings (Fire Alarms w/plan review)                                            | \$50            |
| Site Plan (Planning & Zoning Board)                                                           | \$50            |
| Plan Review                                                                                   | \$50            |
| Sprinkler Plan Review (includes Inspection Fee)                                               | \$100           |
| <b>NFPA, MGL, Chapter 148 &amp; 527 CMR 1.00 Permits</b>                                      |                 |
| Brush Burning (Seasonal)                                                                      | \$10            |
| Bonfire MGL Chapter 148:10A                                                                   | \$50            |
| Cannon & Mortar Fire 527 CMR 1.00 Chapter 65                                                  | \$50            |
| Combustible Fibers 527 CMR 1.00 Chapter 45                                                    | \$50            |
| Fireworks & Pyrotechnics 527 CMR 1.00 Chapter 65                                              | \$50 + Standby  |
| Oil Burners & Fuel Storage 527 CMR 1.00 Chapter 11 and 66 and MGL Chapter 148:10A             | \$50            |
| Underground Storage Tank Removal                                                              | \$100 Each Tank |
| Transfer Tank (2-year permit, ≤119 Gallons)<br>527 CMR 1.00 Chapter 42                        | \$50            |
| Cargo Tank Trucks (2 year permit, >119 Gallons)<br>527 CMR 1.00 Chapter 42                    | \$75            |
|                                                                                               |                 |
|                                                                                               |                 |



# ATHOL FIRE DEPARTMENT

2251 MAIN STREET  
ATHOL, MA 01331  
Office: (978) 249-8275  
Fax: (978) 249-4200



|                                                                               |                                   |
|-------------------------------------------------------------------------------|-----------------------------------|
| <b>LPG/LNG Installation AST/UST 527 CMR 1.00<br/>Chapter 69</b>               |                                   |
| 0-5,000 gallons                                                               | \$50                              |
| 5,001-10,000 Gallons                                                          | \$100                             |
| 10,001-20,000 Gallons                                                         | \$200                             |
| Over 20,000 Gallons                                                           | \$300                             |
| <b>Tar Kettle 527 CMR 1.00 Chapter 16</b>                                     | \$50                              |
| <b>Gun Powder &amp; Ammo 527 CMR Chapter 65</b>                               | \$50                              |
| <b>Dumpster 527 CMR 1.00 Chapter 19</b>                                       | \$50                              |
| <b>Flammable Storage &amp; Use Permits 527 CMR 1:00<br/>Chapter 66</b>        | \$50                              |
| <b>Permit to Process Hazardous Materials</b>                                  | \$50                              |
| <b>General Permit 527 CMR 1:00</b>                                            | \$50                              |
| <b>Blasting (30 days) 527 CMR 1.00 Chapter 65</b>                             | \$50 + Standby                    |
| <b>Carbon Monoxide or Technical Option 527 CMR 1.00<br/>Chapter 13</b>        | \$50                              |
| <b>Welding or Hot Works 527 CMR 1.00 Chapter 41</b>                           | \$50 + Standby Detail Rate & Fees |
| <b>HAZMAT MGL Chapter 21E Response, Outside<br/>Detail, Court Restitution</b> |                                   |
| Command/Command Vehicle                                                       | \$100/hour                        |
| Pickup/4 Wheel Drive                                                          | \$75/hour                         |
| Ambulance Standby                                                             | \$100/hour                        |
| Forestry Unit                                                                 | \$150/hour                        |
| Rescue                                                                        | \$250/hour                        |
| Engine/Pumper                                                                 | \$200/hour                        |
| Ladder                                                                        | \$250/hour                        |
| Water Craft                                                                   | \$150/hour                        |
| ATV/UTV                                                                       | \$100/hour                        |
| Materials & Equipment                                                         | Billed Replacement Cost           |
| Medical Observation/Treatment                                                 | Billed Responsible Party          |
| Detail Rate                                                                   | See Current Detail Rate           |
| Detail Administrative Rate                                                    | 10% of Total Invoice              |

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*Town of Orange*

*Fire Department Fee Schedule*

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ORANGE, MASSACHUSETTS

# *Fire-Rescue-EMS*

18 Water Street, Orange, MA 01364 – (978) 544-3145

Chief James R. Young Jr.

jyoung@townoforange.org



April 29, 2019

To whom it may concern,

The Orange Fire-Rescue-EMS Agency will be adhering to the enclosed revised fee schedule regarding permits, inspections, restitution, and fees effective July 1, 2019.

Any person or entity seeking a permit for the installation of new equipment, tank, systems, alteration of equipment/system, inspection, or any other reason according to M.G.L. or 527 CMR 1.00, shall submit an application on the most recently updated appropriate form accompanied by a check or money order made payable to "Town of Orange" in the amount listed on the fee schedule.

Installation of new equipment, tanks, systems, etc. must be permitted **prior** to installation. Following installation of the new equipment, tank, or system, an appointment for inspection must be scheduled with the Fire Department by calling 978-544-3145. This final inspection must be completed before the equipment, tank, or system is in regular use. For tank installations, a permit to store flammable/combustible liquids/gasses will be issued at time of final inspection to the owner/entity of property where installation was performed. There will not be an additional fee for the permit to store.

Any person or entity seeking a permit is responsible for scheduling a final inspection after installation has been completed. Failure to adhere to these new policies may delay receipt of permit applications and/or scheduling of final inspections as well as issuing applicable monetary fines for performing work without a permit. All fees and fines shall be in accordance with M.G.L. Chapter 148.

Thank you for your attention to this matter and we look forward to working with each of you to ensure the Town of Orange is a safe place to reside and visit.

Sincerely,

James R. Young Jr.  
Fire Chief/Emergency Management Director  
Town of Orange, Massachusetts



ORANGE, MASSACHUSETTS

# ***Fire-Rescue-EMS***

18 Water Street, Orange, MA 01364 – (978) 544-3145

Chief James R. Young Jr.

jyoung@townoforange.org



## PERMIT FEE SCHEDULE EFFECTIVE 7/1/2019

### **NFPA, M.G.L. CH 148, & 527 CMR 1.00 PERMITS**

|                                                                                              |                                      |
|----------------------------------------------------------------------------------------------|--------------------------------------|
| Brush Burning (Seasonal) M.G.L. Ch. 148:10A                                                  | \$10.00                              |
| Bonfire M.G.L. Ch. 148:10A                                                                   | \$50.00 + Standby Detail Rate & Fees |
| Burning of Christmas Trees M.G.L. Ch. 148:10A                                                | \$50.00 + Standby Detail Rate & Fees |
| Cannon & Mortar Firing 527 CMR 1.00 Chapter 65                                               | \$50.00                              |
| Combustible Fibers 527 CMR 1.00 Chapter 45                                                   | \$50.00                              |
| Fireworks & Pyrotechnics – 527 CMR 1.00 Chapter 66                                           | \$50.00 + Standby Detail Rate & Fees |
| Oil Burners & Fuel Storage – 527 CMR 1.00 Chapter 11 and 66 and M.G.L. Ch 148:10A            | \$50.00                              |
| Liquefied Petroleum/Liquefied Natural Gas Installation UST or AST<br>527 CMR 1.00 Chapter 69 |                                      |
| 0-5,000 Gal                                                                                  | \$50.00                              |
| 5,001-10,000 Gal                                                                             | \$100.00                             |
| 10,001-20,000 Gal                                                                            | \$200.00                             |
| Over 20,000 Gal                                                                              | \$300.00                             |
| <b>Includes Inspection Fee</b>                                                               |                                      |
| Transfer Tank (2-year permit, <118 gallons)<br>527 CMR 1.00 Chapter 42                       | \$50.00                              |
| Cargo Tank Trucks (2-year permit, >119 gallons)<br>527 CMR 1.00 Chapter 42                   |                                      |
| Single Axle                                                                                  | \$75.00                              |
| Dual Axle                                                                                    | \$100.00                             |
| Tank Removal<br>527 CMR 1.00 Chapter 66                                                      | \$100.00 Each Tank                   |
| Flammable/Combustible Liquid UST or AST Installation 527 CMR 1.00 Chapter 66                 |                                      |
| 0-5,000 Gal                                                                                  | \$50.00                              |
| 5,001-10,000 Gal                                                                             | \$100.00                             |
| 10,001-20,000 Gal                                                                            | \$200.00                             |
| Over 20,000 Gal                                                                              | \$300.00                             |
| <b>Includes Inspection Fee</b>                                                               |                                      |
| Tar Kettles 527 CMR 1.00 Chapter 16                                                          | \$50.00                              |
| Storage & Use Permits (M.G.L. Ch.148:10A)<br>(Annual Permit)                                 | \$50.00                              |
| <b>For multiple year permits, \$50.00/year</b>                                               |                                      |
| Gun Powder & Ammunition 527 CMR 1.00 Chapter 65                                              | \$50.00                              |
| Blasting (30 Days) 527 CMR 1.00 Chapter 65                                                   | \$50.00 + Standby Detail Rate & Fees |
| Carbon monoxide or Technical Option<br>527 CMR 1.00 Chapter 13                               | \$50.00                              |
| Dumpster 527 CMR 1.00 Chapter 19                                                             | \$50.00                              |
| Welding/Hot Works 527 CMR 1.00 Chapter 41                                                    | \$50.00 + Standby Detail Rate & Fees |

*Excellence Through Service*
*Be Safe!*



ORANGE, MASSACHUSETTS

# ***Fire-Rescue-EMS***

18 Water Street, Orange, MA 01364 – (978) 544-3145

Chief James R. Young Jr.

jyoung@townoforange.org



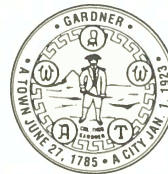
| <b>INSPECTIONS &amp; CERTIFICATE OF COMPLIANCE</b>                                                                                       |                                  |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Inspections (Hourly Rate)                                                                                                                | \$50.00                          |
| Life Safety Inspections<br>Restaurants, Liquor License, Business, Boarding<br>House, Fraternity, Sorority, Camps, Licensed<br>Facilities | \$50.00                          |
| Life Safety Re-Inspection                                                                                                                | \$50.00                          |
| Short Term Event Inspection (Cooking)                                                                                                    | \$50.00                          |
| Short Term Event Inspection (Cooking) Non-Profit                                                                                         | \$25.00                          |
| <b>SMOKE DETECTOR &amp; CARBON MONOXIDE SYSTEMS SALE/TRANSFER</b>                                                                        |                                  |
| M.G.L Chapter 148:26F & 26F ½                                                                                                            |                                  |
| Single-family                                                                                                                            | \$50.00                          |
| Two-family                                                                                                                               | \$75.00                          |
| 3-6 units                                                                                                                                | \$200.00                         |
| 7+ units                                                                                                                                 | \$300.00                         |
| Re-Inspection (per unit)                                                                                                                 | \$25.00                          |
| Ch 148 26C & E (per unit)                                                                                                                | \$50.00                          |
| Re-Inspection (per unit)                                                                                                                 | \$25.00                          |
| Temporary Use Permit                                                                                                                     | \$200.00                         |
| <b>NEW PROTECTION SYSTEMS &amp; NEW BUILDING</b>                                                                                         |                                  |
| 1 & 2 Family Dwellings (Fire Alarm with plan<br>review)                                                                                  | \$50.00                          |
| Site Plan (Planning or Zoning Boards)                                                                                                    | \$50.00                          |
| Plan Review                                                                                                                              | \$50.00                          |
| Sprinkler Plan Review<br>Includes Inspection Fee                                                                                         | \$100.00                         |
| <b>HAZMAT M.G.L. Chapter 21E</b>                                                                                                         |                                  |
| <b>RESPONSE, OUTSIDE DETAIL, COURT RESTITUTION</b>                                                                                       |                                  |
| Command/Communication Vehicle                                                                                                            | \$100.00/Hour                    |
| Pickup Truck 4-Wheel Drive                                                                                                               | \$75.00/Hour                     |
| Ambulance Standby                                                                                                                        | \$100.00/Hour                    |
| Forestry Unit                                                                                                                            | \$150.00/Hour                    |
| Rescue Truck                                                                                                                             | \$250.00/Hour                    |
| Engine/Pumper                                                                                                                            | \$200.00/Hour                    |
| Ladder Truck                                                                                                                             | \$250.00/Hour                    |
| Water Tender                                                                                                                             | \$150.00/Hour                    |
| Specialized Trailer/Watercraft                                                                                                           | \$150.00/Hour                    |
| Haz-Mat Vehicle                                                                                                                          | \$250.00/Hour                    |
| ATV/Snowmobile                                                                                                                           | \$100.00/Hour                    |
| Sand Truck/DPW Vehicles                                                                                                                  | \$100.00/Hour                    |
| Current Personnel Detail Rate                                                                                                            | \$43.00/Hour per Firefighter/EMT |
| Detail Administrative Fee                                                                                                                | 10% of invoice total             |
| Materials & Equipment                                                                                                                    | Billed at replacement cost       |
| Medical Observation/Treatment                                                                                                            | Billed to responsible party      |

*Excellence Through Service**Be Safe!*



# City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor



RECEIVED  
2022 JAN 19 PM 4:12  
CITY CLERK'S OFFICE  
GARDNER, MA

January 19, 2022

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

RE: Ordinance Proposal – Building Permit Fees

Dear Madam President and Councilors,

Attached, please find an ordinance proposal to amend the section of the City Code relating to Building Department Fees.

The last time the City adjusted building permit fees was in 2007.

The conversation about updating the permit fees in the city began back in 2017 when I was still working as the Executive Aide under the previous administration. As a result of not adjusting our permit fees for the past decade, the revenue we collect on permits is much lower than surrounding and other comparable communities.

The regionalization of our building department also supports the fee schedule increases, as it takes into consideration the additional work that has been added to the department since the last time the fees were adjusted.

With the integration of the new OpenGov Online Permitting software in the Building Department, these fee changes will be the last step in making our building department comparable with other modern counterparts across the state.

These fees are user-based fees that for the majority of the time do not impact the taxpayers of the City unless they voluntarily choose to undertake work on their properties. This past year was the first year that the City had over one thousand (1,000) building permits within a calendar year. With the large increase in permit applications and the larger request for inspections, we are looking to increase the fees for permits to reduce the amount that the taxpayers- who are not benefiting from the work being done - subsidize the work individuals are doing on their homes.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



AN ORDINANCE TO AMEND SECTIONS OF CHAPTER 390 OF THE CODE OF THE CITY OF  
GARDNER, ENTITLED FEES

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

**SECTION 1:** That Section 1 of Chapter 390 of the Code of the City of Gardner, entitled Building Permit Fee Schedule, be amended by striking out said section of the Code in its entirety and inserting the in place thereof the following:

| No. | Permit                                                                                                                             | Fee                                                                                                              |
|-----|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| 1   | Minimum Building Permit Fee                                                                                                        | \$50.00                                                                                                          |
| 2   | New Single-family, two family<br>Residential Alterations, Repairs<br>Kitchens & Bathrooms                                          | .70 per. Sq. ft.<br>.60 per. Sq. ft.<br>.80 per. Sq. ft.                                                         |
| 3   | Multi-family                                                                                                                       | .70 per. Sq. ft.                                                                                                 |
| 4   | New Commercial<br>Industrial                                                                                                       | .70 per. Sq. ft.<br>.50 per. Sq. ft.                                                                             |
| 5   | Commercial Alterations<br><br>Industrial Alterations                                                                               | 75.00 Minimum Plus .25 per. Sq. ft. over 250 Sq. ft.<br><br>75.00 Minimum Plus .20 per. Sq. ft. over 500 Sq. ft. |
| 6   | Municipal                                                                                                                          | No Fee                                                                                                           |
| 7   | Swimming Pools                                                                                                                     | 50.00 Above ground<br>75.00 In-Ground                                                                            |
| 8   | <b>Demolition</b><br>Residential<br>Commercial                                                                                     | 50.00<br>150.00                                                                                                  |
| 9   | Signs 1 – 60 sq. ft.<br>over 60 sq. ft                                                                                             | 40.00<br>40.00 Plus \$1.00 per additional sq. ft.                                                                |
| 10  | Fences                                                                                                                             | Minimum 25.00                                                                                                    |
| 11  | Solid Fuel Burning Appliances                                                                                                      | Minimum 25.00                                                                                                    |
| 12  | Roofing/Siding - Residential                                                                                                       | Minimum 40.00                                                                                                    |
| 13  | Roofing/Siding - Commercial                                                                                                        | 150.00 Minimum                                                                                                   |
| 14  | Foundations                                                                                                                        | .25 per. Sq. ft.                                                                                                 |
| 15  | Finished Basements                                                                                                                 | .35 per. Sq. ft.                                                                                                 |
| 16  | Garages                                                                                                                            | .40 per. Sq. ft.                                                                                                 |
| 17  | Accessory Buildings                                                                                                                | .40 per. Sq. ft.                                                                                                 |
| 18  | <b>Windows</b><br>Residential<br>Commercial                                                                                        | 50.00 up to four units, 2.75 each additional unit<br>75.00 up to four units, 5.25 each additional unit           |
| 19  | Chimney                                                                                                                            | 50.00                                                                                                            |
| 20  | Fireplaces                                                                                                                         | 50.00                                                                                                            |
| 21  | Decks<br>* On exceptionally large or complicated multifamily, commercial or industrial projects, PLAN REVIEW FEES may be required. | Minimum plus .30 per. Sq. ft. over 100                                                                           |
| 22  | Occupancy Permits                                                                                                                  | 30.00                                                                                                            |

23. In addition to the permit fee, a penalty of double the fee will be charged in any case where construction has begun before a permit is issued.

24. A **Re-inspection Fee** of \$75.00 may be charged for any inspection called for but not ready.

25. All fees are to be structured at a minimum of 1% over \$10k

26. On exceptionally large or complicated multifamily, commercial, or industrial projects, plan review fees may be required.

27. A processing fee of \$150.00 will be administered to all paper applications

| Type of Construction                     | Minimum Square Foot Value |
|------------------------------------------|---------------------------|
| One- or Two-family dwelling              | \$95                      |
| Residential alternations or additions    | \$75                      |
| Multifamily dwellings                    | \$95                      |
| Garages                                  | \$30                      |
| Accessory buildings, wood frame or block | \$30                      |
| Commercial                               | \$110                     |
| Commercial alterations                   | \$75                      |
| Industrial                               | \$60                      |
| Industrial alterations                   | \$35                      |
| Decks                                    | \$30/square foot          |

**SECTION 2:** That Section 3 of Chapter 390 of the Code of the City of Gardner, entitled Table 110, be amended by striking out said section of the Code in its entirety and inserting in place thereof the following:

*FEES*  
*390 Attachment 1*  
City of Gardner  
Table 110

| Use Group | Use Group                                                                                                         | Use Group Description | Minimum Inspections                       | Maximum Certification Period | Fee per Certification Period |
|-----------|-------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------|------------------------------|------------------------------|
| A-I       | Movie theaters or theaters with stage and scenery                                                                 | Over 400 capacity     | Semiannual                                | 1 year                       | \$140                        |
|           |                                                                                                                   | 400 or less capacity  | Semiannual                                | 1 year                       | \$95                         |
| A-2       | Restaurants, nightclubs, bars, banquet halls, or similar uses                                                     | Over 400 capacity     | Semiannual <sup>1</sup>                   | 1 year                       | \$140                        |
|           |                                                                                                                   | 400 or less capacity  | Annual <sup>1</sup>                       | 1 year                       | \$95                         |
| A-3       | Lecture halls, churches, places of religious worship, recreation centers, terminals, etc.                         | Over 400 capacity     | Semiannual                                | 1 year                       | \$140                        |
|           |                                                                                                                   | 400 or less capacity  | Annual                                    | 1 year                       | \$95                         |
| A-4       | Low-density recreation and similar uses                                                                           |                       | Prior to issuance of each new certificate | 5 years                      | \$95                         |
| A         | Special amusement buildings or portions thereof                                                                   |                       | Prior to issuance of each new certificate | 1 year                       | \$95                         |
| E         | Educational and certain day-care facilities                                                                       |                       | Prior to issuance of each new certificate | 1 year                       | \$95                         |
| 1-Jan     | Group home, assisted living, etc. (greater than 16 residents)                                                     |                       | Prior to issuance of each new certificate | 1 year                       | \$95 plus \$5/bedroom        |
| 2-Jan     | Residents incapable of self-preservation: hospitals, nursing homes, mental hospitals, certain day-care facilities |                       | Prior to issuance of each new certificate | 2 years <sup>3</sup>         |                              |
| 3-Jan     | Residents restrained: prisons, jails, detention centers, etc.                                                     |                       | Prior to issuance of each new certificate | 2 years                      |                              |
| 4-Jan     | Adult and/or child day-care facilities                                                                            |                       | Prior to issuance of each new certificate | 1 year                       | \$95                         |
| R-1       | Hotels, motels, boardinghouses, etc., and R-2 dwellings                                                           |                       | Prior to issuance of each new certificate | 1 year                       | \$95 plus \$5/bedroom        |

|     |                                                                                                                  |  |                                           |                              |                        |
|-----|------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------|------------------------------|------------------------|
| R-1 | Detoxification facilities                                                                                        |  | Prior 10 issuance of each new certificate | 2 years                      | \$150                  |
| R-2 | Multifamily (3 or more dwelling units)                                                                           |  | Prior 10 issuance of each new certificate | 5 years                      | \$95 plus \$10/bedroom |
| R-2 | Summer camps for children                                                                                        |  | Annual                                    | 1 year                       |                        |
| R-4 | Residential care/assisted living facilities (6 to 16 residents)                                                  |  | Annual                                    | 1 year                       | \$95                   |
| Any | Facilities licensed by the Alcohol Beverage Control Commission where alcoholic beverages are served and consumed |  | Annual (per MGL c. 10, § 74)              | 1 year (per MGL c. 10, § 74) |                        |
| Any | House museums (see 780 CMR Chapter 34 for definition)                                                            |  | Annual                                    | 1 year                       | \$95                   |
| Any | Fire escapes, etc., per 780 CMR Chapter 10                                                                       |  | 5 years                                   | 5 years                      | Noise                  |

General note: It is the responsibility of building "owner," as defined in 780 CMR Chapter 2, to meet the inspection requirements in this table for continued use and occupancy. The maximum certification period specified in the table is intended to provide administrative flexibility. For uses allowing more than one year maximum certification period, the building official may determine the certificate validity term. For example, an R-2 building could be certified for one, two, three, four, or five years.

1. When appropriate for A-2 uses, the inspection for the certificate of inspection should include and be timed to satisfy the requirements of MGL c. 10, § 74.

2. Building inspections in this use group may be performed by a qualified third party acceptable to the building official that includes but is not limited to registered design professional or individuals with qualifications comparable to a building official as per Section 103.

3. One year for facilities licensed or operated by DMH (Department of Mental Health).

a. For all buildings or structures, or parts thereof, in the I-2 or I-3 use group, the fee to be charged for the maximum certification period of two years is \$150 for each structure containing up to 100 beds, plus a charge of \$4 for each additional 10 beds or fraction thereof.

b. Summer camps for children in use group R-2 shall be inspected and certified annually prior to the beginning of each season. The annual fee shall be \$80 plus \$30 per assembly building or use.

c. 780 CMR 1001.3.2 Testing and Certification. All exterior bridges, steel or wooden stairways, fire escapes and egress balconies shall be examined and/or tested, and certified for structural adequacy and safety every five years, by a registered design professional, or others qualified and acceptable to the building official; said professional or others shall then submit an affidavit to the building official.

**SECTION 3:** That Section 7 of Chapter 390 of the Code of the City of Gardner, entitled Plumbing and Gas Fitting Permits Fee Schedule be amended by striking out said section of the Code in its entirety and inserting in place thereof the following:

#### **A. Plumbing Residential:**

|                                                |           |
|------------------------------------------------|-----------|
| <b><u>New Construction</u></b>                 |           |
| Basic first (5) fixtures                       | \$ 150.00 |
| Each additional fixture                        | \$ 10.00  |
| <b><u>Renovations</u></b>                      |           |
| Basic First (3) Fixtures                       | \$ 150.00 |
| Each additional fixture                        | \$ 10.00  |
| Residential Boiler, Water Heater, Storage Tank | \$ 50.00  |

|                        |          |
|------------------------|----------|
| and/or 1 Fixture       |          |
| Residential Dishwasher | \$ 30.00 |

### **B. Plumbing Commercial:**

|                                                                                         |           |
|-----------------------------------------------------------------------------------------|-----------|
| <b><u>New Construction</u></b>                                                          |           |
| Basic first (5) fixtures                                                                | \$ 175.00 |
| Each additional fixture                                                                 | \$ 20.00  |
| <b><u>Renovations</u></b>                                                               |           |
| Basic First (3) fixtures                                                                | \$ 125.00 |
| Each additional fixture                                                                 | \$ 10.00  |
| Commercial Boiler, Water Heater, Storage Tank<br>Backflow Preventer<br>and/or 1 Fixture | \$ 75.00  |
| Re-Inspection Fee                                                                       | \$ 75.00  |

### **C. Gas Permits**

|                                                                 |           |
|-----------------------------------------------------------------|-----------|
| <b><u>New Residential</u></b>                                   |           |
| Basic first fixture                                             | \$ 100.00 |
| Each additional fixture                                         | \$ 10.00  |
| <b><u>Residential Renovations</u></b>                           |           |
| Basic first fixture                                             | \$ 75.00  |
| Each additional fixture                                         | \$ 10.00  |
| Residential Gas re-test                                         | \$ 50.00  |
| <b><u>New Commercial</u></b>                                    |           |
| Basic First Fixture                                             | \$ 150.00 |
| Each additional fixture                                         | \$ 20.00  |
| <b><u>Commercial Renovations</u></b>                            |           |
| Basic First Fixture                                             | \$ 125.00 |
| Each additional fixture                                         | \$ 20.00  |
| Replacement of fixture - commercial, residential<br>or gas test | \$ 75.00  |
| Re-inspection                                                   | \$ 75.00  |
| Roof-top Replacements                                           | \$ 75.00  |

- D.** In addition to the permit fee, a penalty of DOUBLE the fee will be charged in any case where construction has begun before a permit is issued
- E.** A processing fee of \$150.00 will be administered to all paper applications
- F.** No fee for any permits in connection with work being performed for the City of Gardner

**SECTION 4:** That Section 10 of Chapter 390 of the Code of the City of Gardner, entitled Wiring Permits Fee Schedule be amended by striking out said section of the Code in its entirety and inserting in place thereof the following:

**A. Residential Permit Fees**

|                                                                                           |          |
|-------------------------------------------------------------------------------------------|----------|
| 1) New house, less than/equal to 2000 s/f (based on Permit)                               | \$300.00 |
| 2) New house, greater than 2000 s/f \$300.00 plus \$0.10 per s/f (rounded to nearest \$1) |          |
| 3) Addition/Renovation                                                                    | \$150.00 |
| 4) Swimming pool                                                                          | \$100.00 |
| 5) Spa/Hot tub                                                                            | \$75.00  |
| 6) Service change, first meter                                                            | \$75.00  |
| 7) Additional Meter                                                                       | \$35.00  |
| 8) Garage/Barn                                                                            | \$150.00 |
| 9) Existing building rewiring (multi-family \$125.00 per unit)                            | \$225.00 |
| 10) Temporary service                                                                     | \$75.00  |
| 11) Alarm, security systems                                                               | \$75.00  |
| 12) Not classified, all other work, minimum fee                                           | \$75.00  |
| 13) Solar/Wind Turbine                                                                    | \$150.00 |

**B. Commercial – Business - Industrial Fees**

|                                                                                                                                                                                               |               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 1) 1% of total electrical construction cost or minimum fee, whichever is greater (proof of estimate must be submitted with application. Subject to change on condition and scope of work).    |               |
| 2) Temporary service/Sign/Gas pump replacement                                                                                                                                                | \$75.00       |
| 3) Phone & Data, 1% of total construction cost or minimum fee, whichever is greater (proof of estimate must be submitted with application. Subject to change on condition and scope of work). |               |
| 4) Blanket permit for industrial maintenance                                                                                                                                                  | \$300.00      |
| 5) Minimum fee                                                                                                                                                                                | \$150.00      |
| 6) Carnival/Circus/Fair                                                                                                                                                                       | \$150.00      |
| 7) Solar/Wind Turbine                                                                                                                                                                         | 0.01 per Watt |

\*Permit fee includes one rough and one finish inspection. \$75.00 per inspection for all other inspections. \$75.00 re-inspection fee will be applied in cases of code deficiency.

\*\*In addition to the permit fee, a penalty of DOUBLE the fee will be charged in any case where construction has begun before a permit is issued\*\*

**C. Conditions of permit**

- 1) Permit expires one year from date of issue, or if electrical contractor is changed. An extension may be granted by the Inspector of Wires.
- 2) Permit fees doubled upon failure to apply for a permit, as required.
- 3) A processing fee of \$150.00 will be administered to all paper applications
- 4) All applications must be signed by a Massachusetts Licensed Electrician

**SECTION 5:** This ordinance shall become effective upon passage and publication as required by law.





**City of Gardner**  
**Department of Inspectional Services**  
 115 Pleasant Street, Gardner, MA 01440  
 Tel. (978) 630-4007 Fax: (978) 632-3313  
[www.gardner-ma.gov](http://www.gardner-ma.gov)

To: Honorable Michael Nicholson, Mayor, City of Gardner and Members of City Council

Fr: Roland Jean, C.B.O. Building Commissioner/Zoning Enforcement Officer

Re: **Calendar year 2021 Annual Report from the Gardner Building/Inspectional Services Department**

Major notable projects within the City include the following: New Elementary School, CHC Medical Building, Starbucks, and Demolition of 177 West St.

**Estimated cost of construction value:** ..... \$ 12,523,192.00

- New residential ..... \$2,369,000.00
- New commercial ..... \$1,553,250.00
- Additions/Renovation ..... \$8,600,942.00

**Building Permits:**

|                                             |                                         |                           |
|---------------------------------------------|-----------------------------------------|---------------------------|
| 20 ... Single Family Dwellings              | 21... signs                             | 8 ... Finished Basement   |
| 20... pools (19 AG pools, 1 in ground pool) | 16... solid Fuel Stoves                 | 31 ... General Repairs    |
| 8 ... accessory Structures                  | 104... windows/doors/siding             | 2 ... Hot Tub             |
| 7 ... commercial                            | 0 ... large ground mounted Photovoltaic | 170 ... Weatherization    |
| new(4)/additions(3)                         | 22 ... misc.                            | 23 ... Smoke / Fire Alarm |
| 5 ... residential additions                 | 29 ... demolition                       | 9 ... Sprinkler           |
| 44 ... decks                                | 2 ... foundations                       | 9 ... Tent                |
| 18 ... commercial renovations               | 90 ... solar PV/wind                    | 2 ... Temporary Structure |
| 84 ...residential renovations               | 12 ... Chimney                          | 4 ... Temporary Storage   |
| 200 ... roofs                               | 43 ... Fence                            | 85 ... General Inspection |
| 1 ... sheet metal                           | 3 ... Fire Suppression                  |                           |

**Revenues**

|                                                        |              |
|--------------------------------------------------------|--------------|
| 1093 Building Permits / # of Inspections- 1107.....    | \$213,108.00 |
| 23 Vacant & Abandoned Bldg. Registrations.....         | \$3,125.00   |
| 76 Requests for Annual Inspections.....                | \$6,835.00   |
| 601 Electrical Permits/ # of Inspections - 701.....    | \$101,203.00 |
| 464 Plumbing / Gas Permits # of Inspections - 591..... | \$42,645.00  |

Inspectional Department Revenues    TOTAL ..... \$366,916.00

Respectfully Submitted,

Roland Jean, C.B.O.  
 Building Commissioner  
 Zoning Enforcement Officer

**Mission Statement**

To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances

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*Comparison with Current Fee Schedule*  
*Building Permits*

---



**BUILDING PERMIT FEES****OLD****NEW**

|                                                                                                                                                    |                                                               |               |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|---------------|
| 1. Minimum Building Permit Fee                                                                                                                     | 25.00                                                         | \$50.00       |
| 2. New Single-family, two family                                                                                                                   | .58 per. Sq. ft.                                              | \$0.70        |
| Residential Alterations, Repairs                                                                                                                   | .47 per. Sq. ft.                                              | \$0.60        |
| Kitchens & Bathrooms                                                                                                                               | .75 per. Sq. ft.                                              | \$0.80        |
| 3. Multi-family                                                                                                                                    | .58 per. Sq. ft.                                              | \$0.70        |
| 4. New Commercial                                                                                                                                  | .58 per. Sq. ft.                                              | \$0.70        |
| Industrial                                                                                                                                         | .35 per. Sq. ft.                                              | \$0.50        |
| 5. Commercial Alterations                                                                                                                          | 50.00 /\$75.00 Minimum Plus .25 per. Sq. ft. over 250 Sq. ft. |               |
| Industrial Alterations                                                                                                                             | 50.00 /\$75.00 Minimum Plus .20 per. Sq. ft. over 500 Sq. ft. |               |
| 6. Municipal                                                                                                                                       | No Fee                                                        |               |
| 7. Swimming Pools                                                                                                                                  | 35.00 Above ground                                            | \$50.00       |
|                                                                                                                                                    | 45.00 In-Ground                                               | \$75.00       |
| 8. Demolition Residential                                                                                                                          | 35.00                                                         | \$50.00       |
| Commercial                                                                                                                                         | 100.00                                                        | \$150.00      |
| 9. Signs 1 – 60 sq. ft.                                                                                                                            | 40.00                                                         |               |
| over 60 sq. ft.                                                                                                                                    | 40.00 Plus \$1.00 per additional sq. ft.                      |               |
| 10. Fences                                                                                                                                         | 25.00                                                         | Min. \$25.00  |
| 11. Solid Fuel Burning Appliances                                                                                                                  | 25.00                                                         | Min. \$25.00  |
| 12. Roofing/Siding - Residential                                                                                                                   | 40.00                                                         | Min. \$50.00  |
| 13. Roofing/Siding - Commercial                                                                                                                    | 100.00 Minimum <del>or \$4.50 per \$1,000.00 of value</del>   | Min. \$150.00 |
| 14. Foundations                                                                                                                                    | .20 per. Sq. ft.                                              | \$0.25        |
| 15. Finished Basements                                                                                                                             | .30 per. Sq. ft.                                              | \$0.35        |
| 16. Garages                                                                                                                                        | .30 per. Sq. ft.                                              | \$0.40        |
| 17. Accessory Buildings                                                                                                                            | .30 per. Sq. ft.                                              | \$0.40        |
| 18. Windows                                                                                                                                        |                                                               |               |
| Residential                                                                                                                                        | 25.00 /\$50.00 up to four units, 2.75 each additional unit    |               |
| Commercial                                                                                                                                         | 50.00 /\$75.00 up to four units, 5.25 each additional unit    |               |
| 19. Chimney                                                                                                                                        | 25.00 – same                                                  | \$50.00       |
| 20. Fireplaces                                                                                                                                     | 50.00 -- same                                                 |               |
| 21. Decks                                                                                                                                          | Minimum plus .20 per. Sq. ft. over 100                        | \$0.30        |
| * On exceptionally large or complicated multifamily, commercial or industrial projects, PLAN REVIEW FEES may be required.                          |                                                               |               |
| 22. Occupancy Permits                                                                                                                              | 30.00                                                         |               |
| 23. IN ADDITION TO THE PERMIT FEE, A PENALTY OF DOUBLE THE FEE WILL BE CHARGED IN ANY CASE WHERE CONSTRUCTION HAS BEGUN BEFORE A PERMIT IS ISSUED. |                                                               |               |
| 24. A <b>Re-inspection Fee</b> of \$50.00 may be charged for any inspection called for but not ready.                                              |                                                               | \$75.00       |
| 25. All fees are to be structured at a minimum of .5 of 1%                                                                                         |                                                               | 1% over \$10k |
| 26. On exceptionally large or complicated multifamily, commercial, or industrial projects, plan review fees may be required.                       |                                                               |               |
| 27. A processing fee of \$150.00 will be administered to all paper applications                                                                    |                                                               |               |

## Minimum Square Foot Value

OLD

NEW

## Type of Construction

## Minimum Square Foot Value

|                                          |                  |       |
|------------------------------------------|------------------|-------|
| One- or Two-family dwelling              | \$73             | \$95  |
| Residential alternations or additions    | \$60             | \$75  |
| Multifamily dwellings                    | \$73             | \$95  |
| Garages                                  | \$25             | \$35  |
| Accessory buildings, wood frame or block | \$20             | \$30  |
| Commercial                               | \$63             | \$110 |
| Commercial alterations                   | \$30             | \$75  |
| Industrial                               | \$35             | \$60  |
| Industrial alterations                   | \$17.50          | \$35  |
| Decks                                    | \$20/square foot | \$30  |

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*Comparison with Current Fee Schedule*  
*Table 110*

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# *FEES*

390 Attachment 1

City of Gardner

Table 110

proposed 7.27.21

| Use Group | Use Group                                                                                                         | Use Group Description | Minimum Inspections                       | Maximum Certification Period | Fee per Certification Period | NEW                   |
|-----------|-------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------|------------------------------|------------------------------|-----------------------|
| A-1       | Movie theaters or theaters with stage and scenery                                                                 | Over 400 capacity     | Semiannual                                | 1 year                       | \$125                        | \$140                 |
|           |                                                                                                                   | 400 or less capacity  | Semiannual                                | 1 year                       | \$80                         | \$95                  |
| A-2       | Restaurants, nightclubs, bars, banquet halls, or similar uses                                                     | Over 400 capacity     | Semiannual <sup>1</sup>                   | 1 year                       | \$125                        | \$140                 |
|           |                                                                                                                   | 400 or less capacity  | Annual <sup>1</sup>                       | 1 year                       | \$80                         | \$95                  |
| A-3       | Lecture halls, churches, places of religious worship, recreation centers, terminals, etc.                         | Over 400 capacity     | Semiannual                                | 1 year                       | \$125                        | \$140                 |
|           |                                                                                                                   | 400 or less capacity  | Annual                                    | 1 year                       | \$80                         | \$95                  |
| A-4       | Low-density recreation and similar uses                                                                           |                       | Prior to issuance of each new certificate | 5 years                      | \$80                         | \$95                  |
| A         | Special amusement buildings or portions thereof                                                                   |                       | Prior to issuance of each new certificate | 1 year                       | \$80                         | \$95                  |
| E         | Educational and certain day-care facilities                                                                       |                       | Prior to issuance of each new certificate | 1 year                       | \$80                         | \$95                  |
| 1-Jan     | Group home, assisted living, etc. (greater than J 6 residents)                                                    |                       | Prior to issuance of each new certificate | 1 year                       | \$80 plus \$2/bedroom        | \$95 plus \$5/bedroom |
| 2-Jan     | Residents incapable of self-preservation: hospitals, nursing homes, mental hospitals, certain day-care facilities |                       | Prior to issuance of each new certificate | 2 years <sup>3</sup>         | Note a                       |                       |
| 3-Jan     | Residents restrained: prisons, jails, detention centers, etc.                                                     |                       | Prior to issuance of each new certificate | 2 years                      | Note a                       |                       |
| 4-Jan     | Adult and/or child day-care facilities                                                                            |                       | Prior to issuance of each new certificate | 1 year                       | \$80                         | \$95                  |

390 Attachment 1:1

12 - 01 - 2013

## *GARDNER CODE*

| Use Group | Use Group                                                 | Use Group Description | Minimum Inspections                       | Maximum Certification Period | Fee per Certification Period | NEW                   |
|-----------|-----------------------------------------------------------|-----------------------|-------------------------------------------|------------------------------|------------------------------|-----------------------|
| R-1       | Hotels, motels, boardinghouses, etc., and R-2 dormitories |                       | Prior to issuance of each new certificate | 1 year                       | \$80 plus \$2/bedroom        | \$95 plus \$5/bedroom |

|     |                                                                                                                  |  |                                           |                              |                             |                        |
|-----|------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------|------------------------------|-----------------------------|------------------------|
| R-1 | Detoxification facilities                                                                                        |  | Prior 10 issuance of each new certificate | 2 years                      | \$125                       | \$150                  |
| R-2 | Multifamily (3 or more dwelling units)                                                                           |  | Prior 10 issuance of each new certificate | 5 years                      | \$80 plus \$5/dwelling unit | \$95 plus \$10/bedroom |
| R-2 | Summer camps for children                                                                                        |  | Annual                                    | 1 year                       | Note b                      |                        |
| R-4 | Residential care/assisted living facilities (6 to 16 residents)                                                  |  | Annual                                    | 1 year                       | \$80                        | \$95                   |
| Any | Facilities licensed by the Alcohol Beverage Control Commission where alcoholic beverages are served and consumed |  | Annual (per MGL c. 10, § 74)              | 1 year (per MGL c. 10, § 74) | See A-2 above               |                        |
| Any | House museums (see 780 CMR Chapter 34 for definition)                                                            |  | Annual                                    | 1 year                       | \$80                        | \$95                   |
| Any | Fire escapes, etc., per 780 CMR Chapter 10                                                                       |  | 5 years                                   | 5 years                      | Noise                       |                        |

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*Comparison with Current Fee Schedule  
Plumbing and Gas Fitting Permits*

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**Plumbing Residential:****New Construction**

|                          | <u>Old</u> | <u>New</u> |
|--------------------------|------------|------------|
| Basic first (5) fixtures | \$ 125.00  | \$150.00   |
| Each additional fixture  | \$ 10.00   |            |

**Renovations**

|                                                                    |           |          |
|--------------------------------------------------------------------|-----------|----------|
| Basic First (3) Fixtures                                           | \$ 125.00 | \$150.00 |
| Each additional fixture                                            | \$ 10.00  |          |
| Residential Boiler, Water Heater, Storage Tank<br>and/or 1 Fixture | \$ 50.00  | \$50.00  |
| Residential Dishwasher                                             | Added Fee | \$30.00  |

**Plumbing Commercial:****New Construction**

|                          |           |          |
|--------------------------|-----------|----------|
| Basic first (5) fixtures | \$ 150.00 | \$175.00 |
| Each additional fixture  | \$ 10.00  | \$20.00  |

**Renovations**

|                                                                                         |           |          |
|-----------------------------------------------------------------------------------------|-----------|----------|
| Basic First (3) fixtures                                                                | \$ 100.00 | \$125.00 |
| Each additional fixture                                                                 | \$ 10.00  |          |
| Commercial Boiler, Water Heater, Storage Tank<br>Backflow Preventer<br>and/or 1 Fixture | \$75.00   |          |
| Re-Inspection Fee                                                                       | Added Fee | \$75.00  |

**Gas Permits****New Residential**

|                         |          |          |
|-------------------------|----------|----------|
| Basic first fixture     | \$ 75.00 | \$100.00 |
| Each additional fixture | \$ 5.00  | \$10.00  |

**Residential Renovations**

|                         |           |          |
|-------------------------|-----------|----------|
| Basic first fixture     | \$ 75.00  | \$100.00 |
| Each additional fixture | \$ 5.00   | \$10.00  |
| Residential Gas re-test | Added Fee | \$50.00  |

**New Commercial**

|                         |           |          |
|-------------------------|-----------|----------|
| Basic First Fixture     | \$ 125.00 | \$150.00 |
| Each additional fixture | \$ 5.00   | \$20.00  |

**Commercial Renovations**

|                                                                 |           |          |
|-----------------------------------------------------------------|-----------|----------|
| Basic First Fixture                                             | \$ 100.00 | \$125.00 |
| Each additional fixture                                         | \$ 5.00   | \$20.00  |
| Replacement of fixture - commercial, residential<br>or gas test | \$ 50.00  | \$75.00  |
| Re-inspection                                                   | \$ 50.00  | \$75.00  |
| Roof-Top Replacements                                           | Added fee | \$75.00  |

**\*\*In addition to the permit fee, a penalty of DOUBLE the fee will be charged in any case where construction has begun before a permit is issued\*\***

**\*\*A processing fee of \$150.00 will be administered to all paper applications\*\***  
(Added)

**No fee for any permits in connection with work being performed for the City of Gardner**

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*Comparison with Current Fee Schedule*  
*Wiring Permits*

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## FEES FOR WIRING PERMITS

**Residential Permit Fee**

|                                                                                           | <b><u>OLD</u></b>  | <b><u>NEW</u></b> |
|-------------------------------------------------------------------------------------------|--------------------|-------------------|
| 1) New house, less than/equal to 2000 s/f (based on Permit)                               | \$220.00           | \$300.00          |
| 2) New house, greater than 2000 s/f \$220.00 plus \$0.10 per s/f (rounded to nearest \$1) |                    | \$300.00          |
| 3) Addition/Renovation                                                                    | \$100.00           | \$150.00          |
| 4) Swimming pool <del>In-ground Pool</del>                                                | \$100.00           | \$100.00          |
| 5) <del>Above-ground pool</del>                                                           | <del>\$50.00</del> |                   |
| 6) Spa/Hot tub                                                                            | \$50.00            | \$75.00           |
| 7) Service change, first meter                                                            | \$65.00            | \$65.00           |
| 8) Additional Meter                                                                       | \$35.00            |                   |
| 9) Garage/Barn                                                                            | \$100.00           | \$150.00          |
| 10) Existing building rewiring (multi-family \$95.00/\$125.00 per unit)                   | \$155.00           | \$225.00          |
| 11) Temporary service                                                                     | \$50.00            | \$75.00           |
| 12) Alarm, security systems                                                               | \$50.00            | \$75.00           |
| 13) Not classified, all other work, minimum fee                                           | \$50.00            | \$75.00           |
| 14) Solar/Wind Turbine                                                                    | \$65.00            | \$150.00          |

**Commercial – Business - Industrial Fees**

|                                                                                                                                                                                                       |          |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------|
| 1) 1% of total electrical construction cost or minimum fee, whichever is greater ( <b>proof of estimate must be submitted with application.</b> Subject to change on condition and scope of work).    |          |               |
| 2) Temporary service/Sign/Gas pump replacement                                                                                                                                                        | \$50.00  | \$75.00       |
| 3) Phone & Data, 1% of total construction cost or minimum fee, whichever is greater ( <b>proof of estimate must be submitted with application.</b> Subject to change on condition and scope of work). |          |               |
| 4) Blanket permit for industrial maintenance                                                                                                                                                          | \$250.00 | \$300.00      |
| 5) Minimum fee                                                                                                                                                                                        | \$150.00 |               |
| 6) Carnival/Circus/Fair                                                                                                                                                                               | \$150.00 |               |
| 7) Solar/Wind Turbine                                                                                                                                                                                 | Added    | 0.01 per Watt |

\*Permit fee includes one rough and one finish inspection. \$50.00/ \$75.00 per inspection for all other inspections. \$50.00/ \$75.00 re-inspection fee will be applied in cases of code deficiency.

**\*\*In addition to the permit fee, a penalty of DOUBLE the fee will be charged in any case where construction has begun before a permit is issued\*\***

(Added)

**Conditions of permit**

- 1) Permit expires one year from date of issue, or if electrical contractor is changed. An extension may be granted by the Inspector of Wires.
- 2) Permit fees doubled upon failure to apply for a permit, as required.
- 3) A processing fee of \$150.00 will be administered to all paper applications
- 4) All applications must be signed by a Massachusetts Licensed Electrician

---

*Comparison with other area municipalities*

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**Gardner**  
CURRENT UN-AMENDED

Pop. 20,610

**Leominster**  
Effective as of 7/13/09

Pop. 41,606

**Holden**  
Effective as of 5/19/09-Bldg; 10/7/03-Plumb/Gas

Pop. 17,346

**Athol**  
Effective as of 4/7/15

Pop. 11,753

**Westminster**  
Effective as of 7/1/13

Pop. 7,884

**Rutland**  
Effective as of 7/1/2021

Pop. 7,973

|                                     |       |  |
|-------------------------------------|-------|--|
| <b>Building</b>                     |       |  |
| Minimum Fee                         | \$25  |  |
| Pool In-Ground                      | \$45  |  |
| Pool Above Ground                   | \$35  |  |
| Demolit. Resident.                  | \$35  |  |
| Demolit. Comm.                      | \$100 |  |
| Roof/Siding Res.                    | \$40  |  |
| Roof/Siding Comm.                   | \$100 |  |
| Fence                               | \$25  |  |
| Chimney                             | \$25  |  |
| Fireplace                           | \$50  |  |
| Re-Inspect. Fee                     | \$50  |  |
| <b>Plumbing</b>                     |       |  |
| <u>New Construction Residential</u> |       |  |
| Basic (1st 5 fix.)                  | \$125 |  |
| Add'l Fix                           | \$10  |  |
| <u>Renovations</u>                  |       |  |
| Basic (1st 3 fix.)                  | \$125 |  |
| Add'l Fix                           | \$10  |  |
| Water Heater                        | \$50  |  |
| <u>New Construction Commercial</u>  |       |  |
| Basic (1st 5 fix.)                  | \$150 |  |
| Add'l Fix                           | \$10  |  |
| <u>Renovations</u>                  |       |  |
| Basic (1st 3 fix.)                  | \$100 |  |
| Add'l Fix                           | \$10  |  |
| Water Heater                        | \$75  |  |
| <b>Gas</b>                          |       |  |
| <u>New Residential</u>              |       |  |
| Basic (1st Fix.)                    | \$75  |  |
| Add'l Fix                           | \$5   |  |
| <u>Renovations</u>                  |       |  |
| Basic (1st Fix.)                    | \$50  |  |
| Add'l Fix                           | \$5   |  |
| <u>New Commercial</u>               |       |  |
| Basic (1st Fix.)                    | \$125 |  |
| Add'l Fix                           | \$5   |  |
| <u>Renovations</u>                  |       |  |
| Basic (1st Fix.)                    | \$100 |  |
| Add'l Fix                           | \$5   |  |
| Gas Test                            | \$50  |  |
| Re-Inspection Fee                   | \$75  |  |
| <b>Electrical</b>                   |       |  |
| New House (-2000 sft)               |       |  |
| Addition/Reno                       | \$220 |  |
| In-ground pool                      | \$100 |  |
| Above Ground pool                   | \$50  |  |
| Service Change                      | \$65  |  |
| Add'l meter                         | \$35  |  |
| Temp service                        | \$50  |  |
| Solar                               | \$65  |  |
| Minimum residential                 | \$50  |  |
| Minimum Commercial                  | \$150 |  |
| Industrial Maintenance              | \$250 |  |

|                                     |       |  |
|-------------------------------------|-------|--|
| <b>Building</b>                     |       |  |
| Minimum Fee                         | \$25  |  |
| Pool In-Ground                      | \$45  |  |
| Pool Above Ground                   | \$35  |  |
| Demolit. Resident.                  | \$35  |  |
| Demolit. Comm.                      | \$100 |  |
| Roof/Siding Res.                    | \$40  |  |
| Roof/Siding Comm.                   | \$100 |  |
| Fence                               | \$25  |  |
| Chimney                             | \$25  |  |
| Fireplace                           | \$50  |  |
| Re-Inspect. Fee                     | \$50  |  |
| <b>Plumbing</b>                     |       |  |
| <u>New Construction Residential</u> |       |  |
| Basic                               | \$125 |  |
| Add'l Fix                           | \$10  |  |
| <u>Renovations</u>                  |       |  |
| Basic (1st 3 fix.)                  | \$125 |  |
| Add'l Fix                           | \$10  |  |
| Water Heater                        | \$50  |  |
| <u>New Construction Commercial</u>  |       |  |
| Basic                               | \$150 |  |
| Add'l Fix                           | \$10  |  |
| <u>Renovations</u>                  |       |  |
| Basic (1st 3 fix.)                  | \$100 |  |
| Add'l Fix                           | \$10  |  |
| Water Heater                        | \$75  |  |
| <b>Gas</b>                          |       |  |
| <u>New Residential</u>              |       |  |
| Basic                               | \$75  |  |
| Add'l Fix                           | \$5   |  |
| <u>Renovations</u>                  |       |  |
| Basic (1st Fix.)                    | \$50  |  |
| Add'l Fix                           | \$5   |  |
| <u>New Commercial</u>               |       |  |
| Basic                               | \$125 |  |
| Add'l Fix                           | \$5   |  |
| <u>Renovations</u>                  |       |  |
| Basic (1st Fix.)                    | \$100 |  |
| Add'l Fix                           | \$5   |  |
| Gas Test                            | \$50  |  |
| Re-Inspection Fee                   | \$75  |  |
| <b>Electrical</b>                   |       |  |
| New House (-2000 sft)               |       |  |
| Addition/Reno                       | \$220 |  |
| In-ground pool                      | \$100 |  |
| Above Ground pool                   | \$50  |  |
| Service Change                      | \$65  |  |
| Add'l meter                         | \$35  |  |
| Temp service                        | \$50  |  |
| Solar                               | \$65  |  |
| Minimum residential                 | \$50  |  |
| Minimum Commercial                  | \$150 |  |
| Industrial Maintenance              | \$250 |  |

|                                     |           |  |
|-------------------------------------|-----------|--|
| <b>Building</b>                     |           |  |
| Minimum Fee                         | \$25      |  |
| Pool In-Ground                      | \$45      |  |
| Pool Above Ground                   | \$35      |  |
| Demolit. Resident.                  | \$35      |  |
| Demolit. Comm.                      | \$100     |  |
| Roof/Siding Res.                    | \$40      |  |
| Roof/Siding Comm.                   | \$100     |  |
| Fence                               | \$25      |  |
| Chimney                             | \$25      |  |
| Fireplace                           | \$50      |  |
| Re-Inspect. Fee                     | \$50      |  |
| <b>Plumbing</b>                     |           |  |
| <u>New Construction Residential</u> |           |  |
| Basic (13 Fix.)                     | \$175     |  |
| Add'l Fix                           | \$10      |  |
| <u>Renovations</u>                  |           |  |
| Basic (3 fix.)                      | \$100     |  |
| Add'l Fix                           | \$10      |  |
| Water Heater                        | \$75      |  |
| <u>New Construction Commercial</u>  |           |  |
| Flat Fee                            | \$150     |  |
| Per Fix.                            | \$10      |  |
| <u>Renovations</u>                  |           |  |
| Basic (1st 3 fix.)                  | \$55      |  |
| Add'l Fix                           | \$8       |  |
| Water Heater                        | \$30      |  |
| <b>Gas</b>                          |           |  |
| <u>New Residential</u>              |           |  |
| Basic (1st 5 Fix)                   | \$125     |  |
| Add'l Fix                           | \$10      |  |
| <u>Renovations</u>                  |           |  |
| Basic (1st Fix.)                    | \$35      |  |
| Add'l Fix                           | \$6       |  |
| <u>New Commercial</u>               |           |  |
| Base Fee                            | \$150     |  |
| Add'l Fix                           | \$20      |  |
| <u>Renovations</u>                  |           |  |
| Basic (1st Fix.)                    | \$55      |  |
| Add'l Fix                           | \$8       |  |
| Gas Test                            | \$20/\$50 |  |
| Re-Inspection Fee                   | \$50      |  |
| <b>Electrical</b>                   |           |  |
| New House (-2000 sft)               |           |  |
| Addition/Reno                       | \$200     |  |
| In-ground pool                      | \$100     |  |
| Above Ground pool                   | \$50      |  |
| Service Change                      | \$65      |  |
| Add'l meter                         | \$65      |  |
| Temp service                        | \$50      |  |
| Solar                               | \$65      |  |
| Minimum residential                 | \$50      |  |
| Minimum Commercial                  | \$100     |  |
| Industrial Maintenance              | \$155     |  |

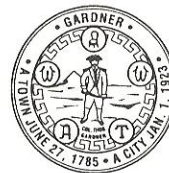
|                                     |           |  |
|-------------------------------------|-----------|--|
| <b>Building</b>                     |           |  |
| Minimum Fee                         | \$50      |  |
| Pool In-Ground                      | \$175     |  |
| Pool Above Ground                   | \$105     |  |
| Demolit. Resident.                  | \$50      |  |
| Demolit. Comm.                      | \$150     |  |
| Roof/Siding Res.                    | \$50      |  |
| Roof/Siding Comm.                   | \$35      |  |
| Fence                               |           |  |
| Chimney                             |           |  |
| Fireplace                           |           |  |
| Re-Inspect. Fee                     |           |  |
| <b>Plumbing</b>                     |           |  |
| <u>New Construction Residential</u> |           |  |
| Flat fee (all fix.)                 | \$225     |  |
| Add'l Fix                           |           |  |
| <u>Renovations</u>                  |           |  |
| Basic (1 Fix.)                      | \$125     |  |
| Add'l Fix                           | \$100     |  |
| Water Heater                        | \$100     |  |
| <u>New Construction Commercial</u>  |           |  |
| Basic (1 Fix.)                      | \$200     |  |
| Add'l Fix                           |           |  |
| <u>Renovations</u>                  |           |  |
| Basic (1 Fix.)                      | \$150     |  |
| Add'l Fix                           | \$75      |  |
| Water Heater                        |           |  |
| <b>Gas</b>                          |           |  |
| <u>New Residential</u>              |           |  |
| Basic (1st Fix.)                    | \$150     |  |
| Add'l Fix                           |           |  |
| <u>Renovations</u>                  |           |  |
| Basic (1st Fix.)                    | \$60      |  |
| Add'l Fix                           | \$15      |  |
| <u>New Commercial</u>               |           |  |
| Basic (1st Fix.)                    | \$100     |  |
| Add'l Fix                           | \$15      |  |
| <u>Renovations</u>                  |           |  |
| Basic (1st Fix.)                    | \$100     |  |
| Add'l Fix                           | \$15      |  |
| Gas Test                            | \$40/\$45 |  |
| Re-Inspection Fee                   |           |  |
| <b>Electrical</b>                   |           |  |
| New House (-2000 sft)               |           |  |
| Addition/Reno                       | \$175     |  |
| In-ground pool                      | \$150     |  |
| Above Ground pool                   | \$20      |  |
| Service Change                      |           |  |
| Add'l meter                         |           |  |
| Temp service                        | \$50      |  |
| Solar                               | \$100     |  |
| Minimum residential                 |           |  |
| Minimum Commercial                  |           |  |
| Industrial Maintenance              | \$500     |  |

|                                     |             |  |
|-------------------------------------|-------------|--|
| <b>Building</b>                     |             |  |
| Minimum Fee                         | \$50/\$100  |  |
| Pool In-Ground                      | \$100       |  |
| Pool Above Ground                   | \$50        |  |
| Demolit. Resident.                  | \$75        |  |
| Demolit. Comm.                      | \$100       |  |
| Roof/Siding Res.                    | \$50        |  |
| Roof/Siding Comm.                   | \$100       |  |
| Fence                               | \$50        |  |
| Chimney                             | \$50        |  |
| Fireplace                           | \$50        |  |
| Re-Inspect. Fee                     | \$50        |  |
| <b>Plumbing</b>                     |             |  |
| <u>New Construction Residential</u> |             |  |
| Flat fee (all fix.)                 | \$175       |  |
| Add'l Fix                           | N/A         |  |
| <u>Renovations</u>                  |             |  |
| Basic (1 Fix.)                      | \$75        |  |
| Add'l Fix                           | \$10        |  |
| Water Heater                        |             |  |
| <u>New Construction Commercial</u>  |             |  |
| Basic (1 Fix.)                      | \$150/\$300 |  |
| Add'l Fix                           | \$10        |  |
| <u>Renovations</u>                  |             |  |
| Basic (1 Fix.)                      | \$150/\$300 |  |
| Add'l Fix                           | \$10        |  |
| Water Heater                        | \$45        |  |
| <b>Gas</b>                          |             |  |
| <u>New Residential</u>              |             |  |
| Basic (1st Fix.)                    | \$60        |  |
| Add'l Fix                           | \$15        |  |
| <u>Renovations</u>                  |             |  |
| Basic (1st Fix.)                    | \$60        |  |
| Add'l Fix                           | \$15        |  |
| <u>New Commercial</u>               |             |  |
| Basic (1st Fix.)                    | \$100       |  |
| Add'l Fix                           | \$15        |  |
| <u>Renovations</u>                  |             |  |
| Basic (1st Fix.)                    | \$100       |  |
| Add'l Fix                           | \$15        |  |
| Gas Test                            |             |  |
| Re-Inspection Fee                   |             |  |
| <b>Electrical</b>                   |             |  |
| New House (-2000 sft)               |             |  |
| Addition/Reno                       | \$175       |  |
| In-ground pool                      | \$150       |  |
| Above Ground pool                   | \$20        |  |
| Service Change                      |             |  |
| Add'l meter                         |             |  |
| Temp service                        | \$50        |  |
| Solar                               | \$100       |  |
| Minimum residential                 |             |  |
| Minimum Commercial                  |             |  |
| Industrial Maintenance              | \$500       |  |

|                                     |             |  |
|-------------------------------------|-------------|--|
| <b>Building</b>                     |             |  |
| Minimum Fee                         | \$50/\$100  |  |
| Pool In-Ground                      | \$100       |  |
| Pool Above Ground                   | \$50        |  |
| Demolit. Resident.                  | \$75        |  |
| Demolit. Comm.                      | \$100       |  |
| Roof/Siding Res.                    | \$50        |  |
| Roof/Siding Comm.                   | \$100       |  |
| Fence                               | \$50        |  |
| Chimney                             | \$50        |  |
| Fireplace                           | \$50        |  |
| Re-Inspect. Fee                     | \$50        |  |
| <b>Plumbing</b>                     |             |  |
| <u>New Construction Residential</u> |             |  |
| Flat fee (all fix.)                 | \$175       |  |
| Add'l Fix                           | N/A         |  |
| <u>Renovations</u>                  |             |  |
| Basic (1 Fix.)                      | \$75        |  |
| Add'l Fix                           | \$10        |  |
| Water Heater                        |             |  |
| <u>New Construction Commercial</u>  |             |  |
| Basic (1 Fix.)                      | \$150/\$300 |  |
| Add'l Fix                           | \$10        |  |
| <u>Renovations</u>                  |             |  |
| Basic (1 Fix.)                      | \$150/\$300 |  |
| Add'l Fix                           | \$10        |  |
| Water Heater                        | \$45        |  |
| <b>Gas</b>                          |             |  |
| <u>New Residential</u>              |             |  |
| Basic (1st Fix.)                    | \$60        |  |
| Add'l Fix                           | \$15        |  |
| <u>Renovations</u>                  |             |  |
| Basic (1st Fix.)                    | \$60        |  |
| Add'l Fix                           | \$15        |  |
| <u>New Commercial</u>               |             |  |
| Basic (1st Fix.)                    | \$100       |  |
| Add'l Fix                           | \$15        |  |
| <u>Renovations</u>                  |             |  |
| Basic (1st Fix.)                    | \$100       |  |
| Add'l Fix                           | \$15        |  |
| Gas Test                            |             |  |
| Re-Inspection Fee                   |             |  |
| <b>Electrical</b>                   |             |  |
| New House (-2000 sft)               |             |  |
| Addition/Reno                       | \$175       |  |
| In-ground pool                      | \$150       |  |
| Above Ground pool                   | \$20        |  |
| Service Change                      |             |  |
| Add'l meter                         |             |  |
| Temp service                        | \$50        |  |
| Solar                               | \$100       |  |
| Minimum residential                 |             |  |
| Minimum Commercial                  |             |  |
| Industrial Maintenance              | \$500       |  |

|                                     |           |  |
|-------------------------------------|-----------|--|
| <b>Building</b>                     |           |  |
| Minimum Fee                         | \$50      |  |
| Pool In-Ground                      | \$100     |  |
| Pool Above Ground                   | \$50      |  |
| Demolit. Resident.                  | \$75      |  |
| Demolit. Comm.                      | \$75      |  |
| Roof/Siding Res.                    | \$50      |  |
| Roof/Siding Comm.                   | \$100     |  |
| Fence                               | \$50      |  |
| Chimney                             | \$50      |  |
| Fireplace                           | \$50      |  |
| Re-Inspect. Fee                     | \$25-Min. |  |
| <b>Plumbing</b>                     |           |  |
| <u>New Construction Residential</u> |           |  |
| Basic                               | \$160     |  |
| Add'l Fix                           | \$5       |  |
| <u>Renovations</u>                  |           |  |
| Basic                               | \$80      |  |
| Add'l Fix                           | \$5       |  |
| Water Heater                        |           |  |
| <u>New Construction Commercial</u>  |           |  |
| Basic                               | \$160     |  |
| Add'l Fix                           | \$5       |  |
| <u>Renovations</u>                  |           |  |
| Basic                               | \$80      |  |
| Add'l Fix                           | \$5       |  |
| Water Heater                        | \$40      |  |
| <b>Gas</b>                          |           |  |
| <u>New Residential</u>              |           |  |
| Basic                               | \$80      |  |
| Add'l Fix                           | \$5       |  |
| <u>Renovations</u>                  |           |  |
| Basic                               | \$80      |  |
| Add'l Fix                           | \$5       |  |
| <u>New Commercial</u>               |           |  |
| Basic                               | \$80      |  |
| Add'l Fix                           | \$5       |  |
| <u>Renovations</u>                  |           |  |
| Basic                               | \$80      |  |
| Add'l Fix                           | \$5       |  |
| Gas Test                            | \$40      |  |
| Re-Inspection Fee                   | \$40      |  |
| <b>Electrical</b>                   |           |  |
| New House (-2000 sft)               |           |  |
| Addition/Reno                       | \$250     |  |
| In-ground pool                      | \$75      |  |
| Above Ground pool                   | \$50      |  |
| Service Change                      | \$50      |  |
| Add'l meter                         |           |  |
| Temp service                        | \$50      |  |
| Solar                               | \$200     |  |
| Minimum residential                 | \$50      |  |
| Minimum Commercial                  | \$100     |  |
| Industrial Maintenance              | \$300     |  |

# City of Gardner, *Executive Department*



Michael J. Nicholson, Mayor

2022 FEB -3 PM 1:48

February 2, 2022

CITY CLERK'S OFFICE  
GARDNER, MA

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 Chapter 567 of the Code of the City of Gardner

Dear Madam President and Councilors,

In 2009, the City adopted Chapter 567 of the Code of the City of Gardner requiring property owners within the Downtown area to remove the snow from the sidewalks with an area wide enough to be in compliance with ADA standards of the sidewalk within a certain amount of time after a snowstorm.

For the past several years, we have run into issues where different sections of the sidewalks remain uncleared for several days or with paths that are not wide enough to meet the requirements of the ordinance. While fines and citations have been issued, more often than not, they are simply paid because it is a lot cheaper to pay the fine than to hire someone to clear the sidewalk.

By means of example, under the current ordinance, the total aggregate amount of fines that an individual would pay if they were to keep a sidewalk uncleared for two days in the defined district is \$75 (\$25 for the first day, \$50 for the second day). For comparison, the City pays our contractor who clears the sidewalks in front of City Hall \$125 per hour. When it's cheaper to pay a fine than actually do the work, the fines get paid and the problems continue.

Furthermore, at \$25 per citation, the city ends up spending more money with the time of our employees to write the citation, put together the relevant background materials, and then send the letter certified as required by law.

This amendment is being put forward to assist in helping to keep our downtown area accessible and safe for the public following winter weather events.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



AN ORDINANCE TO AMEND CHAPTER 567 OF THE CODE OF THE CITY OF  
GARDNER, ENTITLED STREETS AND SIDEWALKS

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

SECTION 1: Section 31(C) of Chapter 567 of the Code of the City of Gardner, entitled Enforcement; Violations and Penalties, be amended by striking out items (1) and (2) out of said section of the Code and inserting in place thereof the following:

- (1) First Offense: \$100
- (2) Second Offense: \$200
- (3) Third and subsequent offenses: \$300

SECTION 2: Section 31(e) of Chapter 567 of the Code of the City of Gardner, entitled Enforcement; Violations and Penalties, be amended by striking out said section of the Code in its entirety and inserting in place thereof the following:

- E. Any violation of §567-30 shall result in a fine of \$300

SECTION 3: This ordinance shall become effective upon passage and publication as required by law.

City of Gardner, MA  
Wednesday, February 2, 2022

## Chapter 567. Streets and Sidewalks

### Article VIII. Snow and Ice Removal

[Adopted 2-2-2009 by Ord. No. 1484]

#### § 567-27. Purpose.

[Amended 11-18-2013 by Ord. No. 1563]

This article is adopted in order to provide for the timely and complete removal of snow, slush and ice from the sidewalks and curb ramps in the City of Gardner to ensure that all residents, including wheelchair users, the elderly, and others with disabilities, can traverse public sidewalks safely.

#### § 567-28. Definitions.

The following words and phrases, when used in this article, shall have the following meanings:

##### **ACCUMULATION**

Any accumulation of snow, slush, or ice which does not melt upon contacting the paved path.

##### **CLEAR**

To remove snow, slush or ice in a manner that clears the full paved path or a minimum of 42 inches wide.

##### **OWNER**

The owner, occupant, tenant, mortgagee in possession, or manager of any commercial, industrial, mixed-use, or residential building, estate, or land abutting on a sidewalk.

##### **PROPERTY**

All land and the buildings thereon located in the City of Gardner.

#### § 567-29. District established; sidewalks to be kept clear.

- A. For the purpose of causing the removal of snow and ice from sidewalks in certain portions of the City, the following district is hereby established:
- (1) Easterly side of Central Street from the railroad tracks adjacent to 206 Central Street to West Lynde Street;
  - (2) Westerly side of Central Street from the railroad tracks adjacent to 206 Central Street to Vernon Street;
  - (3) Easterly side of Main Street from West Lynde Street to 150 Main Street;
  - (4) Westerly side of Main Street from Pleasant Street to 167 Main Street;
  - (5) Easterly side of Pleasant Street from City Hall Avenue to Main Street;

- (6) Westerly side of Pleasant Street from City Hall Avenue to Parker Street;
- (7) Northerly side of Parker Street from Oak Street to Vernon Street;
- (8) Southerly side of Parker Street from Nichols Street to Pleasant Street;
- (9) Northerly and southerly sides of City Hall Avenue from Main Street to Nichols Street;
- (10) Easterly side of Nichols Street from City Hall Avenue to Parker Street;
- (11) Northerly side of West Lynde Street from Central Street to Lake Street extension; and
- (12) Easterly and westerly sides of Connors Street from Parker Street to City Hall Avenue.
- (13) Easterly side of East Broadway from 8 East Broadway to Chelsea Street.  
[Added 12-18-2017 by Ord. No. 1609]

- B. No property owner in said district shall place or suffer to remain for more than three hours between sunrise and sunset during weekdays, and six hours between sunrise and sunset during weekend days, any slush or any loose, granular, or packed snow upon such sidewalk. Any slush or snow shall be cleared as defined herein and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalk. The term "sidewalk" shall include any curb ramps providing access to crosswalks abutting the property.
- C. The removal of ice shall be deemed sufficient if such ice is made level and completely covered with sand, sawdust, or other appropriate material to prevent slipping.

## § 567-30. Deposit of snow or ice on public way.

[Added 4-2-2018 by Ord. No. 1610]

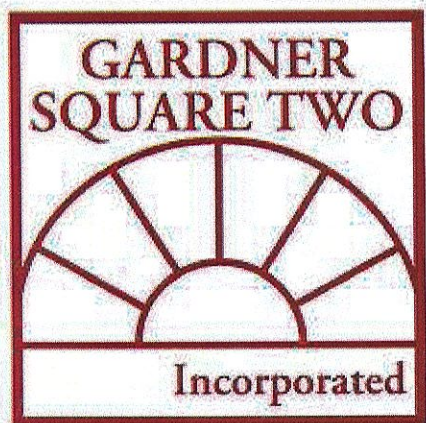
No person shall remove snow, slush or ice from privately owned real property and place it upon any public sidewalk, street, or public property.

## § 567-31. Enforcement; violations and penalties.

- A. If the owner or occupant fails to remove such snow within the time limit provided in § 567-29, the City may remove or cause to be removed such accumulation of snow and/or ice, and the owner or occupant shall reimburse the City for the expense incurred for such removal. The sum so expended may be recovered by the City as provided in MGL c. 111, § 125, and MGL c. 139, § 3A, relative to liens for such debt and collection of the claims for such debt, or in an action of contract by the City against said owner or occupant.
- B. This article may also be enforced by civil process, criminal process or by noncriminal disposition as provided in MGL c. 40, § 21D.
- C. Each day on which a violation exists shall be deemed to be a separate offense, and any person in violation of this article shall be subject to the following fines:  
[Amended 11-18-2013 by Ord. No. 1563]
  - (1) First offense: \$25.
  - (2) Second and subsequent offenses: \$50.
- D. In addition to the penalties set forth above, the Building Commissioner or the Police Chief, or his designated agent, may seek an injunction from a court of competent jurisdiction to restrain any violation of this article.  
[Amended 11-18-2013 by Ord. No. 1563]
- E. Any violation of § 567-30 shall result in a fine of \$150.

F. This article shall not be enforced against the City or the Commonwealth of Massachusetts, its authorities, departments, or agencies.

Select Language ▼



January 31, 2022

Mayor Mike Nicholson  
Gardner City Hall, Rm 125  
95 Pleasant St  
Gardner, MA 01440

RE: Downtown Sidewalks

Dear Mayor Nicholson,

On behalf of the members and Board of Directors of Gardner Square Two, Inc., I am asking that your office please review the City ordinances with regard to the removal of snow from the sidewalks in the downtown area.

Following this past storm, a significant amount of snow is still piled up in sections of the Downtown and we are concerned for the safety of our customers and patrons as they travel to our businesses.

In reviewing similar ordinances and regulations in other municipalities across Massachusetts, Gardner has a significantly lower fine schedule that many chose to absorb rather than correct the problem.

We are hopeful that a proper solution can be found following a review of this request.

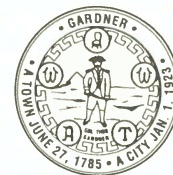
Regards,

Patti Bergstrom  
President, Gardner Square Two, Inc.



# City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor



RECEIVED

2021 DEC 10 AM 9:56

CITY CLERK'S OFFICE  
GARDNER, MA

November 15, 2021

Hon. Elizabeth J. Kazinskas, Council President

And City Councilors

Gardner City Hall, Rm 121

95 Pleasant St

Gardner, MA 01440

RE: Appropriation Request – South Gardner Fire Station Boiler Abatement and Design

Dear Madam President and Councilors,

Attached, please find an appropriation request for the design of a replacement boiler for the South Gardner Fire Station and the abatement of the asbestos that encases the existing boiler.

The City currently uses the South Gardner Fire Station as our federally mandated storage facility for the mutual aid equipment that the Federal Emergency Management Agency ("FEMA") stores in Gardner. In exchange for storing the equipment in Gardner, FEMA provides the City with an annual stipend.

The equipment is required to be stored at a constant temperature of no less than fifty five (55) degrees Fahrenheit.

The City requested quotes from different engineering firms for the work to design the replacement, which cannot be done until the asbestos that encapsulates the existing boiler is removed. (see attached pictures).

The funding requested is for this work to be done by the quote that came in with the lowest response, Weston & Sampson Engineering out of Worcester.

Respectfully Submitted,

Michael J. Nicholson

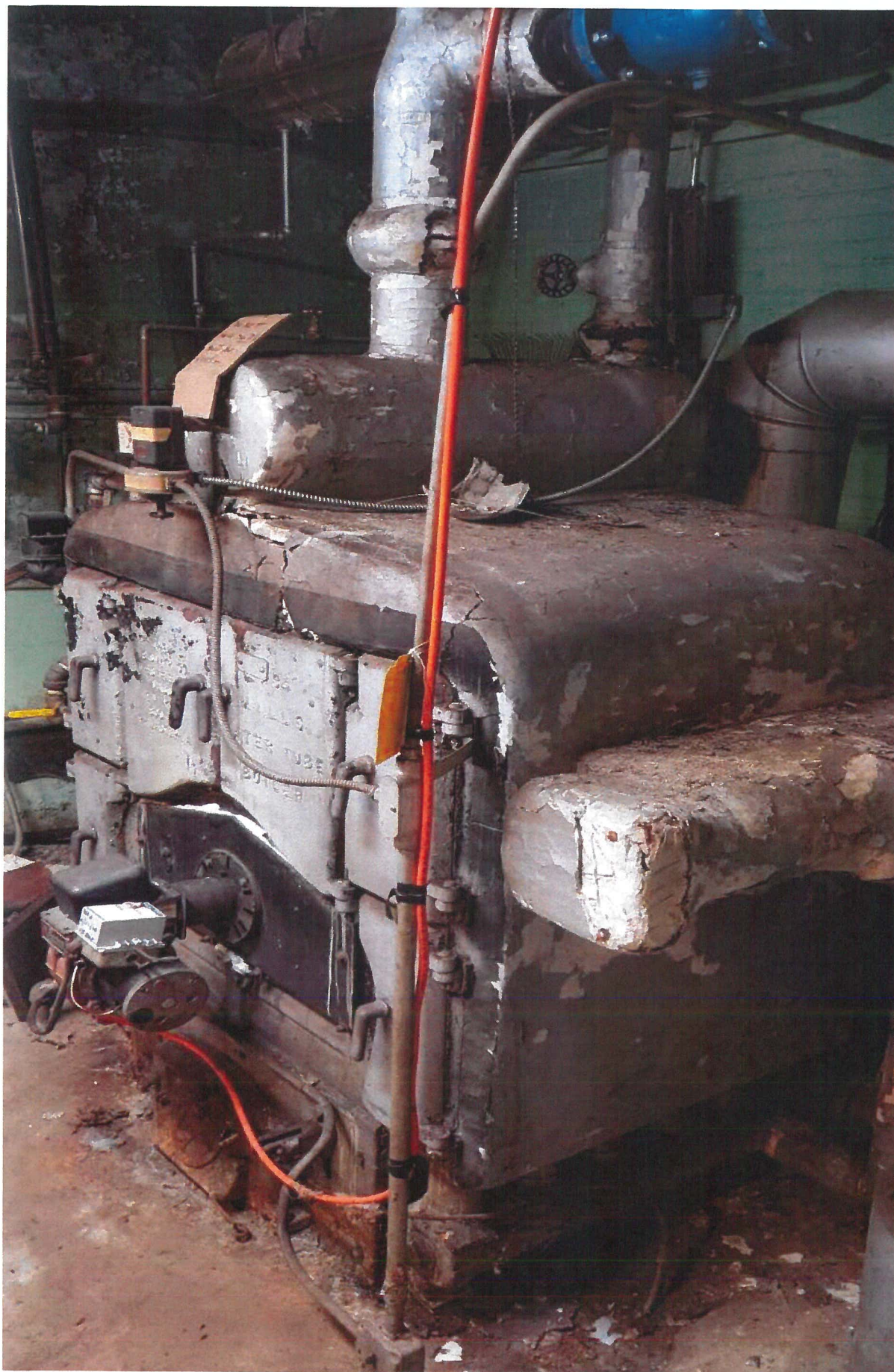
Mayor, City of Gardner

AN ORDER APPROPRIATING FROM FREE CASH TO SOUTH GARDNER  
FIRE STATION ABATE AND DESIGN PROJECT ACCOUNT.

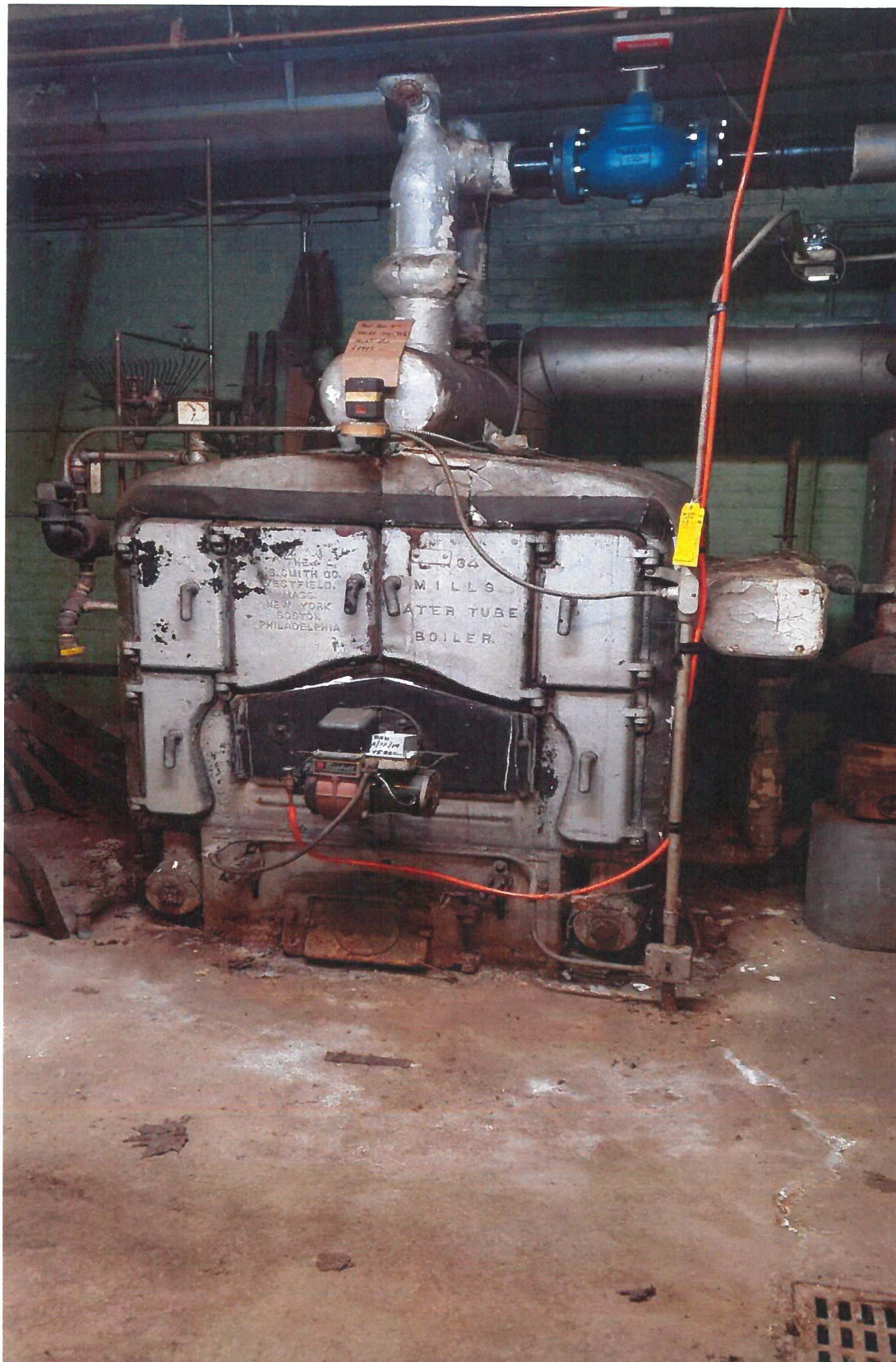
ORDERED:

That there be and is hereby appropriated the sum of Twenty-Two Thousand Two  
Hundred Dollars and No Cents (\$22,200.00) from Free Cash to the South Gardner Fire  
Station Abate and Design Project Account.











55 Walkers Brook Drive, Reading, MA 01867 (HQ)  
Tel: 978.532.1900

May 13, 2021

Chris Coughlin  
City Engineer  
Town of Gardner  
99 Pleasant St  
Gardner, MA 01440

Re: Fire Department Steam Boiler Replacement  
61 East Broadway  
Gardner, Massachusetts

Dear Mr. Coughlin,

Weston & Sampson is pleased to provide this proposal for professional engineering services. Our understanding of the project is the replacement in kind of the existing 1934 vintage steam 2-pipe, gravity feed boiler and related asbestos abatement. To complete this work, the following items shall be considered as our "Scope of Services" (hereinafter called the "Project") and will be provided by our firm.

**SCOPE OF SERVICES -- INCLUDED**

1. Initial Investigation:
  - A. A licensed Asbestos Inspector/Project Designer will evaluate the existing boiler and related piping/insulation within the boiler room for suspect Asbestos-Containing Materials (ACMs).
  - B. A field survey of the existing facility will be performed to determine the existing condition of the mechanical, plumbing, and electrical power systems directly associated with the existing steam boiler. Prepare existing conditions and demolition plans showing the general location and layout of the existing mechanical and electrical equipment.
2. Contract Documents: Prepare Contract Documents (technical sections only) that shall illustrate the installation of the following systems. These documents will be provided to your office in an electronic format that can be presented to contractors for bidding purposes.
  - A. Asbestos Abatement

Weston & Sampson will prepare technical specifications for abatement and demolition of the existing boiler and associated piping/insulation within the boiler room. The specifications will include worker safety requirements, and requirements for public health and safety and protection of property. Bid specifications will include asbestos and hazardous material abatement requirements necessary to fully comply with asbestos and other applicable regulations. We will provide an Engineers Estimate for Asbestos Abatement under this task.
  - B. Plumbing Systems

Prepare plans and specifications for the installation of a new makeup water feed to the



new steam boiler.

C. HVAC Systems

Prepare plans and specifications for the installation of a new low-pressure, 2-pipe, gravity feed heating steam boiler of the same capacity as the existing boiler. This system will include all necessary controls and connection to the heat existing steam, condensate and fuel oil systems.

D. Electrical Systems

Disconnect electrical power from the existing boiler and reconnect to the new boiler.

E. Prepare a formal cost estimate by a professional estimator (Tortora Consulting).

3. Bid Period and Construction Administration Services: Not in Contract

SCOPE OF SERVICES -- EXCLUDED

It is our understanding that the following items, in general, are not required by us and have therefore been excluded from our "Scope of Services". Any of these items can be added to our Scope of Services if you so desire.

1. Engineering services or contract documents for a new fuel oil tank system or for the removal of any existing fuel oil tank, fuel oil piping, pumps and associated controls.
2. Engineering services or preparing documentation for participation in energy efficiency rebate and incentive programs.
3. Life cycle cost analysis.
4. Whole building energy model.
5. Consulting services related to nor attending meetings for public forums such as public hearings, planning and zoning, environmental impact assessment, etc.

SCHEDULE FOR COMPLETION OF SCOPE OF SERVICES

It is important that we meet your schedule and provide to you the project in a timely manner. We would therefore suggest that the following Schedule be established to complete our services on the project. The actual completion dates will be established based on the receipt date of your acceptance of this proposal.

|                                               |                |
|-----------------------------------------------|----------------|
| 1. Site investigation and existing conditions | 2 weeks        |
| 2. <u>Final Contract Documents</u>            | <u>4 weeks</u> |
| Total time frame                              | 6 weeks        |

### FEES FOR SCOPE OF SERVICES

To complete the Professional Services required for the Project, we propose the following lump sum fees:

|                                    |                  |
|------------------------------------|------------------|
| 1. Boiler replacement MEP Services | \$ 17,575.00     |
| 2. Environmental Services          | \$ 4,125.00      |
| 3. <u>Expenses</u>                 | <u>\$ 500.00</u> |
| Total Lump Sum Fee                 | \$ 22,200.00     |

### BILLING TERMS FOR SERVICES RENDERED

Weston & Sampson shall invoice monthly for all services rendered, as a percentage complete of overall scope, and shall include reimbursable expenses monthly. Invoices shall be generated by the end of each month and shall be directly mailed to the accounts payable department (or other entity assigned). Invoices are due and payable upon receipt.

### STANDARD FORM OF AGREEMENT BETWEEN CLIENT AND ENGINEER

Weston & Sampson's services will be provided as described herein and in accordance with the attached Weston & Sampson General Terms and Conditions dated May 26, 2020, which are a part of our agreement with you.

If you agree with this proposal and wish to retain us to provide the proposed services, please sign and return one copy of this proposal to us as authorization to proceed with performance of the services. Also please initial, date, and return the enclosed Terms and Conditions that are hereby incorporated by reference.

Thank-you very much for the opportunity to provide you with this proposal. In the meantime, if we can be of any assistance to you, please feel free to call Scott Henriques at 978-532-1900 ext. 5024.

Sincerely,

WESTON & SAMPSON ENGINEERS, INC.



Margaret McCarthy, PE  
Vice President



Scott Henriques, PE  
Sr. Project Manager

ACCEPTED FOR:

\_\_\_\_\_

\_\_\_\_\_

By Its \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

### Enclosures – Standard Terms and Conditions

\\wse03.local\WSE\Projects\MA\Gardner, MA\61 East Broadway - FD Boiler\Contracts\Gardner FD Steam Boiler Proposal.docx

## WESTON & SAMPSON GENERAL TERMS AND CONDITIONS

1. It is understood that the Proposal attached hereto and dated May 13, 2021 is valid for a period of ninety (90) days. Upon the expiration of that period of time or the delay or suspension of the services, WESTON & SAMPSON reserves the right to review the proposed basis of payment and fees, to allow for changing costs as well as to adjust the period of performance to conform to work loads. References herein to WESTON & SAMPSON are understood to refer to WESTON & SAMPSON ENGINEERS, INC.
2. Invoices will be submitted periodically (customarily on a monthly basis), and terms are net cash, due and payable upon receipt of invoice. If the OWNER fails to make any payment due to WESTON & SAMPSON for services and expenses within thirty (30) days after receipt of WESTON & SAMPSON'S statement therefor, WESTON & SAMPSON may, after giving seven (7) days' written notice to the OWNER, suspend services under this Agreement. Unless payment is received by WESTON & SAMPSON within seven (7) days of the date of the notice, the suspension shall take effect without further notice. In the event of a suspension of services, WESTON & SAMPSON shall have no responsibility to the OWNER for delay or damage caused the OWNER because of such suspension of services.
3. WESTON & SAMPSON will serve as the professional representative of the OWNER as defined by the Proposal or under any Agreement and will provide advice, consultation and services to the OWNER in accordance with generally accepted professional practice consistent with that degree of skill and care ordinarily exercised by practicing design professionals performing similar services in the same locality, at the same site and under the same or similar circumstances and conditions. Therefore, estimates of cost, approvals, recommendations, opinions, and decisions by WESTON & SAMPSON are made on the basis of WESTON & SAMPSON'S experience, qualifications and professional judgment. Accordingly, WESTON & SAMPSON does not warrant or represent that bids or negotiated prices will not vary from the OWNER'S budget for the project, or from any estimate of the Cost of the Work evaluation prepared or agreed to by WESTON & SAMPSON. WESTON & SAMPSON makes no warranty or guarantee, express or implied, regarding the services or work to be provided under this Proposal or any related Agreement. Notwithstanding any other provision of these General Terms and Conditions, unless otherwise subject to a greater limitation, and to the fullest extent permitted by law, the total liability in the aggregate, of WESTON & SAMPSON and their officers, directors, employees, agents, and independent professional associates, and any of them, to OWNER and any one claiming by, through or under OWNER, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of in any way related to WESTON & SAMPSON's services, the project, or this Agreement, from any cause or causes whatsoever, including but not limited to, the negligence, errors, omissions, strict liability, breach of contract, misrepresentation, or breach of warranty of WESTON & SAMPSON or WESTON & SAMPSON's officers, directors, employees, agents or independent professional associates, or any of them, and any causes arising from or related to the COVID-19 pandemic, shall not exceed the greater of \$50,000 or the total compensation received by WESTON & SAMPSON hereunder and OWNER hereby releases WESTON & SAMPSON from any liability above such amount. WESTON & SAMPSON shall have no upfront duty to defend the OWNER but shall reimburse defense costs of the OWNER to the same extent of its indemnity obligation herein.
4. Where the Services include subsurface exploration, the OWNER acknowledges that the use of exploration equipment may alter or damage the terrain, vegetation, structures, improvements, or the other property at the Site and accepts the risk. Provided WESTON & SAMPSON uses reasonable care, WESTON & SAMPSON shall not be liable for such alteration or damage or for damage to or interference with any subterranean structure, pipe, tank, cable, or other element or condition whose nature and location are not called to WESTON & SAMPSON'S attention in writing before exploration begins.
5. WESTON & SAMPSON and its consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous waste or viruses, including COVID-19, in any form at the project site. Accordingly, the OWNER agrees to assert no claims against WESTON & SAMPSON, its principals, agents, employees and consultants, if such claim is based, in whole or in part, upon the negligence, breach of contract, breach of warranty, indemnity or other alleged obligation of WESTON & SAMPSON or its consultants, and arises out of or in connection with the detection, assessment, abatement,



identification or remediation of hazardous materials, pollutants or asbestos at, in, under or in the vicinity of the project site identified in the Proposal. OWNER shall defend, indemnify and hold harmless WESTON & SAMPSON, its principals, agents, employees, and consultants and each of them, harmless from and against any and all costs, liability, claims, demands, damages or expenses, including reasonable attorneys' fees, with respect to any such claim or claims described in the preceding sentence, whether asserted by OWNER or any other person or entity. WESTON & SAMPSON shall not be liable for any damages or injuries of any nature whatsoever, due to any delay or suspension in the performance of its services caused by or arising out of the discovery of hazardous substances or pollutants at the project site or exposure of any parties to the COVID-19 virus.

6. WESTON & SAMPSON agrees to purchase at its own expense, Worker's Compensation insurance, Comprehensive General Liability insurance, and Engineer's Professional Liability insurance and will, upon request, furnish insurance certificates to OWNER reflecting WESTON & SAMPSON's standard coverage. WESTON & SAMPSON agrees to purchase whatever additional insurance is requested by OWNER (presuming such insurance is available, from carriers acceptable to WESTON & SAMPSON) provided OWNER reimburses the premiums for additional insurance.
7. As a part of this Agreement, OWNER without cost to WESTON & SAMPSON agrees to do the following in a timely manner so as not to delay the services of WESTON & SAMPSON:
  - a. Designate in writing a person to act as OWNER'S representative with respect to work to be performed under this Agreement, such person to have complete authority to transmit instructions, receive information, interpret and define OWNER'S policies and decisions with respect to materials, equipment elements and systems pertinent to the work covered by the Agreement.
  - b. Through its officials and other employees who have knowledge of pertinent conditions, confer with WESTON & SAMPSON regarding both general and special considerations relating to the Project.
  - c. Assist WESTON & SAMPSON by placing at the disposal of WESTON & SAMPSON, all

available information pertinent to the Project including previous reports and other data relative to design or construction of Project.

- d. Furnish or cause to be furnished to WESTON & SAMPSON all documents and information known to OWNER that relate to the identity, location, quantity, nature or characteristics of any hazardous waste at, on or under the site. In addition, OWNER will furnish or cause to be furnished such other reports, data, studies, plans, specifications, documents and other information on surface and subsurface site conditions required by WESTON & SAMPSON for proper performance of its services.
- e. WESTON & SAMPSON shall be entitled to rely, without liability, on the accuracy and completeness of information and documents provided by the OWNER, OWNER'S CONSULTANTS and CONTRACTORS and information from public records, without the need for independent verification.
- f. Pay for all application and permit fees associated with approvals and permits for all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.
- g. Arrange for and make all provisions for WESTON & SAMPSON and its agents to enter upon public and private lands as required for WESTON & SAMPSON to perform its work under this Agreement.
- h. Furnish WESTON & SAMPSON with all necessary topographic, property, boundary and right-of-way maps.
- i. Cooperate with and assist WESTON & SAMPSON in all additional work that is mutually agreed upon.
- j. Pay WESTON & SAMPSON for work performed in accordance with terms specified herein.
8. The obligation to provide further services under this Agreement may be terminated by either party upon thirty days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. If the Project is suspended or abandoned in whole or in part for more than three (3)



months, WESTON & SAMPSON shall be compensated for all services performed prior to receipt of written notice from OWNER of such suspension or abandonment, together with the other direct costs then due. If the Project is resumed after being suspended for more than three (3) months, WESTON & SAMPSON'S compensation shall be equitably adjusted. In the event of termination by either party, WESTON & SAMPSON shall be compensated for all services performed prior to receipt of written termination, together with other direct costs then due, including WESTON & SAMPSON's independent consultants, and for the services necessary to affect termination.

9. The OWNER and WESTON & SAMPSON waive all rights against each other and against the contractors, consultants, agents and employees of the other for damages, but only to the extent covered by any property or other insurance in effect whether during or after the project. The OWNER and WESTON & SAMPSON shall each require similar waivers from their contractors, consultants and agents.
10. All Drawings, diagrams, plans, specifications, calculations, reports, processes, computer processes and software, operational and design data, and all other documents and information produced in connection with the project as instruments of service, regardless of form, shall be confidential and the property of WESTON & SAMPSON, and shall remain the sole and exclusive property of WESTON & SAMPSON whether the project for which they are made is executed or not. The OWNER shall not have or acquire any title to or ownership rights in any of the documents or information prepared by WESTON & SAMPSON. OWNER may make and retain copies for information and reference in connection with the use and occupancy of the Project by the OWNER and others; however, such documents are not intended or represented to be suitable for reuse by OWNER or others on extensions of the Project or on any other Projects. Any reuse without written verification or adaptation by WESTON & SAMPSON for the specific purpose intended will be at OWNER'S sole risk and without liability or legal exposure to WESTON & SAMPSON or to WESTON & SAMPSON's independent consultants, and OWNER shall indemnify and hold harmless WESTON & SAMPSON and WESTON & SAMPSON's independent consultants from all claims, damages, losses, and expenses, including attorneys' fees arising out of or resulting therefrom. Any such

verification or adaptation will entitle WESTON & SAMPSON to further compensation at rates to be agreed upon by OWNER and WESTON & SAMPSON.

11. The substantive laws of the Commonwealth of Massachusetts shall govern any disputes between WESTON & SAMPSON and the OWNER arising out of the interpretation and performance of this Agreement.
12. WESTON & SAMPSON and the OWNER agree that any disputes arising under this Agreement and the performance thereof shall be subject to nonbinding mediation as a prerequisite to further legal proceedings. The parties may engage in remote mediation if in-person mediation is not possible or practicable due to the COVID-19 pandemic, or if mutually agreed upon between the parties.
13. WESTON & SAMPSON shall not be required to sign any documents, no matter by who requested, that would result in WESTON & SAMPSON having to certify, guaranty, or warrant the existence of conditions that would require knowledge, services or responsibilities beyond the scope of this Agreement.
14. Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the OWNER or WESTON & SAMPSON. WESTON & SAMPSON'S services hereunder are being performed solely for the benefit of the OWNER, and no other entity shall have any claim against WESTON & SAMPSON because of this Agreement or WESTON & SAMPSON'S performance of services hereunder.
15. Notwithstanding anything to the contrary contained herein, OWNER and ENGINEER agree that their sole and exclusive claim, demand, suit, judgment or remedy against each other shall be asserted against each other's corporate entity and not against each other's shareholders, A/E's, directors, officers or employees.
16. To the extent they are inconsistent or contradictory, express terms of this Proposal take precedence over these General Terms and Condition. It is understood and agreed that the services or work performed under this Proposal or any Agreement are not subject to any provision of any Uniform Commercial Code. Any terms and conditions set forth in OWNER'S purchase order, requisition, or other notice or authorization to proceed are inapplicable to the services under this Proposal or any related

Agreement, except when specifically provided for in full on the face of such purchase order, requisition, or notice or authorization and specifically accepted in writing by WESTON & SAMPSON. WESTON & SAMPSON'S acknowledgement of receipt of any purchase order, requisition, notice or authorization, or WESTON & SAMPSON'S performance of work subsequent to receipt thereof, does not constitute acceptance of any terms or conditions other than those set forth herein.

17. If any provision of this Agreement shall be finally determined to be invalid or unenforceable in whole or in part, the remaining provisions hereof shall remain in full force and effect and be binding upon the parties hereto. The parties agree to reform this Agreement to replace any such invalid or unenforceable provision with a valid and enforceable provision that comes as close as possible to the intention of the stricken provision.
18. The parties to this contract recognize their obligations under the Massachusetts Data Security Law and Regulations, G. L. c. 93H and 93I and 201 CMR 17.00, to safeguard "personal information" as defined below. Both parties hereby represent that they have adopted the required Written Information Security Program, have taken the other steps required to safeguard personal information and are in full compliance with the law. The parties agree that in furtherance of their legal obligations, they will not transmit, communicate or otherwise provide to each other any personal information, unless it is necessary to comply with their obligations under this Agreement. The parties also agree that when it is not necessary for them to transmit, communicate or otherwise provide to each other any personal information as part of their obligations hereunder, they will take active steps to prevent such transmission, communication, or transfer. For purposes of this Agreement, "personal information" means a Massachusetts residents first name and last name or first initial and last name in combination with any one or more of the following data elements that relate to such resident: (a) Social Security number; (b) driver's license number or state-issued identification card number; or (c) financial account number, or credit or debit card number, with or without any required security code, access code, personal identification number or password, that would permit access to a resident's financial account.
19. If delays or failures of performance of WESTON & SAMPSON are caused by occurrences beyond the reasonable control of WESTON & SAMPSON,

WESTON & SAMPSON shall not be in default of this AGREEMENT. Said occurrences shall include Acts of God or the public enemy; expropriation or confiscation; compliance with any quarantine or other order of any governmental authority; pandemic; epidemic; public health crisis; labor or materials shortage; changes in law; act of war, rebellion, terrorism or sabotage or damage resulting therefrom; fires, floods, explosions, accidents, riots, strikes or other concerted acts of workmen, whether direct or indirect; delays in permitting; OWNER's failure to provide data in OWNER's possession or provide necessary comments in connection with any required reports prepared by WESTON & SAMPSON, or any other causes which are beyond the reasonable control of WESTON & SAMPSON. WESTON & SAMPSON's scheduled completion date shall be adjusted to account for any force majeure delay and WESTON & SAMPSON shall be compensated for all costs incurred in connection with or arising from a force majeure event or in the exercise of reasonable diligence to avoid or mitigate a force majeure event.

Approved by:

---

OWNER Name

---

Signature

---

Date

---

Printed Name and Title

\\Wse03.local\WSE\Projects\MA\Gardner, MA\61 East Broadway - FD  
Boiler\Contracts\WESTON Ts & Cs 5-2020.docx

**Mayor**

---

**From:** Greg Lagoy  
**Sent:** Friday, February 4, 2022 10:51 AM  
**To:** Mayor  
**Subject:** FW: Available Commercial Rental Space  
**Attachments:** Scanned from a Xerox Multifunction Printer.pdf

Good morning Mr. Mayor,

Please find attached the email from a local Realtor who has researched available commercial rental space in the City that would be suitable as a place to store equipment currently housed at the South Gardner Fire Station. The only potential option identified is the old Meineke building on Donlan Street at a cost of \$4,750 per month.

Respectfully,  
Chief Lagoy

Chief Gregory F. Lagoy  
Gardner Fire Department  
978-632-1616 ext. 5  
glagoy@gardner-ma.gov

-----Original Message-----

From: GardnerFireDeptScanner@gardner-ma.gov <GardnerFireDeptScanner@gardner-ma.gov>  
Sent: Friday, February 4, 2022 10:30 AM  
To: Greg Lagoy <glagoy@gardner-ma.gov>  
Subject: Scanned from a Xerox Multifunction Printer

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: FrontOffice  
Device Name: GFDXerox

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



**Greg Lagoy**

---

**From:** Wendy Poudrette <H8000329@mlspin.net>  
**Sent:** Friday, February 4, 2022 10:26 AM  
**To:** Greg Lagoy  
**Subject:** [EXTERNAL] Commercial Property

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

Please click [here](#) to see the listings sent to you by Wendy Poudrette.

Hi, there are 15 commercial properties in Gardner available for sale and rent. Most are office or restaurant type and don't have overhead doors. The one on Donlan street looks to be something that could possibly work but the location would not be great for you nor the PRICE!!!! Almost \$5,000 a month????

Wendy Poudrette, CBR, Realtor, Notary  
50 Central Street, Leominster, MA 01453  
978-630-2070 ext. 358  
wendy@foster-healey.com



## Commercial Listings



x19

MLS #: 72853513 Status: ACT  
7 Donlan St Gardner, MA 01440

List Price: \$4,750  
List Date: 06/21/2021 DOM: 228

Type: Commercial Condo  
Location: Suburban, Strip, Free Standing, Highway ...  
Lot Size: 19,101 SqFt  
Gross Income/Expenses: \$0 / \$0  
Net Income: \$0  
Zoning: com  
Buildings: 1 Stories: 2 Units: 2  
HERS Score:  
Residential: 0 SqFt Office: 576 SqFt  
Retail: 0 SqFt Warehouse: 2,016 SqFt  
Manufacturing: 0 SqFt Total: 2,592 SqFt  
FY: 2021 Taxes: \$6,810



x23

MLS #: 72927578 Status: ACT  
115 Coburn Ave Gardner, MA 01440

List Price: \$990,000  
List Date: 12/13/2021 DOM: 53

Type: Industrial  
Location:  
Lot Size: 190,792 SqFt  
Gross Income/Expenses:  
Net Income:  
Zoning: I1  
Buildings: 1 Stories: 2 Units:  
HERS Score:  
Residential: 0 SqFt Office: 0 SqFt  
Retail: 0 SqFt Warehouse: 24,583 SqFt  
Manufacturing: 0 SqFt Total: 24,583 SqFt  
FY: 2021 Taxes: \$11,525

Commercial Listings: 2 Avg. List \$: \$497,375 Avg. DOM: 140.5

The information in this listing was gathered from third party sources including the seller and public records. MLS Property Information Network and its subscribers disclaim any and all representations or warranties regarding the accuracy of this information. Content © MLS Property Information Network, Inc.





# City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor

February 1, 2022

Hon. Elizabeth J. Kazinskas, Council President

And City Councilors

Gardner City Hall, Rm 125

95 Pleasant St.

Gardner, MA 01440

RE: Free Cash Appropriation Request – Uptown Rotary Land Taking

Dear Madam President and Councilors,

As part of the project for the redesign and reconstruction of the Uptown Rotary, the City needs to have site control of different aspects of the intersection.

This is why the Council voted to accept a donation of land from the American Legion Post 129 at the August 2021 regular meeting.

There is a final portion in the area of the rotary that, following a title search for the parcel, has come back as owner unknown. While it is presumed that the City owns the land as it is a part of a City street and right of way, the Commonwealth is requiring the City to proceed with an order of taking on the property so that a definitive owner can be identified for the site before the project proceeds.

Attached, please find a free cash appropriation request that is required per the language in the order of taking document. This money will be held in escrow for a year and then fall back to free cash following the conclusion of the land taking process.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

RECEIVED  
2022 FEB - 1 AM 11:37  
CITY CLERK'S OFFICE  
GARDNER, MA

AN ORDER APPROPRIATING FROM FREE CASH TO UPTOWN ROTARY  
IMPROVEMENTS ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Thirty Thousand Dollars and  
No Cents (\$30,000.00) from Free Cash to the Uptown Rotary Improvements Account.

**Mayor**

---

**From:** John Flick <jflick@flicklawgroup.com>  
**Sent:** Monday, January 31, 2022 1:00 PM  
**To:** Mayor  
**Cc:** Chris Coughlin  
**Subject:** [EXTERNAL] CC Vote on Eminent Domain Taking\_draft  
**Attachments:** CC Vote on Eminent Domain Taking\_draft.docx

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

Mike,

The eminent domain vote is attached. Please note that prior to this vote being taken, a vote will have to be taken to raise and appropriate the damages. As you know these need to be set aside and held by the City until one year after the project is completed.

John

\*\*\*\*\*

John M. Flick, Esq.

 **Flick Law Group, P.C.**

144 Central Street

Gardner, MA 01440

Main No: 978-632-7948, Ext. 101

Direct Dial: 978-483-0847

Fax: 978-483-0847

[Client Web Portal](#)

[www.flicklawgroup.com](http://www.flicklawgroup.com)

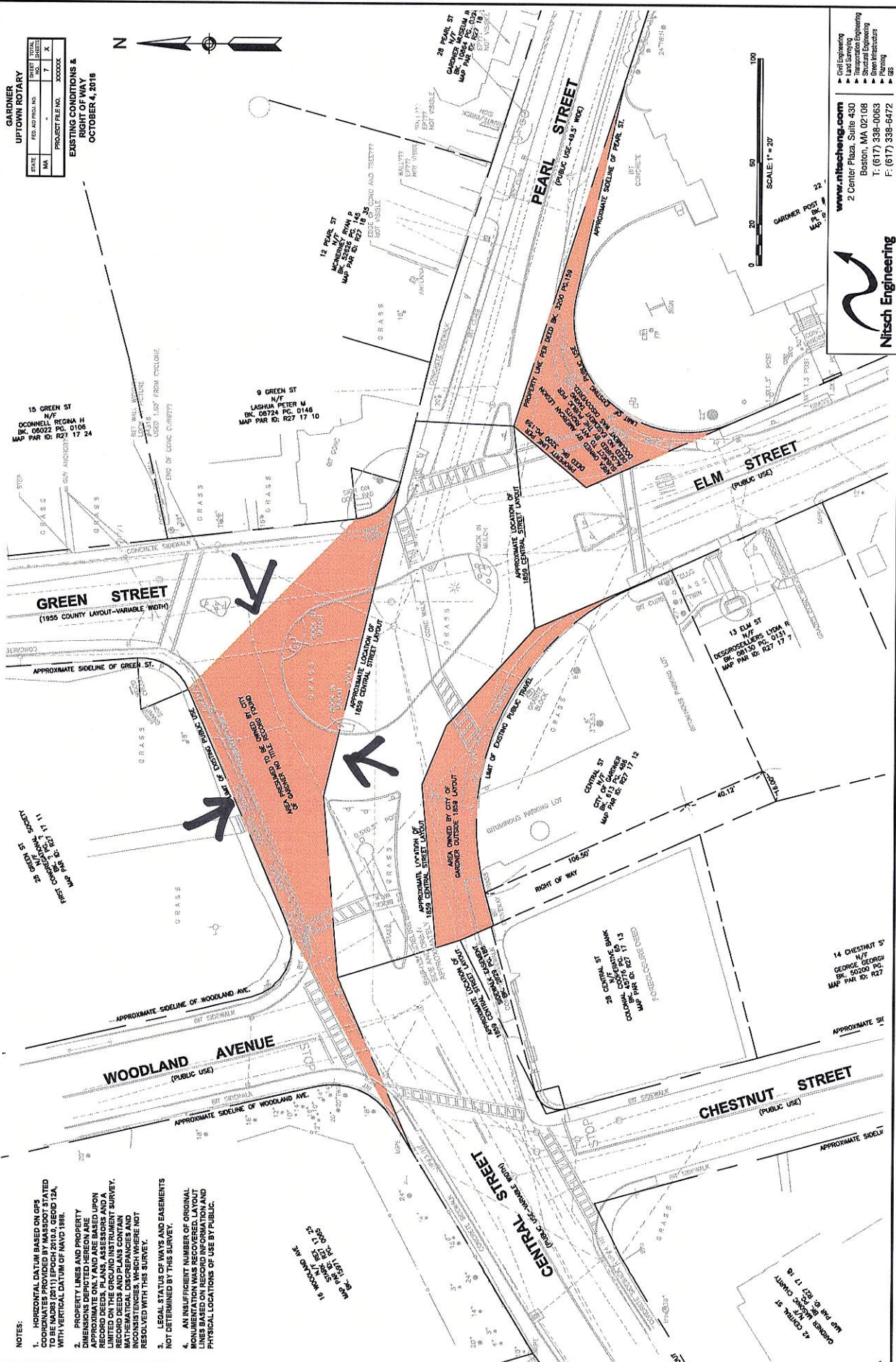
\*\*\*\*\*

**WIRE FRAUD ALERT:** If you receive an e-mail from this office requesting that you wire or otherwise transfer funds, you must confirm the request and any corresponding instructions by telephone with this office before you initiate any transfer.

**United States Internal Revenue Service (IRS) Circular 230 disclosure:** To ensure compliance with requirements imposed by the IRS, we inform you that, unless and to the extent we otherwise state, any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

This e-mail message is generated from Flick Law Group, P.C. and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this e-mail information is prohibited. If you have received this e-mail in error, please notify the sender by return e-mail and delete it from your computer system.







*Supplemental  
Back Up Info*

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

CITY OF GARDNER, MASSACHUSETTS

ORDER OF TAKING

WHEREAS, the City of Gardner, a city organized and incorporated under the laws of Massachusetts, with a usual place of business located at 95 Pleasant Street, Gardner, MA is authorized to take land by eminent domain for any municipal purpose pursuant to Section 36, of the City of Gardner Charter as amended to November 8, 1989 and M.G.L. c. 79, as amended and Chapter 121B; and

WHEREAS, the City of Gardner intends to adopt an Order of Taking affecting a certain parcel of land, whose owner is unknown, located at the intersection of Central Street, Woodland Avenue, Green Street, and Pearl Street, commonly referred to as "Parcel 2" of the Uptown Rotary, located in the City of Gardner, MA and more particularly described herein; and

WHEREAS, the City of Gardner has completed a title search that has concluded that the owner of the property is unknown; and

WHEREAS, the City of Gardner, has a continued need for the laying out of a public way (the "Project") and has had custody and exercised care and control of "Parcel 2" since the current rotary was laid out in 1859; and

WHEREAS, the City of Gardner, published its Notice of intent to take the parcel unknown by eminent domain for four (4) consecutive weeks in The Gardner News and on the City of Gardner's Facebook page, along with sending notices to all abutters; and

WHEREAS, no certified abutters and/or any known or unknown heirs, executors, administrators, devisees, trustees, creditors and/or assigns of the certified abutters and/or other unknown persons claiming a right of title in the property subject to this action have come forward evidencing proof and verification of legal ownership of the property; and

WHEREAS, the Mayor Michael J. Nicholson has approved the continued need for the laying out of a public way and recommended to the City Council an order of taking and appropriation of sufficient funds to compensate the property owners, if any; and

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself in fee simple by eminent domain, for the purposes associated with the Project, the property consisting of and commonly referred to as "Parcel 2" of the Uptown Rotary, located in the City of Gardner, MA, as shown on a Plan of



Land entitled "Plan of Land Central Street, Pearl Street, and Green Street, Gardner, Massachusetts 01440, Prepared for: City of Gardner, Scale: 1" = 40' Date: June 19, 2019, Nitsch Engineering, Inc." being recorded in the Worcester South District Registry of Deeds in Plan Book 958, Page 84. The property taken consists of "Parcel 2" comprising 10,153 square feet more or less of land and is more particularly described on Exhibit A annexed hereto.

The taking is made in fee simple, and, except as provided herein, is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of any supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property. This taking is, however, intended to be subject to any and all easements and rights of record appurtenant to the property to the extent that any such easements or rights of record still affect the locus.

The City Council hereby awards damages sustained by persons in their property by reasons of this taking as follows:

| <u>OWNER</u> | <u>PROPERTY ADDRESS</u>                                | <u>AWARD</u> |
|--------------|--------------------------------------------------------|--------------|
| UNKNOWN      | "Parcel 2" as more particularly described on Exhibit A | \$30,000.00  |

The City Council does direct and authorize the Mayor to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in the Order of Taking so that the same shall be payable within sixty (60) days after the rights to damages become vested in the persons entitled to damages, as herein set forth. The Mayor is further requested to direct the City Solicitor for and on behalf of the City Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of General Laws Chapter 79, Sections 7B, 7C, 7F, 77G, 8A, and 8B.

In City Council

February \_\_\_\_, 2022

ORDERED AND ADOPTED BY A YEA AND NAY VOTE OF \_\_\_\_ YEAS AND \_\_\_\_ NAYS.

\_\_\_\_\_  
Titi Siriphan, City Clerk  
City of Gardner

**EXHIBIT A**

City of Gardner  
Central Street, Woodland Avenue, Green Street, and Pearl Street  
Gardner, MA

## Description Parcel 2

A certain parcel of land located at the intersection of Central Street, Woodland Avenue, Green Street and Pearl Street in the City of Gardner, County of Worcester, Commonwealth of Massachusetts, and shown as Parcel 2 on a plan entitled "Plan of Land Central Street, Pearl Street, and Green Street, Gardner, Massachusetts 01440, Prepared for: City of Gardner, Scale: 1" = 40' Date: June 19, 2019, Nitsch Engineering, Inc.", being recorded in the Worcester South District Registry of Deeds in Plan Book 958, Page 84, said parcel of land being bounded and described as follows:

Commencing at the westerly corner of said parcel and at land now or formerly of Stark Rex, said point being N 58°25'03" E a distance of 112.51' from an iron pipe found on the northerly side of Central Street, said point being the POINT OF BEGINNING; thence

N 58°25'03" E a distance of 20.08', to a point at the intersection of Central Street and Woodland Avenue; thence

N 61°11'31" E a distance of 106.06', to a point at the intersection of Central Street and Woodland Avenue; thence

N 66°48'17" E a distance of 124.57', along the northerly side of Central Street, to a point; thence

S 45°43'44" E a distance of 115.81', to a point at the intersection of Green Street and Pearl Street; thence.

By a curve to the left, with a left of 25.00' and an arc length of 29.44' and a delta of 67°27'55", having a chord bearing of S 40°14'19" E a distance of 27.77' to a point on the northerly side of Pearl Street; thence

N 76°34'57" W a distance of 59.80', to a point; thence

N 76°49'57" W a distance of 97.02', to a point; thence

S 85°10'03" W a distance of 87.78', to a point; thence

S 66°25'03" W a distance of 93.06', to the POINT OF BEGINNING.

Having an approximate area of 10,153 square feet or 0.233 acres.



## City of Gardner

95 Pleasant St., Gardner, MA 01440  
 Mayor Michael J. Nicholson  
 Councillor Aleksander Dernalowicz, Esq.

RECEIVED

2022 JAN 20 PM 4:34

CITY CLERK'S OFFICE  
 GARDNER, MA

January 19, 2022

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

RE: Acceptance of MGL 140, §139(C)

Dear Madam President and Councilors,

Section 137 of Chapter 140 of the General Laws requires those who own dogs in the City to annually register those dogs with the City Clerk's Office per the fee schedule set forth in Chapter 312 of the Code of the City of Gardner.

It is no secret that across the country pet sales have soared since the beginning of the COVID-19 Pandemic. This was mostly seen for elderly residents who were unable to interact with others due to precautions being taken to prevent the spread of the virus among that vulnerable age group. As people in this age demographic wanted some form of interaction, while still remaining safe in their daily lives, they tended to purchase dogs and other pets to keep them company. Several non-profit organizations that work with aging populations have also long highlighted the importance companionship through pet ownership has on the mental health of elderly individuals.

Here in Gardner, we license approximately 2,000 dogs a year on average through the City Clerk's Office. As a way to try to alleviate any financial concerns for residents ages seventy (70) and older who have purchased dogs, we are submitting this joint proposal asking the Council to accept the provisions of Section 139C of Chapter 140 of the General Laws that would waive licensing fees for dogs owned by individuals in this age group.

According to the City's most recent municipal census, in 2021 approximately three hundred sixty (360) dog license applications were received by residents aged seventy (70) and older, or who will enter that age group in 2022. These residents would still be required to license their dogs and would still be subject to any penalties and late fees for not registering their dogs, but would not be required to pay the initial licensing fee.

The City currently charges \$11 per dog that is spayed/neutered or \$15 per dog that is not spayed/neutered. As such, the financial impact of this vote would be between \$3,960 and \$5,400.

In a city where the annual operating budget is over \$71 million, this impact can very easily be absorbed.

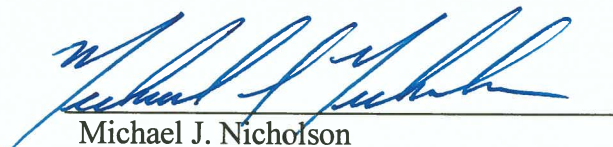
Furthermore, the acceptance of this section of the General Laws would have no impact on those who are required to register kennels in the City, as required by Chapter 312 of the Code of the City of Gardner. Those fees fall into a separate category and would still be required to be paid by individuals who meet that specific criteria, regardless of their age group.

The current application for dog licenses, issued by the City Clerk's Office, currently has a section dedicated to owner information. Should this proposal be adopted by the City Council, an additional line would have to be added to that section asking if the primary owner of the dog is age seventy (70) or older. A sample of this application is included in the supplemental documents of this proposal.

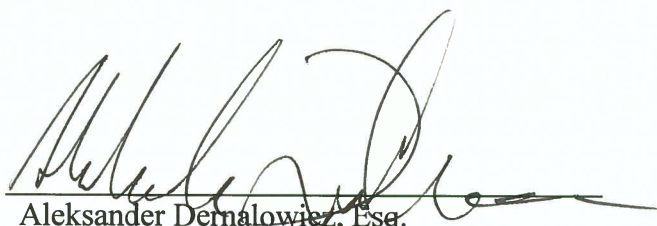
Furthermore, the dog license application has always been regarded as being filled out by the primary owner of the dog as reported by the individual filling out the application. If a husband and wife own a dog, and one individual is older than 70, and the other under 70, it goes by the way they filled out the application with regard to information about the dog's primary owner.

It is our belief that this is a very simple way to make a difference to a sizable portion of the population that also does not place a great financial burden on the City.

Respectfully Submitted,



Michael J. Nicholson  
Mayor, City of Gardner



Aleksander Dermalowicz, Esq.  
Ward 5 City Councillor

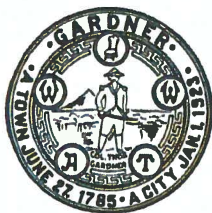
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ACCEPTANCE OF M.G.L. CHAPTER 140, SECTION 139C  
WAIVER OF DOG LICENSE FEES FOR INDIVIDUALS  
AGED SEVENTY YEARS OR OLDER

VOTE: To accept the provisions of Section 139C of Chapter 140 of the General Laws, waiving the fees associated with annually licensing dogs in the City of Gardner, as required by Section 137 of the General Laws, for all owners aged seventy (70) years or older.

---



## CITY OF GARDNER DOG LICENSE APPLICATION/RENEWAL

Massachusetts State Law requires all dogs that reach 6 months of age to be licensed and vaccinated. Dog Licenses are due before **March 31<sup>st</sup>**. **Each dog licensed after March 31<sup>st</sup> will be charged a \$10 late fee.**

### To License your dog(s) by mail

1. Complete this form.
2. Send a check or money order made payable to the "City of Gardner".
3. A self-addressed stamped envelope.
4. A copy of each dog(s) valid Rabies Certificate.
5. Proof of Neutered/Spayed

Mail to: City of Gardner; City Clerk's Office Room 121,  
Gardner, MA 01440

### LICENSE FEES:

Males/Females not fixed: \$15.00

Neutered/Spayed: \$11.00

No Licensing fee will be assessed for any dogs owned by individuals ages 70 or older

Late fee of \$10.00 *per dog* after **March 31<sup>st</sup>** in **addition** to the cost of each license.

Note: A list of unlicensed dogs after March 31<sup>st</sup> will be turned over to the Dog Officer for collection. Any delinquent balances will be carried forward.

Information on the Primary Owner of the Dog:

Date: \_\_\_\_\_

Owner's Name \_\_\_\_\_ Owner's Phone# \_\_\_\_\_

Owner's Residential Address: \_\_\_\_\_ P.O. Box \_\_\_\_\_

Is the Owner age 70 or older, or will be 70 or older by December 31 of this year: **YES / NO** (Circle one)  
*Proof of age, such as copy of Driver's License or Birth Certificate, must be provided with this application if you circled "Yes"*

DOG #1 NAME: \_\_\_\_\_ BREED: \_\_\_\_\_

COLOR: \_\_\_\_\_ AGE: \_\_\_\_\_ ☐ **MALE/FEMALE** ☐

IS DOG SPAYED OR NEUTERED? **YES / NO**  
*Circle one*

*Check One*  
Rabies Expires: \_\_\_\_\_  
*Date*

DOG #2 NAME: \_\_\_\_\_ BREED: \_\_\_\_\_

COLOR: \_\_\_\_\_ AGE: \_\_\_\_\_ ☐ **MALE/FEMALE** ☐

IS DOG SPAYED OR NEUTERED? **YES / NO**  
*Circle one*

*Check One*  
Rabies Expires: \_\_\_\_\_  
*Date*

DOG #3 NAME: \_\_\_\_\_ BREED: \_\_\_\_\_

COLOR: \_\_\_\_\_ AGE: \_\_\_\_\_ ☐ **MALE/FEMALE** ☐

IS DOG SPAYED OR NEUTERED? **YES / NO**  
*Circle one*

*Check One*  
Rabies Expires: \_\_\_\_\_  
*Date*

**Amount Enclosed:** \_\_\_\_\_

- Secured drop box also available 24 hrs/day at entrance to City Hall
- Please contact the City Clerk's Office at 978-630-4058 if you have any questions.  
Our fax # is 978-630-2589 or you could reach us at; [www.gardner-ma.gov](http://www.gardner-ma.gov)

**Part I** ADMINISTRATION OF THE GOVERNMENT**Title XX** PUBLIC SAFETY AND GOOD ORDER**Chapter 140** LICENSES**Section 139** FEES; CERTIFICATE OR STATEMENT THAT DOG HAS BEEN SPAYED; SERVICE DOGS DEFINED BY AMERICANS WITH DISABILITIES ACT; DOGS OWNED BY PERSONS AGED 70 OR OVER; REFUNDS

---

Section 139. (a) The fee for a license shall, except as otherwise provided, be determined by a city or town; provided, however, that no fee shall be increased without a majority vote of the city or town council or the voters present at a town meeting.

(b) The license fee for a spayed or neutered dog shall be less than the license fee for an intact dog. Upon application for a license, a city or town clerk shall require a certificate from the veterinarian who spayed or neutered the dog as proof that the dog is spayed or neutered; provided, however, that if the city or town clerk is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the clerk may instead accept a receipt of a bill from the veterinarian who performed such procedure or a statement signed under the penalties of perjury by a veterinarian registered and practicing in the commonwealth

describing the dog and stating that the veterinarian has examined the dog, which appears to have been spayed or neutered and incapable of propagation.

(c) No fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or town that accepts this provision. No license fee or portion thereof shall be refunded because of the subsequent death, loss, spaying or removal from the commonwealth or other disposal of the dog, nor shall a license fee or portion thereof paid by mistake be paid or recovered after it has been paid over to a city or town under section 147.



# City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor



February 1, 2022

Hon. Elizabeth J. Kazinskas, Council President  
And City Councilors  
Gardner City Hall, Rm 125  
95 Pleasant St.  
Gardner, MA 01440

RE: Order of Taking- Uptown Rotary

RECEIVED  
2022 FEB -1 AM 11:37  
CITY CLERK'S OFFICE  
GARDNER, MA

Dear Madam President and Councilors,

As part of the project for the redesign and reconstruction of the Uptown Rotary, the City needs to have site control of different aspects of the intersection.

This is why the Council voted to accept a donation of land from the American Legion Post 129 at the August 2021 regular meeting.

There is a final portion in the area of the rotary that, following a title search for the parcel, has come back as owner unknown. While it is presumed that the City owns the land as it is a part of a City street and right of way, the Commonwealth is requiring the City to proceed with an order of taking on the property so that a definitive owner can be identified for the site before the project proceeds.

Attached, please find an order of taking that requires a vote of the City Council in order to proceed.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

## THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

## CITY OF GARDNER, MASSACHUSETTS

## ORDER OF TAKING

WHEREAS, the City of Gardner, a city organized and incorporated under the laws of Massachusetts, with a usual place of business located at 95 Pleasant Street, Gardner, MA is authorized to take land by eminent domain for any municipal purpose pursuant to Section 36, of the City of Gardner Charter as amended to November 8, 1989 and M.G.L. c. 79, as amended and Chapter 121B; and

WHEREAS, the City of Gardner intends to adopt an Order of Taking affecting a certain parcel of land, whose owner is unknown, located at the intersection of Central Street, Woodland Avenue, Green Street, and Pearl Street, commonly referred to as "Parcel 2" of the Uptown Rotary, located in the City of Gardner, MA and more particularly described herein; and

WHEREAS, the City of Gardner has completed a title search that has concluded that the owner of the property is unknown; and

WHEREAS, the City of Gardner, has a continued need for the laying out of a public way (the "Project") and has had custody and exercised care and control of "Parcel 2" since the current rotary was laid out in 1859; and

WHEREAS, the City of Gardner, published its Notice of intent to take the parcel unknown by eminent domain for four (4) consecutive weeks in The Gardner News and on the City of Gardner's Facebook page, along with sending notices to all abutters; and

WHEREAS, no certified abutters and/or any known or unknown heirs, executors, administrators, devisees, trustees, creditors and/or assigns of the certified abutters and/or other unknown persons claiming a right of title in the property subject to this action have come forward evidencing proof and verification of legal ownership of the property; and

WHEREAS, the Mayor Michael J. Nicholson has approved the continued need for the laying out of a public way and recommended to the City Council an order of taking and appropriation of sufficient funds to compensate the property owners, if any; and

NOW THEREFORE, BE IT ORDERED THAT:

Acting pursuant to the powers set forth in M.G.L. c. 79, as amended, and Chapter 121B, as amended, and of any and every power and authority available to the City of Gardner, granted or implied, the City of Gardner hereby takes for itself in fee simple by eminent domain, for the purposes associated with the Project, the property consisting of and commonly referred to as "Parcel 2" of the Uptown Rotary, located in the City of Gardner, MA, as shown on a Plan of

Land entitled "Plan of Land Central Street, Pearl Street, and Green Street, Gardner, Massachusetts 01440, Prepared for: City of Gardner, Scale: 1" = 40' Date: June 19, 2019, Nitsch Engineering, Inc." being recorded in the Worcester South District Registry of Deeds in Plan Book 958, Page 84. The property taken consists of "Parcel 2" comprising 10,153 square feet more or less of land and is more particularly described on Exhibit A annexed hereto.

The taking is made in fee simple, and, except as provided herein, is made together with any and all easements and rights appurtenant to the property, including trees, buildings and other structures standing upon or affixed thereto, air rights, subsurface rights and including the interests of any supposed owners, if any, in all private ways and public streets, highways or in the land lying in the bed of any street or highway, public or private within or adjacent to the Property. This taking is, however, intended to be subject to any and all easements and rights of record appurtenant to the property to the extent that any such easements or rights of record still affect the locus.

The City Council hereby awards damages sustained by persons in their property by reasons of this taking as follows:

| <u>OWNER</u> | <u>PROPERTY ADDRESS</u>                                | <u>AWARD</u> |
|--------------|--------------------------------------------------------|--------------|
| UNKNOWN      | "Parcel 2" as more particularly described on Exhibit A | \$30,000.00  |

The City Council does direct and authorize the Mayor to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in the Order of Taking so that the same shall be payable within sixty (60) days after the rights to damages become vested in the persons entitled to damages, as herein set forth. The Mayor is further requested to direct the City Solicitor for and on behalf of the City Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of General Laws Chapter 79, Sections 7B, 7C, 7F, 77G, 8A, and 8B.

In City Council

February \_\_\_\_, 2022

ORDERED AND ADOPTED BY A YEA AND NAY VOTE OF \_\_\_\_ YEAS AND \_\_\_\_ NAYS.

\_\_\_\_\_  
Titi Siriphan, City Clerk  
City of Gardner

**EXHIBIT A**

City of Gardner  
 Central Street, Woodland Avenue, Green Street, and Pearl Street  
 Gardner, MA

## Description Parcel 2

A certain parcel of land located at the intersection of Central Street, Woodland Avenue, Green Street and Pearl Street in the City of Gardner, County of Worcester, Commonwealth of Massachusetts, and shown as Parcel 2 on a plan entitled "Plan of Land Central Street, Pearl Street, and Green Street, Gardner, Massachusetts 01440, Prepared for: City of Gardner, Scale: 1" = 40' Date: June 19, 2019, Nitsch Engineering, Inc.", being recorded in the Worcester South District Registry of Deeds in Plan Book 958, Page 84, said parcel of land being bounded and described as follows:

Commencing at the westerly corner of said parcel and at land now or formerly of Stark Rex, said point being N 58°25'03" E a distance of 112.51' from an iron pipe found on the northerly side of Central Street, said point being the POINT OF BEGINNING; thence

N 58°25'03" E a distance of 20.08', to a point at the intersection of Central Street and Woodland Avenue; thence

N 61°11'31" E a distance of 106.06', to a point at the intersection of Central Street and Woodland Avenue; thence

N 66°48'17" E a distance of 124.57', along the northerly side of Central Street, to a point; thence

S 45°43'44" E a distance of 115.81', to a point at the intersection of Green Street and Pearl Street; thence

By a curve to the left, with a left of 25.00' and an arc length of 29.44' and a delta of 67°27'55", having a chord bearing of S 40°14'19" E a distance of 27.77' to a point on the northerly side of Pearl Street; thence

N 76°34'57" W a distance of 59.80', to a point; thence

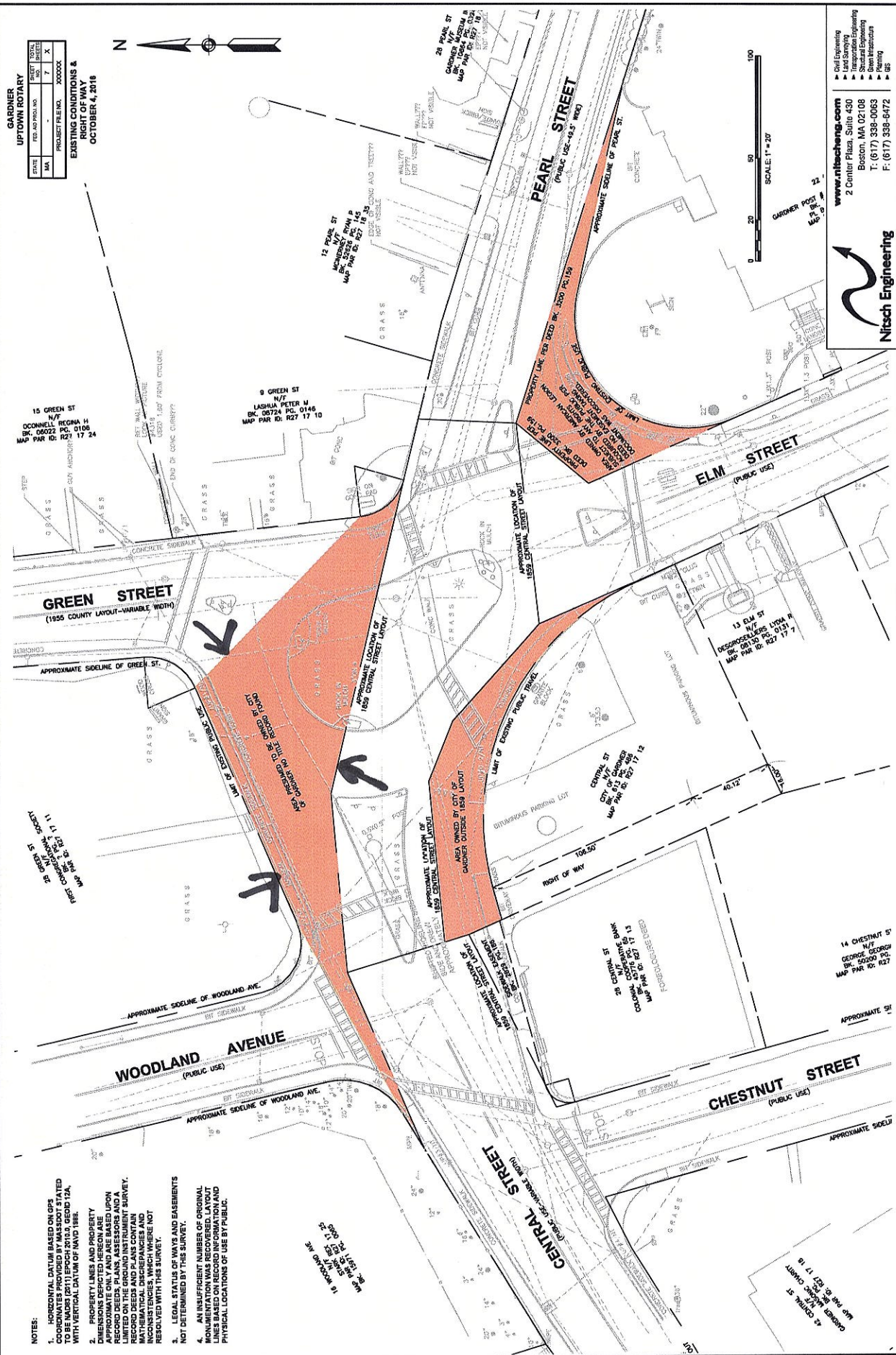
N 76°49'57" W a distance of 97.02', to a point; thence

S 85°10'03" W a distance of 87.78', to a point; thence

S 66°25'03" W a distance of 93.06', to the POINT OF BEGINNING.

Having an approximate area of 10,153 square feet or 0.233 acres.









0609

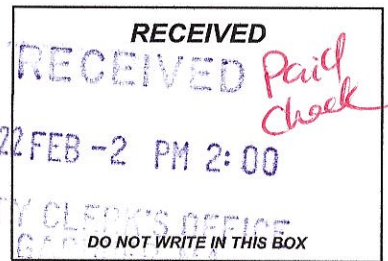
## CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121

TELEPHONE (978) 630-4058

FACSIMILE (978) 630-2589

COLLECTOR LICENSE APPLICATION FEE - \$30.00  
DEALER LICENSE APPLICATION FEE - \$100.00



### APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES

☒ New ☐ Renewal ☐ Change of Location

### APPLICANT INFORMATION

Applicant / Licensee Name: Katherine Saab

Applicant / Licensee Address: 59 E Gardner Rd Westminister Ma

Applicant / Licensee phone number(s): 508-574-5678

Applicant / Licensee E-mail: Email: witcheswardrobe1@gmail.com

Social Security number: 014621609 **OR** Business FID number 87-2985523

### ESTABLISHMENT INFORMATION

Establishment Name: The Witches' Wardrobe

Establishment address (Current): 314 Central St Gardner, Ma

Establishment address (New, if applicable): \_\_\_\_\_

Establishment Phone: 508 574 5678

On-Site manager / contact person: Katherine Saab

For which type of license(s) are you applying? Second hand

#### **Check all that apply to this Application:**

- ☐ **SECONDHAND COLLECTOR** has the same meaning as the term "junk collector" in MGL c.140, § 56.
- ☒ **SECONDHAND DEALER** has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

What types of articles will be purchased, stored, and/or sold? \_\_\_\_\_

Clothing, jewelry, accessories, home decor

Where at the licensed address will the articles be stored, displayed, etc? \_\_\_\_\_

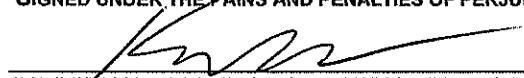
In front area of store

Massachusetts Sales & Use Tax Registration number: SL5-20457680-003  
(Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
 OFFICER OR APPLICANT

DATE SIGNED 2/1/2022

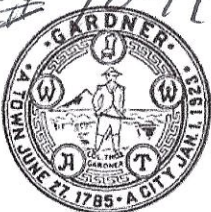
NOTICE: THE FILING OF THIS APPLICATION CONFERS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. c.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMS AND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

**JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES  
 EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY.**



2/2/22  
Paid \$1500  
Paid \$1041  
CK # 1020



# CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121

TELEPHONE (978) 630-4058

FACSIMILE (978) 630-2589

License Application Fee. \$15.00

RECEIVED

2022 JAN 26 AM 10:46

DO NOT WRITE IN THIS BOX

## APPLICATION FOR FORTUNE TELLER LICENSE

Name of Applicant: Katherine Saab

Applicant's Length of Residency in Gardner and Years Residing: \_\_\_\_\_

Name of Business: The Witches' Wardrobe

Owner of Business: Katherine Saab / Elizabeth Leonard

Name of Manager of Business: Katherine Saab

Address of Business: 314 Central St Gardner, Ma

Telephone # of Business: 508-5745678

Facsimile # of Business: \_\_\_\_\_

Expected Opening Date: Oct 31, 2021

Hours of Operation (specify days of week along with opening and closing hours):

Open Fri - Sun 11-4 and by appointment

List all services which will be provided. Please attach additional pages if necessary.

| Name/Type of Service                                                           |
|--------------------------------------------------------------------------------|
| We are a clothing Consignment shop that also sells art, jewelry & accessories. |
| We are expanding to include Tarot readings for fun, by appointment only.       |
|                                                                                |
|                                                                                |
|                                                                                |
|                                                                                |
|                                                                                |

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §185I.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Katherine Saab DATE SIGNED 1/24/22  
INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE  
OFFICER OR APPLICANT



**NOTICE:** THE FILING OF THIS APPLICATION CONFERS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. C.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

**LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL APPLICATION FORM, WORKERS' COMPENSATION AFFIDAVIT, AND CORI FORM AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.**

**FORTUNE TELLER LICENSES EXPIRE ON APRIL 30<sup>TH</sup> ANNUALLY**



## OPEN MEETING LAW COMPLAINT FORM

10611

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Scott Last Name: Graves  
Address: 69 Lakeview Drive  
City: Gardner State: MA Zip Code: 01440  
Phone Number: (978) 632-6556 Ext. \_\_\_\_\_  
Email: sgraveslawoffice@verizon.net  
Organization or Media Affiliation (if any): Gardner Government Watch

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☐ Organization ☒ Media

### Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Gardner City Council

Specific person(s), if any, you allege committed the violation: Elizabeth Kazinskas

December 30, 2021

Date of alleged violation: \_\_\_\_\_

## Description of alleged violation:

10611

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On December 30, 2021 Elizabeth Kazinskas, a City Councillor, deliberated with the public body (all 11 City Councillors) at the same time via a group email, in which she shared her opinions with the full public body about an agenda item within the City Council's jurisdiction (and on its Agenda) about amending the City Council Rules, and stripping authority from the Finance Committee (a Standing Committee of the City Council). Among other things, she stated her opinion that she thought the proposed amendments to the City Council Rules would be "wise," and that the City Council should vote to create a new Standing Committee, in addition to stripping the Finance Committee from all authority over Mayoral appointments. A Councillor violates the Open Meeting Law when she shares her opinion in a group email outside of a duly-noticed public meeting about a matter(s) within the public body's jurisdiction

Also, the City Council has not created Minutes for its August 2, 2021 Executive Session. This a violation of the Open Meeting Law.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The Citizens would appreciate it if the City Council would recognize the Open Meeting Law. The Citizens would also appreciate it if the City Council complied with the Open Meeting Law.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### II. Consulting With a Private Attorney.

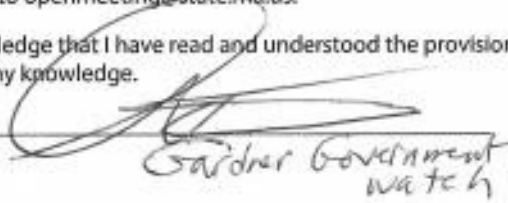
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

  
Gardner Government  
Watch

Date: \_\_\_\_\_

1/28/22

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:

**PRESIDENT**  
Elizabeth J. Kazinskas

**COUNCILLORS AT LARGE**  
James S. Boone  
Craig R. Cormier  
Ronald F. Cormier  
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**  
Dana M. Heath

**WARD 3 COUNCILLOR**  
Nathan R. Boudreau

**WARD 4 COUNCILLOR**  
Karen G. Hardern

**WARD 5 COUNCILLOR**  
Alek Dernalowicz, Esq.

February 7, 2022

Scott J. Graves  
69 Lakeview Drive  
Gardner, MA 01440

Re: Open Meeting Law Complaint

Dear Mr. Graves:

The City Council is in receipt of your Open Meeting Law Complaint dated January 28, 2022. Whereas the deadline to respond to your Complaint is February 17, 2022, this response to your Complaint is timely.

In response to your Complaint, the City Council states as follows. While the email that was sent may constitute an Open Meeting Law violation, any alleged violation was cured as the email was then included in the packet for the City Council meeting scheduled on January 3, 2022. Deliberation of the matter occurred during the January 3, 2022 open meeting of the City Council, making any substance of your Complaint moot.

As for the Minutes from the August 2, 2021 Executive Session you are referring to, the Minutes have not yet been released from Executive Session.

The City Council met to consider your Complaint at its meeting on February 7, 2022. Based on the foregoing, the City Council has concluded that no further action is required, as any alleged violation was cured at the January 3, 2022 open meeting of the City Council.



Very truly yours,

Elizabeth Kazinskas  
City Council President

Cc: Michael Nicholson, Mayor  
Titi Siriphan, City Clerk  
Commonwealth of Massachusetts Attorney General's Office  
City of Gardner Law Department

# City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor

10611  
#10592



2021 DEC 30 PM 12:26

CITY OF GARDNER, MA  
CITY CLERK

December 15<sup>th</sup>, 2021

Hon. Elizabeth J. Kazinskas, Council President  
C/O Titi Siriphan, City Clerk  
Gardner City Hall, Rm 121  
95 Pleasant St  
Gardner, MA 01440

RE: Upcoming Appointments

Dear Madam President,

I hope this letter finds you well.

As you may be aware, for the last few years, a listing of the full administration, including all appointed officials, has been published in the Inauguration Program.

While going through that list, we noticed that there are close to 200 appointments that are either already expired or set to expire within the next year. An additional 100 will expire in the second year of the upcoming term.

Due to the large number of appointments that are expected to come before the Council for confirmation, I wanted to write to make sure you at least had a heads up about this.

Best,

Michael J. Nicholson  
Mayor, City of Gardner

A MEASURE TO AMEND THE RULES OF THE CITY COUNCIL

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

Section 1. Rule 13(4) of the Rules of the City Council be amended by removing the provisions stating “Appointments.”

Section 2. Rule 13 of the Rules of the City Council be amended by adding the following:

5. The Committee on Appointments, composed of three members, the first named member thereof to be Chairman; the President to be member ex-officio without voting rights; this Committee shall have oversight of legislative matters associated with the following:

|              |
|--------------|
| Appointments |
|--------------|

Section 3. This amendment shall take effect upon passage by law.

**From:** [Titi Siriphan](#)  
**To:** [Councillor Alek Dernalowicz](#); [Councillor Craig R. Cormier](#); [Councillor Dana Heath](#); [Councillor Elizabeth Kazinskas](#); [Councillor George Tyros](#); [Councillor James M. Walsh](#); [Councillor James S. Boone](#); [Councillor Judy Mack](#); [Councillor Karen G. Hardern](#); [Councillor Karen Hardern](#); [Councillor Nathan R. Boudreau](#); [Councillor Ronald F. Cormier](#); [Ronald F. Cormier](#)  
**Subject:** FW: Agenda Item - Committee on Appointments  
**Date:** Thursday, December 30, 2021 5:02:25 PM

---

Councillors,

Please see email below from President Kazinskas.

Regards,

Ti

Titi Siriphan  
City Clerk  
95 Pleasant Street, Room 121  
Gardner, MA 01440  
Tel 978-630-4058  
Fax 978-630-2589

*When writing or responding, please remember that the MA Secretary of State's Office has determined that email is a public record and therefore subject to public access under the Mass Public Records Law. M.G.L.c.66§10.*

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**From:** Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>  
**Sent:** Thursday, December 30, 2021 4:54 PM  
**To:** Titi Siriphan <tsiriphan@gardner-ma.gov>  
**Subject:** Agenda Item - Committee on Appointments

Dear Clerk Siriphan,

Please send the email below to the City Council.

Thank you.

Best,  
Lizzy

Dear Councillors,



I hope you are well and have enjoyed the holidays. I am writing to you regarding an item that I have proposed on the agenda for this Monday's City Council meeting. I received a letter from Mayor Nicholson regarding the approximately 300 appointments that will expire over the next two years. My proposal is to add the Committee on Appointments to oversee appointments, as the fifth Standing Committee of the City Council. As you know, the Finance Committee currently oversees appointments, along with a number of other areas. In anticipation of the large number of upcoming appointments over the next term, I thought it would be wise for the next City Council to consider adding another Standing Committee to oversee appointments. Mayor Nicholson's letter, along with this email, will be included in the City Council meeting packet information regarding this proposed item.

Thank you for your consideration.

Best,  
Lizzy

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

RECEIVED

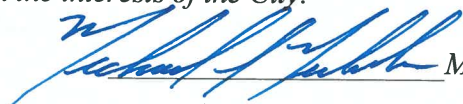
Effective: January 3, 2022

2022 JAN -4 AM 9:11

**Commonwealth of Massachusetts****Worcester County****City of Gardner****CERTIFICATE OF APPOINTMENT**I appoint **Ethan Kolodny** to the position of **Assistant City Solicitor**, and I certify

144 Central Street, Gardner, MA (978-632-7948)

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: January 3, 2023

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

Then personally appeared the above named **Ethan Kolodny** and made oath that he/shewould faithfully and impartially perform the duties of the office of **Assistant City Solicitor**

according to law and the best of his/her abilities.

Before me,

\_\_\_\_\_  
City ClerkChapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_